

**Assembly Joint Resolution**

**No. 57**

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**Introduced by Assembly Member Huffman  
(Coauthors: Assembly Members Lieu and Ruskin)**

April 17, 2008

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

LEGISLATIVE COUNSEL'S DIGEST

AJR 57, as introduced, Huffman. Mercury contaminated seafood.

This measure would memorialize the President, the Congress, and 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.

Fiscal committee: no.

1       WHEREAS, With the advent of health consciousness and the  
2 global industrialization of fishing, the rate of seafood consumption  
3 has doubled since the 1980s, so that today people in the United  
4 States eat about 16 pounds of fresh and frozen seafood every year;  
5 and  
6       WHEREAS, Alongside greater seafood consumption, increasing  
7 levels of mercury air emissions and other mercury sources are  
8 contaminating fish with the potent neurotoxin -- methyl mercury;  
9 and  
10       WHEREAS, Methyl mercury, the kind of mercury found in fish,  
11 is a potent neurotoxin that can slow brain development in children,  
12 harm pregnant and nursing women, attack the nervous system of  
13 adults, and lead to a higher likelihood of heart disease; and

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

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

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

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

19 WHEREAS, Of the 332 restaurants in 27 counties inspected by  
20 125 volunteer monitors, 50 percent of restaurants were out of  
21 compliance with state law that requires posting of mercury in  
22 seafood warning signs; and

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

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

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

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

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

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

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

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

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

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

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

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

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