



## Public Webinar: Final Rule to Implement a Seafood Import Monitoring Program

Presenter: Christopher Rogers, Assistant Director, NOAA Fisheries' Office of International Affairs and Seafood Inspection  
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Operator: Welcome and thank you for standing by. At this time all participants are on listen only mode until the question and answer session of today's conference. At that time to ask a question please press star 1 on your touchtone phone and record your name at the prompt.

This call is being recorded. If you have any objections you may disconnect at this time. I would now like to turn the call over to Ms. Kerry Turner. Ma'am, you may begin.

Kerry Turner: Thanks (Susan) and welcome everyone. Either good morning or good evening, depending on where you are calling us from. We have a lot of folks on the line which is great to see.

My name is Kerry Turner. I'm a Communications Specialist here with NOAA Fisheries, Office of International Affairs and Seafood Inspection. And this is the third public Webinar that we'll be having on the final rule for our Seafood Import Monitoring Program.

We'll be conducting another one Thursday, 8:00 a.m. U.S. Eastern Time. But again, these are only initial and we'll be conducting a very robust outreach effort throughout the year as we work towards full implementation of this rule.

Today I'm joined by Chris Rogers who's the Assistant Director for International Affairs in the Office of International Affairs and Seafood Inspection.

Chris is going to walk you through briefly, the key features and elements of the final rule. And then we'll open it up for question and answer period.

Before I turn it over to Chris, I just wanted to mention two things. One, if you're not able to view the Web portion of this, we do have a PDF of the presentation posted on line at [IUUfishing.noaa.gov](http://IUUfishing.noaa.gov).

The transcripts and records of these calls will also be posted on line once we receive those.

And finally just as a reminder, I know there's an interface for questions on the WebEx. We're going to ask you during the question and answer to submit your questions through the conference line and the operator will let us know how to do that a little bit later on.

And so with that I will turn it over to Chris. Chris.



Chris Rogers: Okay, thank you very much Kerry. And as Kerry said, good evening or good morning, depending on your location.

I'm going to go quickly through the features of the final rule on U.S. Seafood Traceability Program and we'll have questions and answers toward the end.

Let me see, it's not advancing. I'd like to gain control. Bear with me one second. Okay, there we go.

This is a Seafood Import Monitoring program, the subject of this rule. This arose out of the Presidential Task Force that was convened. Beginning in 2014, several agencies and presidential executive departments were convened to look at the problem of illegal fishing and seafood fraud within the U.S. market and globally, and look at ways to prevent illegal, unreported, unregulated caught fish or misrepresented seafood from entering U.S. commerce.

This would obviously serve well in the U.S. market as well as assist efforts globally to fight illegal fishing. So the Task Force came up with an Action Plan with 15 recommendations. Recommendations 14 and 15 of that Plan were to deal with the Seafood Traceability Program.

So as I said, these recommendations arose from the Interagency Task Force. It was co-chaired by NOAA, National Oceanic Atmospheric Administration, as well as the State Department. It included a number of relevant agencies and departments.

We had a public engagement from the beginning insofar as seeking public input on the types of actions that could lead to diminished incentives for illegal fishing and fraud. And the Action Plan or the recommendations themselves were released again for public comment, in December of 2014.

The public was asked to comment on how to best implement those recommendations. That resulted in March of 2015, the Action Plan. And as I said, Recommendations 14 and 15 of that Action Plan included the Seafood Traceability Program.

A proposed rule was issued on that program in 2016, February. And we had a public comment period extending through April. So as you can see, there was an extended period of public engagement; public input on this process.

Based on the proposed rule we did receive a large number of comments. You can see all those comments posted on the Web site, [regulations.gov](http://regulations.gov), as the proposed rule is posted there. All the comments received through that portal.

And then the final rule is well, including the response to comments, all posted at [regulations.gov](http://regulations.gov). I think there's a Web site we can see at the end of the presentation now, for that information.

So the final rule was issued last December. It does have a delayed implementation. Let me back up here. This slide basically takes us through that process real quickly of how we arrived at that proposed rule stage and then the final rule.



So, the recommendations themselves, 14 and 15 of the Task Force Action Plan, required that within six months, with input from industry and stakeholders, look at the types of information, operational standards needed for seafood traceability.

We sought input on that through a notice in the Federal Register. Again, all of those - that solicitation of comments and the comments received are posted at Regulations.gov.

The recommendation was also on the timeline that within 18 months we would implement the first phase of a risk-based Traceability Program. The first phase meaning - including a subset of species to get started, and investigate the efficiencies and difficulties - the complexities of a Seafood Traceability Program.

So with respect to risk-based, the idea was to look at those species which had the highest risk of either illegal fishing occurring or of seafood fraud. And based on those priority species, to include those in the rule as the first phase. And then based on lessons learned and working with the industry on implementing the program to eventually expand the program to cover all seafood.

During that process we looked at our access to information regarding domestic seafood harvest within the United States. The ability to trace U.S. harvested seafood in the U.S. market, we determined that through state and federal programs which included fishing permits for vessels, log books, vessel monitoring systems, independent observer programs, as well as, dealer permits and dealer reports on the dock.

[inaudible] information collection program in place for U.S. domestic fisheries with respect to federal and state programs including some cooperative federal and state programs we have established on a regional basis.

Therefore, the rulemaking itself was focusing on imported seafood entering into U.S. commerce which is at the current time, a large component of what [inaudible] in the U.S. each year with respect to seafood.

So again, to look at the - how to implement the program, we sought input on the principles for identifying those priority species. Once we decided on some principles we applied them and that resulted in a draft list of priority species.

We published that and asked for input on that as well, and then published a final list of priority species. The priority species again being those which would be subject to the [Seafood] Import Monitoring Program in the first phase.

We also sought input on minimum standards and necessary data for a traceability program. We talked about, indicated in our documents, how we would make use of the International Trade Data System in order to collect data at import.

