



Public Webinar: Seafood Import Monitoring Program

Date: July 25, 2017, 9:00 am CT

Presenter: Brian Vaubel, Region Chief

Office of International Affairs and Seafood Inspection (NOAA Fisheries)

Facilitator: NWX-DOC CONFERENCING

Kerry Turner: ...go ahead and begin. My name is Kerry, Kerry Turner. I am a communications specialist with NOAA Fisheries Office of International Affairs and Seafood Inspection. We are here to talk about the seafood import monitoring program. So if that's what you're here to discuss, you're in the right room. If that is not what you thought you were going to be hearing, sit tight. We'll tell you all you need to know about seafood today. So we are going to - we have a couple of presenters and speakers with us from NOAA Fisheries.

Brian Vaubel is going to be our speaker today. Brian is in back of me. Also, we have Dale Jones with us. Dale is the fisheries program specialist with our Office of Science and Technology. Brian is one of our region chiefs for the seafood inspection program for the Office of International Affairs and Seafood Inspection. Also, on the phone which is, you know, when she comes in it's sort of going to be like a voice from heaven; Celeste Leroux. Celeste is our - the lead of the program for the seafood import monitoring program. She's also going to be available by phone.

The process of how we're going to do this is Brian is going to give a brief presentation about the program. Some of you submitted questions, so you'll hear some of those questions being answered within his presentation. And then we're going to open it up for discussion and we want to hear from you, any questions that you have, anything that you may not have submitted; questions that you came with or questions from something that Brian mentioned. And so Brian, Dale and Celeste will be available to answer your questions. Just before we begin, a few housekeeping items as I mentioned. If you do need a voucher for parking, at the end you can just come by. I will be at the back.

We also have USBs in that bowl at the back of the room. The USBs have all of the materials that Brian is going to be talking about today. [The materials are also] available on our Web site, but the USBs have those materials and it's easy to carry. So let's go - oh, also the restrooms. The restrooms are outside of the room towards the left. You'll find the restrooms. So I think we're ready to begin, Brian.

Brian Vaubel: Yes. Good morning everybody. How is everybody doing? Pretty good? I'm doing pretty good. I'm in front of about 70 people, up on stage here, so if



anybody wants to trade just raise your hand. Just kidding. I really am happy to be here. It's always good to come to South Florida. If for anything else, it's a good reminder of what real traffic looks like, so that when I go back to Tampa I won't complain anymore. So again, I'm really happy to be here to talk about the seafood import monitoring program. As you all are aware, this is a new and upcoming regulation that's going to be effective in January, so we don't have a whole lot of time between now and then. Now is the time to understand and to prepare.

I'll be going through a brief set of slides and we'll be covering some details of the program. I probably won't go into some real detail on some of these points. However, when I conclude, that's a time for us just to have a conversation. Right? Questions - and we'll be hanging around and we'll answer whatever questions you have and if you want to dig into a certain area, were very happy to do so. So illegal fishing and seafood fraud are a problem. They're a big problem here in the United States. They're a big problem worldwide.

In the United States we have a very, very large market - \$96 billion market. Illegal fishing, fraud, threatens our natural resources and it also creates an unlevel playing field. So for honest brokers of seafood like yourself, to compete with illegally caught fish and fraud in the marketplace, puts you very much at a disadvantage. Out of that \$96 billion in the US market, most of that is imported seafood. Most of the seafood coming into the United States, is imported. The whole idea behind the seafood import monitoring program, is a way to insure that we just keep that stuff out of our marketplace.

So what is it? it's a permitting data reporting and record keeping system for certain species of fish and it is a responsibility of the US importer to provide that. We'll talk more about each of those pieces here in a bit. I think it's helpful just to go through the timeline, to see - kind of understand kind of how we got to where we are. Back in 2014 presidential memorandum - the president asked the US agencies to come up with a list of recommendations. We have this big problem. We have this illegal fishing and fraud problem and we want to know what the US can do to help, you know, mitigate this. So later, in that year, a taskforce was created, a multiagency taskforce.

They came up with a whole list of recommendations that included many things. You know, a capacity building, law enforcement. One of the pieces was to develop a risk based traceability program, right? The whole idea is if you can shine a light on the product and you know where it came from and you know where it's been, that goes a long way towards alleviating the problem. In 2015 the at risk species, the species most at risk, were identified. We'll talk about those species here in a little bit.



In 2016 a proposed rule went out. Comments were collected, considered and then in December 2016 that's when the final rule came out. So you can see between the final rule coming out and implementation date, a year. That's where we are right now. And we're outreaching right now. We're trying to make sure people understand, finalizing kind of the technicalities of it all, including the software which we'll talk a little bit later. And so that's where we're at. Again, five months away, so now is the time to prepare yourselves. So which seafood species - this is the million dollar question, right, what does it affect?

These are the species - 13 different species. One of the things that I want to bring your attention to is the ones with the asterisks, Abalone and Shrimp. So for these two species we are staying the rule for the time being. In other words, it's in the rule but it's not going to be effective in January. That will be - that will happen at a later date. And the reason is this, is that for US fisheries we already have everything that we're asking for. We have harvest data, we have traceability, we have all of these different things through all the different state, federal cooperation, through all the kind of systems that we have in place, except for aquaculture Abalone and aquaculture Shrimp. And since we can't do that here in the United States yet, we're not going to require it of any foreign imports.

So we are working right now to close those gaps. We are working with the states. Once those gaps are closed and we have the information that we're asking for, for domestic aquaculture of Abalone and Shrimp, that's the time that we will go ahead and then make this rule effective for those two species. So that's yet to be determined. If you look down at the bottom, it refers to ASFIS code. I understand it's also called I think the three Alpha code, the FAO International Standard. This technically describes this, because one of the things that people bring up is that, you know, things go by different names in different countries.

A blue crab here that we think of blue crab, is not the same blue crab that they have in Asia. So technically and this list is available, you can check your code to see if it applies to your product. So that clearly identifies the species. Again, as I mentioned I think in the second slide, permitting data reporting and record keeping. This is the information. From the permitting side, the importer of record also has to have an international fisheries trade permit. This is a permit issued by the National Marine Fisheries Service and that's the URL you go to. It's a very easy process if you haven't done so already.

Honestly, it just takes minutes to do. There is a \$30 fee and that is annual. It's renewable annually so that's \$30 US a year. And when you register, when you get your permit you'll be assigned a permit number and that number will have to be provided at the time of product entry into the United States, that permit number. What records need to be kept - harvest and chain of custody,



(unintelligible) reprocessing. So basically, from the harvest event, on forward up the supply chain up until the point that it comes into the US, the importer of record, also the fisheries trade permit holder, is the primary contact.

And any noncompliance that will be determined during the course of audits, may be referred for enforcement action. One of the points that I want to make here is that this system is not a check each and every time. In other words, when a product shipment comes into the United States, all of this data needs to be reported. It is just reported. It's held in a computer. There will be an audit function. Exactly what that is, you know, we won't talk so much about that. But in other words, when a shipment comes in and the information is provided, as long as all the information is there, the shipment clears. It's not until after the fact that there is a verification step. So that may happen later.

We'll talk about how long you have to keep records. It is two years. And so there is a two year period. So this is the information that we're - that needs to be provided at the time of entry. Rather than just read all the bullet points to you, go ahead and take a look at that. I think what you will find is you will find a lot of commonalities with other traceability systems. This is probably - much of this information probably already exists that you already have access to. I just spent some time in Thailand a couple of weeks ago and talked to some of the producers over there.

