

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE

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Thursday, July 3, 2008

The Marine Fisheries Advisory
Committee met in the Herald Square Room in the
Radisson Martinique Hotel, 49 West 32nd Street,
New York City, New York, at 9:00 a.m., JAMES
BALSIGER, Acting Assistant Administrator
for Fisheries presiding.

PRESENT:

ANTHONY DILERNIA

JAMES BALSIGER, Acting Assistant Administrator
for Fisheries, MAFAC Vice Chair

MARK HOLLIDAY, MAFAC Executive Director,

JIM GILMORE

DOROTHY LOWMAN

CATHERINE FOY

RANDY CATES

MARY BETH TOOLEY

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PRESENT (Continued):

TOM RAFTICAN

BILL DEWEY

JOHN FORSTER

RANDY FISHER, PSMFC

JOHN CONNELLY

CHRIS DORSETT

ERIC SCHWAAB

VINCE O'SHEA, ASMFC

STEVE JONER

BOB FLETCHER

TOM BILLY, MAFAC Liaison

LARRY SIMPSON, GSMFC

KEN ROBERTS

HEATHER McCARTY

ALSO PRESENT:

LINDSAY FULLENKAMP

MARY GLACKIN

TIM HANSEN

TOPHER HOLMES

HEIDI KELLER

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ALSO PRESENT (Continued):

DON KRAEMER

STU LEVENBACH

GENE LOCKWOOD-SHABAT

STEVE MURAWSKI

GARY REISNER

ALAN RISENHOOVER

USHA VARANASI

JESSICA KONDEL

KITTY SIMONDS

REBECCA LENT

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P R O C E E D I N G S

(9:04 a.m.)

1
2
3 MR. BILLY: And so it begins.
4 Welcome. Good morning. We have a full agenda
5 today, and we're fortunate to have Mary
6 Glackin. She's previously been introduced.
7 She's the Deputy Under Secretary for Oceans
8 and Atmosphere, and she's going to share her
9 thoughts with us and hopefully some useful
10 information to us in terms of our
11 responsibilities as advisors to the Secretary
12 on Fisheries.

13 Mary, the floor is yours.

14 MS. GLACKIN: Okay, and I think
15 just because of the way the room is laid out
16 I'll stand up here if that's okay.

17 Well, thank you, and I really
18 appreciate the opportunity to address this
19 group. I thought as was just described I
20 would kind of tell you what NOAA is doing
21 internally to prepare for this upcoming
22 transition, and then we can kind of land on

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1 interactions with this committee and what
2 might be possible and desirable as we move
3 ahead.

4 NOAA has actually been focused on
5 this transition since last fall. We used our
6 senior leadership meeting that we had in
7 December where we bring all of our senior
8 executives together to talk about what might
9 be some of our priorities going into
10 transition.

11 And we're continuing to move
12 through that process in terms of shaping them
13 up so that we have a plan that actually could
14 be actioned on when people come in the door.
15 So I'll talk a little bit about that.

16 I alluded to yesterday that I think
17 we're in an extremely challenging time as a
18 nation, that the issues that we are perhaps
19 most passionate about are not the issues that
20 an average voter is going to be concerned
21 with.

22 So I think that we have really a

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1 difficult challenge ahead of us. We did a
2 little bit of looking at as, you know, how has
3 NOAA done in this past administration, and we
4 actually compared ourselves to some other
5 agencies and things like that. We feel that
6 we've held our own, that we've had issues that
7 have been supported, and we've been able to
8 move forward on.

9 But at the same time, we feel that
10 our challenges are getting much greater, and
11 you know, we're really looking for how to
12 position ourselves to take kind of major steps
13 forward as opposed to incremental steps
14 forward. And that's going to be challenging,
15 as I said, with the fiscal climate.

16 I don't think we talked
17 particularly yesterday about the '09 budget.
18 You know, we have pretty good marks both from
19 the House and the Senate, but I still think
20 we're in the third inning there. You know,
21 we're a long way from getting an appropriated
22 budget, and the last couple of years, in

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1 particular, we've seen some pretty squirrely
2 things happen in conference. So I consider
3 those two marks more posturing than close to
4 having money in the bank.

5 So it's really going to take our
6 best to move forward at this point.

7 With respect to priorities for
8 transition, I'm going to lay out roughly six
9 priorities for you now, and we're still kind
10 of honing these down. I don't know that all
11 six will be here at the end when you see this
12 this fall, but I'll kind of tell you what they
13 are and give you kind of the top lines about
14 them.

15 There was pretty much agreement of
16 one kind of major top priority for NOAA, and
17 that had to do with climate, with respect to
18 climate, and really I think when we look at it
19 from within NOAA, we've done a lot of good
20 science to really put information on the table
21 that as a global society we should be taking
22 actions to mitigate climate change.

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1 You know, our scientists have been
2 quoted as saying "it's later than you think" in
3 terms of what all our commitments are with
4 carbon, and our focus is really swinging now
5 to how as a society could we adapt to climate
6 change. How are we going to adapt to change
7 in precipitation patterns, to sea level rise,
8 to seeing more extreme events which we believe
9 we have evidence for at this point in time,
10 and a number of issues like that.

11 So we have been talking about that,
12 and we've also been reflecting that across the
13 federal government our investments largely
14 reflect climate science and research and don't
15 really reflect climate services, actually
16 delivering our science information to decision
17 makers to be able to make decisions.

18 And it is that area that we're
19 focused on. We continue to believe we need an
20 active research program. We need to engage
21 the other federal agencies with that, but we
22 believe it's time for NOAA to step out to

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1 create a national climate service, and we have
2 been engaging various stakeholders in
3 discussions about this.

4 You're probably aware there's
5 legislation that's been on the Hill that
6 actually designates NOAA as a climate service.

7 To have a national climate service has gotten
8 positive support from this administration.
9 It's decisions really for the next
10 administration to make.

11 So when we look at climate
12 services, we've been kind of talking about,
13 well, what are our priorities there because
14 national needs are so great, and we can't do
15 it all. We're not going to turn some spigot
16 on and a whole bunch of climate services are
17 going to just start pouring out.

18 We have a lot of investments today,
19 you know, past climate record, everything from
20 what was last month to what was the paleo
21 record. NOAA produces climate services like
22 that. We do some seasonal forecast: above

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1 normal, below normal. We do things like
2 seasonal hurricane forecasts.

3 But when we look at what the
4 challenges are, there's kind of two to three
5 areas that we're looking at. Number one is we
6 have been trying to meet the challenge with
7 respect to drought. The western governors
8 have come to NOAA, and we've actually had
9 legislation and some support for providing
10 drought services.

11 So the whole issue of water
12 resources is a major one for the country, and
13 we need to do more in that regard. So we're
14 already kind of partly down that path, and
15 we're going to press on with that.

16 We started in the West, and up
17 until really the last season or so the
18 Southeast was really in pretty bad shape. It
19 had gotten a little bit of relief there, but I
20 think it has gotten everybody's attention that
21 we need better strategies to be able to deal
22 with this.

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1 The other issue that I think at
2 NOAA, because of NOAA's mission, but also
3 because of what we see Mother Nature doing,
4 Mother Nature with a lot of help from man, is
5 the issues that have to do with the coastline
6 and ocean resources, and those are our other
7 two issues.

8 Fisheries really, and you're going
9 to hear more from Steve Murawski, have been
10 making the very persuasive argument, I
11 believe, that NOAA has a consumer climate
12 services in-house, and that is with respect to
13 fisheries and living marine resources. How we
14 deal with issues and better understand ocean
15 acidification, the intersection between
16 climate change and the Endangered Species Act.

17 I'll be surprised if the morning is gone
18 without you guys looking at a picture of a
19 ribbon seal. You know, the polar bear has
20 been the iconic thing on climate change, but
21 Fisheries has studied five species of ice
22 seals, and I think there's huge challenges in

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1 front of us with Endangered Species Act and
2 climate change, and what are the kinds of
3 information we need to bring to bear to make
4 those management decisions that are there.

5 And then the third area is the area
6 of the coastline. We have more than 50
7 percent of the population living on the
8 coastline. It's a huge part of our economy as
9 the nation, and you know, how are those
10 communities and businesses going to adapt to
11 climate change? What is the kind of
12 information that should be used?

13 You know, we've seen lots of
14 changes since Katrina with the insurance
15 industry in terms of really starting to force
16 some changes at the coastline in terms of
17 impacts to economy, but are they the right
18 thing? You know, is that the right thing
19 being done?

20 I was just reading an article about
21 how insurance companies are running their own
22 catastrophic models, and you know, I think

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1 there is going to be a demand for better
2 science information to make those decisions
3 on.

4 So NOAA is looking at that. We are
5 internally looking at how to -- we believe to
6 do this we're going to have a reorganization
7 in NOAA, and we have a team looking at what
8 are our options to reorganize, to better focus
9 on delivering climate service and creating a
10 national climate service.

11 So those discussions are kind of
12 teed up, and we've been working with our
13 Science Advisory Board, and I think in the
14 kind of September time frame we'll have more
15 information to provide on those. So there's
16 pretty minimal information at this point. But
17 that thing, and as I said, you're going to
18 hear more from Steve later this morning on the
19 particular issue of climate change and the
20 impacts here.

21 I'm going to go to our second
22 priority, which is really coastal, and for

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1 some time, and as I've learned, some of these
2 things are a little bit cyclical. You know,
3 people look at them every seven or eight
4 years, but I think that what we have been
5 looking at in NOAA is, again, what we see as
6 growing demands as a nation for better
7 strategies at the coastline.

8 And we've been through a process
9 with gathering public input on reauthorizing
10 the Coastal Zone Management Act, and we have
11 kind of, frankly, made a strategic decision in
12 NOAA not to proceed with that in this
13 administration, but rather to take that on in
14 the next administration.

15 With respect to reauthorizing the
16 Coastal Zone Management Act, we feel very
17 strongly that as a nation we have to adopt a
18 couple of priorities at the coastline, and I
19 know MAFAC has kind of commented on some of
20 those priorities there and suggested that
21 aquaculture, you know, should be there.

22 I think that, you know, there's

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1 still more national dialogue that has to go on
2 with this as legislation would be introduced
3 and discussed. Kind of the touchstone thing I
4 think we've been saying in NOAA, although it
5 might not be the best public relations word,
6 is we need to have more resilient coastlines.

7 You know, we need to take steps so that our
8 infrastructure and our economies, our lives
9 and livelihoods at the coastline aren't so
10 vulnerable.

11 And within NOAA, what this means is
12 that we are working very hard and doing kind
13 of a mini strategic plan to integrate our
14 coastal programs and, in particular, we're
15 looking at the coastal zone management, the
16 OCRM, Office of Coastal Resource Management, I
17 guess it is. We're looking at Sea Grant.
18 We're looking at the habitat program within
19 Fisheries, and the NCOS program, the science
20 program, not necessarily to reorganize those
21 programs, but really to align those programs
22 so that we're better using the strengths of

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1 those programs and, I think, more importantly,
2 that we get them directed to a narrow number
3 of issues that we can actually make some
4 progress on.

5 So the whole issue of coastal --
6 I'm going to kind of stop here on this -- is
7 not as mature as our discussions on climate,
8 but I think it's from a NOAA perspective
9 equally important. You know, we've been
10 criticized by the Office of Management and
11 Budget and others that, you know, you really
12 can't find NOAA, not to mention Coastal
13 Services Center. When I was talking about
14 NOAA programs, I should have done that.
15 Coastal Services Center is a MERS.

16 But you can't kind of find NOAA at
17 the coastline in a significant way. You know,
18 you find little pieces of NOAA various places.

19 So we're working on that.

20 I want to turn now to the third
21 issue, which I think is still how we pitch
22 this-- still going to be much shaped up, and

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1 Steve Murawski is holding the pen on this one,
2 and it's oceans and marine life, is what we
3 have it under right now.

4 And the kinds of things that are
5 under there is to really remind the incoming
6 administration that further investments are
7 needed to reach the mandates, to meet the
8 mandates of Magnuson Stevens, and that things
9 like, as I addressed before, climate change
10 and impacts of marine resources are going to
11 have to be addressed.

12 So we're trying to figure out kind
13 of how to package kind of a broader set of
14 things, and when I'm done I'll ask Steve if he
15 wants to kind of impress upon that.

16 So I think that as part of this
17 oceans and marine life, we are also in a
18 dialogue with other federal agencies because
19 we're very aware that, you know, the Ocean
20 Commission put out a whole report in 2004 or
21 three. I forget when the Ocean Commission
22 report came out. We did an ocean action plan.

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1 We've actually implemented other things for
2 an ocean action plan, but there's significant
3 things in that commission report that as a
4 nation we haven't taken on.

5 So you know, NOAA will be looking
6 to lead or co-lead with our federal agencies
7 and, you know, there's a lot of interest from
8 the external partners, the JOCI, Joint Ocean
9 Commission Initiative, which is, you know,
10 Atkins and Panetta, are also kind of gearing
11 up, feeding information into campaigns, and
12 we'll be telling new administration officials
13 on that. So NOAA, you know, we feel like
14 we're a big plank in that one, if you will.

15 I alluded to yesterday that, you
16 know, I came from the National Weather Service
17 and high impact weather, and you know, I think
18 it is always made clear. I could be standing
19 up here, you know, almost any time and look
20 back on the last three weeks and highlight the
21 kind of weather that has impacted this nation,
22 and certainly the floods in the Midwest have

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1 been one of them, and the ongoing fires.

2 I was just looking ahead, and
3 California, I don't know when it's going to
4 stop burning because there's no precip in the
5 forecast for the next six days. But there's
6 more that needs to be done in terms of
7 services for weather that's really the high
8 impact weather, you know, not the two degree
9 tomorrow temperature thing, but issues like
10 the hurricane forecast for folks who live in
11 the Gulf. You're very familiar with how, you
12 know, more than once in the last two years
13 you've gone to bed with a Category 1 hurricane
14 and woken up to a Category 3 or maybe a
15 Category 4. We're missing the intensity too
16 often in these hurricanes, and it makes a big
17 difference to emergency managers in terms of
18 their planning and investments that we need to
19 make as a nation to do that.

20 The other area that we're looking
21 at is urban wildfires. You know, the whole
22 wildfire issue has gotten much different from

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1 where it used to be in terms of now we're
2 trying to protect people's homes that are in
3 forests as opposed to, you know, what used to
4 be the forests themselves that are the issue.

5 So we're looking at that as well,
6 and the next one I could put either -- there's
7 another part of weather, but right now we have
8 it packaged in a transportation thing. So I
9 want to talk about NOAA's kind of investments
10 in transportation.

11 And you know, a key part of that is
12 supporting how most of you got to this
13 meeting, which is on an airplane, and we have
14 been working with our other fellow partners
15 and the private sector on a next generation
16 air transportation system, and a significant
17 part of that is going to be basically really
18 integrating weather information into decision
19 making.

20 It's pretty much little known now,
21 but they don't really use our forecasts for
22 the long-term decision making. They pretty

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1 much operate on what the weather is right now.

2 So you might be held at a particular terminal
3 because you can't take off because there's
4 thunder storms at the other one.

5 There's those kinds of issues, but
6 there's also the issues that we're not doing a
7 good enough job on some of the very meso
8 scale features to allow -- they're very
9 interested in packing more airplanes into the
10 air space that we have, and you have to be
11 able to deal with weather on that.

12 So that's a major part of our
13 transportation. The other part is that we
14 continue to feel that we have very
15 demonstrable services and benefits for the
16 nation in marine transportation that just
17 aren't realized yet. So equipping our ports
18 in this country for the right kind of
19 meteorological and oceanographic information
20 to allow efficient, you know, comings and
21 goings in ports which we call it the PORT
22 system, which is an acronym in this regard.

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1 Those type of things need to be done. We need
2 to continue to build out some of the observing
3 impacts to it.

4 So, again, you can probably tell
5 from this we're kind of figuring out how to
6 shape and pitch these things, whether that
7 would work under, you know, an overall
8 transportation one or maybe be more directed
9 towards oceans.

10 So those are our major priorities,
11 but in a sense, that's only a part of the
12 picture because one of the things that we need
13 to remind the incoming administration in is
14 the investments that are needed in what would
15 typically cause infrastructure, and our fleet
16 of ships is part of that. Our ships, now the
17 average age is 29 years, which still isn't
18 really anything to be proud of in terms of how
19 old ships are.

20 We are working to recapitalize both
21 of our satellite systems. It's a very
22 expensive proposition. We have requirements

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1 for other space-based observing, you know,
2 that need to be met.

3 In fact, I did like a rough back-
4 in-the-envelope calculation, and if you say
5 NOAA is a \$4 billion agency right now and, you
6 know, you run out some of these satellite
7 bills and just a few more of the
8 infrastructure bills and put some money in for
9 high performance computing, you know; forget
10 the rest to climate size; just some high
11 performance computing which we know we need.
12 We could be a \$5.5 billion agency with no
13 problem, you know, just paying infrastructure
14 bills.

15 So those challenges are large. I'm
16 going to stop here, but you know, I guess I'll
17 say another sentence. In a more formal
18 presentation, I would be really reminding
19 people that I haven't talked at all about work
20 force and the future work force. You know,
21 the America Competes Act, which NOAA is
22 included in, for education, I cannot tell you

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1 how important we feel that is to our future.
2 You know, the overall issue of public literacy
3 about the environment, which I think has
4 really gone down in these past generations,
5 but also our future people that we employ, you
6 know, where we're getting them from, the
7 diversity of them. We don't have the
8 diversity of our workforce. It really falls
9 short of what the nation looks like, and it's
10 going to be very hard to serve a nation in the
11 future unless you resemble that nation in some
12 fashion.

13 So there's a lot of challenges in
14 work force and kind of outreach and
15 communication. And then the other thing I'll
16 just note is people come to me and talk to me
17 because they know I'm kind of a senior career
18 person in NOAA in this transition. So there
19 is a lot of discussion, as you might imagine,
20 in terms of new leadership in the new
21 administration and who should be there.

22 I will tell this group that UCAR,

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1 which is the University Consortium of
2 Atmospheric Research, and the ocean folks --
3 they used to be CORE, but now they're COL, the
4 Consortium of Ocean Leadership -- have kind of
5 gotten together and agreed that they would
6 kind of work on submitting nominees for
7 positions in those areas, NOAA White House
8 positions and those kinds of things, which I
9 think is a good thing, you know. I think it's
10 always good for people to be engaged in
11 government, and I don't advocate lobbying per
12 se, but I'll just kind of pass that
13 information on.

14 So let me stop and, Steve, since
15 you're so much in helping to prepare this
16 transition material, did you want to enrich
17 what I said particularly about the oceans and
18 marine life?

19 MR. MURAWSKI: I hardly think I can
20 enrich it. Maybe just a couple of words. The
21 oceans and marine life portfolio in NOAA is
22 huge. It's about \$1 billion worth of

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1 investments and includes --

2 MR. BILLY: A little louder, Steve.

3 MR. MURAWSKI: Sorry. The oceans
4 and marine life investments that we have are
5 about \$1 billion a year and includes a
6 portfolio in Fisheries Service, which is
7 basically managing Magnuson, Endangered
8 Species Act, Marine Mammal Protection Act, but
9 also ocean exploration which does a lot of
10 work in terms of new technology development.

11 A really interesting project that
12 NOAA is heavily involved in now is looking at
13 extending the EEZ beyond the 200 mile limit.
14 There's a codicil in the Law of the Sea Treaty
15 that says that if we can demonstrate that
16 geologically areas haven't reached the slope,
17 that they're still sloping down, that we can
18 add significant amounts of land to our
19 protection.

20 So it could be up to a million
21 square kilometers that we could add because of
22 that. So part of what we're trying to do in

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1 NOAA with USGS's help is also try to map those
2 areas to try to understand the geology so we
3 could actually put it in our portfolio.

4 Obviously, things like marine
5 sanctuaries are part of our ocean agenda, the
6 Sea Grant Program and other things, and so as
7 Mary said, we're trying to serve this up for
8 the next administration and understand that we
9 need some continuity between the current
10 administration, which actually the President
11 and the administration had their ocean action
12 plan, and one of the things that NOAA's Ocean
13 Council is trying to do is to see if there are
14 some items that we want to put on the second
15 ocean action plan that maybe we can get some
16 traction in the new administration.

17 So what we're trying to do here is
18 really get some continuity on the oceans
19 because we did have good focus in actually the
20 last two administrations, the Clinton
21 administration and the current one, and so we
22 need a "three-fer." We need the next

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1 administration to keep that sort of thing
2 going because they did make some significant
3 new investments not only in what we need to
4 do, but also in the legislation that updates
5 what we're trying to accomplish.

6 So that's basically the outline of
7 what we're trying to do, is get some traction
8 in the next administration.

9 MS. GLACKIN: Yes, and just a little
10 bit -- thank you, Steve, and that's a great
11 one, the Law of the Sea.

12 So to follow on what kind of got
13 mentioned yesterday is the NOAA Science
14 Advisory Board has basically agreed to look at
15 these transition papers that we're developing
16 within NOAA, and I think that will be like the
17 September time frame. Mid to late September
18 we would have something to offer them, and
19 we'd be most pleased to offer them to this
20 committee as well for you to make comments on.

21 And you know, our goal would be to
22 try to have that kind of record of stuff done

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1 before the election.

2 MR. BILLY: Okay. Those are two
3 important sort of benchmark dates then,
4 September time period and with input before
5 the election so you can integrate whatever we
6 would choose to provide.

7 Is the Committee interested in
8 taking advantage of that opportunity?

9 MR. BALSIGER: Yes.

10 MR. BILLY: Okay. Well, maybe we
11 can arrange through you, Jim, as it becomes
12 available to make it available through the
13 Website and opportunity for our people to
14 comment.

15 MR. BALSIGER: We certainly can do
16 that. Of course, the meeting date that we
17 have for the fall is post election. So
18 bringing together the ideas into a single
19 statement from MAFAC may be more difficult,
20 but surely the documents can be viewed.

21 MS. GLACKIN: I think if you could
22 just be providing us comment, well, you know,

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1 a consolidated set of comments that we could
2 work with, you know, do that virtually.

3 MR. BILLY: Yes, okay. Questions?

4 Okay. Vince.

5 MR. O'SHEA: Thanks, Mary.

6 On the first point about the
7 National Climate Service, my understanding is
8 that if you were to go in that direction it
9 will be generated by a reorganization of
10 moving billets around within NOAA as opposed
11 to getting new billets.

12 Do you have a sense of what
13 programs may end up being donors?

14 MS. GLACKIN: We're looking at kind
15 of a range. What we've asked the team to do
16 is actually a fairly senior level team of our
17 deputies. So, for example, John Oliver from
18 Fisheries is on it -- is to give us kind of a
19 range of options of how to do it and strengths
20 and weaknesses.

21 You know, there are two quotes this
22 summer. I always say don't confuse

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1 reorganizing with getting something done, you
2 know. If you reorganize and all you've done
3 is, you know, you've got a big transaction
4 cost now, now you have to get something done.

5 If you don't believe me, look at DHS.

6 And then the other thing is there's
7 no perfect organization, I think. So what we
8 are doing is looking within NOAA. So in fact,
9 we're being really blunt with the other
10 federal agencies, even though there's an
11 article out in Science magazine this morning
12 that talks about moving USGS into NOAA and
13 creating an independent agency. That's not
14 what we're advocating in NOAA.

15 We do think it will take more
16 billets though, but there needs to be more
17 investments to meet this climate challenge.

18 MR. O'SHEA: But that wouldn't hold
19 up; the new billets wouldn't hold up the
20 reorganization.

21 MS. GLACKIN: No.

22 MR. O'SHEA: Thank you.

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1 MR. BILLY: Okay. Other questions?

2 (No response.)

3 MS. GLACKIN: I'll be around for a
4 while longer.

5 MR. BILLY: Anyone? Okay.

6 MR. ROBERTS: Thank you for your
7 presentation.

8 MR. BILLY: Yes.

9 MR. ROBERTS: I'm from Louisiana,
10 and I applaud you for wanting to be more
11 climate service-oriented in things, and one of
12 the things I've come to experience is when you
13 have a major event like a hurricane, NOAA has
14 a much greater contribution to make, I think,
15 than it's doing now, from my experience, in
16 that once the hurricane has passed, there's
17 still a great deal of work to do that's
18 related to climate recovery on the coast, and
19 I would like to see more of NOAA presence in
20 that immediate one month or whatever period
21 afterwards, when FEMA and state Office of
22 Emergency Preparedness and other people are

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1 scrambling to try to figure out various
2 things.

3 And I think that's one thing that
4 might have some discussion of, as to what your
5 presence can be in that learning period right
6 after a storm at the community level.

7 MS. GLACKIN: All right. Thank
8 you.

9 Yes, we've been kind of encouraged
10 by our Science Advisory Board to look at some
11 case studies for these kind of things. So
12 that would be a good one.

13 MR. BILLY: Yes.

14 MR. SIMPSON: Before you go, if we
15 can, our thanks to Steve and so forth about
16 doing some of those surveys immediately after
17 the storm and obtaining contamination, et
18 cetera, et cetera. But living on the coast of
19 Mississippi, the coastal Gulf of Mexico, you
20 changed the Weather Service map from a three-
21 day forecast to a five-day forecast is big,
22 and I applaud you for doing that.

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1 I realize the uncertainty wedge is
2 big at that time, but the difference in three-
3 day out forecast versus five-day out forecast
4 is extremely important in our coastal area.
5 It's tough to prepare, but that does help.

6 Thank you.

7 MR. BILLY: Eric.

8 MR. SCHWAAB: Thank you, Mr.
9 Chairman.

10 Mary, I just wanted to make a
11 comment on your climate initiative which I
12 applaud, particularly your attention to the
13 adaptation component. I think we've got the
14 right-- too much effort today or all of the
15 focus today has been on sort of the research
16 and the mitigation side and very little focus
17 on, well, what do we do about the inevitable
18 consequences. I think you're exactly right
19 there, which leads to my question.

20 When you talk about CZMA
21 reauthorization, do you see that adaptation
22 component already working its way in a big way

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1 into the thought process of what needs to go
2 there? Would you just elaborate on that?

3 MS. GLACKIN: Well, I definitely
4 see the connection there. It's still kind of
5 fuzzy in my mind, and I'm hoping people will
6 shake this up, but you know, if we were to
7 adopt the priority that we were going to
8 commit to building more resilient communities
9 at coastlines and things like that, I think
10 then the question -- and in fact, we kind of
11 did this. Steve and I just came from a
12 climate services discussion on Colorado last
13 week -- was what is the kind of information we
14 need to provide to states and local
15 communities about climate change, and how
16 well-prepared are we to talk about, you know,
17 under various scenarios, you know, what's
18 going to be the high water marks and what are
19 going to be innovation things and stuff like
20 that.

21 So I think that coastal zone
22 management could be driving requirements for

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1 specific products from the climate zone list,
2 and you know, I think we need them.

3 What we really heard very strongly
4 from managers last week was we're making
5 decisions today without your data. So give us
6 your data and tell us how certain you are
7 about it, and we'll make a decision, you know,
8 whether to factor it in or not, and I think
9 that's right.

10 MR. SCHWAAB: Thank you.

11 MR. BILLY: Okay. Any other
12 comments or questions?

13 (No response.)

14 MR. BILLY: Okay. Thank you very
15 much, Mary.

16 We'll move on to the next item on
17 the agenda, but first we'd like to introduce
18 some new people that are here today. So, Jim,
19 maybe you could.

20 MR. BALSIGER: Yes, we did it this
21 way because we've been moving around. So it
22 will be trickier, but we've got Dr. Usha

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1 Varanasi, who is the Science Director from the
2 Northwest Fisheries Science Center in Seattle,
3 Washington.

4 Over here we have Tim Hansen, who
5 is head of our Seafood Inspection Program for
6 the Fisheries Service.

7 Next to him is Don Kraemer, who I
8 think is the Deputy Director of the --

9 MR. KRAEMER: Office of Food
10 Safety.

11 MR. BALSIGER: -- Office of Food
12 Safety at the FDA.

13 Steve Murawski, Dr. Steve Murawski,
14 who we don't get to call him a Deputy for some
15 quirk of the language, but he's really our
16 deputy for the science side of the house in
17 the Fisheries Service.

18 Stu Levenbach is -- oh, he's right
19 here.

20 (Laughter.)

21 MR. BALSIGER: That's a bad one
22 because he's our OMB examiner. I should

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1 always have my eye on Mary and Stu.

2 So welcome to the people at the
3 table.

4 In the back row, actually if you
5 three people would introduce yourselves
6 perhaps.

7 MS. FULLENKAMP: I'm Lindsay
8 Fullenkamp. I worked in NOAA's Budget Office
9 on the Fisheries accounts.

10 MS. KELLER: I'm Heidi Keller, and
11 I work in the NOAA Budget as well.

12 MR. LOCKWOOD-SHABAT: And I'm Gene
13 Lockwood-Shabat, and I'm with the Commerce
14 Department Office of Budget.

15 MR. HOLLIDAY: And Gary came late
16 yesterday.

17 MR. REISNER: Gary Reisner, CFO,
18 NOAA Fisheries.

19 MR. BALSIGER: Gary was here just
20 briefly yesterday.

21 Anyway, welcome from me to all of
22 you people. Thanks for catching a train and

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1 coming in. That's very helpful -- or the
2 plane.

3 MR. BILLY: Okay. Thank you, and
4 welcome.

5 The next item on our agenda is the
6 area of seafood safety and quality, and we had
7 an initial taste of this last meeting where
8 Tim Hansen provided us some information about
9 the NOAA voluntary seafood inspection program
10 and the current services and some information
11 and data about the industry itself.

12 The Committee concluded that we
13 were interested in this subject area for a
14 number of reasons. One, all of us had read
15 reports in the paper about how unsafe certain
16 seafoods are and the conflicting information
17 between the health benefits of seafood, on the
18 one hand, and potential harm that could come
19 to you from consuming seafood or certain types
20 of seafood, as well as concerns that have been
21 raised about whether the current government
22 inspection effort not only for seafood, but

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1 all foods is adequate and is what it needs to
2 be.

3 So we asked that NOAA Fisheries
4 follow up and work in cooperation with FDA to
5 take a step back and take a fresh look at this
6 whole area, including the fact that there's I
7 think it's close to a dozen bills pending or
8 introduced in Congress to address various
9 aspects of this subject of food safety.

10 And given that level of interest in
11 Congress as well as from the American public,
12 it's timely for us to take a more in-depth
13 look at this area and consider as a Committee
14 what advice or counsel we might want to put
15 forward to the Secretary with regard to this
16 important subject area.

17 I'd like to lead off with Don
18 Kraemer who was just introduced. He's the
19 Deputy Director of the Office of Food Safety.

20 PARTICIPANT: We had planned for
21 Tim to go first.

22 MR. BILLY: I know, but I want to

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1 reverse it. The reason is there used to be an
2 Office of Seafood Safety in the Center for
3 Food Safety and Applied Nutrition, but in a
4 recent organization which Don may touch on, it
5 has been combined with the other activities in
6 the center related to the overall subject area
7 of food safety.

8 And the reason I'd like to start
9 with Don is I think it would provide the broad
10 framework in which then NOAA's program
11 functions and now it adds value to what is
12 currently being done by FDA and the activities
13 that it's able to carry out.

14 So with that I'd like to turn the
15 floor over to Don Kraemer.

16 MR. KRAEMER: Thanks, Tom.

17 First I'd like to thank you for
18 having me here. This is not a forum that I'm
19 accustomed to, but I do appreciate the offer
20 to share some of our thoughts.

