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THE ROLE OF CERTIFICATION IN REWARDING SUSTAINABLE FISHING

HEARING

BEFORE THE

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

SEPTEMBER 24, 2013

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ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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THE ROLE OF CERTIFICATION IN REWARDING SUSTAINABLE FISHING

TUESDAY, SEPTEMBER 24, 2013

U.S. SENATE,
SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:34 a.m. in room SR–253, Russell Senate Office Building, Hon. Mark Begich, Chairman of the Subcommittee, presiding.

OPENING STATEMENT OF HON. MARK BEGICH, U.S. SENATOR FROM ALASKA

Senator BEGICH. Thank you very much, as we call the Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard to order. Today, we're going to be talking about the role of certification in rewarding sustainable fisheries.

As Chairman of the U.S. Senate Subcommittee on Oceans and Fisheries, I'm often accused of bragging about Alaska, but there's so much, to be honest with you, to brag about. We have more coastline and marine waters than the rest of the nation. We produce more than half of the nation's wild fish. And we do it the right way.

Sustainably is written into our Alaska constitution. Alaska Department of Fish and Game regulates salmon harvest to ensure adequate escapement to keep the fish coming back year after year. And they do.

Alaska fisherman just proved it again, landing a whopping 270 million salmon this past summer, eclipsing the previous record catch by almost 50 million. Our marine fisheries, managed by NOAA Fisheries and the North Pacific Fisheries Management Council, regulates some of the largest fish stocks in the world and they are doing a great job. Alaska produces over four billion pounds of pollock, cod, and other groundfish every year. National standards set by the Magnuson-Stevens Act, named after Alaska's late Senator Ted Stevens and Washington's Warren Magnuson, restrict catches to sustainable levels.

Does this mean that everything is always perfect? Of course not. Fish are not static. We control the harvest, but changing conditions, ocean conditions and other factors out of our control can affect the population dramatically. But neither is our management of fisheries static. It is a continual process of stock assessment, reassessment, and making the tough decisions to manage our fisheries for the long run.

The State Fish Board and the Federal Regional Fish Councils allow scientists, fishermen and conservationists to look at the data and challenge assumptions. Not everyone is always happy with the final decision, but it is an open, democratic regulatory process. In Alaska, the North Pacific Council has never exceeded scientifically set catch limits. Our fisheries are regarded as one of the best managed in the world.

I'm looking forward to a positive discussion today in our record of the fisheries sustainability, and why consumers and retailers can be confident about the fish they buy from Alaska and those landed under the Magnuson-Stevens Act.

I have to say, I was offended by the recent release of the "We Don't Farm Like This" video, by the World Wildlife Fund Canada, and touting Marine Stewardship Council. The short animated video grossly misrepresents the harvesting methods of longline, purse seines, trawl fisheries and smears them unsustainable. That is shocking since the WWF generally had a good reputation of working with fishermen on common issues, and especially offensive since the MSC has certified longline, seine and trawl fisheries in Alaska as sustainable, and takes industry money to label them as much.

MSC says they were aware of the WWF initiative, which one of their board members said, "Seemed like a good idea, initially." Now they are both backpedaling, as they should. Regrettably, it underscores the current issues over such third-party certification programs. Many retailers and food service providers today are demanding seafood be sustainable. That is a good thing. Alaska has a good story to tell.

Our reliance just on any single group can be a problem. Alaska salmon industry dropped MSC certification last year, because of the shifting goal post, an increasing cost by this NGO. They were still confident in our reputation for sustainability. With the release of this video, others must be considering the same.

Today's hearing, on the certification of seafood sustainability, was scheduled before this ugly, disingenuous video went viral. I didn't invite MSC to the hearing because I wanted to focus on a broader issue here, but this video is hard to ignore. I've asked WWF and MSC for an explanation for what they were thinking when this was made. I also think they owe an apology to Alaska fishermen and fishermen around the Nation who make their living by providing healthy sustainable seafood. I won't ask our witnesses to respond to this regrettable video since they didn't have anything to do with it. But I do welcome their testimony on their perspectives on seafood sustainability.

In the first panel is going to be Mr. Sam Rauch, Acting Assistant Administrator for the National Marine Fisheries Service; and Darren Blue, Assistant Commissioner for Facilities Management and Service Programs for the General Services Administration.

In the second panel we will welcome: Stefanie Moreland, the Special Assistant for Fisheries with the State of Alaska, Office of the Governor; Mr. John Connelly, President of the National Fisheries Institute; and then Mr. Jeffrey Rice, Senior Director for Sustainability at Wal-Mart Stores; and Mr. Michael Montelongo, Senior

Vice President for Public Policy and Corporate Affairs of Sodexo, a major international food service provider.

We will welcome today's witnesses, but first we have opening statement by the Ranking Member.

STATEMENT OF HON. MARCO RUBIO,
U.S. SENATOR FROM FLORIDA

Senator RUBIO. Thank you, Mr. Chairman, for holding this hearing.

The focus of this hearing is on a procurement and contracting process. And, more specifically, on the definition and role of "sustainability" in this process.

Now, let me begin by saying my position and that is that I respect the right of private companies to make their own procurement decisions without interference from the Federal Government. When it comes to Federal procurement and contracting practices and specifically procurement of seafood by Federal agencies where there are contractors, I do think this hearing is very timely.

Now, many of you who are here today are familiar with the debate that's been publicly ongoing, for example, due to the strong voices of Senators like Senator Murkowski and, of course Senator Begich and others since June of this year, regarding the National Park Services use of third-party certification for sustainably-managed seafood.

Now, due to the service's use of the Monterey Bay Aquarium Seafood Watch List, that's the standard for sustainable seafood. Fish, such as the Wild Alaska salmon, are suddenly ineligible for purchase at National Parks across the country. Of course, being from Florida, an even greater concern to me, and I know that of Senator Nelson as well, when the Parks Service made their announcement is Red Snapper.

Then both the Gulf of Mexico and the South Atlantic would also have been ineligible for purchase at national parks across the country, despite the fact that these fisheries have been rigorously, some would say too rigorously, managed by NOAA.

Now, as you may know, late last night the GSA posted on their website an updated version of their guidelines that no longer reference third-party certification. But I personally believe this narrative still deserves attention, because I feel it is part of a larger systemic pattern being conducted by the administration.

When I first began examining this issue, I wondered why are we even here; how did we get here. How did fisheries, such as Red Snapper or Wild Alaska salmon, that are managed by the United States Federal Government, suddenly become ineligible for purchase by the very government that manages them? And you don't have to dig deep to find the answer.

On October 5, 2009, the President issued a 15-page Executive Order that, among other things, led to health and sustainability guidelines issued by the General Services Administration, who will be testifying here today, in developing these guidelines. In typical, my opinion, bureaucratic fashion, the GSA did not even consult with NOAA; the sole agency charged with fisheries management when working to define what is sustainable seafood.

Instead, GSA looked to environmental organizations, such as the Monterey Bay Aquarium to define sustainable for procurement purposes for the entire Federal Government. And the result has been that U.S. fishermen, whose own livelihoods depend on keeping fisheries sustainable, are baring the economic burden of no longer being eligible for Federal procurement at national parks despite their adherence to fishery management plans under NOAA.

Now why this is important is the essence of the one thing I think we as country share, as a shared value, is the notion that in America, people who work hard and sacrifice should have a real opportunity to achieve a better life and middle class prosperity.

These fishery jobs are the epitome of that. These are hardworking people who sacrifice, who put a lot on the line; not just to feed their families, but to provide for the people that work for them. And they're being unnecessarily punished by this constant Federal interference. And in my opinion, today's hearing is just one more example of this administration blindly adhering to the environmental views of a few at the economic cost of many of these hardworking, middle-class Americans from Alaska all the way to Florida.

These extreme views do not have any place in the Federal procurement process. So for that I applaud Senator Murkowski for the legislation she introduced last week that would prevent third-party certification for seafood from playing a role in the Federal procurement process. And, as we'll hear from the National Fisheries Institute today, there's a strong case to be made that if a fishery is managed by NOAA, under the Magnuson-Stevens Act or some other state equivalent, it should automatically be considered sustainable. For those who do not agree with this position, I would ask them then why should we even federally manage these fisheries at all?

Finally, I'd be interested to hear from the GSA on whether or not through this executive order issued by the president, they were required to consider the increase costs of third-party certification in the Federal procurement process. Because after all, in this time of record deficits with yet another debate around the corner on things like our Nation's debt limit, I would think there'd be a higher priority on lowering government spending rather than bowing to the views of a few at the expense of the many.

So I thank you, Mr. Chairman, for your leadership and for holding this hearing.

Senator BEGICH. Thank you very much. Let me see if—Senator Nelson, did you have any opening that you would like to give and——

STATEMENT OF HON. BILL NELSON,
U.S. SENATOR FROM FLORIDA

Senator NELSON. Just a quick comment, Mr. Chairman.

One of the reasons why we passed, 2 years ago, the Restore Act for the Gulf of Mexico is to give—it will not help you in the Alaskan waters, but it clearly will for the Gulf—provide money so that NOAA can do the updates in the research of what is the fishery stock.

Problem in the past on both our Atlantic and our Gulf, has been that the data is so outdated, they can't make an intelligent decision about whether or not a stock ought to be fished because the data is so, so many years earlier. That will help in our waters.

Now we also have a problem of pirate fishing, where illegal taking of fish impacts the fisheries and the fishermen. And so I'm interested to hear what the folks here are going tell us on the negative effect of pirate fishing on our commercial fishing industries.

Thank you, Mr. Chairman.

Senator BEGICH. Thank you very much, Senator Nelson.

Senator Heinrich, do you have anything?

Let me ask the first two witnesses then—Mr. Rauch and then Mr. Blue—if you could come to the table. We really appreciate you being here. I think you get the sense of the concern that we have.

And obviously, I want to echo what Senator Rubio did say at the beginning and that is, you know, if we have a Magnuson-Stevens Act which is designed to manage our fisheries to sustainable levels and those that reach those sustainable criteria, then, in my view, that is the ultimate certification versus some third-party group determining what is sustainable when, in reality, that's what we do every day here.

So I appreciate your willingness to come here to the testify—to testify and I'd like to—what I'll do is I will start—if that's OK, Mr. Rauch—I'll start with you and then I'll go to Mr. Blue. And then we'll open for a round of 5-minute questions from members.

Please.

STATEMENT OF SAMUEL D. RAUCH III, ACTING ASSISTANT ADMINISTRATOR, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

Mr. RAUCH. Good morning, Chairman Begich, Ranking Member Rubio and members of the Committee. Thank you for the opportunity to testify before you today. My name is Sam Rauch. I am the Acting Assistant Administrator for NOAA's National Marine Fisheries Service.

The Fisheries management process, established under the Magnuson-Stevens Act, has established the United States as a recognized global leader in responsibly managed fisheries and sustainable seafood. In the U.S., we managed to Maximum Sustainable Yield, which makes sustainability our standard. In addition, every Magnuson-Stevens Act fishery complies with the Marine Mammal Protection Act, the Endangered Species Act and the National Environmental Policy Act. As a result, our domestic fisheries are among the most sustainably managed in the world, taking into account target catch, bycatch and other ecosystem impacts.

As such, we are also a model for other nations. In 2008, the Fisheries Center at the University of British Columbia spearheaded an extensive analysis of the most active fishing countries in the world. The U.S. ranked number two overall out of 53 countries, second only to Norway, which manages substantially fewer stocks.

In the U.S., we manage 446 stocks and stock complexes under 46 different fishery management plans that are monitored to ensure their effectiveness and adjusted as needed. Fishery management

plans are dynamic, science-based strategies developed through a highly participatory and public process. This process and system is successful.

In 2000—since 2000, we have rebuilt 34 stocks and the number of stocks evict overfishing and the number of overfished stocks are at an all-time low.

The U.S. model of fisheries management does not have an endpoint. Rather, it is a science-based, public, and transparent process designed to prevent and stop overfishing. It's based on continuous monitoring and enforcement.

Unfortunately, the stability of our fisheries and the livelihoods of U.S. fishermen are challenged every day by activities on the international front. For instance, pirate fishing is a global problem that threatens ocean ecosystems and impacts fisheries, food security, and coastal communities around the world. By dodging conservation and management measures, companies engaging in pirate fishing provide unfair competition for law-abiding fishermen and seafood industries in the marketplace, and can undercut the sustainability of international and U.S. fisheries.

It's also important to recognize that, in the U.S., the commitment to and investment in stewardship and sustainability by our fishermen has not come without sacrifice. We need to build on their commitment and ensure the successes—their successes are rewarded in the marketplace. Despite the globally recognized strength of U.S. fisheries management, U.S. seafood is often perceived as operating under the same ineffective management plaguing many global—global fisheries. This is simply not true.

Still, many U.S. wholesalers, processors, retailers, vendors and consumers are unaware of the sustainability of U.S. fisheries. So the agency is taking a proactive role in telling the story of the success and sustainability of U.S. fisheries. *FishWatch* is the website the agency uses to educate consumers of the responsible management of U.S. fisheries.

FishWatch develops neutral, regularly updated information on seafood harveted—harvested in the U.S. and provides factual information about the biological and ecological status of a fishery to let users draw their own conclusions when making purchases. We continue to improve this content of *FishWatch* and explore the opportunities for expanding its reach.

In addition, to assist sellers, the agency, at its discretion, issue letters in response to requests from harvest sector groups on whether a particular fishery is sustainably managed based on the Magnuson-Stevens Act's national standards. In those letters, we highlight the fact that, in the U.S., we have virtually eliminated overfishing and rebuilding—and are rebuilding overfished stocks to sustainable levels in all federally-managed fisheries.

And, last year, we asked our Marine Fisheries Advisory Committee to conduct a policy study of whether the agency's role in seafood certification should go beyond this status quo. MAFAC has been seeking input from buyers and sellers of seafood and gathering information from existing certification organizations to see what an appropriate role for NMFS would and should be.

Perspectives span widely, so far, ranging from a desire for the Federal Government to remain uninvolved to requests for NMFS to

regulate the use of sustainability in the same or similar way that U.S. Department of Agriculture regulates the term organic. Different options are being evaluated and a report is due next month.

In summary, achieving sustainability in U.S. Marine Fisheries is a continuous process. To maintain our role as a world leader in fisheries management, we use the best available science and apply adaptive management strategies subject to public accountability and enforcement. We want to ensure that our fishermen and fishing industries are rewarded for their investment in and commitment to the participations process.

Thank you, again, for the opportunity to discuss the sustainability of U.S. fisheries under the Magnuson Act and I welcome your questions.

Senator BEGICH. Thank you very much for your testimony.

[The prepared statement of Mr. Rauch follows:]

PREPARED STATEMENT OF SAMUEL D. RAUCH III, ACTING ASSISTANT ADMINISTRATOR, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

Introduction

Good morning, Mr. Chairman and Members of the Committee. Thank you for the opportunity to testify before you today. My name is Samuel D. Rauch and I am the Acting Assistant Administrator for the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) in the Department of Commerce. NMFS is dedicated to the stewardship of living marine resources through science-based conservation and management. Much of this work occurs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which sets forth standards for conservation, management, and the sustainable use of our Nation's fisheries resources.

The fisheries management process established under the Magnuson-Stevens Act has established the United States (U.S.) as a recognized global leader in responsibly managed fisheries and sustainable seafood. My testimony today will focus on the progress we have made, together with our partners, in implementing the Magnuson-Stevens Act to end overfishing in the U.S. and ensure our Nation's fisheries are sustainable.

Success under the Magnuson-Stevens Act

In the U.S., we manage to Maximum Sustainable Yield, which makes sustainability our standard. We manage 446 stocks and stock complexes under 46 fishery management plans that are monitored to ensure their effectiveness and adjusted as needed. Fishery management plans are dynamic, science-based strategies for stewardship. They are developed through a highly participatory and public process that ensures the standards of sustainability established by the Magnuson-Stevens Act are met, while satisfying the needs of stakeholders for access to fishery resources. This process and system is successful. We have rebuilt 33 stocks since 2000. In our most recent annual report to Congress on the Status of Stocks, we reported that the number of stocks subject to overfishing and the number of overfished stocks were at an all-time low—for stocks with known status, 79 percent were not overfished and 87 percent were not experiencing overfishing. Sustainable fisheries provide economic, social, and cultural opportunities for commercial, recreational, and subsistence fishermen, and serve as an economic engine for fishing-related businesses and coastal communities. The quantity and value of commercial U.S. wild-caught fisheries was up in 2011 while recreational catch remained stable. U.S. commercial fishermen landed 9.9 billion pounds of seafood valued at $5.3 billion in 2011, which reflects an increase of 1.6 billion pounds (20 percent) and $827 million (18 percent) over 2010 figures. 2011 saw the highest landings volume since 1997 and highest value in nominal terms ever recorded.[1]

The seafood industry—harvesters, seafood processors and dealers, seafood wholesalers and seafood retailers, including imports and multiplier effects—generated

[1] National Marine Fisheries Service. 2012. Fisheries Economics of the United States, 2011. U.S. Dept. Commerce, NOAA Tech. Memo. NMFS–F/SPO–118, 175p. Available at: *https://www.st.nmfs.noaa.gov/st5/publication/index*

$129 billion in sales impacts and $37 billion in income impacts, and supported 1.2 million jobs in 2011. Recreational fishing generated $70 billion in sales impacts, $21 billion in income impacts, and supported 455,000 jobs in 2011. Jobs supported by commercial businesses held steady from the previous year, while jobs generated by the recreational fishing industry represented a 40 percent increase over 2010.[2]

This success did not happen overnight. Our Nation's journey toward sustainable fisheries has evolved over the past 37 years, starting in earnest when Congress first passed the Magnuson-Stevens Act. With that visionary law and the public process of accountability it established, Congress set a legislative standard for U.S. fisheries that led to the level of sustainability we see in our fisheries today. The Magnuson-Stevens Act galvanized the commitment of the U.S. to conservation and management of our fisheries that has evolved into the dynamic, adaptable process currently at work.

We are also a model for other nations. In 2008, the Fisheries Centre at the University of British Columbia spearheaded an extensive analysis of the most active fishing countries in the world.[3] They evaluated the published and unpublished literature, and probed expert opinion to answer questions about adherence to Article 7 of the United Nation's Food and Agriculture Organization's Code of Conduct for Responsible Fisheries, which covers fisheries management. The purpose of the Code of Conduct is to facilitate comprehensive and balanced development of fisheries and aquaculture, encompassing the long-term sustainable utilization of fishery resources in harmony with the environment and the use of capture and aquaculture practices that are not harmful to ecosystems, resources or their quality. The U.S. ranked number 2 overall out of 53 countries, second only to Norway, which manages substantially fewer stocks than the U.S.: 15 stocks of marine fish, 4 stocks of shellfish, and 5 aquaculture stocks.

The National Standards for Conservation and Management

The U.S. model of fisheries management I've described does not have an endpoint. Rather, it is a science-based, public, and transparent process designed to prevent and stop overfishing. It is based on continuous monitoring and enforcement. Since 1976 when Congress first passed the Magnuson-Stevens Act, through the most recent reauthorization of the Act in 2007, the National Standards for Conservation and Management have been the statutory benchmarks for responsible management and sustainable fisheries in the U.S. Fisheries meeting these standards have successfully undergone the public process and accountability procedures established by Congress for stewardship of our Nation's fisheries resources. The 2007 reauthorization of the Magnuson-Stevens Act provided a clear mandate, new authority, and new tools to achieve the goal of sustainable fisheries within measurable timeframes. Notable among these were the requirements for annual catch limits and accountability measures to prevent, respond to, and end overfishing. These are among the strictest standards in the world, and our approach is being emulated by other countries.

The Magnuson-Stevens Act created a unique, highly participatory management structure centered on the eight Regional Fishery Management Councils to meet these sustainability goals. This structure ensures that input and decisions about how to manage U.S. fisheries develops through a "bottom up" process that includes fishermen, other fishery stakeholders, affected States, tribal governments, and the Federal Government.

