



Certification and Labeling of Capture Fisheries Products in California



November 2010

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FOR THE FUTURE





Certification and Labeling of Capture Fisheries Products in California

The California Sustainable Seafood Initiative

Created on Behalf of the Advisory Panel to
the California Ocean Protection Council

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00. Executive Summary

Certification and Labeling of Capture Fisheries Products in California

Compliance with the FAO Code of Conduct for Responsible Fisheries

Under AB 1217, the California Ocean Protection Council (OPC) is required to promote California fisheries products through a sustainable seafood certification and labeling program. The use of the Marine Stewardship Council (MSC) program has been discussed by the AB 1217 advisory panel and proposed by OPC staff members in a draft protocol. This paper describes an alternative protocol in which all requirements of AB 1217 are fulfilled, and California fisheries are assessed according to standards set forth by the UN Food and Agriculture Organization (FAO). Performance criteria are adopted from FAO questionnaires that have been used to successfully assess compliance with the FAO Code of Conduct for Responsible Fisheries. Additional program aspects are outlined, including marketing, traceability, and the use of 3rd party certification bodies.





01. Introduction

Certification Schemes

Simple and Efficient Choices

The purpose of this document is to present members of the California Ocean Protection Council (OPC) with existing, practical alternatives for meeting the goals of AB 1217. It attempts to summarize relevant material and describe the process of adopting and implementing standards that will satisfy the requirements of AB 1217.

Several tools for use in an alternative scheme are suggested, including those currently in use for certification. It should be apparent from this report that the MSC is not “...*the only seafood certification program that is also consistent with The Code of Conduct for Responsible Fishing (UN FAO), The Code of Good Practice for Setting Social and Environmental Standards (ISEAL)...*,” as stated by the OPC draft protocol.

At the first meeting of the OPC *ad hoc* advisory panel, it was made clear that the intent of AB 1217 was always to fund MSC certification of select California fisheries, even though MSC could not be mentioned by name in the statute. From a certain point of view, choosing the MSC makes good marketing and political sense. Nevertheless, from a fisheries management standpoint, there may be a greater value in assessing California fisheries against the FAO standards rather than MSC standards.

This report is not without its own bias, and is intended to serve as just one of many resources for the OPC staff. My hope is that whatever direction is chosen for the program, it will not be misled by the perception that no viable alternatives exist.



“It is true that we have a global fisheries crisis, but it is equally true that we already have the tools to understand its causes and overcome it.”

Dr. Daniel Pauly, Fisheries Scientist
Evaluations of Compliance with the FAO
Code of Conduct for Responsible Fisheries
(Pitcher, 2006)



02. Background

Assembly Bill 1217

An Overview of the Statute's Key Requirements

Under Assembly Bill 1217, the California Ocean Protection Council (OPC) is required to create a program that will promote California fisheries products. According to the statute (see Appendix A), the program must contain the following features:

- 1. A protocol to guide entities on how to be independently certified to internationally accepted standards** for sustainable seafood. *The protocol must be developed in a transparent process and adopted by the council in a public meeting.*
- 2. A marketing assistance program for seafood caught in California** that is independently certified to internationally accepted standards

for sustainable seafood. The council shall consult with the Department of Food and Agriculture in implementing this paragraph.

- 3. A competitive grant and loan program**, only in years in which funds are appropriated by the Legislature to the California Ocean Protection Trust Fund, for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood. *This program may be implemented in coordination with other state and private programs to maximize its effectiveness.*

- 4. The design of a label** or labels that may be used exclusively to identify seafood caught in California that is certified to internationally accepted standards as sustainable seafood.

These articles are taken directly from AB 1217 and outline the four major aspects of the California



sustainable seafood initiative. Under the protocol presently proposed in the OPC staff's draft document, the Marine Stewardship Council (MSC) would be used as the basis of a California seafood labeling program.

Whether the MSC program can meet all the objectives of AB 1217 remains a subject of debate. However, two points have become apparent from recent *ad hoc* advisory panel discussions:

1. The MSC scheme could indeed function as the basis of a California sustainable seafood labeling program even if it does not fully comply with the requirements of AB 1217.
2. The MSC scheme has deficiencies that would have to be addressed by additional requirements specified for a California program.

Together, these two observations suggest that a more focused program would be appropriate.

In spite of its drawbacks, MSC is widely regarded as having a scope and stringency not encompassed by other labels for wild seafood. In many ways this point of view is correct; however, AB 1217 makes it clear that the task of the OPC is not to choose from among existing seafood labels, but to enable FAO compliant California fisheries products to be recognized and promoted.

To that end, this report highlights possible ways in which the OPC can efficiently satisfy the requirements put forth in AB 1217.

Advantages and drawbacks are listed for several of the assessment tools. It should be explicitly recognized that all certification schemes, including MSC's, utilize experts to evaluate relevant fisheries documents and rate their importance to fisheries management. Thus, a common characteristic of all schemes is the reliance on the opinions of experts, even where the output is a quantitative score.



03. Program Elements

Key Points:

- ① Accredited certification bodies are readily available
- ② Any standards adoption process can use the ISO/ISEAL checklist
- ③ A number of tools exist to assess compliance with the FAO Code

Procedural Components

The FAO Guidelines covers three primary procedural and institutional aspects (par. 33, 36), which specify:

1. The use of accredited certification bodies,
2. Adherence to ISO and ISEAL guidelines for setting standards (among others), and
3. Guidelines for the use of the standards in certification and chain of custody verification

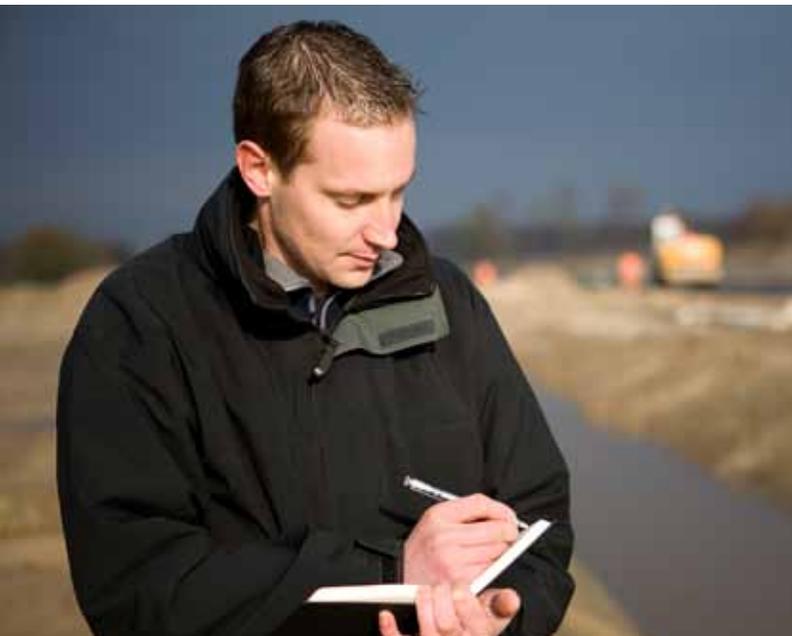
In other words, the FAO Guidelines cover Who can perform certification assessments, How to create standards for certification, and How to use the standards in certification.

Certification Services

Accredited certification bodies are widely available (see Appendix B for a list of contacts), and therefore aspect 1 is not a significant obstacle for any certification scheme. Certification bodies, responsible for performing assessments, are used in a number of different industries, including food safety, water quality, and environmental health. Each certification body must be accredited to internationally recognized criteria, e.g. ISO 17011, to ensure consistency in the application of standards.

Moody Marine, Global Trust Certification (GTC), and NSF International are three accredited certification bodies that perform assessments for FAO Code compliance and other seafood certification schemes. Each of these organizations has the experience and the credentials to provide certification services. Each adheres to the same general process for all certification schemes:

1. Client applies for certification and enlists a project coordinator to compile relevant documents
2. Certification body tasks a team of experts to review documents and perform on site audit
3. Certification body submits report and recommendation for public comment and external peer review
4. Final assessment report is delivered to an independent certification decision committee



Adoption of Standards

As a quick reference, the ISO/ISEAL checklist (www.cpet.org.uk/files/category-a-annexes.pdf; Appendix C) may be used to assist the standards adoption process.

The most important components address transparency and public access: timely access to documents and records, 60-day minimum public comment period, responses to comments, revisions, and mechanisms for appeals. (It should be noted that these procedures should apply to all cases in which existing standards are adopted - with or without revision - and thus apply even if the MSC scheme is accepted *in toto*.)

