

- SUBJECT:** Requiring mercury warning signs for the sale of certain fish
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 9 ayes — Gonzalez Toureilles, Anderson, B. Brown, Crabb, Hardcastle, Heflin, Kleinschmidt, Rios Ybarra, Swinford
- 0 nays
- WITNESSES:** For — Ken Kramer, Lone Star Chapter, Sierra Club; Jennifer Allmon, The Texas Catholic Conference, The Roman Catholic Bishops of Texas; Karen Hadden, Sustainable Energy and Economic Development (SEED) Coalition; Andy Wilson, Public Citizen; (*Registered, but did not testify:* Eliza Brown, on behalf of Karen Hadden and Sustainable Energy and Economic Development (SEED) Coalition; Charleta Guillory, March of Dimes; Michelle Romero, Texas Medical Association; Robin Schneider, Texas Campaign for the Environment; Katherine Zackel, Texans Care for Children)
- Against — Kirby Tyndall, American Coalition for Clean Coal Electricity
- On — (*Registered, but did not testify:* Deborah Marlow, Texas Department of State Health Services)
- BACKGROUND:** Health and Safety Code, ch. 437 contains provisions for the regulation of food service establishments, retail food stores, mobile food units, and roadside food vendors by the Texas Department of State Health Services (DSHS).
- DIGEST:** CSHB 681 would amend the Health and Safety Code by adding sec. 437.022 to require that a retail fish dealer post a warning sign in a conspicuous location clearly visible by persons buying fresh or previously frozen fish.
- The sign would have read:
- “ATTENTION WOMEN CONSIDERING BECOMING  
PREGNANT, PREGNANT WOMEN, NURSING MOTHERS, AND  
PARENTS OF YOUNG CHILDREN

Some fish and shellfish, especially large fish such as shark, swordfish, king mackerel, and tilefish, contain high levels of mercury that may harm the developing nervous system of a child.

For more information about the risks of mercury in fish and shellfish call the Texas Department of State Health Services' food information line toll-free at [telephone number].”

The bill would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

CSHB 681 would provide important information to help consumers make more educated choices on what fish they may purchase for themselves and their families. The form of mercury found in fish is a neurotoxin that damages, destroys, or impairs the functioning of nerve tissue and takes months to leave the body. As such, it is especially crucial to provide information about mercury levels in certain types of fish to women who are pregnant, may become pregnant, who are nursing, or have young children, as higher levels of mercury may harm an unborn or young child’s developing nervous system.

The harmful effects of mercury exposure in young children are well documented and continue to emerge. For example, a 2008 study by the University of Texas Health Science Center at San Antonio showed a statistically significant link between pounds of industrial release of mercury and increased autism rates. Other harmful effects of high mercury levels include lowered IQ, slow language development, vision and hearing difficulties, and problems with memory.

Despite the abundant evidence linking high levels of mercury in fish to adverse effects in children, many consumers are not aware of the link. The bill simply would allow DSHS to issue the same advisories that the Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA) already are issuing to this at-risk population. The bill would not discourage eating all fish or shellfish, which are an important part of a healthy diet, only those that have proven to contain harmful amounts of mercury.

**OPPONENTS  
SAY:**

While CSHB 681 is well-intended, it could have the unintended consequence of discouraging people from consuming any fish or shellfish for fear of mercury intake. This inadvertently could keep people from

reaping the many health benefits of eating fish, while at the same time negatively impact the state's commercial fishing industry.

NOTES:

The bill as filed would have placed authority for its administration under the Texas Department of Agriculture instead of DSHS. Additionally, under the filed bill, the toll-free number listed for information would have been for the U.S. Food and Drug Administration, rather than DSHS.