

**California Sustainable Seafood Initiative (CSSI)**  
Ocean Protection Council

**CSSI Advisory Panel Meeting #5 (Conference Call)**  
April 4, 2012

---

## **Meeting Summary**

---

### **Introduction**

The fifth meeting (a conference call) of the California Sustainable Seafood Initiative (CSSI) Advisory Panel took place on April 4, 2012. The primary objective of the meeting was to consider and discuss the response by California Ocean Protection Council (OPC) staff to issues raised in a petition that was signed by 11 CSSI Advisory Panel members and members of the public and submitted to the OPC on December 16, 2011.

This meeting summary summarizes key issues discussed and key outcomes that resulted from the conference call. This meeting summary is not intended to serve as a transcript of everything said during the conference call, but rather a summary of main points discussed.

The meeting summary is organized into the following sections:

1. Background and Purpose of the Conference Call
2. OPC's Response to the Petition
3. Public Comment
4. Recap and Next Steps
5. Attendees

Each section below provides a brief overview of the topics discussed and then highlights key comments made by Advisory Panel members or OPC staff. The meeting agenda is attached as Appendix 1. Meeting materials may be found on the OPC website at:

<http://www.opc.ca.gov/2010/03/california-sustainable-seafood-initiative/>

### **1. Background and Purpose of Conference Call**

Sam Schuchat, OPC Secretary, thanked the group for their participation in the conference call. Sam reviewed the history and role of the Advisory Panel. The Advisory Panel's charge was to provide advice to OPC staff. Four in-person Advisory Panel meetings were held and were generally well attended by panel members. The last panel meeting was in March 2011. At that meeting the Advisory Panel looked at some alternatives to the Marine Stewardship Council's (MSC) certification program to see if they met the requirements of Assembly Bill (AB) 1217, and at the end of meeting Advisory Panel members provided their individual recommendations to staff on how to proceed with developing a certification protocol.

OPC staff considered panel input and prepared a draft California sustainable seafood certification protocol, which was presented to the Council for discussion at the OPC meeting in May 2011. OPC staff edited the protocol based on the few comments received at the May

meeting. Following the May meeting there was a period of 5-6 months with little to no communication with the Advisory Panel. There were a couple of reasons for this: 1) a bill was proceeding through the legislature exempting CSSI from the Administrative Procedures Act, and 2) Valerie Termini (OPC staff on the project) went on early maternity leave. In December 2011, the revised protocol was presented to the Council for adoption. Just prior to the December OPC meeting, an online petition against the protocol was received, with many of the Advisory Panel members as signatories.

Although the Council adopted the protocol at the December meeting, Council members asked staff to reach out to whomever appropriate to better understand and if possible address the concerns raised in the petition. Kearns & West conducted assessment interviews with a handful of Advisory Panel signatories to better understand interests and identify the best way to move forward.

Eric Poncelet, Kearns & West facilitator, presented summary findings from the mini-assessment. He explained that signatories had a number of different reasons for signing the petition. There was a desire to sign the petition to make it clear that the Advisory Panel did not fully support the protocol. He explained that although the panel was not convened to produce a protocol itself, there was some dissatisfaction that the panel did not have the opportunity to develop something from the ground up. Also, signatories believed that the protocol was a missed opportunity to really support fishing interests and coastal communities. With regard to process recommendations, people generally didn't want to have another Advisory Panel meeting if the OPC was just doing it just to "check the box."

Based on input received through this mini-assessment, the OPC decided to have this conference call.

Advisory Panel members asked several clarifying questions. OPC staff provided the following clarifications and described the anticipated next steps:

- The California Voluntary Sustainable Seafood Program Protocol has been adopted by the Council. Since the OPC is not a regulatory body, the protocol is not a law or a regulation. The protocol is a voluntary program and is not enforced.
- Staff has been researching costs for pre-assessment and assessment, and OPC staff plan to move forward with requesting that the Council authorize funds to begin implementing the program.
- Anticipated next steps are to:
  - Submit proposed revisions to the protocol to the OPC for approval,
  - Request of the OPC to set aside funds of \$4 Million (\$1 Million per year for four years) to begin implementing the protocol,
  - Issue a Request for Proposals (RFP) to see which fisheries are interested in participating in the certification program, and
  - Begin working on the marketing program.
- Staff anticipates requesting Council approval of funds for implementation at the next OPC meeting, which will occur in either May or September 2012.

