

HJR

64

STATE COMMITTEE REPORT

DATE: 4/22/92

FURTHER: N July

DATE TURNED INTO OFFICE: 5-2-92

Resources Committee considered CS FOR HJR 64 (RESOURCES)

Urging the media to inform the public about the quality of fresh seafood sold in the United States and urging the federal government to establish a national mandatory seafood inspection program.

and recommends: may

[] replace with SCS OSHTP 64 (Res)
or [] adopt previous CS ()
[] attaches amendment(s) rdp

[] same title
[] new title
[] technical title change (HB only)

[] adopts Letter of Intent
[] further referral to the

- [X] do pass
[] do not pass
[] no recommendation
[] individual recommendations

P. OFN applies

NEW FISCAL NOTES: Dept/Date
[X] zero fiscal notes
[] fiscal notes
[] appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date
[X] zero fiscal notes SCS-7
[] fiscal notes

DO PASS: [Signatures]

OTHER RECOMMENDATIONS:

[Signature] (Do Pass)
Chair: Signature and Recommendation

FISCAL NOTE

No. 1
 Bill Version CSHJR 64(R)
 (H) Publish Date: 4/14/92

STATE OF ALASKA
 1992 LEGISLATIVE SESSION

Revision Date: 4/10/92 Department Affected: Legislative Affairs Age
 Title: Urging the federal government to BRU: _____
establish a national mandatory seafood
inspection program Rep. George Jacko Component: _____
 Sponsor: _____
 Requestor: House Resources COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Rep. Cliff Davidson, Chairman Phone: 465-2487
 Division: House Resources Date: April 13, 1992
 Approved by Commissioner: Rep. Cliff Davidson, Chairman
 Agency: _____ Date: April 13, 1992

FRANK H. MURKOWSKI
ALASKA

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April 8, 1992

The Honorable George Jacko
Alaska House of Representatives
P.O. Box V
Juneau, Alaska 99811

Dear George:

This is in response to the Jan. 27 letter to the Congressional delegation signed by all members of the Legislature.

While it now appears that the Consumer Reports article criticizing salmon (and other seafood) quality has not changed consumer perceptions or behavior, we haven't seen the last of this issue.

During the last Congress, there was an effort to craft mandatory federal seafood inspection legislation. I was an enthusiastic supporter of this effort, as I firmly believe it would go far toward solving some of the very real problems that even good seafood suffers on its long trip from the sea to the table. I gave my support to a proposal patterned after the State of Alaska's program, which is widely considered to be the best in the nation. Unfortunately, this effort foundered because some others favored an approach backed by the meat and poultry industries, which I believe would have been detrimental to seafood in the long run.

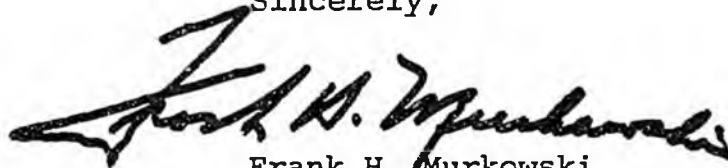
Labeling of farmed salmon has been suggested many times, and may well be one method of helping differentiate Alaska's wild fish from the pack. Many farms use chemical and drug treatments to increase the survival rate of their fish, and that information should be available to consumers, as should information on the fish's country of origin. It remains to be seen, however, whether such a labeling requirement could be imposed administratively, or would require Federal legislation. My preference, frankly, is for the former approach, if it is possible to achieve it.

I assure you that this issue is never far from my mind, and I will be working with the other members of the

The Honorable George Jacko
April 8, 1992
Page 2

delegation to achieve a result that benefits this critical
Alaska interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank H. Murkowski". The signature is written in a cursive style with a large, stylized initial "F".

Frank H. Murkowski
United States Senator

FISHY, FISHY

WHY DOESN'T THE U.S. INSPECT MORE FISH?

In 1967, soon after Congress put the finishing touches on the Wholesome Meat Act, Michigan Senator Philip Hart introduced a bill that would have required the same kind of Federal inspection for seafood.

Senator Hart, along with consumer advocate Ralph Nader and representatives of organized labor, wanted to station Federal inspectors in every fish-processing plant. But the fish industry and its allies in the Congress and the Nixon Administration pressed for spot-checking rather than "continuous inspection."

