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WASHINGTON (CN) – Invoking Dr. Seuss, a federal judge on Monday quoted from the 1960 classic “One Fish Two Fish Red Fish Blue Fish” to uphold a regulatory regime intended to cut down on seafood fraud and protect U.S. fishers from unfair competition.

Despite a challenge to the rule by a slew of U.S. seafood importers, harvesters and processors, U.S. District Judge Amit Mehta [found](#) that the traceability rule, which requires importers to document the supply chain of imports from their origin to their arrival in the U.S., was lawfully implemented by the National Marine Fisheries Service.

As such, Mehta said it “weathers the storm” of the challenge.

To highlight the complexity of the “catch-to-table distribution chain,” Mehta turned to Dr. Seuss.

“One fish two fish red fish blue fish. Black fish blue fish old fish new fish. ... Say! what a lot of fish there are,” the 67-page ruling states before the introduction.

Mehta drew on the iconic children’s book to explain his reasoning for upholding the Seafood Import Monitoring Program, which is slated to take effect on January 1.

“It turns out that there (sic) a lot more fish in the sea than even Dr. Seuss imagined. So many, in fact, that countries, including the United States, historically have had difficulty keeping track of the seafood that crosses their borders,” the opening paragraph of the ruling says.

Pointing to the complexity of the process, Mehta notes the journey Alaska king crab takes after being caught, where it might be sent to China or South Korea for processing.

“The packaged crab meat, in turn, is exported from Asia across the Pacific to the United States, to be combined with other ingredients into a crab cake, eaten by someone with little appreciation for the peripatetic journey that produced her meal,” the ruling states.

The traceability rule, according to the opinion, was intended to help track that journey and protect from the vulnerabilities inherent in the “catch-to-table distribution chain.”

“It is well documented that, at each stage, opportunists seek to game the system, largely by circumventing laws or norms that regulate the manner in which the world seafood market operates,” the opinion states. The “illegal, unreported, and unregulated” activities, as they’re known, have profound consequences at home and abroad, the ruling notes.

The traceability rule aims to shield U.S. fishers from that activity, including from unfair competition.

The plaintiffs in the case – including Alfa International Seafood Inc., Fortune Fish and Gourmet, the National Fisheries Institute, Trident Seafoods, Pacific Seafood Group and a slew of others – had said the rule would substantially increase their costs, make importing seafood more expensive, and passing those costs to consumers.

The groups claimed that the rule is overly broad and burdensome, and said the Department of Commerce, which houses the National Marine Fisheries Service, had exceeded its authority.

But Mehta found that the traceability rule was lawfully implemented by the agency.

After giving “careful consideration” to the arguments, Mehta found that “the Rule’s issuance did not run afoul of the MSA, and the current Secretary of Commerce validly ratified the Rule, thereby curing any alleged constitutional defect in the Rule’s promulgation,” the ruling states.

abbreviating the Magnuson–Stevens Fishery Conservation and Management Act.

According to Mehta’s findings, Congress gave authority to the Department of Commerce to regulate seafood fraud. In issuing the rule, the agency did not infringe on any other agency’s jurisdiction or violate any other federal laws.

The new rule will require U.S. seafood importers to identify what species they’re bringing into the U.S. and get permits from the Department of Commerce to continue their imports.

The U.S. imports more than 90 percent of the billions of pounds of seafood Americans consume each year, which amounts to more than \$10 billion annually.

John Henderschedt, the director of NOAA Fisheries Office of International Affairs and Seafood Inspection, said the agency is pleased with the court’s ruling “and remains focused on facilitating industry’s compliance with the Seafood Import Monitoring Program starting January 1, 2018.

“Along with enforcement efforts and international engagement, this program is critical to curbing Illegal, Unreported and Unregulated (IUU) fishing and ensuring that seafood imported into the U.S. is legally harvested and truthfully represented– leveling the playing field for U.S. fishermen and others around the world who play by the rules,” Henderschedt said.

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