21 And it is interesting to see that
22 there are some folks around the table that

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1 I've worked with and still work with in other
2 lives. For example, Bill Dewey and I go way
3 back in the In-State Shellfish Sanitation
4 Conference. I saw John Connelly down at the
5 end of the table. We can't help but bump into
6 each other in his role. Of course Tim Hansen
7 used to work for FDA in the office of Seafood
8 at that time. I used to work for Tom Billy
9 when he was the chief of our Office of
10 Seafood. And so it's good to see some
11 familiar faces around the table.

12 And I understand that this is
13 probably a different sort of topic for you to
14 take up. So we'll see where we can go with
15 it, and I'd be happy to answer any questions.

16 I've got a few prepared remarks. I
17 would have liked to have gotten you some
18 information in advance and you probably would
19 have appreciated that, too, but unfortunately
20 I wasn't able to do that.

21 I did make some copies, although as
22 it seems not quite enough. So what I'm going

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1 to do is in passing around I will commit to
2 providing to Tom -- if maybe every other
3 person take one if you would. That way we
4 could share, but I'll provide the electronic
5 version to Tom, and then you can have it
6 later. For now there's some statistics and
7 things in here that might be helpful if you
8 think about where you would like NOAA to go in
9 this area of food safety.

10 But really what this is is an
11 adaptation of some comments we've made in
12 congressional testimony in describing FDA's
13 seafood program and how it works. My
14 thinking, and it may be wrong, so feel free to
15 pepper me with questions if I don't hit what
16 you really need to know, is that your probably
17 don't know a lot about how FDA does its
18 business and that trying to help coach NOAA in
19 how it should or could get involved more in
20 this area, understanding how FDA does its
21 business might be helpful.

22 So that's what most of my comments

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1 are about, but again, if there are other areas
2 that you would like to know more about, feel
3 free to either interrupt me during my talk or
4 afterwards or any time during this session,
5 and I'd be happy to help you in the future if
6 that turns out to be useful.

7 So this is a formal remark, and
8 it's just easier for me to sort of go through
9 it. What you have is a longer version of what
10 I'm going to go through. So you don't have to
11 feel like I'm going to go through all of that.

12 But as you are probably aware, FDA
13 has statutory authority and responsibility for
14 the safety of all foods, and that's with the
15 exception of meat, poultry, and processed egg
16 products, which are regulated by the U.S.
17 Department of Agriculture where Tom Billy went
18 after he stopped being my boss.

19 With respect to seafood, FDA
20 operates a mandatory seafood program, and I
21 guess mandatory is sort of a key point here,
22 as you're going to probably hear from Tim in a

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1 few minutes.

2 With respect to seafood, as I said,
3 we have a mandatory program that covers all
4 seafood products under the provisions of
5 what's called the Federal Food, Drug, and
6 Cosmetic Act or what you'll see me talk as the
7 FD&C Act. That our principal act that we
8 enforce, but also the Public Health Service
9 Act is an important act that we enforce as
10 well.

11 Our programs include research,
12 inspection, compliance and enforcement,
13 outreach, and of course, we develop
14 regulations and guidance.

15 FDA is a broad agency with a whole
16 lot of different responsibilities, from foods
17 to drugs to medical devices to all sorts of
18 other things that we regulate, biologics and
19 so forth.

20 The seafood safety component is
21 fully integrated into FDA's Center for Food
22 Safety and Applied Nutrition, which is where I

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1 work, which is our agency policy-making
2 organization. So it's integrated into the
3 other food safety components of that, but it's
4 also integrated into FDA's field organization,
5 which is the Office of Regulatory Affairs, or
6 ORA. So our field is responsible for all of
7 the products that FDA regulates, not just
8 seafood.

9 Seafood poses a unique set of food
10 safety challenges, quite different from those
11 that are posed by land food animals, and so
12 over the years, the decades that FDA has
13 regulated seafood, we've developed, we think,
14 an extensive set of expertise in the areas
15 that relate to this commodity.

16 Am I loud enough for folks down
17 there? John, can you hear me? Good. Not
18 that I was suggesting that you couldn't hear
19 me, but all right.

20 Again, in my center, SIFSAN, the
21 experts are responsible for evaluating the
22 hazard to public health posed by chemical and

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1 microbiological contaminants in fish and
2 fishery products. So that's a scientific
3 function.

4 And connected with that we operate
5 a laboratory at the Gulf Coast Seafood
6 Laboratory in Alabama, which is our principal
7 seafood research laboratory. That specializes
8 in microbiological, chemical, and toxins
9 research.

10 And in addition, the center's
11 largest laboratory is in the College Park,
12 Maryland area near D.C., and we have some
13 additional seafood research that takes place
14 there.

15 FDA's field staff is responsible
16 for insuring regulatory compliance with
17 seafood products produced in the U.S. and for
18 those products imported from abroad. So they
19 conduct inspections of seafood processing
20 plants. They collect samples of seafood
21 products, both domestic and foreign. They
22 conduct investigations to trace back

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1 illnesses, and they perform a variety of other
2 related tasks which I'd be happy to get into
3 if you wish.

4 Just as a for example, in 2007, FDA
5 staff and state contractors -- we contract
6 with some states for inspections as well --
7 conducted approximately 3,600 inspections of
8 foreign and domestic seafood processors. So
9 that's pretty typical of what we do in a year.

10 Our processors of fish and fishery
11 products are subject to FDA's-- what was at
12 the time landmark seafood HACCP regulation,
13 HACCP being hazard analysis critical control
14 point. That's located at 21 CFR 123. This
15 regulation requires both domestic and foreign
16 processors of fish and fishery products to
17 understand the food safety hazards that are
18 associated with their product and their
19 process, and through a system of preventive
20 controls to prevent those hazards from
21 occurring.

22 So it was a shift from a sort of

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1 reactive food safety system to a proactive
2 system where you identify and then control the
3 hazards.

4 FDA also uses this approach as an
5 investigatory body during domestic and foreign
6 inspections, and that helps to focus our
7 attention on the areas where the safety
8 hazards are the most likely to occur.

9 In the model of a HACCP program,
10 just as NOAA administers it, it's the
11 responsibility of the seafood industry to
12 develop and understand their safety controls,
13 and then the responsibility of the regulatory
14 agency, in this case FDA, to insure that the
15 industry complies with those controls.

16 Because we're a regulatory agency,
17 I need to talk a little bit about regulatory
18 sanctions for violating the regulatory
19 requirements. Sorry for those of you who work
20 in the seafood industry, but a necessary
21 component.

22 Of course, we work with warning

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1 letters. FDA has the authority through the
2 courts to seize products that are violative to
3 enjoin as an injunction against noncompliant
4 practices and to prosecute individuals and
5 establishments. So we have a fairly broad
6 range of regulatory tools.

7 We have a long history, a good one,
8 I believe, of collaboration with the National
9 Marine Fisheries Service. In fact, you can
10 see we tend to swap folks back and forth or
11 between the agencies. So there's a lot of
12 institutional knowledge on both sides.

13 The collaboration is in seafood
14 research, law enforcement, standards
15 development, inspection, and certification.
16 Tim, I think, will talk a little bit more, I
17 believe, because I've seen his talk, on our
18 efforts to renegotiate a memorandum of
19 understanding. We have several of them
20 between the agencies, but the one in
21 particular of note right now is the memorandum
22 that covers seafood inspection.

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1 We've been working for some time,
2 and with Tim at the helm over at NOAA, we
3 think we have a real opportunity to move this
4 along, to renegotiate that MOU with the goal
5 here being enhanced collaboration. There's a
6 lot of mutual benefit we can get from each
7 other's work to help further both of our
8 goals.

9 I'd like to talk a little bit about
10 the import arena, especially since more than
11 80 percent of fishery products consumed in the
12 U.S. are imported. From the FD&C Act that I
13 mentioned before, our primary authority
14 derives from Section 801, which provides us a
15 very broad statutory framework to ensure
16 product safety.

17 And I'd like to give you just a
18 quick thumbnail sketch of what entering
19 product into the United States looks like from
20 a regulatory standpoint in any case.

21 When an FDA regulated product is
22 offered for import into the U.S., Customs and

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1 Border Protection notifies FDA. Of course,
2 they have the initial authority to intercept
3 these products as they come in. They let us
4 know when it's an FDA regulated product.

5 FDA may release the product. We
6 may detain it so that we can sample it or
7 examine it, which we do and I'll talk a little
8 bit more about that, or we can detain it, and
9 this is actually some of the broader part of
10 our authority; we can detain it because the
11 product appears -- and that's an important
12 word -- appears to be adulterated or
13 misbranded.

14 That appearance needs to be based
15 on some information, such as history of the
16 product coming from that country or from that
17 manufacturer. So if we had some problems in
18 the past, we could detain the product on the
19 appearance of adulteration. If we detain it
20 in that way, the owner of the consignee of the
21 goods can provide evidence, such as laboratory
22 analysis, for example, from an independent

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1 lab, to rebut that appearance of violation, or
2 they could request the permission to
3 recondition the product to bring it into
4 compliance.

5 Ultimately if the product is
6 refused admission by FDA, it needs to be
7 destroyed or re-exported.

8 And I know you'll have some
9 interest and I think Tim is going to talk more
10 as well about the fact that FDA is not able to
11 physically examine or sample a large
12 percentage of important entries. There are
13 approximately a million, just shy of a million
14 seafood entries per year that come into the
15 United States. Each one of those needs a
16 decision about whether it's going to be
17 sampled, detained, or released, and so you can
18 imagine that's a huge job.

19 And looking at a large percentage
20 of that is not possible. So what FDA does
21 instead is to try to prioritize those based on
22 a system of risk, and I'll talk a little bit

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1 more about that.

2 We do have an automated system into
3 which we have programmed a lot of information
4 that helps make some of those decisions for us
5 so that particularly low risk products are
6 what we call "may have proceeded." They just
7 move through the system without examination,
8 except at a very low rate of examination, and
9 products that are higher risk or ones that we
10 have a particular concern about or interest in
11 are put at a lower, quote, unquote, "may
12 proceed" rate. That's how that electronic
13 system helps us do our job there.

14 There's a probably significantly
15 misunderstood component of our import controls
16 that I believe is extremely important and
17 perhaps one of the most useful pieces, and
18 that's what we call import alerts. Import
19 alerts are guidance documents, and that's the
20 legal place they fall, that inform FDA field
21 personnel that FDA has sufficient evidence --
22 this is talking about that "appears" standard

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1 I mention -- sufficient evidence about a
2 particular product, producer, shipper or
3 importer to believe that the product does not
4 meet U.S. requirements. So we have enough to
5 meet our appears standard.

6 On that basis FDA may detain at
7 entry without physically examining the
8 product, shifting the burden from FDA to the
9 importer of the product to demonstrate that
10 the product is safe, and we use that
11 extensively.

12 I think Tim will mention, so I'll
13 take a little bit of his thunder, I guess --
14 sorry -- that we look at about one percent of
15 the product coming into the United States, and
16 about half of that is actually physically
17 sampled and sent to a laboratory. The other
18 half is visually or organoleptically examined
19 by the investigator. So that's a fairly small
20 percentage, again, very highly targeted, but
21 still small.

22 About another one percent gets

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1 caught up in this import alert system, and
2 again, shifting the burden. Again, that's
3 highly targeted as well because these are
4 products that have had problems in the past.

5 So what I would suggest is about
6 two percent of the highest risk product is
7 caught up and physically examined. So you can
8 make your own judgments about whether you
9 think that's enough.

10 In addition to what we do at the
11 border, which is what I've just been
12 describing, FDA also conducts a limited number
13 of foreign inspections. As you can imagine,
14 these are very expensive and time consuming,
15 and if you can, I'd be happy to explain to you
16 why they are extremely expensive and time
17 consuming.

18 They are very useful. They are our
19 eyes into the processing environments in other
20 countries, but we can only afford to do a
21 small number of these. This is an area that I
22 think Tim is also going to talk a little bit

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1 more about how we could collaborate, and we
2 are very interested in how that could help FDA
3 do its business.

4 I did mention, and I think you
5 probably already know that about 80 percent or
6 more of the product consumed in U.S. seafood
7 is imported from about 130 countries. So it's
8 a very significant challenge, as you can
9 imagine, to regulate those products.

10 As I said, we prioritize risks, and
11 that's how we attempt to deal with the
12 challenge that's in front of us. It is by law
13 the importer's responsibility to offer for
14 entry into the U.S. product that's fully
15 compliant with all U.S. laws, and it's, of
16 course, our job to make sure they do that.

17 As I did mention, foreign and
18 domestic processors are required to comply
19 with the seafood HACCP regulation. The
20 additional piece that applies to importers
21 here is that importers of seafood products,
22 not all other food products, but seafood

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1 products, are required to verify that the
2 foreign processor is in compliance, and
3 there's a variety of ways they can do that,
4 from getting third party certifications that
5 the firm is following the HACCP regulation,
6 for example. They can collect and analyze
7 samples and a variety of other things. We
8 could talk more about that if you have
9 interest.

10 I mentioned we have-- the number is
11 about 868,000 entries a year. It will be a
12 million very shortly and exceed that. The
13 number is escalating dramatically year after
14 year.

15 Our field staff perform more than
16 13,000 physical examinations of seafood
17 products and collected over 6,000 samples of
18 domestic and imported seafood for analysis.
19 Most of the samples are imports.

20 And I guess just in summary, food
21 safety is a huge issue for FDA, as you can
22 imagine. It is even part of our name and one

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1 of the original parts of what FDA has done for
2 many, many years. Notwithstanding the press
3 that we hear and the need to try to do better,
4 we are still confident that the food supply,
5 and in particular, the seafood supply, that we
6 have in the U.S. is among the safest in the
7 world.

8 So with that I'd be happy to either
9 answer questions or take comments, or if you'd
10 rather, have Tim go on.

11 MR. BILLY: Are there any initial
12 questions? Yes, go ahead, Randy.

13 MR. CATES: Thank you.

14 Do you handle labeling?

15 MR. KRAEMER: Yes.

16 MR. CATES: One particular problem
17 seen is a lot of the gas treated tuna that's
18 coming in. Just real quickly, what is the
19 labeling at the retail market? What is the
20 labeling supposed to be?

21 MR. KRAEMER: The use of carbon
22 monoxide is a food additive, and so it has

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1 been categorized what's called "generally
2 recognized" as safe. That's just a legal term
3 of art in our law that means that an
4 evaluation has been done that has established
5 that it's a safe food additive to be used.

6 But nonetheless, the label has to
7 declare its presence either as a -- what is
8 it? -- smokeless --

9 PARTICIPANT: Tasteless.

10 MR. KRAEMER: -- tasteless smoke,
11 yes, which is probably how it is typically.
12 It could also be labeled, you know, as
13 containing carbon monoxide, but my guess is
14 that wouldn't be a great consumer sell.

15 (Laughter.)

16 MR. KRAEMER: I think typically
17 what it's labeled at if it's properly labeled,
18 it would say tasteless smoke, but that should
19 be carried all the way to the retail.

20 MR. CATES: And just for
21 information, are there other food products to
22 your knowledge treated the same way: chicken,

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1 pork?

2 MR. KRAEMER: Beef is. Carbon
3 monoxide is used to fix color in beef as well.

4 MR. CONNELLY: It is important to
5 know that beef guys have not labeled and have
6 refused to label, much to their detriment, as
7 they are brought before Chairman Dingell.

8 MR. KRAEMER: That's true, and just
9 on that point, just to defend my agency, FDA's
10 responsibility for the approval of the food
11 additive, the labeling regulatory requirements
12 are separately administered by the two
13 agencies. So FDA administers -- maybe that's
14 not clear.

15 FDA has the authority to approve
16 the use of carbon monoxide or any other food
17 additive in all foods, including aquaculture,
18 but we don't regulate how it's labeled. That
19 would be determined. We don't regulate how
20 it's labeled in meat and poultry. We only
21 regulate how it's labeled in the products that
22 FDA has authority over.

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1 MR. CATES: One follow-up question.
2 Did I hear you right to say that only two
3 percent of the high-risk is inspected?

4 MR. KRAEMER: About one percent is
5 inspected by FDA, and then another percent
6 roughly is caught in this import alert system
7 where a third party laboratory would be.

8 MR. CATES: And do you know what
9 the pass or fail rate would be on that?

10 MR. KRAEMER: It is certainly
11 knowable. I'm trying to think of any
12 statistics that I had with me that would help
13 on that.

14 Well, the fail rate is going to be
15 very low. It would probably be well below
16 five percent, probably below one percent, but
17 recognize, again, there's a tendency to want
18 to use our sampling analysis to say -- let's
19 say the rate is one percent, and let's say
20 what we were testing is salmonella in cooked
21 product. Okay? And there's tendency to want
22 to say if FDA found one percent of the

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1 products contaminated, that one percent of the
2 product on the market would be contaminated.

3 That is totally inaccurate because
4 our sampling is highly, as I said, targeted.
5 So we're looking for where we expect to find
6 problems, and the vast majority of stuff that
7 comes in we have no reason to believe would
8 have a problem.

9 So I just caution you in case you
10 start looking at our data. It's not a
11 representative sampling. It's a highly
12 targeted sampling, and even there the rates
13 are quite low, even though our investigators
14 have gotten pretty good at figuring out where
15 the problems are likely to be.

16 We can certainly get you those
17 statistics if that is something you would
18 like, and we can break them out by the
19 different hazards. For example, we test for
20 microbiological hazards like salmonella. We
21 are also testing for things like histamine in
22 products and various toxins, drugs in

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1 aquaculture fish and that sort of thing.

2 MR. CATES: Thank you.

3 MR. BILLY: John.

4 MR. FORSTER: Thank you, Mr.
5 Chairman.

6 On that point on testing, I was
7 just wondering about record diagnostic
8 testing. There's a huge burden in terms of
9 determining all of these things. With all of
10 the diagnoses that they make these days with
11 record diagnostic testing, would that be
12 helpful in what you're doing?

13 MR. KRAEMER: Extremely helpful.
14 It's an area that I think you're going to hear
15 some about that in Tim's presentation, but
16 from FDA's perspective, it's an area that
17 we're putting a lot of resource into. A lot
18 of our resource capacity, because we're a
19 regulatory agency and not a, quote, unquote,
20 science agency, science for science's sake;
21 we're a regulatory agency. So the science
22 that we do is primarily to support our

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1 regulatory mission, and because of that, we
2 have investigators out there that need the
3 kinds of tools you're talking about, and a
4 very substantial chunk of our research is in
5 the rapid methods development.

6 And there's also an awful lot of
7 that being done by industry. So in some cases
8 it's not us developing the method as much as
9 it is us determining whether we have
10 confidence in it from a regulatory standpoint
11 to use that.

12 MR. BILLY: Okay. Bill.

13 MR. DEWEY: Thank you, Mr.
14 Chairman.

15 Tom, you were given a paper the
16 first day on Tuesday entitled Enhancing All
17 Fisheries' Seafood Safety, Quality and
18 Outreach Programs, and in that they have that
19 one percent infection statistic in there, and
20 they note that it's one percent of the entries
21 of the shipments, not of the volume. Do you
22 have an estimate of what actually the volume

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1 is that's being inspected?

2 MR. KRAEMER: We don't track that
3 because it really is not as much of an issue
4 for us. I think we can track the dollar value
5 because the dollar value is entered through
6 the customs process, isn't it? As I recall, I
7 believe that that's true.

8 I'm asking Tim because he and I
9 worked together for so many years. I'm quite
10 sure that we can track the dollar value, but
11 what we normally use is the entry which, as
12 you know, could be a very small entry or it
13 could be a very large entry, and, again,
14 because we're sampling the higher risk
15 products typically, it's reasonable to assume
16 that that may not track exactly with either
17 volume or dollars.

18 I can't really tell you. I think
19 it's something that we would always like to be
20 able to answer, but it's a statistic that's
21 eluded us.

22 MR. DEWEY: Thank you.

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1 MS. GLACKIN: John, I want to ask
2 about the international trade system that's
3 being developed, this new automated system
4 that makes it easier to monitor imports. That
5 is FES. Is that going to help you target your
6 one percent?

7 MR. KRAEMER: I'm not sure I know
8 the system. It may be that we have folks in
9 FDA that do. We have a Division of Import
10 Operations in our field organization.

11 I'll find out with Tim. I'm
12 interested. I'm not sure what the system is.

13 MR. BILLY: Any other immediate
14 questions? We'll have a chance to come back.

15 Okay. Then I'd like to call on Tim
16 to make his presentation, and then we can have
17 a break and go from there.

18 MR. HANSEN: Okay. Thank you, Mr.
19 Chairman.

20 I've got a PowerPoint. So I think
21 I'd prefer to stand up in front and punch my
22 own slides if that's okay.

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1 Well, I guess after last meeting,
2 after I bolted for the airport, apparently I
3 was able to spur some discussion on this topic
4 because, unbeknownst to me, you all give me an
5 assignment which is to develop a discussion
6 paper on how NOAA might want to position
7 itself based on some of the problems and
8 challenges we see in the seafood arena.

9 So we've done that. I didn't do it
10 alone. We had a group put together that made
11 quite a nice discussion paper, I believe, that
12 covers all of the issues that we saw.

13 What we tried to do is to put
14 together some background material, some mega
15 trends, some large, overarching trends that
16 are occurring in the seafood arena, some
17 findings and some options that address some of
18 those findings, and the intention here is that
19 these are just helpful information for MAFAC
20 to maybe come up with some recommendations and
21 hopefully our senior management will
22 ultimately be able to make some decisions

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1 whether they would like to get more involved
2 in seafood safety and quality or, you know,
3 just how they might want to do that.

4 So just to get started here I'd
5 first like -- well, that didn't go so good.
6 Page up maybe. Okay. I see. We've got
7 animation going on there.

8 Okay. As I said, I didn't want to
9 do this alone. So we put together what I feel
10 to be just a tremendous group of researchers,
11 trade people, inspection people, people in the
12 laboratory and so forth: Linda Chaves, Usha
13 Varanasi, Walt Dickoff, Tony Laurey, me, Tom
14 Hom, Spencer Garrett, Calvin Walker, and Eric
15 Steiger, and Brian Bauble, and particular
16 kudos to Linda Chaves and Walt Dickoff for
17 putting together most of the body of this.
18 They did a tremendous job and my hats are off
19 to them.

20 Thank you for letting us use Walt.

21 Okay. Just to get started here,
22 you know, NOAA does a lot of great things in

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1 the arena of fisheries management, habitat
2 protection, endangered species, but our
3 mission also implies that there be a healthy
4 and sustainable seafood supply for the
5 American people and that we supply information
6 about the seafood supply that people need to
7 know and that we contribute to the safety,
8 research and inspection body of knowledge, if
9 you will.

10 My colleagues wanted to remind me
11 this is a late addition slide, but wanted to
12 remind me that because NOAA has had these
13 assets over the years, they've been able to
14 respond to certain emergency special
15 situations and really enhance, I think, the
16 image of the agency. Of course, the big one
17 was Exxon-Valdez 20 years ago and the halibut
18 fishery. Seafood inspection was involved in
19 the Rhode Island oil spill about ten years
20 ago, and recently San Francisco oil spill. We
21 were involved in doing sensory analysis of
22 seafood to help the California State Fish and

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1 Game determine if they could open certain
2 fisheries through doing sensory analysis for
3 oil contamination and so forth.

4 Usha's group was also involved more
5 on the analytical side, I believe. We worked
6 separately, but both components worked on
7 that, and also the trip industry after
8 Katrina.

9 The Magnuson-Stevens
10 Reauthorization Act, just three points. This
11 calls for the development of methods and new
12 technologies to improve the quality and safety
13 of seafood and the value of fish landed, and
14 it calls for conducting the analysis of fish
15 and seafood for health benefits and risk,
16 including levels of contaminants and sources
17 of such contaminants. It also calls for
18 marketing of sustainable United States
19 seafood, I believe, referring to wild-caught
20 and fishery.

21 So we sort of have a requirement
22 under the act that's our guiding principle for

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1 fisheries management to do this sort of thing
2 as well.

3 Okay. Just to kind of give a
4 little background from last time, just some of
5 the challenges that we face in the seafood
6 arena, seafood comes in the United States from
7 150 different countries, literally every
8 country in the world, and as Don mentioned, 80
9 percent -- I think the actual figure is 81
10 percent -- last year come from foreign
11 sources.

12 And as I mentioned last time, these
13 are sometimes food safety systems that may not
14 be as good as ours, that may have flaws or
15 gaps. Seafood economic fraud is a very common
16 thing today. We don't have a lot of
17 regulation going on in that area.

18 John Connelly showed me a sheet he
19 got from, I think, an Asian manufacturer
20 offering different price for 80 percent of net
21 weight, 90 percent of net weight, or if you
22 wanted to pay more you could actually get net

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1 weight.

2 (Laughter.)

3 MR. HANSEN: So these things are
4 very rampant. We think there may be as many
5 as 25 or 30 percent have some labeling or
6 economic fraud problem. So it's something I
7 think we need to think about addressing as the
8 federal government, federal agency.

9 And again, as I mentioned last
10 time, federal resources, again, limit it. FDA
11 has experienced some resource problems with
12 the budget and so forth. NOAA at the
13 inspection side is a relatively small program.

14 So there isn't probably enough resources put
15 into it at this point.

16 And there's a lot of bad
17 information. Consumer perceptions are really
18 not factual in all cases. There's very good
19 information out there and there's very poor
20 information, and it seems to reverberate in
21 different shapes and forms all the time.

22 So that's kind of the challenges we

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1 face. Now, just the current seafood
2 activities. Don touched on this. FDA are the
3 mandatory regulators for food safety in the
4 United States. NOAA seafood inspection plays
5 a part. We have a voluntary program. If
6 somebody wants additional services to improve
7 the quality of their product or help market
8 that product, they can obtain our services.

9 Now, just to mention the farm bill,
10 and maybe this should come up later in
11 discussion, the farm bill called for the Food
12 Safety Inspection Service of USDA to have
13 regulatory authority over catfish and possibly
14 farm-raised fish.

15 The Agricultural Marketing Service,
16 which also does what we do in Seafood
17 Inspection Program and other food commodities
18 has been given authority to create a voluntary
19 inspection program for catfish and farm-
20 raised fish.

21 The point of this slide is, if the
22 seafood arena wasn't complex enough, now we

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1 have a new level of complexity. In the case
2 of FDA, as far as we know, no regulatory
3 authority was taken away from them, but it was
4 given to USDA. So we have some confusion
5 here.

6 Do we have a question? Yes, sir.

7 MR. DEWEY: Well, Tom, just
8 curious. On your first bullet on the farm
9 bill there, just for clarification, it says
10 mandatory for catfish and farm-raised fish,
11 but it's actually mandatory for catfish and
12 optional for farm-raised fish, isn't it?

13 MR. HANSEN: It could be mandatory
14 if somebody -- the way I --

15 MR. DEWEY: If you petitioned.

16 MR. HANSEN: Petitioned the agency,
17 that's right. So I believe they undoubtedly
18 will. Somebody will. As far as I can tell
19 the Ag. is fairly happy about this
20 eventuality.

21 MR. DEWEY: Also related to that,
22 also if the Secretary deems it appropriate or

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1 in the best interest for the country or
2 something like that.

3 MR. HANSEN: Yes. So there may be
4 some limitations on that, but it looks as
5 though what we have is two authorities in two
6 areas. We have four agencies involved, but
7 two were involved previously.

8 MS. McCARTY: That was my question
9 as well, the goal of farm-raised fish. You
10 say it's still in conference and being
11 discovered whether that --

12 MR. HANSEN: Well, I think the way
13 the statute reads is, if the Secretary were
14 petitioned by the industry, he or she could
15 consider broadening the whole thing to all
16 farm-raised fish.

17 MS. McCARTY: By industry do you
18 mean all -- the entire industry?

19 MR. HANSEN: Probably. Maybe a
20 segment.

21 MR. DEWEY: I think the language in
22 the bill was actually quite vague. Who

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1 they're petitioned by wasn't specified. So
2 anybody could potentially petition.

3 MR. HANSEN: Steve, you had a
4 question?

5 MR. MURAWSKI: No. He asked the
6 same question.

7 MR. CONNELLY: Tim, if I could.

8 MR. HANSEN: Yes.

9 MR. CONNELLY: Since there was some
10 confusion on this and we worked this issue at
11 great depth, it's amenable species. So each
12 species that would want to go over to USDA's
13 program would need to petition the Secretary.

14 So species by species, but who the industry
15 is is unsure. So if you had a mixed species
16 of a domestic species that had a fair bit of
17 import and how much the import processing
18 community is involved in that petition is to
19 be determined.

20 So species by species
21 determination.

22 MS. McCARTY: And does that

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1 include --

2 MR. CONNELLY: Farm fish and
3 shellfish.

4 MR. HANSEN: Yes, sir.

5 MR. FLETCHER: Does it define
6 whether the farm-raised fish is freshwater or
7 salt water?

8 MR. HANSEN: I don't think so,
9 John. I think it's any farm-raised fish, and
10 I think the motivation behind this is that a
11 lot of our aquaculture people are not
12 competing well with foreign-sourced
13 aquaculture.

14 MR. FLETCHER: I guess I'm still
15 not clear because farm, is that defined? If
16 somebody has got an offshore aquaculture
17 operation where they're raising such as Randy
18 has, is that a farm?

19 MR. HANSEN: Yes, I'm not sure. I
20 believe it probably is, but I'm not sure.

21 MR. SIMPSON: It's probably a
22 little bit of tilapia, a little bit of striped

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1 bass. I don't know what else.

2 MR. CONNELLY: USDA is going to be
3 undergoing -- they are planning their
4 rulemaking now, and they will have to define
5 farm. There will certainly be discussions
6 about that.

7 We've already defined farm under
8 the pool regulations. So there's no need to
9 duplicate what's already been defined, but
10 this agency will now need to define farm.

11 MR. CATES: I know we're defining
12 farm in every other aspect, the rules and
13 regulations.

14 MR. HANSEN: Well, anyway, this
15 adds complexity to our world, to say the
16 least, as if we didn't have enough.

17 Going on, here's what our group
18 regarded as our NOAA fisheries resource for
19 various seafood safety, seafood inspection,
20 partnership and communications staff, trade
21 staff, national seafood inspection staff, and
22 certain components of Northwest Fisheries

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1 Science Center, Pacific Island Science Center.

2 We all report to different places.

3 So more about that later.

4 We have several trends to share
5 with you. First of all, the consumer demand
6 for fish and shellfish, as far as we can tell,
7 is going to continue to grow, and the domestic
8 demand for safe seafood will continue to
9 exceed domestic supply.

10 We aren't going to be able to
11 supply domestically any more wild fish. Just
12 with that thought, here's a graphic. If you
13 look, and this is round weight, not finished
14 weights. This is our harvest in the blue
15 line, and this is present demand in the red
16 line so that it's quite a difference, and you
17 see it sloping upwards.

18 The line above references if every
19 American were to take the FDA advisory of two
20 seafood meals per week, we would have a
21 tremendous increase in volume. It would be
22 more or less double basically.

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1 I was at a seafood conference in
2 Dublin last year, and one of the things that
3 they wanted to recommend is that the FDA
4 advisory for seafood consumption actually be
5 the floor. There should be at least two meals
6 per week, and for most people should be a lot
7 more.

8 So we can expect demand to go up.
9 Yes?

10 MS. McCARTY: On the U.S. harvest,
11 that's the wild harvest?

12 MR. HANSEN: Yes.

13 MS. McCARTY: What are you using
14 for your data?

15 MR. HANSEN: You know, I got this
16 slide from Ms. Linda Chaves, and she worked
17 very hard gleaning this out of our statistics,
18 the fisheries in the United States. So I
19 could find that out for you, but she provided
20 it to me as a handy way to look at this.

21 But I believe, yes, the U.S.
22 harvest basically, since there's very little

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1 aquaculture, basically would be wild caught.

