

Fact Sheet

S. 555 - The Mercury-Safe Seafood Act of 2001

Sponsors: Senator Patrick Leahy and Senator Tom Harkin

Background:

Some marine fish species and many freshwater fish species can contain dangerous levels of methylmercury, a potent neurotoxin derived from mercury pollution. People can be exposed to this poison by eating contaminated fish.

FDA set an “action level” for methylmercury in 1979, indicating what is a “safe” level for consumers. However, FDA does not effectively enforce this level, and they have not revised it to account for more recent evidence regarding the hazards of methylmercury, especially to pregnant women and small children. FDA also discontinued sampling domestic seafood for methylmercury in 1998, even though their own data showed that some samples exceeded their action level. Sampling by independent organizations confirms that some commercially available seafood still exceeds the action level.

EPA’s “Mercury Study Report to Congress” in 1997 recommended a methylmercury limit five times more restrictive than FDA’s action level. The National Academy of Sciences’ report “Toxicological Effects of Methylmercury” in 2000 confirmed EPA’s limit, focusing on the vulnerability of pregnant women and children. They stated that 60,000 newborns annually may be at risk of adverse neurodevelopmental effects from in utero exposure to methylmercury. The GAO’s report on seafood safety last month noted that FDA has not done enough to protect consumers from methylmercury.

In January, FDA issued stronger consumer guidance to pregnant women and children, warning them about methylmercury in seafood. However, their outdated, unenforced action level and their lack of a sampling program remain. The Mercury-Safe Seafood Act will remedy these problems.

Major provisions of the bill:

- Requires FDA to set a formal tolerance for methylmercury in seafood
- Requires FDA to resume sampling methylmercury levels in seafood
- Requires FDA to establish a public education and advisory system regarding the presence of methylmercury in seafood
- Authorizes \$3,000,000 per year for ten years to support sampling, public education and advisories, and state efforts regarding methylmercury in freshwater fish