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My name is Beth Lowell, Deputy Vice President for US Campaigns at Oceana. Oceana is an international ocean conservation organization dedicated to protecting the world's oceans. We work in North America, South America, the European Union and the Philippines to promote the pillars of responsible fisheries management and thereby save the oceans and feed the world.

More than 150 million people around the world rely on the oceans for sustenance.[1] If properly managed, our oceans could provide a nutritious meal every day for an additional 425 million people.[2] But overfishing and mismanagement have threatened our last wild food source and one of our greatest potential resources for the future. Chronic overfishing has led to the collapse of fisheries around the world. Due in part to an estimated $20 billion a year in government subsidies, global fishing fleets are far larger than needed to fish responsibly.[3] And worldwide illegal, unreported and unregulated (IUU) fishing continues to deplete our oceans.

Studies estimate that one third of the global fisheries stocks are overexploited; 60 percent are fully exploited; and only 7 percent have room for growth.[4] But it is not too late. If we establish science-based fisheries management in key countries, we can restore healthy oceans and feed more people by increasing global fish catch.

Oceana is working to make oceans more abundant by instituting science-based fisheries management through policies like stopping overfishing, reducing bycatch and protecting habitat. When these management measures are put in place, the fish come back. For example, in Japan, protecting habitat from bottom trawling increased the snow crab catch by 240 percent.[5] In Norway, a ban on discards of unwanted fish allowed cod in the Northeast Arctic to rebound at 18 percent per year.[6] And in the United States, after the reauthorization of the Magnuson Stevens Act that helped establish science-based catch limits, U.S. stocks subject to overfishing went from 38 percent in 2000 to only 9 percent in 2017 for those stocks of fish with a known status.[7]

The United States is a Leader in Ocean Conservation and Fisheries Management

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the primary law governing federal fisheries management in the United States. When properly and fully implemented, the MSA is

[1] It is estimated that more than 158 million people in the world depend directly on fish-related activities (fishing, fish farming, processing, trading). HLPE, 2014. Sustainable fisheries and aquaculture for food security and nutrition. A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome 2014.
[2] Based on Costello C, Ovando D, Clavelle T, et al. (2016)
[3] Sumaila UR, Lam V, Manach FL, Swartz W, and Pauly D (2016)
[4] Agriculture Organization of the United Nations. Fisheries Department, 2018. The State of World Fisheries and Aquaculture, 2018. Food & Agriculture Org.
[5] MSC (2013); Makino (2008)
[6] ICES (2015); Diamond B and Beukers-Stewart BD (2011);
[7] NOAA (2018) Status of Stocks 2017: Annual Report to Congress on the Status of U.S. Fisheries. In: NOAA Fisheries Service. Available: https://www.fisheries.noaa.gov/national/2017-report-congress-status-us-fisheries

one of the most effective fishery laws in the world today. Since it was first passed in 1976, and through two subsequent reauthorizations in 1996 and 2006, the law has helped halt overfishing, protect essential fish habitats and rebuild depleted stocks.

The fundamental principles of the MSA's science-based management approach rely on establishing science- based catch limits, conserving habitat and reducing bycatch to recover and effectively steward our oceans. The MSA's approach to fisheries management works, and works well. According to NOAA's most recent report to Congress on the status of U.S. fisheries, 46 Fishery Management Plans (FMPs) are currently used to manage 474 stocks in U.S. waters. Forty-four of these stocks have been rebuilt since 2000, and overfishing is near an all-time low across our U.S. stocks.[8]

Many more stocks are in the process of rebuilding under science-based rebuilding plans, which help support important commercial and recreational fisheries while simultaneously recovering stocks. Rebuilt fish stocks translate into healthier oceans and more income for our fishermen. A recent analysis found that gross commercial revenues for 28 of these rebuilt stocks grew by 54 percent over a three-year period.[9]

We have countless success stories attributable to the MSA, including:

a. The rebuilt Atlantic sea scallop fishery is now one of the most valuable fisheries in the United States. In 1982, major annual fluctuations in the stock caused the New England Fishery Management Council to implement a Fishery Management Plan.[10] Through efforts by the Council under the Fishery Management Plan, like rotating area closures, today's landings are more than three times higher than they were from 1994-1998.[11]
b. Overfishing in the Gulf of Mexico gag grouper fishery prompted the Gulf of Mexico Fishery Management Council to take action in 2010 to rebuild the stock. Through catch limits, gear restrictions and other regulations, the stock was declared rebuilt in 2014[12] and has seen a 280 percent increase in biomass from 2007 to 2015.[13]
c. Rebuilding led to the recovery of five of 10 overfished U.S. West Coast groundfish species.[14] This included the regionally important Pacific lingcod stock, considered depleted in 1999. The Pacific Fishery Management Council implemented a rebuilding plan and reduced catch levels, and the Pacific lingcod population was declared rebuilt in

