



AUG 12 2010

Mr. Eric Schwaab
U.S. Department of Commerce
Assistant Administrator
National Marine Fisheries Service
National Oceanic and Atmospheric
Administration
1315 East West Highway
Building 3/Room 14636
Silver Spring, Maryland 20910-3281

Dear Mr. Schwaab:

I am writing today to inform you that based on a review of the data described below, the Food and Drug Administration (FDA) concluded on July 22, 2010 that the conditions for reopening specified in our agreed upon reopening protocol have been met for finfish in the area designated in the July 13, 2010, National Oceanic and Atmospheric Administration (NOAA) proposal (south Florida) and that such seafood should pose no food safety risk associated with contamination from the Deepwater Horizon explosion, fire, and oil spill. This letter is for your records and has been formatted to resemble recent letters offering reopening concurrence.

FDA recommends that, prior to issuing any reopening order, NOAA verify that conditions in the area have not changed such that they would present a public health concern. FDA also recommends that NOAA continue to be vigilant for re-oiling, and that should re-oiling occur, appropriate steps, including reclosure if necessary, be taken to ensure the continued safety of seafood from the area.

Sensory evaluation of the 52 finfish samples for odors indicative of contamination was conducted from June 23 to July 5, 2010. No samples demonstrated odors indicative of oil or dispersant contamination.

After sensory evaluation, the samples were forwarded to a chemistry laboratory for polycyclic aromatic hydrocarbons (PAHs) analysis. Compositing of like species from like sample locations resulted in 13 separate samples for PAH analysis. All samples were analyzed using the standard NOAA PAH method. The chemical analyses were performed the week of July 12, 2010. PAH levels in all samples are significantly below the levels of concern established in the reopening protocol, which was agreed upon by NOAA and FDA.

I would like to express FDA's appreciation for the ongoing work by NOAA to ensure the safety of Gulf Coast seafood, and note that FDA remains committed to continuing support for these collaborative efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "DKraemer", written in a cursive style.

Donald W. Kraemer
Acting Deputy Director for Operations
Center for Food Safety
and Applied Nutrition

cc:

Identical letters to: see attached list

Identical letters to:

The Honorable Gary Locke
Secretary
U.S. Department of Commerce
14th & Constitution Avenue, NW
Room 5854
Washington, DC 20230

The Honorable Jane Lubchenco, Ph.D.
Under Secretary of Commerce for Oceans and Atmosphere
and Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
14th & Constitution Avenue, NW
Room 7316/HCHB
Washington, DC 20230

Ms. Monica Medina
Principal Deputy Under Secretary
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
14th & Constitution Avenue, NW
Washington, DC 20230

Mr. John Oliver
Deputy Assistant Administration
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1315 East West Highway
Building 3/Room 14743
Silver Spring, Maryland 20910-3281

Dr. Steven A. Murawski
Director of Scientific Programs
Chief Scientific Advisor
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1315 East West Highway
Building 3/Room 14659
Silver Spring, Maryland 20910-3281