

UNITED STATES PROFILE

Main seafood products and exports

Recent research by Islandsbanki¹ has provided a useful overview of the US seafood industry and its recent trends. The U.S. is the fourth largest fishing country in the world. The Pacific Coast is the largest U.S. fishery, accounting for 70% of total volume and half of total value. The Atlantic and Gulf Coast regions are smaller when measured by volume, but generally consist of high value shellfish species. Key fishing states include Massachusetts, Maine, Virginia, Louisiana and Alaska. Key species include crab, lobster, pollock, salmon, scallops and shrimp.

The various crab species were until recently the most valuable seafood product, with different management regimes in place for the various species. The Alaska snow crab species is managed according to size, sex and season. Blue crabs are managed by various state jurisdictions. There are three stocks of American lobster, and most of the lobster harvest is caught in inshore waters. The East Bering Sea Alaska Pollock fishery is one of the most valuable in the world, and one of the first U.S fisheries to be managed with catch shares or quotas. Pacific salmon are harvested in fisheries along the West Coast, and in 2013 Pacific salmon surpassed crab as the most valuable species in the U.S. The U.S. Atlantic scallop fishery is the most valuable scallop fishery in the world. Scallop fisheries are mainly in the mid Atlantic from Virginia to New York. The most important shrimp species in the U.S. are brown and white shrimp, harvested in the South Atlantic and Gulf of Mexico.

The U.S. Department of Agriculture (USDA) reports that U.S. exports of fish and seafood reached a record level in fiscal year (FY) 2014, with a total value of US\$ 5.3 billion, up 4% from the previous year². With a 6% share of global trade, the U.S. is the world's sixth largest supplier of fish and seafood products, behind China, Thailand, Norway, India, and the EU as a block. US seafood exports have risen 43% in value over the past five years, primarily as a result of higher volumes.

The top five export destinations in FY 2014 were the EU, China, Canada, Japan and South Korea, together accounting for some 83% of export value. While the total value of U.S. fish and seafood exports has grown by 57% over the past decade, exports to China have increased by 370%.

The main export species in FY 2014 were lobsters, Alaskan pollock, salmon, surimi and fish roe, together accounting for over 40% of value. Fresh and frozen fish, including fillets, accounted for 61% of fish and seafood exports, up 39% from five years ago. Pacific salmon and Alaska pollock were the top exports, with recent growth far stronger than the third placed cod. In FY 2014, China and the EU both received 26% of fresh and frozen fish exports.

¹ "United States Seafood Market Report", Islandsbanki Research, April 2015.

https://www.islandsbanki.is/library/Skrar/Seafood-Reports/International_Seafood_Report_low.pdf

² USDA Foreign Agricultural Service, "U.S. Fish and Seafood Exports Reach Record Levels", International Agricultural Trade Reports, 13 January 2015. <http://www.fas.usda.gov/data/us-fish-and-seafood-exports-reach-record-levels>

Shellfish accounted for 31% of fish and seafood exports, growing by 65% over the past five years. Exports from the East Coast, particularly of lobster, have been largely responsible for the overall growth of fish and seafood exports in recent years. In FY 2014, 20% of shellfish exports went to China, and 19% to the EU. Other fish products, primarily roe, account for 8% of the total. More than half of US roe exports go to Japan. While Russia had previously been the second largest market for U.S. salmon roe, in FY 2014, exports were currently restricted as a result of the recent Russian ban on certain U.S. agricultural and food products.

Seafood exports to the UK

In 2014, the UK imported a total of 23,302,419 kg. of seafood products from the U.S., valued at UK£ 98,718,167. This makes it one of the most significant global import markets for the UK seafood industry. The main items by value were: salmon (over £64 million), pollock (£14.45 million), lobsters (£8.85 million), scallops (£8.6 million), and prepared and preserved shrimps and prawns (£ 1.8 million). Lesser amounts were imported of warm water shrimps and prawns (£208,700), monkfish (£198,700), haddock (£192,000) and crabs (£178,000), together with small amounts of tuna, cod, and cold water shrimps and prawns.

Employment in seafood

Some figures for 2012 are provided in a U.S. Government report on fisheries economics³. A total of 1,270,141 jobs were created by the U.S. seafood industry. Seafood retailers contributed 610,000 jobs. The seafood import sector contributed 207,000 jobs. Wholesalers contributed 57,000 jobs. By state, the greatest employment impacts were generated in California (147,000 jobs), Massachusetts (107,000 jobs), Florida (82,000 jobs) and Washington (61,000 jobs). Employer establishments in seafood product and packaging employed approximately 31,000 full-time and part-time employees in 2011.

