



**NOAA
FISHERIES**

Office of
International
Affairs and
Seafood
Inspection

Regulations to Implement Import Restrictions under the Marine Mammal Protection Act

HMS Advisory Panel - September 2016



Driving Factors for U.S. Action

- Global bycatch recognized threat to marine mammals
- U.S. imports 90% of its seafood
- U.S. fisheries disadvantaged due to commitment to protected species conservation – held to higher standards than international commercial fishing operations
- Swordfish petition for import ban





Marine Mammal Protection Act (MMPA) Sec. 101(a)(2)

MMPA Sec. 101(a)(2)—

The Secretary of the Treasury **shall ban the importation** of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental **kill or incidental serious injury of ocean mammals in excess of United States standards**. For purposes of applying the preceding sentence, the **Secretary [of Commerce]**—

(A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.



Final Rule to Implement MMPA Sec. 101(a)(2)

Effective January 1, 2017

Starts 5-yr Exemption Period during which nations must--

- Provide information to classify fisheries in the List of Foreign Fisheries
- Develop their regulatory program
- Provide progress report mid-way through the exemption period.
- Apply for a Comparability Finding to export to the U.S.





Categories of Fisheries

Fisheries classified as either “export” or “exempt” based on frequency of marine mammal bycatch

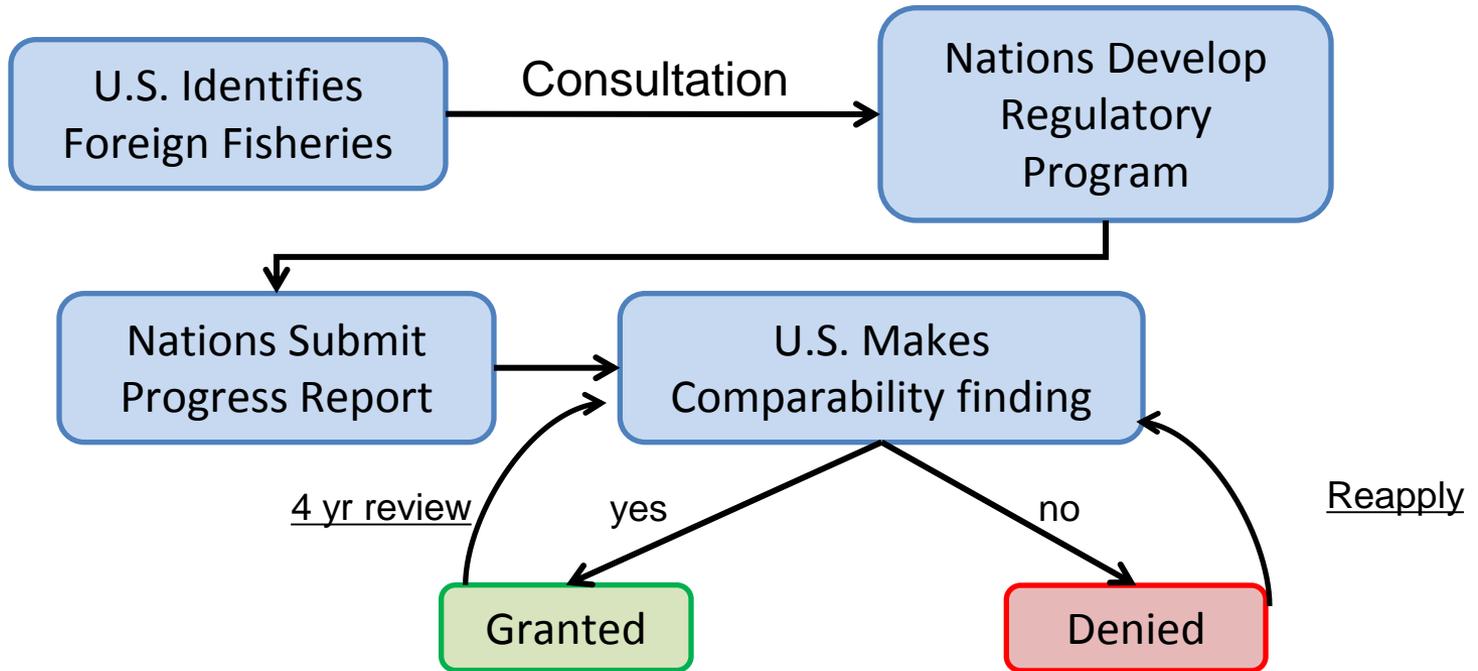
Exempt Fisheries have a remote likelihood of or no known marine mammal bycatch

