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UNITED STATES  
HOUSE OF REPRESENTATIVES

ROSA L. DELAURO

3RD DISTRICT, CONNECTICUT

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AGRICULTURE, RURAL DEVELOPMENT,  
FOOD AND DRUG ADMINISTRATION,  
AND RELATED AGENCIES

April 9, 2015

The Honorable Michael Froman  
United States Trade Representative  
600 17th Street NW  
Washington, DC 20508

Dear Ambassador Froman,

Four years ago, Members of Congress wrote to the then United States Trade Representative, Ron Kirk, urging him to ensure that food safety was a top priority in Trans-Pacific Partnership (TPP) negotiations. We followed up with another letter in 2012 expressing our concern with the proposed trade agreement and the potential implications for public health.

Over the course of several years, I have highlighted serious issues that should be addressed as negotiations continued and I asked that USTR pursue bilateral agreements with Vietnam and Malaysia in order to attend to these matters. Furthermore, I asked for transparency from the Administration to ensure that any free trade agreement does not compromise the safety of the American food supply.

At a March 25, 2015 briefing with you, Agriculture Secretary Vilsack, and former Food and Drug Commissioner Hamburg, I reiterated my concerns over the unanswered questions that I have raised over the years as to how the Administration intends to protect our food safety and public health, given the inclusion of Vietnam and Malaysia in the TPP. To date, I have not received any response from the Administration; therefore, I wanted to put them in writing.

Americans depend on government to ensure the safety of their food supply. Unfortunately, our regulatory system cannot handle the current volume of seafood imports, and it will not be able to handle an increase in volume from TPP countries that have a long track record of weak or nonexistent food safety rules. The United States already imports the overwhelming majority of the seafood that we consume, and we are discovering the unfortunate dangers that result from our reliance on cheap seafood imports.

Currently, 90% of the fish in the American diet are imported. In fact, the volume of seafood imports has doubled over the past twenty years; however, our border inspection has not kept pace with this trend. Fewer than two percent of seafood imports are physically inspected at the border. Countries such as Vietnam and Malaysia lack the sanitation and facilities control necessary for the safe mass production of seafood for export to the United States. In the past year alone, the Food and Drug Administration (FDA) has issued 383 import refusals for Vietnam and 267 for Malaysia due to adulteration, misbranding, and filth.<sup>[1]</sup> Moreover, regulatory standards in Vietnam and Malaysia are nowhere near the standard that Americans expect. By further lowering the barriers to access domestic markets, we can anticipate that not only will there be an increase in volume of seafood from these South Asian nations, there will also be significant limitations on our ability to restrict their import.

This is particularly troubling as researchers in a 2013 study found that 100 percent of Vietnamese pangasius catfish farms used numerous substances that are banned by the FDA.<sup>[2]</sup> Vietnamese fish are commonly raised on farms in pools of their own filth, toxic chemicals, and antibiotics. A 2012 study by the Centers for Disease Control and Prevention revealed that imported fish were the most common source of food borne illness outbreaks from imported food between 2005 and 2010. In addition, nearly 45 percent of the imported food originated in Asia.<sup>[3]</sup>

Furthermore, TPP threatens any future regulations that agencies may decide to pursue due to its investor state dispute settlement (ISDS) provisions. This mechanism would allow foreign firms to directly challenge U.S. regulations that, in their view, suppress or hinder future profit. These challenges would not fall under the jurisdiction of our federal courts; instead, they would be adjudicated in international arbitration panels comprised of corporate lawyers. It is difficult enough for FDA to find and shut down the bad actors in our current food supply. The broad expansion of rights to thousands of foreign companies that have subsidiaries in the United States under the jurisdiction of a foreign tribunal will make those efforts much more difficult. We should not lock ourselves into an international agreement that will deter our regulatory agencies from making necessary improvements and adjustments to protect our food supply.

Given the massive potential that this agreement has to impact seafood safety, please provide, in writing and in detail, an explanation for how the TPP will ensure that seafood imports from partner nations meet U.S. food safety standards. The FDA already does not have enough funding for food safety and full implementation of the Food Safety Modernization Act. Please also explain how the Administration will ensure the FDA has sufficient funding to ensure the safety of our expanded food imports under TPP.

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<sup>[1]</sup> U.S. Food and Drug Administration Import Refusal Report for OASIS, Refusals by Country/Area, accessed March 30, 2015, [http://www.accessdata.fda.gov/scripts/importrefusals/ir\\_months.cfm?LType=C](http://www.accessdata.fda.gov/scripts/importrefusals/ir_months.cfm?LType=C)

<sup>[2]</sup> Rico, Andreu et al. "Use of veterinary medicines, feed additives and probiotics in four major internationally traded aquaculture species farmed in Asia." *Aquaculture*, Vol. 412-413. 2013.

<sup>[3]</sup> Centers for Disease Control and Prevention. 2012. CDC research shows outbreaks linked to imported foods increasing [Press release]. Retrieved from [http://www.cdc.gov/media/releases/2012/p0314\\_foodborne.html](http://www.cdc.gov/media/releases/2012/p0314_foodborne.html)

Thank you for your prompt attention to this issue.

Sincerely,

A handwritten signature in blue ink that reads "Rosa L. DeLauro". The signature is written in a cursive style with a large initial "R".

Rosa L. DeLauro  
Member of Congress

CC:

The Honorable Thomas Vilsack

The Honorable Stephen Ostroff