The process is therefore relatively straightforward once the set of performance criteria is drafted.

One organization that has successfully implemented procedures for standards adoption under ISO/ISEAL guidelines is the Global Aquaculture Alliance (GAA). A small GAA technical working group drafts the standards (Best Aquaculture Practices), which are subsequently reviewed by the a Standards Oversight Committee (SOC), and then released for public comment.

Both the technical group and the SOC have 12 members representing the NGO community, industry, and academia. Where the technical group is made up of experts in the field, the SOC has a more general level of expertise. Public comment periods are reserved for final drafts of the standards, allowing the broader stakeholder input to be applied to increasingly polished versions of the standards.

Members of the SOC include the Maine Aquaculture Association, Lyons Seafoods, Monterey Bay Aquarium, University of Stirling, Centre for Aquaculture Research and Development, University of Florida, Purdue

University, Aquarium of the Pacific, Seafood Choices Alliance, New England Aquarium, and Darden Restaurants. This diverse group has been effective at producing new standards, such as the newly released Best Aquaculture Practices for Salmon Farming.

Performance criteria discussed in the following section present the OPC with a clear opportunity to adopt standards specific to assessing FAO compliance. The fact that some are not currently associated with a seafood label should not present a significant obstacle to their use in the California program.

For MSC certification, the complexity of the fishery (e.g., number of species) dictates the cost of the assessment. Three member assessment teams charge a rate of \$3000 per day, plus the additional costs of travel.

MSC pre-assessment historically costs in the range of \$7000 - \$20,000, while full assessment ranges from \$70,000 to \$250,000. However, the Alaska Seafood Marketing Institute notes that cost estimates were off by an order of magnitude for the combined salmon fisheries (see pg. 25).

Certification bodies charge roughly this same rate of \$1000/person/day regardless of the certification program. Thus, a simplified certification process will be the only way to minimize certification costs in California. For example, to forgo the pre-assessment/full assessment process in favor of a single streamlined audit would result in significant savings.

04. Assessment Tools

Key Points:

- ① **The Caddy Checklist is a direct translation of the FAO Code**
- ② **The Caddy Questionnaire is a more comprehensive version of the Checklist**
- ③ **The Rapfish method presents a quick and flexible assessment of fisheries management**

AB 1217 stipulates that the basis for “internationally accepted standards” is the Food and Agriculture Organization’s Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (FAO Guidelines).

In turn, the fisheries component of the FAO Guidelines is primarily governed by the FAO Code of Conduct for Responsible Fisheries (FAO Code), and other related UN documents (par. 2.1, 26, 42). Thus, the most direct method to ensure that a fishery is compliant with international standards is to utilize the FAO Code itself.

This, in fact, has already been accomplished with

the use of assessment tools specifically created for that purpose.

The first is the official FAO reporting form for fisheries bodies, which just bears mentioning, although it is clearly designed for self-reporting and broadly written to account for the wide range of data availability in global fisheries. Other tools listed here are more appropriate for AB 1217.

The following section describes the tools currently in use to assess compliance with the FAO Code. Although some are designed primarily to diagnose problem areas in fisheries, all could easily be adopted for certification purposes.

The excerpt below is taken from the FAO Code of Conduct Article 7, which covers issues related to Fisheries Management. Section 7.5.2 in particular addresses use of the precautionary approach. This section is used as an example for comparison with each assessment tool.

FAO Code of Conduct [Article 7.5.2]

In implementing the precautionary approach, States should take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distribution of fishing mortality and the impact of fishing activities, including discards, on non-target and associated or dependent species as well as environmental and socio-economic conditions.

The Caddy Checklist and Questionnaire

In order to create a practical assessment tools, the FAO Code was translated directly by the FAO into a document commonly referred to as the Caddy Checklist, after its author, Dr. John Caddy (Caddy, 1996). The Checklist covers all FAO Code articles that are pertinent to capture fisheries: 7, 8, 10, 11, and 12. The Caddy Checklist contains a total of 193 questions for these articles, 108 of which are for the key article on Fisheries Management, article 7.

Caddy Checklist Article 7.5.2

Has there been an attempt to determine for the stock both safe targets for management (Target Reference Points) and limits for exploitation (Limit Reference Points), and, at the same time, the action to be taken if they are exceeded?

- ① Have target reference point(s) been established?
- ② Have limit reference points been established?
- ③ Have data and assessment procedures been installed measuring the position of the fishery in relation to the reference points established?

Yes	No

Yes = 1 pt.
No = 0 pt.

Where appropriate, the Caddy score structure has three levels to account for partial compliance (0.5 pt.) in addition to full compliance (1.0 pt.) and unsatisfactory or unknown compliance (0 pt.). Several groups have adapted and expanded the Caddy Checklist to include criteria and performance indicators that are specific to regional fisheries.

One recent adaptation of the Checklist was developed in 2005 at a workshop and used to determine FAO Code compliance in Gulf of California fisheries. Each of nine fisheries scientists completed the Questionnaire. Results were interpreted by accounting for both numeric scores (X) and the number of experts in agreement (Y).

From Caddy, 2007:

X is the average score for any single performance indicator

Y is the (number of identical responses)/(total number of responses)

X ≥ 0.5 and Y ≥ 0.5 At least half of the experts felt there was a reasonable compliance of the fishery with this specific provision of the Code.

X < 0.5 and Y < 0.5 There was insufficient information to achieve agreement on the actual status of the fisheries with respect to this question. The current situation does not meet Code provisions.

X < 0.5 and Y ≥ 0.5 There was agreement by at least half of the respondents that the current situation in the fishery does not meet the provisions of the Code.

The Caddy Questionnaire was subsequently used to assess the compliance of the Hawaii longline fishery in a report that was reviewed by the OPC advisory panel at the August 2010 meeting (Bartram, 2006).

This version of the Questionnaire expanded the Checklist to 282 questions, 113 of which pertain to Article 7 on Fisheries Management.

Another important addition in the Hawaii version of the Caddy Questionnaire was the descriptive rationale for each performance indicator. In addition to introducing increased transparency, the report can be more easily peer reviewed for final approval. Furthermore, any single

performance indicator could be considered critical to certification (i.e., a “deal breaker”) by evaluating the strength of the descriptive rationale.

Section 7.5.2 of the Hawaii Caddy Questionnaire is shown below, with a summary of the results for the Hawaii pelagic longline fishery shown at right. Scores for each FAO article are equally weighted, with totals expressed as a simple percentage of the maximum. Scores expressed in this way would obviously work well with a threshold or cutoff percentage for certification purposes, although the assessment team may have more freedom to make recommendations for improvements without a defined threshold.

Caddy Questionnaire Article 7.5.2

Has there been an attempt to determine for the stock both safe targets for management (Target Reference Points) and limits for exploitation (Limit Reference Points), and, at the same time, the action to be taken if they are exceeded?

Have target reference point(s) been established? [1 point]

Reference points defining maximum sustainable yield (safe targets) for major target fish stocks are established in the Western Pacific Fishery Management Council's Pelagics Fishery Management Plan (FMP) under which Hawaii longline fisheries are managed.

Have limit reference points been established? [1 point]

Limit reference points for “overfishing” and “overfished” conditions are established in the Western Pacific Fishery Management Council's Pelagics Fishery Management Plan (FMP) under which Hawaii longline fisheries are managed.

Have data and assessment procedures been installed measuring the position of the fishery in relation to the reference points established? [1 point]

Data and assessment procedures are established that enable the Western Pacific Fishery Management Council's (WPFMC) Pelagics Plan Team to annually measure the status of Hawaii longline and other pelagic fisheries in relation to the reference points. The findings are published in the Council's annual report for federally-managed pelagic fisheries.

Have management actions been agreed to in the eventuality that data sources and analyses indicate that these reference points have been exceeded? [1 point]

When limit reference points are exceeded in Hawaii pelagic fisheries, including longline fisheries, the Western Pacific Fishery Management Council is required under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to recommend corrective actions for review, approval and rule-making by the National Oceanographic and Atmospheric Administration (NOAA) Fisheries to reduce fishing mortality (if any “overfishing” limit is exceeded) or rebuild stocks (if any “overfished” limit is exceeded).

Summary of Final Scores
Hawaii Pelagic Longline Assessment for FAO Code Compliance
Using the FAO Caddy Questionnaire

ARTICLE 7 (FISHERY MANAGEMENT)	96% (109/113 PTS.)
ARTICLE 8 (FISHING OPERATIONS)	93% (70/75 PTS.)
ARTICLE 10 (COASTAL ZONE MGT)	71% (15/21 PTS.)
ARTICLE 11 (POST-HARVEST PRACTICES)	95% (38/40 PTS.)
ARTICLE 12 (FISHERIES RESEARCH)	91% (30/33 PTS.)

