ISSC 2017
Committee Report

Committee Name : Import Assessment
Chairperson: Darcie Couture
Date of Meeting: 10/16/2017 **Approved By:**_____
Recorder: Darcie Couture **Printed Name:**

Committee Members Present:

☒Darcie Couture (Chairperson)	☐David Fyfe	☒Bill Kramer (EPA Delegate)	☒~~Jon Bell~~ Cheryl Lassiter (NOAA Delegate)
☐~~Jeff French~~	☐Lisa Redfern	☒Kris Phelps (FDA Delegate)	
	☐Danielle Schools		

Charges

Charge 1: Identify effective steps for addressing concerns associated with shellfish imported from non-MOU countries.

Findings/Conclusions: FDA (Kris Phelps) provided a brief presentation to highlight existing roles, responsibilities, and challenges concerning imported shellfish. The following items summarize the discussion:

1) FDA may only embargo imported live shellfish if it is visibly adulterated (e.g. presence of filth or vermin), or if it is misbranded (e.g. raw product is labelled as "cooked"). The lack of any currently available quantifiable test to determine if a product is raw or cooked makes this mislabeling determination impossible to achieve at present time.

2) FDA does not currently have any federal statute authority to seize or detain raw shellfish that are sourced from non-MOU countries, and although the state Authority is notified of the issue, the product is often released into the market by the importer during the time that passes between notification of the state Authority and any response from that Authority.

Recommendations:

1) The development of a quantitative test for "raw versus cooked" would greatly improve the ability for FDA to determine if shellfish imports are being mislabeled, and allow the product to be held by the federal agency prior to entering the domestic market. Previous thermozyme testing technology has been used in this purview successfully in the past, but the company that previously produced the product discontinued it several years ago. A new company (Neogen) has recently expressed interest in meeting this need for the shellfish industry and regulators, and the pursuit of this new relationship would be an important step towards re-establishing a method to determine mislabeled product by both federal and state authorities. Existing thermozyme technology could be resurrected and re-tooled, and would be suitable for a lab-based determination, but there is also encouragement for the development of a rapidly-deployed field-based test.

2) The most straightforward solution to the problem of non-MOU raw shellfish entering the United States would be to create federal statute authority for FDA to handle the problem prior to this product entering the domestic market; however, until this happens, several other suggestions were put forward that might help to address the gap between non-MOU raw product release by FDA, and notification/action by the state Authority. Specifically, these recommendations are:

a) Provide FDA with detailed contact information for state Authority personnel who are responsible for handling NSSP non-compliance import issues, to expedite notification at a state level.

b) Consider creating a “real-time” database of reported import embargo/actions by state Authorities which is accessible to all ISSC members in a central location (such as ISSC web portal), in order to provide the ability for state Authorities to see real-time patterns and perhaps be better prepared for potential non-MOU product entering their borders.

c) Request federal agencies (FDA and NOAA) to review potential overlapping authority regarding the trade monitoring program administered by NOAA – is it possible to catch some of these non-MOU imports by using authority of both agencies?