And they took a look at this list and, you know, there were some concerns over small vessels. And we'll talk a little bit about that. That's on another slide. But what they were telling me is a lot of the information they thought would not be difficult, you'll see a lot of commonalities. For example, you know, with the EU tech certificate system, there's a lot of data there. One of the differences that you'll notice is fishing year use. Ours does ask for fishing year. And the point of all of this is, right, is that we need this information if we want to verify something was legally harvested or not. You have to know the year. We would go back, at the time of audit, we would go back to the authority in a foreign country and say look, we have this data. Is this fish legal or is it not?

It's a determination up to them to make. So in other words, the United States is not dictating. That's for dictating the terms of what's legal and illegal. So we have to have all of this. small scale fisheries - there is a provision in the rule that addresses this. I know there's a lot of concern over small scale fisheries small boats, catching one or two fish at a time. You know, if you have to have traceability records for each and every one of these boats, right, it would kind of be very, very difficult to do. So for vessels under 12 meters, under 20 gross tons or aquaculture deliveries under 1000 kilos, that data may be aggregated.



In other words, traceability for these small vessels that meet this definition, doesn't need to be back all the way to the individual vessel. It can be to the collection point. So if you have a collection point that is collecting from 100 different small boats in a day, one day, right, one collection point in one day, that all can be consolidated. So traceability would go to that collection point and stop there. Any points? So the rule applies to again, seafood entering into the United States from a foreign country, including the seafood import harvested in the United States.

So it's common practice, you know, I come from Seattle, I dealt a lot with Alaskan fisheries, where fish products are harvested up in Alaska, they're frozen maybe whole, maybe headed, gutted and go over - overseas for reprocessing, due to labor costs and other things, get reimported as a finished product for consumption here in the United States. That would actually be subject to this rule. Okay? Even though it was a US harvested fish. The importer of record must hold a US residence and have a current international fisheries trade permit. That's what we talked about before, the \$30 a year permit, can all be done online again.

The traceability information is two part. The harvest information, landing information, this is all reported electronically in the international trade data system, so as your filers, as your brokers are providing information to CVP, if it's one of the species that's identified, right, then they will be queried to provide that data, this data, which we went through several slides ago, with all of the bullet points on it. That data will be collected. That's all electronic. And once that's received and the fisheries trade permit is good, the data is received, the shipment is clear to proceed. Okay? This part's been met.

However, there is a record keeping requirement and that is for the importer of record. And that is documents that basically verify the data supplied up here. Right? So chain of custody records, where that product went, harvest documents retained by the US importer. So, you know, where that's filed is not necessarily important. It's just that the importer of record is a responsible party. These chain of custody records and documents are not collected for every entry. Okay? This is not something that you have to give to CVP and say, you know, here it is. That's - again, this would be - this would come up in terms of an audit, but to clear the shipment into the US, you just have to provide the data at this point.

Information collected under this program is entirely confidential. I do want to add that it's not like a new system is being created to collect the data. The international trade data system, the system is already used for entry filings, is the same system that's being used. That's all protected information. It is confidential. It is secure. January 1, again mandatory compliance date for the 13 different priority species except for Abalone and Shrimp. And that'll be later on. So what do we do now? We get prepared. The way I like to think of



this is that, you know, maybe in the past your suppliers sold you seafood, sold you fish. They're not just selling you fish anymore. They're selling you fish and they're selling you harvested data, right, chain of custody data.

And so harvesters and processors, which you're going to have to work with your partners overseas, are going to have to work to, if they're not collecting the data already, start collecting it. And figure out a way that they're going to transfer the information to the US importer. Right? That needs to happen now. So they have a duty here too, because you need it for you to be in compliance with the rule. The importers of record, it must obtain an international fisheries trade permit, if not done so already. And there's a bullet point here which I think is a fantastic idea, which is conduct a sample (lot). Give it a test run.

In other words, you implement a program, you implement in a system, you communicated with your suppliers, your harvesters, your processors and, you know, they're supposed to be providing you this data tested on a shipment between now and then. Take a look at what they provide you. Is it complete? Do you have the data that's necessary? And do you have the documents also? Entry filers - develop software to support entry filing into ITDS. That's occurring right now. Dale will talk a little bit more about this a little bit later, when it comes to the software development. That's on track. Right around the corner, some pilot testing. And participate. Participate in it.

If you're a customs broker, if you're a filer, participate in the program, right, because then not only will it help test the system, make sure any bugs are worked out, it'll also better prepare you when January comes around in terms of making sure that you're in compliance and things are working as they should. (Unintelligible) traded program. A lot of interest here. This is an idea that we're committed to. It's going to happen. Exactly what that looks like I cannot tell you because I don't know. Right?

That's a - however, a proposed rule is expected this year and so we'll have an idea. The whole idea behind this is that less regulatory burden and more streamlined entry of seafood into the US. So it will be something less than of course certain criteria will have to be met and what those criteria are we'll now shortly. So this is something definitely to be on the lookout for. Pilot software testing - in the next couple of slides I actually talk about how this process works. Again, we'll take some time if necessary, for those of you that are interested, to talk about this in a little bit more detail. Testing again in the fall. So fall is coming up here pretty quick. Two levels of testing - certification and production testing and so that will be happening so that everything will be good to go come January.

Okay. Again, this, you know, this is - some of this is pretty technical here. It talks about CBP opening up an account in ACE and then how the - this is



more for your software people, that sort of thing. Again, Dale maybe you can talk a little bit more about this when we conclude. If you have any questions, that's fine. We'll get into the details here if you have any questions regarding this. All right. Some of this stuff is a little bit redundant. Again, January, right, we drilled that in. We all know it's January. Brian, you can stop telling us.

Again, requirement of the US importer of record will enter the data into ITDS usually via a customs broker or via a filer. And the pilot testing is around the corner, in the fall. There are some really good resources. What you see up there, that URL up on top, is the - is our single Web portal. Hopefully maybe we can bring that up on a screen a little bit, so we can just take a quick look at it. I can point some things out to you. If you do - if you're interested, I highly encourage it. There is an email address there that you can send an email. You can say put me on your mailing list. And so any new updates regarding SIMP, you'll get them automatically.

So for those of you - so like if new information comes out on a trusted trader program which I'm sure many of you are interested in, as soon as that information is available, the computer will send you an email, so you'll get that. So we can take a look at that maybe with the Web site. Points of contact - Celeste who is listening in on this meeting here today, is our SIMP manager. Contact her with questions and then Dale, when it comes to ITDS, Dale is the man. Dale's right here sitting in front. And I was wondering if we could maybe go to the - okay, Kerry is going to set it up for us. Okay. So this is that Web site. This is the portal.

Kerry, if you would, scroll down real quick. Can you please? Thank you. You can see upcoming public meetings, that's changing, that's dynamic as other meetings or roundtables which may happen, are added. That's where we will find them so there will be other opportunities for folks to attend these things. Priority species, more general information. Where is the news where you sign up to get the news? So that would be on the - oh, there it is. So guys, what I would do also, I highly recommend send an email to that email address right there, telling them that you want the most current updates and then you will get those updates as they come out. Okay?

We also have a lot of resources materials. So when it comes to species, remember I told you it has to do with the three Alpha code? We have a listing, we have a document with those species listed so you can check. Certain products that are highly processed that come from certain species, like let's say a pet food, right, that may have tuna or some component of tuna. Not everything is included in the rule, so there is a listing of HTS codes that apply. So that technically, if you want to know the answer, does this apply to my product or not? Two things, right, is the Alpha - is the species code there,



right, on the listing? And then the HTS codes. We have an entire listing of HTS codes and that will give you the definitive yes or no answer.

Because there are some highly processed seafood products that are not included. Let's say a fish sauce, for example, right? That would not be included in that rule, so you would not have to have all of this harvest data and chain of custody data, for those products. So that's how the computer knows. When the computer asks for the additional data elements, it's doing so based upon the species code and the HTS code it's entered in. Thank you. Here you go. So those three Alpha codes right there.