"Fish needs the same kind of inspection as meat and poultry because it can carry just as many disease-causing organisms," Hart argued at the time. Although he held hearings in 1967, 1968, 1969, 1971, and 1974, no bill requiring seafood inspection ever passed. When Hart died in 1976, his push for fish inspection died too.

Fish inspection was largely a dormant issue through the 1980s. Then in 1990, the U. S. Senate and the House both passed bills requiring mandatory inspection of all fish-processing plants. Each house, however, had its own idea of how fish should be checked, and neither bill became law.

The big hang-up this time was which Federal agency should monitor the nation's fish supply. The fish processors pushed for the U.S. Department of Agriculture to get the job. But some consumer groups, including CU, preferred that the Food and Drug Administration inspect fish. The Agriculture Department's historical coziness with industries it regulates, plus its recent attempts to weaken its own regulatory authority over meat and poultry, didn't bode well for strong fish inspection.

In the meantime, the FDA has assumed the role of chief seafood cop. "We think we have an outstanding mandatory fish inspection program," says Thomas Billy, director of FDA's newly created Office of Seafood. "Under the Food Drug and Cosmetic Act, we have authority to inspect every seafood plant in the country."

Starved for money

In CU's view, the FDA's "mandatory" program falls short. The FDA has authority to inspect every seafood plant. But starved for money, it has used that authority sparingly, inspecting plants once every four years on average.

The FDA can't compel the seafood-processing plants it inspects to keep records of such things as temperatures and storage conditions, which would help the agency monitor fish safety. Nor does it inspect fishing vessels or retail fish stores, both significant problem areas in the handling of fish.

We also discovered big holes in the shellfish sanitation program, which the FDA supervises. Not only did we find clams with high levels of potentially harmful bacteria, but we also found that stores were not complying with rules for keeping identification tags, a cornerstone of shellfish regulation.

Furthermore, it's hard to have much confidence in the agency's surveillance of chemical contaminants in fish. In 1989, the FDA checked only 1604 fish samples

for contaminants. In contrast, the same year the U.S. Department of Agriculture checked 185,000 samples of meat and poultry. The FDA has monitored swordfish for methylmercury since 1970 and recently started monitoring shark as well. But its testing for PCBs in salmon is particularly inadequate. Of 143 samples the agency tested in a recent three-year period, most of the domestic samples were from the Great Lakes—an incomplete picture of the salmon Americans eat.

Skimpy fines

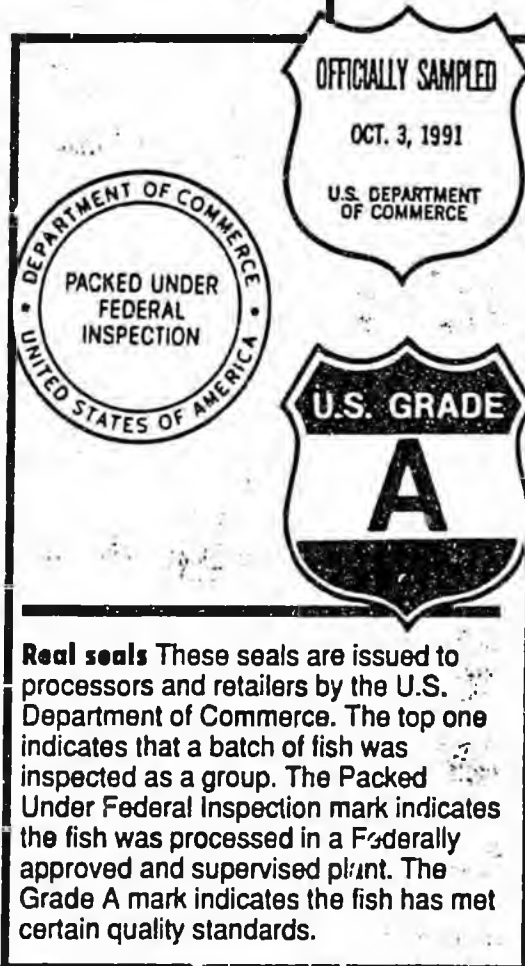
Local and state health departments also have a hand in monitoring the nation's fish. But a lack of money for frequent inspections and skimpy fines levied against retailers caught violating state health codes do little to deter unsanitary practices or to improve fish quality.

