

**California Sustainable Seafood Initiative (CSSI)**  
Ocean Protection Council

**CSSI Advisory Panel Meeting**  
October 13-14, 2010  
Monterey Bay Aquarium Research Institute (MBARI)  
7700 Sandholdt Rd  
Moss Landing, CA

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**DRAFT Meeting Summary**

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**Attachments:** 1) Public Comment letter from the [Santa Monica Bay Restoration Commission](#)  
2) Public Comment [letter from Food and Water Watch](#)

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**Introduction**

The third meeting of the California Sustainable Seafood Initiative (CSSI) Advisory Panel took place on October 13-14, 2010 in Moss Landing, California at the Monterey Bay Aquarium Research Institute (MBARI). The objectives of the meeting were to:

1. Discuss and provide feedback on a draft protocol for California sustainable seafood certification
2. Discuss criteria and design options for a California sustainable seafood label

This meeting summary summarizes key issues discussed and key outcomes that resulted from the meeting. This meeting summary is not intended to serve as a transcript of everything said at the meeting, but rather a summary of main points discussed.

The meeting summary is organized into the following sections:

- A. Day 1 – October 13, 2010
  1. Review Agenda, Advisory Panel’s Charge, and Next Steps
  2. Presentation of the Draft California Sustainable Seafood Certification Protocol
  3. Presentation on Sustainability of California’s Fisheries, by Dr. Louis Botsford
  4. Review of Survey Results and Discussion
    - a. Foundation for the Certification Protocol
    - b. Scope of Certification
    - c. “Credit” for Marine Protected Areas (MPAs)
    - d. Socioeconomics
- B. Day 2 – October 14, 2010
  1. Comments on Day One Discussion
  2. Review of Survey Results and Discussion (cont.)
    - a. Label
    - b. Traceability
    - c. Logo
- C. Comments from the Public
- D. Action Items and Next Steps
- E. Attendees

Each section below provides a brief overview of the topics discussed and then highlights key comments made by Advisory Panel members or OPC staff. The meeting agenda is attached as Appendix 1. All of the PowerPoint presentations may be found on the OPC website at the following link: <http://www.opc.ca.gov/2010/03/california-sustainable-seafood-initiative/>.

## **A. Day 1 – October 13, 2010**

### **1. Review Agenda, Advisory Panel’s Charge, and Next Steps**

Eric Poncelet, Kearns & West facilitator, reviewed the objectives of the meeting, the agenda, the charge of the advisory panel, roles and responsibilities of OPC staff and the advisory panel, core tasks of the advisory panel, the ground rules, and led the group in roundtable introductions.

Eric also reviewed the timeline and upcoming milestones for the California Sustainable Seafood Initiative and the Advisory Panel, which included the following items:

- Following the October 13-14 meeting, OPC staff will consider Panel input and revise its draft certification protocol for presentation to the OPC at the Council’s November 9-10 meeting
- Following the November 9-10 OPC meeting:
  - The draft certification protocol will be open for public comment (posted on website)
  - Advisory Panel members will have the opportunity to provide additional comments on the draft protocol
  - OPC staff will reach out to key constituencies (e.g., fisheries) to solicit additional input on the draft protocol
- OPC staff will revise its draft protocol based on additional feedback received and present it to the OPC for decision at the February 2011 OPC meeting.
- In 2011, the Advisory Panel will provide input on the marketing and competitive grants/loans program.

### **2. Presentation of the Draft California Sustainable Seafood Certification Protocol**

Valerie Termini, OPC staff, presented staff’s September 28, 2010 version of the draft California Sustainable Seafood Certification Protocol. She explained OPC staff’s current thinking and rationale for including or excluding specific items in the draft protocol. Valerie reiterated that this draft protocol is very preliminary and will change based on the Advisory Panel’s responses to the survey and input at the October 13-14, 2010 meeting. The September 28, 2010 draft protocol and the summary presentation can be found at <http://www.opc.ca.gov/2010/03/california-sustainable-seafood-initiative/>.

OPC staff and panel members discussed the following points following the presentation:

- OPC staff intends to support California fisheries, specifically through funding fishery management plans (FMPs) and other activities, to bring fisheries into certification.
- OPC staff clarified that the “California components” of the draft protocol are still in development. The intent is to have California specific components that supplement the Marine Stewardship Council (MSC) foundation, the combination of which will constitute the California certification program.