Our progress in achieving the goal of sustainable fisheries is founded on the principle that management is based on sound science. National Standard 2 of the Magnuson-Stevens Act mandates that all fisheries conservation and management measures must be based upon "the best scientific information available." NMFS management targets are set through science-based standards, and our extensive science program includes well-integrated data collection and cooperative research programs that feed into the process for setting these targets. This has, in turn, led to improved productivity and sustainability of fisheries and fishery-dependent businesses.

In addition to the 10 National Standards, under which each federally managed fishery must operate, every Magnuson-Stevens Act fishery complies with the protection and conservation requirements of the Marine Mammal Protection Act and the Endangered Species Act, and are managed using the holistic environmental planning requirements of the National Environmental Policy Act. The result: domestic fisheries that are among the most sustainably managed in the world, taking into account target catch, bycatch, and other ecosystem impacts.

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[2] *Ibid.*

[3] Pitcher, T.J., Pramod, G., Kalikoski, D. and Short, K. 2008. Safe Conduct? Twelve Years Fishing under the. UN Code. WWF, Gland, Switzerland. 66pp.

IUU Fishing is a Global Problem

The stability of our fisheries and the livelihoods of U.S. fishermen are challenged every day by activities on the international front. For instance, illegal, unreported, and unregulated fishing, also called IUU or pirate fishing, is a global problem that threatens ocean ecosystems and impacts fisheries, food security, and coastal communities around the world. Experts estimate that the global value of economic losses from IUU fishing range between $10 billion and $23.5 billion annually, representing between 11 and 26 million tons.[4] By dodging conservation and management measures, companies engaging in IUU fishing cut corners and lower their operating costs. As a result, their illegally caught products provide unfair competition for law-abiding fishermen and seafood industries in the marketplace, and can undercut the sustainability of international and U.S. fisheries. NMFS is working to ensure that high demand for seafood does not create incentives for illegal fishing activity. Working in partnership with other Federal agencies, foreign governments and entities, international organizations, non-government organizations, and the private sector is crucial to effectively combating IUU fishing.

Recognizing the Sacrifices and Commitment of U.S. Fishermen

In the U.S., our fishermen's commitment to and investment in stewardship and sustainable resources has not come without sacrifice. We need to build on their commitment and ensure these successes are rewarded in the marketplace. Despite the globally recognized strength of U.S. fisheries management, U.S. seafood is often perceived as operating under the same ineffective management plaguing many global fisheries. This is simply not true.

Moreover, many U.S. wholesalers, processors, retailers, vendors, and consumers are unaware of the sustainability of U.S. fisheries. The agency is taking a proactive role in telling the story of the success of U.S. fisheries, using a variety of approaches to highlight the value, quality, and sustainability of U.S. harvested and farmed seafood. *FishWatch* is the Internet-based informational platform the agency uses to educate consumers on the responsible management of U.S. fisheries under the Magnuson-Stevens Act and the dynamic, science-based process behind sustainability. *FishWatch* delivers neutral, regularly updated information on seafood harvested in the U.S. The page introduces consumers to the dynamic process of sustainably managing living resources in an ever-changing ocean environment. This tool also provides factual information about the biological and ecological status of a fishery and lets users draw their own conclusions relative to satisfying a purchasing standard, based on science provided by NMFS. We continue to improve the content of *FishWatch* and explore opportunities for expanding its reach.

To assist sellers, the agency, at its discretion, issues declarative public statements in the form of letters in response to requests from harvest sector groups on whether a particular fishery is "sustainably managed" based on the Magnuson-Stevens Act National Standards. In those letters, we highlight the fact that, in the U.S., we have virtually eliminated overfishing and are rebuilding overfished stocks to sustainable levels in all federally managed fisheries.

And, last year, we asked the Marine Fisheries Advisory Committee (MAFAC) to conduct a policy study of whether the agency's role in seafood certification should go beyond this *status quo.* MAFAC has been seeking input from buyers and sellers of seafood and gathering information from existing certification organizations to see what an appropriate role for NMFS would be. One of the objectives is to collect information from stakeholders who are directly involved in the purchasing of seafood for restaurants, supermarkets, and other retail, food service, and institutions to get their views on certification and the preferred role of the Federal Government. Perspectives span widely so far, ranging from a desire for the Federal Government to remain uninvolved to requests for NMFS to regulate the use of "sustainability" in the same or similar way the U.S. Department of Agriculture regulates the term "organic." Different options are being evaluated including the relative benefits and costs, and whether taxpayers or the industry should bear them. The MAFAC report is due next month.

Conclusion

Achieving sustainability in U.S. marine fisheries is a continuous process governed by congressionally defined National Standards. To maintain our role as a world leader in fisheries management, we use the best available science and apply adaptive management strategies subject to public accountability and enforce those strate-

[4] MRAG and Fisheries Ecosystems Restoration Research, Fisheries Centre, University of British Columbia, 2008. *The Global Extent of Illegal Fishing.* Available at: *http://www.mrag.co.uk/Documents/ExtentGlobalIllegalFishing.pdf.*

gies. We want to ensure that our fishermen and fishing industries are rewarded for their investment in and commitment to participation in this process. Thank you again for the opportunity to discuss the sustainability of U.S. fisheries under the Magnuson-Stevens Act.

Senator BEGICH. Mr. Blue.

STATEMENT OF DARREN BLUE, ASSISTANT COMMISSIONER, OFFICE OF FACILITIES MANAGEMENT AND SERVICES PROGRAMS, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION

Mr. BLUE. Good morning, Chairman Begich, Ranking Member Rubio and other members of the Subcommittee. My name is Darren Blue. I am the Assistant Commissioner for Facilities Management within GSA's Public Building Service.

I appreciate being invited here today to discuss GSA's role in developing guidelines for healthy and sustainable food services within Federal facilities.

First, I'd like to establish GSA's view that U.S.-managed fisheries do not require third-party certification to demonstrate responsible practices. GSA has worked with HHS, NOAA and other agencies to revise our health and sustainability guidelines for Federal concessions and vending operations to ensure that they provide absolute clarity on this matter.

Chairman Begich, I'm pleased to report that in the days since we provided you with our written statement, GSA and HHS have finalized the revised guidelines and they no longer reference a third-party certification requirement.

I'd like to provide some background on how we developed the original guidelines. From 2009 to 2011, GSA and HHS jointly developed the guidelines with a working group that included health and sustainability experts from Federal agencies. GSA and HHS co-released these guidelines in March 2011. NOAA did not participate in the development of the original guidelines, but GSA and HHS have since been working with NOAA to develop the now published revised guidelines.

As written, the original guidelines were designed to make healthy choices more accessible and appealing while serving as a practical guide for vendors crafting proposals to provide concessions or vending services within Federal facilities. Our intent was to broaden, not to restrict, choices.

GSA worked extensively with private industry in developing these guidelines. In October 2009, prior to beginning our partnership with HHS, GSA released a request for information to gain valuable feedback and insight from concessions and environmental stakeholders on wellness and sustainability practices in food service delivery and concessions contracting.

Some of the responses suggested the idea of third-party sustainable fishing certification programs as a guide for—for responsible seafood procurement. GSA confirmed the recommendations generated through the RFI process with industry experts and our partner Federal agencies. As a result, we developed guidelines that cited a pair of third-party entities for sustainable certification.

Specifically, the guidelines encouraged vendors to refer to the Monterey Bay Aquarium and Marine Stewardship Council or other equivalent systems when developing proposals.

GSA and HHS intended the third-party groups cited in the guidelines to be helpful examples for vendors, not eliminating factors. We now understand that the references have caused some confusion. GSA and HHS have worked with NOAA to develop the revisions consistent with our intent to issue helpful, inclusive guidelines that reflect current Federal Fisheries Management policy. We have finalized these revised guidelines and they no longer include references to third-party certification systems.

Thank you for inviting me to appear before you today. Given GSA's role, in supporting sustainable workplaces, we look forward to continuing this dialogue and we appreciate the Subcommittee's oversight on this issue. I am honored to take your questions.

[The prepared statement of Mr. Blue follows:]

PREPARED STATEMENT OF DARREN BLUE, ASSISTANT COMMISSIONER, OFFICE OF FACILITIES MANAGEMENT AND SERVICES PROGRAMS, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION

Introduction

Good morning Chairman Begich, Ranking Member Rubio, and members of the Subcommittee. I am Darren Blue, Assistant Commissioner for Facilities Management and Services Programs in GSA's Public Buildings Service. I appreciate being invited here today to discuss GSA's role in developing guidelines for healthy and sustainable food services in Federal facilities.

Today I will speak to the GSA's support of health and sustainability policies and practices within our inventory of Federal office space.

First and foremost, I'd like to establish GSA's view that U.S.-managed fisheries do not require third-party certification to demonstrate responsible practices. GSA is working with the Department of Health and Human Services (HHS), the National Oceanic and Atmospheric Administration (NOAA), and other agencies to revise our Health and Sustainability Guidelines for Federal Concessions and Vending Operations to ensure they provide absolute clarity on this matter.

Development of GSA–HHS Health and Sustainability Guidelines for Federal Concessions and Vending Operations

In 2009, President Obama issued Executive Order 13514, "Federal Leadership in Environmental, Energy, and Economic Performance," directing Federal agencies to leverage acquisitions to encourage markets for sustainable products and services. As the Federal Government's landlord, GSA is well positioned to drive change by supporting sustainability in Federal facilities and encouraging health and wellness among Federal employees.

From 2009 to 2011, GSA and HHS jointly developed the Health and Sustainability Guidelines with a working group that included health and sustainability experts from several Federal agencies. GSA and HHS co-released the Guidelines in March 2011. NOAA did not participate in the development of the original Guidelines, but GSA and HHS have since been working with NOAA to develop revisions.

We designed the Guidelines to make healthy choices more accessible and appealing. As written, they serve as a practical guide and resource for vendors crafting proposals to provide concessions or vending services in Federal facilities. Our intent was to broaden choices, not restrict choices.

GSA worked extensively with private industry in developing the Guidelines. In October 2009, prior to beginning our partnership with HHS, GSA released a Request for Information to gain valuable feedback and insight from concessions and environmental stakeholders on wellness and sustainability practices in food service delivery and concessions contracting. Some of the responses suggested the idea of third-party sustainable fishing certification programs as a guide for responsible seafood procurement.

GSA confirmed the recommendations generated through the RFI process, and during a subsequent industry roundtable with industry experts and our other Federal agency partners, we developed Guidelines that cited a pair of third-party entities for sustainability certification. Specifically, the guidelines encouraged vendors to refer to the Monterey Bay Aquarium and the Marine Stewardship Council or other equivalent systems when developing proposals.

GSA and HHS intended the third-party groups cited in the Guidelines to be helpful examples for vendors, not eliminating factors. We now understand that these references have caused some confusion. GSA and HHS are now working with NOAA to develop revisions consistent with our intent to issue helpful, inclusive Guidelines that reflect Federal fisheries management policy and practices. We expect to release the revised Guidelines in the coming weeks, and GSA anticipates that they will not include references to third-party certification systems.

Conclusion

Thank you for inviting me to appear before you today. Given GSA's role in supporting sustainable workplaces and the health and wellness of Federal employees across the country, we look forward to continuing this dialogue and updating the Subcommittee on the issuance of updated Guidelines. I am pleased to take your questions.

Senator BEGICH. Thank you very much, Mr. Blue, and I will have some for you in a moment. But first, thank you for the announcement. We appreciate it and we'll—I'll have some further follow-up here in a second. First, Mr. Rauch—I say Mr. Rauch, but it's Mr.——

Mr. RAUCH. Rauch.

Senator BEGICH. Rauch. OK. I have a friend that has the exact same spelling, that's why—Rauch.

Let me ask you—and I was again pleased to hear Mr. Blue consulted with NOAA, GSA. Can you tell me how your agency interacts with GSA in these regulation rewrites and kind of give me a sense of how your engagement——

Mr. RAUCH. As Mr. Blue said, we were not originally involved in the process. For the past few months, we have been in consultation with GSA working with them on the revision and I think we are excited about working with GSA more in the future as we continue to monitor this active process. I think it's a partnership that is—is going to grow, but we were not originally involved in that——

Senator BEGICH. Were you aware when GSA was developing their guidelines, were you guy—were you folks aware that they were doing it and did—there was just no engagement from you, or were you not aware of that?

Mr. RAUCH. I was not aware. We were not aware.

Senator BEGICH. OK.

Let me ask you the broader step. As you know, we're in the reauthorization of the Magnuson-Stevens Act. At this time, we're starting hearings and we're doing listening sessions. It seems, you know, and I—and I understand these—like MSC, they're mad at me and I get that. They're mad at Alaska, I get that. You know, they don't like the fact that we don't want to use their certification because, honestly, they charge a lot of money and I'm not sure what the full value is. And there's inconsistency. We have different organizations. Monterey Bay is another one, and we can kind of go through the list. Doesn't it make sen—doesn't it make sense that as we re-draft and tweak the Magnuson-Stevens Act and Reauthorization Act, we—if fisheries meet the sustainability level by our standards and they rebuild stocks and they're sustainable—we'd classify them—isn't that the ultimate test of sustainability rather than these third-party NGOs.

Why would they trump everything we do, or should they?

Mr. RAUCH. Well first, let me agree with your statement that we—we are required to manage to sustainability. When people ask

me, why is it sustainable, I can tell them why. It is a transparent process that is adaptive. It's not a point in time you have to have a system that will constantly evaluate the fishery and adjust as appropriate. That's what we have with the Federal system. That's what the State of Alaska has for salmon.

So we would—I would agree with you that federally-managed and in certain cases, state-managed fisheries, are the pinnacle of sustainability. That being said, private industries can market their product as they see fit in this country under certain laws and the Federal Government. I currently do not have the authority to weigh in that balance. I can articulate that——

Senator BEGICH. I understand that, but in your testimony you had indicated that there were, for example, times when industry comes to you and they ask for a letter of probably a certain type of fish stock, I'm assuming.

Mr. RAUCH. Yes.

Senator BEGICH. And is it sustainable—or, how do you declare and you respond? Correct?

Mr. RAUCH. Correct.

Senator BEGICH. So in an indirect way, I don't want to call out certification, but you are identifying which stocks are sustainable by actions that you can show by scientific evidence, not just in that moment in time, but over time. Right?

Mr. RAUCH. Correct.

Senator BEGICH. And so if in the Magnuson-Stevens Act—I get that, you know, private sectoring, go get the Good Housekeeping seal and all that and stuff, but the consumers, they demand more and more what their product is; where it comes from. They want to at least understand it. They don't necessarily want us to restrict the purchase of it because they want those choices and I totally agree with that, but doesn't it make sense if you're already doing some letters that just making it more clear in the legislation or reauthorization that when that request is made and you say it, then it is sustainable. Now there are some stocks that someone might send a letter to or ask you and you might say, well, they're not sustainable yet. They are in a rebuilding status; right? That maybe one of the situations that might occur.

Mr. RAUCH. Well we would argue that even a rebuilding fishery is sustainable because they catch that we allow——

Senator BEGICH. That's right, because you have a scientific level of catch.

Mr. RAUCH. Right.

And I want to be respectful toward the two Senators to your side, because Red Snapper is in, technically, rebuilding mode and we would argue that it is very sustainable and you can have harvest and sale of that and people should be eating Red Snapper.

Senator BEGICH. Right. And long-term rebuilding.

Mr. RAUCH. Yes.

Senator BEGICH. OK.

Let me pause you, because my time is about to run out. I want to make sure everyone has time here. Mr. Blue, first—always give you the pause in before I kind of give you a little push here.

Thank you for the announcement today. Timing is everything. We appreciate that more than you can imagine. But honestly, it

shouldn't have taken this hearing or as well as letters that we've sent and conversations been out in the press on this issue.

How did GSA fail in this effort to connect with Federal agencies that manage fisheries when you're developing standards for our contractors to purchase, or our agencies, to purchase fisheries that are sustainable? How did that happen? I mean it just——

Mr. BLUE. Thank you, Mr. Chairman.

Senator BEGICH. And I don't want you know, I want to move forward, but I want to understand this, because this is a huge issue that has caused a huge stir, as you can imagine, my state especially, I'm sure, and my friends from Florida in the sense of what is sustainable now. How do you define it? So how did that happen?

Mr. BLUE. Thank you, Mr. Chairman. We share the concern of the Subcommittee; we've reviewed our policy process and our interagency coordination process. The fact that NOAA was not coordinated during the development of these guidelines. They were not policy, they were guidelines, intended to be helpful—was an oversight on our part. We've recognized that and we are in the process of correcting our interagency coordination with partner agencies for the issuance of such guidelines in the future.

Senator BEGICH. Let me ask—how will you—and again, I—the guideline, with this revision, is important because you've taken out the third-party certification reference in any form and as well as making it clear.

How will you make sure that the agencies that do the contracted—maybe the Park Service, or maybe any other agency that is doing contracted services—understand when they write these RFPs, this is the standard that they should use? How are you doing that now to make sure, as we know, and I think I've just heard the Park Services now can follow your guideline which is also good news we hear today. So—but tell me how you're going to ensure that happens, because, I mean, I can tell you how they know it's happening now because we've made it very public. And I'm sure they read the papers and realize, oh, my gosh, what's this all about. Now they're doing it because you've changed the guidelines. But how are we going to make sure every agency understands these guidelines for contracting of their services?

Mr. BLUE. Just so I understand the question, you mean getting the word out about the——

Senator BEGICH. Yes.

Mr. BLUE [continuing]. Changed guidelines?

Senator BEGICH. Yes.

So they don't put into their RFPs suddenly third-party certification requirements because that's—they remember from the old RFPs or the guidelines. How are they going to know what the new guidelines are and make sure that they follow them?

Mr. BLUE. It's important to note that they—the third-party certification, they were not requirements, but they were reference material for the vendors as they were crafting their proposals.

Senator BEGICH. Right.

Mr. BLUE. But we can make it, and will make clear, through various channels that we have, as the leader in the Federal acquisition workforce to Federal departments and agencies what the new guidelines say. We can also make it clear to our vendor community,

when they submit their proposals that these guidelines have been changed.

Senator BEGICH. OK. Let me pause there and I'll turn to Senator Rubio for his questions.

Senator RUBIO. Well, Mr. Blue, in Executive Order 13514, which from now on that's the one I'm talking about when I'm asking you about it, were you required to take into account the economic costs of the regulations?

Mr. BLUE. Thank you, Senator Rubio.

I cannot speak to the original intent given to the team that developed the guidelines. However, I can—I can display the appreciation that we now have based on the Subcommittee's concerns to take into account the economic——

Senator RUBIO. But you can't—you don't know if there was any sort of economic or employment impact taken into account as the guidelines were being produced?

Mr. BLUE. I am not aware of any economic impact that was discussed as the guidelines were being produced.

Senator RUBIO. OK.

So as far as you know, no one looked at what impact is this going to have on people who are out there working in this industry?

Mr. BLUE. As far as I know, that's correct.

Senator RUBIO. OK.

Which seafood or fishing industry representatives were consulted as this was developed?

Mr. BLUE. We—as mentioned in my statement, we had an RFI and received numerous responses. We would like to take it, for the record, to submit all of those participants in that RFI process and also the list of industry roundtable participants.

Senator RUBIO. So, for the record I'd like—we'd like to see the list of both the industry representatives, but also the environmental stakeholders, do you know, off the top of your head, who are the environmental stakeholders that weighed in?

Mr. BLUE. Not off the top of my head; however, we'll make sure that that list is inclusive.

Senator RUBIO. Do you know what other activities the GSA has been conducting as a result of that executive order?

Mr. BLUE. I do not, Senator.

Senator RUBIO. OK.

Can I get an answer to that as well, at some point, for the record after the hearing?

Mr. BLUE. Absolutely.

[The information follows:]

U.S. GENERAL SERVICES ADMINISTRATION
Washington, DC, December 6, 2013

Hon. MARCO RUBIO,
Ranking Member,
Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,
Committee on Science, Commerce, and Transportation,
United States Senate,
Washington, DC.

