Public Webinar on: Seafood Import Monitoring Program

Date: **June 12, 2017, 7:00 pm CT**

Presenter: **Heather Brandon, International Fisheries Specialist**
                 Office of International Affairs and Seafood Inspection (NOAA Fisheries)

Facilitator: **NWX-DOC CONFERENCING**

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 the call.

                 If you would like to ask a question during that time, please press star, followed by the number one.

                 Today's conference is being recorded. Any objections you may disconnect at this time. Now I'd like to turn over the meeting to Celeste Leroux, you may begin.

Celeste Leroux: Thank you very much. And thanks everyone for joining us today. Again, my name is Celeste Leroux, and I coordinate implementation of the Seafood Import Monitoring Program for NOAA Fisheries, Office of International Affairs and Seafood Inspection.

                 I'm joined today by two of my colleagues from my office, Heather Brandon, is an International Fisheries specialist. She'll be giving you the introductory presentation today.

                 And Chris Rogers, he's the Assistant Director for International Fisheries with the Office of International Affairs in Seafood Inspection.

                 Dale Jones also is with us. He's a fisheries program specialist with the NOAA Fisheries Office of Science and Technology.

                 Both Chris and Dale will be available to answer questions during the Q&A session at the end of this presentation.

                 I also invite you to send questions through the moderator in the WebEx, through the Q&A option in that panel that you can see. So, (Angela) will explain how you can join - ask questions over the phone, but you're also welcome to ask them through the webinar. And Kerry Turner, an outreach specialist with our office will be able to assist in posing those questions as needed.

I just wanted to note that if at any time you're not able to see the web portion of today's webinar, you're welcome to visit us at www.iuufishing.noaa.gov. On that site, you'll find a PDF of this presentation and many other resource materials, as well as information on upcoming webinars and public meetings.

Once again, thank you very much for joining us. And I'd like to turn our presentation over to Heather Brandon.

Heather Brandon: Great. Thank you, Celeste. Hello to all the participants on the phone. Like Celeste said, I'm Heather Brandon. I'm with the NOAA Fisheries Office of International Affairs and Seafood Inspection.

I'm going to provide you with a brief background on past US activities to address IUU, Illegal, Unreported and Unregulated Fishing, as well as the development of the seafood import monitoring program.

I will then outline the data entry requirements for importing the 13 priority species to the US and outline the record keeping responsibilities for the importer of record. And then, I will wrap up the presentation, which will allow for plenty of time for your questions and to engage in discussion.

First slide, Celeste or Kerry?

From this timeline, on this slide, you can see that activity to address IUU began in 2014 when the president established a multiagency taskforce. The agencies on the task force, which included NOAA, developed recommendations to combat IUU fishing and seafood fraud.

Fifteen recommendations were developed, including the recommendation to implement a traceability program to track seafood from the point of harvest to entry into US commerce.

NOAA Fisheries, during the development of the Seafood Import Monitoring Program engaged the public and stakeholders through the open and iterative process of rulemaking. NOAA received and addressed public comments on a proposed and then later on a final Seafood Import Monitoring Program rule.

The last point on the timeline is actually in the future. It's January 1, 2018 - that will be the mandatory compliance date for U.S. Importers of record to report harvest data and to keep chain of custody records. Next slide.

The Seafood Import Monitoring Program requires additional data to be reported. This program is essentially a permitting, data reporting and record-keeping program.

So, who will get the permit, report the data and keep the records? It is the U.S. Importer of Record, who will obtain and International Fisheries Trade Permit, report the harvest data to custom and border protection at the time of entry filing and then keep records for two years regarding the chain of custody.

These data and records will allow NOAA to verify that the seafood product was harvested and produced lawfully. The [inaudible] of data will be reported to NOAA through the international trade data system, which is integrated with the automated commercial environment or ACE portal.

And just an aside for those who aren't familiar with ACE, the ACE secure data portal is the web access point that connects customs and border protection and their trade partners and the government partner agencies such as NOAA. ACE is essentially the system where electronic trade transactions are conducted and recorded by customs and border protection.

The Seafood Import Monitoring Program also applies to seafood products that are harvested in the US then exported and the reimported, if those products are from one of the priority species.

