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TO: Carrie Selberg
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National Marine Fisheries Service
1315 East-West Highway
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FROM: John Williams
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RE: NOAA-NMFS-0214-0090: Request for Comments Regarding Recommendation of the Presidential Task Force on Combating Illegal, Unreported and Unregulated Fishing and Seafood Fraud

The Southern Shrimp Alliance (SSA) represents the interests of domestic warm-water shrimp fishermen and associated shoreside enterprises operating in coastal communities from North Carolina to Texas. On behalf of this industry, SSA has maintained a substantial interest in both IUU fishing and fraudulent activities that occur in both domestic and international production, processing, and trade in shrimp.

SSA is grateful for the work of the Presidential Task Force on Combating Illegal, Unreported, and Unregulated Fishing and Seafood Fraud (Task Force) resulting in the recommendations published in the Federal Register on December 18, 2014 (79 Fed. Reg. 75,536). SSA also appreciates the opportunity to provide additional comments regarding the Task Force's activities.

As an initial matter, SSA believes that the submission and consideration of comments from the public is a vital first step in implementing **Recommendation 13, Partnerships: Create Partnerships with Industry and Non-Governmental Organizations to Identify and Eliminate Seafood Fraud and IUU Seafood in U.S. Commerce**. It is obvious from the comments received by the Task Force to date that while there are disparate views and perspectives on the issue, all share the same goal: the elimination of IUU fishing and seafood fraud. The continuing process of engaging the various actors in further discussions regarding the Task Force's work will be essential to identifying and acting upon areas where there is a consensus and narrowing gaps where there remains disagreement. Accordingly, SSA enthusiastically supports the development of a regular forum "to enhance collaboration in combating IUU fishing and

seafood fraud and improve understanding of the levels and nature of IUU fishing and seafood fraud and related criminal activities.”

With respect to **Recommendation 1**, SSA has interest in seeing the Port State Measures Agreement (PSMA) implemented and enter into force to the extent it might address IUU fishing in shrimp fisheries. As stated in our previous comments, we feel it is important that the legislative effort to implement for the US the PSMA must include language that will harmonize the US definition of IUU with the definition set forth in the FAO IPOA-IUU. This definition would, among other things, enable the US to leverage the access of foreign-caught shrimp to the US seafood market in order to address human trafficking and forced labor (as well as pirate fishing activities) such as has been documented on shrimp fishing vessels and in shoreside shrimp processing facilities in Thailand which remains one of the largest shrimp exporters to the US.

With respect to **Recommendation 2** and specifically the question regarding the scope of best practices to be addressed, SSA urges the Task Force to recognize the close nexus between US polices to combat IUU fishing and those policies designed to raise global practices of bycatch reduction to US standards by including this in the scope of best practices. IUU fisheries are almost certain to be conducted in a manner that ignores bycatch conservation. US shrimp fisheries are among the most progressive in reducing bycatch and bycatch mortality of both protected species as well as various finfish of conservation concern. But, those practices also increase the cost of shrimp production in US fisheries putting our fishermen at a competitive disadvantage to imports of wild caught shrimp. No other shrimp fisheries in the world approach this level of bycatch conservation or the associated cost of production in its fisheries. The Task Force has an outstanding opportunity to advance US bycatch conservation policy objectives such as are set forth in section 610 of the High Seas Driftnet Fishing Moratorium Protection Act and the Marine Mammal Protection Act and to provide US fishermen with a more fair marketplace by including them in the scope of best practices against which other nations are to be evaluated, and by securing the legislation and regulations needed to effectively implement these two statutes.

Further, as stated above, SSA urges the Task Force to ensure that the operational definition to be applied by the US in the future will encompass human trafficking and other labor abuses prevalent in some foreign shrimp fisheries.

With respect to **Recommendation 4**, regarding the use of 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, SSA observes that in a 2013 letter to Congressman Walter B. Jones (NC), the U.S. Trade Representative (USTR) reported that in ongoing negotiations for the Trans Pacific Partnership (TPP), the agency was “also engaging directly with the Malaysian government regarding access to investigative reports of possible transshipment of Chinese shrimp through Malaysia.”¹ As the U.S. Government Accountability Office (GAO) has previously explained, the transshipment of

¹ Letter from the U.S. Trade Representative to The Honorable Walter B. Jones (Mar. 28, 2013).