- OPC staff stated that, based on current information, MSC appears to be the best certification mechanism presently available. OPC staff intends to work with MSC to make the MSC certification more appropriate for California.
- OPC staff intends to make the California certification accessible to small fisheries. It is critical that “small boat” fisheries are defined appropriately so that the certification is accessible to these fisheries.
- In addition to the input received from fishermen on the panel, OPC staff will be reaching out more broadly to fisheries to ground-truth the proposed California certification.
- Panel members suggested that all of the quality guidelines developed for the California Seafood Council be included in the draft protocol.

### **3. Presentation on Sustainability of California’s Fisheries**

*Presented by Dr. Louis W. Botsford, UC Davis*

Dr. Botsford--a professor at the University of California, Davis, in the Department of Wildlife, Fish, and Conservation Biology--presented on the sustainability of California’s fisheries. His presentation covered the topics of population sustainability, fundamental uncertainty, management approaches (conventional, MPAs, and catch shares), data richness in California fisheries, and the MSC certification methodology. Dr. Botsford’s full presentation can be found at <http://www.opc.ca.gov/2010/03/california-sustainable-seafood-initiative/>.

The ensuing discussion included the following comments and clarifications:

#### Third Party Certification

- In the MSC certification model, there is an incentive for the third party certifier to get as much business as possible. A similar conflict of interest does not exist for the entity that pays for the certification.

#### Pre-Assessment

- About one third of the fisheries in California land trace amounts of fish each year and are not large enough to justify certification. Therefore they should not be included in the pre-assessment.
- Money could be saved by not doing a pre-assessment for fisheries that are already known to not have enough baseline data.
- Fisheries that have already gone through the MSC pre-assessment and should not have to go through pre-assessment again. They should, however, be measured against the California criteria of the pre-assessment.
- The pre-assessment is an important tool to figure out where fisheries need improvement. Then these improvements can be addressed before a fishery goes through the full assessment.
- Hire someone to coordinate pre-assessment with fisheries. This is a cheap, effective approach.

#### Marine Protected Areas (MPAs)

- Numerically, some benefits of an MPA can be calculated by the ratio of species habitat within the MPA to the larval dispersal and the home range size of the species. MPAs are also dependent on how fishermen respond to the MPA (i.e., how much they fish around it).
- MPAs should be incorporated into the MSC evaluation of existing fisheries management tools. There was broad panel agreement here.

- MPAs need to be recognized in the California certification program in a way that does not oversell or under-recognize them.
- MPA's benefit more than just single species; they benefit ecosystems. However, there is not a clear method through MSC certification to account for positive effects on ecosystems. Drs. Fiorenza Micheli, Steve Gaines, and Chris Costello may know more about how to account for ecosystem benefits.

#### Community Fishermen Associations (CFAs)

- Clarification: The draft protocol does not propose using the existence of a CFA as a criterion for certification. Rather, the draft protocol highlights CFAs as a proxy for showing socioeconomic benefits of a fishery.
- Clarification: The intent of the OPC is to encourage establishment of additional CFAs along the California coast.
- CFAs are recognized as supporting the improvement of fisheries and moving fisheries towards sustainability.
- A common definition of a CFA needs to be established. The term CFA could include harbor groups, non-profits, and associations that were established to facilitate communication within or among fisheries. It is important to address the degree to which catch shares are involved.
- The certification program needs to be configured so that it is responsive and adaptive. Existence of a CFA could contribute substantially to this.

#### **4. Review of Survey Results and Discussion**

A key focus of the meeting was discussing the results of an on-line survey, where Advisory Panel members provided feedback on the September 28, 2010 version of the draft protocol. Panel members reviewed the survey results on both day 1 and day 2. The full presentation summarizing the survey results and the survey results themselves can be found at <http://www.opc.ca.gov/2010/03/california-sustainable-seafood-initiative>.

##### **a. Foundation for the Certification Protocol**

Briana Moseley, Kearns & West, presented an overview of the survey responses to the questions related to the foundation for certification, including thoughts on MSC as the foundation, the California components of certification, and the funding considerations for various approaches.