If a cutoff percentage is used, it could be adopted from assessments of global fisheries with similar scoring systems (see section on Rapfish, pg. 16). For example, the WWF lower score of <40% would define a failing grade, and an upper score of >70% would indicate full compliance. Scores falling in between would be indicative of room for improvement as specified by the assessment team.

Whatever threshold scores are chosen, this combination of quantitative and qualitative assessment can identify and correct weak areas in fisheries management, while still allowing for critical flaws to preclude certification in non-compliant fisheries.

Summary of the Caddy Checklist and Questionnaire

PROS

Considered the most direct assessment of FAO compliance

Simplified scoring retains advantages of larger scoring ranges

Questionnaire has already been used on US fisheries

CONS

Currently used to identify weaknesses in fisheries rather than for certification

Caddy Plus

“Caddy Plus” is the nickname given to the set of certification standards whose full name is the *FAO-Based Responsible Fisheries Management Conformance Criteria*. It is a combination of both the FAO Code and the closely related FAO Guidelines. Caddy Plus adds items from section 6 of the FAO Code (General Principles) to those already addressed in the Caddy Questionnaire, as well as all *Minimum Substantive Requirements and Criteria for Ecolabels* taken from the FAO Guidelines.

Criteria are organized into 6 components of fisheries management containing 14 fundamental clauses and 72 supporting clauses. Fundamental clauses are taken directly from relevant sections of the FAO Code and the FAO Guidelines and are

considered to be critical elements. A validation step, much like the MSC pre-assessment, lays the groundwork for the audit to avoid critical non-conformance issues.

Caddy Plus is currently in use by Global Trust Certification (GTC), an internationally accredited certification body that performs assessments for numerous government fisheries offices as well as the MSC.

The Caddy Plus scheme maintains the three-tiered scoring of the Questionnaire as full/partial/insufficient levels of compliance for each performance indicator. After the assessment team completes the assessment report, a recommendation is made as to whether the fishery

FAO-Based Responsible Fisheries Management Conformance Criteria (FAO = FAO Code of Conduct; ECO = FAO Ecolabelling Guidelines)

A. The Fisheries Management System

Assessment Fundamental Clauses 1,2 & 3 based on FAO Article 6 General Principles:

6.3/6.9/6.10/6.12/6.13

And supporting clauses based on:

FAO 7.1.3/7.1.4/7.1.9/7.3.1/7.3.2/7.3.4/7.6.8/7.7.1/10.3.1

10.1.1/10.1.2/10.1.4/10.2.1/10.2.2/10.2.4

7.3.3/7.2.2/7.6.10

B. Science and Stock Assessment Activities

Assessment Fundamental Clauses 4 & 5 based on FAO Article 6 General Principles: 6.4

And supporting clauses based on:

FAO 7.1.9/7.4.4/7.4.5/7.4.6/8.4.3/12.4

ECO 29.1

7.2.1/7.4.2/12.2/12.3/12.5/12.6/12.7/12.17

C. The Precautionary Approach etc.,

Assessment Fundamental Clauses 6 & 7 based on FAO Article 6 General Principles: 6.4/6.5/6.2

And supporting clauses based on:

FAO 7.5.2/7.5.3/7.5.1/7.5.4/7.5.5

ECO 29.6/32

D. Management Measures

Assessment Fundamental Clauses 8,9 & 10 based on FAO Article 6 General Principles:

6.3/6.6/6.16/6.17/6.18

And supporting clauses based on:

FAO 7.1.1/7.1.2/7.1.6/7.4.1/7.4.2/7.6.1/7.6.9/12.3

7.1.8/7.4.3/7.6.3/7.6.6/7.6.10/8.4.5/8.4.6/8.4.7/8.4.8/8.5.1/

8.5.3/8.5.4/8.11.1/12.10/12.11/ 8.1.7/8.1.10/8.2.4

ECO 29.2/29.4/30

E. Implementation, Monitoring and Control

Assessment Fundamental Clauses 11 & 12 based on FAO Article 6 General Principles: 6.11

And supporting clauses based on:

FAO 7.1.7/7.7.3/7.7.5/7.6.2/8.1.1/8.1.4/8.2.1/7.7.2/8.2.7

ECO 29.5

F. Serious Impacts of the Fishery on the Ecosystem

Assessment Fundamental Clauses 13 & 14 based on FAO Article 6 General Principles: 6.8/6.19

And supporting clauses based on:

FAO 7.2.3/8.4.7/8.4.8/12.11/9.1.2/9.1.3/9.1.4/9.1.5/9.3.1/9.3.5

ECO 29.3/31

Above and on previous page: the performance criteria for the Caddy Plus scheme are taken from both the FAO Code of Conduct for Responsible Fisheries and the FAO Guidelines for the Ecolabelling of Fish and Fishery Product. Fundamental clauses are considered critical to certification.

should be certified as FAO Code compliant. The report is peer-reviewed by external experts, and the recommendation is accepted or rejected accordingly by a separate panel of experts.

The Caddy Plus scheme has the advantage of being available and currently in use by GTC. Both Alaska and Iceland have adopted this certification scheme, where it is used to assess FAO compliance as well as identify seafood products to consumers on labels of origin.

Icelandic fisheries utilize *both* the Caddy Plus scheme (in the Iceland Responsible Fisheries Management program) and MSC certification, in acknowledgement of the fact that MSC certification does not assess FAO compliance, and the Responsible Fisheries label does not open up European markets that require MSC labels. This is an important indication that an FAO based scheme like Caddy Plus may be more appropriate for AB 1217 and California fisheries products, especially in markets that are not as cognizant of the MSC label.

Summary of the Caddy Plus Scheme

PROS

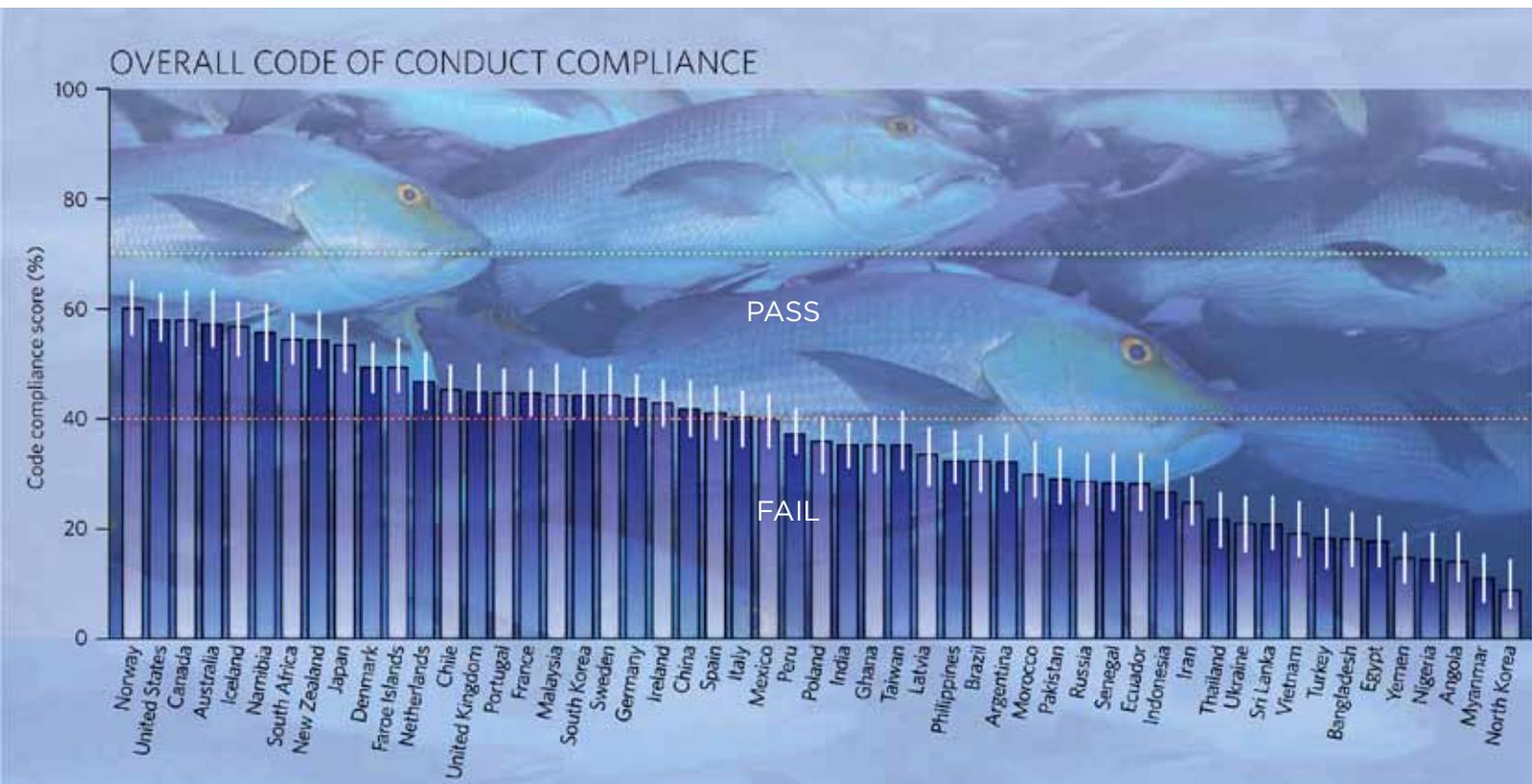
Currently in use by GTC and already designed for certification purposes

