

A DECADE OF MARINE STEWARDSHIP COUNCIL (MSC) CERTIFICATION IN CANADA: Technical Report

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List of Acronyms

ASI	Accreditation Services International
CAB	Conformity Assessment Body
CoC	Chain of Custody
DFO	Fisheries and Oceans Canada
ENGO	Environmental Non-Governmental Organization
ETP	Endangered, Threatened, Protected
FAM	Fisheries Assessment Methodology
FAO	Food and Agriculture Organization
HCR	Harvest Control Rules
IFMP	Integrated Fisheries Management Plan
MSC	Marine Stewardship Council
OCI	Ocean Choice International
PCR	Public Certification Report
PI	Performance Indicator
RFMO	Regional Fisheries Management Organization
RBF	Risk-Based Framework
UoC	Unit of Certification
VME	Vulnerable Marine Ecosystem

Introduction

Increasing concern about the impacts of overfishing and unsustainable fishing practices on marine ecosystems (Agnew 2014, Ponte 2012) has been met with an increase in market-based approaches that offer incentives for improving fisheries' sustainability. These approaches include eco-certification by third-party, non-governmental organizations with a focus on consumer-facing labelling (Bellchambers et al. 2016, FAO 2009, Foley 2013, Jacquet et al 2010). These certification schemes assess fisheries according to a preagreed sustainability standard. Certified products earn an "ecolabel" that may help them to access markets demanding proof of sustainability or obtain a premium price. The objective of ecolabelling is to increase consumer demand for eco-certified products while simultaneously creating incentives for harvesters to modify fishing practices to meet this demand (Christian et al 2013, Foley 2013, Jacquet et al 2010).

The Marine Stewardship Council (MSC) is the most prominent wild-caught fisheries eco-label scheme (WWF 2012) with an annual budget of over \$20 million (USD) (MSC 2016). Twelve percent of global fisheries production is MSC certified (MSC 2017). As of 2016, 296 fisheries from 35 countries have been certified, with a further 67 fisheries engaged in the process (MSC 2017). From the consumer perspective, this translates to over 24 000 MSC-labelled products and 3700 supply chain participants holding the required MSC Chain of Custody (CoC) certification, which enables tracking of these products from boat to consumer (MSC 2016).

In Canada, 36 fisheries have been certified between 2008 and April 2017 representing 66% of Canadian wild capture fishery landings by volume and 80% of landings by value (J. Lugar, MSC, personal communication, April 18, 2017). MSC certification is considered by Canada's fisheries' regulators as the gold standard for sustainability in the marketplace, with explicit alignment of fisheries policies with the MSC Standard (Bouffard 2008). SeaChoice and its member organizations¹ have participated in most Canadian MSC assessment processes as stakeholders, and have been consistent participants in MSC Standard and policy consultations, including taking part in the MSC Stakeholder Advisory Council.

After almost a decade of MSC certification in Canada, as part of the SeaChoice mandate to ensure credible certifications, this report is the first assessment of the role and impact of MSC certification as a tool for fisheries' improvement in Canada. This report reviews the results of the MSC assessments, the conditions given to fisheries at the time of certification, and their progress post-certification to close these conditions. To identify environmental improvements made as a direct result of condition requirements of MSC certification, the report analyses actions taken by certified fisheries to fulfill the conditions given under the MSC Standard Core Principle 2: Environmental and Ecological Impacts. An overview of stakeholder participation in Canadian fishery MSC certifications is also provided.

¹ SeaChoice's current members include The David Suzuki Foundation, Ecology Action Centre, and Living Oceans Society. Sierra Club British Columbia Chapter and the Canadian Parks and Wilderness Society were members until 2013 and 2016 respectively.

Methodology

Data for all Canadian fisheries certified by the MSC between 2008 and April 2017 was obtained from the Public Certification Reports (PCR) and annual surveillance reports available on the MSC website (www.msc.org). Analysis for this report used the original, first-certification PCR for comparison of initial scoring and conditions given. Subsequent annual surveillance audits, including those for any combined fishery certifications, were used for assessing current progress against certification requirements.

To provide an overview of Canadian certified fisheries, the reports were reviewed for the following information: target species, geographic location of the fishery, gear types, conditions of certification given, status of conditions and related milestones, reason for closure of conditions, and stakeholder participation. The data was then analysed to identify trends across certifications by gear type and species group.

In order to determine the influence of MSC certification conditions on reducing environmental impact of certified fisheries, the actions taken to close Principle 2 conditions were reviewed and categorized. This follows closely the method used in MSC's own environmental impact analysis (MRAG 2011). Lastly, stakeholder engagement for each certification was categorized by type of stakeholder and submission content. Discussion of stakeholder experience, aspects of the certification scheme, and impact of MSC certification on Canadian fisheries is drawn from SeaChoice's experience as a stakeholder in 74% of MSC certifications in Canada as well as from published work reviewing the MSC scheme.

MSC Certification Scheme and Assessment Process

The MSC articulates its vision as “the world’s oceans teeming with life, and seafood supplies safeguarded for this and future generations.” The MSC mission is to use their “ecolabel and fishery certification program to contribute to the health of the world’s oceans by recognising and rewarding sustainable fishing practices, influencing the choices people make when buying seafood and working with our partners to transform the seafood market to a sustainable basis” (MSC 2016).

The MSC standard has three core principles and 31 associated specific Performance Indicators (PIs) (see Appendix 1 for full list of scoring indicators):²

Principle 1 – Sustainable target fish stocks (7 scoring indicators):

A fishery must be conducted in a manner that does not lead to overfishing or depletion of the exploited populations. For those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

Principle 2 – Environmental impact of fishing (15 scoring indicators):

Fishing operations should allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically-related species) on which the fishery depends.

Principle 3 – Effective management (9 scoring indicators):

The fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require the use of the resource to be responsible and sustainable.

Fishery clients hire an independent Conformity Assessment Body (CAB) to assess them against the MSC Fisheries Standard using the Fisheries Certification Requirements Default Assessment Tree and Guidance for CABs.

Accreditation Standards International (ASI) accredits CABs to perform assessments and provides oversight

² All of the fisheries reviewed for this report were certified under Version 1.3 of the MSC standard. The new version 2.0 of the MSC standard retains the same three core principles, but has 28 principle indicators with elements of the three dropped 1.3 Principle Indicators rolled into other scoring areas. Version 2.0 was mandatory for new certifications started after April 1, 2015 and for re-certifications after October 1, 2017.

on CAB application of the MSC Fishery Standard through random audits as well as if such an assessment is requested by MSC or other stakeholders as the result of a complaint or possible non-conformity by the CAB (MSC 2014c). The MSC is also a member of the International Social and Environmental Accreditation and Labeling (ISEAL) Alliance, whose mandate is to strengthen multi-stakeholder sustainability certifications. ISEAL sets credibility standards and publishes and promotes codes of practice. ISEAL employs an independent evaluation process to assess the progress made by its members toward attainment of standards and goals set by ISEAL.

Once a fishery achieves certification, products derived from the fishery can carry the MSC logo if they pass through the MSC CoC system that ensures certified products are traceable from boat to retail. Fisheries hold the certification for a five-year period.

When a fishery is assessed against the MSC Fishery Standard, conditions of certification can be assigned depending on their performance against the scoring criteria. Under the MSC Fishery Standard, each principle has a series of PIs that are scored individually between 60 and 100. A score of 60 represents the “minimum acceptable limit” for sustainability practices; a score of 80 represents “global best practice” level; and, a score of 100 represents “near perfect” fisheries management (MSC 2014c). If any of the 31 PIs score under 60, the fishery fails. As long as the overall average of the PIs for each principle is over 80, a passing fishery can have some PIs that score between 60 and 80.

For PIs that score between 60 and 80, the fishery receives conditions of certification that must be met within a specified time frame. This time frame is typically no longer than the duration of the five-years for which the certification is valid, except under what MSC deems “exceptional circumstance” (MSC 2013). By addressing these conditions, the fishery will increase their scoring to 80 or more and be able to retain their certification (MSC 2016).

The fishery client agrees to the milestones for conditions and creates a corresponding action plan that is approved by the CAB. The progress against milestones and conditions is assessed by the CAB through annual surveillance audits. A fishery that carries condition is, however, still fully certified, and its products are permitted to carry the MSC label as long as it has met the minimum scoring criteria and the average scores meet MSC’s “global best practice” scores.

Part I: The MSC Certification Landscape in Canada

Since 2008, 36 MSC certifications have been granted in Canada (Table 1).³ A review by ocean area shows 61% of certifications are held by fisheries in Atlantic Canada (including Quebec, Maritimes and Newfoundland); 22% are Pacific fisheries; 11% are fisheries in Arctic areas, and 5.5% are from inland, freshwater fisheries (Figure 1).

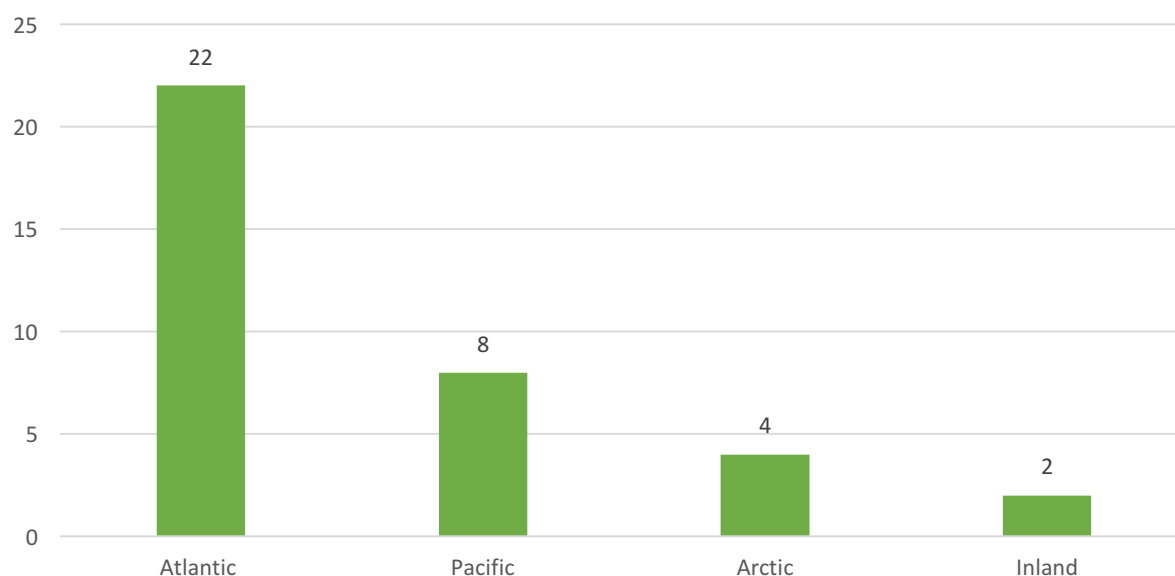


Figure 1. The 36 MSC certifications granted since 2008 in Canada shown by Atlantic, Pacific, Arctic oceans and inland waters.

³ Included in our analysis of certification conditions are 30 of the original certifications. The original 2008 Northern and Striped Shrimp fishery of SFA 5 & 6 certification findings were included under the 2011 combined certification of SFA 2-6. The certification of Canada 3LN Redfish Fishery is included in Table 1, but was granted in late May 2017 after analysis for this report was complete and is, therefore, not included in data analysis charts. The Pacific Hake Mid-Water Trawl Fishery certification was not included because the assessment scoring was done using a pre-standardized MSC Fisheries Assessment Methodology (FAM) that was not comparable to the other certifications. The British Columbia Pink, Chum, and Sockeye Salmon certifications are not included because they were certified under a different FAM and also had so many conditions under their original certifications that they were not comparable to the other certifications. As well, the salmon fisheries were in combined re-assessment using a new FAM at the time of this report, which will drastically change the scoring and requirements of the certification (see Appendix 2).

Certifications by gear and species type

Certifications have been granted for almost every gear type in Canadian fisheries. According to MSC, a Unit of Certification (UoC) is defined as the target stock(s) combined with the fishing method/gear and practice (including vessel/s) pursuing that stock. This means, a single MSC certificate may include more than one gear type. For example, the Canadian Scotia-Fundy Haddock Fishery has four UoCs by gear: demersal otter trawl, demersal long-line, gillnet and handline.

