

**Testimony of Mike Voisin
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**House Energy and Commerce - Subcommittee on Energy and Environment Hearing
entitled "The BP Oil Spill: Accounting for the Spilled Oil and Ensuring the Safety
of Seafood from the Gulf."**

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Good Morning, Mr. Chairman and thank you for the opportunity to speak to the Subcommittee today about the impact of the Deepwater Horizon oil spill on the safety of seafood sourced from the Gulf of Mexico.

I am a seventh generation oyster farmer and processor located in Houma, Louisiana. Our farm comprises approximately 10,000 acres of water bottoms in coastal Louisiana which produce between 15 million and 25 million pounds of in-shell oysters annually. This represents 45 million to 75 million individual oysters each year. Since our oysters can take anywhere from 2 to 4 years to grow to harvest size, our farm may contain anywhere from 135 million to 225 million individual oysters at any one time.

In addition to running my family business, I am also active in many government organizations along the Gulf and South Atlantic region and serve on the Louisiana Wildlife and Fisheries Commission. I am also the former Chairman of the National Fisheries Institute, which is the nation's leading advocacy organization for the seafood industry.

Louisiana is second only to Alaska in total seafood landings. Gulf seafood has been culturally important for hundreds of years to the people of Louisiana and our coastal communities. While we lead the nation in crawfish, shrimp, and oyster production, we also have a wealth of fresh and saltwater finfish that has made our state one of the largest commercial and recreational fisheries in America. In 2008, our commercial fishermen harvested 1.27 billion pounds of seafood from the Gulf, which represents nearly \$660 million in dock side value alone. Meanwhile, 3.2 million recreational fishermen along our shores took to the water completing a total of 24 million fishing trips.

The Deepwater Horizon oil spill is clearly an ecological and human tragedy that will surely effect not only the fragile habitats where fish and shellfish are harvested, but the very core of the community that brings these iconic delicacies from the waters of the Gulf to the tables of America. The Gulf community is one built not only on the bounty of pure waters, but on the backs of small business men and women whose families, like mine, emigrated to the shores of Louisiana, called by the sea and a culture like no other in this country.

That culture and those Americans need your support during these challenging times. Fishermen, shrimpers and oystermen who have harvested safe healthy seafood from the Gulf for generations have been severely economically impacted by the precautionary closures of State and federal waters along parts of the coast. The seafood community has been actively engaged with both state and federal officials as they closely monitor the Gulf waters and only now begin to reopen those waters. We have worked closely with the National Oceanic and Atmospheric Administration (NOAA) and the Louisiana Department of Wildlife and Fisheries (DWF) on monitoring the opening and closing of fishing areas.

We strongly supported the precautionary closures at the outset of this tragic event in order to ensure consumers continue to have access to seafood maintained with the level of quality and safety expected from the Gulf. And now, as we did then, we support regulators as they reopen the waters and continue their ongoing efforts to protect consumers.

We agree that closing harvest waters which could be exposed to oil was the best way to protect the public because this prevented potentially contaminated seafood from entering the marketplace. Closures made with the intent to ensure seafood was as safe as possible were balanced with not closing any fishing areas unnecessarily. And as a testament to that system, we know now that no contaminated product has made its way into the market.

Waters are reopened only when oil from the spill is no longer present and the seafood samples from the area successfully pass chemical testing. Areas considered for reopening must be free of oil before seafood testing even begins. NOAA follows a strict reopening protocol in which they work in collaboration with the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) and the Gulf States to take product samples from an area that is designated to be reopened. The product samples are then turned over to scientists like the ones at NOAA's National Seafood Inspection Laboratory in Pascagoula, Mississippi. The product is logged, dissected and divided into parts that are sent for sensory analysis and chemical analysis testing. A panel of seven experts from NOAA and FDA perform a sensory analysis test; in order for a sample to pass, five of the seven experts must give the ok. If three out of the five panelists say no, then the fish fails or the sample fails and the area from which the fish was caught will not be reopened.