Panel members and OPC staff discussed both pros and cons of using MCS as the foundation of a certification system. Many Advisory Panel members saw merits in using MSC as the foundation, although most also thought it could be improved. Some Panel members expressed specific concerns about MSC and preferred the OPC staff develop an alternative foundation. Key comments and clarifications included the following:

##### MSC as a foundation

- Create a program that allows and incentivizes fisheries to improve over time.
- The quality of an MSC assessment is dependent on the quality and quantity of data that is provided.
- The law seems to have been written with MSC in mind as the foundational system. It may save a lot of time if the MSC system is simply adopted, with the 80% threshold. Don't try to change MSC, but do include a couple of additional California criteria. If you don't use MSC, it will make your job more difficult.

- There is always uncertainty in stock assessments and this issue will have to be addressed in any foundation certification system (referred to article by Daniel Polly regarding certification of Pollock).
- From a consumer perspective, MSC is not that great (referring to an article in Science Magazine, by Erin Stocksty). The foundation of the assessment should be a local standard based on MSC, but modified for California.
- MSC does not have very good consumer recognition in England or the U.S.
- Don't use the marketing component of MSC (i.e., the label or the MSC name), because this does not carry very much weight in California.
- It would be disappointing if OPC went with MSC just because no other prominent alternatives currently exist. It would be better to cherry pick some of the criteria from MSC and then create a unique certification program for California.
- A problem with MSC is that it has potential conflicts of interest within the seafood industry. In particular, MSC is motivated to certify more fisheries because it increases MSC's brand awareness.
- The scoring system should reflect what we want to accomplish. Standards can be written stringently and still improve the fisheries.

#### MSC and Data-Poor Fisheries

- Some panel members suggested coming up with a metric to prove sustainability in data poor fisheries through the MSC process. With this, small fisheries that will not meet the MSC 80% criteria might be eligible for certification. Then these fisheries could be prioritized for certification to promote California's small fisheries. This could possibly be the same mechanism as the MSC risk-based framework.
- There are concerns with the MSC risk-based framework (RBF) because it is not science-based. Fisheries that lack a fishery management plan or biomass baseline information would fall into the RBF assessment. Most California fisheries would fall into the RBF.

#### MSC Performance Indicator Scoring and California Criteria

- The group discussed whether the 80% threshold should be reached for each performance indicator, or if an average of performance indicator scores reaching the 80% threshold was acceptable. Some thought that each performance indicator should get a score of at least 80% in order to be compliant with the FAO guidelines and to incentivize fisheries to improve to meeting the 80% threshold and get certified. Others thought that an 80-100% score for endangered, threatened, and protected (ETP) species should be required because the 60% level does not meet U.S. law under the Marine Mammal Protection Act (MMPA). Still others thought that all performance indicator scores should be averaged to allow for small fisheries to be certified. Each indicator should not be weighted equally, but an average score of 80% should be achieved overall.
- There are many fisheries that will probably not meet the MSC 80% level for all criteria.
- Each California criterion could be matched with the associated performance indicator and evaluated within the MSC performance indicator evaluation. However, if the California criteria are evaluated in conjunction with the MSC criteria, this could potentially give fisheries extra points in the MSC evaluation just for meeting the California criteria. Is this appropriate?
- Identify which criteria are "deal breakers" for certification. These could be key California criteria.

- Have two levels of certification: gold and silver (for example). Then establish criteria required to get the “gold star.” Then get people to “live with uncertainty”. Show that the main goal is improvement towards sustainability.
- Certify fisheries that use more sustainable gear types. This will encourage other fisheries to adopt these more sustainable practices.

#### Pre-assessment

- There are probably only 3-4 fisheries that can get certified over the next 3-4 years.
- Fishermen will be skeptical of participating in a voluntary pre-assessment. There will always be some who will wonder what the future implications and costs of participating in any program will obligate them to. The community and market benefits of participating in certification will have to be clearly defined in order to get participation. This program must not add to the fishermen’s already difficult business model.
- Initially certify fisheries that have demonstrated an interest in moving towards sustainability.
- To get voluntary participation of fisheries, you have to show a market advantage and some level of support through capacity building, letters of recommendation for funding, etc.
- The main incentive for fisheries to participate in pre-assessment and certification is that once they are certified, OPC will help to market the fishery. Marketing will be done in conjunction with California Department of Food and Agriculture (CDFA). There are studies that prove marketing success. Another way that the OPC can incentivize fisheries to participate in the pre-assessment is to bring markets back to California through supporting the development and capacity of processing facilities.
- The OPC science advisory team could support the pre-assessment or review of MSC certification. They could draw up models for MPAs and determine what sort of credit is appropriate for a particular fishery.
- The pre-assessment will most likely be made public. When it is made public, it is very important to clearly communicate that fisheries that do not pass the pre-assessment does not mean that the fishery is “bad”. Be careful to not unintentionally give a fishery bad press.
- Let the fishery do the legwork for the pre-assessment by creating a workbook for the fishery. They can do a lot of the upfront work of gathering data. Then the fishermen will know where the data gaps are before they begin the pre-assessment. It is important to get as much involvement of the fisheries up front. This is something that can be done irrespective of which foundation for certification is chosen.
- It is acceptable to do pre-assessment for fisheries and see which ones fall into the 60% “improvement” level, but don’t certify these fisheries. Rather support fisheries to move towards eligibility for certification.
- The risk-based framework is part of full assessment certification process, not the pre-assessment.