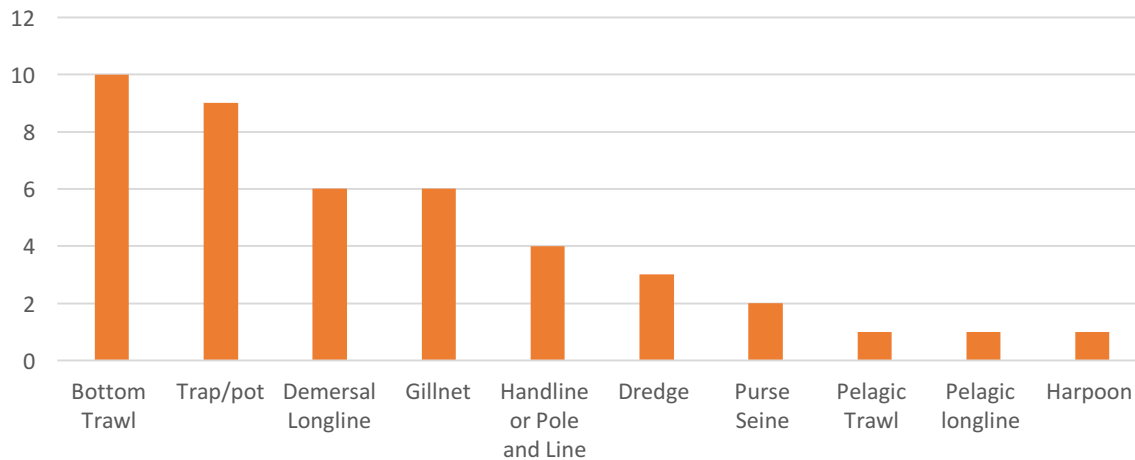


Figure 2. Number of gear type Units of Certifications (UoCs) across all Canadian MSC certifications between 2008 and April 2017.

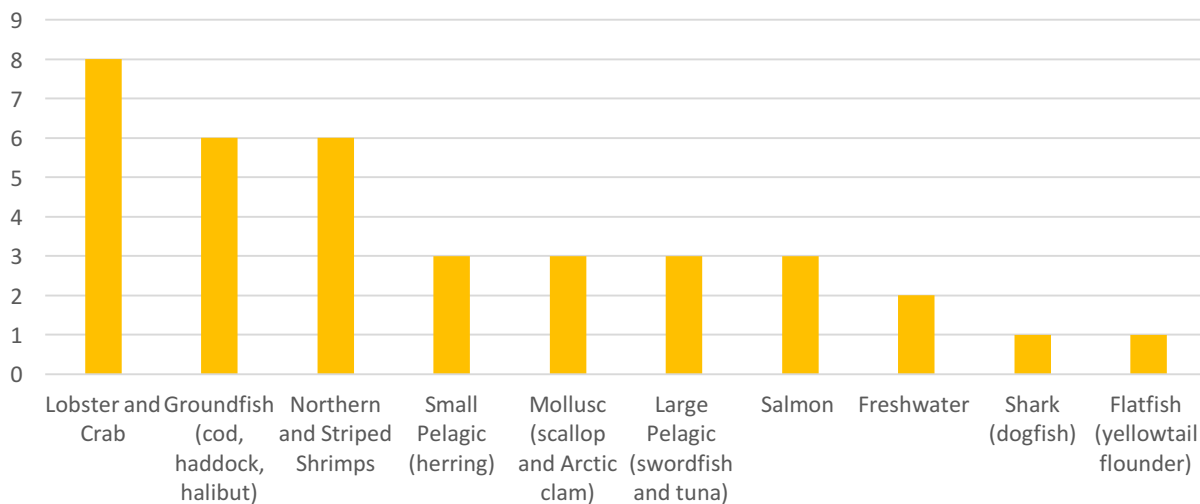


Figure 3. Number of Canadian MSC certifications between 2008 and April 2017 by fishery species group

Bottom trawl gear has 10 UoCs, accounting for 23% of total gear units certified (Figure 2). These are fisheries for shrimp, groundfish such as haddock and halibut, and flatfish (Figure 3). Trap and pot gear, used in lobster and crab fisheries, follow closely with 21% of UoCs. Demersal longline and gillnet gear have 14% of total UoCs each. These gear units are mainly from groundfish fisheries: haddock, Atlantic and Pacific halibut, sablefish, cod, and spiny dogfish shark (classified as groundfish in Canada). Herring, inland pike and walleye are also targeted using gillnets. The three dredge UoCs include mechanized hydraulic dredge for Arctic surf clams and boat dredge scallop fisheries. Large pelagic fisheries using pelagic longline and harpoon for swordfish, as well as pole and line gear for tuna hold one certification each that cover the entire catch of those species in Canada.

Table 1: Marine Stewardship Council certifications granted in Canada between 2008 and June 2017 with year of original certification and year of recertification or current status where relevant

MSC Fishery Certifications in Canada ⁴	Year Certified	Year Recertified or Failed/Withdrawn/Suspended
Atlantic and Arctic		
Shrimp		
Canadian Offshore Northern Shrimp Trawl Fishery (SFA 1)	2012	2016 recertification combined with SFA 1-6
Canadian Northern Shrimp and Striped Shrimp Trawl Fishery (SFA 2, 3, 4, 5, 6)	2008 SFA 5, 6 inshore 2011 SFA 2-6 offshore 2012 SFA 2-6 inshore/offshore combined	2016 recertification combined with SFA 1-6
Canadian Northern Shrimp Trawl Fishery (SFA 7)	2008 inshore 2011 offshore and harmonized with SFA 2-6 2012 inshore/offshore merged	2016 failed recertification
Gulf of St. Lawrence Northern Shrimp Trawl Fishery (SFA 8, 9 10, 12)	2008	2014
Canadian Scotian Shelf Northern Prawn Trawl Fishery (SFA 13, 14, 15)	2008	2014
Lobster and Crab		
Southern Gulf of St. Lawrence Snow Crab Trap Fishery	2012	
Scotian Shelf Snow Crab Trap Fishery	2012	
Newfoundland and Labrador Snow Crab Trap Fishery	2013	
Eastern Canada Offshore Lobster Fishery	2010	2015
Bay of Fundy, Scotian Shelf, Southern Gulf of St Lawrence Lobster Trap Fishery	2015	
Gaspésie Lobster Trap Fishery	2015	
Îles de la Madeleine Lobster Trap Fishery	2013	
Prince Edward Island Lobster Trap Fishery	2014	
Mollusc		
Banquereau and Grand Bank Arctic Surf Clam Fishery	2012	In reassessment

⁴ Note: Names of Fishery/Certification are the titles of the Public Certification Reports for consistency

Full Bay Scallop Association Canada Full Bay Sea Scallop Fishery	2013	
Eastern Canada Offshore Scallop Fishery	2010	2015
Groundfish		
Canada Atlantic Halibut Fishery	2013	In reassessment
Canada Scotia Fundy Fishery for Haddock (5Zjm, 4X5Y)	2010	2015
Canada/Newfoundland 3Ps Atlantic Cod Fishery	2016	2017 self-suspended
Canada 3LN Redfish Fishery	2017	
Flatfish		
Ocean Choice International (OCI) Grand Bank Yellow Tail Flounder Trawl Fishery	2010	2015
Large Pelagic		
Northwest Atlantic Canada Longline Swordfish Fishery	2012	In reassessment
Northwest Atlantic Canada Harpoon Swordfish Fishery	2010	In reassessment
Small Pelagic		
Southern Gulf of St. Lawrence Fall Herring Gillnet Fishery	2015	
NAFO Division 4R Atlantic Herring Purse Seine Fishery	2014	
Canadian 4VWX Herring Purse Seine Fishery	2016	
Pacific		
Groundfish		
Canada Pacific Halibut (British Columbia) Hook-and-Line Fishery	2009	2015
Canada Pacific Sablefish Fishery	2010	2013 withdrawn
Pacific Hake Mid-Water Trawl Fishery	2008	2014
Large Pelagic		
Canadian Highly Migratory Species Foundation (CHMSF) Albacore Tuna North Pacific Fishery	2010	2015
Shark		
British Columbia Hook and Line Spiny Dogfish Fishery	2010	2013 withdrawn
Salmon		
British Columbia Chum Salmon Fisheries	2013	2017 all salmon combined in recertification
British Columbia Pink Salmon Seine, Troll, and Gillnet Fishery	2011	2017 all salmon combined in recertification
British Columbia Commercial Sockeye Salmon Fisheries	2013	2017 all salmon combined in recertification
Canadian Inland Freshwater		
Waterhen Lake Walleye and Northern Pike Gillnet Commercial Fishery	2014	
Lake Erie Yellow Perch and Walleye Commercial Fisheries	2015	

Identifying Patterns in Canadian MSC Certification Conditions

An analysis of the conditions given to fisheries at the time of certification provides useful information on how Canadian fisheries fare against the MSC Fishery Standard and where improvements are still required, according to MSC.

All certified fisheries in Canada received conditions, with an average of six conditions per certification, totaling 178 conditions for all Canadian fisheries as of April 2017.⁵ The number of conditions varied widely across all certifications. The Canadian Highly Migratory Species Foundation (CHMSF) Albacore Tuna North Pacific fishery had only one condition (the least assigned to any Canadian fishery), and the Northwest Atlantic Canadian Longline Swordfish fishery had the highest number of conditions assigned to any Canadian fishery with 11. A comparison of conditions of certification across species groups and gear types reveals interesting insights into gaps in Canadian fisheries management and in the application of Canadian fisheries policy as they relate to MSC principles. The Pls with the most significant number of conditions per core principle are highlighted below. (See Appendix 2 for a list of all original conditions per certified fishery.)

⁵ Included in this report analysis of conditions are 30 of the certifications. Northern and Striped Shrimp SFA 4,5 &6 original conditions 2008 were reflected in the 2011 SFA 2-6 combined certification – this latter certification was used for analysis purposes. Pacific Hake Mid Water Trawl fishery was assessed under a pre-Fisheries Assessment Methodology (FAM) that was not comparable in assignment of conditions to other certifications included. British Columbia Pink, Chum, and Sockeye Salmon fisheries had 106 conditions at original certification and used a special Fishery Assessment Methodology that was not comparable to the other certifications included.

Principle 1 – Target Stock

Principle 1 assesses the health and management of a fishery’s “target stock,” the fish that will carry the MSC certification in the marketplace.

Harvest control rule (HCRs)

The PI with the most conditions assigned across all fisheries was PI 1.2.2: Harvest Control Rules and Tools. Sixty percent of Canadian fisheries received a condition either requiring that Harvest Control Rules (HCRs) for the target species be adopted or that the existing HCRs be more explicitly defined.

The majority of lobster and crab certifications (six of eight), northern shrimp certifications (four of six), and mollusc certifications (two of three) received conditions under PI 1.2.2 along with the two large pelagic fisheries (swordfish and albacore tuna).

Reference points

The results of PI 1.1.2 reference point scoring also accounted for a high number of the conditions assigned under Principle 1. Almost 40% of Canadian fisheries scored below 80 on this PI, which results in a condition that requires the fishery to either establish ‘reference points’ that are stock-appropriate and measurable or to improve existing reference points. These are scientific metrics which establish the minimum threshold for a stock to be considered healthy or the limit on total mortality allowed through fishing, for

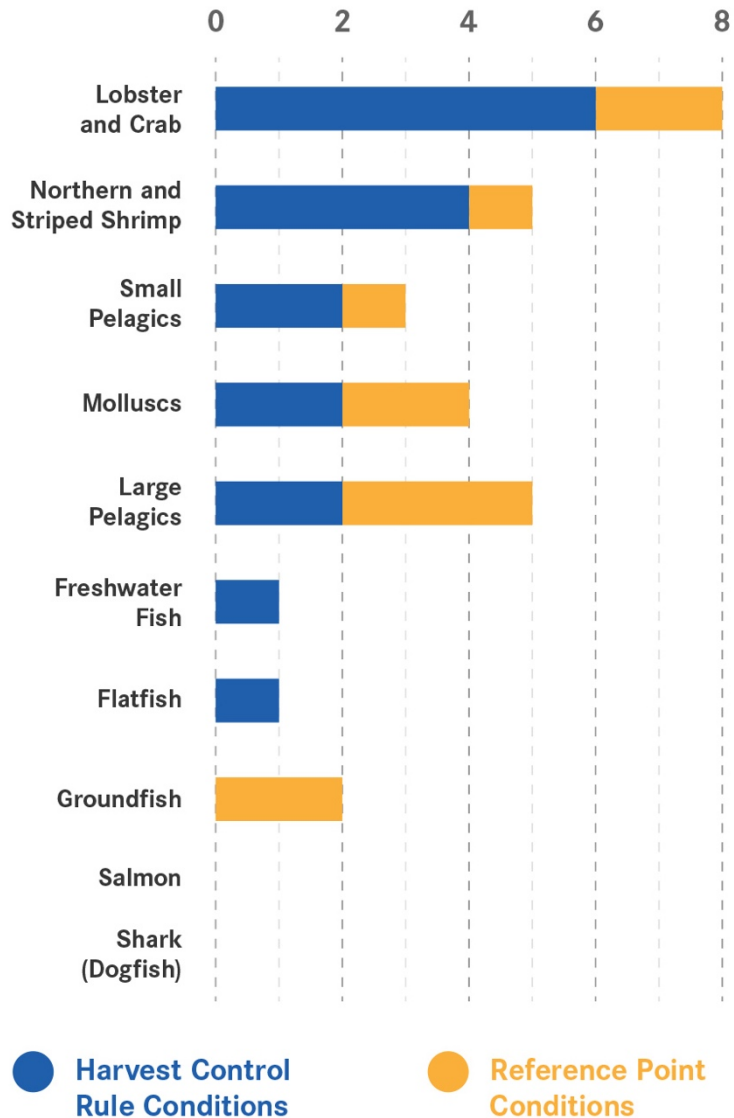


Figure 4: Number of conditions related to reference points (PI1.1.2) and harvest control rules (PI 1.2.2) given across all MSC certifications shown by fishery species.

example. Key fisheries receiving this condition included 100% of the certified large pelagic fisheries and the majority of the mollusc fisheries, as well as a few of the groundfish and lobster/crab fisheries.

