



# Comment on Proposed SIMP Rule Expansion

RE: NOAA-NMFS-2022-0119, Docket Number 221215-0273, RIN: 0648-BK85

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Submitted via electronic mail: [www.regulations.gov](http://www.regulations.gov)

Re: NOAA-NMFS-2022-0119; Docket Number 221215-0273 (Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program), RIN 0648-BK85

## **The Institute of Food Technologists (IFT) and the Global Food Traceability Center (GFTC)**

IFT is a non-profit scientific organization. IFT is a global organization of approximately 12,000 members who are committed to advancing the science of food. We believe science is essential to ensure the global food system is equitable, sustainable, safe, and nutritious. IFT's Global Food Traceability Center (GFTC) provides the global food system stakeholders resources, standards, and vision to help improve food safety, diminish risk, avert devastating health consequences and economic loss through enhanced food supply chain traceability. Together, the Institute and its Center work to realize their vision of a world where science and innovation contribute to a safe, nutritious, and sustainable food supply for everyone.

IFT has completed several task orders for the Food and Drug Administration (FDA) and served a core advisory role in the development of the Food Safety Modernization Act (FSMA), convening and conducting pilots, and developing a comprehensive report of recommendations<sup>1</sup>. In 2013, IFT formed the GFTC to support the next anticipated FSMA implementation phase. The GFTC continues to advance the science and practice of traceability, publishing category-specific guidance for achieving end-to-end traceability in 2014<sup>2</sup> and co-leading the Global Dialogue in Seafood Traceability (GDST), a pre-competitive convening to advance a unified framework for seafood traceability. GDST convened hundreds of global stakeholders (NGOs, tech vendors, fishers, processors, retailers, and others) across global supply chains, identified accessible methodologies to meet the needs of upstream actors, developed actionable Critical Tracking Event (CTE)- Key Data Element (KDE) matrices for wild caught and

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<sup>1</sup> McEntire and Bhatt. 2012. Pilot Projects for Improving Product Tracing along the Food Supply System – Final Report. Available from: [https://www.ift.org/-/media/gftc/pdfs/ift\\_fda\\_producttracingpilotsfinalreport.pdf?la=en&hash=0C3519FD083651860AF89835E1A517AC413C6AF0](https://www.ift.org/-/media/gftc/pdfs/ift_fda_producttracingpilotsfinalreport.pdf?la=en&hash=0C3519FD083651860AF89835E1A517AC413C6AF0).

<sup>2</sup> Zhang and Bhatt. 2014. A Guidance Document on Best Practices in Food Traceability. *Comprehensive Reviews in Food Science and Food Safety*. Available from: <https://onlinelibrary.wiley.com/doi/full/10.1111/1541-4337.12103>.



farmed seafood, engaged a dozen supply chains in pilots, and published a comprehensive global standard for seafood traceability in 2020<sup>3</sup>. This work informs GFTC’s knowledge base on advances in identifier technology, stakeholder needs at the beginning of supply chains, and the challenges in globally integrated food supply systems. GFTC has continued to support the dozens of GDST signatories in their commitment and beta launch of the standard in their supply chains, as well as engaged in ongoing work with upstream stakeholders to quantify accessibility of the standard and remaining challenges in traceability participation for first-mile actors.

As a trusted developer of targeted and pragmatic educational content for both government and industry professionals, IFT looks forward to partnering with stakeholders impacted by the SIMP Rule expansion to realize the vision of accurate, digital traceability to the point of catch or harvest. Much of IFT-GFTC's work with GDST stakeholders has been tool development to enable or ease implementation. Part of this effort is testing tools’ efficacy to ease the burden of traceability, particularly for less digitized and smaller-scale supply chain actors. IFT-GFTC offers a range of resources including publications for self-paced learning and inquiry to interactive instruction delivered via live or virtual platforms. We will continue to offer and iterate our traceability implementation supports to enable all impacted seafood supply chain actors from catch or harvest to import.

