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April 30, 2010

Mr. Steffon Brown
Office of Negotiations and Agreements
Foreign Agricultural Service
U.S. Department of Agriculture
Stop 1040
1400 Independence Ave., SW
Washington, DC 20230

Submitted by email

RE: Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agriculture Products; *75 Federal Register* 11512, March 11, 2010

Dear Mr. Brown:

Thank you for the opportunity to provide information to the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products (Consultative Group). We submit these written comments to supplement our oral statement made at the March 29, 2010 public meeting. We hope that the Consultative Group will find the information that we are sharing about a third party certification program that is utilized by the aquaculture community to be helpful with the charge to develop recommendations for programs to reduce the likelihood that imported agricultural products are produced with forced or child labor.

For more than 60 years, the National Fisheries Institute (NFI) has been the nation's leading advocacy organization representing all aspects of the seafood industry. NFI members represent every element of the industry ranging from harvesters, processors, and importers, to distributors, retail and food service operations. Members of NFI take allegations of mistreatment of workers at over-seas suppliers very seriously and take steps necessary to ensure that seafood is sourced from operations that follow national labor laws.

Over 80% of the 16 pounds per capita of seafood consumed annually in the United States is imported. One-half of the top ten species consumed are sourced entirely or in part from aquaculture – fish farming – operations. Aquaculture provides a reliable year-round source for seafood products that supplements the catch available through wild sources. Aquaculture also provides employment for tens of thousands of workers in areas of the world where few other opportunities exist. Worldwide aquaculture operations account for over 40% of the total world supply of seafood, thus playing an important role in the global economy,

As the popularity of aquaculture-raised species increases so does the need for responsible aquaculture practices. A leader in these efforts is the Global Aquaculture Alliance (GAA). Since 1997, this non-profit organization has advanced food safety, environmental and social responsibility throughout the process of raising, processing and distributing aquaculture products.

Our comments below will describe the process that is utilized by GAA for standard development and subsequent third-party certification to demonstrate one approach that successfully combines three areas critical for responsible aquaculture, food safety, environmental stewardship and social accountability, into one best practices standard. Labor issues, which are the primary interest of the Consultative Group, are addressed in the social accountability component of the standard. We strongly believe that building a standard that incorporates several equally important components is a practical way to accommodate the demand on limited resources – whether time, money, and/or personnel – required for best practice standard adoption and certification. We encourage the Consultative Group to consider endorsing a similar concept of a “combination” standard.

To provide guidance on responsible aquaculture, GAA coordinates the development of Best Aquaculture Practices (BAP) and certification to those standards for hatcheries, farms and processing facilities. Because responsible aquaculture practices encompass many facets, each BAP standard comprehensively addresses three components; the management of food safety, environmental protection and social accountability. The three components of the BAP are treated with equal weight; failure to meet any of the requirements, including the critical labor requirements, is cause for failure of the standard and failure to achieve certification status.

These high standards best practices drive continued improvements that deliver significant benefits industry-wide. Commercial buyers of aquaculture products will pay premium prices for certified products, thus maintaining an incentive for farms and processing facilities to adopt and maintain the BAP standards and strive to be continually certified. Failure to maintain certification will result in loss of business and income.

Development of Standards

To promote broad stakeholder involvement, consensus and transparency in the standards development process, GAA delegates the primary oversight for the process to a 12-person Standards Oversight Committee (SOC) equally represented by industry, conservation/social justice organizations, and academic/regulatory stakeholders. Members of the SOC are appointed to staggered three-year terms to ensure that there exists over-lapping continuity of the stakeholders’ interests on the SOC. Decisions of the SOC are made with a quorum of eight members present, including at least two members from each stakeholder group. This again ensures that each of the stakeholder’s interests is reflected in the decisions of the SOC.

Species-specific Technical Committees, comprised of technical experts and representatives from stakeholder groups, develop the standards. All draft standards are made available for public comment on the GAA website (www.gaalliance.org). In accordance with the International Social and Environmental Accreditation and Labeling (ISEAL) Alliance standards, written responses to all comments are also made publically available on the website. Posting draft

standards and comments on the website allows for full transparency of the standard development for all who wish to comment on any aspect of the standard or stay informed of the process.

Current BAP standards cover aquacultured shrimp, tilapia, channel catfish and feed mills. Additional standards for *Pangasius* farms and salmon farms are under development. BAP standards are viewed as dynamic and open for continuous improvement with annual reviews and revisions by the Standards Oversight and Technical Committees. As an example, discussions are currently underway for options to strengthen the social accountability aspects of the BAP standards and audit procedures.

Social Accountability Component

To meet the social accountability standard, the farm or plant management must show both compliance with national labor laws and a commitment to protecting worker safety. The specific standards that address labor issues focus on the following worker relations:

- ensuring that workers are paid at least the minimum wage, including benefits, as required by local and National labor laws;
- abiding by the applicable National mandated work week;
- complying with National labor laws for pay, overtime and holiday compensation for hours worked beyond regular work day or week;
- complying with National child labor laws;
- employing only legally documented workers.

