

Assessment of the Friend of the Sea Fisheries and Aquaculture Certification Programme

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1. Seafood Certification Schemes – are they adequate markers of sustainability?

A variety of seafood certification schemes have developed over the past decade, all claiming that the fish that they certify have been sustainably caught or farmed and that they are the best option for consumers to purchase.

Greenpeace is of the opinion that no fully credible certification system for sustainable wild-caught seafood currently exists. So far, the challenges facing our oceans are far from being tackled and the fundamental principles of precaution and ecosystem approach are not yet incorporated into fisheries management.

In order to more clearly explain Greenpeace's position, seafood certification schemes have been assessed systematically with the help of a tool¹ created by a specialist in certification (particularly with ethical certification systems such as the Forest Stewardship Council). The tool was developed for Greenpeace to establish how well various certification programmes can help to deliver Greenpeace's vision for healthy oceans – a network of marine reserves covering 40% of the world's oceans, with sustainable and fair use of the remaining 60%. The tool also allows detailed comparisons of various certification programmes with each other and with industry best-practice. Although it was developed with fisheries and aquaculture certification in mind, the tool has been developed based on best practice within the broader certification industry. A public version of the tool is available on request from Greenpeace.

2. Greenpeace involvement with FOTS

Friend of the Sea (FOTS) was launched in December 2006 by Dr Paolo Bray, also European Director of the Earth Island Institute's Dolphin-Safe Project. Dr Bray has met with representatives from Greenpeace, but to date Greenpeace has not had any formal involvement with the FOTS scheme.

Dr Bray recently incorporated the Greenpeace Criteria for Sustainable Fisheries into a revised FOTS standard for fisheries. This was accepted by the FOTS Technical Team in December 2008. A revised aquaculture standard, which incorporates the same socio-economic criteria as the new fisheries standard, appeared on the website in May 2009.

3. Strengths of the FOTS fisheries & aquaculture certification programme

1. The FOTS programme has a broad scope that includes both fisheries and aquaculture and includes socio-economic as well as ecological considerations.

2. The FOTS programme has a simple assessment process that is quick and thus cheaper and more accessible to small-scale and artisanal fisheries and producers than other certification schemes.

3. The FOTS programme does not issue certification until the required changes have been made by the fishery or aquaculture facility in order to comply with the standards.

4. The FOTS standards are largely performance based, i.e. certified fisheries should, in theory, go beyond just having the right documents and systems in place and must demonstrate proof of application through regular on-the-ground audits. This puts the programme ahead of others such as ISO certifications. However

the old standards required only company declarations as evidence for conforming to some of the social accountability criteria.

5. The FOTS standards theoretically set clear bottom lines about what it will not certify – something that some certifications lack. For example, no fisheries can be certified that have a discard rate of over 8%. FOTS lists aquaculture species that will not be considered for certification – e.g. European eel and bluefin tuna – because their production requires restocking with juveniles taken from depleted wild stocks.

6. The FOTS programme has recently incorporated stronger standards for fisheries², based on Greenpeace's Criteria for Sustainable Fisheries. These include strong elements on:

- Stock status – requiring fisheries to move away from management based on Maximum Sustainable Yield.
- Habitat protection – including goals for implementing marine reserves.
- Low impact fishing methods – including an upper limit of an 8% discard rate and strong bycatch mitigation and monitoring.
- Avoidance of Illegal, Unregulated and Unreported (IUU) fishing – including requirement not to operate in areas where problems with IUU are so high that any regulations and management plans in place are seriously undermined.
- Adaptive management – requiring management from an ecosystem perspective and use of precautionary principle.
- Social accountability – including requirements for a social impact assessment.
- Waste management – requiring procedures for minimising waste and reducing chemical use.

A revised aquaculture standard³, which incorporates the same socio-economic criteria as the new fisheries standard, appeared on the website in May 2009.

4. Weaknesses of the FOTS certification programme

4.1 Lack of professionalism and transparency

The three certification bodies used by FOTS to do assessments are not yet accredited by a third party to certify fisheries or aquaculture for the FOTS programme, although FOTS states that it expects to have the programme accredited in 2009. This means that there is currently no 3rd party body checking that the certification bodies are performing assessments and audits adequately.

Transparency is weak in a number of areas, although there has recently been some improvement with regard to this issue as all institutional and technical documents are now available (since 15 Nov 2008) on the FOTS website. Documents are, on the whole, fairly simple with the minimal information required. They contain many grammatical and spelling errors some of which lead to confusion and may be misleading. A classic example within the new fisheries standards is: "4.2 The Fishery does not include NO IUU (Illegal, Unreported, Unregulated) fishing vessels." This is clearly a grammatical error.

