



National Ocean Council Committee on Combating IUU Fishing and Seafood Fraud

Accomplishments

(January 2017)



As the Co-Chairs of the National Ocean Council's Subcommittee on Illegal, Unreported and Unregulated Fishing (IUU) and Seafood Fraud, we have had the honor of working across the U.S. government to strengthen our nation's ability to combat IUU fishing and seafood fraud. These activities support the commitment of the United States to promote sustainable fisheries management globally and to secure a more equitable playing field for U.S. industry. The subcommittee provided leadership and vision to the U.S. Government team working on these issues which has resulted in meaningful and measurable progress over the past four years. We are pleased to present a summary of these accomplishments, and encourage continued focus and efforts to combat IUU and seafood fraud globally by the Federal Government, as well as by our non-governmental, industry and foreign government partners.

Catherine A. Novelli



Under Secretary for Economic Growth,
Energy, and the Environment
U.S. Department of State

Dr. Kathryn D. Sullivan



Under Secretary of Commerce for Oceans &
Atmosphere and NOAA Administrator
U.S. Department of Commerce



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ACCOMPLISHMENTS

Introduction

Over the last eight years, the United States has been a global leader in ensuring the sustainable harvest of seafood. During this time, domestically, the United States has largely ended overfishing in federally managed waters and successfully rebuilt a record number of stocks depleted by the excesses of the past. At the same time, effective domestic management and enforcement of fishing regulations have supported near record highs in both landings and revenue for our domestic fishing industry. As a result, the U.S. management scheme is recognized internationally as a model for other countries as they work to end overfishing.

However, the unsustainable use of these valuable ocean resources worldwide continues to threaten global food security and puts law-abiding seafood harvesters in the United States and abroad at a disadvantage. President Obama concluded that the United States needed to do more to support the sustainable harvest of seafood. Illegal, unreported, and unregulated (IUU) fishing, as well as seafood fraud—including misrepresented seafood products—undermine the economic and environmental sustainability of fisheries and fish stocks, both in the United States and around the world. These actions weaken profitability for legally caught seafood, fueling illegal trafficking operations and undermining economic opportunity for legitimate fishermen in the United States and around the world. As a global leader in sustainable fisheries and seafood consumption, the United States has a responsibility to combat illegal practices that undermine the sustainability of our shared ocean resources.

On June 17, 2014, the White House released a Presidential Memorandum entitled “Establishing a Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud.” Among other actions, the Memorandum established a Presidential Task Force, which became the National Ocean Council’s Committee on IUU Fishing and Seafood Fraud (NOC Committee), co-chaired by the Departments of Commerce and State with 12 other federal departments, agencies, and offices.

In response to the Presidential Memorandum, and after an extensive public comment and engagement process, the Task Force developed a set of 15 recommendations of steps that the United States should take to combat IUU fishing and seafood fraud and an Action Plan for implementing those recommendations. This plan articulated the aggressive steps that federal agencies would take both domestically and internationally. While the Task Force members have different missions and areas of focus, they also have complementary authorities and expertise that can be leveraged to more effectively combat IUU fishing and seafood fraud. For this reason, the recommendations also made the crucial call for Task Force agencies to improve coordination and cooperation with one another.



Through the work of the NOC Committee, significant progress has been made to combat IUU fishing and seafood fraud globally since the launch of the Action Plan. From securing the entry into force of a global treaty to combat IUU fishing and seafood fraud, to developing tools to improve coherence and effectiveness across all levels of fisheries enforcement, to the adoption of a new regulatory program to ensure illegal products are not entering US markets, these accomplishments will have tangible and long-reaching impacts for global fisheries management. These achievements are summarized below grouped by the four major themes of the Action Plan: International, Enforcement, Partnerships, and Traceability.

The NOC Committee realizes that the successes over the past few years in ending illegal fishing and seafood fraud are only initial steps. The agencies of the NOC Committee recognize that these problems will not be overcome without an ongoing, sustained, and diligent effort and are committed to building on the work of the Action Plan in 2017 and beyond. Combatting IUU fishing and seafood fraud, supporting the sustainable management of global fisheries, and the broader agenda of ocean health and sustainability have wide backing across a coalition of constituent groups, and the NOC Committee envisions continued strong support for these initiatives.

