Tracing Seafood from Vessel to Plate

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Webinar

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In recent years, numerous reports and analyses have highlighted one of the continuing challenges in fisheries management: determining the origin of harvested fish and shellfish. While consumer interest in "sustainable" seafood has steadily increased, tracking seafood from vessel to plate remains challenging. Increasing traceability and other accountability measures is critical to ensuring fisheries sustainability, reducing illegal, unreported, and unregulated (IUU) fishing, and preventing fraud in the marketplace. This webinar brought together governmental, nongovernmental, and industry experts to discuss the need for and challenge of deploying effective traceability systems. [1]

MODERATOR:

- **Read Porter**, Senior Attorney, Environmental Law Institute

PANELISTS:

- **Peter Koufopoulos**, Chief, Seafood Processing and Technology Policy Branch, Center for Food Safety & Applied Nutrition, U.S. Food & Drug Administration (FDA)
- **Tim Hansen**, Director, Seafood Inspection Program, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (NOAA)
- **John Connelly**, President, National Fisheries Institute (NFI)
- **Beth Lowell**, Campaign Director, Oceana

Mr. Koufopoulos focused his remarks on the U.S. Food & Drug Administration framework for addressing seafood traceability, which largely focuses on labeling. He opened by noting that the purpose of seafood labeling is to provide information to consumers about the content of the product, and furthermore prevent fraud, misrepresentation, and unfair competition between producers. Food labels must be accurate because the contents of food may affect consumer health, including nutritional needs and allergy concerns. The FDA's role is to administer and enforce labeling requirements in order to achieve wholesome, properly labeled seafood distribution.

[1] To access a recording of the webinar and speaker biographies, please visit www.eli-ocean.org/seminars.

After describing the legal framework that grants FDA this regulatory authority, Mr. Koufopoulos went on to describe the process by which FDA regulates seafood labeling. He reviewed some of the typical reasons that seafood mislabeling occurs, which include economic fraud as well as avoidance of regulatory restrictions. Species substitution is a particular concern both from an economic and food safety standpoint: Mr. Koufopoulos detailed FDA efforts to address this, including developing standardized food regulations for misbranding species of oysters, salmon, shrimp, and tuna. FDA also employs product-specific, firm-specific, and country-specific import alerts to describe known violations, and produces compliance policy guides with instructions on proper labeling of certain seafood products.

Mr. Koufopoulos also introduced FDA's Seafood List, which is a guide to acceptable market names for seafood sold in the United States. The FDA reviews all requests to add new names to the list to ensure information is not false or misleading to consumers, and updates the list every six months. He continued on to explain that FDA publishes a Seafood List Flow Chart that can be used to determine whether a particular name is an acceptable market name. A search output of the list itself includes the acceptable name, FDA regulation reference, and species' common, scientific, and vernacular names.

Mr. Hansen next discussed the National Marine Fisheries Service's Seafood Inspection Program, which is a voluntary fee-for-service inspection program that inspects roughly two billion pounds of domestic product each year. He observed that the Seafood Inspection Program began addressing traceability concerns after its European Union counterpart issued new regulations for IUU catch certificates, requiring seafood product consignments to the EU to come with a certification document that identifies the catching vessel and the location of harvest. The United States is exempt from the requirement to demonstrate the catching vessel due to the size of its domestic fisheries and the strength of its fisheries regulations. Despite this exemption, however, the Seafood Inspection Program frequently takes a statistically valid sample of catch certificates and traces them back to the vessel, with a greater than 90% success rate.

Mr. Hansen went on to discuss IUU fishing issues broadly, noting that NOAA is the U.S. regulatory agency responsible for IUU fishing oversight. NOAA takes a standard law enforcement approach to regulating IUU fishing, although with the exception a small number of species, there is generally no traceability requirement. He described the United States' "one step forward, one step back" requirement, which is that all food operators must be able to demonstrate where they received their fish and where they sent it. Mr. Hansen then addressed several current initiatives that may enhance seafood traceability efforts. This includes the recently-passed Food Safety Modernization Act, a traceability business scheme under development by the Marine Fisheries Advisory Council, as well as the joint United Nations Food & Agriculture Organization-World Health Organization initiative known as Codex Alimentarius, which advocates for complete food traceability.