Chinese shrimp through Malaysia to conceal the true country of origin of the merchandise has been undertaken to evade the application of antidumping duties and the Import Alert placed on Chinese farmed shrimp by the U.S. Food and Drug Administration (FDA) because of its contamination by banned antibiotic veterinary residues.² The use of Malaysia as a conduit for the falsification of country-of-origin for merchandise generally is consistent with the repeated findings of the European Union’s Anti-Fraud Office (OLAF),³ the findings of U.S. Department of Justice,⁴ and the investigation of the Office of United States Senator Ron Wyden (OR).⁵ Moreover, with respect to the shrimp trade, domestic Malaysian organizations have openly lamented the fact that shrimp from other countries is being transshipped through the nation to falsify country of origin.⁶

Nevertheless, despite open and widespread recognition of the role played by Malaysian parties in circumventing U.S. laws – including those related to something as fundamental as food safety – the Malaysian government has, according to the GAO, declined to cooperate with U.S. government authorities in the development of capacity to address the problem.⁷ The results of the Malaysian government’s intransigence have been profoundly disturbing. Last year, the FDA reported refusing a total of 203 entry lines of shrimp products because of the presence of banned veterinary drug residues. 106 of these 203 entry lines (or 52%) were for shrimp shipped from Malaysia. At the same time, Malaysian shrimp comprised just three percent (3%) of the total volume of shrimp imports in 2014. Yet, despite this small share of the overall import market, more entry lines of shrimp shipped from Malaysia were refused for the presence of banned veterinary drug residues in 2014 (106) than were refused for all other countries (97) that year and for *all* countries in 2013 (73) and 2012 (53). Further, at present, fourteen (14) of the twenty (20) companies listed on the FDA’s Import Alert 16-129 “Detention Without Physical Examination of Seafood Products Due to Nitrofurans” are Malaysian shippers

² U.S. Government Accountability Office, *Seafood Fraud: FDA Program Charges and Better Collaboration among Key Federal Agencies Could Improve Detection and Prevention*, GAO-09-258 (Feb. 2009) at 15.

³ European Anti-Fraud Office (OLAF), *OLAF Brings Light Into the Dark: Illegal Trade with Lighters*, (Jan. 31, 2007) available at: http://ec.europa.eu/anti_fraud/documents/partners-press-release-2007/illegal_trade_en.pdf; Council of the European Union, *COUNCIL IMPLEMENTING REGULATION extending the definitive anti-dumping duty imposed by Regulation (EC) No 91/2009 on imports of certain iron or steel fasteners originating in the People’s Republic of China to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not*, Interinstitutional File: 2011/0171 (NLE), 12110/11 (July 12, 2011).

⁴ U.S. Department of Justice, “United States’ Complaint in Intervention and Demand for Jury Trial,” *United States of America, ex. rel. James F. Valenti, Jr. v. Wingfield et al.*, Case No. 1:11-cv-00368 (Nov. 14, 2013, M.D. Fla.) at 34-38; U.S. Department of Justice, “The Government’s Position Paper as to Sentencing Factors,” *United States v. Yang*, Case No. 1:13-cr-00139 (Nov. 8, 2013 N.D. Ill.) at 8-9.