The International Trade Data System is a government-wide initiative in the U.S. It is part of the National Customs Automation Program and is intended to create a single window for the trade community to enter all of the necessary data to monitor imports and exports through the U.S. marketplace.



So, a very key component is that the rule itself -- the [Seafood] Import Monitoring Program -- relies on the International Trade Data System as a collection focal point; a single window for electronic reporting.

We also had a recommendation within the Action Plan from the Task Force, Recommendation 10, to look at species names and codes. Codes meaning codes used in species identification. We'll talk a little bit about that later.

Like the Food and Agricultural Organization of the United Nations has a coding system for species, harmonized tariff schedule also codes with respect to describing products. Our own Food and Drug Administration has a list of codes and what they call, acceptable market names under which seafood can be marketed.

So Recommendation 10 working group did look at whether species names and codes should be amended, revised, maybe expanded to help with the identification of individual species in trade in order to reduce misrepresentation and fraud. And to certainly assist with the implementation of a traceability program.

We considered also in this process, information sharing within the trade community as well as across government agencies to make sure that we would not be duplicating effort and could reduce the burden to the maximum extent to go for the trade community.

We also looked at a Trusted Trader Program. We're still in the process of developing a Trusted Trader Program and how that might work. Arguably, a Trusted Trader program would reduce the burden for those who would apply for and receive trusted trader status. Perhaps reduce reporting. Certainly reduce incidence of inspection and reduce audits because of their trusted trader status.

So we will be putting out a separate proposed rule shortly. Our target date is sometime in March to look at the parameters for a Trusted Trader Program and what the criteria would be for application and acceptance into the Trusted Trader Program, as well as, what aspects of seafood traceability, what the burden there would be relieved for those with trusted trader status.

We're also looking at a process for evaluation and expansion. As I said, the program was decided to apply to all species. But the first phase is what we're implementing at this point in time, and we will look at how we can expand the program based on evaluation of the results of this initial list of priority species.

The data that we will collect in this program will allow the priority species to be traced from the point of entry into U.S. commerce, which in this case would be the point of import. And the presentation at the border for import, and the information reported about the inbound shipment, back to the point of harvest or production to verify that it was lawfully harvested or produced.

The collection of harvest and landing information will be accomplished, as I said, through ITDS reporting. So all entries into the U.S. market imports are reported through ITDS.



The way we'll work this is through an additional message set as it's called, that the normal customs entry requires certain information on all shipments. But certain harmonized tariff schedule codes indicating products of the priority species will be flagged in the system so that the system would expect additional information that would be required by our National Marine Fisheries Service about the harvest and landing event that produced those fish that are being imported.

Just a note that the information collected on this program - under this program is confidential. It is considered protected information, both under the Trade Secrets Act in the U.S., because it's individual business information on those imports, but also because this rule - this final rule is issued under Magnuson-Stevens Fisheries Conservation and Management Act Authority which also has provisions for confidentiality of information.

So we're not going to release, nor would the public have direct access to any individual transactional data. What we are allowed to do with respect to the information is aggregate it in such a way that no particular business entity's information will be disclosed.

So we can issue reports on aggregate data. For example, maybe the number of entries per month for a particular species, and the number that we're selecting for audit. Things like that. But not the individual transactional data.

The rule focuses the responsibility for this reporting on the U.S. importer of record. So the foreign exporters; foreign producers do not have to get accounts into the International Trade Data System. That would be the responsibility of the U.S. importer.

But obviously the U.S. importer is dependent on the exporters and suppliers abroad to provide the information that must be reported.

In addition to reporting about the harvest event, the landing of fish from a vessel or in the case of aquaculture species, the harvest from a pond or a pen, and movement of fish from the aquaculture facility to a processing plant, that has to be described at the point entry. That's what we consider the harvest event.

And the chain of custody records that would follow that shipment of fish through the supply chain must be kept by the importer of record. So that if we do select any particular entry for an audit, we will work with the importer to trace back through the supply chain.

And then determine with the competent authority in the area of jurisdiction of the harvest event, that the seafood products were in fact, lawfully acquired. That they were not the product of illegal fishing activity.

At the beginning I did say that for entry into U.S. commerce of product harvested or produced domestically here in the U.S., that we already had systems in place with permanent reporting recordkeeping that would support a Traceability Program.



However - and that this rule would apply to imports. However if there are products harvested in the U.S. that are exported abroad, whether it be for cold storage or processing; reprocessing and then reimported back into the United States, this rule would apply to those products.

So even though we would have a record of the harvest event through other systems, that record would have to be produced if those products are reimported into the United States.

The information to be collected - again this would be electronically collected, supplied by the U.S. importer of record through the International Trade Data System. Some information about fish themselves; what, when, where with respect to the harvest event, the species of fish, harvest dates, product form whether it was dressed or preprocessed at sea or is landed in whole form.

The areas of wild capture or the area where the aquaculture facility exists. The points of first landing, if that was transshipped at sea or transshipped in port, that information would be included. And the name of the entity to which the fish was first landed or delivered.

Again, the rule itself places that responsibility for making the report on the U.S. importer of record. So that importer of record would also provide information about themselves - their name, affiliation, and contact information.

They have to have a permit under this program, the International Fisheries Trade Permit. So they have to produce or supply that permit number, and the system will check to make sure that is a valid permit in order to proceed with the import processing.

And then the importer of record is also responsible for keeping records regarding the chain of custody. You don't have to report all those chain of custody records at the point of import, only the harvest event. And keep the chain of custody records on their premises and only produce or share those with the National Marine Fisheries [Service] if that particular entry is selected for an audit.

The information with respect to chain of custody, we don't have any prescriptive requirements exactly explaining what that is. We do recognize that there are multiple ways that the business community; the trade community has adapted with respect to chain of custody records or supply chain records.

So there can be existing declarations by harvesting or carrier vessel. Bills of lading, invoices, processor receipts, in some instances certain vertically integrated companies may have already implemented electronic systems contracted with third parties for developing electronic systems to have a traceability scheme that can be used to comply with this chain of custody recordkeeping requirement.