[8] NOAA (2018) Status of Stocks 2017: Annual Report to Congress on the Status of U.S. Fisheries. In: *NOAA Fisheries Service*. Available: https://www.fisheries.noaa.gov/national/2017-report-congress-status-us-fisheries
[9] Adjusted for inflation; NRDC (2013) Bringing Back the Fish. Available: https://www.nrdc.org/sites/default/files/rebuilding-fisheries-report.pdf.
[10] NOAA (2017) Atlantic Sea Scallop. In: *NOAA Fisheries Service*. Available: https://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/. Accessed April 6, 2017.
[11] New England Fishery Management Council (2017) Sea Scallop. In: *Management Plans*. Available: http://www.nefmc.org/management-plans/scallops. Accessed April 6, 2017.
[12] NOAA (2015) Are Our Fisheries Laws Working? Just Ask About Gag Grouper. Available: https://www.fisheries.noaa.gov/feature-story/are-our-fisheries-laws-working-just-ask-about-gag-grouper
[13] SEFSC (2016) SEDAR 33 Update Report Gulf of Mexico Gag Grouper http://sedarweb.org/docs/suar/GagUpdateAssessReport_Final_0.pdf
[14] NOAA (2016) Rebuilding plans pay off for West Coast groundfish fishery. In: *West Coast Region*. Available: http://www.westcoast.fisheries.noaa.gov/stories/2016/22_04222016_rebuilding_rockfish.html. Accessed April 6, 2017.

2005.[15] By 2016, more than 1.4 million pounds of lingcod valued in excess of $2.1 million were caught from the West Coast and Alaska.[16]

Overall, thanks to our strong fisheries management regime, commercial and recreational saltwater fishing generated $208 billion in revenue and supported 1.6 million jobs in the United States in 2015.[17] The tools to effectively manage all of America's federal fisheries are in the MSA as we know it today. The challenge lies in fully implementing the strong requirements, which will yield benefits for our fish and fisheries for years to come.

Illegal Fishing and Seafood Fraud Undermine Responsible Fisheries Management

The progress in fisheries management is undercut by unscrupulous practices like illegal, unreported and unregulated (IUU) fishing, seafood fraud and human rights abuses. While each of these issues is a separate problem, they are often interrelated and share common solutions like transparency and traceability. Shining a light on what happens at sea can help ensure that our seafood is safe, legally caught, honestly labeled and responsibly sourced.

IUU fishing is off the books, ignores domestic and international fisheries laws and regulations and amounts to estimated losses of $10-23.5 billion per year.[18] IUU fishing can include fishing without a permit, fishing in closed areas or with prohibited gear, and underreporting catch or not reporting at all.[19] The potential for IUU fishing is especially great on the high seas where fisheries management and enforcement are often insufficient and sometimes inconsistent.[20,21] The same conditions that make the high seas vulnerable to IUU fishing also make it susceptible to other forms of transnational organized crime. IUU fishing has been linked to a range of illicit activities, including document forgery; money laundering; forced labor; and human, drug and wildlife trafficking.[22,23]

With more than 90 percent of the seafood consumed in the U.S. imported, global IUU fishing drives down the true cost of seafood, putting legal fishermen and seafood businesses at an economic disadvantage.

IUU fishing vessels are already evading laws, regulations and oversight to gain higher profits and, in some cases, are more willing to further drive down costs by exploiting workers through forced labor.[24,25]

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[15] PFMC (2017) Two Important Groundfish Stocks Rebuilt. Available: https://www.pcouncil.org/2017/06/48752/two-important-groundfish-stocks-rebuilt/

[16] NOAA (2017) Fisheries of the United States, 2016. Available: https://www.fisheries.noaa.gov/resource/document/fisheries-united-states-2016-report

[17] NOAA (2018) Status of Stocks 2017: Annual Report to Congress on the Status of U.S. Fisheries. In: *NOAA Fisheries Service*. Available: https://www.fisheries.noaa.gov/national/2017-report-congress-status-us-fisheries

[18] Agnew DJ, Pearce J, Pramod G, et al. (2009) Estimating the worldwide extent of illegal fishing. PLoS ONE 4.