Used in the Responsible Fisheries Management scheme for Icelandic Fisheries and by Alaska state fisheries

CONS

California-specific version may require revisions

Not as transparent as it could be; may only be used with Global Trust Certification



Above: the fisheries of 53 countries are assessed for FAO Code compliance using the Rapfish method (Pitcher, 2009b).

Rapfish

Rapfish is described as a rapid appraisal method for assessing compliance with the FAO Code (Pitcher, 1999). Rapfish has previously been used to identify problem areas in fisheries, to make comparisons between fisheries, to track progress in fisheries, and starting in 1999, to gain a global snapshot of fisheries' compliance with the FAO Code of Conduct.

Developed by the University of British Columbia, Rapfish can measure multiple fields, including economic, social, ecological, technological, and ethical attributes. FAO Code compliance can be one of these attributes, or it can be the focus of the entire analysis.

In the assessment of US fisheries, the Rapfish analysis translated Article 7 of the Code into 44 ten-point questions in six different fields (see

US score profile at right). A team of experts provided scores based on published literature and government documentation.

The US analysis was part of a WWF study in which Rapfish was used to assess the fisheries of 53 countries (Pitcher, 2009a). The study set an upper "good" score of 70%, and a lower failing score of 40%. Each country is ranked by score range in the graph above. Scores between 40% and 70% were considered passing, but with room for significant improvement (Pitcher, 2009b).

It's important to note that although Rapfish has been used as a tool to assess FAO Code compliance, it is primarily a highly flexible statistical analysis, as opposed to a set of unique performance criteria. Scientists could use the Rapfish method in California using the existing questionnaires or new performance criteria.

Article 7.5.2 is primarily captured in the following Rapfish questions:

2. Is uncertainty, including lack of appropriate information, quantified and used to restrain fishing that might otherwise occur?

Score: 8 Score Range: 7 -9

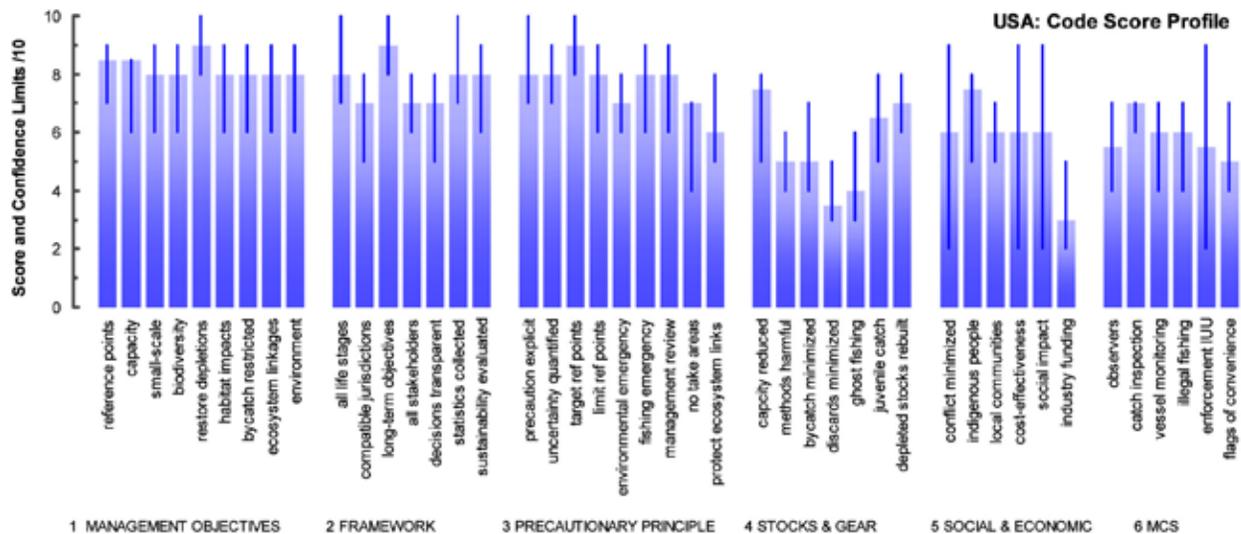
Yes. Most fishery assessments in the USA are highly quantitative and explicitly include the evaluation of uncertainty using Monte Carlo and sophisticated Bayesian techniques. Advice is generally presented to Councils in the form of explicit decision matrices, with estimated risks attached. On the other hand, a large number of less important stocks are evaluated in much less rigorous fashion on account of lack of survey data.

3. Are stock-specific target reference points estimated and employed?

Score: 9 Score Range: 8 - 10

FAO (2003) shows that management plans contain stock-specific reference points. "Target reference points have been established for many of the stocks, including the Northeast groundfish, Pacific Coast groundfish, Alaska groundfish, Alaska crab, Atlantic crab, Atlantic billfish and Atlantic tuna. Also, fishing mortality rate thresholds are used in the absence of biomass-based ones ... These target specific reference points have been in some cases exceeded and in some cases approached. Where exceeded actions have been taken such as quota reductions, limitations on fishing days at sea, trip limits, time/area closures, limited access and gear limitations" (FAO, 2003).

The figure below shows the scores for each section of the US fisheries Rapfish assessment. The lowest mean score (3 of 10 maximum points) was earned for the performance indicator pertaining to the funding of Monitoring, Control, and Surveillance (MCS).



Again, the more comprehensive scoring system allows for flexibility when used for certification. US fisheries' overall percentage score (~58%) would clearly earn a passing grade with the lower threshold set at 40%. However, looking at the US score profile, it is clear that some individual sections scored quite low. The lowest score, 3/10, was earned for the performance indicator pertaining to the funding of Monitoring, Control, and Surveillance (MCS). The written rationale for that section can be used to determine whether the issue is critical, and whether the low score warrants withholding certification:

Score: 3; Score Range: 2 - 5. *In the North Pacific the fishing industry bears the cost of the observer program. But this is one of the few cost recovery programs in the US, and it is estimated that less than 5% of MCS overall in the USA is cost-recovered. (In comparison, in NZ it is almost 100%, in Australia greater than 50%).*

Summary of the Rapfish Method

PROS

Rapfish emphasizes simplicity in scoring and robust statistical analysis

Rapfish is primarily a method for analysis and comparison; it can accommodate different sets of performance indicators

CONS

Unlikely to be used in its current form, since the questionnaire is global in scope and limited to Article 7 of the Code, Fisheries Management



05. Illustrative Model

Using the Assessment Tools

A Suggested Pathway for Creating Certification Guidelines

It may be clear at this point that while several tools exist to assess FAO Code compliance, only one is ready-made for certification purposes (Caddy Plus, a.k.a *FAO Based Responsible Fisheries Management Conformance*). Nevertheless, the successful use of all these tools in the past indicates that any one of them can be adapted for use in California.

The suggestion of this document is to utilize the most comprehensive available version of the Caddy Questionnaire, which was used in the assessment of the Hawaii pelagic longline fishery. In its current form, this version of the Questionnaire contains a proven set of performance criteria that specifically assess conformance to international standards.

Should additional criteria be adopted to measure economic, social, ecological, technological, and ethical attributes, the Rapfish method may be used in a supporting analysis.

Adoption of the Questionnaire for certification would then be guided by ISO 65. The salient point here is that use of the Caddy Questionnaire must be established by California, and not by the certification body.

