



REPORT TO CONGRESS

REPORT ON THE SEAFOOD IMPORT MONITORING PROGRAM – FY 2023

Developed pursuant to: House Report 7776-1707 accompanying the National Defense Authorization Act, 2023 (Public Law 117-263)

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THE HOUSE REPORT 7776-1707 ACCOMPANYING THE NATIONAL DEFENSE
AUTHORIZATION ACT, FY 2023 (PUBLIC LAW 117-263) INCLUDED THE FOLLOWING
LANGUAGE

NOAA shall develop a report that summarizes the National Marine Fisheries Service's efforts to prevent the importation of seafood harvested through illegal, unreported, or unregulated fishing, particularly with respect to seafood harvested, produced, processed, or manufactured by forced labor. Each such report shall be made publicly available on the NOAA website and include:

- (1) the volume and value of seafood species subject to the Seafood Import Monitoring Program, reported by 10-digit Harmonized Tariff Schedule of the United States codes, imported during the previous fiscal year;*
- (2) the enforcement activities and priorities of the National Marine Fisheries Service with respect to implementing the requirements under the Seafood Import Monitoring Program;*
- (3) the percentage of import shipments subject to the Seafood Import Monitoring Program selected for inspection or the information or records supporting entry selected for audit, as described in section 300.324(d) of title 50, Code of Federal Regulations;*
- (4) the number and types of instances of noncompliance with the requirements of the Seafood Import Monitoring Program;*
- (5) the number and types of instances of violations of State or Federal law discovered through the Seafood Import Monitoring Program;*
- (6) the seafood species with respect to which violations described in paragraphs (4) and (5) were most prevalent;*
- (7) the location of catch or harvest with respect to which violations described in paragraphs (4) and (5) were most prevalent;*
- (8) the additional tools, such as high performance computing and associated costs, that the Secretary needs to improve the efficacy of the Seafood Import Monitoring Program;*
and
- (9) such other information as the Secretary considers appropriate with respect to monitoring and enforcing compliance with the Seafood Import Monitoring Program.*

NOAA shall provide this report to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate and the Committee on Natural Resources and the Committee on Financial Services no later than 120 days after the end of the fiscal year.

THIS REPORT RESPONDS TO THE COMMITTEES' REQUEST.

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I. EXECUTIVE SUMMARY

This report responds to the directive in House Report 7776-1707 to summarize NOAA's efforts to prevent and deter the importation of seafood harvested through illegal, unreported, and unregulated (IUU) fishing, and with particular respect to seafood harvested, produced, processed, or manufactured by forced labor. This report provides an overview of seafood imports subject to NOAA's Seafood Import Monitoring Program (SIMP) in FY 2023 and associated audit findings and enforcement action associated with SIMP imports. The report also reviews NOAA's advancement in automated screening and analysis of SIMP imports, as well as the ongoing comprehensive program review. Furthermore, SIMP is only one element in a comprehensive approach by NOAA to address IUU fishing, we have also provided information, directly below, outlining NOAA's broader efforts in this area, as well as some of our efforts to address forced labor in the seafood supply chain.

NOAA implements a coordinated suite of regulatory programs, diplomatic efforts in bilateral and multilateral fora, capacity building, and enforcement technical assistance that are collectively designed to combat IUU fishing and counter the movement of IUU fish and fish products through the seafood supply chain. NOAA employs multiple tools to achieve the ultimate goal of preventing IUU fishing. These range from efforts to prevent IUU fishing from occurring in the first place to working to detect and interdict IUU fish and fish products at the border on a shipment-by-shipment basis. While SIMP focuses on the latter, NOAA also focuses significant effort on advocating for the adoption of binding fisheries conservation and management measures in regional fisheries management organizations, implementing the Port State Measures Agreement, supporting fisheries governance and enforcement capacity building efforts, and identifying and certifying nations under the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act).

In June 2016, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) entered into force. NOAA has taken a lead role in implementing and optimizing this international agreement, which now includes 76 signatories covering 100 individual countries. The PSMA, the most comprehensive international effort to address IUU fishing, is critical to reducing the level of IUU fish and fish products being landed and exported globally. Domestically, NOAA's support of PSMA includes ongoing monitoring and inspection of foreign-flagged fishing and fishing support vessels arriving in U.S. ports. Internationally, NOAA assists foreign partners by providing timely and pertinent information regarding U.S. flagged fishing vessels scheduled to arrive in their ports.

In addition, since 2016, NOAA has engaged in an ongoing international training program that facilitates the efforts of international partners to implement the PSMA effectively. NOAA's work to implement the PSMA complements our work under SIMP and other trade programs. By engaging in PSMA training with important foreign suppliers such as Ecuador, Indonesia, Thailand, and Vietnam, NOAA is able to enhance its capacity to effectively regulate vessels and operations harvesting primary international seafood commodities, such as tuna and shrimp, which are covered by these trade programs.

By working to increase awareness and competence of global law enforcement partners to combat IUU fishing and associated crimes (such as human trafficking, documentation fraud, and trafficking in protected fish and wildlife), NOAA seeks to prevent illegal fishing and related activities at the source before the fish and fish products resulting from these activities enter global commerce.