[19] Pramod G, Nakamura K, Pitcher TJ and Delagran L (2014) Estimates of illegal and unreported fish in seafood imports to the USA. *Marine Policy* Elsevier.48: 102–113. doi: 10.1016/j.marpol.2014.03.019

[20] National Intelligence Council (2016) Global Implications of Illegal, Unreported, and Unregulated Fishing.

[21] Bondaroff P (2015) The illegal fishing and organized crime nexus: illegal fishing as transnational organized crime. The Global Initiative Against Transnational Organized Crime.

[22] Ibid.

[23] Haenlein C (2017) Below the Surface. How Illegal, Unreported and Unregulated Fishing Threatens our Security. Royal United Services Institute.

[24] United Nations Office on Drugs and Crime (2011) Transnational Organized Crime in the Fishing Industry.

[25] Environmental Justice Foundation (2010) All at Sea - The Abuse of Human Rights Aboard Illegal Fishing Vessels. London.

The seafood supply chain is complex, opaque and difficult to trace. It starts at sea and follows a winding path from fishing vessel to reefer, from reefer to reefer, from vessel to factories, from factories to processing, out to market, and then onward for global distribution. Human trafficking and forced labor can occur at every step in the supply chain. Human trafficking in fisheries entails the transfer and containment of persons on board vessels, where they are forced to work as crew by means of violence, threat or debt. Human trafficking is the fastest growing transnational criminal enterprise in the world, generating $150 billion dollars annually and enslaving an estimated 21.9 million people. [26]

Seafood fraud further undermines U.S. fishermen, hinders ocean conservation efforts and cheats consumers. Seafood fraud comes in different forms, including species substitution, improper labeling, hiding the true origin of the product to avoid tariffs, or other forms of economic fraud like adding extra breading, water or glazing to the product. Species substitution is found around the world. In a review of more than 200 seafood fraud studies by non-government organizations, governments, academic institutions, and journalists, overall one in five fish of the more than 25,000 samples tested worldwide were mislabeled.[27] The reviewed studies found seafood mislabeling at every sector of the seafood supply chain: retail, wholesale distribution, import/export, packaging/processing and landing. [28]

Oceana investigated seafood fraud in the United States, and overall approximately one-third of the more than 1900 seafood samples tested were mislabeled. We often found farmed seafood sold as wild caught, imported fish sold as local favorites, less sustainable fish sold as more sustainable options and cheaper fish sold as more expensive selections. For example, Oceana found farmed shrimp being sold as wild Gulf shrimp in the Gulf of Mexico region, Asian imported crab inside local Chesapeake Bay crab cakes and fish imported from Asia and Europe being sold as local Great Lakes favorites, like walleye and lake perch. In Oceana's 2013 nationwide survey, we tested 120 samples of red snapper, and only seven were actually red snapper. That means that U.S. fishermen are selling their red snapper in a market flooded with imposters. They should be getting more for their catch, and consumers are getting ripped off when buying a substitute like tilapia for red snapper prices.

Seafood fraud can happen anywhere in the seafood supply chain. While Oceana tested at the retail level, the Food and Drug Administration (FDA) found 15 percent of the 174 lots tested were mislabeled at the wholesale level, and the Department of Justice has convicted over a dozen U.S. businesses of importing and distributing 10 million pounds of mislabeled Asian catfish to defraud consumers and avoid tariffs. More recently, a Virginia supplier was convicted of selling millions of dollars of expired foreign crab as fresh local blue crab, putting honest businesses and consumer's health at risk.

IUU fishing and seafood fraud are complex problems that cut across many federal agencies with no clear indication of leadership. Recognizing the need to coordinate the federal government response, the Task Force on Combating IUU Fishing and Seafood Fraud was established in 2014, bringing together 11 federal agencies to develop recommendations to address these issues. The 15 recommendations included international, national, state and local measures, including a traceability program to track seafood from the point of catch to entry into U.S. commerce.

The Seafood Import Monitoring Program (SIMP) requires some imported seafood at risk of illegal fishing and seafood fraud to be accompanied by catch documentation that provides key information about the

[26] International Labour Organization (2014) Profits and poverty: the economics of forced labour.
[27] Warner K, Mustain P, Lowell B, Geren S, Talmage S (2016) Deceptive dishes: seafood swaps found worldwide. Oceana.
[28] Ibid.

fish, including who caught it, where it was caught, how it was caught and what specific species it is. This information is used to establish that it was caught in a legal fishery. The seafood must also have documentation that allows it to be traced back to the original point of catch or farm if requested.

