

**TURTLE ISLAND RESTORATION NETWORK – SAN FRANCISCO BAYKEEPER –
ENVIRONMENT CALIFORNIA – GOTMERCURY.ORG – OCEAN CONSERVATION
RESEARCH – PACIFIC ENVIRONMENT – SALMON PROTECTION AND WATERSHED
NETWORK – TATAKI SUSHI BAR AND TATAKI SOUTH**

January 18, 2011

Mr. Sam Schuchat, Executive Officer
California Ocean Protection Council
Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Dr. Amber Mace, Executive Director
California Ocean Protection Council
California Natural Resources Agency
1416 Ninth street, suite 1311
Sacramento, CA 95814

RE: Public Comment on California Sustainable Seafood Initiative Draft Protocol

Dear Mr. Schuchat and Dr. Mace,

The ocean conservation, environmental, public health, and allied organizations and businesses listed below are writing to provide comments on the California Sustainable Seafood Initiative Draft Protocol. We generally support the principles and criteria as proposed by the Ocean Protection Council (OPC) staff but would like you to strongly consider making some revisions and additions to ensure that our state's fisheries, fish-eaters, ocean ecosystems, marine wildlife and all Californians benefit from this publically funded program.

Using the Marine Stewardship Council (MSC) as a baseline for the program with additional California-specific criteria seems to be a reasonable approach to assessing the state fisheries for sustainability and fulfilling the mandates of the enabling legislation, AB1217. However, the state of California will want to add stronger scoring thresholds and complementary criteria to create a new sustainability standard for our state's fisheries that can be modeled across the U.S. and globally.

The state of California should fund sustainable certification only for fisheries that are truly sustainable and go beyond the regulatory baseline of meeting state and federal requirements. The program should not fund self-certification or simply act as a marketing program for California-sourced seafood as this is not the intent of the legislation. The objective is sustainability, which will provide economic strength and marketing opportunities for state fisheries.

Please strengthen and add the following elements to create a California-specific sustainable seafood program:

1. **Fishery scoring:** As proposed by OPC staff, a score of 80 percent or higher under the Marine Stewardship Council standards (or equivalent) should be set for all performance indicators. The MSC allows fisheries that score 60 percent to be certified with conditions for improvement, which is not acceptable for a California because it would allow a non-sustainable fishery to be marketed as sustainable. *See comments below about supporting fishery improvement.*
2. **Score for Bycatch of Endangered, Protected and Threatened Species:** We urge the OPC to require a 100 percent score or zero bycatch of endangered and protected species for California sustainable seafood certification. This would mirror the requirements for commercial fisheries

under the Marine Mammal Protection Act to protect whales, dolphins, sea lions and other marine mammals. This would also benefit the critically endangered Pacific leatherback sea turtles that utilize California's coastal waters.

3. **Seafood safety and toxins:** We are glad to see the OPC staff has recommended fish toxicity testing and posting the results on the website of the state agency that already monitors sport fish – the Office of Environmental Health Hazard Assessment (OEHHA). In addition, the California Sustainable Seafood Program should never certify as sustainable any fish or seafood product contaminated with mercury, PCBs or other toxins.
 - a. Seafood testing for toxins and mercury should be required and budgeted as part of the OPC fishery pre-assessment budget to ensure that the state does not invest in sustainable certification for fisheries or fish species known to contain mercury, PCBs or other toxins.
 - b. Results of fish testing should be made public, whether or not the fishery proceeds to certification.
4. **CA fishery Pre-Assessment Results:** Conducting a pre-assessment of California fisheries under the sustainable seafood protocols is a good first step in the certification process. However, we believe that the results of those pre-assessments should be made public and not kept confidential as suggested, given that public funds are being used.
 - a. As mentioned above, seafood testing for toxins and mercury should be required and budgeted as part of the pre-assessment process and the results made public.
 - b. A portion of the certification budget should be set aside to assist state fisheries that are unlikely to proceed to full certification to assist in improving fishery practices and conduct stock assessments, where lacking. This would provide an incentive for improving sustainability of such fisheries and ultimately achieve certification if feasible. This may provide a larger net benefit to state fisheries than devoting all funding to certifying fisheries that may already be sustainable.
 - c. If funding prevents conducting pre-assessments for all California fisheries, then we urge that state managed fisheries be prioritized first, followed by the most sustainable fisheries and then fisheries with the largest, preferably California or West Coast, markets.
 - d. Highly migratory species such as swordfish, tuna and albacore should be prioritized last because of the state's limited ability to influence these fisheries' practices due to overlapping federal and international management. It is very difficult for the state to assess whether such fisheries are sustainable; and to require improvements if they are not.
5. **Fishery Assessment Review:** Once a fishery reaches full assessment for certification, we suggest that OPC require peer review of the fishery assessment by the OPC's science advisors to ensure an independent and objective result.
6. **Traceability Standards:** The traceability standards as proposed will add accountability and transparency to the California Sustainable Seafood Program.
7. **Bycatch information:** In addition to the traceability protocols suggested by OPC staff, which we support, we urge OPC to consider including information on bycatch levels of non-target species in each fishery, such as how many pounds of non-target to bycatch species, (i.e., the California driftnet fishery for swordfish bycatch level is 50 percent or more).
8. **Carbon "Finprint":** Given California's leadership on climate change and reducing greenhouse gas emissions, the sustainable seafood program should consider the carbon "finprint" of state fisheries and communicate that in terms of food miles and fuel efficiency or other appropriate criteria.
9. **Public outreach:** The OPC should ensure that the California Sustainable Seafood Program engages a representative cross section of California stakeholders in the development and implementation of the program, including:

- a. Fish eaters whose primary languages may be other than English, such as Spanish, Chinese dialects, Japanese, Tag-a-Log.
- b. Low-income families
- c. Restaurants, retailers, and other seafood purveyors from high-end sushi bars to chains and small independents
- d. Public health agencies and non-governmental organizations.
- e. Universities, schools and other academics.

Thank you for the opportunity to comment. We look forward to your response.

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cc: John Laird, Secretary for Natural Resources Chair, California Ocean Protection Council
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