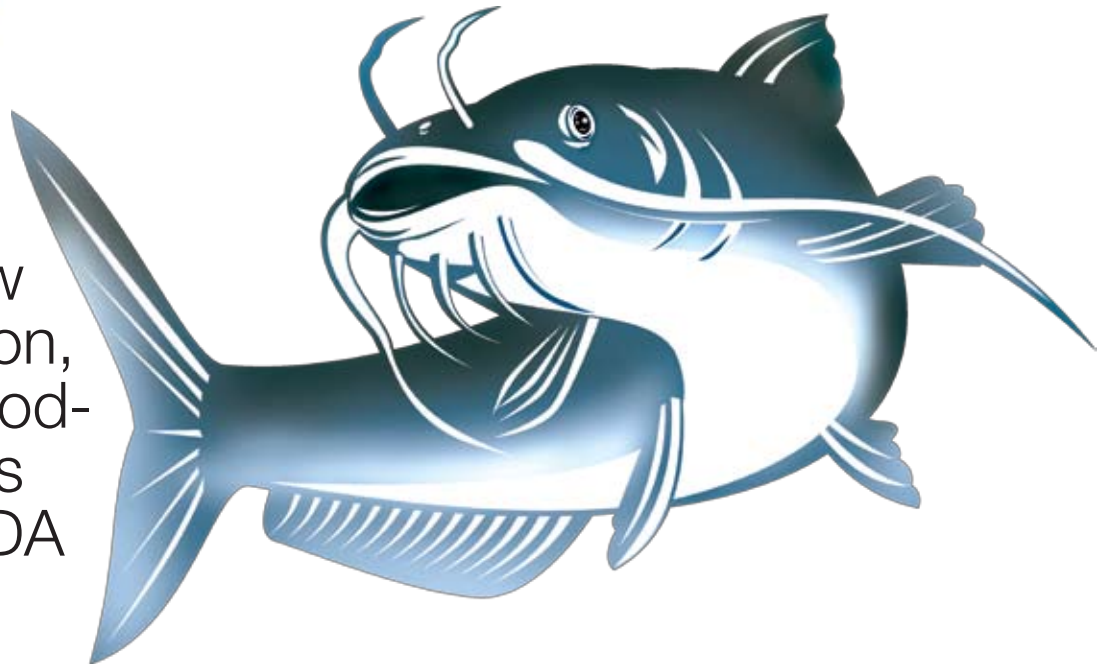




# On the hook

Under a new administration, some old food-safety issues loom at USDA

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Historically, one of the first things absorbed by a lawyer becoming initiated to the mysteries contained within the Federal Meat Inspection Act is the law applies to products derived from “cattle, sheep, swine, goats, horses and other equines.” This seems to make sense from a zoological perspective, and if one is feeling generous, the phrase does have a certain poetic lilt to it as well. But that was then. In the here and now, both art and science must succumb to the fact that this phrase now also includes the word “catfish.”

Catfish? In point of fact and as part of the most recent farm bill, Congress, in that catfish is a species of meat, amended the Act accordingly. While this seems to have occurred under the radar of most observers of the agency, FSIS has now been tasked with the responsibility, supposedly to be carried out by the end of the year, to develop regulations which will mandate that, in order to continue to move in com-

merce, catfish products must bear the mark of Federal Inspection.

At first glance, the logic behind this, particularly given the fact that legislation was actively promoted by elements of our domestic catfish industry, does

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not appear self-evident. Over the years, similar efforts have been launched, without ultimate success, by providers of certain game meats such as rabbits. But in those cases, the default position

was and is a voluntary, fee-paid inspection program. In the case of catfish, the products would simply have remained within the world of FDA inspection, such as it is, without such attendant costs and other obligations.

As a result, and with particular details yet to be worked out, within the relatively near future, this segment of the food industry will presumably find itself subject to the entire panoply of FSIS inspection-related requirements – mandatory HACCP, prior label approval, fees for overtime, food-safety assessments, Notices of Intended Enforcement, etc.

It seems reasonable to ask whether all of this is worth it simply in exchange for a federal mark of inspection, and it also seems reasonable to conclude that from many perspectives it is probably not. But it is at this point in the discussion where certain aspects of commerce begin to emphatically rear their heads.

## Global consequences

The processing and marketing of catfish, like the trade in so many other commodities, is a global enterprise. Domestic producers and processors face strong competition, much of which is based in Southeast Asia. But now, with the stroke of last years' Congressional pen, such foreign interests are soon to be subject to requirements of the Act. What this means is that the prospective foreign-based shipper of catfish into the United States now faces the same regulatory structure which confronts the potential purveyor of beef or pork. First, the originating country must demonstrate, on a government-to-government basis, that it maintains an inspection program equivalent to that maintained by the United States. Second, all eligible processing plants must be evaluated, accepted and affirmatively listed. Third, in addition to oversight by regulators within the host country, secondary oversight by USDA must be maintained. It is fair to assume that effectively clearing these hurdles will prove to be no small task for interests based in countries such as Vietnam, Thailand or China, and if they will ever succeed in clearing them, no small amount of time have elapsed between such date and the effective date of mandatory catfish inspection.

Given such circumstances, the unfolding of this process has the potential to fascinate a much wider audience than this particular niche

within the fish industry. First of all, FSIS has been tasked with building a brand new program, working off the proverbial clean sheet of paper. Under such circumstances, will every detail that attends to the present meat inspection program (with the exception of a few physical or logical impossibilities) simply carry over? Or will some outdated artifacts of the program be jettisoned and some new approaches be launched? Second,

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the initiative would appear to exert some centrifugal force against the much discussed single food agency concept. What it will do, for better or for worse, is underline the fact the United States operates a two-tiered food-safety system with fundamentally different approaches and that, past a certain point, the tier which one occupies, and the attendant food-safety oversight, can be more of an outgrowth of aggressive lobbying and Congressional fiat than of any sort of scientific process.

## Constructing a food-safety system

But most importantly, the catfish issue drills down deeper into perhaps today's most fundamental food-regulatory issue: How does one construct a food-safety system that appropriately regulates within a global marketplace? Some will undoubtedly argue that this is protectionism. Perhaps so, but if so, how are parallel restrictions upon today's meat or poultry importation fundamentally any different? Others will argue that this is simply logical and necessary food-safety regulation. Perhaps so, but if it is, why not extend it to all other species of seafood (something which Congress has at least suggested FSIS has, in fact, the current power to do)? Or for that matter, why not extend such an inspection approach to fruits, vegetables, spices and food additives while we're at it? And last but not least, how exactly are we going to pay for all of this?

It all shapes up to be a fascinating exercise. And if, in the fullness of time, the editors of this publication decide to rename it "*Meat, Poultry & Catfish Magazine*," remember, you read it here first. **M&P**

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