Human trafficking and forced labour: rankings, indicators and reports

The U.S. is ranked at Tier 1 in the U.S. Governments 2015 Trafficking in Persons⁴ (TIP) report. It is observed that both US citizens and foreign nationals are subjected to forced labour in a number of sectors including agriculture, manufacturing, construction and shipyards. Individuals who entered the United States with and without legal status have been identified as trafficking victims, including participants in visa programs for temporary workers who filled labour needs in many of the industries described above. There is no reference in the report to the fisheries or seafood sector.

³ Fisheries Economics of the United States 2012: Economics and Sociocultural Status and Trends Series, US Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service, NOAA Technical Memorandum NMFS-F/SPO-137, February 2014. <https://www.st.nmfs.noaa.gov/Assets/economics/documents/feus/2012/FEUS2012.pdf>

⁴ United States Trafficking in Persons Report 2015 <http://www.state.gov/j/tip/rls/tiprpt/>

The US is ranked No. 145 (a favourable ranking) in the Walk Free Foundation's 2014 *Global Slavery Index*⁵, with an estimated 60,100 persons (0.019% of the total population) in modern slavery. The Index observes that victims of forced labour have been identified in the food service industry, among others, but no mention is made of seafood. It notes furthermore that the trafficking of documented and undocumented immigrants from Latin American countries and parts of Asia for work in low skilled, semi skilled and unskilled jobs is particularly problematic.

Some NGO reports have documented allegations of serious labour abuse in parts of the U.S. seafood industry, notably the processing sector. Moreover, it is clear that parts of the industry make use of temporary foreign workers, brought in through the special visa arrangements that have been identified as potentially at-risk in the U.S. Government's own TIP reports. A North Carolina newspaper reported in June 2015 that although the U.S. Department of Homeland Security would add more special visas for foreign guest workers, many seafood processors on the East Coast remained "in limbo" about the peak seasons for blue crab and shrimp⁶. The H-2B system permits U.S. employers or U.S. agents who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary nonagricultural jobs. This allows about 66,000 seasonal workers into the US for such industries as seafood processing. Given the absence of available local workers, these migrants from countries including Mexico have reportedly been seen by seafood processors as essential to their operations. A 2013 briefing paper by the Brookings Institute⁷ observes that, among the sectors and regions for which there has been employer demand for such seasonal workers, are crab meat processors in North Carolina; and meat trimmers including seafood in Louisiana, Maryland, North Carolina and Virginia.

The U.S. labour rights and auditing NGO Verité has also noted that fish processing in the U.S. relies heavily on migrant workers; and that documented migrant workers in U.S. fishing processing are classified in the H2-B visa category intended for guest workers in sectors other than agriculture, and are generally not afforded the same protections as those in the other (H-2A) category (permits a foreign national entry into the U.S. for temporary or seasonal agricultural work). In 2012, the U.S. Department of Labor found a Louisiana seafood processing company employing H-2B guest workers in violation of a number of labour protections, including health and safety and minimum wage violations. Verité cites another NGO and academic report which detailed abuses faced by female H-2B workers in the Maryland crab processing sector. The female workers in question were indebted to labour brokers, received wages much less than promised, and further deductions were taken for the purchase of basic personal protective equipment. The workers had no viable grievance mechanism, and feared retaliation from their employers⁸.

⁵ Global Slavery Index 2014 http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf

⁶ "Seafood processors hopeful of getting enough migrant workers", Sun Journal, New Bern, North Carolina, 9 June 2015. <http://www.newbernsj.com/article/20150609/News/306099726>

⁷ "Immigration Facts: Temporary Migrant Workers", Brookings, 18 June 2013.

<http://www.brookings.edu/research/reports/2013/06/18-temporary-workers-wilson>

⁸ Data taken from "Fishing and Aquaculture", Verité website. <http://www.verite.org/>

Ratification of international human rights instruments

United Nations treaties and procedures

The U.S. has ratified three of the main international human rights instruments of the United Nations system. These are (the date signifies ratification by the U.S.):

- International Covenant on Civil and Political Rights (1992)
- International Convention on the Elimination of All Forms of Racial Discrimination (1994)
- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (1994).

The US has also accepted a number of country visits under the UN's special procedures.

International Labour Organization (ILO) Conventions⁹

The US has ratified a total of 14 ILO Conventions of which 12 are currently in force, but only two of the eight core human rights Conventions, These are the Abolition of Forced Labour Convention, 1957 (ratified in 1991); and the Worst Forms of Child Labour Convention, 1999 (ratified in 1999).

