The Risks of Imported Crustacean Seafood in Louisiana, the Need for Nuanced Screening, and the Louisiana Legislature's 2023 Actions on Crustacean Seafood Safety

Nicolas Garon

Southern University Law Center, Baton Rouge, Louisiana

# Introduction to Seafood's Significance in Louisiana

- Louisiana, located on the Gulf of Mexico, has over three million acres of coastal wetlands (La. Sea Grant). <u>Louisiana, located on the Gulf of Mexico, has over three million acres of coastal wetlands (La. Sea Grant).</u>
- It has the 5th largest coastline in the U.S., spanning 397 miles (639 km) (NASA MODIS).
  - https://modis.gsfc.nasa.gov/gallery/individual.php?db\_date=2020-01-08
- Seafood plays a crucial role in the state's economy, employing one out of every seventy residents, with 15,000 jobs in shrimping and 3,000 in crabbing (Louisiana Seafood). <a href="https://www.louisianaseafood.com/industry">https://www.louisianaseafood.com/industry</a>
- The seafood industry generates an estimated \$2.4 billion in economic impact for Louisiana (Univ. of La). https://business.louisiana.edu/leed/seafoodeconomicdevelopment
- Louisiana is a significant seafood supplier for the entire United States (LA Dept. of Health). <a href="https://ldh.la.gov/page/commercial-seafood">https://ldh.la.gov/page/commercial-seafood</a>

Common crustaceans sourced from Louisiana include shrimp, blue crabs, swamp crawfish, brown shrimp, and white shrimp, with shrimp being the most consumed crustacean in the U.S. (GMI Insights). <a href="https://www.gminsights.com/industry-analysis/us-crustacean-market">https://www.gminsights.com/industry-analysis/us-crustacean-market</a>

### **Habitats and Ranges of Crustaceans**

• Blue Crabs: Found from Nova Scotia through the Gulf of Mexico to Uruguay, <a href="https://www.nwf.org/Educational-Resources/Wildlife-Guide/Invertebrates/Blue-Crab#:~:text=The%20blue%20crab%20is%20widely,estuaries%20and%20brackish%20coastal%20lagoons.">https://www.fisheries.woaa.gov/species/blue-crab#:~:text=The%20blue%20crab%20native%20range,including%20the%20Gulf%20of%20Mexico.</a>

- **Swamp Crawfish (Procambarus clarkii)**: Native to the Mississippi River and Gulf of Mexico drainages, these crawfish are found in rivers, lakes, ponds, streams, and swamps (USGS.gov). https://nas.er.usgs.gov/queries/factsheet.aspx?SpeciesID=217
- Brown Shrimp: Found from Martha's Vineyard to the Gulf Coast and the Yucatan Peninsula, residing in shallow waters up to 360 feet deep (NOAA).
   <a href="https://www.fisheries.noaa.gov/species/brown-shrimp">https://www.fisheries.noaa.gov/species/brown-shrimp</a>
- White Shrimp (L. setiferus): Native to estuaries and coastal waters from New York to Mexico, and also found in South America and the Philippines (NOAA).
   <a href="https://www.fisheries.noaa.gov/species/white-shrimp">https://www.fisheries.noaa.gov/species/white-shrimp</a>

#### The Importation Dilemma

In November 2023, the U.S. imported 155 million pounds (70,680 metric tons) of shrimp, a 10.9% increase from 2022. India, Ecuador, and Indonesia are the top three shrimp-exporting countries to the U.S. (Seafood Source). <a href="https://www.seafoodsource.com/news/supply-trade/november-shrimp-imports-decline-after-stabalization-in-2023-continuing-fluctuation">https://www.seafoodsource.com/news/supply-trade/november-shrimp-imports-decline-after-stabalization-in-2023-continuing-fluctuation</a>

# Asian Shrimp Exports to the U.S.

• The U.S. is the largest importer of Vietnamese Whiteleg Shrimp, distinct from Louisiana's White Shrimp (L. setiferus) (Euromeat). <a href="https://euromeatnews.com/Article-The-US-maintained-its-role-as-the-largest-importer-of-Vietnamese-whiteleg-shrimp/2557">https://euromeatnews.com/Article-The-US-maintained-its-role-as-the-largest-importer-of-Vietnamese-whiteleg-shrimp/2557</a>

- Black Tiger Shrimp production has surged in Asia (Visch)
  <a href="https://thefishsite.com/articles/the-return-of-the-black-tiger">https://thefishsite.com/articles/the-return-of-the-black-tiger</a>
- Australia has seen a 70% increase in Vietnamese Pangasius exports, with shrimp making up over 60% of Vietnam's seafood export turnover to Australia (VASEP). <a href="https://en.dangcongsan.vn/trade-investment/shrimp-is-vietnam-s-main-export-product-to-australia-20000923.html">https://en.dangcongsan.vn/trade-investment/shrimp-is-vietnam-s-main-export-product-to-australia-20000923.html</a>

### **Competition and Legislative Responses**

The Louisiana seafood industry faces significant challenges from lower-cost foreign competitors who operate with fewer regulations.

In 2023, Louisiana introduced 23 pieces of legislation aimed at protecting its seafood industry, with 14 focusing on seafood safety and economic protection.

### **Key Legislation:**

#### House Concurrent Resolution No. 113 (Rep. Schexnayder):

- Addresses labor cost disparities, with cheaper imported seafood hurting local markets.
- Highlights concerns over the safety of imported seafood and the price drop of Louisiana shrimp from \$3.80/lb in 1980 to \$1.50/lb in 2017.

 Calls on Congress to ban the importation of shrimp and crawfish from outside the U.S.

# House Concurrent Resolution No. 105 (Rep. Garofalo):

- Points out inadequate seafood safety screening, with only 2% of U.S. imports tested for contamination, compared to 50% in the European Union.
- Urges the expansion of testing for imported shrimp by the Louisiana Department of Health and the FDA.

# HB 528 (Rep. Cormier) and HB 600 (Rep. Kerner):

- Address shrimp and crawfish labeling requirements, increasing penalties for non-compliance.
- HB 600 specifically targets restaurants that misrepresent the origin of their seafood.

# Additional Legislative Actions in 2023:

- **HB 161**: Tax exemptions for commercial fishermen.
- **HB 627**: Fee increase for the Imported Seafood Safety Fund.
- HCR 88: Urges the FDA to inspect imported seafood.
- **HCR 109**: Proposes tariffs on imported seafood.
- **SR 159**: Seeks stricter enforcement of seafood safety laws in Louisiana.

# The Future and Need for Improved Screening

### **Current Screening Issues**

# **Recommendations for Improvement**

- Increase the percentage of imported seafood screened for safety.
- Strengthen protections for domestic workers by levelling the playing field through stricter import regulations and enforcement.