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U.S. DEPARTMENT OF COMMERCE**

**HEARING ON
IUU FISHING AND MARITIME SECURITY**

**BEFORE THE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD
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Introduction

Good morning, Chairman Sullivan, Ranking Member Baldwin, and Members of the Subcommittee. My name is Paul Doremus and I am the Deputy Assistant Administrator for Operations within the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) in the Department of Commerce. Today, I will describe the agency's work to combat illegal, unreported, and unregulated (IUU) fishing and seafood fraud as well as the nexus between our work and maritime security. 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.

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. Entities that engage in IUU fishing circumvent conservation and management measures and avoid the operational costs associated with sustainable fishing practices. IUU fishing also undermines the reputation of legitimate fishing and seafood operations and the consumer confidence on which they rely. Because the United States imports more than 90 percent of its seafood, NMFS works to ensure that this high demand for imported seafood does not create incentives for illegal fishing activity. Some countries are overwhelmed by the increasing demand for their fisheries products, while many lack the necessary management and/or enforcement capacity to sustainably manage their marine resources. Furthermore, the way other countries manage our shared marine resources can directly affect the status of fish stocks of importance to the United States. Thus, the United States has a critical role in promoting the consumption of sustainable and legally caught seafood.

IUU Fishing and Seafood Fraud – Definitions and Clarifications

IUU fishing encompasses a wide range of activities. In general, illegal fishing refers to fishing activities conducted in contravention of applicable laws and regulations, including those adopted at the regional and international level. Unreported fishing refers to 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 regional fisheries management organization (RFMO). 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 the management area of a RFMO 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.

In general terms, seafood fraud is “the act of defrauding buyers of seafood for economic gain.” Seafood fraud occurs in a variety of different ways—from intentional mislabeling and species substitution, to falsifying trade documentation, to short-weighting product (charging consumers more for less product). Regardless of the manner in which the fraud occurs, seafood fraud is illegal, undermines confidence in the marketplace, and can have serious negative consequences for fisheries resources, fishermen, the seafood industry and consumers. IUU fishing and seafood fraud can overlap when the origin or species of a seafood product is fraudulently labeled in an effort to conceal IUU fishing activity, such as hiding that it is a protected species or that it was harvested illegally from a protected area.

Current Scope of Our Work

Fourteen federal agencies have a role in implementing U.S. actions to combat IUU fishing and seafood fraud, both domestically and internationally. Interagency coordination on these efforts has been managed through an interagency working group on IUU Fishing and Seafood Fraud, co-chaired by NOAA and the State Department. The working group coordinates the implementation of a suite of actions to improve international tools to combat IUU fishing, strengthen enforcement cooperation both domestically and internationally, enhance partnerships with industry and other stakeholders, and implement a risk-based traceability program for seafood entering U.S. commerce.

The National Security Council identified combating IUU fishing as one of this Administration’s international environmental priorities, under the Combating Conservation Crimes initiative. The initiative calls for NOAA to promote adoption and implementation of global and regional counter-IUU fishing measures, support the provision of technical assistance to developing States, strengthen interagency collaboration to combat IUU fishing, implement the Seafood Import Monitoring Program, and accelerate the development and use of innovative technologies to detect and deter IUU fishing.

In fulfillment of this Administration’s initiative to combat IUU fishing, NOAA engages in international cooperation and assistance, with particular emphasis on providing training to

strengthen efforts to combat IUU fishing and trafficking of IUU fish products. These activities promote and enhance maritime security through increased monitoring, control, and surveillance of fishing activities. NOAA, in partnerships with the U.S. Agency for International Development (USAID), State Department Bureau of International Narcotics and Law Enforcement Affairs, U.S. Naval Forces Africa, and the Food and Agriculture Organization of the United Nations, has been engaged in capacity building initiatives around the globe, including Africa, Southeast Asia, Latin America and the Caribbean. Since 2008, the U.S. Coast Guard and NOAA, in partnership with the State Department and USAID have conducted numerous workshops across Southeast Asia on combating IUU fishing and implementing fisheries law enforcement best practices. Since 2013, NOAA has also collaborated in efforts to train African fisheries management and enforcement officials, as well as prosecutors. The purpose of these workshops is not only to strengthen fisheries enforcement and prosecution, but to promote interagency cooperation and regional coordination.