For their part, some supermarket chains are working with the Federal government to develop a voluntary program to check fish. The supermarkets that abide by the program's requirements can earn a seal of approval that will assure consumers that the fish has been handled properly. That seal is not yet in stores.

CU believes consumers deserve more than that. They need a strong program that addresses the microbial and chemical contamination of raw fish. Much of the inspection in place today focuses

on visible plant or store deficiencies, such as dirty walls and floors and the lack of paper towels in employee restrooms. While important, these problems have little to do with whether a fish is laced with PCBs or methylmercury or whether disease-causing bacteria are present.

Any program must also focus on quality. Americans are eating and should eat more fish because it is a healthy alternative to beef and pork. One way to improve quality is to mandate better temperature control, especially in retail stores. Not only must inspectors be more vigorous in policing the temperatures in display cases, but states should consider changing their food laws to require fish be kept at temperatures lower than those now permitted.



Real seals These seals are issued to processors and retailers by the U.S. Department of Commerce. The top one indicates that a batch of fish was inspected as a group. The Packed Under Federal Inspection mark indicates the fish was processed in a Federally approved and supervised plant. The Grade A mark indicates the fish has met certain quality standards.

Alaska Salmon Marketing Facts

- The seafood industry is the largest private employer in the state, employing more than oil and gas, tourism and mining combined. In recent years, the seafood industry payroll has exceeded \$1 billion.
- The seafood industry makes up one-sixth of our state's entire economy. In 1990, the value of the salmon harvest alone was \$550 million. This year's harvest dropped to between \$275 - \$325 million, a loss of about a quarter of a billion dollars from the state's economy.
- The industry needs to increase consumer demand, by aggressively marketing our products. ASMI has proven over the past ten years that it is successful in marketing Alaska seafood.
- The U.S. market shows promise for dramatic growth. If U.S. annual per capita consumption increased from one to one-and-a-half pounds, the gap between production and consumption will decrease significantly, and thus return value to our resource and decrease our dependence on Japan.
- ASMI is expected to do more with less money. This year, ASMI's domestic budget will shrink by \$1 million due to the decreased value of the harvest and gubernatorial vetoes. This shrinkage in revenues will make it nearly impossible for Alaska seafood to protect its current market share, let alone increase it.
- Seafood is competing with protein sources like beef, pork and chicken. Last year, the generic beef campaign spent \$28 million to protect its' market share. ASMI's domestic budget was \$4.9 million.
- Alaska cannot afford to jeopardize the \$60 million it invests annually on the management and enhancement of Alaska's fisheries by paying minimal attention to the other side of the equation-- the markets that give its' most important natural resource value.
- Alaska has accomplished 80 percent of its' salmon business plan (production) but must accomplish the final 20 percent (marketing).
- ASMI has proposed a Salmon Recovery Program designed to expand its current U.S. marketing efforts. The five year, \$10 million-a-year campaign is designed to attract more U.S. consumers. Funding for the program could come from state appropriations, raw fish tax credits, an endowment from the Exxon settlement, the redirection of salmon enhancement taxes, or a mixture of the above.
- ASMI's proposed Salmon Recovery Program will pay for itself, by increasing the state's tax base, if the fishery's value can be returned to 1990 levels. Right now, the state is losing \$10 million a year or more in raw fish tax receipts.

Study of Retail Fish Markets Finds Wide Contamination and Mislabeling

By MARIAN BURROS

In a study of the safety of food in retail fish markets in New York City and Chicago, Consumers Union has found widespread contamination and mislabeling of seafood.

The study was based on 113 samples of fish and clams that were purchased in 40 randomly selected supermarkets and specialty fish shops. The group found that 34 samples were spoiled, 50 were contaminated with fecal coliforms, and 8 of 20 samples of swordfish had more than the permissible level of mercury. What's more, one-third of the sample, taken from a number of different stores, were misidentified, usually as a more expensive variety.

The study contended that there were abuses in handling seafood all along the chain from the fishing vessel to the retail store. But it placed the largest share of the blame at the retail level.

"We clearly know we did not cover the whole waterfront," said Edward Groth, associate technical director of Consumers Union. "We think the look we took is big enough and reliable enough to say there is a problem."