Next, Mr. Hansen highlighted some of the major issues associated with achieving complete seafood traceability. These include commingling of catch from different vessels and transport and storage requirements that make seafood catch difficult to track. He observed that technology improvements can help make tracking more feasible.

Mr. Hansen concluded his remarks by acknowledging that too-complex requirements will overburden the industry and complicate market access, besides being unhelpful for consumers. He surmised that the United States should develop a single basic food traceability system that the government is capable of

overseeing. He also emphasized that NGO schemes and elaborate tracing programs should both be voluntary and should not impede market access for legally-caught fish.

Mr. Connelly centered his presentation on seafood traceability requirements, questions of seafood fraud and IUU fishing, and NFI initiatives. He emphasized that the complexity of requirements is an issue: the seafood industry theoretically could achieve complete traceability of each seafood product, but only with significantly increased costs. Traceability requirements must be balanced with what is practical and doable. He noted that food safety issues drive traceability concerns for seafood companies. Many traceability requirements are already in place for food safety purposes, and having multiple tracking systems does not make sense if the processes are already being required under other policies or legal requirements.

Mr. Connelly went on to address seafood fraud issues generally. NFI strongly urges FDA to enforce existing economic fraud laws, encourages Congress to pass directive appropriations language requiring FDA to act, and has developed a Memorandum of Understanding with the National Restaurant Association to make sure restaurants do not change the names of fish after receipt from seafood distributors. He highlighted some common misconceptions surrounding fraud issues, including the fact that market names are not used to hide overfishing, but rather to make certain products sound more appetizing, and the misconception that a business enterprise would choose to substitute a rare (and consequently more expensive) fish species for a plentiful (and less expensive) species. Mr. Connelly then discussed the issue of IUU fishing, noting that there is little evidence of a significant IUU fishing problem in the U.S. market. He stated that IUU fishing may be a problem in other parts of the world, but the U.S. industry should not be burdened with a global solution. Mr. Connelly closed his remarks by discussing several other major NFI initiatives in the traceability arena.

Ms. Lowell next provided an overview of Oceana's work on seafood fraud in the United States. She noted that species substitution is their primary focus, as this has the most impact on consumer and ocean health, whereas economic fraud and short-weighting have a larger effect on industry. Seafood mislabeling and species substation is a problem because most people cannot tell the difference between different types of fish once it has been prepared. Further, it is challenging to pinpoint mislabeling because of the complicated seafood supply chain.

Ms. Lowell described Oceana's efforts to characterize seafood mislabeling in the United States. They focused on fish species they anticipated would be commonly mislabeled, and found that large percentages of seafood samples obtained from grocery stores around the United States are mislabeled. She identified some proposed solutions to the mislabeling problem, which largely center on achieving comprehensive traceability from hook to plate. Traceability—providing species names, catch locations, and catch methods—would verify legality and improve confidence among both supply chain members and consumers. Ms. Lowell mentioned two traceability companies, This Fish and Gulf Seafood Trace, as examples of current efforts to achieve traceability of seafood products.

Ms. Lowell focused the remainder of her remarks on the steps that are needed to enhance seafood traceability generally. These include regulatory or legislative action requiring transparent and verifiable information about fish catch, improved consumer information at point of sale, and increased inspections specifically for seafood fraud and legality. She highlighted the Safety and Fraud Enforcement for Seafood Act that is currently under legislative consideration, which would tighten seafood traceability requirements and better equip the United States to combat seafood fraud. Ms. Lowell concluded by

noting that seafood fraud is a problem with real solutions that can build on existing traceability frameworks.

