

# United States Senate

WASHINGTON, DC 20510

July 15, 2016

The Honorable John Kerry  
Secretary  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

The Honorable Kathryn D. Sullivan  
Undersecretary of Commerce for Oceans and Atmosphere  
1401 Constitution Avenue, NW  
Room 5128  
Washington, DC 20230

Dear Secretary Kerry and Administrator Sullivan,

Thank you for your continued efforts to eliminate black market and fraudulent seafood from entering the U.S. market. We applaud the recommendations made by the Illegal, Unreported, and Unregulated (IUU) Fishing and Seafood Fraud Task Force through the National Ocean Council (NOC).

IUU fishing and seafood fraud pose a significant threat to our economy, public health and the ecology of our oceans. A recent study<sup>1</sup> found that illegal imports into the United States are valued between \$1.3 and \$2.1 billion, including farmed products. This trade represents between 4 to 16 percent of the global illegal fish catch, revealing the unintended contributions of American consumers to the IUU fishing black market.

The public health implications of IUU fishing and seafood fraud are very concerning. The unknown sources of the extraction, processing and handling of illegally caught seafood pose a high risk for U.S. consumers. Earlier this year, the U.S. Food and Drug Administration issued an import alert for shrimp from Malaysia after finding a third of the 138 shipments it examined in fiscal year 2015 tested positive for the presence of nitrofurans or chloramphenicol, two antibiotics banned from use in animals raised for human consumption.

Furthermore, IUU fishing fuels labor abuses and leads to severe human rights violations. The Pulitzer Prize-winning article entitled "Seafood from Slaves" and an ever growing body of reports continue to identify links between IUU fishing, human trafficking and child labor abuses in many fishing countries around the globe. Congress's recent action to ban all imports produced by forced or child labor recognizes these related problems.

IUU fishing contributes to overexploitation of fish stocks and is a hindrance to the recovery of fish populations and ecosystems.<sup>ii</sup> Global efforts to reduce bycatch and mitigate the incidental mortality of marine animals such as sharks, turtles, birds and mammals are also gravely hindered due to IUU fishing, especially in the high seas where monitoring and enforcement is extremely challenging.

The opportunity now exists to ensure that all seafood sold in the U.S. is safe, legally caught, and correctly labeled. The best way to achieve this goal is to require transparency and traceability for all seafood products and implement the program in an effective and timely manner with appropriate reliance on technology.

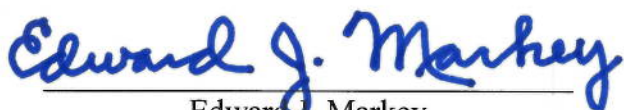
We urge the NOC to clarify certain elements of the proposed rule before it is finalized in August. You and others within the administration have made it very clear that the intention is to expand these efforts to all imported species. To honor this commitment, the final rule should provide a clear timeline to achieve this goal. Additionally, to adequately address seafood fraud, traceability requirements should be extended to the entire imported seafood supply chain, beyond the first point of entry into U.S. commerce.

This is an opportunity to address the issue comprehensively. Species substitution problems will remain if only a limited set of species are included in the “at-risk” designation and traceability requirements stop at the U.S. border, leaving avenues for bad actors to circumvent the regulations and continue importing and selling illegal products.

We urge you to ensure that the final rule upholds your initial commitments and those of the NOC to stop seafood fraud and IUU fishing. Anticipating the need for capacity development from some of our international trading partners, we encourage you to direct appropriate funds to support needed technical transfer and assistance to maximize success.

We look forward to working with you to advance our shared commitment to end seafood fraud and IUU fishing.

Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



Al Franken  
United States Senator



Barbara A. Mikulski  
United States Senator




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Elizabeth Warren  
United States Senator



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Barbara Boxer  
United States Senator



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Sheldon Whitehouse  
United States Senator



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Kirsten Gillibrand  
United States Senator

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<sup>i</sup> Ganapathiraju P. , Nakamura, K., Pitcher, T., Delagran, L. (2014) Estimates of illegal and unreported fish in seafood imports to the USA Journal of Marine Policy 48 102–113

<sup>ii</sup> Agnew, D., Pearce, J., Ganapathiraju P., Peatman, T., Watson, R., Beddington, J., Pitcher, T. (2009) Estimating the worldwide extent of illegal fishing PLoS ONE. 4 (2): e4570