

# COMMON GROUND ROUNDTABLES

DATA AND CAPACITY BUILDING  
ROUNDTABLE SUMMARIES

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2022-2023





# EXECUTIVE SUMMARY

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In the fall of 2022 and summer of 2023, FishWise convened a series of Seafood Import Monitoring Program (SIMP) roundtable discussions with members of the U.S. seafood industry and included representatives from the National Oceanic and Atmospheric Administration (NOAA) and U.S. Customs and Border Protection (CBP) to observe and listen to the discussions. The first two convenings were held separately for U.S. seafood importers and customs brokers, acknowledging the distinct roles each stakeholder group plays within SIMP and their diverse experiences regarding data access, sharing, and interoperability. In contrast, the third convening brought customs brokers and importers together, enabling participants from both sides to engage in discussions about implementation improvements necessary for stronger SIMP compliance, as well as enhanced program clarity and transparency. This format facilitated an exchange of insights and perspectives among all participants, including the U.S. government.

FishWise's Common Ground roundtables stemmed from the need to identify interim steps outside of formal rulemaking that would positively impact implementation and compliance efforts. These dialogues were created to give the companies subject to SIMP the opportunity to jointly identify solutions related to topics including SIMP data collection and associated costs of compliance, the audit process, clarity and transparency on program requirements, and supply chain capacity building.

Despite SIMP being central to many recent conversations within the seafood industry and NGO community, the critical issue areas outlined below have remained unchanged since its establishment six years ago. Recognizing the persistence of these challenges, FishWise facilitated dialogues that have allowed the seafood industry to share their experiences and concerns regarding SIMP compliance. To ensure inclusive and effective feedback loops, government representatives also participated in these discussions. By identifying areas where implementation improvements align (or where they are lacking), the U.S. government can prioritize efforts to address these concerns. This collaborative approach ensures that both the seafood industry and government are well-equipped to effectively combat illegal, unreported, and unregulated (IUU) fishing and seafood fraud.



## **Focus on Program Efficacy**

The seafood stakeholders that FishWise spoke with share a common interest in keeping IUU and misrepresented seafood out of the U.S. market and better understanding SIMP's efficacy in supporting those efforts. There was significant support for the use of risk-flagging tools that would allow U.S. government agencies to use the high volumes of data that the industry provides to differentiate information that is most closely associated with risks of IUU fishing rather than likely non-substantive reporting errors. Stakeholders said the most tangible way for the industry to see the beneficial impacts of SIMP would be if the U.S. government were to start issuing regular, substantive communications (e.g., press releases and reports) on topics including, but not limited to, new or updated guidance materials, enforcement actions, non-confidential statistics or risk trends, how supply chain data is being used and validated, and overall program efficacy.

## **Clarity on Requirements**

Seafood supply chains are highly complex, and the industry relies on operational consistency and standardized processes to function efficiently at scale. Roundtable attendees were aligned in asking for greater clarity of processes for implementing SIMP. Instead of standardized forms issued by the U.S. government, NOAA currently requires supply chain records for program compliance. However, due to the variability of seafood supply chains, these records can vary widely in their content, structure, and necessity for trade. To improve SIMP compliance, guidance is needed on the specific documentation requirements for national, regional, and local fisheries, as well as other supply chain events. This information could be gathered government-to-government and in collaboration with exporting nations. Additionally, language barriers pose another challenge, as supply chain documents can be completed in any language or dialect, making interpretation difficult.

Participants in the first two roundtables expressed interest in NOAA providing a full suite of standardized forms for supply chain documentation. They believed this could mitigate risks on behalf of the importer and streamline the reporting and auditing process. However, during the third roundtable, participants recognized that the complexity and varying levels of sophistication of seafood supply chains may require more than just standardized forms. Instead, they emphasized the need for standardization and greater transparency of the audit process and document expectations.