#### Funding considerations

- OPC staff agreed that funding of re-certification for fisheries should not fall primarily on the fisheries themselves. They stated that funding of re-certification should be covered by OPC in partnership with other potential sources (e.g., foundations, fisheries, etc.).
- Funding should be targeted to fisheries in compliance with regulations.
- Save time and money by using a communicator/facilitator to coordinate the certification process.

**b. Scope of Certification**

Erinn McKell, SeaGrant Fellow, presented a summary of the survey results regarding the scope of certification. Panel members and OPC staff offered the following comments and clarifications:

- The certification should apply to California and federally managed fisheries.
- Down the road sustainable seafood certification could possibly be applied in a more regional fashion and expand to the entire west coast through the West Coast Governor's Agreement.
- Should the certification apply to the port the vessel departs from, the vessel's home port, or the port where the seafood is landed?
- The unit of certification can vary depending who is paying. A subset of a fishery can be certified, but the whole stock has to be healthy.
- If a fisherman of a California certified fishery chooses to land the fish in an out of state port, then the fish should not get the label. But the fishermen can still land outside of California.
- Consider providing a tax incentive for landing fish in California ports.
- Salmon that spawn in California should be considered a California fish and should be marketed as such.

**c. "Credit" for MPAs**

Briana Moseley, Kearns & West, presented a summary of the survey results regarding the proposal to give "credit" toward certification for the impacts of an MPA on a fishery. Panel members and OPC staff offered the following comments and clarifications:

- OPC has talked with MSC, and MSC is interested in incorporating MPAs into the certification evaluation as one of the performance indicators that evaluates fisheries management.
- If MPAs are included in MSC criteria, it waters down some of the other criteria when the total score is calculated. Since fisheries do not have control over the placement of MPAs, only some fisheries will benefit from MPAs, and some won't.
- The whole California coast is going to benefit from MPAs.
- Too much attention is being given to MPAs in this process. When looking at how well fisheries perform, the input is a certain mortality rate, and the mortality rate is going to be the same anywhere.
- MSC's assessment includes an evaluation of habitats. Showing that the most sensitive habitats are protected (through conservation areas, essential fish habitat, and MPAs) could affect the MSC score by showing less of a negative impact.
- MPAs have to be evaluated within the MSC assessment on a species by species basis.
- There are ecosystem benefits that go beyond benefits to specific species populations.
- There is a mismatch in management. A lot of effort is being put into MPAs and sustainability, yet salmon hatcheries are not held responsible.
- There's general consensus that MPAs are supported, but fisheries that do not have a MPA regionally should not be penalized, since MPAs are supposed to have statewide benefits.
- OPC staff should explain why MPAs are considered in the certification program up front so that "credit" for the MPA doesn't seem like retaliation against areas or fisheries that did not want MPAs.
- MPAs may provide benefits to data poor fisheries.

- It is too early to think about crediting MPAs, especially since the California network has not been proven to be effective. The network needs to be finished first before credit can be quantified for a fishery.
- In the public MSC certification report for Patagonia Scallops, MPAs are specifically mentioned as one of the scores. MPAs are part of the metric to look at the comprehensive harvest strategies. There is a value in giving credit for MPAs especially since it will reinforce the purpose of MPAs.

