

**Alabama Branch NAACP • Alabama Chapter Sierra Club • Asian Americans for Change Bayou Blue Presbyterian Church • Bayou Interfaith Shared Community Organizing Biloxi Branch NAACP • Boat People S.O.S. • Deep South Center for Environmental Justice, Dillard University • Delta Chapter Sierra Club • Emerald Coastkeeper, Inc. Environment America • Episcopal Community Services of Louisiana • Equality and Inclusion Campaign • Florida Branch NAACP • Galveston Baykeeper • George Washington University Institute for Crisis, Disaster, and Risk Management • Gulf Coast Group of the Mississippi Chapter, Sierra Club • Greenpeace USA • Guardians of the Gulf Gulf Islands Conservancy, Inc. • Gulf Restoration Network • Hurricane Creekkeeper Louisiana Bucket Brigade • Louisiana Environmental Action Network • Mary Queen of Vietnam Community Development Corp. • Mississippi Branch NAACP • Mississippi Chapter Sierra Club • Mississippi Coalition for Vietnamese-American Fisherfolks and Families • Mobile Baykeeper • National Association for the Advancement of Colored People • Natural Resources Defense Council, Inc. • Portersville Revival Group • Sierra Club • Texas Branch NAACP • Turkey Creek Community Initiative**

December 8, 2010

Donald Kraemer  
Acting Deputy Director  
Center for Food Safety and Applied Nutrition  
Food and Drug Administration (FDA)  
5100 Paint Branch Parkway  
College Park MD, 20740

cc: Joshua Sharfstein MD, Principal Deputy Commissioner, FDA  
Michael Taylor JD, Deputy Commissioner, Office of Food, FDA  
Michael Bolger, Ph.D., Division of Risk Assessment, FDA Center for Food Safety and Applied Nutrition

Re: Food and Drug Administration (FDA) Seafood Safety Assessments – Gulf Coast Seafood Consumption Rates

Dear Mr. Kraemer:

Thank you for your efforts to ensure the safety of seafood harvested from the Gulf of Mexico following the BP oil spill. We appreciate FDA's willingness to hear concerns from the public about whether the FDA risk assessment adequately protects the most exposed and vulnerable Gulf Coast residents from potential contaminants. In particular, we remain concerned that the FDA is relying on inadequate assumptions of seafood consumption that do not reflect local diets and potentially underestimate exposures to contaminants in seafood.

In a letter dated October 1, 2010 (enclosed), we suggested that FDA adopt the higher and well-validated seafood consumption rates utilized by the Environmental Protection Agency (EPA) and the World Health Organization (WHO) to ensure the protection of high-end seafood consumers. To date, we have not received any response from the agency.

In order to better assess the FDA's estimates, we conducted an independent survey of seafood consumption among Gulf Coast residents, with a special emphasis on local fishing communities. Our survey was not designed as a random sample; instead it was designed to test the hypothesis that the FDA seafood consumption estimates are adequate to reflect the diet of Gulf coastal populations that include fishing communities and other heavy seafood consumers. We found that FDA assumptions for consumption frequency and meal size significantly underestimate exposure levels for the majority of the Gulf respondents to our survey. These people would not be protected by the FDA guidelines on Gulf seafood contamination. In other words, levels of polycyclic aromatic hydrocarbons (PAHs) in seafood that would fall within the FDA guidelines as acceptable would in fact expose these people to levels of cancer-causing chemicals more than 10-fold higher. A summary of our findings is presented here and a more detailed report is attached.

Our survey included 547 Gulf Coast residents in Louisiana, Mississippi, Alabama and Florida. Gulf Coast residents were defined as those living in counties which border the Gulf of Mexico or an associated water body. Participation in the survey was voluntary, was not contingent on consuming any Gulf seafood, and was open online and in paper form (in English and Vietnamese) to all residents of Gulf Coast counties during the period from August through October 2010. Outreach was done through dozens of local community groups, distribution at public meetings, and through the media.

In our study population, the reported consumption frequency for fish, shrimp, oysters, and crab exceeded the FDA consumption assumptions in many or most respondents. For example, the average consumption rate for fish was 3 servings per week, and the 90<sup>th</sup> percentile was 5 servings per week, significantly exceeding the FDA assumption of two fish servings per week. The mean and 90<sup>th</sup> percentile consumption rates for shrimp were 2 and 5 respectively, significantly exceeding FDA's assumption of 1 serving per week.

We compared the median shrimp consumption rate for the study as whole (48 grams/day), respondents from Louisiana rural fishing communities (53.3 g/day), and respondents from Vietnamese-Americans in Louisiana and Mississippi (64g/day), and the 90<sup>th</sup> percentile of the whole survey (160 g/day) to the estimate used by FDA (13 g/day). The consumption rates all exceed FDA estimates by 3.6, 4.0, 4.8 and 12.1 times respectively.

Although our Gulf seafood consumption survey did not represent a random sample, the results are significant in that they clearly show that a significant portion of Gulf Coast residents eat substantially more seafood than reflected in FDA's risk assessment, and that some residents exceed FDA consumption rate estimates by more than 10-fold. These residents would not be protected by the contaminant cut-offs that are currently considered acceptable by FDA. Furthermore, the reported body weights in our study averaged below the 80 kilograms (176 lbs) used by FDA, and a significant proportion of respondents (44%) reported having children at home who eat seafood, while 1.6% of our respondents were pregnant or nursing.

