

April 29, 2019

Dr. Paul Doremus  
Deputy Asst. Administrator for Operations  
NOAA Fisheries  
1315 East-West Highway  
Silver Spring, MD 20910

Celeste Leroux  
Lead, Seafood Import Monitoring Program  
Office of International Affairs and Seafood  
Inspection  
NOAA Fisheries  
1315 East-West Highway  
Silver Spring, MD 20910

Re: NOAA Seafood Import Monitoring Program – Robust Implementation and Expansion

Dear Dr. Doremus and Ms. Leroux,

Illegal fishing remains a serious and pervasive problem that is a major cause of fisheries depletion worldwide. Illegal, unreported, and unregulated fishing (“IUU fishing”) – which accounts for up to 30% of the global catch - occurs in virtually all types of capture fisheries, outside of the U.S., whether under national jurisdiction or on the high seas, and in small scale and large industrialized operations. It adds a significant additional strain to already taxed fish populations, jeopardizing the sustainability of fisheries and penalizing fishermen who follow the rules. U.S. regulatory tools must have the scope and reach to tackle the scale and impact of the problem. To us, that means the Seafood Import Monitoring Program (SIMP) must be expanded to all species and implemented strongly according to US government commitments raised through the regulatory process.

The costs of IUU fishing are huge, with the value of IUU products estimated at up to \$31 billion annually. Seafood fraud compounds these problems – an estimated 1 in 5 fish tested in the U.S. have been found to be mislabeled. These illegal activities create unfair competition for law-abiding fishermen, a fact that is particularly relevant to U.S. workers who face competition from imports that account for 90% of U.S. seafood consumption. Ultimately, illegal fishing and seafood fraud occur because they remain profitable and largely invisible to governments, merchants, and consumers. What happens out on the water is too often left unmonitored. Once fish products leave the boat, they are often difficult or impossible to track as they wind their way from boats and processing facilities, to trucks and stores, from country to country, without adequate requirements for traceability and catch documentation. Seafood traceability is a critical tool in the fight to combat IUU fishing and seafood fraud.

As we mark the first year of SIMP compliance, we applaud the efforts that NOAA and the Administration have made to combat IUU fishing and seafood fraud and protect U.S. fishermen. The absence of comprehensive coverage for all species in SIMP, however, is a serious impediment to establishing the legal origin of fish products entering the U.S. market. Illegal fishing and seafood fraud are pervasive problems that exist in virtually all foreign fisheries; they are not limited to the few species currently covered by SIMP.

SIMP currently only applies to 13 species groups, which account for less than 40% of U.S. fishery imports by volume and value. This gap provides an easy pathway for billions of dollars’ worth of illegal products to continue to enter the U.S. and a major incentive for mislabeling between SIMP-covered and non-SIMP products.

Additionally, robust implementation of the Program is needed to ensure that information requirements can effectively identify the legal origin of catches and prevent the entry of illegally caught and fraudulently labeled products. As currently implemented, the SIMP does not clearly require an importer of record to provide certain key data elements, such as the Unique Vessel Identifier (UVI) or authorization to fish, at the time of entry into U.S. commerce. These gaps hamper NOAA's ability to proactively identify at-risk shipments. The failure of SIMP to cover all species, to effectively verify the information currently provided, and to require all key data elements at the time of entry as required in the final rule are serious impediments to establishing the legal origin of all fish products entering the U.S. market. Given that in-port inspection capacity is profoundly limited, NOAA's leadership in making the SIMP as robust and sophisticated as possible is essential if the program is to achieve its objective of "ensuring that imported fish and fish products derived from illegal harvest of species designated to be at risk of illegal fishing or seafood fraud can be excluded from entry into U.S. commerce."<sup>1</sup>

The joint U.S. Government Task Force to Combat IUU and Seafood fraud noted that "it is the goal of the U.S. government to eventually expand the program to all seafood at first point of sale or import,"<sup>2</sup> and, that the species listed in the rule of December 2016 are a "first step" in a comprehensive program of reporting on imported seafood. We believe that SIMP needs to expand its coverage to include all seafood imports and that changes to the current Program to improve the requirements for catch information and traceability are necessary to ensure that illegal and mislabeled products are not entering the U.S. and competing unfairly with domestic products.

NOAA has the opportunity to be a world leader in the fight against IUU fishing and seafood fraud and in protecting law-abiding U.S. fishermen. Until the Program is strengthened and expanded, the U.S. market will continue to be a lucrative destination for IUU-harvested and fraudulently labeled products. We urge you to set a timeline for SIMP expansion to cover all seafood imports and to ensure that implementation of the Program is strong and effective in preventing the entry of illegal products into the U.S. market.

Sincerely,

Roberta Elias  
Director, Ocean Policy  
World Wildlife Fund



Sarah Chasis  
Senior Director, Oceans Division  
Sandy Aylesworth  
Oceans Advocate  
Natural Resources Defense Council



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<sup>1</sup> NOAA Fisheries, Seafood Import Monitoring Program Final Regulatory Impact Review and Final Regulatory Flexibility Analysis at 18 (2016).

<sup>2</sup> 15 CFR Part 902; 50 CFR Parts 300 and 600; Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program. <https://www.gpo.gov/fdsys/pkg/FR-2016-12-09/pdf/2016-29324.pdf>

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