Initial assessment documents (or audits) have recently been made available on the website; however, over 30 of the 150 or more assessments are not available. In addition, no further documentation on the results of yearly audits of certified operations are available.

Issues of transparency with regard to stakeholder involvement are discussed below (4.2).

4.2 Poor stakeholder involvement

1. There were no requirements regarding the participation of local stakeholders in the management of the certified aquaculture and fisheries operations certified prior to January 2009.

In the old aquaculture standards there was one mention of working with local fishermen and that is only to limit the consequences of fish escapes from aquaculture facilities. However, under the new fisheries and aquaculture criteria, there is now a requirement to "involve all stakeholders in decisions, particularly subsistence, artisanal and fishing-dependent communities that depend on fishing for food and livelihoods."

2. The quality of stakeholder representation within the organization is poor.

This is well below industry standard. Both the Advisory Board and the Technical Committee are unrepresentative by country or stakeholder group (fishers, producers, retailers, government, NGOs, and scientists). The Advisory Board is composed of only five representatives from Switzerland, the UK, Canada, and the USA. The full details of the Technical Committee are not given for each member (although an old version of the website does list more details). Thirteen of the 26 team members are from five European countries. Standards are agreed by a simple majority vote which allows one stakeholder group to dominate.

FOTS claims⁴ that membership to the Technical Committee is open to any interested parties involved in the field of sustainable seafood, and that it cannot be held responsible for the level of interest of stakeholders. In addition, FOTS states that some members of the Technical Committee prefer to remain anonymous.

3. There is no proactive or transparent process that allows stakeholder input into the standards or certification processes.

Although stakeholders are invited on the website to comment by email, there is no proactive process for ensuring balanced stakeholder input, or ways to trace how comments are considered and implemented. According to the website, only the Technical Committee can propose and vote changes to the criteria.⁵

Stakeholders are not able to input into the assessment and are only made aware that a fishery has been assessed once the certification has been made. Assessments take some time to appear on the website, which makes it difficult to respond with any concerns in a timely manner. FOTS claims⁶ that this procedure will be modified to include better stakeholder input. A recent assessment report for a Dutch gillnet sole fleet has indeed been posted to the website for stakeholder input; however, there has been no apparent notification to stakeholders about this change in procedure, and without regularly visiting the website to look for new documents, stakeholders are likely to miss the deadline for objecting to the certification.

Similarly, although there is an objections procedure, the process is not clear and the results are not documented publically. In addition, the financial costs of the objections procedure could limit its accessibility as the complainant is required to pay from €2,000 to €62,000 to cover the costs of addressing the complaint (based on four people on the committee at €500 per day per person, for a maximum 31 days):

FOTS Objections Procedure:

Point 4. An Objections Committee of at least 3 experts and 1 coordinating Chair

Point 7. The Objections Committee, based on the time and resources needed to evaluate the objection and provide appropriate reply, sends to the Objecting Party a budget estimate for approval, based on a man/day fee of 500 Euros, and an estimate of the time needed to reply to the Objection.

Point 9. The maximum time the Objections Committee can estimate as needed to provide a comprehensive reply to the Objection is 31 working days from the payment.

4.3 Weak language used in some criteria

While in most criteria the language used is stronger using terms like 'does' or 'does not' or 'must', for some criteria the term 'should' instead of 'shall' is used. In certification terminology 'should' implies a conditional cause, while 'shall' would imply it is mandatory. This leaves room for interpretation and lower standards. For example:

Fisheries Checklist:

3.3: The Fishery should not discard any dead or dying marine life at sea. The Fishery should land the entire catch, including bycatch that is dead dying or unlikely to survive being returned to the sea.

3.4: The Fishery should use fishing methods that are suitable for the particular marine habitat where the fishery operates, and uses all necessary mitigation measures (e.g. closed areas, balanced quota composition for mixed fisheries) to minimize the accidental capture of non-target species.

4.4 No guidance documents for use of criteria

There are no guidance documents provided to explain to the certification bodies how to use the fisheries and aquaculture criteria checklists, or how to interpret and apply the various criteria. There is no list of definitions for the various technical terms used throughout the criteria checklists. This leaves room for misinterpretation and lower standards.

4.5 Weak environmental standards

FOTS has a simple yes/no checklist system of assessment for both fisheries and aquaculture. Each criterion is considered 'essential', 'important' or 'recommended'. 'Essential' and 'important' criteria must be implemented before certification is allowed. 'Recommended' criteria are entirely voluntary and there are no incentives to implement these criteria. Unfortunately, some critical criteria are treated as recommended only and others are completely lacking. Note that the fisheries and aquaculture standards were updated with stronger criteria in December 2008 and May 2009, respectively, but these apply only to operations assessed after these dates. Note that for aquaculture, only the socio-economic criteria of the standard were updated.