So, what are the priority species? You can look on the next slide for that. Great, the 13 priority species are in that box with the checkmarks. They are abalone, Atlantic cod, Atlantic blue crab, dolphinfish which is also called mahi mahi, grouper, red king crab, pacific cod, red snapper, sea cucumber, sharks, shrimp, swordfish and tuna.

However, you may note that abalone and shrimp are starred. Abalone and shrimp have a postponed effective date until they are comparable with domestic reporting and recording keeping requirements.

But, for those species, rest assured that NOAA will provide adequate advanced notice to you, the seafood trade community, so they're able to comply with the program for shrimp and abalone in the future.

For these priority species, NOAA will require information about the harvest and landing. And you might ask what specifically will be reported. So take a look at the harvesting or producing entity box and also the fish, what went in where box, the importer will tell NOAA the name and flag of the harvesting vessel, the fishing permit number, the unique vessel identifier, if there is one, the gear type, if the fishery is aquaculture, then the name of the facility, the fish species, the landing date, the point of first landing and also the name of the entity to which the fish was landed or delivered, the product form and weight, and the harvest area or aquaculture area.

These data will be reported by the importer of record. That's the last box. The importer will need an International Fisheries Trade Permit number to enter the message set at the time of entry.

The importer will also keep chain of custody records, such as information on trans-shipment, reprocessing and comingling. Next slide.

Okay, this is my final slide. In summary, the mandatory compliance date for reporting data on the priority species is January 1, 2018, except for abalone and shrimp. In addition, to the fact sheet and the compliance guide that NOAA produced, we will provide additional webinars and in July we intend to have in person presentations in or near the cities of Seattle, Long Beach, Miami and Newark.

Those documents that I mentioned, the compliance guide and the fact sheet and meeting information can be found at the web address that's on this slide, www.iuufishing.noaa.gov.

NOAA is working with customs and border protection now to provide a test phase for importers that will happen this year, prior to the compliance date. And NOAA is developing a Trusted Trader Program for U.S. Importers. And finally, contact, email contact information is provided for two of NOAA's subject matter experts, Celeste and Dale, who are also on the phone to help answer your questions. So now we should have plenty of time for questions and discussion and I'll turn the phone call back over to Celeste. Thank you.

Celeste Leroux: Thanks Heather, that was great. Just a few notes, to remind our audience, again, the mandatory compliance data for this program is January 1, 2018 for all of the species groups with the exception of shrimp and abalone. You can look for a few things coming up from us in the coming months. One would be pilot testing for importers of records, software programmers, those who complete filings into ACE or ITDS.

Also, we are planning additional outreach. We expect to post additional webinars. We will be hosting in person meetings. And, we are also in the processing of translating our outreach materials into a number of foreign languages and we hope to post those on our website soon for your use and reference.

With that, I'd like to turn the webinar over to (Angela), to give instructions for how folks can answer questions or ask questions over the phone. And just another reminder, that if you would prefer to type your question, you're welcome to do that through the WebEx. You can send a message in the Q&A box and Kerry Turner will receive it and be able to read it on your behalf.

Coordinator:	Thank you. We will now begin the question and answer session. If you'd like to ask a question, please press star 1 and record your name clearly, one moment please for our first question.
	Our first question comes from (David Glopky). Your line is open.
(David Glopky):	Hello everybody. Nice job, late on a Monday. Question is on grouper and snapper. Do you have an ASFIS number? And again, is that required as part of the documentation trail?
Heather Brandon:	Hi (David). Thank you for your question. We will have a list of ASFIS three alpha code number that are associated with all of the product codes and we are working on pretty soon that list now. And it will come out - we will put it out soon on that website that's listed.
(David Glopky):	Okay. Perfect, thank you very much.
Coordinator:	One second. If you'd like to ask a question, please press star followed by the number one.
Heather Brandon:	While we're waiting for additional questions, I'll go ahead and ask one for you. We have had other stakeholders ask --who is qualified to serve as an importer of record for the Seafood Import Monitoring Program? I wanted to see if Chris Rogers might be able to give us a little more clarity on that.
Chris Rogers:	Okay, thank you Celeste. It is somewhat of a complicated answer because of the way US customs regulations work. The U.S. Customs and Border Protection has issued regulations for making entries into the US, actually it's monthly files, importers can file on their own behalf or use a customs broker.
	There's certain data elements that are required in making an entry filing. One of those data elements is to identify an importer of record. However, under customs regulations, a foreign entity can make an entry and then be listed as the importer of record, provided they have a US resident agent, who can serve on their behalf.
	However, when we issued regulations for this program, out of National Fisheries Service, we are restricting the issuance of the International Fisheries Trade Permit to US residents only. So, if a foreign entity wants to continue with the practice as allowed under custom's regulations to make entries as a foreign entity, they can continue to do so, but they must work with a US resident who will obtain the International Fisheries Trade Permit.

