

**SJ4\_CBF\_SUPPORT\_AllisonColden.pdf**

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Position: FAV



# CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration  
Environmental Education

## Senate Joint Resolution 4

Natural Resources – Fishing – Wild-Caught Blue Catfish

Date: January 21, 2021  
To: Senate EHEA Committee

Position: Support  
Contact: Dr. Allison Colden, [acolden@cbf.org](mailto:acolden@cbf.org)

Chesapeake Bay Foundation (CBF) **SUPPORTS** SJ 4 which expands opportunities to reduce the population of invasive blue catfish in Chesapeake Bay waters. SJ 4 expresses the opposition of the Maryland General Assembly to the transfer of oversight responsibilities for the processing and inspection of wild catfish from the U.S. Food and Drug Administration (FDA) to the U.S. Department of Agriculture (USDA).

### **Invasive Blue Catfish are Detrimental to the Chesapeake Bay Ecosystem**

Blue catfish were first introduced in the 1970s and 1980s in Virginia to develop a recreational fishery. Since then, these highly invasive fish have rapidly expanded their range into nearly every Chesapeake Bay tributary. The blue catfish's ability to tolerate varying salinities, temperatures, and habitat types make it easy for them to move throughout the Bay. This expansion is especially troublesome as blue catfish are voracious generalist predators that feed on native species such as menhaden, striped bass, eel, shad, river herring, and blue crabs. In areas where blue catfish populations have been established, catfish make up approximately 75% of the total fish weight of all fish inhabiting the river. The adverse effects of blue catfish on Maryland's seafood industry and the Chesapeake Bay ecosystem could be catastrophic.

### **Burdensome Federal Regulations are Hamstringing Efforts to Remove Blue Catfish**

In 2017, federal oversight responsibilities for blue catfish harvest and processing were transferred from the FDA to the USDA. Currently, the USDA requires inspectors to be present throughout processing and requires a costly designated processing space. Most processors of blue catfish are small operators who cannot afford the cost of coming up to code. These strict regulations have deflated the commercial blue catfish market and inhibited the possibility of controlling this nuisance species through harvest. Without a viable commercial harvest, blue catfish will continue to invade the Chesapeake Bay and deplete our iconic natural resources.

A report by the U.S. Government Accountability Office (GAO) noted that transferring catfish inspections to the USDA splits seafood inspection responsibilities between the two agencies and duplicates efforts at a cost of approximately \$14 million annually. The GAO recommended Congress repeal the provisions assigning USDA oversight over catfish inspections. Repealing these provisions and giving FDA responsibility for blue catfish will not only provide economic incentives to the commercial fishing industry but will provide Maryland with an opportunity for cost-effective management of this invasive species.

### **CBF urges the Committee's FAVORABLE report on SJ 4.**

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

**SJ 4 Bill report for 1-21-21.pdf**

Uploaded by: McKitrick, James

Position: FAV



Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor  
Jeannie Haddaway-Riccio, Secretary

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January 21, 2021

The Honorable Paul G. Pinsky  
Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

The Honorable Cheryl C. Kagan  
Vice Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

***Re: Letter of Support – Senate Joint Resolution 4 – Natural Resources – Fishing  
– Wild-Caught Blue Catfish***

Dear Chair, Vice Chair ,and Committee Members,

The Maryland Department of Natural Resources offers its full support for Senate Joint Resolution 4 and respectfully requests a favorable committee report.

To protect the Chesapeake Bay from the growing threat of the Blue Catfish, the resolution urges the U.S. Congress to return federal oversight responsibilities related to the processing and inspection of wild invasive catfish caught in the Bay to the U.S. Food and Drug Administration.

Based on feedback from seafood dealers and watermen alike, the department has determined that the commercial processing industry, key to removing the invasive threat, is suffering from the currently regulatory regime of the U.S. Department of Agriculture (USDA). Under the USDA, there is a low return on investment going for Blue Catfish because there are not enough processors buying the catch. This lack of competition keeps the price per pound low. Processors are also geographically limited due to the burden of the new regulations, with the Eastern Shore lacking a single catfish processor.