2 Yes, sir.

3 MR. SCHWAAB: Tim, you've got U.S.
4 harvest there and then a demand curve above
5 that.

6 MR. HANSEN: Yes.

7 MR. SCHWAAB: Earlier you said 81
8 percent of seafoods from foreign sources.

9 MR. HANSEN: Yes, I know. It
10 doesn't look like.

11 MR. SCHWAAB: It doesn't look quite
12 proportional.

13 MR. HANSEN: No, it isn't, and the
14 reason, this is round weight. So it's total
15 weight of the fish, which isn't what you eat,
16 what you consume.

17 MR. SCHWAAB: Okay. So the total
18 weight of U.S. harvest versus the consumption
19 in round weight?

20 MR. HANSEN: You know, I don't
21 know, to be honest with you. Presumably, it
22 shouldn't be. We don't eat the fins and the

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1 bone.

2 MS. TOOLEY: Just back to that U.S.
3 harvest line, you had species of other
4 countries in the building programs. If you
5 could address what the expectations of what
6 we're doing and every kind of growth.

7 MR. LEVENBACH: Yes, we should take
8 a harder look at this because on the blue line
9 there in U.S. harvest, if you actually go by
10 our numbers, about 39 percent of the stock are
11 in an over-fished condition, meaning half of
12 their projected volumes are going to be less.

13 So if you try to split the
14 difference on that, you know, you could
15 project out that with rebuilt stock you
16 probably could add about 20 percent more to
17 our sustainable supply, you know, over and
18 above the four million metric tons we're
19 catching now.

20 So I mean, obviously we're not
21 talking about a doubling scenario, but
22 clearly, you know, we will pick up a

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1 conservation benefit, you know, from the re-
2 establishing rebuilt stocks and that will feed
3 in there.

4 But, again, it's not going to
5 double that number. It's not going to go to
6 eight million.

7 MR. BILLY: How much will that be
8 offset by natural variation in other stocks
9 that are managed currently okay but are going
10 to drop down?

11 MR. LEVENBACH: I mean, it depends
12 on where we do that calculation. I mean,
13 obviously, you know, within an ecosystem there
14 are transaction costs between the building
15 targets. If you take New England groundfish,
16 for example, we've done calculations both ways
17 that indicate if you sum up all of the
18 individual and rebuilt targets and do the
19 total analysis, it's about 70 percent of the
20 sum of the parts. So you know, that
21 represents the internal dynamics of the stock.
22 So that's sort of the level that we're

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1 talking about.

2 MR. HANSEN: We could get a little
3 more if we could get the New England
4 groundfish stock back up.

5 MR. LEVENBACH: That would be sort
6 of a status-quo projection. I mean, we could
7 refine that number, but I think it's in that
8 ballpark of about 20 percent more.

9 MR. BALSIGER: I'm sure there are
10 too many details on your slide, but does that
11 top line represent the expected population
12 growth of the U.S.?

13 MR. HANSEN: Oh, no. It references
14 if you followed FDA advice on consumption.

15 MR. BALSIGER: But that isn't
16 changing. So I presume that they're expecting
17 the population to grow exactly at that level.

18 MR. BILLY: Yes.

19 MR. BALSIGER: Can't we fix that?

20 (Laughter.)

21 MR. BILLY: John.

22 MR. CONNELLY: There's a lot of

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1 confusion about this slide. If we could ask
2 Linda Chaves and the team to just update this
3 slide because it is used fairly frequently in
4 different presentations. If they could scrub
5 each of the four things it would be helpful.

6 MR. HANSEN: Maybe we need a little
7 update on that.

8 MR. SIMPSON: Is this commercial?

9 MR. HANSEN: Yes. Anyway, moving
10 along here, the contribution of aquaculture,
11 the supply of fish will continue to grow, and
12 the next set of graphics is probably fairly
13 commonly seen also. The one on the left, it's
14 2005, but pretty well have reached maximal
15 yield worldwide on wild caught fish, give or
16 take ten percent. It isn't going to go up
17 dramatically, but look how much aquaculture
18 production is going up.

19 So at some point aquaculture
20 becomes a predominant source of seafood supply
21 for this country.

22 MR. CATES: In foreign countries?

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1 MR. HANSEN: From foreign
2 countries. As you see, the blue-green there
3 is foreign-sourced aquaculture, and the little
4 red thing on the top is what we produce, which
5 is a smidgeon.

6 MR. KRAEMER: Are those on the same
7 scale? I can't read it.

8 MR. HANSEN: The scale is million
9 -- the aquaculture one in the right is zero to
10 70 metric tons and the wild catch is zero to
11 100 metric tons. So they're not quite the
12 same scale.

13 MR. BILLY: Million, hundred
14 million.

15 MR. HANSEN: You can see how it's
16 changing, capture fishery versus aquaculture.

17 We probably expect in the next ten years the
18 aquaculture will be equal to or more than the
19 wild catch. The trend is going that way.

20 Yes, Randy.

21 MR. CATES: Isn't it already that
22 way? Fifty-two percent of seafood eaten is

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1 aquaculture?

2 MR. HANSEN: I don't have the
3 latest statistics. This would suggest that
4 it's right around 35 to 40. Maybe it's higher
5 now, but the point of the slide is that it has
6 increased. Aquaculture is getting more
7 important. Wild catch is leveling off.

8 MR. CONNELLY: Randy, this is an
9 FAO. So this is a global number versus a U.S.
10 number.

11 MR. HANSEN: Yes, yes. Okay.
12 Another trend, increasing seafood consumption
13 and demand are exceeding the capacity for
14 seafood inspection. There are certain
15 limitations on how much seafood FDA can look
16 at, and the seafood inspection program is a
17 relatively small component of all this.

18 We do manage to examine about a
19 third of the product that's consumed in the
20 country.

21 Another trend is economic fraud in
22 the nation's seafood supply is increasing. We

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1 touched on that, and we think it's on the
2 order of 20 to 30 percent. We don't have any
3 hard statistics on that.

4 There is, by the way, a General
5 Accounting Officer, Government Accountability
6 Office investigation on seafood economic
7 integrity issues going on right now, both FDA
8 and NOAA responding, providing data and so
9 forth. I've got a GAO person in Long Beach
10 today going to a firm and getting information
11 from us. So that's going to be a future
12 issue.

13 Okay. Another trend. Consumer
14 confidence in seafood safety. I wish we
15 hadn't used the word declining. I think
16 wavering might be a better word, depending on
17 what's in the news and what Emeril is cooking
18 today or whatever. It's just people tend to
19 wax and wane on seafood depending on what they
20 hear in the media, I think, but confidence
21 isn't what it should be, I think, is the
22 bottom line here.

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1 And also the human health benefits
2 of seafood consumption are becoming
3 increasingly apparent, especially in the omega
4 threes, omega three and omega six mix, the
5 benefits to cardiovascular benefits, neural
6 development, children, mood, prevention of
7 depression and so forth, macular degeneration.

8 All have been positively affected by
9 consumption of Omega-3, which many seafoods
10 are rich in.

11 But we have several findings and
12 some options to address each one of these
13 findings. The first one, current government
14 resources are inadequate to ensure safety and
15 quality of seafood. The situation will
16 probably get worse with more and more
17 aquaculture production, which brings different
18 kinds of seafood hazards and quality problems
19 from our traditional wild mix.

20 I think we skipped one here. Maybe
21 not.

22 Anyway, this graphic is to show

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1 kind of how product gets inspected and comes
2 from so many sources, and the distribution
3 system of seafood and how it arrives at the
4 consumer level are quite complex. FDA
5 generally, as Don mentioned, looks at product
6 at port. Seafood inspection does not look at
7 product until it's in commerce, and we,
8 generally speaking, look at it after it has
9 been produced. It is already in the market
10 form it's probably going to be consumed in.

11 In order to control some of these
12 problems, the quality, safety problems, we
13 really need to have a preventive approach, and
14 by the time the seafood inspection program
15 sees these products, 80 percent of it coming
16 from overseas, you know, the problem is either
17 there or it's not. We haven't prevented
18 anything. We can detect a problem perhaps,
19 but we can't prevent it.

20 Okay. Just a quick statistic on
21 our part. This is what we did in the seafood
22 inspection program, which is 1.9 billion

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1 pounds in 2006. This is about 38.8 percent of
2 consumption, but some of this was exported.
3 So, again, we're down to inspecting or
4 examining product for about one-third of the
5 product, the product that's consumed, that is.

6 And you might notice a lot
7 inspection after-the-fact inspection where the
8 product was produced in cold store or whatever
9 is the lion's share of what we do.

10 MR. CONNELLY: Tim.

11 MR. HANSEN: Yes, sir.

12 MR. CONNELLY: When you talk about
13 inspections, what exactly do you inspect for?

14 MR. HANSEN: We inspect for
15 generally speaking quality conditions,
16 suitability for consumption, buyer
17 specification, a grade standard, a federal
18 standard. So we're applying a standard to the
19 product.

20 MR. CONNELLY: So as I understand
21 it, it's more of a quality inspection rather
22 than a food safety inspection, and I think

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1 that's what caused great confusion in
2 December, is when people looked at the NOAA
3 seafood inspection program numbers and
4 juxtaposed that versus the FDA food safety
5 inspection, it's very important that we
6 understand what the two different inspections
7 are.

8 MR. HANSEN: Yes, sir.

9 MR. BALSIGER: The voluntary and
10 mandatory terminology confuses things as well.

11 FDA is mandatory, which means we think that a
12 supplier has to accommodate an FDA inspector
13 if they show up, if they're in the sample.

14 MR. HANSEN: Right.

15 MR. BALSIGER: Your services are
16 basically requested.

17 MR. HANSEN: Right.

18 MR. BALSIGER: It isn't voluntary
19 like a voluntary VMS program out at a fish
20 harvester, which they can have it or not.
21 They actually come and request it.

22 MR. HANSEN: Right.

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1 MR. BALSIGER: And they may request
2 that you look for Salmonella or they may
3 request that you look at the color of the fish
4 or they may request whatever else, and that's
5 what you inspect for, is just the purchaser of
6 your services; is that right?

7 MR. HANSEN: That's right. and
8 just to take up what John brought up, FDA
9 really wants to focus on the conditions of
10 production. They want to make sure that what
11 happens in the seafood processing results in
12 safe product. We're a little more product
13 oriented. We do safety, but quality is
14 basically what people want to buy from us.

15 MR. BALSIGER: If I could, Mr.
16 Chairman, so FDA we know has the capacity,
17 resources to look at one percent or whatever
18 the number is. Does everybody that asks for
19 your services get those services? Can you
20 meet the demand?

21 MR. HANSEN: Yes.

22 MR. BALSIGER: Because they pay

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1 you. So if you need more resources, you can
2 get them.

3 MR. HANSEN: Right. We go out and
4 hire more inspectors, bring them, put them on
5 the job, but hopefully not go in the other
6 direction, have to put them off the job.
7 That's another story.

8 MR. BILLY: Don.

9 MR. KRAEMER: Just to give a little
10 more detail there, the one percent number that
11 we've been talking about is FDA's examination
12 of imports, which of course are very
13 important, considering that amount of product,
14 but recognize that we have the mandatory
15 program that we talk about more relates to the
16 fact that a domestic manufacturer is subject,
17 as you said, to FDA showing up at any time and
18 performing an inspection of the facility and
19 any of the products that are present at the
20 time.

21 MR. BILLY: And the focus of that
22 inspection is?

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1 MR. KRAEMER: Is safety and
2 sanitation. We have the FD&C Act that I
3 mentioned, which requires that food be
4 suitable for use as well, which is a quality
5 issue, and FDA does do some quality work, but
6 because of our limited resources, our focus is
7 almost entirely on safety, and so the issues
8 of economic fraud that you hear about are,
9 just to be very blunt about it, as Tim said
10 earlier, I think, extremely little resource is
11 being put into it, and this is coming up in
12 the GAO audit that he mentioned by FDA because
13 we just don't have the resources to do it.

14 And so when you don't look,
15 problems start occurring, but that has become
16 a problem.

17 MR. BILLY: Bill.

18 MR. DEWEY: I was just going to
19 point out for people that are interested this
20 same table is in the discussion paper on page
21 6, and each of those types of inspection is
22 footnoted with a lot of detail about what each

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1 of them involves and how they're dealing with
2 it.

3 MR. HANSEN: Yes, thank you.
4 That's a good point.

5 MR. BILLY: Heather.

6 MS. McCARTY: Thank you.

7 I have two questions. You say that
8 some of this is exported that you are
9 referring to, some of that poundage. What
10 percentage did you say?

11 MR. HANSEN: Say again.

12 MS. McCARTY: Some of it was
13 exported.

14 MR. HANSEN: Yes.

15 MS. McCARTY: What percent?

16 MR. HANSEN: We're probably looking
17 at five to eight percent of what we --
18 actually salmon, weight certificates for a
19 foreign authority, it depends from year to
20 year.

21 MS. McCARTY: And my second
22 question is what do you provide in the way of

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1 certification?

2 MR. KRAEMER: For FDA, principally
3 we're not a certification program. This is
4 like your local Health Department on the
5 national level. So you're inspected only
6 because you're in business. It's not for a
7 certificate.

8 The exception is, and this is a
9 program that we work jointly on, is
10 certification for export to the European
11 Union. Because they demand export, FDA agreed
12 to run an export certification program, which
13 we loathe because it was not what FDA was set
14 up to do.

15 We do do the registration of firms.
16 Firms can only export to the EU if they're in
17 good standing with FDA, and we share the
18 responsibilities for issuing certificates. We
19 are doing our best to give it to NOAA, who
20 would love to have it and get rid of it from
21 FDA because we can't collect a fee. So we do
22 it for free. Tim is able to charge. We'd

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1 love to give the business to him.

2 MR. HANSEN: Needless to say, the
3 industry likes FDA prices.

4 (Laughter.)

5 MR. BILLY: Tom.

6 PARTICIPANT: Perfectly positioned
7 for a perfect price.

8 (Laughter.)

9 MR. BILLY: Tom.

10 MR. RAFTICAN: Tim, speaking of
11 \$150 million, I wrote this down. Twenty to 30
12 percent fraud?

13 MR. HANSEN: We think so. We are
14 basing that on what we inspect for
15 supermarkets. That's one reason why 20 years
16 ago you could not get good fish in a
17 supermarket and now you can, because by and
18 large we inspect it for quality and condition
19 or for specifications before it goes in there.

20 We keep track of these things, and
21 now the 20 to 30 percent is product that is
22 offered for inspection. They know we're going

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1 to look at it. So it might be much higher.

2 MR. RAFTICAN: Well, you know,
3 you've got graphs there, and if it's economic
4 and you've got the waste, that's an immense
5 number, you know.

6 I mean, I don't know. It's just
7 really troubling.

8 MR. HANSEN: Yes. We're actually
9 finding some label problems, short weights,
10 species fraud on 25 to 30 percent of every
11 supermarket.

12 MR. BILLY: Television stations
13 around the country look for opportunities to
14 do well during what's called sweeps week, when
15 they get a measure of their audiences, and
16 often they will target this particular matter
17 and go to local markets and find fish, you
18 know, species substitution and mis-weights and
19 all of that and then feature it during that
20 week, and you'll see that reoccurring over and
21 over and over again around the country.

22 MR. CONNELLY: Tom, we're not sure

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1 if it's that number, but while the species
2 substitution is a very sexy, easy thing for
3 the local reporter to do because it's cheap,
4 they get to do the undercover camera with the
5 waiter and grainy film, et cetera. Then they
6 get to show it, a white lab coat guy chopping
7 up the fish, throwing it in the blender,
8 testing it, giving the results with a white
9 lab coat. It's very good local TV.

10 But for the industry, the much
11 greater problem is the issue of short weight.

12 We get on a daily basis -- I ask our members
13 to send us the offers they get primarily from
14 Asian and primarily Chinese firms, and in what
15 used to be 95 percent for net weight, to 90
16 percent net weight, to 80 percent net weight,
17 we get now offers of 65 percent net weight.

18 And if folks don't know what I'm
19 talking about, when you get ten pounds of
20 tilapia at 65 percent net weight, you're
21 getting six and a half pounds of tilapia and
22 three and a half pounds of ice, and you're

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1 getting charged for ten pounds of tilapia, and
2 it is killing the legitimate companies that
3 either import or the Alaskans that operate at
4 ten pounds of pollock competing against 80
5 percent net weight pollock coming out of
6 China. It's killing them, and so that's why
7 we're working with the Congress, with the
8 Administration, and we've actually set up what
9 we call the Better Seafood Bureau, in order
10 for us to basically highlight those companies,
11 both domestic and overseas, that are doing
12 this. We have gotten the embassies involved
13 to solve this problem. We have a very
14 aggressive program to highlight this, not an
15 easy thing for an industry to do, basically
16 air your dirty laundry, but we feel it's the
17 only way to cleanse this because it is killing
18 some companies now to have to compete. When
19 you're putting out ten pounds of pollock and
20 you're competing against someone that's
21 putting eight pounds of pollock out, they get
22 a 20 percent price advantage just like that.

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1 So I might just --

2 MR. SIMPSON: That's important and
3 should be worked on. The product confusion is
4 a big issue for domestic fisheries. I mean,
5 if you go to Florida and you get a grouper
6 sandwich for \$6, trust me. It's not grouper.

7 And the problem that we have in
8 domestic fisheries is economics and so forth.

9 I don't mind paying for a fish meal when I
10 know it's the right product, but to sell me
11 basa for grouper prices is not right and has
12 hurt domestic fisheries.

13 I was at home not too long ago and
14 had a special bay snapper, and it was really
15 good. I didn't know what a bay snapper was
16 and about three times back it came back as
17 she-pig. I mean, it was real good, but it
18 wasn't worth snapper price. That's my point.

19 MR. CONNELLY: Larry, I just have
20 to emphasize that this issue of short weight
21 is both a domestic issue and an import issue,
22 and there are regional areas where species

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1 substitution really makes a difference.
2 Absolutely in the work that Bob Jones has
3 underway down in Florida with the Attorney
4 General there is excellent, but they tend to
5 be very localized with it, the real iconic
6 species like grouper in Florida.

7 MR. SIMPSON: Well, when we were in
8 St. Pete I went to a meal and I was surprised
9 to see on the menu -- at least they were
10 honest -- basa. I didn't buy it because they
11 were charging me the same price as grouper.

12 (Laughter.)

13 MR. SIMPSON: At least they labeled
14 it as basa.

15 MR. BILLY: All right. I'm going
16 to move us on. So if Tim can finish his
17 presentation, we can come back to this, and
18 maybe this is an action area that we want to
19 have a recommendation for.

20 MR. HANSEN: Okay. Moving along
21 here, option to address this finding is we
22 think that NOAA Fisheries needs to work

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1 closely with Food and Drug Administration to
2 provide some support to the regulatory
3 activity.

4 But also a thing we can do, we can
5 assist industry in understanding how to comply
6 with these laws and regulations because, if
7 they're compliant, that really helps FDA's
8 effort. If they've got somebody who knows
9 what the laws and regulations are following
10 them, then they can apply their inspection
11 somewhere else if it were somebody maybe who
12 are not so compliant people.

13 Finding 2, adequate inspections of
14 imported seafood are not practical given the
15 amount of resources available, which we have
16 touched upon now. I think there's
17 approximately 20,000 firms shipping product to
18 the United States and very little opportunity
19 to go out and do an in-depth inspection
20 overseas. You know, it'll take an FDA or
21 ourselves quite a while to get through such an
22 inventory. So maybe one way to address that

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1 is, first of all, a lot of problems have to do
2 with contaminants and residues, tissue
3 residues of aquaculture drugs and so forth.
4 One thing is increase NOAA Fisheries' capacity
5 for analytical work in this area, and the
6 science centers and National Seafood
7 Inspection Laboratory at Pascagoula, but also
8 we might want to think about some type of a
9 program to train and advise foreign countries
10 and foreign competent authorities on
11 laboratory procedures so they can develop
12 their own laboratory capability.

13 So that's a couple of ways we can
14 maybe address that. Another way is we have
15 more capacity. We ought to be monitoring
16 seafood supply. Just go out and buy stuff and
17 analyze and see what you get for tissue
18 residues, contaminants, microbiology, and so
19 forth.

20 Okay. Another option is to develop
21 -- we touched on the new and automated
22 technologies, the rapid methods, if you will.

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1 They're cost-efficient, and they would help
2 get more regulatory and other analytical work
3 done, particularly in the area of antibiotic
4 residue. We don't have tests for all of the
5 antibiotics that are probably used in
6 seafoods. There probably needs to be some
7 test development and so forth.

8 Okay. Moving along, Option 5,
9 increase enforcement of contaminants and drug
10 residue regulations and economic fraud cases
11 based on this monitoring program. So I guess
12 in the case of contaminant drug residue, we'd
13 probably refer that. Of course, we know these
14 problems exist. We refine them and refer them
15 to the Food and Drug Administration for
16 follow-up.

17 Economic fraud cases, we could use
18 the Lacey Act and our own Fisheries
19 Enforcement people that would probably be a
20 part of solving economic fraud-type problems.

21 Okay. Option 6, increase capacity
22 of seafood inspection program to inspect

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1 foreign firms. We presently have as of today
2 about 53 foreign firms in the program, which
3 means we inspect twice per year and do two
4 paper audits of their records and so forth at
5 other times. So to the extent that we have
6 capacity to maybe assist FDA in these issues,
7 that might be some help in getting out and
8 visiting some of the problematic, possibly
9 problematic firms overseas.

10 Okay. Finding 3, economic fraud
11 for species substitution and mislabeling is
12 decreasing consumer confidence. We talked
13 about that. We believe that it is. An option
14 to address this might be to improve methods of
15 increased capacity for DNA-based and other
16 chemical methods for species identification.

17 There's a methodology referred to
18 as a bar code of life which is DNA-based, and
19 there's other methodologies as well. Maybe we
20 should increase our capacity to do this sort
21 of thing. That would be one way to address
22 that species substitution issue.

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1 Finding 4, consumer confidence and
2 sustainability of nations seeking supplies
3 decreasing, and I think you guys talked about
4 this already, about the possibility of
5 creating sustainability standards for U.S.
6 wild-caught fisheries and also for
7 aquaculture, good aquaculture practices and so
8 forth.

9 The problem here really is that
10 some of the questions about sustainability
11 sort of limit people's consumption of seafood.

12 Consumption of seafood is a very good thing,
13 and we wouldn't want to see that happen. So
14 that's a possibility.

15 Okay. Fifth finding, the U.S.
16 public is unsure how to balance the benefits
17 and risks of consumption of seafood. Again,
18 there's all kinds of wild and crazy
19 information out there, some of it very valid
20 and accurate, some not so, and there are
21 mixtures of both.

22 One option is to augment research

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1 directed at evaluating benefits versus the
2 risks of seafood consumption, including
3 contemporary assessments of mercury, selenium.
4 Selenium, by the way, is thought
5 scientifically to counteract the toxic effects
6 of mercury. I don't know if that has been
7 validated or not, but it certainly is an idea
8 that has been bandied about in scientific
9 circles the last few years.

10 Ban chemical contaminants and
11 emergence of the benefits of Omega-3 and
12 Omega-6 balance in the diet.

13 Okay. Option address, and another
14 one was augment research to better understand
15 human requirements for beneficial factors with
16 seafood with health impact of seafood
17 contaminants. The more we know about this,
18 the better. We think that there's a
19 tremendous benefit to consuming seafood, and
20 the more we know I think the better we'll be
21 for seafood industry and fisheries.

22 Okay. Another option here is to

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1 improve public outreach, and we have a very
2 fine website called FishWatch to increase the
3 capability of that particular web page and to
4 do other things like public events and media
5 things and so forth, to get the word out about
6 benefits of seafood and balance of the risk of
7 seafood.

8 Okay. Another option here would be
9 to develop and make available to the public
10 databases about the beneficial and nutritional
11 benefits of seafood, also the contaminants.
12 What exactly is in the seafood and what does
13 it mean for us?

14 So if we have data, that can only
15 help create public confidence in seafood, so
16 that you can get better scientific information
17 out there.

18 All right. Finding 6, when I came
19 over from FDA, back to NOAA from FDA, I
20 thought our own great standards were as good
21 as dead. It would take a decade before they
22 were taken out of regulation by the

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1 reinventing government folks. So they're not
2 a regulatory thing anymore.

3 But to my surprise everybody in the
4 seafood industry is quite interested in this
5 because the big institutional buyers are
6 demanding these requirements for their buying
7 specification. Suddenly that's all turned
8 around and everybody in the industry wants to
9 know more about how NOAA grade standards are
10 applied.

11 And so we've undertaken an
12 initiative, if you will, to rewrite all 23
13 grade standards, boil them down to seven,
14 broaden their application to the most seafood
15 products, but to do this properly, we're going
16 to have to have Federal Register
17 announcements, technical working groups, and
18 we're going to have to have a fair amount of
19 travel and so forth to get this done with the
20 industry. So we think that needs to be done.

21 Another option, NOAA Fisheries
22 maybe should have some increased involvement

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1 in the Codex Committee for fish and fishery
2 products. Codex is an arm of the United
3 Nations that's jointly run by an agricultural
4 organization and World Health Organization,
5 and its main job is to create international
6 food standards, and this is very important
7 because when used as a basis for trade
8 problems of whether something is a technical
9 barrier to trade or not, but also these
10 especially fish and fishery product, the
11 standards are incomplete, especially on the
12 science side. I think maybe we should
13 consider having increased presence on this
14 committee.

15 By the way, Don is a delegate. I'm
16 the alternate delegate to this committee, and
17 so we work together closely with FDA on this
18 particular committee.

19 But this is incomplete, and I think
20 NOAA and the science side would definitely
21 have a role to play.

22 Finding 7, I'll just read it. In

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1 order best to address some of the problems in
2 seafood safety, NOAA, we need to organize and
3 coordinate these activities a little more
4 closely. They mention all of the different
5 components involved, report to different
6 places and different people and so forth.

7 So the group has suggested as an
8 option that NOAA consider having these
9 components report to one office within
10 headquarters, whoever that be.

11 And lastly, okay, strategic
12 considerations. So there are real perceived
13 problems with seafood safety, quality,
14 sustainability, and so for economic integrity,
15 but at the same time we have these real
16 problems there are definite nutritional
17 benefits from eating seafood. Folks in the
18 United States, all human beings should eat a
19 lot of seafood for their health.

20 So how should we all react? Just
21 kind of overarching what I've been saying the
22 last few minutes, by enhancing, coordinating

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1 the activities involved in that seafood
2 inspection partnership and communications,
3 trade, national seafood inspection lab, and
4 seafood research within the science centers,
5 and that's basically Northwest Fishery Science
6 Center and to some degree the Pacific Island
7 Fishery Science Center has seafood post-
8 harvest research, if you will.

9 Possible effects. Up side, it
10 would make us look good if we were responsive,
11 if we were solving a problem that exists in
12 government. It addresses a political issue.

13 Like Tom mentioned, there are 12 or
14 14 bills in Congress. Obviously this has
15 raised to a political issue, and it would
16 support the chance of Magnuson-Stevens
17 Reauthorization Act.

18 Down side, we have a very specific
19 mission, which this is sort of on the bounds
20 of. We would need to be careful that whatever
21 we do to stay within bounds of that mission.
22 We have some funding, but probably what we're

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1 talking about would need quite a bit more, and
2 we shouldn't attempt to augment FDA or
3 encroach on the mission.

4 FDA, I believe -- correct me if I'm
5 wrong, Don -- I believe regulates something
6 like 58 percent of the economy. They have a
7 huge burden. I don't think we want to take
8 too much of their burden away from them, but
9 we'll help them where we can.

10 So with that, we probably need a
11 break, but we can have a discussion.

12 MR. BILLY: I suggest we take a 15
13 minute break and then, think of your
14 questions, and we can have a discussion and
15 maybe identify some recommendations.

16 (Whereupon, the foregoing matter went off the
17 record at 11:03 a.m. and went back
18 on the record at 11:20 a.m.)

19 MR. BILLY: All right. I'm going
20 to get started.

21 We're fortunate to have Dr. Usha
22 Varanasi here who heads up the Northwest

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1 Science Center, and I'd like to give her an
2 opportunity just to add on a little bit to
3 what's been presented so far in terms of the
4 role of the science center and NOAA and some
5 of the unique capabilities it can bring to the
6 table.

7 Usha.

8 MS. VARANASI: Thank you. "Chair,"
9 I should say instead of Tom, right?

10 MR. BILLY: It doesn't matter.

11 MS. VARANASI: Thank you.

12 Just to add what I think presented,
13 one aspect is that NOAA, because it does all
14 of the monitoring of the fishery, we have the
15 vessels available, and we do the sampling.
16 And it's quite unique to be able to collect
17 the samples when there is a question of
18 contamination or the question of either
19 biological or chemical contamination.

20 And we've done that time and again.

21 It's very necessary to do some of this
22 analysis and get the information out in a very

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1 timely fashion because when something happens,
2 immediately as we talked about, wavering of
3 confidence and large scale concerns about
4 fishery contamination occurs at those times.

5 And so I wanted to make sure that
6 that pieces, that part of NOAA's capability
7 and assets are there if they can be used for
8 seafood safety issues. They have been used
9 sporadically and not as uniformly, and
10 sometimes these connections of assets are
11 available to the federal government that are
12 not always seen, the ship saying the ability
13 to sample them in a manner where the chain of
14 custody is observed, and when the information
15 comes out, there's a considerable credibility
16 that goes with it. And we have done that many
17 times over the last 20 years as was shown.

18 The other part of it that Steve
19 Murawski brought up during the coffee break
20 was that we do also for the shellfish
21 industry, some of the winter there is an
22 outbreak of harmful algal blooms or pathogen

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1 outbreaks, et cetera, you know, this is people
2 having oceanographic ability and also knowing
3 where these toxins are going to actually end
4 up.

5 So we have census, and we know how
6 the ocean current moves, and so you don't need
7 to go sample everywhere, but you could give
8 and we do give early warning to the shellfish
9 industry, trying to figure out what to do so
10 that the public health also gets to know about
11 it.

12 What that does is clamps down on a
13 massive hysteria that usually otherwise can be
14 created, and then when there is a regional
15 spill or something, the feeling is that we
16 shouldn't eat any of the seafood coming out of
17 a large portion of the coast instead of really
18 specific areas that people can get
19 information.

20 And it is the ability to sample,
21 ability to analyze with some of the latest,
22 very fast screening, and then giving it out to

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1 the public in a very fast way allows us to
2 work to get the information out in times of
3 crisis.

4 So I just wanted to make that case
5 that there are assets that we might not be
6 thinking about when we look at seafood safety
7 issues, and I just wanted to bring them to
8 your attention.

9 Thanks for giving me this time.

10 MR. BILLY: You're welcome.

11 Yes, go ahead.

12 MS. TOOLEY: Related to that, in
13 the state where I'm from we have significant
14 wild shellfish harvest that goes on, and
15 certainly oceanography for algae blooms and
16 red tide and those kinds of things are very
17 important to the industry, and we also rely
18 heavily on state programs for testing.

19 MS. VARANASI: Right.

20 MS. TOOLEY: And huge rain storms
21 and runoff, and there's all types of impacts
22 going on. Do you know to what extent the

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1 agency is coordinating their efforts with the
2 states?

3 Because in Maine, it's a very
4 limiting factor, you know, how much resources
5 are available for testing of sites, and when
6 you have weather events, you'll have automatic
7 closures, and you know, until that, you know,
8 the testing is complete, the industry is
9 unable to work, and it's a challenge that
10 seems to be growing over time, over recent
11 years.

12 MS. VARANASI: It's very closely
13 coordinated, I think, in the West Coast and
14 perhaps similarly on the East Coast. NOAA
15 works very closely with the states because
16 these are state waters. Some of the things do
17 happen in state waters, as you said, and
18 closure and officially it is coordinated with
19 the states.

