

**Bobby Jindal**  
GOVERNOR



**Alan Levine**  
SECRETARY

**State of Louisiana**  
Department of Health and Hospitals  
Office of the Secretary

May 18, 2010

The Honorable Joel T. Chaisson, II, President  
Louisiana State Senate  
P.O. Box 94183, Capitol Station  
Baton Rouge, LA 70804-9183

The Honorable Jim Tucker, Speaker  
Louisiana State House of Representatives  
P.O. Box 94062, Capitol Station  
Baton Rouge, LA 70804-9062

The Honorable Kay Katz, Chairwoman  
House Health and Welfare Committee  
Louisiana State House of Representatives  
P.O. Box 44486, Capitol Station  
Baton Rouge, LA 70804-4486

The Honorable Willie L. Mount, Chairwoman  
Senate Health and Welfare Committee  
Louisiana State Senate  
P.O. Box 94183, Capitol Station  
Baton Rouge, LA 70804-9183

The Honorable Andy Anders, Chairman  
House Agriculture, Forestry, Aquaculture,  
and Rural Development Committee  
Louisiana State House of Representatives  
P.O. Box 44486, Capitol Station  
Baton Rouge, LA 70804-4486

The Honorable Francis Thompson, Chairman  
Senate Agriculture, Forestry, Aquaculture,  
and Rural Development Committee  
Louisiana State Senate  
P.O. Box 94183, Capitol Station  
Baton Rouge, LA 70804-9183

Dear President Chaisson, Speaker Tucker, and Honorable Chairs:

In response to House Bill No. 551 (HB 551) of the 2009 Regular Session, the Louisiana Department of Health and Hospitals (DHH) submits the enclosed report. HB 551 created the Seafood Safety Task Force within DHH, whose charge was to obtain the method in which imported seafood is inspected in Louisiana, the frequency of inspections of imported seafood, the substances for which imported seafood are currently being tested, and the results of sampling analysis of potentially harmful substances in imported seafood. The bill required the task force to compile the results of these findings and develop seafood and safety recommendations to be reported to the House and Senate Health and Welfare Committees and the House and Senate Agriculture, Forestry, Aquaculture, and Rural Development Committees. R.S. 24:772 also requires that the report be submitted to the President of the Senate and the Speaker of the House.

Dr. Jimmy Guidry, Louisiana's state health officer, is available to discuss the enclosed report and recommendations with you at your convenience. Please contact him at (225) 342-3417 with any questions or comments you may have.

Sincerely,

  
Alan Levine  
Secretary

Enclosures

Cc: The Honorable Members of the House Health and Welfare Committee  
The Honorable Members of the Senate Health and Welfare Committee  
The Honorable Members of the House Agriculture, Forestry, Aquaculture, and Rural Development  
Committee  
The Honorable Members of the Senate Agriculture, Forestry, Aquaculture, and Rural Development  
Committee  
Representative Fred Mills  
David R. Poynter Legislative Research Library

DEPARTMENT OF HEALTH AND HOSPITALS

**LOUISIANA SEAFOOD  
TASK FORCE FINDINGS  
AND  
RECOMMENDATIONS**

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REPORT PREPARED IN RESPONSE TO ACT  
330 OF THE 2009 REGULAR SESSION

**MAY 2010**

**Contact:**

Louisiana Department of Health and Hospitals  
Jimmy Guidry, M.D.  
State Health Officer/DHH Medical Director  
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## EXECUTIVE SUMMARY

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Act 330 of the 2009 Regular Legislative Session was intended to address the Legislature's concerns of serious risks to the public's health from radiation, antibiotics (such as chloramphenicol and fluoroquinolones), chemicals, malachite green, copper salts, and other residues found in Chinese seafood. The overexposure to antibiotics from such seafood may cause serious antibiotic resistance to the consumer.

Act 330 urged and requested the State Health Officer within the Department of Health and Hospitals (DHH) to prepare and promulgate all rules and regulations necessary to ensure that all consumers of imported marine and freshwater seafood products from the People's Republic of China are warned about the potential health risks associated with the consumption of those products; partner with the Louisiana Restaurant Association to employ a marketing campaign that places an emphasis on highlighting the benefits of eating domestic seafood; produce a statement that may be included on labels, placards, menu boards, or other promotional signage that encourages consumers to consume Louisiana seafood and warns of the risks that may be associated with the consumption of Chinese seafood; and with the cooperation and assistance of the Louisiana Retailers Association, the Louisiana Restaurant Association, and other necessary organizations, the State Health Officer, in conjunction with the Louisiana Department of Agriculture and Forestry, shall encourage the display of the signage and other promotional literature.

