

**Written Testimony of Sally Yozell
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**Subcommittee on Water, Oceans, and Wildlife, House Committee on Natural Resources
“Russian Seafood Ban Implementation and Seafood Traceability” Hearing**

April 7, 2022

My name is Sally Yozell, and I am the Director of the Environmental Security program at the Stimson Center, a non-partisan research organization in Washington, DC. Our program conducts research that examines the suite of environmental and climate threats that have the potential to undermine global security. Expanding seafood traceability and combatting IUU fishing are a central focus of our program.

I appreciate your leadership on combatting IUU fishing, expanding transparency in the seafood supply chain, and protecting our precious marine resources. I commend you and your colleagues on the House Natural Resources Subcommittee on Water, Oceans, and Wildlife for your work to date on these issues. I am grateful for the opportunity to provide written commentary in support of my verbal testimony on seafood traceability and implementing the ban on Russian seafood.

The Executive Order and Ban on Russian Seafood

Today is day 43 of the devastating Russian war on Ukraine. We have all witnessed the unspeakable atrocities taking place daily, causing the greatest humanitarian crisis in Europe since World War II.

President Biden has rallied nations around the globe to impose sanctions on Putin for his egregious actions. In the U.S., a whole of government effort is underway to impose import bans on energy products, technology, Russian vodka, and diamonds. As Secretary Yellen said last week, “We will continue to target Putin’s war machine with sanctions from every angle, until this senseless war of choice is over.”

On March 11, President Biden signed Executive Order 14068, on *Prohibiting Certain Imports, Exports, and New Investment with Respect to Continued Russian Federation Aggression*. This

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Executive Order banned the importation of Russian “fish, seafood, and preparations thereof,” among other products, into the United States, and aims to strike another economic blow to Russia in response to their unprovoked invasion of Ukraine. The seafood ban is set to take effect on June 23, 2022, and I suspect it will be with us for many years moving forward.

Despite the good intentions to strike an economic blow to Russia after its unprovoked invasion of Ukraine, this ban will not work without full seafood traceability, and real information on the origin of the catch. The National Oceanic and Atmospheric Administration (NOAA) has an opportunity to be a leader in that effort.

A lack of transparency exists throughout the global seafood supply chain, but the U.S. Seafood Import Monitoring Program, or SIMP, provides the tools which can allow NOAA and Customs and Border Protection (CBP) to more effectively identify imports that may have been caught by Russian vessels. Full traceability across all seafood imports will allow the U.S. to track the chain of custody of the seafood that ends up in our restaurants, grocery stores, and markets.

In order to ensure the effective implementation of the ban, the U.S. Seafood Import Monitoring Program, or SIMP, should be expanded to cover all seafood imports. This would ensure traceability from Russian vessels to when it enters U.S. commerce and that the catch is not laundered in another country or fraudulently mislabeled.

Numerous recent polls show that American consumers increasingly demand to know how and where their seafood was caught.¹ A new poll conducted by the Walton Family Foundation found that 80 percent of consumers expect their restaurants and stores to ensure that the seafood sold is not the product of IUU fishing and not caught with forced labor or human rights violations.² And now given Russia’s continued aggression towards Ukraine, consumers have been supportive of efforts by major chain restaurants to remove Russian seafood from their menus and supply chains.³

U.S.-Russia Seafood Trade and Chinese Ramifications

By banning Russian seafood imports, the Executive Order will also redress the imbalanced seafood trade that has grown between the U.S. and Russia over the last few years.

¹ See: Emma Desrochers. “New poll finds US voters want assurances merchants are selling legally-caught seafood.” *Seafood Source*. March 25, 2022, <https://www.seafoodsource.com/news/environment-sustainability/new-poll-finds-us-voters-want-assurances-merchants-are-selling-legally-caught-seafood> (Accessed April 5, 2022); Oceana. “American Voters Want to End Illegal Fishing & Seafood Fraud.” January 2021, <https://usa.oceana.org/american-voters-want-end-illegal-fishing-seafood-fraud/> (Accessed April 5, 2022); Chris Clark, NRDC. “Chefs Urge Congress: End Illegal Fishing & Labor Violations.” October 20, 2021, <https://www.nrdc.org/experts/chris-clark/chefs-urge-congress-end-illegal-fishing-labor-violations> (Accessed April 5, 2022).

