

SAI Global

Omega Protein Corporation U.S. Atlantic menhaden purse seine

MSC Variation Request

1 Introduction

This form details the information SAI Global is required to submit to the MSC to enable the MSC to consider an application to vary from a clause or requirement in any of the MSC program documents.

Once a Variation Request has been submitted the MSC will consider that request and will usually respond within 14 days.

2 Marine Stewardship Council variation request

Table 1. Variation request.

1	Date submitted to MSC
	18 March 2020
2	CAB
	SAI Global
3	Fishery name and certificate number or CoC certificate number
	Fishery name: Omega Protein Corporation U.S. Atlantic menhaden purse seine Certificate number: MSC-F-31435
4	Lead auditor or program manager
	Sam Dignan (Lead Auditor)
5	Request prepared by
	Sam Dignan (Lead Auditor)
6	Scheme requirement(s) for which variation requested
	MSC FCP v2.1 §7.29.8. Timeline for publication of Expedited Audit report. 7.29.8 The CAB shall upload the expedited audit report to the MSC database for publication on the MSC website, within 60 days of announcing the expedited audit.
7	How many times has a variation for this requirement been accepted for the same assessment of the same fishery?
	None. A variation to this requirement has not previously been accepted for this assessment of this fishery.

Table 2. Variation justification.

1	Proposed variation	
	To extend the deadline for SAI Global to upload the expedited audit report for publication on the MSC website for an additional 30 days from 21 March 2020 to 20 April 2020.	
2	Additional time requested	
	Original deadline date	21 March 2020
	Modified deadline date requested	20 April 2020
	Length of additional time requested	30 calendar days
3	Justification	
	<p>This expedited audit was announced on 21 January 2020—therefore, in line with MSC FCP v2.1 §7.29.8, SAI Global should publish the expedited audit report by 21 March 2020.</p> <p>Following the required 30-day stakeholder comment period, the limited availability of the P3 assessor meant that the ‘site visit’ portion of this remote audit could not take place until 05 and 06 March 2020 meaning that SAI Global is not yet in a position to publish the audit report.</p> <p>In addition, the situation with regards to the specific issue that resulted in the triggering of this expedited audit is rapidly developing which means that it makes little sense to publish an expedited audit report now if its findings will be almost immediately superseded. A brief synopsis of recent and expected events is presented below:</p> <ul style="list-style-type: none"> ▪ On 21 January 2020, this expedited audit was announced as an off-site audit with a ‘site visit’ period of 05 and 06 March 2020 in response to the Atlantic States Marine Fisheries Commission’s (ASMFC) and U.S. Secretary of Commerce’s finding the Commonwealth of Virginia out of compliance for failing to implement and enforce a reduction in the Chesapeake Bay Reduction Fishery Cap approved in Amendment 3 to the Atlantic menhaden fishery management plan. ▪ Since this expedited audit was announced a number of important steps in bringing the Commonwealth of Virginia back into compliance have already taken place including: <ul style="list-style-type: none"> – Virginia’s House and Senate have passed bipartisan legislation to transfer management of Virginia’s menhaden fisheries from the General Assembly to the Virginia Marine Resources Commission (VMRC). – The Governor of Virginia has now signed this legislation into State Law thereby transferring management responsibility for menhaden to the VMRC. ▪ It is now expected that in the coming weeks/months (and prior to June): <ul style="list-style-type: none"> – The VMRC will implement the necessary measures to make the revised Bay Cap bidding in Virginia State waters and additionally require the fishery to ‘pay back’ the 2019 overage (i.e. catch in excess of 51,00 mt in 2019). – This should result address the specific issue that resulted in the non-compliance and cause the ASMFC and Secretary of Commerce finding Virginia back in compliance. – It might therefore be that any findings made now might be almost immediately rendered redundant by expected future developments such that the team would like to consider any developments that take place prior to 20 April 2020 as part of this audit. 	
4	If a fishery assessment, implications for assessment	
	<p>No particular negative implications as the fishery is currently closed and will not re-open until the 1st Monday in May.</p> <p>Granting this variation would have positive implications in that it could allow the fast-developing situation to reach a conclusion—this would mean that the findings of this expedited audit would not be quickly/almost immediately rendered out of date.</p>	

Table 2. Variation justification.

5	If a fishery assessment, mitigation of the implication for assessment
	If this variation request is granted, SAI Global will directly contact registered stakeholders informing them of the delay including the reasons behind it.
6	If a fishery assessment, how many conditions does the fishery have and will their progress be affected (positive or negative)?
	The fishery is currently certified with three (3) open conditions. The progress of all three conditions will not be positively or negatively affected by this variation request.
7	What is the status of the current assessment?
	Certified, in Year 1 of its first certification cycle.
8	Further comments
9	If applicable, additional information added after MSC's request

3 Template information and copyright

This document was drafted using the 'MSC Variation Request Form v3.1'. While amendments have been made to formatting in order to comply with SAI Global's corporate identity, SAI Global has ensured that content and structure follow that of the original template.

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Table 3. Template version control.

Version	Date of publication	Description of amendment
1.0	1 January 2011	Date of application
1.1	24 October 2011	Updated to include a confidential information section
1.2	10 January 2012	Updated to include more detailed instructions on confidential information section
1.3	14 January 2013	Updated in line with requirements in MSC Certification Requirements v1.3, including P2 to P1 'expedited audit'
2.0	08 October 2014	Updates in line with release of Fisheries Certification Requirements v2.0
2.1	04 October 2016	Updated contact information
3.0	17 December 2018	Release alongside Fisheries Certification Process v2.1
3.1	28 March 2019	Non-substantive changes to improve clarity and usability

A controlled document list of MSC program documents is available on the [MSC website](http://msc.org) (msc.org).

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