Question & Answers

Seafood traceability is receiving a lot of attention from the media and from the seafood community. Where does each of the panelists see us in 5 or 10 years?

Mr. Koufopoulos noted that technology is changing at a rapid pace, which makes it difficult to predict what will happen in the future but will lead to improvements in monitoring. Mr. Connelly emphasized that the answer to this question depends on the requirements for traceability. Ms. Lowell added that the overall goal of traceability is to inform consumers. Mr. Hansen remarked that he expects to see the proliferation of schemes like the European Union requirement for catch origins for any exported seafood. He also emphasized that there are many forward-thinking seafood producers who may see traceability improvements as a viable marketing technique.

How helpful are seafood hazard analysis and critical control points (HACCP) regulations for traceability?

Mr. Hansen replied that NOAA's institution of the HACCP rule achieved more for seafood safety and seafood product marketing than almost any other action taken by the agency. Mr. Connelly affirmed that the regulation was a significant, demonstrated success.

Achieving greater traceability is likely to cost money. To what extent will these costs be passed on to consumers or producers?

Ms. Lowell responded that there will be startup costs for businesses first initiating a traceability system, but the costs are minimal for those who are already implementing a system. Mr. Connelly confirmed that any increased costs will necessarily be borne by the consumer, and reiterated that this is also ultimately a question about the goals of seafood traceability.

What is the status of the Safety and Fraud Enforcement for Seafood Act?

Ms. Lowell replied that the act was referred to four different committees after it was submitted by now-Senator Edward Markey in the House of Representatives. She noted that there is generally bipartisan support for both the House and Senate versions of the bill.

How do we know that IUU fishing is not a problem in the United States if we don't have exact information about seafood product origins?

Mr. Connelly responded by noting that 92% of U.S. seafood comes from 10 species, including shrimp, salmon, pollock, and tuna, and we generally have high confidence in the legality of these products—particularly because they are already being effectively traced due to food safety concerns. Mr. Hansen added that the United States has the best fisheries management system in the world, in part because the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 granted NOAA authorities that are lacking in most fisheries management organizations in other parts of the world.

As we continue to import more seafood and as federal agencies are faced with increasing budget constraints, will industry and NGOs need to play a larger role in achieving traceability?

Mr. Koufopoulos responded that FDA is trying to redistribute its resources in order to achieve the necessary inspections and labeling protocols. Coordinating with employees in the field and sharing information between different agencies and authorities will help federal agencies focus efforts on the products that are most likely to be mislabeled or substituted. Mr. Hansen added that his agency employs many people in the field, and that when a food safety issue arises NOAA cooperates with FDA to identify and report violations. Furthermore, because NOAA's Seafood Inspection Program can charge fees for its services, the program does not have the same resource constraints as other government programs. Mr. Connelly noted that the effective Seafood HACCP program requires companies to take "affirmative steps" to identify and mitigate or eliminate food safety risks at domestic facilities and overseas providers.

Can the United States track seafood that is caught domestically, processed in China, and then reimported?

Mr. Hansen replied that tracking these products is difficult, although a rough estimate could be obtained based on the amount of seafood produced by the exporting country.

One hundred and twenty (120) samples of red snapper is a small sample size to use as evidence of widespread mislabeling. What are Oceana's standards for statistical significance? To what extent can we use risk-based assessments going forward for traceability?

Mr. Hansen addressed the second question by noting that NOAA follows statistical sampling guidelines to determine acceptable data quality levels. Ms. Lowell clarified that Oceana was not attempting to gather a statistically significant amount of data to reflect the entire U.S. red snapper market, but rather to find evidence that mislabeling does exist in the United States. Mr. Connelly complimented Oceana for clarifications in the media, noting that the mislabeled red snapper indicated that there was a problem with mislabeled red snapper, but that the media inappropriately extrapolated those numbers to conclude that there was widespread mislabeling.

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