International

Implemented the Port State Measures Agreement

[The United Nations Food and Agriculture Organization's \(FAO\) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing \(PSMA\)](#) helps to keep fish that have been illegally harvested out of markets by ensuring that foreign vessels do not land or transship IUU seafood in ports. The NOC Committee agencies worked with Congress on the adoption of legislation necessary for the United States to ratify and implement the PSMA, making the United States the 22nd party to the Agreement. Outreach from agencies—including the State Department and the National Oceanic and Atmospheric Administration (NOAA)—to nations, explaining the importance of the Agreement, coupled with on-the-ground efforts to train fisheries and port officials on how to implement the Agreement, helped to secure the Agreement's entry into force. The Agreement currently has a total of 41 parties (covering 67 countries) and it is essential that we move globally to encourage additional coastal nations to join and ensure that nations that are parties to the Agreement have the capacity and tools to fully implement the commitments.

Promoted best practices in Regional Fisheries Management Organizations

Regional Fisheries Management Organizations (RFMOs) are the foundation of international fisheries management. While RFMOs have made concerted efforts to improve or update their measures to prevent illegal fishing, improvements are still needed. The NOC Committee agencies reviewed existing RFMO management measures and developed critical principles and elements of best practices for monitoring, control, and surveillance measures. Subsequently, the United States, in collaboration with our international partners, promoted new or revised measures for compliance review processes, high seas boarding and inspection, transshipment controls, and other monitoring, control, and surveillance measures in several RFMOs in 2015 and 2016. As management measures evolve in RFMOs, these best practices will need to adapt accordingly, requiring ongoing prioritization and effort on the part of the NOC Committee agencies.



Strengthened Free Trade Agreements

The Office of the U.S. Trade Representative, in coordination with other NOC agencies, utilizes international trade policy and free trade agreements (FTAs) to strengthen environmental protection around the globe through strong and enforceable obligations that are often partnered with technical assistance and environmental cooperation. For example, although not in force, the United States and 11 other nations signed the Trans Pacific Partnership (TPP) Agreement in 2016, which includes provisions that not only address environmental challenges, but help level the playing field for legitimate businesses, including commitments to: (1) combat illegal fishing, including by implementing port state measures and supporting increased monitoring and surveillance; (2) establish prohibitions on some of the most harmful fisheries subsidies, such as those that contribute to overfishing; (3) establish strong and enforceable environment-related obligations, including to effectively enforce domestic labor and environmental laws, subject to the same dispute settlement mechanism as other obligations in the TPP. The United States also recently updated the environmental cooperation work programs supporting implementation of FTAs with Chile, Colombia, Panama, Peru and Singapore to include joint activities to improve enforcement of IUU related laws.

The United States and 15 other World Trade Organization (WTO) members are also commencing negotiations in January 2017 toward a plurilateral agreement in the WTO to prohibit harmful fisheries subsidies, particularly those that contribute to overfishing and overcapacity or are linked to illegal fishing, and to increase transparency in reporting of fisheries subsidies.

Supported developing nations in their efforts to stop IUU fishing and seafood fraud

NOC Committee agencies understand that international regulations can only be successful if they are fully implemented by nations. To better direct and coordinate U.S. government efforts abroad, the NOC Committee published a Strategic Action Plan for capacity building. Developed through consultations with stakeholders from government, donor, technical, industry, and non-governmental organizations, it provides a framework for building international capacities to strengthen fisheries management and to counter IUU fishing and seafood fraud. To support implementation of the Action Plan, the NOC Committee launched an online inventory of cooperation and assistance activities implemented by the broad community of donors, technical groups, governments, and non-governmental organizations working on these issues, enabling increased cooperation and transparency among capacity building agents. In addition to these institutional efforts, NOC Committee agencies continued to support nations on the ground, including through NOAA's development of targeted training curriculum for nations to implement the PSMA.



Strengthened awareness and commitment to ocean issues by global leaders

NOC Committee Agencies, including the State Department, worked through the hundreds of U.S. diplomatic missions around the world to gain the political commitment of senior officials in other governments to join efforts to combat IUU fishing and seafood fraud. In September of 2016, the State Department hosted the third Our Ocean conference, bringing together heads of state, deputy heads of state, foreign ministers, environment ministers, ambassadors, ministers of the environment and oceans, leadership from a variety of non-governmental organizations, scientists, philanthropists, entrepreneurs, and civil society from 90 countries in every region of the world. These leaders made significant commitments to take decisive actions to protect and improve the health of the ocean, including efforts to reduce and eliminate IUU fishing and seafood fraud.