Act 330 also required the creation of the Seafood Task Force. The Task Force is charged with obtaining (1) the method in which the imported seafood is inspected in Louisiana; (2) the frequency of inspections of imported seafood; (3) the substances for which imported seafood are currently being tested; and (4) the results of sampling and analysis of potentially harmful substances in imported seafood. A report of the findings shall be provided to the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development, and the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development by March 1, 2010.

The Louisiana Seafood Safety Task Force has made the following recommendations based on an analysis of data and information provided to the Task Force. These recommendations were aimed at the future advancement of Louisiana's seafood industry and the protection of the public's health.

1. The Department's Office of Public Health (OPH) should include portions of "The Fish and Fisheries Products Hazards and Controls Guidance" and CFR 123.12 special requirements for imported products to the Title 51 Sanitary Code, Part IX.
2. DHH is to request additional funding be added to the existing U. S. Food and Drug Administration (USFDA) Federal Inspection Program contracts to collect and analyze random seafood samples, to be tested for evidence of unapproved antibiotics and other drugs and chemicals, such as malachite green, nitrofurans, fluoroquinolones, and gentian violet, beginning with federal FY 2010-2011. Sampling will be contingent on additional funding from USFDA.
3. Louisiana Restaurant Association, Louisiana Seafood Promotion and Marketing Board, along with other stakeholders, are to develop a positive marketing campaign for Louisiana seafood.
4. Support and expand the Louisiana Department of Agriculture and Louisiana Seafood Promotion and Marketing Board in the existing promotional campaigns of Louisiana seafood.

5. DHH is to seek funding for a pilot program with the effort of USFDA to further the testing of imported seafood.

The recommendations and findings were compiled by the Task Force. In accordance with the Legislature, the Task Force is composed of the following members:

Representative Fred Mills (Chairman)	A member appointed by the chairman of the House Committee on Health and Welfare
Brad Soileau	A member appointed by the chairman of the Senate Committee on Health and Welfare
Carrie Castille, Ph.D. (Vice Chairman)	Appointed by the commissioner of the Department of Agriculture and Forestry
Lucina Lampila, Ph.D., R.D.	Representative of the Louisiana State University Agricultural Center
Mark Ryan, PharmD	Representative of the Louisiana Poison Control Center
Jimmy Guidry, M.D.	Designee of the secretary of Department of Health and Hospitals
Patricia Schafer	Representative of the United States Food and Drug Administration
Ron Harrell	Representative of the Louisiana Farm Bureau Federation
Lt. Jay Diez	Designee of the secretary of Department of Wildlife and Fisheries
Peggy Hatch	The secretary of the Department of Environmental Quality
Tom Weatherly	Representative of the Louisiana Restaurant Association
Monica McDaniels, M.S., L.D.N., R.D.	Public Health Nutritionist

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## REPORT TO THE LEGISLATURE

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### Introduction

Louisiana commercial fishermen have been supplying the United States with seafood for centuries. There is a large variety of Louisiana seafood and the state is the main producer of oysters, shrimp, crab, crawfish and alligator. In 2006, commercial seafood (including freshwater finfish, marine finfish, freshwater shellfish and marine shellfish) brought in approximately \$2.4 billion and produced 26,915 jobs for commercial seafood alone for the State.

In the effort to assure safe, wholesome seafood products are available for public consumption, and to maintain levels throughout commerce, Louisiana OPH's Registered Sanitarians permit all seafood facilities. Inspections of permitted facilities are conducted on a quarterly basis and include laboratory analyses for E. coli and fecal coliform contamination on ready-to-eat domestic crawfish and crab meat.

Currently, there are approximately 340 permitted seafood facilities. In FY 2008-2009, a total of 1,742 inspections were conducted by DHH registered sanitarians on these permitted facilities. Of the 340 permitted establishments, 100 of these are inspected by DHH registered sanitarians under a current contract with USFDA known as the Federal Inspection Program.

USFDA has the authority to inspect any seafood facility when deemed necessary. The USFDA inspections are not done on a routine basis and are selected randomly from the DHH database; however, DHH inspects on a routine basis.

This report is in response to Act 330 of the 2009 Regular Session of the Louisiana Legislature, which mandates the creation of the Louisiana Seafood Safety Task Force. Act 330 directs the Task Force to obtain (1) the method in which the imported seafood is inspected in Louisiana; (2) the frequency of inspections of imported seafood; (3) the substances for which imported seafood are currently being tested; and (4) the results of sampling the analysis of potentially harmful substances in imported seafood. The Louisiana Seafood Safety Task Force met in August, September and October 2009 and February 2010 to evaluate its charge and develop and report recommendations to the Legislature.