Target stock

It is notable that five Canadian fisheries (Canada Sablefish, British Columbia Dogfish, Canada-Newfoundland 3Ps Cod, NAFO 4R Atlantic Herring, and Canadian 4 VWX Purse Seine Herring) received conditions under Principle 1 for target stock status due to uncertainty in the stock health or status at the time of assessment. These stocks were either assessed using a Risk Based Framework (RBF) due to lack of stock data and given a condition under PI 1.1.1, or deemed “depleted” under the MSC scheme and obligated to score PI 1.1.3, which requires that a stock have a recovery plan in place and evidence of an increasing stock trend. Two of these fisheries have since withdrawn from the MSC certification scheme: Canada Sablefish and British Columbia Dogfish. Canada-Newfoundland 3Ps Cod has self-suspended their certification.⁶ While reasons for these voluntary withdrawals or self-suspensions from MSC certification are not made public by fishery clients, it is notable that these are the only fisheries to withdraw post-certification and that these fisheries also faced conditions for Principle 1 stock data analysis and status improvements.

Canadian fishery performance under Principle 1 mirrors the findings of a global review of MSC fisheries by Bellchambers et al (2016). In the global review, 42% of all certified fisheries had a condition on HCRs under Principle 1. Reference points also accounted for a high number of conditions in the global review, while there were relatively few target stock status conditions (Bellchambers et al. 2016). This is especially true of fisheries that are managed by Regional Fisheries Management Organizations (RFMOs), which are super-national bodies and are often slow to adopt new regulations. This finding is reflected in Canadian certifications for highly-migratory species such as swordfish and albacore tuna, which have outstanding conditions on adopting HCRs at the RFMO management level (Bellchambers et al. 2016). In Canada, HCRs and reference points are not in place for all fisheries, despite the fact that fisheries are required to have them under the Sustainable Fisheries Framework (Baum and Fuller 2016, DFO 2009).

Canadian lobster and crab fisheries received a high number of HCR conditions, as did similar fisheries in the MSC certified fisheries in the global review. It is possible that this is because these fisheries currently rely on an “effort control” management style, and they lack quantitative population estimates and related reference points (Bellchambers et al. 2016).

⁶ Canada-Newfoundland 3Ps Cod self-suspended from the MSC scheme in April 2017.

Principle 2 - Environmental and Ecological Impacts

The indicators under Principle 2 focus on a fishery's impact on non-target species and the greater marine ecosystem. The PIs include: status, management, and information/monitoring for retained, bycatch, and endangered, threatened, protected (ETP) species (non-target species),; as well as habitat and ecosystem impact, management, and information/monitoring. Principle 2 has 15 PIs to score, while there are only seven and nine PIs under Principles 1 and 3 respectively. Therefore, it is not surprising that more conditions are generally imposed under Principle 2. The majority of MSC-certified Canadian fisheries (61%) received Principle 2 conditions; most had three or more conditions.

Habitat Impact, Management, and Monitoring

Fisheries gear type was the primary factor in determining the number of conditions related to habitat impacts. Bottom trawl fisheries received 73% of conditions given for habitat-related indicators (Figure 5). Bottom trawl gear also accounted for 94% of conditions given under the ecosystem function scoring indicators. These were almost exclusively given to the northern and striped shrimp bottom trawl fisheries. The only other fishery to receive an ecosystem impact condition was the yellowtail flounder bottom trawl fishery.

This pattern of conditions for bottom trawl gear may reflect a lag on implementation by Fisheries and Oceans Canada (DFO) of their Policy for the Management of Fishing Impacts on Sensitive Benthic Areas (DFO 2009). This was adopted in accordance with commitments under the United Nations General Assembly Sustainable Fisheries Resolution 61/105, requiring mitigation and avoidance of destructive bottom fishing on vulnerable marine ecosystems (VMEs) for high seas fisheries, managed by RFMOs. While the implementation of the Sensitive Benthic Areas Policy has resulted in increased protection of coral and sponge areas in Atlantic Canada (DFO 2015) and led to a reduction in trawled area in Pacific fisheries (Wallace et al 2015), broad

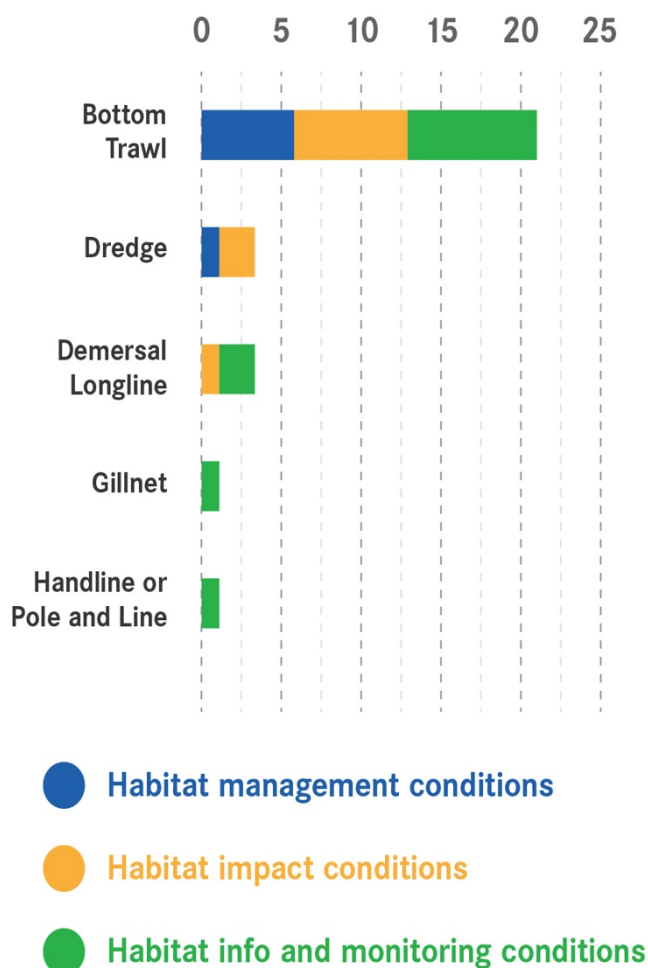


Figure 5. Number of conditions related to habitat impact, management, and monitoring (PI 2.4.1, 2.4.2, 2.4.3) given across all MSC certifications shown by gear type.

implementation has not occurred and this was reflected in the MSC scoring at the time of assessment for UoCs where bottom trawling is the primary gear type.

Retained species

Under the retained species status PI, fisheries must show that they do not pose a risk of serious irreversible harm to retained species and that they do not hinder recovery of depleted retained species. For Principle 2 indicators focusing on non-target species, retained species status received the most conditions across all fisheries (Figure 7).

Having conditions related to retained species reflects the multi-species nature of many of the certified fisheries, such as haddock, halibut, sablefish, swordfish (longline), and yellowtail flounder (trawl) fisheries (Figure 6). These fisheries are permitted to land fish other than the MSC-certified target species, and all other landed catch is called ‘retained’ under the MSC Fishery Standard. Retained fish do not carry the MSC label in the marketplace.

Three out of five lobster fisheries also received conditions on retained species. This is because the bait used in the traps is scored under retained species. Other catch in the traps cannot be landed or retained, and is scored under bycatch species indicators. The lobster certification assessments found that due to the low stock status of the primary bait used (Canadian Atlantic mackerel, which as of 2017 has highly uncertain population estimates), the lobster fisheries had to commit to increasing the information available about bait use in their fisheries, and to ensuring that their impact on the Canadian Atlantic mackerel species is not hindering its recovery.

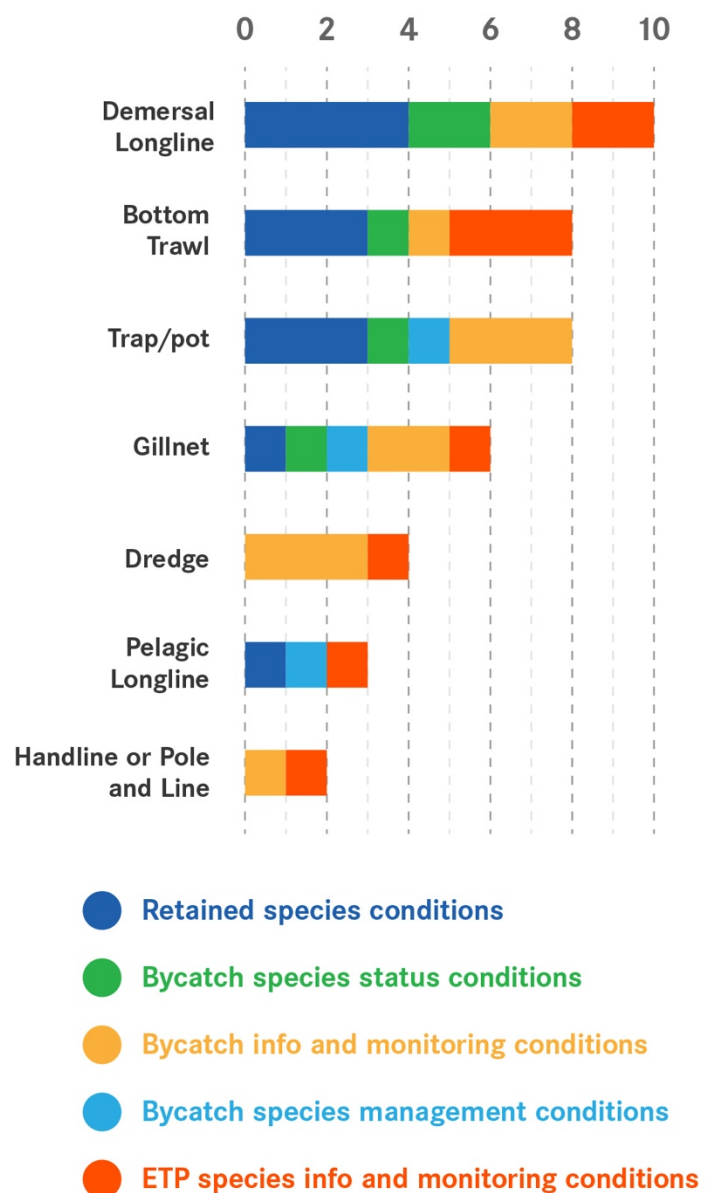


Figure 6. Number of conditions related to retained species (PI 2.1.1), bycatch species (2.2.1, 2.2.2, 2.2.3) and Endangered, Threatened, and Protected species monitoring (2.3.3) shown by gear type

Bycatch species

A number of Principle 2 conditions were also given under bycatch species status (PI 2.2.1) as well as information and monitoring for both bycatch species and ETP species (PIs 2.2.3 and 2.3.3 respectively). (See figure 7.) These scoring indicators require fisheries to demonstrate that they are not causing serious harm to bycatch species or hindering their recovery, and that the fishery is collecting enough information to measure impact on these species.

Non-target species in Canada

The number of conditions concerning non-target species caught in Canadian fisheries may reflect the historic focus of the Canadian fisheries management system on commercially valuable species (often the MSC target species). Species with low commercial value or those considered secondary to a primary target species have not received as much research, data collection or policy attention over the decades (Baum and Fuller 2016, Bellchambers 2016, MSC 2014c). This means some Canadian fisheries still cannot meet even basic MSC Principle 2 requirements, such as collecting information on, or having minimal management measures in place for, bycatch and retained species. This is despite the requirement to implement a broader ecosystem approach to fisheries is clearly articulated in the 1995 United Nations Fish Stocks Agreement⁷ (in force since 2001), of which Canada was a lead negotiator.

⁷ United Nations Fish Stocks Agreement (UNFSA) Article 5 General Principles
http://www.un.org/depts/los/convention_agreements/convention_overview_fish_stocks.htm

Principle 3 – Fisheries Governance and Management

Principle 3 assesses the national and international legal, regulatory, enforcement and monitoring frameworks that govern fisheries. It also considers the specific management systems in place for each fishery, including management plans, objectives, research, consultation and compliance.