But down to genus and species - scientific name, right? I gave you a common name, 13 different common names which we all recognize here in the United States. But you have the genus and species names so that there's no confusion regardless of where you are in the world. Yes. If we could go back to the Web site. Oh, no problem. I'll go ahead and read it off for you. All the way at the bottom. There it is. IUUFishing.NOAA.gov. And like I said, you - if you didn't grab a USB, make sure to grab one of those on the way out. That does have the materials that we're offering here. So if you didn't take notes, you will have it all.

You can look at it on your computer and get it that way as well. So with that, I would like to go ahead and stop now and let's have a conversation. Let's let you guys ask questions. And like I said, I'm willing to go as - anywhere you want with this guys. So I'll kind of maybe turn it over to the audience now. I think - how is this going to work Kerry? Are they going to...

Kerry Turner: Yes. Okay.

Dale Jones: I just would let everybody know this is recorded. We're required to do so by the federal rules involving such meetings. So what we'd like you to do is if you have a question, state your name and then your question and one of us will try to answer it for you. Unfortunately, we've got one mic to sort of pass around, so I'll be passing that back and forth to you. So we've got a question here and then one in the back. We'll start with those two and then the third there, so get a start.

Sergio Lozano: My name is Sergio Lozano, Alpha Brokers. You're stating that it can only be a US entity getting a permit. There's Canadian companies that import into the US and carry it domestically, to take it to Canada. What's going to happen with them?

Brian Vaubel: So that's a very good question. And the answer to that question is two different definitions of importer of record. One customs rule, one seafood import monitoring program. So our definition of the importer of record, is the



international trade fisheries permit holder. So that would be the most responsible party here in the United States that's receiving the fish.

Dale Jones: So the practical answer too, is that you would have to actually identify somebody that has a US residency or a company that has a US residency, to hold that permit for that, let's just say, Canadian company, for example. A customs broker could - the question was so a customs broker can hold that permit? Yes. Someone could do it on behalf - the caution though is that whoever holds the permit is responsible for all the records.

(Andre Bruger): Hi Brian. My name is (Andre Bruger). I'm from the (Tuna) USA. Can you please open again, the Alpha code species list.

Brian Vaubel: Sure. Kerry, the Alpha codes, please?

(Andre Bruger): And if you can please roll down to Red Snapper? That's it. What means snapper may Alpha code SNX, that code? You know, it looks like - I really didn't understand. It's okay the (unintelligible) but the one just below. Yes. Thank you.

Brian Vaubel: So that would apply to those snappers that are in this genus. Snappers NEI...

Dale Jones: It's essentially a general catchall code that's used in the general source - the more larger source of codes. So most of what we're looking for actually is the first code, the SNR, that particular Red Snapper. If you look up snapper under the HTS codes, the harmonized tariff schedule, it's going to be flagged. There are numerous types of snapper under that one HTS code. So what we're looking to do here is isolate it to this Red Snapper. And the only reason we even included the SNX code, the second code, is that some people may use that and if they do, then we're going to require the whole data set, the whole information, so what we're really looking for really here, is that first code with snapper.

If you watch some of these other lists, for example, Sea Cucumbers, there's - I think there are 70 some types of Sea Cucumbers that we'll be looking for data on. There will be 70 different codes that would be listed. She had the third question here. I'm going to be running. I've got a question here and then one...

Eva Berman: We have 400 - I'm sorry. This is Eva Berman. I'm with ENR International Seafood. And we have 400 snapper boats that come directly into the plant. How do we trace 400 small boats, less than 12?

Brian Vaubel: Yes. So why don't I go back here a little bit? So how do you track them? You have 400 very, very small boats. I assume those boats are under 12 meters and under 20 gross tons. So what you can do is you can aggregate that.



Traceability won't value back to each boat Eva, so traceability would be back to the collection point. So if you have one collection point that's collecting from all 100 of those boats in a single day, that data can all be aggregated together. So it'd be traceability back to the collector, the collector of the fish.

Dale Jones: So are these being collected in Mexico? Okay. So then your collection source would be those two plants. So if they're small boats, if they're launches or they're small boats that are doing this snapper harvest...

Brian Vaubel: Yes.

Dale Jones: ...that's what the list would be.

Allison Deasy: This is Allison Deasy. I work for StarKist. We currently already fill out the 370 forms and from, you know, the process isn't changing much for us, but it does seem that we are now going to have to add in points of first landing and the name of the entity right, to where it's being delivered. And so I was wondering if the form itself, the 370 form that we've been filling out, is that going to be changing? So that's going to stay the same, just the data that needs to be collected will be changing.

Brian Vaubel: So those are different programs. Those programs still exist. So that will still need to be done. This doesn't replace those programs. However, I hope that answers your question. So yes, those - you'll still have to do that part of it. In addition, you'll have to be in compliance with this rule as well. But again, the information is provided at the time of entry, this rule. You'll still have to complete your other forms.

Dale Jones: There is some overlap between this program and our three other import monitoring programs. For those of you who aren't familiar with it, there's an Antarctic marine living resources program that's primary Patagonia Toothfish. There's a highly migratory species program that covers primarily Swordfish and Tunas. And then the 370 program that Allison referred to, is involving primarily different types of Tunas that are processed frozen, anything but fresh Tuna. So the requirements for those other three programs will still be in existence as they have been, if you're already familiar with them. But this program will add some additional data points that will have to be entered as you've indicated.

The 370 forms will likely be the records that would be retained as required. But we will have to work out essentially how you entered the additional data that's required in the data set, such as the landing or first place of harvest and some of the names and things that are involved in that. So just recognizing that in the current 370 program, some of the data coming in from American Samoa, is already reported before it comes in because of the way the customs



districts and things, are set up with Samoa. So we'll have some work to do on that.

Adriana Sanchez: Hi. Adriana Sanchez with Sea Delight. I have a question about the filing on the pilot. Do you have a date on when that piloting is going to start? We use Alpha brokers for like documenting everything that comes through our entry. So I would assume they would have to participate in this so they know what they're supposed to be doing. But also, can I participate so I know what it looks like? Because if I don't know what it looks like then I don't understand it. And then it has back to like developing software - are you guys going to have some kind of CSV file that you just put and, you know, enter data into it and then you can easily upload and repopulate the data into the system? Is that something that's going to be included in the piloting? I don't know how you're designing this.

Brian Vaubel: Yes. So thankfully for Brian, Dale came. But he is - he can answer the questions relative to the software, the pilot testing, maybe he can give you some dates and expectations there.

Dale Jones: Sure. Yes. I'll touch on these slides if you'll bear with me for a minute and go through a little bit, because that'll answer I think, a number of your questions and maybe some others. Let me ask a question first though. How many people in here are actual importers? Okay. Mostly. And brokers? And any software developers? No. Okay. A couple? A couple of software developers. All right. So people are doing things in different ways. Some people are all in one of those three things. And as most of you know from your vast experience, those three levels are different and those software developers are really key here to what happens and how we put this information together, whether you're working with a broker such as Alpha, or you're the importer of record.

So what will occur in the timeframe of this is we've provided the implementation guide which you can also find on these Web sites, which details the specifics of what has to be keystroked and entered in to customs. We've worked with customs on developing that. They have it. They're programming ACE right now. If you're not familiar with ACE, ACE is the whole backbone of the entire customs and system, whether you're importing fish or automobiles or drugs, anything being imported goes into that ACE system. So that has to be programmed and set up to receive the data, store the data and then transmit it onto agencies such as ours.