Based on these findings, we are asking FDA to expedite a reassessment of the cut-off levels used for contaminants in Gulf seafood to assure that local dietary patterns and other vulnerabilities are incorporated, and to assure Gulf Coast residents that their health is protected in decisions about seafood safety. If the FDA requires published seafood consumption rates for their reassessment, such data are readily available from the Environmental Protection Agency (EPA) and the World Health Organization (WHO) for subsistence fishing populations, and based on our study the data from these other agencies would be significantly more protective of the local population.

We look forward to your response.

Sincerely,

**Natural Resources Defense Council, Inc. (NRDC)**  
Albert Huang, JD, Environmental Justice Attorney  
Miriam Rotkin-Ellman, MPH, Staff Scientist  
Dr. Gina Solomon, MD, MPH, Senior Scientist

**Asian Americans for Change (AAC)**  
Kaitlin Truong, Executive Director  
Biloxi, MS

**Bayou Blue Presbyterian Church (PCUSA)**  
Kristina Peterson, Pastor  
Gray, LA

**Bayou Interfaith Shared Community Organizing (BISCO)**  
Sharon S. Gauthe, Executive Director  
Thibodaux, LA

**Boat People S.O.S. (BPSOS)**  
Grace M. Scire, Gulf Coast Development Director

**Deep South Center for Environmental Justice, Dillard University**  
Dr. Beverly Wright, Executive Director  
New Orleans, LA

**Emerald Coastkeeper, Inc.**

Chasidy Fisher Hobbs, Executive Director & Coastkeeper  
Pensacola, FL

**Environment America**

Heather Emmert, Gulf States Field Organizer  
New Orleans, LA

**Episcopal Community Services of Louisiana**

Nell Bolton, Executive Director  
New Orleans, LA

**Equality and Inclusion Campaign**

Monika Gerhart, Director of Policy & Government Relations  
New Orleans, LA

**Galveston Baykeeper**

Charlotte Wells,  
Galveston, TX

**The George Washington University Institute for Crisis, Disaster, and Risk Management**

Laura Olson, Research Scientist  
Washington, DC

**Greenpeace USA**

Mark Floegel, Senior Investigator

**Guardians of the Gulf**

Robin Young, Co-President  
Orange Beach, AL

**Gulf Islands Conservancy, Inc.**

Terese P. Collins, President  
Gulfport, MS

**Gulf Restoration Network (GRN)**

Cynthia Sarthou, Executive Director  
New Orleans, LA

**Hurricane Creekkeeper**

John L. Wathen, Director  
Tuscaloosa AL

**Louisiana Bucket Brigade**

Anne Rolfes, Founding Director  
New Orleans, LA

**Louisiana Environmental Action Network (LEAN)**

Marylee M. Orr, Executive Director  
Baton Rouge, LA

**Mary Queen of Vietnam Community Development Corp. (MQVN CDC)**

Diem Nguyen, Executive Director  
New Orleans, LA

**Mississippi Coalition for Vietnamese-American Fisherfolks and Families**

Thao (Jennifer) Vu, Co-Coordinator  
Gulfport, MS

**Mobile Baykeeper**

Casi Callaway, Executive Director  
Mobile, AL

**National Association for the Advancement of Colored People (NAACP)**

Kathy Eglund, National Board Member  
Biloxi, MS

**NAACP, Alabama Branch**

Bernard Simelton, Alabama State Conference President  
Montgomery, AL

**NAACP, Biloxi Branch**

James T. Cromwell, Branch President  
Biloxi, MS

**NAACP, Florida Branch - Miami**

Adora Obi Nweze, Florida State Conference President  
Miami, FL

**NAACP, Florida Branch – Fort Walton**

Lewis Jennings, Florida State Conference Oil Spill Disaster Coordinator  
Fort Walton Beach, FL

**NAACP, Mississippi Branch**

Derrick Johnson, Mississippi State Conference President  
Jackson, MS

**NAACP, Texas Branch - Austin**

Gary Bledsoe, Texas State Conference President  
Austin, TX

**NAACP, Texas Branch - Odessa**

Gene O. Collins, Environmental Justice Co-Chair  
Odessa, TX

**Portersville Revival Group**

Brandi Purvis, Vice President  
Codens, AL

**Sierra Club, Alabama Chapter**

Carol Adams-Davis, Chapter Delegate – Mobile Bay  
Mobile, AL

**Sierra Club, Delta Chapter**

Haywood Martin, Chair  
New Orleans, LA

**Sierra Club, Mississippi Chapter – Gulf Coast Group**

Steve Shepard, Gulf Coast Group Chair  
Jackson, MS

**Sierra Club, Mississippi Chapter**

Michael Berk, Chair  
Jackson, MS

**Sierra Club, National Chapter**

Devorah Ancel, Attorney

**Turkey Creek Community Initiative (TCCI)**

Derrick Evans, Director  
Gulfport, MS