Little Federal Regulation

Unlike meat and poultry, the handling of fish is largely unregulated by the Federal Government, and this report bolsters the contention of independent consumer advocacy groups like the Public Voice for Food and Health Policy that mandatory seafood inspection is necessary. But the Federal Food and Drug Administration called the findings overblown and said a case could not be made on such a small sampling in just two cities.

Nonetheless, Lee Weddig, executive vice president of the the National Fisheries Institute, a trade association of marketers and processors, acknowledged that the study was "not all that bad as an indicator of the conditions in those areas."

And Richard Lord, a consultant to the Fulton Fish Market who is a recognized authority on fish, said Consumers Union's assertions were justified. "You cannot contradict the report," he said.

The study, which will appear in the February issue of Consumer Reports magazine, looked at seven species: salmon, flounder, sole, catfish, swordfish, lake whitefish and clams. The study tested the fish for bacteria to determine quality and freshness. Both Mr. Weddig and Douglas Archer, deputy director of the F.D.A.'s Center for Food Safety and Applied Nutrition, took issue with the bacterial standards used by Consumers Union. Their method "is not respected as a method for judging the quality of fish," Dr. Archer said. "You can't just set a number."

But Mr. Groth said the standards were based on advice from leading experts on microbiology. "Bacterial

standard textbooks," he said. The report said, "Fish truly begin to spoil when bacteria grow to between 1 million and 10 million colonies per gram." Almost 40 percent of the fish, fell between those levels and nearly 30 percent had bacteria counts above 10 million which the group classified as being spoiled, while 25 percent had 25 million colonies per gram. Total bacteria, while seldom hazardous, are indicative of spoilage.

The testing also looked at levels of fecal coliform. The higher the level of fecal coliforms, which can come from pollution or mishandling, the greater the likelihood that harmful organisms are present.

The report cites experts in seafood microbiology who say that a fecal coliform count of more than 10 per gram indicates some contamination and counts over 100 are cause for serious

Bacteria are usually not a health concern, but chemicals are another matter.

concern. Testing revealed more than half the 60-plus samples from New York had more than 10 fecal coliforms per gram while 25 of the total sample of 113 had counts exceeding 100 per gram and 15 had counts greater than 500. Most of the latter came from the more than 20 stores checked in the New York area.

There are no Federal standards for total bacteria or fecal coliform in fin fish, but when a level of 3.3 fecal coliforms per gram is found in shellfish, Government authorities have the right to destroy them.

A Question of Shelf Life

Time and temperature affect the freshness and quality of fish. The ideal temperature for storing fish is 30 to 32 degrees. The higher the temperature the shorter the shelf life.

Spoiled fish is unlikely to make someone sick. But high levels of bacteria in fish pose the same problem that salmonella does in poultry. Thorough cooking kills the bacteria, even the fecal coliform, just as it does the salmonella. Raw or partly cooked fish may pose a greater risk than fish that is thoroughly cooked.

"The problem is that you are getting lousy fish," said Mr. Groth. "It's an outrage but not necessarily a hazard."

Chemical contamination is different

that consumers can't do anything about," Mr. Groth said. "Fish are a major source of mercury and PCB's in the diet. That means you should know which fish they accumulate in."

Mercury and PCB's

PCB's, or polychlorinated biphenyls, which have been found to cause cancer in laboratory animals, contaminated almost 43 percent of the salmon in the study, half of the whitefish and 25 percent of the swordfish. Mercury, which affects the development of the nervous system, was found in 18 of the swordfish samples. The cleanest fish in terms of PCB's, mercury and pesticides were the sole and flounder.

The F.D.A. has set permissible levels of PCB's at 2 parts per million and most of the samples were within that level. But Consumers Union believes the level is too high for safety and should be lowered.

The F.D.A. has set a level of one part per million for mercury, and the average levels found in the swordfish were 1.14 parts per million. Consumers Union says the Federal limit should be lowered to 0.5, the level at which it was set until the late 1970's. Next month Public Voice will petition the F.D.A. to reduce the level of mercury allowed in seafood to 0.5 parts per million. Like so many risk assessments there is considerable controversy over an appropriate level: Mr. Weddig says it should be raised to 1.5 parts per million.

Consumers Union recommends that women who are pregnant or who are thinking of becoming pregnant, and children under six years of age, refrain from eating swordfish or shark and go easy on the canned tuna, which was tested in another study, because of the mercury levels. For others, consumption of these fish once a week is acceptable, the group said.

