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Webinar: Final Rule to Implement a Seafood Import Monitoring Program

Presenter: Christopher Rogers, Assistant Director, Office of International Affairs and Seafood Inspection

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Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode until the question and answer session of today's call. At the time if you'd like to ask a question please press Star 1. Today's conference is being recorded if you have any objections you may disconnect at this time. I would now like to turn the meeting over to Laurel Bryant. Thank you and you may begin.

Laurel Bryant: Thanks so much (Sima) and good morning everybody. Thanks for joining us. We've got a good group on the phone. This is the second public general Webinar that we've given on the Seafood Import and Monitoring program so thanks for taking time in joining us today. But this will not be the only Webinar. We're going to be conducting a fairly robust outreach program. Certainly throughout the year we will be scheduling additional Webinars through the month of January and February and our presenter we've got some particular dates on another outreach opportunity that we'll go over later at the end of the presentation.

With me today I have Chris Rogers. He's the Assistant Director of International Programs in the Office of International Affairs and Seafood Inspection and he'll be walking you through some of the key features and elements of the Seafood Import Monitoring program and then we'll open it up for Q&A. But before we do I'd like to just go through a few housekeeping rules and that is one if you do have trouble viewing the Web portion of the presentation we do have it posted as a PDF at the Web portal which is where



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all of our related materials are being posted. And that's at www.iuufishing.noaa.gov.

Number 2 when we're doing questions although there is an interface in the Web portion for you to submit questions all questions we need take through the audio. It's much easier for us to do that and make sure that everybody gets in there. So please use the audio to join the question portion. And with that I'm going to turn it over to Chris Rogers.

Chris Rogers: Great thank you Laurel. Good morning everybody. Thanks for signing on a participating in this morning's Webinar. This is a presentation of the final rule for the US Seafood Traceability program. The final rule was recently issued published in the Federal Register on December 9. The date there is December 8. That's the date it filed with the Federal Register the publication actually on the next day.

The program establishes for imports of certain seafood products. And we'll get a little bit more detail on those particular products later on in the presentation. But the program established for those products reporting and recordkeeping requirements. These are needed to prevent illegal unreported and unregulated caught fish products or misrepresented seafood products from entering US commerce thereby providing additional protections for our national economy here in the US seafood markets, global food security and the sustainability of shared ocean resources. So it's part of the global fight against illegal fishing.

The impetus for the rulemaking arose from a Presidential memorandum issued in June of 2014. It was establishing a task force on combining IUU fishing and seafood fraud. The President requested from members of the task force recommendations for the implementations of a comprehensive framework of



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integrated programs to combat IUU fishing and seafood fraud. That task force was co-chaired by the Under Secretary of NOAA, Dr. Sullivan and Under Secretary of State Dr. Novelli. So it was co-chaired by both NOAA and the State Department and included senior level representatives from ten federal agencies and five executive offices of the President. That task force was eventually transitioned to a standing committee of the National Ocean Council for implementation and oversight of the recommendations of the task force.

In terms of the timeline of the task force work in December (unintelligible) 14 15 recommendations from the task force were released to the public and information was sought through a public comment period on how best to implement those recommendations. In particular recommendations 14 and 15 reflected the need for the first phase of a risk based traceability program to track seafood from the point of harvest to enter into US commerce. In March 2015 the action plan was released for implementing the 15 recommendations. And we worked through several Federal Register notices and comment periods to gather information to support the implementation of Recommendations 14 and 15 for Seafood Traceability Program that resulted in a proposed rule that was issued in February of this year. We had a lengthy comment period and a number of outreach events and responded to comments in producing the final rule which was just issued in December.

We do have ongoing public engagement throughout the entire process and that as Laurel said will continue as we push out the information and outreach on this final rule. The recommendations themselves Recommendation 14 and 15 from the task force required that within six months that a program be specified with input from US industry and other stakeholders the types of information and operational standards needed for an effective seafood traceability program then within 18 months to implement the first phase of a risk based traceability program to track seafood from point of harvest or enter into US commerce.



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During the - that portion of developing the program the National Marine Fisheries Service undertook a comprehensive review of existing state and federal programs for domestic fisheries, wild capture in aquaculture in the United States. And it was determined that access to information regarding domestic seafood harvest were already in place through federal and state programs and also some joint projects through the interstate fisheries commissions. So therefore the rulemaking itself would focus on imports to the US seafood market.

