



Gulf of California Procurement Advice

March 2020

Due to the March 2020 US import prohibition for Upper Gulf of California fisheries, Sustainable Fisheries Partnership is issuing this new procurement advice for all products sourced from the Gulf of California.

Summary:

1. US buyers should implement traceability systems that enable positive confirmation that product is coming from fishers operating outside the Upper Gulf of California¹. For Mexican shrimp, we recommend that US buyers:
 - a. Purchase from a member of the Mexican Shrimp Council (or require that current vendors join the Council), who have pledged to only source legal shrimp, to not buy from any fishing areas or gear that threaten protected/endangered species (and require their processing plants to do so as well), conduct audits on all purchases to ensure legality, and implement full traceability back to boats.
 - b. Require that traceability systems include examination of vessel monitoring system (VMS) data to verify harvest location.
2. We also encourage buyers to engage the Mexican government to implement a regulatory program for the protection and recovery of vaquita, then re-apply to the US for comparability under the US Marine Mammal Protection Act Import Provisions.

Background:

On 9 March 2020, NOAA Fisheries published a notification² revoking and continuing the denial of comparability findings for all fisheries in the Upper Gulf of California, therefore product from those fisheries cannot be imported into the US. The justification for this embargo is that the Government of Mexico failed to put in place and implement a regulatory program to protect and recover vaquita. In addition, the Government of Mexico has failed to fully implement and enforce its existing gillnet ban. Because there is no regulatory program at all, the embargo applies to all fisheries in the region.

Seafood products with the same Harmonized Tariff Schedule (HTS) codes as those under the embargo must be accompanied by a Certificate of Admissibility. The certificate of Admissibility requires signatures of a Mexican official and the US importer, stating that to the best of their knowledge the product is legal for import to the US. It will not be difficult for some fisheries, like the industrial shrimp trawl fishery, to violate this import prohibition if a member of the supply chain or a government official is willing to falsify paperwork. The only way a government official will know where a vessel was fishing is to review the VMS data, but there is no requirement for them to do so. Therefore, in order to prevent illegal

¹ For the purposes of the MMPA import provisions and the denial of comparability for products from the Upper Gulf of California, the definition is: area north of a line connecting Puertecitos Pier and Faro de Puerto Lobos.

²

<https://www.federalregister.gov/documents/2020/03/09/2020-04692/implementation-of-fish-and-fish-product-import-provisions-of-the-marine-mammal-protection>



product from leaking into supply chains, US shrimp importers must establish a full traceability system with an audit process that examines VMS data.