4.5.1 Standards fail to adequately address critical issues on fisheries

1. Fishing is allowed on overfished or depleted stocks.

This allowance is only for traditional fisheries which: "a) respect all other criteria; b) represent not more than 10% of the total catch of the overexploited stock; c) should be taken as a positive example of well-managed low impact fishery and thus be promoted." While this might be a good concept for promoting better fishing practices in areas where stocks are depleted, and allows support of small local fisheries, other criteria are not strong enough, especially with regard to management, to ensure that these really are good examples and will not contribute to further stock declines. This criterion remains in the new fisheries standard.

2. There is inadequate protection for populations of protected, threatened or endangered species for fisheries operations certified prior to January 2009.

Only those listed on the IUCN list were considered, not those on national lists which can be more up-to-date and relevant to local fisheries. However, the new fisheries standards do have a requirement that certified fisheries "do not negatively impact any population of protected, threatened or endangered species, or their recovery".

3. There is inadequate protection for sensitive areas or habitats where there is concern that the fishing activities pose a threat to the biodiversity, productivity, or the characteristic structure and functioning of the marine ecosystems for fisheries operations certified prior to January 2009.

There were no specific requirements for this in the old fisheries criteria, except a mention that management of bottom trawl fisheries must have implemented protected areas for corals and seamounts where bottom trawling is prohibited. However, the new standards do require that a certified fishery "does not operate in sensitive areas or habitats where there is concern that the fishing activities pose a threat to the biodiversity, productivity, or the characteristic structure and functioning of the marine ecosystems."

4. Criteria do not exclude fisheries that cause, or are associated with, or are suspected of causing, substantial ecosystem changes (such as trophic cascades or ecosystem state changes) for fisheries operations certified prior to January 2009.

There were no specific requirements for this in the old fisheries criteria; however, the new fisheries standards now require that a certified fishery "does not cause, is not associated with, and is not suspected of causing substantial ecosystem changes, with particular focus on key predator-prey relationships of the target species."

5. Management of the fishery from an ecosystem perspective is not required for fisheries operations certified prior to January 2009.

In fact, incorporating a monitoring and research process was only a recommendation in the old standards. The new fisheries standards have much stronger management section that includes all the points from the Greenpeace Sustainable Fisheries Criteria.

6. Application of the Precautionary Principle is not required for fisheries operations certified prior to January 2009.

This was a recommendation only in the old fisheries criteria, but is now essential in the new standards.

4.5.2 Standards fail to adequately address critical issues on aquaculture

1. There are no requirements to use sustainably sourced fish feed.

There is a requirement for partial substitution of fish meal and fish oil with plant-based protein sources, but no guidance is given for what would be considered adequate proportions of fish-based to plant-based components. All other criteria on fish feed, such as using FOTS approved feed, are recommendations only.

2. There are no requirements for protection of soils.

However, impacts on soils, such as salination, can be minimised by some of the other stronger requirements on waste and water use.

3 Criteria do not exclude aquaculture that has a negative impact on local species.

Although impacts are reduced by some stronger requirements on waste and water use, there are no specific requirements for monitoring and protecting local species, other than a requirement to avoid catching birds and other animals in the cages or nets.

4. Application of the precautionary principle is not required.

This is not even a recommendation.

4.6 Poor socio-economic considerations

4.6.1 Old socio-economic standards

Although the old standards for both fisheries and aquaculture (applying to all operations certified prior to 2009) included some socio-economic considerations, they were limited to the requirements that wages paid must meet the legal standards and there must be no forced labour or child labour. In addition, only the child labour requirement must include an onsite audit. The forced labour and wages requirements do not require 3rd party verification, only a written company declaration (i.e. not a performance based assessment).

There were no other requirements for the respect of basic human rights, or for respect of the International Labour Organisation (ILO) conventions. Organisations are unfortunately only recommended to have the SA8000 certification – this is an auditable certification standard based on international workplace norms of International Labour Organisation (ILO) conventions, Universal Declaration of Human Rights, and UN Convention on the Rights of the Child.⁷ Had this been an essential requirement, the socio-economic standards would have been stronger.

There were no requirements for social impact assessments.

4.6.2 New socio-economic standards

The new fisheries and aquaculture standards now include stronger socio-economic criteria that cover all the socio-economic criteria listed in the Greenpeace Criteria for Sustainable Fisheries. Their proper application would provide protection for both fishery workers as well as local communities that might be impacted by fishing. The new standards also include requirements for a social impact assessment.

4.7 Weak legal and traceability requirements

Although avoidance of IUU and respect of relevant laws are required for fisheries, for aquaculture there are no specific legal criteria, although there are some requirements to abide by specific laws in some sections, such as for chemical use and waste management.