These steps that we actually took to develop the program were several. And we again had several Federal Register notices and comment period during the course of this activity. We first identified principles for designating the priority species after those principles. We applied those principles and had a draft list of priority species, took additional comment on that and then a final list of priority species. So again the program, the recommendations of the task force were that program would apply to all species of seafood but that in taking a risk-based approach we would focus on those particular species of particular concern with respect to illegal fishing in seafood fraud. So that was the purpose of the list of priority species for this first phase of the program.

We also took comment on minimum standards and the necessary minimum standards for interoperability and data transfer as well as the necessary data elements to define (unintelligible) what we called the harvest event to pinpoint where and when the fish were harvested. We also highlighted and discussed use of the International Trade Data System as a means of implementing the program. The International Trade Data System is a US government-wide system for electronic entry of information necessary to assess imports and to clear them for admissibility into US Commerce.



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We also worked in conjunction with another group of the task force.

Recommendation 10 was with respect to species names and codes and looked at whether any refinement of species names and codes codes being meaning harmonized tariff schedule codes names meaning acceptable market names for species would help address issues of properly identifying the seafood products and minimizing fraud and misrepresentation in commerce.

We considered information sharing particularly with other agencies of that were members of the task force and also had an interest in examining and collecting information about seafood products. In particular, we have partners within the State Department, Fish and Wildlife Service and Food and Drug Administration who also have an interest in certain seafood products whether from a food safety perspective or a lawful acquisition perspective or other criterion for example whether it's dolphin safe tuna or turtle safe shrimp. So information programs are in place, some managed by other agencies. And we considered that information sharing to minimize the burden of this particular program and avoid duplication.

We also started a dialogue with the public on a commerce trusted trade program. We did solicit some comments about how the program would work, the scope of the program and potential benefits that it might confer on trusted traders in terms of streamlining the import process and minimizing the recordkeeping and reporting burden. We also we'll be looking at the process for evaluation and expansion of the program. And as I said this is the initial phase of the program affecting the list of high priority species but eventually the program will pertain to all seafood entering US commerce.

So the final rule that recently came out establishes permitting, data reporting and recordkeeping requirements for the importation of certain fishery products these priority products for those species that will listed in the next slide. And



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again these particular products were identified on the basis of the vulnerability to IUU fishing and/or seafood fraud. The data we will collect at the point of entry into US commerce, the point of import will allow these priority species to be traced from the harvest event or the information that will be reported on the harvest event will allow us to do a trace back from that import event to back to the harvest event and verify that the products were lawfully harvested or produced.

The collection of this information as I said will be accomplished through electronic reporting through the international trade data system in conjunction with normal entry filings. The information under this program is confidential - a very important component. This is individual business transactional information and therefore is protecting both under the Trade Secrets Act and under the authority for which we are implementing this program the Magnuson-Stevens Fisheries Conservation and Management Act which has protections for confidential business information.

The import of record is the focus of the rulemaking and in terms of the importer record will be required to have a permit. We will use that information gathered about the importer of record in that permitting process to communicate and educate those importers on the requirements of the program and also to select certain entries for audits in order to verify the chain of custody information. The rule does apply to reimported products. I said earlier that we had concluded based on our comprehensive review that state and federal programs for domestically produced seafood already contain information necessary to determine lawful acquisition for entry into US commerce. But US harvested products, US produced products that are exported abroad for processing and then reimported as process products into the United States would be subject to the import monitoring program.



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Some information about the information we will collect, obviously we want some information about the harvesting or producing entity name and flag state of harvesting vessels, the evidence of authorization to fish whether that be a permit or license number issued by a confident authority, unique vessel identifier when available. Many flag states will require registration numbers or international Maritime organization numbers depending on their programs. So if unique identifier has been assigned then that should be used to identify that vessel in the import report, the types of fishing gear used and in then the case of aquaculture products the name of the farm or aquaculture facility, some information about the fish what, when, where the fish harvested, the species, the harvest dates, product form and weight at the point of landing, the area of wild capture or the area where the aquaculture facility resides, point of first landing or delivery of the product and the entities to which the products were delivered.