Dear Senator Rubio:

Thank you for your interest in sustainable fisheries. This is a follow up to the hearing held by the U.S. Senate Subcommittee on Oceans, Atmosphere, Fisheries,

and Coast Guard on Sept 24, 2013, "The Role of Certification in Rewarding Sustainable Fishing".

During the hearing you requested a list of seafood or fishing industry representatives who were consulted during the development of the guidelines on sustainable fisheries. Enclosed is a list of those roundtable participants.

If you have any additional questions or concerns, please feel free to contact me at (202) 501–0563.

Sincerely,

LISA A. AUSTIN,
GSA Office of Congressional and Intergovernmental Affairs.

Enclosure

Enclosure: Roundtable Attendees

Industry	
Title	Company/Agency/Organization
Sr. Director of Nutrition Program Development	Aramark
Director of Business Development	Aramark
Vice President Business Development	Aramark
Director of Reporting, Corporate Social Responsibility	Aramark
Vice President—Nutrition & Wellness	Compass Group
Eastern Division President	Eurest Dining Services
Regional Vice President	Eurest Dining Services
District Manager	FAME Food Management Service
Executive Director	Green Restaurant Association
Corporate Executive Chef	Guest Services, Inc
Division Executive Chef	Guest Services, Inc
Corporate Director,Systems and Standards	Guest Services, Inc
Senior Vice President	I.L. Creations
Vice President of Procurement	I.L. Creations
Nutrition and Wellness Program Manager	I.L. Creations
Director of Organizational Development	I.L. Creations
Manager of Communications and IT	I.L. Creations
Senior Associate	McManis & Monsalve Associates
Wellness Consultant	Plated Concepts
Vice President of Operations	Sodexo
Senior Vice President-Marketing and Administration	Southern Foodservice Management
Senior Vice President—Operations	Southern Foodservice Management
Corporate Services Manager	Southern Foodservice Management

Government	
Title	Company/ Agency/Organization
Facility Services Director	Department of Education
Facility A Management Services Director	Department of Education
Agency Representative	Department of Education
Deputy Assistant Secretary, Human Capital, Performance and Partnerships	Department of Interior
Senior Executive	Department of Labor
Deputy Asst Secretary	Health and Human Services
Deputy Regional Commissioner	General Services Administration
Regional Concessions Specialist, NCR	General Services Administration
Health and Wellness Specialist	General Services Administration
Assistant Commissioner, FMSP	General Services Administration
Health and Wellness Specialist/Registered Dietician	General Services Administration
Acting Occupancy Administration Director	General Services Administration
Regional Concessions Specialist, R6	General Services Administration
Industry Relations Team	General Services Administration
Industry Relations Team	General Services Administration
Industry Relations Team	General Services Administration
Concessions Program Manager	General Services Administration
Registered Dietician	USDA Center for Nutrition Policy and Promotion

Additionally, the following companies or organizations submitted an official response to the November 2009 RFI.

Aramark
Compass Group
DART Container Corporation
FAME Corporation
Green Seal
Guest Services
IL Creations
Sodexo
Southern Food Service
Valley Services

The following companies or organizations submitted feedback and input to GSA through various industry outreach vehicles. This input was unofficial and submitted via e-mail during meetings and conferences. This list is not inclusive of all the input we received over the last four years, but it represents the major organizations that contributed to the shaping of the Guidelines.

Canteen Services
Centers for Disease Control and Prevention
Cornyn Fasano Group
Green Seal
National Institutes of Health
National Restaurant Association
Public Health Service
USDA
Veterans Health Administration

Senator RUBIO. Thank you.

And then—Mr. Rauch, right?

Am I saying that right? I missed the clarification.

Mr. RAUCH. I will answer to whatever you call me.

[Laughter.]

Senator RUBIO. OK.

Well what do you want me to call you?

Mr. RUBIO. Rauch.

Senator RUBIO. Ra—I'm sorry.

Mr. RAUCH. Rauch.

Senator RUBIO. Rauch, OK.

Senator BEGICH. I said Rauch; he corrected me.

[Laughter.]

Senator RUBIO. Rauch.

Senator BEGICH. But if you want us to call you something else, just let us know. We're flexible here.

Senator RUBIO. Your eminence, let me ask you——

[Laughter.]

Senator RUBIO. I think you've answered this before, but just for the record, were you or anyone at NOAA aware of the GSA's health and sustainability guidelines before they were issued?

Mr. RAUCH. I was not aware. I do not believe the National Marine Fisheries Services were aware. I do not believe that anyone else in NOAA was aware.

Senator RUBIO. OK.

And again, if, in fact, you learn that someone was aware, you would clarify that for the record after the hearing?

Mr. RAUCH. If we learn that, yes.

Senator RUBIO. OK.

That's my questions. Thank you.

Senator BEGICH. Thank you very much.

Let me go to Senator Nelson.

Senator NELSON. The pirate fishing.

Senator BEGICH. Can I interrupt you for just one second?

Senator NELSON. Certainly.

Senator BEGICH. I want to say thank you for calling it pirate fishing. I have spent four and a half years; people kept calling IUU, blah, blah, blah. No one was sure what it was. Pirate fishing is theft from the oceans.

Thank you, Mr. Nelson.

[Laughter.]

Senator BEGICH. I get very excited about that definition.

Senator RUBIO. Down in Florida, we know what pirates are.

[Laughter.]

Senator BEGICH. Good point.

Senator NELSON. OK.

How are we going to eliminate pirate fishing?

Mr. RAUCH. Thank you, Senator Nelson.

Pirate fishing is a difficult problem to deal with because it is, in large measure, allowed. It's an international issue and so our tools for dealing with it are more limited than dealing with sustainable fisheries in the United States.

We engage in a number of forums currently through our international forum to try and encourage our international partners to better manage and control the fishing fleets that arise out of their ports. We are engaged with the international law enforcement community to try to better deal with wildlife trafficking and pirate fishing as a form of wildlife trafficking. We are currently the Vice Chair of the Interpol working group on wildlife trafficking because of this issue.

We are aware that Congress has a number of bills. Senator Begich's bill being one, on pirate fishing, which we are working to help with that. But it is a difficult issue. It's hard to get at this because fisheries is a very lucrative business and the United States is a very lucrative market.

So we—we struggle at times with dealing with these foreign issues, but we do have an enforcement program on that. The President just issued, in July, an Executive Order on wildlife trafficking; creating a wildlife trafficking task force, which we are a part of, that we are trying to make sure that illegal fishing is appropriately considered illegal wildlife trafficking.

So it is a difficult issue and we are addressing it on a number of fronts in conjunction with the State Department, trade representatives and others.

Senator NELSON. Well—now, we're talking about U.S. waters. So, why—well what—what other tools do you need?

Mr. RAUCH. In U.S. waters I think we have the tools that we need. We have an active enforcement program that deals with U.S. fishermen who violate the laws and there are not many of them but a few on occasion do. So we have an active enforcement program there that I think——

Senator NELSON. How about non-U.S.?

Mr. RAUCH. We have a program that deals with incursions by foreign fishermen——

Senator NELSON. Describe that.

Mr. RAUCH. We—on occasion, a foreign fishing vessel will come into U.S. waters without authority to do so. When that happens, the Coast Guard—to the extent that we are aware of that—the Coast Guard will find those vessels, stop the—interdict those ves-

sels, the vessels are often forfeited and the crew are repatriated to their country of origin.

So we work with the Coast Guard and State Department when those kind of events happen. They don't happen all that frequently, though they used to be much more frequent. We do that. We also work with the governments of the originating vessels to try to get them to control their activities.

So there is an established process in the United States for dealing with foreign incursion into our waters. It doesn't happen very often, but it does happen on occasion.

Senator NELSON. Do we have enough Coast Guard?

Mr. RAUCH. I can't speak to that. Our partnership with the Coast Guard seems adequate for these purposes. I can't speak for the Coast Guard and what other missions that they have, but we have a long partnership with the Coast Guard. We recognize that both they and us are dealing with our resource constraints as every other Federal agency, but I think that we try to prioritize the missions that are important to all of us.

Senator NELSON. Other than contacting the countries outside of U.S. waters, describe what are the tools that you're using.

Mr. RAUCH. So outside of the U.S. waters we are working with the international law enforcement agency, Interpol, on wildlife trafficking.

As I said, we're the Vice Chair of the Interpol working group on that. So there's information sharing that we use with other countries. The Coast Guard does occasionally go outside of U.S. waters to assist with non-flagged vessels. A true pirate vessel is a vessel that doesn't have a flag of any country, although we consider it —the term broader in the fishing context.

So we do work with other countries to deal with that when we find a vessel on the high seas. We also are trying to work with other countries when illegal fishing is goes on in their waters but the product is coming into the United States. Our fishermen, who have taken all these sacrifices, often have to compete on the same grocery store shelf with the fishermen that is it, a product that was harvested illegally. And that is a difficult thing for our fishermen to deal with. So we deal with it both in the law enforcement context and through a domestic negotiation context.

Senator NELSON. And, can you identify that fish on the grocery store shelves to prevent it from ever getting there in the first place?

Mr. RAUCH. In some fisheries we can. In some—in many fisheries we cannot.

Senator NELSON. How do you do that?

Mr. RAUCH. Some fisheries have traceability requirements in which they trace it from the vessel all the way to the market, the grocery store. Other fisheries, we require our seafood inspection and the customs—the Customs and Border Patrol to interdict illegal product coming in and there is enormous amount of product coming in and we can only sample a certain substance of that.

Senator NELSON. What fishery traces it all the way from the boat into the shore?

Mr. RAUCH. So I believe the Chilean sea bass does that. I believe there are certain tuna stocks in the Western Pacific that do that

as well. I could get you a list of all those that do. Not many—not very many do that. In addition to our government-sponsored, a number of U.S. fishing industries like this there's a Wild Gulf Shrimp fishery which does it on its own without government involvement. They will—as a marketing tool, they have a system where they can trace from their boat to the plate and that they will market. So that when a consumer wants to buy it they can scan the barcode and they can find the boat the day it was caught. We don't run that system but the industry does on its own.

Senator NELSON. And that's—the shrimping industry does that? It's——

Mr. RAUCH. Wild Gulf Shrimp.

And I believe there's a similar system in Alaska for one of the products up there.

Senator NELSON. Is that a similar system in the Atlantic shrimp?

Mr. RAUCH. I'm not aware.

These are privately-run marketing or—privately-run enterprises.

Senator NELSON. I see. Thank you, Mr. Rauch.

Senator BEGICH. Thank you very much.

And if I can add to that, we have a piece of legislation ending on—called Safe Seafood Bill which does exactly what you're talking about, because customers today want really to understand what they're buying, where it's coming from and I know in Alaska we have over $500 million worth of Russian crab they call Alaska crab, and it's impacted our industry dramatically in a negative way.

So you're absolutely right. So we do have a bill pending on that. We also have two other bills that passed out of this committee we are very excited about, S. 269 and S. 267, which is all about pirate fishing and in honor of Senator Inouye who led that charge when I got here before. So we're—hopefully, maybe Senator Nelson will put a little push on you who know we need to push on to get this to the table. So we'll look forward to that.

Senator Heinrich.

STATEMENT OF HON. MARTIN HEINRICH,
U.S. SENATOR FROM NEW MEXICO

Senator HEINRICH. Thank you, Chairman. I look forward to working with both of you on pirate fishing. I will bring up the fact that my kids, the other day, were using my iPhone to translate things in the pirate language. We should try that in the Committee sometime.

[Laughter.]

Senator HEINRICH. I want to talk to Mr. Rauch just about some definitions to kind of get a handle on why I think there is a consumer value in third-party certification. And why, if everything is by definition sustainable, then you see why third-party certification exists in the first place. And we define or you define sustainable in such a way that even a rebuilding stock is sustainable. And that may well be true for the purpose of—of harvesting numbers, but I think for the purpose of the average consumer, if they're looking at Western Atlantic bluefin tuna, and they believe stocks to be down 80 percent from where they were historically or any other heavily impacted species that is at the bottom of that rebuilding curve, they don't feel like that is a wise choice, a sustainable

choice, even if you by our definition it is sustainable. So how do you reconcile that and do you have something on *FishWatch* where people can see that what the actual health of the stock overall in gross terms is, versus the idea that, OK, hopefully we'll have a little more of these fish next year than we had last year?

Mr. RAUCH. Yes. So, on *FishWatch* we do try to present the full picture of the health of the stock. The idea is to let the consumer choose for themselves what they do or do not want to buy. And you're absolutely correct. Different consumers will approach purchasing decisions in different ways and they will value different things.

The role of the National Fishery Services is just to provide the information, not to make those choices for them or to recommend one way or the other. So we do present what's called the data from the stock assessment. For all of these stocks, we have stock assessments which outline not only the current health of the stock, but also the trajectory. So you can look over time and see whether—where it's been caught, where it is going and where we predict it to go. So that's what's on our *FishWatch.*

You are correct that we would view a rebuilding fishery as sustainable in that the population is not declining, the population is growing. Red Snapper is a very good example. The population has been far exceeding its rebuilding targets. It is growing bigger than we ever expected. In that situation, a rebuilding stock, you can—you can have harvest on that stock and it's sustainable. It's not true for every fishery.

In the United States, we have a process that we can guarantee that we're going to respond and manage the sustainable levels. That's not true everywhere else. So there is a difference, but when you buy into sustainability, you're buying into the process under which it's managed. And you either support that process or not, because fish stocks are going to vary in any given year. There are going to be more or less, and you can't ever predict exactly how many fish there are going to be, but you can have some assurance that the government or the regulating industry is going to take that into account and set a scientifically-based quota.

Senator HEINRICH. And, when you mention scientifically-based quotas, one of the things that comes to mind is when I was—I had the unfortunate experience of having to take almost 30 hours of math in college. And one of the things that we learned about were these equations that define a species, you know, take what happened with the passenger pigeon and it's happened to certain cod stocks and other things where you have an absolute line where as long as you're above that line, the fish stock will grow and you will slowly but surely move your way back to a healthy stock at a much higher level. But if you dip below that line you can, actually, the equation sort of flips and you go to zero. In other words, next year there will be less and the next year there will be less until there's nothing left based on—how do you incorporate those kinds of models into your ability to make sure stock never reaches that point?

Mr. RAUCH. Well, we do manage to ensure the stocks never reach that point. Our sustain—our level of overfished fishing is far above the level in which we would have an endangered species concern.

The—it is conceivable you could fish a species all the way to extinction if you didn't manage it well. And so we ensure——

Senator HEINRICH. Or at least functional extinction where you have——

Mr. RAUCH. Functional extinction. Exactly.

Senator HEINRICH. You know, you still have the fish but it never regains its prominence in the ecosystem and as a fishable large scale part of that system.

Mr. RAUCH. Right.

So we're managing to economic sustainability. We're managing to ensure that the fishery not only to—that the fish still exist, but they exist in marketable, harvestable quantities which is a much higher level.

So those are—all those equations are built into our stock assessments; they are built into our targets for what we are trying to achieve. Now we the vast majority of those 446 stocks we manage are well over those lines. There are a number of them in the tens that are under rebuilding plans that we are concerned about. But we—but none of them are in any danger of an endangered species act listing.

Senator HEINRICH. OK. Thank you, Mr. Rauch.

Senator BEGICH. Thank you very much, Senator.

Next, Senator Markey, thank you for attending. And I know this probably is a good subject, because you introduced a companion bill on some legislation. So now you're here. So you get to be part of the bill here.

So, welcome and, please, you have—we have five minutes and then we do have a vote, just to make sure people know. I think it's still scheduled for 11:45. We'll wait to see and then we'll have another panel coming up right after this.

STATEMENT OF HON. EDWARD MARKEY, U.S. SENATOR FROM MASSACHUSETTS

Senator MARKEY. Thank you, Mr. Chairman, very much. And I just want to associate myself with your comments on the importance of being able to trace fish from bait to the plate. And, as you were saying, I have been able to introduce the Safe Seafood Act in the House and in the Senate. And I think it's important for us to be able to move that forward to protect American fishermen from being exploited by this rampant fraud which is taking place with the mislabeling of fish in a way that undermines the good-faith effort of American fishermen to provide high-quality food for Americans.

And let me begin with Mr. Blue. The U.S. Atlantic's spiny dogfish population is certified as sustainable under the Marine Stewardship Council. Yet prices remain extremely low, less than 15 cents a pound. Dogfish are tasty, sustainable, abundant and yet our Massachusetts fishermen can't make a living catching them.

Isn't it correct that dogfish qualify as sustainable under the purchasing guidelines? Is that—in that case, why isn't the U.S. Government buying more dogfish?

Mr. BLUE. Thank you, Senator.

I am, honestly, going to have to take that for the record and come back to you. I don't have the data on how much or any dogfish that's been purchased.

Senator MARKEY. Well, it's very important for us in Massachusetts, in New England, to have that issue addressed. Dogfish are clearly something that can play a big role in the revitalization of the Massachusetts and New England fishermen.

Mr. Rauch, times are very hard in New England fisheries. The entire Massachusetts delegation is working together to encourage the Small Business Administration to help our fishermen, and we're looking at ways to market other stocks like dogfish. What is your view on the New England fisheries? How can we preserve that 300-year history of fishing?

Mr. RAUCH. Thank you, Senator.

I think some aspects of the New England fisheries are quite vibrant. The scallop industry is the most—one of the most lucrative fisheries in the country. But, it is clear that the groundfish portion of that fishery is facing difficult times.

There are less fish. The Gulf of Maine was the warmest on record last year. That seems to be having an effect on the juvenile cod, which is the iconic species of groundfish, and the cod just aren't there. We have cut the quota, but they're still not catching even the reduced quota that we've cut. So they're having difficult times. We are aware of that.

We have tried to do a number of things to try to compensate for the lack of fish. We have made—there are a number of healthy stocks that we have tried to make more accessible; raising the limits on healthy stocks, allowing change to the regulatory burdens so that they can better access that.

Some of the problems are outside of the fisheries direct regulatory control. So we've tried to host discussions with Labor, Small Business Administration. For instance, on October 1, we are hosting a webinar with the Small Business Administration and agriculture department to help work through this loan issue with them so that fishermen are better able and know how to apply for these small business loans and those kind of issues. We've talked with the Labor Department about things that they may be able to do to bring on there.

This is a very difficult issue and we are very concerned about the future of that fishing industry. And we're trying to do all that we can to assist in this process. The biggest problem; however, is there are no fish. And, until we can solve that problem, we're going to have this long term problem with the fishermen.

Senator MARKEY. So which healthy stocks have you raised the limits for?

Mr. RAUCH. We can get you the exact answer, but I believe we have raised the limits for pollock, for red fish, for dogfish and others.

Senator MARKEY. OK.

And, on the issue of the Gulf of Maine being the warmest recorded temperatures——

Mr. RAUCH. Yes.

Senator MARKEY.—in history. Can you just briefly elaborate on that.

Mr. RAUCH. So——

Senator MARKEY. And the impact that it has on the juvenile cod——

Mr. RAUCH. And so, my understanding is that the—the surface temperature of the Gulf of Maine, they've measured it for the last 150 years, and last year was the warmest in the summer that it has ever been. We have seen—we used to believe that there was a very direct correlation between fishing pressure and stocks. So that if you cut—if you cut fishing, you lower the quota, the stocks will recover. The fishermen for cod have been facing lower and lower quotas throughout the 2000s. We expected the cod to recover and, in 2008, we saw signs of juvenile cod which we thought were going to recover, but they never grew up into big cod. We don't know what happened to them.

One theory, which is the subject of a peer review study came out, is that because of the changing temperature in the Gulf of Maine that changed the phytoplankton composition that they eat and they're better—and they—they're subject to more mortality to get the new kind of phytoplankton.

So the temperature change may have caused the cod to be less survivable in the Gulf of Maine, which would explain why the juvenile cod never grew up. So it may be a contributing factor to the decline in cod that we are seeing. We can't predict conclusively, but there was a peer-reviewed study that last summer that indicated that is a likely contributing factor.