⁵ Office of United States Senator Ron Wyden (OR), *Duty Evasion: Harming U.S. Industry and American Workers*, (Nov. 8, 2010). The report is available here: <http://wyden.senate.gov/download/?id=ab312b37-d16b-495c-a103-c1887afb37af>

⁶ David Star, *M’sian Shrimp Industry Will Lose RM511 Million if U.S. Anti-dumping Duty Is Imposed*, The Star (Malaysia) (Sept. 2, 2013), available at: <http://www.thestar.com.my/Business/Business-News/2013/09/02/Local-shrimp-industry-to-lose-RM511mil-if-US-antidumping-proposal-goes-through/?style=biz>

⁷ U.S. Government Accountability Office, *Antidumping and Countervailing Duties: Management Enhancements Needed to Improve Efforts to Detect and Deter Duty Evasion*, GAO-12-551 (May 2012) at 15 (“the Malaysian government initially gave [U.S. Customs and Border Protection] approval to visit honey and shrimp producers in their country but ultimately rescinded its approval without explanation.”).

of shrimp products.⁸ Another seven (7) Malaysian shrimp shippers are listed on the FDA's Import Alert 16-124 "Detention Without Physical Examination of Aquaculture Seafood Products Due to Unapproved Drugs" because of findings of residues of chloramphenicol in the shrimp they shipped.⁹

In these circumstances, granting nation states with such a track record even greater access to the U.S. market through FTAs substantially undermines the goals and objectives of the Task Force. Prior experience demonstrates that seafood shipments increase significantly following the adoption of FTAs.¹⁰ Thus, it is essential in the context of FTAs, to direct the USTR to specifically identify how current Agreements can be, and are being, used to combat IUU fishing and seafood fraud. To the extent that obligations under current Agreements are not being utilized to combat IUU fishing and seafood fraud, the USTR should be directed to develop and propose obligations reasonably designed to combat IUU fishing and seafood fraud. Regardless, the ongoing TPP negotiations involving Malaysia, concomitant with the continuing (and increasing) problems with that country's participation in seafood fraud, should give pause to the Task Force regarding the utility of FTAs as currently constituted to meaningfully combat IUU fishing and seafood fraud.

With respect to **Recommendation 5**, regarding subsidies granted to the fisheries sector that encourage overfishing or contribute to excess capacity of fishing fleets, SSA notes that subsidies that develop excess capacity in aquaculture also are an important contributing factor in overfishing. Often misunderstood as an environmentally friendly alternative to wild-catch fisheries, commercial aquaculture, as currently constituted, depends upon the harvest of massive volumes of wild fish to produce fishmeal for farms. A recent paper in *Science* underscores the pressure placed on limited ocean resources by the expansion of aquaculture:

China is the world's leading producer, consumer and processor of fish, contributing one-third of the global supply. China's fish production has tripled in the past 20 years, and about three-quarters of its supply now comes from fish farms. Yet the industry still places huge pressure on wild fisheries through its demand for fishmeal and fish oil made from wild-caught species.¹¹

Recent investigations by the U.S. Department of Commerce established that significant subsidies have been granted by several foreign governments to encourage their respective

⁸ Import Alert 16-129 (Dec. 15, 2014) available at: http://www.accessdata.fda.gov/cms_ia/importalert_31.html.

⁹ Import Alert 16-124 (Dec. 30, 2014) available at: http://www.accessdata.fda.gov/cms_ia/importalert_27.html.

¹⁰ Letter from Rep. Rosa DeLauro (CT) to the U.S. Trade Representative (Sept. 7, 2011) available at: http://delauro.house.gov/index.php?option=com_content&view=article&id=406:-delauro-food-safety-critical-issue-in-upcoming-trade-talks&catid=7:2011-press-releases&Itemid=23.

¹¹ Laura Seaman, *Stanford-led Study Says China's Aquaculture Sector Can Tip Balance in World Fish Supplies*, Stanford Report (Jan. 8, 2015), available at: <http://news.stanford.edu/news/2015/january/china-fish-farms-010815.html>.

shrimp industries, including China.¹² Accordingly, consistent with the Task Force’s overriding interest in encouraging the “sustainable management of the world’s fisheries,” the U.S. Trade Representative, and the Secretaries of State and Commerce should be directed to pursue international commitments to eliminate fishing and aquaculture subsidies by 2020.