Fishery-specific objectives

Forty percent of Canadian fisheries had conditions under the PI scoring fishery-specific objectives. This PI which assesses whether the existing fishery management plans explicitly include objectives that deliver the outcomes of MSC Principles 1 and 2, such as sustainable fishing practices, long-term sustainability of the stock, ecosystem management objectives, and the precautionary approach.

Research plan

Fifty-three percent of Canadian fisheries received “research plan” conditions. This indicator requires fisheries to have one comprehensive plan for research that has both clear strategic intent and objectives. In the Canadian context, although the industry client and DFO may have some research projects underway, they lack a systematic plan with timelines, funding and sufficient scope to cover all the aspects of the fishery. Until a comprehensive plan is developed and adopted by industry and DFO, fisheries receive a condition.⁸

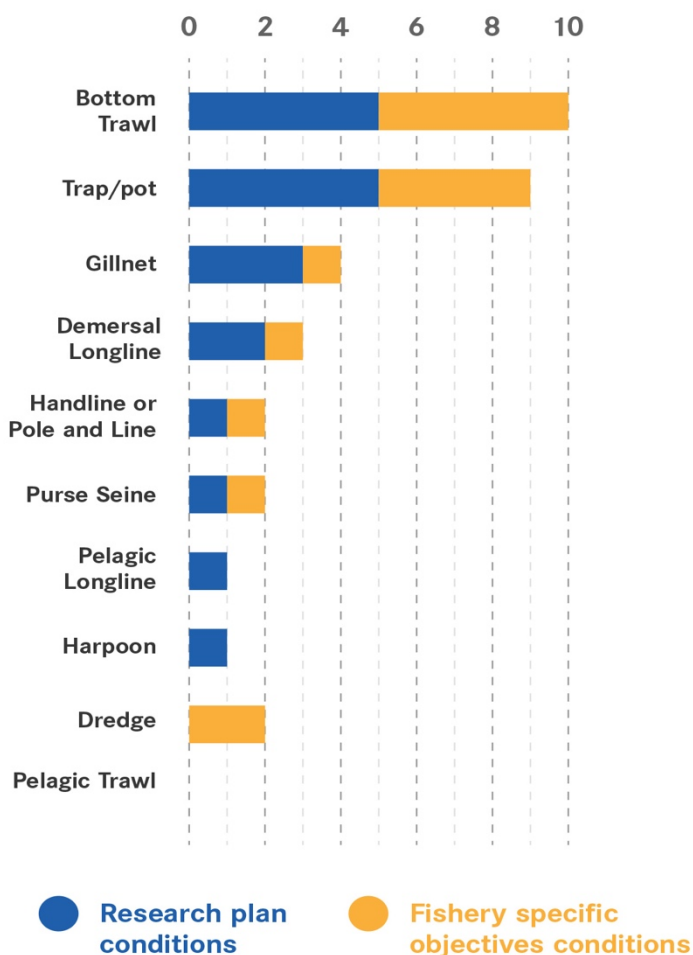


Figure 7. Number of conditions related to research plans (PI 3.2.4) and fishery specific objectives in management plans (PI 3.2.1) shown by gear type

⁸ It is worth noting, that this Principle Indicator has been removed from the Volume 2.0 MSC Fisheries Standard being phased in now, though strategic research is still referenced in other indicators in Principle 1 and 2.

Consultation and decision-making

Canadian fisheries received a number of other P3 conditions and non-binding recommendations for improvement (these can be given at the discretion of the CAB) related to consultation and decision-making. Under the MSC standard, fisheries must have accessible information and transparent decision-making and consultation processes, which must be open to all stakeholders. Some fisheries were given conditions in these areas as they did not hold regular advisory committee meetings or the meetings were not accessible to stakeholders. This is reflective of DFO policy and process which makes it difficult to find out when and where advisory committees are held (Baum and Fuller 2016). To fulfill condition requirements, the client fishery must show they have at least worked with DFO to request meetings, to open up policies and to shift the management regime towards increased transparency.

Certified fisheries that have only one or very few proprietors or that are concentrated under one industry proponent received conditions requiring improvements to the consultation process. This included Clearwater Arctic Surf Clam, Ocean Choice International (OCI) Yellowtail Flounder, and the Herring 4R Purse Seine certifications.

Lack of public access to the DFO Integrated Fisheries Management Plans (IFMPs) was consistently noted by CABs across many fisheries. The CABs recommended in the PCRs that DFO ensure these documents are publicly available and posted online. The lack of availability of IFMPs has been noted by others as a major gap in DFO's transparency with regard to information (Baum and Fuller 2016, McDevitt-Irwin et al 2015, OAG 2016).

Part II: Role of MSC Conditions in Improving the Environmental Performance of Canadian Fisheries

According to MSC, conditions of certification are placed on fisheries to encourage continuous improvement in fishery sustainability (MSC 2014c). This report seeks to determine the direct role of MSC certifications in improving environmental and ecosystem impacts of Canadian fisheries. Specifically, the report interrogates whether the actions taken to fulfill conditions of certification have resulted in changes to fisheries practices on the water.

Determining a direct causal link between MSC conditions of certification and changes to fishing practice that improve environmental sustainability has proven difficult for researchers in the past, as changes in fisheries practice or measurable environmental improvements are influenced by a number of factors, some of which are extraneous to the MSC certification (Kalfagianni and Pattberg 2013, Martin et al 2012, MRAG et al 2011). However, MSC's own environmental impact reports make an effort to do this. They analyze actions related to specific "outcome indicators," where conditions could reasonably be expected to have created measurable outcome gain or change on the water (MRAG 2011, MSC 2014c, MSC 2016). All Principle 2 indicators are categorized as "outcome indicators," and this analysis focuses on actions related to these conditions.

For each Principle 2 condition that was closed, we have categorized the actions taken that led to rescoring the PI and closing the conditions into either "Change on the Water" or "Research/Increased Certainty."

Actions categorized under Change on the Water are those undertaken by either the fishery itself or as a result of DFO fisheries management measures. Some examples of these actions include closing an area to bottom fishing, resulting in a decreased fishing footprint; reducing the allowed quota for a bycatch species; or increasing observer coverage of a fishery.

Actions categorized under Research/Increased Certainty are those undertaken either by the fishery or government and include new analysis of existing data, creating a new modelling process, or otherwise showing through increased certainty that a measure already in place fulfills the scoring requirement.

Outcome of Closed Principle 2 Conditions

As of April 2017, just over half of all Principle 2 conditions given to fisheries during their first certification have been successfully closed. Our analysis found that 85% of these Principle 2 conditions have been closed through Research/Increased Certainty actions, with only 15% closed by Change on the Water actions (Figure 9).

Change-on-the-Water Outcomes

Analysis found eight out of 78 Principle 2 conditions resulted in actions categorized as Change on the Water. Six of these conditions have been closed, while two remain open; however, the change on the water has already occurred with interim milestone actions. The actions taken by the fishery client or DFO are the direct result of efforts to fulfill MSC certification conditions and are detailed below.

The northern and striped shrimp fishery closed an area of sensitive bottom habitat in Shrimp Fishing Area 4 after completing research on their fishing footprint, which showed a high level of impact in an identified sensitive benthic area (DFO 2009b, Acoura 2016a).

The Atlantic Halibut Fishery and Scotia-Fundy Haddock Fishery closed three conditions on retained species by working with DFO fisheries management to implement lower quotas for secondary species of white hake and Atlantic cod (SAI Global 2014, SAI Global 2015a). As well, the Scotia-Fundy Haddock Fishery implemented live release of all thorny skates in an effort to decrease harm to this bycatch species and, thus, to close a condition of their certification.

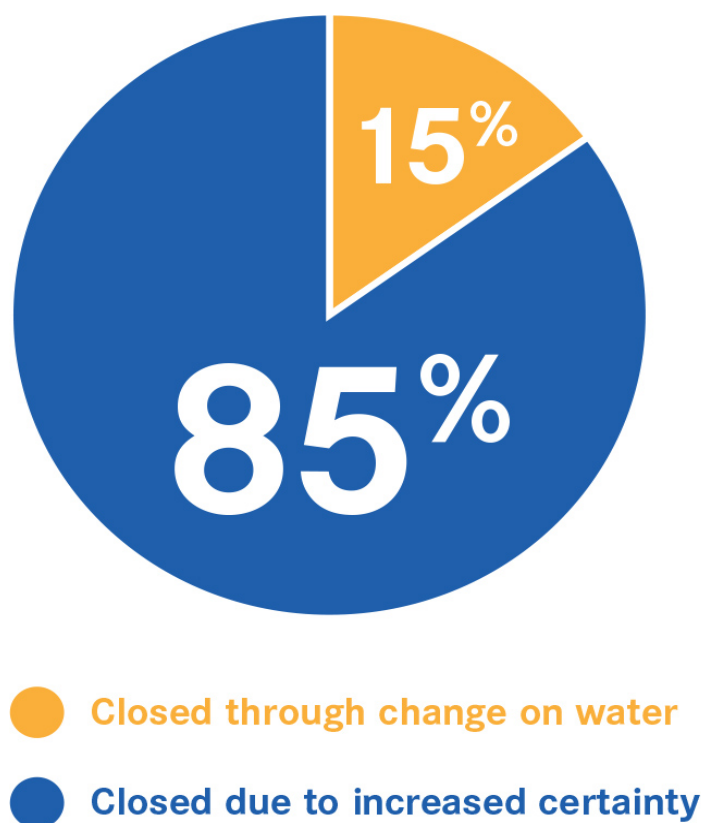


Figure 8. Canadian MSC fisheries received 78 conditions under Principle 2, of which 40 have been closed to date. Fifteen per cent have been closed through tangible changes to fishery practice 'on the water' and 85 per cent have been closed due to increased certainty the current practices are acceptable, usually through new analysis of existing data.

The OCI Yellowtail Flounder Grand Banks Trawl fishery closed a bycatch condition by implementing electronic monitoring to keep bycatch below 1% of total catch and a “move-on” protocol to reduce bycatch of witch flounder (Acoura 2016b). The Eastern Canada Offshore Scallop fishery increased the amount of observer coverage on board and required coverage on all fishing areas in order to collect more data on bycatch species and to close their bycatch-related condition (Moody Marine 2011). The Iles de la Madeleine Trap Lobster fishery implemented 100% logbook completion by its fleet to ensure all bycatch species were recorded and to close their condition (SAI Global 2015b).

Though it is difficult to be certain that the above actions were directly the result of MSC conditions and not other management processes, the MSC Annual Surveillance Reports and SeaChoice member organization participation in the related fishery advisory committees confirm that these on-the-water changes would not have occurred without the leverage of MSC time-bound conditions and milestones as part of the certification scheme.

Research/Increased-Certainty Outcomes

In contrast to the above change-on-the-water results of closed conditions, 85% (34 out of 40) Principle 2 conditions closed fell into the Research/Increased Certainty category. These conditions were closed due to increased certainty of the fishery’s sustainable impact (as defined by MSC) on habitat, ecosystems or other species. This is often the result of new analysis of existing data undertaken to fulfill the condition.

For example, a common action for northern and striped shrimp bottom trawl fisheries undertaken after certification was to improve the mapping and analysis of their bottom footprint to show percentage of bottom impacted or type of substrate impacted. In most cases, the actual footprint of the fishery did not change, so no change occurred in fishery practice on the water; however, their scores are raised and conditions closed since the mapping analysis improved certainty that the fishery’s impact on habitat was sustainable according to the MSC Fishery Standard.

Another example of condition closure through reducing uncertainty is the blue shark-related conditions in the northwest Atlantic Canada Longline Swordfish certification. Original conditions required management strategies to ensure the fishery was not hindering recovery of the species. In 2015, a new international stock assessment on blue shark was published, which showed with increased certainty that their population is likely healthy (ICCAT 2015). Under the MSC standard if a retained or bycatch species population is healthy, no further management measures are required by the certified fishery. Therefore, the condition was closed. This is common for retained or bycatch species condition closure: an increase in certainty of the species status closes the condition while allowing the fishery to land or catch the same number of the animals in question, so there is no actual change to the fishery practice.

These findings are reflected in MSC’s 2011 and 2016 environmental impact analysis of all certifications

globally. Most Principle 2 conditions were closed based on a decrease of uncertainty generated by improvements in knowledge or improved management actions (MRAG et al 2011, MSC 2016). MSC's 2011 analysis found improvement in 12% of PI scores for Principle 2 and only three cases that demonstrated significant on-the-water change; a reduction in bycatch in one fishery and a reduction of threat to ETP species in two others (MRAG et al 2011).

In fact, MSC found the most significant changes in fishery practice are actually made between pre-assessment review and full certification as the fishery addresses changes needed to meet the MSC Standard minimum (MRAG et al 2011).