Senator MARKEY. OK, great. Thank you. Thank you, Mr. Chairman.

Mr. CHAIRMAN. Thank you very much.

And to the panels, and first, Senator Markey, thank you for your last question, because I know one of the issues that we are struggling with here in Congress is the issue of acknowledging, by some in Congress, that actually climate change is occurring. It's impacting—warming of the waters, acidification of the waters—it's impacting industry all across this country. That is dramatic job creator and important for our food supply and food chain and yet it is impacting us. And that last comment was a very important point to remind people that all the great science that we're doing is fantastic, but there is something else happening that we have to be aware of, and I know that you've been a leader, in the House side especially and a leader here in the Senate, on this issue. So—and Alaska is ground zero when it comes to climate change issues. I know when you say climate change some bolt of lightning strikes you around here by some, but you can argue into science all you want, but you just gave an additional fact and I'm sure in Alaska waters we would give additional facts of where there are impacts. And you know them.

And so we have to ensure that as we work down the road on fishery issues and these broad issues, there's the broader issue of climate change. We have to acknowledge it, figure out the right approach. We may differ on some of our approaches, but we believe in the same thing. That it's happening. And we have to find that common ground and get there because we are seeing impacts right now in our fisheries.

So, thank you for that last comment that you made. That was very important.

Senator MARKEY. If I may——

Senator BEGICH. Sure.

Senator MARKEY. Mr. Chairman, yes. And again, it's called Cape Cod.

[Laughter.]

Senator MARKEY. And the sacred cod is the symbol of the State of Massachusetts.

Senator BEGICH. Yes.

Senator MARKEY. It hangs in the State legislature. So this testimony helps us to understand a little bit about what's going on. And we have to explore, more fully, because if you're linking the warming of the waters to historically warm waters to a decline in juvenile cod then, again, that goes right to the heart of the iconic symbol of the state.

So I thank you, Mr. Chairman, very much.

Senator BEGICH. Thank you very much. To the panel, thank you very much.

Mr. Blue, especially thank you, for—I know you were thinking, why do I have to come to this, it's going to be not fun. But your announcement this morning is very helpful.

As we know—also the Parks Services contacted us today, also indicated to us clearly that they're going to follow this guideline which is one of the agencies that kind of stirred this whole issue up in a way that was not the right approach that they were taking.

So thank you for your new guidelines. Thank you for your follow-up you will be doing. And we will, as you can imagine as an oversight committee, working with you to make sure that happens and how that response is from agencies.

Mr. Rauch, thank you for all your testimony and all the information you've laid on the table. Thank you very much.

We'll now have the next panel come forward. Panel two; I'll start introducing them as they come forward. We'll have: Stefanie Moreland, Special Assistant, Office of Governor Sean Parnell, State of Alaska; Mr. Jeffrey Rice, Senior Director, Sustainability, Wal-Mart Stores; Mr. Michael Montelongo, Senior Vice President for Public Policy Corporate Affairs with Sodexo; and Mr. John Connelly, President of National Fisheries Institute.

We'll take people in that order, so folks know. We appreciate your attendance here today.

Again, we'll have to vote at 11:45, but we'll continue the meeting as long as I can afford—I become the last vote of the tally.

If folks can grab their chairs and come forward.

Stef, good to see you. And Stefanie, we're going to start with you once everyone is settled.

Again, thank you all very much for your attendance.

I see four and I have five names on my list. No, I have four. What am I thinking? Bad eyes. See what happens when you get over 50. It's all going downhill.

Stefanie, thank you very much for being here. Thank you for representing the State of Alaska. And, thank you for your participation down at a couple of events we've been at in Alaska on some issues around fisheries.

So let me start with you and then we'll just kind of go right down the row, if that's OK.

STATEMENT OF STEFANIE MORELAND, FISHERIES POLICY ADVISOR TO GOVERNOR SEAN PARNELL, ON BEHALF OF THE STATE OF ALASKA

Ms. MORELAND. Thank you and good morning, Chairman Begich, and distinguished members of the Committee.

My name is Stefanie Moreland. I am the Policy Advisor for Fisheries to Alaska Governor Sean Parnell. And I'm honored to be here today representing the State of Alaska and the 63,000 hardworking men and women in our seafood industry, and the many communities that depend upon our fishery resources.

I am here to share Alaska's experience with sustainable fisheries management and our concerns over seafood certification undermining good governance and public processes established by the State of Alaska and by Congress. I also support your attention to the need for Congressional direction to Federal agencies to support responsibly managed U.S. fisheries through their purchasing policies.

In Alaska, we have strong state and Federal fisheries management programs. Sustainability is not a trend or a market ploy, it's a way of life and law of the land. The fishing industry is our largest private sector employer. And as you know, Alaska mandates sustainability of fisheries and its constitution.

We put fish first in our management practices. This means fishermen are often called upon to make short-term sacrifices for the long-term health of the resource. In our Federal fisheries, no species of Alaska seafood is listed as overfished. And the North Pacific Fishery Management Council has never set a catch limit above the level recommended by science advisors.

In many cases, Alaska has pioneered management initiatives that have been adapted nationwide. The State of Alaska manages salmon to ensure a stock not only survives but thrives. Our state's commitment to the sustainability of Alaska salmon resources codified in regulation, and in our sustainable salmon fisheries policy and companion policy for escapement goals. Our policies and management plans are backed by investment in science and research and management staff across the state with authority to act on the best available information.

Sustainability is also mandated by U.S. law in the Magnuson-Stevens Fishery Conservation and Management Act, or MSA. The most recent comprehensive MSA amendments mandated the adherence to scientific catch limits, applying nationwide policies that had been in place in the North Pacific region for decades.

Both Alaska and the U.S. have been held up as models of responsible management and have some of the best managed fisheries in the world. This globally-recognized success has been achieved through transparent, science-based, and participatory fisheries governance structures; not in response to a private sustainability standard.

Alaska operates in a global marketplace, exporting fish products to over a hundred countries. Despite our decades-old track record, a recent movement has gained momentum though requires third-

party certification of sustainability as a precursor or qualification to maintain market access. We believe this is unnecessary for Alaska or U.S. fisheries, but recognize the reality that certification has become important in some markets to provide outside independent verification of sustainability.

Just over 10 years ago, Alaska salmon was the first major fishery certified by the private London-based Marine Stewardship Council, or MSC. The MSC touted Alaska salmon as a pioneer in sustainability and best available choice in seafood. We believe this high praise is still well deserved. But over the years, we found that eco-label movement has become more about brand protection and restricting market access than sustainability. In 2011, Alaska's leading salmon producers decided to withdraw from the MSC program. They saw the Alaska brand being eroded and replaced by a generic eco-label.

Also, the MSC model allows for conditional certification, providing equivalent market access and credentials for lower-achieving fisheries. Responsibly-managed fisheries are disadvantaged by this approach and consumers are unable to distinguish a truly sustainable fishery from one that has been granted a heavily-conditioned certification.

As a result, Alaska, in collaboration with other high-achieving fisheries, advanced an alternative certification model, robust enough to satisfy any responsibly corporate social responsibility policy. This alternative, called Responsible Fisheries Management, or RFM Certification Program, is ISO accredited. It's the only one to achieve this standard.

No single eco-label label should serve, or should—should strive to serve as the only litmus test for sustainability. This undermines the U.S. system of fisheries governance and Alaska's world-class fisheries management program.

Finally, we were troubled to recently learn that some U.S. Federal agencies have relied upon MSC certification as an indicator of sustainable—of seafood sustainability in their policies regarding procurement and sale of seafood. This disadvantages Alaska and allows other seafood from around the country. We understand that Senator Murkowski has recently introduced legislation to address the issue and to address the current misguided Federal policies and request your attention to the issue.

We will continue our efforts to ensure that American and international consumers have access to the quality sustainable seafood that we produce and the information to make informed choice. Thank you.

[The prepared statement of Ms. Moreland follows:]

PREPARED STATEMENT OF STEFANIE MORELAND, FISHERIES POLICY ADVISOR TO GOVERNOR SEAN PARNELL, ON BEHALF OF THE STATE OF ALASKA

Good morning, Chairman Begich, Ranking Member Rubio, and distinguished members of the Committee.

My name is Stefanie Moreland, and I am the Policy Advisor for Fisheries to Alaska Governor Sean Parnell. I am honored to be here today representing the State of Alaska, the 63,000 hard-working men and women in our seafood industry, and the many communities that depend upon our fishery resources.

To Alaskans across our state, fish are not only an economically and socially significant source of food, but a vital and integral mainstay to our economy as a renewable natural resource. The fishing industry is our largest private sector employer,

providing gainful employment to tens of thousands of residents and non-residents alike each year in both the harvesting and processing sectors. Alaska is home to four of the Nation's top ten fishing ports when measured by volume of landings, and six of the top ten when measured by value.[1] If Alaska were a nation, it would rank among the top ten in the world for seafood production. The seafood industry is second only to the Alaska oil industry in generating State revenue. At the same time, fish support customary and traditional subsistence needs for Alaska Natives, supplement the food needs of thousands of Alaskans, and provide recreational opportunities for Alaskans as well as for hundreds of thousands of Americans who visit our state, bringing income to businesses and communities of all sizes. It is no exaggeration to say that fishing touches the life of every single Alaskan.

Alaska is home to fisheries managed by the State and Federal governments, jointly. The Alaska Department of Fish and Game, under regulations crafted by the Alaska Board of Fisheries, manages about 750 distinct fisheries within State waters that extend to three miles from Alaska's shoreline. The National Marine Fisheries Service (NMFS), a branch of the National Oceanic and Atmospheric Administration, manages fisheries outside of State waters and within the 200 mile U.S. exclusive economic zone (EEZ), which comprises roughly 842,000 square nautical miles around Alaska. The North Pacific Fisheries Management Council is the regulatory body tasked with creating the programs, conservation, and fishery objectives that NMFS implements.

In Alaska, sustainability is not a trend, a movement, a fad, a marketing ploy, or a label; it is a way of life and the law of the land. It is an industry and scientific imperative. Alaska is the only state which mandates the sustainability of fisheries in its Constitution, which states in Article 8, Section 4 that "Fish . . . and all other replenishable resources belonging to the state shall be utilized, developed, and maintained on the sustained yield principle. . . ." We put fish first in our management practices, and fishermen are often called upon to make short term sacrifices for the long term health of the resource. During the last two summers, for example, multiple fisheries in Upper Cook Inlet, targeting a variety of species, endured severe restrictions in order to ensure adequate spawning escapement for one specific salmon species migrating through the area to spawn in streams. No species of Alaska seafood is listed as over-fished and the North Pacific Fishery Management Council has never set a catch limit above the level recommended by our scientists. In many cases, Alaska has pioneered management initiatives that have been adopted nationwide.

Alaska's first Department of Fisheries was created in 1949—a full decade before Alaska gained statehood. The goal of the Territorial Legislature in instituting the Department was to "overcome the present depleted condition of the salmon runs," strengthen Alaskan control of Alaskan fisheries, and coordinate with Federal fisheries management.[2] Challenges at the time included salmon stocks devastated by the use of fish traps, which essentially created local monopolies over fish runs, and foreign encroachment into Alaskan fishing waters. Shortly thereafter, in accordance with a vote of the people, fish traps were removed across the state.

The Department worked in ensuing years to protect the fishing rights of Alaskans and gain a stronger voice for individual fishermen in the creation of regulations over their livelihoods. Alaska's independent ability to manage its own fisheries was seen as inextricably linked to another issue under debate—statehood. Bill Egan, our first State Governor, stated shortly after the passage of Alaska statehood, "it is a requirement toward remolding the shattered remnants of a once unparalleled fishery which, under distant bureaucratic control, has been in sharp decline for more than two decades. Now for the first time, Alaskans are free to exercise their own judgment on a course of action to rebuild this resource in the common good to its earlier position of eminence."[3]

Alaska's efforts to return depleted salmon runs to sustainable levels centered around scientific understanding, conservation, and rehabilitation. In the early 1970s, salmon levels were alarmingly low, and a hatchery program was introduced by the State Legislature to augment salmon production.

The Department manages salmon fisheries strictly to meet a stock's escapement goal—the number of fish needed to migrate upriver and spawn to ensure a stock not only survives, but thrives. This means fishermen are often denied the oppor-

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[1] State of Alaska, Department of Labor and Workforce Development, *Alaska's Fishermen: Harvests, Earnings, and Their Other Jobs,* by Jack Cannon and Josh Warren (Alaska Economic Trends, November 2012), 4.

[2] State of Alaska, Department of Fish and Game, *Sustaining Alaska's Fisheries: Fifty Years of Statehood,* by Bob King (January 2009), 6.

[3] *Ibid.,* 9.

tunity to fish if necessary to ensure adequate escapement and robust future yields. Alaska's efforts to conserve wild salmon runs paid off richly in the early 1980s, which saw record returns in historic Bristol Bay fisheries and on the Kuskokwim, and strong runs throughout other regions of the state. While salmon continued to dominate Alaska fisheries policy, other fisheries developed under State management. King crab, shrimp, herring roe, and other species types gained new prominence as species sought across the world, and the state took on the responsibility for managing these for sustainable yield as well. The 2013 salmon season saw the highest overall salmon harvest in recorded history, with a record 269 million salmon harvest to date in the waters off Alaska.

Our state's commitment to the sustainability of Alaska's salmon resources is further codified in regulation with the policy for the management of sustainable salmon fisheries and the companion policy for statewide salmon escapement goals. The sustainable salmon fisheries policy was a comprehensive effort on behalf of the Alaska Department of Fish and Game and the Alaska Board of Fisheries, with unparalleled public and user group input conducted from 1996–1999. This policy was the first of its kind for Pacific salmon and preceded policies from both national and international agencies.

The success of our management and regulatory framework as it pertains to the present health and vitality of Alaska's salmon resource is directly linked to: the health of our salmon spawning and rearing environments; the application of sound, responsible, conservative management practices; and our observation and application of lessons learned in other jurisdictions regarding what wild Pacific salmon need to sustain healthy productive populations. The aforementioned policies in concert offer direct instruction on all aspects of salmon life history, what processes must be followed if a particular salmon stock is challenged at maintaining sustained yield and finally, that defined escapement goals are the underpinning of our management responsibility.

Sustainability is also mandated by U.S. law in the Magnuson-Stevens Fishery Conservation and Management Act (MSA). With the passage of the MSA in 1976, the United States EEZ limit was extended to 200-miles offshore, and foreign overfishing was banned. The Act also created regional councils to oversee management of fisheries within the EEZ and outside of state waters, with Alaska alone constituting a single region due to the tremendous range and size of its fisheries. Comprehensive amendments in 2006 mandated adherence to scientific catch limits and rebuilding timeframes for overfished stocks, codifying nationwide policies that had been in place in the North Pacific region for decades.

Both Alaska and the U.S. have been held up as models of responsible management and have some of the best-managed fisheries in the world. This globally recognized success has been achieved through a transparent, science-based, and participatory fisheries governance structure, and not because of any private, changeable environmental NGO sustainability standard. Recently, European Union Commissioner for Maritime Affairs and Fisheries, Oceans, and Seas, now faced with righting a failed common fishery policy in Europe, remarked that "I want to pay tribute to the U.S. for their great achievements in managing fisheries in accordance with the best available science and ending overfishing. . . . The U.S. has shown us the way on sustainability. . . ."[4]

The Pew Charitable Trust and Ocean Conservancy just released a report stating "success in managing and rebuilding America's fisheries ranks among the leading achievements of marine resource management in the world."[5]

Alaska operates in a global marketplace exporting fish products to over 100 countries. Despite our decades old track record of sustainable, science-based management, a recent movement has gained momentum that requires third-party certification of sustainability as a precursor or qualification to maintain market access. We believe this is completely unnecessary for Alaska or U.S. fisheries, but the reality is that certification has become important in some markets as the only way to provide outside verification of sustainability.

Just over ten years ago, Alaska salmon was the first major fishery certified by the private London-based Marine Stewardship Council (MSC). The MSC touted Alaska salmon as a "pioneer in sustainability," a "very special and iconic fishery" and a "best environmental choice in seafood." They stated "Alaska's fishery manage-

[4] PECH Committee of the European Parliament, *Our Common Future Hearing,* 30 May 2012, *http://europa.eu/rapid/press-release_SPEECH-12-398_en.htm?locale=en.*

[5] *The Law That's Saving American Fisheries: The Magnuson-Stevens Fishery Conservation and Management Act.* The Pew Charitable Trusts, and Ocean Conservancy Washington (May 6, 2013), *http://www.pewenvironment.org/news-room/reports/the-law-thats-saving-american-fisheries-the-magnuson-stevens-fishery-conservation-and-management-act-85899472108.*

ment system is among the most comprehensive and intensive of any fishery in the world."[6] We believe this high praise was and is still well-deserved. Alaska's fisheries have thrived under a system of local management and world class research embraced in Alaska since the formation of the first Department of Fisheries, and are still known today for cutting-edge expertise in genetics, pathology, and population abundance modeling that informs management decisions on a day-to-day basis during busy fishing seasons and in the crafting of regulations. Regulations pertaining to overall management schemes for all fisheries are developed and regularly reviewed in a process that was designed to keep management apolitical, public, and accessible to stakeholders. This management model is respected worldwide and was the original example of what a fishery certified by the MSC should look like.

However, over the years, we have found that the eco-label movement has become more about brand protection and restricting market access than sustainability. In 2011, Alaska's leading salmon producers decided to withdraw from the MSC program. They saw the Alaska brand being eroded and replaced by a generic eco-label. They were frustrated with increased fees and most of all with the fact that the conditions for maintaining certification were continually changing, despite the fact that the fishery management system has maintained the same high standards. This certification model effectively undermines the management of our authority over our fisheries governance process and structure by threatening to restrict access to markets based on our adherence to the changing standards of an entity completely unconnected and unaccountable to our state or nation.

Furthermore, the MSC model allows for conditional certification, thus providing equivalent market access and credentials for lower-achieving fisheries. For example, the Russian pollock fishery has just achieved MSC certification despite some very significant conditional requirements for future improvement, providing it with the same market credentials as the much higher-achieving Alaska pollock fishery. Responsibly managed fisheries are disadvantaged by this approach and consumers are unable to distinguish a truly sustainable fishery from one that has been granted heavily conditioned certification.

As a result, Alaska, in collaboration with other high-achieving fisheries like those in Iceland, advanced an alternative certification model. We undertook this effort in order to provide a business to business certification that does not impart labeling fees on the industry and one robust enough to satisfy any reasonable Corporate Social Responsibility policy. This alternative, called the Responsible Fishery Management (RFM) certification program, is directly based on the United Nations (U.N.) Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries, and assesses whether or not a fishery is conforming to criteria and principles set forth in the following FAO documents:

- The FAO Code of Conduct for Responsible Fisheries, 1995
- The FAO Guidelines for Eco-labeling of Fish and Fishery Products from Marine Capture Fisheries, 2005/2009
- The FAO Fisheries Circular No. 917, J. Caddy, October 1996

These guiding documents are considered the best globally acceptable and balanced framework for fisheries certification, and were developed through the U.N.'s Committee on Fisheries and a multi-stakeholder process which involved relevant U.N. agencies and international government and non-governmental organizations. The Code itself was the subject of a technical consultation open to the involvement of all FAO members, intergovernmental and non-governmental organizations, and interested non-FAO members, in order to gain the broadest possible range of stakeholder input. They are publicly owned and utilized by many certification schemes and fisheries managers. An International Organization for Standardization (ISO) accredited Certification Body (Global Trust) simply took the FAO documents that were created through a multi-stakeholder process, and put them into an auditable format.

The RFM program has achieved ISO 65 accreditation, ensuring that it is an objective third-party process. ISO is a global standards setting organization founded in 1947 that promotes worldwide proprietary, industrial and commercial standards. Strong stakeholder engagement and access is a hallmark of ISO certification. The ISO process includes site visits by the Assessment Team at the validation and assessment stages to meet with the applicant and the fishery's scientific, enforcement, and management entities.

