

# Presidential Task Force on Combating IUU Fishing and Seafood Fraud

Action Plan for Implementing the  
Task Force Recommendations

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# Presidential Task Force on Combating IUU Fishing and Seafood Fraud

## Action Plan for Implementing the Task Force Recommendations

### Task Force Members

Department of Agriculture (USDA)

Department of Commerce (DOC)

National Oceanic and Atmospheric  
Administration (NOAA)

Department of Defense (DOD)

The Navy

Department of Health and Human Services (HHS)

Food and Drug Administration (FDA)

Department of Homeland Security (DHS)

U.S. Customs and Border Protection (CBP)

U.S. Immigration and Customs Enforcement (ICE)

U.S. Coast Guard (USCG)

Department of the Interior (DOI)

U.S. Fish and Wildlife Service (USFWS)

Department of Justice (DOJ)

Department of State (DOS)

Bureau of Oceans and International  
Environmental and Scientific Affairs (OES)

Executive Office of the President

Council on Environmental Quality (CEQ)

National Security Council (NSC)

Office of Management and Budget (OMB)

Office of Science and Technology Policy (OSTP)

Office of the U.S. Trade Representative (USTR)

Federal Trade Commission (FTC)

U.S. Agency for International Development  
(USAID)

# Acronyms

<b>APEC</b>	Asia-Pacific Economic Cooperation	<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>CBP</b>	U.S. Customs and Border Protection	<b>NOC</b>	National Ocean Council
<b>CCAMLR</b>	Commission for the Conservation of Antarctic Marine Living Resources	<b>NSC</b>	National Security Council
<b>CEP</b>	Cooperative Enforcement Program	<b>OES</b>	Bureau of Oceans and International Environmental and Scientific Affairs
<b>CEQ</b>	Council on Environmental Quality	<b>OMB</b>	Office of Management and Budget
<b>CMAA</b>	Customs Mutual Assistance Agreement	<b>OSTP</b>	Office of Science and Technology Policy
<b>CTAC</b>	Commercial Targeting and Analysis Center	<b>PKI</b>	Public Key Infrastructure
<b>DHS</b>	U.S. Department of Homeland Security	<b>PSMA</b>	Agreement on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing
<b>DOC</b>	U.S. Department of Commerce	<b>RFMO</b>	Regional Fishery Management Organization
<b>DOD</b>	U.S. Department of Defense	<b>RICO</b>	Racketeer Influenced and Corrupt Organizations Act
<b>DOI</b>	U.S. Department of the Interior	<b>TPP</b>	Trans-Pacific Partnership
<b>DOJ</b>	U.S. Department of Justice	<b>T-TIP</b>	Transatlantic Trade and Investment Partnership
<b>DOL</b>	U.S. Department of Labor	<b>TTU</b>	Trade Transparency Unit
<b>DOS</b>	U.S. Department of State	<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>EEZ</b>	Exclusive Economic Zone	<b>UNFSA</b>	United Nations Fish Stocks Agreement
<b>FAO</b>	United Nations Food and Agriculture Organization	<b>USAID</b>	U.S. Agency for International Development
<b>FDA</b>	Food and Drug Administration	<b>USCG</b>	U.S. Coast Guard
<b>FTA</b>	Free Trade Agreement	<b>USDA</b>	U.S. Department of Agriculture
<b>FTC</b>	Federal Trade Commission	<b>USFWS</b>	U.S. Fish and Wildlife Service
<b>FY</b>	Fiscal Year	<b>USTR</b>	Office of the U.S. Trade Representative
<b>HHS</b>	U.S. Department of Health and Human Services	<b>VMS</b>	Vessel Monitoring System
<b>HSI</b>	Homeland Security Investigations	<b>VTR</b>	Vessel Trip Report
<b>HTS</b>	Harmonized Tariff Schedule	<b>WCPFC</b>	Western and Central Pacific Fisheries Commission
<b>IATTC</b>	Inter-American Tropical Tuna Commission	<b>WTO</b>	World Trade Organization
<b>ICE</b>	Immigration and Customs Enforcement		
<b>ISE</b>	Information Sharing Environment		
<b>ITC</b>	U.S. International Trade Commission		
<b>IUU</b>	Illegal, unreported, and unregulated		
<b>MDA</b>	Maritime Domain Awareness		
<b>MSA</b>	Magnuson-Stevens Fishery Conservation and Management Act		

# Introduction

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 on Combating Illegal, Unreported, and Unregulated Fishing and Seafood Fraud (Task Force), co-chaired by the Departments of Commerce and State with 12 other federal agency members. The Task Force was directed to report to the President within 180 days with “recommendations for the implementation of a comprehensive framework of integrated programs to combat IUU fishing and seafood fraud that emphasizes areas of greatest need.” Those recommendations were provided to the President through the National Ocean Council and published in the *Federal Register* on December 18, 2014.

The 15 recommendations are broad in scope and call on agencies to take concrete and specific actions to combat illegal, unreported, and unregulated (IUU) fishing and seafood fraud throughout the seafood supply chain. By circumventing conservation and management measures and engaging in fraudulent practices, entities engaging in IUU fishing and seafood fraud undermine the sustainability of U.S. and global fish stocks and negatively impact general ecosystem health. At the same time, IUU and fraudulent seafood products distort legal markets and unfairly compete with the catch and seafood products of law-abiding fishers and seafood industries. The actions to address these issues fall under four general themes: 1) combating IUU fishing and seafood fraud at the international level; 2) strengthening enforcement and enhancing enforcement tools; 3) creating and expanding partnerships with non-federal entities to identify and eliminate seafood fraud and the sale of IUU seafood products in U.S. commerce; and 4) increasing information available on seafood products through additional traceability requirements. Each of these components is inter-related and complementary such that information and action developed under one supports the others. For example, these actions include establishing an integrated program that traces the path of seafood products from harvest or production to entry into U.S. commerce. This traceability program will feed enhanced information streams into improved enforcement targeting of illegal or fraudulent seafood products through newly integrated risk assessment and enforcement strategies. Similarly, the actions include efforts to improve the international governance of seafood harvest and trade that will complement our domestic efforts. Further, federal agencies are called upon to work with Congress to ensure that officials have the range of authorities necessary to identify and keep IUU seafood and fraudulent seafood products out of U.S. commerce.

Tackling the challenge of IUU fishing and seafood fraud and implementing the broad and integrated set of actions necessary for the task requires a cross-government effort. The full scope of agency expertise, capacity, and authorities reflected in the Task Force membership are vital to the success of this effort.<sup>1</sup> Of the Co-Chairs, the National Oceanic and Atmospheric Administration (NOAA) has broad fisheries management authorities domestically and internationally through Regional Fishery Management Organizations (RFMOs) while the Department of State serves as the U.S. government lead to coordinate U.S. foreign policy and negotiate international agreements related to IUU fishing and seafood fraud.

<sup>1</sup> Co-chaired by the Departments of State and Commerce through NOAA, the Task Force is made up of 12 other agencies. They include: the Council on Environmental Quality; the Departments of Agriculture, Defense (Navy), Health and Human Services (FDA), Homeland Security (Customs and Border Protection, Immigration and Customs Enforcement, U.S. Coast Guard), the Interior (U.S. Fish and Wildlife Service), and Justice; Federal Trade Commission; Office of Management and Budget; Office of Science and Technology Policy; U.S. Agency for International Development, National Security Council; and Office of the U.S. Trade Representative.

The Task Force includes such diverse members as the Department of Homeland Security (DHS), which has authorities at the border to inspect and seize commodities such as fraudulent or illegally imported seafood, and the U.S. Agency for International Development (USAID), which supports capacity building efforts that support sustainable fisheries management and legal harvests in developing countries. The Food and Drug Administration (FDA) has established Principles for determining acceptable common and market names for seafood offered for sale in the United States, while the Department of Defense (DOD) contributes efforts to combat IUU fishing through the use of maritime domain awareness tools. The Federal Trade Commission (FTC) protects consumers by addressing business practices that are deceptive to consumers and enhancing informed consumer choices, while the Office of the U.S. Trade Representative (USTR) oversees the development of U.S. trade policy, including seeking commitments in U.S. trade agreements to address IUU fishing and fisheries subsidies and help prevent seafood fraud. While the Task Force members have different missions and areas of focus and expertise, 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 make the crucial call for Task Force agencies to improve coordination and cooperation with one another.

Implementation of the Task Force's recommendations will begin with the integration of programs and data across the federal government, increased federal agency collaboration, and the development and phased implementation of a traceability program for at-risk species. Some recommendations, including those concerning traceability and ways of identifying seafood fraud, may adapt and evolve along with changing trends in IUU fishing and seafood fraud. It will also be important for Task Force agencies to work with international partners, states, and interested stakeholders in order to adapt to such trends and ensure successful implementation of the recommendations. This Action Plan outlines the Task Force's recommendations and provides key initial steps in implementing each recommendation.

## Scope and Nature of IUU Fishing and Seafood Fraud

The Task Force was established to address both IUU fishing and seafood fraud; however, it is critical to understand the distinctions between the two issues and where they may overlap. Notably, neither issue is limited to fish, but refer to all seafood species, including crustaceans and shellfish.

IUU fishing consists of fishing activities that are illegal, unreported, or unregulated. *Illegal* fishing refers to fishing activities conducted in contravention of applicable laws and regulations, including those laws and rules adopted at the regional and international level. *Unreported* fishing refers to those fishing activities that are not reported or are misreported to relevant authorities in contravention of national laws and regulations or reporting procedures of a relevant RFMO. Finally, *unregulated* fishing occurs in areas or for fish stocks for which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law. Fishing activities are also unregulated when occurring in an RFMO-managed area and conducted by vessels without nationality, or by those flying a flag of a State or fishing entity that is not party to the RFMO in a manner that is inconsistent with the conservation measures of that RFMO.