The following information was gathered and analyzed from USFDA and OPH's Sanitarian Services Division.

#### **(1) Method in which the imported seafood is inspected in Louisiana**

OPH registered sanitarians of the Commercial Seafood Program issue permits and conduct sanitary inspections of all seafood facilities. The registered sanitarian evaluates and verifies that all seafood products are properly labeled and received from approved sources. The inspection specifically includes noting the country of origin. This ensures the consumers receive safe and wholesome seafood products.

USFDA inspectors conduct physical examinations, which may include laboratory analyses of imported and domestic seafood.

## **(2) Frequency of inspections of imported seafood**

OPH registered sanitarians inspect the permitted facilities quarterly.

According to information provided by the USFDA, approximately 1.5 percent of all imported seafood is physically sampled and/or examined. This is roughly 12,949 lines of imported seafood. Louisiana cannot be compared to the USFDA due to non-testing of imported seafood products; however, funding has been requested as an addendum to the current contract between USFDA and DHH.

USFDA data reveals that 8,973 samples of seafood products imported into Louisiana during the Federal FY 2004-2009 were physically examined and/or laboratory tested.

Of the consignees in the state of Louisiana, USFDA analyzed 68 import seafood samples (consisting of mackerel, non-ictalurus fish, crawfish, shrimp and prawns, whiting, snapper, tilapia, crab and croaker) for micro, decomposition, filth, pesticide, and antibiotics. USFDA tests did not reveal any positive samples.

## **(3) The substances for which imported seafood are currently being tested**

Louisiana OPH currently conducts laboratory analyses for E. coli and fecal coliform contamination on ready-to-eat **domestic** crawfish and crab meat when processing facilities are initially permitted. **It is important to note that imported seafood is not analyzed due to lack of funding.**

The USFDA tests seafood in the following areas: decomposition analysis (to include sensory analysis and chemical analysis for scombrototoxin-forming fish products and indole in shrimp products); antibiotic assay (flouoroquinolones, chloramphenicol, etc.); microbiological analysis; food additive analysis; acidified foods assay; pesticides analysis; and filth analysis. This includes testing for evidence of unapproved antibiotics and other drugs and chemicals, such as malachite green, nitrofurans, flouroquinolones, and gentian violet seafood.

## **(4) The results of sampling the analysis of potentially harmful substances in imported seafood**

For samples collected in FY 2009 by USFDA, 8.7percent were classified as violative.

Imported seafood samples were collected during USFDA FY'09 from the Louisiana ports. The USFDA analyzed 34 imported seafood samples (consisting of mackerel, non-ictalurus fish, crawfish, shrimp and prawns, whiting, snapper, tilapia, crab and croaker) for microorganisms, decomposition, filth, pesticide and antibiotics. FDA tests revealed one sample of shrimp tested positive for antibiotics (chloramphenicol).

The most common violation was decomposition. The second most common violation was for microbiological contaminants, with salmonella being the most prevalent. When positive results are found, regulatory measures, such as import alerts, detention without physical examination and, if necessary, refusal may be taken.

## Recommendations

1. OPH should include portions of “The Fish and Fisheries Products Hazards and Controls Guidance” and CFR 123.12 Special Requirements for imported products to the Title 51 Sanitary Code, Part IX.
2. DHH is to request additional funding be added to the existing USFDA Federal Inspection Program contracts to collect and analyze random seafood samples to be tested for evidence of unapproved antibiotics and other drugs and chemicals, such as malachite green, nitrofurans, flouroquinolones, and gentian violet, beginning with federal FY 2010-2011. Sampling will be contingent on additional funding from USFDA.
3. Louisiana Restaurant Association, Louisiana Seafood Promotion and Marketing Board, along with other stakeholders, are to develop a positive marketing campaign for Louisiana seafood.
4. Support and expand the Louisiana Department of Agriculture and Louisiana Seafood Promotion and Marketing Board in the existing promotional campaigns of Louisiana seafood.
5. DHH is to seek funding for a pilot program with the effort of USFDA to further the testing of imported seafood.

### Additional information received and utilized by the Louisiana Seafood Task Force:

- “Existing Laws on Labeling in Louisiana,” presented by DHH-OPH, Food and Drug Program. The presentation provided information on brand name/identifier, standard of identity, declaration of country of origin, net quantity of contents declaration, responsible party declaration, permit number, method of production and seafood regulations in the state of Louisiana.
- “Marketing Louisiana Seafood,” presented by Louisiana Seafood and Marketing Board. The presentation provided information on items in place to promote Louisiana seafood, branding Louisiana products, radio advertisements used to promote Louisiana seafood, international marketing of Louisiana seafood products, and discussed the importance of informing the public on the possible contaminants in imported seafood without hurting the industry.
- FDA’s role in receiving, inspecting and sampling imported seafood products.