Sensory analysis testing is a heavily established, verifiable and highly scientific way to detect contamination. The testing consists of a raw odor evaluation, a cooked odor evaluation and a cooked flavor evaluation -- the product must pass all three of these evaluations. If the product fails the sensory analysis testing, then testing is ended and the source area will not be reopened. If the product passes the sensory analysis testing, it then goes on to the next step where a chemical analysis is performed.

The samples for the chemical analysis for federal openings are sent to NOAA's Northwest Fishery Science Center in Seattle, Washington and the state samples are sent to a FDA laboratory. At these labs, samples are tested for the complex mixture of components of crude oil called hydrocarbons. Polycyclic aromatic hydrocarbons (PAHs) are of greatest concern because they are most likely to accumulate in seafood tissue and, in very high concentrations, may pose a health threat to people who eat seafood often over several years. In order for a sample to pass the chemical analysis, any chemicals detected by the laboratory must be below established "levels of concern," or exposure levels that may cause health problems. Scientists will test for 12 different polycyclic aromatic hydrocarbons and the sample must be below the agreed upon threshold for all 12 in order for it to pass.

NOAA and the FDA have collected 5,658 specimens, and NOAA reports that all of its samples have been at least 100 to 1,000 times below the threshold "level of concern," so these samples are not just passing – they are passing with a huge margin of safety. As for the sensory tests, there were only seven hits out of all the fish inspected where a person thought they smelled oil or tasted oil, and every single seafood sample from reopened waters has passed the necessary screening done by FDA and NOAA.

NOAA has the authority to close federal waters to fishing, and states have the authority to close waters within their jurisdiction. NOAA is closely monitoring the surface and subsurface movement of oil and has the ability to expand closed areas, as do states. We support state and federal regulators acting to re-close areas should they find evidence that reopened zones have been in contact with previously undetected oil.

The Gulf seafood community applauds the Administration for taking the lead on coordination of a comprehensive multi-government agency response effort and we appreciate the collaborative efforts of NOAA, FDA, EPA and the state authorities including the Louisiana Department of Health and Hospitals (DHH.) We are pleased that the state agencies are working closely with the federal government and we are thoroughly confident that every necessary step is being taken to ensure the continued safety of seafood sourced from the Gulf.

Species found in the Gulf do not recognize federal or state waters and pass freely from one to the other. That is why the testing being done by federal regulators is so important in concert with the testing being done by regional regulators like the Louisiana Department of Health and Hospitals. To date, Louisiana scientists have collected hundreds of sample batches that represent thousands of individual fish and shellfish from Lake Pontchartrain to Cameron Parish, even collecting samples already harvested at seafood wholesale and processing facilities. Like their federal brethren they too, time and again, find clean safe seafood.

After thousands of tests, the public should not be concerned about the safety of Gulf seafood. We've all seen media reports raising questions about the safety of Gulf seafood, which stand in contrast to all the federal and state testing we have seen. It is absolutely critical to the gulf seafood community that a consistent and precise message continues to be delivered or consumers may unnecessarily shy away from this healthy product.

Throughout this crisis there has been a tremendous amount of finger pointing associated with the response. I am pleased to be able to report that, when it comes to food safety and public health, there are no fingers being pointed at federal and state regulators. With refreshing speed and undeniable dedication, myriad branches of government have come together to protect consumers and help us protect our way of life. We are grateful for that and have confidence that as these agencies collaborate in their further investigation of dispersants they will apply the same perseverance.

We have corresponded with PhD's, we have met with MD's, and we have spoken to scientists. We have educated ourselves and understand that the demonstrable risk from dispersants is negligible and we hope further studies will be able to help consumers understand this.

I would again like to thank the Administration, the FDA, EPA, NOAA and local regulators for all they have done. And I thank the Subcommittee for the opportunity to address the importance of this issue. I would be pleased to answer any questions. Thank you.