MSC argues that changes to practices are necessarily the result they seek by imposing conditions. According to their standard criteria, these fisheries are already sustainable and, though MSC encourages "constant improvement," the fisheries do not necessarily need to make any practice changes to fulfill their Principle 2 conditions. MSC's 2011 analysis found that:

Principle 2 conditions related to outcome PIs are often raised where impacts are unknown (potentially high) rather than known to be damaging to the environment. This demonstrates the use of the precautionary approach in scoring of Principle 2 PIs. At the time of certification, baseline levels had yet to be established for many of these indicators and so although conditions were raised regarding an outcome PI, they often specified research requirements involving improved monitoring and evaluation of risks (MRAG 2011, p. 76).

Progress on Open Conditions and Milestones

Assessment of fishery progress on conditions can provide a better understanding of how well the MSC Fishery Standard requirements are being enforced by CABs during annual surveillance audits. As of April 2017, there are 75 open conditions across Principles 1, 2 and 3 on certified fisheries in Canada.

CABs audit whether fisheries are implementing their agreed upon annual milestones by noting whether they are on, ahead of or behind target in the annual surveillance reports. If a milestone is behind target, the fishery has one year to get back on track with their action plan or it faces possible suspension from MSC (MSC 2013).⁹

**In total, Canadian MSC fisheries currently have
69 conditions of certification still in progress.**



It proved difficult to fully assess progress in meeting conditions. Although efforts to note progress appear to have improved since 2012, assessment of the most recent annual audit reports for fisheries show CABs still do not consistently note whether fisheries are ahead of target, on target or behind target. This lack of consistency makes it difficult for stakeholders to oversee the process. It also makes it difficult to ensure CABs are holding fisheries accountable and enforcing the one-year timeline for milestones that are behind target and the associated consequences if the timeline is not met: suspension or withdrawal from certification.

⁹ Fisheries Certification Requirements v2.0 7.23.13

Recertification and Open Conditions

Ten fisheries have achieved MSC recertification for a further five-year certificate in Canada as of April 2017 (Figure 10). Of those fisheries, analysis found eight had conditions of recertification. Given that fisheries are supposed to successfully close all conditions within their five-year certification period,¹⁰ it is important to understand why many certified fisheries are receiving time extensions on conditions of certification or are receiving new conditions at recertification.

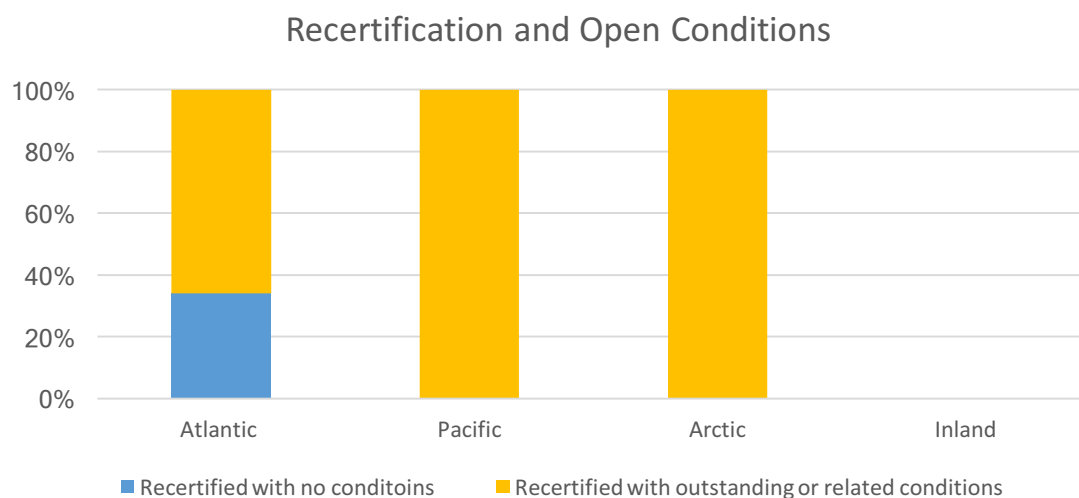


Figure 9. Regional distribution of fisheries receiving MSC re-certification for a second 5 year period in Canada. Of these recertified fisheries, 80% had conditions at recertification that were either new, yet similar to previously closed conditions or incomplete, yet extended from their first certification.

Fisheries were found to have conditions at recertification for two reasons. CABs may be using an updated version of the MSC Fishery Standard or using guidance that has slightly different wording or requirements, which can result in new conditions at recertification. Or, a fishery may get to the end of their first five-year certification period with conditions deemed “behind target” and, thus, be given a time extension into the new certification period. In all cases, CABs must show that any new conditions are unrelated to previously closed conditions or that there are exceptional circumstances beyond a fishery client’s control that mean the suspension of the fishery is waived and milestones are rewritten with time extension allowed.¹¹

¹⁰ Fisheries Certification Requirements v2.0 7.11.1.3

¹¹ Fisheries Certification Requirements v2.0 7.11.1.3

SeaChoice analysis of the 10 recertified fisheries with conditions found that four of the fisheries had conditions that were officially noted by the CABs as extended or were re-written conditions related to older conditions under a previous MSC Fishery Standard version. A further four recertified fisheries had new conditions after reassessment under new Fisheries Certification Guidance that the CABs argued were not related to previously closed conditions from the first certification period (Table 2). However, close examination revealed that although the justification for these new conditions was a change in the MSC certification standard, the conditions were very similar to the previous conditions.

Time extensions

The question of whether the CABs were justified in recertifying these fisheries that still have not met all the scoring criteria at the 80 or “global best practice” level after five years of certification is somewhat subjective. Clearly, these fisheries have passed through the oversight layers of MSC according to the MSC Fishery Standard requirements and guidance. However, of concern is the length of the extensions given to these fisheries to get all their PIs to the 80, global best practice score that is required to maintain MSC certification. Each of these eight fisheries were given a further two to four years to successfully complete these conditions of recertification. This is despite the general MSC Fishery Certification Requirements that a fishery be given a one year extension only to catch up on conditions considered behind target. Timelines of two to four years were also given in cases where small wording changes in the MSC Fishery Standard led to new conditions at recertification. This is despite SeaChoice finding that, in fact, these new conditions were very similar to previously closed old conditions. It is difficult to understand why fisheries need more than a one-year grace period to again be at the global best practice level after already achieving this level by MSC standards during their first certification period.

This means that some fisheries are, in fact, receiving seven to nine years to achieve the required score of 80 across all PIs, and that they still carry the eco-label on the market during that time, signifying that they have achieved global best practice. It is also important to note that in 60% of the cases noted in Table 2, the conditions that are extended or related are under Principle 2: Environment and Ecosystem Impacts.

Table 2: Conditions considered related or extended for MSC Recertified Fisheries in Canada (as of April 2017).

Recertified Fisheries	Original Condition	Related New Condition or Extended Condition	Time given in re-certification for fishery to meet MSC 'global best practice', in addition to time of 5-year original certification
Re-certified fisheries with extended or related conditions			
Gulf of St Lawrence Canada Northern Shrimp Trawl SFA 8, 9 10, 12	PI 2.1.4.3 PI 2.1.4.4	PI 2.5.2 PI 2.4.2	4 years 4 years
Canadian Scotian Shelf Northern Prawn Trawl Fishery (SFA 13, 14, 15)	PI 2.1.4.3 PI 2.1.4.5	PI 2.4.2 PI 2.5.2	4 years 4 years
Canada Scotia Fundy Fishery for Haddock (5Zjm, 4X5Y)	PI 2.1.1 PI 2.2.1 PI 2.2.3	PI 2.1.1 & 2.1.2 PI 2.2.1 & 2.2.2 PI 2.2.3	4 years 4 years 4 years
CHMSF Albacore Tuna North Pacific Fishery	PI 1.1.2	PI 1.1.2 PI 1.2.2	3 years 3 years
'New' conditions given at re-certification, justified due to small changes in standard scoring SeaChoice close analysis shows these 'new' conditions are very similar to old conditions and should be able to be fulfilled in one year 'catch up', however all fisheries are 2-4 more years to complete conditions of certification.			
Canada (Offshore) Northern Shrimp and Striped Shrimp Trawl Fishery SFA 1-7	PI 2.1.2.3 SFA 5&6	PI 2.2.3 SFA 5&6	4 years
Eastern Canada Offshore Lobster Fishery	PI 1.1.3.7	PI 1.2.2	2 years
Canada Pacific Halibut (British Columbia) Hook-and-Line Fishery	PI 2.1.4.1 PI 2.1.5.3	PI 2.3.2	4 years
Pacific Hake Mid Water Trawl Fishery	PI 2.1.2.2 PI 2.1.2.3 PI 2.1.4.1 PI 2.5.1.1	PI 2.1.3 PI 2.2.3	2 years
No Conditions at Recertification or Condition not closely related			
OCI Grand Bank Yellow Tail Flounder Trawl Fishery	Research Plan and Principle 1 & 2 in IFMP	PI 3.2.4	
Eastern Canada Off Shore Scallop		No Conditions at Recertification	

Achieving MSC level ‘global best practice’

According to MSC Fishery Certification Requirements,¹² conditions and milestones must be realistic, must lead to outcomes that will meet the scoring of 80, and must be signed off by the regulator. If it is, in fact, not possible for fisheries to achieve a score of 80 by year five of their certification, it may be argued that the certification was given prematurely and the expectation of achieving an 80 score across all PIs by year five was not justified at the time of certification. Perhaps, the fisheries needed to spend two to four years improving before MSC certification assessment so as to ensure final improvements from “minimum acceptable practice” to “global best practice” was actually achievable in the five-year certification period.

This practice is especially frustrating for stakeholders. As noted in the report findings section below on stakeholder comment analysis, in a significant number of these cases, stakeholders argued at the time of original certification that the fisheries in question would not be able to fulfill the conditions and their stated action plan within the required five-year deadline. This stakeholder input did not halt the certification, and the response from CABs was that the annual surveillance audits would catch any fisheries that were not meeting their required timelines. In fact, the analysis demonstrates that, in the end, the fisheries were given time extensions; they were not suspended from certification.

As MSC stakeholders, SeaChoice and its member organizations seek to ensure the MSC standard is being applied rigorously; that milestones and conditions are appropriate and meaningful; and that actions taken to fulfill conditions are significant. Rigorous application of the scheme and adherence to the timelines given for conditions of certification is necessary to maintain a credible standard. While some flexibility is acceptable to allow for unique cases, the current published Guidance for CABs appears to be too flexible with the finding that some 80% of Canadian MSC recertified fisheries continue to have conditions for a further two to four years. There seems to always be room for CABs to justify extension of conditions, especially of Principle 2 conditions.

Interpretation documents provided by MSC at the request of CABs needing clarification on the Fisheries Certification Requirements may also increase the room for subjective interpretation. These interpretation documents are not publically available or published for stakeholders to review. They are, in fact, only known to stakeholders through reference in PCRs or Surveillance Audit Reports. The use of these interpretation documents decreases transparency of CABs’ scoring justification.

Given this report’s findings that conditions of certification in Canadian fisheries result in few changes on the water; that condition timelines are being extended; and that MSC has determined that it is in the period between pre-assessment and full assessment where the most significant change to fishery practice happens, it is questionable how much priority should be given by stakeholders to post-certification audits.

¹² Fisheries Certification Requirements v2.0 7.11

Time Extensions and Principle 2

Two UoCs—the Northern and Striped Shrimp in Area 7 and Canada-Newfoundland 3Ps Cod—have lost or suspended their MSC certification for failing to meet their Principle 1 requirements to maintain the population of their target stock or to adopt a rebuilding plan to do so.¹³¹⁴ The spring spawning stock component of NAFO 4R Purse Seine Herring certificate also no longer meets the MSC Principle 1 target stock criteria as the population has fallen so low. However, instead of suspending the entire 4R herring certificate, the CAB has now designated the spring spawning stock an “inseparable or practical inseparable” stock from the main catch of the fall spawning stock. The spring spawning stock is not able to be certified to carry the MSC logo as a separate stock.¹⁵

While failure to meet conditions under Principle 1 has resulted in suspension of certification, to date, no Canadian fishery has lost or had its MSC certification suspended for failing to meet their Principle 2 milestones or conditions on time. As long as the target species is maintained at a sustainable level, there has always been a justification given by CABs for extending the timelines to accommodate “exceptional circumstances” for Principle 2 concerns.

The leverage that pushes fishery clients and management to act on post-certification requirements comes partly from the threat that fisheries will lose their certification if conditions are not fulfilled within the five-year certificate validity period.

The ability of MSC to apply pressure on certified fisheries to improve to their best practice level is being eroded by the concerning trend of extending time for meeting Principle 2 criteria. This sends a message that, once in the system, fisheries need not do much— especially in relation to bycatch and habitat impact—to retain their certification and along with it, the concomitant market advantage. This practice may reduce the leverage MSC has to actually affect change on the water and undermines stakeholder confidence that fisheries will be held to account if they are unable or unwilling to meet the certification requirements related to Principle 2.