The Moratorium Protection Act requires NOAA to identify nations whose fishing vessels engage in IUU fishing activities and consult with identified nations on appropriate action. In its 2023 Report, NOAA identified seven nations and entities for IUU fishing between 2020 and 2022: Angola, Grenada, Mexico, the People's Republic of China (PRC), Taiwan, The Gambia, and Vanuatu. NOAA's identification of the PRC and Taiwan also took into account information indicating that the presence of seafood-related goods produced through forced labor. In accordance with the National Defense Authorization Act of FY 2023, NOAA is prioritizing SIMP audits from nations identified in the Moratorium Protection Act and other government reports that identify forced labor in the seafood supply chain.

Additionally, the Maritime Security and Fisheries Enforcement (SAFE) Act highlighted the importance of a whole-of-government approach to counter IUU fishing and related threats to maritime security. The Maritime SAFE Act established of a 21-member Interagency Working Group on IUU Fishing. The working group seeks to improve data sharing that enhances surveillance, enforcement, and prosecution against IUU fishing and related activities; support coordination and collaboration to counter IUU fishing within priority regions; increase and improve global transparency and traceability across the seafood supply chain to deter IUU fishing and to strengthen fisheries management and food security; improve global enforcement operations against IUU fishing; and prevent the use of IUU fishing as a financing source for transnational organized crime groups.

In 2022, the Interagency Working Group released a 5-year strategy focusing on three strategic objectives: (1) promote sustainable fisheries management and governance, (2) enhance the monitoring, control, and surveillance of marine fishing operations, and (3) ensure only legal, sustainable, and responsibly harvested seafood enters trade, which includes working across government to identify and address labor abuses, including forced labor, throughout the seafood supply chain. The efforts of the Working Group align closely with the President's National Security Memorandum (NSM-11) on Combating Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses. Specifically, the NSM directs agencies to increase coordination among themselves and with diverse stakeholders to work towards ending forced labor and other crimes or abuses in IUU fishing; promote sustainable use of the oceans in partnership with other nations and the private sector; and advance foreign and trade policies that benefit U.S. seafood workers.

II. RESPONSE TO INQUIRIES

A. VOLUME AND VALUE OF IMPORTS SUBJECT TO SIMP REQUIREMENTS

The volume and value of seafood species subject to SIMP imported during FY 2023 totaled 773,238,048 kg at a combined value of \$6,432,182,862 (Table 1). SIMP imports represented approximately 32 percent by volume, and 30 percent by value, of all seafood imports into the United States. The decrease in imports subject to SIMP reporting requirements is reflective of the overall decline in imports observed over the past fiscal year, discussed further below. The following table reflects the volume and value of each SIMP-covered species/species group imported over the course of FY 2023:

Table 1: Quantities (kg) and values (USD) of products imported under SIMP-flagged Harmonized Tariff Schedule (HTS) codes. Data for HTS codes obtained through the International Trade Data System (ITDS).

FY2023 (ITDS)	Quantity (kg)	Value (USD)	% Quantity of Total	% Value of Total
Abalone	905,638.09	26,705,237.00	0.12	0.42
Atlantic blue crab	4,657,447.25	89,393,371.00	0.60	1.39
Atlantic & Pacific cod	77,587,312.63	798,418,134.00	10.03	12.41
Dolphinfish	24,972,855.71	241,059,667.00	3.23	3.75
Grouper	7,159,330.65	71,741,903.00	0.93	1.12
NPSF crab	3,896,646.36	64,927,826.00	0.50	1.01
NPSF fish fillet	6,321,523.08	89,868,675.00	0.82	1.40
NPSF invert & mollusk	3,196,485.96	19,831,074.00	0.41	0.31
Red king crab	555,653.58	22,928,188.00	0.07	0.36
Sea cucumber	1,283,004.91	19,995,835.00	0.17	0.31
Shark	105,276.65	428,798.00	0.01	0.01
Shrimp	252,125,139.40	2,269,228,714.00	32.61	35.28
Snapper	21,156,487.49	193,304,937.00	2.74	3.01
Swordfish	9,938,551.34	89,791,137.00	1.29	1.40
Tuna	359,376,694.41	2,434,559,366.00	46.48	37.85
Total	773,238,047.51	6,432,182,862.00		

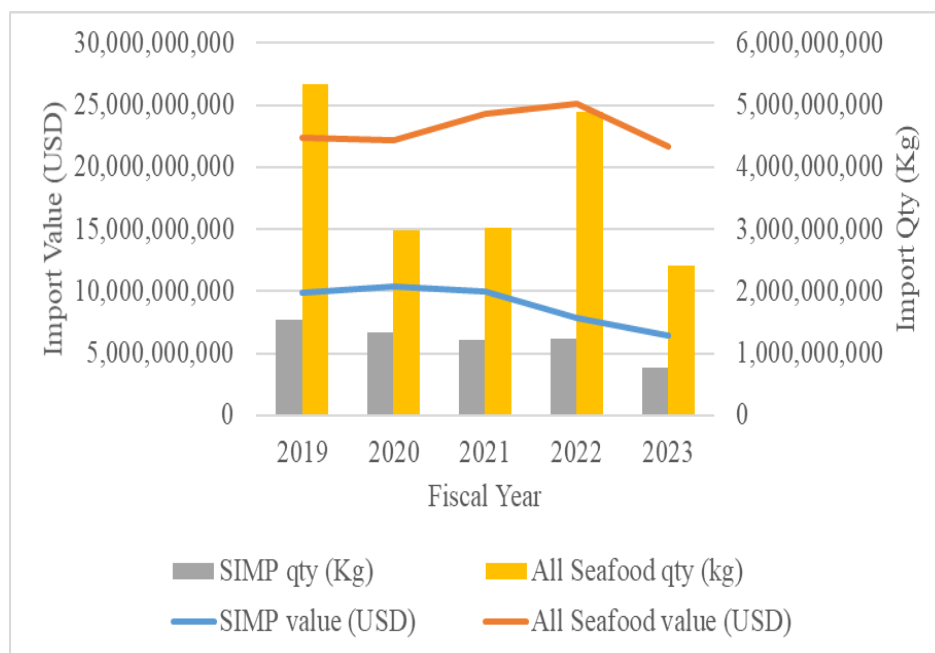
From FY 2022 to 2023, total seafood imports to the United States declined from 4.8B kg (worth approximately \$25B USD) to 2.4B kg (worth approximately \$22B USD; Figure 1). NOAA observed a similar decline among imports falling under SIMP’s purview, dropping from 1.2B kg (worth approximately \$7.8B USD) to 773M kg (worth approximately \$6.4B USD). While quantities of imported seafood products overall and within SIMP’s purview have nearly halved, the value of these imports has nearly doubled. Shrimp and tuna continue to constitute approximately 75 percent of the quantity and value of SIMP products. NOAA continues to evaluate the data declared under SIMP to garner insights into these economic trends, and to