With respect to the importer of record we will obviously collect the name affiliation and contact information as part of the permitting process. So NOAA fisheries will issue what we call the International Fisheries Trade Permit to all importers. There will be entitlement to import these products and make entries with the information that would be required. So that importer of record would be responsible for getting the information on the harvesting or producing entity and the fish that were harvested from the exporter and provide that information to customs through the International Trade Data System. In most cases importers will use a broker, customs broker for that electronic reporting so this information needs to be shared obviously the entry file, the customs broker so they can report that information electronically.

The importer of record is responsible for keeping records on the chain of custody. So the actual reporting requirement at the point of import would be the harvest event. But the chain of custody information is not required to be



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reported as part of the entry process. It is a record-keeping requirement on the part of the importer of record. We're very flexible but not prescriptive at all as to what that information can contain or how that information can be assembled. It can rely on any existing government programs, any third-party certification schemes or even commercial documents that are normally used in trade including declarations of landings, harvest transshipment, declarations, guest reports required in the area jurisdiction of the harvest event, can also include bills of lading, manifests. All types of commercial documents that are normally used in business transactions can be used to support the chain of custody requirement. Any records of on processing reprocessing or co-mingling of product along the way should also be kept as part of the chain of custody requirement.

I would note however that the requirement does not pertain to a very specific association between elements of a shipment and the harvest of events. In other words if there was multiple harvest events that contribute to a shipment that is being entered into US commerce it is only a matter of reporting those harvest events, not necessarily segregating the product so that any particular say carton of fish or box of frozen fillets has to be associated with the particular harvest event, only an association with the several harvest events that have contributed to that shipment.

I mentioned the application of this program to certain species that were identified through the priority species process. These 13 species, species groups include the several species that are high volume in trade in the US seafood market. The US imports about \$20 billion a year in seafood products and these priority species represent about half of that, about \$9 billion. So even though it's the first phase of the program it does and these species were identified because of the risks of IUU fishing and seafood fraud. They do represent about half of the US in seafood import market on an annual basis.



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I would note that in this list (unintelligible) 13 priority species there is an asterisk with respect to abalone and shrimp. We have delayed or saved the implementation of the rule for those particular species and we'll announce a date at a later time as to when the requirements will pertain to those species. This was due to the fact that during our comprehensive review of US state and federal programs it was determined that aquaculture, domestic aquaculture for shrimp and abalone occur. We do have an industry segment for domestic aquaculture. But the requirements with respect to recordkeeping and reporting for those products are not as complete and comprehensive as would be needed to avoid any national treatment issues.

In other words when we do an import monitoring program as a member of the World Trade Organization we do have obligations to ensure that we have fair and equal treatment not only for importers or excuse me exporters in the US market regardless of which country the products are coming from but also with respect to our domestic market and domestic information collection requirements (unintelligible). Because there is some need to improve or enhance record-keeping for shrimp and abalone in the domestic aquaculture situation until we close those gaps we will not apply the program to imports of abalone and shrimp. And again we will publish a notice in the Federal Register announcing the dates when those requirements will come into effect for those species.

We did make several changes to the proposed rule based on the comments received. These three bullets on top of this slide reflect the most significant changes. We did adopt a simplified reporting approach for small scale operators. We did receive comment that in certain instances small-scale fisheries, small-scale aquaculture operations, a number of harvest events, a large number of harvest events -- a relatively large number -- could contribute



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to single shipments. And it would be burdensome to try to include the information for all of those harvest events.

So we adopted a simplified reporting program for small scale operators small scale vessels under 20 measured gross tons or 12 meters in length overall for aquaculture operations making daily deliveries of less than 1000 kilograms can be consolidated into single harvest reports or harvest event reports that will cut down on the number of harvest events that would need to be reported at the time of entry into US Commerce.

We also took a lot of comment about the timeframe for implementation. There was an aggressive schedule identified in the task force report and the action plan but we were concerned about how long it would take the trade to come into compliance with respect to setting up information collection schemes and information management tools to ensure that the information about the harvest event can be effectively transmitted with the products through the supply chain.

So in response to those comments we do have a one year delay in implementation. Our compliance date was set for January 1, 2018. So this is the mandatory compliance date for the priority species with the exception of shrimp and abalone for which the compliance date will be notified at a later date. We did also make some small adjustments to the data requirements and protocols. We did receive a lot of questions about the data elements themselves and the formats and the code list that might be used. And it's very important to note that this rule is based on foreign law or regulation. In other words if this product is a legal it is illegal based on the foreign law or regulation. We're not setting that standard within this rule. We're only applying the standard against those products offered for entry into the US marketplace.