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[6] *http://www.msc.org/get-certified/news/newsitem/alaska-salmon-re-certified-for-sustainable-fishing; http://www.msc.org/track-a-fishery/fisheries-in-the-program/in-assessment/pacific/template-fishery-in-assessment/sustainability-notes.*

Opportunity for independent public stakeholder input is provided for both during the assessment process, and on an ongoing basis throughout the annual surveillance audit process. The State of Alaska's Seafood Marketing Institute, for example, has conducted extensive stakeholder outreach, meetings, and publicized information online in order to assist the Alaska seafood industry and other interested stakeholders in understanding and engaging in the new certification process.

In reviewing how the FAO Code of Conduct for Responsible Fisheries is referenced as a standard, it is clear that RFM Certification honors the intentions of FAO:

> The Code of Conduct for Responsible Fisheries was approved in 1995 by the Twenty-eighth session of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations as a suitable basis for judging whether living aquatic resources are being harvested in a way which is compatible with sustainable development. . .. Which can be used for an evaluation by the managers themselves or those involved in certification of a fishery as 'responsible' as defined under the Code. (FAO Circular #917).

In this way, RFM provides independent verification that a fishery is managed in accordance with these respected international norms agreed to by the 194 member nations of the FAO. No other fishery certification has achieved the ISO's rigorous, high level of accreditation.

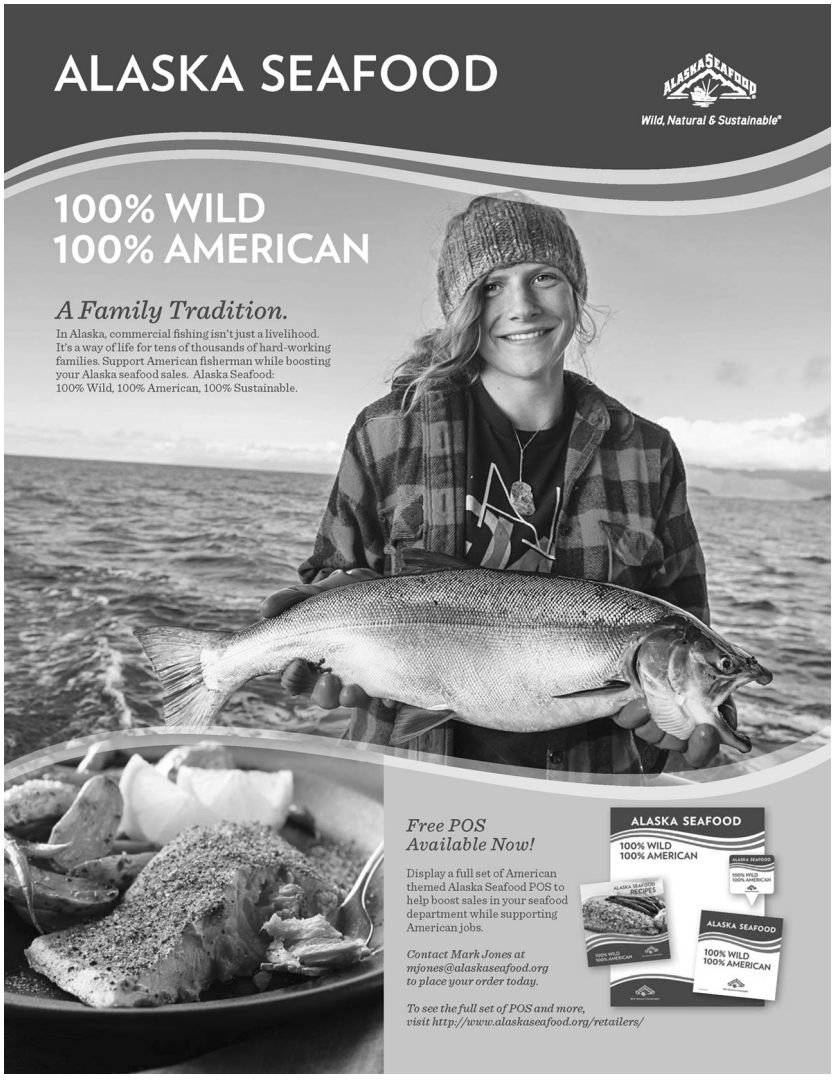
Alaska has led the way in promoting choice in seafood certification to ensure a monopolistic private eco-labelling scheme does not block market access for responsible fisheries. No single eco-label should serve, or should strive to serve, as the only litmus test for sustainability. This monopolistic situation only harms seafood producers, wholesalers, retailers, and consumers who deserve an objective evaluation of fisheries sustainability and a choice in who they do business with.

As evidenced by our record salmon returns this year, Alaska's science-based approach to fishery management works. But despite our collective efforts we have experienced a restriction to market access due to environmental NGO pressure on global retail, foodservice, and seafood distributors to subscribe to only one third-party certification program. This undermines the U.S. system of fishery governance, and a world-class fisheries management system responsible for making Alaska renowned as the source of some of the world's best seafood. Ultimately, it undermines thousands of Alaskans working some of the hardest jobs, from those working entire days hauling crab pots or seine nets, to those carefully processing seafood, to the communities that live around the cycles of the fishing seasons.

We were particularly troubled to learn that some U.S. Federal agencies have relied upon MSC certification as an indicator of seafood sustainability in their policies regarding procurement and sale of seafood on Federal property. This disadvantages Alaska and other seafood from around the country. We understand Senator Murkowski has recently introduced legislation to address these current misguided Federal policies and request your attention to the issue.

While it is outside the scope of this committee, continued funding for the Farm Bill's Market Access Program is also important. This program is an essential funding source which helps us promote Alaska seafood and the RFM alternative certification program internationally.

We will continue our efforts to ensure that Alaskan fishermen and processors have access to markets for their products and American and international consumers have access to the quality, sustainable seafood we produce along with the information to make an informed choice. Thank you.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Senator BEGICH. Thank you very much.
Mr. Rice.

STATEMENT OF JEFFREY RICE, SENIOR DIRECTOR, SUSTAINABILITY, WAL-MART STORES, INC.

Mr. RICE. Chairman Begich——
Senator BEGICH. Is your microphone on there?
Mr. RICE. It is now.
Senator BEGICH. There we go.
Mr. RICE. Chairman Begich, thank you for the opportunity to join you today and explain the sustainability and seafood procurement at Wal-Mart.

Because of the recent developments, my comments today will focus mostly on Alaska and our recent engagement with the Alaska Seafood Marketing Institute. However, we expect that the thoughtful process to address the issue with Alaskan salmon will help solve potential issues with other species and other fisheries.

We understand the importance of this issue to you and particularly to our many customers employed in the seafood industry. Our customers have high expectations of us and they should. They expect that we will sell safe, affordable and healthy food and that we'll work with our suppliers to ensure products they provide from us are produced, man—manufactured and harvested responsibly.

Let me provide a little background on Wal-Mart's strong commitment to sustainability. In 2005, we announced three broad goals toward becoming a more sustainable business. These include a commitment to be supplied 100 percent by renewable energy; to create zero waste from our operations; and to sell products that sustain people and the environment.

We have made significant progress on these areas. Our U.S.—excuse me our U.S. stores now divert over 80 percent of our waste from landfill. We now receive 21 percent of our energy from renewable sources globally. And we've improved the efficiency of our U.S. truck fleet by 80 percent since 2005.

We also have made significant progress on product sustainability through our partnership with the sustainability consortium and our development of the sustainability index. TSC is a university-led, science-based, multi-stakeholder organization that is developing tools that allow retailers and suppliers to understand, measure and improve the sustainability of their products.

As part of this initiative, we've committed to promote seafood sustainability worldwide. Wal-Mart implemented a policy in 2006, and updated it in 2011, which requires that all fresh and frozen, farmed and wild-caught seafood products we sell meet one of the following points: To become certified by an independent third-party as sustainable using Marine Stewardship Council or Best Aquaculture Practices; to become certified by an independent third-party under standards that equivalently lead to sustainable fisheries; to be currently under assessment for such certification; or to be part of a credible fisheries improvement project or fishery management program.

Alaskan fisheries have been meeting our sustainable seafood policies and have demonstrated a strong commitment to ensuring the viability of the fishery. We're very pleased that, over the past

2 years, Wal-Mart and Sam's Club have purchased well over 50 million pounds of fresh and frozen seafood from Alaska that meets these commitments. And we're confident that we'll be able to continue to purchase seafood from Alaska that meets these requirements.

Recently, the Alaska Seafood Marketing Institute engaged an external party to develop a new sustainability seafood certification called the Responsible Fisheries Management, and to move away Marine Stewardship Council. We respect ASMI's decision to take this step. Our goal is to ensure, in a credible way, that we're sourcing from sustainable fisheries. As outlined in our policy, we believe strongly that there can and should be multiple standards and certifications that demonstrate sustainable fisheries.

We are not experts on sustainability and we are certainly not experts on fisheries management. Because of the emergence of these new certification schemes, including the ASMI initiated Responsible Fisheries Management Certification; we have asked the Sustainability Consortium to lead an open process to develop criteria and principles to evaluate new standards that are emerging. The principles and criteria developed through this process will allow us to know with confidence which standards lead to sustainable fisheries and will identify opportunities for improvement in those standards that don't.

For standards that don't yet meet the principles and criteria, we're committed to working with them in good faith to address what gaps exist.

We encourage ASMI and the Responsible Fisheries Management Program, as well as other certifications, to engage in the open process with TSC to develop principles and criteria to evaluate sustainable fisheries program. Wal-Mart expects to continue selling our customers Alaskan seafood for decades to come. After all, our goals are shared goals: To continue to provide customers with delicious and sustainable seafood.

Thank you very much.

[The prepared statement of Mr. Rice follows:]

PREPARED STATEMENT OF JEFFREY RICE, SENIOR DIRECTOR, SUSTAINABILITY, WAL-MART STORES, INC.

On behalf of Wal-Mart Stores, Inc. (Walmart), thank you for the opportunity to join you today and talk about sustainability and seafood procurement at Walmart.

We understand the importance of this issue and the impact it has on all of us—on our customers, suppliers, partners, and particularly our many Alaskan customers employed in the seafood industry.

Our customers depend on us for safe, affordable and healthy seafood for their families. They love Alaskan seafood, and so do we. We plan on selling Alaskan seafood to our customers this year, next year, and far into the future.

Our customers have high expectations of us, and they should. They expect that we will work together with our suppliers to ensure that all of the products they buy from us are produced, manufactured and harvested responsibly.

Sustainability at Walmart

Walmart maintains a strong commitment to sustainability. In 2005, we announced three broad goals toward becoming a more sustainable business. These include a commitment to be supplied 100 percent by renewable energy; to create zero waste from our operations; and to sell products that sustain people and the environment.

We have made significant progress in these areas. Our U.S. Stores now divert over 80 percent of their waste from landfills through recycling, donations and

composting programs. We now receive 21 percent of our energy from renewable sources globally, and we've improved the efficiency of our U.S. truck fleet by 80 percent since 2005.

We've also worked with suppliers to improve the sustainability of our products across our business. From reducing packaging in toys to spreading best practices in agriculture and improving energy efficiency in factories, we're committed to collaborating with our suppliers to improve the sustainability of the products we sell. We believe customers shouldn't have to choose between products they can afford and products that are good for their families and the environment.

We have made significant progress on product sustainability through our partnership with The Sustainability Consortium (TSC) and our development of The Sustainability Index. TSC is a university-led, science-based, multi-stakeholder organization that is developing science based tools that allow retailers and suppliers to understand, measure and improve sustainability in their products.

Administered by the University of Arkansas and Arizona State University, there are currently over 100 member organizations involved in TSC's work. These include retailers such as Walmart and Kroger, as well as restaurant chains like McDonald's and Darden, and suppliers like Coca Cola, Tyson Foods, Dell, and others.

In addition, several agricultural producer groups are members of TSC, including the National Cattleman's Beef Association, Dairy Management Inc. and Cotton, Inc. TSC membership also includes over a dozen academic institutions, civil society organizations, and government agencies.

Together, members of TSC and other invited experts take the best science and input to develop practical tools to inform decision makers and improve sustainability across the supply chain.

These tools form the basis for Walmart's Sustainability Index, which allow our product buyers to evaluate how their suppliers are performing on sustainability, and also gives buyers and suppliers key recommendations for how they can work together to improve the sustainability of the products our customers buy. From electronics to shampoo, from cereal to holiday toys, TSC and the Index are helping us deliver on our commitment to sell products that sustain people and the environment.

Requirements of Fresh Seafood Suppliers

As part of this initiative, we are committed to promoting seafood sustainability worldwide. Walmart implemented a policy in 2006 and updated it in 2011, which requires all fresh and frozen, wild and farmed seafood products we sell:

- become third-party certified as sustainable using Marine Stewardship Council (MSC) or Best Aquaculture Practices (BAP);
- become third-party certified under standards that equivalently lead to sustainable fisheries;
- be currently under assessment for such certification; or
- be part of a credible fishery improvement project (FIP) or fishery management program.

We're very pleased that over the last two years, Walmart and Sam's Club have purchased well over 50 million pounds of fresh and frozen seafood from Alaska that meets these commitments, and we're confident that we'll be able to continue to purchase seafood from Alaska that meets these requirements well into the future. After all, our goals are shared goals: to continue to provide our customers with delicious and sustainable Alaskan seafood for years to come.

Where We Have Been and Our Path Forward

Alaskan fisheries have been meeting our sustainable seafood policies and have demonstrated a strong commitment to ensuring the viability of the fishery. Recently, the Alaska Seafood Marketing Institute (ASMI) engaged an external party to develop a new sustainable seafood standard and certification. The Alaskan seafood industry has also taken steps to move away from Marine Stewardship Council toward this new standard.

We respect ASMI's decision to take this step. Our goal is to ensure, in a credible way, that we're sourcing from sustainable fisheries. As outlined in our policy, we believe strongly that there can and should be multiple standards and certifications that demonstrate sustainable fisheries.

We are committed to an open and transparent dialogue with our suppliers and other stakeholders about the standards and policies that govern our sustainable sourcing programs. We are not experts on sustainability, however, and we are certainly not experts on fisheries management.

Because of the emergence of the new certification schemes, including the ASMI initiated Responsible Fisheries Management certification, we have identified the need to engage a third-party to develop the principles and criteria that standards must meet to demonstrate that they lead to sustainable fisheries.

To this end, we have asked The Sustainability Consortium to lead an open process to develop these criteria and principles that will give us the confidence we need that standards and certifications lead to sustainable fisheries. We'll work with the TSC to build these into the sustainability index.

Our Ask of Certification Systems (ASMI, MSC and Others)

We will continue the dialogue with ASMI on how we meet our shared goal of selling sustainable Alaskan fish to our customers.

We encourage ASMI and the Responsible Fisheries Management program, as well as other certifications, to engage in the open process with The Sustainability Consortium to develop principles and criteria to evaluate sustainable fisheries. ASMI has received an invitation to participate in a TSC workshop to develop these criteria in October. We hope they will attend.

If through that process there are areas where the Responsible Fisheries Management certification used by ASMI can be improved, we are committed to working in good faith with ASMI to address those opportunities.

Together, we can meet our shared goals and the expectations of our shared customers for sustainable fisheries. We expect to continue selling our customers the Alaskan seafood for decades to come.

Senator BEGICH. Thank you very much.

Next, I have Mr. Montelongo. Please.

STATEMENT OF HON. MICHAEL MONTELONGO, SENIOR VICE PRESIDENT, SODEXO, INC.

Mr. MONTELONGO. Good morning, Chairman Begich.

I am Michael Montelongo, Senior Vice President—I'm sorry. Excuse me. Now I think I have it on.

[Laughter.]

Mr. MONTELONGO. Excuse me.

As I said, I'm Senior Vice President for Public Policy and Corporate Affairs at Sodexo and I am responsible for our government affairs and public policy activities at Sodexo.

On behalf of my 125,000 colleagues who live and work in the U.S. and the states that you represent, I am honored to testify before you today on how Sodexo is playing an important role in marine sustainability.

We believe sustainability impacts the quality of life for people every day and we'll continue to do so well into the future. So thank you, Mr. Chairman, for your leadership on this very important matter.

Sodexo is the global leader in services that improve quality of life. In North America alone, our 125,000 employees serve more than 15 million consumers daily at 9,000 client sites across Canada, Mexico and the U.S., headquartered in Gaithersburg, Maryland, not very far from here. We are experts at helping our clients improve their performance and well-being of their people and their customers.

As one of the largest integrated services companies in the world, providing more than 100 types of services, we serve a wide variety of customer segments including hospitals, senior living communities, colleges and universities, school districts, corporate environments, Federal Government facilities and military bases. At the University of Tampa, for example, Sodexo is helping students and administrators create a carbon-neutral campus; designing LEED-

certified buildings and implementing renewal energy and water conservation strategies.

Sodexo also cares about its local communities and ending childhood hunger in America. The Sodexo foundation, an independent charitable organization, has made more than $20 million in grants toward this cause since its founding in 1999. Sodexo further supports local community development in other ways, including our focus on increasing locally sourced, community-based purchases and programs like our joint venture in Alaska with NANA Management Services which creates business and job opportunities in Native Alaskan communities.

As a corporate leader in nutrition, health and wellness, we are proud to partner with First Lady Michelle Obama in her "Let's Move!" campaign. In addition, as a top employer seeking top talent, we are also honored to partner with the First Lady's "Joining Forces" initiative to hire veterans, especially those returning from recent conflicts abroad.

All this is about improving quality of life. And we believe that by improving the quality of life for organizations and people, we help our clients, their customers and the communities where we live and serve to grow and succeed.

So, adopting and incorporating the best thinking about sustainability into our procurement practices is aligned with that mission. In fact, Sodexo just received a 2013 best-in-class ranking for social and environmental and economic responsibility from the Dow-Jones Sustainability Indexes for the ninth straight year. Sodexo's *Better Tomorrow Plan* codifies our approach to sustainability. And guided by this strategic road map, we operate in a manner that treats sustainability not as a separate business offer, special program or a stand-alone marketing campaign, but rather as a key element woven into the very fabric of our business. Included in our *Better Tomorrow Plan,* is a very specific commitment by Sodexo to source 100 percent sustainable seafood in North America by 2015.

Sodexo's commitment to sustainable seafood purchases is manifest through our buying power and our reach with millions of individuals we serve every day. We purchase over $200 million in seafood each year, spanning a wide variety of both wild caught and aquaculture fisheries. For each fishery and fishing community that we support, our purchasing decisions are chiefly guided by our customers' demands and our principles. While we source seafood from a number of states, Sodexo has, and continues to make, considerable purchases of seafood from the state of Alaska. In fact, in 2012 Sodexo purchased more—more than $22 million in seafood from the last frontier state. That's 6 million pounds of seafood, including nearly 119 tons of Alaska salmon.

It's important to note that Sodexo's expertise is not is in seafood certification, excuse me, seafood certification or fishery management practices, but in delivering the best quality food service to our discerning customers. For this reason, we consult and engage with several third-parties and certifying bodies to inform our strategy around sustainable seafood. We also work with a variety of advisory bodies to help us determine which species and fisheries are considered at risk and should be considered for controls such as certification.

In that regard, we view our sustainability criteria—or I should say, we review our sustainability criteria for each species on an annual basis and make determinations about whether or not we serve those species, if they should be certified or if there should be other types of controls in place. To that end, Sodexo is very willing to consider alternative strategies in conjunction with other external organizations that help ensure our commitment to sustainability is based on robust science and addresses consumer demands.

In closing, I would like to reiterate that through our comprehensive *Better Tomorrow Plan,* we at Sodexo, see sustainability, not as a programmatic undertaking, but as a key element woven into the fabric of our business and mission to improve the quality of life for our clients, customers and communities we serve. We remain committed to 100 percent sustainable seafood in North America by 2015.

