

NOAA Fisheries Service Proposal Re: Seafood Marketing Councils

In 1989, NOAA issued a final rule, under authority of the Fish and Seafood Promotion Act of 1986, providing for the creation of Seafood Marketing Councils for one or more species of fish or fish products. This rule was later stricken from the Code of Federal Regulations as part of a government-wide Presidential regulatory reform effort to eliminate unused or little used regulations. Due to some renewed support, NOAA Fisheries Service is proposing regulations governing the establishment and operation of Seafood Marketing Councils. Public comment is being requested to determine if these rules should be re-established.

Seafood contributes an important nutritional component to the American diet, and recent research has demonstrated clear health benefits from increased seafood consumption. If finalized, this rule would encourage the industry to promote increased per-capita consumption of seafood. This rule does not establish specific Seafood Marketing Councils; it would merely set up a framework to do so in the future, as NOAA Fisheries Service determines appropriate on a case-by-base basis.

The formation of Seafood Marketing Councils under this proposed rule would be voluntary. Operation of the Marketing Councils would be funded through monetary assessments on industry members; these assessments must also be voluntary.

An economic analysis prepared by NOAA Fisheries Service consultants indicates that fisheries for some species could benefit from the development of organized marketing programs. Niche marketing programs have already been initiated by both the Pacific salmon harvesters in Alaska and by the Wild American Shrimp organization in the southern Atlantic and Gulf of Mexico states. The U.S. Tuna Foundation has also expressed interest in the formation of a council. Support for the domestic fishing industry has the potential to reverse declining market shares.

The domestic fishing industry has been subject to stringent regulations in recent years in order to rebuild overfished stocks and protect endangered species. In addition to being more sustainably harvested than most imported seafood, U.S. seafood also has greater quality controls to ensure consumer safety. Finally, the commercial fisheries of the United States provide significant employment in coastal areas and in processing and distribution centers. For these reasons, NOAA Fisheries Service believes that it is important to support our domestic industry through this marketing and communications program.

This rule would not increase fishing effort on overfished stocks, nor would it affect any specific fisheries management measures. Continued operation of a Seafood Marketing Council would be at the discretion of NOAA Fisheries Service, and subject to NOAA's annual review of a market assessment prepared by the Council. The Council must demonstrate that the marketing plan would not adversely impact those fisheries for which conservation and management measures are necessary to prevent overfishing and rebuild overfished stocks.

NOAA Fisheries Service encourages all interested members of the public to comment on this proposed rule. The comment period will be open until February 23, 2006.