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So with respect to the data requirements and protocols those data requirements and protocols would pertain to the jurisdictional entity, the competent authority in that area of harvest. So if a country has a reporting requirement with respect to how gear is identified or fishing errors are identified those types of data elements that should be used according to those data requirements protocols and formats. But in the event that the area the, competent authority in the area where the harvest occurs does not have any specific requirements we had specified that the food and agricultural organization of the United Nations code list can be used in terms of vessel types, gear, gear types and fishing areas.

So as I said the final rule was published this past December. It does include a very lengthy treatment of the comments that we received and the responses to those comments, how the final rule was adjusted in response to those comments. As of yesterday we started these public outreach seminars and as Laurel said we have several more in plan so we've had one yesterday, this one this morning. We'll have a big presence in the Seafood Expo North America next year at March. We will continue to use our Web based tools to disseminate information, our IUU task force Web portal, posted fact sheets about the rule on our Web site. And we will be working in the coming months with Customs & Border Protection to effect the necessary changes to the International Trade Data System to accommodate message set and the business role program for this import monitoring.

As soon as we have agreement with Customs & Border Protection on what we call the Implementation Guide we will release that, have that posted not only on the National Marine Fisheries Service sites but also the Customs & Border Protection Web site. Those implementation guides will give the detail rules primarily of interest to software developers and customs brokers with respect



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to how to format the data and move back into IDDS and when making an entry filing.

So we'll work with customs on finalizing those implementation guide, getting that out to the trade community. And as soon as customs is ready with the programming even though the compliance date is January of 2018 we will open up the system for a pilot program so entities can begin to test the program and make sure that they have correctly formatted the message sets and they are accepted by ITDS.

We will also be working in the coming months on a rulemaking for the Commerce Trusted Trader Program. We did have a federal register notice and requested comment, received a number of comments about the scope and operational characteristics of a Commerce Trusted Trader Program but we will do a formal rulemaking to finalize the details of that program. So a proposed rule, comment period and final rule will come out to establish the criteria for application and acceptance into the Trusted Trader Program and the parameters under which a trusted trader can operate to reduce burden and streamline the import process.

And then again as the recommendation was that the Seafood Traceability program would apply to all species we'll be looking at the timeframe and approach towards expanding the program to include all species. That will be longer term operation in the future and I'm sure we'll gain a lot of experience with the initial phase that will inform the expansion of that program.

Here's some contact information. As I said the iuufishing.noaa.gov Web portal is used to post all information about the task force, the NOC Committee and the implementation of the recommendations of the action plan and also our international affairs Web site here at National Marine Fisheries Service.



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So two good sources of information. We'll update them frequently with information as it comes online.

Any questions related to the rule itself and the operations of the data collection process can be directed to me Christopherrogers@noaa.gov. For specific questions of our use of the International Trade Data System the message set formats those can be directed to Dale Jones in our Office of Science and Technology dale.jones@noaa.gov. For all other inquiries particularly with respect to our outreach and communication program you can contact Laurel Bryant of our Communications Office at - also @noaa.gov.

Here's just a view of the Web portal www.iuufishing.noaa.gov. This does include information about the task force, the NOC Committee and the all - the implementation of all of the recommendations from that task force report. But in particular you can focus on the implementation of the Seafood Traceability Program. So that's the presentation. We can move into a question and answer period at this point.

Laurel Bryant: Great, thank you Chris. (Sima) why don't we go ahead and remind folks how to get in the queue?

Coordinator: Sure. If you'd like to ask a question please press Star 1. Once again if you'd like to ask a question please press Star and then 1.

Laurel Bryant: While people are - it looks like we may have somebody.

Coordinator: First question is from (Laura Jonman). Your line is now open.

Laurel Bryant: Good morning (Laura). Do you have your mute button on?



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(Laura Jonman): Yes I did. Sorry about that.

Laurel Bryant: Quite all right.

(Laura Jonman): I was just wondering you mentioned confidentiality. Does that mean for example as a food retailer that we would not have access to the information about which vessel the seafood that we buy is coming from?

Chris Rogers: Well with respect to the information that we collect yes we will not be publicly disseminating all of the information that is collected through the International Trade Data System. However - as a retailer working with your suppliers that information will be collected and reported to us so it will be transmitted through the chain of custody, the supply chain for those products. To the extent that the importer wishes to share that information with the retailer is certainly free to do so.