So as they set that up they've got a program. When they get finished, we'll then be going out to work with the software developers and the brokers or whoever the filers are, if you're doing that directly as a company yourself. We hope to have something happen. And with that, September at the very latest October, Customs is telling me they will have everything in place and



ready to do the first level of testing which is certification testing. If you're not familiar with that, certification level testing is entirely mock testing. There's no real data that goes in or fed in.

We set up mock permit numbers and mock import shipments, etc., to test that. Once they test that and work through customs with it, then we know that not only is their software working, we know that customs software is working and ours is and everything in between. Then we'll be asking for volunteers to do production level testing. Production level testing is basically an actual shipment. Someone has a shipment coming in - perhaps she has a shipment coming in and Alpha brokers is filing it and they're doing production testing, the first couple of shipments we get everybody on the telephone, including these two folks, their software developers would be on the phone, customs and us.

And we say okay, transmit. Hit the button. And we're all watching our computer screens. And whenever that shipment goes through then we'll see maybe reject messages or error messages or warning messages. And then we'll work through at the different agency levels to find out why that is. So we'll do that with probably several brokers, at least maybe eight or ten and maybe several shipments each, to get things started and then we open the production level testing to everybody else.

So that should occur, we are hopeful, in November. So we want to leave at least two months of November and December, to actually do this testing. And I know that's a very, very tight timeline for anybody that's working on it. So...

Adriana Sanchez: So what happens January 1st if you guys are not ready, because let's face it, November and December is full of holidays. And even though most importers work all holidays, you guys don't. So what happens January 1st?

Dale Jones: All I can tell you at this point is we will be ready. So I'm very confident yes, that we will be. We're working by regulation and this is what the administration gave us to do. So all I can tell you is we have to be ready, just like you do. So...

(Carlos Garcia): (Carlos Garcia), GT Brokers. A quick question regarding the customs brokers and the international trade permits. What's their liability? Is it just record keeping? Do we have to worry about - is NOAA going to show up and check anything aside from records? Because we don't handle fish. So...

Brian Vaubel: So the - it's permit holder regardless of who that is, would be the responsible party. So if it's left for audit, records would have to be produced. In other words, we're auditing this one specific shipment that came into the United States. Here is the harvest data that was provided. Okay. Now we would like



to go ahead and see the records that verify this data. So you'd have to come up with those records. You'd also have to come up with the chain of custody records as well. Again, from the harvest point all the way on up to the chain, the point that it enters in the United States.

So if you're taking on that responsibility let's say, as the permit holder, then you will have a responsibility to provide those records when and if you're asked. And it's not going to be every time, but when and if you're asked.

(Carlos Garcia): And you don't have any samples of how - because like the NOAA forms for Swordfish, for example, you guys have sample forms that come out.

Brian Vaubel: Yes. So if we could maybe go to the Web site real quick, there are some sample forms. This, by no means, is, you know, the form that you need to use. The way the system was designed, is to be very flexible and to use reporting and records that already exist in the supply chain. There was no need to create anything new. But having said that, there were some forms that we have crafted. They're available on that IUU Fishing Web site that if you want to take a look at, if you want to use, if you want to modify, clearly they're not going to be applicable for all products and all supply chains. But there is some start -if you want to use it as a starting point, those resources are available.

Dale Jones.: Let me just add a point too, that really again, as Brian has indicated, this is a - and you raised a point as well. This is a new program. So on our previous three programs that I've mentioned, they've been working for years on paper, so we knew what the forms looked like and exactly how they would be structured. This is not prescriptive. There are sample forms that Brian has mentioned, but there may be any number of forms and data and information in places and resources that you pull information from. So that basically makes the challenge for you, to go back and begin working with your suppliers if you have not already, to find out the answers to these questions and start working on that now, in preparation, as Brian pointed out, during the presentation.

One thing I won't gloss over though, is this goes into effect January 1st and we realized that some of this product may already have been harvested. So if it has and you cannot find the information or get it on that, then you'll have to make some decisions upfront as to what you're going to do with that product, between now and January 1st. So the resource, the options you know better than I do, but you may have product that's harvested now that if you tried to import it after January 1st, if you don't have this data, you may not be able to get it in the door. So I just - just kind of a fair warning. And that question has come up in some of the past roundtables that we've done, so I wanted to raise that. So another question here.



Kerry Turner: Dale, just one second. The USBs that you have, they have copies of those model forms, so you'll see them. It's also on the Web site at IUUFishing.NOAA.gov. But it's also for cash specific and aggregated cash specific, all those model forms are on the USBs that you have. I just wanted to do an audio check. Celeste Leroux as I mentioned, is the lead for the Seafood Import Monitoring Program. Celeste, can you hear us clearly?

Celeste Leroux: Yes, I can.

Kerry Turner: Okay. Thanks.

Sergio Lozano: Sergio Lozano, Jr., Alpha Brokers. What I'm getting from many importers and the biggest concern that as an importer you have, is you go, you check your facilities, you go to these providers and suppliers and they provide you all this documentation. When they were to be audited, when an importer is to be audited and something is found because the supplier provided something false, it provided something that's incorrect, is there going to be some sort of a Web site or something that us as brokers and as importers, you can actually go and verify okay, this person has been flagged for doing this wrong, I shouldn't use this actual supplier?

Or until you get off of something like when - with an FDA terminology, a red list, is there going to be something in place so that way the import community can actually know that they're working safe and they don't have any problems with these suppliers?

Brian Vaubel: So really what your question is, is what's going to happen with potential enforcement actions? Also, will there be this list, right, this black list? And clearly the answer is no, at this point in time. I mean there's no intention to put out some sort of list or anything like that. In terms of what happens in, you know, enforcement, there are a ton of legalities that come up there. And so it would just be - I just wouldn't want to even speculate what that may or may not be. Clearly, if somebody is passing along information that they could not have known that was wrong otherwise, clearly that's a point to be taken into consideration. Right?

I mean, you know, how responsible can somebody be if they're given bad information? And, you know, we have ways to address that. But to talk about possible outcomes and a potential enforcement action, I think it's just a little bit too early to talk about that right now.

Scott Zimmerman: Hi. Scott Zimmerman with Safe Quality Seafood Associates here in Miami. Could you just drill down into what you're really looking for in chain of custody data, as far as volumes in volumes out and - because a lot of these boats are landing mixed species at these collection points and I'm just wondering, you know, how you're going to study the different species that are



being captured at these location points. And if you're going to be, you know, tracing the product forward through processing.

Brian Vaubel: Yes. So good question. And what - you bring up the point that there's a lot of complexities sometimes with a lot of this - different species, that sort of thing. I think to answer this question in the best way I would say, I think first you have to look at - first of all, what is entering in the United States? That's what we're concerned about. What are the species in that shipment, right? So you don't have to provide in and out for X number of different species unless it's the species identified in this rule, one of the 13 species.

Are we looking for weights - inputs and outputs? Yes, we are, right, because that's how we determine whether or not - some lots may be commingled, some may not. Some may decide - some processors maybe decide that, you know, maybe as a result of this rule we're going to have different tracking points on this, just to make things a little bit easier. But yes, we're going to want to know. We're going to want to know. We're going to want to be able to verify at the end of the day, we're going to want to verify the legality of the fish. And in order to do that, we need to know where it was harvested from.

We need to follow it up the chain and it has to pass the logic test. Right? So as somebody is reviewing the file, reviewing the records, it has to pass the test of logic, right? X amount of products coming in, right? If you have landing information for whole round weight that's less than what came in as a finished product, you know, let's raise a flag here. We've got to ask some more questions. So I don't know if that addresses it, but yes, we do need that. And again, it's just the 13 different species identified and the particular shipment involved. You know, we don't need lots of other information regarding other things.