## **2. Discussion of OPC Staff's Response to the Petition**

Sam Schuchat, OPC, shared staff's proposed revisions to the adopted certification protocol. He explained that the revisions contain more specific and up front recognition of the participation of the Advisory Panel, acknowledge that there were divergent views amongst the Advisory Panel about using MSC as the foundation for the protocol, and add language

clearly stating that the OPC is open to new methods for meeting the requirements of AB 1217 in the future if something better comes along (i.e., OPC will consider amending the protocol to allow additional paths to the California logo if and when they are developed). He anticipates the Council will respond positively to these changes.

Advisory Panel members were invited to comment on OPC staff's proposed revisions to the certification protocol. Many panel members also chose to comment on the protocol itself. The comments are summarized below:

**Wayne Heikkila**

*Western Fishboat Owner's Association*

Wayne thought that the revisions to the staff recommendation are missing the point. He explained that he is not totally against MSC, as he works with MSC and thinks it is basically a good program. However, MSC is expensive and doesn't apply well to California fisheries. MSC is well recognized worldwide, and it has opened the doors to other markets. However, to really get California fisheries involved, certification needs to be less expensive. He expressed strong objections to the additional "California plus" standards (in particular, adding a food safety toxicity component). He shared that the Albacore fishery already takes a lot of steps to ensure food safety.

Wayne explained that what aggravates people about the MSC certification for Albacore is that the fishery has a fishery management plan and is managed locally, but is certified by a company based in Ireland that is highly removed from the management of the fishery. He also emphasized that all of the charges for the certifier are completely negotiable and suggested that certifiers will come down on their costs. He clarified that there is a misconception that MSC makes money off of certification, when in fact it does not make money off of the certification process; it only makes money off the sale of the MSC label.

**Jonathan Hardy**

*Formerly of the Office of Denise Ducheny*

Jonathan shared that there are fisheries in California that generate very little revenue (some as little as \$500/year). He expressed concern that the cost of certification, using the adopted protocol, exceeds the actual value of the fishery, and an expensive certification process will disenfranchise small fisheries. In his view, the CSSI was created to help the fishermen and associated communities market the species caught and landed off of California and federal waters. It was his hope that the marketing aspect of the CSSI would help increase the awareness and value of the fish landed in California.

**Rick Algert**

*Morro Bay Harbor Director (retired)*

Rick characterized the proposed revisions to the protocol as relatively small and questioned whether they address the concerns raised in the petition. He thought that many people do not support the California plus components of the protocol (in particular, the 80% threshold for two performance indicators—stock status, and bycatch of endangered, threatened, and protected species) and urged the OPC to remove it from the protocol. He also shared that he believes that his position in the March 2011 meeting summary was mischaracterized—he never supported higher standards for California. He took responsibility for this mischaracterization because he did not review the summary when he was given the opportunity.

- Sam Schuchat commented that as the OPC has gone through this process it has become clear that the driving legislation (AB 1217) pushes the OPC to use MSC. The protocol will need to be based on MSC unless another certification program comes along that also meets the requirements of the bill. There are fisheries that should, in the long run, be able to afford the protocol, particularly if they are able to charge more money for their fish. Many small fisheries in California are already subsidized because they do not pay for the cost of their management; they are not supporting themselves already. He expressed eagerness to move beyond the certification and on to the actual marketing of certified fisheries. In addition, he noted that there are a lot of people who do not like the California plus component, and there are a lot of people who do like it.