² Desrochers, “New poll finds US voters want assurances merchants are selling legally-caught seafood.”

³ Christine Blank. “Major US restaurant chains cease buying Russian seafood.” *Seafood Source*. March 8, 2022, <https://www.seafoodsource.com/news/foodservice-retail/major-us-restaurants-chains-cease-buying-russian-seafood> (Accessed April 5, 2022).

Russia banned U.S. seafood in 2014 following U.S. sanctions levied after Russia's invasion of Crimea.⁴ However, since 2014, Russian seafood imports have grown by 173 percent.⁵ In 2021, Russia was the eighth-largest exporter of seafood to the U.S., with \$1.2 billion worth of crab, cod, pollock, and other fish,⁶ including \$900 million in king crab alone.⁷

While the Executive Order bans seafood whose country of origin is Russia, the ban does not cover Russian-caught fish shipped for processing to other countries like China, where most of the world's seafood is processed.⁸ Russian catch is sent to China for processing, and is comingled with catch from the U.S. and other countries, some of it illegal, and processed into fish sticks, canned salmon, or crab with its origin masked. The National Fisheries Institute, or NFI, a trade group representing some U.S. seafood processors, sent a note to its members after the signing of the Executive Order to clarify that Russian catch processed in China and imported into the U.S. would not be subject to the import ban.⁹

This is a significant loophole given the large amounts of Russian and U.S. seafood processed in China, and the large percentages originating from Russian vessels. According to a study by the U.S. International Trade Commission (ITC), in 2019, the U.S. imported almost \$2 billion of seafood from China. Roughly one-third of China's wild caught seafood imports into the U.S. were caught by Russian ships, including 50 percent of Alaskan pollock.¹⁰ And a recent paper out of the University of Florida found that 39 percent of the processed salmon imported from China came from Russia.¹¹

⁴ Jordan Andrews. "Maine seafood industry expects indirect hit from Russian invasion." *Portland Press Herald*, February 25, 2022. <https://www.pressherald.com/2022/02/25/maine-seafood-industry-expects-indirect-hit-from-russian-invasion/> (Accessed April 5, 2022).

⁵ Lane Welch. "Alaska lawmakers take up seafood trade deficit." *National Fisherman*. January 31, 2022, <https://www.nationalfisherman.com/alaska/alaska-lawmakers-take-up-seafood-trade-deficit> (Accessed April 5, 2022).

⁶ Laine Welch. "Ban on US purchases of Russian seafood opposed by some national food marketers." *Anchorage Daily News*. March 1, 2022, <https://www.adn.com/business-economy/2022/02/28/ban-on-us-purchases-of-russian-seafood-opposed-by-some-national-food-marketers/> (Accessed April 5, 2022).

⁷ Rachel Sapin. "US seafood industry backs Russia seafood ban, but says clarity is needed on its impact." *IntraFish*. March 11, 2022, <https://www.intrafish.com/opinion/us-seafood-industry-backs-russia-seafood-ban-but-says-clarity-is-needed-on-its-impact/2-1-1183613> (Accessed April 5, 2022).

⁸ Tom Seaman. "NFI: Russian fish processed in China shouldn't be subject to import ban." *Undercurrent News*. March 14, 2022, <https://www.undercurrentnews.com/2022/03/14/nfi-russian-fish-processed-in-china-shouldnt-be-subject-to-import-ban> (Accessed April 5, 2022).

⁹ Ibid. (Accessed April 5, 2022).

¹⁰ U.S. International Trade Commission. "Seafood Obtained via Illegal, Unreported, and Unregulated Fishing: U.S. Imports and Economic Impact on U.S. Commercial Fisheries." February 2021, <https://www.usitc.gov/publications/332/pub5168.pdf>, p. 148 (Accessed April 5, 2022) ("ITC Report").

¹¹ Frank Asche, et al. "China's seafood imports—Not for domestic consumption?" *Science*. January 27, 2022. 375: 6579, 386-388, <https://www.science.org/doi/10.1126/science.abl4756> (Accessed April 5, 2022).