Entities that engage in IUU fishing circumvent conservation and management measures, avoid the operational costs associated with sustainable fishing practices, and may derive economic benefit from exceeding harvesting limits. These entities undermine efforts to maintain harvests of managed stocks at sustainable levels and deprive scientists of data needed to develop recommendations on how to sustainably manage fisheries. Those who engage in IUU fishing practices are also unlikely to observe rules designed to protect the marine environment and its resources from the harmful effects of fishing activity. Examples of such rules include restrictions on the harvest of juvenile fish, gear restrictions established to minimize waste and bycatch of non-target species or harm to the ecosystem, catch limits, and prohibitions on fishing in known spawning areas. To avoid detection, IUU fishers often violate certain basic safety requirements, such as keeping navigation lights lit at night, which puts other mariners at risk. Operators of IUU fishing vessels also tend to deny to crew members fundamental

## **Entities that engage in IUU fishing circumvent conservation and management measures, avoid the operational costs associated with sustainable fishing practices, and may derive economic benefit from exceeding harvesting limits.**

rights concerning the terms and conditions of their labor. Other rules that can be flouted by IUU fishers include those associated with food safety and aquatic animal health, potentially putting consumers and fish populations at risk. Added together, these factors contribute to the unfair advantage that IUU fishing has over fishers who follow the rules and operate under the true costs of sustainable fishing practices.

By its very nature, IUU fishing is difficult to quantify. It can occur in capture fisheries both within areas of national jurisdiction and on the high seas and undermines the sustainability of fish stocks and the broader ecosystem. Because more than 2.5 billion people depend upon fish for food and nutrition, IUU fishing practices threaten food security and sustainability and undermine efforts to reduce global hunger and malnutrition, especially in developing countries. IUU fishing also threatens economic security, impacting livelihoods and potentially contributing to international conflict and conflicts between industrial and small-scale fishers.

The Task Force was also directed to address seafood fraud that undermines the economic viability of U.S. and global fisheries, and deceives consumers about their purchasing choices. Seafood fraud includes mislabeling or other forms of deceptive marketing of seafood products with respect to their quality, quantity, origin, or species (i.e., species substitution). Seafood fraud is generally driven by economic motives and can occur at multiple points along the seafood supply chain. Seafood fraud includes practices like visual enhancement, where a product is made to look better in grade and quality than it actually is. For example, treating tuna steaks with carbon monoxide to make the fish stay red while frozen would be fraud if not noted on the label. Mislabeling quantity includes instances where, for example, added water weight is noted instead of the actual weight of the seafood product by declaring glaze weight as the net weight, or the fish is soaked in water or water is pumped through the fish to change the weight.

Seafood fraud and IUU fishing can overlap when there is mislabeling or other forms of deceptive marketing with respect to origin or species. Species substitution is a form of seafood fraud where, for example, a product is labeled and marketed as a different species than it actually is. This often occurs when a lower value species is represented as a higher value species for economic gain, or vice versa when a higher value species is represented as a lower value species to avoid tariffs. However, species substitution can also occur in attempts to conceal IUU fishing activity, such as when a product's species or origin is mislabeled in order to hide that it is a protected species or from a protected area. Additionally, some seafood is fraudulently comingled and mislabeled or otherwise deceptively marketed in the global supply chain as part of processing and distribution. Marine species may be comingled with freshwater species or freshwater species may be substituted for marine species.

The full extent of seafood fraud is difficult to determine, particularly as it often happens at the retail level. Cooperation with state and local authorities on addressing seafood fraud is essential in strengthening links of the supply chain that occur intrastate, or at the local level, and are sometimes outside federal jurisdiction.

## International Framework

The United Nations Convention on the Law of the Sea (UNCLOS) sets out the basic duty of countries to cooperate in the conservation and management of shared fisheries resources. Other global agreements—such as the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), and the 1993 United Nations Food and Agriculture Organization (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas—further spell out the rights and obligations of nations to control their vessels fishing on the high seas and ensure they do not undermine agreed conservation and management rules. The recently negotiated Agreement on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing (PSMA), once in force, will build on these global instruments to add the first set of binding minimum standards specifically intended to combat IUU fishing.

Nations cooperate to manage specific fish stocks through the agreements that establish the Regional Fisheries Management Organizations/Arrangements (RFMOs). Through the RFMOs, the United States works with members and other participants to develop binding international measures to manage shared fisheries resources and to combat IUU fishing. These measures can include requirements for observer coverage, catch reporting, satellite-based vessel monitoring, and joint boarding and inspection schemes. These organizations are increasingly undertaking transparent and comprehensive compliance reviews to shine a light on those members that do not meet these obligations. Despite this, many RFMO members still face significant challenges in fully implementing RFMO measures due to lack of resources and technical capacity.

The United States also takes an active role in negotiating international guidelines and standards through the United Nations General Assembly and the FAO. These include the FAO International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing, international guidelines on flag State responsibility, and standards to support the establishment of a Global Record of fishing vessels. The United States also works through non-fisheries organizations to support efforts to combat IUU fishing. For example, the International Maritime Organization (IMO)—the United Nations specialized agency responsible for improving maritime safety and security—recently amended its ship identification numbering scheme to allow most large fishing vessels to obtain an IMO number, which facilitates the identification and monitoring of vessels over time despite changes in name, ownership, or flag.

The United States also maintains a number of bilateral and multilateral agreements that facilitate cooperation on fisheries enforcement and monitoring among treaty partners and U.S. government agencies. Bilateral agreements addressing transnational crimes including IUU fishing enable the U.S. Coast Guard (USCG) to put foreign shipriders onboard Coast Guard vessels and aircraft, allowing partner nation law enforcement personnel to exercise their authorities in their Exclusive Economic Zones (EEZs) and over their flagged vessels operating on the high seas. Multilateral agreements allow for the sharing of information, data, and personnel for the purposes of cooperative enforcement efforts and support multilateral large-scale operations.

Trade is another arena where the United States' international efforts can help combat IUU fishing and seafood fraud. The United States is currently engaged in negotiations with 11 other countries in the Trans-Pacific Partnership (TPP), which represents a large percentage of the value of global seafood exports. The United States has set high ambitions for the environment provisions in the TPP, including the incorporation of obligations to end harmful fisheries subsidies that contribute to overfishing and to support measures being developed or implemented through relevant RFMOs and other arrangements in the region, such as catch documentation schemes and port State measures.

## U.S. Framework

The United States is a global leader in sustainable seafood and is committed to preventing illegally harvested or fraudulently marketed fish from entering the global stream of commerce. This Action Plan reinforces our commitments and underscores our position as a world leader in fighting IUU fishing. As a result of sound science, strong management programs, and enforcement controls the United States has successfully reduced domestic overfishing to its lowest level in decades and rebuilt a record number of historically depleted domestic stocks. IUU fishing and seafood fraud undermine these efforts.

The United States' greatest asset in fighting domestic IUU fishing and seafood fraud is the vast amount of data collected across our U.S. fisheries under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as well as regulations passed through the regional fishery management councils and regulations promulgated by interstate commissions and states agencies. Data collection requirements begin with the permitting of harvesters and dealers, providing the foundational information to cross-reference all other subsequent data collected. Permits are required for almost any person who will sell or purchase fish or fish products harvested from U.S. waters from the vessel, or who will sell such fish. Permitting requirements vary by fishery, but at a minimum they include the permit holder's name and contact information along with vessel identification information (e.g., name and registration/USCG documentation/IMO Number) and authorized activity. These permits establish the framework for data collection for covered species.

The MSA also provides tools for combating IUU fishing conducted by non-U.S. flagged fleets. Among other things, this process focuses on the actions that foreign governments take to ensure that vessels flying their flag do not violate sustainable management measures adopted by various regional fisheries management organizations. Foreign governments that are found to have vessels engaged in such activities may be identified in a biennial report to Congress as having vessels engaged in IUU fishing. Countries may also be identified for having vessels that fish illegally in U.S. waters or for overfishing of stocks shared with the United States (with adverse impacts on such stocks), in areas without applicable international measures or management organizations. NOAA's National Marine Fisheries Service (NOAA Fisheries) will engage in consultations with these newly identified nations to press for corrective action. If sufficient action is not taken, prohibitions on the importation of certain fisheries products into the United States and the denial of port privileges for fishing vessels of that nation may be levied.

While at sea, permitted domestic commercial fishing vessels are often required to have operational Vessel Monitoring Systems (VMS) on board to track their location and movement in the U.S. EEZ and treaty waters. The U.S. VMS program currently monitors more than 4,000 vessels and is the largest national VMS program in the world. Permitted domestic commercial harvesters can also be required to submit a vessel trip report (VTR) for each fishing trip prior to landing. The VTR provides a detailed report of the vessel's fishing activity, including trip duration, location of fishing activity, gear used, catch harvested, catch composition (species and weight for both landed and discarded fish), and identity of who is purchasing the landed catch. This information can be verified by enforcement or by on-board and/or portside monitoring programs where used. At the point of sale, or entry into U.S. commerce, permitted dealers are often required to submit purchase records. These records can include species data that can be cross-referenced with landing records provided by the vessel. These data are collected, managed, and shared on the national, regional, and local level by NOAA Fisheries; the Atlantic Coastal Cooperative Statistical Program and the Pacific Fisheries Information Network, which are cooperative state-federal programs that design and implement marine fisheries statistics data collection and integrate those data into a single data management system; state agencies; and other partners.

As a result of the data collection programs in place for U.S. fleets, domestic fishery activities are of less concern relative to seafood fraud, though problems with species substitutions exist at the retail level in grocery stores and restaurants and could occur when U.S. product is processed overseas. Domestic fish and fishery products harvested under a federal fisheries management plan have low incidences of species substitution. Similarly, state-managed fisheries have a high incidence of compliance, though product traceability is more difficult as a result of information delays and the large number of separate systems in place.