Recruitment of a certification body is as simple as contacting one of the accredited organizations, preferably one that already works with similar programs.

Steps to Certification

1. Caddy Questionnaire is proposed (by the OPC) as the performance criteria for certification, specifically to assess conformance with the the FAO Code and FAO Guidelines.
2. The Questionnaire is posted for the required public comment periods, with appropriate responses to comments incorporated into revisions. Versions may be revised by the OPC, or by a technical working group.
3. Historical cutoff points of 40% and 70% can be taken from the global FAO compliance assessment analysis by WWF (pg. 16). Select critical criteria may be adopted as well.
4. Fisheries utilize the program to employ internationally accredited certification bodies, e.g., Moody Marine, NSF International, or Global Trust Certification.
5. Assessment proceeds as it would in any other certification scheme (i.e., documents are reviewed by the assessment team, and a certification decision is made by a select committee following external peer review).
6. Traceability, labeling, and marketing aspects are applied to certified products.

Internationally Standards are Adopted

The Caddy Questionnaire used previously on the pelagic Hawaii longline fishery is proposed for use in certification

The Questionnaire is made publicly available and ISO Guidelines are followed for the adoption of standards

The OPC or a working committee revises the Questionnaire as necessary

Finalized standards are delivered

Certification Body is Recruited

The OPC contracts one of the accredited ISO certification bodies to perform the 3rd party assessment

An assessment coordinator is hired (or found within NMFS or the California DFG)

Fisheries documents are compiled and organized for assessment purposes

Certification body proceeds with assessment for multiple fisheries and species

All California Fisheries are Assessed

Deficient fisheries/corrective actions are identified

Fishery is rejected as non-FAO compliant and not correctable by fisheries management

Appropriate corrective measures are implemented

Suitable fisheries are identified

Assessment reports are finalized

Assessment report is peer reviewed and submitted to the Certification Panel

Certification Panel Makes Decision*

Certification is granted to eligible fisheries. Traceability and marketing components are applied.



*Certification cannot be granted by the assessment team itself. The certification panel is an outside team of experts who review the final report.



06. Traceability

Trace Register

Full Traceability is Essential for Protecting, Tracking, and Promoting California Seafood Products

Once a certification program attempts to differentiate products in the marketplace, it has the obligation to ensure that the label is used correctly, minimizing opportunities for fraud and preserving the value of the label.

Trace Register is the only full traceability company that has experience with seafood. This is key because seafood can present significant obstacles



Verify the authenticity of the Yukon Salmon you have purchased.



Kwik'pak Brochures Products Recipes Fisherman Retail TraceMap

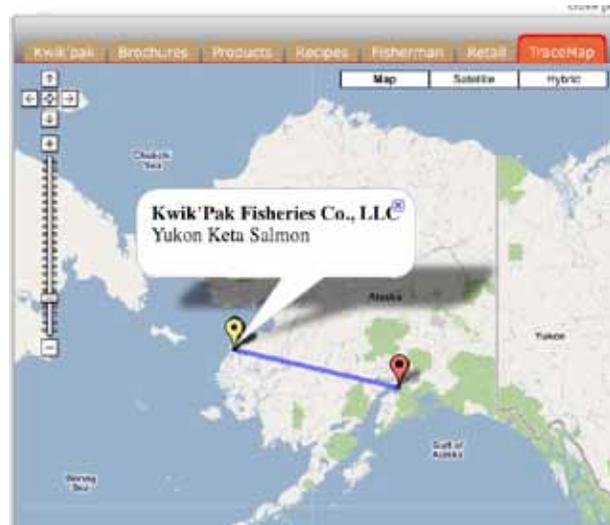
The Trace number you have entered is for a Kwik'pak Wild Yukon River Salmon

trace register

ABOUT TRACE REGISTER

as it is processed. Trace Register currently works with nearly 400 customers in 24 countries, including large wholesalers like Trident Seafoods, small producers like Kwik'pak Yukon River Salmon, and third party certifiers, like the Global Aquaculture Alliance.

Traceability differs from MSC Chain of Custody certification in that full traceability systems are contained in a centralized database. Whereas MSC



requires each step of the supply chain keep its own records, the Trace Register online database contains all chain of custody records in one place. Access is strictly controlled so that each step records only what it receives and what it sends out. The database is compatible with any existing inventory information system, and uploads can be automated in most cases.

The Trace Register system allows end users to trace seafood through every step (back tracing), and supply chain members to track the current whereabouts of its products (forward traceability).

A major additional advantage is that fishermen and fishing cooperatives can be promoted along with their products, as in the case of Kwik'pak salmon and Louisiana Pontchartrain Blue Crab.



Pontchartrain Blue Crab is traced from the fishermen to a roadhouse in Maryland using a QR code contained in the product label

Although not required by the Trace Register system, many seafood producers choose to include a consumer-facing label on the packaging. The QR (Quick Read) code is favored over barcodes for this label, because it can encode much more data, and be read by any smart phone with free software. The QR code on the blue crab label, above, sends users to the Pontchartrain Blue Crab website, which can in turn provide the trace map and catch information for that specific lot of crab.

Fraudulent duplication of California labels would be flagged by the Trace Register system, preventing similar products from other regions from being sold as California seafood. For example, farmed yellowtail from Australia could not be substituted for California yellowtail. The key to implementing this part of the traceability system is to link each lot of seafood with the catch information on the Department of Fish and Game landing receipt, also known as the "pink ticket."

Trace Register requires a subscription for its services, but representatives note that cost structures for large programs may be negotiable and, e.g., shifted from the participants to the state. Annual subscription costs for wild seafood are currently assigned to the supply chain as follows (for wild seafood):

Vessel: Fresh Delivery (small) - \$150
 Frozen H&G (medium) - \$1,500
 Factory Trawler (large) - \$3,000

Cold Store - \$3,000
 Processor - \$3,000
 Importer/Distributor - \$6,000

At this time, retailers are not charged for Trace Register services. Because AB 1217 is designed to promote fishermen, the California program may consider shifting the burden of costs from fishermen to those farther down the supply chain.

07. Marketing

Maintaining the Value of the Label

Label Recognition and Acceptance is Vital to Program Success

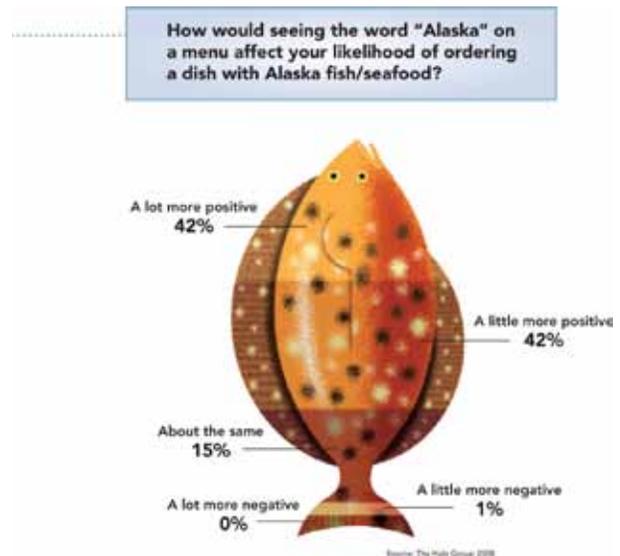
Marketing is sometimes dismissed as being unrelated to fisheries management. However, in the FAO technical paper entitled Product Certification and Ecolabelling for Fisheries Sustainability, Dr. Cathy Roheim cites cases in which ecolabeling resulted in unintended consequences in the market: low demand for labeled goods caused both increased prices and increased production of environmentally unfriendly goods (Wessells, 2001). To ensure that its label does not have these obviously adverse effects, programs are obligated to use marketing to increase awareness and acceptance of the label.

If the intent of the California program is to promote state fisheries and fishermen by changing consumer purchasing behavior, it's imperative that the label be accompanied by strong marketing efforts.

Surprisingly, the MSC has never conducted a formal study to show that MSC labeled products are preferred by consumers or command higher prices. Nor has the MSC shown in any case how long it takes to recoup certification costs. Understandably, many critics interpret this to mean that the MSC label is not as effective as it claims to be. Roheim says that these types of studies are not easy to orchestrate, and that many MSC clients consider access to the exclusive EU markets as the primary payoff of MSC certification in lieu of consumer acceptance (Cathy Roheim, pers.



comm.). However, even ASMI has commissioned studies to determine whether there is consumer preference for products promoted under the Wild Alaska moniker. In one such survey, ASMI claims



that US consumers "recognized" a completely fictitious seafood label more often than they recognized the label of the Marine Stewardship Council (Randy Rice, pers. comm.).

