August 24, 2022

Christopher Rogers
Office of International Affairs, Trade, and Commerce
NOAA National Marine Fisheries Service
1315 East-West Highway (F/IS5)
Silver Spring, MD 20910

Re: NOAA–NMFS–2022–0057

Dear Mr. Rogers,

Please accept the following comments on behalf of FishWise in regards to the development of a proposed rule to revise regulations concerning the Certification of Admissibility (COA) program [Docket No. 220720–0158].

FishWise supports retail and mid-supply chain companies to leverage traceability practices and technologies for identifying and mitigating a variety of risks linked to seafood production. Our consultative approach stems from 18+ years of experience in seafood supply chain engagement, implementing comprehensive policies for environmental sustainability and social responsibility. We know firsthand that seafood's diversity of species, harvest methods, and globalized supply chains creates unique traceability challenges because FishWise works directly with companies to improve electronic data collection and traceability for seafood products. FishWise has cultivated long-term collaborations with human rights and conservation organizations, seafood buyers and suppliers, and government representatives.

End-to-end, electronic, and interoperable traceability is a well-established best practice to support documentation and verification of the legal origin and proper handling of seafood products. NMFS's proposal to revise regulations concerning the Certification of Admissibility (COA) to include automated entry filing of information required to establish the admissibility of shipments is an important step toward more widespread adoption of electronic traceability, and we are pleased to see digitization as a requirement under this proposed rule. However, digital uploading of data will only go so far as to help improve the traceability and utility of the data submitted. As the best practice suggests, electronic traceability should coincide with efforts to improve the interoperability of systems and Key Data Elements (KDEs).

We believe the following measures would enhance the effectiveness of the proposed rule and ensure interoperability between CBP Automated Commercial Environment (ACE) and NOAA's trade monitoring programs:

![FISHWISE logo]

1. Harmonize the Certification of Admissibility entry filing requirements with the Seafood Import Monitoring Program (SIMP) to reduce redundancy

Aligning KDEs across traceability systems simplifies data collection throughout the supply chain, making traceability a more efficient process with fewer opportunities for errors. Alignment of KDEs would also give the industry a clearer understanding of what data they should track, which documents they will be asked to provide for compliance, and what information to request from their suppliers. Additionally, by harmonizing COA and SIMP requirements, NOAA could simplify data management and review across programs. As shown in Table 1 below, all of the KDEs required for COA are included in the SIMP message set, except for the signed attestation, which is discussed in recommendation 3 below.

Table 1. KDE comparison (source: Virgil Group)

Data element	Current COA form	List of Foreign Fisheries	SIMP ACE message set	Recommended COA ACE KDEs
Species	X	X	X	X
Harvest Type		X	X	X
Country Code		X	X	X
Harvest Location			X	X[1]
Harvest Date			X	X[2]
Fishing Gear	X	X	X	X
Vessel identification	X		X	X
Product Form	X		X	X
Signed Attestation	X			

In considering the recommendation to align the collection of KDEs for the COA with SIMP, NOAA should consider the following:

- *Align topical KDEs with SIMP*—many of the KDEs (e.g., harvest location, harvest date, harvest type, and country code) for COA are already covered by SIMP, and others could be important for determining the applicability for distant water fisheries or MMPA
- *Align syntactical KDEs with SIMP*—require the same KDEs in the same formats to facilitate automation and reduce entry errors (i.e., COA and SIMP to accept responses for the KDE 'fishing gear' in identical formats/definitions)
- *Eliminate redundant data entry across programs*—Where possible, reduce the number of times a KDE needs to be entered related to the same shipment. Move towards a data structure that would allow agencies to query aligned ACE KDEs on the back-end for multiple uses or programs.

2. Fully digitize the Certification of Admissibility including an option to electronically sign

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[1] This will be important to determine applicability for distant water and high seas fisheries.
[2] An import ban under the MMPA Imports Rule or MPA will need to be tied to harvest dates.

NOAA should explore the possibility of "develop[ing] an electronic version of the COA so that a foreign exporter could enter the required information online in a NMFS system and the U.S. importer could gain secure access to the individual shipment information for the purposes of transferring that information to ACE via the entry filing process." There are many ways that could be accomplished, and if developed in consultation with exporters, importers, brokers, and tech providers there is a lot of potential for efficiency and cost savings.

FishWise also asks that NOAA consider the burden of requiring paper and digital records on industry and NOAA. Uploading a signature form through the digital upload system (DIS) is not only inefficient but would require a significant amount of NOAA's capacity to review. By digitizing the process, NOAA could reduce redundancy in data entries and increase efficiency. Further, we recommend that NOAA engage CBP and others to implement electronic signature attestations within ACE, or at minimum make it optionally available.

3.   **NOAA should require identification for all seafood imports**

We recommend that NOAA require identification, outside of tariff codes, for all seafood imports subject to NOAA trade monitoring programs. As applicable, NOAA could use the fishery identifier with the tariff code to expedite seafood imports and prevent redundant data entry for additional data elements for NOAA's trade monitoring programs.

4.   **Clarify how IUU fishing, as defined to include products produced with forced labor, will be considered under this rule**

FishWise would like to request NOAA clarify if they will be using a definition of IUU fishing that is inclusive of products produced by forced labor. If the expanded definition is taken up by other agencies and programs it would be wise to align with them now, and to provide additional clarity to the seafood industry.

FishWise thanks the U.S. government for taking leadership on this important topic, allowing for the opportunity to provide input, and for its work to date to address IUU fishing, traceability, and social responsibility. We believe a holistic, collaborative approach to these issues has the potential to create a strong foundation of transparency and coordination that will allow for aligned information sharing and real change on the water.

Sincerely,

Sara G. Lewis
Traceability Division Director
FishWise