Dale Jones: This list that you see here is taken from what's called the implementation guide. And the implementation guide is on that Web site and mostly working with software developers and brokers to put that together. But these are the detailed specific types of data and information that we're asking about these species, so that includes the weight at the time of - at the time that the first harvest occurred and some of the other details at these different points. So just to make a general example here, when we - on our current programs we ask for the fishing vessel that harvested. We want to know their country.

And we ask for the waters where it was harvested. We want to know if it was in the territorial waters of say for example, Mexico or in international waters. In this particular case, we'll ask for that information, but we'll also ask for the next level - where was it first offloaded or where was it first collected if it's aquaculture type of fish. So if it was offloaded from a primary harvest, a fishing vessel to a, what's called a tramper vessel or a processor vessel, that's



going to be the first offload. Or if it's taken to a port in another country, say Canada or Spain or somewhere, that's going to be the first offload.

And these points on here are asking for who it was given to or who it was provided to, purchased the fish at that. So that's some of the detail, the type of stuff we're going to look for on these particular species. So back to supply chain again, whatever records you can pull together to get this information from, that's the kind of detail we're actually going to be looking for. And that has to be keystroked in at the time you enter that data into the customs A system in order for it to be sent through. So there's a question back here. I think we had a couple. Here and then in back.

Woman: Quickly a comment for everybody. What we did was get those model cash certificates and the aggregate cash certificate. You can make it into an Excel spreadsheet and send that to your vendors, so you can start collecting the data and it's easier for them to enter data in an Excel spreadsheet and then keep an Excel spreadsheet so you can manipulate it later for uploading purposes. Now my question is I'm part of - with the company, we've been working on the global seafood traceability dialog. Are you guys involved with that, because a lot of the - what they're trying to develop for traceability of seafood also includes component for enforcement. So I don't know if you guys are familiar with that, is it something that you would like to be involved in?

Because I think it's critical by what we're doing, it's not just pushing data that may or may not be verifiable, but also work with enforcement and regulation and the governments of these places that were, you know, collecting that information with, in order to really and truly avoid IUU fishing, which is I think, overall, the purpose of this.

Brian Vaubel: The specific program you mentioned I'm not super familiar with. I don't know Celeste, maybe?

((Crosstalk))

Brian Vaubel: Go ahead.

Celeste Leroux: I've heard of it. I haven't been directly involved, so if you'd like to reach out to me with any additional information I'd be happy to engage in that process.

Kerry Turner: Additionally there are a couple of traceability taskforce - around the industry. And NOAA Fisheries Office of Communications, I think (unintelligible) Laurel Bryant, she's also on a number of those boards. I'm not quite sure of that specific one, but I do know NOAA Fisheries is represented at multiple discussions, committees, commissions, traceability.

Dale Jones: Okay. One here and then...



Tony Rodriguez: Thank you Dale. Tony Rodriguez, NOAA Fisheries Enforcement. I just wanted to cover some of the exemptions which I think may apply, just to make sure. Miami does receive quite a bit of shark fins, toothfish and trophy tuna. These products are still exempt when they're in transit only through the US. My second question is are there any other exemptions that fall under the (unintelligible) program? Considering shark fins, which Miami gets quite a bit from some of the importers, are inbound to Asia. Some toothfish going to Canada and some other European countries, and some bluefins that are landed that are going overseas too. These are exempt from this program still?

Brian Vaubel: I think to best answer that question I would say this - if it doesn't actually officially enter into US commerce and go through the customs process, then it is not applicable to those products. When you talked about exemptions, we had a couple of species listed, right? We had Abalone and Shrimp. I couldn't really call that an exemption, I would just say that's just a postponement. So that won't, in the beginning anyway, it won't apply to those two species. It won't apply to those species, so Abalone and Shrimp, at least in the beginning.

Tony Rodriguez: Well you have shark there, but shark fins are constantly in transit to Miami.

Brian Vaubel: In Miami, for domestic use in the United States? They're clearing US commerce?

Tony Rodriguez: It's going from Costa Rica to Miami.

Brian Vaubel: It's just transferring airplanes or whatever it is? Yes, right. If it's not entering into US Commerce then it would not be applicable.

Dale Jones: Yes. Again, I think just to emphasize that, there are different foreign trade zones. There are a lot of different situations where product would not technically enter US commerce. US commerce, if you're not familiar, meaning that it's going to be sold to someone here and then distributed to the retail here in this country. If it's not heading in that direction and it's going to move on, just passing through without ever - then it's not going to be applicable. I think we had one here and then...

Man: I have a question. (unintelligible) Del Mar, Mexico. A producer. I'm pretty much in compliance with all the legal certificates that have to be made. Is there going to be a program where I have to upload all of this legal cash certificates before I do an import or something like that? Or do I just submit it to the broker?

Brian Vaubel: So you have to - if you're a producer, right, you would have to supply those records and the data to the importer of record. You guys can, you know,



whether you send them electronically, send them however you want. If you're a filer - if you're an importer and if you hire a filer, a customs broker, then of course you will be responsible to pass that information, the most efficient way that you can, pass that information to the brokers so that brokers can go ahead and keystroke it in when asked.

Sergio Lozano: As far as programming - oh, Sergio Lozano, Alpha Brokers. If - as far as programming is concerned, how we were talking about inbound shipments that do pass through Miami, in many cases it's not directly from one plane to another, it does go through like a foreign trade zone or it does go through a bonded warehouse. When it's in these locations, all of this information is still required, because it does get the flag from the HTS US. Is there something in place to allow for some sort of an exemption code to be made, that indicates that this is going to a bonded facility, it's not going to be for US consumption? Or is that something that hasn't been considered yet?

Dale Jones: That technically should be programmed in by customs. So far with our other programs, we've never run into that being an issue, where if it was passing through or going to a bonded warehouse or anything, that's part of how customs structures that right into their system in ACE, so that we know what does and doesn't require the full filing.

Man: Just for a word of warning under that subject, they just did liquor TTB in the ACE system and they didn't put a disclaimer for bonded warehouses. We had containers stuck at the port for weeks, until they fixed it, so it's more of a word of warning what he's trying to stress.

Dale Jordan: Point well taken. And I'll be the first to say these roundtables and discussions, are always very helpful to us too. We always have plenty to learn from how things work and what we go through. So I would just reiterate the fact that my email was up here, it's on your hard drives. Anything that you have to tell us, not just ask us, we're all ears. So any time you have that type of information, we've benefited quite a bit from partnerships with trade over the years, and trying to make this stuff work right. It's not a simple process. Let me go to the back and then come up.

Allison Deasy: All right, yes. On the - this is Allison Deasy from StarKist again. On the point that was just made, going into a bonded facility, that's going to be right when single duty for tuna comes into play. I don't know if that's been considered yet, as a part of this process, but you're going to be changing it right at the point when a significant amount of seafood imports are going to be made for tuna. And you're also going to be asking for more information, so same day. I just want to make that comment.

Scott Zimmerman: Scott Zimmerman, Safe Quality Seafood Associates. So if an officer - a NOAA officer came to an importer of record location and identified, you



know, chain of custody documentation and other types of documentation including HACCP programs and any other importer or verification programs, and they saw just in briefly reviewing those documents, that they were noncompliant, would you be required to contact the FDA?

Brian Vaubel: You know, so HACCP is not really involved with SIMP. Right. Right. Clearly - I mean, you know, now we're getting into the area of speculation, but clearly if there was through review and through audit, I think that there would be an obligation on the part of the US government if there was something that raised the level of a human health concern, right, in that case referrals could be made. But, you know, again, we're just speculating here. I mean I think you bring up some good points. As far as what those audits are going to look like, how they're going to be performed, are they going to show up, how much time are they going to give you to provide records, clearly it would be a reasonable amount of time and be done in a reasonable nature.

