

SAI Global

Omega Protein Corporation U.S. Atlantic menhaden purse seine

CAB response to Secretary of Commerce's finding the Commonwealth of Virginia Out of Compliance

Background

On October 31st, 2019 the Atlantic States Marine Fisheries Commission (ASMFC) found the Commonwealth of Virginia out of compliance. This finding resulted from Virginia's failing to effectively implement and enforce the revised *Chesapeake Bay Reduction Fishery Cap* contained in Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden.

Pursuant to the provisions of the Atlantic Coastal Fisheries Cooperative Management Act (1993), the Secretary of Commerce was notified of and considered the finding. On 19th December 2019, SAI Global became aware that the Secretary of Commerce concurs with the Commission's determination.

SAI Global response

According to MSC requirements, if a Conformity Assessment Body (CAB) becomes aware of changes to the circumstances of a certified fishery, and/or of new information, that may cause a 'material difference', then the CAB shall complete an expedited audit (MSC FCP v2.1; 7.29.1). A 'material difference' is further defined (MSC FCP v2.1; 7.20.6.c) as one or more of the following:

- A Performance Indicator (PI) score falling below 60.
- A PI score falling between 60 and 80.
- A Principle score falling below an aggregate 80 score due to the changes to 1 or more PIs.
- A change in scope.

Therefore, SAI Global, having become aware of and investigated changes to the circumstances of this fishery, has determined that they could make a 'material difference' to the fishery's conformity to MSC requirements. SAI Global has therefore concluded that the appropriate course of action is to trigger an expedited audit to consider the matter in more detail. Unfortunately, at this point, it is not feasible to complete the procedures necessary to officially announce the audit prior to the impending Christmas break and as such the audit will not be officially announced made until early-January—given that the fishery is currently closed the impact of this delay is limited.

Finally, SAI Global would like to assure stakeholders that input will be solicited from interested stakeholders as part of the expedited audit process, with previously involved stakeholder groups being contacted directly.

Comments may be submitted to:

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