## **The United States is a global leader in sustainable seafood and is committed to preventing illegally harvested or fraudulently marketed fish from entering the global stream of commerce. This action plan reinforces our commitments and underscores our position as a world leader in fighting IUU fishing.**

The Food and Drug Administration (FDA), Federal Trade Commission (FTC), and U.S. Department of Agriculture (USDA) all play important roles in preventing seafood fraud, including with respect to species, net weight, Country of Origin Labeling, or any other attributes important to the supply chain and consumers. For example, under the Federal Food, Drug, and Cosmetic Act, all seafood products are subject to examination by FDA authorities at import and must provide information to ensure that they meet the same standards as domestic seafood products—they must be sanitary, wholesome, safe to eat, and contain informative and truthful labeling in English. In addition, NOAA also operates a voluntary, fee-for-service Seafood Inspection Program (SIP) to inspect seafood processing facilities and products at various points in the supply chain for the purpose of label and species verification. In total, the SIP annually inspects approximately 20 percent of domestic consumption annually. Non-compliant products that are discovered can be barred from further entering U.S. commerce or referred to the appropriate enforcement agencies.

Further, NOAA's Office of Law Enforcement (NOAA OLE), Department of Homeland Security (DHS) components (U.S. Coast Guard, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE)), the FDA, and the U.S. Fish and Wildlife Service (USFWS) all have complementary authorities to collect information; make inquiries, examinations, inspections, searches, seizures, and arrests to ensure compliance with U.S. laws; and seize or refuse entry of cargo when necessary. Good cooperation exists between the relevant enforcement entities and efforts are being made under this Action Plan to further enhance the interagency cooperation to address the issue of seafood fraud.

### **Challenges**

The United States remains committed to preventing illegally harvested and mislabeled seafood from entering into U.S. commerce, but the complexities of the global seafood supply chain pose a number of challenges to doing so. For example, even with the large network of international agreements and measures available, combating IUU fishing in international waters remains a complex challenge. IUU fishing fleets move easily from fishery to fishery and region to region. Few countries have the resources or capacity to directly monitor the expanses of international waters. While the obligations for the control of vessels are clear under international law, the legal tools to enable nations to control the actions of their nationals are less so. Domestically, several critical statutes lack robust civil judicial and criminal enforcement authority, adequate administrative penalties, or appropriate forfeiture authority to address IUU and fraudulently marketed seafood products. These low and disproportional penalties are often factored in as “the cost of doing business” and pose a serious challenge to deterring illegal actions.

There are particular challenges for law enforcement. Over half of the world's fish production is processed at sea or soon after landing, which in many cases renders the species unidentifiable without forensic laboratory analysis. NOAA, CBP, and FDA have forensic laboratories with the capability to conduct DNA testing of fish in suspected fraud cases, but have not been able to significantly expand efforts to effectively address the issues of seafood fraud and IUU fishing. Further, the information collected for seafood imports is not as comprehensive as that required under domestic fisheries regulations, with limited exceptions for certain high-value species. Once the seafood products have entered U.S. commerce, this less-extensive information limits the ability to distinguish between and track illegally

imported seafood products once they flow into the distribution chain, creating significant challenges for maintaining effective chain of custody.

Further, fraud that occurs at the retail (i.e., restaurant and supermarket) level is difficult to address as retail sales are predominantly regulated by the state and local authorities. Effective implementation of initiatives aimed at preventing the trafficking of IUU and fraudulently marketed fish is often made more difficult by the simple fact that there are inconsistent rules across agencies regarding how to properly identify the name and origin of seafood products.

The Task Force's Action Plan to implement its recommendations to the President helps tackle these challenges by leveraging the capabilities and authorities of its federal agency members. For example, by determining concrete steps and timelines to better share critical data in a timelier manner across federal agencies and ensuring consistency in the way agencies identify the name and origin of seafood products, agencies will be able to more effectively deal with the challenges of the seafood supply chain in combating IUU fishing and seafood fraud.

## How We Got to This Point

It is in the interest of the United States to promote a comprehensive framework that supports sustainable fishing practices while combating seafood fraud and the sale of IUU seafood products, including by improving the transparency and traceability of the seafood supply chain. To achieve these objectives, the United States must improve and enhance the implementation, application, and coordination of the tools available to combat IUU fishing and seafood fraud to the maximum extent allowed by law. The Task Force was established to identify and achieve these objectives.

After its establishment, the Task Force initiated a public engagement process to gain broad input to inform and advise the development of these recommendations. This process included two public meetings, two webinars, a diplomatic message to countries with fisheries interests and marine coastlines, and a public comment period noticed in the *Federal Register*. The Task Force also analyzed the federal government's existing authorities to combat IUU Fishing/Seafood Fraud Committee, and identified potential gaps in those authorities. It further examined specific areas for improved coordination between the Task Force agencies and broader U.S. government efforts regarding these issues. For example, this Task Force recognizes the importance of coordinating with related efforts under the Presidential Task Force on Wildlife Trafficking, the White House Strategy to Combat Transnational Organized Crime, and the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.

Based on this public engagement process and the Task Force's analysis of existing authorities, gaps in those authorities, and current and potential levels of interagency coordination, the Task Force developed 15 recommendations designed to enhance the tools currently available to combat IUU fishing and seafood fraud. The recommendations were published in the *Federal Register* on December 18, 2014, as well as in a diplomatic message to foreign countries with fisheries interests and marine coastlines, soliciting comment on the implementation process of each recommendation. The Task Force received valuable feedback from domestic stakeholders and international partners on the 15 recommendations and will continue the process of engaging stakeholders and international partners as it implements the recommendations.

The following Action Plan for the 15 Task Force recommendations lays out more detail on the scope of the action in question, how agencies translate the recommendations into action, and—most importantly—a timeline and lead entities for implementation. Oversight of this Action Plan will be carried out by the National Ocean Council (NOC), which will establish a standing IUU Fishing/Seafood Fraud Committee (NOC Committee) to take the place of the Presidential Task Force on Combating IUU Fishing and Seafood Fraud. The NOC Committee will be co-chaired by NOAA and the Department of State, includes all current members of the Task Force, and may incorporate other agencies as required and approved by the NOC.

# Recommendation 1

## International – Port State Measures

*Work with Congress to pass implementing legislation for the Port State Measures Agreement (PSMA). Direct the Secretary of State to promote entry into force and full implementation of the PSMA.*

### **Rationale**

The absence of binding multilateral port State measures has hindered the process of addressing IUU fishing. With the United States as a driving force, the FAO adopted the Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA). The PSMA envisages that Parties, in their capacities as port States, will take a series of steps to ensure that foreign vessels do not land or transship IUU seafood in their ports, thus preventing such seafood products from entering markets. Among other things, the PSMA requires Parties to: designate ports to which foreign vessels may request entry and to require such vessels seeking port entry to provide advance notice with detailed information relevant to their fishing activities and fish on board; inspect an appropriate number of foreign vessels that have entered their ports to determine whether the vessels were engaged in or supported IUU fishing; and cooperate with port States in the implementation of PSMA with respect to their flagged vessels.

The PSMA requires 25 ratifications to enter into force; to date there are 11 with 14 more required. In the United States, the Senate provided advice and consent to join the Agreement in 2014, but ratification is pending the passage of implementing legislation in Congress. U.S. ratification will help ensure consumer confidence in the seafood supply chain by helping keep illegal product out of the market. It will demonstrate strong leadership in the global battle against IUU fishing and encourage broad ratification of the PSMA by other countries. Global implementation of robust port State controls on port access will disrupt IUU fishing vessel operations by decreasing the ports where IUU fishing products can be landed and increasing the costs associated with IUU fishing.

## Implementation Steps

*Lead agencies:* NOAA and the Department of State

The implementation plan for this recommendation is comprised of two components: a domestic agenda and an international agenda. Specific implementation steps include:

- Continue to work with Congress to support timely adoption of legislation necessary for ratification and effective implementation of the PSMA.
- **By July 2015**, facilitate briefings for key Congressional Committees, Members, Caucuses, and staff with agency leadership and stakeholders, to highlight linkages between the PSMA and efforts to combat IUU fishing, and the benefits of entry in force and robust implementation of the PSMA globally to domestic fishing interests. Keep these efforts going through the remainder of 2015 and beyond as needed.
- Use existing fora such as Capitol Hill Oceans Week in June 2015 to continue to discuss the PSMA and its benefits with Congressional members, staff, and constituents.
- Through direct diplomatic outreach, identify at least 14 countries that are supportive of the PSMA and work with them to ratify the Agreement as soon as possible and ideally **by the end of 2015**. Continue to advocate for speedy entry into force and broad implementation of the Agreement in international fora such as regional fishery management organizations (RFMOs), the United Nations, and FAO's Committee on Fisheries.
- Identify impediments to ratification of the PSMA by foreign partners and provide information and assistance to help overcome those obstacles as feasible and appropriate.
- Continue efforts to support, and provide technical assistance to, developing countries seeking to ratify and implement the PSMA.
- Ensure that the PSMA remains a top priority for senior officials' dialogues with foreign State representatives.

## Recommendation 2

### International – Best Practices

*Direct the Task Force to develop, within one year (and refine as appropriate in subsequent years), best practices for catch documentation and data tracking; high seas boarding and inspection; monitoring, control, and surveillance measures (including observer programs, vessel tracking systems, authorized vessel lists); port State control; and compliance monitoring and promote their adoption in each of the Regional Fishery Management Organizations (RFMOs) of which the United States is a member.*

#### **Rationale**

Effective management of internationally shared fish stocks requires cooperation among nations to develop the necessary monitoring, control, and surveillance measures to ensure that all follow the agreed upon rules. Different RFMOs have adopted different measures over the years, and they are often developed ad hoc within each organization and not always updated in light of improvements in technology or other advances. Particularly among the RFMOs that manage similar fish stocks, consistent and up-to-date measures that reflect best practices will facilitate enforcement, eliminate loopholes, and improve cooperation. At the same time, there is no one-size-fits-all solution. Effective use of these tools also means identifying which tools fit best with the specifics of each fishery or region.