In June 2016, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) entered force. The United States supports successful international implementation of the PSMA because assisting nations with the implementation of the PSMA will, ideally, reduce the level of IUU fish products being landed and exported from nations around the world. Thus, the NOAA Office of Law Enforcement (OLE) developed an international training program for providing technical assistance to its global partners. OLE's Port State Measures Inspector Training Program curriculum focuses on the operational aspects of implementing the PSMA with emphasis on roles and responsibilities of PSMA inspectors, methods to detect IUU fishing activity and the ability to conduct thorough fisheries inspections of foreign-flagged fishing and fishing-support vessels that enter global ports. Likewise, by working to increase awareness and competence of global law enforcement partners to combat IUU fishing and crimes related to IUU fishing (such as human trafficking, documentation fraud, and trafficking in protected fish and wildlife), NOAA seeks to prevent illegal fishing and related activities at the source before the fish and seafood resulting from these activities enter global commerce.

NOAA also works to combat IUU fishing pursuant to its domestic authorities. The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSA), which amended the High Seas Driftnet Fishing Moratorium Protection Act, requires NOAA to identify countries in a biennial report to Congress whose fishing vessels engage in IUU fishing activities. Once NOAA identifies such a nation, we consult with them to encourage appropriate corrective action. If the nation does not take appropriate action, it receives a negative certification, and the nation may be prohibited from importing certain fisheries products into the United States. Since the Act's reauthorization, NOAA has consulted with France, Italy, Libya, Panama, People's Republic of China, Tunisia, Colombia, Ecuador, Portugal, Venezuela, Ghana, Republic of Korea, Mexico, Nicaragua, Nigeria, and the Russian Federation to resolve IUU fisheries issues as required by the Act. In accordance with the Act, every two years NOAA reports to Congress the details of these consultations and other efforts to improve international fisheries governance.

Finally, the United States is also a leader within RFMOs on regional issues related to monitoring, control, and surveillance and efforts to combat IUU fishing, working closely with countries around the world to develop strong enforcement tools and effective conservation and management measures. NOAA provides policy guidance and technical expertise in the development of these tools and measures. NOAA also supports groups working to counter IUU fishing under the framework of existing RFMOs and regional fishery management arrangements, such as the International Commission for the Conservation of Atlantic Tunas and the Western Central Atlantic Fishery Commission. To help advance these efforts, support has been provided for the development of traceability tools and technologies to improve monitoring, control, and surveillance in hot spot regions. To illustrate, grants have been awarded to partners with the aim of improving traceability tools, developing technologies such as mobile software applications to bridge information gaps, and conducting studies to improve knowledge of the international trade and commerce of protected species.

Addressing Seafood Fraud

The Food and Drug Administration (FDA) is the competent authority to address seafood fraud practices through improper labeling and other statements or claims on the label that may mislead the customer once the product enters into U.S. commerce. NOAA's Seafood Inspection Program assists the FDA in administering its authorities under a Memorandum of Understanding with that agency. For example, when seafood products are presented for inspection, identification of mislabeling (to include low net weights, species identification, product integrity and country of origin) is included in the scope of the inspection, when practical. Violations are either corrected through the Seafood Inspection Program's work or referred to the FDA or applicable state authorities for review and final disposition.