We clearly recognize that the way we source seafood plays an important role in the health of our oceans, the survival of our fish stocks and impacts all those we serve and the lives of those working in the seafood industry. Given these facts, our ongoing support for local fishing communities requires us to be responsible stewards of the nation's resources and oceans.

Thank you again, Mr. Chairman, for your leadership on this important issue and we look forward to working more with you on this in the future. And I look forward to your questions.

[The prepared statement of Mr. Montelongo follows:]

PREPARED STATEMENT OF HON. MICHAEL MONTELONGO, SENIOR VICE PRESIDENT, SODEXO, INC.

Introduction

Good morning Chairman Begich and members of the Subcommittee. I am Michael Montelongo, Senior Vice President for Public Policy and Corporate Affairs at Sodexo. I am responsible for our government affairs and public policy activities at Sodexo. On behalf of our 125,000 employees who live and work in the U.S. and the states you represent, I am honored to testify before you today on how Sodexo is playing an important role in marine sustainability. While I regret that our subject matter expert could not be here with us today, I will do my best to address this esteemed committee and provide a general overview of our comprehensive sustainability efforts, guided by what we call the *Better Tomorrow Plan* and how it plays a role in promoting sustainable seafood. We believe sustainability impacts the quality of life for people every day, and will continue to do so well into the future, so thank you, Mr. Chairman for your leadership on this important matter.

About Sodexo

Sodexo is the global leader in services that improve quality of life. As one of the largest integrated services companies in the world, providing more than 100 types of services, Sodexo touches the lives of 75 million consumers in 80 countries every day. In North America alone, our 125,000 employees serve more than 15 million consumers daily at 9,000 client sites across Canada, Mexico and all 50 states in the U.S.

Headquartered in Gaithersburg, MD, we at Sodexo see ourselves as strategic partners with our clients—and we are experts at helping our clients improve their performance and the well-being of their people and their customers.

Our range of diversified quality of life services spans facilities management—from building design, space planning and construction, to energy management and waste water treatment—and also includes integrated business strategy development, employee benefits and rewards solutions, in-home services and our traditional on-site foodservice operations.

We serve a wide variety of customer segments including hospitals, senior living communities, colleges and universities, school districts, corporate environments, Federal Government facilities, and military bases. At the University of Tampa, for

example, Sodexo is helping students and administrators create a carbon-neutral campus—designing LEED-certified buildings, implementing renewable energy and water conservation strategies. Similar work led by Sodexo takes place at thousands of the sites where we operate all over the U.S.

Sodexo also cares about its local communities and ending childhood hunger in America. The company fully funds all administrative costs for Sodexo Foundation, an independent charitable organization that, since its founding in 1999, has made more than $20 million in grants toward this cause, mainly funded by the efforts and donations of the company, its employees and other stakeholders. Sodexo further supports local community development in other ways including our focus on increasing locally-sourced, community-based purchases and programs like our joint venture with NANA Management Services which creates business and job opportunities in native Alaskan communities.

As a corporate leader in nutrition, health and wellness, we are proud to partner with First Lady Michelle Obama in her "Let's Move Initiative." In addition, as a top employer seeking top talent, we are also honored to partner with the First Lady's "Joining Forces Initiative" to hire veterans, especially those returning from recent conflicts abroad.

We believe that by improving the quality of life for organizations and people, we help our clients, their customers and the communities where we live and serve to grow and succeed.

Sodexo's Better Tomorrow Plan

Adopting and incorporating the best thinking about sustainability into our procurement practices is consistent with that mission. In fact, Sodexo just received a 2013 best-in-class ranking for social, environmental, and economic responsibility from the Dow Jones Sustainability Indexes (DJSI) for the 9th straight year. A common theme in our approach to sustainability is our *Better Tomorrow Plan.* We operate in a manner that treats sustainability, not as a separate business offer, special program, or a stand-alone marketing campaign, but rather as a key element woven into the very fabric of our business. Included in our *Better Tomorrow Plan* is a very specific commitment by Sodexo to source 100 percent sustainable seafood in North America by 2015.

As seafood consumption significantly increases, Sodexo's clients and customers are also increasingly demanding assurances that their seafood is sustainable. Seafood consumption worldwide has doubled since 1973; by 2020 it is estimated there will be an additional need of 32 million tons. In the United States alone, per capita consumption of seafood has increased over 26 percent since 1980. This tremendous increase in seafood consumption is placing a major stress on our oceans' natural resources.

Seafood is also an important component of a healthy diet. In fact, according to the USDA's 2010 Dietary Guidelines and MyPlate, fish and shellfish should be the main protein on our plates twice a week.

The way we source this seafood has an important impact on the health of our oceans, the survival of our fish stocks, our clients, customers, and communities, as well as the livelihoods of those working in the seafood industry. Our ongoing support for local communities, including fishing communities, compels us to be better stewards of the oceans' resources. We know the challenge is a tremendous one that we cannot solve alone and are therefore committed to working with a variety of well-respected organizations to best define and enact our policies.

Sodexo's Seafood Purchasing

Sodexo's commitment to sustainable seafood purchases is manifest through our buying power and our reach with the millions of individuals we serve each day. We purchase over $200 million in seafood each year spanning a wide variety of both wild-caught and aquaculture fisheries. For each fishery and fishing community that we support, our purchasing decisions are guided by our customers' demands and our principles. While we source seafood from a number of states, Sodexo has and continues to make considerable purchases of seafood from the state of Alaska. In fact, in 2012 Sodexo purchased more than $22 million in seafood from "The Last Frontier" state. That's 6 million pounds of seafood, including nearly 119 tons of Alaska Salmon.

Delivering Sustainable Seafood

Sodexo's expertise is *not* in seafood certification or fishery management practices, but in delivering the best quality food service to our discerning customers. For this reason, we rely on, and engage with several third parties and certifying bodies to inform our strategy around sustainable seafood. We also work with a variety of ad-

visory bodies to help us determine which species and fisheries are considered at risk and should be considered for controls such as certification.

In North America we continue to advance Sodexo's global sustainable seafood initiative to protect our seafood supply and ocean ecosystems for future generations. In 2011, we removed 15 "at risk" species from our catalogues and menus. In addition, over the last two years we made a number of enhancements to our sustainable seafood initiative, including bringing new supplier partners on board. Sustainable seafood will continue to be a focus of our sustainability effort in North America and we expect to see total sustainable seafood purchases, including certified fish and seafood, increase significantly through 2015.

Validating Sustainable Seafood

As noted previously, Sodexo works with third parties and certifying organizations to advise us and help us meet our sustainability commitments. We work globally with a consortium of stakeholders to get the best practices and developments in the industry to better inform our sustainability and purchasing policies. Sodexo is a founding partner and has active representation on the Board of Directors of the recently launched Global Sustainable Seafood Initiative (GSSI). GSSI is a strategic alliance of businesses, government bodies and NGOs that work to improve clarity and transparency around the issue of sustainable seafood. GSSI's primary objectives aim to: (1) create flexibility in the use and re-combination of different standards and verification schemes in the different stages of the supply chain; (2) create flexibility in the use of different standards and verifications for meeting different market requirements, and (3) mobilize synergies among compliance standards and improve the overall standards system. We understand the goals of this initiative are well-aligned with the concerns of this subcommittee—to improve the overall system of standards.

Sodexo recognizes that the needs of its clients and customers vary and it has always made every effort to accommodate those needs without straying from its sustainability objectives. We review our sustainability criteria for each species on an annual basis and make determinations about whether or not we serve those species; if they should be certified; or if there should be other types of controls in place. To that end, Sodexo is willing to consider alternative strategies in conjunction with other external organizations that help ensure our commitment to sustainability is based on robust science and addresses customer demands.

Closing

In closing, I would like to reiterate that through our comprehensive *Better Tomorrow Plan* we, at Sodexo, see sustainability not as a programmatic undertaking, but as a key element woven into the fabric of our business and mission to improve the quality of daily life of our clients, customers, and the communities where we live and serve; we remain committed to sourcing 100 percent sustainable seafood in North America by 2015.

We clearly recognize that the way we source seafood plays an important role in the health of our oceans, the survival of our fish stocks, and impacts all those we serve and the lives of those working in the seafood industry. Given these facts, our ongoing support for local fishing communities requires us to be responsible stewards of the oceans' resources. Thank you again for your leadership on this important issue and we look forward to working more with you on this in the future.

Senator BEGICH. Thank you very much.

Mr. Connelly.

STATEMENT OF JOHN CONNELLY, PRESIDENT, NATIONAL FISHERIES INSTITUTE

Mr. CONNELLY. Chairman Begich, Senator Blumenthal, the National Fisheries Institute, the Nation's largest seafood trade organization is pleased to present our thoughts on U.S. Government's actions on third-party seafood certification.

Sustainability is a key component, identifies work and we rely on a long-term availability of seafood resources, because obviously no fish means no jobs in the future. Because of this commitment to the seafood community, I am on the boards of several global sus-

tainability organizations, but for this testimony I speak solely as NFI.

Fisheries management must reside with governments where the state, Federal or intergovernmental. The management of a common resource while often aided by property rights and meets the under painting of government oversight. And for that reasons, NFI is strongly a proponent of NOAA Fisheries and the council system.

For market reasons, some of our members, especially those who export seafood, have engaged in certification programs such as MSC. NFI is unfamiliar with any major changes to U.S. fishery as a result of these certifications; however, seafood companies earn continued market access to American and European market retailers by going through steps beyond what is required by MSA in getting this third-party certification.

Private sector transactions are based business decisions that Senator Rubio mentioned in his opening remarks. However, NFI is concerned when U.S. Government actions require third-party certifications for the ten reasons outlined in our written testimony.

It does appear, yesterday, that GSA modified its policies to reflect the preeminent role that NOAA fisheries should play in government procurement policy for seafood. NFI supports these policies and thanks all the senators that were engaged in helping guide that policy change.

We strongly urge the Department of Interior and the National Park Service to now follow suit. NPS based their June guidelines on the GSA policy. And now that GSA has shifted, we ask NPS to publicly modify its requirements for vendors.

We further urge DOD to make clear that it accepts NOAA fisheries determinations as sufficient documentation for sustainability. The Pentagon should make clear to its vendors, to Navy and Marine mess halls, Army chow lines, or the Air Force's fine dining establishments that they should not require third-party certifications to sell American fish to American sailors, soldiers, Marines and Airmen.

A last point about the root cause of this situation: even with the change in policy, NFI remains confused about the singular focus of seafood sustainability. Seafood remains a well-managed global resource. Seafood uses less water in its processing and production than other protein. Seafood has a much better feed conversion ratio than any other protein. And seafood generates a much lower nutrient load on the environment than other proteins. So why the focus on seafood sustainability solely? NFI believes much of this is a communications challenge. The best way to address the question of NOAA and sustainability is for NOAA to buy a printing press and develop a robust Twitter account.

[Laughter.]

Mr. CONNELLY. NOAA's fishery management is generally excellent. That's been a common theme throughout this morning. Yet few in government or the public know this. The fact that GA—GSA, HHS, and the Park Service develop their policies with coordinating with NOAA suggests that NOAA is too quiet, even within the Federal family. This has left others to define what sustainability is and what it's not.

Congress should require NOAA to develop an integrated communications strategy that explains, in lay terms, how the government manages our Nation's fisheries' resources. Part of that strategy should target institutional buyers of seafood. You and I, when we go to the grocer or restaurant, do not really decide among the variety of seafood options available. Rather, a few buyers at supermarkets decide for us. And too often, they have pulled seafood from their counters, under pressure from activist groups, even though NOAA reports the fish are managed sustainably. NOAA and Congress need to do a much better and much more aggressive job in explaining to stores that U.S. fish is caught sustainably.

Most of us don't like to hear the boastful parent on the soccer field or the co-worker that grabs the credit. But in this case, it is exactly what NOAA fisheries must do. In a budget of close to a billion dollars, it is incumbent that NOAA not just continue to excel technically, but to also explain the good that they do. NFI appreciates the opportunity to communicate or share these thoughts with committee.

[The prepared statement of Mr. Connelly follows:]

PREPARED STATEMENT OF JOHN CONNELLY, PRESIDENT, NATIONAL FISHERIES INSTITUTE

The National Fisheries Institute (NFI) is pleased to present to the Senate Commerce Committee Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard our views on "The Role of Certification in Rewarding Sustainable Fishing."

National Fisheries Institute and Its Engagement in Sustainability

The National Fisheries Institute is America's largest seafood trade association. Its membership includes the entire seafood value chain: vessels at sea, importers, processing companies, exporters, distributors, retailers and restaurant groups. The issue of sustainability is fundamental to the Institute's program because well-managed fisheries are the life blood of the seafood supply chain. Without fish there are no warehousemen storing seafood, no workers cutting fish early in the morning, and no chefs and wait staff providing diners a nutritious and delicious meal.

NFI's President, John Connelly, serves on several global sustainability organizations' Board of Directors, including: The World Bank's ALLFISH program, the tuna-focused International Seafood Sustainability Foundation (ISSF), and the Marine Stewardship Council (MSC). NFI also was instrumental in developing the concept of the Global Seafood Sustainability Initiative (GSSI). The comments submitted reflect NFI's views and not necessarily the views of ALLFISH, ISSF, GSSI, or MSC.

National Fisheries Institute Sustainability Policy

NFI's policy is that fisheries management is a fundamental government function. That is, decisions about fisheries management should be made through appropriate government decision bodies. In the case of the United States, fisheries decisions are made through the Fisheries Management Council system and the implementation of the Magnuson Stevens Act (MSA). NFI joins with global fisheries experts in recognizing the NOAA Fisheries-led Council system as robust, transparent, participatory, and science-based. If a seafood company, academic, researcher or conservation group wants to influence U.S. fisheries, they have every opportunity and should engage fully in the Council system.

Because this peer-reviewed system of U.S. management is so robust, NFI believes that any fish managed under MSA's 10 National Standards are sustainable. We acknowledge that some fisheries are still in rebuilding, but the Councils, NOAA Fisheries, and ultimately the Secretary of Commerce have the authority to stop harvesting if the system falters and a fishery becomes in danger.

European Market Demand for Third-Party Certification

NFI also recognizes that some markets, especially in Northern Europe, seek a third-party certification of sustainability, primarily MSC. There are a number of theories why European markets demand such certifications, the most common being the struggles of the European Union to develop and implement a fisheries policy that protects fish stocks for the future while maintaining the fishing fleets cul-

turally and economically important to many European nations. This challenge has led to concerns about fisheries management in European waters and a conviction that retailers needed to address the situation. The step retailers have taken is third-party certification.

Regardless of the rationale, American fisheries are required by European markets to engage in these third-party certifications. U.S. fish and fishmeal exports to EU nations totaled nearly $1.2 billion in 2012—21 percent of an overall $5.7 billion export industry. New England and Alaskan fish exporters in particular cannot ignore their customers' requests for certification. To do so would be to risk losing share to foreign competitors that have submitted to the certification demand.

U.S. Government Policies and Actions Requiring Third-Party Certification

In the past few years, in an effort to promote healthy food choices among vendors, the General Services Administration (GSA), with the Department of Health and Human Services (HHS), developed guidelines for good eating options. NFI welcomes that development, because U.S. Government policy, promulgated through the Dietary Guidelines for Americans, encourages Americans to eat seafood at least twice weekly. However, for seafood and no other protein, GSA and HHS went beyond healthy eating options and delved into sustainability by requiring third-party certification.

The GSA serves as the Federal Government's "chief procurement officer" and sets policies that other agencies must adhere to in buying decisions. The policy GSA establishes impacts the hundreds of billions of purchases made by the United States Government every year—and has the potential to spill over into private sector purchasing decisions as well.

The Department of the Interior and the National Park Service in June 2013 announced an implementation of GSA policy and that vendors of seafood at Parks must meet the following:

Sustainable Fisheries	Where seafood options are offered, provide only those that are "Best Choices" or "Good Alternatives" on the Monterey Bay Aquarium Seafood Watch list, certified sustainable by the Marine Stewardship Council (MSC), or identified by an equivalent program that has been approved by the NPS.

The Marine Stewardship Council (MSC) is a London-based organization that establishes standards for sustainable fisheries. Fisheries seeking certification retain accredited third parties to review the fisheries stock status, environmental impacts, and management controls. Fisheries or consumer products companies wishing to display a logo of certification pay MSC a fee.

The Monterey Bay Aquarium, a private organization in California, has established a list of fish it considers a best environmental choice or an adequate alternative. For graphic balance on handout cards, it has also compiled a long list of fish that it tells consumers to avoid. The Aquarium's rating system is not transparent, and most U.S. fisheries strongly object to how the Aquarium goes about making its recommendations. In fact, some iconic seafood, such as nearly all canned tuna, is characterized as "avoid."

In addition to the GSA and NPS actions, there are reports that some vendors to the Department of Defense require suppliers to only source third party certified seafood for Navy and Marine Corps mess halls, Army chow lines, or Air Force restaurants.

National Fisheries Institute's Concerns with U.S. Government Policies and Actions Requiring Third-Party Certification

NFI is deeply concerned about the GSA policy for at least the following ten reasons:

1. *GSA's Policy Questions the Competence of NOAA Fisheries:* NOAA Fisheries is regarded as overseeing a world class fisheries management system. The GSA policy to require a third party to certify that seafood caught under the MSA, the 10 National Standards, and the Councils, calls into question the competence of NOAA Fisheries. If NOAA Fisheries is doing its job, as overseen by Congress and the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, why is a third party necessary? Conversely, if a third party is necessary, then NOAA must be incompetent.

   It is one thing for the private sector to require a third-party certification as the price of a sale. But it is quite another for one Federal agency to conclude in effect that its sister agency is incompetent at carrying out that agency's core mission.

2. *GSA's Policy Reinterprets What is "Sustainable Seafood":* GSA policy outlines "standard criteria" as requiring contractors to "Only offer fish/seafood identified as "Best Choices" or "Good Alternatives" on the Monterey Bay Aquarium's Seafood Watch list or certified by Marine Stewardship Council (or equivalent program)."

   GSA has not provided a clear rationale for why NOAA-managed fisheries, implementing the MSA law that Congress debated and passed, is an insufficient definition of "sustainability." Rather, GSA is—without analysis or inquiry of its own—ceding the definition of "sustainability" to groups outside government.

3. *GSA's Policy Confuses Which Government Agencies are Responsible for Food Safety and Sustainability:* In a footnote (44) to its policy, GSA states, "Examples of "Best Choices" do not imply government endorsement of these standards. Only endorsements made directly by governing agencies (*e.g.,* USDA, FDA) should be considered government endorsements."

   NOAA is responsible for fisheries management. FDA is responsible for seafood safety. A reference to FDA as a "governing agency" that could "endorse" a standard on sustainability reveals a fundamental misunderstanding of the role of GSA's sister agencies in sustainability decisions.

4. *GSA's Policy Questions the $800,000,000 Federal Investment in Research and NOAA Fisheries Operations:* NOAA Fisheries budget is about $880 million. Much of that spending is on research that serves as the foundation of Council decisions. Requiring third-party certification calls into question the value of that Federal investment in such research.

5. *GSA's Policy Increases Costs to Federal Government or Vendors' Customers:* By limiting choices to only fish certified by a single sustainability group or aquarium's rankings, the GSA policy is limiting supply. Simple economics suggests that restrained supplies will increase prices.

   In internal NPS communications, NPS Director Jarvis acknowledges, "sustainable food choices tend to be more expensive." This statement is troubling because there is no indication that NOAA-managed fisheries are not already sustainable and no support for why fisheries, and ultimately, GSA's Federal agency "customers" must absorb the extra costs to certify their sustainability.

   In the tight fiscal environment, is it appropriate that GSA would develop and other agencies implement a policy that increases costs for the government?

6. *GSA's Policy, with Its Singular Focus on Fish Sustainability, Disadvantages Seafood in the Market:* The GSA policy only requires third-party certification or aquarium approval for seafood. The Department of Interior and NPS implementation of the GSA policy only references certification requirements for seafood. There is no indication of why seafood solely is singled out for this requirement.