### **Matt Owens**

#### *FishWise*

Matt shared that his biggest concern is with the process for certification and implementation. He expressed concern that only the largest fisheries with a lot of data are going to be supported in the certification process. He would like to see money directed to fisheries that are data poor and in need of assistance to be qualified for certification. That is not well captured in the process section of the protocol and should be corrected. Answers to the following questions should be clarified in the protocol:

1. Will all fisheries be supported with funds for pre-assessment?
2. Once a fishery meets the evaluation criteria, will the fisheries move beyond pre-assessment?
3. How will OPC support correcting shortcomings of fisheries with some of its funding so that fisheries are able to go to full assessment?

Matt explained that it is assumed in this process that MSC is the only model that meets the AB 1217. Global Trust has advanced a bit in the last year—he suggested that it might be worth bringing Global Trust back to the table to see if they are a viable alternative to MSC.

- Sam Schuchat noted that the OPC has supported and is currently funding stock assessments and Fishery Management Plans for fisheries independent of the specific CSSI process, and will likely continue to do so if there are funds and it aligns with Council priorities. OPC staff assumes they would assist in addressing pre-assessment-defined shortcomings. He acknowledged that much of the OPC's budget goes towards funding MPAs. Assuming some funding will remain, staff would like to put this money towards certifying fisheries.

### **Teri Shore**

#### *Turtle Island Restoration Network (TIRN)*

Teri stated that it is not only her, as an individual, that has concerns about toxicity. There are others, including the state of California, concerned about this issue. She explained that from TIRN's view, the protocol does not adequately address the toxicity issue. It simply says that information will be posted on the website. She stated that a checklist does not meet the requirements of the certification. She clarified that if OPC wants just a fishery marketing program, new legislation would be needed to revise AB 1217.

### **Sam King**

#### *King Seafood*

Sam stated that he joined the Advisory Panel because he thought the panel was going to create a "California Grown" marketing program to extol the virtues of California

seafood. He stated that he signed the petition because he thought this process started in the wrong place. The best place to start is to ask the fishermen and those in the industry what is wanted and needed. A lot could have been learned to change the direction of the protocol. Regarding toxicity, it should not be included in the protocol.

- Sam Schuchat clarified that AB 1217 clearly states that fish cannot be marketed under the program if it has not been certified as sustainable, per the requirements of the bill. The bill's certification requirements for sustainability are separate from, not equivalent to, and go beyond current California laws for fisheries management.

### **Paul Johnson**

*Monterey Fish Company*

Paul shared that he thinks the petition signatories generally feel that MSC is too expensive. He does not think that toxicity should be included in the protocol because it duplicates current efforts and regulations. He also thinks that higher thresholds for stock status and bycatch are unnecessary and do a disservice to small boat fishermen. It seems like MSC is a secondary label and redundant.

### **Diane Pleschner-Steele**

*California Wetfish Producers*

Diane emailed comments during the conference call and Eric Poncelet, facilitator, read them aloud on the conference call. Key elements of Diane's comments are captured below:

*I tried to call in at 10 AM and was placed on hold for @10 minutes. I really don't have time today to participate further in this discussion. I did review the proposed changes, and while I appreciate the effort, I think you're are missing the real point -- I see nothing new that would lead me to retract my initial statement when signing the petition. This protocol is still MSC centric, and while I don't have a problem with that system per se, I thought the CA protocol should have more flexibility, similar to the proposal that Dave Anderson went to great lengths to develop, and I also liked the idea of providing a 'Caddy checklist' in a workbook that interested fisheries could use to self-assess as a preliminary step to save \$\$ and provide buy-in. I think this protocol has gone overboard, notwithstanding the 13th hour attempt to include some potential flexibility in the future (which likely won't happen). I will also note that in personal communication with Bill Monning, the bill author, he insisted his intent was not to focus solely on MSC, rather, to do something positive for local fisheries.*

*Among the problems that I see: the protocol says that MANY panel members supported the California plus restrictions. We did not take a vote on this, at least not while I was present, but I clearly recall this restriction advocated by one member of the environmental non-governmental organization (ENGO) community. It was not supported by the rest of us who represent fishing and seafood interests. The MSC requirements already set a path for certification by requiring 'conditions' for those elements that score between 60 and 80 -- why is that not acceptable? It should be. What happens when a fishery that already has MSC certification somehow fails to win the CA label because of this loophole in interpretation. Don't you see that as harming fisheries, rather than helping them?*

