

SAI Global

Omega Protein Corporation U.S. Atlantic menhaden purse seine

CAB response to ASMFC's finding the Commonwealth of Virginia Out of Compliance with Amendment 3

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 Commission will now notify the Secretary of Commerce of its finding. The Secretary of Commerce then has 30 days to review the recommendation and determine appropriate action.

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 changes to the circumstances of this fishery, will now investigate these changes to determine whether or not they make a 'material difference' to the fishery's conformity to MSC requirements. Note it may be the case that a final determination in this regard cannot be arrived at until such time as the Secretary of Commerce renders a final decision on the matter.

Finally, SAI Global would like to assure stakeholders that we are continuing to closely monitor the situation and will respond according to MSC requirements.

Comments may be submitted to:

SAI Global Ireland – Client Services:

E: ClientServicesie@saiglobal.com