



MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

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News Release

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FOR IMMEDIATE RELEASE

DMR and MSDH Officials Express Concerns Over FDA's Actions Dealing with Gulf Oysters

BILOXI, Miss. – The Mississippi Department of Marine Resources (DMR) and the Mississippi State Department of Health (MSDH) are expressing serious concerns over the U.S. Food and Drug Administration's (FDA) dramatic policy change pertaining to oysters harvested from the Gulf of Mexico during the months of April through October. The FDA recently announced at a meeting in Manchester, N.H., that it was withdrawing its previous support of a plan approved by the Interstate Shellfish Sanitation Conference (ISSC) and scheduled to begin full implementation in May 2010. The ISSC is an organization that has been accepted by the FDA for the handling of matters pertaining to shellfish sanitation.

The FDA's new ruling, which departs from the originally agreed upon plan to manage oyster safety, is proposed to take effect in April 2011 and will have a direct impact on all oysters intended for raw consumption harvested from states bordering the Gulf of Mexico during the months of April through October. The new rule would require that all of those oysters be treated with an approved post-harvest process (PHP) capable of killing the naturally occurring *Vibrio vulnificus* (*V.v.*) bacteria that may be present. *V.v.* may be found in warm coastal waters and is not a result of pollution. The PHP processes currently being used to treat about 15 percent of the oysters harvested from the Gulf include: individually quick frozen, high hydrostatic pressure, low-heat pasteurization and irradiation. The DMR and the MSDH feel that this new requirement is an unnecessary and burdensome change of course for the FDA, which has been working together with the ISSC for more than 10 years on a *V.v.* management plan.

The Gulf states have been working diligently with the ISSC to develop management strategies to minimize health risks to consumers. The Gulf states and ISSC have together developed a plan to drastically reduce the time oyster harvesters have to refrigerate oysters harvested in the warmer months which helps inhibit the growth of *V.v.* Many oyster processors and fishermen in the industry have already invested in equipment to meet the originally agreed upon refrigeration standards for harvesting, transportation and storage. As an example, beginning in 2010, oysters intended for raw consumption harvested in the warmest months would have to be refrigerated within 2 hours of harvest and the internal temperature of the oysters must be below 50 degrees within 6 hours. The ISSC and member states also conduct an extensive educational campaign to educate doctors and especially those at-risk consumers who are at a higher risk of contracting food-borne illnesses, such as those with conditions or diseases that have resulted in a compromised immune system.

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“The original ISSC regulation would significantly decrease the amount of *Vibrio vulnificus* found in the oysters,” Mississippi State Epidemiologist Mary Carrier said. “There have only been 72 reported cases of *Vibrio vulnificus* in the state of Mississippi over the past 18 years, and only three of those were known to be from eating oysters. The rest were either from wound or unknown causes. The new FDA proposal seems like an inordinate amount of regulation for a small amount of gain.”

The DMR and MSDH feel that the FDA’s new stance will be harmful to Mississippi’s oyster industry, which currently employs between 800 and 1,000 commercial fishermen, truck drivers and factory workers and has an estimated economic impact of \$70 million annually. This FDA ruling will result in increased costs to consumers and be a hardship on Mississippi’s oyster industry, which is still recovering from the devastation of Hurricane Katrina. According to Jennifer Jenkins of Crystal Seas Seafood in Pass Christian, “The price of a raw oyster will basically double due to the costs associated with the PHP treatment.”

Additionally, many people in the industry worry that consumers will not accept the PHP oysters because oysters are traditionally either eaten alive or cooked in various ways. Most PHP oysters are killed by the process and then preserved in a state comparable to the raw oyster which may change the taste, texture, color and possibly shelf life of the oyster.

DMR Executive Director Dr. William Walker said, “The Mississippi Department of Marine Resources works very hard to ensure Mississippi produces safe oysters. I believe the course of action originally set by the ISSC is the one that makes the most sense. While the requirements to reduce *Vibrio* illnesses set by the ISSC are very stringent for the industry, the health risks to susceptible consumers are expected to be reduced significantly, and it would still allow all consumers the traditional year-round choice of eating raw oysters harvested from the Gulf. The new rule proposed by the FDA would not allow consumers that choice. I continue encouraging everyone who may be at risk to either eat their oysters fully cooked or to purchase PHP oysters. I encourage the USFDA to reconsider the adoption of this new and unnecessary rule.”

The Mississippi Department of Marine Resources is dedicated to enhancing, protecting and conserving marine interests of the state by managing all marine life, public trust wetlands, adjacent uplands and waterfront areas to provide for the optimal commercial, recreational, educational and economic uses of these resources consistent with environmental concerns and social changes. Visit the DMR online at www.dmr.ms.gov.

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