The SIMP allowed the United States to enact import controls to help ensure that seafood imported into the United States was legally caught and properly labeled. However, this risk-based program only includes 13 species and species groups—abalone, Atlantic cod, blue crab (Atlantic), dolphinfish (mahi mahi), grouper, king crab (red), Pacific cod, red snapper, sea cucumber, sharks, shrimp, swordfish, tunas (albacore, bigeye, skipjack, yellowfin, and bluefin)—and stops at the U.S border. Seafood mislabeling can happen to all types of seafood and can occur at any stage from the point of catch to the final consumer. To truly stop seafood fraud, all seafood must be traced from boat to plate.

Sustainability vs. Legality

Traceability is critical to determine legality and allow seafood buyers to have information to make sustainability determinations, but there is a difference between sustainability and legality in fisheries management. While the information collected under MSA and SIMP allow the government to determine a fish was legally caught, it doesn't ensure sustainability. To use the United States as an example, any fish from the 474 stocks managed under the Magnuson-Stevens Act and caught lawfully by U.S. fishermen are legally caught. However, we do not have the data to say that each of these 474 stocks is sustainable. NOAA Fisheries only knows the overfishing status of two-thirds of these stocks, and it knows the overfished status of less than half of these stocks. The numbers are even worse for certain groups like sharks, for which the majority of our 64 managed shark stocks or stock complexes have an "unknown" overfishing and overfished status.[29] When a fish stock is in this "unknown" state, it means fisheries managers lack the basic information needed to sustainably manage those stocks. The same challenges exist in fisheries around the world, where a lack of adequate data is a constant challenge for fisheries managers.

Consumer Challenges

Seafood consumers are often provided with little information about the seafood they eat. Basic information should be available to the seafood buyer—what specific species they are purchasing, where it was caught and how it was caught—so a consumer can make informed decisions. Without this key information, it is nearly impossible to make decisions based on sustainability or for health reasons. According to Seafood Watch, tuna can be a fish to avoid, a good alternative or a best choice depending on what species it is, where it was caught or how it was caught. And the species of tuna also determines what FDA guidance to follow with respect to mercury. Women of childbearing age are advised to avoid bigeye tuna and limit the amount of albacore tuna, critical guidance that goes unheeded when fish is sold simply as "tuna."

Reports of forced labor, human trafficking and other human rights abuses at sea are increasing. Without being able to trace seafood products back to the fishing vessel or processing facility, it is nearly impossible for seafood buyers to know whether their fish dinner was a product of forced labor. Documentation requirements need to be expanded to provide sufficient information to address labor issues.

[29] https://usa.oceana.org/blog/are-us-sharks-trouble

Using Technology to Increase Transparency

Technology provides an opportunity for expanded transparency, traceability and verification of commercial fishing. For example, the Automatic Identification System (AIS) vessel tracking system broadcasts information such as a vessel's speed and direction. New technologies like the Global Fishing Watch platform use AIS and machine learning algorithms to detect when a vessel is apparently fishing. AIS paired with Vessel Monitoring System (VMS) technology provides tools that can help inform risk-based enforcement efforts. Using these technologies, an enforcement agency can cross reference a vessel's location and activity and see if it corresponds with the catch data it provided. Requiring that vessels of a certain size that import seafood to the United States broadcast AIS would provide additional information to fisheries managers.

With the complexity of the seafood supply chain, IUU fishing, seafood fraud and human rights abuses, transparency of fishing practices and traceability of products is critical to ensure that U.S. dollars are not supporting illegal activities on the high seas and undermining legal fishing operations. To ensure that all seafood is safe, legally caught, responsibly sourced and honestly labeled, the United States should require:

- **Catch documentation for all seafood**—US fishermen are already required to report key catch information under the MSA. Some imported seafood is covered by SIMP. Catch documentation should be a condition for market access for all seafood sold in the US.
- **Full chain traceability**—Key information must follow the fish through the entire supply chain from boat or farm to plate to help stop seafood fraud and keep illegally-caught fish from entering at other points of the supply chain.
- **Better labeling**—Seafood consumer should be able to know what fish they are buying, where it was caught and how it was caught so they can make more informed decisions.
- **Robust verification**—Using technology like vessel tracking, the government should develop a robust verification protocol to ensure that the information provided is accurate.
- **Expanded vessel transparency**—The government should mandate constant use of tamper-resistant AIS by US-flagged commercial fishing vessels and those that operate in US waters. Similar requirements should be required for imported seafood.
- **Require documentation** sufficient to allow the US to block imports and landing of seafood caught using forced labor or other human rights abuses.

Oceana welcomes working with the committee to expand requirements for seafood. We can level the playing field for legal fishermen and seafood businesses and help ensure that all seafood sold in the US is safe, legally caught, responsibly sourced and honestly labeled.