**d. Socioeconomics**

Erinn McKell, SeaGrant Fellow, presented a summary of the survey results regarding socioeconomics. Panel members and OPC staff offered the following comments and clarifications:

- A clear definition of “Community Fishermen Associations” (CFAs) needs to be established. The language in this definition should be kept as flexible as possible so it can include groups that can evolve/improve over time.
- CFAs should include representation beyond fishermen. They should include other community interests.
- Other key traits of a CFA could include anchor access privileges, collaborative fisheries research, data sharing, trade apprenticeships, entry programs, etc.
- The fundamental issue is control over access to the fishery. If access is vested in a CFA, it makes it more difficult for a fisherman to leave.
- There are many different entities similar to CFAs that might fall under the umbrella of a CFA in that they create a network of communication and support for the fisheries (e.g., fishermen’s coops). They deal with policy issues, management politics, research, stock assessments, teach fishermen responsible practices, etc.
- Cape Cod fishermen created a CFA that allows them to operate outside of regular fisheries management. They manage the days at sea and are able to 1) control how fast fish are delivered to the market, 2) bring fish in when it is most profitable, and 3) have a local label.
- OPC should help to establish CFAs, but a fishery should not be given “credit” for certification for having an established CFA.
- CFAs could be something that could be created in order to get certification. It is a way to facilitate how a sustainable fishery should proceed. OPC could show a preference for choosing fisheries that have CFAs or coops for certification.

**B. Day 2 – October 14, 2010**

**1. Comments on Day One Discussion**

Eric Poncelet, K&W facilitator, reviewed the agenda and meeting objectives for day two, and led the group in a discussion around comments and questions from Day 1. Panel members and OPC staff discussed the following topics:

Potential “Deal Breakers”

Panel members suggested that the California component of the certification protocol could include some “deal breakers.” These would be performance indicators of sorts that, if exceeded, would preclude a fishery from qualifying for certification. Panel members and OPC staff offered the following suggestions:

- The certification program should allow no “take” of endangered, threatened, or protected (ETP) species. We want to incentivize fishermen to limit take and reduce the mortality associated with take. We want to encourage certification of fisheries with gear

that have zero ETP species interaction. Panel members noted that there are very few post mortality studies.

- There should be some level of bycatch that cannot be exceeded. Swordfish should not be certified due to the bycatch associated.
- In the realm of food safety, seafood that could make people sick should not be certified. The California Office of Environmental Health Hazard Assessment (OEHHA) needs to evaluate commercial fisheries.
- If fisheries fail at the pre-assessment or assessment stages, fisheries should still be encouraged to improve their sustainability so they can qualify for certification at a later date.

#### MSC Assessment Methodology – Performance Indicators

Panel members considered whether additional performance indicators could be used as part of a California component. Key comments included:

- There may be a finite number of performance indicators that we can modify for California.
- It may be too complex to adjust the MSC framework for each species.
- MSC's risk-based framework (RBF) evaluates performance indicators to the extent possible. In addition, a stakeholder group is formed to assess the performance indicators that are not met in the regular certification process. Some panel members suggested that a higher bar of 80% be used for the RBF, but to use 60% for the regular certification process.
- Panel members discussed using specific MSC performance indicators as part of the California component. Key comments include
  - Indicator 1.1.1 – Stock Status
    - It is risky to call something sustainable that is not at the 80% point.
    - Measures can be put in place to continue improvements in a data poor fishery.
    - Fisheries should not fail the assessment if they are data deficient. They should be assessed though the risk-based framework.
    - Requiring 80% here is not the best approach for evaluation of ecological indices.
    - The assessment of these criteria depends, to some extent, on the species under consideration. It would be difficult to define each scenario.
  - Performance Indicator 1.1.3 – Stock Rebuilding
    - If a federally managed species is being evaluated, the criteria for this performance indicator are already being met. More credit needs to be given to California's current fisheries management regime.
  - Performance Indicator 1.2.1 – Harvest Strategy
    - Most fisheries do not have a harvest strategy, especially if they are not federally managed. Most fisheries would fall into the RBF.
  - Performance Indicator 2.3.1 – ETP Species
    - The 60% score is not acceptable for ETP species because it allows a fishery to go beyond state law. Section 7.4.3, guidance for use for ETP species, the second statement says "catches or mortality in excess of requirements would only occasionally occur and the excess would be slight." This is unacceptable, and an 80%-100% requirement is needed.

#### General

- Don't make the assumption that if a fishery is managed it is sustainable.
- We have a series of regulations. What's missing are the metrics. Harvest strategies would be helpful. Do this collaboratively with the fishermen. What we desperately need is good promotion and publicity.