   GSA oversees procurement policy for paper plates and paper clips, office supplies and office buildings. Yet GSA has not developed a policy that requires third party review of those products. The NPS vendors sell hot dogs on buns and lettuce, tomatoes, and carrots in salads. Yet NPS does not require the hot dog maker, the bread maker or the fruit and vegetable farmer to prove the sustainability of their products.

   By requiring seafood to undergo third-party certification, GSA and implementing agencies are increasing seafood's costs, putting that healthy protein at a competitive price disadvantage to other foods. This is particularly troubling as Federal policy, as described in the Dietary Guidelines for Americans, is for Federal agencies to *encourage* increased seafood consumption due to its health benefits.

7. *GSA's Policy Reduces Accountability to Congress:* One of the reasons the U.S. fisheries management system is a success is that this and other Congressional Committees provide appropriate oversight of MSA implementation and NOAA Fisheries operations. The GSA policy and its implementation, though, begin to cede responsibility for fisheries management to third party groups. Those groups are not accountable to Congressional oversight.

   As an example, some third parties grant certification with "conditions." These conditions are changes the fishery must make over a five year period. Several of the conditions may require action by the government in whose waters the harvest occurs. In at least some cases, this means that NOAA Fisheries will be pressured to expend resources to address one fishery's "condition" when NOAA feels another fishery's situation requires more attention and resources. This means that the third-party certification process, required to maintain

markets in Europe, can and does trump the priorities that Congress and NOAA have identified as more important.

8. *GSA's Policy Provides an Unexplained Preference for One Third-Party Certification and Aquarium over Others:* The GSA policy states it will accept only MSC certifications or Monterey Bay Aquarium rankings. NFI questions the technical expertise of HHS and GSA staff in selecting only these groups for approval. While both organizations may provide value to some groups, GSA and HHS have provided no basis for their decisions in selecting them.

   Further, NPS implementation states it will accept an "equivalent program that has been approved by the NPS." NFI is unaware of NPS' technical expertise in selecting other programs that it would deem "equivalent."

   In response to an NFI letter to Secretary Jewell about the program, Lena McDowall, DOI Associate Director of Business Services, wrote to NFI on September 5, 2013, that a revision to the guidelines "will no longer endorse a particular certifying body." Even if this change takes place at NPS, it does not change the underlying GSA policy.

9. *GSA's Policy Was Developed Without Consultation with the Impacted Seafood Community:* In an undated memo to "Associate and Assistant Directors; Regional Directors" with "Subject: National Park Service Healthy Food Choice Standards and Sustainable Food Choice Guidelines for Front Country Operations" NPS Director Jarvis states, "collaboration between NPS, concessioners, and industry and government experts has produced standards and guidelines that will be practical and effective."

   Further, in an exchange with Senator Murkowski during a July 25, 2013 Senate Energy and Natural Resources Committee hearing, when asked who was involved in the NPS self-described "yearlong consultation process," Director Jarvis stated, "With the concessioners. With every one of the concessioners. Our food service providers."

   Neither NFI nor any other seafood organization was contacted by NPS in development of this policy. As the food sector singled out in the GSA and NPS policies and guidelines, the seafood community would have been able to provide an important perspective to these government deliberations and decisions.

10. *NPS Has Expressed A Willingness to Adjust Its Policy, But for Only One Region:* In another exchange with Senator Murkowski when pressed, NPS Director Jarvis stated, "What I am willing to do is to change the guidelines so it includes Alaska wild caught fish. I think that's the simple fix here."

    The State of Alaska operates an excellent fisheries management system for state waters—one with foundations in the state constitution. In Federal waters off Alaska, the Council system ensures a sustainable supply of fish for Americans and global export markets. However, the MSA is a national law. The Council system, while reflecting regional differences, operates in similar fashion in waters off Florida, off New Jersey, and off New Hampshire. An exception to the GSA or NPS policy for a single region is an inadequate and unjust response to the issue.

National Fisheries Institute Recommendations

NFI recommends the following:

1. *Congress Should Clarify that NOAA is the Arbiter of Sustainability of U.S. Caught Fish:* Congress should enact legislation that clarifies for Executive Branch agencies that NOAA Fisheries, through its implementation of the Congressionally-debated and enacted Magnuson Stevens Act, establishes what sustainable seafood for U.S. Government purchases is.

2. *NOAA Should Buy a Printing Press and Develop a Robust Twitter Account:* NOAA Fisheries oversees a world class fisheries management system, with most stocks in excellent shape. NOAA Fisheries scientists report overfishing has ended due to the requirements of the MSA. Despite that fact, many Americans question the state of the Nation's fisheries.

   NOAA Fisheries budget is about $880 million, yet its communications program is limited. The average American hears little from NOAA Fisheries, and often only in response to some report about a supposedly imminent ocean resource calamity. The fact that GSA and HHS developed a policy and NPS began implementation without conferring with NOAA Fisheries is troubling. This lack of consultation suggests that Americans, including officials at NOAA's sister agencies, do not know how the Nation's ocean resources are managed. NOAA

Fisheries, to a great extent, is a government success story—-yet few know that story.

Congress should require NOAA Fisheries to develop a robust communications strategy that explains, in lay terms, how the government manages its fisheries resources, the opportunities available for all Americans to engage in the Council system, and the success NOAA Fisheries has had in ensuring an abundance of fish now and for the future.

The communications program need not go to formation of a NOAA eco-label. Labels require an extensive and expensive system behind it that can communicate to the nearly 320 million Americans or more than 500 million Europeans. A major part of that background support system would be communications about why an eco-label can be trusted. So, rather than expend money on an eco-label, NOAA Fisheries should spend a portion of its budget explaining the robustness and success of its management system.

NGOs long ago determined that a broad advertising program is not as effective as a strategy of finding choke points in the supply chain as the best means to impact consumer choices. That is why so few NGOs advertise widely.

While the NOAA communications strategy should include appropriate tools to inform the general public, a focus should be on communicating to the 350 institutional buyers of fish in the United States. These grocery store and restaurant buyers determine what we are offered on the menu or at fish counter. Many of them have developed relationships with various sustainability partners. Few buyers, though, have regular interaction with the appropriate level of Department of Commerce or NOAA staff that can explain that fish caught in U.S. waters is sustainable. Fewer still corporate communications and marketing staff understand the political impacts of their decision to move to a third-party certification system.

NFI feels strongly that if retail and restaurant corporate leaders, their communications and public affairs staff, and their buyers in the U.S. and Europe better understood how American fisheries are managed, the demand for third-party certifications would be reduced. Absent that communications effort, neither Congress nor NOAA Fisheries should be surprised if third-party certification or private groups' ranking dominates buyers' decisions.

The National Fisheries Institute appreciates the opportunity to provide information to the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard regarding U.S. Government policies and actions and third-party certifications of fisheries.

Senator BEGICH. Thank you very much. Thanks for that good testimony.

Let me—a vote has been called, but we have time for a round of questions, so we'll go through those. I'll do five-minute rounds.

And first, let me start with Ms. Moreland.

Stefanie, thank you for being here. Thank you for talking about ASMI's Responsible Fisheries Management Program. Let me ask you, as that program gets finalized and developed, how would you compare that to MSC's process? In other words, is it equal in ensuring what standards they're looking for? Is it more robust? Is it, you know, kind of—how do you measure the two if someone was to say, you know, I want that labeling or that certification? How would we compare?

Ms. MORELAND. Senator Begich, thank you for the question, and I just want to, first, clarify that we're not just getting the program up and running; it is running. It's ready to go.

Senator BEGICH. Right.

Ms. MORELAND. And we even have Scott, who—new news, as of this week, that chain of custody process is also now ISO accredited and ASMI will be rolling out information on that. So we have a full program that's ready to go and being used now.

And, relative to MSC, I think we have just a fundamental difference in view of what the appropriate role of a certification body is. We see certification and verification, that sustainability criteria are being met as different than governing fisheries. And, as you know, in Alaska, we have a very robust, transparent public process informed by science. That——

Senator BEGICH. Go ahead.

Ms. MORELAND. That process, we feel, is being undermined by a separate certification body that continues to change what expectations are for defining sustainability.

And one last point: the Program, RFM, that ASMI helped put up, is actually a measure of sustainability. So it uses third-party process to verify that sustainability criteria are being met. MSC will issue conditional certification so that a fishery may not be performing at a sustainable level today, but puts in place a plan to get there. MSC label may be used in that case; our system would not do that.

Senator BEGICH. So let me make sure I'm clear on that.

So, if you have a fisheries within Alaska, in our state, that is not—it's on a plan, but not yet clear if it's going to be sustainable, because not all plans come out becoming sustainable. You could have failure in the plan over a period of years. That would not meet the standard that you're now—have in place?

Ms. MORELAND. Correct.

Senator BEGICH. MSC, it would meet the standard?

Ms. MORELAND. I can't speak for how or whether it would meet the standard, but I am aware that they issue conditional certification, meaning that there need to be changes to the fishery to achieve sustainability.

Senator BEGICH. Got you. Thank you very much.

Let me, if I can Mr. Rice, thank you very much for being here. Thank you for all the conversations I've had with Wal-Mart and, not only me personally, but my staff and the work, and I do agree that there's a lot of effort you have done from a variety of efforts in renewable energy and LEED standards, and just all of the things trying to make your operation better, because every business achieves and tries to achieve. So thank you for doing that.

But, you know, one area I want to and follow up on—and you made the comment, and that is, you're open for looking at these issues. I guess my question is—you just heard a brief description, not only in the testimony, but also in the question for Ms. Moreland on what we're doing in Alaska. The question I always have is, especially with government agencies and with private sector is, when people make those statements, what's the timed—how do you measure when you can get to that decision to say, yes, we're still buying Alaska seafood, but also, we now accept or reject, depending on the outcome, this new standard that Alaska's using for their fisheries? How do you—how will you have a definitive timetable to get there? And then I have another quick question.

Mr. RICE. Well, Thank you. Thank you so much for the question.

We've actually engaged the sustainability consortium, as we said in our testimony. In working through them, we understand that they're on a timeline, but we will get to an answer very quickly. This is not re-doing work; it's not developing a new standard. It's

really giving a lot of organizations, but Wal-Mart also, the confidence and comfort to know that—what standards and certifications lead to sustainable fisheries and what don't. That process has kicked off and is underway. And we believe that they will have a set of principles and criteria that can be used to evaluate those standards by the end of this calendar year, so by the end of December. In the meantime, we continue to source seafood from Alaska and we're confident that we'll be able to continue to source seafood from Alaska in the years ahead.

Senator BEGICH. Do you feel the conversations have been productive in helping Wal-Mart understand, kind of, our process in Alaska and the more exhausted process that we utilize?

Mr. RICE. Absolutely.

It's been extremely helpful, the engagement and the dialogue we've been in. And again, we encourage ASMI and other experts from certification standards, bodies and industry to engage in this process to make sure that the criteria and principles that are developed are robust and do lead to sustainable fisheries.

Senator BEGICH. Let me ask you one other quick one. I have one other one, then I'll turn right quickly to Senator Blumenthal. And that is, I know, and it sounds like, you know, we have a challenge between—and we always seem to bring up Russia here, but Russia's snow crab versus Alaska's snow crab, you know, we don't have the MSC, but actually, Russian snow crab is in, kind of—in a fishery improvement project and we have some issues with illegal fishing and some other things.

Do you see, down the road, when you look at Alaska snow crab, because we don't get an MSC certification, but if it falls under this other certification, it may then qualify within your sustainability list? Even though I would tell you that Russian snow crabs shouldn't qualify based on what we know about it, but we'll pause and give you a second here.

Mr. RICE. Sure. Well, we——

Senator BEGICH. I love my Russian friends, but——

Mr. RICE. But——

Senator BEGICH.—when they have crab that is caught illegally or low-quality, then we're going to have a response to them.

Mr. RICE. Sure. No, absolutely.

We make every effort to provide the broadest assortment of seafood to our customers and—but all of the seafood that we procure have to meet our sustainability requirements.

As we said in our opening statements, we believe fully that there can and should be multiple standards and certifications that demonstrate sustainable fisheries. And so, we're confident that—that Alaskan crab will do that. But any seafood we source from anywhere around the world must meet those same criteria.

Senator BEGICH. Understood, thank you.

Mr.—Senator Blumenthal.

STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT

Senator BLUMENTHAL. Appreciate all of you being here today.

And let me say to Mr. Montelongo, I am very interested in the Global Sustainable Seafood Initiative and in the work that Sodexo has been doing, as well as Wal-Mart, to improve sustainability.

Let me ask both of you: how good is the information that we have on the sources of seafood that you actually purchase? Do you have total trust? Are you confident that the information is reliable and accurate? Maybe begin with you, Mr. Montelongo.

Mr. MONTELONGO. I thank you for your questions, Senator.

I must tell you that I don't have an expertise in our sustainability or purchasing practices, but what I will tell you is that since you brought up the GSSI, we happen to be a founding partner and board member of that initiative. And that particular initiative is focusing on creating flexibility in the use and recombination of standards and verification methods in the different stages of the supply chain. That's very critical, because we're not just talking about focusing on solely the fishery component, but also downstream into the processing component as well. It's also focusing on creating flexibility and the use of different standards and verification methods for meeting different market requirements, something that Mr. Rice had just brought up that I would concur with. And then, finally, mobilizing synergies among compliance standards and improving the overall standard system, which I believe, frankly, is consistent with what this Subcommittee is concerned with—making sure that we have some consistency among all the different standards and certifications out there.

Senator BLUMENTHAL. And are you confident that, so far as the information on the fisheries are concerned, that the information you're receiving, either through the global sustainable seafood initiative or any other source, is accurate, or do you think there is a need for more oversight and scrutiny?

Mr. MONTELONGO. I can't speak to the entire waterfront of all of the——

Senator BLUMENTHAL. And if you like, you know, I'm happy to receive a supplemental response from Sodexo, if you would——

Mr. MONTELONGO. Let me do that, Senator, if you don't mind.

Senator BLUMENTHAL. Sure.

Mr. MONTELONGO. Thank you.

Senator BLUMENTHAL. Sure. Yes, sir.

Mr. RICE. Thank you so much for the question, and I agree with my colleague up here that, you know, we're encouraged by the GSSI process and—and also the process that we have kicked off in the shorter term within the sustainability consortium.

There is a need for better coordination in collaboration among standards organizations and a way to—again, our goal, and I think the Committee's goal and fishermen's goal, is to continue recognizing and selling seafood that's sustainable, healthy, and affordable to our customers. So we're encouraged by these initiatives. We are confident in the information we're getting, but we do recognize the need for better transparency and better chain of custody programs. We think that these are evolving and improving over time and so we think the information is getting better and we're becoming more confident. Thank you.

Senator BLUMENTHAL. Well, again, I want to thank you, all of the panelists, for being here.

I'm going to have to go vote. I'm going to ask you to remain in place. I understand that Senator Begich is on his way back and he may have some additional questions.

I want to say how much I appreciate Sodexo's work for our military. I know, as a member of the Armed Services Committee and also having recently been honored along with Sodexo by the Marine Corps Scholarship Foundation, of the outstanding work that your company does and want to express my appreciation. Thank you.

Mr. MONELONGO. Thank you very much, Senator. I'll be certain to pass that along to our colleagues.

Senator BLUMENTHAL. Thank you.

Mr. MONTELONGO. Thank you.

Senator BLUMENTHAL. Thank you all. And if you could just remain here. I really do apologize, but I'm going to have to go vote. Thank you.

[Recess.]

Senator BEGICH. Thank you all very much; appreciate it.

The one thing you get around here is, you don't need to go to aerobics, you just need to go to votes every day.

[Laughter.]

Senator BEGICH. It's not only walking or running there, but battling the press as they try to go after you on issues. Thank you for being patient.

I just have a couple quick questions, I know Senator Blumenthal finished with his line of questioning. If I can, to Mr. Connelly, if I can just ask you a quick question. I'm going to have a couple for you, Mr. Montelongo. And I apologize, I'm catching my breath here.

You had mentioned and you triggered something I thought was very important. I want to re-mention, or restate it. And they should do it publicly, and we'll ask them to do that, but the Park Service did contact us this morning and recognize now we're going—they're going to follow the new guidelines, which is good news, I think. And—but your point about DOD is a very good one. And we intend to send a letter to them today, if not by tomorrow, to the Secretary making sure it's very clear to these new guidelines will—we will assist the efforts of GSA making sure, because they do a lot of outsourcing. And matter of fact, one of the conversations I'll have next is with Sodexo because of their work with our military. So that's a really good comment.

Let me ask you a little bit on NOAA again, a good point that maybe NOAA doesn't do enough in explaining to not only their Federal agencies, but to maybe even some other agencies in state governments, local governments, the value of their science and information they provide.

Is that kind of what you were hinting at, that they do a lot of great internal work—we see it here, you might see it in your organization, but they're not really boasting about it.

Mr. CONNELLY. Right.

Senator BEGICH. Is that a fair——

Mr. CONNELLY. That's exactly the point, Senator. That NOAA does great work, but they are a—sometimes, the science-based organizations in government just want to do their science.

Senator BEGICH. Right.

Mr. CONNELLY. And they don't feel the responsibility, or they may feel the responsibility, but they don't carve out enough resources to actually go communicate all the good that they do.

Senator BEGICH. Right.

Mr. CONNELLY. In this case, we—you would have another hearing in 5 years, I would suspect, unless the Federal Government, through NOAA, begins to more forcefully communicate how well they do things.

Senator BEGICH. Right.

Mr. CONNELLY. Because we—they have left the field open to others to define what sustainability is.

Senator BEGICH. Do you think one of the issues—and I know as the Chair of the Committee here, I'm spending time now getting ready for the Magnuson-Stevens Act reauthorization—you know, and having listening sessions, hearings. And I'll be up in the Northeast again, the New England states, in a week or so, talking to fishermen. And there are a lot of different views about NOAA there among the fishermen versus Alaska. I think that in Alaska, we've spent a lot of time in that communication realm to make sure—we may disagree with the outcome sometimes, but we recognize that the science is there in creating better fisheries for us over time.

Do you think, and I don't necessarily want to get you in the middle of this one, but do you think that is an effort, too, that NOAA needs to do with regards to these fishing communities to make sure they understand the science? They don't have to agree with it, but just the process, how they get there. And I sense, in the New England states, this is one of the problems. There are some enforcement issues, too, that brood, but on this other piece, it seems like there's a gap here. Is that——

Mr. CONNELLY. Well, you might have guessed from my accent that I have some allegiance or alliance to the Northeast, so——

Senator BEGICH. That's why I wanted to easily slide it in here. [Laughter.]

Mr. CONNELLY. I actually find it interesting. New England is considered the great progressive area of the country and yet my sister-in-law and brother-in-law are park rangers up at Wrangell-St. Elias. The last—Alaska's the last place where rugged individualism, and yet there's such a collaborative effort between industry, government, academics, researchers in the areas of seafood management. So it's a—it's an odd mix.

And, we feel strongly that communications both in lay terms out in the science—the lay science magazines *Nature Science, Scientific America* are important, because that's where the general press is getting their information. If we just—if NOAA just goes to *American Fishery Biology Magazine*——

Senator BEGICH. It goes——

Mr. CONNELLY. It might be—might be a very interesting magazine article, but not many people are going to read it.

Senator BEGICH. Right.

Mr. CONNELLY. And so, I think that getting communication at the fishing community level to the lay public. But I feel very strongly that in a way, we have left the institutional buyers naked because we don't give them enough information about how well

fisheries are run, and so they have to go someplace else when they're attacked.

Senator BEGICH. Right.

Mr. CONNELLY. So when activist groups come in and says, you need—you're not doing an appropriate level of protection of the resource, so you need to go get a third party to do this work.

Well, government should go in and help those institutional buyers understand all the good that, through Magnuson and the oversight of this Subcommittee and the full committee, NOAA is doing. And so that's really the point, is to get out there and communicate.

