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National Marine Fisheries Service

1315 East-West Highway

Silver Spring, MD 20910

Reference: **RIN 0648-AV51**: Proposed Rule on IUU Fishing and Bycatch of PLMRs

Dear NMFS,

April 30, 2009

As a values-based company committed to caring for our communities and environment, Whole Foods Market¹ cares deeply about sourcing seafood sustainably, including ensuring that the impacts of fishing on the marine ecosystem are minimized. As a business committed to selling the highest quality seafood, it's in our interest to ensure that we have seafood to sell far into the future. Many of our customers are educated about issues related to fishing and ask us how we are able to ensure that the seafood we sell is caught legally and that bycatch is minimized.

We strongly urge NMFS to adopt strong procedures to address illegal, unreported, and unregulated (IUU) fishing. NMFS should include the most rigorous procedures to improve the traceability of catches and to prevent IUU fishing. If the current definition of IUU fishing doesn't completely encompass all aspects of IUU fishing practices, then the definition should be broadened. In addition, as buyers we must have access to reliable information that specifies exactly which nations are engaging in IUU fishing if we are to avoid buying IUU fish. In these proposed rules, NMFS has identified many critical components to addressing IUU fishing, including IUU vessel lists and port state measures to prohibit landings and transshipment of IUU catches. All of these measures are important and should be taken.

Likewise, as buyers we seek to source fish from fisheries that have little or no bycatch of Protected Marine Living Resources (PLMRs). Consequently, we urge NMFS to do everything possible to provide the tools necessary to identify nations and fisheries engaged in PLMR bycatch so that we can avoid sourcing from these fisheries. Publishing lists of nations that have vessels engaged in IUU fishing and/or bycatch of PLMRs would help us greatly. Follow-up consultations with nations engaged in these activities are critical and we support NMFS engaging in this work. Finally, the certification process is a good way to identify nations that have or have not taken appropriate corrective actions. Denying port privileges to uncertified nations and prohibiting the import of fish products in violation of these rules would be a huge step forward; it would put the onus of responsibility on nations to fish responsibly, rather than on a grocery store like Whole Foods Market to figure out who is fishing legally and who isn't. Finally, there may be fisheries that operate legally within a country that is found to be engaging in illegal fishing in other sectors. Consequently, we agree with NMFS' approach to have alternative certification procedures that allow products to be certified on a shipment-by-shipment or shipper-by-shipper basis.

Thank you for the opportunity to comment.

Sincerely,

Carrie Brownstein
Seafood Quality Standards Coordinator

Margaret Wittenberg,
VP for Quality Standards and Public Relations

¹Whole Foods Market has more than 275 stores in North America and the United Kingdom. Total sales for fiscal year 2008 were \$8.0 billion. We provide 50,000 jobs to our team members.