Final Rule for a U.S. Seafood Traceability Program
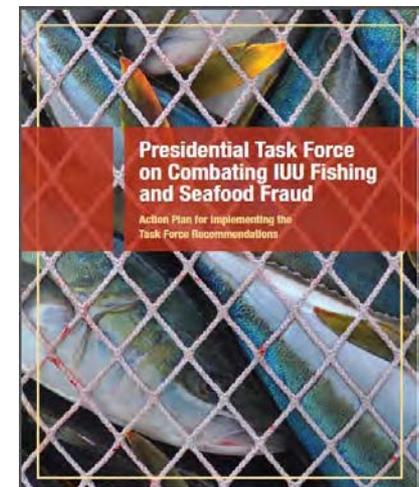
**NOAA Fisheries,
Office for International Affairs
& Seafood Inspection**

12/2016

About the U.S. Seafood Import Monitoring Program

On December 8, 2016, NOAA Fisheries released the final rule establishing the Seafood Import Monitoring Program (SIMP).

The Program establishes, for imports of certain seafood products, the reporting and recordkeeping requirements needed to prevent illegal, unreported and unregulated (IUU)-caught and/or misrepresented seafood from entering U.S. commerce, thereby providing additional protections for our national economy, global food security and the sustainability of our shared ocean resources.

Presidential Task Force on Combating IUU Fishing and Seafood Fraud

Action Plan for Implementing the Task Force Recommendations

Presidential Task Force on Combating IUU Fishing and Seafood Fraud

Established under Presidential Memorandum in June 2014, and directed to report to the President , **"recommendations for the implementation of a comprehensive framework of integrated programs to combat IUU fishing and seafood fraud that emphasizes areas of greatest need."**

Co-chaired by NOAA and State Department, includes senior-level representatives from 10 federal agencies and 5 executive offices of the President. Transitioned to a standing committee of the National Ocean Council for implementation and continued oversight.

December 2014: 15 Recommendations released. #14 & 15 - first phase of a risk-based traceability program to track seafood from point of harvest to entry into U.S. commerce.

March 2015: Released Action Plan for Implementation.
February 2016: Proposed Rule for a Seafood Import Monitoring Program

Ongoing: Public engagement through multiple Federal Register notices, public meetings and demarches

Final Rule for a Seafood Import Monitoring Program (December 2016)

<u>Seafood Traceability Program</u> (Recommendations 14 & 15):

- Within 6 months, specify, with input from U.S. industry and other stakeholders, the types of information and operational standards needed for seafood traceability.

- Within 18 months, implement the first phase of **a risk-based traceability program to track seafood from point of harvest to entry into U.S. commerce.**

- **Access to information regarding domestic seafood harvests and landing already in place through federal and state authorities**

- Steps for **Traceability Program Rulemaking for Imported Seafood**

  - Principles for identifying priority species

  - Draft and final list of priority species

  - Minimum standards and necessary data

  - Use of International Trade Data System (ITDS)

  - Species name and codes (Recommendation 10)

  - Consider information sharing

  - Commerce Trusted Trader Program

  - Process for evaluation and expansion

Overview: Seafood Import Monitoring Program

The Seafood Import Monitoring Program establishes permitting, data reporting and recordkeeping requirements for the importation of certain priority fish and fish products that have been identified as being particularly vulnerable to IUU fishing and/or seafood fraud:

- The data collected will allow these priority species of seafood to be traced from the point of entry into U.S. commerce back to the point of harvest or production to verify that it was lawfully harvested or produced.
- The collection of harvest and landing information for these priority seafood species will be accomplished through ITDS reporting.
- The information collected under this program is confidential.
- The importer of record will be required to keep records regarding the chain of custody of the fish or fish product from harvest to point of entry into U.S.
- The rule applies to re-imported product of priority species

Information to be Collected

HARVESTING OR PRODUCING ENTITY
- ❑ Name and flag state of harvesting vessel(s)
- ❑ Evidence of authorization to fish (permit or license number)
- ❑ Unique vessel identifier (when available)
- ❑ Type(s) of fishing gear used
- ❑ Name(s) of farm or aquaculture facility

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

Bluefin also included to avoid differential treatment of tuna products

Fish – What, When and Where
- ❑ Species of fish - Scientific name/ Acceptable market name, ASFIS number
- ❑ Harvest date(s)
- ❑ Product form(s) at time of landing including quantity and weight of product
- ❑ Area(s) of wild-capture or aquaculture harvest
- ❑ Point(s) of first landing
- ❑ Name of entity(s) to which the fish was landed or delivered

Importer of Record
- ❑ Name, affiliation and contact information
- ❑ NOAA Fisheries issued international fisheries trade permit (IFTP) number
- ❑ Importer of record is responsible for keeping records regarding the chain of custody (above)
- ❑ Information on any transshipment of product (declarations by harvesting/carrier vessels, bills of lading)
- ❑ Records on processing, re-processing, and commingling of product

Changes to the Proposed Rule

- Simplified reporting for small-scale operators
- Timing of implementation to allow for outreach and infrastructure development
- Small adjustment to data requirements and protocols

January 1, 2018 is the mandatory compliance date for most priority species listed in the rule, with *shrimp and abalone compliance phased in at a later date.

The effective date of this rule for all imported shrimp and abalone products – wild capture and aquaculture-raised - will be stayed until commensurate reporting and/or recordkeeping requirements have been established for domestic aquaculture-raised shrimp and abalone production. At such time, NOAA Fisheries will announce a compliance date for shrimp and abalone.

Next Steps

- Final rule published in December 2016 – including responses to comments

- Outreach and engagement of U.S. importers, foreign trading partners, and international seafood producers
    - Public Stakeholder Webinars: 12/15 at 4:30PM ET, 12/16 at 10:30AM ET *(more to be scheduled in January and February 2017)*
    - Session: Seafood Expo N. America, March 2017
    - IUU Taskforce web portal, Fact Sheet

- Work with Customs and Border Protection to effect necessary ITDS message set and business rule programming

- Publish proposed and final rulemaking to establish the Commerce Trusted Trader Program

- Expand Seafood Traceability Program to include all species

Contacts

- All information and materials about the U.S. Seafood Import Monitoring Program will be posted to: **www.iuufishing.noaa.gov** and **www.nmfs.noaa.gov/ia**

- For questions related to requirements of the SIMP, contact Christopher Rogers, NOAA Fisheries Office of International Affairs and Seafood Inspection:
  Christopher.Rogers@noaa.gov

- For questions related to the use of the ITDS, contact Dale Jones, Office of Science and Technology:
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