Article 21 of the 1995 United Nations Fish Stocks Agreement (UNFSA) establishes a reciprocal high seas boarding and inspection regime that is a critical tool for greater cooperation in enforcement of RFMO-adopted conservation and management measures. This regime serves as the best-practice model for RFMO schemes. To date only the Western and Central Pacific Fisheries Commission (WCPFC) has implemented measures to the full extent outlined in UNFSA, and the United States will continue to seek adoption of comparable regimes in the other RFMOs to which it is a party.

## Implementation Steps

*Lead Agencies:* NOAA and the Department of State

*Other agencies involved:* DOJ

This work, and particularly efforts to regularly update it into the future, may also be rolled into efforts to revise and further implement the U.S. National Plan of Action to Prevent, Deter, and Eliminate IUU Fishing.

- **By June 2015**, NOAA and the Department of State will convene an interagency group to evaluate existing RFMO measures related to monitoring, control, and surveillance (including port State controls) and compliance monitoring, related U.S. regulations, and input received from U.S. and international comments on the draft recommendations. The interagency group will identify best practices among these existing measures, including evaluating their overall effectiveness and the status of implementation and compliance by RFMO members with the various measures. The work will also include identifying the circumstances in which a particular tool might be most effective or appropriate.
- **By September 2015**, the interagency group will complete a set of best practices, including, as appropriate, model text and/or key elements that could form the basis of RFMO measures.
- **By December 2015**, U.S. delegations to RFMOs will begin, as appropriate given existing measures, to advance proposals to adopt new, or modify existing, measures based on these best practices, including UNFSA-consistent high seas boarding and inspection regimes. Specific proposals will also take into account input from relevant U.S. constituent Advisory Committees appointed to advise the U.S. delegations to each RFMO.
- **By December 2015**, based on the results of expert work convened by the FAO to develop best practices for catch documentation and trade tracking, the interagency group will, as appropriate given existing measures, expand this work to include multilateral catch documentation schemes.

## Recommendation 3

### International – Maritime Domain Awareness

*Direct the Secretaries of Defense and Homeland Security to include IUU fishing threat analysis and monitoring as a component of U.S. and international efforts to increase overall maritime domain awareness.*

#### **Rationale**

The National Maritime Domain Awareness (MDA) Plan promotes favorable conditions for global maritime security and prosperity through the effective understanding of the maritime domain and by improving our ability to appropriately share information, including intelligence, law enforcement information, and all-source data from the public and private sectors. The Plan promotes improved domain awareness through enterprise-level access to data and encourages broad interaction and expanded collaboration among members of the Global Maritime Community of Interest—an informal community of all levels of domestic and international government along with private and commercial maritime stakeholders, bound by the common interest of maintaining the maritime domain for global security and prosperity.

The U.S. Departments of Homeland Security (DHS), Defense (DOD), and others have contributed to the development of enterprise tools—common services, capabilities, and processes—to increase awareness of the maritime domain. These tools can bring tremendous value when applied to the efforts of the United States and its foreign partners in combating IUU fishing. Many in the U.S. government are unaware of these enterprise tools or lack training on how to apply these tools to conduct IUU fishing threat analysis and monitoring. In addition to the challenges faced within the U.S. government, many foreign governments may lack an appropriate (i.e., unclassified, Non-Public Key Infrastructure (non-PKI), etc.) Information Sharing Environment (ISE)—the people, projects, systems, and agencies that enable responsible information sharing for national security—with the necessary access to maritime data, automated analytics, and information sharing capabilities would enhance their ability to combat IUU fishing. The Task Force believes that improving awareness of enterprise tools within the U.S. government and establishing an appropriate information sharing environment between U.S. and foreign partner users would increase the awareness of decision-makers responsible for combating IUU fishing.

This recommendation does not alter existing constitutional or statutory authorities or responsibilities of agency heads to carry out operational activities or to exchange information. It does however, direct the Secretaries of Defense and Homeland Security to ensure tools and capabilities used to increase overall maritime domain awareness support IUU fishing threat analysis and monitoring.

## Implementation Steps:

*Lead Agencies:* DOD and DHS

*Other Agencies Involved:* NOAA and the Department of State

DHS and DOD will assemble a U.S. government interagency team to identify enterprise tools used by the MDA community that could be applied to combating IUU fishing and ensure linkage of those tools to the strategy developed pursuant to Recommendation 8.

- **By May 2015** the Department of State, NOAA, and DOD will co-host a workshop to gain better understanding into relevant surveillance and enforcement technologies currently being piloted to support management in marine protected areas around the globe.
- **By September 2015** the team will:
  - Catalogue existing initiatives.
  - Establish an Enterprise Tools IUU Fishing Implementation Planning Team.
  - Produce a report on findings to inform an implementation plan.
- **By December 2015**, the Enterprise Tools IUU Fishing Implementation Planning Team will formulate an implementation plan with timelines to support efforts to enhance IUU fishing threat analysis and monitoring.
- **By December 2015**, the Secretaries of Homeland Security and Defense will provide a report to the NOC Committee on developing an appropriate environment for sharing information between U.S. and foreign government partner users in order to enhance threat analysis and monitoring, which would increase the awareness of decision-makers responsible for combating IUU fishing.

## Recommendation 4

### International – Free Trade Agreements

*Direct the U.S. Trade Representative to use existing Free Trade Agreements (FTAs) and future FTAs to combat IUU fishing and seafood fraud, including through enhanced cooperation with our trading partners and commitments to enforce environmental and labor laws.*

#### **Rationale**

U.S. Free Trade Agreements (FTAs) and environmental cooperation programs can help to combat IUU fishing and seafood fraud and support sustainable fisheries management by helping to develop management practices and tools in FTA partner countries. For example, FTAs with Korea, Panama, Colombia, and Peru require these trading partners to “adopt, maintain and implement” laws, regulations, and any other measures to fulfill obligations under a number of relevant multilateral environmental agreements—including those establishing the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Inter-American Tropical Tuna Commission (IATTC)—as well as to “adopt and maintain” in its statutes, regulations, and practices fundamental internationally recognized labor rights. U.S. FTAs also contain obligations that require U.S. trading partners to “effectively enforce” their environmental and labor laws, including laws that protect and conserve natural resources, such as marine fisheries. These obligations are subject to dispute settlement under the trade agreement, and the Office of the U.S. Trade Representative (USTR) has authority to monitor and review implementation of these and other FTA commitments. Other U.S. agencies provide support for implementation of FTA commitments through technical assistance and labor and environmental cooperation programs. U.S. FTAs also support cooperation to enforce consumer protection laws, achieve compliance with respective laws and regulations on customs matters, and encourage the use of voluntary market mechanisms to protect the environment and natural resources.

The United States, with USTR as the lead agency, is also in the process of negotiating trade agreements with 11 other countries for a Trans-Pacific Partnership (TPP) agreement and with the European Union for a Transatlantic Trade and Investment Partnership (T-TIP) agreement, together representing more than 70 percent of the value of all global seafood imports. In these negotiations, the United States is pursuing commitments to ensure effective enforcement of labor and environmental laws, as well as to address specifically IUU fishing activities, including the implementation of port State measures. The United States will seek similar commitments in future FTAs as well.

## Implementation Steps

- **In 2015**, conclude TPP negotiations, including provisions to effectively enforce labor and environmental laws and to combat IUU fishing and seafood fraud, where appropriate. Prepare the agreement for Congressional consideration, seek to put the agreement into force as quickly as possible, and monitor implementation of the agreement.  
*Lead Agency:* USTR  
*Other Agencies Involved:* Coordination with relevant agencies, as appropriate, including DHS, FDA, DOJ, and the Departments of State and Commerce.
- **In 2015**, continue to develop proposals with the European Union to effectively enforce labor and environmental laws and to combat IUU fishing and seafood fraud, where appropriate. Seek to conclude T-TIP negotiations with a robust outcome as soon as possible, and thereafter prepare the agreement for Congressional consideration, seek to put the agreement into force, and monitor implementation of the agreement.  
*Lead Agency:* USTR  
*Other Agencies Involved:* Coordination with relevant agencies, as appropriate, including DOJ, DHS, and the Departments of State and Commerce.
- Continue to prioritize implementation of FTA commitments to effectively enforce labor and environmental laws, including laws pertaining to the conservation and management of marine fisheries resources, through, inter alia, regular meetings of FTA labor and environment bodies.  
*Lead Agencies:* USTR, Department of Labor (DOL), and the Department of State  
*Other Agencies Involved:* Coordination with relevant agencies, as appropriate, including DOJ, DHS, the Departments of State, Commerce, and the Interior (DOI), the Environmental Protection Agency and USAID.
- Develop and enhance labor and environmental cooperation programs, where appropriate, including to support existing and future FTA partner commitments to effectively enforce labor and environmental laws and to address IUU fishing. In coordination with DHS, use FTAs as a vehicle to enhance customs cooperation and information sharing on IUU fishing and the fraudulent importation of fish and seafood.  
*Lead Agencies:* DOL and Department of State  
*Other Agencies Involved:* Coordination with relevant agencies, as appropriate, including DOI, DOJ, the Department of Commerce, the Environmental Protection Agency, USAID, and USTR.

## Recommendation 5

### International – Fishery Subsidies

*Direct the U.S. Trade Representative, and the Secretaries of State and Commerce to pursue international commitments to eliminate fisheries subsidies that contribute to excess fishing capacity, overfishing, and IUU fishing by 2020.*

#### **Rationale**

While some fisheries subsidies provide important benefits like supporting fisheries research and conservation, subsidies that contribute to overfishing and overcapacity are one of the main drivers of unsustainable levels of fishing. Such subsidies also undermine the effectiveness of fisheries management regimes and can contribute to IUU fishing. Global fisheries subsidies were estimated at approximately \$35 billion in 2009, of which approximately \$20 billion consisted of capacity-enhancing subsidies.

