

U.S. FDA Ban on raw oysters will put thousands of Gulf Coast men and women out of work, and threaten other regions

Shellfish community and food lovers nationwide unite against plan

OCT. 23 - An unprecedented proposal to ban raw Gulf Coast oysters, developed unilaterally by the U.S. Food and Drug Administration, will threaten thousands of jobs and crush a clean, sustainable fishery, according to food lovers, fishermen and community leaders.

On Saturday, Oct. 17 the FDA made a surprise announcement at a meeting of shellfish regulators and industry, telling them that the agency plans to ban the sale of live, in-the-shell Gulf Coast oysters for as much as 8 months every year. The proposed ban was developed without public input and FDA officials admit they have not analyzed the economic impact. Officials have also suggested that new restrictions may be in the works for West Coast and East Coast shellfish.

"This would cost us thousands of jobs and tens of millions of dollars if we were unable to sell our oysters as we do today. The new FDA direction makes no sense – Louisiana is still struggling to recover from Hurricane Katrina," said Al Sunseri of P & J Oyster Co. in New Orleans.

FDA officials suggested that consumers of live half-shell oysters will willingly switch to frozen or processed versions of the traditional Gulf Coast food, but that's absurd, according to restaurant owner Chris Hastings.

"I'm not buying a frozen or pasteurized oyster," says Hastings, owner of the Hot and Hot Fish Club in Birmingham, Alabama, a nationally recognized restaurant specializing in fresh, regional food. Hastings says FDA's belief that consumers will simply switch to processed oysters is like claiming that people don't appreciate the difference between fresh strawberries and frozen ones.

"It's just such a false statement," Hastings says of the suggestion that processed oysters can replace fresh ones. "And it's a false assumption that the Gulf oyster business can survive with such harsh new regulations," he adds.

Shellfish growers in other regions are worried that the Gulf Oyster ban could set the stage for oppressive rules all around the country.

"A requirement to process oysters flies in the face of the resurgence of raw oyster bars across the country, and the growing natural "slow" foods movement," says Robin Downey, executive director of the Pacific Coast Shellfish Growers Association. "Growers are proud of the high quality, wholesome, fresh shellfish they provide to their customers. Taking the choice to eat raw oysters away from them is preposterous."

The East Coast shellfish community expressed concern, too.

Bob Rheault, executive director of the East Coast Shellfish Growers Association, says it's clear that regulation of his region is likely not far behind. "I am concerned that the FDA had chosen to disregard decades of cooperation between state managers and the FDA," Rheault says. "FDA openly acknowledges that even this economically crippling regulation will not eliminate the problem. So one has to ask "What's next?"

State regulators also expressed concern with FDA's unilateral action.

At the final Voting Delegates meeting of the Interstate Shellfish Sanitation Conference on Oct. 23, delegates from state regulatory agencies voted unanimously to push ahead with the collaborative illness control plans that have been in the works for the last two years: improvements in harvesting and refrigeration of Gulf Coast oysters. ISSC has not endorsed FDA's proposed ban on Gulf oysters.

On the Gulf Coast, oysters are the economic cornerstone for many small towns, employing thousands of individual oyster fishers and plant workers and supplying a network of oyster bars and restaurants throughout the region. Shutting down for 8 months would be a disaster, says Leo "Chipper" McDermott, mayor of Pass Christian, Mississippi. The oyster industry "is vital to the Gulf Coast area," he says, adding that a ban "will have

a devastating effect” on the coastal economy. “I wish they would come down here and look at the real economic impact,” McDermott says of FDA officials.

With unemployment already near 10 percent nationally, the proposed ban has many baffled and angry. “This could be the end of our way of life,” says Tommy Ward of Buddy Ward and Sons Seafood in Apalachicola, Florida. “It would bankrupt our town,” adds Anita Grove, director of the Apalachicola Bay Chamber of Commerce.

FDA officials say the Gulf oyster ban is necessary to protect public health because a naturally occurring bacteria sickens about 30 people each year. The bacteria, *Vibrio vulnificus*, can be deadly for people with pre-existing medical conditions, such as liver damage caused by chronic alcohol abuse.

But virtually none of the *Vibrio vulnificus* cases on record have hurt healthy people, and many questioned why the FDA is singling out one small industry when others do so much more harm.

According to the FDA there are an estimated 76 million cases of foodborne illness annually, resulting in 325,000 hospitalizations and 5,000 deaths. But the *Vibrio vulnificus* bacteria that the oyster ban is supposed to address is responsible for only 1/10 of 1 percent of food-related deaths (about 15 per year are traced to Gulf Coast states) and an even smaller percentage of illness, according to CDC estimates. In other words, 99.9 percent of illnesses occur in other foods, but FDA wants to ban raw oysters. The *Vibrio* bacteria exist in salt waters around the world.

Shellfish lovers say they know traditional raw oysters aren’t for everyone. Some people turn up their noses at the very thought, just like some people choose not to eat meat, wild mushrooms, sushi, raw eggs or chicken. But fishermen and restaurant owners ask, if the FDA can ban raw oysters, what’s next? A ban on raw clams? Peanuts? Fresh fruit and vegetables?

Under pressure from shellfish regulators, harvesters, and dealers, the FDA has tentatively agreed to examine the economic impact of the proposed ban, and has also agreed to a collaborative meeting in the summer of 2010 to focus on the proposed Gulf oyster ban, which would take effect in the spring of 2011.

“The FDA proposal is scientifically and legally flawed,” says Kevin Begos, executive director of the Franklin County Oyster & Seafood Task Force. “There is no such thing as zero-risk in life, and people have the right to eat a simple, natural food that humans have enjoyed for thousands of years.”

The shellfish community had been working with FDA and state regulators on improved refrigeration and harvest controls, and Begos said the community will continue such efforts. FDA officials admit their unilateral action may be unprecedented for the agency.

Begos noted that tax dollars are paying for the misguided FDA crusade, and that public health rules are supposed to target the biggest problems, not the smallest ones. “With a federal deficit of over 9 trillion dollars, does it make sense to go after the industry that causes 1/10 of a percent of all food illnesses, or focus on the 99.9 percent of the problem?” Begos asked.

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