And, that permit number must be part of the message set for all of the entry filings for the tariff codes covered under this program, the Seafood Import Monitoring Program.

And then the permit holder, the International Fisheries Trade Permit Holder, must understand that it is their responsibility to retain all of the chain of custody records in case that particular entry is subject to an audit at a later time.

So again, the foreign entities can make entries under US customs laws and regulations. But under this program, the International Fisheries Trade Permit is restricted to US residents. And therefore, a US resident must be part of the transaction and that permit number must be used in the International Fisheries Service message set that's associated with entry filings for these commodities.

Heather Brandon: Thank you very much. I'm aware of another question that we've received through the Q&A portion. There's a question of whether or not we've begun outreach in Asia. Chris, would you like to speak to that at all?

Chris Rogers: Yes. We've had a couple of outreaches in Asia, both at the proposed rules stage and at the final rule stage, once the final rule was issued. I personally was at the Southeast Fisheries Development Center council meeting, both in 2016 and in 2017, to present on this program.

I did some outreach visits in Indonesia, will be planning a visit to Bangkok, Thailand in early July and we're looking at making some arrangements for a trip to Viet Nam. So we are doing the virtual presentations, like this webinar, trying to schedule them around the clock so that we can connect with parties not only in the European side, but also Southeast Asia in order to do as much outreach and education as we can on this program as possible.

Heather Brandon: Thanks Chris. It looks like we have question on the phone.

Coordinator: Our next question comes from (William Gunter). Your line is open.

(William Gunter): Hi, everyone. I'm (William Gunter). My question is currently we provide a 370 form and a capital statement when we import product to Nice. The capital statement has the Dolphin safe requirements. And on the bottom section, we have included some additional information, which I see that you are currently requiring for this program. So my question is, can we modify that form and use it for [inaudible] and are you guys going to publish a new template or new form that we have to use to provide this information?

Heather Brandon: Thank you, (William), for asking that question

[inaudible] not requiring a specific form be used, but only that the information, the data elements be reported electronically through the customs and border protection ACE system. So you can record that information on any piece of paper that you want. I guess you don't have to use a form that we provide. We do provide a model form that anyone can use to record that information. Does that answer your question?

(William Gunter): Yes. So you know, basically like I mentioned, most of the information we are already providing, so we just have to add in a few more details as to your requirements. So you answered my question that we can modify our form and use our form, it not necessarily has to be a form from NOAA, correct?

Heather Brandon: Right. Right, it doesn't have to be a form that is from NOAA, that's correct. And the information that you provide through the Tuna Tracking and Verification Program, we will insure that that you'll only have to report data on it once. If there's some overlap between what you're reporting for tuna tracking and verification, and what we're asking for, for the Seafood Import Monitoring Program, you wouldn't have to enter that twice.

(William Gunter): Okay. Okay, got you. Thank you.

Chris Rogers: Chris Rogers, just to clarify on that point then. This new program, the Seafood Import Monitoring Program, does not change anything about other existing programs, including the one you mentioned, (William), the…

(William Gunter): No. No, I do understand that, yes.

Chris Rogers: So the information, when Heather said the information doesn't have to be entered twice. In fact, in the customs system, it has to be separated in the information necessary for each program has to be submitting certainly concurrently with the entry filing, but not necessarily if you want to stay in the same packet of information.