- 10% or less of any marine mammal stock’s bycatch limit
- No regulatory program requirement except--

Export Fisheries have more than a remote likelihood of marine mammal bycatch

- If insufficient information fishery is classified as Export Fishery
- Develop a regulatory program comparable in effectiveness to U.S. regulatory program

Exempt and Export Fisheries must prohibit intentional killing and serious injury of marine mammals





Scope of Implementation



- **120+ Nations- export fish and fish products to the U.S**
- **50+ Nations export tuna and swordfish**
- **Import >67 marine species**
- **Tuna, shrimp, salmon largest import volume**

Top exporting nations = Canada, Chile, China, Japan, Mexico, Taiwan, Thailand, South Korea, and Vietnam



Resources & Outreach

- **MMPA Import Final Rule:** www.federalregister.gov
Docket No. 0907301201-6406-03
- **Resources and materials:** www.nmfs.noaa.gov/ia
- **Fact Sheet: Seafood Import Provisions under the Marine Mammal Protection Act**
- **Public Webinars- Domestic & International Audiences**
September 12, 2:30 PM - 4:00 PM Eastern
September 13, 8:00 AM - 9:30 AM Eastern
September 20, 2:30 PM - 4:00 PM Eastern
September 21, 7:00 PM - 8:30 PM Eastern
- **Direct Outreach by IASI Personnel -** Nina.Young@noaa.gov



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National Marine Fisheries Service International Trade Data System (ITDS)

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Why is ITDS Now Required for the National Marine Fisheries Service?



US imports ~ 90% of seafood; several products and/or nations subject to monitoring/embargoes

Customs Modernization Act (1993) – established national customs automation program: ACE/ITDS

SAFE Port Act (2006) – mandates ACE/ITDS participation by all agencies for admissibility decisions

Executive Order of February 19, 2014 – Streamlining the Export-Import Process: single window by December 2016



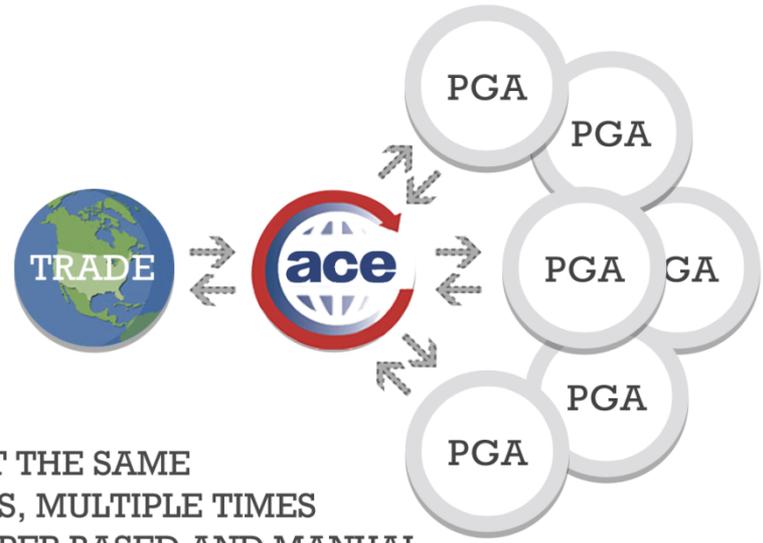
ITDS Model – Paperless/Single Window



CURRENT FLOW OF INFORMATION



SINGLE WINDOW VISION



TODAY, TRADERS MUST SUBMIT THE SAME INFORMATION TO MULTIPLE AGENCIES, MULTIPLE TIMES THROUGH PROCESSES THAT ARE LARGELY PAPER BASED AND MANUAL. **THE SINGLE WINDOW WILL STREAMLINE THIS PROCESS.**