The U.S. is a major seafood importer, and from 1998 to 2018 U.S. seafood imports doubled from 1.5 million tons to 3 million tons.¹² As of 2021, the U.S. is the second-largest market for seafood imports in the world after the European Union. The U.S. imports up to 85 percent of the seafood consumed,¹³ but a third of those imports are comprised of fish originally caught by U.S. vessels that is sent to China for processing before being reexported back into the U.S.¹⁴

Limitations of Existing Regulations on the Ban

The U.S. Country of Origin Labeling (or COOL) law, implemented by the U.S. Department of Agriculture, requires retailers to notify customers with information on the source of certain food products, including wild caught and aquaculture seafood.¹⁵ COOL unfortunately exempts seafood that is processed in another country and re-exported. So Russian seafood is disguised when processed through China and re-exported to the U.S. with the country of origin a product from China, not Russia.

When it comes to rebranded Russian catch, American consumers do not want to buy it, and chefs do not want to serve it. Fortunately, stopping the importation of “Putin’s pollock” is an easy fix. NOAA has the ability to impose traceability requirements which track all seafood through the supply chain before it enters the country.

In 2016, the IUU Fishing and Seafood Fraud Task Force created the Seafood Import Monitoring Program, known as SIMP which is managed by NOAA. As a former co-chair of the Task Force, I can state with certainty that while the program initially targeted 13 species groups considered at highest risk of being IUU fish, the intention was always to expand SIMP to cover all species and prevent Illegally harvested seafood from entering U.S. markets.

This is clearly outlined in our original 2016 Action Plan. Recommendation 15 of the Action Plan, which directed the Task Force to establish a risk-based seafood traceability program, which ultimately became SIMP, noted that this was to be the “first phase” of a risk-based traceability program. The Action Plan mentions that the program will apply “initially” to products of particular concern, either subject to significant seafood fraud or a species significantly at-risk of IUU fishing. Further, the program was to be reevaluated and use lessons learned to eventually expand the program to include all seafood entering the U.S. The Task Force also directed that

¹² Eric Abaidoo, Max Melstrom & Trey Malone. “The Growth of Imports in U.S. Seafood Markets.” *Choices*, <https://www.choicesmagazine.org/choices-magazine/theme-articles/the-economics-of-us-aquaculture/the-growth-of-imports-in-us-seafood-markets> (Accessed April 5, 2022).

¹³ Oceana. “U.S. Seafood Demand Drives Illegal Fishing Around the World, Says Oceana Report.” February 1, 2022, <https://usa.oceana.org/press-releases/u-s-seafood-demand-drives-illegal-fishing-around-the-world-says-oceana-report/> (Accessed April 5, 2022).

¹⁴ Jessica A. Gephart, Hally E. Froelich & Trevor A. Branch. “To create sustainable seafood industries, the United States needs a better accounting of imports and exports.” *PNAS*. May 7, 2019. 116 (19) 9142-9146, <https://www.pnas.org/doi/10.1073/pnas.1905650116> (Accessed April 5, 2022).

¹⁵ USDA. “Country of Origin Labeling (COOL).” <https://www.ams.usda.gov/rules-regulations/cool> (Accessed April 5, 2022).

the program be “evaluated regularly” to see how it’s meeting objectives and how it can be expanded. This is also detailed in the final SIMP regulation.

In operation since 2018, SIMP was designed to prevent illegally harvested seafood from entering U.S. markets but it only covers 40 percent of U.S. seafood imports.¹⁶ SIMP does not cover many key species caught by Russian vessels, like pollock, salmon, and halibut. Further, even for covered species, SIMP has an exemption for “highly processed seafood products.”¹⁷

To fully implement the ban, SIMP needs its traceability requirements to apply to all seafood imports. With all species covered, consumers will have greater confidence that the seafood they buy was not harvested by Russia or comingled with Russian catch if processed elsewhere.