## Summary

IFT commends the National Marine Fisheries Service (NMFS) on publishing the proposed rule and the steps the rule takes to enhance record keeping and traceability for imported seafoods that have been linked with Illegal, Unreported, and Unregulated (IUU) fishing. IUU fishing is detrimental to the sustainability of our shared seas and clearly justifies the regulatory action proposed in the rule to drive broader adoption of better practices and processes. The best practices to identify the source of food most rapidly were developed and documented<sup>1,4</sup> through an extensive process of stakeholder engagement and piloting led by IFT between 2008 and 2012. Detailed in IFT’s report of product tracing pilots released over 11 years ago<sup>1</sup>, best practices for food tracing have been well-defined for a decade. Since 2015, IFT’s GFTC co-convened the Global Dialogue on Seafood Traceability (GDST), inclusively developing and defining traceability best practices for both wild caught and farm-raised seafood. This work resulted in the initial release of the GDST standard in spring 2020, as well as an updated standard released in 2022. IFT-GFTC continues to support the technical implementation of GDST, developing tools to test capabilities of solution providers and supply chain actors in transmitting and receiving GDST-compliant supply chain data. The GDST standard and tools available today, which support SIMP-compliant traceability, make broader implementation of SIMP increasingly straightforward and accessible for supply chain actors – much more so than it was in 2016 or 2018 – prior to the publication of the initial GDST standard.

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<sup>3</sup> GDST Standard 1.0 and Materials. Available from: <https://traceability-dialogue.org/gdst-1-0-materials/>

<sup>4</sup> <https://onlinelibrary.wiley.com/doi/full/10.1111/1750-3841.12298>



While there has been voluntary uptake of these traceability practices in the intervening years, IUU fishing continues to occur with a frequency that results in human rights abuses and forced labor, undermines the ecological health of our shared seas, and presents consumer health risks to Americans related to intentional mislabeling. Therefore, we are fully supportive of NMFS’s four stated goals for this rule to “(1) reduce human trafficking in the international seafood supply chain; (2) reduce economic harm to the American fishing industry; (3) preserve stocks of at-risk species around the world; and (4) protect American consumers from seafood fraud.”<sup>5</sup> IFT also remains supportive of NOAA’s original seven principles for identifying species at risk of fraud and IUU fishing including: (1) Enforcement Capability, (2) Catch Documentation Scheme, (3) Complexity of the Chain of Custody and Processing, (4) Species Misrepresentation, (5) Mislabeling or Other Misrepresentation, (6) History of Violations, and (7) Human Health Risks; and sees the proposed rule as an effective and reasonable approach to achieving these objectives.

IFT notes GDST already supports all aspects of the proposed rule expansion. We recommend NMFS review the full list of GDST key data elements (KDEs), as we believe there are opportunities to potentially implement additional GDST KDEs that align with the overall goal of SIMP “to trace seafood products from the point of entry into U.S. commerce back to the point of harvest or production for the purpose of ensuring that illegally harvested or falsely represented seafood does not enter U.S. commerce.” For example, “Date(s) of Capture” are a relatively straightforward GDST KDE, which we believe fall within SIMP scope that could further enhance SIMP’s capacity to prevent or discourage IUU fishing.

### Key Takeaways:

1. Industry-led seafood traceability has advanced considerably since the first species and species groups were subject to SIMP. Specifically, publication of the GDST standard in 2020 and subsequent updates and tool releases through 2022 make the process necessary to attain traceability to the point of harvest or production in seafood supply chains quite clear and straightforward.
2. The GDST standard fully supports SIMP, and we believe there are additional opportunities within scope of SIMP to enhance its efficacy by adding other GDST KDEs such as dates of capture.
3. While it is important for impacted entities to consistently collect the same KDEs at each requisite CTE, we do not believe that publication of a standardized SIMP form is necessary. Instead, we recommend NMFS **publish a CTE/KDE matrix** that defines who is responsible for collecting what information for each species or species group covered by the rule.
4. Though the science and practice of seafood traceability has advanced supply chain actors will still need additional support to implement traceability as it is not yet routine business practice. We believe that the estimations of both the implementation and the ongoing maintenance costs of SIMP-compliant traceability may be low relative to the actual costs experienced.

