

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden:

Thank you for issuing the National Security Memorandum on Combating Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses (NSM-11) in June 2022. We applaud you for recognizing the need for increased cooperation among federal agencies to address the problem effectively. **We request that the Executive Office of the President take charge of the review of the Seafood Import Monitoring Program (SIMP) recently initiated by the National Oceanic and Atmospheric Administration (NOAA).**

Your national security memorandum directed government agencies to “use the full range of existing conservation, labor, trade, economic, diplomatic, law enforcement, and national security authorities” to address the problem of IUU fishing and associated labor abuses, but little has been done to accomplish this goal since you issued NSM-11. In fact, NOAA’s recent decision to withdraw the proposed rule to strengthen and expand SIMP has raised concerns about the agency’s commitment to advancing policies needed to effectively address these dire problems.

Seafood is an integral part of a healthy diet and serves as an important source of protein and nutrients for millions of people across the globe every day. In the U.S., up to 85% of the seafood we consume is imported. In 2022, the U.S. imported 3.4 billion kilograms of seafood worth more than \$30.4 billion dollars. Because seafood is a globally traded commodity, the supply chain for many species imported into the U.S. is long, complex and non-transparent, passing through many hands and borders before reaching the final consumer. It is widely accepted that the longer and more complex the supply chain is, the greater the risk of seafood fraud and other illegal activities. Without proper documentation, tracking, and enforcement, illegal products can slip into the supply chain at any step, whether the offender is a fishermen, processor, distributor, retailer, or restaurant.

In 2014 the White House released a Presidential Memorandum, “Establishing a Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud,” recognizing that “[IUU] fishing continues to undermine the economic and environmental sustainability of fisheries and fish stocks, both in the United States and around the world,” and stating that “it is in the national interest of the United States to promote a framework that supports sustainable fishing practices and combats seafood fraud and the sale of IUU fishing products” by developing and implementing a traceability program “that can combat IUU fishing and seafood fraud.”

The memorandum established the Presidential Task Force on Combatting Illegal, Unreported, and Unregulated Fishing and Seafood Fraud that was co-chaired by the Departments of State and Commerce and closely overseen by the White House. The Task Force was required to identify existing regulatory authorities as well as make recommendations for additional authorities that might be needed; identify enforcement best practices and challenges. As part of this process, the Task Force was also directed to identify potential benefits of such a framework; the potential burdens on industry; opportunities to address these issues at the international, regional, and bilateral levels; priority actions for the various agencies and strengthening inter-agency coordination; and current industry approaches to combatting

IUU fishing and seafood fraud. To ensure a comprehensive engagement process with all stakeholders, the Task Force coordinated with other task forces and consulted with state, local, tribal, and regional governing bodies as well as the private sector, NGOs, and academia. This process included input from 32 countries, two public meetings, two webinars, and seven public comment periods noticed in the Federal Register.

The Task Force produced an action plan, including the rulemaking process that established the Seafood Import Monitoring Program (SIMP) to trace imported seafood from the boat or farm to where it enters U.S. commerce at the U.S. border. This import control program requires that some imported seafood at risk of IUU fishing or seafood fraud be accompanied by catch documentation indicating who caught the fish, where and when it was caught, and other details to demonstrate that it was sourced from a legal fishery. The intent of the Task Force's traceability recommendations and SIMP was always to expand SIMP to all imported seafood, and to proactively stop illegal products before they enter U.S. commerce. However, the current program only applies to 13 species and species groups, less than 45% of U.S. seafood imports. More than eight years have passed since NOAA issued the final regulations to create SIMP, yet NOAA has left the program to flounder by failing to implement it effectively nor expand the number of species subject to catch documentation and traceability.

NOAA issued a proposed rule in 2022 to expand and improve the SIMP but recently withdrew the rule and instead is undertaking a comprehensive review of the program. With NOAA's continued missteps in implementation and lack of vision for the program, we are concerned that NOAA's review may fail to achieve the original vision of effective traceability of all imported seafood or may even weaken the program. Since withdrawing the proposed SIMP rule, NOAA has failed to provide our organizations and the greater public information about the process, timelines or objectives for reviewing SIMP. Despite repeated attempts to clarify what this review will entail and requests for a formal structure, a timeline for completion, and which stakeholders and federal agencies will be directly engaged in the process, we have received vague answers or none at all.

To combat the problem of IUU fishing and human rights abuses at sea, we ask for President Biden's leadership. We ask the Executive Office of the President to drive the interagency review process to ensure the review of SIMP is fair and balanced with clear goals, objectives and deadlines to issue new regulations by October 1, 2024. White House leadership was critical in 2014 and is essential to make more progress now. We urge you to initiate a fully transparent process that includes ALL stakeholders and the agencies that helped create SIMP.

Support for combatting IUU fishing and human rights abuses remains a strong bi-partisan issue. This support is driven by concern for domestic fisheries, concern about corrupt labor practices in seafood supply chains. In 2017, members of the fishing industry representing seafood importers challenged the regulations that established SIMP. The Department of Justice under President Trump strongly defended the regulations, and the program withstood this legal challenge. Multiple Congresses have increased funding for the program's implementation and have indicated strong support for strengthening the program in report language.

The past two U.S. presidents and their administrations have claimed that combating IUU fishing was a major priority. We urge you to build on current initiatives to combat IUU fishing and put a stop to illegal fishing and human rights abuses as soon as possible. Progress on seafood traceability will require that the White House lead the review of SIMP. Now is the time to ensure that all seafood sold in the U.S. is safe, legally caught, and honestly labeled.

Sincerely,

- 1) Oceana
- 2) World Wildlife Fund
- 3) Greenpeace USA
- 4) Creation Justice Ministries
- 5) Azul
- 6) The International Corporate Accountability Roundtable
- 7) Oxfam
- 8) Conservation International
- 9) Taproot Earth
- 10) Remineralize the Earth
- 11) Climate Crisis Policy
- 12) The Earth Bill