explore the ways in which the global COVID-19 pandemic altered seafood supply chains and values.

Not all of the species categories listed in Table 1 coincide directly with the 13 species groups covered under SIMP, as many Harmonized Tariff Schedule (HTS) codes are utilized across several species and therefore cannot be categorized into specific species groups. For example, Atlantic and Pacific cod share multiple HTS codes with other cod species, which makes it difficult to differentiate between these two species by HTS code alone. Another example is snapper imports, where only two HTS codes describe the approximately 94 different snapper species 3-alpha codes that can be reported. Similarly, identifying species groups with generic HTS codes—like “fish sticks” or “fillet NSPF” (“Not Specifically Provided For,” meaning the tariff code may be used only when there is no other code that more closely matches the commodity) —is very challenging. In part to address these issues, NOAA is continuing development of the Global Seafood Data System (GSDS), an analytical IT system to allow NOAA to automatically identify risk, conduct analyses, and produce reports from multiple data sets. GSDS is currently being tested and NOAA expects to begin using the system in May 2024 and to fully deploy this tool by the end of FY 2024.

In its development of GSDS, NOAA is currently working to link HTS code usage to species 3-alpha codes that would provide quantities and values by species 3-alpha code. This would allow NOAA to better ascertain quantities and values of imported species and species groups, while also allowing NOAA to identify the percentage of quantities and values SIMP species represented among all HTS codes. While this measure would provide a better understanding of collected data, it would provide only an approximation of the whole and would still rely on declared data for accuracy.

Figure 1: Quantities (kg) and values (USD) of all seafood products and those imported under SIMP HTS codes. Data for HTS codes obtained through the ITDS.

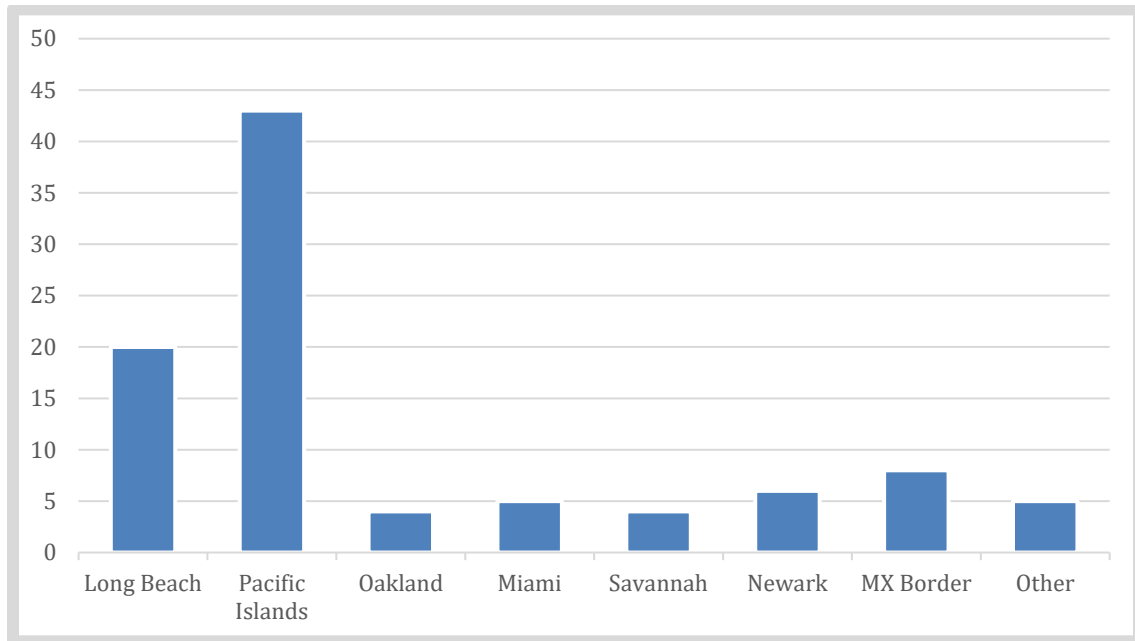


B. SIMP ENFORCEMENT ACTIVITIES AND PRIORITIES

The NOAA Office of Law Enforcement (OLE) is responsible for enforcing NOAA’s fisheries trade monitoring programs. In addition to SIMP, these programs include the Atlantic Marine Living Resources Program (AMLR), the Highly Migratory Species Program (HMS) International Trade Program, and the Tuna Tracking and Verification Program (TTVP). NOAA’s priorities to combat IUU fishing include building capacity of foreign partners to prevent illegal fishing and related unlawful activities at the source, and minimizing the flow of illicit products from entering the United States, thereby protecting our fishers, industry, and consumers.