The United States has long been a global leader and advocate in support of disciplines on harmful fisheries subsidies, and the United States has long identified disciplines on fisheries subsidies as a key area in which trade agreements can contribute to environmental conservation and sustainable development. Since 2001, as part of the Doha Round of World Trade Organization (WTO) negotiations, the United States has pursued commitments to limit harmful fisheries subsidies and provide greater transparency for fisheries subsidies. The United States will continue to seek and support multilateral commitments in the WTO on fisheries subsidies. In the Asia-Pacific Economic Cooperation (APEC) forum the United States is promoting transparency in fisheries subsidies and their ultimate elimination, as reflected in the 2014 Xiamen Declaration of the APEC Ocean-Related Ministerial Meeting. The United States is also pursuing ambitious commitments to discipline harmful fisheries subsidies in our ongoing free trade agreement negotiations for a Trans-Pacific Partnership (TPP) agreement with 11 other Asia-Pacific countries and a Transatlantic Trade and Investment Partnership (T-TIP) agreement with the European Union.

## Implementation Steps

To implement this recommendation, USTR, along with the Departments of State and Commerce and other relevant agencies, will continue to pursue meaningful commitments to discipline harmful fisheries subsidies and promote greater transparency of fisheries subsidies. Specific steps include:

- **In 2015**, conclude negotiations on the TPP environment chapter, including commitments on some of the most harmful fisheries subsidies, such as those linked to IUU fishing, and to enhance transparency and reporting requirements for fisheries subsidies programs. Seek Congressional approval for the TPP agreement and seek to put the agreement into force as quickly as possible.  
*Lead Agency:* USTR  
*Other Agencies Involved:* Coordination with relevant agencies, as appropriate.
- **In 2015**, seek, with the European Union, proposals to discipline harmful fisheries subsidies, and to enhance transparency and reporting requirements for fisheries subsidies in the T-TIP agreement. Seek to conclude negotiations with a robust outcome on fisheries subsidies as soon as possible, and prepare for Congressional consideration and subsequent entry into force of the T-TIP agreement.  
*Lead agency:* USTR  
*Other Agencies involved:* Coordination with relevant agencies, as appropriate.
- **In 2015–2016**, continue to pursue commitments in the WTO rules negotiations to discipline harmful fisheries subsidies and provide greater transparency for fisheries subsidies. Seek to ensure other WTO Members are more transparent in the notification of their fisheries subsidies.  
*Lead Agency:* USTR  
*Other Agencies Involved:* Coordination with relevant agencies, as appropriate.
- **In 2015–2016**, work to complete and release an updated study reporting on the nature and extent of fisheries subsidies provided by APEC economies, and pursue regional commitments to enhance transparency and efforts to reform fisheries subsidies programs.  
*Lead Agencies:* USTR, Department of State  
*Other Agencies Involved:* Coordination with relevant agencies, as appropriate, including the Department of Commerce.
- When Chile hosts the second Our Ocean Conference **in 2015**, seek to build on the outcomes of Secretary Kerry's Our Ocean Conference, including by seeking a commitment not to provide subsidies linked to IUU fishing.  
*Lead Agencies:* USTR, Departments of State and Commerce  
*Other Agencies Involved:* Coordination with other relevant agencies, as appropriate.

## Recommendation 6

### International – Capacity Building

*Direct the Secretaries of Commerce, Defense, Homeland Security, and State, the Administrator of USAID, and the Attorney General to coordinate with donors, multilateral institutions, and foreign governments and prioritize building capacity to sustainably manage fisheries and combat IUU fishing and seafood fraud.*

#### Rationale

IUU fishing and seafood fraud are global issues that can impact maritime and national security and require a global, concerted effort to combat. Enhancing other countries' capacity for effective fisheries management and enforcement and prosecution of violations can ultimately improve U.S. marine resources. Many less-developed countries lack adequate maritime domain awareness, governance structures, and capable institutions to secure their Exclusive Economic Zone rights and prevent IUU fishing and other activities associated with illegal fishing and trade in illegally harvested fish. Assisting developing countries to strengthen their fisheries governance and enforcement can help regulators in other countries more carefully manage and monitor legitimate fishing and combat IUU fishing practices and help ensure seafood sold in different markets is produced in accordance with the applicable law.

Building capacity and political will to combat IUU fishing will be most successful when we recognize the broader context in which these activities occur, and undertake a strategic and comprehensive approach to fisheries sector reform and address associated criminal activities. IUU fishing and seafood fraud have different impacts that require different capacity building approaches across fishery sectors, including: industrial fisheries, small-scale fisheries, and aquaculture. Effective capacity building will require the use of strategic partnerships, a comprehensive approach to IUU fishing as a development issue, and coordinated delivery of U.S. government support.

#### Implementation Steps

*Lead Agencies:* NOAA, Department of State, and USAID

*Other Agencies Involved:* NOC Committee agencies as appropriate, including USFWS, DOJ, and DHS/USCG

- **By May 2015**, NOAA, the Department of State, and USAID will convene an interagency working group consisting of experts from all interested agencies. This group will prioritize capacity building efforts across agencies, with international development organizations and non-federal organizations including coordinating with related efforts under the Presidential Task Force on Wildlife Trafficking, the White House Strategy to Combat Transnational Organized Crime, and the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.

- **By August 2015**, the Department of Justice will form an IUU fishing and seafood fraud multinational advisory body in cooperation with INTERPOL, to inform the aforementioned U.S. interagency working group coordination process by:
  - Sharing information regarding multilateral or bilateral priority areas of IUU fishing and seafood fraud investigations.
  - Developing mechanisms for coordinated and targeted enforcement or interdiction actions to address priority areas.
  - Identifying needed international enforcement tools, and promoting development and implementation of these tools through the capacity building strategic plan to be defined by the interagency working group.
- **By January 2016**, members of the interagency working group, in consultation with relevant donors, governments, technical organizations, industry, and the non-governmental community, will:
  - Define priority geographies and seafood species that present the most pressing problems with IUU fishing and seafood fraud.
  - Create an ongoing inventory of cooperation and assistance activities to include recently completed, ongoing, and planned activities implemented by the broad community of donors, technical groups, government, and non-governmental organizations working on these issues.
  - Complete a review of the types of interventions, best practices, and enforcement tools that have been successful in strengthening fisheries management and eliminating IUU fishing at national, regional, and global scales.
  - Encourage external development of innovative tools and technology to address IUU fishing and seafood fraud.
- **By April 2016**, the interagency working group, in consultation with relevant government, donor, technical, industry, and non-governmental organizations and with appropriate public outreach, will develop a strategic, coordinated action plan for building capacity to strengthen fisheries management and eliminate IUU fishing.

## Recommendation 7

### International – Diplomatic Priority

*Direct the Secretary of State to maintain combating IUU fishing and seafood fraud as a diplomatic priority in order to gain the support of senior officials in priority countries to enhance political will for combating IUU fishing and seafood fraud.*

#### Rationale

IUU fishing and seafood fraud are global problems, and no single nation alone can solve them. Diplomacy tools and public outreach can be used to build on key bilateral relationships and encourage our foreign government partners to enhance their efforts to combat IUU fishing and seafood fraud. These issues must continue to be prioritized in our bilateral and multilateral work with other nations and in our public engagement. Building effective coalitions to combat IUU fishing and seafood fraud will also require effective engagement through multilateral organizations and at high-profile, high-level international meetings. Diplomatic efforts will emphasize the negative impacts of IUU fishing and seafood fraud on food and nutrition security, economic security, peace and security, and rule of law.

#### Implementation Steps

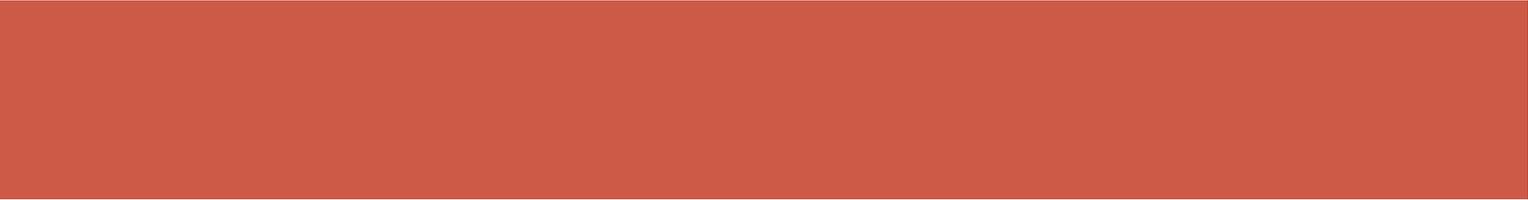
*Lead Agency:* Department of State

*Other Agencies Involved:* NOAA, USTR, USAID, and other NOC Committee agencies as appropriate

The Task Force agencies will ensure that issues related to implementing a strong international framework to combat IUU fishing and seafood fraud are featured in discussions between senior officials and their foreign counterparts, including those at the foreign affairs, fisheries, finance, trade, and justice ministries. Discussions at the Secretary, Deputy Secretary, and Under Secretary and ambassadorial levels will seek to advance specific priorities related to efforts to combat IUU fishing and seafood fraud, such as ratification of the Port State Measures Agreement, and the overall implementation of the Task Force recommendations. This will facilitate collaboration between our respective technical and enforcement agencies to ensure that illegally caught or fraudulently labeled seafood does not enter U.S. commerce.

Senior Department of State and NOAA officials will seek outcomes that prioritize action to combat IUU fishing and seafood fraud at high-level events in the next 18 months, including:

- The Boston International Seafood Show, March 2015
- The Third World Ocean Summit, hosted by *The Economist*, June 2015
- The 39th Session of the Conference of the UN Food and Agriculture Organization, June 2015
- The 70th Regular Session of the UN General Assembly, September 2015
- The Second Our Ocean Conference, hosted by Chile, October 2015
- The 32nd Session of the FAO Committee on Fisheries, Spring 2016



The Department of State will coordinate with NOAA, USTR, USAID, and other relevant agencies to develop a strategy **by June 2015** to strengthen embassy advocacy and public diplomacy to increase awareness of issues related to IUU fishing and seafood fraud, and build support for actions for addressing these issues at the national, regional, and global levels, particularly in developing countries. This strategy will include:

- Training modules to prepare embassy officers to engage in IUU fishing and seafood fraud issues effectively.
- Guidance for developing diplomatic demarches and public outreach strategies, including engaging stakeholders and partners.
- Diplomatic demarches.
- A harmonized approach to public diplomacy and public outreach events in support of specific fisheries issues or high-level events over the next 18 months.