In some instances there may be Regional Fishery Management Organization requirements with respect to catch documentation schemes in place. Those can be used. In some cases there may be third party certifiers involved in a particular fishery or for a particular retailer here in the U.S.



Not to promote any one individual, but I'm sure folks have heard of many of these outfits like Marine Stewardship Council.

Any of those programs could be used to meet the requirements for the chain of custody recordkeeping. And these records are on processing, reprocessing and comingling of product would be produced upon demand if an import was selected for audit.

Just the particulars on the harvesting and producing entity name. In the flag state of the harvesting vessel, evidence of authorization to fish, if in that jurisdiction there's a permit or license number required.

If there's a unique vessel identifier, to uniquely identify that vessel from other vessels that may be in the fishery. Type of fishing gear used. Name of the farm or aquaculture facility.

So that information, the harvesting and producing entity as well as the fish, is what will be reported upon entry. As we call it, the NFMS message set or the NFMS data set that the importer of record must supply. And that becomes the harvest event record to which we would perform and traceback if the entry was elected to audit.

This information is important in order for us to determine the competent authority that would have regulatory jurisdiction for that harvest event.

So that as we do the traceback we will coordinate with that competent authority, whether it be a federal or regional government or Regional Fishery Management Organization, to ascertain that the circumstances that were described, reported as the harvest event were in fact in accordance with laws and regulations of those foreign entities.

As I said, we selected priority species for the first phase of the program. We went through a process of several Federal Register notices seeking comment first on the criteria that we would use to identify priority species. Then applying those criteria against our trade data and other factors that we considered in those criteria.

Came up with a draft list of priority species. We took further comment on that and then we ended up with a list of 13 priority species or species groups. And in some cases there is more than one species which would be under that group title. For example, many species of shrimp, many species of shark, and several species of tuna.

Initially we did intend to exclude Bluefin tuna from the list of priority species because there is an existing Catch Documentation Program through the Commission for the Conservation of Southern Bluefin tuna, as well as the International Commission for the Conservation of Atlantic tunas.

But in order to avoid differential treatment of tuna products we decided to include Bluefin, along with Albacore, Bigeye, Skipjack, and Yellowfin tuna.



That's not to say that the existing Regional Fishery Management Organization catch documentation programs cannot be used to fulfill the requirements of this program as well. So it's not intended in any way to duplicate efforts of the Regional Fishery Management Organization, but just include them in this program as well.

You will note on that block there with the 13 priority species that there's an asterisk next to Abalone and shrimp. We have further delayed implementation for those species or those species group's products because we do have an issue with U.S. produced aquaculture sourced shrimp and Abalone which we don't have as complete a recordkeeping and chain of custody requirements within the U.S. marketplace because of different agencies having different jurisdictional elements.

For example, Food and Drug Administration does have some recordkeeping reporting requirements with respect to food safety. U.S. Department of Agriculture with respect to production. But upon examination of the aquaculture supply for those species of product groups, domestically we determined that we would be requesting more information upon import for imported products in those groups -- Abalone and shrimp -- than we would have ready access to in the domestic produced supply chain.

So in order to give us more time to close those reporting and recordkeeping gaps, domestically have what we say, stayed implementation - the implementation date for Abalone and shrimp until we give further notice that the domestic recordkeeping reporting gaps have been fully addressed.

We will certainly give advanced notice when we do make that determination. [inaudible] closed the gaps and that the shrimp and Abalone products would be subject to the [Seafood] Import Monitoring Program. Certainly give enough lead time for the industry to prepare and adapt for that reporting.

Similar to what we've done in the case of the other species, we did publish the final rule on December 9 of 2016. It is effective as a compliance data where the reporting would be required on January 1, 2018. So, a similar lead time would be afforded for shrimp and Abalone.

We did make some changes to the proposed rule. Again the proposed rule and the final rule, in comments received, are all posted at Regulations.gov. The final rule itself does have a section within the preamble on changes from the proposed rule which explains responses to comments and why we made certain changes.

One of the most significant changes, we did receive a lot of comments that many products shipped to the U.S. market are consolidated from many small-scale operators. And that would necessitate reporting on a large number of harvest events for an individual shipment which could be burdensome.

So we did look at the EU program. EU has a similar program, their IUU regulation which does require reporting on import of seafood products with respect to the harvest event. And certifying - certification by the competent authority that it was lawfully acquired.





So we looked at their program and they did have an allowance for small-scale operators with respect to what they call a simplified catch document.

So we adapted that somewhat. It's very similar, but adapted it with respect small boats or in the case of aquaculture operations, small deliveries. So we do have a simplified reporting for small-scale operators where a consolidator or buyer can create a consolidated catch document or harvest event report for multiple operators under those criteria.

For those who were tracking the action plan itself and the recommendations of the action plan, probably do recall that it was an aggressive timeframe that was specified under Recommendations 14 and 15. That the program would be developed, as I said earlier, within 18 months.

So the proposed or the envisioned timetable was that the final rule would be issued in August of 2016, made effective in September of 2016. And evaluated for its effectiveness and the possibility of expansion in December of 2016.

Based on a lot of public comment that that timeframe was too aggressive for the trade community to adapt and assure that the information could be collected and transmitted through the supply chain in order to allow the harvest event reporting.

At the entry process on the U.S. side we adjusted the timing. So January 1, 2018 is the mandatory compliance date for most of the priority species. As I said, shrimp and abalone compliance date will be phased in and announced at some later time.

In addition to those two significant changes we made some adjustments to the data requirements and protocols. A lot of questions in particular about how information was to be reported, what standards or codes might be used. So we did make some adjustments there.

For software programmers we are working on what we call a Compliance Guide that would be a guide to software developers on how to code and format the information that the importers would submit through the International Trade Data System. So we'll be posting that when that's available.

The - as I said, the effective date for the shrimp and abalone will be as stated, in the future. But for those other priority species, January 1, 2018 is the mandatory compliance date.

