



## BLOOM'S RESPONSE TO THE MARINE STEWARDSHIP COUNCIL (MSC) CONSULTATION ON THE DEFINITION OF UNITS OF ASSESSMENT (UOA)

30 September 2017

### QUESTION 1: THE OPTIONS

1. In your opinion which of the options will be most effective in incentivising improvement in fishing that takes place outside a UoA within a single trip?

None.

In January, BLOOM and the signatories of its letter requested a public consultation on MSC-certified fisheries where the same vessels use the same gear during the same trip, but where only part of the catch falls within the Unit of Assessment (UoA) and is thus MSC-certified, while other parts remain uncertified (i.e. outside the UoA). Since then, the MSC has been trying to broaden the scope of the issue by including different areas, different gear types used on the same vessel, different targeted species/stocks, but this is not what concerns the stakeholders of the two letters you refer to to justify this consultation. This dilutes the debate and confuses stakeholders.

The stakeholders you refer to wanted a consultation on the contrived compartmentalization of UoAs, which is based on differences in fishing mode when using the same gear. To our knowledge, the only example of such contrived compartmentalization is the tropical purse-seine fisheries (e.g. the PNA fishery).

Tuna scientists (including your own Victor Restrepo), RFMOs (including the WCPFC), the United Nations (cf the FAO's International Standard Statistical Classification of Fishing Gear), and NGOs consider that FAD-associated and unassociated (free school) sets in tropical tuna purse seine fisheries do not constitute two different 'fisheries'. There is only one fishery made of these two operating modes: the tropical purse-seine fishery. The only sensible way to certify purse seine fisheries is therefore to assess them as a whole.

Should the PNA fishery be recertified, any incentive for fishers to switch from unsustainable to sustainable practices would instantly disappear. Why should they change as a whole if they can carry their business as usual while being certified for part of their activities when then feel inclined to do so?

We would like to use the opportunity of this 'consultation' to raise some specific concerns about this PNA fishery, although — as stated above — you made the scope of this consultation much broader:

- The MSC keeps repeating that “the precautionary approach is applied implicitly throughout the certification requirements”. However, a recent peer-reviewed scientific paper (Moreno *et al.*, 2016) argued that a number of studies have “attempted to characterize this association with varying results.



The range of influence of dFADs on tuna schools may vary from two to ten nautical miles and will vary according to local conditions” and that “this suggests that tuna schools do not aggregate consistently with floating objects and that it is very difficult and subjective to assign a set distance to define association”. A precautionary approach would certainly dictate NOT to define 'unassociated' as 'taking place at a distance of 1nm or more from a FAD', as done for the PNA fishery;

- The MSC also keeps arguing that it is a 'science-based organization', which is obviously false in light of the point directly above.

Finally, your reference to the MSC's Theory of change is non-sense. Following the launch of the On The Hook campaign, a meeting was organized between a few of its members (including BLOOM's Frédéric Le Manach) and the MSC. During this meeting, Rupert Howes (MSC's CEO) said that this Theory of change did not have to apply to all MSC-certified fisheries, as long as it worked globally. However, one can only wonder how good this theory is if it does not work for the MSC's second-largest fishery in terms of volume, and for the most important one in terms of potential revenue! Clearly, the theory of change must apply to all fisheries, not just selected (but marginal) fisheries.

To show good faith, option 3 is the least unacceptable solution, although BLOOM would like to stress that it should only apply to fisheries that are contrived on a fishing mode basis.

**2. If you perceive a reputational risk for MSC arising from the current practice of allowing fisheries to fish both within and outside a UoA on a single trip, which option will best mitigate this risk?**

We clearly perceive a reputational risk for the MSC to (among others) allow both sustainable and unsustainable practices to be carried out on the same vessel when the only difference is the operating mode. It was one of the points of our January letter.

Consumers clearly do not grasp such subtle differences and for them: "sustainable + unsustainable = unsustainable". Such a distinction for fisheries that, e.g., use different gears is already hazardous, but there is no question as to whether there is a risk when one gear with various modes is used: There is a major risk that you cannot afford and that we will not let go of. Using the PNA fishery as an example, and notwithstanding the unprecautionary approach chosen by the MSC (see Q1.1), is it even possible for an observer to determine the distance of the vessel from a FAD? Even if this were possible (very much unlikely), how to ensure that the premium paid for MSC-certified FAD-free tuna does not put pressure on this observer to declare an associated set as FAD-free?

As answered in Q1.1, the only acceptable option is the third one, but only if it is applied to fisheries that are contrived on a fishing mode basis.

**3. Are there any other options, modifications of the options proposed or combinations of the proposed options that the MSC should examine?**

As answered in Q1.1, the only acceptable option is the third one, but only if it is applied to fisheries that are contrived on a fishing mode basis.

**4. We would welcome examples of fisheries that the options would impact.**



To our knowledge, the only example of such contrived compartmentalization (UoA definition solely based on different fishing modes) is the tropical purse-seine fisheries.

However, any other fishery could decide to arbitrarily compartmentalize itself, which would have tremendous implications for the MSC and marine conservation. See our post here: [www.bloomassociation.org/en/msc-turning-its-back-on-seabirds](http://www.bloomassociation.org/en/msc-turning-its-back-on-seabirds).

## Q2: SHOULD THE MSC CONSIDER ADDING ANY THRESHOLDS OR EXCEPTIONS?

1. **Should there be a minimum uncertified unit catch threshold for requiring a uncertified unit to be subject to any of the above solutions (e.g. 10% of the total catch in a trip)? This would mean that where a vessel fished both inside and outside the unit of certification, but the fishing activity outside was only a small part of the activity of a vessel it would be exempt from the requirement to apply the above solutions.**

In the case that concerns us — i.e. contrived compartmentalization where UoAs on a single trip are defined based on differences of fishing mode only — this would only complicate a process that is already extremely complicated and confusing. The MSC standards must be much more straightforward so as to avoid any over-interpretation by CABs.

2. **Should there be a maximum uncertified unit catch threshold for permitting options 1 or 2? For instance, if set at 90% this would mean that if more than 90% of the fishing in a trip was on the uncertified unit the fish caught on the certified unit could not be sold as MSC.**

See Q2.1

3. **For questions 1 and 2, what should be the unit of measurement? Catch (tonnes) or effort (e.g. days fishing or number of sets)?**

N/A

4. **Are there any types of fisheries that should receive exemptions?**

In line with the targets of Sustainable Development Goal #14, we consider that small-scale artisanal fishers are the only ones who should receive exemptions so as to access to markets. However, we doubt that this concerns the MSC.

## QUESTION 3: DEFINITIONS

1. **Is the proposed definition of a trip correct?**

**“all fishing activities between visits to landing sites, where landing sites includes ports and legal, monitored and documented transshipments subject to MSC Chain of Custody certification”.**

Cf Q2.4, small-scale fishers often land their catch outside "ports and legal, monitored and documented transshipments". They are de facto excluded for this definition.