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## BIBLIOGRAPHY

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The Economic Benefits of Fisheries, Wildlife and Boating Resources in the State of Louisiana (May 10, 2008). Louisiana Department of Wildlife and Fisheries.

United States Food and Drug Administration. (2001). *Fish & Fisheries Products Hazards & Controls Guidance* (Third Edition ed.). Rockville: Food and Drug Administration.

United States Food and Drug Administration. (2009). Part 123 Fish And Fishery Products. *2009 21 CFR (FDA: Drugs, general)* (pp. 309-310). Rockville: Government Institutes.

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## APPENDICES

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APPENDIX A: HB 551/Act 330, 2009 Regular Session

Regular Session, 2009

**ACT No. 330**

HOUSE BILL NO. 551

BY REPRESENTATIVES MILLS, ABRAMSON, ARMES, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CORTEZ, CROMER, DIXON, DOERGE, DOVE, EDWARDS, FANNIN, GISCLAIR, MICKEY GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HILL, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, SAM JONES, KATZ, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LIGI, LITTLE, MONICA, MONTOU CET, MORRIS, NORTON, NOWLIN, PERRY, POPE, PUGH, RICHARD, RICHARDSON, ROBIDEAUX, SIMON, GARY SMITH, JANE SMITH, ST. GERMAIN, STIAES, THIBAUT, WADDELL, WILLIAMS, AND WILLMOTT AND SENATORS CHEEK, DORSEY, ERDEY, GUILLORY, HEITMEIER, MOUNT, NEVERS, AND THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 40:4(A)(1)(b) and to enact R.S. 40:5.5.2 and 5.5.3, relative to seafood products; to create a seafood safety campaign regarding the risk of consumption of Chinese seafood; to grant the state health officer rulemaking authority; to encourage the labeling of certain seafood products; to encourage the posting of signs; to create the Seafood Safety Task Force; to provide for the membership of the task force; to provide for the purpose and duties of the task force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:4(A)(1)(b) is hereby amended and reenacted and R.S. 40:5.5.2 and 5.5.3 are hereby enacted to read as follows:

§4. Sanitary Code

A. The state health officer acting through the office of public health of the Department of Health and Hospitals shall prepare, promulgate, and enforce rules and regulations embodied within the state's Sanitary Code covering all matters within his jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary Code shall be accomplished in strict accordance with the provisions of the

1 Administrative Procedure Act, and further, in conformity with the following  
 2 guidelines and directives:

3 (1)

4 \* \* \*

5 (b)(i) Pending the availability of federal funds to implement this  
 6 Subparagraph, the inspection of seafood conducted pursuant to the Sanitary Code  
 7 and pursuant to the Department of Agriculture and Forestry's Seafood Inspection  
 8 Program shall include a recommendation for testing of the environment, including  
 9 the water source, to the appropriate agency, only when evidence of contamination,  
 10 adulteration, or spoilage or of any other condition or substance which is or may be  
 11 injurious to health of humans or animals is indicated. The department shall adopt  
 12 rules as part of the Sanitary Code and the Department of Agriculture and Forestry  
 13 shall adopt rules as part of the Seafood Inspection Program.

14 (ii) Subject to the appropriation of funds by the legislature, the state health  
 15 officer in conjunction with the Louisiana Department of Agriculture and Forestry  
 16 shall institute a public safety marketing campaign to warn the public about the risks  
 17 of consuming seafood from the People's Republic of China deemed to be safe by the  
 18 Seafood Inspection Program but which nevertheless contains hazardous substances.  
 19 The campaign shall include a warning label program as more specifically provided  
 20 for in R.S. 40:5.5.2. The state health officer shall enter into a memorandum of  
 21 understanding with the Louisiana Department of Agriculture and Forestry to  
 22 implement this marketing campaign.

23 (iii) The Louisiana Retailers Association shall work with the Louisiana  
 24 Department of Agriculture and Forestry, the Louisiana Crawfish Promotion and  
 25 Research Board, and other respective agencies to develop a voluntary assessment for  
 26 the implementation of the public safety marketing campaign.