It's important to recognize that the trade must begin at this point in time, to address those requirements that will be in effect on January 1, 2018. In other words, fish that is harvested now and may be in the processing cold storage and shipment supply chain for several months, if it is imported after January 1, 2018, the requirements on reporting that harvest that will pertain and will be in force.

So there is a need to begin setting up systems to comply with the requirements at this stage. In other words, any product harvested now, but which will be imported after January 1, 2018 will be subject to this requirement.



As I said, the final rule was published in response to comments posted on the Web site [regulations.gov](http://regulations.gov). We're having a program of outreach and engagement with U.S. importers, foreign trading partners, and international seafood producers including these Webinars like we're doing tonight or this morning, depending on your location.

We have several others planned including sessions at the Seafood Expo North America in March of 2017. And we'll be making use of the IUU Task Force Web portal - [IUUfishing.noaa.gov](http://IUUfishing.noaa.gov) for additional information and announcement of additional Webinars.

For our exporters in Southeast Asia we are also working closely with U.S. Agency for International Development, regional development mission, Asia and Bangkok, to identify some significant events like seafood business meetings, conferences in that area of the world to take advantage of outreach and communication opportunities.

WE are also working currently with Customs and Border Protection to do the programming that would be necessary for the International Trade Data System interface, and collect the message set and what they call, business rules. The program business rules.

In other words, a business rule might be that if a particular importer, it's required for the importer to have a permit, that the importer permit number was reported in the right data field in the right format and that it validates against our reference file of those who hold valid international fisheries trade permits.

If a particular product has - let's say is subject to an embargo, perhaps one of the Regional Fishery Management Organization has a traded restrictive measure, we could program that in as a business rule as well.

So those are the kinds of things we will be doing with Customs and Border Protection in the coming months to have the message set format adapted to International Trade Data System and the Business Rules Program.

As soon as that's ready we will announce a pilot program, hopefully, well in advance. We'd like to target maybe June or July of 2017 that gives a good six - at least five or six months opportunity for the U.S. importers to pilot test the system and work through the entry reporting requirements.

So the pilot tests, they would not be mandatory but, it would be fully functional. And those importers wishing to participate in the pilot tests will be able to submit the message set, subject their entry filing to the business rules, and see if it validates.

If there's any problems they will get warning message. We'll work with them to correct any deficiencies or concerns they have about the program. And hopefully work out any potential programming problems and rule implementation problems that may arise or become evident through that pilot test.

I also noted that we're targeting March of this year to publish a proposal on the Commerce Trusted Trader Program. Again, the proposed rule would be seeing public



comment on several aspects of the program including what criteria should be applied to afford or award a trusted trader status.

What would be the requirements of maintaining trusted trader status? What would be the benefits in terms of reduced burden that would be afforded trusted traders in making those entries for the Traceability Program?

And then finally, once we've implemented the program for a number of months, we will evaluate exactly how to expand to additional species. Look at any information, lessons learned, in implementing based on the priority species. And also through additional rulemaking that expand the program to include additional species.

So just some contacts here for additional information about the program. It's all posted at [www.iuufishing.noaa.gov](http://www.iuufishing.noaa.gov), a good portal for the Presidential Task Force, its recommendations, and the action plan at large. Not just the Seafood Traceability Program, but certainly all the information about seafood traceability there as well.

And also the Web site we have within the Office of International Affairs and Seafood Inspections, some details there. Any particular questions you can contact me about the regulatory side of the program, [christopherrogers@noaa.gov](mailto:christopherrogers@noaa.gov).

If there are particular questions, this is probably more on the part of software developers and U.S. importers about how to use the International Trade Data System, how to make the reports, how to interpret the implementation guide for that message set, you should contact Dale Jones. He's in our Office of Science and Technology, [dalejones@noaa.gov](mailto:dalejones@noaa.gov).

Especially when we are about to announce the start of - pilot test, Dale will be a resource for folks who want to participate in the pilot test and get their message set formatted correctly and submitted through the International Trade Data System.

So there's a screenshot of the portal; the [IUUfishing.noaa.gov](http://IUUfishing.noaa.gov). Again, this is for the Presidential Task Force Action Plan at large. But some specific information will be posted there on the implementation of Recommendations 14 and 15, the Seafood Traceability Program.

So I think that is the end of the presentation. And I'll ask Kerry our moderator to explain again how to ask questions for the question and answer period.

Operator: Thank you. And as we begin our question and answer session, to ask a question please press star 1 on your touchtone phone. Unmute your phone and record your name clearly when prompted as your name will be required to introduce your question.

To withdraw your question please press star 2. One moment please for any incoming questions.

Kerry Turner: This is Kerry. This is an opportunity as I mentioned before, for those that have questions about the presentation that Chris just gave. About the rule itself. Please feel



free to submit your questions via the audio line as the reporter just - as the operator just mentioned.

Again (Susan), can you give instructions on how they can get into the queue to ask a question, please?

Operator: Yes ma'am. Again, if you'd like to ask a question please press star 1 on your touchtone phone, unmute your phone and record your name clearly when promoted.

Our first question tonight is coming from (Kako Knatse). Your line is open ma'am.

(Kerry Kako): Hi. It's (Kerry Kako) from Tokyo. I have several questions from Japanese stakeholders. Very specific ones. And first question is, definition of tons, way to (unintelligible) vessel or whatever.

There seems to be three definitions of terms. Short tons, long tons, (unintelligible). What is the definition of ton in this rule?

Chris Rogers: With respect to what we would call a marine survey which is usually done for fishing vessels or cargo vessels; any marine vessel, it's typically - and with respect to metric tons.

(Kerry Kako): Okay.

Chris Rogers: So metric tons would be the units of measure for a vessel displacement.

(Kerry Kako): Thank you. And second question is, length of vessels. Define how (unintelligible) definition of (unintelligible) lengths, and the international standards. I guess that is (unintelligible). And what exactly the length of vessels?