What we're saying is though that the information that we collect can only be disseminated in an aggregate fashion. In other words we can published statistics about the number of entries of particular products, their countries of origin and things like that but we can't publish the particulars of any individuals import transaction. So again if the supply chain requirements are such that the retailer wants to know and wants to communicate that information that's a matter for discussion and working out agreements with the importer.

(Laura Jonman): Okay. That's clear thanks. I do have another question if I may.

Chris Rogers: Okay.

Laurel Bryant: Absolutely.



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(Laura Jonman): So is this also applicable for traceability back to the vessel for the feed that's fed to aquaculture?

Chris Rogers: Well...

(Laura Jonman): That's also where there's quite some IUU problems.

Chris Rogers: Yes we did receive a number of questions on that during the comment period on the proposed rule. For the initial phase no, we're not concentrating on the feed for aquaculture products, only the production of those products on the priority species list. But that is something that we will take under consideration in expanding the program. But at this current time no, the rule as it would be applied on January 1, 2018 would only require reporting the harvest event of actual products produced through the aquaculture, not any of the inputs through that production facility. But again we would look at that issue with respect to expanding the program in the future.

(Laura Jonman): Okay. Thank you.

Laurel Bryant: Thanks (Laura). Operator next person?

Coordinator: Next question is from Tracy Hare. Your line is now open.

Tracy Hare: Hi. This is Tracy Hare from Alaska General Seafoods. I was just seeing if there was any effect on the FDA pre-notification of imports of foods with this?

Chris Rogers: Well that's an FDA requirement through an independent system. We are our partner government agency we meaning National Marine Fisheries Service,



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our partner government agency in the ITDS system, the program as is FDA. So the FDA prior notice requirement would still pertain. What we will be doing is trying to work with FDA to capture any information obtained by FDA through that prior notice process to avoid any duplication of the same information that would be required to be to National Marine Fishery Service.

My understanding currently of FDA is they are still independent in other words the prior notice is not accomplished through ITDS. It's accomplished through independent FDA operated systems. But the fact that the prior notice occurred or the prior notice requirement was met is communicated to ITDS when customs is processing the entry filing.

So at this point there is not sufficient information to my knowledge about what was filed in a prior notice because that's in the FDAs system. But again we will be looking to work with FDA to see how we can share information across agencies, across platforms to reduce duplication.

Tracy Hare: Okay. Yes I was just seeing how they work hand in hand so thank you.

Laurel Bryant: Thanks Tracy. Next question is from Leo Muise. Your line is now open.

Leo Muise: Hello. It's Leo Muise here. I work for the Nova Scotia Fish Packers Association. And as you can imagine here in Canada we have a policy we call fleet separation, in other words fishermen on the boats on the land based side who the exporting generally buy from these fishermen. So there's a great deal of legwork that's going to be required over the next year or so to get ready for this. And I guess my question is with the new administration coming in the United States can we take this as a given that this is going to happen no matter what or is there still some room for debate over that?



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Chris Rogers: Well it was filed and published in the Federal Register as a final rule with an effective date and a compliance date. So absent any changes to that it will go into effect as dated.

Leo Muise: So we can proceed that this is going to happen and get to work on the...

Chris Rogers: Yes.

Leo Muise: ...implementation side?

Chris Rogers: That's correct. And I would emphasize that even though the compliance date is January of 2018 it will be enforced as of that date. So any products that were actually harvested prior to that -- and most imports occurring on January 1, 2018 will certainly have been harvested prior to that date -- so the information will be required about the harvest event which precedes the compliance date. So it's especially important to work this out. It's especially important for us to work with (CBP) get the programming finished and set up the pilot program so that our folks can start using the system well in advance of the compliance date upon which it would be enforced.

Leo Muise: Okay thank you.

Coordinator: Next question is from (Mallory Bruns). Your line is now open.

Teresa Ish: Hi. This is Teresa Ish from the Walton Family Foundation. I was wondering what the requirements for demonstrating legality in the format of the CAP certification needs to look like to enter into the system. Is it electronic or is paper fine and then who does the verification against that?