But I don't think I really would like to speculate in terms of just what that - what those enforcement actions would be.

Scott Zimmerman: I just want to make a follow up point there. One of the sets of documentations that you're requesting is harvest vessel records. And according to the fourth edition of the HACCP guidance issued by the FDA, those documents are a control strategy for controlling histamine. So if in the event that you reviewed harvest vessel of record, and you saw temperatures and harvest times, were noncompliant for those species, they would maybe - it would probably catch the eye of an officer.

Brian Vaubel: Actually maybe, maybe not. You know, the scope of the audit would be to verify the SIMP data, right? So the harvest data, really that's probably what would be the scope. But again, we're speculating and I just don't want to go there. But you bring up good points.

Dale Jones: And I think it's important to emphasize that I mean there is - you have the FDA programs involved. You have four different programs now by our agency. And frankly, they all have different purposes. And, you know, it would be nice if they were all combined into one and everything was clean that way, but that's not going to happen. So we're dealing with an extensive background of regulatory requirements for those. I think the key here and it goes back to one of the earlier questions, is really due diligence and your part as an importer; what you're putting together, what you have.

If you see something in collecting those records that you feel should be reported to the FDA, that's really up to you. There are representatives of the office of law enforcement here. If they come in for some reason, to see something, you know, they may be duty bound to take certain actions if they're there. But the primary group of persons that are going to be doing and



conducting inspections in this case, are not necessarily looking from the office of law enforcement. These are folks that are going to be programmatic people, looking at traceability and following through that way.

Now whether they would or wouldn't pass something on if they saw it, they may. But again, that's all part of the process to - we're working back again here with the intent of this program, to preclude illegally harvested product from coming into the United States and any seafood fraud that may be going along with that. If we see it, you know, that's going to be a part of really what we're looking at here. So that's kind of a long answer to a short question I think. Do we have any - I think we had somebody - let me go here.

Sergio Lozano: So just to that point - Sergio Lozano, Alpha Brokers. If something is found that is occurring, is there going to be a way for importers to get a look at it, to know that there is a certain issue coming from a certain area, so they could do their due diligence and be more aware that certain areas have bigger problems?

Dale Jones: Yes. That kind of goes back to the earlier point too of is there going to be a list of problem offenders or something like that? And again, you know, there could be something that could come up publicly from a - some type of an event. But we have not developed anything to this point yet, that I'm aware of, where we're going to create some kind of a resource that would do that. And again, I think it's probably a good point to take into consideration. Maybe there's a legal and constructive way to do that, but we have to be very careful about due process and privacy rights and other - business interests of people involved in these things. So it really becomes difficult for us.

But again, in the interest of safety and assuring safe product, those might be some things that'll be worth looking into, as we go further into the process and learn more about how this works. So...

Brian Vaubel: Yes. And I would also say too, I mean in terms of an investigation, right, we'd be very, very careful with that. That'd be very confidential. Just because you're asking questions doesn't mean that something is wrong. Right? And that would be damaging information potentially, to people in a situation that it's not warranted. So that will be handled very, very carefully.

Woman: Hi. I have a clarifying question. It was brought to my attention, like we're frozen importers, so if we have inventory, right from a (cut) loss year, this year or whatever, come January 1st I am responsible for making sure that all that we have in inventory complies with those new guidelines?

Brian Vaubel: Yes. So the action date is as product is cleared through customs in the United States. That could include let's say some frozen tuna that was harvested two years ago, sat frozen for a year and then was canned and then sat in inventory



for another year. So it very well could potentially involve fish that has already been harvested.

Woman: But that's not here. Like I mean, if it's here in the United States that doesn't count. Like I don't have to retroactively look?

Brian Vaubel: No.

Woman: It's anything that has been - is imported that sat frozen in Vietnam for like a year and a half, which shouldn't but - and then bringing it in?

Brian Vaubel: Absolutely.

Woman: Okay.

Brian Vaubel: So it doesn't apply to any figure already in the United States.

Dale Jones: The key question and point there, has there been a release. Have we done an entry, entry summary that's been released. If you have it, you don't have to worry about it then.

Brian Vaubel: I saw her do this.

Man: Now with memorandums of understandings and different countries that haven't filed. Is it now going to be more proactive of publicizing to importers because of Lacey Act?

Dale Jones: Good question, I don't know. I'll punt that one back to Celeste. I don't know if you've heard anything about that Celeste. I have not anything directly on the MOUs working with our regional fisheries management organizations or country to country bilateral MOUs they're in your office of International Affairs.

Celeste Leroux: This is Celeste. I haven't been engaged in discussions or interactions with this program and the Lacey Act. This role is under the authority of the Magnuson-Stevens Act but I'll be happy to look into that if that would be something of interest. Dale can talk to you about how we reach out to importers.

Dale Jones: Again, so I don't know exactly what will occur in those MOUs but the key here is we're looking back to see what was illegally harvested and if you noticed it on that list of things that we collect, it's not mandatory but if you have authorization to fish documentation that you provide that again part of the due diligence if you can get it, great, under the Lacey Act for those of you who aren't familiar with it, it's illegal to import and have transactions of product that were illegally harvested under the laws of another country even.



So it becomes a pretty big issue if somebody is conducting actions illegally somewhere else and under those laws, you try to bring it to the United States, find out that it was illegally harvested somewhere else, there can be repercussions from that from the law enforcement side.

So I think it's an important question but as to what's structured on a MOU to sort of highlight that or preclude it from happening, I'm not familiar with anything that's being specifically done on that at this point.

Another point that I'll raise while we're waiting to see if you have any other questions is, this International Fisheries Trade Permit, it's on a website that you can go and pick up automatically. So if you haven't dealt with it or used it yet with either any of your customers or if you're a broker or as an importer, if you haven't obtained one, those actually can be obtained within a short period of time by going on line and it's an immediate response back. You get the permit within lets just say 15 minutes or half hour filling out the information if all goes well as you're putting the information together on it. But once you have an International Fisheries Trade Permit, it can be used for all four of our programs and all these species. It's one permit for all programs so it doesn't change.

Man: On that subject if there's an issue with a permit number that's not posting, you get the number and at times it won't post in the ACE system. Is there a phone number on the weekends when you have a fresh fish that's - a 24/7 number - that we can speak to somebody or get that taken care of because as a broker the most frustrating thing is that we're trying to get this done ASAP and you're trying to make sure that your customer is happy and sometimes because the system is not working, we don't have anybody to communicate with on a weekend, or at night or on a holiday.

Dale Jones: It's my understanding that the HMS program and the tracking verification programs have it. People are answering phones on the weekend but not during the evening hours so I'm not sure how late that goes but if you want to send me an e-mail on that, I'll see what I can get for you and the contact information for what we do have. Right now, we do not have somebody working 24/7 to actually resolve that and it has occasionally has been a problem and I recognize that.

Celeste Leroux: Hi this is Celeste. Just on this note, that is something that we're looking into staffing for the beginning of 2018 to make sure that we're supporting that effort. So when we have updated information, we will be distributing that.

Man: What happens when the system crashes?

Either ACE or the NOAA system because customs all say, NOAA system so let the product sit or if the ACE system is down, that you can't get into the



ACE system back so we can get a response what's going to be the back up system to get product out of hot airports sitting here at Miami International at 110 degrees?