20 Sampling, I can speak more on the
21 West Coast side of it because that's where I
22 come from. Sampling is quite often done by

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1 both the states and NOAA, but it comes to us
2 for analysis because we have some fast track
3 analysis especially for harmful algal blooms,
4 and if there are oceanographic conditions, we
5 provide the state that information both
6 through the Fish and Wildlife Agency and the
7 Public Health Agency.

8 So I think there is a coordination
9 and when the spill was there, there was a very
10 close coordination with the state when the
11 fishing was closed and opened.

12 So Steve may want to add to it.

13 MR. LEVENBACH: I'll just add a
14 little bit of New England perspective. There
15 is a very formal process at FDA that's ongoing
16 because there's a huge event going on in New
17 England right now, including closures of a
18 large area offshore for harvest of sea scallop
19 guts I would say, you know. You can still
20 take the abductor mussels, but you know,
21 there's a prohibition on the other things, and
22 it's basically a lot inspection criterion that

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1 has actually closed a lot of things like sea
2 clam harvesting and other things.

3 So there is this long-term
4 relationship that is very important, and I
5 think there's an enormous industry at risk
6 there. That's been a longstanding
7 relationship between NMFS that has helped to
8 go out and actually do some at sea sampling at
9 the FDA closures which are basically a
10 regulatory function.

11 MR. BILLY: One thought that occurs
12 to me is, and I don't know if it's currently
13 there, but this kind of thing ought to be
14 included in the MOU. In other words,
15 acknowledged and maybe explored in terms of
16 even more appropriate --

17 MR. KRAEMER: In the federal
18 waters.

19 MR. BILLY: Yes, and the sharing of
20 data and so forth of this nature we're talking
21 about right now.

22 Randy?

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1 MR. FISHER: I was just curious
2 about something. Since Steve and Usha are
3 both here, you know, it wasn't mentioned in
4 Mary's comments that this was a big deal, the
5 thing we're looking at, but there was a
6 discussion about some sort of reorganizational
7 changeover, and I was curious if this was one
8 of those things that's being discussed, Steve,
9 at a high level relationship.

10 I mean, if I look at NOAA
11 Fisheries, I'll tell you to be 100 percent
12 honest I do not think of food inspection as
13 part of anything related to fisheries. I
14 mean, I do, but I don't. And so I'm curious
15 about when you look down the road how you're
16 looking at this whole idea, and there's only
17 so much money. So where is it going to go.

18 MR. MURAWSKI: Well, there's a
19 number of questions there, you know, how we're
20 organizing for success, you know. We've got
21 our capacity spread around the agency a little
22 bit. Part of it is historic. You look at a

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1 laboratory like Usha's and actually
2 Charleston, which is currently a laboratory in
3 NOS is doing the forensic work for enforcement
4 people which is, you know, product integrity
5 kind of things, and so we've really got a
6 distributing capacity around NOAA.

7 And so one issue is, you know, part
8 of that was the whole variety of reasons why
9 things are the way they are and historical
10 reasons as well, and of course, we've got this
11 laboratory down in the Gulf which actually
12 answers to the sustainable fisheries group as
13 opposed to being a science lab.

14 So we need to revisit, you know,
15 the alignment. We don't actually have
16 anything, you know, ready to tell you in terms
17 of what's going on there, but clearly, you
18 know, this has got to be part of an overall
19 strategy to make sure that the identity of our
20 program is, you know, highlighted.

21 So that's one issue, and then the
22 other issue is making sure that what we're

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1 doing is aligned with what NOAA's missions
2 are. I mean we have authorities in the Lacey
3 Act. You have authorities in the Magnuson
4 Act. There are these other relationships
5 we've got seeking intersections. So how do we
6 make a business case that that's within our
7 scope of work?

8 And clearly, one of the issues, and
9 this was actually my question for Don, NOAA
10 has stated that this MOU that we are
11 negotiating with FDA is important, you know,
12 for us to actually clarify those roles in
13 terms of moving forward in funding and other
14 things.

15 And so I think we actually are kind
16 of waiting for the results of that MOU in
17 terms of where we're going to go before we can
18 really define that mission clearly.

19 MR. BILLY: Mark.

20 MR. HOLLIDAY: Yes, to Randy's
21 question, just to put this in context, in
22 August of last year, the NMFS leadership began

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1 this discussion about the future of seafood
2 safety, quality, and inspection at our
3 leadership council, and that led to trying to
4 get this on the MAFAC agenda last December,
5 where we first posed this question to the
6 group.

7 We talked about this again in May
8 at our leadership council meeting. This is
9 doing a parallel set of briefings for NMFS
10 leadership in terms of looking at efficiencies
11 relating to the mission, the priorities of the
12 program, looking for opportunities for
13 collaboration.

14 And if Jim were here, he'd say, you
15 know, we're going to be looking at this in our
16 next meeting of the NMFS leadership in August
17 and are anxious to see what MAFAC, based on
18 the discussions that you've had of your points
19 of view and advice on where this might go.

20 So I'm trying to paint this as full
21 circle. We in the agency are very interested
22 in hearing what you have to say about the

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1 findings and the status and trends so that we
2 can then blend that into the deliberations
3 that we're looking at both within the agency
4 and those between the line office and the rest
5 of NOAA and the other federal agencies.

6 So it's an important piece that we
7 get your comment and advice and
8 recommendations.

9 MR. BILLY: Okay. Tim.

10 MR. HANSEN: Yes, I just want to
11 address your comments and Steve's comment
12 about where we might put the analytical work
13 and lab sort of collaboration. We also have a
14 research component at FDA which probably needs
15 to be taken a look at. I think what we're
16 talking about here, you know, have people not
17 sort of -- that sort of thing might be more
18 appropriate in that MOU rather than ours when
19 Don and I have been negotiating, which is
20 inspection based. So it's when we're in the
21 field how we're going to react to each other
22 and work together and so forth. Ours may be a

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1 little bit more specific.

2 MR. BILLY: Okay. Steve.

3 MR. MURAWSKI: If I could follow up
4 on one more point, I wanted to actually add
5 another element from NOAA here. You know, I
6 actually think -- and this is a personal
7 opinion -- that the first person who actually
8 develops a, for want of another term, a home
9 pregnancy test version of product identity
10 where, you know, anybody through a sort of
11 supermarket or restaurant can actually swipe
12 and figure out if it's a real grouper, that
13 person is going to make a mint because of this
14 kind of thing.

15 And we've talked a lot about this
16 in terms of research priorities within Sea
17 Grant, for example. You know, can we put some
18 of our research grant money out into those
19 kinds of tools that would actually enable, you
20 know, a much more distributed network of doing
21 this. You know, why should it always be, you
22 know, government lab, white lab coat, you

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1 know, inspectors doing things that are going
2 to be expensive?

3 So I think through the whole NOAA
4 portfolio, there are sort of biotechnology
5 improvements that we could do that actually
6 would help not only the industry but the
7 consumers as well, you know, and all of these
8 kinds of things.

9 So I think there is a lot of scope
10 for looking at that research agenda across our
11 agencies and trying to figure out how can we
12 put tools into other people's hands to
13 actually, you know, make this mission go
14 around and always being tough now, and it's
15 not, just consumers, I mean, we talked about
16 ecolabeling and we'll talk more about it this
17 afternoon, but if you've got shipments or
18 brand names or whatever, products as being
19 mislabeled, then you know, you're getting into
20 a situation where you could have
21 misrepresentation in terms of that kind of a
22 system as well. It's a heck of a trade.

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1 MS. VARANASI: The questions are
2 the one is safety and the other is quality,
3 the economic quality. Some of it is that when
4 they arise, safety questions, you've got to
5 have a credible source of information in the
6 people who are producing information, and
7 again and again, over my 20-some years of
8 working with area centers, people if they just
9 come private companies or small companies come
10 to do analysis of stuff, that is not seen as
11 well as if they -- if someplace where there is
12 a continuous standard applied so that labs
13 have to be certified, whoever does it, whether
14 private or the government, et cetera. Because
15 these things are a question of people's health
16 and life, not a question just of -- because
17 it's food, and you know, food information
18 needs to be where people feel comfortable that
19 it is being given to them and that they can go
20 someplace and ask questions about it if
21 somebody is sick.

22 So when you're thinking about it,

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1 some part of it, development or technology can
2 be done, but information of this kind that's
3 really for people's health and well-being
4 needs to be produced in some standard fashion.

5 Wherever it is produced, it needs to be
6 produced in a standard fashion.

7 MR. BILLY: We've got another 20
8 minutes, and Don has indicated he'd like to
9 add a couple more thoughts that would
10 contribute to our thinking regarding how FDA
11 and NOAA can work together, and then I'd like
12 to leave enough time for some action by the
13 Committee in terms of a way forward on this.

14 So Don.

15 MR. KRAEMER: Thanks.

16 And I would have -- maybe should
17 have included some of this in my comments
18 earlier, but it just became more apparent that
19 this might be useful, and I need to talk a
20 little bit about a couple of what are in the
21 food safety arena major developments in the
22 government and how federal government is

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1 starting to work in this area.

2 The President directed the
3 formation of a group to develop an import
4 safety action plan, and this ended up being a
5 multi-departmental initiative. This was in
6 reaction to many of the consumer product
7 safety issues, not just food, but including
8 food, you know, the melamine and pet food and
9 the lead in toys from China and things like
10 that. It was a whole swirl of these kinds of
11 problems involving a whole raft of different
12 federal regulatory agencies, including Customs
13 and on and on, Consumer Product Safety, FDA,
14 USDA, National Marine Fisheries Service, and
15 so forth.

16 And they did come up with a
17 significant action plan, and then I want to
18 put that on hold for a second and say at the
19 same that FDA was working on its own strategy
20 how to deal with some of the realities we're
21 facing because the realities we're facing that
22 Tim showed and I talked a little bit about on

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1 seafood are a microcosm of the realities we're
2 facing on all of the commodities we regulate,
3 whether it's drugs and foods and the blood
4 supply and on and on and on.

5 So there needs to be another way to
6 think about the control of food safety and
7 these other commodities as well, and so FDA
8 came up with what we call a good protection
9 plan, which is sort of FDA's piece, if you
10 will, of the import safety action plan, except
11 it also includes domestic production.

12 All of that is sort of background.

13 The main thing I wanted to say is that the
14 piece of that -- and it's a very, very large
15 piece of both of those initiatives, and I
16 can't overly stress how they're driving the
17 agencies. These two initiatives are driving
18 agencies like FDA to change the way they
19 operate.

20 The biggest piece of that I think
21 that's relevant here is what we call third
22 party certification, and I'd like to talk for

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1 just a minute about it because I think it can
2 be a cornerstone of how we and National Marine
3 Fisheries Service interact on some of those
4 things we're talking about.

5 And what that boils down to is that
6 at present, and let's talk about the import
7 arena, which is the biggest issue here,
8 presently FDA makes its decisions about what
9 it allows into the country based on what
10 information we might have had in the past
11 about similar products from similar countries
12 and shippers and so forth, and that's good,
13 and it has been useful, and we've gotten
14 pretty good at doing that, and it helps us
15 target that one percent that we keep talking
16 about.

17 But we don't take any advantage of
18 any private activities that are done or other
19 governmental activities. So, for example,
20 shipments of products leaving China are
21 supposed to be certified by the Chinese
22 government. Many of them are. [But] Many of

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1 them circumvent the Chinese requirements and
2 come to the U.S. without certification.

3 If you step back and say, well,
4 wouldn't FDA want to know which ones of these
5 products are coming in certified and which
6 ones are not because wouldn't you want to put
7 more emphasis on the ones that even the
8 Chinese government doesn't think is good
9 enough to come to the U.S., or doesn't even
10 know about, and the answer is we should, but
11 we don't have the mechanisms. In many cases
12 we don't have the authorities or in some cases
13 we don't have the authorities to do what we
14 would want to do there.

15 So we are asking for some
16 authorities to deal with where the holes are,
17 and we are starting programs to do what we
18 call third party certification, which could be
19 a private entity providing FDA with
20 information that testing was done on a
21 particular lot or that inspections were done
22 or whatever; that FDA would use that

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1 information when we make entry decisions.

2 Or it could be and I would like it
3 to be that we're getting some of that
4 information from National Marine Fisheries
5 Service because they've inspected a facility
6 overseas or because they've inspected the
7 product when it comes in.

8 That can give us information that
9 would allow us to say if we have this one
10 million entry haystack and we're looking for
11 the problems in it, if we can get information
12 on third parties on 60 percent of the
13 haystack, now we're down to 400,000 entries
14 that we have to concentrate that limited
15 resource we have on.

16 So this is a tremendous improvement
17 in our efficiency, and we could never get
18 enough public dollars to increase our sampling
19 efficiency to similarly improve public health
20 protection.

21 So the thing I would ask you to
22 think about is thinking of NOAA's activities

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1 in seafood safety in that context because
2 that's the context that's going to fit in best
3 with FDA, the activities that NOAA can do that
4 can feed information into FDA for purposes of
5 us making our regulatory decisions is going to
6 fit entirely well within NOAA's existing role
7 as I understand it, and it's going to
8 dramatically improve FDA's success in its
9 regulatory role.

10 I'm sure there are other roles NOAA
11 can get involved in that are different than
12 what I'm suggesting now, but that is one major
13 area, and that's on the very positive side.
14 Tim and I and others in our agencies have had
15 pretty extended discussions on this, and this
16 is sort of the core of the MOU that we're
17 presently negotiating.

18 Well, it's not really negotiating.

19 It's in our general counsel reviews in both
20 agencies.

21 Just on the flip side, the areas in
22 reacting to Tim's presentation, the areas

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1 where we're going to be most cautious, FDA is
2 going to be most cautious about in kinds of
3 relationships are places where we're going to
4 see that this is a role that the regulator
5 ought to have or is presently doing, in things
6 such as, for example, extensive monitoring
7 programs. FDA has monitoring programs. I
8 wouldn't necessarily call them extensive
9 monitoring programs, but if there were going
10 to be an influx of public dollars, as you can
11 imagine, FDA would prefer those dollars be
12 shifted to FDA to do the monitoring that we
13 are by statute required to do, and we would
14 feel less comfortable with that being done in
15 another agency, in National Marine Fisheries,
16 for example.

17 So there are places where I think
18 this relationship can be mutually beneficial,
19 and there are places where I think there will
20 be some concern. We'll get through it
21 regardless of how it comes out because I think
22 the agencies philosophically want to get to

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1 the same place, but there will be some places
2 where we're going to be seeing this from
3 different perspectives.

4 Thanks.

5 MR. BILLY: I have a couple of
6 questions. One is I've been reading in the
7 paper and hearing that FDA is getting a
8 significant increase in its budget to the tune
9 of well over \$100 million. How much of that
10 is going to trickle down to seafood?

11 MR. KRAEMER: Yes, I don't have a
12 dollar value, but it will be a very small
13 percentage of that because, as I mentioned,
14 FDA, just from looking at the press, I think
15 most of you know that we have a broad mandate.
16 Tim mentioned we regulate something like 58
17 percent of the gross national product.

18 And the larger chunks of what FDA
19 does are in regulating the drug industry,
20 regulating the medical device industry,
21 biological products like blood products and so
22 forth and veterinary products.

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1 So there will be a chunk of that
2 that's going to come into the seafood arena,
3 but we don't know yet what that will be, but
4 it won't be 120 million or 140 million. It
5 will be a small portion of that.

6 It will help tremendously, but it
7 isn't going to change us from one percent to
8 five percent. It won't even take it to two
9 percent. You're right. You're right. It
10 will not change it from one to two percent.

11 So we still need to find ways to be
12 efficient even with an influx of dollars.

13 MR. BILLY: John, did you want to
14 add something?

15 MR. CONNELLY: If you'll give me
16 two, I'll give you the numbers.

17 MR. BILLY: All right. Well, let
18 me ask you another question. With regard to
19 the farm bill, are there any plans in either
20 NOAA or FDA to be aggressive in terms of
21 sitting down with USDA and sorting out what
22 these changes are, should be, and given the

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1 fact that there's joint jurisdiction now and
2 the other things we heard?

3 MR. KRAEMER: Do you want to start?

4 MR. HANSEN: Well, yes. That's the
5 first thing that occurred to us that maybe we
6 need to talk and so I proposed to my boss who
7 thought maybe waiting till, you know, the dust
8 settled it would be well before we go over
9 there.

10 Now, I've made some inquiries into
11 AMS and FSIS to maybe have a meeting or just
12 an off-line meeting among us technical types.

13 I haven't gotten a response yet, but I expect
14 to get one in the near future.

15 MR. KRAEMER: We've had just the
16 opening discussions with FSIS, our
17 counterpart, and their position, Ag.'s
18 position is that they have exclusive authority
19 in the manufacturing plants and up to that
20 point from the pond to the plant.

21 Of course, as you can probably
22 imagine, FDA's position is that we did not

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1 lose our authority in these facilities, and so
2 that the next, there will be some legal
3 discussions, and if necessary, there is a
4 mechanism in the federal government to resolve
5 those things through the Department of
6 Justice, and we may have to go that route or
7 maybe we won't.

8 And there's no question that USDA
9 will be present in these facilities. The
10 legislation certainly gave them the authority
11 to do that. The only question I think is what
12 will the FDA's presence in those facilities
13 be, given that there is going to be a USDA
14 presence, and those are discussions we're
15 going to have to have.

16 We'd be happy for your thoughts on
17 it.

18 MR. SIMPSON: What was the history
19 of the genesis of the reason?

20 MR. KRAEMER: Well, my
21 understanding is that the catfish industry, of
22 course, has been very politically active for

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1 years in trying to do their best to prevent
2 imported competition, and if inspection moves
3 over to USDA, it will go under the USDA
4 regime.

5 What the USDA regime requires is
6 equivalence to the U.S. system in order for
7 product to be imported into the country. That
8 is the present situation for meat and poultry,
9 and that has dramatically limited meat imports
10 into the U.S.

11 The FDA system does not require
12 equivalence. Because the statutes are
13 different, we have to demonstrate that product
14 is adulterated to prevent it from coming into
15 the country.

16 On the USDA approach, you have to
17 demonstrate that it is equivalent before it
18 can come into the country. So that's two
19 different regimens and because there probably
20 is not going to be an ability of countries
21 like China and Vietnam to demonstrate
22 equivalence in the short term, it can have a

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1 very dramatic impact, perhaps to the extent of
2 preventing reports from those countries for
3 some period of time until equivalence can be
4 demonstrated.

5 So it will have a significant
6 economic impact on those industries, domestic
7 industries.

8 MR. BILLY: And the consumer.

9 MR. KRAEMER: Yes.

10 MR. SIMPSON: We don't have hardly
11 any imports now, do we?

12 MR. KRAEMER: Oh, yes. China
13 exports even what you can call catfish.

14 MR. SIMPSON: Oh, I know that.

15 MR. KRAEMER: They have a
16 significant export, and the competing basa is
17 huge. Export of basa from Vietnam, in
18 particular, is huge.

19 MR. SIMPSON: Is there an
20 inspection program?

21 MR. KRAEMER: There is some
22 question about that. I would be surprised if

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1 it ultimately did not because that to me was
2 the intent, was to keep us out, but it wasn't
3 very carefully written in that regard.

4 MR. BILLY: John? Okay.

5 All right. Well, I think we're at
6 the time where we need to take action. So
7 Heather.

8 MS. McCARTY: I was going to ask
9 you. Do you want and does NOAA want us to go
10 through these recommendations and make sort of
11 a judgment on whether we want to go any
12 further with each one of them or what?

13 MR. HOLLIDAY: The intent for the
14 white paper was, again, to provide points of
15 discussion. So I don't think we're looking
16 for a vote up or down. These are really
17 options. They're not the only options that
18 are out there. This was the result of the
19 working group's efforts to frame the
20 discussion for your consideration as opposed
21 to this has not been vetted through NMFS
22 leadership. It's not a NOAA Fisheries

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1 position. These are more in the form of a
2 white paper to provide a discussion point of
3 departure.

4 MS. McCARTY: Well, maybe a more
5 general motion then would be in order?

6 MR. BILLY: Yes.

7 MS. McCARTY: Something like we
8 recommend that NOAA develop a strategic plan
9 for seafood safety and monitoring based on the
10 input from the experts here, with an emphasis
11 on concluding the memorandum of understanding
12 or memorandum of agreement, and organization,
13 internal organization issues, and maybe an
14 emphasis on research from the NOAA
15 perspective.

16 I'm just putting it on the table as
17 a starting point.

18 MR. BILLY: Okay. Discussion?
19 Randy -- oh, do we have a second?

20 All right. Randy.

21 MR. CATES: We have a general
22 recommendation. I'd like to see some language

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1 including the importance of a confidence level
2 in seafood products as an issue and also the
3 economic fraud performance. It's important
4 not only for the consumer, but for the U.S.
5 seafood industry that we have a high level of
6 confidence and that we're going to do what we
7 can to protect the consumer from economic
8 fraud.

9 And on that note, what I see
10 currently happening that's rally needed is the
11 education component with the consumer. Far
12 too often we see and hear the misinformation
13 being put out, and many times the silence from
14 NOAA and National Marine Fisheries is
15 deafening.

16 And that happened at the Boston
17 Seafood where Admiral Lautenbacher was on a
18 panel, and a lot of things were stated among
19 the members of the panel, and basically no one
20 responds, and that's real concerning to me,
21 that we need to state when things are stated
22 in the press about the seafood industry,

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1 statements have got to be made to counter.
2 Otherwise what's said often comes true.

3 So whatever we say about seafood
4 inspection in all of this debate with FDA, I'd
5 really like to see some language of the
6 importance of the inspection and keep the
7 confidence level and the economic power
8 performing.

9 MR. BILLY: Bill.

10 MR. DEWEY: Thank you, Mr. Chair.

11 I would support adding the economic
12 fraud to the motion. That's an important
13 aspect.

14 I also wanted to compliment people
15 in NOAA that developed the discussion paper.
16 It's comprehensive and very important. I
17 appreciate that, and your presentations as
18 well, both Don and Tim.

19 The other just maybe friendly
20 amendment to the motion is relative to
21 science. Tim mentioned that there was a
22 second memorandum of agreement between FDA and

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1 NOAA Research and that we recommend that be
2 updated to try to address seafood safety
3 concerns.

4 MR. BILLY: Okay. Any other
5 discussion?

6 MR. ROBERTS: I want to make a
7 comment.

8 MR. BILLY: Okay.

9 MR. ROBERTS: I appreciate the
10 white paper also. I guess it's writing style.
11 I said this in tandem. I think you've got
12 something to toot your horn about. I don't
13 see it here. That's a simple way to say it, I
14 guess. It's an effort to try to deal with
15 inadequacies, but I think you have to have a
16 precursor to that, that you're worth
17 additional investment in resources because,
18 you know, you're doing a reasonably good job
19 with what you've got.

20 We haven't had any major disease
21 outbreak, people dying. The press is hard to
22 deal with, but you know, they're looking for

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1 air time and speak time and things like that.

2 It's just something you have to put up with,
3 but I do think the service has got something
4 in there. If they develop a strategic plan,
5 make sure there are a lot of positives in
6 there because I think the FDA is important,
7 inspecting one percent and you're finding one
8 or two percent problems in that one percent?
9 Sure, we have people that get sick, but I
10 don't think it's that bad that you don't have
11 something good to report.

12 You know, that's a precursor, I
13 think, for people putting more resources into
14 the effort. The job isn't solved by reporting
15 positive things. We have to buttress those
16 things with what Steve said, and it's one of
17 the notes I had made, too. The white paper
18 looks more of the same, if we just had more
19 resources to do the same thing.

20 There is one recommendation on here
21 that is number four, develop new and automated
22 technologies more rapidly, and that's what

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1 Steve was talking about. I think if you make
2 it a futuristic, you get into the science of
3 this problem and not just the more monitoring
4 with the tools we've got. I think that would
5 be a good form to speak of.

6 MR. BILLY: Bill.

7 MR. DEWEY: Thank you, Mr. Chair.

8 So I think looking at our agenda
9 this discussion also should be incorporating
10 recommendations for ecolabeling as well. You
11 know, we haven't really talked about that here
12 this morning, but I think that's the only
13 portion of our agenda where we're going to
14 have a discussion and recommendation on that
15 or not?

16 MR. BILLY: Yes, that's my plan, is
17 when we discuss it this afternoon to see if we
18 feel that we ought to come up with a specific
19 recommendation there.

20 MR. DEWEY: So we'll be coming back
21 to that later.

22 MR. BILLY: We'll be coming back to

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1 it, and it could be added into this or it
2 could be kept separate.

3 MR. DEWEY: Okay.

4 MR. BILLY: We'll see.

5 MR. DEWEY: Where I was going with
6 that and to Randy's point about education,
7 consumer education and the previous
8 discussions on ecolabeling, I don't have a
9 sense that MAFAC is going to direct NOAA to
10 proceed towards ecolabeling, but there has
11 been strong support to continuing consumer
12 education and, in particular, trying to
13 enhance FishWatch and that whole program.

14 MR. BILLY: You ought to write that
15 recommendation down.

16 MR. DEWEY: This afternoon for a
17 motion, okay.

18 MR. SIMPSON: Is it worthwhile,
19 Bill, to differentiate between or have a
20 tiered thing for certification versus
21 ecolabeling? Is that important?

22 To me, I'm not so much interested

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1 in ecolabeling.

2 MR. DEWEY: Right, right. It
3 sounds like we're going to have time this
4 afternoon to discuss and make recommendations
5 so that we can get into the specifics of that,
6 I think, this afternoon.

7 MR. BILLY: Okay. Thank you.
8 Dorothy.

9 MS. LOWMAN: Well, I just want to
10 echo a little bit of what Ken said, too. I do
11 think some of the reasons we should be
12 directing toward those ways of creating
13 something that maybe a consumer could take and
14 use as a tool, you know, to check the safety.
15 I mean, I don't think you're going to be
16 getting a lot more money for a lot more
17 inspections, you know, by the government, but
18 if there is starting to be investment by
19 government in some research, then it was
20 something that could provide an ability to be
21 proactive, you know, and be able to, you
22 know, have some things that you would be so

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1 confused about is this safe, is it not safe,
2 am I getting what I am getting.

3 That could go a long way, and if
4 there are a lot more eyes out there, you know,
5 on saying, well, this is fraud, or this is or
6 this isn't safe, and I think that could be a
7 large payoff.

8 I was telling Mark at the break,
9 and I guess also on the flip side the fact
10 that we do have sustainable seafood, too, that
11 recently, a couple of weeks ago, there was an
12 article in the paper in the Oregonian about a
13 chef that was in the final stages of opening
14 up a new seafood restaurant, and he has
15 decided to pull back. And he said part of it
16 was the economy, but part of it was in
17 Portland people are going, "I don't know if I
18 should even eat seafood, first of all. It
19 might be irresponsible and it might be hurting
20 the ocean, and it might be contributing to
21 there being no more fish in the ocean in four
22 years, and also maybe I'm just a little

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1 confused over what's safe and what isn't."

2 And he said that had a dramatic
3 effect. The demand for seafood in a
4 politically correct town like Portland,
5 Oregon, was actually going down. And I think
6 we've got to look at that seriously.

7 MR. SIMPSON: I think that's an
8 excuse, but it's economics.

9 MS. LOWMAN: Well, a bit, but I
10 don't think it was completely because I
11 actually talked to him a little bit about it.

12 MR. BILLY: Okay. Randy.

13 MR. CATES: I know we're in the
14 discussion phase, but I have a quick question
15 for Don. Between seafood and other food
16 sector safety, the percentage of inspection in
17 those food groups compared to seafood, where
18 would that be?

19 And then is there third party
20 certification in inspection in those sectors
21 to verify the quality?

22 MR. KRAEMER: Yes, that is a good

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1 question. I think the best way to answer it
2 is that the other animal proteins are subject
3 to the USDA regimen, which is, again, the
4 foreign competent authority has to demonstrate
5 equivalence, and so in essence, I don't know
6 if it works in a certification scheme or if
7 it's some other related scheme, but in
8 essence, it is a certification by the
9 competent authority that the product that's
10 going to the U.S. meets U.S. standards and
11 then testing, I believe, is essentially 100
12 percent testing at the border.

13 So you actually have a very
14 restrictive system for the other animal
15 proteins, and the FDA system, because we don't
16 have that authority to demand equivalence
17 before product can come in, you end up with a
18 system I described earlier.

19 So you've got one or two percent
20 testing versus 100 percent testing, not
21 mandatory demonstration of compliance before
22 import versus got to have an equivalence

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1 agreement before you can import. So they are
2 very different systems.

3 We were talking earlier. You've
4 got 38 countries that export meat and poultry
5 to the U.S. instead of 150 that export seafood
6 to the U.S.

7 MR. BILLY: John.

8 MR. CONNELLY: I think we need to
9 be careful about falling into a trap that we
10 can inspect our way to safety here. Everyone
11 is locked into this one percent question, and
12 if you look at that and say are you more
13 comfortable at seven percent, are you more
14 comfortable at 17 percent, at 29 percent; what
15 makes you more comfortable; we could go to a
16 program like USDA that has 100 percent
17 inspection, but I would look at the success
18 that FDA has had through HACCP on both the
19 domestic and import side, and the number of
20 illnesses or death attributable to seafood,
21 which is minimal compared to 100 percent
22 inspection for meat where two months ago we

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1 had 144 million pounds of beef destroyed.
2 Today there's another recall out of Nebraska,
3 500,000 pounds of beef being recalled by
4 Kroger.

5 So we can look on the surface and
6 say 100 percent inspection is the way to go;
7 equivalence is the way to go. But if you're
8 talking about food safety, the approach of
9 targeting on a risk basis is a much more
10 effective way than having 100 percent
11 inspection, and that's borne out by the
12 results that we feel very comfortable that
13 seafood is a safer product or at a minimum as
14 safe as any other product coming into this
15 country.

16 And I think we fall into a
17 dangerous trap when we start focusing in on
18 that one percent, in somehow thinking that's a
19 huge problem. Risk based is the appropriate
20 use of government resources.

21 MR. BILLY: Heather, do you want to
22 restate a motion?

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1 MS. McCARTY: Adding the things
2 that are being talked about, we recommend that
3 NOAA develop a strategic plan for seafood
4 safety ~~and monitoring~~ based on input from our
5 own seafood safety people and from FDA, with
6 an emphasis on completing the MOAs -- plural;
7 is that what you wanted? -- with FDA, and
8 emphasis on internal organization, economic
9 fraud, and increased public confidence
10 research, especially into food safety
11 technologies and including the positives and
12 the job well done.

13 MR. BILLY: Second.

14 Any further discussion? John.

15 MR. CONNELLY: I would only strike
16 the word -- and that is a mouthful, Heather.
17 So you did a very good job of capturing it all
18 -- the word "monitoring." I think Don said
19 that that would be a flash point for FDA.

20 MS. McCARTY: Okay.

21 MR. CONNELLY: So if we strike the
22 word that causes the flash point.

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1 MR. BILLY: How about labeling
2 instead of monitoring? Labeling gets at
3 economic fraud.

4 MS. McCARTY: That goes into other
5 things, too.

6 MR. CONNELLY: I think if the group
7 can come up with a seafood safety strategy.

8 MR. BILLY: Okay, all right. Just
9 eliminate the monitoring.

10 Any other discussion?

11 Okay. Call for the vote. All
12 those in favor say aye.

13 (Chorus of ayes.)

14 MR. BILLY: All those opposed?

15 (No response.)

16 MR. BILLY: Let the record show
17 unanimous support. Thank you.

18 (Pause in proceedings.)

19 MR. BILLY: Okay. Let's break now
20 and be back at 1:15. So stay close to home,
21 folks, 1:15.

22 (Whereupon, at 12:08 p.m., the

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1 meeting was recessed for lunch, to reconvene
2 at 1:15 p.m., the same day.)
3
4
5
6
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8
9
10

11 AFTERNOON SESSION

12 (1:19 p.m.)