Facilities are encouraged to exceed the minimum requirements.

Certification to the BAP Standards

Consistent with other third-party certification programs, GAA as the standard owner does not manage the certification program. The Aquaculture Certification Council (ACC) is the current program manager for this purpose.

Certification to the standard requires a farm or processing plant to demonstrate compliance to the BAP standards through an independent, third-party assessment. The assessment is conducted by an ACC-approved certification body (CB) which is accredited to ISO 65 Standards by an international accreditation body. Because ACC recognizes that auditors who are experts in food safety or aquaculture operations may not necessarily be experts in social/labor issues, the auditors used by the CB bodies are required to have training in SA-8000 programs. Experienced auditors mentor new auditors through a system of “shadow” audits to ensure that there is an understanding of all components of the BAP standard and assessment process. Currently there are 15 accredited auditors working with NSF and Global Trust, the accredited certification bodies.

The certification process begins with the company (farm or processing facility) applying to the ACC. The application includes a self-assessment to indicate the readiness for a third-party assessment. Firms applying for certification are required to identify whether product is handled in any manner by subcontractors – other facilities that may perform a step in the production process (such as gutting and gilling fish or deheading shrimp). Subcontractors are held to the same BAP standards and certification assessment requirements – including the on-site

assessment. This requirement was added to the standard to ensure that all aspects of the production process are adhering to the BAP standards.

Because the comprehensive BAP standard covers many different aspects of the operation, the audits take several days longer than traditional food safety audits. During facility audits, the auditor will evaluate whether conditions comply with labor laws by observation, interviews and document review. Interviews are conducted with management, employees and neighbors in the community to assess working conditions.

Importance of Traceability

Traceability is an integral part of BAP certification by linking the aquaculture seafood production chain and allowing each processed lot to be traced back to the pond and inputs of origin. All certified facilities must participate in the online BAP traceability system hosted by TraceRegister, Inc. TraceRegister securely stores product information and makes it available to verified BAP program participants. Traceability assures purchasers that all steps in the production process were taken in compliance with environmental, social and food safety standards.

Accommodating Small Businesses

Because it was recognized that small shrimp farms may not have the resources to apply for certification, an Integrated Operating Module (IOM) program was established for small farms. The IOM allows a number of small farms with similar production methods and combined total annual production not exceeding 4,000 mt to be grouped together. Each IOM must have a written quality management system defining how the group is managed to meet BAP standards criteria. All farms undergo full inspections and participate in traceability, but modified administrative arrangements allow the farms to save on certification costs. A sponsor takes responsibility of the IOM and provides a technical coordinator to ensure standard compliance.

Consumer Facing Aspects

For the consumer who wishes to make purchase decisions based upon the BAP certification process, information and company participation is readily available via websites maintained by GAA and ACC (www.aquaculturecertification.org). In addition, companies that participate in the program have the option of utilizing the “Best Aquaculture Practices Certified” mark on packaging to indicate to the consumer that the product was raised and/or processed in adherence to the BAP standards for responsible aquaculture. The certification number near the center of the mark allows traceback to a specific BAP-certified processing plant. The most common mark used is pictured on the right.



Impact of the BAP program

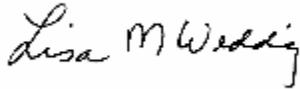
Firms that are certified to the BAP standards employ over 30,000 workers. Over 100 plants and over 280 affiliated farms in Asia have achieved BAP certification. The majority of the certified facilities are in China and Thailand. While the BAP standards include social accountability requirements, some customers will require additional social accountability principles or SA-8000 certification. For example, 40% of the 35 BAP-certified plants in Thailand are also SA-8000

certified. This demonstrates that facilities that meet the social accountability aspects of the BAP program will also be able to achieve the more robust SA-8000 standards. In addition, some U.S. buyers will audit plants to their own private social accountability standards – again standards that BAP-certified plants are able to achieve.

Conclusion

As the Consultative Group deliberates to develop recommendations for a standard set of practices to reduce the likelihood that imported agricultural products are produced with illegal labor practices, we hope that one approach utilized by the seafood community which incorporates social accountability standards within a more comprehensive best practices standard and certification program will be studied as a viable example. Through the description of the GAA standards development process we hope that we were able to demonstrate that the BAP standards, while private, are developed in a transparent manner allowing for stakeholder input. In addition, the Integrated Operating Module may serve as a suitable model for accommodating small farms in achieving certification. Finally, we encourage the Consultative Group to consider the value of a “combination” standard which includes social accountability standards with other critical standards in their final recommendations. We thank you for the opportunity for providing comments. Please do not hesitate to contact us with any questions.

Sincerely,



Lisa Weddig
Director, Regulatory and Technical Affairs

The National Fisheries Institute (NFI) is a non-profit organization dedicated to education about seafood safety, sustainability, and nutrition. From vessels at sea to grocery stores and seafood restaurants, our diverse member companies bring delicious fish and shellfish to American families. NFI and its members support and promote sound public policy based on ground truth science.