'Unwise Nutritionally'

That advice outraged Dr. Archer of the F.D.A. "The contaminant advisory based on 113 samples is unscientific, unfounded and unwise nutritionally," he said. But he said the agency agreed with state advisories that recommend limiting consumption of swordfish and shark to once or twice a month.

Even if shoppers are able to purchase fresh, uncontaminated fish, there is still no guarantee they will get what they pay for. About 32 of the 113 fish analyzed were as labeled; 35 were mislabeled, while it was impossible to determine if the other labels were accurate. Salmon was frequently labeled "Norwegian salmon," the study said, an exalted-sounding but nonexistent species.

More national news appears on page B9.

ANTIQUE
COLONIAL
FINE PERSIAN DESIGNS
ART DECO CHINESE RUGS
TURKISH AND BESSARABIAN RUGS
RUSSIAN CAUCASIAN RUGS
PERSIAN RUGS



Alaska State Legislature

HOUSE RESOURCES COMMITTEE

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The Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D.C. 20510

January 27, 1992

BRYCE
JAN 28 1992

The Honorable Frank Murkowski
United States Senate
709 Hart Building
Washington, D.C. 20510

The Honorable Don Young
House of Representatives
2331 Rayburn House Office Building
Washington, D.C. 20515

Dear Messrs. Stevens, Murkowski and Young,

The recent issue of Consumer Reports, attacking the quality of seafood sold in the United States, has caused considerable concern within the Alaska fishing industry. The industry already faces difficult marketing challenges in a changing competitive environment.

The Consumer Reports article also illustrates the vulnerability of our seafood marketing programs to outside forces. Even with its flawed methodology and lack of specificity, the report's impact on Alaska cannot be underestimated.

The Alaska Seafood Marketing Institute has recently developed a new U.S. promotion of Alaska salmon in order to meet increasing market challenges. However, without specific labeling of salmon products as to species, state of origin and identification as to whether wild or pen reared, such marketing will be less than 100% effective and focused. We fully expect that wild Alaska salmon will be a premium product, marketed and sold to reflect its freshness and purity. Proper labeling represents a key component of that effort.

We respectfully request that you consider introducing federal legislation requiring the labeling of seafood products as to whether wild or pen reared, species, and country or state of origin. Such a law would provide consumers with greater information and clearer choices in the market place. It would also reward those states that maintain strict quality control programs, such as Alaska, and ensure that the benefits of our promotional efforts accrue to Alaska.

The problem of seafood labeling is a national problem and a federal issue. With your assistance we can make Alaska seafood the premium choice among consumers.

Paul Fischer
Senator Paul Fischer

Richard Foster
Representative Richard Foster

Steve Frank
Senator Steve Frank

John C. Gonzales
Representative John Gonzales

Max Gruenberg
Representative Max Gruenberg

Rick Halford
Senator Rick Halford

Mark Hanley
Representative Mark Hanley

Lyman Hoffman
Senator Lyman Hoffman

Bill Hudson
Representative Bill Hudson

Ivan Ivan
Representative Ivan Ivan

George Jacko
Representative George Jacko

Lloyd Jones
Senator Lloyd Jones

Jay Kerittula
Senator Jay Kerittula

Niilo Koponen
Representative Niilo Koponen

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DENNIS FRADLEY Editor, Editorial Pages

Robert B. Atwood, Publisher Emeritus

BEATING UP ON SALMON

Another blow

HERE WE GO again. On Feb. 27, The Los Angeles Times published a story on seafood that threatened to further taint the image of Alaska's salmon, albeit indirectly.

But the story was wrong, according to the FDA. The reporter incorrectly linked data from one FDA survey of plant sanitation and manufacturing to another more recent survey of seafood samples. The reporter applied statistics from one survey to reach conclusions on the other survey.

Then the story went out over the wire nationwide.

The California newspaper asserted that the FDA's survey of seafood processing facilities showed that "as many as 20 percent" of the samples analyzed "showed evidence of microbiological contamination, decomposition and filth."

Within a day, the FDA said the Los Angeles Times statement "was in error."

IF ONLY WE could philosophically shrug our shoulders and say, "bad reporting — it happens." But we can't, not when it comes to one of Alaska's most important industries.

It's a replay of the bad press salmon got when Consumer Reports published a sweeping indictment of seafood in its February issue.