In FY 2023, OLE performed 106 physical inspections of commercial imports of SIMP species at major U.S. Ports of Entry, with nearly 60 percent of inspections taking place in the Pacific Islands and Long Beach, CA. The majority of these inspections involved the targeting and inspection of ocean cargo – 40-foot ocean containers – conducted in collaboration with interagency partners, including U.S. Customs and Border Protection (CBP), Homeland Security Investigations (HSI), U.S. Coast Guard (USCG), U.S. Fish and Wildlife Service (FWS), and state JEA partners (Figure 2).

Figure 2: Percent of NOAA Inspections by Major U.S. Ports. Data obtained via the NOAA Enforcement Information System



Prior to SIMP implementation, few imports of seafood or fishery products were routinely inspected at U.S. ports. Absent concerns over import duties owed, co-smuggling with other prohibited commodities, or other national security-related concerns, CBP and HSI generally consider imports of fishery products a lower priority for routine inspection. This was due, in large part, to the exemption of fishery products under 50 CFR Part 14, which generally exempts fishery products (seafood) from FWS’ stringent import, inspection, and declaration requirements

for other wildlife/wildlife products. SIMP has significantly broadened regulatory import controls of fishery products and cooperation and prioritization by interagency partners, as demonstrated by NOAA's expanding cooperation with DHS on the inspection and investigation of seafood imports at some of our nation's busiest ports, including: Long Beach, Miami, San Ysidro, and Newark.

NOAA typically performs SIMP audits and referrals post-import, therefore, NOAA often obtains information about potential SIMP violations well after commodities have entered U.S. commerce. However, in leveraging SIMP data and historical import records, NOAA is working to develop and expand capabilities and partnerships to perform intelligence-led inspections and investigations to successfully target future suspected violations, while concurrently facilitating the flow of legal and sustainable fishery products into U.S. commerce.

The following list highlights FY 2023 NOAA activities that leveraged the growing data set within SIMP to effectively target potential illegal imports. In FY 2023, NOAA launched the following national enforcement operations, based on data and trends identified from SIMP audit data:

- *Operation Shrimp Cocktail* (focused on shrimp imports derelict of State Department Section 609¹ Certification of Turtle Exclusion Devices (TED) utilized during harvest)
- *Operation Osprey* (Interagency Border Operation focused on illegal trade in violation of the U.S., Mexico, Canada Trade Agreement (USMCA), and
- An interagency *Wildlife Trafficking Operation* at the Port of Long Beach, CA.

These and other enforcement operations initiated by NOAA assist in building relationships across the interagency and strengthening NOAA's presence at our nation's most prominent Ports of Entry and border ports.

In FY 2023, working with DHS partners, NOAA refused² the following shrimp imports under Section 609 authorities from entry into U.S. commerce, based on SIMP related data and violations, constituting nearly 70 tons of products included in SIMP. The additional supply chain details required by SIMP for shrimp imports allows for the productive targeting of questionable shipments for further scrutiny.

- 40' Ocean Container of shrimp from Vietnam
- 4,600 kg wild shrimp from China
- 13,695 kg wild shrimp from China
- 641 kg wild shrimp from Vietnam

¹ U.S. law (Section 609 of P.L. 101-162, or Section 609) provides that wild-caught shrimp or products from wild-caught shrimp harvested with commercial fishing technology that may adversely affect protected sea turtles species may not be imported into the United States unless the Department of State, acting on authority delegated by the President, certifies to Congress that the exporting nation harvests shrimp under conditions that minimize the impact on endangered sea turtle populations.

² Refusal of U.S. Customs (CBP) Import Entries completely blocks imported commodities from entering into U.S. Commerce, allowing the importer the limited option of: re-export, seizure, or abandonment/destruction.

- 40' Ocean Container of shrimp (*unknown origin*)
- 2,386 kg wild shrimp from Vietnam
- 40' Ocean Container of shrimp from Vietnam

Additionally, NOAA seized the following seafood products, constituting nearly 10 tons of product, imported in violation of SIMP and other federal fishery regulations:

- 10 kg of Abalone from South Africa
- 48 kg shrimp from Senegal
- 15 kg shrimp from Mexico
- 645 kg shrimp (*unknown origin*)
- 7,590 kg shark meat (*unknown origin*)

In FY 2023, NOAA initiated several ongoing criminal and civil investigations, involving seafood imported in violation of SIMP and other federal laws and regulations, including the Lacey Act, Endangered Species Act, and the Convention on the International Trade in Endangered Species of Fauna and Flora. These investigations involve seafood products allegedly produced with forced labor, falsely labeled seafood, document fraud and financial crimes. NOAA will report the outcomes of these ongoing investigations in future reports to Congress when appropriate.

In FY 2023, the NOAA Forensic Laboratory provided genetic analysis of over 300 tissue samples extracted from SIMP imports. The rapid results of the Forensic Laboratory analysis assisted in both the timely release of imports with correct species identification, and in the seizure by NOAA of the aforementioned 10 tons of seafood products seized.

