

Written Testimony of
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Senator Rubio, thank you for the opportunity to appear before the committee this morning to discuss an issue of great importance to the State of Florida and the Gulf Region as a whole. As Florida Agriculture Commissioner, I will take this opportunity to share the Florida Department of Agriculture and Consumer Services' perspective on the status of recovery efforts following the tragic explosion of the Deepwater Horizon drilling rig. As we all know, the explosion and the resulting oil spill has caused damage throughout the Gulf states that will continue to be felt for years to come. Costs associated with recovery of sensitive environmental habitats, the fishing industry and lost tourism are not fully known, but it is clear that the impacts on the Gulf states' natural ecosystems, people and economy are enormous.

On April 20, 2010, Deepwater Horizon exploded in the Gulf and created a domino effect, toppling all the businesses that depend on the resources and the beauty of the Gulf of Mexico, including the Florida's seafood and aquaculture industries. Less than two weeks following the explosion, U.S. officials closed fishing in areas affected by oil spill for 10 days. Restaurants immediately felt the pain and because nearly half of all Florida seafood is eaten in restaurants, the seafood industry plummeted almost overnight. First reports revealed sales of all seafood had declined an average of 35 to 40 percent. According to a survey, 61% of all seafood buyers polled said they were concerned about the safety of Gulf seafood and were buying less of it.

It's been more than one year since the Gulf oil spill and we have yet to see a significant rebound in consumer confidence. In a survey conducted May through June 2011, results show 61 percent of consumers remain concerned about the safety of Gulf seafood, 59% remain concerned about unforeseen risks and 45% are concerned about the availability.

The extremely low consumer confidence in the safety of Florida seafood affects more than just the 13,000 licensed commercial fishermen. Florida's seafood and aquaculture industries have an economic impact of nearly \$600 million. Our fishermen and their corresponding businesses – charter boats, restaurants, hotels, seafood distributors and processors – all continue to suffer. Yet, testing shows that Florida Gulf seafood is safe and plentiful.

The Florida Department of Agriculture and Consumer Services holds the primary responsibility for ensuring safety of seafood for consumers. We play an equally important, but independent role, in promoting Florida agricultural products and I will address these areas separately.

First and foremost, the Florida Department of Agriculture and Consumer Services is the lead state agency for food safety. We are responsible for ensuring that all foods offered for sale meets state and federal standards for safety and quality and are accurately labeled. As it relates to this incident, my Department is unique among many states in having the laboratory capability and expertise to conduct the same testing used by the U.S. Food and Drug Administration (FDA) and National Oceanic and Atmospheric Administration (NOAA) to evaluate seafood for the presence of polycyclic aromatic hydrocarbons (PAHs) and dioctyl sulfo-succinate (DOSS), which indicate contamination with either oil or the dispersant associated with this event.

Since August 2010, my Department has collected nearly 300 seafood samples. The sampling, which targets Gulf species commonly consumed as well as higher value species, included 208 individual fish samples. In addition, the sampling targeted species more likely to contain oil residues such as shrimp and shellfish, including 38 shrimp samples (1/2 lb of shrimp = 1 sample), 34 oyster samples (15 oysters = 1 sample), 15 crab samples (10 crabs = 1 sample), 2 lobster samples and 1 clam sample. These samples are collected at “primary” processors – those businesses which receive their fish directly from the fishing vessels, so that location of harvest is known. In this way, we are able to identify the waters where the fish were harvested – a critical piece of information needed to ensure that the product being tested is product of greatest risk of exposure to the oil. Nearly all (87%) of the samples tested contained no detectable levels of oil contaminants. Of the 300 seafood samples tested, less than 13 percent were found to have any traces of possible oil contaminants whatsoever. All findings of traces were less than 1/1000th of the FDA’s levels of concern. Our testing shows that Florida seafood is safe to eat and has not been impacted by the oil spill.

In spite of this, media footage showing oiled beaches and wildlife continues to plague our seafood and tourism industries. Florida’s Gulf coast is suffering from a perception problem. Though science shows that seafood is safe, consumers believe otherwise.