Incidents like these do not help Alaskans struggling to promote seafood in general, and salmon in particular, to a larger Outside market.

But it looks like it's not going to stop. The National Fisheries Institute has alerted the industry that continued assaults on seafood safety are in the works.

A small group called Public Voice for Food and Health Policy reportedly is planning more attacks over the next few months using the media. In March look for a challenge to the FDA and Centers for Disease Control statistics on seafood-related illness. In April, expect a release of "victims' case studies." And in May, another challenge to the FDA when it releases its major diet study.

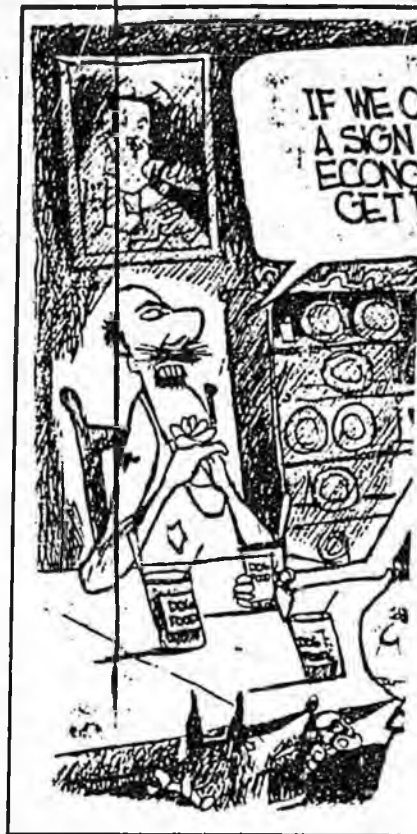
THE SEAFOOD industry makes up one-sixth of the state's economy, according to Kim Elton, executive director of the Alaska Seafood Marketing Institute. Mr. Elton spoke to a Resource Development Council meeting in Anchorage following the Los Angeles story.

Fish are the second-largest revenue generator in the state, and Alaska's annual harvest represents approximately 56 percent of all seafood landings in the United States.

Alaska seafood gets lumped in with Lower 48 problems at the very time it is striving to tempt more palates. World production of salmon exceeds 2 billion pounds annually, with world consumption at about 1.8 billion pounds — thus the glut on the market.

What's needed is a strong coalition between fishermen, the industry and the state to mount an effective communications campaign about Alaska's seafood. At the same time, there needs to be a stronger federal seafood inspection program — one that works in cooperation with the state Department of Environmental Conservation — to assure consumers they're getting a wholesome product. The FDA currently has a program, but its resources are primarily aimed at imports. It needs to turn its attention to domestic seafood as well.

A strong inspection program combined with effective public information will convince consumers that Alaska seafood, in particular salmon — as we can testify — is safe.



Check overdra

CHICAGO — The House bank scandal is one of those stories that seemingly requires no explanation. Everybody can understand penalty-free check-bouncing. That's what makes it so damning — and so easily distorted.

What's known at this point strongly suggests that dozens of members of Congress have taken advantage of the laxness of operations at their checking-and-deposit service to float themselves large, interest-free loans. It's also clear that scores of others are facing embarrassment — if not worse — for sloppiness no more sinister than the kind of checkbook-balancing errors most of us often make.

The primary contests and November election will tell us how shrewd the voters are in separating the sheep from the goats in this mess. Meantime, commentators are using the scandal as a metaphor for everything they dislike about Congress.

Like the \$640-toilet seat which came to symbolize Pentagon waste, the check-bouncing story seems certain to become a shorthand symbol of a Congress that is relentlessly undisciplined in far larger fiscal matters.

The situation is both better and worse than it's being made to appear. As scandals go, this one is penny ante. There was no damage to national security, no breach of the Constitution and no significant loss to the taxpayers. Yet it is both glib and futile for members of Congress to insist that this was "a private matter" that involved no misuse of public funds and therefore should be of no concern to their constituents.

The bank was in the Capitol building, which both symbolically and legally belongs to the nation and all its citizens. The clowns who ran it were on the federal payroll, supported by our taxes.

Moreover, the operation which Speaker Thomas S. Foley finally and belatedly shut down last year was not an anomaly. If it did not reflect the institutional corruption" Minority Whip Newt Gingrich, R-Ga., alleges, it