C. PERCENTAGE OF SIMP IMPORTS SUBJECT TO AUDIT

Approximately 12,000 entry filings fall under SIMP's purview every month, meaning at least one or more of the HTS codes in an entry are subject to SIMP reporting and recordkeeping requirements. Not every entry filing that includes a SIMP HTS code will require full SIMP reporting; the species 3-alpha code used in the entry filing must also trigger SIMP reporting requirements. This is to say that, only entries in which both the HTS code and species 3-alpha code are subject to SIMP are required to comply with SIMP's full reporting requirements.

In FY 2023, 146,294 entries included SIMP HTS codes, and of those, 130,710 entries used at least one SIMP-listed species 3-alpha code and were subject to SIMP's full reporting requirements.

In FY 2023, approximately 14 percent (237) of the 1,722 active IFTP holders imported SIMP products and were audited. Since program implementation, NOAA has audited 40 percent of all IFTP holders that imported seafood products subject to SIMP.

Of 130,710 entry filings subject to full SIMP requirements in FY 2023, 329 (approximately 0.25 percent) were selected for audit. Since program implementation, 732,731 entries were subject to SIMP reporting, while 3,901 (approximately 0.53 percent) were selected for audit.

D. NUMBER AND TYPES OF NONCOMPLIANCE IN AUDITS

The term "noncompliance" includes a range of outcomes, from simple typographical errors to fraudulent documentation or data. The actions that NOAA takes to address a noncompliant audit are therefore structured to proportionally address the nature of the error identified. Corrective action ranges from specific requests for clarification, to requiring an IFTP holder or its broker to obtain and provide chain of custody documentation, to a referral to OLE. The majority of noncompliant findings result in an educational or corrective approach through collaboration with the importers to resolve the current and potential future errors.

NOAA found approximately 56 percent of audited entry filings to be noncompliant in FY 2023 (Figure 3). The most common bases for a noncompliant audit were incomplete chain of custody and misreporting of harvest weight, which occurred in approximately 56 and 62 percent of all noncompliant audits, respectively (Figure 4). These errors were evenly distributed across harvest types: wild-capture and pen-matured harvests, small-vessel harvests for small-scale harvests, and hatchery-based aquaculture for aquaculture products. However, variations in compliance and finding frequency are evident. For example, NOAA found only 31 percent of audits of declared aquaculture fisheries noncompliant compared to 63 percent and 71 percent of declared small-vessel harvests and declared wild-capture fisheries, respectively (Figure 4).

Figure 3: SIMP audits and audit compliance for FY 2023. Data on entries selected for SIMP are from the International Trade Data System (ITDS).

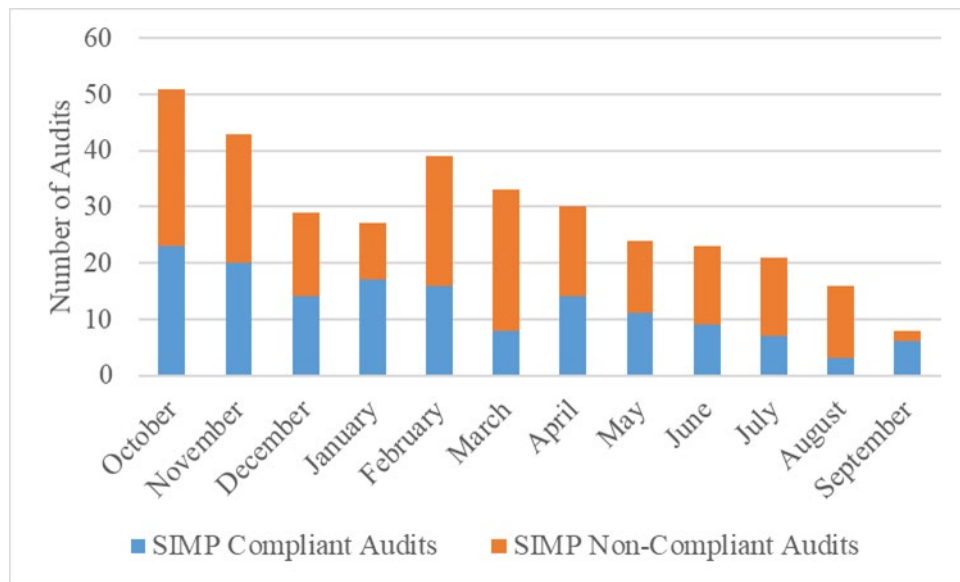
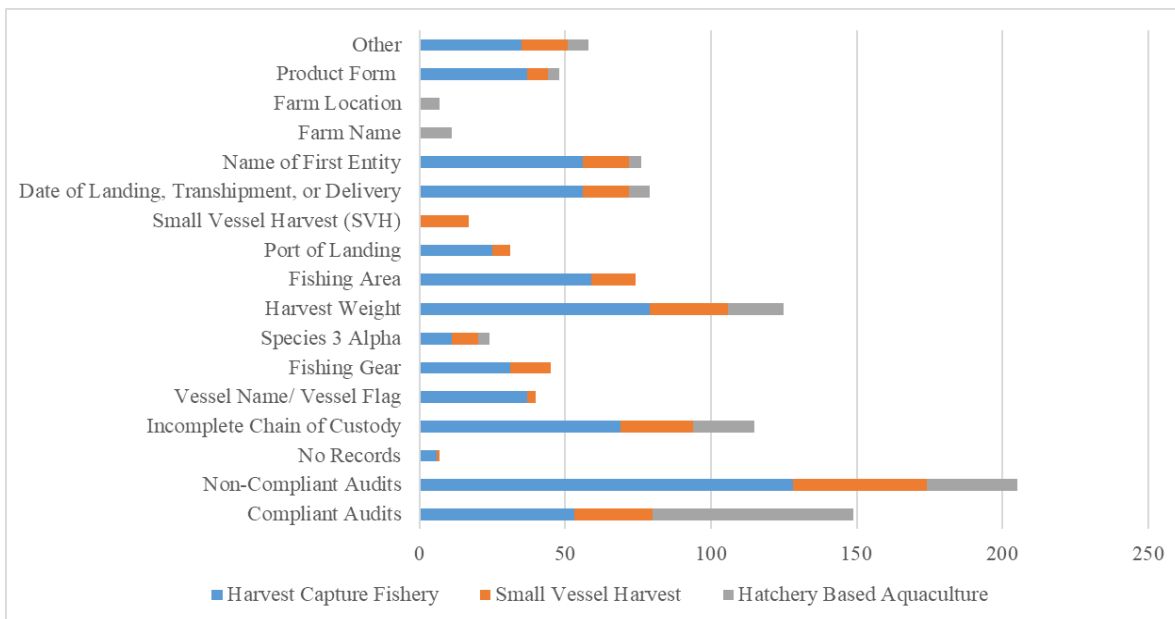


