



RE: *October meeting of the California Sustainable Seafood Initiative Panel*

October 27, 2010

TO: *California Sustainable Seafood Initiative Panel (CSSI)*

CC: California Ocean Protection Council staff

Dear members of the CSSI,

Please accept this letter from Food & Water Watch (FWW) as a follow-up to the most recent public meeting of the CSSI, held October 13-14, 2010 in Moss Landing, CA. FWW is a non-profit consumer advocacy group working with grassroots organizations across the country to create an economically and environmentally viable future. Our Fish Program promotes safer and more sustainable seafood for consumers, while helping to protect the environment and support the long-term well-being of coastal and fishing communities. We prioritize providing consumers with credible information on seafood and sustaining wild fisheries.

We appreciate your work to develop a voluntary sustainable seafood promotion program as mandated in California's AB 1217 (2009), and that the Council has established a panel with stakeholder representation from multiple sectors to discuss environmental and socioeconomic standards for "sustainable" seafood in California. However, we have several concerns with the way that the process is moving forward currently, and would like to bring these to your attention in anticipation of the next OPC meeting.

Following are a detailed list of the issues we urge you to review and address:

1. The Marine Stewardship Council (MSC) standards are currently being considered as the basis for California's sustainable seafood promotion program.

Although the MSC has been a step toward promoting consumer awareness about seafood sources and production, it is not always a reliable indicator of best choices. In fact, recent controversial certifications by the MSC – including Alaskan pollock, Ross Sea toothfish and Antarctic krill – have caused some fishermen, several prominent marine scientists and conservation groups to question the credibility of the MSC eco-label. For example, several months ago a widely publicized article written by renowned biologists Daniel Pauly and Jennifer Jacquet, among others, openly criticized the MSC, noting that "as the MSC increasingly risks its credibility, the planet risks losing more wild fish and healthy marine ecosystems." The authors cite their concern that certain fisheries seeking the MSC label are not worthy of recognition for sustainability, and suggested that the organization is in need of "major reform" if it intends to fulfill its promise as "the best environmental choice" for seafood.ⁱ

2. MSC certification does not fulfill the mandate of AB 1217 to adhere to Food and Agriculture Organization's "Guidelines for Eco-Labeling of Fish and Fishery Products."ⁱⁱ

FWW analysis has shown some of MSC's standards and certifications do not match the FAO's principles and criteria. In particular:

- Principle 2.12ⁱⁱⁱ
 - **FAO:** Label should “communicate truthful information”
 - **MSC:** *Many fisheries certified to MSC fail to actually meet criteria for sustainability, but label is permitted in the meantime while fisheries are working toward meeting criteria*
 - MSC awards a label before a fishery has met all criteria – meaning consumers may be buying a “certified” product that isn’t yet fully compliant

- Criteria 28 and 29.5^{iv}
 - **FAO:** The fishery operates “in compliance with the requirements of local, national and international law and regulations,” and under an “effective legal and administrative framework”
 - **MSC:** *Some fisheries certified to MSC have gone against national law*
 - New Zealand hoki, a currently certified fishery, has been found to violate that country’s Fisheries Act, which requires that adverse effects on the aquatic environment (such as known bycatch of endangered seabirds) be avoided^v
 - One study has found that “the MSC re-regulates the coordination of the global fisheries away from public venues and into private arenas”; it “bypasses national laws and marginalizes fisherpeople”^{vi}

- Criterion 29.3^{vii}
 - **FAO:** Requires identification of “adverse impacts of the fishery on the ecosystem”
 - **MSC:** *Fisheries certified to MSC despite evidence of adverse ecosystem impacts*
 - Alaskan pollock is being considered for re-certification despite a crashing population and concerns about bycatch.^{viii}
 - Also, MSC is currently considering certification for several reduction fisheries. Fish taken for reduction are important food source for marine mammals, birds and predatory fish
 - Additionally, many food insecure countries globally rely on prey fish as a primary source of protein. Reduction fisheries can take food from both marine wildlife and people that need it most.

- Criterion 29.6^{ix}
 - **FAO:** The fishery implements the “precautionary approach” to “protect the ‘stock under consideration’”
 - **MSC:** *Controversial certification of British Columbia sockeye salmon occurred even as Canadian judicial review into collapse of the resource was ongoing*^x



Given the above issues, we recommend that the OPC and the CSSI panel consider using the FAO's criteria as a baseline for California's sustainable seafood initiative, since that would address the areas in which MSC falls short, and also would eliminate the need for an outside eco-labeling authority involved in the state's process.

The California label should be a state certification, monitored and awarded by the state.

3. California fisheries should *not* be eco-labeled until they meet standards for sustainability as agreed upon by the CSSI and the OPC.

There has been some discussion on the panel as to whether "the bar should be set low" so as to encourage participation by a greater number of fisheries in the certification process. FWW strongly urges the panel to think about the intent of this new label when determining how it will be distributed. A fishery with excessively high rates of bycatch, repeated interactions with marine mammals or one that employs a destructive fishing method should not be awarded sustainable certification in the hopes that it will improve. If the intent of marking seafood with a "California sustainable" label is to help consumers make informed choices, and recognize fisheries with sustainable practices, California fisheries should *not* be awarded an eco-label until each actually meets the standards for sustainability as agreed upon by the CSSI panel and the OPC. To do otherwise would be misleading to consumers and make the new label little more than a marketing tool.

Thank you for your consideration of these comments. We look forward to continued cooperative work.

Sincerely,

A handwritten signature in black ink that reads "Marie Logan". The signature is written in a cursive, flowing style.

Marie Logan
Research and Policy Analyst
mlogan@fwwatch.org
415.293.9919



ENDNOTES

ⁱ Jacquet, Jennifer, et al. "Seafood stewardship in crisis." *Nature* 467, 28-29 (2 September 2010).

ⁱⁱ Food and Agriculture Organization of the United Nations. (2005). *Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries*. Rome: FAO.

ⁱⁱⁱ FAO, *Guidelines* at 2.

^{iv} FAO, *Guidelines* at 6-7.

^v Highleyman, Scott et al. Wildhavens, Turnstone Consulting and Ecos Corporation. "An Independent Assessment of the Marine Stewardship Council." Prepared for Homeland Foundation, Oak Foundation, and The Pew Charitable Trusts. January 2004 at 11.

^{vi} Constance, Douglas H., and Alessandro Bonanno. "Regulating the global fisheries: The World Wildlife Fund, Unilever and the Marine Stewardship Council." *Agriculture and Human Values*, vol. 17. June 2000 at 133-135.

^{vii} FAO, *Guidelines* at 7.

^{viii} A formal objection to this certification by the Yukon River Drainage Fisheries Association (YR DFA) is ongoing as of October 2010. <http://www.msc.org/track-a-fishery/certified/pacific/bsai-pollock/Reassessment-downloads-1/23.9.2010-BSAI-Pollock-Objection-YR DFA.pdf>

^{ix} FAO, *Guidelines* at 8.

^x The fact that this fishery later in 2010 sustained record runs (occurring several weeks after the certification was deemed effective) should not dissuade from considering this certification a violation of the precautionary approach. At the time of certification and prior, there was no knowledge of, or evidence that such a drastic uptick in the population would occur. See MacLeod, Andrew. "Sockeye Eco-Certification Kicks up Storm." *The Tyee* (British Columbia, Canada). January 21, 2010.