So, software developers understand this, in fact we were on the phone with several software developers today. So they should set up some software, so you only have to enter it once, and then the software itself will parse out the data to meet the requirements of each program separately.

(William Gunter): Yes. Yes, okay.

Celeste Leroux: Thanks. While we wait for the next questions to be asked, I'll just reiterate again. If you're looking for any resource materials from us, including a compliance guide which is frequently asked questions written in plain language, a fact sheet with quick information about the (SIMP) program, the model forms that we've prepared and have been mentioned on this webinar,

which include sample forms for catch and trans-shipment and processing, you can find all of that information and more on our web portal at www.iuufishing.noaa.gov.

If you have any questions that you weren't able to ask on today's webinar or need a little bit more time to prepare, you're welcome to send those to me at celeste.leroux@noaa.gov. If you have questions that are specific to the entries filing in ACE or ITDS, or if you'd like to participate in the pilot testing that we have going on later this year, you're welcome to send those questions to Dale Jones. His email is dale.jones@noaa.gov.

(Angela) do we have any other questions?

Coordinator: Not at this time.

Celeste Leroux: Okay. Dale, I was wondering if you might be able to share a little bit more information about pilot testing, and the next steps we have coming up with the implementation guide.

DJ: Sure, I would be happy to do that. This is Dale Jones and again, I'd reiterate that I'm available to answer additional questions and you have my contact information after the webinar is over.

You've heard folks mention the term, ACE, which is the Automated Commercial Environment, and again, as Heather pointed out, it's a key platform that is used to process - to receive and process the data that comes in on your entry filing.

And you've also heard them refer to the ITDS, which is the International Trade Data System, and that's just a more general term that refers to the overall process of providing the information for agencies such as ourselves, which are known as partner government agencies.

So we, at this point in time, are in the process as a partner government agency, working with customers to develop the technical requirements which we will refer to the implementation guide.

And the implementation guide is for those of you who have worked with the 370 program as was (unintelligible) there are similar programs, such as how the Highly Migratory Species or the Antarctic Marine Living Resources Program, you'll have seen implementation guides for those.

So they'll be a new implementation guide that will come out. And it will provide the technical specifications or requirements for the filing of this data

into the ACE systems so that we receive it at the National Marine Fisheries Service.

And I [inaudible] clarified too and point that in this particular program, we will not be receiving any forms. In some of the other programs, if you are familiar with them, they're document image system materials that are provided through scanning the forms and making a PDF and then providing them to us.

In this particular program, that will not be done. We'll only receive the data sent in through the message set that is required in the implementation guide. We're working currently with Customs on the implementation guide now. We'll have that soon. And we would then begin working with software developers for the brokers or the filers and the people that actually submit those transactions to customs.

Once the filers or software developers are done, they'll apply to Customs to be accepted into the certification-testing program. That's the first level where only mock data is used, no real data and no real shipments are sent in through the certification system.

Once Customs is comfortable and confident that your software is working appropriately, then you'd be able to participate in the pilot program in the production environment. And the production environment is the actual submission of data on a shipment that is coming in, a real shipment to Customs.

And what we typically do for production level testing, first time through, we will set up a telephone call that's a conference call for the software developers and the broker, the doing the filing, have Customs on the phone and ourselves, and we'll actually ask you to go ahead and then transmit the data. And, when the data is transmitted, we'll watch computer screens and check and see that everything works properly or we will work together to isolate any problems or errors that are being generated in the process.

So that's it, kind of in an overview on the timeline of that as we put out the implementation guide in the next few weeks, we would then hope to see work completed towards the later part of the summer on software by many companies. And then, begin certification level testing in early fall and hopefully by mid-fall or there about, we would also then see some beginning work on production level testing, once the certification level testing is done by some of the companies involved.

So keep us in mind. And, if you are somebody who would like to be sort of in the front and start testing early, feel free to let me know that and we'll work with you and do what we can to answer questions and provide information to

be sure that you can participate in the production testing. We would like to have opportunities between October and the start of the program in January, to have tested a number of companies and be sure that the entire system works properly and that everything is in place and functional.

So that really completes what I have to offer in that regard and I'll be [inaudible] available for additional questions.