Almost every fishery certification reviewed had also been granted timeline variation requests at different points in the assessment and audit processes. These variations can delay audit visits and reports for a variety of reasons, such as availability of the fishery client or CAB staff, time needed by the client or DFO to

¹³ Acoura (2016c). Canada Northern and Striped Shrimp Fishery Public Certification Report, Acoura Ltd, Edinburgh, p 270. Available at <https://fisheries.msc.org/en/fisheries/canada-northern-and-striped-shrimp/@@assessments>

¹⁴ *Notice of Suspension: Canada/Newfoundland 3Ps Cod fishery*, published May 12, 2017 on <https://fisheries.msc.org/en/fisheries/canada-newfoundland-3ps-cod/@@assessments>

¹⁵ Acoura (2016). On-Site Surveillance Visit - Report for NAFO Division 4R Atlantic herring purse seine Fishery, 1st Surveillance Audit, Acoura Ltd, Edinburgh, p49. Available at: <https://fisheries.msc.org/en/fisheries/nafo-division-4r-atlantic-herring-purse-seine/@@assessments>

complete research, harmonizing audit times for all fishery certifications held by the same client, or addressing new information about the fishery. While some circumstances call for flexibility, it must be noted that each time a variation request for time extension is approved, the time allowed for completing milestones and conditions is further extended. Variation requests should be monitored closely by MSC over the life of a certification.

Adherence to the time-bound aspect of certification conditions and related milestones is vital for outcomes to be achieved through MSC certification. The challenge MSC faces is leaving room for flexibility in specific cases, while prohibiting insufficient audit practices from weakening the standard.

MSC Certification as Catalyst

This assessment of MSC certifications of Canadian fisheries shows that one of the key benefits of conditions of certification has been as a catalyst for increased data transparency, improved research and analysis, and more timely policy implementation. The findings on successful completion of conditions demonstrate that fishery clients and DFO do respond to MSC certification requirements and have invested resources to meet the certification milestones

As stakeholders in both the MSC certifications and in Canadian fisheries management processes for these fisheries, SeaChoice and its member organizations have found MSC certification useful for compelling the fishing industry to move forward on initiatives and for incentivizing DFO to implement its Sustainable Fisheries Framework. Certification processes and annual surveillance audits have also compelled industry and DFO to undertake and fund research in an expedited manner, to schedule meetings long delayed, and to open fishery management processes and decision-making to more scrutiny.

MSC certification PCRs and annual surveillance audits have become an important source of information and data about the fisheries that are either not compiled or not publicly available through other fora. While DFO still lags in making IFMPs and other data about fisheries in Canada available, and while it continues to be hampered by privacy restrictions, the MSC assessment reports have become a more reliable source for up-to-date information about the fishery than DFO-produced fishery publications or online information. It is all the more important, then, that the MSC Standard and rigour of its application is maintained, so that it does not lose its potential to leverage change in fisheries' sustainability.

Part III: Stakeholder Participation and Experience

Stakeholder experience and support is a critical part of MSC's credibility claims, and MSC offers multiple opportunities for stakeholders to engage in both certifications and in standard and policy development (MRAG et al 2011, MSC 2016). To assess the level and impact of stakeholder engagement in Canadian certifications for this report, all PCRs were reviewed for stakeholder-submitted written comments or verbal comments noted by the CAB in the report (Appendix 3).¹⁶

Every assessment process for Canadian fisheries' certifications had at least one stakeholder. Twenty-five of the 31 PCRs reviewed had multiple stakeholders.¹⁷ MSC was the lone stakeholder in nine out of 31 certifications.¹⁸ Some certifications had a high number of stakeholders from multiple sectors, including international stakeholders within the range of specific species of concern. Fisheries with high numbers of concerned stakeholders include: northwest Atlantic Canada longline swordfish with 15 stakeholders, eastern Canada offshore lobster fishery with eight stakeholders, and Pacific hake mid-water trawl with five stakeholders. (See Appendix 3 for a full list of stakeholders per certification.)

The number of stakeholders participating in a certification did not necessarily equate with more quality input. Certifications that had few stakeholders still received comments that were extensive, offering significant knowledge about the fishery, often from one or two stakeholders who are very engaged in the fishery or related species management through other fora.

The majority of stakeholder participation (58%) was from the Environmental Non-Governmental Organization (ENGO) sector. About 7% of stakeholder participation was from independent scientists or academics. Industry stakeholders who were not part of the client group accounted for 6%, with MSC making up 23% of stakeholder engagement. SeaChoice and its member individuals have been stakeholders in 74% of the fisheries assessments in Canada (Figure 11).

¹⁶ How stakeholder comments and input are included in reports is not consistent across CABs, though in more recent years it seems to be more standardized. Written stakeholder input on the Public Draft Comment Reports are always included in the final Public Certification Report, most with direct CAB response included. Some CABs, do not always directly respond to stakeholder comments point by point, but indicate that the input has been taken into account in the scoring and rationale. Some reports include a summary of verbal stakeholder concerns expressed during assessment meetings or consultations, while others only indicate the meetings took place.

¹⁷ Stakeholder participation data included in this section refers to 31 original PCRs with the exception the British Columbia Pink, Chum, Sockeye Salmon fisheries, which have a separate write up in Appendix 3, and the Northern and Striped Shrimp Trawl SFA 4, 5, 6 2008 certification data was included in their 2011 combined assessment.

¹⁸ MSC is considered a stakeholder during the assessment process and listed as such. They do not always review the reports, though a CAB is required to respond to any technical oversight comments do MSC inputs.

Of the ENGO participation, SeaChoice and its individual member organizations commented on 23 of 31 certifications reviewed in Canada. World Wildlife Fund commented on 14 of 31 certifications. There were an additional 29 ENGOs that commented across the fisheries, including such groups as Greenpeace, the Sea Turtle Conservation Society (multiple sea turtle conservation groups have been stakeholders), the Humane Society International, and the Dolphin and Whale Conservation Society (multiple marine mammal researchers and ENGOs commented across a range of fisheries).

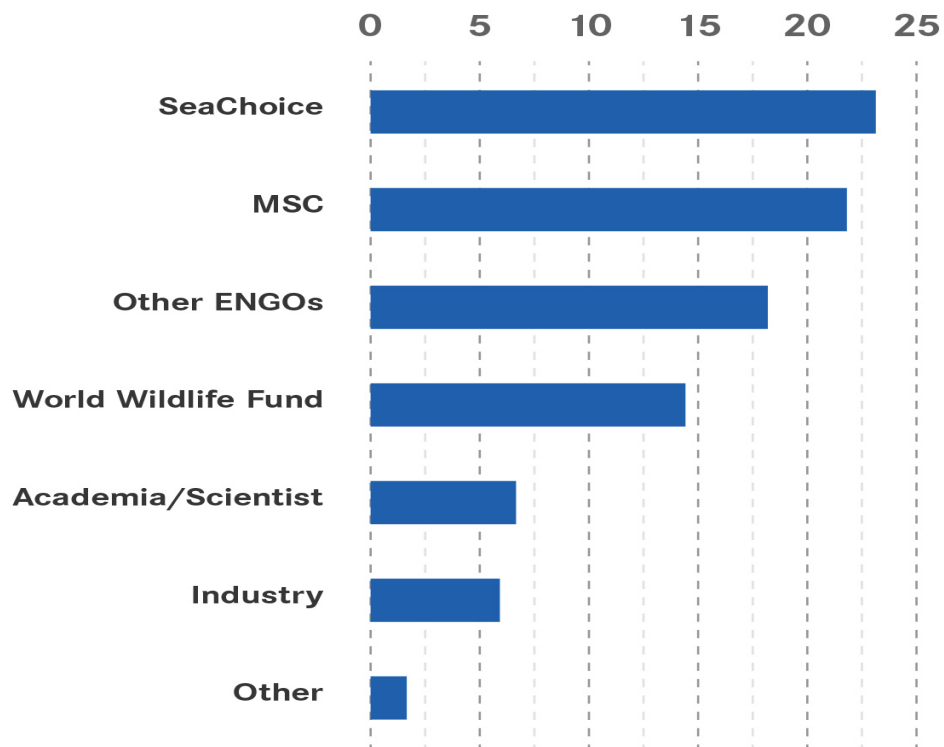


Figure 10. Number of certifications each stakeholder group commented on in Canadian MSC assessment processes between 2008 and April 2017.

A review of the content of stakeholder input shows concerns have been raised in each of the three core principle areas. The Pacific Hake Mid-Water Trawl, Canada Newfoundland 3Ps Cod, and Canadian 4VWX Purse Seine Herring were the main certifications with comments focused on species stock status or management reference points and targets under Principle 1. Fewer comments were focused on Principle 3; however, industry stakeholders, independent scientists, and ENGOs all provided input citing concerns with decisions, frameworks and management choices of DFO fisheries regulators, as well as the behaviour or compliance of the fishery clients in question. The bulk of the stakeholder input concerned Principle 2 issues, particularly non-target species management and data collection, marine mammal entanglement, as well as habitat and ecosystem impacts.

Many concerns were raised regarding the appropriateness of Principle 2 conditions and whether milestones were realistically achievable within the certificate timeframe. Stakeholder comments such as these are most often met with the reply that progress cannot be judged *a priori*, but will be assessed at each annual surveillance audit. Unfortunately, it is only after the audit report is published that stakeholders can determine if extensions on conditions are granted and annual audit reports do not have a comment period as is made available for the initial assessment report.

The fact that recertified fisheries have been granted extended timelines to complete conditions erodes trust in the rigour of scoring and reinforces the perception that stakeholder comments are not given appropriate legitimacy at the time of assessment. The concern from stakeholders that fisheries are, at times, being certified prematurely without enough pre-assessment work should be taken seriously, particularly if MSC values the role of stakeholder input in helping to uphold the credibility of its certification scheme.

Impact of Stakeholder Comments

It was difficult to assess the direct impact of stakeholder comments by reviewing the PCRs. There are only a couple of PCRs that specifically note that stakeholder information received during the assessment phase was incorporated in and contributed to the scoring rationale. There were also only a few specific responses by CABs to indicate that stakeholder information led to particular scoring changes or conditions after the PCDR. However, CABs did not always indicate the direct effect of stakeholder comments on scoring so, although stakeholders comments likely influence the CAB analysis, it is difficult to systematically quantify the difference having stakeholders makes in the overall certification process. MSC's most recent global impact report found that in total (between 2010-2015), 12.5% of comments contributed to a change in score, with 5% promoting a condition to be raised in the final certification report (MSC 2016).

The review of stakeholder participation showed a high level of participation for certifications between 2007 and 2012, both in numbers of stakeholders and the scope of submissions and comments on the Public Comment Draft Reports. Stakeholders frequently submitted extensive information about fisheries, including original analysis and research for the CABs during that time. After 2012, while there was still consistent participation by stakeholders, submissions were more limited in their input, focusing comments under specific scoring indicators.

Based on informal discussions with other stakeholders while researching this report, and based on SeaChoice's extensive experience as stakeholders across 23 of the certifications, this reduction in the extensive stakeholder information submitted may partly be due to stakeholders' growing understanding that CABs are unlikely to address information outside of specific PI wording.

The time involved for stakeholders to participate in MSC assessments processes can range from a couple of days to months of staff time, particularly if an objection to a certification is undertaken following the completion of the assessment report. Stakeholders are often ENGOs, small industry organizations or

researchers who have limited capacity and who sacrifice time from other pressing issues to engage in the MSC process. Their input is frequently informed by years of engagement with the fishery or researching species impacted by the fishery. Stakeholders offer expert ecosystem and policy knowledge and a strong understanding of actual fishery practices on the water. Importantly, stakeholders offer in-depth commentary on a fishery's social, management and conduct history that offers insight on the level of commitment to measureable improvement under the MSC scheme.

Despite the substantive expertise and effort of stakeholders, this review of stakeholder input revealed that CABs often dismissed, or did not respond to, stakeholder input where this input was not organized by specific scoring indicator, considering it not "substantive" information. For example, while the Ecology Action Centre organized their input by PI in the Canadian Scotia-Fundy Haddock Fishery assessment, not all stakeholders did. The following quote is the CAB response in the Public Certification Report of this fishery:

The only submission (both verbal and written) of substantive issues (as opposed to information) was received from the Ecology action centre [sic]. The draft has now been amended to show the team's response to the EAC concerns.¹⁹

Does that mean that the other stakeholder input was dismissed because it was not written in quite the proper format? Participation in the MSC certification process is very difficult to navigate for stakeholders who are not familiar with the MSC language, guidance and the complexity of the scheme. The onus should be on CABs to take into account important information from stakeholders when assessing and scoring a fishery, rather than dismissing the information if it is not formatted in the MSC language.