13 MR. BILLY: Okay. I think we'll
14 get started. We're going to make a slight
15 change in the sequence of this afternoon's
16 discussion topics, and we're going to first
17 cover the area of ecolabeling and seafood
18 certification.

19 Let me get to the right page here.

20 Under Tab M of our book, there's an
21 annotated agenda, and under Item 3, the second
22 paragraph, there's a statement which I'll just

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1 read out loud. "MAFAC needs to evaluate and
2 recommend what role the U.S. government should
3 pursue in the development of U.S.
4 sustainability standards for both wild caught
5 and/or aquacultured fish and fishery products
6 through a formal government certification
7 program.

8 I think that in a nutshell is what
9 we've been asked to consider. Mark, I don't
10 know if you're prepared to quickly run through
11 your ecolabel primer and sort of set the stage
12 for our discussion.

13 MR. HOLLIDAY: I think that's what
14 my intent was.

15 MR. BILLY: Okay. That would be
16 great.

17 MR. HOLLIDAY: I have ten slides
18 that try to provide context for the
19 discussion.

20 MR. BILLY: Okay, and this is also
21 in your notebook under the same tab if you
22 want to make notes on the PowerPoint slides.

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1 Mark.

2 MR. HOLLIDAY: Thanks, Tom.

3 As you recall, we discussed this at
4 the December MAFAC meeting, and one of the
5 action items that you asked the agency to
6 follow up on was to go back and do an analysis
7 of existing ecolabels, whether they were
8 aquarium based certifications of yellow, green
9 and red seafood cards or including MSC with
10 an eye towards making comparisons about what
11 standards they used, what criteria they used,
12 and along about March, Keith Sainsbury had
13 prepared that exact paper for the FAO, and
14 they used it at a March symposium that they
15 held discussing ecolabels.

16 So I circulated it to all members
17 of MAFAC at that time to give you the baseline
18 and an explanation of what was in that e-mail.

19 It was the reference for these existing
20 ecolabel programs.

21 The other question that you asked
22 as one of the action items from December was,

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1 well, what about is there an appropriate role
2 for NOAA to be involved in auditing these
3 other agency activities or these third party
4 activities, and so we prepared a white paper
5 that's also behind the tab and tried to
6 address these questions from the standpoint of
7 not expressing a final answer, but giving you
8 pros and cons or implications of what would
9 have to take place in order for NOAA to become
10 involved in these things.

11 So we're basically putting out the
12 question back to the Committee for your
13 consideration and discussion, and I thought it
14 would be helpful to put in terms of a primer
15 because we are using terms that for different
16 groups have different meanings, you know:
17 sustainability, certification, ecolabel. I
18 could quickly run through those and set the
19 stage for the trigger questions which we
20 started with in December and as Tom
21 summarized: What's the appropriate role for us
22 to be taking in this area?

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1 We're looking for that advice. We
2 again discussed this last month at the NMFS
3 Leadership Council meeting, and we deferred
4 taking any further action until we heard back
5 from MAFAC and the results of your discussion
6 at this meeting.

7 I'm going to rely heavily on FAO's
8 guidelines for developing ecolabels. That
9 seems to be a consensus on what some of these
10 terms might mean. An ecolabeling scheme, this
11 is right from their publication. The scheme
12 is entitled a fishery product to bear a
13 distinctive logo or a statement that certifies
14 the fish has been harvested in compliance with
15 conservation and sustainability standards.

16 And the purpose or the intent is to
17 make provisions for purchasers to make
18 informed decisions about a choice that they
19 can individually make about whether to
20 purchase or not purchase based on compliance
21 with those standards that are behind this
22 ecolabel.

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1 The term "certification" itself is
2 the procedure. It's the process by which a
3 third party gives written or some other kind
4 of assurance that a fishery conforms with
5 those relevant standards. So there's a
6 process by which applying those criteria to
7 the fishery that's under concern, and that a
8 proper chain of custody is in place. In other
9 words, that that product can be followed over
10 the course of its delivery to the consumer or
11 the purchaser, subsequent purchaser, that it's
12 the product that was certified.

13 So one of the points that I felt we
14 wanted to make sure everyone was aware of,
15 that both certification and this chain of
16 custody are the two essential elements. You
17 can't have one and not the other. If you have
18 a certification, you have to have a process to
19 ensure that the integrity of that
20 certification is maintained or there's really
21 no value in certifying it in the first place,
22 and this leads right back to this morning's

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1 discussion about economic fraud.

2 You can fraudulently adopt somebody
3 else's certification if you think there's some
4 market advantage. You have to have some
5 ability to maintain those two elements.

6 MR. FISHER: Can I ask a question?

7 MR. HOLLIDAY: Sure.

8 MR. FISHER: Isn't certification in
9 the eyes of the beholder though? Why couldn't
10 somebody decide they're going to certify for
11 something different because they don't like
12 something?

13 MR. HOLLIDAY: Well, I think that
14 we'll get to the setting of the criteria for
15 certification in just a minute. I think
16 that's the bottom line. What are the
17 standards people have and what are the
18 different ones in that report?

19 You've seen, if you've had a chance
20 to look at it, there's a wide range of goals,
21 both social, biological, economic, that people
22 have decided to include in their definition of

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1 what's a certified and sustainable product.
2 And it's part of the dilemma, is the agreement
3 and the uniformity of those standards.

4 So in setting the ecolabel's
5 standards for sustainability, clearly this
6 establishment of criteria is the most
7 important part. They comprise either
8 quantitative or both quantitative and
9 qualitative indicators, and FAO is looking at
10 it in three parts: some indication of the
11 governance or the management system that the
12 fishery is using; the outcome of that system
13 in terms of how successful has it been in
14 achieving those strategies that have been
15 identified for it; and in the larger context,
16 the prosecution of that fishery in the
17 ecosystem and the impacts and implications on
18 the relevant ecosystem for the species
19 involved.

20 FAO's guidelines say there are many
21 options for how an ecolabel and sustainability
22 criteria could be developed, who might be in

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1 charge of it. It could be the government. It
2 could be an intergovernmental organization, an
3 NGO, a private industry association, but the
4 owner is the one responsible for engaging and
5 this, again, is from FAO's perspective as a
6 result of their work over many years with a
7 number of countries and partners in coming up
8 with this consensus; that an independent
9 specialist accreditation body take on the task
10 for accrediting the certification bodies on
11 its behalf. Again, this is to provide some
12 impartiality or arm's length of not self-
13 certifying your own criteria, and that the
14 accreditation body itself could be private,
15 public or some autonomous body governed by
16 public service rules. These are all carefully
17 structured FAO sentences. Each word has a
18 particular meaning to them.

19 So just quickly to summarize, from
20 FAOs perspective, the requirements and
21 criteria ecolabels would include some
22 reference and criteria with respect to the

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1 management system, the stocks themselves and
2 the ecosystem considerations.

3 There has been a lot of commentary
4 about what's right and what's not with respect
5 to ecolabels. I just have three quotes here
6 that I thought would be salient to your
7 discussion.

8 What do we mean by sustainability?

9 I mean, how do you define what's sustainable?

10 What goes into that definition? Is there a
11 government view of it? Is there an industry
12 view of it? Is there a right view?

13 "And what isn't and is sustainable
14 is getting to be very complicated, and there's
15 clearly disagreement even within the NGO
16 community about whose red and whose green
17 lists are accurate" according to this
18 columnist for Interfish.

19 "The truth is, of course, there is
20 no absolute truth. It's a relative truth, and
21 this isn't going to change because one man's
22 bountiful, well managed fishery is another's

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1 ruthless sea floor destroyer." Okay?

2 So Randy's point is what are the
3 appropriate criteria? Well, it depends.

4 When Greenpeace announced their
5 retail market scores a couple of weeks ago,
6 there was a piece in the news and Mark Floegel
7 of Greenpeace was asked about, well, you told
8 us the list of retail markets that are
9 carrying these red species. What about what
10 species should they be carrying? What's your
11 green list?

12 And the Greenpeace spokesperson
13 said, "Well, we're not recommending any
14 species of fish to consumers to buy." Okay?
15 "We think it's more important to create
16 awareness of a negative environmental
17 consequences of over fished species and
18 aquaculture practices. We don't want to put a
19 seal of approval on any particular species
20 because there are really none out there that
21 can stand more fishing pressure."

22 So without value judgment, I

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1 thought you have to understand when you look
2 at a particular organization's standards and
3 criteria, you have to understand what their
4 objective is, what their mission is, and what
5 they're trying to accomplish, and in this case
6 there are no green species out there for
7 consumers to purchase fish according to this
8 particular organization.

9 And the last commentary, "There
10 really is a need to start to articulate what
11 is meant by seafood sustainability. If the
12 definition is too narrow, companies would be
13 too hard and too difficult for them to meet
14 it. If it's too broad, it really won't mean
15 anything at all. And if the NGOs are the ones
16 who are going to be the gatekeepers [-- this
17 is in the context of Greenpeace --] it's on
18 them to help make it crystal clear what their
19 criteria are..." and what their motivations are
20 for developing things on behalf of the
21 ultimate beneficiary, supposedly the consumer,
22 to provide a consumer choice element going

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1 back to that original definition.

2 Now, in December we talked about
3 what the agency, NOAA Fisheries, position was
4 on ecolabels and the use of the national
5 standards within the Magnuson-Stevens
6 Conservation Act. Those are, we feel, the
7 nation's metrics for sustainability of
8 fisheries as laid out in those national
9 standards and the implementing regulations for
10 FMPs.

11 I think the real question is: do
12 we need to go beyond those sustainability
13 standards that are contained in the statute
14 and regulation to create additional standards
15 that we would use as reference points?

16 If so, what form do they take?
17 Would they be general guidance or specific
18 standards?

19 We have lots of questions when you
20 open this Pandora's box: what's it applied to,
21 wild harvest, wild harvest commercial,
22 recreational, aquaculture and wild harvest?

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1 What happens with species for which NOAA has
2 management authority but shared responsibility
3 within the territorial sea with the states?

4 So if you say yes to this question,
5 the point is you need to be prepared to answer
6 a lot of other questions coincident with that.

7 And would we have a common
8 agreement of what defines sustainability,
9 sustainable seafood?

10 So those top questions are talking
11 about the standards and the criteria itself.
12 Then you want to take the next step along this
13 continuum. Do you think there's a need and
14 value for a federal role in establishing an
15 ecolabel, some mark or certificate or ability
16 to convey information to the consumer
17 associated with that product, and is that
18 market desired?

19 Do we actually have the legal
20 authority to do so under current statute? Is
21 it practical in terms of is it enforceable?
22 Do we have the money to do it? Are we capable

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1 of carrying it out successfully?

2 There's probably nothing worse than
3 taking on an initiative that you don't have
4 the capacity to assure success.

5 And finally, do we do this on our
6 own or what is the appropriate role for other
7 federal agencies, states, industry, NGOs and
8 consumers? Are we just one among many others
9 who would then be in the market of trying to
10 advance a federal ecolabel as opposed to
11 advancing federal standards for sustainability
12 as contained in our statutory requirements?

13 So I tried to give a very brief
14 synopsis and primer on what the discussion is
15 about. John actually had a couple of pieces
16 of information from some market research about
17 public perceptions on ecolabels that he showed
18 me before lunch that I thought would also be -
19 - next slide. Again, there are a half dozen
20 slides we can go through very quickly.

21 But it sets the stage for you to
22 have your discussion with some of the most

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1 recent information that's out there on the
2 labeling issues.

3 Any questions about what I've said
4 so far that I could help clarify or respond
5 to?

6 Anything that was in the white
7 paper that people wanted clarification on at
8 this point?

9 MR. FISHER: Mark, I have a
10 question.

11 MR. HOLLIDAY: Hi, Randy.

12 MR. FISHER: If a company today
13 wanted to take your NOAA label and make its
14 own label using the NOAA logo that says NOAA
15 sustainable product or whatever it is, would
16 the agency -- is it legal? Would the agency
17 have issues with that? Or what's
18 preventing --

19 MR. HOLLIDAY: You're talking about
20 the NOAA logo with the bird and that sort of
21 thing?

22 I think there are prohibited uses

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1 of that in a private capacity. I think I've
2 only seen one instance of it, and that's for
3 some sort of de-hooking device that they use
4 in their particular advertising that the logo
5 has been approved for that use. But I don't
6 think it's broadly available to the public to
7 adopt it and use it unilaterally for the
8 purposes of a commercial product endorsement.

9 Some people have asked the same
10 question about the FishWatch logo, that in
11 creating a Web site they've also created a
12 logo that's FishWatch. People also wanted to
13 adopt that. That would also be in that same
14 category of other prohibited use.

15 Alan had one.

16 MR. RISENHOOVER: Yes. On the
17 FishWatch logo specifically, we are in the
18 process of starting to train our staff so that
19 people wouldn't be able to use it without this
20 sanction that Mark is talking about.

21 MR. CATES: I'm just wondering, and
22 maybe you know this, in the USDA you have to

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1 meet five USDA certified. How does that work?

2 Do you know?

3 MR. HANSEN: Well, there's a
4 parallel organization within USDA that does
5 just what we do. They have the same founding
6 legislation for meat grading. They're the
7 ones that applied the logos after they've done
8 the appropriate inspection of the meat. This
9 is on top of the regulatory Food Safety
10 Inspection Service's inspection for safety

11 MR. CATES: Do you know if it's
12 something that industry pays for or --

13 MR. HANSEN: Oh, yes. They pay for
14 it.

15 MR. CONNELLY: And sort of lay
16 there. Some of these are going to be charts,
17 and there are 152 slides here. Mark, you
18 people love data. I promise we're only going
19 to look at about six slides, and this is some
20 work that MSC did with Saatchi & Saatchi,
21 which is a premier global PR firm that has a
22 research arm, and it's not available to the

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1 public, and I just thought it would be
2 helpful, given our conversation during the
3 subcommittee, to share some of this.

4 One of the things that's very
5 important is this issue of action versus
6 reaction, and there are differences in what
7 people say they will do and what they do.
8 Marketing people don't care what people say
9 they will do. They only care about what
10 people actually do. And too often people who
11 are around this say, "Well, the consumer said
12 they were going to do something."

13 Well, it doesn't matter what
14 someone says. It only matters what people do.

15 So this constant action and reaction is
16 something that's measured here.

17 And what happened here was Saatchi
18 went out and did focus groups in Germany --
19 and just did some quantitative work in focus
20 groups, Germany, Japan and the U.S., but the
21 focus group is very unusual. They use a
22 technique where they actually spend a day with

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1 a shopper, talking with them, getting very
2 friendly with them, and then actually going
3 shopping with them in the store to find out
4 what they actually do.

5 So it's an interesting technique,
6 and they call it explore, and in the summary
7 from Global, and I'll burrow into what the
8 U.S. did, but the key thing is lack of
9 awareness of the issue, and they didn't pick
10 the average consumer. They picked people that
11 were going to be naturally more inclined to
12 absorb and MSC message.

13 Even the most ethically conscious
14 of consumers found them not aware of the issue
15 of declining fish stocks and not aware of the
16 extent to which the issue or they thought the
17 issue had gone away. So people think it's not
18 the news that has gone away.

19 And then this issue of gap between
20 action and reaction, and I'll burrow into that
21 in a minute, but very significant difference
22 between what people said they were going to do

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1 when they went into the store, and when you
2 got them at the checkout counter what they
3 actually had in their basket was significantly
4 different.

5 Here are the day shoppers.

6 In the U.S. sustainability is an
7 after-thought. It's just not central to what
8 we even think about as shoppers, and chemical
9 persistence, global warming, those are issues
10 that are kind of discussed at home now, but
11 health and freshness issues. If you look at
12 the second to last line or the first -- the
13 last full line under number one: health and
14 freshness trumps sustainability.

15 And then just an example of what
16 we're talking about, action versus reaction.
17 This is Jeff. Jeff wants to be a good
18 consumer. He's a Whole Foods customer and
19 wants to be doing the right thing. So he
20 walked into the store. He told the woman I
21 base basically all of my decisions on health,
22 but if it's traveled to us less than 100

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1 miles, I'm buying.

2 And yet what Jeff did is he bought
3 everything that was more than 100 miles away
4 without even knowing whether it was 100 miles
5 away. So it's this action versus reaction.
6 You just have to constantly keep in your mind
7 what people say they want and what they
8 actually do.

9 This is another woman from Whole
10 Foods. Again, higher end customers should be
11 more ready to accept these messages, and she
12 said it's basically the safety issue of
13 mercury is of deep concern to her, but she's
14 not really sure whether sustainability would
15 affect her purchases.

16 And then we blow through Japan.
17 Marketing people love data. There's a lot of
18 data in here.

19 This is what's the order of
20 importance on number of environmental
21 questions, packaging, carbon footprint, fair
22 trade, obesity, water use, declining fish

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1 stocks, free-range or kind of chicken, organic
2 food. Eight percent of people in the U.S. --
3 excuse me -- 24 percent of people in the U.S.
4 said that declining fish stocks were of
5 significant importance. It's called the top
6 two box, very, very important, kind of an
7 extremely important variable.

8 So 24 percent of people said this
9 is really, really important, and yet this,
10 will you pay more? If you look at right here,
11 I'll pay more, but if quality looks lower,
12 I'll buy the non-sustainable species, and this
13 is what people say. What you say and what you
14 do are two different things. So that nine
15 percent is going to be actually much lower on
16 the action level.

17 And then the last one, I think,
18 Jim, we talked a little bit about this. The
19 messaging, the state of the stocks report was
20 released last Friday, and Steve and Allen,
21 whether it's 82 percent or sustainably managed
22 or known stocks with our not over fished or on

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1 a plan to get there. Generally I think, Jim,
2 you positioned that as a good story and we're
3 on a path of greater success and yet 44
4 percent of Americans here said that fish is at
5 a critically low point. So there's this
6 disconnect between what the agency is doing or
7 the service is doing and what people perceive.

8 So Mark and I talked a little bit
9 about it. We thought these six slides were
10 important. From a marketing perspective,
11 please remember action/reaction is the biggest
12 thing, and nothing here should preclude or
13 suggest that the fishing community isn't
14 totally committed to sustainability, but it
15 needs to be how this is communicated with the
16 public, whether it be through the service,
17 through industry, through work with NGOs or
18 through any kind of certification ecolabel.
19 It's important to think about actually what's
20 done in the marketplace rather than what
21 people can be done in the marketplace.

22 MR. BILLY: Okay. Are you

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1 finished, Mark?

2 MR. HOLLIDAY: Thanks, Tom.

3 MR. BILLY: All right. Let's open
4 the floor for some discussion based on the
5 information that's available, and towards the
6 end of the time period we'll get to one or
7 more resolutions in terms of what recommend to
8 NOAA. So go ahead.

9 MR. CATES: Jim, your last comment
10 was real telling. I keep reflecting on
11 experience I had back in March at the Boston
12 seafood show when we had a panel and we had
13 the head of NOAA sitting there, and one of the
14 panelists got up and spoke about
15 sustainability and the seafood industry and
16 how he doesn't buy a product in the U.S.
17 because it's not sustainable.

18 And our leadership didn't say
19 anything, and we have this disconnect, and the
20 public is being -- we are improving our
21 stocks. We do have sustainable seafood, but
22 the average American doesn't know this or

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1 doesn't believe it.

2 And I keep coming back to the
3 messages. Somehow we have to say it more
4 often, and we've got to challenge them when
5 the opposite is said and the agency doesn't
6 tell them because that silence is deafening.
7 At that moment it was very clear that nothing
8 was said and so it must be true then.

9 And I think as an industry and as
10 an organization and group that has MAFAC,
11 somehow we've got to get the message out of
12 the accomplishments and what reality is and
13 change that.

14 MR. BILLY: No argument.

15 MS. TOOLEY: And just to sort of
16 follow on, what I thought was most interesting
17 about the information that John presented was
18 that as a consumer in the store, it appears
19 that there's a very small impact by some of
20 the sustainability issues and what they
21 actually do.

22 First is stocks are at critical

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1 levels, 44 percent. I mean, that's just such
2 a -- I mean, if part of it is -- well, a good
3 part of it is media. I mean, you know, the
4 public is just inundated with this type of
5 information, and certainly I think Steve has
6 tried to address it in the past, what science
7 studies promote, and they make these very vast
8 statements that are, you know, applicable to,
9 you know, global fisheries, and the U.S.
10 consumer is attributed to U.S. -- so being
11 able to make those distinctions in the
12 public's mind I think is extremely important
13 if there's any way we can do that.

14 MR. BILLY: Yes, Bill.

15 MR. DEWEY: I have a question for
16 Mark from his presentation there on the
17 PowerPoint. There's a question as to whether
18 NOAA had authority to do the ecolabels, and
19 then in the white paper it says that NOAA does
20 have the authority. I'm just wondering which
21 it is, if there's still a question or if they
22 do.

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1 MR. HOLLIDAY: I think we have
2 limited authority to develop a label, but to
3 make it crystal clear an additional statutory
4 authority would be recommended. In other
5 words, you could be challenged on your ability
6 to do it the one way, but you could certainly
7 -- Tim, I don't know if he wants to speak to
8 it, but that was the reading that I got, that
9 you had the authority, but you'd be on
10 stronger ground having separate authority.

11 MR. LEVENBACH: Can I ask a
12 question?

13 MR. BILLY: Sure.

14 MR. LEVENBACH: So what happens if
15 you have a well managed stock? It's not over
16 fished. Over fishing is not a crime, but
17 there is a need for ecolabeling requirements.
18 Do you think that puts NOAA in a predicament
19 because it's supporting its ecolabeling
20 approach, yet at the same time it's managing
21 fish stocks that don't meet those criteria?

22 MR. BILLY: Thanks, Stu.

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1 MR. MURAWSKI: Let me try this one,
2 Stu. The two criteria that we have is is over
3 fishing occurring, and that's a rate issue,
4 and is the stock overfished, and those are
5 the, quote, sustainability criteria we're
6 using. Those are the metrics that you've seen
7 and other people have seen. They're very
8 clear.

9 And you know, we actually have
10 similar information around the world. The
11 U.S. is actually doing quite well on those
12 criteria relative to, say, the EU has 80
13 percent of their stock where over fishing is
14 occurring.

15 So clearly, we sort of meet that.
16 The difficulty we get into the certification,
17 and it's a difficulty that John and others
18 have pointed out, is the criteria themselves,
19 depending on who you talk to, are different.
20 So for example, we see a lot of the criteria
21 that came out in the Greenpeace thing had to
22 do with the use of a specific gear, and if a

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1 particular gear was used, de facto, that was
2 saying it was not sustainable even though the
3 actual evidence for the use of that gear were
4 not.

5 So it's difficult for us to deal
6 with that because it's a sliding scale
7 depending on who you're talking to. So, you
8 know, we would certainly focus on those two
9 sustainability criteria, and actually if you
10 look at the Magnuson Act, you know, it's ten
11 national standards. Now, theoretically NOAA
12 has certified each of those fisheries as
13 meeting those standards.

14 Now, the standards themselves are
15 somewhat equivocal. It says, minimize
16 bycatch, consider communities, but if, in
17 fact, NOAA is certifying fishery management
18 plan as meeting those kinds of standards, then
19 one could say that you're also meeting those
20 criteria as well.

21 But, again, this becomes the
22 slippery slope about, what goes on a red list

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1 or a green list, and frankly, we think that
2 there's so much difference in the set of
3 criteria being used that that's actually
4 creating the confusion more than, say, the
5 objective members on the sustainability list.

6 A very slippery slope there.

7 MR. BILLY: Okay. Ken.

8 MR. ROBERTS: To that point, Steve,
9 would people on the Hill approve do you think
10 the joint use of that? Do they mean that you
11 had ten national standards met that you can
12 then get into a certification program? Have
13 they even anticipated that would be used and
14 what might the reaction be?

15 MR. MURAWSKI: I want the boss to
16 do this one.

17 MR. BALSIGER: I doubt that when
18 they created those ten national standards they
19 thought it was going to be the basis for
20 producing an ecolabel, but we are required by
21 law to meet those ten national standards, and
22 part of the difficulty as Steve says is

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1 minimized bycatch. Well, my minimum bycatch
2 might be a whole lot different. We allow the
3 pollock fishery in the Bearing Sea to catch
4 100,000 Chinook salmon as bycatch. Well,
5 let's minimize because we've got a billion
6 dollar pollock fishery.

7 Well, that might not be minimized
8 to somebody else, and so as Steve said, it's
9 kind of an art thing rather than a science
10 thing when you use those ten standards that we
11 use in order to certify fish management
12 plans.

13 MR. HOLLIDAY: To Jim's point
14 though, I think the important differential
15 here is that the decision to establish that
16 standard, a billion dollar fishery vs. 100,000
17 fish, was done at an open public participatory
18 process that all along the way considered the
19 tradeoffs and the decisions that the public,
20 the industry, and the nation were allowed to
21 create and participate in establishing that
22 metric as opposed to you have a standard that

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1 if you fail from a third party certification
2 there's really no redress. It's not
3 traditionally reviewable. You really have no
4 public opportunity to comment on the value
5 judgment that people are making of saying
6 bycatch none at all, zero is the number that
7 we're going to tolerate for our standard.

8 So there's a difference in the
9 process by which you arrive at the outcome.
10 That's as important as "our opinion versus
11 your opinion."

12 MR. ROBERTS: If I could follow up
13 on that, I see obviously the suspicion arise
14 between ecolabeling and certification. Let's
15 say I'm a person who is in business and want
16 to get into my marketing plan. What would
17 prevent me if I stay away from ecolabeling;
18 what would prevent me from now going to the
19 list, the annual fisheries report, and saying
20 that this fishery is sustainable? It's
21 certified sustainable because it meets the FMP
22 standards.

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1 Could I put certified sustainable
2 fishery on my label, use it on my restaurant
3 menu? What would stop me from doing that now?

4 See, these are the kind of things
5 that I think --

6 MR. BALSIGER: I don't know about
7 the word "certified," but I would think you'd
8 be able to say this fishery is managed under a
9 fishery management plan through the North --

10 MR. ROBERTS: See, I may take
11 liberties and say I want one word because I've
12 only got so much space in my label.

13 MR. BILLY: Okay. Randy.

14 MR. FISHER: I'm just trying to get
15 an idea of what we're trying to solve. Are we
16 trying to prove that we're good managers or
17 are we trying to sell more fish or what's the
18 deal?

19 Because, you know, I don't ever see
20 fish not being sold. You look at what's going
21 on in some of the earlier slides. I mean, I
22 think we're reacting to something that maybe

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1 we don't have to worry about unless we want to
2 pat ourselves on the back and say we're really
3 great people.

4 I mean if hospitals decide to put
5 something on the piece of fish they sell that
6 says this has been caught in a nice manner,
7 they'll do it, period, if they think they'll
8 sell more of it. Right now I don't think it's
9 an issue unless I'm missing something
10 somewhere.

11 MR. BILLY: Closer, Randy?

12 MR. CATES: A couple of points. I
13 think we do have a responsibility to the
14 public, a big responsibility, and if 44
15 percent of them think that we have a problem,
16 then we have a responsibility to defend them.

17 MR. FISHER: Hire Jeb Stone to go
18 on TV and advertise those cotton mouths.

19 MR. CATES: The other problem, the
20 other thing it is is blackmail, and you know,
21 if we don't do something it's going to come to
22 our doorstep. It already is.

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1 I propose that all we need to do,
2 the certification process in my mind is those
3 sets of standards. I think what the industry
4 needs is the ability to advertise that with q
5 NOAA staff in the very same way that the meat
6 butcher has a USDA standard, something that
7 doesn't necessarily mean that we're green and
8 they're red. It's just we met the guidelines,
9 and that in itself is going to start to
10 educate the public about our fisheries, and
11 hopefully it will take away the blackmail
12 process and everything else that comes on.

13 MR. BILLY: Okay. Heather.

14 MS. McCARTY: Thank you, Mr.
15 Chairman. I think there were -- I remember
16 that there were a couple people were talking
17 about this, and it may be selective memory.
18 So others may have a different impression, but
19 I think one of the reasons we started talking
20 about it at MAFAC was that people were not
21 happy with the MSC process, and people were
22 thinking that there maybe should be a sort of

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1 federal process that would take away sort of
2 some of the food from MSC, speaking of
3 blackmail.

4 So there was a certain point in
5 that evolution of that process where it became
6 clear that there were some problems. I could
7 be wrong, but it seems to me that some of
8 those problems have been dealt with. That's
9 what I'm hearing.

10 I'm not intimately involved with it
11 anymore. I used to be, but I'm not anymore,
12 but I don't know, John. You probably know way
13 more about that than I do.

14 The other reason was all of the
15 misinformation that the public was getting,
16 mostly from the extreme NGO side, that was
17 casting doubts on the sustainability of
18 seafood in general. So those are the two
19 reasons that I can think of that I can recall,
20 well, we started down this road.

21 MR. BILLY: John, to this point?

22 MR. CONNELLY: To this point. I am

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1 on the board of the MSC. I just want to
2 remind or let people know that, and it's not
3 an endorsement of MSC. It's because we have a
4 significant industry in the U.S. that sells a
5 lot into Europe based on an MSC logo.

6 MSC understands they have had
7 problems and have made some fairly significant
8 changes in their program as a result of two
9 industry people going on their board and while
10 still maintaining most of the NGO support for
11 their effort.

12 And Heather, you're exactly right.

13 At least as I recall, the December discussion
14 was around, I think, some frustration that
15 MAFAC and possibly the staff that the service
16 had with the requirements MSC or other
17 programs make of the agency, and as the
18 service is trying to allocate resources, it's
19 really up to the service as a public entity to
20 allocate that in a way that's appropriate for
21 our government and not to have a third party
22 come in and dictate, well, you should spend

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1 more money on fixing some pollock problem
2 when, Jim, you might think pollock has their
3 own problems, but really where we need to pour
4 some money is in the West Coast salmon
5 situation, whatever it is.

6 So that, I think, was the genesis
7 of this. As a result of that, MSC did hold a
8 meeting at which Mark participated. Some
9 folks in New Zealand participated, government
10 folks, and Canadian government participated in
11 order to make sure that the MSC understood
12 that the governments of which they asked a lot
13 of information and requested a lot of data
14 aren't real excited about constantly being
15 asked a thing and being told how to allocate
16 resources on the conditions.

17 MSC understands they've had some
18 problems and has tried to adjust that.
19 They're not perfect in any way, but neither is
20 any other organization.

21 So I just second and amplify
22 Heather's comments.

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1 MR. BILLY: Chairmen are supposed
2 to be neutral and kind of manage the process,
3 but I can't help myself. One of the things
4 that keeps reoccurring to me, and in part it's
5 with being informed by E-mail and discussed
6 here the last couple of days, the issuing of
7 the status of stocks report, and then the
8 discussion about the national standards, the
9 ten standards, particularly the two that are
10 most relevant.

11 It just seems to me that one of the
12 things that would serve everyone well is NOAA
13 committing a significant amount of money to
14 inform and educate the public about fishery
15 management, the standards, and what that means
16 in terms of sustainable fisheries, just a
17 sizable effort in layman's terms, get
18 professionals to figure out how to do this,
19 not a boring government report, but a first
20 class, aggressive marketing campaign that over
21 the next two or three years would teach the
22 American public about what we have and how

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1 valuable it is and how effective it is.

2 That would help everyone and then
3 could be the foundation for at some point
4 ecolabel, if there's support for that, or
5 other things. You don't need to do that
6 necessarily right now, but what you can do is
7 communicate what you've got in hand and how
8 good it is, and with the new requirements in
9 the Magnuson-Stevens Act, it's going to get
10 even better. There's more coming.

