



**NOAA  
FISHERIES**

# Updates from the Office of International Affairs and Seafood Inspection

ICCAT Advisory Committee, Spring Meeting

April 8, 2015

# Office of International Affairs and Seafood Inspection



NOAA Circular 15-01 - October 31, 2014



Realignment within Directorate of Asst Administrator:

- Merge Intl Affairs Office and Seafood Inspection
- SES Director recruited – John Henderschedt
- Two Divisions: Intl Affairs – Seafood Inspection
- Enhanced service in coordinating trade support

# Legislative Updates - International Fisheries

- Reauthorization of the Magnuson-Stevens Act
  - Regional hearings held last Congress but no further action taken
  - Legislation pending before Congress
    - H.R. 1335, *Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act* (re-introduced by Congressman Young)
    - Markup anticipated in House Natural Resources Committee
  - Undecided on an Administration Reauthorization Proposal
    - NMFS identified issues of importance to address during MSA reauthorization

# Legislative Updates - International Fisheries

- H.R. 774, *Illegal, Unreported, and Unregulated Fishing Enforcement Act* (re-introduced by Congresswoman Bordallo)
  - Revises violations, penalties, permit requirements, port privileges, IUU fishing sanctions, and other enforcement authorities
  - Authorizes implementing legislation for the Antigua Convention (IATTC)
  - House Natural Resources Committee markup anticipated
- *International Fisheries Stewardship and Enforcement Act* – yet to be re-introduced in 114<sup>th</sup> Congress
  - Harmonizes administrative/enforcement authorities & penalties across RFMO-implementing statutes
  - Revises procedures to identify and certify nations for engaging in IUU fishing, bycatch, and shark catch (e.g., time frames for information collection)
  - Strengthens enforcement tools to enhance detection of fish & fish products harvested or imported illegally
- *Pirate Fishing Elimination Act* – yet to be re-introduced in 114<sup>th</sup> Congress
  - Implements *FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*
  - Restricts port entry and port services for vessels known or suspected of IUU fishing
  - Avoids duplication in advance notice of arrival; coordination of inspections
- Legislative Package to Implement Four Fisheries Treaties – yet to be introduced in 114<sup>th</sup> Congress
  - Last Congress, Senate approved four fisheries Treaties (NPRFMO, SPRFMO, NAFO, PSM) but implementing legislation was not adopted

# ATCA Identification of Countries

ATCA § 971d(c)(6) requires NMFS, in consultation with DOS, to :

*"identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the Convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation."*

- 2015 review in process
- scope of review limited to fishing activities in current and previous year
- May lead to trade prohibitions for ICCAT species exported from identified countries (members or non-members)

# ICCAT Identification of Countries

- US has not unilaterally identified a nation under ATCA authority
- Preference to work through ICCAT Rec. 6-14 ~ more comprehensive scope and multilateral sanctions likely to be more effective
- At its 2014 annual meeting, ICCAT had no new identifications, 3 members had prior identifications lifted
- In 2014, letters of concern were sent to 22 ICCAT members and 3 non-members about lesser infractions
- Lack of response/continued adverse action could lead to trade measures - have been applied in past cases



# HSDMPA Identifications



# Identification and Certification

- MSRA 2006 amended HSDFMPA to require identification and certification of nations with –
  - Vessels engaged in IUU fishing
  - Vessels taking PLMR as bycatch
- SCA of 2010 added ID/Certification for shark fishing on the high seas inconsistent with U.S. conservation standards
- Decisions issued in Biennial Report to Congress
- Final Rules issued 2009/2013 articulated process
- Reports issued to Congress: 2009, 2011, 2013, 2015

# Identification and Certification

- 2009 Biennial Report –
  - 6 nations identified for IUU
- 2011 Biennial Report –
  - 6 previously identified nations certified positive
  - 6 new identifications for IUU
- 2013 Biennial Report –
  - 6 previously identified nations certified positive
  - 10 nations identified for IUU; 1 also for bycatch
- 2015 Biennial Report –
  - 10 previously identified nations certified positive
  - 6 new identifications for IUU
  - Certification of Mexico for bycatch has been deferred pending completion of responsive actions; decision expected May 2015

# ICCAT Parties Identified Under HSDMPA - 2015

## Non-ICCAT IUU Activities

- Nigeria – CCAMLR violations
- Mexico – unauthorized fishing in US EEZ
- Portugal – NAFO violations
- Nicaragua – IATTC violations

# International Trade Data System



# ITDS and Trade Monitoring

ITDS – Government-wide system for entry/retrieval of trade data

Single window concept for both private sector (shippers, carriers, brokers) and for partner government agencies