As I mentioned earlier, my Department is also responsible for promoting Florida agricultural and seafood products. We are working to restore consumer confidence in Florida Gulf seafood by raising awareness in its proven safety. We have launched multiple marketing, advertising and promotional campaigns to reassure consumers that our seafood is safe. As early as May 2010, we initiated an aggressive public education campaign to communicate the facts about Florida seafood, fishing closures and differences between state and federal waters. Live

webcams were strategically placed around the state's Gulf coast to allow consumers to "Sea for Themselves" that Florida's fishing docks, retail fish markets, and restaurants were open for business and not covered with oil. Immediately after that quick-strike, we established a "Florida Gulf Safe" hotline to explain boundaries of closures and marketing conditions associated with various seafood product (for example, oysters are harvested from state waters only and no Florida oyster beds were closed as a result of this spill). We promoted the hotline statewide on television, newspapers and billboards.

In August of 2010, industry sales remained stagnant at 25 to 30 percent below normal levels. With the capping of the oil well, our marketing strategy shifted to "A New Day on the Gulf" and incorporated new television ads, newspapers, magazines, social media and Internet venues.

As recently as June of this year, consumers were still balking at Florida seafood. While we witnessed slight improvement in some markets following additional media outreach, March polling still indicated little movement, and as we approached the anniversary of the oil spill, file footage of oily beaches – nowhere near Florida – once again rattled consumer confidence. The entire year was radically different from other food safety events we've seen, such as the spinach, peanut butter or tomatoes, where "consumer comeback" was somewhat predictable and purchasing habits soon returned to - or near - pre-event patterns.

Lastly, my Department has been providing assistance to our seafood industry with the very convoluted Gulf Coast Claims Facility process. We have provided producers with our data to assist with documentation in support of their claims. We have witnessed repeated inexplicable delays and findings and this area remains extremely problematic. It is clear from talking with affected parties that much still

remains to be done to assure that people whose livelihoods have been impacted by the Deepwater Horizon spill are compensated.

I believe my comments thus far lay out our current situation – one where we can objectively demonstrate a healthy, unadulterated supply of Gulf seafood and yet, despite efforts to provide reassurance, consumers remain unconvinced. Seafood is safe yet consumers have not resumed previous purchasing and consumption habits. The industry continues to suffer and businesses are still struggling.

BP has committed \$20 million to the Florida Department of Agriculture and Consumer Services, independent of funds set aside for other damage assessment or restoration purposes, to enhance the Department's sampling efforts and to rebuild consumer confidence in the proven safety of Gulf seafood. Half of the funds are supporting reconfiguration of the Department's laboratories to accommodate increased sampling from our current 20 samples per month to 20 samples per week. Recognizing that fish caught and landed on the Gulf coast is marketed throughout our state, sample collection will expand from the Panhandle region throughout Florida. In addition, we are partnering with the Florida Fish and Wildlife Conservation Commission to collect samples directly from previously closed waters or other locations where it is deemed necessary.

The other \$10 million from BP will be dedicated to marketing Florida seafood. Starting this month, you will see the most aggressive marketing effort ever launched on behalf of Florida's seafood industry. We will train, educate and inform the industry from 'hook to cook.' Cutting-edge technology will be used to train wait staff in restaurants. Television, newspapers, toll booths and billboards will be plastered with Florida Gulf Safe messages. *Southern Living*, *Coastal Living*, *Garden and Gun* and *Guy Harvey* magazines will feature Florida seafood. In addition, we are working with more than 5,000 retail outlets to provide

financial incentives to rebuild the Florida seafood brand. If you attend any one of the hundreds of seafood festivals in Florida – or just sit at a computer on Facebook, you’ll see that Florida seafood is safe, abundant and affordable.

We are pleased that we were able to reach this settlement with BP. Without their funding, the Department would not be able to provide this level of testing to assure seafood safety; nor would we have the means to offer the marketing efforts to assist in rebuilding confidence in this industry. However, I must also emphasize that the full extent of impacts from this spill are not yet known.

It will be costly, yet necessary, for the state to continue to monitor the Gulf ecosystem to evaluate and address the long-term impacts of the spill. Further, it is obvious by talking to individuals and businesses that have been affected by this disaster that much is left to be done to help them fully recover from the economic hardships they have been faced with. I believe we must accept the fact that the effects of this spill will not be fully understood for some time to come and that we must remain committed to making Florida and the other Gulf states – our people and our environment “whole”.