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2013 Legislative Priorities

Shellfish aquaculture, the largest sector of marine aquaculture, is sustainable and provides significant improvements to coastal water quality and wild fisheries. Throughout the recession, shellfish production has continued to grow, providing critical jobs and economic production in rural coastal areas hurt by declining wild fisheries harvests. Resource managers understand that expanded production will yield green jobs with health benefits and environmental improvements. Shellfish farmers are challenged by a variety of regulatory and funding issues:

1) EU Trade Embargo – In 2009 a trade dispute erupted between FDA regulators and their European Union counterparts. FDA inspectors disputed the long-standing equivalency of various aspects of the EU shellfish sanitation protocols, blocking the import of European products to the US. The EU retaliated by barring imports of U.S. shellfish, blocking our access to lucrative European markets.

- **Direct the FDA to audit pristine growing areas in Europe (as they agreed to do a year ago).**
- **Encourage FDA to approve areas in the EU for import to the US by Oct 1, 2013 with an agreement by EU to allow US product into EU markets by the same date.**

Once the FDA approves imports from these areas to the U.S. we expect it will break the impasse and force EU regulators to reopen their markets to our products.

2) Clean Water Issues – Non-point source pollution from leaching septic systems and urban and agricultural runoff is a major source of nutrients in sensitive coastal waters. These nutrients lead to algal blooms, and low-oxygen conditions. Excess nutrients are the major cause of degraded rivers and coastal waters. Limiting fertilizer runoff and upgrading sewage treatment plants in our nation's estuaries creates and protects critical jobs and shellfish growing areas.

NOAA recently announced new aquaculture policies and a Shellfish Initiative that advance research and restoration of shellfish in our coastal waters.

Shellfish improve water quality and remove many of tons of nitrogen from sensitive coastal waters annually. Unfortunately, the CWA and EPA regulations do not allow for "in-stream treatment," which would allow nutrient-credit trading and provide incentives to expand shellfish aquaculture.

- **Support nutrient credit trading and in-stream treatment.**
- **Expand NOAA's Shellfish Initiative, and continue to support the Chesapeake Clean Water and Ecosystem Restoration Act, the Long Island Sound Restoration and Stewardship Act, and the EPA's Clean Water State Revolving Fund.**

3) Expand funding for research and development – Shellfish aquaculture research is funded through a patchwork of USDA and NOAA programs. The industry has been growing vigorously, but federal research funding has leveled or declined for several years. Since the industry is dominated by small producers it is difficult to fund the research and marketing efforts needed to advance it. We are faced with significant challenges in the fields of disease, climate change, production methods and food safety. Funding challenges in NOAA may lead to the closure of the nation's only cold-water aquaculture research facility in Milford, CT.

- **Support funding for NOAA Aquaculture; save NOAA's Milford Lab; fully fund the USDA Regional Aquaculture Centers to the amount authorized.**

4) H-2B Visas and Immigration Reform - The H-2B program is essential to the economic vitality of our members who need access to legal, short-term, temporary workers during peak business periods.

- **Preserve a viable seasonal worker program and consider ways to legalize hard-working, taxpaying immigrant workers who have been major contributors to our economy for decades.**

5) FDA restrictions on raw shellfish – In 2009 the FDA announced that it intended to require Post-Harvest Processing of all oysters harvested in the Gulf States from April through October to address shellfish-related, food-borne illnesses from naturally occurring *Vibrio* bacteria. Such actions would have a devastating economic impact on producers, dealers and restaurants. Consumers prefer fresh oysters and are unwilling to pay more for processed, dead oysters. A recent FDA cost analysis revealed that **mandated processing of Gulf oysters would force the closure of over 200 shellfish dealers, putting 2,000 people out of work.**

Congress directed the FDA to work with the Interstate Shellfish Sanitation Conference (ISSC) to investigate the efficacy of alternatives such as rapid refrigeration. Industry, the ISSC and the FDA remain committed to achieving a targeted 60% illness-rate reduction. New regulations implemented this year should achieve that goal.

Vibrio vulnificus sickens only those with compromised immune systems. We need to restore funding for focused educational programs targeting these susceptible individuals, reminding them that they need to avoid all undercooked proteins such as eggs, meats and shellfish.

Informed consumers should be allowed to freely choose the foods they want to eat.

- **Oppose mandatory Post-Harvest Processing of raw shellfish. Expand research efforts to develop alternative methods of reducing bacteria levels in shellfish, so that producers can continue to sell fresh, live shellfish while still protecting human health.**
- **Restore funding (\$1M) for education targeting at-risk consumers. FDA – ISSC.**

6) Shellfish Breeding Center – Several devastating parasitic diseases threaten shellfish crops. New genetic tools could help to identify genetic markers, allowing us to accelerate selective breeding efforts that would lead to domesticated strains with improved survival and growth rates. These tools have led to dramatic increases in chicken-meat yield and cow's-milk production. Even modest investments in shellfish breeding will yield dramatic improvements in survival and profitability.

The proposed USDA-ARS Center would leverage existing resources in six East Coast states by adding geneticists, breeders and funds 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 create hundreds of new "green" jobs in rural coastal communities.**

The total appropriation required for USDA-ARS is \$3 million annually. This project was written into the base budget for FY2010, but never passed. This Center would hire three geneticists and provide funds for grow-out trials with hundreds of lines in several states. This effort would bring significant resources to six participating institutions: the University of Maine, the University of Rhode Island, Rutgers, the University of Maryland, the Virginia Institute of Marine Science and the University of North Carolina, Wilmington.