Electronic filing, review and communication of admissibility decisions or holds

Electronic integration of agency specific trade monitoring programs

# NMFS ITDS Integration

## Rulemaking

Consolidated Trade Permit (one permit – all commodities)

Electronic Entry Filing (Message Set and Document Images)

Electronic Export Declarations

## Database Development

Self-Serve Permitting via National Permits System

Reference files & validation rules loaded into CBP ACE system

Web based messaging to NMFS/Trade of validation results

# Executive Order - February 19, 2014

## Streamlining the Export/Import Process for America's Businesses

Mandatory Agency use of ITDS by December 31, 2016; NMFS among agencies scheduled for early implementation – November 1, 2015

NMFS Proposed Rule in June 2015

Consolidated Trade Permit (Importer of Record/PPI)

Electronic Entry Filing and export Declaration (Brokers/Shippers)

Pilot Testing with trade and CBP in 2015 (message set and images)

Final Rule in October 2015 (depends on testing results and CBP readiness)

Transition issues (permits, brokers, shippers, software vendors)

# Rulemaking - MMPA Fish Import Provisions

- MMPA Sec 102(a) – bans imports of fish and fish products from foreign fisheries that use:  
“commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards.”
- 2008 petition to ban swordfish imports if without documentation of effective marine mammal bycatch mitigation
- 2010 ANPR requesting comment on defining U.S. standards and procedure for evaluation of foreign fisheries
- Settlement Agreement in response to suit from CBD/Turtle Island/NRDC
- Proposed Rule: June 2015 ; Final Rule: August 2016
- Regulations to define U.S standards and process for comparability findings
- Shipment by shipment certifications envisioned for fishery products subject to embargo

# FAO Catch Documentation

Dec 2013: UN Fisheries Resolution adopted calling on the FAO to initiate work on "guidelines and other relevant criteria relating to catch documentation schemes including possible formats."

Feb 2014: FAO Subcommittee on Fish Trade (Bergen) endorses proposal by Norway to advance work on CDS based on core principles of simplicity, equivalence, transparency and electronic format to the extent possible.

Jun 2014: FAO Committee on Fisheries in plenary session welcomes Norway offer to financially support an Expert Consultation on CDS

Mar 2015: Terms of Reference for an Expert Consultation on CDS are agreed by FAO COFI Bureau and a date of July 2015 is set for the Expert Consultation.

# Presidential Task Force on IUU/Fraud

June 17, 2014: Presidential Memorandum -- **Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud**

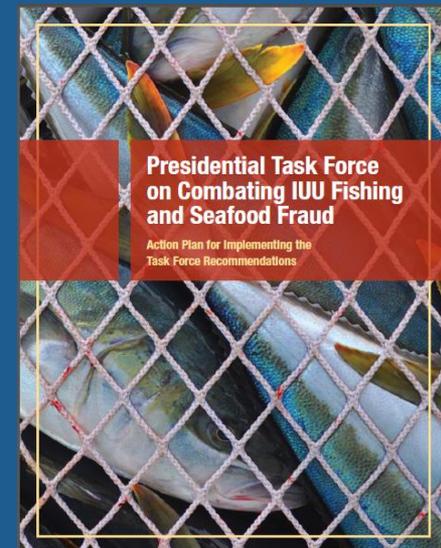
July 2014: Task Force to develop framework to combat seafood fraud and the sale of IUU fishing products: Co-Chaired by NOAA (Sullivan) and State (Novelli); included FDA, CBP, USTR, etc.

Aug-Oct: Established topical interagency working groups; webinars and public comment sessions

Task Force Report issued recommendations in December 2014

FR Notice requested comment on implementing recommendations

Action Plan issued March 2015 incorporating public comment



# Presidential Task Force on IUU/Fraud

## Recommendations:

- 1 – Port State Measures
- 2 – Best Practices (RFMO/MCS)
- 3 – Maritime Domain Awareness
- 4 – Free Trade Agreements
- 5 – Fishery Subsidies (2020)
- 6 – Capacity Building
- 7 – Diplomatic Priority
- 8 – Information Sharing (Interagency)
- 9 – Customs Mutual Assistance Agreements
- 10 – Species Names and Codes
- 11 – State and Local (Information/Tools)
- 12 – Enforcement Authorities (Search/Seizure)
- 13 – Partnerships Forum (Public-Private)
- 14 and 15 – Traceability Program

### Traceability Program -

Scope to include imported and domestic product

Phase-in approach with risk-priority species

Defined data elements and interoperability standards

Use of private sector systems/Trusted Trader Program

