



NOAA

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
UNITED STATES DEPARTMENT OF COMMERCE



Contact: Connie Barclay
301-713-2370

FOR IMMEDIATE RELEASE
October 18, 2010

NOAA Takes Steps to Reform Enforcement Practices *Seeks comments on draft penalty policy*

As part of an ongoing effort to reform its enforcement practices, NOAA's Office of General Counsel, through its Office of General Counsel for Enforcement and Litigation, is requesting public comment on a new draft penalty policy that will provide guidance to its lawyers as they calculate civil penalties arising from cases involving individuals and companies that violate fishing and environmental laws.

The proposed policy, posted on NOAA's website today, is designed to ensure penalties are assessed in a fair and consistent manner and that they are appropriate to a given violation.

"This new draft policy, aided by the input of the public and fishery stakeholders during this comment period, will put us closer to our goal of an enforcement policy that is effective and transparent," said Dr. Jane Lubchenco, under secretary of commerce for oceans and atmosphere, and NOAA administrator. "Along with the other actions we have taken, and the public comments on those that are still pending, I know we can create a policy that enforces regulations fairly, and protects the vast majority of fishermen who play by the rules."

Under the new draft penalty policy, NOAA will improve consistency at the national level, and will provide a clearer understanding of NOAA's penalty policies. The proposed policy will help NOAA to protect fisheries and natural resources consistently and effectively.

When finalized, the new Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions will supersede previous guidance issued by NOAA's Office of General Counsel.

The draft policy is available electronically at <http://www.nmfs.noaa.gov/ole/penaltypolicy.html>, and comments must be received by December 20. Please submit written comments to:

E-mail: Penaltypolicy@noaa.gov

Fax: 301-427-2210

Mail: Office of General Counsel for Enforcement and Litigation
NOAA
8484 Georgia Ave., Suite 400
Silver Spring, Md. 20910
Attn. Frank Sprtel

To receive a printed copy of the draft policy, send a self-addressed stamped envelope to the above U.S. mail address.

This new policy is the latest step the agency has taken to assure fair and effective enforcement and to protect natural resources. NOAA's Office of Law Enforcement has taken several other actions to improve its enforcement operations:

- Finalized its process for setting national and regional priorities based on comments received during the National Enforcement Summit, held in Washington in August. Input on specific priorities will be solicited from a wide range of stakeholders this fall and

incorporated into draft national regional priorities in January, which will be released for public comment. These priorities will help guide NOAA's future enforcement policy.

- Cancelled one-third of the Office of Law Enforcement's purchase cards to better control expenditures and ensure the purchase card process is managed consistent with all guidelines. All future purchases with the cards will be fully consistent with the new draft asset forfeiture fund policy that was released for public comment on September 29. The comment period on the draft asset forfeiture fund policy ends November 29.
- Begun work to establish a robust and effective compliance assistance program and name a compliance liaison for New England to help the fishing industry comply with fishery regulations. To ensure the program addresses the priorities identified by its stakeholders, NOAA will discuss the program next week at the Marine Fisheries Advisory Committee public meeting in Annapolis, Md. Committee members represent a variety of stakeholders from across the country and will provide recommendations for the compliance assistance program as well as the position description for the liaison in the Northeast.

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us at <http://www.noaa.gov> or on Facebook at <http://www.facebook.com/usnoaagov>.

On the Web:

NOAA Enforcement Priority Setting Process:

http://www.noaanews.noaa.gov/stories2010/PDFs/Final_NOAA_Enforcement_Priority_Setting_Process.pdf