Chris Rogers: Well typically we would use the length overall measurement. Again, in the marine surveying situation, marine surveyors in their operations to survey a vessel may have other descriptors with respect to vessel length, length between perpendiculars where they draw perpendicular lines at certain points in the vessel.

But length overall would be - the simplest measure, you don't have to have a marine surveyor I guess, to measure it. But length overall being the furthest point forward to the furthest point rear. So from the bow to the stern, length overall.

(Kerry Kako): Overall, okay thank you. And I understand there is no template or format for exporting persons to U.S. importers, correct? But some Japanese stakeholders have said that if there is format that might help. What's the situation about this?

Chris Rogers: Okay, very good question. We did release what we called a model catch certificate. The EU, in their IUU regulation does have a catch certificate; a format for it. For many of the Regional Fishery Management Organizations that have catch documentation schemes for Antarctic toothfish, from (unintelligible), for Bluefin tuna, from (unintelligible); Bigeye tuna.



Indian Ocean Tuna Commission, they do have a format for those forms; the catch documents.

And we released a model catch certificate that could be used to record catch at harvest events; that information, and transmitted through the supply chain. But, it's not required.

In other words, if there is an existing system in place locally under a government jurisdiction, the program that meets the requirements because it has all those informational elements that we have on the model form, that form could be used.

If it's an electronic scheme and that information is being recorded and transmitted electronically, that could be used.

If it's a species or product that is covered by a catch documentation scheme through one of the Regional Fishery Management Organizations, that could be used.

If product is consolidated or processed in any particular country and may be exported to the EU market and therefore the local jurisdiction is using the EU format to send product and they're going to split the shipment and send some to the U.S. market, that information from the EU form could be used.

So, it's a variety of methods, whether they be paper-based or electronic based, they could be used to record the information and then transmitted through the supply chain to the U.S. importer who must input that data into the U.S. International Trade Data System.

So we do have the model form. You can find that - it is posted on the [siteregulations.gov](http://siteregulations.gov) along with the proposed rule, final rule, and all the comments. And that could be used but, it's not required that that be used.

(Kerry Kako): Okay, thank you. And I understand that there are French and Spanish translations of the rule. Any plans to create Japanese translation?

Chris Rogers: Well we will be looking at that in the coming months. As I mentioned, particularly in Southeast Asia we're working with U.S. Agency for International Development on outreach and communication. So we will look at what our capacities are to make translations.

We will have a more detailed Implementation Guide as I said, that we're working on, in two senses. One is the Implementation Guide with Customs and Border Protection for the technical requirements to enter information into International Trade Data Systems.

That would be of interest primarily to U.S. importers and U.S. software developers. But we will have a more supply chain oriented Implementation Guide that we'll look at. Again, the model catch certificates will be included there, and how to transmit information through the supply chain.



That document will look at which languages we can effectively translate that to and release, certainly through the Internet. We'll post PDF copies so that they can be downloaded and printed.

(Kerry Kako): Thank you.

Chris Rogers: So, I'll not that you have recommended that we have a Japanese translation.

(Kerry Kako): Okay, thank you. So (unintelligible) will be forthcoming in consideration of Japanese translation, correct?

Chris Rogers: Yes. I can't confirm because I don't personally speak Japanese. But I can look into if we can get a contract to translate it. So, we'll look into that. But I myself cannot promise if and when we would have a Japanese translation.

(Kerry Kako): Okay, got you. Thank you. And...

((Crosstalk))

(Kerry Kako): ...confirm -- sorry for rambling on -- but just to confirm, so this is a standalone system on top of other catch documentation it can be used to this rule; yes?

Chris Rogers: Yes, that's correct. So if an existing catch documentation scheme is in use and applies to that product, for example Bluefin tuna, the Antarctic toothfish coming into the U.S. market, that harvest event information is already being recorded in those existing systems and will meet the requirements of this program as well.

So, it's not duplicative in that sense. However, if there is a domestic program abroad that's in place and records most of the information but not all, that program - the exporters from that country may have to amend or annotate any certificates in use to make sure they have all the data elements that would be required for the U.S. importer to make an entry.

So it's a matter of comparing. For the U.S. importer working with their exporter; their supply chain saying, here are the data elements that I need to make an entry filing.

What data elements are collected locally or nationally within your systems? Is it a product covered by a Regional Fishery Management Organization; test documentation scheme? Is there a mechanism in place within the supply chain to record information electronically?

So again, we'll be very flexible with respect to the rule. We're not saying exactly how it must be done, just saying what must be done with respect to the data elements. And the supply chain can adapt as necessary to use existing instruments and documentation systems to meet the requirements.

(Kerry Kako): I see.

((Crosstalk))



Kerry Turner: Thank you so - thank you...

(Kerry Kako): Last question is, is Japanese (unintelligible) exporting partners have to submit government issued documentation to American importers for example, regarding information to be collected. I understand there is (unintelligible) date of harvesting (unintelligible) and evidence of authorization.

And I understand from your presentation today that evidence of authorization means permit or license number. And would they have to submit a copy of permit or license or is just number okay?

Chris Rogers: Just a number, because that would be reported as a number of alpha-numeric, whatever the system is. That we will work with the exporting nation. In other words, as I said before in the presentation, it's that harvest event information that we will use to determine who is the competent authority to regulate that harvest event? And then work with that entity or government whether it's federal or regional.

And say hey, this was the evidence of authorization that was presented to us. Is this a valid authorization within your area of competence? In other words, it's a fishing vessels license number. We've asked them to validate it.

In some cases it might be an RFMO number for example. If the Regional Fishery Management Organization has a list of authorized vessels and it provides a number for those vessels. So we know that the contracting party to the RFMO has posted the vessel and has authorized it, reported it to the Regional Fishery Management Organization.

So it could be a number of numbers or documentation types that could meet that requirement. But it's necessary for us to identify that harvest event and the harvesting entity to the competent authority so we can confirm with them that it was an authorized event.

Kerry Turner: Okay, thank you so much (Kako). I just wanted to answer a couple of questions that I've seen through the Web portion.