11 So it's going to be a good story
12 for several years. Anyway, that's my thought.

13 Now, I'll go back to the list.

14 Larry.

15 MR. SIMPSON: Thanks, Jim.

16 To be blunt and candid, I'm really
17 not so much interested in the end user. He
18 can make up his own mind, but what I think is
19 something that is legitimate and appropriate
20 and probably with very little cost is somebody
21 to make a pronouncement over fisheries, to
22 wholesalers or whatever you call them -- I

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1 don't know the terms of art -- but the guys
2 that sell to the market, not the individuals,
3 and that's my concern.

4 Now, to me, I've come to grips at
5 this meeting with it being kind of a
6 certification and ecolabeling being something
7 else. I'm not really concerned about
8 ecolabeling. I'm more concerned about a
9 pronouncement that this fishery is sustained,
10 and I don't know why in the heck we can't do
11 that simply and cheaply from the federal
12 government.

13 I personally think that's a no-
14 brainer, but you know, I'm kind of a
15 senseless, shoeless country boy that looks at
16 things a little simplistically.

17 But now if Costco wants to pay for
18 MSC certification, wonderful, but that's not
19 the issue. Costco is requiring that guy to
20 pay the debt. That's the issue. That's where
21 I'm coming from.

22 MR. BILLY: Okay. Thanks.

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1 Steve.

2 MR. JONER: Yes, I'm one of those
3 that Heather spoke of that wasn't really
4 favorable to the MSC certification process. I
5 apologize for coming in late after lunch. I
6 was busy working on MSC certification of my
7 whiting fishery.

8 (Laughter.)

9 MR. JONER: Literally I was. I'm
10 meeting with the certifiers on Tuesday.

11 And you know, we've had all sorts
12 of opinions whether to go directly to
13 consumer, go to the wholesaler, and I have a
14 question for John. Of those 42 reporting for,
15 what percent have that view because they just
16 don't know better and what percent are going
17 to have that view no matter what they do?

18 MR. CONNELLY: That wasn't part of
19 the research.

20 MR. JONER: What is your feel on
21 that though?

22 MR. CONNELLY: My gut is it's like

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1 any election. There are 20 percent of people
2 that are absolutely committed to an issue, and
3 there are 20 percent of people that are
4 absolutely opposed to the issue, and then it's
5 the people in the middle that are the average
6 American.

7 MR. JONER: So it's really going to
8 happen to us, right?

9 MR. CONNELLY: Yes, and 20 percent
10 are just going to be --

11 MR. JONER: Yes.

12 MR. CONNELLY: You don't have to
13 worry about the 20 percent you're going to
14 have.

15 MR. JONER: And the other 20
16 percent in the middle they're getting would
17 you call it 40 percent of net truth in your
18 fish example? And how hard would it be to
19 have some sort of campaign to do that?

20 I think we all do it on our own all
21 the time. We're always dealing with people
22 and say, "No, you've been totally misinformed.

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1 Here are the facts."

2 And it doesn't take much to
3 convince somebody who's been given partial or
4 non-truths. So I think that should be our
5 purpose.

6 MR. BILLY: Tim.

7 MR. HANSEN: Oh, yes, I just wanted
8 to point out to the Committee that the big
9 driver is not so much this country, but it's
10 in Europe where we have huge markets for
11 seafood, and I think the Alaska fishery has
12 benefited quite a bit from their MSC
13 certification, but I was talking with a guy
14 from Maine, Dean Summers, the Maine Lobster
15 Council, in Europe a couple of months ago.
16 His complaint was that, well, we don't have
17 MSC and we're having increasing difficulties
18 of selling.

19 So in that respect it does affect
20 our industry.

21 MR. BILLY: Bill.

22 MR. DEWEY: I think I'm sharing a

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1 common opinion I'm hearing around the room
2 here, and I think there's a role. There will
3 be for a while for ecolabels until we do a
4 better job managing our fisheries and
5 conveying how well we're doing.

6 And so, you know, there's going to
7 be demand for MSC and other certifications,
8 and hopefully that diminishes over time, but
9 based on what I'm hearing and my own
10 sentiments, I'd like to make a motion that
11 MAFAC recommend that NOAA not pursue
12 ecolabeling, but instead make a substantial
13 effort to improve public education efforts
14 through FishWatch and other means regarding
15 the status of U.S. fish and shellfish stocks
16 and the health benefits of consuming them.

17 MR. BILLY: Seconded. Motioned and
18 seconded.

19 Okay. Yes.

20 MR. SIMPSON: How will that help a
21 business who's trying to sell his product? I
22 mean, you're educating the U.S., but if he's

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1 selling his product to China or he's selling
2 his product to the U.K., how will that help
3 that?

4 That won't get to the issue that
5 concerns me, which is they're required to go
6 to some kind of third party to get this self-
7 appointed expertise when it clearly exists and
8 is, I think, the role of the federal
9 government.

10 I mean, if they still want to do
11 it, that's fine. How will that get to that
12 issue, or is that an issue with anybody else
13 except me? If it isn't, I'll be quiet.

14 MR. BILLY: Okay. Mary Beth.

15 MS. TOOLEY: Yes, I think that is a
16 significant issue. I mean, I just read an
17 article within the past couple of weeks. It
18 was the person who came to Wal-Mart that got
19 to their position and he has now moved on, but
20 the position is still the same, a move to
21 sustain the stocks within a very short time
22 frame, and that is affecting the industry

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1 significantly. When you have major
2 corporations doing that, I mean, I think the
3 motion has a lot of value because I think they
4 actually do that, but it would be nice if we
5 could figure out how to go one step further to
6 address, you know, the other issue.

7 MR. BILLY: Okay. John.

8 MR. CONNELLY: I deal with
9 aquaculture issues also, and that's primarily
10 an import question. And if we were a bunch of
11 Thai shrimp farmers right now, you'd have the
12 same conversation about why does Wal-Mart
13 require certification of aquaculture product.

14 So this isn't an unusual conversation to
15 hear.

16 But at the end of the day this is a
17 market, and a retailer, a wholesaler, or
18 restaurateur can lay on any requirement they
19 want on someone who wants to sell them
20 product. They do it all the time, price,
21 quality, delivery times. For those in
22 business, you know what the requirements are

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1 that someone you want to be your customer lays
2 on you; that's a harsh reality in this. If
3 you don't want to sell your product to Costco,
4 don't sell your product to Costco. If you
5 want to sell it to Costco, you've got to do
6 what Costco wants, and Costco could be -- you
7 could substitute Darden restaurants or U.S.
8 Food Service or Cisco or Youngs Blue Crest and
9 the U.K.

10 But if you want to sell to them,
11 you've got to pay their tune, and that's just
12 an unfortunate reality. So I think it's
13 important to remember this is a marketplace
14 out there, and that as frustrating as it can
15 be, I'm not sure the government has a role in
16 deciding whether or not a retailer should lay
17 on a requirement for a supplier.

18 MR. BILLY: Okay. Kitty has
19 arrived and unfortunately, when we shifted the
20 schedule, she was anticipating being available
21 for this full discussion, and she shared with
22 us at the subcommittee level a proposal, and

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1 so I think to be fair to her and to all of us,
2 we ought to give her a little bit of time to
3 briefly explain what her interest is in this
4 subject and what they'd like to see from NOAA
5 in this area.

6 So with that, why don't you?

7 MS. SIMONDS: Okay. Well, I'm
8 sorry I'm late, but you all shifted your
9 agenda items.

10 MR. BILLY: Yes. We almost got
11 away with it.

12 MS. SIMONDS: And I complained to
13 Balsiger, and he goes, "Well, you guys do
14 that, too, in the councils."

15 MR. BALSIGER: That's where we
16 learned it.

17 (Laughter.)

18 MS. SIMONDS: Well, anyway, I'm
19 sure that you read our proposal, and the thing
20 is that I had some comments about our
21 discussion the other day, especially after
22 John talked about how, you know, consumers

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1 don't really care about sustainability, and
2 actually that's true.

3 What do consumers want? They want
4 food that tastes good and is cheap, and what
5 does that equal? Imports, right?

6 And so, of course, you know, John
7 represents retailers, and I'm here
8 representing fishermen.

9 MR. CONNELLY: Kitty, I have to say
10 that we represent the full range. We
11 represent folks who harvest and process out of
12 Alaska, distributors, importers, aquaculture
13 down through the retailer. So --

14 MS. SIMONDS: But you also
15 represent me because I'm the only council
16 that's been a member of NFI for 25 years. I
17 pay my \$500 or whatever because I always
18 thought that that was going to be useful to
19 us.

20 Okay. Sorry. He wants me to hurry
21 up.

22 But anyway, so our bottom line

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1 proposal really is for NOAA to support
2 American fishermen, and because we have these
3 cheap imports that come in, so how do we
4 really go about doing it?

5 And I actually have some answers to
6 these trigger questions that he had. I
7 thought that was the best way to deal with
8 things, and if I'm repeating what you guys all
9 heard, too bad.

10 So the first question was --

11 MR. BILLY: Just one. And the
12 proposal is in your briefing book. So I'm
13 sure you all --

14 MS. SIMONDS: It's a little, tiny
15 proposal. It's two pages.

16 MR. BILLY: "Proposal Concept"
17 under Tab F. M? I'm sorry. M.

18 MS. SIMONDS: Okay. It's this
19 little two-pager, but I thought I would answer
20 the questions because it's a great background
21 for explaining this proposal, and it's
22 labeling of American seafood products in NOAA

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1 managed fisheries.

2 So in terms of the question is
3 there a need for additional federal
4 sustainability standards, it's yes and no.
5 Yes because we need to explain how U.S.
6 fisheries manage for sustainability. The
7 management system needs to be translated into
8 sustainability standards.

9 And no because we have the rules
10 and regulations, monitoring and enforcement in
11 place and in practice, but we haven't
12 explained the fishery management system in
13 terms that consumers and others can grasp.

14 And John, you made that note the
15 other day as well. This is what has left the
16 door open to the proliferation of ecolabeling
17 and ecoconsumer guide schemes. So if not,
18 why? You know, U.S. marine capture fisheries
19 are managed by NOAA under well described and
20 defined criteria for sustainability, applying
21 the best available science and ecosystem
22 approach and the precautionary principle.

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1 With NOAA generated stock
2 assessments and efforts to address the
3 ecosystem impacts, U.S. fisheries are managed
4 for sustainability. The problem with the
5 current proliferation of ecolabeling and
6 ecoconsumer guide schemes is that NGOs and not
7 fishery scientists and managers are defining
8 what constitutes responsible fisheries and
9 sustainable seafood.

10 The definition and standards should
11 be set by those professionals that are
12 actively engaged in the process of fishery
13 management. For American fisheries, this
14 means NOAA scientists and managers.

15 The big problem is, and again, this
16 was brought up a little bit the other day, is
17 communication of the current role,
18 responsibility and track record of NOAA and
19 the councils in managing our nation's
20 fisheries.

21 The general public doesn't know how
22 NOAA manages fisheries. Large retailers who

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1 are in need of assistance in developing
2 sustainable seafood procurement standards need
3 to better understand what it means in terms of
4 sustainability to buy and sell American
5 seafood caught and produced by U.S. fishermen
6 operating under U.S. law.

7 So if so, what form should they
8 take, general guidelines or specific
9 standards? NOAA already has rules,
10 regulations and mandates for sustainable
11 fisheries management, eliminating overfishing
12 at all NOAA managed fisheries.

13 FAO ecolabeling standards require
14 that three main areas be addressed: fisheries
15 management, where the fisheries are well
16 managed; status of exploited stocks, no over
17 fished stocks. Management takes corrective
18 actions, and three, ecosystem impacts are
19 addressed: habitat, fish, bycatch, protected
20 species.

21 So how are criteria to determine
22 sustainability to be selected? FAO has

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1 ecolabeling standards, and NOAA already has
2 its own standards. NOAA managed fisheries
3 already meet and exceed the FAO standards.
4 But how this is done has not been adequately
5 packaged and explained.

6 Should they be mandatory or
7 voluntary? If the seafood processor, retailer
8 or restaurant chooses to not use the NOAA
9 label, that should be allowed. Country of
10 origin labeling is already required, stating
11 that seafood is a product of the USA. Why not
12 allow the additional mark of NOAA sustainable
13 fisheries?

14 If seafood is caught by fishermen
15 under NOAA management, why couldn't they also
16 signify that it comes from a NOAA managed
17 fishery? What would be the scope, wild versus
18 all seafood sources? A NOAA label could also
19 encompass farm raised seafood as long as it is
20 managed under NOAA, and sustainable
21 aquaculture criteria are defined.

22 Domestic production only or imports

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1 as well? No. NOAA does not manage foreign
2 fisheries. Therefore it's not in the NOAA
3 jurisdiction to certify imports.

4 What is the definition of voluntary
5 or sustainable seafood? Sustainable seafood
6 comes from responsible fisheries. Responsible
7 fisheries are well managed for sustainability,
8 do not cause overfishing and overfished stocks
9 and adequately address the ecosystem impacts.

10 Is the federal ecolabel or mark
11 desired? Well, is the continued development
12 of the FishWatch program sufficient as a
13 government response together with the national
14 standards? Well, if not, what short of
15 ecolabeling should be done?

16 I know a stack is not an ecolabel,
17 but a legitimate alternative. Most, if not
18 all, ecolabeling schemes claim to be based on
19 the FAO code of conduct for responsible
20 fisheries. NOAA managed fisheries score very
21 high, 93 percent for the whole ID long line of
22 fisheries and 97 percent for Alaska fisheries

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1 scored internally against the FAO code.

2 FishWatch provides good information
3 on U.S. fisheries, but it is an external
4 resource and information that could support a
5 staff. FishWatch could serve to house the
6 information on which the sustainable NOAA
7 label was based, including stock assessment,
8 the ecosystem impacts, bycatch reduction,
9 reduction in protected species.

10 Is an ecolabel practical? Do we
11 have the authority? How would we pay for and
12 enforce it? It depends on the definition of
13 ecolabel. If that includes a mandatory
14 audited chain of custody, it's not practical,
15 but because we do have systems in place to
16 track the origin of product.

17 Should NOAA audit fisheries or
18 should other agencies participate? What about
19 third parties? Well, what needs to be
20 audited? Again, if it's the management
21 system, isn't that process transparent enough
22 with enough stakeholder and scientific inputs

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1 that an external audit would not be required?

2 NOAA is the ultimate source of
3 fisheries information. For ecolabel
4 certifiers who must be educated about
5 particular fisheries that they are certifying,
6 if the auditing is required of the chain of
7 custody, like we said the other day, that's
8 another story.

9 Should there be a fee for the
10 service as a cost recovery mechanism? If U.S.
11 fisheries and seafood processors are allowed
12 to use the NOAA staff, as long as they can
13 trace the origin of the product to a U.S. NOAA
14 managed fishery, fees may not be needed for
15 the NOAA label use at all. It seems that the
16 packaging information on NOAA's sustainability
17 criteria and performance could be part of
18 NOAA's outputs to explain to the public and
19 the fishing and seafood industry how it
20 manages U.S. fisheries on the current stock
21 assessments and progress in addressing
22 ecosystem impacts.

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1 That's my response to the
2 questions. Is that helpful?

3 MR. BILLY: Yes.

4 MS. SIMONDS: And my proposal?

5 MR. BILLY: Yes.

6 MS. SIMONDS: Thank you.

7 MR. BILLY: Okay. So hopefully you
8 have had a chance to look at the proposal, and
9 the interest in this particular fishery of not
10 only identifying that it's a properly managed
11 fishery, but to be able to use some sort of a
12 mark, there's a particular interest from a
13 particular part of our fishing industry.

14 Okay. Thank you.

15 MS. McCARTY: Can I ask a question?

16 MR. BILLY: Go ahead, yes.

17 MS. McCARTY: So you guys are
18 actually doing this? You're using -- what are
19 you doing?

20 MS. SIMONDS: No, we're concerned
21 about -- well, well have a lot of concerns.
22 One of the things I mentioned was that our

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1 long line industry has fierce competition in
2 terms of the fish that the fish board provides
3 in Hawaii from a Hong Kong based company that
4 owns all of the boats in the Marshalls, but
5 somehow that comes in as sold to Costco as
6 well as U.S. seafood, but you have to keep
7 looking and looking, and then you find out,
8 oh, no, it has really been fished by foreign
9 vessels owned by this Luan Thai company.

10 And these people actually, Luan
11 Thai, they're all in my international
12 consortium as well, but I'm just speaking
13 today about U.S. type things because we're
14 also going to be working on something I did in
15 terms of the international arena. You know,
16 what should governments do?

17 You know, for example, did we talk
18 about, you know, the organic produce
19 standards? A long time ago, I mean, there
20 were 25 different NGOs and certification
21 labels until the USDA came along and set up
22 the standards. I think we would be kind of

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1 like way ahead of the game to do this.

2 MR. BALSIGER: Maybe Kitty exactly
3 said this, but they've done the work on the
4 long line fishery. It clearly makes the
5 national standards and that can be approved by
6 the Fishery Service. It's in force. Kitty
7 would like us to write a letter saying this is
8 a sustainable fishery and here's their logo,
9 and we won't do it. We aren't sending a
10 letter under my signature that says, "Yes,
11 this particular fishery is especially
12 certified." It's an FMP, but we haven't got
13 over that step to be able to write a letter.

14 Now, Steve is looking at me
15 askance. So maybe I misstated it.

16 MR. MURAWSKI: I mean, this is the
17 issue for us to kind of get over. Obviously
18 there are some legal issues about the use of
19 the NOAA logo per se, and none of us here are
20 qualified to actually -- you know, I think
21 Mark probably knows as much as anybody about
22 that.

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1 But clearly, you know, we're having
2 internal discussions about getting over the
3 point that Jim just said.

4 MS. SIMONDS: Is there an authority
5 problem?

6 MR. MURAWSKI: See, right now the
7 fisheries could say, you know, "We meet the
8 sustainability criteria of NOAA." You could
9 go out and say that right now because we have
10 to define stable criteria.

11 The other step is using the NOAA
12 logo and some sort of a positive statement as
13 opposed to a claim that you meet the
14 sustainability standards. That's the decision
15 point that we're kind of at, the dilemma we're
16 at.

17 MS. SIMONDS: So is it an authority
18 problem, that you don't have the authority in
19 terms of legislative authority, or can you
20 develop this authority yourself? What is the
21 problem?

22 MR. BILLY: You weren't here.

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1 There's an authority under the Ag. Marketing
2 Act that is marginal.

3 MS. SIMONDS: I remember you
4 mentioned that actually.

5 MR. BILLY: And that there was some
6 discussion earlier about it would be sounder
7 footing if you had explicit authority.

8 MS. SIMONDS: So the Congress could
9 give you this authority, yes?

10 MR. BILLY: It could.

11 MR. BALSIGER: I'm not going to
12 answer that question, but I just was going to
13 say listening to the discussion around the
14 table it's not clear to me that all of MAFAC
15 would recommend that we would sign a letter to
16 you saying here's our signature. It is NOAA
17 certified.

18 MS. SIMONDS: Sure. Well, that's
19 why we're having the discussion.

20 MR. BALSIGER: And of course,
21 because all of you guys are smart and we're
22 listening to you, that's part of the reason

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1 that we're not sure we want to send the
2 letter.

3 MR. BILLY: Okay.

4 MS. SIMONDS: I beg your pardon.

5 MR. BILLY: I want to get back to
6 my list.

7 MS. SIMONDS: It's even harder for
8 me to sell this --

9 MR. BILLY: Get back to my list and
10 Steve, you had your hand up.

11 MR. MURAWSKI: Well, I wanted to
12 make a point that John started on, and that
13 is, you know, we're actually certifying 20
14 percent of the problem because 80 percent of
15 what we're eating in the United States is
16 imported seafood. So really we're talking
17 about almost niche marketing, you know, our
18 logo to the things that actually we're
19 responsible for.

20 And so when you're in a big market
21 like 44 percent of consumers think it's not
22 sustainable, they're about right because 80

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1 percent of what they're eating is mostly
2 nonsustainable because of imports, right?

3 MS. SIMONDS: Imports, exactly.

4 MR. MURAWSKI: And so the consumer
5 is not discriminating between -- and I'll
6 defer to the people that did the research --
7 between local --

8 MS. SIMONDS: I thought you said
9 four percent.

10 MR. MURAWSKI: -- local and what's
11 available, you know, based on their actual
12 decisions versus what they say they want.

13 MS. SIMONDS: Right.

14 MR. BILLY: Larry.

15 MR. SIMPSON: Everybody's talking
16 about their decision. I can make my own
17 decision. If I go buy a can of soup and I can
18 look at the label, and the truth in labeling
19 says that it's got salt and tomatoes -- well,
20 that's a bad one -- salt and beef and celery
21 in it and it's Campbell's soup and I can look
22 at this one and it's Brand X and it's got the

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1 same stuff, I can make my own decisions as
2 long as I know that there's truth in that
3 production, in that quality.

4 All I'm saying is why can't you do
5 the same thing with fish. If somebody wants
6 to buy Campbell soup, somebody that wants to
7 pay MSC or whatever their money for doing
8 that, that's fine. But if you don't want to,
9 then why can't you offer certification from
10 the federal government saying this is
11 truthful?

12 MS. SIMONDS: Yes, stand behind
13 your management.

14 MR. SIMPSON: And not for every
15 kitty, but for this season or this year, this
16 fishery was sustainable.

17 MS. SIMONDS: Right.

18 MR. SIMPSON: It's not over fished.
19 Over fishing did not occur.

20 MS. SIMONDS: Right, because things
21 could change.

22 MR. BILLY: Randy.

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1 MR. CATES: I think this is a great
2 discussion that we're finally getting down to
3 the roots. I just wanted to make a couple of
4 comments. This is not a Hawaii long line
5 issue. This is a fisheries issue that I've
6 been seeing a couple of meetings. I think it
7 just came out here very shortly. What's
8 needed and what is important is for the
9 National Marine Fisheries to stand shoulder to
10 shoulder with the U.S. fish industry and be
11 able to demonstrate that our quality is
12 sustainable.

13 And if NOAA Fisheries is not able
14 to write a letter back to a fishery that has
15 been clearly sustainable, I think there are
16 problems. I think MAFAC should look at that
17 and say we need to promote our success and
18 stand in support of commercial fishermen and
19 the producers.

20 And if they don't have authority to
21 do that, then MAFAC should support the
22 fisheries in getting that authority. This is

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1 a really important issue. I think it is
2 probably the most important one I've seen yet.

3 If you're in a sustainable fishery, you
4 should be able to proudly state so that hey,
5 NOAA, we follow these standards.

6 Because American fishermen make
7 sacrifices far and above foreign fleets. We
8 live with these rules, and we should be able
9 to say we're living with these rules and
10 here's our guidelines. Buy our product.

11 MR. BILLY: Thanks.

12 Ken.

13 MR. ROBERTS: I appreciate that.
14 That's why I asked the question on Lobster
15 Hill. Jim might be willing to sign off on a
16 letter saying something is sustainable, but he
17 wouldn't dare authorize use of the NOAA seal,
18 and I don't even know if he'd do the form, but
19 I got an indication that maybe they wouldn't
20 stop somebody from saying a particular fishery
21 that's on the sustainable management list, if
22 I choose to use it in my marketing program, I

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1 didn't think NOAA General Counsel would come
2 after me.

3 But I do see a reluctance. There's
4 a distinction there because it doesn't sound
5 like he wants to send a letter to me saying I
6 can do it. He certainly doesn't want me using
7 the logo. So I think those things have been
8 fleshed out a little bit here.

9 The other thing I want to remind
10 you, we have a motion on the floor which we
11 may have to --

12 MR. BILLY: We're going to get back
13 to it.

14 MS. McCARTY: I seconded, and I
15 can't remember what it was.

16 (Laughter.)

17 MR. BILLY: Okay. Bill, would you
18 restate the motion as it stands and seconded?

19 MR. DEWEY: I can. I was also
20 contemplating an amendment based on some of
21 this recent discussion.

22 MR. BILLY: You have the floor.

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1 MR. DEWEY: Okay. So I'll try it
2 with an amendment to see if this works. I
3 move that --

4 MR. BILLY: No, no. You've got to
5 withdraw it first.

6 MR. DEWEY: Okay. So I'll withdraw
7 my original and offer this as a new motion.

8 MR. BILLY: Okay.

9 MR. DEWEY: So move that MAFAC
10 recommend that NOAA pursue the necessary
11 authority to provide a label for use on
12 fishery products that are -- I'm not sure of
13 the terminology here -- essentially managed
14 sustainably, and then also make a substantial
15 effort to improve public education efforts
16 through FishWatch and other means regarding
17 the status of U.S. fishery and shellfish
18 stocks and the health benefits of consuming
19 them.

20 MS. McCARTY: Second.

21 MR. BILLY: Motion made and
22 seconded. All right. Discussion.

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1 MR. BALSIGER: Thank you, Mr.
2 Chairman.

3 Bill, you said pursue a label. So
4 I think the idea of a letter from head of the
5 science programs or myself saying this fishery
6 is part of an FMP that we have approved and
7 therefore meets the ten national standards,
8 including the sustainability standards, a
9 letter is probably something we could do. A
10 label would be a whole different thing.

11 So maybe you specifically wanted to
12 say a label in your motion, and I guess I
13 wouldn't rule out the possibility of preparing
14 a letter short of that.

15 MR. BILLY: Okay. Just to further
16 clarify, are you saying subject to
17 confirmation from whoever, General Counsel or
18 whoever, that you think that you would be able
19 to do that kind of a letter now?

20 MR. BALSIGER: I think so, yes.

21 MR. BILLY: So that's something
22 that could be done without pursuing the

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1 necessary authority to provide a label, which
2 is what the motion is.

3 All right. Further discussion.
4 Randy, it's yours.

5 MR. CATES: A comment and a
6 question for Jim. One comment I would have is
7 pursuing more funding to educate the public I
8 think is going to be tough. We've been
9 pursuing aquaculture for how many years and
10 not gotten anywhere. So I don't hold faith in
11 that.

12 Is there a resistance by NOAA to
13 seek the approval for a label? I mean, I'm
14 not clear on what the problem is in being able
15 to issue, say, a bottom longline fishery or an
16 East Coast fishery permission to use a label
17 and let them pay for it. I'm unclear what the
18 holdup is.

19 MR. BALSIGER: Well, Mark, do you
20 have this summarized in some of your material?

21 MR. HOLLIDAY: The issue is not the
22 one of appropriate use of the NOAA label. It

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1 comes back to the discussion we started out
2 with with respect to chain of custody and
3 maintaining the integrity and the use of that
4 for its intended purpose.

5 So I wasn't here for the
6 subcommittee discussion when chain of custody
7 was discussed. I was at the strategic
8 planning subcommittee, but the notion that we
9 have a label and it's certifying that this
10 product on the shelf is, indeed, the one that
11 was meeting those standards, and then because
12 it's a NOAA product or a NOAA sponsored label,
13 it's our responsibility to ensure that that
14 product is, indeed, as advertised, and so with
15 the complication of it, seafood fraud
16 discussion that we had this morning, product
17 substitution, it could be an imported product
18 misusing a NOAA label. There's an
19 infrastructure and an implication for it that
20 you take on when you issue your own label that
21 we've not discussed, at least.

22 In your remarks, Kitty, you

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1 mentioned something about some reference to
2 chain of custody, and that would be another
3 question or issue. I was curious what that
4 issue or question was.

5 MS. McCARTY: I didn't see through
6 that part of it.

7 MR. CATES: Tom, just to follow up
8 on that, to me we're supposed to think big
9 ideas, give direction on that. Those issues
10 are something that can be worked out. If
11 MAFAC says we recommend you pursue this, I
12 look at that as an issue, chain of custody is
13 something that could be worked out, whether
14 yearly recertification, how are you doing;
15 those are issues that seem to me to be
16 reasonably solved.

17 MR. BILLY: But you would have to -
18 - you know, you might need to set up a
19 sampling program for product in the
20 marketplace. You may need to take enforcement
21 action on people that are substituting product
22 and using the label improperly, and those have

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1 resource implications like the promotion of
2 the existing management system.

3 So there are considerations I think
4 is what I interpret.

5 MR. CATES: But we have examples of
6 that with the Monterey Bay Aquarium. They
7 have to deal with those issues. If they can
8 deal with those issues --

9 MR. BILLY: Oh, it can be done.
10 It's just --

11 MR. CATES: They don't monitor the
12 product.

13 MR. BILLY: John.

14 MR. CONNELLY: The chain of custody
15 requires that each step along the way is
16 certified in the same manner that the fisher
17 is certified. So in the MSC context, everyone
18 that touches an MSC product has to be
19 certified. So the wholesaler, the processor,
20 the wholesaler, the retailer, all have to be
21 certified in order that they segment out MSC
22 product.

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1 MSC is a relatively small program,
2 and they have four or five staff just dealing
3 with chain of custody questions. So the
4 reason this is a little bit of a strategic
5 part of the discussion, Randy, is if we go
6 down this path, the service is going to have
7 to look at the resource implications of that.

8 If MSC has four people with a relatively
9 small program, the service is going to have to
10 consider resource implications.

11 MR. CATES: But industry can pay
12 for that.

13 MR. CONNELLY: Well, I'm just
14 saying the service has to consider that.

15 MR. BILLY: Okay. Heather.

16 MS. McCARTY: Mr. Chairman, I think
17 that the motion said pursue it, right? Maybe
18 the motion should be that there should be a
19 discussion paper prepared by staff that deals
20 with all of these issues and so that we and
21 the agency can see what all the ramifications
22 and implications are and so that it's all sort

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1 of an analysis, so that we can see what the
2 answers for all of these speculations are.

3 I mean, I'm not ready to say right
4 now this should be done because I don't know
5 what all it's going to take and how much it's
6 going to cost and what the responsibilities
7 are, and so forth. It sounds like a really
8 good idea, and I agree with Randy in that the
9 agency should stand behind their fantastic
10 management and we should all celebrate it. I
11 think this would be a way to do that.

12 I don't see the NOAA logo itself
13 being used on these packages. I see another
14 sort of label, something like your FishWatch
15 thing that you've developed your particular
16 logo for, something like that, and then
17 industry pays for the cost of having that put
18 on something. Industry pays just like they do
19 for MSC. It's an alternative that would serve
20 a number of different purposes.

21 However, it may be really hard to
22 get to that point, and we need to know, as the

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1 agency does, what it would take. So that's
2 what I recommend.

3 MR. BILLY: Okay. Tim next.

4 MR. HANSEN: Yes, just for what
5 it's worth, the inspection program has a small
6 staff in Pascagoula, Mississippi who does
7 label approval and review, and when someone
8 outside the program asks for label reviews, we
9 charge them a small fee for it, like a
10 service. It could be a way to handle that.

11 MR. BILLY: Okay. Mary Beth.

12 MS. TOOLEY: It just seems to me
13 with the current regulations in the
14 marketplace, country of origin is also
15 required, and what we're suggesting here is
16 that simply if it's a U.S. product and it
17 obviously is managed in the U.S. system, that
18 that's a sustainable product.

19 So the chain of command issues, I
20 think, you know, it's different. I don't see
21 why you need to go through that process.

22 The MSC, on the other hand, is

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1 saying that a particular fishery in a
2 particular place is sustainable and that same
3 species somewhere else in the country or used
4 by a different type or a whole bunch of
5 things, may not be. So that's a different
6 sort of issue.

7 MR. CONNELLY: Not really, Mary
8 Beth, because if you take Alaska pollock, get
9 it on a ship, send it to China for processing,
10 it gets mixed with Russian pollock. All of a
11 sudden is that product that gets into a fish
12 stick in a store, is that a sustainable U.S.
13 product managed under the service or not?
14 There's a lot of segmentation that -- pardon
15 me?