Seafood Import Monitoring Program

The Seafood Import Monitoring Program (SIMP) establishes, for imports of certain seafood products, the reporting and recordkeeping requirements needed to prevent IUU fish and fish products or misrepresented seafood from entering U.S. commerce. Thus, the SIMP provides additional protections for our national economy, global food security and the sustainability of our shared ocean resources. It helps to level the playing field for fishermen and seafood producers around the world who play by the rules. This is a risk-based traceability program—requiring the importer of record to report key data and to retain records that allow for tracking of the product from the point of harvest to the point of entry into U.S. commerce. These requirements, which apply to imports of 13 species and species groups identified as particularly vulnerable to IUU fishing or seafood fraud, went into effect January 1, 2018. Compliance for shrimp and abalone was stayed, however, until a comparable traceability program for domestic aquaculture could be established. Per direction of the 2018 Appropriations Act, shrimp and abalone must comply with SIMP's requirements by December 31, 2018. We will require foreign shrimp and abalone seafood products to be accompanied by harvest and landing data and chain of custody records when entering the United States. NOAA is establishing an analogous domestic program for reporting on shrimp and abalone aquaculture to include these species in SIMP. NOAA also anticipates finalizing a Commerce Trusted Trader Program in the coming months, which will offer streamlined reporting and recordkeeping requirements for U.S. importers who elect to

implement robust internal traceability and auditing measures that meet the counter-IUU fishing and seafood fraud objectives of the SIMP. In addition to the SIMP, NOAA has implemented a number of international catch documentation and trade tracking programs designed to prevent illegal trade of seafood products moving in trade. These include programs for tunas, swordfish, and Patagonian toothfish.

Enforcement Authorities

Both the Department of Commerce and NOAA are strongly committed to preventing IUU fish and fish products as well as fraudulently labeled seafood from entering the United States. Most prohibitions and enforcement tools currently available to NOAA are focused on harvesting violations within federally-managed fisheries.

NOAA has begun exploring ways to improve enforcement. This analysis includes the areas described below:

- 1) Administrative Subpoena Authority - Administrative subpoena authority would increase NOAA's ability to get the information it needs to support investigations involving the importation of IUU fish or fish products including documents related to the storage, processing, packaging and transportation of fish. While many other agencies have Administrative Subpoena authority to assist in the investigation of suspected violations related to the safety and accurate labeling of a multitude of food items, no such equivalent authority exists for NOAA to do the same for most fish and fish products.
- 2) Data Sharing - The ability to share information (including with other governments and international organizations) is a critical element in combating IUU fishing.
- 3) Additional Prohibitions - To effectively address trafficking in IUU fish and fish products, NOAA needs clear prohibitions on the submission of false information related to shipments of fish (e.g., harvesting vessel, ocean area of catch, species).

Threat detection and evidence gathering

A number of entities, including non-governmental organizations, have been promoting the use of technology, including satellites and vessel transponders required for maritime safety (i.e., automatic identification system (AIS)), to identify areas of the ocean where suspected IUU activity is taking place. Some of NOAA's polar orbiting satellites have a Visible Infrared Imaging Radiometer Suite (VIIRS) capable of detecting the lights on the high seas which can be associated with fishing vessels. Using these data, a number of private-sector services now offer the ability to see where vessels are and believe this information could be helpful in ending IUU fishing.

Maritime domain awareness (MDA), which is the effective understanding of everything associated with the marine environment that can impact security, safety, the economy or the environment, has long been of keen interest to the United States. While NOAA has a significant interest in MDA, other agencies, like the U.S. Navy, share that interest and have a number of

systems that provide MDA. NOAA has worked directly with many of these agencies to focus these tools in the effort to identify and take action on IUU fishing.

However, knowing where fishing vessels are operating is really less than half of the problem. Additional information and evidence of illegal activity is required to bring an enforcement action which can be challenging to collect.

Conclusion

Combating IUU fishing is a priority for this Administration. As demonstrated in my testimony, NOAA is undertaking a variety of strong actions and initiatives to combat these activities to help level the playing field for U.S. industry, ensure public confidence in U.S. seafood, and promote maritime security globally.

I look forward to working with Members of the Subcommittee and your staff on the proposed legislation and actions needed to counter IUU fishing and enhance maritime security.

This concludes my testimony. Thank you again for the opportunity to testify before your Subcommittee today. I would be happy to answer any questions you may have.