- We should be funding whatever is necessary to fill data gaps.
- There needs to be an emphasis on always improving the way fish is caught.
- For the most, part California fisheries are pretty good, and we can now promote California fisheries. This program is about marketing fish, anything that moves in that direction is beneficial, especially if we are at a pretty good level.
- OPC is giving a grant to the Pacific States Marine Fisheries Commission to launch a program in which fishermen and researchers would coordinate. A director for the newly formed Collaborative Fisheries Research Organization has been hired: Pete Nelson. At the next OPC meeting, the Council will consider granting \$1.5M to start this program. This is another example of how OPC can influence the way fisheries work.
- The OPC should identify flaws in the fisheries and then provide assistance for improvement. Stop emphasizing the marketing part, and emphasize improving the livelihoods of fishermen.

## **2. Review of Survey Results and Discussion (cont.)**

### **a. Label**

Erinn McKell, SeaGrant Fellow, presented a summary of the survey results regarding the draft proposed label. Panel members and OPC staff offered the following comments and clarifications:

- Several Panel members stated that the simpler the label the better. Don't overwhelm people with too much information. Include only species name and port on the label, and make all other information available somewhere else. Include processing location on the website rather than on the label.
- Use of the scientific name is a good way to market to ethnic markets. It is good neutral language.
- The more information that you can give people the better, but it has to be available through a barcode or a website, not on the label. The label needs to be a single symbol.
- Don't include the fishermen's name on the label or website. Fishermen would not want to put their names on it because of the risk of liability. Presently, you cannot put the fishermen's name on the program without their consent. This information is on the pink ticket.
- The more complicated the label, the more expensive it is going to be. The information can be updated on a website without the cost of printing. The MSC logo has a cost associated with it as well; some may not want this.
- The label should include the barcode.
- Consumers love to know who the fishermen are.
- There should be different labels for the processor, restaurants, retailers, and others in the supply chain. This idea had broad support among Panel members.
- Include "California" and port name on the label.
- Have brochures available for people that cannot access the additional information on the internet.
- Don't include the date on the label or website. People don't understand shelf life.
- Find a way to tag cut fish.
- Use MSC logo and wrap California information around it.
- Don't use MSC logo.
- Scanning a label to get all the necessary information is not practical for processors, wholesalers, and restaurants.

- Include gear type on the label.
- Include “sustainable” or “green” on the label. The MSC logo is not a proxy for “green”.
- If you do include the fisherman’s name on the label, the industry prefers to use the term “fishermen”, not “fisherperson” or “fishers”.

**b. Traceability**

Erinn McKell, SeaGrant Fellow, presented a summary of the survey results regarding the traceability. Panel members discussed the following topics:

Carbon “fin-print”

Panel members generally supported the idea of including some information about carbon fin-print as part of the traceability information, although Panel views differed on how best to do this. Key comments included:

- Carbon fin-print information does not belong on the label.
- This does not relate to harvest or population. This should be incorporated into the socioeconomic criteria, especially where seafood travels long distances for processing.
- Include information on where the seafood was landed and the processor. It is valuable to know if the seafood has traveled overseas.
- Food miles could be calculated as a proxy for carbon “fin-print”. This is a metric easily understood by the public. The California Air Resources Board could probably help with this.
- Listing the port of landing only is not enough information for the carbon “fin-print”.
- Seafood being shipped to China has a low carbon “fin-print” due to the mode of transport – cargo vessel. This is counter-intuitive for the consumer.
- A way to track carbon “fin-print” is through measuring calories in and calories out.
- This information should be provided as additional consumer information, not a criteria for certification.
- Shipping of product should be calculated into the carbon “fin-print”.
- Price of seafood is a good indication of how far the seafood has traveled.
- This is too complicated to address in this program. Keep the program easy to communicate to the general public.

Food Safety

Panel members offered differing views on whether and how food safety information should be included as part of the broader certification program. Key comments included:

- This information does not belong on the label or on the website.
- Being able to trace the seafood back to the source will alleviate concerns of toxicity if an issue arises. Toxicity varies widely and needs a lot of attention to do it correctly. It may not be appropriate to address food safety through this program.
- California funds should not be used to market seafood that has a potential health risk.
- Provide a link on the website to existing food safety programs.
- If California Office of Environmental Health Hazard Assessment (OEHHA) flags a species as contaminated, it should not be certified.