Celeste Leroux: Thank you very much, Dale. (Angela), could you remind our participants how they can ask a question over the phone?

Coordinator: Yes. And as a reminder, to ask a question, please press star 1 and record your name clearly.

Celeste Leroux: Thank you. And again, if you have any questions that you'd like to write down for this webinar you're welcome to ask them through the Q&A section of the WebEx.

Just as a reminder, the mandatory compliance date for the U.S. Seafood Import Monitoring Program is January 1, 2018. If you would like to see any additional resource materials, those are available at www.iuufishing.noaa.gov.

Among the things coming up in the coming weeks and months, we'll be hosting in person roundtables around the United States, as Heather mentioned in Seattle, Miami, Newark and Long Beach.

We also will be engaging in a pilot testing phase and software development for filing into ACE.

And, later this year, you can expect release of a proposed rule to establish a commerce trusted trader program, which is intended to facilitate compliance with this program for trusted traders.

I noticed that many of the participants on today's call are foreign exporters and I was wondering, Heather, if you could share any particular guidance for foreign exporters in terms of what they might want to do to be sure that they can comply with (SIMP).

Heather Brandon: Sure, Celeste, I can do that. The data elements that we talked about, some of those will - many of those will have to be provided up the chain in a business-to-business manner. So a harvester or a seafood exporter will have to let the U.S. Importer of Record know, somehow, all of these different data elements, the harvest and vessel name, the type of fishing gear, the species, the harvest date, all of the data elements that were mentioned when I was talking earlier.

And like you said, we have sample forms on the website that was provided on the last slide. So if you want to have a form that you fill out, it's not required but we have a model form that you are welcome to utilize and provide that information on up the chain of custody for seafood products.

And other documents that provide information about the chain of custody will also have to be kept on record by the U.S. Importer. So, if there's information about trans-shipment, say there is a reprocessing happening, along the chain of custody or the product is a mixed or comingled for example, that would have to - that documentation of that would have to be kept on file by the U.S. Importer of record.

So that would also have to be provided by an exporter or the information would need to be in the bill of lading. So those are some examples of how you can send the information up the product chain.

Celeste Leroux: Thanks, Heather. I appreciate that. Kerry's going to read a question from the Q&A portion of the WebEx.

Kerry Turner: Sure, a question from the web, it states, please clarify whether these rules also apply to seafood products that are exported to the US - to US territories such as American Samoa.

Celeste Leroux: I don't know the answer to that. Chris, are you able to…

Chris Rogers: Yes. ACE and ITDS, the electronic entry file system has not been implemented in the American Territory. So, for the time being, since we have associated with this import-monitoring program with electronic reporting, via the ACE portal, we are not implementing it in the American territories, American Samoa, Guam, Mariana Island, Puerto Rico, U.S. Virgin Islands. So at such times that ACE and the international trade data system are deployed in those territories, we'll consider extending the program to those areas as well. But for the time being, no, it's only for the 50 US states.

Celeste Leroux: Thank you, Chris. Appreciate that.

Chris Rogers: One point, then. If products are first entered into American Samoa or Guam, for example, might then be re-exported, in a sense to the US proper states, the 50 states. They will have to make an electronic entry at that point. So, the information that would be necessary, should be collected and transmitted through the supply chain if there's a chance that let's say, once imported into American Samoa, it is then likely to be imported into, for example, California.

Celeste Leroux: Thank you, Chris. While we wait for any further questions, I'll again reiterate that if you're looking for any additional materials, you're welcome to visit our

web portal at www.iuufishing.noaa.gov. You're also welcome to email myself or Dale Jones, our information are on the slide. We're happy to answer any additional questions that you might have or that may come up afterwards if you review additional materials.

I'd like to see if Chris, Dale or Heather, if there's anything you'd like to add at this point?

Heather Brandon: Not for me.

Celeste Leroux: All right.

Chris Rogers: Nothing further from Chris.

Celeste Leroux: Okay. All right. Well, thank you all so much for participating in the webinar today. I look forward to your addition questions and email. And again, invite you to visit our web portals. With that, I'd like to turn this back over to (Angela) to close the call.

Coordinator: Thank you for your participation in today's conference. Please disconnect at this time.

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