Fisheries management and recent policy trends

The Magnuson-Stevens Act of 1976 is the main piece of federal law governing marine fisheries in U.S. federal waters. It established eight Regional Fisheries Management Councils, required to:

- Develop and amend fishery management plans
- Convene committees and advisory panels and meetings
- Develop research priorities in conjunction with a Scientific and Statistical Committee
- Select fishery management options
- Set annual catch limits
- Develop and implement rebuilding plans

The Act was substantially amended in 1996 by the Sustainable Fisheries Act (SFA). U.S. law also mandates an end to over fishing, and includes measures to combat IUU fishing and reduce bycatch in global fisheries.

The Obama Administration has been highly active on the subject of Illegal, Unreported and Unregulated (IUU) fishing at the global level. A Presidential Task Force on Combating IUU Fishing and Seafood Fraud was created in June 2014, directed to report to the President within 180 days with recommendations for the implementation of a comprehensive framework of integrated programmes. A set of 15 recommendations was provided to the President through the National Ocean Council in December 2014. Recommended actions fall under the four general themes of: combating IUU fishing and seafood fraud at the international level; strengthening enforcement and enhancing enforcement tools; creating and expanding partnerships with non-federal entities to identify and eliminate seafood

⁹ The International Labour Organization's Fundamental Conventions
[http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--
declaration/documents/publication/wcms_095895.pdf](http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--declaration/documents/publication/wcms_095895.pdf)

fraud and the sale of IUU seafood products in U.S. commerce; and increasing information available on seafood products through additional traceability requirements.

As regards labour and human rights concerns, mention should also be made of U.S. state-level initiatives, of potential relevance to ethical practice in the U.S. seafood industry. In January 2012 the California Transparency in Supply Chains Act entered into force. This requires all companies, who do business in California above a certain financial threshold, to report annually on measures taken to prevent and eradicate slavery and human trafficking in their supply chains. The California Act had considerable influence on the supply chain provisions in the UK's Modern Slavery Act 2015.

Overall risk assessment

The overall risk level for UK companies importing U.S. seafood products should generally be considered low, though rising to medium in a small and select number of industries. In assessing risk in this country, it has to be remembered that there is a high degree of attention by the U.S. media and activist groups, both to the issue of slavery in global seafood supply chains, and to forced labour and human trafficking concerns within the U.S. Though there has not so far been high profile attention to labour abuses in seafood production *within* the US, this could easily change with one or two reports by the mainstream media, or one well publicised profile prosecution of an individual company. Fraud and deception in foreign labour recruitment are specific criminal offences under U.S. anti-trafficking law. There will always be a risk of serious labour abuse, in any industry which has recourse to foreign labour providers for the recruitment of overseas seasonal workers.

UK companies need to be attentive to these issues, if sourcing processed seafood products from the U.S. They should exercise due diligence, in investigating contractual and employment conditions within these processing factories, particularly when there are reasons to believe that recourse is needed for seasonal workers recruited from overseas.

For further information

- **United States Trafficking in Persons Report 2015**

<http://www.state.gov/j/tip/rls/tiprpt/>

The Department places each country in this Report onto one of four tiers, as mandated by the Trafficking Victims Prevention Act (TVPA). This placement is based more on the extent of government action to combat trafficking than on the size of the country's problem. The analyses are based on the extent of governments' efforts to reach compliance with the TVPA's minimum standards. Tier one is the best ranking and Tier 3 the worst.

- **Global Slavery Index 2014**

http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf

The Global Slavery Index estimates the prevalence of modern slavery country by country, the absolute number by population, how governments are tackling modern slavery, and what factors explain or predict the prevalence of modern slavery. Rankings range from 1 to 167 - with 1 the worst and 167 the best, in

terms of the prevalence of the population in modern slavery. This is based on three factors: estimated prevalence of modern slavery by population, levels of child marriage and levels of human trafficking into and out of the country. This gives a 'weighted measure'.

- **The International Labour Organization's Fundamental Conventions**

[http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---
declaration/documents/publication/wcms_095895.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_095895.pdf)

Ratifications of fundamental Conventions and Protocols by country

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011
_DISPLAY_BY,P10011_CONVENTION_TYPE_CODE:1,F](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011_DISPLAY_BY,P10011_CONVENTION_TYPE_CODE:1,F)

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For further information contact:

Karen Green, Industry Issues and Communications, Seafish

E: karen.green@seafish.co.uk

T: 01480 431500

M: 07515 993499