

107TH CONGRESS
2^D SESSION

H. R. 3885

To amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to establish a tolerance for the presence of methyl mercury in seafood, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2002

Mr. PALLONE introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to establish a tolerance for the presence of methyl mercury in seafood, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Seafood Safety and
5 Mercury Screening Act of 2002”.

1 **SEC. 2. REQUIREMENT OF ESTABLISHMENT OF TOLER-**
2 **ANCE FOR METHYL MERCURY IN SEAFOOD.**

3 Chapter IV of the Federal Food, Drug, and Cosmetic
4 Act (21 U.S.C. 341 et seq.) is amended—

5 (1) in section 402(a)(2)(A), by inserting “meth-
6 yl mercury in seafood,” after “food additive,”;

7 (2) in section 402(a)(2), by inserting after “sec-
8 tion 512; or” the following: “(D) if it is seafood that
9 bears or contains methyl mercury that is unsafe
10 within the meaning of section 406A(a); or”; and

11 (3) by inserting after section 406 the following
12 section:

13 “TOLERANCE FOR METHYL MERCURY IN SEAFOOD

14 “SEC. 406A. (a) IN GENERAL.—Not later than one
15 year after the date of the enactment of the Seafood Safety
16 and Mercury Screening Act of 2002, the Secretary shall
17 by regulation establish a tolerance for the presence of
18 methyl mercury in seafood, which shall be based on a sci-
19 entific analysis of the health risks attributable to such
20 substance. Any seafood containing methyl mercury shall
21 be deemed unsafe for purposes of section 402(a)(2)(D)
22 unless the quantity of such substance is within the limits
23 of the tolerance.

24 “(b) STANDARD.—

25 “(1) IN GENERAL.—The Secretary shall ensure
26 that the tolerance under subsection (a) is safe, and

1 shall modify or revoke the tolerance if the Secretary
2 determines that it is not safe.

3 “(2) DETERMINATION OF SAFETY.—As used in
4 this section, the term ‘safe’, with respect to a toler-
5 ance for methyl mercury in seafood, means that the
6 Secretary has determined that there is a reasonable
7 certainty that no harm will result from aggregate ex-
8 posure to methyl mercury, including all anticipated
9 dietary exposures and all other exposures for which
10 there is reliable information.

11 “(c) PREGNANT WOMEN, INFANTS, AND CHIL-
12 DREN.—In establishing or modifying a tolerance under
13 subsection (a), the Secretary shall ensure that there is a
14 reasonable certainty that no harm will result to pregnant
15 women, infants, and children from aggregate exposure to
16 methyl mercury.

17 “(d) SAMPLING SYSTEM.—Not later than 18 months
18 after the date of the enactment of the Seafood Safety and
19 Mercury Screening Act of 2002, the Secretary, after con-
20 sultation with the Secretary of Agriculture, shall establish
21 a system for the ongoing collection and analysis of samples
22 of seafood to determine the extent of compliance with the
23 tolerance under subsection (a). Such system shall provide
24 statistically valid monitoring, including market-basket
25 studies, with respect to such compliance.

1 “(e) PUBLIC EDUCATION AND ADVISORY SYSTEM.—

2 “(1) PUBLIC EDUCATION.—The Secretary, in
3 cooperation with private and public organizations,
4 including the cooperative extension services and ap-
5 propriate State entities, shall design and implement
6 a national public education program regarding the
7 presence of methyl mercury in seafood. The program
8 shall provide—

9 “(A) information to the public regarding
10 Federal standards and good practice require-
11 ments and promotion of public awareness un-
12 derstanding and acceptance of such standards
13 and requirements;

14 “(B) information to health professionals so
15 that they may improve diagnosis and treatment
16 of mercury-related illness and advise individuals
17 whose health conditions place them in par-
18 ticular risk; and

19 “(C) such other information or advice to
20 consumers and other persons as the Secretary
21 determines will promote the purposes of this
22 section.

23 “(2) HEALTH ADVISORIES.—The Secretary, in
24 consultation with the Secretary of Agriculture and
25 the Administrator of the Environmental Protection

1 Agency, shall work with the States and other appro-
2 priate entities to—

3 “(A) develop and distribute regional and
4 national advisories concerning the presence of
5 methyl mercury in seafood;

6 “(B) develop standardized formats for
7 written and broadcast advisories regarding
8 methyl mercury in seafood; and

9 “(C) incorporate State and local advisories
10 into the national public education program re-
11 quired in paragraph (1).”.

12 **SEC. 3. CONSIDERATION OF REPORT OF NATIONAL ACAD-**
13 **EMY OF SCIENCES.**

14 In carrying out section 406A of the Federal Food,
15 Drug, and Cosmetic Act (as added by the amendment
16 made by section 2 of this Act), the Secretary of Health
17 and Human Services, acting through the Commissioner of
18 Food and Drugs, shall consider the findings made by the
19 National Academy of Sciences regarding the Environ-
20 mental Protection Agency’s recommended level for methyl
21 mercury exposure and the presence of methyl mercury in
22 seafood, as such findings are described in the report issued
23 by such Academy in July 2000.

1 **SEC. 4. REPORT.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Secretary of Health and Human
4 Services, acting through the Commissioner of Food and
5 Drugs, shall submit to the Congress a report on the
6 progress of the Secretary in establishing the tolerance re-
7 quired by the amendments made by section 2. The report
8 shall include a description of the research that has been
9 conducted with respect to the tolerance.

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