Representatives from Schiedermayer and Associates estimate that an annual budget for marketing agency services start at a minimum of \$500,000. Schiedermayer manages the Wild Alaska Seafood marketing campaign for ASMI.

This budget would include a \$20,000 marketing plan, website, logo development, television and billboard ads, and electronic newsletters. Like the ASMI marketing effort, a California seafood marketing campaign would likely include a consumer initiative as well as retail and food service targeted components.

PR campaigns on the scale of the California Raisins or the California Dairy Campaign cost in the range of \$8M, in the estimation of Schiedermayer representatives.

It stands to reason that the less money is spent on certification, the more money will be available

for traceability and marketing - and one of the recognized drawbacks of the MSC scheme is cost. The Alaska Seafood Marketing Institute notes that the cost-to-date of MSC certification for the Alaska salmon fisheries has exceeded \$2M, in spite of the initial estimate by MSC in 2009 of \$250,000.

Successful marketing will be especially important for California products because a sustainability label is not the limiting factor keeping consumer from, for example, eating more sea urchin roe or squid.

A marketing campaign centered around California seafood products as a whole can teach consumers about the benefits of supporting specific communities and fishermen, where to buy California seafood and how to recognize it, and how to best enjoy California seafood at home or in restaurants.



08. Notes on the MSC

Internationally Accepted Standards

MSC’s Credibility in the International Certification Community has Eroded

The accreditation of international certification bodies is governed by the ISO-based International Accreditation Forum (IAF). The IAF ensures that all its members are in compliance with the International Standards and Application Criteria. Programs are interchangeable and made available to other members.

MSC is not a member of IAF and uses its own accreditation group, ASI. This MSC accreditation program is owned by its sister organization, the Forestry Stewardship Council, and only performs accreditation for these two schemes. Because of this connection, there is concern within the international certification community that MSC is in violation of ISO guidelines by serving as both the judge and jury.

Referring to the MSC, Secretary of the IAF John Owen states that, “IAF does not consider it appropriate to be both the setter of the criteria used for accreditation and then the body which evaluates an organization for accreditation against those criteria.”

Moreover, experts argue that the MSC does not meet ISO or ISEAL requirements for the establishment of standards. Gulbrandsen (2009) notes that key decisions are approved by the MSC Board of Trustees rather than the Stakeholder Council, saying, “...in order to avoid the inertia and inefficiency sometimes experienced in the membership-based FSC program, it left ultimate

decision-making authority to the Board of Trustees rather than the Stakeholder Council.”

The MSC Default Assessment Tree itself is one of the documents produced by the MSC Board of Trustees rather than an international stakeholder process. The Default Assessment Tree, which contains the performance indicators used by all MSC certification bodies, was created in 2008 to end the use of *ad hoc* criteria in each assessment.



“[There is] some doubt as to whether MSC is operating to International Standards, such as ISO/IEC 17011 for accreditation bodies, but instead operates to its own requirements. This raises questions about independence, transparency, credibility and perhaps even conflict of interest.”

John Owen
Secretary of the International Accreditation Forum



A distinction should be made between standards that are simply used internationally, as MSC criteria are, and those that were actually created by an international organization and by international representatives, as is the case with the FAO Code of Conduct for Responsible Fisheries.



09. Management Authority

Authority to Enact Change

Client Driven Processes can Lack Meaningful Corrective Measures

Dr. Bruce Leaman, director of the International Pacific Halibut Commission (IPHC), notes that one of the fundamental problems with seafood certification occurs when the client is not the management agency.

“The ecocertification talks about the ‘fishery’ as being certified but in most cases it is a harvester or processor group that gains the certificate. Neither of those groups are likely to be responsible for management,” says Leaman. “The consumer can be misled about the value of a client-driven process when it is the client that gains the certification, not the management.”

The significance of this is that corrective measures are most effectively directed at the regulatory agency, not the client. In the case of the halibut certification, the assessment identified a lack of

data on incidental catch as one of the deficiencies in the fishery. The client was the Fishing Vessel Owners Association (FVOA).

“FVOA has neither authority nor ability to place observers aboard halibut fishing vessels to obtain bycatch data. Similarly, the IPHC lacks statutory authority to require observers and that must come via U.S. federal action but that action must reference IPHC conservation statutes,” Leaman writes, “So, here we have three different entities, none of whom is uniquely empowered to achieve the redress identified, yet FVOA is the entity ‘responsible’ for solving it.”

One fear is that knowing the limited ability of the client to implement corrective measures, meaningful deficiencies named in the assessment will be minimized. Leaman goes on to say that a solution is to have the regulatory agency sponsor the certification of the entire fishery. This is the premise behind the Icelandic and Alaska fisheries certification schemes.

10. Conclusion

Closing Remarks on MSC and FAO Standards

The Direction of the California Program may be Guided by the Value of International Standards

Aside from the authorial intent of AB 1217, there are good reasons to consider the MSC as the basis of the California program. However, a lack of other viable options is not one of them. There are existing tools and services available to properly assess California fisheries to internationally accepted standards. That these tools will likely be cheaper than MSC certification doesn't hurt. Additionally, the California program will have to fill in some aspects not addressed by the MSC, such as traceability. And because AB 1217 requires a new label design and a marketing campaign, MSC's consumer-facing elements may be redundant.

Obviously, none of this completely precludes the use of MSC as the basis of the program. A MSC based California program may be viewed as weak

or inefficient by some, but it would not completely fail or cause the collapse of California fisheries. Assessments would be performed and stickers would be placed on appropriate seafood products.

The decision to use the MSC or an FAO based program therefore rests largely on the value of assessing California fisheries directly with the FAO Code of Conduct for Responsible Fisheries. Is it worth knowing the level of FAO Code compliance in California's fisheries, and are the FAO standards for responsible fisheries a worthy selling point for California seafood products? When those questions are answered, the direction of the program under AB 1217 may more easily emerge.



11. California Fisheries

2010 Federal Register

List of California Fisheries and number of permitted participants*

- CA/OR thresher shark/swordfish (85)
- CA halibut/white seabass set gillnet, mesh >3.5 in. (58)
- CA yellowtail, barracuda, and white seabass drift gillnet, 3.5 in. < mesh < 14 in. (24)
- CA anchovy, mackerel, sardine purse seine (63)
- CA squid purse seine (64)
- CA tuna purse seine (10)
- CA spot prawn pot (29)
- CA Dungeness crab pot (625)
- WA/OR/CA sablefish pot (155)
- CA spiny lobster (225)
- CA set gillnet, mesh <3.5 in. (304)
- CA squid dip net (115)
- WA/OR/CA albacore troll, groundfish, bottomfish, CA halibut non-salmonid troll (1200)
- CA/OR/WA salmon troll (4300)
- WA/OR/CA groundfish, bottomfish longline/set line (367)
- CA pelagic longline (6)
- CA halibut bottom trawl (53)
- WA/OR/CA shrimp trawl (300)
- CA coonstripe shrimp, rock crab, tanner crab pot or trap (305)
- OR/CA hagfish pot or trap (54)
- CA swordfish harpoon (30)
- WA/OR/CA bait (13)
- CA abalone (none)
- CA sea urchin (583)
- WA/CA kelp (4)
- CA nearshore fishfish live trap/hook-and-line (93)

*not including high seas HMS components



12. Appendix A

Assembly Bill No. 1217
Passed the Assembly September 8, 2009
Chief Clerk of the Assembly
Passed the Senate September 2, 2009
Secretary of the Senate

AB 1217 — 2 —
CHAPTER

An act to amend Sections 35550 and 35650 of, and to add Section 35617 to, the Public Resources Code, relating to ocean resources.

legislative counsel's digest

AB 1217, Monning. Ocean Protection Council: sustainable seafood.

The California Ocean Protection Act establishes the Ocean Protection Council in state government and provides that the council consists of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and 2 public members appointed by the Governor. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies.

The act also creates the California Ocean Protection Council Trust Fund in the State Treasury and authorizes moneys deposited in the fund, upon appropriation by the Legislature, to be expended by the council for projects and activities authorized by the council consistent with the purposes of the act.

