

The Role of the Seafood Import Monitoring Program (SIMP) in Aiding Civil and Criminal Enforcement Actions

Witness testimony provided at the recent legislative hearing of the House Natural Resources Subcommittee on Water, Wildlife and Fisheries on November 19, 2025, misleadingly stated that the National Oceanic and Atmospheric Administration's (NOAA's) Seafood Import Monitoring Program (SIMP) had not resulted in referrals to the Department of Justice and inferred that SIMP generally lacks an enforcement effect.¹

In fact, reports from NOAA and partner agencies show that SIMP is being enforced via both civil and criminal authorities. The data collection, screening, and auditing of seafood import data currently taking place under SIMP continues to provide an essential platform for keeping illegally fished and/or fraudulently labelled seafood imports out of U.S. markets.

According to NOAA's FY23 Report to Congress (dated May 2024), NOAA initiated several ongoing criminal and civil investigations in that year involving seafood imported in violation of SIMP and other federal laws and regulations, including the Lacey Act, Endangered Species Act, and the Convention on the International Trade in Endangered Species of Fauna and Flora. These investigations involved seafood products allegedly produced with forced labor, falsely labeled seafood, document fraud, and financial crimes.² The Interagency Working Group on IUU Fishing also reported that in 2022,

NOAA initiated an investigation into a fraud scheme in which seafood products were mislabeled as higher-valued species that are regulated under SIMP. The scheme facilitated the sale of the product at a large markup. DNA testing results from collected samples confirmed the mislabeling scheme involving a large nationwide supermarket chain. A criminal investigation is ongoing in coordination with the Department of Justice (DOJ).³

NOAA Fisheries has also used SIMP data to take several civil enforcement actions recently. Over the past year, several hundred thousand dollars in fines have been issued and/or settled due to SIMP, and significant amounts of seafood product have been confiscated. Examples from a NOAA recent enforcement report⁴ include:

¹ Statement of Justin Conrad on Behalf of the National Fisheries Institute, Legislative Hearing Before the U.S. House of Representatives Committee on Natural Resources Subcommittee on Water, Wildlife, and Fisheries (November 19, 2025), <https://docs.house.gov/meetings/II/II13/20251119/118654/HHRG-119-II13-Bio-ConradJ-20251119.pdf>.

² NOAA Fisheries, Report to Congress on the Seafood Import Monitoring Program – FY23 at 11. <https://www.fisheries.noaa.gov/s3/2024-05/SIMP-Report-to-Congress-FY2023.pdf>.

³ Report of the Maritime SAFE Working Group Regarding Efforts to Investigate, Enforce, and Prosecute Illegal, Unreported, and Unregulated Fishing in 2022 at p. 11, <https://www.fisheries.noaa.gov/s3/2024-06/2024-MSAFE-Report-Final.pdf>

⁴ NOAA Fisheries, Civil Administrative Enforcement Actions June 2025, <https://www.noaa.gov/sites/default/files/2025-07/Civil-Administrative-Enforcement-Actions-for-June-2025%20%281%29.pdf>.

