US IMPORT CONTROL RULES

US Seafood Import Control Rules

According to NOAA, more than 85% of the seafood consumed in the United States is imported or re-imported after going overseas for processing. To help ensure legally caught seafood enters the US, NOAA employs four trade monitoring programs.[1] While this fact sheet covers all relevant programs, there is a specific emphasis on the Seafood Import Monitoring Program (SIMP) because it is currently under review by NOAA. This fact sheet and developing toolkit serve as a valuable resource for the seafood industry to actively shape the future of US seafood import control measures.

Strong Import Controls Protect US Retailers and Major Buyers By
- Reducing the risk and liability of IUU products entering a company's supply chains
- Facilitating more robust and actionable risk assessments and verification exercises
- Encouraging the adoption of electronic traceability systems
- Improving supply chain transparency and traceability
- Proactively identifying reputational, legal, and compliance risks
- Establishing predictable and standardized requirements for all imported species (after expansion)

Seafood Import Monitoring Program (SIMP)

SIMP was created in 2016 and aims to prevent illegally caught seafood from entering US commerce. The program currently focuses on 13 seafood species groups [2] deemed vulnerable to illegal fishing and mislabeling, representing 45% of seafood imported into the US.

For SIMP compliance, US importers of record must provide data to allow NOAA to trace products from the 13 species groups back to the point of harvest or production and verify whether they were lawfully harvested or produced. Record-keeping on harvest, processing, and other supply chain steps like transshipment helps reduce the risk of illegal products entering the US market and also supports access to crucial data that major buyers can use in their due diligence processes to understand the origins of their seafood products and any embedded environmental and human rights risk factors.

In December 2022, NOAA issued a proposed a rule to expand SIMP, aiming to increase the number of species subject to its reporting and recordkeeping requirements. The proposal sought to minimize the risk of mislabeling and product substitution (commonly known as seafood fraud) in seafood imports and enhance the program's capacity to combat illegal, unreported, and unregulated (IUU) fishing. In November 2023, NOAA decided to withdraw the proposed rule. This decision stemmed from extensive public feedback received during the comment period that expressed frustrations with how the program is currently being implemented and called into question its efficacy in achieving its goals.

Program Review & Feedback Opportunities

In 2023, NOAA announced a broad review of SIMP, exploring ways to enhance and strengthen its overall impact. The agency aimed to address feedback from diverse stakeholders, including major buyers, and align SIMP more closely with stakeholder expectations. As a result of this review, NOAA shared an Action Plan in 2024, which outlined the four goals that the Agency has for the program, the actions needed to achieve those goals, and plans for NOAA's next steps. The Action Plan includes possible proposed rules that would modify traceability, entry, permitting, and reporting requirements, enhance data sharing, and strengthen inter-agency cooperation and coordination, among other suggested changes to SIMP. Formal comment periods will accompany both the notice of proposed rulemaking and the release of a proposed rule. During these comment periods, it will be crucial for companies to participate and advocate to ensure the seafood industry's voice is heard.

Strengthening US Import Controls

Now is a pivotal time for companies to advocate for robust import control rules with the US government. With NOAA's new action plan, which includes the possibility of a new proposed rule to expand and strengthen SIMP implementation, there's an opportunity for companies to advocate for improvements across all import programs, including SIMP. The US imports up to 85% of its seafood, and in 2019, it imported an estimated $2.4 billion worth of illegal seafood products.[3] Broadening SIMP to cover all imported seafood, and improving how data is collected and verified, would play a pivotal role in combatting illegal fishing and human rights abuses in seafood supply chains. Research indicates a shared understanding among seafood industry stakeholders regarding the challenges facing SIMP and potential solutions. Thus, companies are encouraged to advocate for robust seafood regulation that improves the ability of the US government to keep illegal products out of its market.

How Companies Can Advocate for Stronger Seafood Regulation

Publicly Advocate
- Voice the importance of robust seafood import control rules, emphasizing that imported seafood should be held to the same high standards as US-caught seafood.
- Advocate for data standardization across NOAA's import regulations and other US seafood regulations (such as the FDA's Food Traceability Final Rule) to support more efficient and streamlined data collection and reporting requirements for the seafood industry.

Provide Feedback to NOAA
- Share your company's perspective with NOAA on the importance of a robust and well-implemented SIMP, emphasizing the real-world impacts and benefits on your seafood supply chains. (Advocacy can include individual company letters, joint industry letters, 1:1 meetings with NOAA staff, roundtable discussions, official public comments, and op-eds).
- Stand with other major buyers in urging NOAA to expand SIMP to all species, provide greater program transparency, increase clarity in guidance materials for companies and their supply chains, update stakeholders on enforcement and data verification efforts, and take a whole-of-government approach to program implementation.

Keep Informed about Ongoing and Future Developments
- Stay informed about ongoing legislative developments that may influence your seafood sourcing strategies and share these updates with your supply chains to identify joint advocacy opportunities.

More Information on SIMP Required Data Elements

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[1] NOAA's four trade monitoring programs include the Tuna Tracking and Verification Program, Antarctic Marine Living Resources Program, Atlantic Highly Migratory International Trade Program, and the Seafood Import Monitoring Program.
[2] Abalone, Atlantic cod, blue crab (Atlantic), dolphinfish (mahi mahi), grouper, king crab (red), Pacific cod, red snapper, sea cucumber, sharks, shrimp, swordfish, tuna (albacore, bigeye, skipjack, yellowfin, bluefin)
[3] https://www.usitc.gov/publications/332/pub5168.pdf