This bill would require the council to develop and implement a specified voluntary sustainable seafood promotion program. The program would, among other things, consist of a protocol to guide entities on how to be independently certified to internationally accepted standards for sustainable seafood, as defined, a marketing assistance program, and a competitive grant and loan program. It would prohibit seafood produced through aquaculture or fish farming from being certified as sustainable under these provisions until nationally or internationally accepted sustainability standards have been developed and implemented. The bill also would provide that moneys in the trust fund may be expended for grants or loans to a private entity for projects or

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activities that further public purposes consistent with the voluntary sustainable seafood promotion program.

The people of the State of California do enact as follows:
SECTION 1. The Legislature finds and declares all of the following:

(a) It is the Legislature's intent in enacting this act to encourage California fisheries to seek certification in accordance with internationally accepted standards for sustainability and to promote the purchase and consumption

of certified California sustainable seafood.

(b) The world's oceans provide the people of California with a wealth of ecological resources, including seafood.

(c) Unsustainable fishing practices can have adverse consequences on ocean ecosystems, placing wildlife and resources at risk.

(d) Within the commercial fishing sector there are a variety of existing methods and practices that can reduce the environmental impacts of seafood production.

(e) California fisheries have been at the forefront of efforts to protect and restore fish stocks and engage in responsible and sustainable fishing practices.

(f) Internationally accepted standards for sustainable seafood have been developed and implemented; however, no such standards have yet been developed or implemented for aquaculture or fish farming.

(g) Market-based approaches informed by consumer demand, including product differentiation, labeling, and marketing, can provide incentives to improve the sustainability of seafood production.

(h) The State of California is a major producer and consumer of seafood that is marketed in the United States and abroad.

(i) Some California fisheries have adopted sustainable practices consistent with internationally accepted standards and should be recognized in the marketplace and others should be encouraged to do so.

SEC. 2. Section 35550 of the Public Resources Code is amended to read:

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35550. Unless the context requires otherwise, the following definitions govern this division:

(a) "Council" means the Ocean Protection Council established pursuant to Section 35600.

(b) "Fund" means the California Ocean Protection Trust Fund established pursuant to Section 35650.

(c) "Internationally accepted standards for sustainable seafood" means standards that meet all of the following criteria:

(1) Meet or exceed the Guidelines for the Ecolabeling of Fish and Fishery Products from Marine Capture Fisheries promulgated by the Food and Agriculture Organization of the United Nations (FAO).

(2) Conform to all of the following principles:

(A) A fishery must be conducted in a manner that does not lead to overfishing or depletion of the exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

(B) Fishing operations should allow for the maintenance of the structure, productivity, function, and diversity of the ecosystem, including habitat and associated dependent and ecologically related species on which the fishery depends.

(C) The fishery is subject to an effective management system that respects local, national, and international laws and standards and incorporates institutional and operational frameworks that require use of the resource to be responsible

and sustainable.

(d) "Public agency" means a city, county, city and county, district, or the state or any agency or department of the state.

(e) "Sustainable" and "sustainability" mean both of the following:

(1) Continuous replacement of resources, taking into account fluctuations in abundance and environmental variability.

(2) Securing the fullest possible range of present and long-term economic, social, and ecological benefits, while maintaining biological diversity.

SEC. 3. Section 35617 is added to the Public Resources Code, to read:

35617. (a) The Ocean Protection Council shall develop and implement a voluntary sustainable seafood promotion program for the state.

(b) The program shall consist of all of the following:

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(1) A protocol to guide entities on how to be independently certified to internationally accepted standards for sustainable seafood. The protocol must be developed in a transparent process and adopted by the council in a public meeting. The council shall identify in a public document that the provisions of subdivision (c) of Section 35550 have been met.

(2) (A) A marketing assistance program for seafood caught in California that is independently certified to internationally accepted standards for sustainable seafood. The council shall consult with the Department of Food and Agriculture in implementing this paragraph.

(B) Consistent with subparagraph (A), the marketing assistance program shall consist of competitive grants and loans for discrete and limited activities to benefit participants in the fishing industry in California.

(3) A competitive grant and loan program, only in years in which funds are appropriated by the Legislature to the California Ocean Protection Trust Fund, for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood. This program may be implemented in coordination with other state and private programs to maximize its effectiveness.

(4) The design of a label or labels that may be used exclusively to identify seafood caught in California that is certified to internationally accepted standards as sustainable seafood.

(c) Seafood produced through aquaculture or fish farming shall not be certified as sustainable under this division until nationally or internationally accepted sustainability standards have been developed and implemented.

SEC. 4. Section 35650 of the Public Resources Code is amended to read:

35650. (a) The California Ocean Protection Trust Fund is established in the State Treasury.

(b) Moneys deposited in the fund may be expended, upon appropriation by the Legislature, for both of the following:

(1) Projects and activities authorized by the council consistent with Chapter 3 (commencing with Section 35600).

(2) Upon authorization by the council, for grants or loans to public agencies, nonprofit corporations, or private entities for, or

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direct expenditures on, projects or activities that do one or more of the following:

(A) Eliminate or reduce threat to coastal and ocean ecosystems, habitats, and species.

(B) Improve the management of fisheries through grants or loans for the development and implementation of fishery management plans pursuant to Part 1.7 (commencing with Section 7050) of Division 6 of the Fish and Game Code, a part of the Marine Life Management Act of 1998, that promote long-term stewardship and collaboration with fishery participants to develop strategies that increase environmental and economic sustainability. Eligible projects and activities include, but are not limited to, innovative community-based or cooperative management and allocation strategies that create incentives for ecosystem improvement. Eligible expenditures include, but are not limited to, costs related to activities identified in subdivisions (a), (b), and (d) of Section 7075 of the Fish and Game Code, fishery research, monitoring, data collection and analysis to support adaptive management, and other costs related to the development and implementation of a fishery management plan developed pursuant to this subparagraph.

(C) Foster sustainable fisheries, including grants or loans for one or more of the following:

(i) Projects that encourage the development and use of more selective fishing gear.

(ii) The design of community-based or cooperative management mechanisms that promote long-term stewardship and collaboration with fishery participants to develop strategies that increase environmental and economic sustainability.

(iii) Collaborative research and demonstration projects between fishery participants, scientists, and other interested parties.

(iv) Promotion of value-added wild fisheries to offset economic losses attributable to reduced fishing opportunities.

(v) The creation of revolving loan programs for the purpose of implementing sustainable fishery projects.

(D) Improve coastal water quality.

(E) Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term protection and conservation of those resources.

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(F) Improve management, conservation, and protection of coastal waters and ocean ecosystems.

(G) Provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources.

(H) Protect, conserve, and restore coastal waters and ocean ecosystems, including any of the following:

(i) Acquisition, installation, and initiation of monitoring and enforcement systems.

(ii) Acquisition from willing sellers of vessels, equipment, licenses, harvest rights, permits, and other rights and property, to reduce threats to ocean ecosystems and resources.

(I) Address coastal water contamination from biological pathogens, including collaborative projects and activities to identify the sources of pathogens and develop detection systems and treatment methods.

(J) (i) Provide funding for adaptive management, planning, coordination, monitoring, research, and other necessary activities to minimize the adverse impacts of climate change on California's ocean ecosystem, including, but not limited to, the effects of sea level rise, changes in ocean productivity, and ocean acidification on coastal and ocean habitat, wildlife, fisheries, chemistry, and other key attributes of ocean ecosystems and to increase the state's understanding of the ocean's role in carbon sequestration. Adaptive management

strategies, planning, research, monitoring, or other activities shall be designed to improve the management of coastal and ocean resources or aid the state to adapt to climate change impacts.

(ii) Information or activities developed under clause (i), to the extent appropriate, shall provide guidance to the State Air Resources Board for the adoption of early action measures for the elimination or reduction of emissions from sources or categories of sources pursuant to the California Global Warming Solutions Act (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(c) Grants or loans may be made to a private entity pursuant to this section only for projects or activities that further public purposes consistent with Sections 35510, 35515, and 35617.

(d) Consistent with the purposes specified in Section 35515, and in furtherance of the findings in Sections 7059 and 7060 of the Fish and Game Code, the council, in authorizing grants or loans

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for projects or expenditures pursuant to this section, shall promote coordination of state programs and activities that protect and conserve ocean resources to avoid redundancy and conflicts to ensure that the state's programs and activities are complementary.

Approved, 2009
Governor

Appendix B

Contact Information

Internationally Accredited by IAF member organizations

Moody is currently involved in other seafood certification programs, such as the UK based Responsible Fishing Scheme through Seafish. Moody Marine also performs certification services for the MSC. Paul Knapman, the North American representative for Moody, notes that the company is both “willing and capable” of certifying California fisheries to FAO standards.