Dale Jones: Very good question. If the International Fisheries (unintelligible) Service system crashes, the only thing that's really not happening is, it could be that a very recently obtained permit might not get to the data base to be uploaded to allow it in. We could work with that or that it's for example two fish preapproval numbers but there's nothing like that for this particular program. If the ACE system crashes completely, then we're all in trouble on all imports so I think it's going to be a bad deal but so far they have redundancy and things backed up with CBP. Knock on wood to my knowledge it hasn't happened yet although bits and pieces of it have not worked. You know, I really agree there are times when the functionality isn't 100% so we just have to work with customs on that. I have to punt that one to Customs Sergio.

Man: With regards to collecting this information, if one document is missing, is there a system in place where you can have a may proceed where pendings are in documentation, it can be removed from the airport into a cold facility to be able to protect the actual fish from having any sort of an issue?

Brian Vaubel: So I'll answer that. Again remember at the time of entry into the United States, records don't need to be made available just the data needs to be submitted electronically. Right, so the goods will be cleared. If you provide the data, the goods will be cleared.

Man: Right but I'm saying if we don't have the data at the time.

Brian Vaubel: Yes, you need the data set right. It won't let you proceed farther. You can't just make it up right, so that will be an issue that you'll have to reconcile with this buyer in terms of after the fact can you refer to this Dale?

Dale Jones: Again, it would be just whether or not what customs wants to work out with cold storage for a temporary period of time. The National [Marine] Fisheries Service does not have direct what's called, "Hold authority", we can't order a hold to be done we have to ask customs to do that so that would be a matter of probably collaboration with yourselves and then as you well know, there's cost involved in that with the ports and holding products like that. So hopefully we would be able to get it resolved relatively quickly as soon as you could get the information.

One other thing that I will point out, is that some of the data in these requirements are mandatory data that if it's not there, you'll get a rejection until it is there and it is right. Some of it is required data but if it's not provided right up front, you'll still get a may proceed and your product will be released but you'll get warning messages back telling you that you still need to



provide that information and that'll be flagged for our program folks to look at to be sure they get that data from you.

So not every specific one of those data points will cause a rejection, just some of them will and some of them won't.

Sergio Lozano: Just for the record, the last series of questions were dishonest. Just for example the Food and Drug system, we've had in the past on the weekends the FDA part crash and we haven't been able to clear products for 24 hours of products sitting in airports. I want to see if NOAA, if their system crashes if there's going to be some type of backup to that?

Dale Jones: Again the NOAA system really doesn't have a direct upfront part of the process. The way I usually describe this process to people that aren't familiar with it, there's the upfront end where data goes from the broker to customs and then on the backend, the data comes to us. So what happens at the backend really has no effect immediately on whether your product is released or not or whether it gets into traffic.

So the only thing it does is whether there's a valid IFTP permit and those data are sitting there ahead of time for the most part unless someone got a shipment in when at the last minute to try and get an IFTP permit because they never filed before, may have a problem for some reason uploading that to the custom's system, then we could have that issue if it broke down or if there was a communication's error at that point.

Sergio Lozano: Two questions sorry. One is there a possibility in the future that NOAA is going to have some sort of plant certification for the producers where they're going to have some sort of like right now they all have to an FDA registration number. Is there going to be some sort of a NOAA registration number? That's one question and I can't remember the second one.

Brian Vaubel: I don't know if that's directly being considered but remember how we talked about a Trusted Trader Program and what that looks like and maybe some possibilities there some alternatives but again we'll be looking for maybe a proposal here this year but that would be the only option in terms of seeing alternatives maybe.

Dale Jones: Celeste are you aware of anything like that? Again, just to remind you this whole process came out of a task force with 13 different agencies that was directed by the last administration so there was a lot of different ideas to consider so whether that actually came up in any of the different sub recommendations or discussion, I don't know but Celeste do you know of anything like that?



Celeste Leroux: I was thinking about that. I don't recall any discussion of certification of plants if I understood the comment correctly. But as pointed out, later this year you should be able to comment on the proposed rule for the Commerce Trusted Trader Program and at this point we're not discussing expansion of the program but I've made a note of it and that's something we could consider for the future.

Dale Jones: Other questions?

Man: As far as the registration, it needs to be renewed every year. Is there some sort of e-mail or anything that gets sent out prior to the importer if they did it themselves where all of a sudden one day they're good to go and the next day their permits have been withheld because they didn't re-register. Is there some sort of e-mail that gets sent out before or any sort of communication beforehand?

Brian Vaubel: A reminder e-mail

Dale Jones: Yes, I do think the National Permit System we call it, the National [Marine] Fisheries Service does send out a reminder about a month before it expires. Also an additional point on that since you brought it up, to date what we've found out after the fact, the National Permit System does permits for a lot of other domestic fisheries as well and we learned that the permit changes every year whenever that importer renews it so we're actually trying to get that changed to get it fixed so that it is the actual same numbers so they're going to be doing programming for that anytime now.

So as brokers you would realize or importers, that could really be a headache because you have stuff programmed in and the next thing you know, a day flips and you have the wrong permit number and it could hold up fish for a time period or something like that so we're working to get that resolved and changed so it won't happen.

Alex Baumer: Alex Baumer MiCal Seafood. Regarding the verification process for fishing licenses. I'm trying to understand how this is going to be verified. So you're collecting product from small vessels to a big vessel. Does the big vessel need to collect all the licenses from the small vessels for verification?

Brian Vaubel: So when it comes to the data, the data has to be passed from kind of one person to the next person to the next person to the next person on up the chain. How does that happen in terms of verification of fishing licenses how is NOAA going to do that. A lot of these licenses are probably issued by a foreign competent authority, we really look to them to verify the license and whether or not it's a valid license or not.



Alex Baumer: So then you've got people submitting licenses, I mean if the whole point of the program is to, you know, eliminate IUU fishing, where's the communication between NOAA and the countries to verify the licenses to make sure that unregulated fishing is actually not happening.

Brian Vaubel: That is part of the process that would be conducted during a review and I'm not sure how often we do that. That remains to be determined but we would be selecting a number of these and working out with the foreign county if there's any issues relative to fisheries management practices maybe, that's a discussion that NOAA would have with the foreign competent authority, that's really not, you know, the importer or the traders in seafood would not be involved with that part.

Alex Baumer: Well one of the big question of course from our supplier, you know, what records do I need to keep on file, you know, and how at what point do they need to keep it for verification purposes and how far, you know, is it two years that they also have to hold it for verification?

Brian Vaubel: So the requirement is for the importer, the International Trade Fisheries Permit holder, maintain the records for two years, not anybody else.

Alex Baumer: I understand that I'm saying, you have to keep all of these records for a period of time so that it can be verified by NOAA.

Brian Vaubel: Yes so we wouldn't be going back to the suppliers, we would be going to the importer of record, supplied those records and then we would work with the foreign competent authority in terms of determining the validity of the license right so it's not like there would be additional record checks or anything of that nature, we would look towards that other authority and ask the simple question, "Was this legal or was this illegal" and they would perform that verification. What their verification would be, who knows.

Dale Jones: So technically, anything beyond two years, no one would have to have information on, but the importer of record would have to be able to put their hands on it for two years so however that's worked out up and down the supply chain would be what needs to be done.

The other thing that you talked about was discussion between NOAA and the other foreign entities, this occurs in a lot of different venues and ways that we work in regional fisheries management organizations which could be very large and have multiple countries involved at any given specific treaty or convention they call them. We do a lot of bilateral stuff and meeting with certain countries, we work with the EU on various things and our Office of International Affairs works with delegations that do that and interact with those types of situations and we would anticipate that as we go forward with



this program, seeing what the needs are and the way you're talking about, there will probably be additional discussions that will have to occur.

My guess is there will be bilateral means with certain countries where there may be an identification of problems that develop. It also occurs on the enforcement level with the agents and officers that work in the office of law enforcement, they work with their counter parts internationally and do training and have workshops and things with other countries too.