- July 2025: Market 5201 was charged under the Magnuson-Stevens Act with importing tuna without submitting complete and accurate information required under the Seafood Import Monitoring Program regulations. An \$86,451 Notice of Violation and Assessment (NOVA) was issued and the company voluntarily donated approximately 1,555,560 cans/pouches of tuna to a non-profit dedicated to fighting food insecurity. The case settled for \$77,805.90.
- June 2025
 - Walmart Stores Inc. was charged under the Magnuson-Stevens Act with importing tuna without submitting complete and accurate information required under the Seafood Import Monitoring Program regulations. A \$136,451 NOVA was issued and the company voluntarily donated approximately 959,636 cans of tuna to a non-profit dedicated to fighting food insecurity.
 - SE2303414 – Market 5201 was charged under the Magnuson-Stevens Act with importing tuna without submitting complete and accurate information required under the Seafood Import Monitoring Program regulations. An \$86,451 NOVA was issued and the company voluntarily donated approximately 1,555,560 cans/pouches of tuna to a non-profit dedicated to fighting food insecurity.
- January 2025: International Fisheries Trade Permit Holder Gamma Seafood Corporation was charged under the Magnuson-Stevens Act with importing species subject to the Seafood Import Monitoring Program without submitting accurate and complete information at the time of entry. 7,560 pounds of shark filets were seized. A \$15,000 NOVA was issued, and the case settled for \$13,500.
- October 2024: International Fisheries Trade Permit Holder Gamma Seafood Corporation was charged under the Magnuson-Stevens Act with importing species subject to the Seafood Import Monitoring Program without submitting accurate and complete information at the time of entry. 7,560 pounds of shark filets were seized. A \$15,000 NOVA was issued.
- September 2024: International Fisheries Trade Permit holder John Nagle Co. was charged under the Magnuson-Stevens Act with importing species subject to the Seafood Import Monitoring Program without submitting accurate and complete information at the time of entry. A \$7,000 NOVA was issued, and the case settled for \$6,300.

Although detailed information on investigations is generally not made public knowledge, SIMP provides valuable information supporting enforcement action across various authorities at NOAA, U.S. Customs and Border Protection (CBP), and DOJ.⁵ SIMP establishes data reporting and record-keeping requirements for harvest and import of 13 species and species groups of fish or fish products that are at risk of IUU fishing or seafood fraud.⁶ SIMP requires importers of fish and fish

⁵ U.S. Government Accountability Office, *Combating Illegal Fishing*, GAO-23-105643, May 2023, pp. 1-24, <https://www.gao.gov/assets/d23105643.pdf>

⁶ 50 C.F.R. § 300.323-324; see NOAA Fisheries, “Seafood Import Monitoring Program,” <https://www.fisheries.noaa.gov/international/international-affairs/seafood-import-monitoring-program>. The 13 species or species groups subject to SIMP are: Atlantic Cod; Pacific Cod; Blue Crab; Red King Crab; Dolphinfish (Mahi Mahi); Grouper; Red Snapper; Sea Cucumber; Sharks; Swordfish; Tunas (Albacore, Bigeye, Skipjack, Yellowfin, and Bluefin); Abalone; and Shrimp. 50 C.F.R. § 300.324(a)(1)-(2).

products to file electronic records with CBP that state who harvested the fish, and where and when harvest occurred.⁷ Importers must maintain records on chain of custody that are “sufficient to trace the fish or fish product from point of entry into U.S. commerce back to the point of harvest” for a period of two years following import.⁸ According to NOAA, SIMP’s data and reporting requirements are intended to enhance the effectiveness of NOAA Office of Law Enforcement (OLE) inspections and provide information to better target limited enforcement resources toward Lacey Act violations.⁹

NOAA Fisheries recently identified several priority workstreams, including necessary rulemakings, to improve the effectiveness of SIMP and related enforcement efforts in its 2024 “Action Plan to Improve the Seafood Import Monitoring Program.”¹⁰ In addition to closing loopholes in species coverage, NOAA identified important technical changes that would enable more robust enforcement. These include enabling pre-entry screening of seafood data, and strengthening partnerships and data sharing agreements with CBP and the Department of Labor. According to NOAA, “[w]ith additional inputs from these key interagency partners, the U.S. government could take more targeted and proactive measures to detect, deter, and prevent products produced by forced labor from entering U.S. commerce.”¹¹ NOAA should move forward with full implementation of the SIMP Action Plan to ensure these goals are met.

⁷ 50 C.F.R. § 300.324(b).

⁸ *Id.* § 300.324(e).

⁹ NMFS, Final Rule: Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program, 81 Fed. Reg. 88,983-88,984 (Dec. 9, 2016).

¹⁰ NOAA Fisheries, SIMP Action Plan (2024), https://www.fisheries.noaa.gov/s3/2024-11/SIMP-Action-Plan_final.pdf.

¹¹ *Id.* at 2.