Senator BEGICH. And I think that's, and I'll use Mr. Rice here as a prop here for a second and say that—I mean, one of the comments you, Mr. Rice, said earlier was in my questioning, was it gave him more information when he met with our Alaskan folks on how we're doing sustainability. And I think that both of the industry folks acknowledged that they're not in the sustainability business of understanding all of the details or of fisheries management. But they want to create a product—buy a product that the consumer wants that is sustainable that they require. And so what—there may be a linkage that we have to have better—maybe NOAA has to have a relationship with the industry on a more ad hoc and advisory basis to say, here's some stuff we're doing, rather than moments like this where we—no disrespect to the two industry—we drag them in here and have to, you know, say, what the heck's going on? Maybe that is a piece of the equation.

Mr. CONNELLY. Right. *FishWatch* is a great start.

Senator BEGICH. Right.

Mr. CONNELLY. However, it's not the end. I really think——

Senator BEGICH. It's the beginning.

Mr. CONNELLY. The people in Bentonville, I think, would welcome conversations about how well things are done. I think the people in Gaithersburg would welcome those conversations.

But it needs to be at the right level from NOAA fisheries to go down and explain fully, and I think you'd find a welcome audience, because it's more information—allows them to make a better decision.

Senator BEGICH. Let me, if I can, Mr. Montelongo, let me ask you—and first, thank you very much for being here. And I know everybody's schedule is always tight, so I appreciate you being here and being part of this and same as with the Wal-Mart representative. Thank you for taking our calls and our harassment. I know sometimes when you have someone from a Congressional office or government calling you, it's the last thing really on your list of today. I recognize that.

But being here is important and you are a large supplier. We're one—the U.S. Government is one of your customers in a variety of ways as well as other governments, local governments and so forth.

So I speak to you as, maybe if I can put it in a business term, as someone from the business world, I'm one of the board of directors of a company that does business with you. And we want to make sure that our customers are heard, too.

And so, you've heard some of the discussion. Let me, maybe, if you could respond very quickly to maybe Mr. Connelly's comments about, and my comment about this NOAA education opportunity,

making sure more industry is connected to what NOAA's trying to do so you have more information advantage.

Does that make sense? Or is that something that, Sodexo would embrace that, knowing that we have a government agency that does a lot around fisheries management, obviously. And more of their information would be helpful as you make your decisions down the road as a company. Is that a—can I assume that, or is that a——

Mr. MONTELONGO. Mr. Chairman, that's a fair statement. Obviously——

Senator BEGICH. Is your microphone on? I'm sorry.

Mr. MONTELONGO. I keep forgetting that——

Senator BEGICH. I do that for this gentleman here because he will tell me later, we didn't catch their testimony.

[Laughter.]

Mr. MONTELONGO. My apologies, and thank you, Mr. Chairman.

Senator BEGICH. Sure.

Mr. MONTELONGO. As I mentioned in my testimony earlier, we do consult with and engage with a number of very well-respected organizations to include NOAA. And I would tell you that we very much would welcome even widening the aperture of individuals that we would be speaking to include AMSI, as Mr. Rice had indicated. And we had indicated to your staff that we're very open to, essentially, having those conversations.

But certainly, engaging in an education process, we would absolutely welcome, because I think the more that we're involved in hearing what experts have to say, in particular, would inform and help with our purchasing decisions.

Senator BEGICH. In your third-party certification process you acquire, are you, as a company, limiting yourself to one type, and again, I lean back over to the state of Alaska's efforts through ASMI. Are you open as Wal-Mart is in what they're doing in trying to understand that, and then if that meets their criteria, to accept that as a certification?

Mr. MONTELONGO. Mr. Chairman, just to directly respond to your question, yes, we're open to looking at what other avenues or what other chains of custody certification methods are out there, what other regimens, what other frameworks are available to get us to the endpoint. And the endpoint, really, is about satisfying what our customers' needs are and being consistent to our principles of being a socially responsible company.

Senator BEGICH. Do you think that the time—tell me, kind of, again, I know I asked Wal-Mart this question, but from Sodexo's standpoint, what kind of time-frame and engagement do you need to make a determination of if the Responsible Fisheries Management Program, RFM, is acceptable or not acceptable to your company as an alternative, or an additional, however you want to phrase it, certification?

Mr. MONTELONGO. Senator, I must confess that I don't know exactly what our timeframe is. I can certainly confer with my experts and my colleagues who are experts in that area and come back to you with a specific answer on that. I don't suspect, though, that once we engage in the conversations and find out what the standards are, and if the standards, certainly, are meeting marketplace

demands and so forth and are consistent with our principles, that that would necessarily take an inordinate amount or time. But I want to be responsive to your request and get you something a bit more accurate.

Senator BEGICH. I would appreciate that. Let me say to both the private sector companies here: first, I do thank you for taking my impromptu calls and your willingness to listen to my rant when I was on the phone or my staff was on the phone to your companies. But I think you recognize this is something this committee's trying to do on a regular basis. You know, we battle over this issue, over the Farm Bill right now. You know, if we had a Fish Bill, the same criteria, it'd be unbelievable. The only difference is we harvest from the water, not the land. That's the only difference. Seafood is always kind of like a second-class food product, it seems, in this country, but yet it employs, in Alaska, 40,000 plus people, as one example. But it is an industry that is really American, when you think about it. It is capital-intensive, it is risk, it is entrepreneurs. It is what this country is all about. And yet, we sometimes kind of throw it off to the side.

So you, hopefully, recognize the sensitivity, may they be from Florida or from the New England states, or especially from Alaska, how we feel when people say, well, we may not—and it's, to be frank with you, a foreign country certification program—that without us, they wouldn't exist today. Because we were the first to be certified under them and gave them, kind of, the juice to be where they are.

It is aggravating in some ways now seeing this new video that I just saw of this new piece they put on the line, which is outrageous, especially when they've certified some of those same organizations that fish that, which is amazing to me. You can understand the sensitivity here, and for our jobs in Alaska, it is huge. And we're very excited about our robust year of this so far on some of our species. But we, like you, have built-in—I think we might be the only state that has it built into our Constitution—sustainability.

So we take it seriously. It's real business for us, because for a long time, Alaska has been exploited by many other states. They come in, extract, and then leave us with nothing. And maybe—the fur industry, the gold industry, the fish industry—I can go through the list. And so when we built our Constitution, we wanted to make sure we developed it for Alaskans; sustainable, long-term, generational.

And so, hopefully you're understanding of those calls and why we called this meeting to really, kind of, get people thinking about it.

I don't know if either one of you have additional comments. I see Mr. Rice's hand, it's like one of those quiz shows. I can feel him about to tap the button. But please, Mr. Rice.

Mr. RICE. No, no, I again, thank you so much for the opportunity to come and share our views. And we would definitely, at Wal-Mart, welcome more engagement by NOAA and ongoing conversations with ASMI.

We're excited about moving forward in the process we've outlined. We would welcome Sodexo, in that process, to help us over the coming weeks and months. So, just, thank you so much. And

again, we're—we have shared goals. We want to continue selling our customers in the U.S. and around the world safe, affordable, sustainable, delicious seafood from Alaska and around the world.

So thank you so much.

Senator BEGICH. Thank you.

Mr. MONTELONGO. Mr. Chairman, I would just add to that to say that we do, indeed, share those very same goals and we're very much looking forward to expanding the dialogue, as we've shared with your staff and with you, and look forward to that very much. And certainly, with our colleagues at Wal-Mart and other folks who really can help inform the debate and the dialogue so that we can, in fact, get to the end here, which is that we do find that we're serving our customers and clients the kind of sustainable seafood that they can be confident in the authenticity of that product every day.

Senator BEGICH. Well, I appreciate both your comments. And to the panel, thank you for being here this afternoon, this morning. And thank you for letting us have that little break while we do some business on the floor.

Again, we'll continue to have conversation, and I'm looking forward to good results. And again, today, just having GSA change their guidelines as well as the Park Service recognizing they need to—to change up. But we'll be working with DOD next.

And from the private sector, thank you for your willingness—I know Senate hearings are not something that is on the top of your list to attend. But, it is helpful, because I think you all know, as large employers in this country, that if we can continue to build our economy, and this is one component of it, we should do it in every way that we can. And you are big drivers in that because of your power of ability to move the markets based on your product selections. And that is recognized by, I think, a lot of it and that's why you saw a fairly good attendance that came through today, because they recognized your market power is pretty significant.

And we want to make sure that in your decision, you have all the information possible to make, hopefully, the right decisions at the end of the day. Of course, being biased, I would say Alaska seafood is the right decision, but I'll leave that for judgment as we work on certification issues.

Let me make sure on the record—how long?

Two weeks. We'll keep the record open for 2 weeks, allowing time for some of the comments from this panel and last panel, who have information to present to the Committee, as well as other committee members who have questions for the record.

At this time, we'll adjourn the meeting. Thank you.

[Whereupon, at 12:25 p.m., the hearing was adjourned.]

A P P E N D I X

Prepared Statement of the Gulf Seafood Institute

The Gulf Seafood Institute is pleased to present the following written testimony on third-party sustainability certification of U.S. seafood and its impact on the seafood community, consumers and the marketplace. As a voice for the Gulf seafood communities in Texas, Louisiana, Mississippi, Alabama and Florida, the GSI maintains that the Federal Government, primarily the U.S. Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA) under the Magnuson Stevens Fishery Conservation and Management Act, must have the loudest voice and the final say when determining the sustainability of our fisheries and when communicating that message with consumers.

The mission of the Gulf Seafood Institute (GSI) is to protect the Gulf's unique culture and environment while elevating the Gulf seafood brand with consumers, customers and policy leaders through advocacy, education and science. The GSI's board of directors represents every Gulf state as well as every aspect of the industry—both commercial and recreational—and is positioned to be a leading voice on key issues including sustainability, seafood safety, disaster mitigation and recovery, and data collection. Additionally, GSI will seek to bolster fisheries science and research that will help preserve the Gulf seafood resource and contribute to the longevity of the industry overall. The GSI came together in July 2013 and is currently taking the steps necessary to organize under the laws of the state of Louisiana and will then seek approval of the IRS for determination of approved 501(c)(6) status.

When it comes to ensuring the sustainability of our Nation's fisheries, GSI maintains that the process outlined under the Magnuson Stevens Fishery Conservation and Management Act (MSA) is working. The Department of Commerce, the National Marine Fisheries Service (NMFS) and the eight Regional Fishery Management Councils work together to monitor, manage and enforce a program that has led the United States to its position as a global leader in responsibly managed fisheries and sustainable seafood. Guided by 10 National Standards of sustainability, these agencies monitor, manage and legally enforce all marine fisheries in the United States under the most restrictive regulations in the world. As a result, U.S. fish populations are rebuilding and overall fish abundance is improving. Since 2000, thirty-two fish stocks in the U.S. have been rebuilt meaning that routine stock assessments conducted by fishery scientists indicate that the abundance of the stock is above the maximum sustainable yield.

While protecting our fisheries and ocean ecosystems is imperative in its own right, getting U.S. seafood on the plates of consumers is equally important for both public health and for the economy of the U.S. seafood community. In order to be comfortable choosing seafood when making mealtime decisions, consumers must be confident in the sustainability of our fisheries. Along these lines, NOAA has implemented the *FishWatch* program as a primary tool to educate the public about seafood sustainability. *FishWatch* was designed to provide easy-to-understand, science-based facts to help consumers make smart, sustainable seafood choices. According to NOAA, *FishWatch* does not discriminate against one fishery or advocate for another, nor is it an ecolabel or certification. Rather, *FishWatch* helps consumers understand the science, laws and management processes working to protect our seafood supply.

Despite NOAA's efforts to get out the message on sustainability, perhaps not enough is being done as evidenced by an abundance of third-party seafood certification programs competing for the public's trust and attention. Market demands for more traceability have led to the emergence of several Gulf-based programs including Gulf Seafood Trace as well as state-sponsored programs in Alabama, Mississippi and Louisiana. These programs are supported by many in the commercial seafood community and are seen as a positive compliment to Federal data on sustainability by telling consumers a bigger story about where their seafood comes from. However, other programs that pit certain species against one another based on various and

sometimes arbitrary criteria go beyond simple traceability and might lead to confusion rather than clarity in the marketplace.

For example, the Marine Stewardship Council (MSC) and the Monterey Bay Aquarium have aggressive sustainability certification programs that are increasingly being relied upon by consumers, retailers and restaurants, oftentimes more than the U.S. Government's own *FishWatch* program. The MSC, a London-based 501(c)(3) charity which sets standards for sustainability and seafood traceability, has partnered with the world's leading retailers to help promote certain seafood products that meet their criteria. The Monterey Bay Aquarium's Seafood Watch program makes recommendations regarding which seafood items are "Best Choices," "Good Alternatives," and which ones you should "Avoid." Monterey Bay Aquarium's process for ranking seafood is not transparent (unlike NOAA's process which encourages public participation at every level) which leads to concern from some in the seafood community.

Given the abundance of seafood labeling programs, oftentimes the American public remains confused as to which products meet basic sustainability criteria as defined by the Federal Government and assured by the MSA process. Compounding this confusion is the fact that third-party recommendations often run counter to recommendations provided by *FishWatch*. For example, one prominent environmental organization lists most canned tuna as something to "Avoid" while *FishWatch* provides consumers much more detailed information on these species, leading with the fact that if seafood is harvested in the United States, it is inherently sustainable as a result of the rigorous U.S. management process that ensures fisheries are continuously monitored and improved. When one private third-party needlessly tells consumers to "avoid" canned tuna, one of the least-expensive, readily available sources of healthy seafood for families on a tight budget, they make it very difficult for Americans to meet their recommended three seafood meals per week per USDA's dietary guidelines.

NOAA has a responsibility to alleviate confusion and encourage Americans to make more trips to the seafood counter by launching a stronger communication and outreach program on seafood sustainability. Consumers are actively seeking input on sustainability and they want this information to come from the U.S. Government, not from privately funded third parties. In a survey of nearly 2,000 consumers conducted in 2011 by the Gulf Seafood Marketing Coalition, respondents stated they were most comfortable with seafood data provided by the Federal Government, over and above data from private industry and environmental organizations. With the USDA pushing their updated seafood consumption guidelines and clarifying guidance for pregnant women, now is an ideal time for the Administration to marry the concepts of *healthy* and *sustainable* seafood in their messaging materials.

No one understands the importance of robust communications better than the Gulf seafood community. In the wake of the Deepwater Horizon incident which gushed 200 million gallons of oil into the Gulf of Mexico, overcoming public perception that our fisheries were somehow "tainted" became the biggest challenge to the fishing community's economic recovery. Despite the fact that thousands of water samples taken by FDA, state health agencies and NOAA tested as completely safe, consumers avoided Gulf seafood on a massive scale for months. Following multi-million dollar marketing campaigns undertaken by the Louisiana Seafood Promotion and Marketing Board, the Gulf Seafood Marketing Coalition and others, consumers are finally returning to Gulf seafood three years after the oil spill. In addition, several letters went out from numerous U.S. Senators to Federal agencies calling for support in actively promoting the safety of Gulf seafood and asking for strong refutation of unscientific claims stating otherwise. While the issue of sustainability is separate and apart from seafood safety, there is clearly a need for strong communications from NOAA and its partners on both sides of the seafood coin.

In closing, the GSI is pleased to note that the General Service Administration (GSA) recently rescinded their guidance that the National Park Service look to independent third-parties for seafood certifications. However, the fact that the misguided policy was issued in the first place is cause for alarm. Further compounding this concern is that NOAA was never even consulted prior to GSA issuing this guidance. Clearly, NOAA's outreach team has their work cut out for them. If the Administration's own personnel are not looking to NOAA for the facts on sustainability, the American public certainly can't be expected to. One way Congress can ensure this situation doesn't arise again would be to pass S. 1521, the Responsible Seafood Certification and Labeling Act, which prohibits Federal agencies from requiring seafood to be certified as sustainable by a third-party nongovernmental organization. GSI encourages members of this Committee to work with your colleagues on the Health, Education, Labor and Pensions Committee to move S. 1521 as quickly as possible.

The GSI stands ready to assist Congress, this Committee and the Administration in any way possible to get out the positive story on Gulf seafood sustainability. We look forward to working with you on this and other important seafood issues moving forward. Thank you.

SODEXO
Gaithersburg, MD, October 3, 2013

Hon. MARK BEGICH,
U.S. Senator for the State of Alaska,
Washington, DC.

Hon. RICHARD BLUMENTHAL,
U.S. Senator for the State of Connecticut,
Washington, DC.

Dear Chairman Begich and Senator Blumenthal:

Thank you for your leadership on marine and seafood sustainability in our Nation's waters and for conducting an important hearing on this matter for the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard on September 24, 2013. This letter is a follow-up that addresses two outstanding questions posed during the hearing. Below are the responses to the best of our knowledge and experience:

1. How long would it take Sodexo to work out a certification agreement with a new certifying organization?

   As part of Sodexo's Sustainable Seafood strategy, we do and will continue to purchase salmon from Alaska whether or not it is certified by one or several certification programs. While we are open to meeting with certifying bodies/organizations and reviewing other certification schemes, Sodexo does not make its own assessment of any certification program. We are not experts on seafood certification or fishery management practices, so our practice is to seek and consider independent third party advice from credible organizations. Sodexo is willing to work with organizations in good faith and set reasonable timelines mutually agreeable to the certifying organization, Sodexo, and an independent third party advisor.

2. How does Sodexo gain confidence that seafood marked as sustainable really is sustainable?

   There have been instances of mislabeling of seafood products and Sodexo believes that chain of custody certification is currently the best way to improve the traceability of supply. That is why Sodexo invests considerable time and resources to ensuring that the partners we work with are reliable, independent, and objective assessors of the various different certifications programs. For this reason, Sodexo is working with the Global Seafood Sustainability Initiative (GSSI) whose mission is to deliver a common, consistent, and global benchmarking tool for seafood certification and labeling programs. This is the best way to ensure confidence in the supply and promotion of sustainable seafood to consumers worldwide, as well as promote integrity in the programs.

Thank you again for your dedication to this issue and giving Sodexo an opportunity to share how our company is working toward the "Better Tomorrow" that our sustainability strategy aspires to. I trust these responses are helpful to you and your work in the Subcommittee. If there is anything I can further assist you or the Subcommittee with, please feel free to contact me or Jessica Montoya.

Sincerely,

MICHAEL MONTELONGO,
Senior Vice President,
Public Policy and Corporate Affairs.

cc: Mr. Robert King, Legislative Assistant, Office of U.S. Senator Mark Begich
Mr. Jeffrey H. Lewis, Counsel, Committee on Commerce, Science, and Transportation

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. EDWARD MARKEY TO DARREN BLUE

Question. At the hearing, I asked you why the U.S. Government is not buying more MSC-certified Massachusetts dogfish. This fish is sustainable and abundant, and would be a good addition to any seafood menu. Could you please clarify if dogfish qualify as sustainable under the new GSA purchasing guidelines?

Answer. The HHS/GSA Health & Sustainability Guidelines for Federal Concessions and Vending Operations do not list specific species of fish as sustainable. Instead, they provide a general instruction as follows: "Where seafood options are offered, provide those procured from responsibly managed, sustainable, healthy fisheries." GSA believes that American-managed fisheries do not require third-party certification to demonstrate responsible and sustainable practices. Any seafood procured from a sustainable source can be offered on a vending or concessions menu in a GSA-controlled facility. You can locate the guidelines at *www.cdc.gov/chronicdisease/pdf/guidelines_for_federal_concessions_and_vending_operations.pdf.*

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. EDWARD MARKEY TO HON. MICHAEL MONTELONGO

Question. I appreciate Sodexo's philosophy of corporate responsibility, such as your commitment to source local, seasonal or sustainably grown or raised products by 2015. Under this policy, would locally caught dogfish be an appropriate product for the 492 Sodexo locations operating in Massachusetts?

Answer. Sodexo does not have any contracts for purchase of dogfish; however, this does not preclude our local fresh suppliers from selling it to our accounts.