Final Rule for NMFS ITDS



NMFS will use the ACE/ITDS Single Window for collecting data at entry/export

Three existing paper-based programs will be converted: HMS, AMLR, TTVP

Importer/Exporter Permit Required

Data collected via message set & Document Image System (DIS)

Responsibilities Under the New Regulation



- ➡ - Importer of Record: Obtain Fisheries International Trade Permit and provide data/documents to customs broker
- ➡ - Entry Filer: submit data and documents via ACE and DIS
- ➡ - Software Developer: certify message set software in ACE

NMFS ITDS Final Rule



Summary

1. Transition to electronic import/export filing via the ACE “single window”
2. Utilize ACE PGA Message Set to collect data necessary to facilitate an electronic (automated) authorization decision for product/shipment release.
3. Utilize the CBP Document Image System (DIS) to collect the NMFS required international forms and eliminate the collection of all paper forms.
4. Utilize Interoperable Web Services (IWS) to automate system to system communications necessary for import and export authorizations.
5. Utilize Secure File Transfer Protocol (SFTP) to receive CBP data collected on NMFS monitored products.
6. Consolidate NMFS trade permits and utilize an electronic system to facilitate timely permit acquisition and automated permit validation.
7. Effective date of implementation is **September 20, 2016**.

Resources / Links



www.nmfs.noaa.gov/ia

www.itds.gov/xp/itds/tsn/index.html

<https://fisheriespermits.noaa.gov/npspub>

www.regulations.gov (Docket Number: 2016-18401)

Imports: www.cbp.gov/trade/ace/catair

Exports: www.cbp.gov/trade/aes/aestir/introduction-and-guidelines

- Effective date of implementation: **September 20, 2016**
- NMFS ITDS Compliance Guide posted at: www.fisheries.noaa.gov/ia/



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Combating IUU Fishing and Seafood Fraud

