

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: September 15, 2016

TO: Honorable Members of the Rules, Election, Intergovernmental Relations,  
and Neighborhoods Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No: 15-0002-S212  
Assignment No: 16-09-0772

SUBJECT: Resolution (Buscaino-Blumenfield) to SUPPORT S.J. Res. 28 concerning the  
federal catfish inspection program.

CLA RECOMMENDATION: Adopt Resolution (Buscaino-Blumenfield) to include in the City's 2015-2016 Federal Legislative Program SUPPORT for S.J. Res. 28 which would disapprove the rule creating the U.S. Department of Agriculture catfish inspection program and would return inspection of catfish back to the Food and Drug Administration which currently regulates all other species of seafood.

## SUMMARY

Resolution (Buscaino-Blumenfield) notes that the Senate considered and approved Senate Joint Resolution 28 to disapprove the rule creating the U.S. Department of Agriculture (USDA) catfish inspection program and return inspection of catfish to the Food and Drug Administration (FDA), which currently inspects all other seafood. The Resolution notes that, as a result of the existing rule, any facility that processes catfish and other seafood is subject to inspection by two different federal agencies, creating inefficiencies in governmental review and increased administrative costs to comply with two different sets of inspection requirements. The Resolution also notes that the seafood industry is a significant economic driver for the Los Angeles region and that unnecessary regulation will negatively affect jobs and the economic health of the region. The Resolution, therefore, recommends that the City support S.J. Res 28 which disapproves the rule creating the USDA catfish inspection program and returns this responsibility to the FDA.

## BACKGROUND

In 2008, the Congress approved a new farm bill that transferred catfish inspection from the FDA to a new program to be created under the USDA. The program was renewed in the 2012 farm bill, but the program was not implemented until March 2016, with full implementation of the program effective in November 2017.

S.J. Res. 28 seeks to disapprove of the rule that created the USDA catfish program and return inspection responsibility to the FDA. Opponents of the program are concerned that facilities that process a variety of seafood, not just catfish, will be obligated to comply with two different sets of federal regulations. Some opponents are also concerned that the USDA program will put international trade, including the Trans Pacific Partnership trade deal, at risk.

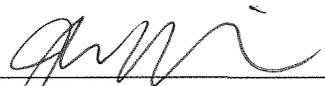
Supporters of the USDA inspection program cite food safety concerns with imported catfish. News reports indicate that, under the new USDA inspection program, several shipments of catfish have been stopped due to the presence of banned chemicals in the product.

DEPARTMENTS NOTIFIED

Harbor Department

BILL STATUS

The Senate approved S.J. Res. 28 by a vote of 55 to 43. This resolution is awaiting consideration by the House of Representatives and would require a vote of the President.

  
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John Wickham  
Analyst

# RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, on May 25, 2016, the Senate passed Senate Joint Resolution 28 (S.J. Res. 28), a bipartisan joint resolution of disapproval under the procedures of the Congressional Review Act, which would disapprove of the rule creating the US Department of Agriculture (USDA) catfish program and return inspection of catfish back to the Food and Drug Administration (FDA), which currently regulates all other species of seafood; and

WHEREAS, the USDA catfish program was added by the Senate to the 2008 Farm Bill conference report; it was neither in the House bill nor the Senate bill and was never subject to a hearing, debate or a vote before it appeared in the 2008 conference report; and

WHEREAS, the catfish program unnecessarily shifts catfish inspection from the FDA to the USDA's Food and Safety and Inspection Service; and

WHEREAS, any facility that processes catfish and any other species of fish is subject to duplicative regulation: USDA for catfish and FDA for all other species; and

WHEREAS, the Port of Los Angeles offloaded more than 1.2 billion pounds of seafood last year, which amounts to approximately 38,000 containers, and of that amount catfish imports accounted for 5 percent of that volume; and

WHEREAS, the Government Accountability Office (GAO) has indicated that the USDA catfish program is duplicative and would cost taxpayers millions of dollars annually without any added value; and

WHEREAS, the GAO has also indicated that catfish do not present a food safety issue and are considered a low risk food; and

WHEREAS, the seafood industry is a major economic driver for the Los Angeles region with seafood imports comprising a vast majority of the jobs; and

WHEREAS, the USDA catfish program adds an unnecessary layer of government regulation, presents serious burdens to Los Angeles seafood businesses, wastes taxpayer dollars, and does not enhance the safety of the US catfish supply.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015-2016 Federal Legislative Program SUPPORT of S.J. Res. 28, which would disapprove of the rule creating the US Department of Agriculture catfish program and would return inspection of catfish back to the Food and Drug Administration, which currently regulates all other species of seafood.

PRESENTED BY: \_\_\_\_\_  
JOE BUSCAINO  
Councilmember, 15<sup>th</sup> District

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AUG 31 2016 RECORDED BY: \_\_\_\_\_