## **Acknowledging a Persistent Technology Gap**

SIMP compliance requires a substantial amount of digitized data and recordkeeping. When SIMP was established, stakeholders anticipated that digitized traceability would become more prevalent and, through scaling, less burdensome over time.



In part, because the program's scope has not expanded as initially expected, the government overestimated the industry's readiness to make the requisite foundational changes to supply chain digitization. The seafood industry still needs to improve data and records collection and management at scale. In the words of one importer, companies are "dealing with early 90's processes" within their supply chains. Brokers and importers highlighted the challenges of manual data entry, records management, and using this information to mitigate their own non-compliance risks. It would benefit the seafood industry if NOAA considered how the U.S. government could support the widespread digitization of supply chain records.

## **Increased Capacity-Building Efforts**

In addition to understanding program efficacy, requirements, and technology gaps, roundtable participants also asked for increased NOAA outreach to support capacity-building efforts and a more formalized input forum (similar to [CBP's Trade Support Network](#)) or even informal communications (similar to the [FDA's FSMA](#) broker dialogues). These efforts range from providing a designated space for discussing significant modernization and automation efforts within the trade community to offering training to businesses and their overseas supply chains to assisting in developing appropriate traceability documentation and helping navigate government processes. Based on our discussions, FishWise believes that addressing the above issue areas can positively affect capacity building and supply chain knowledge, directly impacting rates of compliance and program literacy across domestic (i.e., re-imported products) and overseas supply chains.

## **Expansion of SIMP**

While importers and brokers did not explicitly discuss the expansion of SIMP within the roundtables, opinions remained mixed on whether the program should expand the number of species groups, echoing FishWise's previous industry outreach and feedback. Regardless, there was still strong alignment across brokers and importers on all other topics listed above. If NOAA intends to expand SIMP to additional species groups, per its [2022 proposed rule](#), then efforts to address the existing industry challenges remain critical and should occur in parallel, as new companies and supply chains would now need to comply with the program.





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## Common Ground Roundtable #1

# SUMMARY REPORT

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In October 2022, FishWise convened a SIMP roundtable discussion with U.S. customs brokers and included representatives from NOAA and CBP to observe and listen to the open discussion. The concern raised most frequently by brokers was the high volume of data required for seafood imports across multiple government programs, including SIMP, and they offered the following feedback.

Manual data entry into the Automated Commercial Environment (ACE) Portal is a high-cost effort for the seafood industry. Still, it is seen as worthwhile if that data is analyzed and used to screen and prevent at-risk seafood imports. A good model for this work is the FDA's risk-based analytics tool, PREDICT, used to electronically screen imports. As agencies do not currently utilize ACE data to screen imports for IUU risk in real time, the value in submitting this data in a form to be readily checked is unclear. Thus, brokers suggested the following:

- **Establishing a mechanism to review ACE data in real time and share the process and successes with the industry would demonstrate the value of manual ACE data entry.** This could be done to justify data collection in a digital format.
- **If the U.S. government prefers not to employ real-time screening for imported seafood products, brokers offered solutions to reduce their data entry burden, including deferral of data collection to auditing and allowing the upload of digital (e.g., scanned) records in place of digitized data.** However, this would complicate the implementation of the subsequently-passed 2023 NDAA as it mandates the use of predictive analytics to help prioritize audits.

Another common issue area was data accuracy. Brokers face challenges locating, understanding, and managing vast arrays of supply chain records associated with seafood imports. These challenges are due, in part, to the complexity of seafood supply chains but also the extensive and diverse reporting and recordkeeping requirements across U.S. trade monitoring programs and U.S. agencies. Brokers expressed frustration with the nature of data collection and management within the seafood industry as the proliferation of trade programs, such as SIMP, has yet to lead to widespread industry improvements in supply chain traceability.