A critical element absent from the FOTS fisheries standard (old and new) is that fish is not required to be traceable from point of catch, which leaves a loop-hole for IUU practices to occur at sea.

For the old fisheries standards, there were no requirements for unequivocal marking systems, non-forgable document tracing systems, or interconnected traceability methods such as GPS, internet (N/A to small scale). These requirements, as well as stronger IUU criteria, have now been added to the new fisheries standards.

4.8 Quality and consistency of assessments are poor

Standards can only be as strong as their application, and this is a key area where FOTS certification falls down. A random sample of about 20 of the available assessment reports showed that the assessment process and reporting is poor and inconsistent. Although one assessment for Azorean demersal line fisheries has a more detailed and referenced review of the fisheries in addition to the checklist, the majority of reviewed assessment reports are essentially a Yes/No checklist assessment with minimal information provided to back up the claims. The reports list only one evaluator for each assessment and the dates listed indicate that the assessments and on-the-ground audits are performed in a very short time-frame. Few of the reports are referenced, and those that are contain references that are not relevant to the fishery. There appears to have been no review process or quality control, which has allowed broad, and in some cases inaccurate, interpretation of both the criteria and evidence.

Example 1. Application of the precautionary principle is given a 'yes' in many assessments simply if the country of origin has adopted the FAO Code of Conduct for Responsible Fisheries. The assumption is made that the precautionary principle has thus been adopted and applied to all fisheries managed by the country with no further analysis to show that this is true. In fact, a recent study⁸ shows that there has been poor application of the code globally, even amongst those countries considered to be amongst the best for fisheries management.

Example 2. Turkish hydraulic dredge fisheries for clams in the Black Sea⁹ have been certified, despite being seabed-impacting fisheries. The few dredge impact studies that are referenced to 'prove' negligible impacts on the seabed are not specific to either the fishery or the region being assessed. In fact, one reference used is the Canadian SeaChoice seafood guide¹⁰ which refers specifically to clams collected mainly by hand-rakes in Maine, USA. Even this seafood guide states that hand-rakes (a lower impact method than dredges) used to harvest softshell and hard clams "have a 'moderate' impact on the bottom habitat where clams are harvested, and the effects of hand raking vary according to the habitat in which it occurs." Furthermore, the guide states that management of Maine clam fisheries has prohibited the use of dredging to commercially harvest softshell clams. The guide was also used in the FOTS assessment to establish that no IUCN listed species are caught in the Black Sea fishery – again this data is also based on Maine, not the Black Sea.

Despite being passed for certification, a note at the end of the assessment states that "Further evidence has to be provided by the producer about initiatives to limit the potential impact on *Posidonia* [sea grass]. It is presumed that vessels have knowledge about the presence of *Posidonia* and in general they avoid dredging those areas, because of consequences to the gear. However it is recommended that categorical evidence and possibly regulations have to be provided within the next 3 months to prove that *Posidonia* cannot be impacted by dredges in the area." This evidence should have been provided prior to certification. No report was found on the website to show that this evidence has since been provided.

Example 3. Greenpeace is currently reviewing a recent FOTS certification assessment report for a group of Dutch gillnetters targeting Dover sole in the North Sea¹¹ and has already noted some discrepancies in the use and interpretation of data for the stock criteria. The fisheries standards state:

1.1 The Fishery does not target stocks which are Overexploited, Depleted (Biomass below a truly precautionary level or fishing mortality above a truly precautionary limit), Recovering or Data Deficient, according to the most recent stock assessment produced by one of the following: FAO, Regional Fishery Body, National Marine Research Authority. An exception is made for those traditional fisheries which a) respect all other criteria; b) represent not more than 10% of the total catch of the overexploited stock; c) should be taken as a positive example of well managed low impact fishery and thus be promoted.

The most recent stock assessment for Dover sole in the North Sea¹² shows that the stock is below a precautionary level and the fishing rate has been too high. The assessor states that the fishery fulfils the requirements for the exception, however it is certainly not clear that the fishery respects all other criteria as they have not been properly assessed. For example:

1.21 The Fishery does not alter the age, genetic or sex composition of the stock to the point where it risks impairing the stock.

The assessor has made no detailed analysis of scientific data for this question and has merely copied a small section of data from the recent stock report that mainly refers to the effects of closing an area of the North Sea to large trawlers. There has been no attempt to address the more relevant statement in the same report that "*plaice and sole become mature at younger ages and at smaller sizes in recent years than in the past. There is a risk that this shift is a genetic fisheries-induced change*"¹³

Another criterion within the stock section (criterion 1.6 which requires positive, ecosystem-based, fishing rate targets to be set by management) has been dismissed by the assessor as not applicable, with no justification made for this decision.

References

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