Figure 4: The number of SIMP audits that were found to have each of the listed errors and the source type code (Harvest Capture Fishery, Small Vessel Harvest, Hatchery Based Aquaculture) associated with each of these errors. Data on entries selected for SIMP audit are from the International Trade Data System (ITDS).



E. SPECIES AMONG WHICH AUDIT NONCOMPLIANCE AND ENFORCEMENT VIOLATIONS ARE MOST PREVALENT

Of the 13 species and species groups subject to SIMP requirements, NOAA audited tuna and shrimp entries the most in FY 2023, respectively (Table 2). Combined, these two species represent roughly 61 percent of all completed audits in FY 2023, while accounting for approximately 80 percent of the quantity and 73 percent of the value of all imported SIMP products. NOAA audited Atlantic cod, dolphinfish, and grouper at a similar frequency of 35 to 45 audits in FY 2023. The highest frequency of noncompliance for a species group (with more than 10 completed audits) was tuna (n=116), with a noncompliance rate of 70 percent. Shrimp had the lowest rate of noncompliance (29 percent, n=95) among all species groups, including species groups audited fewer than 10 times in FY 2023. For comparison, Atlantic cod (n=45), dolphinfish (n=35), and grouper (n=35), which all underwent more than 10 audits in FY 2023, had noncompliance rates of approximately 50 to 60 percent. It should be noted that 100 percent of audits conducted for Atlantic blue crab (n=7), Pacific cod (n=6), and red king crab (n=3) were found to be noncompliant (Figure 5).

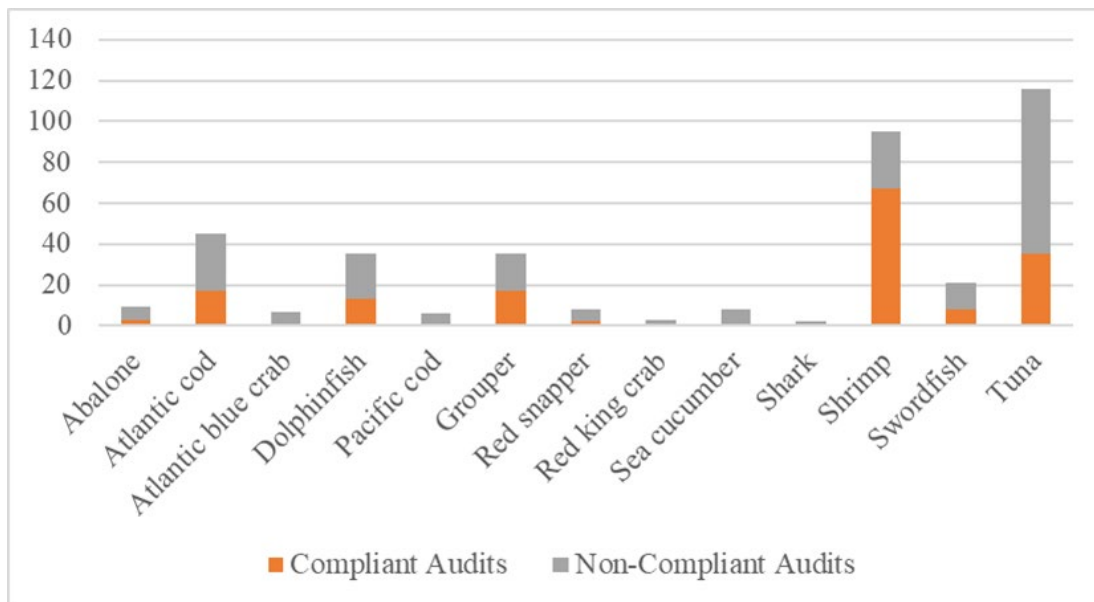
As previously stated, incomplete chain of custody and harvest weight were the most frequent audit findings among all audits. Within the species groups, incomplete chain of custody was the most frequent finding in noncompliant audits of Atlantic cod (71 percent, n=28), grouper (72 percent, n=18), and shrimp (68 percent, n=28), while the declared harvest weight was most frequently seen in dolphinfish (73 percent, n=35), grouper (72 percent, n=18), shrimp (68 percent, n=28), and tuna (60 percent, n=81). Tuna also had the highest frequency (56 percent, n=81) of fishing area errors (harvest country declared in Customs and Border Protection’s

Automated Commercial Environment (CBP ACE) system could not be verified) of all species groups with more than 10 audits completed.