Global Trust Certification handles assessments for, among others, the Icelandic fisheries and the state of Alaska. Their representatives spoke extensively about the details of certification and the use of criteria specific to FAO conformance assessments.

NSF International's certification services cover a broad range of industrial applications, and they are also one of the certification bodies enlisted by the Global Aquaculture Alliance to assess compliance with the Best Aquaculture Practices.

Trace Register is the only product traceability program with experience in the seafood sector. Andy Furner has provided extensive details on how Trace Register could serve the a California labeling program.

Moody Marine
North American Office
Contact: Paul Knapman
Email: p.knapman@moodyint.com
Direct dial: (902) 477-4208
Mobile: (902) 489-5581

Global Trust Certification
Head Office
Contact: Peter Marshall
Email: petermarshall@gtcert.com
Tel: +353 429320912
Fax: +353 429386864

NSF International
Ann Arbor Office
info@nsf.org
Telephone: (734) 769-8010
Fax: (734) 769-0109

Trace Register
Contact: Andy Furner
Trace Register, LLC
cell: (206) 909-2979
office: (206) 621-1601 ext. 115
afurner@traceregister.com

Annex 1: Checklist for assessing consistency with ISO Guide 59: Code of Good Practice for Standardisation and the ISEAL Code of Good Practice for Setting Social and Environmental Standards

Guide 59 Requirements

Note – this checklist should be used in conjunction with ISO Guide 59:1994 *Code of good practice for standardisation*.

1	General provisions	
1.1	Standardising bodies adopting the code may notify the ISO or IEC member in their country. Regional or international standardising bodies may notify ISO/IEC directly	
1.2	Members of ISO shall make every effort to become members of ISONET. Other standardising bodies shall make every effort to associate themselves with ISONET.	
1.3	The standardising body shall consider and consult regarding representations by other standardising bodies. The standardising body shall make an objective effort to resolve any complaints.	
2	Procedures for the development of standards	
2.1	Written procedures based on consensus principle should govern methods. Copies of procedures to be available upon request.	
2.2	Written procedures to contain appeals mechanism.	
2.3	Notification of standardisation activity shall be made to allow opportunity for contributions.	
2.4	Copies of standards available to any interested party.	
2.5	Approval of standards based on evidence of consensus.	
2.6	Standards to be reviewed on a periodic basis and revised in a timely manner.	
2.7	Approved standards to be published promptly.	
2.8	Records of standards development activity prepared and maintained.	
3	Advancement of international trade	
3.1	Standards written to meet needs of the market and contribute to free trade. Standards shall not be written to impede or inhibit international trade.	

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3.2	Standards not written to fix prices, exclude competition, or inhibit commerce.	
3.3	When international standards exist they shall be used as the basis for national or regional standards.	
3.4	Standards written to avoid them being used to mislead consumers.	
3.5	Standards not written to discriminate among products on the basis of place of origin.	
3.6	Wherever possible standards to be expressed in terms of performance.	
3.7	Separation of technical and/or performance requirements from non-technical or administrative requirements.	
3.8	Standards drafted to avoid use of patented items.	
4	Participation in the standards development process	
4.1	Participation accessible to materially and directly interested persons and organisations.	
4.2	Standardising body plays full part in preparation of relevant international standards by international standardisation bodies.	
4.3	At international level national participation organised by relevant national body which is member of the relevant international standards organisation. National members shall ensure their participation reflects a balance of national interests.	
4.4	At regional level participation should always reflect balance of national and regional interests.	
4.5	At national level participation organised according to consensus-building procedures which should provide for balanced representation of interest categories. Opportunities for effective and meaningful contributions from other countries should be organised by the standardising body.	
5	Coordination and information	
5.1	Standardisation activities should be actively, but voluntarily coordinated at and between international and regional levels, and within each country.	
5.2	Coordination responsibility at international level should rest with each international standards organisation.	
5.3	Coordination responsibility at regional level should rest with each regional standards body.	
5.4	Coordination responsibility at national level should rest with the national standards body.	
5.5	Coordination between regional and international bodies should	

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	rest with the bodies concerned.	
5.6	Coordination between regional and national bodies outside the region in question should be organised under the responsibility of these bodies in consultation with the international standards organisation in which membership is common.	
5.7	All information referred to in Clause 4 should be made available through ISONET.	

ISEAL Code of Good Practice for Social and Environmental Standards

Note – this checklist should be used in conjunction with ISEAL P005 *Code of Good Practice for Social and Environmental Standards*.

1	General provisions	
1.1	Code to be applied in its entirety. Standard setting organisation to include a statement to this effect both in proposal to establish and final text of standard. ISEAL to be informed of intention to apply code.	
1.2	Standard setting organisation must have publicly documented complaints resolution mechanism. Objective and documented effort to resolve complaints regarding compliance with this code.	
2	Procedures for the development of standards	
2.1	Documented procedures available to all interested parties on standards development process. Procedures developed with active involvement of a balance of interested parties. Procedures to include complaints resolution mechanism.	
2.2	On commencement of process, interested parties given opportunity to comment on terms of reference for proposed standard. Regular review process which allows participants to comment on process.	
2.3	Standard setting organisation shall publish a work programme at least annually containing: <ul style="list-style-type: none"> • Name, address and contact point 	

Annexes - Criteria for Evaluating Certification Schemes – May 2006

	<ul style="list-style-type: none"> • Standards it is currently preparing, amending or revising • Standards adopted in the preceding period <p>For each standard listed in the work programme a brief description shall be included of the scope of the standard.</p>	
2.4	Public review phase for development or revision to include at least 2 rounds of comment submissions by interested parties, each round to include at least 60 day comment period.	
2.5	The standard setting organisation to take into account comments received. Written synopsis of comments to be compiled and made publicly available.	
2.6	<p>Standard setting process to strive for consensus among a balance of interested parties.</p> <p>Documented procedures to guide decision making in the absence of consensus to be developed.</p> <p>These procedures ensure that no group of interested parties can dominate or be dominated in the decision making process.</p> <p>Interested parties to be made aware of these procedures.</p>	
2.7	<p>All approved standards to be published promptly.</p> <p>Standards to be publicly available.</p> <p>Standard setting procedures, work programmes and draft standards to be publicly available.</p>	
2.8	Records of standards development setting to be prepared and maintained by the standard setting organisation.	
2.9	<p>Standards to be reviewed on a periodic basis and revised in a timely manner.</p> <p>Review process shall occur at least every 5 years, date to be noted in the standard.</p> <p>Process to receive comments from any interested party and deal with them through a consistent and transparent manner to be established.</p>	
2.10	Focal point for standard related enquiries to be established.	
2.11	Administrative requirements relating to conformity assessment and marks of conformity to be presented separately from technical, process or management requirements.	
3	Effectiveness, relevance and international harmonisation	
3.1	<p>Social, environmental and/or economic objectives of a standard to be clearly and explicitly specified.</p> <p>Standards to be no more trade restrictive than necessary.</p>	
3.2	Standard setting organisation shall take account of relevant regulatory and market needs as well as scientific and	

Annexes - Criteria for Evaluating Certification Schemes – May 2006

	technological developments.	
3.3	<p>International standards to be used as the basis for corresponding national or regional standards.</p> <p>Clear guidance given for use at national or regional levels including criteria to judge the acceptability of proposed local variations in the standard.</p>	
3.4	<p>International standards shall avoid language or structure that may create ambiguities.</p> <p>Standards for direct implementation shall include criteria, indicators and benchmarks.</p>	
3.5	<p>Standards shall be expressed in terms of a combination of process, management and performance criteria rather than design or descriptive characteristics.</p> <p>Standards shall not favour particular technology or patent.</p>	
3.6	Standard setting organisations shall participate in the preparation of international standards.	
3.7	Standard setting organisations to pursue harmonisation between standards.	
4	Participation in the standards development process	
4.1	<p>Standard setting organisations shall ensure participation that reflects a balance of interests among interested parties.</p> <p>Participants to have expertise relevant to subject matter.</p>	
4.2	<p>Interested parties shall be provided with meaningful opportunities to contribute.</p> <p>Standard setting organisations shall identify parties that will be directly affected by the standard and proactively seek contributions.</p> <p>Impartiality accorded throughout process so that no single interest predominates.</p> <p>Standard setting organisations shall include a balance of interested parties in their governance structures that are responsible for setting social and environmental standards.</p>	
4.3	Where a standard setting organisation has members, membership criteria and application procedures shall be transparent and non-discriminatory.	
4.4	Constraints on disadvantaged groups to participate shall be addressed.	

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