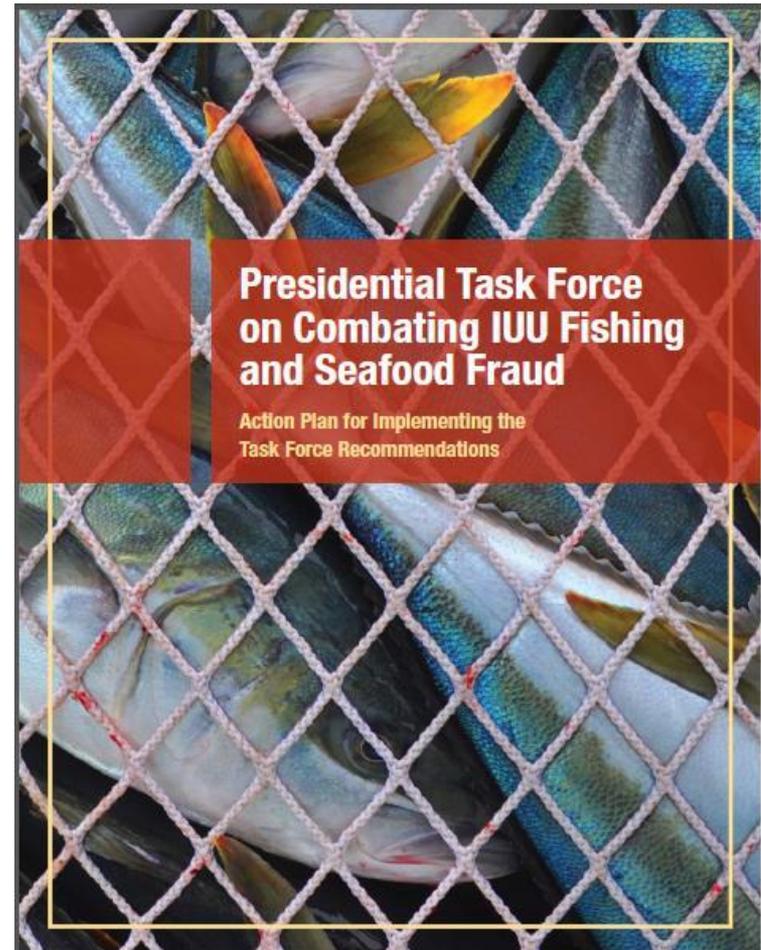
HMS Advisory Panel - September 2016



Presidential Task Force – June 2014

Secretary of State Kerry,
Our Ocean Conference:
IUU fishing and fraud are
major concerns

Presidential Memorandum:
Relevant departments and
agencies take appropriate
action - Task Force





Recommendations 14/15 - Traceability

Federal Rulemaking Portal –

<http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0090>

79 FR 75536 – Implementing Recommendations

80 FR 24246 – Identifying Priority Species

80 FR 37601 – Data Elements and Interoperability

80 FR 45955 – Proposed Principles & Priority Species

81 FR 25646 – Principles/Criteria for Trusted Trader

Public comments collected and viewed in docket.



Your Voice in Federal Decision-Making

Search bar containing the text "fraud" and a search icon. Below the search bar is a link for "Advanced Search".

Presidential Task Force on Combating Illegal, Unreported and Unregulated Fishing and Seafood Fraud

Docket Folder Summary [View all documents and comments in this Docket](#)

Docket ID: NOAA-NMFS-2014-0090

Agency: National Oceanic and Atmospheric Administration (NOAA)

Parent Agency: Department of Commerce (DOC)

Summary:

On June 17, 2014, the White House released a Presidential Memorandum entitled "Establishing a Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud."

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Traceability Rulemaking

Proposed Principles for Priority Species:

Enforcement Capability

Catch Documentation Scheme

Complexity of the Chain of Custody/Processing

Species Substitution and Mislabeling

History of Violations

Human Health Risks



List of Priority Species

- Abalone*
- Atlantic cod
- Blue crab
- Dolphinfish (Mahi Mahi)
- Grouper
- King crab (red)
- Pacific cod
- Red snapper
- Sea cucumber
- Sharks
- Shrimp*
- Swordfish
- Albacore, bigeye, skipjack, and yellowfin tuna**

* Domestic aquaculture data gaps

**Bluefin later included for even treatment



Traceability Rulemaking - Proposed Implementation

Electronic submission of CBP data and NMFS message set (e.g., flag nation, ocean area)

Real-time CBP data feed to NMFS with image files of documents

Pre-release evaluation of admissibility – automated checks and examination of documents

Importer recordkeeping required



Information Resources

www.iuufishing.noaa.gov

← → C www.iuufishing.noaa.gov

 **National Ocean Council Committee on IUU Fishing and Seafood Fraud**

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WELCOME TO THE IUU FISHING AND SEAFOOD FRAUD WEB PORTAL

This website serves as a portal to the U.S. activities and the federal agencies involved with implementing the recommendations of the Presidential Task Force to comprehensively combat illegal, unreported, and unregulated (IUU) fishing and seafood fraud from entering the U.S. market place.



HOT TOPICS

- NOAA Fisheries: Proposed rule for electronic reporting of trade data
- State: Our Ocean 2015 Conference Results
- DOJ: North Carolina Seafood Processor and Distributor Sentenced for Mislabeling Shrimp

ANNOUNCEMENTS

- **February 2016: Proposed Rule for First Phase of a U.S. Seafood Traceability Program**
- November 2015: Statement by the Press Secretary on H.R. 774, Illegal, Unreported, and Unregulated Fishing Enforcement Act

ENGAGEMENT DATES

- **February 24:** Proposed Rule for Seafood Traceability Program - Webinar
- **March 7:** Proposed Rule for Seafood Traceability Program - In-Person Public Meeting
- Save the Date - Boston: Seafood Expo North