Some are asking if these slides will be made available on line. Yes, they will be at [iuufishing.noaa.gov](http://iuufishing.noaa.gov). We'll be posting that slides of this presentation.

We'll also be posting a recording of this Webinar and transcript of this Webinar. Again, it will be posted at [iuufishing.noaa.gov](http://iuufishing.noaa.gov).

And if anyone would feel more comfortable submitting questions through the WebEx - the Web site, please feel free to do so. Otherwise operator, can you tell us again how to get into the queue to ask a question of Chris over the conference line please.

Operator: Yes, thank you. Again, if you'd like to ask a question, please press star 1, unmute your line and record your name at the prompt as your name will be required to introduce your question.



One moment please for any incoming questions. And currently there are no further questions in the queue.

Kerry Turner: Hi. I do have one question through the Web site. And the question is, are there any examples of the simplified reporting forms available? This is from (Lonin Crawford).

Again the question is, are there examples of the simplified reporting forms available yet?

Chris Rogers: The short answer is no. We are working on that. And if you are familiar with the EU simplified catch document, it's not quite the same. What we will be doing, the EU does require a separate list of the vessels that were contributing to the simplified catch document. We are not making that a requirement.

Basically just the entity receiving the fish would be the person or the business entity that would be identified.

So we are working on - as I said, we had a model form for a regular catch certificate. But we will release a model form for a simplified catch certificate.

Operator: Thank you. We do have another question on the phone. (Thomas), your line is open sir.

(Thomas): Hi Chris. I just wanted to ask, in regards to - you said you're doing a recognized trader or Trusted Trader Program. And from what I understood, that are internal in the U.S.

Would there be some sort of system that you would be developing as a recognized supplier to the U.S.? And is there a way that we could - we are sort of a traceability solution as well as, a sales solution? And would be able to get recognized in something that we could receive certification for, as long as we align with all your requirements?

Chris Rogers: Well, as I said, the rule itself will be applied against the U.S. importer of record. And that's basically because of the authority under which we are issuing this rule and establishing this program.

Under our Magnuson-Stevens Fisheries Conservation and Management Act, there is a prohibition on importing fish that is - seafood products that are taken in violation of a foreign law or regulation. So, that's the basis.

The prohibition exists in the statute. The rulemaking itself is really an information collection rule in order for us to enforce that statutory prohibition.

So it's focused at the U.S. importer who would be undertaking that act of importing fish taken in violation of a foreign law and regulation. But obviously enforcing that standard or requirement - that prohibition under the Magnuson Act requires us to understand and work with the foreign entity; the competent authority, about that harvest event and whether it was duly authorized or taken in violation.





That said, because of the focus on the U.S. importer for meeting the requirements for recordkeeping and reporting, we are focusing on the U.S. importer with respect to that trusted trader status.

Now in making that application for trusted trader status and deriving some benefit - reduced reporting, reduced inspection, reduced auditing, that could be a component.

In other words, is that U.S. importer working with business entities within the supply chain who do have established traceability standards whether they be electronic or paper based and various programs.

So, we aren't specifically looking at certifying exporters because again, the rules focus on the U.S. importer in terms of compliance and enforcement.

But how that U.S. importer has worked to secure and document the supply chain, including electronic recordkeeping, can be used to establish eligibility for the Trusted Trader Program. I hope that answers your question.

(Thomas): Yes, that does. Thanks very much. And then, actually I have one other question.

If you are auditing and import, what happens to the actual import itself? Does it get seized and held until these requirements are met and then released? Or is it allowed to be traded and then the audit goes on so that the - is the product allowed to be sold to the public?

Chris Rogers: Well that would depend on the product form and its perishable status. In other words, if it's fresh product flown in airfreight, as long as the information set is reported, the importer has a valid permit, and the harvest event data is recorded, it will pass through, be released from Custom's custody.

It may be consumed rather quickly. And that was - if that entry was picked for an audit and we would determine that that harvest event, we cannot do a traceback to the harvest event, there is incomplete or falsified records within the supply chain. Or we would determine through discussions with the competent authority that that was not an authorized harvest event, we would take action against the U.S. importer of record.

Obviously we couldn't take action against the importer with respect to the product because the products would have been consumed. But if it's another product form for example, if it's canned tuna sitting in a warehouse, in that situation we certainly could have a product recall.

(Thomas): Okay, great. Thank you very much. That's all my questions.

Operator: Thank you. Our next question, and it's from (Peter). Sir, your line is open.

(Peter Flerno): Yes, thank you. My name is (Peter Flerno) and I represent Albacore vessels that fish on the West Coast with pole and line gear. I have a couple of concerns.



One, Albacore is included with the other tunas. And the justification seems to be, let's treat all tunas alike. But my concern is that we sell some of our product to for example, Spanish processors.

Now some of that product is then imported into the United States. We don't have anything to do with that. We don't can the product or put it in glass jars. We don't import it ourselves.

On the other hand, if the Spanish exporter is going to have to convince the American importer that the fish was caught legally with all the intended data, that's going to fall back onto our 400 or so individual, small family business-run people.

And I think that's going to be a burden. That's usually what happens. When you ask a processor or a buyer for information he then turns to the vessel owner to supply it.

That said, I'm unaware that there is a large body of evidence that the Albacore tuna we catch by pole and line is subject to IUU fishing.

I don't want to be mistaken. Of course we are against IUU fishing and support efforts to control it. But I was wondering if you could expand upon how Albacore came to be included in this rule. Thank you.

Chris Rogers:

Okay, thank you for that question. But first with respect to the reimport of previously exported product, yes you are correct that the harvest event data would have to be reported. But that harvested event data is currently collected.

It's not to say that the supply chain won't have to adapt to make sure that information flows with the product in the event that it does get reimported into the U.S. market.

But as you note, the Albacore fleet off the U.S. West Coast has (unintelligible) and reporting requirements. That would certainly meet the needs of this program.

