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## MONTEREY BAY AQUARIUM

January 18, 2011

Valerie Termini  
California Ocean Protection Council  
1330 Broadway, 13<sup>th</sup> Floor  
Oakland, CA 94612

**RE: Support for OPC Sustainable Seafood Draft Protocol**

Dear Valerie:

I write in support of the Ocean Protection Council's Sustainable Seafood draft protocol to implement AB 1217 and to provide suggestions for improving the final version of the protocol.

First, I am pleased that the draft protocol appears to be consistent with the letter and spirit of the statute. Notably, it maintains the legislative intent to subsidize the assessment of California fisheries for sustainability certification and it does not propose a lesser standard for California sustainable fisheries than has been established internationally by the Marine Stewardship Council (MSC).

However, I'm concerned that the draft protocol would hold California fisheries to a higher standard than those under assessment elsewhere for possible certification. As you know, fisheries and seafood are globalized industries. The MSC has established a singular worldwide standard for sustainability. Imposing a stricter standard in California—or anywhere else—could actually serve to undermine that global standard and introduce confusion into the marketplace. It could also arguably put our own state fisheries at a disadvantage over similar products imported from overseas, and make it more difficult for California fisheries to compete with MSC-certified fisheries from elsewhere.

For example, California's spiny lobster fishery competes with those from Mexico and Australia, both of which are major export fisheries that have already been certified by the MSC. If our lobster fishermen get certified by the MSC but can't qualify for a California Sustainable Fishery label (or are denied a subsidy), they might argue that our higher standards are putting them at a competitive disadvantage in the marketplace. No doubt the MSC will also worry that a higher California standard could undermine their program if we hold our standards out as superior to those of the MSC itself.

Another important consideration is how the draft protocol will be implemented in the course of assessment for possible certification under the auspices of the MSC. The draft protocol proposes a pre-assessment for all California fisheries, after which the OPC would determine if those fisheries would meet the California standards and thus be eligible for OPC funding.

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However, only a full assessment allows for the scoring of a fishery against the MSC standards. Thus, only a full assessment would allow the OPC to determine if a fishery meets the proposed California standards. But an important aspect of AB 1217 was to provide funding for full assessment, and this will only be possible if the OPC does not first attempt to hold California fisheries to the proposed higher standards.

As an alternative, please consider offering subsidies instead to those California fisheries that successfully complete a pre-assessment. After all, the purpose of a pre-assessment is to determine whether a particular fishery has a good prospect of winning certification following full assessment. Conditioning subsidies on successful completion of a pre-assessment would be perfectly consistent with the MSC's existing global practice and provide a clear incentive for California fisheries to pursue sustainability certification.

Thank you for all your hard work to develop such a thoughtful draft protocol. I look forward to working with you further on this initiative. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Sutton", followed by a horizontal line extending to the right.

Michael Sutton  
Vice President  
Center for the Future of the Oceans