## Recommendation 8

### Enforcement – Information Sharing

*Direct the Task Force members, to include the Secretaries of Agriculture, Commerce, Health and Human Services, Homeland Security, and the Interior, and the Attorney General to develop within 180 days a strategy with implementation deadlines to optimize the collection, sharing, and analysis of information and resources to prevent IUU or fraudulently labeled seafood from entering U.S. commerce. This strategy should include a plan to increase support and coordination across agencies for forensic analysis of seafood species and corresponding collection, archiving, and analysis of related reference specimens, as well as reflect efforts to increase coordination with state and local governments per Recommendation 11.*

#### **Rationale**

Close cooperation among law enforcement organizations at the international, federal, and state/local levels is utilized to identify and interdict IUU and fraudulently labeled seafood. Maximizing the effectiveness of this collaboration, and further enhancing ongoing cooperation will be necessary to prevent IUU and fraudulently labeled seafood from entering U.S. commerce.

Federal and state agencies have a role in preventing the distribution of IUU seafood products and in detecting and preventing seafood fraud throughout the supply chain. While federal law enforcement agencies cooperate routinely, engagement in the effort to target IUU seafood products and seafood fraud is relatively new for some critical agencies, particularly those at the state and local level. Development of information sharing mechanisms, coordination of joint, intelligence-driven enforcement operations, and development of protocols across agencies to better utilize law enforcement tools, such as forensics, would maximize the effectiveness of limited law enforcement resources to detect and interdict IUU fish and fish products from entering U.S. commerce. Additional coordination and investment in forensic resources will allow greater throughput, decreasing turnaround time for processing of evidence in time-sensitive cases, and allowing more effective targeting of shipments examined for fraud.

This recommendation seeks to expand existing interagency collaboration for information sharing (such as through Customs and Border Protection's Commercial Targeting and Analysis Center (CTAC)), and joint law enforcement operations, as well as formalizing new protocols for cooperation on sharing of expertise in necessary enforcement tools, such as forensics.

## Implementation Steps

*Lead Agencies:* NOAA, DHS/CBP, and DOJ

*Other Agencies Involved:* DHS/ICE, DHS/USCG, FDA, USDA, USFWS, DOS, DOD

- **By May 2015**, complete an inventory of existing interagency agreements, joint activities, and ongoing/planned operations that may be utilized under this recommendation. This would include identification of existing facilities for conducting forensic analysis and their capabilities. In addition, identify any necessary amendments to or modifications of existing agreements, or the need for new agreements, and pursue them. Finally, the inventory should make allowance for inclusion of relevant MDA tools identified pursuant to Recommendation 3. This inventory is necessary to determine gaps in collaboration and cooperation on information sharing.
- **By September 2015**, finalize a strategy to optimize the collection, sharing, and analysis of information and resources to prevent IUU or fraudulently labeled seafood from entering U.S. commerce and circulate to the NOC Committee. Present to state and local law enforcement personnel and stakeholders as appropriate. The strategy will include sub-groups to develop focused input on:
  - Information sharing to include DHS assets such as CBP's Commercial Targeting and Analysis Center (CTAC) and expanded access to information across all relevant enforcement agencies including MDA tools developed pursuant to Recommendation 3, trend information on fraudulent seafood that may be collected under Customs Mutual Assistance Agreements pursuant to Recommendation 9, and information collected from the traceability program collected pursuant to Recommendations 14 and 15.
  - Protocols, procedures, and agreements for joint enforcement operations targeting IUU fish and fish product as well as seafood fraud.
  - Procedures for interagency cooperation on: 1) use and development of forensic tools, including means to fill existing gaps in capabilities and eliminate duplication; 2) procedures for when/how resources of one agency can be accessed and utilized by partner agencies; 3) development of specific forensic analysis information required by each agency to promote effective enforcement actions by any or all agencies; and 4) cataloging resources, aligning product codes and taxonomies pursuant to Recommendation 10, and for example, obtaining reference specimens and test results.
  - Mechanisms/processes for coordination, information sharing and development of proposed joint operations to include appropriate federal, state, and local law enforcement agencies.

## Recommendation 9

# Enforcement – Customs Mutual Assistance Agreements

*Direct the Secretary of Homeland Security to leverage existing and future Customs Mutual Assistance Agreements (CMAAs) to exchange relevant information and encourage foreign customs administrations to cooperate in combating illegal, unreported, and unregulated (IUU) fishing and seafood fraud.*

### Rationale

While there is significant information available related to domestic seafood product, there is often a lack of information readily available for seafood products in international commerce, including farmed products and fish processed at sea. The United States needs to leverage its existing resources and available tools to facilitate the sharing of information to close this gap and ensure that law enforcement personnel have the information they need to take action to prevent the fraudulent importation of seafood into the United States.

DHS has broad authorities to share and exchange information and cooperate with domestic and international partners to combat customs violations, including the fraudulent importation of fish and seafood, and illegal imports of fish and seafood originating from IUU fishing activities as they relate to customs violations. CMAAs are essential tools that provide the legal framework for the exchange of information, documents, and other mutual assistance that aid the United States and its partners in the prevention, detection, and investigation of customs offenses.

The United States currently has 73 bilateral CMAAs with customs administrations around the world. CMAAs are jointly negotiated and implemented by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) within DHS. As CBP and ICE have broad authorities to enforce federal laws at the border, information sharing under CMAAs can extend to include information pertaining to fraudulent and other illegal importations of fish and seafood. Additionally, CMAAs establish the foundational framework for further customs-to-customs engagement between the Parties on specific issues. More information on CMAAs can be found here: <http://www.cbp.gov/border-security/international-initiatives/international-agreements/maa>.

## Implementation Steps

*Lead Agency:* DHS

The United States is eager to increase our information sharing abilities via CMAAs to deter customs violations, collect revenue, and facilitate lawful trade. DHS, working with other agencies as appropriate, will leverage CMAAs to support investigations of seafood fraud and of imports originating from IUU fishing as they relate to customs violations, to support risk-based targeting of illicit seafood shipments, and to facilitate further cooperation with foreign governments to encourage the development of best practices to prevent illicit commodities and shipments from entering U.S. commerce long before they reach U.S. borders.

- Immediately begin to highlight its increased focus on combating fraudulently imported fish and seafood, whether wild-caught or farmed, and IUU fishing as it relates to customs violations, working closely with its partners, particularly in those regions where fraudulently imported seafood originates.
- On an ongoing basis, work with NOC Committee partner agencies, pursuant to the strategy developed under Recommendation 8, partners under the Commercial Targeting Analysis Center (CTAC), and partners in the ICE Homeland Security Investigations (HSI) Trade Transparency Unit (TTU), to identify the gaps in information exchanged across customs and enforcement agencies and take action on those areas where it can use its authorities and agreements to achieve the most effective enforcement.

## Recommendation 10

### Enforcement – Species Name and Code

*Direct the Secretaries of Agriculture, Commerce, Health and Human Services, and Homeland Security, with input from the Attorney General, to standardize and clarify rules on identifying the species, common name, and origin of seafood. Direct the Secretaries of Commerce and Homeland Security and the U.S. Trade Representative to work with the International Trade Commission to adjust U.S. tariff codes to enhance identification in trade of species subject to IUU fishing or seafood fraud accordingly. The agencies should aim to publish these revised rules and adjusted codes not later than one year after the adoption of this recommendation.*

#### **Rationale**

A wide variety of finfish and shellfish products are consumed by the American public, amounting to about 15 pounds per capita annually, with the majority imported. Whether imported or domestically produced, seafood products should not be marketed to consumers in a way that is false or misleading. For classification of imports, codes and descriptions are assigned to seafood products under the Harmonized Tariff Schedule (HTS) of the United States which is maintained by the U.S. International Trade Commission (ITC). In addition, the FDA maintains a list of product codes to describe seafood commodities entered into U.S. commerce. The FDA product codes refer to fish name, packaging, and type of processing. Deliberate misrepresentation of the species in trade can defraud consumers and allow the infiltration of the products of IUU fishing into the supply chain. Increasing the specificity of HTS codes, and names could help address issues of proper identification of seafood products in trade. Such specificity will help enforcement officials focus limited resources on shipments more likely to contain IUU seafood as well as help to protect against seafood fraud.

## Implementation Steps

*Lead Agencies:* NOAA, DHS/CBP, and FDA

*Other agencies involved:* USTR, USFWS, DOJ, USDA and ITC

**By April 2015**, the lead agencies will convene an interagency technical working group for the purpose of implementing this recommendation.

- **By August 2015**, the Working Group will catalogue the existing rules on identifying the species, name, and origin of seafood entering into commerce in the United States and determine where standardization or clarification of these rules would help to address problems of IUU fishing and seafood fraud. For those areas where the Working Group determines standardization or clarification of the rules is appropriate, the Working Group will prepare recommendations on how those rules should be standardized or clarified. These recommendations will include, where appropriate, which codes should be adjusted and at what level adjustments are needed, and whether common, market, and/or scientific names should be utilized. Such recommendations will be referred to the ITC and FDA as appropriate.
- **By August 2015**, the Working Group will also consider how the current list of U.S. tariff codes for seafood can be adjusted, including by increasing product specificity, to facilitate identification of species susceptible to IUU fishing or seafood fraud, in support of efforts to keep such products out of U.S. commerce. The Working Group will develop recommendations as to what adjustments should be made and will share them with ITC and FDA and integrate them into the strategy developed pursuant to Recommendation 8.
- **By December 2015**, FDA and other relevant agencies shall standardize and clarify rules on identifying the species, common name, and origin of seafood and adjust U.S. tariff codes to enhance identification in trade of species subject to IUU fishing or seafood fraud based on the recommendations of the Working Group, including with the publication of proposed revisions to any rules **by March 2016**.

