

# United States Senate

WASHINGTON, DC 20510

January 25, 2011

Mr. Ken Moore  
Executive Director  
Interstate Shellfish Sanitation Conference  
209-2 Dawson Road  
Columbia, SC 29223

Dear Mr. Moore:

As you know, Congress recently passed P.L. 111-353 the "FDA Food Safety Modernization Act." We were proud to author section 114 of the law pertaining to the regulation of raw oysters. We wrote this language to provide the Secretary a waiver only if state regulators, the oyster industry, and Interstate Shellfish Sanitation Conference's, (ISSC), voting delegates approved the regulation or guideline proposed by the Food and Drug Administration or ISSC. As the ISSC moves forward, we wanted to clarify the intent of section 114(d) which states:

Waiver- The requirement of preparing a report under subsection (a) shall be waived if the Secretary issues a guidance that is adopted as a consensus agreement between Federal and State regulators and the oyster industry, acting through the Interstate Shellfish Sanitation Conference.

This clearly states that the oyster industry through ISSC should be an intricate part of the process. Specifically, **the language is intended to ensure that new guidelines or regulations cannot move forward without the consensus from the oyster industry.**

Thank you for the opportunity to clarify the intent of Congress in these matters. We look forward to working with you and the Interstate Shellfish Sanitation Conference on the implementation of the FDA Food Safety Modernization Act.

Sincerely,



David Vitter  
United States Senator



Mary Landrieu  
United States Senator