Enforcement

Developed new technology and partnerships for enforcement efforts globally

Maritime Domain Awareness (MDA) is the effective understanding of anything associated with the maritime domain that could impact the security, safety, economy, or environment of the United States. NOC Committee agencies, including the Departments of Defense and Homeland Security, studied ways to apply traditional MDA tools to combat IUU fishing by improving threat analysis and monitoring in support of fishing enforcement operations. Based on this analysis, several new tools and processes are in development, including recommendations on how to use MDA tools to support enforcement efforts in RFMOs. The Safe Ocean Network, which was created by members of the NOC Committee, has built upon the NOC Committee's MDA efforts, by creating a network of governmental, non-governmental, and tech industry groups to share knowledge and technology. More than 40 counter illegal fishing projects worth over \$82 million are currently affiliated with the Safe Ocean Network.

In accordance with the Action Plan, agencies of the NOC Committee also developed a strategy to optimize the collection, sharing, and analysis of information and resources to prevent IUU fishing or fraudulently labeled seafood from entering U.S. commerce using existing and future Customs Mutual Legal Assistance Agreements. There are currently bilateral agreements with 76 countries and between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office, providing legal frameworks for the sharing of information and evidence to assist in the prevention, detection, and investigation of violations of customs laws. Implementation of the strategy has allowed enforcement officials to identify and fix information-sharing gaps and enhance cooperation.

Improved coordination among federal enforcement agencies

The Action Plan recognized the need to better support information sharing networks among the multitude of enforcement agencies that are engaged in combatting IUU fishing. The NOC Committee agencies examined the current framework of federal enforcement activities, and developed an inventory of existing interagency agreements, joint activities, and ongoing or planned operations. Based on this analysis, agencies developed an "Information Sharing Optimization Strategy" to enable greater coherency and efficiency across federal programs. Implementation of the strategy is ongoing and includes formalized coordination and communication between agencies that carry out domestic law enforcement operations targeting IUU fishing and seafood fraud.



The Strategy further identifies capabilities, gaps, and needs within the federal laboratories that conduct relevant forensic analyses and the tools to address these issues, such as development of a communication portal to more efficiently share information among agencies.

Species names and codes

Through the public consultation process that was used to develop the Recommendations, the IUU Task Force became acutely aware of certain issues with regard to how seafood is described or classified. Differences in the way in which seafood was being described or categorized made it difficult to identify what was entering the market, and whether it was what it was being represented to be or whether it had been legally produced. In line with one of the Task Force Recommendations, agencies on the NOC Committee have implemented some overall standards for naming seafood that address this problem. The new Seafood Import Monitoring Program (SIMP) (see below) will implement the primary recommendation of the Rec 10 working group to use the scientific name for supplemental identification of products during import filing to ensure accurate identification. By mandating the use of the “3 Alpha” codes of the FAO Aquaculture Statistics and Fisheries Information System (ASFIS) during import filing, the proposed rule implements this measure. Use of the 3 Alpha codes identifies the imported species by its globally accepted scientific name, 10-digit numeric taxonomic codes, and the generally acceptable common name.

Strengthened relationships among federal state, territorial, and local law enforcement agencies

Ensuring that illegal seafood does not enter U.S. markets is a collaborative effort across state and federal enforcement and legal entities. NOC Committee agencies committed to work with state and local enforcement authorities to expand information sharing and develop tools. For example, NOAA’s Cooperative Enforcement Program includes formal agreements with state and territorial law enforcement partners to perform law enforcement services in support of federal regulations. As a result of the Action Plan, NOAA has made IUU fishing a priority in all of these agreements. Additionally, NOAA, in partnership with the Department of Homeland Security Federal Law Enforcement Training Center, developed online training materials that will be disseminated to state and local law enforcement agencies to support enhanced measures to counter IUU fishing and seafood fraud. The Department of Justice also developed training materials to better engage U.S. Attorney’s offices in seafood fraud and illegal fish cases. Both of these efforts will leverage the resources of federal agencies to support efforts on the water and at the port to combat IUU fishing and seafood fraud.

Worked with Congress to address gaps in enforcement authorities

The NOC Committee, in its Action Plan, identified crucial gaps in federal authorities that prevent agencies from monitoring the entirety of the seafood supply chain and fully protecting law-abiding U.S. fishermen and consumers. In addition, key statutory authorities that deal with IUU fishing and seafood fraud do not have penalties that are adequate to deter illegal practices or mechanisms that allow for administrative or civil judicial enforcement. Further, some statutory authorities that could address these shortcomings expressly exempt fisheries violations. NOC Committee agencies held briefings for key Congressional committees, members, caucuses, and staff with agency leadership, as well as enforcement experts and stakeholders, to explain the rationale and need for appropriate enforcement tools to close these gaps. The NOC Committee also supported the passage and implementation of HR 774—the IUU Fishing Enforcement Act of 2015—which enabled the United States to become a party to the PSMA.