Brokers suggested that the U.S. government could increase SIMP compliance and support the adoption and improvement of traceability practices within supply chains by:

- **Offering standardized, fillable forms in multiple languages**
- **Providing clear, regularly-updated guidance on documents required for compliance**
- **Consolidating data requirements across seafood trade programs**

Some brokers also expressed opposition to positioning supply chain companies as the front line for combatting IUU fishing due to the challenges with risk identification and leverage needed to address those risks. IUU fishing risk factors need to be made clear to industry, but even if they are, current data management issues will likely hamper efforts to mitigate those risks. To support the seafood industry's efforts to combat IUU fishing through improvements to their businesses' risk assessment processes, NOAA should:

- **Focus efforts on mitigating IUU fishing risks over non-substantive errors** (e.g., typos)
- **Publish risk indicators or alerts for IUU fishing similar to the FDA import alerts**
- **Transfer the burden of IUU fishing risk management away from importer.** Brokers suggested that foreign governments may be better suited for this (e.g., EU Catch Certificates). Another idea put forth by brokers was the use of third party certifications recognized by the U.S. government to lower IUU fishing risk (and, therefore, audit selection).



## Common Ground Roundtable #2

# SUMMARY REPORT

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In November 2022, FishWise convened a SIMP roundtable discussion with U.S. seafood importers and included representatives from NOAA and CBP to observe and listen to the open discussion. The concern raised most frequently by importers was the impact of unclear recordkeeping requirements across multiple government programs on the seafood industry.

There are several challenges that U.S. seafood importers face when complying with SIMP. Those challenges range from the generality of the types of documentation required to prove the chain of custody and the country or supply chain-specific interpretation of those documents to the over-collection of documents and difficulties importers have obtaining those documents. **Importers suggested that to drive increased compliance, enhanced outreach and tailored guidance is necessary to help companies overcome compliance challenges, and noted that NOAA should vocalize its program requirements rather than supply chain companies doing so.**

In addition to the above, importers also voiced difficulties in collecting information from overseas artisanal and U.S. fisheries. They identified three areas where the government could offer support:

- **Create fillable, comprehensive forms that satisfy SIMP reporting requirements**
- **Create comprehensive lists of country and fishery-specific harvest and supply chain documentation required for audits**
- **Continue improving the alignment of NOAA SIMP auditors as well as audit standards**

While SIMP has fostered some uptake in traceability, critical aspects required for the widespread adoption of digitized supply chains still need to be answered. Who is responsible for digitization? What is the accountability of the responsible party, and how is that proven? How should the data be transferred between parties, and how is confidentiality addressed? **Importers voiced their desire for better alignment on industry-wide key data elements (KDEs) and critical tracking events (CTEs) outside of the ACE Portal.** Coupled with U.S. agencies standardizing data requirements across existing trade monitoring programs, there would be a positive spillover effect, making it easier to comply with SIMP.



At a more foundational level, importers expressed they need reassurance that existing U.S. government efforts have been effective in combating IUU fishing. Importers would welcome more regular communication and program updates and would like to see government communicate the following to each stakeholder group:

- **To importers, communicate how the program is effective in combating IUU fishing and identify risk mitigation strategies that supply chains could consider in their business operations for more responsible product sourcing**
- **To foreign fishers, support outreach in local dialects and offer regularly-updated plain language outreach materials**
- **To U.S. fishers, communicate the importance of documentation for U.S. re-imports**



## Common Ground Roundtable #3

# SUMMARY REPORT

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In May 2023, FishWise convened its third roundtable with U.S. seafood importers and customs brokers and included representatives from NOAA and CBP to observe and listen to the discussion. The purpose of this roundtable was to gather feedback from the regulated community regarding the recordkeeping and audit requirements of NOAA's Seafood Import Monitoring Program (SIMP). Conversations focused on two hypothetical scenarios that explored how NOAA could improve clarity in two areas: 1) providing greater clarity on the required chain of custody documents at different supply chain steps and 2) offering clearer guidance on the key data elements contained within those documents.

During the discussions, several key areas of concern were raised by the participants, highlighting the need for enhanced clarity and consistency in the audit process and overall implementation of SIMP. The following were the main topics addressed during the roundtable.