Table 2: The number of SIMP audits conducted for each species/species group and the average number of errors found in each audit. Data on entries selected for SIMP audit are from the International Trade Data System (ITDS).

Audit Species/Species Group	Number of Audits per Species/Species Group	Average # Errors per Audit
Red king crab	3	7.67
Pacific cod	6	5.33
Shark	2	5.00
Sea cucumber	8	4.88
Red snapper	8	2.88
Atlantic blue crab	7	2.86
Tuna	116	2.76
Abalone	9	2.44
Grouper	35	2.34
Atlantic cod	45	2.11
Dolphinfish	35	2.09
Swordfish	21	1.57
Shrimp	95	0.94

Figure 5: The total number of SIMP audits conducted for each species/species group and the quantity found either SIMP compliant or noncompliant. Data on entries selected for SIMP audit are from the International Trade Data System (ITDS).



* Note: a single SIMP entry can include multiple species. Currently, NOAA does not differentiate a SIMP audit's compliance or noncompliance between the various species within an entry. NOAA also does not specify the specific findings to a given species within an entry. Consequently, NOAA assigns every finding found within an entry to each species within that entry.

F. HARVEST LOCATIONS AMONG NONCOMPLIANT AUDITS AND ENFORCEMENT VIOLATIONS

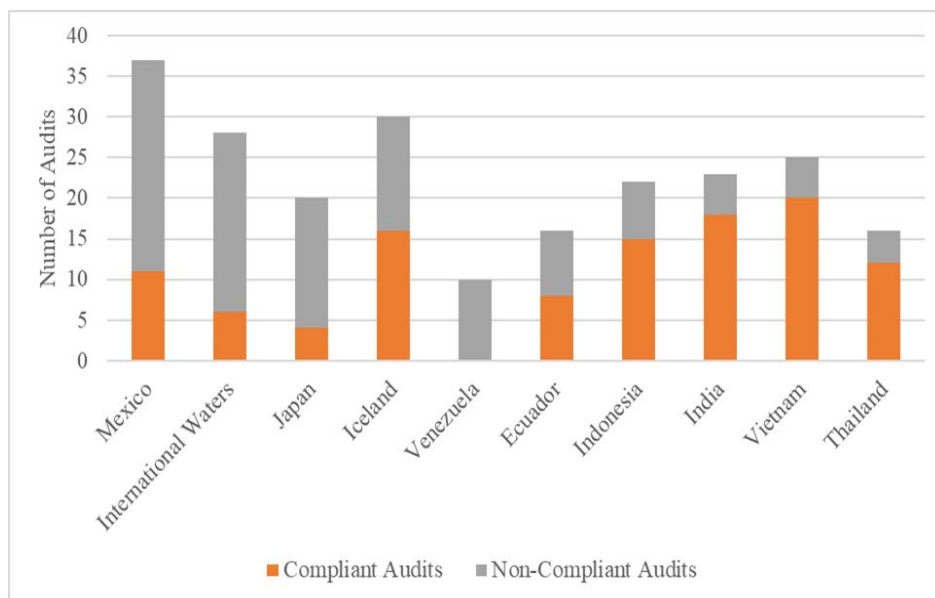
In FY 2023, SIMP imports with a declared country of harvest of Japan (80 percent, n=20), Mexico (70 percent, n=37), Venezuela (100 percent, n=10), and international waters (79 percent, n=28) had the highest frequencies of noncompliance among all declared countries or harvest regions. Note: at least 10 completed audits are needed to draw statistically significant conclusions.

Forty-four percent of noncompliant audits from Japan (n=16), 46 percent from Mexico (n=26), 40 percent from Venezuela (n=10), and 68 percent of those with declared country of harvest reported as international waters (n=22) were found to have errors with the reported fishing area. This means that the NOAA auditor could not verify the declared country of harvest from the documents provided by the IFTP holder. Therefore, approximately 50 percent of all the noncompliant audits that indicated the declared countries of harvest of Japan, Mexico, Venezuela, and international waters might have been harvested in other territorial waters, thus potentially inflating noncompliance issues associated with these declared countries of harvest.

Of the two most common findings—incomplete chain of custody and harvest weight—products declared to be harvested in Japan had the highest frequency (70 percent, n=16) of incomplete chain of custody issues, while Indonesia (86 percent, n=7), India (80 percent, n=5), and Mexico (77 percent, n=26) had the highest frequencies of harvest weight issues.

NOAA found SIMP imports with the country of harvest indicated as India, Thailand, and Vietnam to have compliance rates above 75 percent (Figure 6).

Figure 6: The number of SIMP audits conducted for the top 10 most common declared countries of harvest and the quantity of audits that NOAA found either SIMP compliant or noncompliant. Data on entries selected for SIMP audit are from the International Trade Data System (ITDS).



G. ADDITIONAL EFFORTS TO IMPROVE PERFORMANCE

Global Seafood Data System (GSDS) DEVELOPMENT AND IMPLEMENTATION

Throughout program implementation, NOAA has continuously evaluated the needs and resources required to enable the successful execution of SIMP's objectives, and identified a significant gap in the need to aggregate collected data in ITDS for further analysis. NOAA highlighted this gap in the 2021 SIMP Implementation Report³.

