

**Congress of the United States**  
**Washington, DC 20515**

March 27, 2023

The Honorable Gina M. Raimondo  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave NW  
Washington, DC 20230

Ms. Janet Coit  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Richard W. Spinrad, Ph.D.  
Under Secretary of Commerce for Oceans and Atmosphere  
1401 Constitution Ave NW  
Washington, DC 20230

Dear Secretary Raimondo, Under Secretary Spinrad, and Assistant Administrator Coit:

We write to express our concerns with the proposed rule to expand the Seafood Import Monitoring Program (SIMP), issued by the National Oceanic and Atmospheric Administration (NOAA) on December 28, 2022.<sup>1</sup> NOAA is responsible for ensuring that the United States has an effective seafood traceability program with import controls to help combat illegal, unreported, and unregulated (IUU) fishing—a top driver of harmful fishing practices and labor abuses around the globe. Unfortunately, the proposed rule fails to meet the need for a strong and expanded program that would leverage the full power of U.S. markets to deter both IUU fishing and forced labor in the seafood supply chain. We urge NOAA to issue a supplemental proposed rule that meets specific goals described further below.

As set forth in President Biden’s National Security Memorandum on Combating IUU Fishing and Associated Labor Abuses (NSM-11), it is the policy of the United States to “combat abuses and to strengthen incentives for ethical behavior in the global seafood industry, including by limiting the market for products derived from IUU fishing, forced labor, or other abusive labor practices.”<sup>2</sup> NSM-11 specifically directed agencies to “enhance interagency coordination and the use of existing tools and authorities to address the challenge of forced labor in the seafood supply chain,” and directed NOAA to initiate a rulemaking to strengthen and expand SIMP by the end of 2022. As you are also aware, the interagency Working Group on IUU Fishing’s National 5-Year

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<sup>1</sup> National Oceanic and Atmospheric Administration, Seafood Import Monitoring Program Proposed Rule, 87 Fed. Reg. 79,836 (Dec. 28, 2022), <https://www.federalregister.gov/documents/2022/12/28/2022-27741/magnuson-stevens-fishery-conservation-and-management-act-seafood-import-monitoring-program>

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

Strategy includes, as one of its primary goals, (Objective 3) to ensure that only legal, sustainable, and responsibly harvested seafood enters the U.S. market.<sup>3</sup>

The resulting proposed rule fails to address the Biden administration's directives as laid out in NSM- 11 and the 5-Year Strategy. Although it was the U.S. government's intent to develop a seafood traceability program that would eventually include all imported seafood,<sup>4</sup> SIMP currently only requires catch documentation and traceability for approximately 45% of seafood imports. The proposed rule would incorporate a short list of six species groups and two expanded groups, representing only a 5 – 10% increase in SIMP's coverage by volume. This leaves nearly half of the seafood imports without sufficient import controls. To choose these new additions, NMFS built on the original seven principles for identifying species at risk of IUU fishing and seafood fraud under SIMP, including risk of seafood fraud and reducing harm to the America fishing industry. However, NMFS fails to apply these selection criteria across all species, omitting numerous species that would seem to qualify, including high risk species groups such as pollock, blue crab, and salmon. Without catch documentation and traceability requirements for all seafood, IUU-derived and fraudulently labeled products continue to enter our markets.

Further, the proposed SIMP rule does not attempt any form of an integrated approach to combat IUU fishing and labor abuses. As you are aware, lack of oversight and enforcement in the global seafood sector enables 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 several countries. We hope you will agree that the SIMP proposed rule, if finalized in its current form, would be a significant missed opportunity for NOAA, in conjunction with Customs, the Department of Labor, and other agencies, to adequately address forced labor in the seafood sector and formally recognize forced labor as one of several overlapping risk criteria for IUU seafood imports.

The proposed rule also demonstrates a clear lack of transparency both in the rulemaking process and in the lack of interagency coordination and review. In previous communications, we have expressed the critical importance of NMFS's stronger collaboration with key agencies on proposed rules to improve efficacy and transparency through a whole-of-government approach. The proposed rule does neither.. Lastly, we note that due to new legislative mandates under the National Defense Authorization Act (NDAA) for Fiscal Year 2023, the proposed rule does not yet address Congress's intended changes for SIMP. These include a prohibition on SIMP aggregated harvest reports for imports of Northern red snapper, and targeted improvements to NMFS's SIMP audit procedures.<sup>5</sup>

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<sup>3</sup> Interagency Working Group on Illegal, Unreported, and Unregulated (IUU) Fishing, *National Strategy for Combating Illegal, Unreported, and Unregulated Fishing (2022-2026)*, [https://media.fisheries.noaa.gov/2022-10/2022\\_NationalStrategyReport\\_USIWGonIUUfishing.pdf](https://media.fisheries.noaa.gov/2022-10/2022_NationalStrategyReport_USIWGonIUUfishing.pdf).

<sup>4</sup> Presidential Task Force (2015) Presidential Task Force on Combating IUU Fishing and Seafood Fraud. 44p.

<sup>5</sup> James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117-263 (117th Congress)

Given all of these shortcomings, we urge you to issue revisions to the proposed SIMP rule that recognize the gravity of the IUU fishing crisis— which threatens marine ecosystems, workers’ rights, national security, and global food security —and more closely align with the goals of the NSM-11 and the 5-Year Strategy. This should include, at minimum, a timeline to expand SIMP to all species, and further consideration of the co-occurrence of IUU fishing and forced labor. The proposed rule should identify how NOAA will collaborate with other agencies in areas that fall out of its jurisdiction —or where NOAA has limited expertise or capacity—such as through the Department of Labor, U.S. Customs, and the Forced Labor Enforcement Task Force.

As both the Presidential IUU Task Force and Biden administration have recognized, a functional seafood traceability program is a critical tool to eliminating IUU fishing and associated human rights abuses. It is unclear why NMFS has resisted strengthening and expanding a program that will ultimately support their counter-IUU fishing efforts and help U.S. fishermen. The United States should join the ranks of other major markets, such as the E.U., in requiring traceability of all seafood imports.

The United States is the world’s largest seafood-importing country, and as such, we have both the purchasing power and the responsibility to combat IUU fishing and human rights abuses in the fishing industry. It’s time to improve our existing programs by making SIMP as comprehensive and effective as possible. The limited scope of the current proposed rule may prevent NOAA from addressing several key outstanding issues. A supplemental proposed rule with a stronger interagency and public review process is a step in the right direction. We appreciate your ongoing efforts to tackle these intertwined crises and look forward to discussing other ways to strengthen U.S. leadership on this topic.

Sincerely,



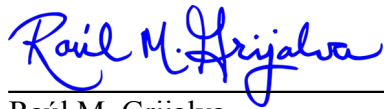
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Jared Huffman  
Member of Congress



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Jimmy Panetta  
Member of Congress



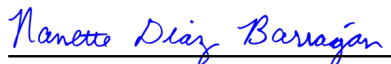
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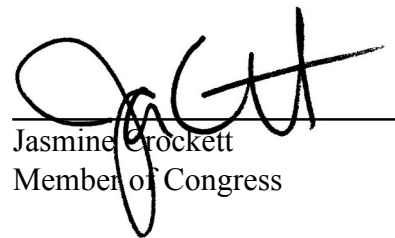
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