But with respect to your question of why does Albacore need to be included, well the program will apply to all species eventually. As I noted, the authority for this rulemaking was the prohibition that exists in the Magnuson-Stevens Act. That it is unlawful to import fish taken in violation of a foreign law or regulation.

In the example you give, it wouldn't be a foreign law or regulation, it would be a U.S. law that's already prohibited under the Magnuson Act. And the rule itself that I'm describing here is an information collection requirement so that we can assure that the illegal product isn't coming to the U.S. market.

Now Albacore can come in from multiple sources. We wouldn't know a priority or in advance, any particular shipment or where it's coming from. That's a business decision on the part of those U.S. importers who want to provide Albacore tuna to their customers. Whether they source it from overseas or a U.S. domestic product or whether it's a reimported product previously exported from the U.S.

So, it's not that we would isolate or have isolated any particular fishery and assessed its status or propensity or experience with respect to illegal fishing activity.



We just looked at several factors which are described and posted on the Web site for [regulations.gov](http://regulations.gov) on how we looked at various criteria.

But it's important to remember that the task force was focused not only on illegal fishing but also seafood fraud. Albacore is a high value product. Pretty distinct. So it's not likely that parties are going to pass it off as a lower value product.

But it was a combination of fraud and illegal fishing activity globally that led us to focus on those priority species.

That process was well documented. We received a lot of comments. There seems to be a lot of focus on it. My view is that - my personal view is that the program will apply to all species eventually. And the discussion about which products we are focusing on in the initial phase, will become less relevant as the program is expanded.

But again, I understand your question, but we did not seek to isolate particular fisheries in particular regions in making those assessments. We looked at a group of products globally.

And one the major factors that we did look at was volume and value of imports which respect to tunas, swordfish, shrimp, crab, a lot of volume and value.

In other words, as we undertook the initial phase of this program we wanted to have also a representative suite of products which would give us a good chance of assessing how a program such as this can work and work efficiently. And work with the trade and various supply chains.

So we did look at volume and value, as well as several other factors. Incidents of fraud; incidents of illegal activity but, from a global perspective, not isolating any particular fishery. I hope that's helpful.

(Peter Flerno): Yes, that's very helpful. If I could, I just have one further question. Some time ago the EU put in a lot of regulations that had to do with product that was imported. And I believe the U.S. was able to negotiate with the EU. I guess you might call it like a Trusted Trader Program or something like that.

So I would anticipate that other countries are going to pass similar regulations to this one. In which case the burden will I believe, fall on U.S. fishermen.

And I was interested in your initial comment that the documentation that is currently required under U.S. law, that Magnuson Act, would fulfill the documentation that would be required say, by the European Union if they put a similar system into place. And I was wondering what that documentation was that you referred to.

Chris Rogers: Well that - the basic tenets of fisheries management, whether it's a state or federal program domestically in the U.S., has all of the features that we would be or, are requesting through this rulemaking with respect to the harvest event reporting for foreign produced.



You know, basically the identification of the fishing vessel, the evidence of authorization, fishing vessel permits. You know it's a state or federal level here in the U.S.

The fact that the fishing vessels submit log books, in many cases are subject to at-sea monitoring, whether through vessel monitoring systems or at-sea observer programs. That the dealers making purchases from those vessels have to provide dealer reports or weigh-out slips.

So that information is applied or those information - the data elements are required of U.S. fishing vessels either through state or federal or even state, federal cooperative programs to have a full accountability of those fish when entered into commerce.

So if we did wish to audit any particular fishery; any particular program, we could start with dealer receipts or log books and perform an audit from either direction.

(Peter Flerno): Okay, thank you.

Kerry Turner: We do have a question from the Web portion and it's from (Mark Oliver) who says, hello from Thailand. And are you aware about the Blue Number Initiative to create a single identification number for farms or fisheries and avoid the multiplication of ID numbers for each program? And would this make sense for a NOAA traceability program?

Chris Rogers: Well, it certainly would make sense if such a program gained universal acceptance. Or at least acceptance within the jurisdiction of the competent authority.

In other words, if it wasn't accepted universally but for example you indicate - you're saying hello from Thailand. If the government of Thailand decided to adopt that system of registration, authorization, or identification of aquaculture facilities as well as fishing vessels that would become the basis for that harvest event reporting. And we would confirm that with the government of Thailand.

I know there are efforts through the Regional Fishery Management Organizations and through Food and Agricultural Organizations of the United Nations to have what they call a universal vessel identifier, working with the International Maritime organization to come up with a unique vessel identification system - unique vessel identifier, also called a UVI.

So yes, you're correct certainly that there are a number of independent systems at play. Whether they be governmental or non-governmental. And the need will be, under the standard for this rule, is there an identifier that we can use for that traceback so that when we discuss the harvest event with the competent authority it will be evident to the competent authority. Exactly what entity, be it a fishing vessel or aquaculture facility we're talking about, what catch record is associated with that entity and that they can confirm it was authorized activity.

So, certainly flexible with how those identifiers can come about and be used. It really depends on the local jurisdiction what mechanism they adopt.



Kerry Turner: Thank you. There is another question from Sabrina Vaughn from Hilo Fish Company. Sabrina inquires, is this fish -- I'm sorry -- is this for fresh and frozen fish?

Chris Rogers: Yes, it would apply to fresh and frozen fish or canned fish. Processed fish, tuna, and pouches, cans, fresh, frozen. Certainly shrimp, processed shrimp when that comes into play.

So yes, it would apply to all products of those species that are listed for the priority species.

Kerry Turner: The next question that we have via the Web portion is from (Novi Saputra) and the question is, blue crab Atlantic is included. Does this mean - what does this mean for blue crab Indonesia, Thailand, Vietnam, Philippines; India?

Chris Rogers: Well for the time being the products - blue crab products or blue swimming crabs as it's called in that area of the world, would not be included in this program.

So the tariff code that applies to blue crab here in the Atlantic Seaboard - blue crab *Callinectes Sapidus*, the Latin binomial name for that genus of species -- *Callinectes Sapidus* -- is covered by the program.