Benefits like increased access to the U.S. market are one of the key leveraging tools essential to convincing foreign government partners to enhance efforts to combat IUU fishing and seafood fraud. As the Secretary of State seeks to implement **Recommendation 7** – gaining the support of senior officials in priority countries to enhance political will for combatting IUU fishing and seafood fraud – our trading arrangements with these priority countries will be vital to such efforts. At the same time, extending a benefit like increased U.S. market access to countries that have not shown a commitment to combatting IUU fishing and seafood fraud fatally undermines assertions that this is, in fact, an issue of importance to the United States.

Recommendation 8, regarding coordination between various agencies to develop a strategy (with implementation deadlines) to optimize the collection, sharing, and analysis of information and resources to prevent IUU fishing or fraudulently labeled seafood from entering U.S. commerce, is of particular interest to SSA. Our work addressing fraudulent shrimp trade has required coordination with various federal agencies on an *ad hoc* basis depending on the specific issue presented. For the most part, these experiences have been positive, reflecting the shared commitment of disparate federal authorities to root out seafood fraud. SSA draws the Task Force’s attention to two particular matters that provide immediate opportunities to increase federal capacity to combat IUU fishing and seafood fraud.

First, all imports of shrimp and shrimp products into the United States must be accompanied by a completed U.S. Department of State “Shrimp Exporter’s/Importer’s Declaration,” DS-2031 with information regarding the nation of harvest, the aquaculture facility (if applicable) where the shrimp was raised, the manner in which the wild shrimp was harvested (if applicable) the exporter, and the U.S. importer/ultimate consignee, all certified by a foreign government official. Despite the fact that the U.S. government is currently collecting information that would be highly pertinent to addressing IUU fishing and seafood fraud with respect to shrimp trade, this information does not appear to be compiled and disseminated – even in summary fashion. Federal agencies working to prevent IUU fishing or fraudulently labeled shrimp from entering U.S. commerce would benefit tremendously from the compilation and dissemination of data obtained through DS-2031. At an absolute minimum, information from DS-2031 provides an

¹² U.S. Department of Commerce, *Certain Frozen Warmwater Shrimp from the People’s Republic of China: Final Affirmative Countervailing Duty Determination*, 78 Fed. Reg. 50,391 (Aug. 19, 2013); U.S. Department of Commerce, *Certain Frozen Warmwater Shrimp from Ecuador: Final Affirmative Countervailing Duty Determination*, 78 Fed. Reg. 50,389 (Aug. 19, 2013); U.S. Department of Commerce, *Certain Frozen Warmwater Shrimp from India: Final Affirmative Countervailing Duty Determination*, 78 Fed. Reg. 50,385 (Aug. 19, 2013); U.S. Department of Commerce, *Certain Frozen Warmwater Shrimp from Malaysia: Final Affirmative Countervailing Duty Determination*, 78 Fed. Reg. 50,381 (Aug. 19, 2013); and U.S. Department of Commerce, *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination*, 78 Fed. Reg. 50,387 (Aug. 19, 2013).

invaluable risk analysis tool that would facilitate the identification and targeting of potential patterns in fraudulent trade.

Second, despite the remarkable efforts of the Environment and Natural Resources Division of the U.S. Department of Justice, (a) the willingness of individual U.S. Attorney offices to take on cases involving IUU fishing and seafood fraud appears to vary significantly from District to District and (b) even when a U.S. Attorney commits scarce resources into developing and prosecuting a case related to IUU fishing or seafood fraud, federal courts have, at times, downplayed the significance of the criminal activity involved. These challenges are likely the result of a lack of understanding of the gravity of the threat posed by IUU fishing and seafood fraud. Countering the continued misconception that IUU fishing and seafood fraud are merely victimless economic crimes within federal agencies and the federal courts should be one of the principal strategic objectives of coordination between federal agencies.