Stakeholders also expressed concern that CABs refer to MSC interpretation documents to justify their scoring. These interpretation documents, unlike the official *Guidance for Fisheries Certification Requirements*, are not published for stakeholders to reference. MSC creates interpretations at the request of CABs when they encounter a fishery case that does not quite fit the standing guidance. It is not clear whether these interpretations are used only in that specific case, or whether these interpretations, once provided, then set a precedent for use in other assessments. This makes effective input difficult, and at times, results in comments that appear irrelevant, and ultimately contributes to stakeholders feeling like their time has been wasted.

Discussions with other stakeholders over the course of this analysis revealed a growing opinion that the commitment of time and effort to engage extensively in MSC certifications does not result in significantly more rigorous application of the standard than if stakeholders did not engage.²⁰

¹⁹ SAI Global (2016). *Scotia Fundy Haddock Fishery: Final Report and Determination*. Available at www.msc.org

²⁰ Stakeholders consulted expressed disenchantment with the scheme after a few specific fisheries were certified, in their opinion prematurely, during this 2008-2012 time frame, including North West Atlantic Canada Longline Swordfish, Canadian Pacific Sablefish, Pacific Halibut Hook and Line Fishery, British Columbia Salmon Fisheries, Pacific Hake Mid-Water Trawl,

Conclusion

Over the past decade, MSC has been a useful tool in Canada through which to identify gaps in fisheries sustainability and in regulatory application. The intent of continuous improvement has encouraged the fishing industry to adopt a practice of incremental change as part of meeting conditions of certification. Where there has been little political will to implement existing government policies, third party certifications have provided an incentive to strengthen fisheries management, increase data availability, and in some cases, to improve fishing practices on the water. Engagement in a market-based certification scheme to gain access to seafood markets that are demanding increased sustainability and traceability has served to propel a regime shift in how Canadian fisheries engage collectively in the seafood markets and in Canadian fisheries more proactively addressing sustainability concerns.

SeaChoice's review and analysis shows that overall, MSC has played a role in improving fisheries sustainability in Canada. However, the MSC Standard itself does not necessarily lead to significant environmental improvements or change on the water and the scheme faces increasing limitations in achieving change at all..

In certifications where Principle 2 conditions are fulfilled, only 15% of Principle 2 certification conditions have resulted in change to fishery practices on the water. MSC's own analyses show that globally, the most significant changes to fishing practice happen pre-certification (MRAG 2011, MSC 2016).

This report also shows the remaining leverage to improve environmental impact in Canada under the MSC scheme is being eroded by time extensions and lenient guidance that allows fisheries too much flexibility for completion of conditions. Most Canadian fisheries enter MSC certification with target stocks at levels considered sustainable under the standard, and those that have fallen into the critical population status zone are either suspended by MSC or voluntarily suspended by the client. However, there seems to be less rigor in holding Canadian fisheries and fisheries management bodies to an equivalent a standard for impacts on non-target species and habitats under Principle 2 concerns.

This practice may be fueling a growing dissatisfaction among stakeholders. Stakeholder submissions across fisheries were primarily concerned with the ability of fisheries to meet the scoring standard for Principle 2, especially in relation to non-target species management, data collection, and monitoring, as well as habitat impacts. Stakeholders were often directed to trust that the annual surveillance audits would catch any delays or the inability of fisheries to successfully meet their Principle 2 requirements. However, findings of condition extensions past the end of certification belies this claim, leading to reduced trust that engagement in the MSC process can yield to further fisheries improvements.

Stakeholder trust in the MSC scheme will continue to decline if fisheries are not held to their conditions of

certification within pre-agreed timelines and if they are not more rigorously assessed against the standard. With the majority of Canadian seafood landings already certified, the cost-benefit of participation as stakeholders in the MSC scheme must be seriously considered.

In fact, concerns and questions about MSC's impact from key stakeholders in the ENGO community (Christian et al 2013, Froese and Proelss 2012, Kalfagianni and Pattberg 2013, Jacquet 2010, WWF 2016,) may stem not solely from frustrations about how the MSC Standard is applied, but from the appropriateness of the standard itself, and a fundamental disagreement about the changes needed to halt global overfishing and ecosystem degradation as well as the appropriate mechanisms and fora in which to pursue those changes.

While MSC may have been on the cutting edge of best practice at its outset, it now describes itself as “behind the crest of the wave”—not playing a leading role in pushing for new best practices or new fishery management paradigms, but working to ensure fisheries implement the current global best practices identified by national and international governance structures (MSC 2017). The assumption underlying this is that adherence to these current best practices is all that is needed to address MSC's stated goal of “securing long-term supplies of fish for global markets and creating a viable, alternative tool to help halt or reverse the decline in global fish stocks” (MSC 2011).

SeaChoice found Canadian MSC-certified fisheries were given 172 conditions of certification that identified gaps in fisheries management and practice according to the MSC Fishery Standard. Most of these conditions are closed and now considered up to the level of global best practice according to MSC. However, the reality on the water in Canada is the slow and halted recovery of depleted stocks, a lack of rebuilding plans for the majority of Canadian fisheries, continued decline of many non-target stocks, and the continued degradation of habitat. This makes it clear that best practices identified to date by regulators are not adequate to ultimately achieve the MSC's stated program goals.

Gaps in key elements of fisheries management in Canada, including missing science and management information, reference points and decision-making plans, and recovery plans and monitoring for depleted species have been highlighted by the recent Auditor General of Canada's report on DFO management and Canada's major fish stocks (OAG 2016). It made clear that significant work remains to be done to fully implement Canada's Sustainable Fisheries Framework, which includes guidance on developing rebuilding plans, reducing ecosystem impacts through the implementation of the national bycatch policy and the Sensitive Benthic Areas Policy, as well as the need for a national catch monitoring policy. Canada is especially lagging when it comes to marine species considered at risk of extinction—and, notably, it is precisely the species and habitats they rely on that fall under MSC's Principle 2, Environmental Impact of Fishing (McDevitt-Irwin et al. 2015).

Major challenges in the future of fisheries in Canada are not yet adequately addressed through current government policies, including fully incorporating climate change science in stock assessments; transparency of fisheries related data and information; a shift towards an ecosystem-based model of

fisheries management that considers the needs of the ecosystem as part of fisheries quota decisions; and addressing the social and economic aspects of fisheries. Modernizing Canada's *Fisheries Act* to incorporate current management principles and to require the rebuilding of fish populations and protection of fish habitat from the impact of fishing would strengthen the current legal framework for fisheries management. Expanding the Canadian fisheries policy suite to include management in the context of climate change and a full ecosystem approach to fisheries management and then implementing those policies would go well beyond the MSC Fishery Standard.

A challenge facing MSC in Canada is how to adapt and be part of the push to bring in a new fishery management paradigm that meets the current challenges. The current roll out of Vol 2.0 of the MSC Standard does show MSC is tackling some necessary identified improvements; however, the implementation is taking over two years, and an initial review indicates it still may not raise the bar high enough to compel significant reduction in environmental impacts under Principle 2 or to ensure more rigorous scheme application. MSC must be nimble enough to shift faster than large regulatory bureaucracies so that they can get "ahead of the wave" again, or else it is only reinforcing status quo and, at worst, potentially undermining efforts to raise the bar higher.

With 80% of Canadian fishery landings by value now MSC certified, it is important that governments and fisheries do not rely solely on the MSC to define sustainability goals. Governments must not use completed certification as an excuse to stall critical changes needed that are above and beyond the requirements of the MSC Fishery Standard. A third-party certification scheme should not replace national obligations for fisheries protection and conservation.

The MSC has been a useful tool to push regulatory change in Canada; however, after 10 years, the majority of Canadian fisheries are in a post-certification stage, and findings in this report suggest; therefore, that the ability to influence fishery change through the MSC scheme may be declining. Opportunities to further improve Canadian fisheries management, policy and practice lie largely beyond third-party certification schemes, through direct work with harvesters, at fishery advisory committees and management meetings, and other policy and science decision making fora.

Recommendations to Stakeholders

Given the time required to engage in MSC assessments, surveillance audits, and other program consultations as stakeholders, this report concludes that the strategic priorities for engagement with MSC in Canada are now:

1. Seeking change in the remaining non-certified fisheries in their pre-assessment time;
2. Raising the level of accepted best practice in the MSC Fishery Standard; and
3. Acting as a watchdog to ensure rigor in new MSC Fishery Certification Guidance and its application.

Recommendations to MSC

This review of MSC certification and the application of the scheme in Canada identified a number of lenient practices in the application of the standard that may weaken the credibility of, and trust in, the MSC. SeaChoice recommends MSC implement the following:

- CABs should consistently note fishery progress on conditions in annual surveillance audits using the “on target,” “ahead of target,” and “behind target: categories, as well as using the actions that need to be completed for a change in scoring to be granted as required by Guidance 7.23.13.1.
- Publish an easy-to-access database of certifications and fishery progress.
- MSC should apply the requirements of GCR 7.4 (suspension or withdrawal) more strictly, and it should limit the number of time extension variation requests it grants.
- “Exceptional circumstances” and other justifications for conditions at recertification should be interrogated rigorously by MSC Technical Oversight to ensure fisheries are held strictly to their condition timelines.
- MSC-issued interpretation documents should be published as soon as they are issued, similar to variation responses.
- A public comment period after the publication of Surveillance Audit Reports should be introduced.
- CABs should be responsible for connecting all stakeholder information submitted to the appropriate scoring indicator and for ensuring that information and comments are responded to, even when they are not initially formatted according to Principle Indicator wording.

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Public Certification Reports and Annual Surveillance Audit Reports for all certifications analysed in this report were found on MSC online database at <https://fisheries.msc.org/en/fisheries/>

Appendices

Appendix 1: MSC Standard Core Principles and Principle Scoring Indicators

Principle	Principle Indicators
Principle 1	Status, Science
Health of the target fish stock	1.1.1 Stock Status
	1.1.2 Reference Points
	1.1.3 Recovery Plan (scored if a depleted stock)
	Target Management
	1.2.1 Harvest Strategy
	1.2.2 Harvest Control Rules
	1.2.3 Information and Monitoring
	1.2.4 Assessment of Stock
Principle 2	Retained species
Limited Impact of the fishery on the environment	2.1.1 Outcome/Status
	2.1.2 Measures, Strategy, Management
	2.1.3 Information and Monitoring
	Bycatch species
	2.2.1 Outcome/Status
	2.2.2 Measures, Strategy, Management
	2.2.3 Information and Monitoring
	ETP Species
	2.3.1 Outcome/Status
	2.3.2 Measures, Strategy, Management
	2.3.3 Information and Monitoring
	Habitat
	2.4.1 Impact
	2.4.2 Measures, Strategy, Management
	2.4.3 Information and Monitoring
	Ecosystems
	2.5.1 Outcome/Status
	2.5.2 Measures, Strategy, Management
	2.5.3 Information and Monitoring
Principle 3	Governance and Policy
Effective management of the fishery	3.1.1 Legal and Customary Frameworks
	3.1.2 Consultations
	3.1.3 Long Term Objectives
	3.1.4 Incentives
	Fishery Specific Management
	3.2.1 Fishery Specific Objectives
	3.2.2 Decision Making Process
	3.2.3 Compliance and Enforcement
	3.2.4 Research Plan
	3.2.5 Management Evaluation