# Recommendation 11

## Enforcement – State and Local

*Direct the Secretaries of Agriculture, Commerce, Health and Human Services, and Homeland Security, and the Attorney General to work with state and local enforcement authorities to expand information sharing and develop tools that address illegal fishing and seafood fraud at the state and local level.*

### **Rationale**

State and local enforcement authorities have long played an important role in combating illegal fishing and seafood fraud. In regulating fisheries through enforcement in state waters and working with NOAA, monitoring landings of fish harvested in federal waters, state and local authorities are often the first recipients of information regarding potential illegal activity and illegally harvested products. They are a vital source of information for federal enforcement agencies and a critical component of fisheries enforcement. In many places, federal agencies already cooperate with state and local authorities on enforcement actions dealing with fisheries violations. For example, NOAA has a Cooperative Enforcement Program (CEP) in place with 27 state and territorial law enforcement agencies, which provide those agencies with the training and authority to enforce federal marine resource laws. DOI-USFWS also has a CEP in place with 47 state and territorial law enforcement agencies, which provide those agencies with the training and authority to enforce federal wildlife laws. Likewise, the Department of Justice (DOJ) frequently works with state and local law enforcement officials on investigations and prosecutions, and has helped establish regional environmental crimes task forces that help foster valuable information sharing and other efficiency building coordination.

State and local authorities also play a key role in detecting and preventing seafood fraud, since intrastate seafood sales, including those at the restaurant and retail level, are regulated by state and local, rather than federal, authorities. Agencies such as the FDA contract with state and local authorities that inspect retail and food establishments to carry out inspections at facilities under FDA's jurisdiction. State and local authorities thus benefit from FDA training and information regarding seafood inspections and species designations.

## Implementation Steps

*Lead Agencies:* NOAA and DOJ

*Other Agencies Involved:* FDA, USFWS

- **By June 2015**, NOAA Fisheries Office of Law Enforcement (OLE) will prioritize combating seafood fraud and the sale of IUU seafood products for joint federal/state enforcement operations under its CEP. Actions to reflect this prioritization would include:
  - Providing IUU fishing and seafood fraud–specific enforcement trainings on a semi-annual basis with state and local personnel, including inspectors and investigators.
  - Developing online training modules and technical assistance (e.g., assistance to increase species identification capabilities) to help law enforcement recognize and document potential IUU fishing and seafood fraud issues.
  - Developing procedures for expanded information sharing and access to NOAA OLE fisheries intelligence analysts for law enforcement partners under the CEP.
  - Committing NOAA enforcement officers and special agent resources as appropriate to investigating potential seafood fraud and IUU seafood products violations.
- **In 2015**, DOJ will prioritize investigation and prosecution of cases involving IUU fishing and seafood fraud in coordinated efforts, including with U.S. Attorneys’ Offices and the relevant regional environmental crimes task forces. These efforts will include NOAA CEP state enforcement representatives.
  - **By April 2015**, DOJ will designate contact points for fisheries agents to directly speak with and obtain support from specialized prosecutors about ongoing investigations or referrals related to seafood fraud and illegal fishing.
  - **By May 2015**, DOJ’s Environmental Crimes Policy Committee will explore ways to engage U.S. Attorney’s Offices on the need to prioritize seafood fraud and illegal fishing cases.
  - **By July 2015**, DOJ will explore ways and means to conduct a pilot judicial training workshop regarding both fisheries and wildlife cases, with a goal, if those explorations are productive, of conducting a limited pilot workshop during 2015.
- The negotiated FDA state food safety inspection contracts to be awarded in **FY 2016** will include a focus area on mislabeling and seafood species substitution issues. FDA will conduct training with state contractors and encourage information sharing of mislabeling and seafood species substitution issues beginning **in FY 2015**.

## Recommendation 12

### Enforcement – Enforcement Authorities

*Work with Congress to the extent necessary to broaden agency enforcement authorities, including those to 1) search, inspect, and seize seafood, both at the point of entry into U.S. commerce (whether from foreign or domestic sources) and throughout the supply chain; and 2) pursue a full range of judicial enforcement options for trafficking and other violations related to IUU fishing and seafood fraud.*

#### **Rationale**

Agencies need to leverage existing authorities through stronger coordination and, where necessary, seek additional enforcement tools to address growing concerns over IUU fishing and seafood fraud, in particular the illegal entry of seafood products into U.S. commerce. At present, there are crucial gaps in federal authorities that prevent agencies from monitoring the entirety of the seafood supply chain. Although NOAA has responsibility for implementing and enforcing an increasing number of U.S. obligations related to implementation of catch documentation and trade tracking schemes, many of NOAA's existing enforcement authorities are focused on at-sea and dockside enforcement that is more appropriate to the enforcement of harvesting violations. DHS (CBP and ICE HSI), FDA, NOAA, and USDA have robust regulatory authorities applicable at the point of entry of seafood, and USDA has additional authorities at the point of food processing. However, to more effectively curb the entry of IUU and fraudulently marketed seafood products into U.S. commerce, agencies need the ability to inspect and verify the legality of fish and fish product throughout the supply chain. For example the Magnuson-Stevens Fishery Conservation and Management Act (MSA) prohibits the import of fish taken in violation of foreign law but effective enforcement of this prohibition requires the cooperation and coordination with border control agencies such as ICE HSI and CBP.

Tools such as increased penalties and administrative and judicial enforcement mechanisms are also vital to combating IUU fishing and seafood fraud. However, a number of key statutory authorities that deal with IUU fishing and seafood fraud do not have adequate penalties or administrative and judicial mechanisms, while others that could be used expressly exempt fisheries violations. For example, the Lacey Act, which prohibits the importation of fish and fish products taken or imported in violation of a foreign law or treaty, and the Antarctic Living Marine Resources Convention Act, both have very low civil penalty maximums. In addition, many of the statutes implementing international fisheries agreements have limited criminal provisions that are not applicable to the harvest or trade of fish, but only to conduct such as assault, harassment, obstruction, and false statement. Tools such as increased

civil monetary penalties, clear forfeiture authority, and increased authority to impose criminal fines and penalties, including through the application of laws related to money laundering and the Racketeer Influenced and Corrupt Organizations Act (RICO), are needed to deter illegal activity motivated by the large profits that may be associated with IUU fishing and trade in the resulting product. ICE HSI and CBP can leverage their existing Title 19 seizure and forfeiture authorities, and ICE HSI can leverage its authority and jurisdiction over criminal customs violations as specified unlawful activities under the Money Laundering Control Act and as predicate offenses under RICO. If collaboration with ICE HSI or CBP is not possible, these tools would provide law enforcement officials within other agencies and prosecutors with greater ability to punish illegal activity with penalties that provide an effective deterrent.

## Implementation Steps

*Agencies involved:* NOAA, DOJ, DHS/CBP, DHS/ICE, and other NOC Committee agencies as relevant

- Review pending investigations and enforcement actions and leverage other agencies' authorities for successful outcomes.
- Continue to work with Congress to identify and propose necessary law enforcement tools and to strengthen and pass legislation to address IUU fishing and seafood fraud.
- **By July 2015**, NOAA and DOJ will hold 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 combat IUU fishing and seafood fraud.
- Use existing fora such as Capitol Hill Oceans Week in June 2015 to continue to educate Congressional members, staff, and constituents about IUU fishing, seafood fraud, and the need to enhance enforcement authorities.

## Recommendation 13

### Partnerships – Forum

*Direct the Task Force to establish a regular forum with harvesters, importers, dealers, retailers, processors, and non-governmental organizations to enhance collaboration in combating IUU fishing and seafood fraud and to improve understanding of the levels and nature of IUU fishing and seafood fraud and related criminal activities.*

#### **Rationale**

Just as one federal agency alone cannot combat IUU fishing and seafood fraud, these issues cannot be addressed only by the federal or state governments. It is important that the federal agencies join forces and take strong steps in partnership with the non-federal entities such as harvesters, importers, dealers, retailers, processors, academia, and non-governmental organizations. In particular, the wide range of entities that provided public comments on both the establishment of the Task Force and the implementation of its recommendations demonstrates a broad knowledge and investment made in addressing these issues across the seafood supply chain. As federal efforts to address issues related to IUU fishing and seafood fraud continue, it is crucial to bring together all relevant stakeholders so that the NOC Committee has a range of experience and collaborative resources to draw upon and inform federal policy. From this regular forum, areas of collaboration between federal agencies and stakeholders can be identified to address IUU fishing and seafood fraud concerns in the supply chain. A number of initiatives and professional fora external to the federal government already exist to bring together various stakeholders and collaborate on a wide range of fisheries issues. It is important to build upon and engage in these venues as an opportunity to continue robust dialogue and engagement with interested stakeholders.

Taking this context into account, the NOC Committee will establish a regular forum open to all interested stakeholders to facilitate discussion and exchange information on combating IUU fishing and seafood fraud. Comprised of both virtual and in-person components, this forum would, among other things, enhance public awareness of NOC Committee activities, as well as highlight non-government efforts to combat IUU fishing and seafood fraud, and develop public-private partnerships. This forum would not supplant formal comment periods for specific regulatory proposals or policies that are developed in response to other Task Force recommendations, but could serve as a feedback loop as the NOC Committee implements recommendations as well as help provide innovative ideas and solutions moving forward.