*This protocol seems intent on restricting fisheries, certainly not encouraging them. As we discussed during our meetings, very few fisheries, esp. state managed fisheries, would be able to qualify under the existing MSC scoring system because of its reliance on quantifiable stock assessments and developed fishery management plans. That would throw virtually all fisheries into the Risk Based Framework -- which essentially entails a big workshop, [which would provide an additional opportunity for some interest groups to argue for additional restrictions on fishing.] -- That is not science -- it's political theater. It happens now when MSC certifies a fishery against ENGO wishes.*

*Another problem, in my view, is the protocol goes above the FAO guidelines in addressing toxicity issues -- clearly the province of Department of Health Services (DHS), which already does a pretty good job alerting consumers, I think.*

*The OPC protocol appears to be setting up the OPC as the ultimate overseer of fisheries -- involving itself in reviewing independent 3rd party assessment (which I assume would be objective so why the need for more scrutiny?), and overseeing DHS work -- and likely insisting on its own 'conditions' before granting the use of the California seal.*

*As things stand, I don't know of any fisheries that are interested in applying for certification through this CSSI program -- and what about fisheries like albacore that are already certified MSC? What further hoops must they jump through to be blessed with a California seal?*

*In my opinion, the CSSI protocol involves far too much overhead, which will cost mega \$\$\$ over time, when this program could have enlisted support from the fishermen by providing a workbook like the Caddy checklist for interested groups to self-assess, saving both time and \$\$, and leading to buy in from fisheries. What we really need is for this state to recognize the findings of independent, internationally respected scientists like Boris Worm and Ray Hilborn, who found California Current fisheries to have the lowest exploitation rates in the world, and more recently Anthony Smith et al., who found California Current forage fisheries to have low impact on the ecosystem. The local fisheries need and would appreciate support from the state in promoting our sustainable fisheries (and most of them are -- even though they might not qualify under MSC because they are managed with traditional methods, or new visionary ones like MPAs). CA has closed more than 30% of productive hard bottom fishing grounds in marine reserves, and in addition the federally managed fisheries have restrictive harvest limits. Why not celebrate these facts and promote local CA fisheries? That was the vision I had for the CSSI -- but I don't see you attaining those goals with the current protocol.*

**Patricia Unterman**

*Hayes Street Grill*

Patricia shared that it seems the way that the legislation was passed with MSC embedded doesn't meet the needs of people on the ground. She expressed interest in working within the legislation (AB 1217) to certify a port for all fish landed.

- Sam Schuchat clarified that it is his understanding that an individual port could be certified, or a group of ports. The unit/applicant of certification is flexible. Morro

Bay might be a good candidate port because of the ground-fish closures and the work The Nature Conservancy has been doing there.

### 3. Public Comment

#### **Dana Murray**

*Heal the Bay*

Dana shared that she has been following the CSSI process and, on the behalf of Heal the Bay, would like to see a human health component included in the protocol. She shared that seafood should not be considered sustainable if it is harmful for people to eat due to high level of toxins. Heal the Bay is not asking for additional toxicity testing, but rather that current toxicity testing information be reviewed in the certification process.

#### **Peter Flournoy**

Peter stated that he echoes everything Diane Pleschner-Steele expressed in her email. He thinks the biggest problem with the protocol is that it requires components in addition to MSC. MSC already goes beyond the FAO standards. MSC had a big representation when the FAO guidelines were created. He feels that the internal review of certification by the OPC Science Advisory Team is an extra layer of bureaucracy that is not needed. He shared that the cost of certification is very expensive and the process is time consuming and takes upwards of a year to actually get the certificate/label. He clarified that he believes a port could be certified, only if all of the fisheries landed in that port are certified. He believes that the protocol sets up additional hurdles, especially for fisheries that are already certified, to get marketing assistance from the state of California.