Chinese processors can accommodate these traceability requirements. The EU’s Catch Certification Scheme applies to all wild-caught EU seafood imports, and Chinese processors are able to separate out catch to comply. The level of enforcement in Chinese processing facilities is not fully understood but if SIMP was to cover all U.S. seafood imports, the Chinese processors would be able to treat U.S.-bound fish with the same catch documentation as fish going to the EU.

SIMP was created to keep IUU fish from entering the U.S. seafood market and undercutting domestic U.S. catch. IUU fishing (IUU) fishing is one of the biggest threats to sustainable fisheries around the world, comprising 20 to 50 percent of all global seafood catch and generating an estimated \$36 billion a year in illicit revenue. IUU fishing contributes to food and economic insecurity, perpetuates unsafe labor conditions on vessels, and has the potential to increase instability in coastal communities who rely on fisheries for their livelihood. With three billion people around the world dependent on fish as a primary source of protein, this has significant economic and security implications for U.S. interests. The U.S. ITC report estimated that the U.S. imports \$2.4 billion worth of IUU catch seafood derived from IUU fishing in 2019, amounting to 11 percent of total U.S. seafood imports.¹⁸

Expanding SIMP to all species would also provide greater transparency into Chinese seafood imports to the U.S. as SIMP only covers 29 percent of all seafood imports from China.¹⁹ The good news is that the expectation is for the U.S. fishing industry to be able to make up the difference by increasing U.S. caught seafood in our markets, which would in turn increase

¹⁶ Oceana. “Loopholes put illegally caught seafood on Americans’ Plates. February 2022, <https://usa.oceana.org/reports/loopholes-put-illegally-caught-seafood-on-americans-plates/> (Accessed April 5, 2022).

¹⁷ NOAA. “Compliance Guide: U.S. Seafood Import Monitoring Program. June 2019, https://www.iuufishing.noaa.gov/Portals/33/SIMPComplianceGuide_June2019.pdf?ver=2019-05-28-134131-697 (Accessed April 5, 2022).

¹⁸ ITC Report, p. 11.

¹⁹ Marti Flacks, Jacqueline Lewis & David McKean. “Reeling In Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry.” February 15, 2022, <https://www.csis.org/analysis/reeling-abuse> (Accessed April 5, 2022).

domestic revenues to the benefit of our fishing communities, growing jobs and economic opportunity at home.

Next Steps Needed

President Biden's Executive Order to ban Russian seafood has widespread support on Capitol Hill and in the U.S. seafood industry. Now we need to close the loopholes and ensure its success.

NOAA recently assessed its SIMP program and recognized there is room for improvement. This is a pivotal time for the program. They are considering adding new species, increasing use of electronic catch documentation and catch verification, applying artificial intelligence, and expanding enforcement and auditing. As NOAA continues to advance changes to SIMP, they should continue to work closely with the research community, industry (like my colleague here from the National Brokers), NGOs, and the international community, to improve the SIMP process by holding public meetings and roundtable discussions, work with foreign governments and conduct international training and capacity building, improve program transparency, and seek to improve the program's effectiveness. They should also support and work with other federal agencies and share seafood trade data to minimize reporting redundancy and effort and further focus on the magnitude of risks associated with IUU fishing. An annual evaluation and reporting on the SIMP program should also be made public.

NOAA should also provide detailed budget information to Congress in terms of what specific resources are needed to successfully implement an expanded SIMP to covers all seafood imports. And they should report annually to Congress on the progress of the SIMP program.

Today there are many options to expand SIMP to all species immediately, stop Putin's pollock from entering U.S. commerce, and meet the urgency of the war in Ukraine:

- The President could issue an executive order tomorrow;
- NOAA could show leadership and propose an emergency rule; or
- Congress could pass the bipartisan SIMP provisions included in the America COMPETES Act and appropriate the funding needed for NOAA to adequately implement a robust SIMP.

The Russian seafood ban is likely to stay in place for many years to come, and if properly implemented and enforced, it will provide a powerful sanction for Russia's invasion and heinous acts on the Ukrainian people and infrastructure.