With regard to **Recommendation 9**, related to Customs Mutual Assistance Agreements (CMAAs), the utility of such Agreements to effectively counteract IUU fishing and seafood fraud is not obvious. According to U.S. Customs and Border Protection (CBP), the U.S. has a CMAA with Malaysia.¹³ Nevertheless, as described in detail above, Malaysia has a checkered history of acting as conduit for the falsification of origin of seafood products, as well as other merchandise, and has declined to cooperate with CBP in addressing fraud in the trade of shrimp. To the extent that CMAAs “allow for the exchange of information, intelligence, and documents,” stakeholders would better understand the utility of CMAAs if CBP were to provide descriptions of how such agreements have been used to combat IUU fishing and seafood fraud. Moreover, should CBP believe that CMAAs do, in fact, enhance capacity to prevent fraudulent seafood trade, such agreements should be a prerequisite for further negotiations with countries involved in the proposed TPP, particularly Vietnam and Brunei Darussalam.

Recommendation 10 presents two discrete questions: (1) “What seafood products could benefit most from clarification of species, common name and rules of origin?”; and (2) What revisions to the tariff codes (at the level that can be adjusted for U.S. statistics) could help address seafood fraud and facilitate monitoring of species that may be harvested in IUU fishing?” Domestic wild-caught shrimp are of species distinct from imported aquacultured shrimp. The vast majority of warmwater shrimp landed in the United States is *Litopenaeus setiferus* (white shrimp) and *Farfantepenaeus aztecus* (brown shrimp).¹⁴ In contrast, the vast majority of farmed shrimp is either *Litopenaeus vannamei* (white shrimp) or *Penaeus monodon* (giant tiger prawn).¹⁵ The differences in species between wild-caught domestic species and those of farmed imports provide a basis for distinguishing between these shrimp products in

¹³ U.S. Customs and Border Protection, *Customs Mutual Assistance Agreements (CMAA)*, available at: <http://www.cbp.gov/border-security/international-initiatives/international-agreements/cmaa>.

¹⁴ There are several other warmwater species landed commercially in U.S. waters, including *Farfantepenaeus duorarum* (pink shrimp), *Sicyonia brevirostris* (rock shrimp), *Xiphopenaeus kroyeri* (seabobs), and *Pleoticus robustus* (Royal Red shrimp).

¹⁵ Likely due to escapes from attempts to develop U.S. aquaculture, giant tiger prawn are increasingly found in the waters of the South Atlantic and the Gulf of Mexico. In result, a small commercial fishery for this species is developing.

the marketplace. Indeed, species indicators underlie a recent, highly-publicized investigation into the misrepresentation of shrimp in the U.S. market.¹⁶

The marketing of shrimp at the restaurant and retail level lends itself to misrepresentation, if not outright fraud. Few consumers appreciate the differences between wild-caught white shrimp (*Litopenaeus setiferus*), on the one hand, and farmed white shrimp (*Litopenaeus vannamei*), on the other. Consumers are often presented with “Gulf shrimp” as menu options that, in fact, refer to farmed shrimp. Clarification of the species designations of shrimp through common names would provide substantial benefits to consumers and, further, to efforts to prevent fraud in the trade of shrimp.

In 2012, revisions to the Harmonized Tariff Schedule of the United States (HTSUS) took place such that shrimp imports that had formerly been imported under the eight-digit HTSUS code 0306.13.00 were split out between 0306.16.00 and 0306.17.00, with the former designating cold-water shrimp and prawns and the latter designating all other species. These revisions at the six-digit level have now introduced broad species distinctions (between cold-water and warm-water species) in the reporting of import statistics.

At the same time, the regulation of shrimp imports tends to distinguish between imports based on the manner that they have been harvested. As a general matter, the U.S. Department of Agriculture’s Country of Origin Labeling requirements (7 C.F.R. § 60.300) requires information to be provided to consumers regarding the method of production (wild and/or farm-raised) of seafood products. The FDA issues Import Alerts that apply specifically only to aqua-cultured seafood – specifically, Import Alerts 16-124 and 16-131. As noted above, the U.S. State Department’s DS-2031 requires different information based on whether the shrimp imported was wild-caught or farmed. Between March 2010 and October 2010, the U.S. State Department withdrew Mexico’s Turtle Excluder Device (TED) program’s certification,¹⁷ meaning that wild-caught shrimp from Mexico was banned from importation,¹⁸ while shrimp produced from aquaculture in Mexico was unaffected. Recently, the U.S. Department of Justice and several NGOs reached a settlement in litigation initiated at the U.S. Court of International Trade that will result in the federal government to consider adopting regulations implementing import restrictions under the Marine Mammal Protection Act that would potentially impact imports of shrimp harvested through Mexico’s gillnet fishery.¹⁹ Regulations peculiar to farmed shrimp imports invite shippers and importers to mischaracterize such shrimp as wild-caught. Regulations peculiar to wild-caught shrimp incentivize mischaracterizations of shrimp as farmed. Accordingly, revisions to the HTSUS to distinguish between wild-caught and farm-

