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On December 8, 2016, the United States released the final rule establishing a Seafood Import Monitoring Program to address illegal, unreported and unregulated (IUU) fishing products entering the U.S. market.¹ IUU fishing accounts for up to 31% of the global catch, worth an estimated \$23 billion annually. The U.S. is the largest single country market for seafood imports, with an estimated 20-32% of the wild-caught seafood imported into the U.S. illegally caught, or up to \$2 billion a year.

The Seafood Import Monitoring Program now establishes, for imports of certain seafood products, reporting and recordkeeping requirements intended to prevent IUU-caught and/or misrepresented seafood from entering U.S. commerce. IUU fishing threatens the sustainable management of fisheries resources and long-term viability of marine ecosystems, and the fishermen and communities that depend on them. These new rules will help to provide additional protections for the sustainability of marine ecosystems and ocean resources, for vulnerable coastal communities, for global food security, and for seafood businesses and fishermen operating legally.

This is the first-phase of a traceability program that requires the importer of record to provide and report key data from the point of harvest to the point of entry into U.S. commerce. The first phase applies to an initial list of imported fish and fish products identified as particularly vulnerable to IUU fishing and/or seafood fraud.

WWF POSITION SUMMARY:

- *These rules are a major step in the right direction that will help keep illegal products out of U.S. markets.*
- *WWF believes that shrimp and abalone products should be included as soon as possible, with the Program eventually expanding to cover all species.*

¹The new program can be found at 50 CFR 300.324(a)(2).



OVERVIEW

- The Seafood Import Monitoring Program establishes permitting, data reporting and recordkeeping requirements for the importation of certain priority fish and fish products that have been designated as “at risk.”
- The collection of catch and landing documentation for these priority seafood species will be accomplished through the International Trade Data System (ITDS), the U.S. government’s single data portal for all import and export reporting.
- The importer of record will be required to obtain an annually renewable International Fisheries Trade Permit and to keep records regarding the chain of custody of the fish or fish product from harvest to point of entry into U.S.
 - US importers will need to work with the exporting source to ensure that supplies are legally caught and also ensure that reporting is complete and accurate.
 - The reporting and record keeping requirements may be met through use of information collected through third party traceability or certification systems. While the program does not currently endorse any of those systems, they may be considered in development of the Trusted Trader system (see Next Steps below).
- **January 1, 2018 is the mandatory compliance date** for most priority species listed in the rule. The January 2018 compliance date means that fish caught or produced prior to that date but presented for import into the U.S. on or after January 1, 2018, must comply with all of the regulatory requirements/information to be collected.
 - This delayed implementation date provides an opportunity for business to develop or conform its systems to the regulatory requirements. NMFS plans significant outreach in the coming year to help inform and answer questions related to implementation and compliance.

LIST OF PRIORITY “AT RISK” SPECIES

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| <ul style="list-style-type: none"> • Abalone * • Atlantic Cod • Blue Crab (Atlantic) • Dolphinfinch (Mahi Mahi) • Grouper • King Crab (red) • Pacific Cod | <ul style="list-style-type: none"> • Red Snapper • Sea Cucumber • Sharks • Shrimp * • Swordfish • Tunas: <i>Albacore, Bigeye, Skipjack, Yellowfin, and Bluefin</i> |
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**Note: *Shrimp and abalone compliance will be phased in at a later date. The effective date of this rule for all imported shrimp and abalone products – wild capture and aquaculture-raised - will be stayed until commensurate reporting and/or recordkeeping requirements have been established for domestic aquaculture-raised shrimp and abalone production.*

All tuna species were included for consistency. Reporting requirements for Bluefin tunas are consistent with current RFMO catch documentation scheme (CDS) requirements. RFMO CDS documentation for Bluefin meets the compliance with this rule and does not require additional information to be reported.

INFORMATION TO BE COLLECTED AND SUBMITTED INTO CUSTOMS ITDS

Harvesting or Producing Entity

- Name and flag state of harvesting vessel(s)
- Evidence of authorization to fish (permit or license number)
- Unique vessel identifier (when available)
- Type(s) of fishing gear

Note: The fishing area and type of fishing gear should be specified per the reporting convention and codes used by the competent authority exercising jurisdiction over the wild capture operation. If no such reporting requirements exist, the Food and Agriculture Organization fishing area and gear codes are to be used. <http://fao.org/fishery/cwp/handbook/M/en>

Fish and Fishing/Farming Info

- Species of fish—Scientific/Acceptable market name (ASFIS three-alpha code)
- Harvest date(s)
- Product form(s) at time of landing - including quantity and weight of product
- Area(s) of wild-capture or aquaculture harvest
- Point(s) of first landing
- Name of entity(ies) to which the fish was landed or delivered

Note: In cases where entries and products comprise more than one harvest event, each event that is relevant to a shipment must be reported but the importer does not need to link each event to a particular fish or portion of the shipment.

There is an exemption for aggregated catches from multiple small-scale fishing vessels (20 GT or less or 12 m length or less). An importer may provide the information as an Aggregated Harvest Report where it has received catches from one or more small-scale vessels that has been transferred at sea. The report must include all non-vessel specific harvest information that occurred on a single day. This may result in additional screening at the border as at-sea transfers are a high risk activity for laundering illegal catches.

Importer of Record

- Name, affiliation and contact information
- NOAA Fisheries issued international fisheries trade permit (IFTP) number.
- Importer of record is responsible for keeping records regarding the chain of custody detailed above.
- Information on any transshipment of product (declarations by harvesting/carrier vessels, bills of lading)
- Records on processing, re-processing, and commingling of product.

BENEFITS OF THE RULE FOR RESPONSIBLE BUSINESSES

- The data collected will allow shipments of these priority species of seafood to be traced from the point of entry into U.S. commerce back to the point of harvest or production to verify that they were lawfully harvested or produced.
- The Rule will help suppliers and retailers reduce their risk and exposure/liability to illegal products in their supply chains by providing greater assurances that only legal products are entering trade.
- The information requirements are consistent with catch documentation requirements for imports in other major markets, notably EU requirements.
- Traceability can provide significant benefits for businesses by reducing supply chain costs through easier identification of inefficiencies and waste
- More information and greater transparency, along with digital records, can add value, grow market share, and deliver lower costs.
- The Rule ultimately provides an incentive for countries and the fishing industry to strengthen, enhance and/or develop responsible management plans, thereby ensuring long-term sustainable supplies and profits.

GOING FORWARD...

- The Commerce “Trusted Trader Program” under development will consider the use of third party programs and the EU catch documentation program as it seeks additional input on the design and criteria for becoming a “Trusted Trader.” A separate rulemaking process will provide opportunity for additional public input on the design and specifications of the Program.
- NMFS intends to focus border screening efforts and holds of products when risk indicators or specific intelligence indicate reason to do so. Post-entry audit and verification will be more frequent, but will not impact the flow of trade or speed of entry, if all the necessary data are provided at time of entry.
- This is the first phase of the Program with the intention of eventually expanding to cover additional products. Following implementation of the Program additional chain of custody information may also be collected through the ITDS reporting process.
- NMFS also intends to provide assistance to exporting nations to support compliance and strengthen fisheries governance.



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