Moreover, current catfish dealers are critical of USDA regulation, largely because they restrict the ability of the dealers getting product to market. The supply of the processed product cannot be matched up with orders because of the mandated USDA inspector schedule. Where dealers have flexibility to process other wild catches as they come in, USDA inspectors can only work set hours with overtime pay on weekends and holidays being characterized as “punitive”. As a result, dealers must try and predict the number of orders for the following day, while factoring for spoilage. They are sometimes over and sometimes under in supply due to relatively volatile demand.

Other noted burdens to processing is that USDA inspector schedules cannot be altered without providing two-weeks notice, giving dealers even less of a chance to respond to incoming products. Processing catfish under current regulation also requires the room to be cleared of all other seafood products, causing disruption to the rest of the business. This

requirement in particular led to at least a dealer going from bringing in 1,000 to 2,000 pounds per week before the regulations went into effect to less than 100 pounds per week of product purchased second-hand.

For the above reasons, the Maryland Department of Natural Resources respectfully requests the Committee to grant Senate Joint Resolution 4 a favorable report.

Respectfully submitted,

James W. McKitrick  
Director, Legislative and Constituent Services

# **MDA - SJ 4 - Letter of Support.pdf**

Uploaded by: Shirk, Cassie

Position: FAV



# Maryland Department of Agriculture

*Office of the Secretary*

**Larry Hogan**, Governor  
**Boyd K. Rutherford**, Lt. Governor  
**Joseph Bartenfelder**, Secretary  
**Julianne A. Oberg**, Deputy Secretary

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## Maryland Department of Agriculture

### Legislative Comment

**Date:** January 21, 2021

**BILL NUMBER:** Senate Joint Resolution 4

**SHORT TITLE:** Natural Resources – Fishing – Wild–Caught Blue Catfish

**MDA POSITION:** Support

#### **EXPLANATION:**

Senate Joint Resolution 4 urges the United States 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).

#### **BACKGROUND INFORMATION:**

The blue catfish is an invasive species that is found in the Chesapeake Bay and its tributaries. In order to control the population, it is crucial to increase the commercial harvest and consumption of this fish. By exempting blue catfish from inspection rules promulgated by the U.S. Department of Agriculture, this would enable more blue catfish to be processed and harvested.

The blue catfish harvest has increased steadily in Maryland. According to the National Oceanic and Atmospheric Agency (NOAA) and the Maryland Department of Natural Resources (DNR), the most recent records, for 2018, show a harvest of 2.8 million pounds. In 2017, 1.7 million pounds were harvested.

The harvest in prior years is as follows: 2017 - 1,741,955 pounds; 2015 - 935,132 pounds; 2014 - 528,546 pounds; and 2013 - 316,760 pounds.

The Maryland Department of Agriculture (MDA) Seafood Marketing Program has promoted blue catfish through advertising, media relations and direct-to-consumer sampling since 2017. In the most recent NOAA information, from 2019, it shows the value of the blue catfish caught by Maryland watermen to be \$1,134,435. In 2018, it brought in \$1,082,032, and in 2013, \$164,907.

MDA's advertising – billboards, radio, events – has created more than 13 million impressions for blue catfish among consumers. MDA worked with the Maryland Restaurant Association in 2020

on a blue catfish cooking competition for chefs to advance to the World Food Championships Chef Challenge in Dallas, Texas.

Blue catfish processors, Capital Seaboard, JJ McDonnell, Reliant Seafood and ProFish in Washington, D.C., could benefit with more flexible processing schedules through the FDA. One of the state's largest seafood companies, Congressional Seafood, is no longer processing blue catfish due to difficulties with the USDA inspection processing schedule. With more available processing capacity and steady supplies at the FDA, the market for the catfish has the potential to increase, thus potentially increasing the profitability of seafood processors and opening additional markets for watermen while combating an invasive species. DNR reports that 55 watermen harvested blue catfish in 2019.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at [cassie.shirk@maryland.gov](mailto:cassie.shirk@maryland.gov) or 410-841-5886.