¹⁶ Oceana, *Shrimp: Oceana Reveals Misrepresentation of America’s Favorite Seafood* (Oct. 2014), available at: <http://oceana.org/en/news-media/publications/reports/shrimpfraud>.

¹⁷ U.S. Customs and Border Protection, *Updated Information on Imports of Wild-Harvest Shrimp from Mexico* available at: <http://www.cbp.gov/trade/priority-issues/import-safety/initiatives/mexico-shrimp>.

¹⁸ U.S. Department of State, *U.S. Withdraws Mexican Shrimp Importation Certification under Sea Turtle Protection Law* (Mar. 25, 2010) available at: <http://www.state.gov/r/pa/prs/ps/2010/03/139081.htm>.

¹⁹ *Feds Agree to Seafood Import Rules Aimed at Protecting Whales, Dolphins*, The Wisconsin Gazette (Jan. 7, 2015) available at: <http://www.wisconsin Gazette.com/environment/feds-agree-to-seafood-import-rules-aimed-at-protecting-whales-dolphins.html>.

raised shrimp imports would “address seafood fraud and facilitate monitoring of species that may be harvested in IUU fishing.”

With regard to **Recommendation 11**, although the primary objective of the Task Force should be the prevention of seafood products obtained through IUU fishing or fraud from entering the U.S. market, if such merchandise *has* entered the stream of commerce, then state and local authorities substantially enhance capacity. As the Task Force correctly observes, restaurant and retail facilities “are largely regulated by state and local authorities. Moreover, state and local authorities generally serve as the principal points of contact for consumers and businesses most directly impacted by fraud. Moreover, certain common forms of seafood fraud, such as short-weighting, have been largely ignored at the federal level, with enforcement left almost entirely to state and local authorities. The Task Force asks “How can Federal enforcement agencies expand information sharing with state and local enforcement authorities?” In response, SSA submits that it is vital for the federal government to collect data and disseminate information regarding enforcement activities undertaken by the state and local authorities. Recognizing the work of state and local authorities should encourage greater cooperation between these government agencies, creating more opportunities for information sharing.

Recommendation 12 discusses the potential need to broaden enforcement authority of federal agencies through Congressional action in order to effectively combat IUU fishing and seafood fraud. Because there is a significant and pressing need to augment the enforcement authority of CBP, SSA has expressed strong support for the “Preventing Recurring Trade Evasion and Circumvention Act” developed by Rep. Charles Boustany (LA) and, more broadly, the “Customs Trade Facilitation and Enforcement Act of 2012” introduced by Rep. Kevin Brady (TX).²⁰ These legislative proposals, among other things, provide CBP with the authority to (1) strengthen internal controls over “new importers” (often shell companies); (2) develop and establish a certified importer program to reward importers that demonstrate compliance with U.S. laws; (3) create a Trade Remedy Law Enforcement Division; (4) issue questionnaires to collect information regarding suspected evasion of trade laws (and make adverse inferences based upon refusals to provide information); (5) increase sharing of confidential business information with the Department of Commerce and the U.S. International Trade Commission; and (6) use significantly more information currently collected by CBP for purposes of commercial targeting and risk analysis. The importance of these proposed enhancements has not diminished with time; indeed, they have become even more urgent. Accordingly, the Task Force should work with Congress to ensure the enactment of these measures.

