



Jennifer Humberstone  
Scientific Certification Systems  
2000 Powell Street  
Suite 600, Emeryville  
United States  
94608

**Sent by email**

Date: 11/01/2018

**Subject: Request for variation to the MSC Certification Requirement v2.0 FCR-7.23.18 for US Atlantic Surfclam and Ocean Quahog**

Dear Jennifer Humberstone,

I write with reference to your submission on 05/01/2018 of a request for variation to the MSC Certification Requirement (CR) to allow:

A variation to the timeline requirements for report submission for a surveillance audit report to account for the holiday season and grant the client additional time to receive a response from a government Freedom of Information Act (FOIA). A 1-month extension is proposed such that the report would be due to be forwarded to the MSC by February 28, 2018.

As you are aware, the CR procedures relating to v2.0 FCR-7.23.18 state:

This Surveillance Report shall be forwarded to the MSC within 60 days of completing the audit, for publication on the MSC website

These are integral to ensuring all MSC accredited Conformity Assessment Bodies operate in a consistent and transparent manner. The MSC intends that these requirements be met across all fisheries and CoC certificate holders, except in exceptional, well-justified circumstances, as part of the MSC programme.

**MSC notes the factors presented supporting your request, including:**

- The client initiated the FOIA request well ahead of the first annual surveillance audit, but the client only recently received confirmation that the request will be granted and should be fulfilled in the coming weeks.
- The overlap of the surveillance programme with the holiday season has likely contributed to delays, but it is not clear at this point that the FOIA request will be fulfilled with sufficient time for the assessment team to evaluate the contents relative to the open condition within the surveillance audit 60-day reporting timeframe.

**Given the rationale provided, the MSC is willing to grant a variation to the CR in this case subject to the following conditions:**

- The CAB can confirm that it is not aware at this time of any factor (related to either fishery status, or performance against conditions) that could result in the fishery no longer being in compliance with the MSC Fisheries Standard.
- Extended deadline of 30 days.
- Stakeholders are informed.

If you have any questions regarding this response, please do not hesitate to contact the relevant Fisheries Assessment Manager for this fishery.

Marine Stewardship Council  
cc: Accreditation Services International