27 \* \* \*

28 §5.5.2. Chinese seafood warning label program

29 A. The legislature finds that serious risks to public health may be posed by  
 30 radiation, antibiotics, such as chloramphenicol and fluoroquinolones, chemicals,

1           malachite green, copper salts, and other residues found in Chinese seafood. The  
2           overexposure to antibiotics from such seafood may cause serious antibiotic  
3           resistance to the consumer. In addition, chemicals such as malachite green are  
4           known carcinogens. It is the intent of the legislature to protect the health and welfare  
5           of Louisiana consumers from potentially harmful residues in seafood imported from  
6           the People's Republic of China that are sold or served in Louisiana. Therefore, the  
7           legislature finds that Louisiana consumers have the right to know if seafood imported  
8           from the People's Republic of China is being served in a food service establishment  
9           or is available for purchase.

10           B.(1) The state health officer shall prepare and promulgate all rules and  
11           regulations necessary to ensure that all consumers of imported marine and freshwater  
12           seafood products from the People's Republic of China are warned about the potential  
13           health risks associated with the consumption of those products.

14           (2) The state health officer and the Louisiana Restaurant Association shall  
15           employ a marketing campaign that places an emphasis on highlighting the benefits  
16           of eating domestic seafood.

17           C. The state health officer shall produce a statement that may be included on  
18           labels, placards, menu boards, or other promotional signage that encourages  
19           consumers to consume Louisiana seafood and warns of the risks that may be  
20           associated with the consumption of Chinese seafood.

21           D. With the cooperation and assistance of the Louisiana Retailers  
22           Association, the Louisiana Restaurant Association, and other necessary  
23           organizations, the state health officer in conjunction with the Louisiana Department  
24           of Agriculture and Forestry shall encourage the display of the signage and other  
25           promotional literature as provided for in Subsection C of this Section where seafood  
26           sales occur.

27           §5.5.3. Seafood Safety Task Force: creation; purpose

28           A. Within the Department of Health and Hospitals there is hereby created the  
29           Seafood Safety Task Force, hereafter referred to as "task force". The task force shall  
30           be charged with obtaining: (1) the method in which the imported seafood is inspected

1 in Louisiana; (2) the frequency of inspections of imported seafood; (3) the substances  
2 for which imported seafood are currently being tested; and (4) the results of sampling  
3 analysis of potentially harmful substances in imported seafood. The task force shall  
4 compile the results of these findings and develop seafood and safety  
5 recommendations to be reported to the House Committee on Health and Welfare,  
6 the Senate Committee on Health and Welfare, the House Committee on Agriculture,  
7 Forestry, Aquaculture, and Rural Development, and the Senate Committee on  
8 Agriculture, Forestry, Aquaculture, and Rural Development by March 1, 2010.

9 B. The task force shall be composed of the following members:

10 (1) A member appointed by chairman of the House Committee on Health  
11 and Welfare who shall serve as chair of the task force or his designee.

12 (2) A member appointed by chairman of the Senate Committee on Health  
13 and Welfare or his designee.

14 (3) The commissioner of the Department of Agriculture and Forestry or his  
15 designee.

16 (4) The chancellor of the Louisiana State University Agricultural Center or  
17 his designee.

18 (5) A representative of the Louisiana Poison Control Center.

19 (6) The secretary of the Department of Health and Hospitals or his designee.

20 (7) A representative of the United States Food and Drug Administration.

21 (8) A representative of the Louisiana Farm Bureau Federation.

22 (9) The secretary of the Department of Wildlife and Fisheries or his  
23 designee.

24 (10) The secretary of the Department of Environmental Quality or his  
25 designee.

26 (11) A representative of the Louisiana Restaurant Association.

27 (12) A public health nutritionist.

28 C. The task force shall convene for its first meeting no later than January 15,  
29 2010. At this meeting the members shall elect a vice chairman and other officers as  
30 they deem appropriate.

1                    D. The task force shall meet at such times and at places it may designate.  
2                    Meetings shall be held at the call of the chairman or at the call of a quorum of  
3                    members upon not less than seven days notice. A majority of a quorum shall be  
4                    present to transact any business. The members of the task force shall not be  
5                    compensated for their services on the task force but may seek travel reimbursements  
6                    from their respective agencies under their respective guidelines. Meetings of the task  
7                    force shall be subject to laws regarding open meetings, and records of the task force  
8                    shall be subject to laws regarding public records.

9                    E. The chair of the task force may appoint committees to fulfill the purposes  
10                    of the task force. The chair of the task force shall appoint the chair of any  
11                    committee and shall designate the functions and responsibilities of each committee  
12                    appointed.

13                    Section 2. This Act shall become effective on January 1, 2010.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_