

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Joint Resolution 3 (Delegate Stein)
Rules and Executive Nominations

Natural Resources - Fishing - Wild-Caught Blue Catfish

This joint resolution urges the U.S. Congress to amend specified federal law and return federal oversight responsibilities related to the processing and inspection of wild invasive catfish caught in the Chesapeake Bay to the U.S. Food and Drug Administration (FDA). The joint resolution states that the rules promulgated by the U.S. Department of Agriculture (USDA) requiring the inspection of fish of the order Siluriformes are unnecessary and burdensome and have led to unintended consequences, which include deflating the market for blue catfish caught in Maryland waters and financially harming harvesters and the Chesapeake Bay ecosystem.

Fiscal Summary

State Effect: None. The joint resolution does not directly affect State finances.

Local Effect: None.

Small Business Effect: None. Small businesses are not directly affected.

Analysis

Current Law/Background: A 2014 memorandum of understanding (MOU) between the Food Safety and Inspection Service (FSIS) of USDA and FDA indicates that the Agricultural Act of 2014 (2014 Farm Bill), enacted February 7, 2014, directed USDA to execute an MOU with FDA to, among other things, maximize the effectiveness of limited personnel and resources by ensuring that inspections of shipments and processing facilities for fish of the order Siluriformes (which includes blue catfish) by the agencies are not duplicative. The MOU established working arrangements between the agencies “to

facilitate each agency's efforts to discharge its responsibilities related to the regulatory oversight of fish and fish products and to achieve the purposes identified in the 2014 Farm Bill.”

Under the MOU, the agencies agreed that (1) FSIS would exercise primary regulatory oversight over Siluriformes fish and fish products; (2) FDA would not inspect Siluriformes fish and fish products at domestic and foreign establishments that grow, slaughter, or process such fish and fish products unless requested by FSIS, but would continue to exercise regulatory oversight over all other fish and fish products; and (3) the agencies would plan for the orderly transition, in phases, from FDA to FSIS of primary regulatory oversight of domestically produced and imported Siluriformes fish and fish products.

A final rule issued by FSIS in December 2015, regarding the mandatory inspection of fish of the order Siluriformes and products derived from those fish, established a transition period from March 1, 2016, through September 1, 2017, when Siluriformes fish and fish products would be under the jurisdiction of FSIS, and after September 1, 2017, FSIS would fully enforce the regulations in domestic Siluriformes fish products and fish processing establishments.

The Department of Natural Resources (DNR) indicates that the current oversight system under FSIS has greatly limited the number of processors who deal in catfish. DNR and the Maryland Department of Agriculture, which engages in seafood as well as agricultural marketing efforts, both indicate that returning oversight responsibility to FDA may increase the market for wild invasive catfish caught in the Chesapeake Bay.

Additional Information

Prior Introductions: None.

Designated Cross File: SJ 3 (Senator Guzzone, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Agriculture; Department of Natural Resources; Department of Legislative Services

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mr/lgc

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