Compliance Guide for the:
U.S. Seafood Import Monitoring Program

What is the Seafood Import Monitoring Program?

The Seafood Import Monitoring Program establishes, for imports of certain seafood products, the reporting and recordkeeping requirements needed to prevent illegal, unreported and unregulated (IUU) fishing 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.

Why has NOAA Fisheries implemented this Program?

As a global leader in sustainable fisheries and a major market for seafood commerce, the U.S. has a responsibility to combat illegal practices that undermine the sustainability of our shared ocean resources. To that end, NOAA and its U.S. Government partner agencies are engaged in numerous efforts to engage internationally, enhance enforcement, strengthen partnerships, and establish seafood traceability. In line with these efforts, on December 9, 2016, NOAA Fisheries published a final rule establishing the Seafood Import Monitoring Program (SIMP).

To whom does the Program apply?

The Seafood Import Monitoring Program requires additional data to be reported at the point of entry into U.S. commerce or retained by the importer of record for imported fish and fish products identified as priority species due to the risk for IUU fishing and seafood fraud activities. Importers of record are identified to U.S. Customs and Border Protection (CBP) on each entry filing. The U.S. importer of record will be required to obtain an International Fisheries Trade Permit (IFTP) from NOAA Fisheries to report certain harvest information at the time of entry filing, and to keep records regarding the chain of custody of the fish or fish product from harvest to point of entry into U.S.

Which species will be affected by this Program?

Thirteen species were identified as particularly vulnerable to IUU fishing and/or seafood fraud and therefore covered by the first phase of the Program, which is intended to expand in the future to cover all seafood:

- *Abalone
- Atlantic Cod
- Blue Crab (Atlantic)
- Dolphinfish (Mahi Mahi)
- Grouper

- King Crab (red)
- Pacific Cod
- Red Snapper
- Sea Cucumber
- Sharks

- *Shrimp
- Swordfish
- Tunas: *Albacore, Bigeye, Skipjack, Yellowfin, and Bluefin*

* Implementation of the program requirements for abalone and shrimp is delayed until further notice. See Question and Answer below.

What information is being required to be reported at the point of entry into U.S. commerce or retained by the importer of record for imported fish and fish products?

The information to be collected includes:

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

Note: The fishing area and type of fishing gear should be specified per the reporting convention and codes used by the competent authority exercising jurisdiction over the wild capture operation. If no such reporting requirements exist, the Food and Agriculture Organization (FAO) fishing area and gear codes should be used.

Harvest Event – What, when and where
- Species—FAO 3-Alpha Species Codes (Aquatic Sciences Fishery Information System - ASFIS)
- 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(ies) to which the fish was landed or delivered

Note: In cases where the imported shipment is comprised of more than one harvest event, each event that is relevant to the shipment must be reported. However, the importer does not need to link a particular fish or portion of the shipment to any one harvest event.

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

What is the criterion to judge whether a product is included under SIMP?
The criterion to judge whether a specific fish product is included under the initial phase of SIMP is the Harmonized Tariff Schedule (HTS) Code used to file an electronic entry for the import shipment.

NOAA Fisheries will provide to CBP a list of required data elements for each species under the HTS codes covered by SIMP. An updated list of HTS codes subject to SIMP will be posted soon under the message set implementation guide for NOAA Fisheries at: https://www.cbp.gov/trade/ace/catair

How will this information be collected and reported?
The collection of harvest and landing documentation for these priority seafood species will be accomplished through the International Trade Data System (ITDS), the U.S. government's single-window data portal for all import and export reporting (maintained by CBP). Import harvest and landing data will be submitted through ITDS "message sets" at the time of entry, while chain of custody records for the fish after landing will be transferred through the supply chain and maintained by the importer of record. Importers of record are the U.S. entities taking responsibility for the import under U.S. Customs regulations and will be required to hold an IFTP issued by NOAA Fisheries.

When will the Automated Commercial Environment (ACE) programming be released?
NOAA Fisheries is working with CBP to program the ACE portal for the pilot test. As soon as the programming has been certified, we will announce a pilot test in the Federal Register.

What is the language of record for record-keeping?
The U.S. importer of record must be able to personally review and verify the accuracy of recordkeeping documents regardless of language. Translation of recordkeeping documents into English is not a requirement of the Program but as noted above, must be reviewed and understood by the U.S. importer of record.

How do I obtain an International Fisheries Trade Permit (IFTP)?
The International Fisheries Trade Permit may be obtained at:
https://fisheriespermits.noaa.gov/npspub/pub_cmn_login/index_live.jsp

Will product from each and every harvest event need to be segregated through processing and shipment in order to be traced back from point of entry?
No— the segregation of harvest events through the supply chain is not required. An imported shipment may be comprised of products from more than one harvest event. In such instances, an importer of record must provide information on each harvest event relevant to the contents of the product offered for entry, but does not need to specify which portions of the shipment came from particular harvest events.