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<sup>5</sup> <https://www.federalregister.gov/d/2022-27741/p-23>



## Technical Elements – Review and Recommendations

*“NMFS is seeking comments on whether to consider a standardized “SIMP Form” that would build on the current sample model forms to create a required document that encompasses all traceability elements required under the program.” (p. 79838)*

We **do not** believe that a standardized “SIMP Form” is necessary to successful implementation of SIMP or its expansion. Rather, we recommend that NMFS **publish a CTE/KDE matrix** that defines who is responsible for collecting what information for each species or species group covered by the rule. We believe this would be especially beneficial for the transformation/transshipment events that do not have to be reported at the border but do need to generate records that the importer must maintain. Specifically, we suggest NMFS provide additional definition around what information or records importers must keep documenting post-harvest events. We also note that the nomenclature for the harvest/landing KDEs differs from GDST KDEs, but that all match to a GDST KDE, so the GDST CTE/KDE matrices could be a useful basis from which SIMP CTE/KDE matrices could be derived for both wild caught and aquaculture-raised species covered by SIMP.

Currently, records<sup>6</sup> may be supplied electronically or digitally, and the timeline is 5 days for electronic or 10 for paper from the day of receipt of the agency’s request. This is longer than the 24 hours required under the FDA’s Food Traceability Rule and may be possible to shorten as business norms shift with the full implementation of those regulatory requirements in 2026. We recommend NMFS reconsider the timelines regularly and review the possibility of shortening them if feasible. Further, we note that record retention requirements are consistent – 2 years for both. However, given how long some tuna loins are stored frozen prior to further processing, and the fact that this rule is specifically targeting tuna, we suggest considering an expansion to 3 years for the tuna group.

### We support the data and species requirements.

We support the expansion of SIMP for all proposed species, species groups as well as the requirements to maintain and submit all KDEs listed below digitally through ACE. We believe these requirements are reasonable and attainable and well supported by the existing, industry-led seafood traceability standard, GDST. GDST supports digital traceability from the point of capture or harvest, and has matured through its first update as well as through the development of several implementation support tools. We encourage NMFS to leverage these in their implementation process.

### Conclusion

IFT welcomes the advance in seafood traceability adoption and standardization supported by this proposed rule. We support the methodology used to construct the impacted species list, finding it to be evidence-based and rigorous, yet not over-reaching. Ongoing evidence of IUU fishing of listed species justifies inclusion of all added species and species groups, and the digital record-keeping requirement. IFT also commends NMFS on their utilization of digital record submission via ACE. Encouraging to

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<sup>6</sup> <https://www.federalregister.gov/d/2022-27741/p-31>

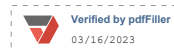


modernize the regulatory traceability practice is important to private sector uptake and success. There are a few areas where we perceive additional modifications will be necessary to achieve successful implementation: releasing a clear CTE/KDE matrix for each species or species group, further leveraging the existing GDST standard and tools to support SIMP expansion and reviewing the full list of GDST KDEs for consideration in enhancing the efficacy of SIMP.

IFT, with its Global Food Traceability Center, and partnership with the GDST has a long history of active engagement in seafood traceability in partnership with regulators, non-profits and the private sector. This includes conducting primary research, leading pre-competitive industry platforms, creating implementation tools, and delivering educational programming. We look forward to supporting the NMFS and industry in successful resolution of these remaining issues and in implementation of the ultimate rule. Overall, we see this SIMP expansion as an exciting new journey and IFT stands ready to partner with the NMFS and private enterprise in implementing the expanded SIMP Rule. Thank you in advance for considering our comments. Please contact Bryan Hitchcock, Chief Science Officer & Executive Director Global Food Traceability Center ([bhitchcock@ift.org](mailto:bhitchcock@ift.org), 312-604-0225) if IFT may provide further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Bryan W. Hitchcock".



Bryan Hitchcock

IFT Chief Science Officer & Global Food Traceability Center Executive Director



## About IFT

The Institute of Food Technologists (IFT) is a non-profit, membership-based scientific institute whose mission is to advance the science of food and its applications across the global food system, to ensure sustainable, safe, and nutritious food for all. Established in 1939, IFT has more than 13,000 individual members in over 100 countries from across industry, academia, government, and non-profit organizations. Organized around the core values of community, integrity, passion, progress, and respect, IFT's members and 68 staff create and uphold a scientifically sound society focused on overcoming barriers to feed our future safely. IFT's Global Food Traceability Center (GFTC) provides the global food industry resources and solutions to help improve food safety, diminish risk, avert devastating health consequences and economic loss to the food system. GFTC works throughout the food industry to develop next generation solutions that enable strategic commercialization across the food chain with benefits for the Ag/Food system, consumers, and the environment.