With Russian seafood removed from the market, U.S. seafood can make up the difference. Illegal fishing depresses the revenues for honest U.S. fishermen, and it gives a disadvantage to legal U.S. catch in the marketplace. American consumers support the ban on Russian seafood

and do not want to buy seafood that was caught illegally or with labor or human rights violations.²⁰

Attachment: Op-ed by Sally Yozell & Jean Flemma. “Are you sure the seafood you just bought isn’t Russian?” *Seattle Times*. March 17, 2022.

²⁰ Desrochers, “New poll finds US voters want assurances merchants are selling legally-caught seafood”; Oceana, “American Voters Want to End Illegal Fishing & Seafood Fraud”; and Clark, “Chefs Urge Congress: End Illegal Fishing & Labor Violations.”

The Seattle Times

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Opinion

Are you sure the seafood you just bought isn't Russian?

March 16, 2022 at 2:23 pm | Updated March 17, 2022 at 12:20 pm



A worker packs salmon caviar in cans in the Russian Far East village of Kitovy. In escalating the U.S. drive to squeeze Russia's economy, President... (AP Photo / Sergei Krasnoukhov, File) [More](#) ▾

By [Sally Yozell](#) and [Jean Flemma](#)

Special to The Times

After the unprovoked invasion of Ukraine, countries and companies around the globe rightly announced plans to stop doing business with Russia. Just last week, the U.S. issued its latest restrictions: An executive order banning a number of iconic Russian products, including vodka and seafood. While Russia may be better known as a purveyor of the infamous liquor, the U.S. buys significantly more seafood from the country — importing more than \$1.2 billion in crab, cod and other fish in 2021.

The ban on seafood could pack a significant blow to Russia's economy. It is meaningless, however, without tools to help the U.S. trace the origins of the food that ends up in restaurants, grocery stores and seafood markets. The U.S. government has already gone to great lengths to [ban the import of Russian oil, liquefied natural gas and coal](#), and the same steps should be taken with seafood.

Seafood is one of the most traded food commodities in the world, but a lack of transparency and traceability exists across the seafood supply chain. Currently, Russian-caught fish can easily be shipped to another country, such as China, where much of the global seafood is [processed](#), and then shipped to the U.S. masking its origins. In fact, an industry trade association [reportedly told its members](#) that Russian fish processed in China would not be impacted, effectively giving the green light to continue to import Russian seafood into the U.S., where it can be masked in breaded fish sticks, canned salmon and crab.

Instead of taking steps to evade the ban, the industry should work with the U.S. government to take the steps necessary to implement it. This reinforces why we need a strong, effective seafood traceability program that requires fish to be tracked from the boat to when it enters the U.S. Only through such a system can the government truly prevent Russian fish from coming into our markets and ending up on the plates of unwitting American consumers.

The U.S. government has a program to track seafood known as the Seafood Import Monitoring Program (SIMP). Operating since 2018, SIMP was designed to prevent illegally harvested seafood from entering U.S. markets but, unfortunately, only focuses on 13 species, and it does not require traceability for many Russian products entering U.S. markets, including pollock, salmon and halibut.

To be effective, SIMP must be extended to all fish stocks, ensuring Russia seafood cannot be laundered halfway around the world, through another market or disguised under another label. This will provide greater confidence to consumers that the seafood they buy was not harvested by Russian ships, processed in Russian facilities or co-mingled with Russian catch.

The good news is that the U.S. fishing industry would be able to make up the difference by increasing U.S. caught seafood in our markets, increasing domestic revenues, benefiting our fishing communities, and growing jobs and economic opportunity at home.

The decision by President Joe Biden to ban Russian seafood has widespread support on Capitol Hill and in the U.S. seafood industry, but to ensure this ban is effective, strong traceability provisions must be adopted either legislatively or through further executive action.

Congress could pass the [America COMPETES Act \(H.R. 4521\)](#), which includes provisions that would allow for full traceability for all seafood imports, including banned Russian products. And the Biden administration could complement its executive order and ensure the ban will have meaning by also announcing an expanded traceability system under SIMP.

We have a big opportunity before us, which merits thoughtful solutions. A successful ban on Russian seafood requires an effective seafood tracking system, and Congress and the administration both have the power to make that system a reality. Denying Russia a market for more than \$1 billion worth of their seafood products is another way to stand with Ukraine that is needed now more than ever.

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