How will the data collection requirements be applied to small-scale fisheries?
The Program exempts an importer from the requirement to individually identify small-scale vessels—or small scale aquaculture facilities—if the importer provides other required data elements based on an aggregated harvest report. Aggregated harvest report is defined as a record that covers: (1) harvests at a single collection point in a single calendar day from small-scale vessels (i.e., twelve meters in length or less or 20 gross tons or less); (2) landing by a vessel to which catches of small-scale vessels were made at sea.

Are all products containing priority species included?
No. The reporting and recordkeeping requirements will not be applied to imports of certain highly processed fish products, including but not limited to fish oil, slurry, sauces, sticks, balls, cakes, puddings, and other similar highly processed fish products, in cases where these products cannot currently be traced back to one species of fish or a specific harvest event(s) or identified through product labeling. The specific HTS codes for which the program applies are listed in the NOAA Fisheries Implementation Guide at:
https://www.cbp.gov/trade/ace/catair

Does this Program require any labeling modifications?
No. The Seafood Import Monitoring Program is not a labeling program.

Does the Program apply to U.S. domestic seafood?
U.S. domestic regulations are already in place requiring that catch and landing information for domestically caught seafood is reported to NOAA Fisheries. The rule establishing the Seafood Import Monitoring Program applies only to seafood entering the U.S. from a foreign country.

Does the Program apply to domestically harvested seafood that is subsequently sent to a foreign facility for processing and/or storage and later imported back into the U.S.?
Yes, it does. No exception for domestically caught seafood is made. Fish or fish products initially harvested in the U.S., but subsequently sent to a foreign country for processing, reprocessing, and/or storage prior to being sold in the U.S. are subject to reporting and recordkeeping requirements of the Seafood Import Monitoring Program for re-entry into the U.S.

Some tuna products are already under existing regulatory reporting requirements for imports, how will they be impacted by the Seafood Import Monitoring Program?
NOAA Fisheries has established harmonization of recordkeeping and reporting requirements of the Tuna Tracking and Verification Program used to document the harvest of tuna products being sold or exported using the dolphin-safe label includes many of the harvest, landing, and chain of custody elements included in SIMP. Implementation of the Seafood Import Monitoring Program data requirements will not create redundant reporting and recordkeeping requirements for importers of tuna products. Rather, the ITDS business rules will be written to ensure that each data element is reported only once in a given case. In order to ensure parity among the two programs, NOAA Fisheries may revise the Tuna Tracking and Verification Program to reflect new reporting and recordkeeping requirements as appropriate. This may also be the case for imports of swordfish and certain species of tuna covered by existing international statistical document or catch documentation programs.

Will the data reporting and filing requirements of this rule be a matter of public or consumer record?
The information collected under this program is confidential. SIMP establishes a business-to-government reporting system to allow U.S. government agencies to confirm the legality of imported fish and fish products. To address concerns about data confidentiality, data security will be given the highest priority throughout this process. Information collected via ACE and maintained by CBP systems such as ITDS, is highly sensitive commercial, financial, and proprietary information, and is therefore generally exempt from requirements for public disclosure (for example, the Freedom of Information Act).

What is the effective date for implementation of the Program?
Compliance with reporting and recordkeeping requirements in the rule for priority species *other than shrimp and abalone* will be mandatory starting **January 1, 2018.** As of the effective date, entries under the specified HTS codes subject to the program will require the message set and the U.S. importer will be required to have a valid IFTP. Entries subject to the Program that are filed without a complete message set (harvest event data and IFTP number) will be rejected and won't be released by CBP until the message set and IFTP number are provided.

Because imported fish entered into U.S. commerce on or after January 1, 2018 will have been harvested prior to that date, the harvest event message set will pertain to fishing activity that occurred in advance of the compliance date. U.S. importers must work with suppliers to ensure that information on the harvest event exists for any product in the supply chain that will be entered after the compliance date.

*When will compliance be required for shrimp and abalone?
NOAA Fisheries stayed the effective date of the rule for shrimp and abalone until comparable reporting and/or recordkeeping requirements for domestic aquaculture production can be identified or established. At such time that the domestic reporting and recordkeeping gaps for those species have been closed, NOAA Fisheries will then publish an action in the Federal Register to lift the stay of the effective date of the rule pertaining to shrimp and abalone. Adequate advance notice to the trade community will be provided to allow it the opportunity to establish reporting and recordkeeping systems necessary to comply with the program.

Will there be any assistance provided toward complying with this rule?
Subject to the availability of resources, NOAA Fisheries and the broader U.S. Government intends to provide assistance to exporting nations and domestic imports to support compliance with the requirements of the rule, including providing assistance to build capacity to:
- Undertake effective fisheries management;
- Strengthen fisheries governance structures and enforcement bodies to combat IUU fishing and seafood fraud; and
- Establish, maintain, or support systems to enable export shipments of fish and fish products to be traced back to point of harvest. Priorities for capacity building are identified in a *[Strategic Action Plan for Building International Capacity to Strengthen Fisheries Management and Combat IUU Fishing](#)*

Who can I contact if I have further questions?
Information and materials about the final rule are posted to www.iuufishing.noaa.gov
- For questions related to requirements of the SIMP, contact Celeste.Leroux@noaa.gov
- For questions related to the use of the ACE or ITDS, contact Dale.Jones@noaa.gov