16 MR. SIMPSON: The stuff that was
17 sent was.

18 MR. CONNELLY: I know, but if we're
19 talking about a logo, Larry, you might not be,
20 but everyone else is.

21 MS. TOOLEY: And then those are
22 issues that you need to address, but I think

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1 we were talking about particularly fresh
2 seafood in the marketplace that has to be
3 labeled already, you know, the country of
4 origin, it seems like you're talking about a
5 cost to have somebody do that. Obviously, it
6 raises a good issue.

7 MR. BILLY: Chris.

8 MR. DORSETT: I just wanted to
9 support Heather's recommendation that we look
10 before we leap on this motion, and I'm curious
11 since this is the motion on the table, what
12 exactly we're talking about when we say label.

13 MR. DEWEY: Well, the intent with
14 my motion, I intentionally didn't say the NOAA
15 logo thinking that it may be some other
16 specifically designed logo to reflect a
17 sustainably managed fish. So that was my
18 thinking.

19 You know, again, some of the
20 discussion has gone further than the intent of
21 my motion, which was just that. It was if
22 this was a sustainably managed U.S. stock,

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1 would it be allowed to use this logo.

2 MR. BILLY: Mark. That's the
3 official lingo. Okay. Other discussion?
4 Randy, far Randy here. Oh.

5 MR. FISHER: One solution is to
6 give it all to USDA. That way you've got
7 protection for American fishermen, and you've
8 got the labeling all handled and everything is
9 fine.

10 (Laughter and simultaneous
11 conversation.)

12 MS. GLACKIN: I just wanted to
13 mention to be sure that everybody remembers
14 the dolphin safe label that the government
15 puts out. You know, step by step there's a
16 lot of ability for precise tracking, but it is
17 a precedent where NOAA Fisheries came out with
18 a label. It's on the can, our label, with
19 certification.

20 MR. BILLY: Speak up, speak up.

21 MR. KRAEMER: Well, that's very
22 intense, set by set monitoring. Think of how

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1 many shrimp fishermen are there, and we're
2 going to have them monitor every step?

3 MS. FOY: Did we already allow them
4 to put a stamp on it that says this product is
5 produced in the U.S.?

6 MR. HOLLIDAY: There's a country of
7 origin label requirement, and that's not 100
8 percent competently enforced.

9 MS. FOY: Right. That's the
10 problem I mentioned.

11 MR. HOLLIDAY: I think from the
12 staff's perspective when we wrote the white
13 paper, we tried to point out some of those
14 issues. We didn't quantify this in terms of
15 precise costs, that is you needed hundreds of
16 dollars to competently enforce the mark, but
17 it was pointed out as this was one of the
18 implications that you buy into it when you go
19 beyond establishing the certification.

20 I think most of us sound like we're
21 agreeing that we want to be able to
22 definitively defend the fisheries management

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1 competency of the U.S. for these fisheries,
2 and where we stretch that by putting a mark on
3 the product, there are these implications of
4 assuring that that mark has integrity, that
5 when you buy that product, it's the product of
6 that fishery rather than some economic fraud
7 that the people have substituted it for, and
8 that you have the ability, the people, the
9 money, the resources, to ensure that the mark
10 has had meaning for the consumer or the
11 retailer, whoever is depending on that.

12 And when it's associated with NOAA,
13 it's NOAA's responsibility. We need to be
14 able to competently defend that because it
15 reflects on the government and on our agency
16 to ensure that. It is not without cost or
17 implication.

18 MR. BILLY: Okay. Bill or Alan, to
19 this point?

20 MR. RISENHOOVER: Yes. To
21 continue, that's where we stopped with
22 FishWatch, was FishWatch we can say these

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1 stocks are managed under federal FMPs, and
2 here is their status relative to the Magnuson
3 Act, overfished, not overfished, put in the
4 information we have on bycatch.

5 So we can say that if you're eating
6 U.S. caught red snapper, here are the
7 characteristics of that fishery: overfished,
8 overfishing, rebuilding plan, how long that
9 is, get some stock status.

10 So that's where we stopped, because
11 we couldn't certify that every piece of red
12 snapper was, one, red snapper or two, that it
13 was caught in the U.S. under the FMP. But
14 it's getting at what you're talking about on
15 this. That's the information on how we manage
16 in the U.S., and yes, FishWatch hasn't even
17 been around a year yet, and we're still
18 ramping that up to try and get a better
19 information program around, that we're up to
20 75 or 80 stocks now.

21 But that's why we stopped FishWatch
22 at that point instead of going on to a mark,

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1 was this idea of the integrity of it then.

2 MR. BILLY: Bill.

3 MR. DEWEY: So I'm interested in
4 Dr. Balsiger's response to my motion in that
5 you may actually have the authority now to
6 give a letter to NOAA, but that certainly
7 would be easier than providing some sort of a
8 mark.

9 MR. BALSIGER: Yes. I just don't
10 think that that was as much as was asked for,
11 but that part we can do.

12 MR. DEWEY: I guess in light of
13 that, again, I would consider amending my
14 motion or offering a new substitute or
15 whatever because I think that's a good point.

16 I guess I want to recognize that
17 for Kitty and for others to have to wait
18 around for a process that got you to a mark
19 leaves you with years without a tool to use,
20 whereas at least a letter initially could
21 potentially be used.

22 MR. BILLY: Okay. Would you like

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1 to withdraw your motion?

2 MR. DEWEY: So if that's what the
3 Chair desires, a withdrawal and a new motion,
4 I can do that.

5 MR. BALSIGER: But Mr. Chairman,
6 I'm not sure that it would -- if you still
7 would like us to pursue, I think your word is,
8 a label, that's fine because without a motion
9 or maybe with a different motion you could
10 say, "And by the way, send the letter right
11 now," which we might or might not do, but
12 there's nothing wrong with the motion we
13 have, I don't think. It doesn't preclude
14 writing a letter.

15 MR. BILLY: Reread the current
16 motion.

17 MR. DEWEY: So the current motion
18 is move that MAFAC recommend NOAA pursue the
19 necessary authority to provide -- I'll change
20 "label" to "mark" based on your recommendation
21 -- for use on fishery products that are
22 sustainably managed, and then I have another

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1 paragraph to go on about the education.

2 MR. JONER: Could I add a friendly
3 amendment to that?

4 MR. BILLY: Yes, sure.

5 MR. JONER: That is are sustainably
6 managed in accordance with national standards
7 in the U.S. government, U.S. national
8 standards. Is this not debatable what
9 "sustainable" means and Congress hopes. I
10 think the beef is with them, not us.

11 MR. SCHWAAB: So that would mean
12 everything on an FMP is sustainably managed
13 then?

14 MR. BILLY: Mary Beth, you wanted
15 the floor?

16 MS. TOOLEY: Sorry.

17 MR. BILLY: That's all right. You
18 had your hand up.

19 MS. TOOLEY: Yes, I know.

20 MR. SIMPSON: You're going to have
21 to get your training right.

22 MS. TOOLEY: I'm going to pass.

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1 MR. BILLY: Catherine.

2 MS. FOY: I think Heather made some
3 really valid points. I think that we should
4 request that NOAA check into this and report
5 back to us so that we don't recommend a course
6 of action to NOAA that is going to get us into
7 a hole we can't get out of. So a little
8 further investigation and report back to us at
9 the next meeting is what I would propose.

10 MR. CATES: Give us a plan how we
11 can do it.

12 MR. BILLY: Well, I think we would
13 need to amend the motion a little to make that
14 clear. Bill or Tom, I mean. Sorry.

15 MR. RAFTICAN: I was just going to
16 say maybe, look, you go around the room and
17 everybody thinks you're on the right track,
18 but it's like how do you get it done, and I
19 would suggest that you broaden the motion to
20 give staff the best tools to work with and ask
21 them to bring something back for consideration
22 next time.

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1 Everybody would like to get this on
2 here. We do a good job of managing our
3 fisheries, and we need to get that out in
4 front, but if somebody were pursuing MSC
5 certification, I think they'd be looking at a
6 three to four-year process, and we might be
7 able to beat that.

8 MR. BILLY: Ken.

9 MR. ROBERTS: I just want to make
10 sure that the word "domestic" is not in there.

11 Rather than make an amendment, I think the
12 record ought to show that we're speaking about
13 domestically managed fisheries. I don't think
14 it's fair. At some point you were reading,
15 and I thought that was in that.

16 MR. BILLY: I'm sorry. Okay.
17 You're doing excellent.

18 MR. DEWEY: Before I withdraw and
19 add something, maybe I'll just read something
20 here and see what the flavor is.

21 Move that MAFAC recommend NOAA
22 provide a plan to provide a mark and/or other

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1 acknowledgment for use on or with domestic
2 fishery products that are sustainably managed
3 in accordance with U.S. national standards.

4 MS. McCARTY: Second.

5 MR. BILLY: Excellent.

6 MR. DEWEY: It's a motion that I
7 haven't been repeating, but it's probably
8 acceptable.

9 Further, that NOAA make a
10 substantial effort to improve public education
11 efforts through FishWatch and other means
12 regarding the status of U.S. fish and
13 shellfish stocks and the health benefits of
14 consuming them.

15 MR. BILLY: Okay. Do we need a
16 formal --

17 MS. McCARTY: Call for the
18 question.

19 MR. BILLY: All right. Call for
20 the question. All those in favor say aye.

21 (Chorus of ayes.)

22 MR. BILLY: All those opposed?

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1 (No response.)

2 MR. BILLY: Motion carried
3 unanimately.

4 MS. McCARTY: Thank you, Mr.
5 Chairman.

6 MR. BILLY: Okay. Let's move on.
7 Okay. Now we're going to have an opportunity
8 to receive a presentation from Steve Murawski
9 on climate change impacts.

10 MR. SIMPSON: Mr. Chairman, can we
11 take five? There are a lot of people running
12 out the door.

13 MR. BILLY: Yes, I'm worried you
14 won't come back.

15 All right. Five minutes.

16 (Whereupon, the foregoing matter went off the
17 record at 2:51 p.m. and went back
18 on the record at 3:00 p.m.)

19 MR. BILLY: Okay. Steve, the floor
20 is yours.

21 MR. MURAWSKI: Thanks.

22 So Mary kind of started the

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1 discussion this morning about the large
2 challenges that she's seeing in NOAA in terms
3 of, you know, where we're trying to move the
4 administration, trying to get set up for the
5 transition, and one of the issues that she
6 highlighted, in fact, the first one she
7 highlighted was the climate related issue.

8 I wanted to dig a little deeper on
9 this because as she said, what we're trying to
10 do is make sure the fisheries is well
11 positioned to be an appropriate customer for
12 climate related issues.

13 So what I want to do is kind of tee
14 up this issue a little bit more in depth from
15 three points of view. First of all, you know,
16 there's a lot of sort of evolutionary
17 discussion about, you know, the importance of
18 climate as it affects fisheries' productivity,
19 as well as endangered species, and in
20 particular, there's a number of issues that
21 are becoming very ripe with the polar bear
22 decision that DOI just announced on threatened

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1 status for polar bears and other things.
2 There's a number of endangered species issues
3 that we have that are particularly related to
4 climate.

5 We're trying to go through the
6 budget process and work on a number of very
7 specific issues so that we can better inform
8 the fishery management process and then the
9 ESA designation and the biological opinion
10 process about issues related to climate.

11 We got a General Accounting Office
12 report that summarized how federal managers
13 are using or not using climate related data as
14 it affects on the ground management in federal
15 lands, and of course, EEZ are the ultimate
16 federal lands. I mean, it's an enormous area,
17 and so we are holding the GAO report that we
18 have to respond to.

19 One of the interesting things that
20 has evolved is back in December the Vice
21 Admiral asked Jessica Kondel who is sitting in
22 the back there to figure out what Fisheries

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1 Service's grand plan was for incorporating
2 climate effects into our day-to-day business,
3 and so we sent back a short note, a couple of
4 pages, saying, "Well, this is what we're
5 doing."

6 Then he came back to her, I think,
7 and said, "Yes, but what's the grand plan?"
8 You know, so everybody's light bulbs went off.

9 The Admiral wants a grand plan of how we're
10 actually going to incorporate this.

11 I actually think, all things being
12 equal, that process has actually helped us a
13 lot in terms of thinking through some of the
14 issues, and so I wanted to actually, you know,
15 work on those issues a little bit more with
16 you so that you understand that, you know,
17 we're not idly sitting by and watching the
18 whole climate thing play out. You know,
19 actually when you get down to think about it,
20 this is a very long-term debate that we've had
21 in managing fisheries about are they
22 controlled primarily by what we would call

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1 top-down control, that is, you know, are fish
2 populations controlled by fishing, or are they
3 controlled by other climate related processes?

4 And this is an historical debate
5 that started back in the '30s with the Halibut
6 Commission trying to sort of tease out the
7 climate signal versus the fishing signal, and
8 of course, we've kind of gone back and forth
9 on this.

10 I think the debate is much more
11 mature than it used to be. Clearly, the fish
12 populations are at both sets of control, and
13 if you ignore one or the other, you know, you
14 kind of set yourselves up, and this is very
15 important in terms of the Magnuson Act debates
16 about setting long-term biological targets,
17 particularly if some of the productivity is
18 under external control of the climate or other
19 issues.

20 And the last thing I wanted to
21 comment on was the model about NOAA's climate
22 service and maybe add a little bit more detail

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1 than what Mary talked about this morning. So
2 I'd like to hit those four issues. I promised
3 Tom that I would not take the full hour. In
4 soccer terms, we're in after time right now.

5 So I wanted to talk a little bit
6 about the GAO report. General Accounting
7 Office conducted a fairly thorough study of
8 all the federal land managers, and they came
9 up with this study. Basically the title is
10 "Agency Should Develop Guidance for Addressing
11 the Climate Effects on Federal Lands and Water
12 Resources."

13 And so very specifically, it said,
14 in general, resource managers lack specific
15 guidance for incorporating climate change into
16 their management actions and planning efforts.

17 And we can read resource managers as
18 fisheries managers. You know, how do we
19 actually account for the long-term changes in
20 climate cycles, and are we incorporating that
21 well in our science advice when we actually
22 set things like, you know, biomass targets and

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1 other things.

2 It also relates to the managed
3 places that we've got. You know, in NOAA we
4 manage the sanctuaries. We manage a lot of
5 closed areas. We manage the National
6 Estuarine Research Reserve System along the
7 coast, and there's something like 27 different
8 estuarine reserves, and so there's a lot of
9 federal lands that NOAA manages, you know,
10 through its various authorities.

11 And they went on to say without
12 such guidance their ability to address climate
13 change and effectively manage the resources is
14 constrained. That was the nice language.

15 They also said that there's a
16 follow-up. GAO recommends that the
17 Secretaries of Agriculture, Commerce, and
18 that's our underline, and Interior develop
19 guidance for incorporating agencies' best
20 practices which advises managers how to
21 address climate change, et cetera.

22 And then they had a little parting

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1 shot here that said resource managers at our
2 workshops, and these were basically people in
3 the field, also said that climate change is
4 not a priority in part because of limited
5 support from agency leaders, which I guess
6 that's us.

7 (Laughter.)

8 MR. MURAWSKI: Specifically,
9 resource managers discussing the coast and
10 ocean ecosystems said there has been little
11 support from agency leaders to comprehensively
12 address climate change.

13 Therein I think the Vice Admiral
14 said, "What's our comprehensive plan?" So
15 there you go.

16 So it was very comprehensive. So
17 we've started in on developing this guidance
18 both in terms of the ESA related issues, which
19 are very ripe right now, and I'll go through a
20 few examples, as well as, you know, how can we
21 actually readdress these issues with the
22 council so that they understand, you know, how

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1 climate is affecting the various species in
2 terms of their distribution patterns,
3 underlying productivity.

4 You know, we have cycles in
5 productivity, but you know, are we starting to
6 see long-term changes that we would attribute
7 to climate forcing.

8 We had an initial response back.
9 By December 2008 we said we would engage in
10 consultations within the agency and identify
11 climate information. We would provide written
12 guidance back to help resource managers, and
13 we would enhance our interagency dialogue on
14 all of this.

15 And so we've actually done work on
16 all three. We've had a series of internal
17 workshops, one in Seattle that was done in May
18 and actually one in Silver Spring that was
19 done two weeks ago. The first workshop was
20 with all the living marine resource
21 communities within NOAA, and so there was a
22 very sort of wide ranging debate.

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1 The second one was primarily with
2 the coastal related issues that we've all
3 gotten. So we've had the workshops, and we
4 started to develop our overall management plan
5 for that.

6 So just to back up a little bit, I
7 wanted to sort of outline the authorities that
8 we feel that we've got to address climate
9 change related issues. Obviously Magnuson-
10 Stevens does a lot. Clearly, the fisheries
11 management plans, the national Standard 6
12 which talks about taking into account, you
13 know, various natural fluctuations in
14 populations, in setting population size
15 targets, protecting vulnerable habitats and
16 ESA, essential fish habitat provisions, all
17 have an important aspect in climate.

18 The Endangered Species Act clearly
19 in terms of the factors and listing decisions,
20 à la the polar bear, but also perhaps even
21 more importantly biological opinions, how they
22 factor into it, and I'll show some examples

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1 about jeopardy determinations in some of the
2 federal projects.

3 Marine Mammal Protection Act,
4 setting optimum population sizes and
5 minimizing human impacts from a variety of
6 threats, one of which could be climate. The
7 National Marine Sanctuaries Act, you know,
8 authorizes protection of biological
9 communities and habitats which might be under
10 climate stress.

11 It goes on. The Coastal Zone
12 Management Act, particularly with the National
13 Estuarine Reserve System addresses climate
14 change issues through a coordinated research
15 and knowledge management system. NEPA, which
16 is sort of the ultimate ecosystem management
17 document, certainly requires us to look at
18 cumulative effects and climate issues would be
19 one of those effects.

20 Coral Reef Conservation Act and the
21 Coral Reef Task Force, which is a multi-agency
22 group. Shallow water coral reefs are going to

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1 be one of the most critically endangered sets
2 of ecosystems under any of the climate
3 scenarios, and you know, clearly, there's only
4 so much we can manage within that.

5 And then, of course, we've got lots
6 of international treaties. In fact, I think
7 Rebecca totaled up we had like 81 different
8 treaties and bilaterals that we have out
9 there, you know, with a number of other
10 entities.

11 And of course, the Antarctic, the
12 Arctic Council and other things, I mean, all
13 of these groups are -- you can't go to a
14 meeting of these groups and not talk about
15 climate change these days. It's pretty
16 impressive.

17 I wanted to dig in a little bit
18 more on Magnuson-Stevens Act. National
19 Standard 6 says conservation management
20 measures shall take into account and allow for
21 variations among and contingencies in
22 fisheries, fishery resources, and catches.

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1 Clearly, contingencies in fishery resources
2 alludes to the changes in productivity that we
3 would naturally see under this environmental
4 forcing.

5 And so we have a number of fishery
6 management plans that actually kind of take
7 advantage of high and low productivity
8 variations, and we've seen that in the past.
9 The real question is are we going to start to
10 see trends that are, you know, clearly related
11 to that.

12 For example, some of the fishery
13 management plans like the coastal pelagics
14 plan in the California Current provide for
15 adjustments of the maximum sustainable yield
16 and Bmsy, depending on if we're in an
17 upwelling situation where productivity is high
18 versus a situation where the productivity is
19 low. And these tend to be sort of decadal
20 cycles where there are some -- you know, once
21 you're sort of in one of those cycles, you
22 know, you sort of know it. The phase change

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1 actually can be quite abrupt, but when you
2 think about it, if you don't catch that phase
3 change, you have either the situation where
4 you overshoot the quotas and potentially take
5 more out than the stock is going to produce or
6 the other way, you know, if you're in a high
7 productivity regime and you don't know it,
8 then you're actually artificially constraining
9 the system, and so that particular FMP
10 actually understands that in terms of the
11 fluctuating climate system.

12 And of course, optimum yield for
13 all of our management plans is prescribed on
14 the basis of MSY, as reduced by any relevant
15 economic, social or ecological factor. So
16 clearly ecological factors like climate change
17 that could impact on the overall productivity
18 in setting the biomass for maximum sustainable
19 yield is within the domain of what we want to
20 do.

21 One of the important things that
22 we're starting to see in many of the fisheries

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1 is that climate change can be reflected in a
2 lot of the parts of the stock assessment
3 process. Obviously we have to use the best
4 stock assessment information available and
5 best data.

6 Climate change can actually be
7 expressed in a number of the variable rates
8 that all add up to, you know, sustainability
9 criteria we talked about before. The natural
10 mortality rates, I mean, if the animals are
11 under stress, particularly in their early life
12 history, can either result in higher or lower
13 survivorship, and that's actually one of the
14 factors that relates to Pacific sardine and
15 other species.

16 Their growth rates, their ages at
17 maturity, and their recruitment levels, and
18 you know, as an example we're starting to see
19 changes in a lot of these parameters in the
20 northeast region, particularly in Georges Bank
21 and other places, that is probably related to
22 some increases in water temperatures, but

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1 other factors that, frankly, are a little bit
2 mystifying.

3 Seeing those changes across many
4 different species at the same time really, you
5 know, lends us to think it's a climate related
6 issue as much as internal fishing. So clearly
7 understanding the influence of climate on all
8 of those natural processes is kind of critical
9 to understanding what we're actually dealing
10 with.

11 In the ESA, there are four criteria
12 that are used to actually list the stock, and
13 if you look at the fourth criteria, other
14 natural and manmade factors affecting the
15 continued existence of a stock, this is the
16 criterion that was used to list the polar
17 bear. Interestingly, DOI got a lot of play on
18 the polar bear's climate related listing
19 decision, but actually NOAA was first out of
20 the box with the two species of corals in the
21 Caribbean which we listed primarily on the
22 basis of change in climate as it related to

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1 overall warming trends as well as the coral
2 bleaching events that we've seen with greater
3 frequency in the Caribbean.

4 So once listed, any federal project
5 that may contribute to any one of these
6 factors that require biological opinions can
7 actually be a basis for overturning or
8 modifying a federal project, and this has most
9 clearly been played out in the West in big
10 federal water projects, and I'll talk about
11 that in a minute.

12 In terms of the issues that we're
13 dealing with, obviously there's a lot of
14 dimensions to climate change, but we've kind
15 of boiled them down to six large thematic
16 areas that we're trying to pay attention to.

17 First of all is the attribution of
18 the climate signals. Is what we're seeing,
19 you know, long term directed change due to,
20 say, warming of the planet, or is it natural
21 scales of variability? It's very crucial to
22 actually try to figure this out because it's

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1 one thing if, in fact, it's just variations
2 around the long-term mean that we're looking
3 at in recruitment, productivity, or growth.
4 It's another thing if, in fact, we expect that
5 there's some long-term change that is not
6 particularly reversible.

7 And a manager could actually get
8 into trouble assuming, you know, say it's
9 variability around an average versus the long-
10 term mean, and so this plays out in a number
11 of issues, not only in the fisheries thing, but
12 think about attribution of the climate signal
13 versus variability in things like hurricane
14 frequency and a whole variety of other areas
15 unrelated to biological productivity.

16 But it will come up over and over
17 again. Are the changes in distribution that
18 we're seeing, are they climate related? Is it
19 just natural variability, seasonal variability
20 in temperatures, et cetera?

21 So this is probably one of the most
22 frustratingly difficult things that we have to

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1 deal with because of the length of the time
2 series that we're generally dealing with.
3 It's hard to actually tease out variability
4 from long-term trend, but clearly it's
5 something that we can't ignore.

6 The second thing is ocean warming
7 in general, the impacts on distribution and
8 productivity, the timing of things, the annual
9 timing of things. In many cases we're seeing
10 animals that have a migratory life cycle.
11 They're arriving earlier or leaving later, and
12 those kinds of trends are observed not only in
13 the ocean, but on land as well. The overall
14 impact of warming on productivity, invasive
15 species and other things that we see at the
16 coast.

17 The third issue is the impacts of
18 loss of sea ice on living marine resources,
19 most clearly in the Arctic, but also at the
20 Antarctic peninsula we're also seeing warming
21 issues and loss of sea ice, which has a lot of
22 implications not only for productivity of

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1 fisheries, but also protected species.

2 An emerging issue is the growing
3 acidification of the oceans. I'll talk a
4 little bit in more detail about what that's
5 all about, but clearly a lot of people are
6 concerned that, you know, this may, in fact,
7 be a major source of trend for fisheries in
8 the future.

9 The fresh water supply and resource
10 management issues, clearly an issue out West
11 where fresh water has always been a limiting
12 factor in the water wars and issues that Usha
13 and others have to deal with are very front
14 and center in terms of long-term projections
15 for precipitation in the West and what it
16 means for managing large agricultural projects
17 in, you know, domestic water and other things.

18 And the last issue is sea level
19 rise. This is just the natural resource
20 implications, but also, you know, there's a
21 huge amount of built infrastructure at the
22 coast which is all at risk from the sort of

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1 long-term trend in sea level rise,
2 notwithstanding the catastrophic sea level
3 risk that may actually occur if any of the
4 land-based glaciers ever actually melted off,
5 which is, you know, another set of issues.

6 I won't dwell on the coastal
7 pelagics too much other than to say this top
8 line is a 1,500-year time series of Pacific
9 sardine. You asked where did we get 1,500
10 years. I mean, you know, I don't think the
11 southwest center has been there that long.

12 So this was actually derived from
13 these core samples that you can take in places
14 where they have anoxic sediments, and so you
15 can actually go through the core sample and
16 figure out the proportion of scales of the
17 sardines versus the anchovies, and so you can
18 reconstruct that series.

19 What it says is that sardines have
20 always been highly volatile, right? So the
21 issue here is are we going to see the
22 emergence in the sort of -- you know, this is

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1 1800s and 1900s and, you know, 2000 -- so are
2 we going to see the emergence of either higher
3 or lower abundance, you know, out of that
4 signal? So you can see how difficult a
5 problem this is.

6 This is kind of an interesting
7 graphic, and it's a little obtuse, but if you
8 look at this sort of dotted line here, this is
9 the production of Pacific sardines in Japan,
10 right? So it has got two cycles, one back
11 just prior to World War II, and then we have a
12 current cycle of high productivity. This is a
13 little bit dated. This goes through the early
14 1990s.

15 And then this heavy dotted line is
16 the California sardine, you know, the sardine
17 of Monterey. So you had a high peak in the
18 '30s and '40s, and then you see very low
19 levels of production. Well, this is
20 artificial because this is a product of
21 fisheries management sort of keeping the
22 overall catch down.

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1 And then the dark line represents
2 the Pacific decadal oscillation, which is an
3 oceanographic feature, and so you can see that
4 the productivity really follows the cycles
5 fairly well in that long-term climate signal.

6 So there is a climate driver that's
7 important for these things, and it's not just
8 sort of over fishing the stock, although when
9 you get low productivity and high fishing
10 rates, that is kind of a double knock-on on
11 the stock and can leave you with a depressed
12 stock and low productivity, which is the worst
13 of all worlds.

14 So trying to figure out if there's
15 a long-term climate signal with something like
16 that is so highly volatile is clearly a
17 difficult issue.

18 In terms of the ESA listing
19 criteria, I talked about this a little bit.
20 These other manmade factors are clearly the
21 criterion of interest as far as climate. I
22 wanted to go through the scenario a little bit

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1 in the Arctic. This is a picture of the North
2 Pole. This is the north Alaska coast here.
3 This is Canada over here, and this is the
4 Northwest Passage that actually formed in
5 September of 2007.

6 The little inset graphic here is
7 the millions of square kilometers of Arctic
8 sea ice in September, which in September
9 that's when you have the minimum amount of sea
10 ice there. So 2007 was a huge drop in terms
11 of the overall amount of sea ice, and of
12 course, people are sort of on pins and needles
13 about, you know, is that actually a new
14 standard as opposed to just a one-year drop.

15 One of the things we found is that
16 the current data in that 2007, this is the
17 actual data about sea level, sea ice extent.
18 That 2007 point was actually down here. These
19 are all the model projections of sea ice loss,
20 and so you can see we're well out of the
21 envelope of traditional modeling.

22 It has a lot of implications for

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1 trust resources like the ice seals. In
2 particular, this may refer to the ribbon
3 seals. They've been requested to be listed
4 under ESA as a follow-up to polar bears, and
5 so right now NOAA Fisheries is actually
6 looking at the whole complex for ice seals to
7 see if they qualify under the threatened and
8 endangered criteria for that.

9 But also, you know, climate change
10 has positive and negative aspects to it, and
11 so the North Pacific Council is now dealing
12 with perhaps a new fisheries management plan
13 for the area up off the north coast of Alaska
14 where traditionally there hasn't been any
15 fishing because it has been covered with ice,
16 and so there's a debate right now whether we
17 should be precautionary about any new fishing
18 regulations until we can sort of understand
19 what might develop in terms of the shifting
20 distribution of species up there.

21 Clearly, the Arctic is a huge issue
22 for us in terms of the climate related issues.

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1 I just want to show you one more graphic
2 here. To just get oriented, this is Greenland.
3 This is the Canadian coast and Alaska up
4 here, and the colors are the age of the sea
5 ice that's up there. So the red represents
6 ice that's more than six years old, and this
7 is a shot from March of 2007. This is March
8 of 2008. This is the North Pole right here.
9 Okay?

10 So you can see that the blue
11 represents basically seasonal sea ice, you
12 know, the one-year sea ice. So there is no
13 multi-year sea ice left at the North Pole. So
14 this year we may actually see an ice free
15 North Pole, which would be, you know, a
16 phenomenal development.

17 The polar bears and ice seals
18 basically exist on the multi-year sea ice and
19 not the annual sea ice, and so this was
20 actually the critical issue in listing polar
21 bears because their ecology is primarily on
22 that multi-year sea ice.

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1 So here's some projections of what
2 the sea ice scenario actually might look like
3 in the Arctic, and so this was the
4 international climate change group. They sort
5 of had a linear decline in long-term sea ice
6 that may play out by 2080.

7 There have been a series of
8 revisions of models, and some sort of extreme
9 models which indicate that we might have an
10 ice free Arctic even between 2010 and 2020.
11 So there's a lot of different scenarios going
12 on right now, but with these two anomalies,
13 2007 and perhaps 2008, it could be that we're
14 more into this regime somewhere in here as
15 opposed to the long-term, you know, sort of
16 international long-term climate change
17 scenarios that had originally been projected.
18 This will have huge implications for a lot of
19 the adapted species up in the Arctic as well
20 as the fisheries potential in the area as
21 well.

22 In terms of the polar bear listing,

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1 the six year old sea ice is needed for the
2 breeding, and that's primarily the habitat.
3 DOI said that they're now seeing polar bears
4 on land where they never see them before, and
5 there's a lot of sort of anecdotal information
6 about that, the linkage between the two to six
7 year old sea ice and polar bear reproduction
8 being broken.

9 They had two goals in mind in
10 looking at the listing: to develop a sea ice
11 habitat selection model and to look at
12 population projections of models for polar
13 bears particularly in the southern Beaufort
14 Sea.

15 There's a number of aspects that
16 are listed here, but clearly they looked at
17 both hunting and oil and gas exploration. The
18 only consistent factor in terms of decline up
19 there was the sea ice melt-off. So that was
20 justification for them to actually list the
21 polar bear.

22 Now, in terms of DOI, they do not

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1 want to be regulating carbon dioxide emissions
2 off of the Endangered Species Act, and you
3 know, the Secretary of the Interior was clear
4 about not wanting to do that. They may be
5 forced into it because they're already in
6 litigation about, you know, how they're going
7 to actually do that.

8 I'm sure that the Secretary of
9 Commerce does not want to be regulating, you
10 know, carbon dioxide emissions in the
11 Endangered Species Act either.

12 Some of the interesting things
13 about extinction risk, this is a quote from
14 the IPCC climate change report in 2007. A lot
15 of interest in, you know, what's going to
16 happen with plants and animals at higher
17 temperature levels, and you can see that
18 there's some projections about 20 to 30
19 percent of the plant and animal species may be
20 likely to be at increased extinction risks.

