

**Assembly Joint Resolution No. 57**

**RESOLUTION CHAPTER 130**

Assembly Joint Resolution No. 57—Relative to mercury-contaminated seafood.

[Filed with Secretary of State September 5, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 57, Huffman. Mercury-contaminated seafood.

This measure urges the federal Food and Drug Administration to take responsibility for, and take actions to reduce, the public's exposure to mercury in seafood by taking specified actions.

WHEREAS, With the advent of health consciousness and the global industrialization of fishing, the rate of seafood consumption has doubled since the 1980s, so that today people in the United States eat about 16 pounds of fresh and frozen seafood every year; and

WHEREAS, Alongside greater seafood consumption, increasing levels of mercury air emissions and other mercury sources are contaminating fish with the potent neurotoxin -- methyl mercury; and

WHEREAS, Methyl mercury, the kind of mercury found in fish, is a potent neurotoxin that can slow brain development in children, harm pregnant and nursing women, attack the nervous system of adults, and lead to a higher likelihood of heart disease; and

WHEREAS, Mercury levels of swordfish and tuna tested in California markets frequently exceeded the federal Food and Drug Administration (FDA) limit of 1 parts per million (ppm) in fish tissue, and in one sample the mercury levels were 230 percent over the FDA limit; and

WHEREAS, Mercury levels of swordfish and tuna tested in restaurants in Chicago, New York, San Francisco, and other cities frequently exceeded the FDA limit of 1 ppm in fish tissue; and

WHEREAS, In March 2004, the United States Environmental Protection Agency (EPA) and the FDA, rereleased an amended consumer advisory notice warning women who may become pregnant, pregnant women, nursing mothers, and young children to avoid exposure to the harmful effects of mercury found in fish; and

WHEREAS, The results of a statewide restaurant survey conducted in the fall of 2007 found that many California restaurants and supermarkets fail to adequately warn people about the dangers of eating mercury-laden seafood; and

WHEREAS, Of the 332 restaurants in 27 counties inspected by 125 volunteer monitors, 50 percent of restaurants were out of compliance with state law that requires posting of mercury in seafood warning signs; and

WHEREAS, The problem with poor public messaging is that most people remain unaware of medical evidence that shows seafood consumers run a high risk of mercury contamination; and

WHEREAS, The state's efforts to enforce its laws requiring warning signs and labeling of mercury-contaminated seafood has been challenged in court by the seafood industry; and

WHEREAS, Other states do not have laws that require the posting of warning signs, testing, or labeling of mercury-contaminated seafood; and

WHEREAS, California and other states do not have the resources or capacity to enforce federal warning signs, require labeling, or conduct testing; and

WHEREAS, California finds that its residents and those of other states remain at risk of unknowingly ingesting methyl mercury; and

WHEREAS, Mercury in seafood limits in Canada, Japan, and the European Union are one-half the United States regulatory limit; and

WHEREAS, Seafood exceeding mercury limits in Canada, Japan, and the European Union is not allowed to be sold; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature urges the United States Food and Drug Administration to take responsibility for, and take actions to reduce, the public's exposure to mercury in seafood by doing all of the following:

(a) Developing, implementing, and enforcing a nationally comprehensive consumer advisory warning system.

(b) Requiring seafood companies and retail food establishments to label seafood with mercury that exceeds the FDA safe mercury level.

(c) Embarking on a public education effort in order to assist people in deciding which fish are healthiest for their diet; and be it further

*Resolved,* That the Legislature urges the United States Food and Drug Administration to assist, rather than seek to prohibit, states from taking stronger action to protect public health and reduce health risks associated with methyl mercury; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the federal Food and Drug Administration.