So there's a lot of different engagement on that end of it. We don't address much of it here because this workshop really was not intended to go in that way but there's a lot that occurs in that regard.

Wendy Banta: Hi Wendy Banta from the Marine Stewardship Council from the Chain of Custody Program. I'm just building on the back of this. Can I just check my understanding? So this kind of bilateral check with a foreign nation would only occur if it was being audited, it wouldn't be part of a regular process.

Dale Jones: It may come up as a part of a bilateral agenda. It could come up as part of an RFMO agenda or it could come up as a part of a bilateral or an enforcement process. Again, there's any number of ways that it could be raised or come up. The other thing is again, it's kind of a foreign follow function. As this program develops and we see as an agency what's occurring, then I'm sure it will dictate some additional communications that are more specific as you're eluding to.

Wendy Banta: And just a few more details if you have any further information about the audits. Who would be conducting these audits and do you have an idea of what would trigger them, would they be random or risk based, do you have any plans around that?

Brian Vaubel: So we can't talk too much about what that process would be, the specifics of that process, the agency would be conducting these things in terms of how the samples would be selected, what kind of frequencies, that sort of thing, we wouldn't really be able to kind of talk about that.

Celeste Leroux: Hi this is Celeste I can give you a little bit more information. So we would be conducting both random and targeted audits and the audits would be performed by NOAA Fisheries.

Man: Record keeping. Two years from the date of import or two calendar years?

Brian Vaubel: Two years from the day it's was imported till it enters.

Man: When you talk about auditing are you talking about auditing documents or will there actually be some sort of a sampling of the product to make sure that



it is what it's being said it is? Like is there going to be an actual sample kind of the way the FDA samples or is this just a document?

Brian Vaubel: Celeste do you maybe want to comment on this in terms, I know that clearly there will be records right but anything in addition to?

Celeste Leroux: Sorry I don't think that I understand the question, could you say it again?

Dale Jones: He wants to know if they'll be actual product samples so in other words when we go take flesh from fish that's coming in to be sure it is what somebody said it is at the time that it's being imported.

Celeste Leroux: Oh. That's not part of the Seafood Import Monitoring Program as designed but as Dale has mentioned, it's very likely part of other enforcement programs.

Dale Jones: The only other thing that I would add to that is that, that is one of the intents of using the scientific name and the three alpha code because as look at different species we will be able to understand clearly where many of them came from. So if we're looking for red snapper, that's typically going to come out of the Atlantic or the Gulf and somebody says they're harvesting red snapper from Alaska somewhere then we're going to be going, "What's up with this" and it will indicate to us that there is some issue with the identification of the product so that's one of the other things.

There will probably be any number of different ways to audit technically just to see what if things match up or don't match up or flag if there's problem identifications and another thing could be gear type for example so if you're telling us you're catching large quantities of swordfish by person, we're probably going to raise an eyebrow to that because obviously mostly long line harvested product.

So things like that will be things that we can use to check and look at things more carefully.

Wendy Banta: Just a kind of specific question around this data element of the area of capture and harvest. How specific does that information need to be?

Brian Vaubel: It kind of depends upon the fish. So if the fish were maybe managed in such an area that it could be to a specific weight, a specific way it's regulated by the foreign country, it could be, you know, maybe it high seas, maybe a sail area, so it could be more general in its description. It kind of depends upon the unique fishery and how it's regulated by its nation.

Celeste Leroux: Dale you could probably speak to how this is listed in the implementation guide but in general we would be looking for the area of harvest as permitted that would help us identify whether or not that fishery was legal at that time.



Wendy Banta: This is a quick comment in response and I think the support was said before, I just wanted to mention there are several initiatives going on that are separately identifying key data elements so really support that comment about trying to make alignment for ease of everyone participating.

Celeste Leroux: This is Celeste I just wanted to make a note I don't know if it was you or or another commenter who mentioned the global dialog on seafood traceability but just during this meeting I have signed up to join their advisory group.

Wendy Banta: Yes, Wendy Banta from Marine Stewardship Council Chain of Custody Program. I'm just wondering sorry if I missed this information but a little bit more about the software. Can you explain to me the interface that the users at each step will actually use? Is this already existing or is this something currently being developed?

Brian Vaubel: How much time do we have? Just to keep it simple again the data that comes from this program will go to customs first. Customs uses a foundational system called ACE, Automated Commercial Environment, and there are any number of ways that brokers or filers can set up data entry into ACE but all has to be done in coordination with customs and authorized by customs and is typically done through a system or solution called the ABI Automated Broker Interface.

So the broker typically works with customs and ABI and their software developer and they set up whatever they want it to look like on their end as a filer to get that information to customs. The data that goes into customs is done under what's called an EDI format and the electronic data interface or EDI is sort of an 80 character set type of thing and I won't go from beyond that it's like the old fortune, if you're old like me and remember that.

That's been a system that has been used by customs though for a number of years for entry into ACE so none of these things is new per say, it's been working and functioning for quite some period of time and it's just a matter of programming customs ACE systems so that it will receive a specific type of data that we're looking for. So it's the same system used for all different types of products going into customs.

Kerry Turner: Thank you so much for all your questions. Just as a reminder, we do have a lot of these materials on our website, www.IUFishing.NOAA.gov and these materials have also been translated into about eight or nine different languages so you can check that out as well.

On your USBs you have copies of those materials, the model forms. There's also an abbreviated version of this power point presentation on the web that we use these as well. Dale and (Brian) will be sticking around for a few



questions if you have any additional questions, feel free to come on up. They're here to answer your questions. (Celeste's) information as noted on the screen and (Dale's) information is also up there as well. Feel free to send them an e-mail. The signup, you can send us an e-mail and signup for updates. Whenever something like a new resource coming out, anything that has been updated, any deadline or anything like that you need to be aware of aside from January 1, 2018, we will be sending out e-mails. We send them out periodically about every month on what's new happening with the Seafood Import Monitoring Program. So please sign up for those updates.

One final question.

(Edwardo Decarez): My name is (Edwardo Decarez) from Mexico. I work in seafood company. My first question will be, What would it be like the penalties for the ones that don't go with the requirements because if the answer is simple because for example on the Isle of Mujeres the people back in Mexico would like to really give the information on working the way that you would like for them to work for having these kind of fish. They have to spend much more money than the ones that don't follow the requirements, you know, and at the end you have people here getting any kind of fish maybe there will be some kind of not so legal marketing that is used for those. At the end you are the one that will buy that kind of fish. It doesn't matter if they have this kind or not tools.

Dale Jones: Just to simply put, if the data is not provided correctly up front, it won't be released into US Commerce, you won't be able to get it into the country so that's the first problem. After that, the followup would be again if there's any type of errors or problems or things like that, we work through those with people to some level but if there's fraudulent intentional actions that occur, that goes off to enforcement and it's an entirely different situation or issue.

So, you know, again we're in the realm of speculation if we start trying to go down that path so it's very difficult and you can look at any number of scenarios, it could go different ways so I'm reluctant to try to answer your question too much more specifically because I would be speculating as to where we would go from there.

Kerry Turner: One last thing before I forget. I recognize some of the companies [unintelligible]. NOAA Fisheries has been doing a series of round tables. We've had over a dozen webinars but we do offer webinars for companies that would like to have that one on one conversation with our experts and so if you are interested in doing that, please send Celeste an e-mail. If you feel your organization can benefit from having a webinar with our staff, we are available to do so. We want to make sure that we get this information out as far and wide that there is awareness of understanding of what's coming up on January 1, 2018.



So, please take advantage of that. If there are any additional round tables will also be pushing that information out. Again, thank you so much, thank you Celeste, Dale and (Brian) for all being here.

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

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