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Chris Rogers: Well the - it is an electronic reporting requirement. As I said we'll be making use of the International Trade Data System which is an electronic scheme. Now how that information is put into the - an electronic format can come from various sources. In other words is the information on the harvest event is transmitted with the goods through the supply chain that can be done electronically, it can be done with paper. But eventually it has to be in the hands of the person making the entry filing in the US and they will convert it to an electronic message set as we call it in the International Trade Data System. So that message set will be communicated electronically. What we will do as we receive data feed from customs in real-time is select certain entries for audit and for verification of that information using random sampling approaches as well as reading and targeting criteria.

In the event of a selection of a particular entry for audit we would request the chain of custody documentation from the importer of record and then work back through the supply chain to verify including the dialogue with the confident authority in that area of jurisdiction based on the harvest events so which country was the license grantor to the vessel, what area where they fishing in. That will help us identify the competent authority and basically ask those questions.

This is the information reported to us. Can you confirm that this was a situation of lawful acquisition or was this not in accordance with your laws or regulations, so that's how the system will work. Again very flexible with respect to how the information is transmitted through the supply chain it can be electronic, can be paper. But at the point of entry into US commerce an electronic entry filing must be made and that information will be reported, required to be reported via electronic message set.

Laurel Bryant: Teresa does that answer your question?



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Teresa Ish: Yes it did. Thank you.

Laurel Bryant: Thanks. Operator do you want to kind of remind folks again? I don't - I'm not seeing anybody in the queue?

Coordinator: Yes of course. If anyone would like to ask another question please press Star 1.

Laurel Bryant: And while we're waiting to see if someone else wants to step into the queue we have a lot of folks on which is terrific. I'm really glad. Some of the names I'm not fully recognizing. If you are not getting my notifications with regard to anything to do with IUU and the task force effort and NOAA's engagement on this my email is on the presentation. Please send me your contact information and I am happy to make certain that I get you into the database. (Sima) I'm seeing other folks in the queue if you want to pull them in.

Coordinator: Yes. Next question is from (Daniel). Your line is now open.

(Daniel): Hi, this is (Daniel) at Highlighter Foods. My question is for value-added processing. If we're bringing in like (unintelligible) fish or something like a stuffed soul with other seafood products in how far back does the traceability have to go for like a transform product?

Chris Rogers: Well again the program is designed to track from the harvest event right through the supply chain to the entry into US commerce. So for an import monitoring program the entry into US commerce would be the point of release from customs custody. So it would entail record-keeping for the entire supply chain.



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I would note though that again this is the first phase of a program. We've identified certain species and the program will focus on certain tariff codes that are readily identifiable tools to those priority species. We did receive comment on this and considered it with respect to highly processed products particularly products that may be mixed as you note. You mentioned like a filet of sole that may be stuffed with crab. For example, blue crab is on the list of priority species, soul is not. So it does raise some issues as we expand the program how we will deal with these processed products.

But eventually the program is intended to apply to all species and all the tariff codes that would pertain to seafood products that would be included in the program. But for the time being the situation you present would not be covered. And as we gain experience with the initial phase we'll figure out how best to expand their program and how to deal with the highly processed products where it could be a mix of several species or different components.

Laurel Bryant: (Daniel) is that - does that answer your question at this point?

(Daniel): I guess my question is for these highly processed products you're saying it doesn't - the regulations will not apply yet is it or...

Chris Rogers: Yes, not yet but I don't want to say that in such a way that it doesn't keep people thinking about how they would adapt to the program when it is fully expanded to cover all seafood products so...

(Daniel): And will it - will there be a definition of what the cutoff is for what is considered a highly processed product?

Chris Rogers: Right so the way the program will work is through the flagging of certain harmonized tariff scheduled codes. So for the most part for those familiar with



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the harmonized tariff schedule Chapter 3 it's seafood products, live fresh frozen. Those are readily identifiable as - to species in most cases. But with the highly-processed products they'll enter into Chapter 16 of the harmonized tariff schedule. Some of them do have degree of specificity that they can be easily associated with the requirements of this program others perhaps not. So that's what we will be doing as we consider expansion of the program as to which tariff codes would be included for the reporting requirement at the point of entry.

Now in certain cases a very broad tariff code might capture many, many products that are not of interest, not of concern. They don't contain seafood but just by the nature of the tariff code and its product description we know that some seafood products may be entered under that tariff code. So we'll look at ways to minimize the burden in those situations. Perhaps a disclaimer of a certain tariff code does require at least a disclaimer it does not contain seafood and then no further information would be necessary in order to process the entry filings, in other cases more information about the product might be required for us to discern that yes this does contain seafood, it does contain seafood subject to the requirements of the program and therefore the message set has to be completed in its entirety. But we'll be working through this issue as we gain experience with the first phase of the program.

