



June 30, 2023

Mi Ae Kim
Office of International Affairs, Trade and Commerce
National Marine Fisheries Service
1315 East-West Highway (F/IS5)
Silver Spring, Maryland 20910

Re: NOAA Request for Comments on International Affairs; Antarctic Marine Living Resources Convention Act (87 Federal Register 29043, Docket No. 230418-0104 (May 5, 2023)).¹

Dear Ms. Kim:

Thank you for the opportunity to provide comments in response to NOAA’s Notice of Proposed Rulemaking to revise its Antarctic Marine Living Resources Convention Act (“CCAMLR”) regulations, including those that implement the trade-monitoring program for frozen and fresh Chilean sea bass, also known as Patagonian toothfish.

Founded in 1919, the National Restaurant Association is the leading business association for the restaurant and foodservice industry, representing nearly 10 percent of the nation’s workforce. As the second-largest private sector employer in the U.S., we are vital to the U.S. economy. In fact, we forecast that the foodservice industry will add 500,000 jobs this year – bringing total industry employment to 15.5 million by the end of 2023.

Restaurants nationwide rely on seafood products to power their menus and attract guests, using a mix of domestic and globally sourced, premium, sustainable finfish and shellfish. These items play an indispensable role in the ability of restaurants to offer their guests a distinctive dining experience.

However, due to the ongoing dispute between the U.K., the U.S., and Russia concerning the Patagonian toothfish fishery in South Georgia, imports of this critical species have been banned. This has caused harm to restaurants, supply chain partners, and consumers, and we are concerned that the restriction will continue to harm our industry if not addressed.

In the past, the South Georgia sea bass fishery has been subject to illegal, unreported, and unregulated (“IUU”) fishing. However, since the development of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), participating governments, along with seafood harvesters and distributors have stopped illegal fishing and restored the fishery’s health. Today, by virtue of Commission’s conservation measures, the South Georgia toothfish fishery is regarded – including by NOAA itself – as among the most sustainable in the world. In 2004, the fishery became the first toothfish fishery certified by the Marine Stewardship Council (“MSC”).

¹ By notice dated June 9, 2023, NOAA reopened the docket in this matter and extended the deadline for comments to June 30, 2023. See NOAA-NMFS-2023-0022-0008 as posted on www.regulations.gov.



Despite this reality, restaurants today cannot access South Georgia toothfish due to NOAA honoring the politically motivated veto by the Russian Federation of catch limits. The proposed rule would make it extremely difficult for U.S. seafood companies to source a product that is sustainable. A significant portion of U.S. imports of MSC-certified Patagonian toothfish originate from the U.K. South Georgia fishery. These imports help our restaurants serve high-quality seafood to customers, supporting thousands of American jobs across the seafood supply chain.

Blocking access to this resource will neither improve the fishery's sustainability nor deepen U.S. collaboration of critical allies, such as Britain and France. It could, however, increase prices for suppliers, restaurants, and ultimately American families as they return to dining out, and further drive food inflation.

This species is a premium product and high-end seafood products with staying power, such as Chilean sea bass, appeal to guests due to their quality and richness in flavor.

We share NOAA's objective of ensuring that domestic and global fisheries are responsibly managed. However, if the agency moves forward with this rule, our guests will continue to be deprived of a beloved sustainable product. Therefore, we urge reconsideration of the proposed rule.

We appreciate your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Laura Abshire".

Laura Abshire
Director of Food and Sustainability Policy
National Restaurant Association