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2010 Legislative Priorities

The FDA's Proposed Ban on Raw Gulf Oysters

In October the Food and Drug Administration, (FDA) announced its intention to require Post Harvest Processing, (PHP) of all oysters harvested in the Gulf States from April through October to address shellfish-related food-borne illnesses from *Vibrio* bacteria. Such actions would have a devastating economic impact on producers, dealers and restaurants – placing thousands on welfare eight months a year. Consumers should be allowed to choose what foods they want to eat. **We oppose any measures that ban the sale of raw shellfish.**

The ECSGA supports passage of S 2752, which would limit the funds the FDA may use to require Post Harvest Processing of oysters, provide funds for the education of at-risk consumers, and require FDA to conduct an economic impact study to assess the impacts of requiring PHP on shellfish.

The ECSGA requests that Congress continue to support the Interstate Shellfish Sanitation Conference by directing that \$250,000 in the FDA Office of Seafood Inspection budget (Agriculture Appropriations) be directed to the ISSC for the continued funding of programs that protect the public's health.

The ECSGA requests that Congress reinstate the Vibrio Education Program and set aside \$1,000,000 for education programs targeting at-risk consumers (CJS Approps.).

USDA-ARS Shellfish Breeding Center

The shellfish culture industry is challenged by several parasitic and bacterial diseases that can wipe out whole crops in months. Other agriculture industries have demonstrated the amazing potential of new genetics tools to identify genetic markers associated with production traits such as growth rate and disease resistance. These tools allow industry to greatly accelerate selective breeding efforts to develop domesticated strains with improved survival and growth rates.

The proposed USDA ARS Center would leverage existing resources and talent in six East Coast states by adding geneticists, breeders and resources to solve the vexing problems constraining the growth of the shellfish aquaculture industry. By improving the profitability of shellfish culture we project that industry expansion will result in the creation of hundreds of new jobs in rural coastal communities.

The total appropriation required for USDA ARS is \$4.3M annually. The five ARS scientists and their support would require \$2.5M (\$500,000 for each position). The remaining \$1.8M would be available for cooperative agreements averaging \$300,000 for participating institutions.

Clean Water Act Issues

The Clean Water Act has ushered in vast improvements to our coastal waters, yet significant challenges remain. Non-point source pollution (from leaching septic systems and runoff) is currently the largest source of nutrients to sensitive coastal waters. These nutrients lead to algal blooms, eutrophication and low oxygen conditions. NOAA experts now consider excess nutrients to be the major cause of degraded rivers and coastal waters. The Clean Water Act fails to address non-point source pollutants.

Shellfish have been demonstrated to be a viable tool to improve water quality and for nutrient remediation. The harvest of cultured Eastern oysters removes 360 tons of nitrogen from sensitive coastal waters annually. Unfortunately, the CWA and EPA regulations do not allow provisions for “in-stream treatment,” which would allow for nutrient credit trading to provide incentives to expand shellfish aquaculture.

Modify the Clean Water Act to address non-point source pollution issues.

Support the Chesapeake Bay Program (reauth.), the Long Island Sound Program (reauth.), the Puget Sound Program (auth.), the San Francisco Bay Program (auth.) and the National Estuaries Program.

Marketing

Shellfish producers are constrained by market forces while prices continue to be depressed by overproduction. Shellfish consumers are concentrated in coastal communities. The industry is composed of thousands of small, mom-and-pop producers who are ill equipped to carry out significant marketing efforts. Vast underexploited markets for sustainable, nutritious shellfish exist in the nation’s heartland, but the industry has few resources to introduce these consumers to our products. Current marketing assistance programs under the USDA and DOC are not applicable to shellfish producers.

Until 2004 farmed shellfish were eligible for key marketing and research assistance as “Specialty Crops” under the Farm Bill. That favorable status was eliminated with the Specialty Crops Competitiveness Act of 2004, (H.R. 3242, § 3).

Support local Seafood Marketing Council efforts.

Reinstate the “Specialty Crop” designation for farmed shellfish in the Farm Bill or other appropriate legislation.

Support broader marketing initiatives to enhance consumer awareness about shellfish.

For more information on these issues please contact:

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