



November 9, 2009

U.S. Senate
Washington, DC 20515

Dear Senator:

As victims of foodborne disease and representatives of consumers, the members of the Make Our Food Safe Coalition (MOFS) listed below ask you to support the FDA's efforts to protect the public from deadly oysters. Virtually all Gulf Coast oysters harvested during the summer months contain a deadly bacterium *Vibrio vulnificus* which can cause serious illness and death. Each year scores of consumers are sickened, and many are hospitalized with life-threatening illness, like septicemia, caused by these oysters. Half of these victims die. These deaths and illnesses are entirely preventable and it is vital that you reject attempts by a small portion of the oyster industry to continue the practice of selling adulterated oysters.

On October 17, the FDA announced that starting in 2011 it will no longer tolerate illnesses and deaths caused by oysters contaminated by *Vibrio vulnificus*. At that time, FDA will require post-harvest treatment of oysters intended for raw consumption if they are harvested during the warm summer months in the Gulf of Mexico. The Agency has granted the industry an additional two years from now to institute post-harvest processing, which we believe is, in fact, too lenient.

FDA's action was not a surprise to the industry. The agency, as far back as 2001, informed the Gulf Coast shellfish industry that post-harvest processing would be necessary if their voluntary efforts failed. And since 2003, California has required post-harvest processing of Gulf Coast oysters sold in that state during summer months. The measure has proven entirely effective at protecting the health and lives of Californians, completely eliminating illnesses and deaths from *Vibrio vulnificus* in that state. FDA's action applies this same proven public health approach to the entire country.

The shellfish industry is fighting FDA's action, claiming it will negatively impact jobs in the Gulf region, a claim that is merely speculative. It also disregards the fact that over three-quarters of Gulf Coast oyster production would not be affected by FDA's policy because they are not harvested in warm weather months, are not consumed raw or are already processed in a way that reduces the risk of illness from *Vibrio vulnificus*. Even if this argument was grounded in fact, no industry has the right to put food on the market that sickens, maims or kills its customers just for the sake of staying in business.

Similarly, some claim that the required treatments are too costly or that they negatively impact the taste and quality of the oysters. It is our understanding that the treatments will cost as

November 9, 2009

Page 2

little as 2¢ per oyster and have little to no impact on flavor. In addition, cold water oysters that do not carry this strain of *Vibrio* are readily available.

Meanwhile, at least 475 illnesses – including 242 deaths – since 1995 caused by *Vibrio vulnificus* are a very concrete reminder of the consequences of allowing the status quo to continue.

Unfortunately, the powerful Gulf Coast oyster industry is asking its Members of Congress to prevent FDA from implementing this policy and from carrying out its core mission of protecting public health. In view of the virulence of this pathogen, the length of time the industry has already had to address the problem and the public health impact, we urge you to reject industry efforts to overturn the FDA's actions. The Agency and consumers need your support to assure the toll of illness and death from this preventable foodborne pathogen will not continue past next summer.

Sincerely,

Center for Science in the Public Interest
Consumer Federation of America
Consumers Union
National Consumers League
Pew Charitable Trusts
S.T.O.P.- Safe Tables Our Priority
Trust for America's Health