- Could fisheries be decertified for toxicity issues? Could this occur regionally?
- Improvements in species toxicity monitoring would be helpful and is needed.
- If food safety information is to be provided, this should include both good and bad health issues associated with seafood. This information should be presented on the website.
- Food safety information should not be part of the sustainable seafood certification program; members of the public should take responsibility for their own actions.
- A toxicity issue could mean a closure for a fishery, which could have long term damages to the marketability of the fishery.
- Including this information will deter fishermen from wanting to participate in the program, because it puts them at risk for a potential closure.
- It would be bad if the California Sustainable Seafood Logo were to appear next to a seafood contamination sticker.
- There are more toxicity issues with fish coming from overseas. Solve this by promoting development of processing facilities locally.
- Each toxicity issue will have to be addressed in a different manner. How will a seafood contamination issue be shared with the public?
- Mercury probably needs to be addressed through the program.

**c. Logo**

Erinn McKell presented a summary of the survey responses regarding the potential California sustainable seafood logos. Four potential logos were discussed: the California Seafood Council logo provided by Diane Pleschner-Steele, and three logo examples from David Anderson. The following points were discussed:

- It may be difficult to fit the fish names on the logo. Some are very long.
- The California Seafood Council logo is no longer in use and can be repurposed for this initiative.
- “California Sustainable Seafood” should be the main visible text on the logo.
- There were mixed views on having a simple logo or a logo with more detailed information.
- It is useful to have a logo that can be scaled up or down. This would require the logo to be pretty simple.
- Some panel members recommended having a public competition for logo designs. This idea received broad support.

**C. Comments from the Public**

- Natasha Benjamin, independent consultant, shared that she is attending on the behalf of Panel Member Pietro Parravano, who was unable to attend this meeting. She expressed concerns regarding addressing food safety issues in the certification program, as this could have negative, unintended economic impacts for fisheries. She noted that there are other foods with food safety issues currently in the market that are not being called out, and she does not believe seafood should be treated differently. She asked the advisory panel to consider, “How much energy do we want to put into food safety criteria versus other criteria for certification?” She thinks that the socioeconomic component of the certification program is critical. The label should communicate both the biological sustainability and the sustainability of communities. CFAs are a critical part of a community’s sustainability. However, there are not enough

of them, and they are not all created equal, so they can't be measured yet. It is important to define how we are going to show fishermen that they are going to get a profit from this label and certification program. One method is setting minimum prices, like fair trade programs have done. She recommended including the port and the scientific name on the label and leaving it up to the restaurants, retailers, and processors to identify how much information is needed on the label for their purposes. She recommended not including food safety on the main label because it is confusing to consumers.

- Geoff Shester, program director for Oceana, expressed that there is an opportunity with this certification program to influence the global sustainable seafood conversation. It is critical that the California label not be seen as a self proclamation of sustainability. The program should be more than an origin marketing label. Also, fisheries management is not equal to sustainability. It is important for the program to be third-party verified for there to be rewards for change/improvement in fisheries. There are many strengths of MSC, but many problems as well. It is best to prioritize fisheries that are leaders of sustainability, not necessarily fisheries that are the furthest along. He urged a California-specific accreditation process for selection of the third-party certifier. He suggested certifying fisheries based on gear type, finding ways to use this certification to move towards an ecosystem based approach to management, and urged the panel to consider "deal breakers" – certain practice that will totally exempt a fishery from certification. He also urged the panel to consider a port-based certification process that looks at cumulative impacts of fisheries by port. This could be a way to put pressures on fisheries that need to improve the most. He suggested measuring end-success by a fishery's ability to promote and demonstrate changes. CFAs are a good tool and source of information for measuring this.
- Henry Pontarelli, Lisa Wise Consulting, expressed that the loss of fishery access to valuable flatfish has had social and economic repercussions. The discussion needs to be re-framed to address trawling as an important socioeconomic component of ports. The particular port that he is working in is evaluating impacts of modified trawl gear through observing trawls before and after using Remote Operative Vehicle (ROV) surveys of the seafloor.
- Lia Protopapadakis, Marine Scientist with the Santa Monica Bay Restoration Commission, submitted comments following the meeting in writing. (Attachment A).
- Marie Logan, Food and Water Watch, expressed concern for using MSC as the baseline for this program because MSC does not adequately fulfill the United Nations Food and Agriculture Organization (FAO) guidelines. She cautioned that the state should consider the implications of using public funds when MSC is plagued with a number of challenges. MSC is certifying unsustainable fisheries. Marie will be sharing supporting written documentation with the OPC, specially an eco-labeling study comparing MSC to FAO standards. The label should communicate truthful information. If certification is granted at a low bar (i.e., MSC 60% score), consumers might be led to purchase seafood and equate the label with sustainability, when it does not meet the FAO standard of sustainability. This is a failure to communicate full information. California seafood should not be eco-labeled until fully certified. (Attachment B)