21 So clearly, you know, things like
22 Arctic sea ice melt there are obviously on our

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1 plate, particularly when we talk about
2 northern issues.

3 I wanted to talk very briefly about
4 ocean acidification. This is an interesting
5 process. You know, everybody has seen sort of
6 the data from the observatory at Mauna Loa
7 where you see the average CO₂ of the
8 atmosphere kind of going up in a linear trend
9 with a little bit of a seasonal cycle.

10 Actually if you sample the sea
11 water at Hawaii, there's a direct correlation
12 between increasing atmospheric CO₂ and
13 increasing partial carbon dioxide in the
14 surface layer of the water, and that's
15 because, you know, of the wave mixing of the
16 atmosphere. You know, the CO₂ goes into sea
17 water.

18 But almost immediately what happens
19 is that actually is changed over to carbonic
20 acid through a process that mobilizes the
21 carbonate in the sea water, and so that
22 carbonic acid actually creates an acidified

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1 surface layer.

2 And that acidified surface layer, I
3 mean, it's kind of a misnomer because the
4 oceans are basically basic rather than acidic,
5 has an average pH of around eight, which is,
6 you know, on the base side. But over the last
7 couple of decades, there's been a sort of
8 documented decline of about .1 pH units.

9 We remember in high school
10 chemistry pH is a logarithmic scale and so
11 that actually is a very significant change.
12 These are projections of how much the pH
13 actually might change. This is the depth of
14 the water, and this is the year.

15 So some of the projections in terms
16 of CO₂ emissions and the partial CO₂ in the sea
17 water have about a .1 change; started in
18 surface layers, and it may progress down to
19 deeper waters. This is .2, .3, and maybe by,
20 you know -- I mean, we're talking of sort of
21 significant long-term changes. Maybe up to .7
22 units, which would be an enormous change in

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1 the overall pH of the oceans.

2 Now, this has a real -- when you
3 think about, you know, who cares about pH.
4 You know, it's really the animals that count.

5 Well, one of the important things you have to
6 recognize is that half of the fisheries value
7 in the Untied States is either bivalves or
8 crustacean, and bivalves use a form of
9 carbonate called aragonite to make their
10 shells, and crustaceans use another form of
11 carbonate called calcite to make theirs, and
12 if there's not enough aragonite/calcite in the
13 ocean, a lot of studies that have actually
14 progressed show that by having reduced the
15 amounts of carbonate that are a result of the
16 acidification, that actually impacts the
17 survivorship of animals that might be
18 sensitive.

19 It also is the formation layer for
20 things like shell water and deep water corals
21 and other things, and when you actually get
22 right down to it, it's also the shells on many

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1 of the plankton species that are actually the
2 basic food chain. So this is a particularly
3 worrisome issue in not only fisheries, but
4 marine ecology in general.

5 As a result of this, literally the
6 last line in the Magnuson Act reauthorization
7 was a request that we do a study through the
8 National Academy, the Ocean Policy Board, and
9 so we funded a study that will start in August
10 to look at the implications of ocean
11 acidification for fisheries, and this was a
12 Congressman from Washington State who actually
13 put that in.

14 And so we funded this study, along
15 with National Science Foundation. In I think
16 about August of 2009, we'll have that study
17 back, and we actually wanted them, the
18 National Research Council, to outline a
19 research strategy so that we could actually
20 figure out some of these implications for what
21 we're doing because right now there's pretty
22 good analytical chemistry, but when you look

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1 at the studies, they tend to be sort of all
2 over the place in terms of some of the
3 ecological ramifications, and we really do
4 need to get a better handle on that.

5 So another one of the major issues
6 that we're dealing with is Pacific salmon, and
7 in particular, the Central Valley in
8 California is a very problematic scenario.
9 This is one where the Bureau of Reclamation is
10 doing the Central Valley Project, which is a
11 huge number of modifications influencing the
12 agriculture and water supply.

13 And because Chinook and Coho are
14 federally listed species, we have to have a
15 biological opinion. Now, the biological
16 opinions that were put on the table, they were
17 looked at, and some environmental groups filed
18 suit on it, and basically those were remanded
19 back to the agency because they didn't take
20 long-term climate impacts on water
21 availability into account in terms of looking
22 at these.

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1 And so actually there's a major
2 project that different parts of NOAA are
3 looking at right now to look at the long-term
4 water prospects for Southern California, to
5 try to look at the scenarios and whether or
6 not we're going to be in a higher or lower
7 precipitation regime. Clearly, this is an
8 area where we're probably looking at less
9 precipitation over the next hundred years
10 rather than more, and so that's going to
11 influence the entire basis for the water
12 control projects here. It's all being held up
13 because of ESA listings and species at
14 fisheries controls.

15 And I would expect that we're going
16 to see more and more of these kinds of
17 lawsuits as we get into, you know,
18 facilitating their water management issues in
19 the west, and clearly, that comes down on
20 fisheries services.

21 Another issue I wanted to briefly
22 highlight was long-term sea level horizon.

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1 The little insect graph is interesting because
2 this is about a 120-year history of sea level
3 round the United States. The green stuff
4 represents tide gauges that are sprinkled
5 around the country and they are operated more
6 or less the same way, probably more precise
7 measurements, but clearly the same kinds of
8 places.

9 And if you look closely, there's a
10 little red line here. You can also measure
11 sea level rise from satellites, you know, from
12 space with very accurate instrument called
13 Jason, and so they all showed the same kind of
14 overall trend of a few millimeters per year of
15 overall trend with a lot of variability.

16 And when you look around the
17 country, the variability can be extreme. If
18 you take, you know, Southern Louisiana, and
19 certainly Larry knows this issue, extreme
20 levels of sea level rise, you know, you're
21 talking about nine to 12 millimeters per year,
22 a very complex situation because the sea level

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1 is rising and the land is subsiding at the
2 same time, and so this is an area where it's
3 happening to the extreme.

4 And then you take some interesting
5 places like in coastal Alaska where actually
6 the sea level is going down because of the
7 rebounding of some of the land. Some of the
8 most extreme places are obviously places where
9 the land profile is very low to start with,
10 but this clearly has a lot of implications to
11 what we're doing.

12 And I'll just tell sort of one
13 quick story, and that is the issues related to
14 the northwestern Hawaiian islands, in
15 particular, monk seals and marine sea turtles,
16 this is one island in the northwest called
17 Whaleskate Island, and I think Kitty knows
18 this place. I've never been here, but these
19 are monk seals out on Whaleskate, and you can
20 see that, you know, it really has very little
21 profile. It's about two or three feet high.

22 So the question becomes under that

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1 sort of long-term trend to sea level rise, how
2 long is it going to take for this to go under
3 water.

4 And so the protective species
5 biologists out there did a really interesting
6 set of analyses where they took the long-term
7 scenarios of sea level rise that came out of
8 the IPCC, and this sort of maximum sea level
9 rise, medium and minimum, present level of sea
10 level, and then looked at sort of median and
11 spring highs, and they did these profiles for
12 a number of the different islands, and you can
13 see some islands in terms of a long-term
14 scenario, you lose a great deal of the island
15 integrity which actually can include the
16 nesting beaches for turtles as well as monk
17 seals, whereas some of the islands you
18 actually had very little loss over a long-term
19 sea rise scenario.

20 But overall, the study found that
21 we would potentially lose up to 40 percent of
22 the monk seal habitat by 2100 just due to this

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1 sort of progression in sea level rise, never
2 mind the catastrophic sea level rise that
3 would potentially come from some of the
4 glaciers.

5 So this is problematic for a number
6 of reasons. We've obviously got the issues of
7 the major species here, but when you think
8 about it, half of the EEZ that the United
9 States claims is in the Pacific islands, and
10 so as these islands actually go under water,
11 we're going to lose the 200-mile zone around
12 some of these islands. So it's a huge
13 economic issue, notwithstanding the ecological
14 issues that we've got.

15 So just a few sort of where are we
16 and where are we going with some of these
17 things, and this isn't meant to be sort of
18 scare tactics kind of thing, but clearly there
19 are issues that we have to deal with in terms
20 of our legislative mandates, and we are
21 getting a fairly active set of inquiries and
22 some litigation on this issue.

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1 So what we're trying to do, the
2 operating entities of NOAA, which are the
3 Fisheries Service, NOS and OAR, we're trying
4 to identify and prioritize our climate change
5 factors and influence Magnuson Act, ESA,
6 Marine Mammal Protection Act, Sanctuaries Act,
7 to identify what our priorities are and to
8 analyze, you know, sort of all of this for
9 operational guidelines.

10 How should managers on the ground
11 treat these data and what should the
12 scientists be doing to try to have more
13 clarity on some of these issues?

14 One of the things that coastal
15 chain scientists have said is don't
16 necessarily assume that, you know, if you fill
17 the bathtub up, some of the ecosystems don't
18 respond because ecosystems are actually living
19 things, and so like coastal marshes, they
20 actually have the ability to move sediment
21 around, and the biological parts of this
22 system may actually, you know, build up things

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1 or reduce things.

2 And so it's not just a matter of
3 fill the bathtub up with rising sea levels,
4 but that's a very intricate set of
5 arrangements in the ecosystems that we don't
6 really understand very well.

7 We want to engage a wide variety of
8 NOAA's line offices' partners. In particular,
9 one of the recommendations of our workshop was
10 to get a climate and ecosystems working group
11 together so that we could get more precise
12 scenarios that are broken out by regions
13 because as opposed to using these global
14 scenarios of things like sea level rise.

15 Combining observations and modeling
16 forecasts, the NOAA climate service, which is
17 the last slide, supported by the line officers
18 to provide our internal customers with the
19 best science available. That means that we
20 have to turn, you know, the things that I just
21 told you about into actionable things that the
22 councils and others can actually use.

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1 We need to develop those consistent
2 products and approaches, and the other thing
3 is we need a better communication strategy.
4 Clearly, a lot of this is in the domain of
5 science right now, but the public has an
6 enormous thirst for information about this,
7 and we need to try to sort the factum, you
8 know, the sort of fiction that's out there.
9 We do think that it's a role that we have to
10 play in NOAA to actually deliver the
11 information, and what the caveats are as it
12 relates to the mission.

13 So the last thing I want to do is
14 talk about the proposal that's in NOAA for our
15 climate service and partnership. As Mary
16 said, currently we're developing this proposal
17 for what a National Climate Service would
18 entail and, you know, a lot of people have
19 used sort of the model of what a National
20 Weather Service is. It's a definable entity,
21 the house within NOAA that develops a series
22 of products that have a delivery portal, you

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1 know, the 122 climate forecasts offices. They
2 do precipitation into hurricane forecasts.
3 They deliver all kinds of products through
4 that.

5 Climate products can be anything
6 from, you know, more than the traditional two
7 weeks, which is a weather filming, you know,
8 monthly to seasonal forecasts. It could also
9 be up to a 100-year forecast for things like
10 the long-term precipitation things, which are
11 the things that we would need to plan, dams
12 and other things.

13 The proposal includes both this
14 idea of a climate service, and of course, we
15 in NOAA think that NOAA is well positioned to
16 do this kind of work because of our history
17 and the capabilities we have, but also what we
18 are calling a National Climate Partnership,
19 and that is we couldn't possibly deliver all
20 of the things that people want only with NOAA
21 resources, nor should we because, you know,
22 groups like NASA and their satellite, you

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1 know, base and USGS with their water gauge
2 system, a lot of different entities own part
3 of the climate thing. And so we need to have
4 a system where all of the information could be
5 pooled.

6 So the current thinking is to try
7 to, you know, look at both an internal group
8 that would actually assemble those products,
9 particularly as it related to NOAA missions,
10 but also how would we engage with the other
11 entities in this partnership, and I can tell
12 you a lot of people are knocking on NOAA's
13 door right now for all sorts of information.

14 I'll tell you one sort of brief
15 story. John Oliver and I were in Juneau, and
16 we were meeting with the mayor and after the
17 meeting we got an E-mail saying, "We'd really
18 like to talk to you about what NOAA can do for
19 the City of Juneau in terms of long-term water
20 forecasts for the water power system that's
21 running the electricity system."

22 So you know, anywhere NOAA goes

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1 right now we're sort of picking up, you know,
2 a lot of interest in, you know, what's the
3 climate going to be and what's the water cycle
4 going to be.

5 Of course, right after that, they
6 had a landslide in Juneau, and it shut off the
7 water power system and is costing an enormous
8 amount of money to replace the electricity
9 until they can actually get that thing going
10 again, but that's a side issue. Nevertheless,
11 it's a huge issue, and no matter where we go
12 in any entity in NOAA, people want these
13 services at a very local level because they
14 want to do this planning, and we've seen a
15 huge increase from the western governors in
16 terms of drought, fire, weather, you know, all
17 of the fires in the West that relates to is
18 this a long-term pattern or just a one-year
19 anomaly.

20 So we've been trying to vet these
21 proposals to other agencies. We had a really
22 interesting meeting with USGS and NASA. Last

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1 week we had a large meeting in Vail, Colorado
2 to look at that proposal and get, you know,
3 input from a whole variety of perspectives.

4 NOAA got some pats on the back and
5 a few comments, let's say, in terms of how it
6 might want to review things. We've gotten a
7 lot of comments on the structure, the purpose,
8 the use sectors. I mean there's so many
9 different sectors that have climate
10 information, the power sector, the water
11 sectors, the natural resource managers,
12 emergency managers.

13 This will be a huge issue for the
14 transition to the next administration. I
15 think a lot of what's happening is people are
16 sort of dumping this out there and hoping that
17 the next crew in is going to pick this up.

18 And then, you know, certainly we
19 want to hear from the fishery sector and MAFAC
20 and others about, you know, how we should play
21 in this game, you know, what kinds of products
22 we need to do.

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1 So that's sort of a brief rendition
2 of the importance we place on climate related
3 issues and also a little bit about what NOAA
4 is trying to do on climate. So I'm sure I
5 filled up my allotted time slot. So I'll be
6 happy to take any questions.

7 MR. BILLY: Thank you very much.

8 Any comments or questions? Larry.

9 MR. SIMPSON: You can't change the
10 weather, but it's nice to know what's coming.

11 I say that surface water and groundwater will
12 be -- and precipitation involved with all of
13 that -- will be the next biggest issues for I
14 think fisheries, and a lot of medical resource
15 people.

16 We're already seeing that in some
17 of the drought conditions in the Atlanta area,
18 Lake Lanier, some of the runoffs, storm water
19 runoffs that used to go down to Florida, come
20 out in the Florida Bays is being shunted off
21 for flood control, things of that nature. So
22 I think this as it plays into water resource

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1 and use in allowing water to come all the way
2 through the natural systems can be extremely
3 big in the next five, the next ten or 20
4 years.

5 MR. MURAWSKI: You know, if we look
6 at that scenario and what happened in South
7 Vista, what happened was, you know, they
8 actually started diverting water out of
9 natural flowing ecosystems to preserve the
10 domestic water supply there in Georgia, and
11 Fish and Wildlife Service had to sign off on
12 some of the endangered species things like
13 Gulf sturgeon and others. Well, that was sort
14 of an emergency thing, but you know, they
15 didn't get sued about that, but they could
16 have very easily.

17 You know, the water wars are not
18 just going to be a western thing. They are
19 going to be in a lot of different place, and
20 we as an agency are actually going to be
21 sitting right in the middle of this because we
22 are the limiting factors.

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1 MR. BILLY: Any other comments,
2 questions?

3 MR. MURAWSKI: I don't want to
4 leave you on a downer here.

5 (Laughter.)

6 MR. BILLY: Randy.

7 MR. CATES: I have two quick
8 questions. One is, what if the coral reefs
9 are in state waters? Also, are you looking at
10 climate change and the opportunities for some
11 arrangements? I mean it says not all that.
12 Is there anything we can do to enhance those
13 opportunities?

14 MR. MURAWSKI: Two really good
15 questions. Who has authority for coral reefs?

16 Well, clearly, Fish and Wildlife
17 Service runs a number of islands like the Lost
18 Island in the Caribbean and in the
19 Northwestern Hawaiian Islands. Even though
20 it's technically Hawaii, it's actually co-
21 managed by the State of Hawaii, Commerce and
22 the Department of Interior.

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1 All of the coral reefs are actually
2 managed also through the, quote, task force,
3 which is a multi-agency thing. There are
4 seven different states that are involved in
5 that as well, including Micronesia, and so
6 there is a partnership, you know, and so it's
7 not just the states by themselves, and NOAA
8 has about \$25 million for shallow water
9 corals.

10 The deep corals are a very
11 interesting situation because as many of you
12 know, the more we look, the more we find in
13 terms of deep corals, and the Pacific deep
14 corals are probably even more problematic in
15 terms of acidification than some of the
16 shallow ones because this will be a deep to
17 shallow problem, and the Pacific actually has
18 less carbonate than the Atlantic, to start
19 with, and so this may be why we see less deep
20 coral in the Pacific than we do in the
21 Atlantic.

22 Some of the work that has been done

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1 on the West Coast already indicates that we
2 have pHs so low that we might be dissolving
3 some of those corals already on the West
4 Coast, and that's actually a discovery that
5 kind of shocks people because we thought this
6 would be a 50 to 100-year problem, and it's
7 likely that we're starting to see the
8 beginnings of this already on the West Coast.

9 The second question you asked is a
10 really compelling one, and that is, you know,
11 it's sort of like is the wheat belt going to
12 shift northward and make Canadians rich. So
13 what's the equivalent of all of that in the
14 ocean?

15 And clearly, we're going to see
16 range and distribution changes, you know,
17 because of the preferred temperature of
18 things, and so there has been a fairly
19 substantial think about, you know, the winners
20 and losers of all that, and generally the
21 ecological community thinks that there's going
22 to be more losers than winners, and the reason

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1 is you see in the distribution patterns of
2 things that the small pelagic fish tend to be
3 more volatile in their movement patterns than
4 the older, you know, things that are more
5 attached to the bottom. So they may actually
6 move at higher rates than other things, you
7 know, the predatory fish that might be bottom
8 oriented, and so you'll get this dislocation
9 of a food source, you know, from the predator.

10 So unless the whole ecosystem
11 shifts, then you're looking at dislocations of
12 that system. So it's really hard to predict.

13 We will see, you know, higher productivity of
14 things like pollock moving northward in the
15 Bering Sea and other things, but on balance,
16 the betting is that we'll probably see more of
17 these dislocations than we would sort of
18 wholesale changes in the range of animals.

19 But the knowledge base on this, we
20 can only look in the past and look at
21 variations that we see from year to year, and
22 that's why, you know, these long time series

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1 really can tell us a little bit about what we
2 might see, but making long-term projections on
3 this is really speculative, I guess.

4 MR. BILLY: Mary Beth.

5 MS. TOOLEY: Thank you, I'll pass.

6 MR. BILLY: Okay. Ken.

7 MR. ROBERTS: Steve, where in NOAA,
8 which unit has the leadership of pulling this
9 committee together at NOAA, number one?

10 And, number two, are you
11 comfortable with the attention NOAA Fisheries
12 is getting in this process?

13 MR. MURAWSKI: Well, I'm not sure
14 that the rest of NOAA is comfortable with the
15 insertion in all of our fisheries, but you
16 know, I think Jim and others have done a good
17 job of trying to make sure that fisheries'
18 interests are well represented, and I think
19 like in Mary's comment this morning, she
20 understands that ribbon seals are our poster
21 child in terms of understanding the influences
22 of climate and how it relates.

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1 I think NOAA generally corporately
2 is paying attention to what we've got because
3 of the huge litigation risk.

4 In NOAA the Climate Services is
5 actually kind of interesting. It's what we
6 call matrix program. It's kind of distributed
7 across the Office of Atmospheric and Oceanic
8 Research, OAR, which also runs Sea Grant and
9 other things. Most of the climate program is
10 in there, but clearly, you know, if you're
11 talking about coastal issues, NOS has a large
12 hand in that, and if it's anything with living
13 resources, both Fisheries Service and NOS,
14 you know, will deal with those.

15 So it is kind of distributed down
16 through the agency a little bit. One of the
17 feedbacks we're getting from the external
18 people is that we need to clarify that, and we
19 need to make an identifiable entity in NOAA
20 that we can come back in and actually put
21 their finger on climate. That's a lot of
22 feedback we got in Vail last week.

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1 MR. BILLY: Mary Beth.

2 MS. TOOLEY: Well, I was just
3 curious if you can tell us what it's going to
4 mean to dogfish.

5 MR. MURAWSKI: Dogfish are an
6 interesting animal because they're so widely
7 distributed. I mean, they have a highly
8 seasonal migration pattern. I think their
9 record would indicate that, you know, as you
10 have a warmer spring they hit farther and
11 northward faster, and so I would assume that
12 all things being equal what you see is a
13 distribution shift more towards developing
14 into maritimes over a long period of time
15 because they are cooler water fish, right?
16 They sink down into the mid-Atlantic in the
17 winter, you know, because it gets too cold for
18 them, and then they have a fairly early
19 migration northward.

20 So I think that all things being
21 equal they probably won't go as far south as
22 they used to, and then you'll probably see

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1 more of a shift towards the Gulf main and
2 maritime.

3 I'm not sure that's the answer you
4 wanted.

5 MR. BALSIGER: Try to get a letter
6 of certification on that.

7 (Laughter.)

8 MR. MURAWSKI: Yes, I tried to get
9 that letter from a stockbroker.

10 MR. BILLY: Any other questions or
11 comments? No?

12 Okay. Thanks a lot. That was very
13 good, Steve.

14 Yes.

15 MR. FOY: Are we moving on to
16 something else?

17 MR. BILLY: Our last item of
18 business.

19 MR. FOY: Okay.

20 MR. BILLY: Do you want the floor?

21 MR. FOY: Yes, I'd like the floor
22 for just a moment. I know we have some time

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1 before you leave, because you already have got
2 the flight, but this will be her last meeting
3 with us on the council.

4 MR. BILLY: We'll make up for it.

5 MR. FOY: The second item I wanted
6 to mention is that Ann Fletcher's mother-in-
7 law is very sick, and she has already been in
8 and out of the hospice system. So I chipped
9 in and sent Ann some flowers from us saying
10 that at the meeting she was in our thoughts
11 and prayers. If you all want to pitch in,
12 you're welcome to, and if you don't feel like
13 it, then that's just fine, too.

14 MR. BILLY: Okay.

15 MR. SIMPSON: You're talking about
16 Ann Fletcher?

17 MR. FOY: Ann Fletcher's mom.

18 MR. BILLY: Okay. Well, the last
19 item on the agenda is sort of next steps and
20 the time and place for the fall meeting. I
21 think we've covered that, talking November,
22 the week of November 10th as I recall in New

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1 Orleans or possibly somewhere else in that
2 area.

3 One question is whether any of you
4 have thoughts now about agenda items for the
5 next meeting because it's never too early to
6 start planning. I assume we're going to have
7 a follow-up on the strategic plan for seafood
8 safety, and I'm not sure it's a plan or a
9 proposal for seafood certification and the
10 public information and education effort.

11 Yes, Bill.

12 MR. DEWEY: Yes, to that point, it
13 might be good to hear an update as part of
14 that on where USDA has resulted in farm bill
15 action.

16 MR. BILLY: Yes, okay. Good.
17 Okay. Any other thoughts? Yes.

18 MR. ROBERTS: Maybe one more, and I
19 brought it up the other day. We didn't pursue
20 it much, but I think we would believe that
21 2020 is a living document, and I think almost
22 every meeting we ought to pay some attention

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1 to updating it. The question was raised by
2 the energy crisis, and there may be something
3 else. I'm sure the energy situation is going
4 to have an impact on recreational fishing,
5 bycatch and commercial fisheries.

6 But I think we need to make sure
7 that we have a living document.

8 MR. BILLY: Okay. Heather.

9 MS. McCARTY: thank you, Mr.
10 Chairman. I don't want to go deep into this,
11 but I thought maybe you and/or Mark and maybe
12 even Jim would recap where you think we are
13 with the transition document, our transition
14 document, and then how that fits in with what
15 we heard from Mary about us commenting on the
16 transition document in the agency.

17 I for one am somewhat confused as
18 to pretty much where we're at with that whole
19 transition document thing, and maybe it's just
20 me. I don't know. There's confusion down
21 there, too?

22 MR. HOLLIDAY: Well, the actions

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1 that I had and when we get the transcript,
2 Chad will actually have the official record,
3 but my notes indicated that we were going to
4 continue to proceed with the first
5 recommendation of the homework assignment to
6 try to populate that template that Jim had
7 circulated for people as one of the activities
8 that we're going on.

9 I did have Ken's action with
10 respect to how to annually appraise progress
11 of the report and draw this link between 2020
12 and the transition document to make sure that
13 we could accommodate updated topics, is how I
14 characterized it here, that weren't emphasized
15 in 2020 to include in a transition paper.

16 So the goal was to continue to
17 produce ideas and potential recommendations or
18 specific actions at a fairly high level as
19 opposed to operational levels, how my notes
20 characterized it, to be discussed virtually
21 over the next several months leading up to a
22 product that we would have available in the

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1 fall time period.

2 So the action was to continue along
3 the course of preparing a separate transition
4 document along the lines of the most important
5 high priority, attributes that we were drawing
6 from the existing 2020 or missing 2020 pieces.

7 Now, if the record says we had
8 agreed to something else, I'm sure we'll pick
9 up that as well. That was on the transition.

10 I have other actions with respect
11 to roll-out of 2020. I don't know if that's
12 where you are.

13 MR. BILLY: But then the
14 understanding I think we have that --

15 MR. HOLLIDAY: Well, the
16 intersection with Mary?

17 MR. BILLY: Mary.

18 MR. HOLLIDAY: Right. There were
19 seven 20-page transition papers that are in
20 preparation right now that NOAA has asked
21 MAFAC for their input on. That time period
22 for requesting it would be in a September time

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1 frame.

2 So Steve and his staff are the
3 authors of one of them, and as you walk
4 through all the others, some are more germane
5 to MAFAC than others, but they'd all be
6 available for MAFAC to comment on as well as
7 the Science Advisory Board, et cetera.

8 It's consistent with Steve and his
9 staff have already looked at and received the
10 2020 document, and they've been aware of the
11 24 recommendations and the findings from the
12 big picture and have taken that to heart in
13 drafting the NOAA transition paper on that
14 respect.

15 But we had also agreed to maintain
16 this MAFAC transition preparation as well.

17 Is that your recollection or
18 something different?

19 MS. McCARTY: No, that's pretty
20 much my recollection. I have a couple of
21 questions and a couple of concerns about some
22 of that if that's what we're going to do. So

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1 I can either say them now or let other people
2 comment. I don't know.

3 But I think the MAFAC comments on
4 the agency transition papers is clear, that we
5 are not going to try to arrive at any group
6 consensus. We're just asked individually to
7 respond. I think that was the understanding
8 that we arrived at there. That's what Mary
9 was looking for.

10 On our own transition document, I
11 think we at the least need to sort of identify
12 who's going to be responsible for and when it
13 needs to be done because I think that if it's
14 done too late, it's not worth doing, and we've
15 had a lot of sort of expert opinion on when it
16 would be most useful, and I think we think
17 sooner rather than later.

18 And I'm frankly concerned about the
19 virtual aspect of the discussion. I've not
20 seen that work in the past very well for
21 something this I'm not saying controversial,
22 but there may be things that need to be agreed

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1 on. Whether that can be done virtually or
2 not, I'm just not sure.

3 And so I think someone suggested
4 maybe a teleconference, and I think we ought
5 to make that definite, and I think we ought to
6 have one, you know, sooner rather than later
7 based on comments. You know, a deadline for
8 comments and recommendations and then a
9 meeting by phone of the committee that was
10 originally tasked with it.

11 MR. HOLLIDAY: Right. Well, we've
12 used -- I'm sorry to jump in, but that's
13 certainly a common tool that MAFAC has
14 available to them, and we can continue to
15 schedule teleconferences to help assist in
16 that process.

17 MR. BILLY: Well, Jim outlined a
18 time frame, a schedule, and then we talked
19 about the possibility -- I think you suggested
20 the conference call after we have that input.

21 So that could be in that same time period of
22 September when we're getting the other

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1 material.

2 MS. McCARTY: And then after that,
3 one would assume that the other MAFAC members
4 would want to know what was going to be put
5 forward, and I'm assuming that there would
6 have to be some sort of approval process by
7 the rest of the group rather than just leaving
8 it up to the smaller group.

9 MR. BILLY: Yes, yes.

10 MS. McCARTY: I just wanted to just
11 get that clear on the record as to what the
12 process was going to be.

13 MR. BILLY: Very good. Okay.
14 Randy?

15 MR. CATES: I think it would be
16 useful since we're going to be in New Orleans
17 to hear from the council on what their plans
18 are or what their intentions are regarding
19 both fisheries, but particular aquaculture.
20 I'm not advocating another allocation from
21 Mike Rubino, but maybe what they're trying to
22 do down there. It seems to be that what

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1 they're trying to do is plan a build up.

2 MR. BILLY: Larry.

3 MR. SIMPSON: I could get you some
4 people and the council activity. I can roll
5 it all in one. I have put down several things
6 that I'm going to go back and think about
7 since you're going to be in New Orleans. Not
8 all of these, please, but I was going to talk
9 with Mark about it.

10 I saw Bonnie Carey's presentation.
11 It was outstanding. I thought that would be
12 possible. The history of shrimp, oyster
13 fishery, estuarine, the loss, so forth.
14 There's IMAX. There's the aquarium and this
15 aquaculture thing.

16 MR. BILLY: Okay. Tom.

17 MR. RAFTICAN: Yes. I don't know
18 if it was captured before, but I thought I
19 heard Mary say that she'd give us access to
20 some of the transition documents from NOAA,
21 and I think it would be really helpful and not
22 just to the full committee, but to all of us,

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1 so that we can come back with cogent comments.

2 MR. BILLY: Yes, my assumption had
3 been to the full committee in September.

4 MR. RAFTICAN: Yes.

5 MR. BILLY: With a deadline.

6 Okay. Other suggestions?

7 (No response.)

8 MR. BILLY: Okay. Well, on behalf
9 of Tony and myself, I would like to first
10 thank the committee members. You did yeomen's
11 work. We accomplished, I think some pretty
12 important things. I look forward to working
13 with all of you in the future.

14 I'd also like to thank Jim and his
15 staff for the outstanding support, helping us
16 do our job.

17 I don't know if you have any
18 closing thoughts.

19 MR. BALSIGER: I appreciate the
20 hard work as well, and you know, the last
21 couple of MAFAC meetings have been structured
22 every so slightly different. I think they

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1 have been usefully structured to march through
2 the agendas really well, and it's a change.

3 But if members had a thought of
4 some way it might work better, let Mark and me
5 know. I appreciate what Mark has done. He's
6 as organized a person as you can find, and it
7 helps a lot. It's not his only attribute, but
8 it's one that helps through the systems.

9 So not only does it help us on our
10 programs, but if there's part of the process
11 that you see, let us know what that is, too.

12 MR. BILLY: Okay. Mary Beth?

13 MS. TOOLEY: Yes. This is my final
14 meeting as staff had pointed out, and so I
15 just wanted to say how much I've enjoyed being
16 in the process and meeting all of you, and
17 thank you for inviting me to participate in
18 this process.

19 I am moving on to a new one. I
20 hope it is as enjoyable. So with that
21 comment, maybe you can invite me to the May
22 meeting. I can't think of what I'm going to

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1 impress, but --

2 (Laughter.)

3 MR. BILLY: Thank you very much.

4 Others? Anyone?

5 MR. BALSIGER: As part of our new
6 structure you bring your papers home. You can
7 send a comment on that if you want.

8 MR. BILLY: The meeting is
9 adjourned.

10 (Whereupon, at 4:06 p.m., the
11 meeting in the above-entitled matter was
12 adjourned.)

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