Laurel Bryant: Good question (Daniel), one of the learning curves.

(Daniel): Oh okay. Well thank you.

Laurel Bryant: Thanks. Next person?

Coordinator: The next question is from Curtis Keyes. Your line is now open.



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Curtis Keyes: Thank you. This is Curtis Keyes with Marine Management Insurance Brokers. You had mentioned that as you're going to be doing random audits on various entries and that you'll be contacting the competent authority in the country of export and you're going to ask what area this - whether the fish species was harvested and whether this was a lawful acquisition. My question being if it was not a lawful acquisition would this give rise to a Lacey Act enforcement action against the importer?

Chris Rogers: Well this rule was issued under the authority of the Magnuson Stevens Fisheries Conservation and Management Act which clearly states it's prohibited act to sell, offer for sale, buy, import and export -- there's a whole list of actions that are prohibited for fish taken in violation of a foreign law and regulation. So we can enforce it under Magnuson.

To the extent that a Lacey Act case might be brought there will be relevant to those circumstances. What was the information known to the US importer? Was it willfully misrepresented -- those kinds of things? Was it the operation in collusion with foreign entities to illegally harvest and misrepresent and enter those products into US marketplace? So it certainly could occur under certain circumstances that a Lacey Act authority might be brought to bear on a particular situation. But again the rulemaking itself was based on Magnuson Act Authority.

Curtis Keyes: Okay, thank you.

Coordinator: Next question is from (Mary Kemi). Your line is now open.

(Mary Kemi): Hi, thank you for taking this call. I just have a quick question to follow-up on the understanding of the data that will be made available to the public. I know that the data will be confidential and you'll have to be aggregating it. But is



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NOAA planning to put out an annual report that will summarize these imports for the 13 species or species groups by those species groups?

Chris Rogers: Well we do publish statistics. Actually Department of Census bureau, the Bureau of the Census does publish all trade information with respect to US imports and exports. We do receive an extract directly from customs with respect to the data needed to manage this particular program. But in terms of public dissemination of trade statistics we wait for the assembly of information by the Bureau of the Census and we do receive data feed.

Our Office of Science and Technology has a very good Web site with respect to performing data queries on the import and export data. So the aggregate data are already well represented and easily accessible through the Office of Science and Technologies Web site under trade data foreign trade statistics. So the aggregated data are currently available. It will remain available under that public dissemination program.

With respect to this implementation of this particular program the Seafood Import Monitoring program the task force does require a report on the effectiveness of the program and recommendations for expansion. So to some extent that report would deal with some of the aggregate statistics as well.

(Mary Kemi): Thank you.

Laurel Bryant: Thanks (Mary).

Coordinator: Question is from (Quint Wycans). Your line is now open.

(Quint Wycans): Hi. This is (Quint) from SeaStar Seafoods we - I was wondering if we fall into the highly processed category in that our products will typically come from



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several lots of the same type of say codfish. And each lot may be caught by a fleet of say 50 vessels some from say Newfoundland for example or Norway or Iceland. So I'm just wondering if, you know, each vessel has to be counted in say a 50 pound box of fish, you know, it could be hundreds of vessels that contributed to the harvest event?

Chris Rogers: Right. Well that's the way the program is designed is that each of the harvest events will be described. So if in fact there were hundreds of vessels contributing to a 50 pound box they would each have to be reported. However if it is a small scale operation there are definition 20 measured tons or 12 meters length overall below that threshold is simplified catch report or harvest event report can be used to consolidate those catches. The scenario though that you've presented may have some greater complexity because you mentioned kind of co-mingling between sources from Iceland and Norway perhaps with Canadian fish. So again the let's just say there's a container of boxed cod fillets. There's not a requirement that each one of those boxes has to be associated with a particular harvest event but that all of the harvest of events contributing to that container of boxes have to be reported.

Laurel Bryant: Did that make sense (Quint)?

(Quint Wycans): I'm still trying to digest it. But I guess yes we're not - where it's just the typical order for us would be to say anywhere between five and 25 items most like all ground fish but a lot of say cod. So there could be yes one box out of that so we're talking, you know, 50 pounds could have like I said several tons of harvest events for sure.

