

Congress of the United States
Washington, DC 20515

December 7, 2022

The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

The Honorable Richard Spinrad, Ph.D.
Under Secretary for Oceans and Atmosphere
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Secretary Raimondo and Under Secretary Spinrad:

We write to express our views regarding two proposed rulemakings by the National Oceanic and Atmospheric Administration (NOAA) that could significantly strengthen the ability of the United States to combat illegal, unregulated, and unreported (IUU) fishing and forced labor in global seafood supply chains.

These two proposed rules have the potential to improve the transparency and traceability of our seafood supply chains and protect American consumers and fishers. In July, NOAA issued a proposed rule that would expand the definition of IUU fishing to include forced labor, along with other important changes, which would allow more instances of IUU fishing to be identified and for the U.S. to take action.¹ Additionally, as directed by President Biden's June 2022 National Security Memorandum calling for action on IUU fishing and associated labor abuses, NOAA will issue a proposed rule to strengthen and expand the Seafood Import Monitoring Program (SIMP) by the end of the year.²

IUU fishing occurs on the high seas and in Exclusive Economic Zones (EEZs) across the globe and threatens marine ecosystems, fisheries' health, livelihoods of honest fishers, national security, and global food security. The impacts of IUU fishing extend far beyond the environment. On the high seas where accountability is lacking, IUU fishing is often connected to human trafficking and forced labor. Lack of oversight and enforcement in the global seafood sector has fostered human rights and labor abuses at sea, where crew members remain on vessels for prolonged periods of time, subjected to debt bondage, inhumane working conditions and severe abuse. Forced labor is also found in seafood processing facilities in a number of countries.

As the world's largest seafood importing country, the United States has the purchasing power and the responsibility to combat IUU fishing and human rights abuses in the fishing industry. A 2021 report by the U.S. International Trade Commission estimated that the United States imported \$2.4 billion worth of seafood imports derived from IUU fishing in 2019.³ The seafood

¹ NOAA, "Implementation of Provisions of the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 and the Ensuring Access to Pacific Fisheries Act" 87 FR 40763 (July 8, 2022).

² Memorandum on Combating Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses, June 27, 2022, section 5(a), <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/27/memorandum-on-combating-illegal-unreported-and-unregulated-fishing-and-associated-labor-abuses/>

³ U.S. International Trade Commission, . *Seafood Obtained via Illegal, Unreported, and Unregulated Fishing: U.S. Imports and Economic Impact on U.S. Commercial Fisheries* (Feb. 2021). <https://www.usitc.gov/publications/332/pub5168.pdf>

supply chain is opaque, with seafood often traveling a complex path from the fishing vessel to the end consumer. This lack of visibility and traceability allows illegally sourced or mislabeled products to enter the legal supply chain. Requiring transparency and traceability at every step of the seafood supply chain provides NOAA and Customs and Border Protection with important tools toward combatting these problems.

To effectively fight IUU fishing and human rights abuses at sea, NOAA must update its definition of IUU fishing to be comprehensive and consistent with the definition in the Food and Agriculture Organization's international plan to eliminate IUU fishing,⁴ as directed by Congress on multiple occasions. We strongly support the inclusion of forced labor and other human rights violations in the proposed definition. However, we are concerned that the proposed definition only includes the use of forced labor in "waters beyond any national jurisdiction." As forced labor in the seafood sector is widespread and occurs in the EEZs of many nations,⁵ the expanded definition of IUU fishing should include forced labor regardless of where in the ocean the offenses are occurring.

We are also concerned that the proposed IUU definition retains a problematic limitation that omits identification of IUU fishing in areas covered by international fishery management agreements—when the United States is not a party to the agreement. If the proposed definition continues to be limited in this manner, then the United States will continue to ignore IUU activities in nearly 50% of the world's Regional Fisheries Management Organizations (RFMOs). The proposed definition should be expanded to apply to all IUU fishing, regardless of where it occurs.

The other important and complementary tool to combat IUU fishing is NOAA's SIMP. We look forward to NOAA's imminent proposal to expand SIMP. Currently, SIMP only requires catch documentation and traceability for *some* imported seafood at risk of IUU fishing and seafood fraud to the point where it enters US commerce. From the outset, SIMP's intent was to expand this program to *all* seafood.⁶ However, as of today, SIMP still applies to only 13 species and species groups, which account for only approximately 40% of seafood imports. The National Security Memorandum states that the rulemaking will expand SIMP "to include additional species and species groups, as appropriate."⁷ Without catch documentation and traceability requirements for all seafood, IUU-derived and fraudulently labeled products continue to enter our markets. NOAA's proposed rule must also include a timeline to expand SIMP to all species.

Furthermore, we recommend that NOAA consult with key agencies on these proposed rules to improve efficacy and further promote transparency through a whole-of-government approach. The expansion and strengthening of SIMP should be aligned with other tracing and transparency rules for the seafood supply chain, including the food traceability proposed rule that the Food and Drug Administration is currently finalizing.⁷ To better identify the use of forced labor in

⁴ International Plan to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Food and Agriculture Organization of the United Nations (FAO), Rome, 2001, p. 2-3.
<chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://www.fao.org/3/y1224e/Y1224E.pdf>

⁵ U.S. International Trade Commission (Feb. 2021) <https://www.usitc.gov/publications/332/pub5168.pdf>

⁶ Presidential Task Force (2015) Presidential Task Force on Combating IUU Fishing and Seafood Fraud. 44p.

⁷ U.S. Food & Drug Administration, "FSMA Proposed Rule for Food Traceability" 85 FR 59984 (Jan. 21, 2021).

fisheries, we recommend stronger collaboration with Customs and Border Protection, the Department of Labor's Bureau of International Affairs, the Department of State's Trafficking in Persons office, and other relevant Federal agencies.

Thank you for your consideration of our comments. Seafood fraud and illegal fishing are significant threats to the health of our oceans and to human rights. With more than a billion people worldwide depending on seafood for nutritional and economic benefits, responsibly managed fisheries are critical to the health of the oceans and the health of those that depend on them. Transparency at sea and traceability of seafood are essential to monitor fishing, identify suspicious activities, eliminate illegal fishing, reduce human rights violations, and restore healthy fisheries. The first step to achieving these goals is to improve our existing programs by strengthening the definition of IUU fishing and making SIMP as comprehensive and effective as possible. We appreciate your partnership in combatting these issues.

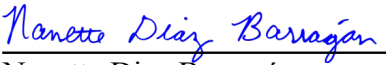
Sincerely,



Jared Huffman
Member of Congress



Alan S. Lowenthal
Member of Congress



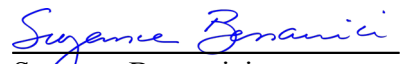
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