



September 11, 2015

Danielle Rioux  
Office of Sustainable  
Fisheries, National Marine Fisheries  
National Oceanic and Atmospheric Administration Fisheries  
1315 East-West Highway  
Silver Spring, Maryland 20910

**SUBMITTED VIA REGULATIONS.GOV.**

**RE: Docket No. NOAA-NMFS-2014-0090-0298; Presidential Task Force on  
Combating Illegal, Unreported and Unregulated Fishing and Seafood  
Fraud Action Plan – Comments on Draft Principles for Determining Seafood Species at Risk of IUU  
Fishing and Fraud, and a Draft List of “At Risk” Species.**

Dear Ms. Rioux:

Please accept this letter from the Global Aquaculture Alliance (GAA), on behalf of GAA global seafood members, in connection with our concerns related to the IUU and seafood fraud Task Force’s recent proposal to require traceability information from non-U.S. producers of certain “at risk” fish and shellfish.

#### **The Effectiveness of Third Party Certification**

GAA is a trade association that represents aquaculture organizations throughout the world. Our organization is a leader in the development of sustainable aquaculture on a global scale and strongly supports the idea of addressing seafood fraud. GAA is best known for our Best Aquaculture Practices (BAP) certification program that has been widely adopted by the seafood marketplace as a method to address seafood sustainability.

From a farm in South East Asia, a processing plant in China, to a seafood frozen section in Walmart, people can easily find our blue BAP logo in each part of the supply chain. This is not only a sign of increasing participation of seafood firms in sustainable fisheries but also a credible means to protect consumers from getting IUU and fraud products. As a result, the global marketplace is becoming more conscientious of seafood sustainability, and most domestic retailers are now requiring 3<sup>rd</sup> party certification schemes such as “BAP, ASC, and GlobalGAP” that address many of the issues the Task Force is also trying to address.



BAP encompasses the entire aquaculture production chain, including farms, processing plants, hatcheries, and feed mills. Companies with four star ratings are considered the most strictly compliant. The seafood processing plant standards are benchmarked against the latest Global Food Safety Initiative (GFSI) food-safety requirements. The primary strength of most of these programs is the fact that they utilize independent auditors to verify that standards are being met. Today, GAA represents more than one million metric tons of global aquaculture production in BAP programs.

### **Concerns and Feasibility of Proposed Seafood Traceability Program**

The Task Force proposes requiring certain producers of certain “at risk” aquaculture products to collect, track, and submit 14 specific pieces of data. Many of the required datasets will not effectively address seafood fraud. For instance, how does knowing the body of water for farm facilities in Thailand address mislabeling activities that occur in the United States? Task Force recommendations should focus on areas of the supply chain where mislabeling is most likely to occur.

Although it is important to have transparency of comingled products, the proposed rule would not allow products from multiple lots to be comingled. This will create huge difficulties in the aquaculture supply chain. Many processors would struggle to meet this requirement since they work with numerous small farms. These small farms each provide a small percentage of the total products the processor needs to meet orders. Not being able to comingle product would make it unlikely that any one small farm could address the needs of a processor.

The Task Force also recommends that each species be labeled with three names before product enters the country (scientific, common and acceptable market names). This rule would become very difficult for foreign suppliers, as their products may enter multiple markets that have different naming requirements. In meetings with foreign industry representatives, GAA has heard first hand that this particular portion of the proposed ruling would be virtually impossible to comply with this. Even if foreign suppliers have complied with this rule, labeling three names will impose significant compliance costs and will confuse consumers. In that respect, we note that the Task Force itself combined related species of shrimp into just “shrimp,” “because the supporting data utilized nomenclature which made further analytical breakouts (e.g., by scientific name) unworkable.” (80 Federal Register 45956). The global seafood industry will not be able to address this requirement at this time.

There is a disconnect between the problems of IUU fishing and seafood fraud, and effectively addressing those problems by imposing an unnecessary data collection and reporting requirement on a large part of the foreign seafood supply chain.

### **Shrimp Should Be Removed from “At Risk” Species List of IUU and Fraud**

GAA’s concerns are nowhere stronger than with respect to shrimp, a major aquaculture product that provides a valuable protein to consumers around the world. The Task Force has determined that shrimp should be an “at risk” product based both on reports of IUU fishing and seafood fraud. We are





concerned with this proposal in particular, for several reasons. First, the Task Force provides no evidence to show shrimp is at risk of IUU and fraud. Instead, the Federal Register Notice states:

The Working Group found that shrimp is at risk for IUU fishing activity due to the history of fishery violations, as well as the level of processing often associated with shrimp products... Shrimp is the largest seafood import into the United States, with the value of shrimp imports representing more than twice the value of any other seafood species group. (80 Federal Register 45958).

What types of fishery violations is the Working Group referencing? Why does "level of processing" increase the risks of IUU and seafood mislabeling? Certainly, value-added shrimp is an important part of the overall market, but that in and of itself is not evidence of wrongdoing. Similarly, shrimp is the most popular seafood item in the United States, but that alone is not evidence that it is associated with mislabeling or IUU activity.

Second, the designation of shrimp as an IUU product in effect punishes a very large part of the shrimp industry for the alleged violations of a few harvesters. That is because more than 90 percent of the shrimp consumed in the United States is imported, farmed product, and most of the wild-caught shrimp Americans consume comes from U.S. harvesters and processors who are entirely exempt from the Task Force's proposal. The Task Force labels all imported shrimp as at risk for IUU fishing, when only a very small amount of imported product comes from a wild harvest fishery. This proposed requirement has already raised doubts in the aquaculture supply chain abroad about whether access to the U.S. market will be closed off or restricted for shrimp and other farmed products deemed at risk, based on allegations of IUU fishing that shrimp processors and the farmers who supply them have no capability to address.

Finally and further to the point we raised above concerning all farmed fish, the Task Force has determined that shrimp imported into the United States is at risk for seafood mislabeling and species substitution. Mislabeling of imported shrimp takes place in the United States, not overseas, as U.S. Government efforts to punish such mislabeling demonstrate. For instance, in a very recent case, the U.S. Department of Justice meted out severe penalties for the mislabeling of imported shrimp by a North Carolina company. GAA is unaware of any culpability in that case by the importer's overseas suppliers. (See "North Carolina Seafood Processor Alphin Brothers Fined \$100,000 for Mislabeling Shrimp," August 12, 2015, at <http://www.seafoodnews.com/Story/986253/North-Carolina-Seafood-Processor-Alphin-Brothers-Fined-100000-for-Mislabeling-Shrimp>.)

It is not clear how implementation of a complex traceability system requiring shrimp farmers and the processors they supply to collect and report voluminous data about their product will address cases such as these, which happen in the U.S. after such reporting is already completed. A better approach would be for the Task Force to focus on more enforcement of such violations in the United States, which will directly address and deter seafood mislabeling and similar abuses at their source. That is the way to reduce seafood fraud, without burdening the legitimate producers in the farmed seafood supply chain and without unfairly closing off their access to the U.S. market.



GAA in support of the seafood market has made tremendous strides to improve sustainability over the last decade and will continue to improve in the coming decade. The international seafood markets supply billions of pounds of seafood to the U.S. consumer every year. The Task Force's proposed traceability program, especially as applied to farmed shrimp, could have a significant impact upon the availability of those products. Thank you for considering GAA's comments.

Sincerely,

A handwritten signature in black ink that reads "Wally Stevens".

Wally Stevens  
Executive Director