### Audit Process Consistency

Participants expressed concerns about the high degree of variability in the granularity of audits based on the individual auditor. NOAA acknowledged this and explained that auditors request specific documents based on previous records submissions. Roundtable participants suggested that NOAA:

- **Provide more upfront information about auditors' needs and the overall audit process** to ensure successful data collection, streamline asks from supply chain actors, and build capacity with upstream actors, therefore improving the overall audit experience
- **Standardize auditor processes** to ensure uniformity across audits
- **Provide comprehensive auditor training** to ensure equitable and consistent application of audit standards

### Documentation and Data Expectations

Another common issue area was data accuracy. Brokers face challenges locating, understanding, and managing vast arrays of supply chain records associated with seafood imports. These challenges are due, in part, to the complexity of seafood supply chains but also the extensive and diverse reporting and recordkeeping requirements across U.S. trade monitoring programs and U.S. agencies. Brokers expressed frustration with the nature of data collection and management within the seafood industry as the proliferation of trade programs, such as SIMP, has yet to lead to widespread industry improvements in supply chain traceability.



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## **Documentation and Data Expectations**

FishWise examined the advantages and considerations of the two hypothetical scenarios mentioned above: one focusing on specifying the required documents for establishing a chain of custody and the other emphasizing the specific data that should be included in those documents. This distinction was crucial considering the repeated calls made by stakeholders in all three roundtables for NOAA to provide clear guidance and processes for audit compliance. It was recognized that both aspects should not be separated, but rather there is a need for clarity in both areas.

While NOAA does not have the authority to create specific forms and industry records for SIMP compliance, it can offer suggestions regarding industry records expected for a given supply chain. NOAA acknowledged that its understanding of available records evolves based on previous audits, and if a specific record has been made available for similar supply chains, auditors will request it. However, the lack of publicly available guidance on the specific documents required poses difficulties for the industry to comply.



This aligns with the roundtable participants' expressed needs for clearer, more transparent documentation expectations from NOAA, encompassing both the types of documents needed and the crucial information within them. To address these needs, the following suggestions were proposed during the roundtable:

- **Tailored guidance for the audit process, including the necessary documents, based on the scale and nature of the fishery source (small-scale, mid-scale, industrial, or farmed)**
- **A detailed table or matrix that explains the purpose of collecting specific key data elements alongside the expected documentation (e.g., fishing licenses, bills of lading, raw material invoices)**
- **An online, searchable database of acceptable documentation (e.g., government-issued catch certificates) for different supply chains**
- **Checklists that companies can refer to that outline the key information that auditors look for and provide examples of documents that satisfy the requirements of a successful audit**

## **Organization and Submission of Chain of Custody Records**

Managing and evaluating the extensive volume of chain of custody records for imports can be overwhelming, making it challenging to ensure their completeness. During the roundtable, **some participants expressed interest in the ability to tag or label chain of custody records, providing clarity on their position within the supply chain.** Additionally, alternative mechanisms for submitting scanned records to NOAA were discussed, going beyond the current practices of email or physical mailing. It was suggested that, for certain companies, submitting chain of custody records through CBP's ACE Document Image System (DIS) could be a helpful option if all auditing records are already available at the time of entry filing. However, it should be noted that this submission method would be at the discretion of the importer, as it is not a requirement imposed by NOAA. The agency's current practice involves informing and requesting records from the International Fisheries Trade Permit (IFTP) holder when an entry is selected for audit.

Overall, the roundtable provided valuable insights into the challenges faced by seafood importers and customs brokers regarding SIMP's recordkeeping and audit requirements. Industry participants emphasized the need to **standardize auditor processes, clarify documentation expectations, and explore more efficient methods for organizing and submitting chain of custody records** that accurately reflect the complex nature of seafood supply chains. Addressing these issues would not only facilitate compliance but also contribute to capacity building within the seafood industry.





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