There is a tariff code that uniquely identifies it so that we can determine that a particular import is subject to this reporting requirement and recordkeeping requirement.

When we do expand the program to cover all seafood, then it would be blue crab, other crabs included, from all sources.

We did focus on blue crab - Atlantic blue crab as a priority species because of fraud and substitution and misrepresentation of product origin here in the U.S. markets.

So again, the requirement, that will take effect on January 1, 2018, will exclude blue swimming crab from Southeast Asian fisheries. But eventually when the program is expanded, that product would be included.

Kerry Turner: And there is an additional question from (Tonet Lin) of the UL Consumer Retail Services. This inquiry says, is this required for ready-to-eat items imported into the U.S., for example, shrimp rolls?

Chris Rogers: Well at the current time - again this is the initial phase of the program. What we are calling highly processed products are not included, at least initially, until we can gain more experience on identifying products and trades and making sure that the recordkeeping and reporting is practical, pragmatic, and not duplicative; not overly burdensome.

So it really comes down in essence, as we implement the program and begin enforcement in January of 2018, it comes down to the tariff codes.



In other words, the tariff codes that we list that's subject to the program -- and this is in the Implementation Guide -- will require the harvest event reporting.

Some of the ready-to-eat, for those who are importers and familiar with the harmonized tariff schedule system that has been adopted; implemented through the World Customs Organization, highly processed products tend to be in Chapter 16. More of the fish products that are identifiable to species are in Chapter 3 - fish, crustaceans, mollusks.

So for the most part the list of tariff codes that we say is subject to the program beginning in January 2018, are in Chapter 3. We do have some Chapter 16 codes, but those codes are readily identifiable or associated with the species for example, processed shrimp; processed tunas.

So we will take a look at that. But for the time being not a concern. If the participants in that segment of the industry processing shrimp products into ready-to-eat form have any particular concerns, certainly communicate with us as go.

As we implement this program, would certainly be looking to the producers such as importers of these more highly processed products. As we look to expand the program, expanding the program would entail additional rulemaking and noticing comment.

So again, not subject to the program in its first or initial phase. If it's practical, that will be part of the evaluation criteria; evaluation process for expansion of the program.

And we will look to processors, importers, exporters on that particular issue. Highly processed products, how distinguishable are they in trade from other products. Or does it make sense to include that in this monitoring and reporting program?

Kerry Turner: Thank you Chris. Just a reminder to those on the Webinar, on the screen there is a list of contact information included and a Web site where we will post information and materials about the program, about these Webinar presentations. And that Web site is, [www.iuufishing.noaa.gov](http://www.iuufishing.noaa.gov).

Also, Chris' information - his email address is also noted on the screen as well for questions related to the requirements of this program. And also for questions related to the use of IDTS, Dale Jones' information. He's from our office - NOAA Fisheries Office of Science and Technology. His information is also included as well.

Operator, can you give us just one last round in terms of those that may want to ask a question on line? Let's just give just one more opportunity for those.

Operator: Absolutely. If you'd like to ask a question please press star 1, unmute your phone and record your name at the prompt. Again that's start 1 to ask a question.

Kerry Turner: And Chris, we did have one question - one more question on line. Again from (Tenet Lin) and that question is, just to clarify, that NOAA will be the authority who will be auditing. And would it be possible to know what will be audited?



Chris Rogers: Well the requirement for the U.S. importer of record is to maintain a chain of custody record so that the audit can be completed to link the imported products - the shipment, the commodity imported, with the harvest event that was reported at the time of entry.

So again, we're being very flexible in the rule about what those records can be. With respect to commercial documents already in general use, electronic or paper, invoices, manifests, processor receipts; etcetera, if the supply chain has contracted with software developers to have a chain of custody or traceability system, that could be used.

Catch documentation schemes that are already in play on the part of the Regional Fishery Management Organizations could be used. For example, International Commission for the Conservation of Atlantic Tuna now has an operational electronic Bluefin tuna catch documentation scheme that could be used to support an audit.

So we're actually very hopeful that as we get into the pilot phase in advance of the compliance date, that we can work with importers not only to test the software for reporting on the harvest event. But in selecting for our audits, we can work with those U.S. importers and try to complete the audit.

Again, the importance of the audit is because the standard is the foreign law or regulation that pertains to that harvest event that was reported. If the fishing vessel was regulated; authorized to catch that species with that gear in that area at that time.

So the important thing is to trace back to that harvest event so that we can engage with the competent authority and make that determination that the fish products were lawfully acquired at that point of harvest.

Kerry Turner: Thank you Chris. I see no other questions in the queue. And so we're going to go ahead and wrap up this Webinar session.

Chris I wanted to give you an opportunity for any last minute items you want to mention to our group of participants.

Chris Rogers: Well if more questions come up - questions for clarification, questions about the need for materials, please do - we have our email addresses there, myself or Dale Jones. Dale Jones more for the technical questions about submitting the information, that's really more of a question for a U.S. importer. Questions of exporters, certainly direct them to me.

We look forward to some very useful sessions at the Seafood Expo later on in March. If you do have ideas of venues where there will be a large number of producers, exporters gathering for events around the world, please do email us. We'll see if we can get somebody from NOAA there to explain the rule and its requirements and do as much outreach and communication.

I do understand the need to get the materials translated into some of the languages. We'll look into what's possible there. And thank you very much for participating this



evening or this morning. And look forward to further questions, comments, and hopefully very successful implementation of this program come January 2018.

Kerry Turner: And thank you all for joining us. Again, we will be hosting additional Webinar presentations. And as Chris mentioned, an in-person session at the Boston Seafood Show.

You can find all those dates and those materials posted at [www.iuufishing.noaa.gov](http://www.iuufishing.noaa.gov). Have a wonderful evening or a wonderful day. Thank you all.

Operator: Thank you all for participating in today's conference. That does conclude this call. Please disconnect your lines. And speakers, stand by for post conference.

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