



**NOAA  
FISHERIES**

# Updates from the Office of International Affairs and Seafood Inspection

ICCAT Advisory Committee, Spring Meeting

March 10, 2016

# 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)
    - Bill was passed by the House of Representatives; no action in Senate
  - 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)
  - Harmonizes administrative/enforcement authorities & penalties across RFMO-implementing statutes
  - Revises procedures to identify and certify nations for engaging in IUU fishing and bycatch (e.g., time frames for information collection expanded to three years)
  - Authorizes implementing legislation for the Antigua Convention (IATTC)
  - Implements *FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)*
  - **Passed by House and Senate and signed into law (Public Law No: 114-81) in November 2015**
- Legislation to Implement Fisheries Treaties – legislation introduced
  - Last Congress, Senate approved four fisheries Treaties (NPFC, SPRFMO, NAFO, PSMA) but implementing legislation was not adopted
  - S. 1335 (NPFC), S. 1336 (SPRFMO), S. 1251 (NAFO) were reported favorably by Senate Commerce Committee in May 2015
  - Administration bills to implement NPFC and SPRMO were formally transmitted to Congress in Sept. 2015
  - H.R. 4576, *Ensuring Access to Pacific Fisheries Act* (NPFC and SPRFMO) introduced by Congressman Radewagen in Feb. 2016
  - House Natural Resources Subcommittee on Water, Power, and Oceans Subcommittee held legislative hearing on H.R. 4576 in March 2016
    - Russell Smith (DAS for International Fisheries) testified on behalf of NOAA



# 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
  - Negative Certification of Mexico for Bycatch

# 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 – July, 2016

NMFS Proposed Rule December 2015, Comments through 29 February  
Consolidated Trade Permit (Importer of Record/PPI)  
Electronic Entry Filing and export Declaration (Brokers/Shippers)

Pilot Testing with trade and CBP underway (message set and images)

Final Rule in July 2016 (depends on testing results and CBP readiness)  
Transition issues (permits, brokers, shippers, software vendors)

# Traceability Components and Timeline

## Traceability Program (Recommendations 14 & 15):

- With input from industry and stakeholders, identify and develop within six months a list of the types of information and operational standards needed for an effective seafood traceability program to combat seafood fraud and IUU seafood in U.S. commerce.
- Establish, within 18 months, the first phase of a **risk-based traceability program to track seafood from point of harvest to entry into U.S. commerce.**
- Principles for identifying at-risk species
- **Draft and final list of at-risk species**
- Minimum standards and necessary data
- International Trade Data System (ITDS)
- Species name and codes (Rec. 10)
- **Traceability rulemaking**
- Information sharing
- Trusted Trader program
- Evaluation and expansion



# List of At-Risk Species

## Principles

- Enforcement capability
  - Catch documentation scheme
  - Complexity of the chain of custody and processing
  - Species misrepresentation
  - Mislabeling or other misrepresentation
  - History of fishing violations
  - Human health risks [as a result of mislabeling, species substitution, etc.]
- Abalone
  - Atlantic cod
  - Blue crab
  - Dolphinfish (Mahi Mahi)
  - Grouper
  - Red King Crab
  - Pacific cod
  - Red snapper
  - Sea cucumber
  - Sharks
  - Shrimp
  - Swordfish
  - Albacore, bigeye, skipjack, and yellowfin tuna
  - [Bluefin]



# Proposed Regulatory Elements

- International Fisheries Trade Permit
- Use of ACE/ITDS Single Window
- Importer of Record –
  - Harvest event reporting at entry
  - Chain-of-Custody recordkeeping
- Audits of selected entries

# Notable issues and next steps

- No new data reporting requirements for U.S domestic wild-capture fisheries
- U.S. domestic aquaculture data gaps for shrimp and abalone
- Seeking comments on the timing of import data implementation
- Comment period closes on April 5, 2016
- Final rule to be published this fall
- Request comments on Trusted Trader concepts - April

# 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 the Expert Consultation was held in July 2015.

April 2016: FAO convening a Technical Consultation on Voluntary Guidelines for Catch Documentation Schemes; To be considered for adoption by COFI