Chris Rogers: Right. Yes so again each of the harvest events contributing to that box would have to be reported. But if there are small scale vessels under our definition they could be consolidated.



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(Quint Wycans): And if we just put it into context we're selling say 45 distributors wholesalers stores 26 items of which of those 26 items 24 of them could be caught from all different places of the world so the paper it would generate would be overwhelming I believe.

Chris Rogers: Well again that's why we tried to alleviate some of that burden through the small scale operators. But if these are all coming from larger scale operations they would have to be documented and the information reported. We do have experience with this with our tuna tracking and verification program, canned tuna coming in with for the dolphin safe label. It could be several harvest events many multiples of 10, 15, 20 even harvest events contributing to that container a shipment of canned tuna in cartons. But each one has to be documented and associated with that shipment.

(Quint Wycans): Yes, no and it probably does make sense for a container load. But I guess what we're saying is we would have a similar amount on that we go weekly into New York, Miami, et cetera. and maybe 50 orders. So we've got to multiply that by 50 too, you know, that the potential lines I guess on an entry.

Chris Rogers: Right so each entry line will correspond to the tariff code. And again getting back to that question on highly processed products it's the tariff codes that will be flagged for the information reporting requirements.

Laurel Bryant: (Quint), and on this again we are going to be doing more robust outreach and really making ourselves available particularly when those guidance documents come out and the pilot process begin. But also you've got Chris's email. So as you guys continue to digest this information then you can always have an additional off light on that which is why we provided those emails.



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(Quint Wycans): That's okay, thanks a lot.

Laurel Bryant: Okay (Quint). Thank you.

Chris Rogers: Thank you.

Laurel Bryant: Good question. I'm not seeing anybody in the queue but operator do you want to kind of prompt folks and see if we've got...

Coordinator: Sure.

Laurel Bryant: ...anyone else?

Coordinator: If anyone else would like to ask a question please press Star 1.

Laurel Bryant: While we're waiting to see if somebody wants to answer a question we will be once these recordings are of available and transcripts we will be posting these on to the Web portal next to this and keeping all of these things archived. So if you missed it or want to go back or you have folks that missed know that that will be there. And again also for you and your team the folks that I should have on my list and I don't please make certain.

We've got seafood inspection program lists. We're trying to keep track of all of the importers and the folks that are engaged. But for those that may not be please reach out to me, send me your contact information and we'll get you on the list. I'm not seeing anyone else on this and we're actually at an hour. We don't mind going over so don't feel shy. Oh we do have - we have one more person.

Coordinator: Your question is from Curtis Keyes. Your line is now open.



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Curtis Keyes: Hello. This is Curtis Keyes again from Marine Management. Question concerning farm raised species let's say tilapia or whatever while the harvest event could be, you know, if you're talking about a full container load of product could be from multiple farms that could certainly be documented. But do you have to bring it down to a specific pond because obviously within a farm arrangement you're going to have different grow outs and different sized product and it's going to come from specific pond within a farm. Will the importer have to define the pond with in the farm as the source of the product or is the farm sufficient for identification purposes?

Chris Rogers: No the farm or facility itself would be sufficient because basically the criterion for admissibility is lawful acquisition so we just need to be able to identify the facility in order to see that it was properly licensed and documented in its - in the area of jurisdiction.

Curtis Keyes: I see okay. Thank you.

Chris Rogers: And again if it's multiple farms so but they're all small-scale deliveries from those farms 1000 kilograms or less they can be consolidated under one harvest event report consolidated as in terms of deliveries to the processor or if it's a collector who's visiting several farms during a day taking small delivers that delivery report could consolidate for those farms.

Curtis Keyes: Thank you.

Laurel Bryant: Thanks Curtis.

Curtis Keyes: You're welcome.



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Laurel Bryant: There is no one else in the queue. So unless somebody has a burning question I think we're going to wrap it up. You've got all of our emails and again we will be reaching out as we schedule more probably after the holidays but I know I'll be here up until the holidays so feel free to reach out. I want to thank everybody for joining us this morning and taking the time and we look forward to continue hearing from you and working with you. Thanks everybody. Have a good weekend.

Chris Rogers: Thank you.

Coordinator: This now concludes today's call. All lines may disconnect at this time. Thank you.

END