With respect to **Recommendation 13**, given the magnitude of both US shrimp production and shrimp trade, as well as the scope of known fraudulent activities associated with shrimp imports, SSA would be pleased to take part in an ongoing formal process to enhance the collaboration within the industry sectors and with government agencies in combating IUU fishing and seafood fraud. While SSA contributes to the efforts of various agencies to

²⁰ Southern Shrimp Alliance, *Rep. Boustany Shepherds PROTECT Act into Ways & Means Bill, Furthers Efforts to Help Shrimpers* (Dec. 7, 2012) available at: <http://www.shrimpalliance.com/rep-boustany-shepherds-protect-act-into-ways-means-bill-furthers-efforts-to-help-shrimpers/>.

investigate and prosecute fraudulent activities in an ad hoc, informal process, SSA has always believed that a great deal more information exchange between the industry and the agencies could be achieved and that this would substantially enhance investigative and prosecutorial efforts. Further, the Task Force might consider creating new or enhancing existing incentives for integrating industry sources of information into federal investigations of seafood fraud.

The Task Force's proposed development and establishment of a comprehensive risk-based traceability program under **Recommendations 14 and 15** appears fundamental to the Task Force's charge as articulated by the President. It is difficult to imagine how the Task Force participating agencies can achieve most of its objectives and Recommendations absent an "information system that better facilitates data collection, sharing, and analysis among relevant regulators and enforcement authorities". Similarly, such a system would substantially empower US consumers to make informed choices about their seafood consumption which itself represents an important component of combating IUU fishing and fraud.

Over the next 6 months the Task Force will be soliciting information from the industry regarding what types of information should be included in such a traceability system. An important if not obvious consideration here is that the types of information and, indeed, the traceability program itself will vary widely among seafood products. It would likely not be as important for enforcement agencies or the consumer to know the name of the shrimp vessel(s) that harvested a particular lot of imported shrimp as it might be with respect to a shipment of swordfish or tuna caught by a large scale pelagic longline vessel operating on the high-seas. That said, it probably would be very important to know the name and other information of any shrimp aquaculture facility. In each case and for each seafood product, the traceability system – including what types of information is included – must be evaluated in terms of what the risks and objectives are. Clearly in this respect, one size will not fit all. Perhaps this might be most aptly described as a traceability regime rather than a program. With all this in mind, SSA looks forward to working with the Task Force over the next 6 months to help identify what types of information would be most useful for a traceability system for both imported and domestic shrimp.

Perhaps even more critical to this effort is the need for the Task Force to much more fully develop the "operational standards" referenced in these Recommendations. It will be necessary to identify if not develop the marking technologies needed to carry this information on seafood products and the software technologies needed to communicate and analyze this information in ways that are not only useful to enforcement personnel and consumers, but are reasonably user-friendly to those in the trade. This speaks to the obvious need for the information to be in digital form and the system to be electronic.

While the software technologies may be fairly similar across the board for many seafood products, it is easy to see that the marking technologies – seals, labels, tags, etc. – will vary tremendously with the wide range of seafood product forms in the market. Further, if they are to reliably support the objectives of a traceability system, these marking technologies will need to be sufficiently secure and resistant to both tampering and counterfeiting. Probably the

same can be said about the software technologies as well. While these technologies exist, they will need to be tailored to each seafood product form and to the information types to be included in each traceability system. As with the identification of the types of information that should be included for each industry and product form, the identification and tailoring of the marking and software technologies must also be accomplished in close consultation with those in the trade. Again, SSA looks forward to working with the Task Force on this critical aspect of its work.

Finally, while SSA believes that a traceability system for shrimp holds great promise to address such pernicious problems as shrimp antidumping duty evasion, FDA Import Alert circumvention, product substitution and short weighting, SSA is concerned that this system not end up hobbling our domestic industry with redundant, unnecessary requirements that may hinder legitimate commerce more than they combat IUU fishing or seafood fraud. In many respects, the US standard for resource conservation and business integrity is unparalleled and that should be the standard to which other nations are held if they want to enjoy access to our seafood market – the largest in the world. In this sense, the design of a traceability system for any given seafood product will need to be a process of balancing competing objectives that must in the final analysis protect the viability of legitimate, law-abiding seafood businesses.