## Implementation Steps

*Lead Agency:* NOAA

*Other Agencies Involved:* All NOC Committee agencies

The forum will manifest in a few different ways:

- NOC Committee agencies will develop and maintain a public web portal to facilitate the work of the forum **by December 2015**. Among other things, this web portal will:
  - Serve as a repository of information on relevant laws, regulations, and policies related to IUU fishing and seafood fraud.
  - Link to the websites and relevant pages of NOC Committee agencies.
  - Provide contact information of NOC Committee agencies.
  - Provide a mechanism to report IUU Fishing and seafood fraud complaints.
  - Serve as a public web portal to inform stakeholders and other interested parties about various NOC Committee engagement events and related federal activities throughout the year.
  - Provide other related NOC Committee information, as relevant.
- Hold an annual, public, in-person forum of interested stakeholders that may focus its discussions on a specific IUU fishing or seafood fraud concern. Topic suggestions will be solicited throughout the year at various NOC Committee engagement sessions and through the public web portal. **By December 2015**, the first in-person forum will be held, with a focus on the implementation of particular Task Force recommendations of interest to stakeholders (to be determined through stakeholder engagement).
- To support these in-person meetings, the NOC Committee will develop a series of ongoing virtual meetings such as webinars to exchange information on implementation of Task Force recommendations and on the roles of NOC Committee agencies, and to solicit public feedback. A first virtual meeting will take place **in June 2015**.
- NOC Committee representatives will regularly engage at other stakeholder forums throughout the year to apprise stakeholders of ongoing NOC Committee efforts and receive feedback. Such forums could include: conferences and industry trade shows organized by entities external to the government, various Regional Fishery Management Council meetings, and Capitol Hill Ocean Week, among others.

## Recommendations 14 and 15

### Traceability – Traceability Program

*Direct the Task Force, with input from U.S. industry and other stakeholders, to identify and develop within six months a list of the types of information and operational standards needed for an effective seafood traceability program to combat seafood fraud and IUU seafood in U.S. commerce.*

*Direct the Task Force to establish, within 18 months, the first phase of a risk-based traceability program to track seafood from point of harvest to entry into U.S. commerce.*

#### **Rationale**

It is in the national interest to prevent the entry of illegal goods, including illegally harvested or produced seafood, into U.S. commerce. Creating an integrated program that better facilitates data collection, sharing, and analysis among relevant regulators and enforcement authorities would be a significant step forward in addressing IUU fishing and seafood fraud. The federal government will work with states, industry, and other stakeholders to develop and implement this program, consistent with U.S. international legal obligations, including U.S. obligations under the World Trade Organization Agreement.

First, the federal government will need to define the types of information to be collected regarding seafood sold in the United States and the operational standards to be applied to the collection, retention, and transmission of such information, such as electronic collection wherever possible. This program should be developed in a way that permits all authorized agencies to enter, analyze, use, and verify the data while still protecting information consistent with statutory authorities. NOAA and its fishery management partners already collect much of this information for many species for use in domestic fisheries management. Also, at the border the FDA collects information on the identity of imported seafood products, harvested or farmed. CBP is able to utilize its authorities at the border to enforce other U.S. agency requirements for imported seafood products, while ICE has the authority to investigate cross-border violations. It will be critical to this effort to knit together the information collected by these agencies and others and leverage their respective authorities, while ensuring that other federal agencies have access to that information and identifying the domestic and international gaps in information.

The program will initially be applied to seafood products of particular concern because the species at issue are subject to significant seafood fraud or because they are at significant risk of being caught by IUU fishing (referred to in this recommendation as “at risk” species). The federal government will first need to outline the criteria and principles to determine which species currently face these risks, as well as to understand whether additional data need to be collected for these species, and develop a strategy to collect those data. Once the steps outlined on pages 37-39 have been implemented, the NOC Committee

will evaluate the program's development and use lessons learned to outline next steps required for eventually expanding the program to other seafood entering U.S. commerce. The NOC Committee will again evaluate progress in implementing the program and the steps outlined in the previous report after one full year of program implementation. As set forth in the *Federal Register* notice that relayed the Task Force's recommendations to the President, it is the goal of the U.S. government "to eventually expand the program to all seafood at first point of sale or import." The process for expansion will account for, among other factors, consideration of authorities needed, stakeholder input, and the cost-effectiveness of program expansion. The NOC Committee will also consider how certain types of information within the traceability system (e.g., species, geographic origin, means of production (such as wild-caught versus aquaculture), and gear type) could be made available to the consumer.

## Implementation Steps

The NOC Committee intends to take steps to develop this program in six key areas: 1) developing types of information/operational standards related to data collection; 2) determining species currently "at risk" to IUU fishing and seafood fraud, 3) analyzing what data are collected and the gaps in data; 4) sharing information within the federal government and with consumers, as allowable by law; 5) establishing a trusted trader program; and 6) evaluating and expanding the overall program. As noted above, implementing these steps will require engagement from several members of the NOC Committee but coordinated implementation of authorities held by CBP, NOAA, and FDA will be especially critical. Some steps will be concurrent and some will need to be sequential. The notes after each heading indicate where in the process each step is expected to be implemented.

- **Types of Information and Operational Standards** – April through September 2015: The information collected will include the following information: who harvested or produced the fish (e.g., name and flag State of harvesting vessel and/or farm facility, type of fishing gear); what species was harvested (e.g., species name, form, and quantity of the product); where and when the seafood was harvested and landed (e.g., ocean area of catch, farm location, date of harvest, date/point of first landing). The operational standards under each of the categories above should also draw upon and utilize applicable experience, best practices, and existing standards where possible. Operational standards may include things such as how data is to be collected, in what format, who would collect the data, data verification processes, and data security, among others.
- **By June 2015**, the NOC Committee will put out a proposal for the minimum types of information, as well as operational standards for a 30-day public comment period. **By September 2015**, the NOC Committee will finalize recommendations in this regard for appropriate agency action.

- **Identifying Current At Risk Species Threatened by IUU Fishing and Seafood Fraud** – April through October 2015: The Secretaries of Commerce, Health and Human Services, State, and any other relevant agencies will identify certain species of fish or seafood that are presently of particular concern because they are currently subject to significant seafood fraud or because they are at significant risk of being caught by IUU fishing.
  - The NOC Committee will start a two-month effort to engage the public to gather input on what principles we should use to determine what species are “at risk.”
  - **By July 2015**, within two months after the end of the aforementioned public engagement, the NOC Committee will release proposed principles for evaluating whether species are “at risk,” as well as a proposed list of species for a 30-day public comment period.
  - **By October 2015**, two months after the end of the public comment session, the NOC Committee will finalize recommendations both with respect to the principles as well as the list of species that are “at risk” for appropriate agency action.
- **Data Collection – Determining Gaps** – October 2015 through January 2016: The Secretaries of Homeland Security, HHS, and Commerce, and other federal agencies, states, and other partners, as appropriate, will work together to determine data collection needs for these “at-risk” species.
  - There will be a number of species for which we already collect the necessary data. For those species that need additional data collected, within 3 months of the “at-risk” list of species being finalized, the federal government will develop a strategy to collect this data including working with Regional Fishery Management Councils for domestically managed species and working through RFMOs for those species managed by those organizations.
- **Additional Point of Entry Data Collection** – October 2015 through September 2016: Based on the results of the gap analysis, the Department of Commerce (NOAA), in consultation with Departments of Homeland Security (CBP), Health and Human Services (FDA), and Treasury, as lead for the International Trade Data System (ITDS)/Single Window, shall, if there is need for additional data to be collected, initiate a rulemaking to collect additional information electronically as a requisite of entry into U.S. commerce for at-risk species. This rulemaking would propose types of information outlined above to accompany shipments of seafood at their point of entry into U.S. commerce.
  - The final rule will be issued **by August 2016** in order for it to be effective **by September 2016**.

- **Information Sharing** – October 2015 through November 2016: Information collected will be shared among federal regulatory and law enforcement agencies for analysis and other relevant actions to prevent IUU or fraudulently marketed seafood from entering U.S. commerce pursuant to the strategy developed by the Secretaries of Agriculture, Commerce, Health and Human Services, Homeland Security, and the Interior, and the Attorney General (see Recommendation 8 for additional information).
  - **By July 2016**, work with our non-federal partners who have data collection systems to ensure MOUs and other similar documents are in place to ensure data can be shared with federal law enforcement agencies.
- **Trusted Trader Program** – April 2015 through September 2016: The Secretary of Commerce will collaborate with the Secretary of Homeland Security and other agencies as relevant to assist in developing a voluntary Commerce Trusted Trader Program for importers of these identified species. The Program will provide benefits such as reduced targeting and inspections and enhanced streamlined entry into U.S. commerce for certified importers.
  - **By March 2016**, DHS and Commerce will propose a voluntary trusted trader program for a two-month public comment period. The program will be finalized **by September 2016**.
- **Evaluation and Further Implementation** – Implementation of this risk-based traceability program for collection of information at the point of entry into U.S. commerce will be evaluated regularly to identify whether it is meeting the intended objectives and how it can be expanded to provide more information to prevent seafood fraud and combat IUU fishing.
  - **By December 2016**, the NOC Committee will issue a report that includes an evaluation of the program as implemented to date as well as recommendations of how and under what timeframe it would be expanded. If the program cannot be expanded to all fish at this time, the report will explain why not and lay out a timeline to steps that advance this objective. The report will further update the list of at-risk species developed and lay out additional authorities needed for more robust implementation, and recommend how shareable information within the traceability program (e.g., species, geographic origin, means of harvest or production, and gear type) could be made available to the consumer.
  - **By September 2017**, an update and evaluation of the program and next steps as outlined on page 37 will be issued.

## Conclusion

*Where a timeframe is not specifically noted under a recommendation, the relevant agencies will report to the National Ocean Council's standing IUU Fishing/Seafood Fraud Committee on the progress of implementing that recommendation one year from receiving guidance from the President. In addition, recognizing that a valuable and extensive body of information on fisheries and seafood products would be created by the recommendations above, the IUU Fishing/Seafood Fraud Committee will report annually to the President on seafood trends, key issues related to IUU fishing and seafood fraud, and progress on development and implementation of a comprehensive and risk-based traceability program.*