Going forward, NOC Committee agencies will continue to collectively explore legislative avenues for addressing these enforcement needs and gaps.

Partnerships

From the outset of the Task Force, agencies emphasized the importance of engaging with broad groups of stakeholders in order to inform the process and foster partnerships. As a result, the NOC agencies have established a robust program for outreach to industry, consumers, NGOs, and other interested stakeholders, including through the development of [a web portal \(www.iuufishing.noaa.gov\)](http://www.iuufishing.noaa.gov). The portal is a source for information on the activities of the federal government to combat IUU fishing and seafood fraud, as well as serving as a repository for information on related laws, regulations, and policies. It is also a forum for public discussion on how to improve our efforts to combat IUU fishing and seafood fraud, and other issues of importance.

In addition to the portal, the NOC Committee agencies have hosted several in-person meetings at industry conferences, such as the Seafood Expo North America and the Pacific Marine Expo. These events allowed relevant agencies to present updates on NOC Committee activities as well as solicit feedback from the public on the development and implementation of the Action Plan. These meetings were complemented by a series of webinars, conference calls, and other outreach efforts to inform the public of, and seek comment on, various NOC Committee efforts, including during the development of the traceability program. The NOC Committee will continue and strengthen these opportunities for engagement with stakeholders as implementation of the Action Plan enters into its next phase.

Seafood Traceability

Seafood Import Monitoring Program

Two of the Recommendations made by the Task Force concerned the development of a program that will allow relevant government officials to trace seafood from the point of harvest or production to the point of entry into U.S. commerce. This program will ensure that those officials have access to information (such as catch and landing or production data, and information on how products have moved through the supply chain) that is important for determining whether seafood has been legally harvested and is not fraudulently represented. The Task Force concluded that, while much of this information is available for domestically harvested or produced seafood, significant gaps in information exist for imported product.

In order to address this deficit, in December of 2016, NOAA's National Marine Fisheries Service published a final rule establishing a Seafood Import Monitoring Program (SIMP). The SIMP requires that importers of seafood obtain permits, report certain data, and keep and make available for inspection records of certain transactions involving the seafood. Initially, the SIMP will only apply to certain priority species. However, the goal is that it will eventually be applied to all seafood. Two of the products covered by the December 2016 SIMP—shrimp and abalone—are produced in part by aquaculture facilities. Implementation of the SIMP with respect to shrimp and abalone has been stayed until we are able to collect commensurate data for domestically harvested and produced shrimp and abalone. This may require legislation.



One goal of the United States in developing the SIMP was to limit the burdens put on trade in seafood while ensuring that officials have the information they need to combat IUU fishing and seafood fraud. The data reported under the SIMP will be collected through the International Trade Data System (ITDS), the U.S. government's single data portal for all import and export reporting. The requirement for full implementation (except for shrimp and abalone) will not come into force until January 1, 2018, so that firms will have enough time to develop and implement needed systems.

Another component of the effort to minimize impacts of the SIMP on trade in legal product will be the development of a Commerce Trusted Trader program. This program will allow streamlined entry into U.S. commerce of seafood products from firms that take steps to eliminate the risk that their supply chain includes IUU or fraudulently labeled seafood.

Finally, because the United States is very dependent on imported seafood—and because some developing countries may not have the infrastructure necessary to help their fishermen and seafood producers collect and share the data that will be required for seafood to enter the U.S. market—the United States intends to provide technical assistance to some exporting nations. Such assistance will vary depending on the particular needs of the country and the availability of resources.

Looking Ahead

IUU fishing and seafood fraud are global problems, estimated to cost the global fishing industry billions—and potentially tens of billions—of dollars each year. They hurt the long-term status of fish stocks, cost jobs and livelihoods, and jeopardize national security around the world. Fisheries and seafood markets are globally connected; combating IUU fishing and seafood fraud requires coordinated global action. The United States, as both a major consumer and a major producer of seafood, will continue to have a strong interest in leading these efforts to combat IUU fishing and seafood fraud. The work that has been done by the NOC Committee has built a strong foundation for continued coordination and action by all of the U.S. government.