#### **D. Closing Comments and Next Steps**

Sam Schuchat, Executive Officer State Coastal Conservancy and OPC Secretary, thanked the group for all of their time and thoughtful input. He shared that he came into this process thinking that there was majority Panel support for MSC. Now he see there are a lot of possible modifications that might benefit the program.

Sam reiterated that the OPC will be sending out the MSC performance indicators for the panel to provide additional input. Based on the meeting #3 discussions, he learned that no particular credits are needed for MPAs, the thinking for the socioeconomic components needs to be further refined, and the label needs to be tailored for different users in the supply chain. There are a lot of important elements that could be included in the traceability component of the certification program. However, OPC can probably not implement all of them up front. The traceability components will have to be rolled out in some order over time. OPC will make an initial decision on the program but will set it up so that components can be added over time. OPC staff will also incorporate the idea that the less we know about a concept, the more precautionary the approach should be.

OPC staff will present a revised draft protocol to the OPC at the OPC's November 9-10, 2010 meeting. At that time, OPC staff will make it clear that this is a proposal to be adaptively managed over time. The intent is that this certification program will be continuously improved.

#### **Key Next Steps**

1. The on-line survey results (focused on the September 28, 2010 version of the draft protocol) will be posted online in an anonymous format.
2. OPC staff will solicit additional input from the Advisory Panel on the MSC performance indicators (immediately following meeting #3)
3. OPC staff will share Marie Logan's eco-labeling MSC/FAO study with the Advisory Panel.
4. OPC staff will revise the draft protocol based on the Advisory Panel's feedback and will present the resulting revision to the OPC at the November 9-10 meeting.
5. This draft will then be released for public comment for approximately 70 days. Advisory Panel members are invited to provide additional comment at that time.
6. Following the November 9-10 OPC meeting, (OPC staff) will conduct a "fisheries road trip" to reach out to fisheries and fishermen and hear their thoughts on the proposed program. Advisory Panel members will be contacted to participate.
7. OPC staff will again revise their draft protocol based on public comment (including additional input from Advisory Panel members, and feedback from the fisheries road trip, and may present this to the OPC for approval at a future OPC meeting.

#### **E. Attendees**

##### Advisory Panel Members:

Cynthia Walter, Passionfish Restaurant  
David Anderson, Aquarium of the Pacific  
Diane Pleschner-Steele, California Wetfish Producers  
Logan Kock, Santa Monica Seafoods  
Matthew Owens, FishWise  
Marcella Gutierrez, Wildcoast  
Mark Gold, Heal the Bay  
Mark Helvey, NMFS  
Michael De Alessi, Stanford University  
Patricia Unterman, Hayes Street Grill  
Paul Johnson, Monterey Fish Company  
Paul Siri, Consultant

Richard Parrish, NMFS (retired)  
Rick Algert, Morro Bay Harbor Director (retired)  
Sarah Glaser, Scripps Institute of Oceanography  
Sean Anderson, CSU Channel Islands  
Stephanie Mutz, Commercial Fisherman of Santa Barbara  
Teri Shore, Turtle Island Restoration Network

Guest Speaker:

Lou Botsford, UC Davis

OPC Staff:

Sam Schuchat, Executive Officer State Coastal Conservancy, OPC Secretary  
Valerie Termini, OPC Project Manager  
Erinn McKell, Natural Resources Agency, Sea Grant Fellow

Public Attendees:

Geoff Shester, Oceana Program Director  
Zachary Bradford, Ocean Policy Analyst, Center for the Future of the Oceans, Monterey Bay Aquarium  
Heather Kerkering, MBARI  
Natasha Benjamin, IFR Consultant  
Susan Marks, Monterey Bay Aquarium  
Marie Logan, Food and Water Watch  
Henry Pontarelli, Lisa Wise Consulting, Inc.  
Huff McGonigal, Environmental Defense Fund

Facilitators:

Eric Poncelet, Kearns & West  
Briana Moseley, Kearns & West