### 4. Recap and Next Steps

Sam Schuchat thanked everyone for participating in the conference call and providing feedback and input on the proposed OPC staff revisions to the certification protocol. He particularly thanked the Advisory Panel members for all of their time and input over the past couple of years. He explained that this conference call is officially the last meeting of the CSSI Advisory Panel and described the following next steps:

- A summary will be prepared of this conference call and will be provided to the OPC at the next meeting (in either May or September 2012)
- Staff will consider further modifying the certification protocol based on the input received at this meeting. Staff will recommend that the Council adopt the protocol revisions and authorize funds to begin program implementation at the next OPC meeting.
- All Advisory Panel names will be added to the OPC listserv so that all will receive upcoming meeting announcements, agendas, and materials. Panel members should email Moira McEnespy (mmcenespy@scc.ca.gov) if they do not want to be added to, or want to be removed from, the listserv.

### 5. Attendees

#### Advisory Panel Members:

Rick Algert, Morro Bay Harbor Director (retired)  
Jonathan Harty, LJ Hardy Consulting LLC  
Wayne Heikkila, Western Fishboat Owner's Association  
Paul Johnson, Monterey Fish Company

Sam King, King Seafood  
Matthew Owens, FishWise  
Teri Shore, Turtle Island Restoration Network  
Patricia Unterman, Hayes Street Grill

OPC Staff:

Sam Schuchat, OPC Secretary and Executive Officer State Coastal Conservancy

Public Participants:

Peter Flournoy  
Dana Murray, Heal the Bay

Facilitators:

Briana Moseley, Kearns & West  
Eric Poncelet, Kearns & West



**APPENDIX A:**

**AGENDA**

**California Sustainable Seafood Initiative**

**Advisory Panel Teleconference**

April 4, 2012 (10:00 AM – 12:00 NOON)

**Teleconference Information:**

Phone#: 1-866-910-4857

Pass-code 591643

**Conference Call Locations:**

<b>OPC Offices</b> 1330 Broadway, Floor 11 Oakland, CA	<b>Redding</b> 3779 Sunglow Dr Redding, CA 96001	<b>Heal the Bay</b> 1444 Ninth Street Santa Monica, CA 90401
<b>Buellton</b> 1570 West Hwy 246 Buellton, CA 93427	<b>Costa Mesa</b> 3185J Airway Costa Mesa, CA 92626	<b>City of Morro Bay Public Services Dept</b> 995 Shasta Morro Bay, CA 93442
<b>Turtle Island Restoration Network</b> 9255 Sir Francis Drake Blvd Olema, CA 94950	<b>CleanFish</b> 42 Decatur Street San Francisco, CA 94103	<b>FishWise</b> 500 Seabright Ave., Ste 202 Santa Cruz, CA 95062
<b>Monterey Fish Market</b> 1620 Hopkins Street Berkeley, CA 94707	<b>San Diego</b> 2168 Logan Avenue San Diego, CA 92113	<b>California Coastal Commission, San Diego Coast District Office</b> 7575 Metropolitan Drive, Ste 103 San Diego, CA 92108

**MEETING OBJECTIVE**

1. Discuss OPC's consideration of and response to the December 2011 petition

<b>Time</b>	<b>Topic</b>
10:00 AM	Welcome, Introductions, and Agenda Review
10:10 AM	Review Background and Purpose of Conference Call <ul style="list-style-type: none"> <li>• Approval of the protocol by the Council</li> <li>• Submittal of petition</li> <li>• Summary of outcomes from interviews with cross-section of petition signatories</li> </ul>
10:30 AM	OPC's response to the petition <ul style="list-style-type: none"> <li>• OPC staff proposed revisions to the protocol</li> <li>• Group Discussion</li> </ul>

11:20 AM	Public Comment
11:50 AM	Recap and Next Steps <ul style="list-style-type: none"><li>• Submitting revised protocol to the Council</li><li>• Next steps for the California Sustainable Seafood Initiative</li></ul>
<i>12:00 PM</i>	<i>Adjourn</i>

**Meeting Materials**

- OPC's Proposed revisions to the Staff Recommendation for the CSSI Voluntary Protocol