As part of GSDS development and implementation, NOAA will update the current audit procedures to incorporate automated screening to better analyze the data declared and identify risk. NOAA will also automatically screen SIMP entries and assign a risk score per the following process:

- *Baseline validation* will confirm that the required data declared are present and valid where applicable and will supplement the initial screening by the CBP ACE upon import. Baseline validations will improve data quality by enforcing accuracy, consistency, and reliability and act as the first line of defense against poor data quality by ensuring that data meets specified criteria and adheres to the business rules specified by SIMP. NOAA will review entries that fail baseline validation and will conduct outreach and engagement with IFTP holders as appropriate.
- *Programmatic risk rules* that include the audit prioritization mandates from the National Defense Authorization Act of FY 2023 and other risk flags to focus on IUU fishing, human trafficking, seafood fraud, and other program circumvention like the Certification of Admissibility. Specific examples are below.
- *Dynamic risk rules* utilizing artificial intelligence and machine learning (AI/ML) capabilities to improve overall program performance, enable data-driven decision-making, and enhance the overall value of GSDS data.

NOAA will audit screened entries with the highest risk score, and will include directed audits and a percentage of randomly selected entries in the weekly audit selection. Further examples of higher risk entries under the programmatic risk rules include entries that indicate that a catch was part of an aggregated harvest but only include a single vessel in the fishing activities, and entries that indicate harvest in international waters. Aggregated harvest entry filings require more than one reported vessel, and vessels typically involved in these aggregated harvests do not operate in international waters. NOAA will also review nations identified in the most recent version of the following reports on an annual basis: the Trafficking in Persons Report issued by the Department of State, List of Goods Produced by Child Labor or Forced Labor issued by the Department of Labor, and the report required under section 3563 of the Maritime SAFE Act (Public Law 116–92). NOAA will identify entries as higher risk where the country of harvest and/or country of origin are nations identified in these reports.

³ <https://media.fisheries.noaa.gov/2021-05/SIMP%20Implementation%20Report%202021.pdf?null>.

The dynamic programmatic rules described above combined with AI/ML capabilities will enhance risk flagging for IUU fishing and other risk concerns by analyzing entries for suspicious patterns and anomalies, such as unusual behaviors or discrepancies in SIMP-required fields and/or import documentation, which may indicate further noncompliance. Furthermore, ML models can continuously “learn” and adapt to improve the accuracy of risk detection and help NOAA prioritize its audit strategy more effectively. NOAA has developed the new auditing procedures and automated screening and is in the initial testing phase, which includes comparing the ability to identify entries associated with higher risk of IUU fishing, human trafficking, and seafood fraud compared to the previous audit selection procedures. NOAA is conducting development in a phased approach to allow time for testing and final implementation. While training of the AI/ML functionalities is ongoing, NOAA expects to begin use in May 2024, and to fully deploy this tool by the end of FY 2024.

NOAA is also exploring the data collected and other findings through GSDS, as the dataset created through SIMP is large and poses challenges to human analysis. NOAA is looking into opportunities to further streamline this data review and validation process in order to create the most robust image of the current state of seafood and seafood product imports under SIMP.

COMPREHENSIVE REVIEW OF THE SEAFOOD IMPORT MONITORING PROGRAM:

In November 2023, NOAA announced a comprehensive review of SIMP to enhance and strengthen the program’s overall impact and effectiveness. To date, much of NOAA’s efforts have focused on building SIMP into an operational program since it was established by regulation in 2018, which has included building the SIMP infrastructure, staff expertise, and interagency collaborations to enable full program implementation. However, the external expectations for the program continue to exceed its capabilities. Furthermore, NOAA has different resources and expertise than existed when the regulation was first developed.

NOAA’s goals are to implement and operate a program that efficiently and effectively addresses IUU fishing and seafood fraud/misrepresentation. Further, NOAA is coordinating across the federal government to determine if SIMP could support whole-of-government efforts to combat forced labor in the seafood supply chain. The decision to review the program stems from this desire, as well as the extensive public feedback received since the inception of SIMP, most recently during the comment period on NOAA’s proposed rule issued in late December 2022. The comprehensive program evaluation will review SIMP’s objectives and goals to strengthen its impact, consider what success should look like, evaluate how to achieve those goals and objectives with available resources, and identify other steps that may be necessary to meet the program’s objectives. NOAA is engaging with and seeking broad input on SIMP from various stakeholders, including industry, non-governmental organizations, other federal agencies, and foreign governments.

To gather input, NOAA is conducting a series of listening sessions to solicit written and oral feedback from stakeholders, and participating in stakeholder workshops and other less formal opportunities for engagement. Additionally, NOAA has convened an informal interagency team as part of the review process to help identify possible strategies for increasing the effectiveness

and impact of SIMP. Collaboration with other agencies to explore alternative or complementary approaches available to address seafood traceability is crucial to develop a more effective government-wide approach for seafood traceability.

The first phase of the comprehensive review is focused on collecting feedback from as wide an array of program stakeholders as possible. NOAA aims to complete this phase of the review by early summer 2024. NOAA will then begin the second phase of the review: synthesizing stakeholder feedback and formulating recommendations for program improvements. NOAA hopes to complete this phase by September 2024. Finally, during the review's third and final phase, beginning in September 2024, NOAA will begin work to implement these recommendations. Depending on the nature of any given recommendation (e.g., administrative, regulatory or statutory), the timing of implementation will vary.

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