Appendix 2: Conditions Across All Canadian MSC Certified Fisheries

	Principle 1							Principle 2							Principle 3																	
	Status, Science		Target Management		Retained Species		Bycatch	ETP Species		Habitat	Ecosystem		Governance and Policy			Fishery-Specific Management																
	Stock status	Reference Points Recovery Plan (Scored if Depleted Stock)	Harvest Strategy	Harvest Control Rules	Info and Monitoring of target	Assessment of Stock Status	Outcome/Status	Measures, Strategy, Management Information and Monitoring	Outcome/Status	Measures, Strategy, Management Information and Monitoring	Outcome/Status	Measures, Strategy, Management Information and Monitoring	Impact	Measures, Strategy, Management Information and Monitoring	Impact	Measures, Strategy, Management Information and Monitoring	Legal and Customary Framework	Consultations	Long Term Objectives	Incentives	Fishery Specific Objectives	Decision Making Process	Compliance and Enforcement	Research Plan	Management Evaluation	Total Conditions						
MSC Fishery Certification	1.1.1	1.1.2	1.1.3	1.2.1	1.2.2	1.2.3	1.2.4	2.1.1	2.1.2	2.1.3	2.2.1	2.2.2	2.2.3	2.3.1	2.3.2	2.3.3	2.4.1	2.4.2	2.4.3	2.5.1	2.5.2	2.5.3	3.1.1	3.1.2	3.1.3	3.1.4	3.2.1	3.2.2	3.2.3	3.2.4	3.2.5	
Atlantic Fisheries																																
Shrimp																																
Canadian Offshore Northern Shrimp Shrimp Trawl Fishery (SFA 3)				1	1									1	1	1	1	1	1			1				1				10		
Canadian Offshore Northern Shrimp and Striped Shrimp Trawl Fishery (SFA 2, 3, 4, 5, 6)				1	1									1	1	1	1	1	1			1				1				10		
Canadian Offshore Northern Shrimp Trawl Fishery (SFA 7)					1									1	1	1	1	1	1			1				1				9		
Gulf of St Lawrence Northern Shrimp Trawl Fishery (SFA 8, 9 10, 12)													1	1	1	1	1	1	1											7		
Canadian Scotian Shelf Northern Prawn Trawl Fishery (SFA 13, 14, 15)		1		1	1								1	1	1	1	1	1	1												10	
Lobster and Crab																																
Southern Gulf of St Lawrence Snow Crab Trap Fishery																						1							1	2		
Scotian Shelf Snow Crab Trap Fishery		1		1																												
Newfoundland & Labrador Snow Crab Trap Fishery		1		1																		1	1						1	5		
Eastern Canada Offshore Lobster Fishery				1	1					1	1		1	1								1	1						1	9		
Bay of Fundy, Scotian Shelf, Southern Gulf of St Lawrence Lobster Trap Fishery				1			1	1			1																			1	5	
Gaspésie Lobster Trap Fishery							1	1														1									3	
Iles de la Madeleine Lobster Trap Fishery				1						1																				1	3	
Prince Edward Island Lobster Trap Fishery							1	1			1																		1	5		
Molluscs																																
Banquereau and Grand Bank Arctic Surf Clam Fishery		1		1														1													3	
FBSA Canada Full Bay Sea Scallop Fishery		1		1						1			1	1	1							1								1	8	
Eastern Canada Offshore Scallop Fishery					1						1			1					1			1									5	
Groundfish																																
Canada Atlantic Halibut Fishery						3			1	1				2		2															9	
Canada Scotia Fundy Fishery for Haddock (52m, 4KSY)		2				1			1	1			1	1								1							1	9		
Canada/Newfoundland 3Ps Atlantic Cod Fishery	1		1								1		1			1		2						1	1					10		
Flatfish																																
OCI Grand Bank Yellow Tail Flounder Trawl Fishery				1			1	1									1		1			1	1			1	1	1	1	10		
Large Pelagics - Swordfish																																
North West Atlantic Canada Longline Swordfish Fishery		1		1			1	1		1	1	1	1						1				1			1			1	11		
North West Atlantic Canada Harpoon Swordfish Fishery		1		1															1				1			1				5		
Small Pelagics - Herring																																
Southern Gulf of St Lawrence Fall Herring Gillnet Fishery				1						1																			1	3		
NAFO Division 4R Atlantic Herring Purse Seine Fishery	1			1														1				1							1	5		
Canadian 4VWX Herring Purse Seine Fishery		1	1																												2	
Pacific Fisheries																																
Groundfish																																
Canada Pacific Halibut (British Columbia) Hook-and-Line Fishery							1			1																					2	
Canada Pacific Sablefish Fishery	1		1				1				1		1																		5	
Pacific Hake Mid Water Trawl Fishery																																
Large Pelagics - Tuna																																
CHMSF Albacore Tuna North Pacific Fishery		1																													1	
Shark																																
British Columbia Hook and Line Spiny Dogfish Fishery	1										1																		1	3		
Inland Freshwater Fisheries																																
Waterhen Lake Walleye and Northern Pike Gillnet Commercial Fishery				1	1																									1	3	
Total Conditions	4	11	3	5	18	1	0	11	5	1	4	3	8	3	3	6	10	7	9	5	5	6	0	5	3	0	12	5	1	16	4	172
									</																							

Appendix 3: Stakeholder Comments

	SeaChoice Members														
	EAC	DSF	CPAWS	LOS	Sierra Club BC	WWF	Other ENGOS	Industry	Academic/Scientists	MSC	Other (affiliation not identified)	Indigenous	Total Stakeholders		
Fishery Certification															
Canadian Offshore Northern Shrimp Shrimp Trawl Fishery (SFA 1)	1					1		1		1			4		
Canadian Offshore Northern Shrimp and Striped Shrimp Trawl Fishery (SFA 2, 3, 4, 5, 6)	1					1	1			1			4		
Canadian Offshore Northern Shrimp Trawl Fishery (SFA 7)	1					1		1		1			4		
Gulf of St Lawrence Northern Shrimp Trawl Fishery (SFA 8, 9 10, 12)						1							1		
Canadian Scotian Shelf Northern Prawn Trawl Fishery (SFA 13, 14, 15)	1					1	1			1			4		
Southern Gulf of St Lawrence Snow Crab Trap Fishery								1		1			2		
Scotian Shelf Snow Crab Trap Fishery								1	1				2		
Newfoundland & Labrador Snow Crab Trap Fishery										1			1		
Eastern Canada Offshore Lobster Fishery	1					1	5		1				8		
Bay of Fundy, Scotian Shelf, Southern Gulf of St Lawrence Lobster Trap Fishery	1					1		1		1			4		
Gaspésie Lobster Trap Fishery										1			1		
Îles de la Madeleine Lobster Trap Fishery										1			1		
Prince Edward Island Lobster Trap Fishery										1			1		
Banquereau and Grand Bank Artic Surf Clam Fishery						1				1			2		
Canada Altantic Halibut Fishery	1								1	1			3		
Canada Scotia Fundy Fishery for Haddock (5Zjm, 4X5Y)	1									1			2		
Canada/Newfoundland 3Ps Atlantic Cod Fishery	1					1		1	1				5		
OCI Grand Bank Yellow Tail Flounder Trawl Fishery	1					1				1			3		
North West Atlantic Canada Longline Swordfish Fishery	1	1	1		1	1	5		2	1	2		15		
North West Atlantic Canada Harpoon Swordfish Fishery	1	1								1			3		
FBSA Canada Full Bay Sea Scallop Fishery										1			1		
Eastern Canada Offshore Scallop Fishery	1									1			2		
Southern Gulf of St Lawrence Fall Herring Gillnet Fishery										1			1		
NAFO Division 4R Atlantic Herring Purse Seine Fishery										1			1		
Canadian 4VWX Herring Purse Seine Fishery	1					1			1				4		
Canada Pacific Halibut (British Columbia) Hook-and-Line Fishery		1	1	1			1						4		
Canada Pacific Sablefish Fishery		1				1							2		
Pacific Hake Mid Water Trawl Fishery								5					5		
CHMSF Albacore Tuna North Pacific Fishery		1				1							2		
British Columbia Hook and Line Spiny Dogfish Fishery										1			1		
Waterhen Lake Walleye and Northern Pike Gillnet Commercial Fishery										1			1		
TOTAL	14	5	2	1	1	14	18	6	7	22	2	0	94		
British Columbia Chum Salmon Fisheries		1						3		1			5		
British Columbia Pink Salmon Seine, Troll, and Gillnet Fishery		1						3		1			5		
British Columbia Commercial Sockeye Salmon Fisheries		1			1		3	1	1	1		52	10		
Total in Salmon Certifications	0	3	0	0	1	0	9	1	1	3	0	52	20		



Marine Stewardship Council response to SeaChoice review of the MSC program in Canada

Introduction

The Marine Stewardship Council thanks SeaChoice and its member organizations for their review of the performance of the MSC Standard and the fisheries involved in the program in Canada.

The MSC mission is to safeguard seafood supplies for the world's growing population. Seafood represents the largest volume of food traded globally; Canadians eat seafood from local and imported sources and Canadian seafood is sold around the world. Ensuring the MSC program and the fisheries engaged in it are functioning well in Canada and globally can only be accomplished with an efficient, transparent process that incorporates information and evidence from all participants in the fisheries management system. The role of stakeholders in the MSC program is key to ensuring the program operates efficiently and can achieve the stated goals. It is in this spirit we believe SeaChoice has undertaken a review of MSC performance in Canada.

Canadian fisheries that have been independently assessed by accredited certifiers (CABs) to meet the MSC Standard represent a large portion of Canadian fishery landings (about two-thirds) but less than half the number of actual fisheries on distinct fish stocks in Canada. These other, often lower volume fisheries, need the same approach by Fisheries and Oceans Canada that enabled the existing certified fisheries to achieve the level of the MSC Standard. Organizations like SeaChoice, its members, and the MSC can work with these other fisheries to help them identify improvements. The MSC is committed to being a practical toolkit to assist this work, which we believe will deliver environmental improvements over and above those seen in already certified fisheries. The MSC is willing and interested to continue to work with SeaChoice member organizations, industry and the DFO to undertake the next round of preliminary assessments, or possibly rapid, brief assessments, to identify other fisheries and sectors where improvements can help move more of Canada's fisheries into the best practice level as represented by the MSC Standard. This is the MSC Theory of Change in practice.

We believe the MSC program and Standard represent a high bar of global best practice for the world's fisheries – to achieve the MSC vision of the world's oceans teeming with life, and seafood supplies safeguarded for this and future generations.

The MSC appreciates the opportunity to provide a response to specific statements and conclusions made by the SeaChoice review. We respect the SeaChoice perspective; however, we believe there are a few areas where SeaChoice misrepresents the situation, and we would like to address these here.

Conditions

SeaChoice categorizes fishery improvement actions under 'Change on the Water' as more significant than improvements related to 'Research/Increased Certainty'.

The MSC believes the characterization of "only 15% (of P2 conditions)" being "closed by 'change on the water' actions" does not fully consider the fact – also acknowledged in the report – that "globally the most significant changes to fishing practice happen precertification (MRAG 2011, MSC 2016)."

These changes allow fisheries to meet the high bar set by the MSC Standard, with post-certification improvements appearing incremental in contrast because of the high level of performance these fisheries already meet.

Examples of these precertification improvements in Canada include:

- All northern shrimp fisheries use the Nordmore grate that removes a high percentage of bycatch,



- Haddock fisheries use a separator trawl that significantly reduces cod bycatch, and
- The offshore scallop fishery surveyed fishing grounds with high-resolution multi-beam bathymetry to identify areas where scallops are most plentiful and, in combination with a major reduction in the number of vessels, significantly reduced its fishing footprint.

SeaChoice also acknowledges that some of the 'change on the water' actions were a result of collected information, indicating that conditions to collect more information and conduct research are also important to influence the activities and management of a fishery.

By focusing solely on conditions that result in 'change on the water actions' the report downplays the work done by Canadian fisheries to improve performance across a broad range of indicators. MSC certified fisheries in Canada closed 167 conditions between 2008 and 2016, a number that does not include fisheries that joined other certificates, exited the program, and BC salmon, which SeaChoice did not evaluate because it was assessed against a unique version of the MSC Standard. These 167 closed conditions per principle are: 32 in Principle 1, 73 in Principle 2 and 62 in Principle 3.

The effort undertaken to close these conditions is evidence of improvements by Canadian fisheries that may not have occurred or might have been significantly delayed without the catalyst of MSC certification. The SeaChoice report recognizes some of this effort, such as the OCI yellowtail flounder fishery's work to reduce cod bycatch and implement a 'move on' rule, but mischaracterizes the enormity of the improvements these closed conditions represent. Through MSC certification fisheries in Canada have accepted the onus to improve their operations. They push DFO to help make many of these changes and DFO is a willing, committed partner. This self-adopted mantle of responsibility represents a sea change in Canadian fisheries management, a new paradigm that the MSC is proud to encourage.

Recertification and open conditions

SeaChoice suggests that fisheries unable to fulfill conditions within the 5 year certification period were prematurely certified.

The status of all conditions is recorded by the MSC on an annual basis, and globally the clear majority of improvements required of MSC certified fisheries are carried out within the 5 year certification period.

Fig. 1 (below) shows all conditions set for MSC certified fisheries from 2000 until end 2016, including those assessments using a Pre-FAM assessment methodology, but excluding conditions from withdrawn or suspended fisheries. Across all fisheries in the MSC program, by the time of surveillance audit four 85% of conditions have been closed. The greatest percentage of conditions (10%) are behind target at surveillance 2, but only 1% are behind target by surveillance 4. Three percent of conditions audited at surveillance 4 are subject to exceptional circumstances, and 10% of conditions remain open.

121 conditions from 16 fisheries were not closed within 5 years, and were carried over into the following fishery assessment. Three of these occurred in Canada (see below). Of all the conditions set five or more years ago, this represents 13.5%. These conditions were subject to special circumstances, either having been delayed by an exceptional circumstance outside of the certified fishery's control or rewritten from a Pre-FAM version of the MSC Fishery Standard (see A and B, below). The MSC therefore submits that independent certifiers are making correct, timely and accurate decisions when faced with information in annual audits and recertification.

Most fisheries do not undergo a 5th surveillance audit, but address any outstanding conditions during re-assessment, so condition status at year 5 was not included in the analysis.

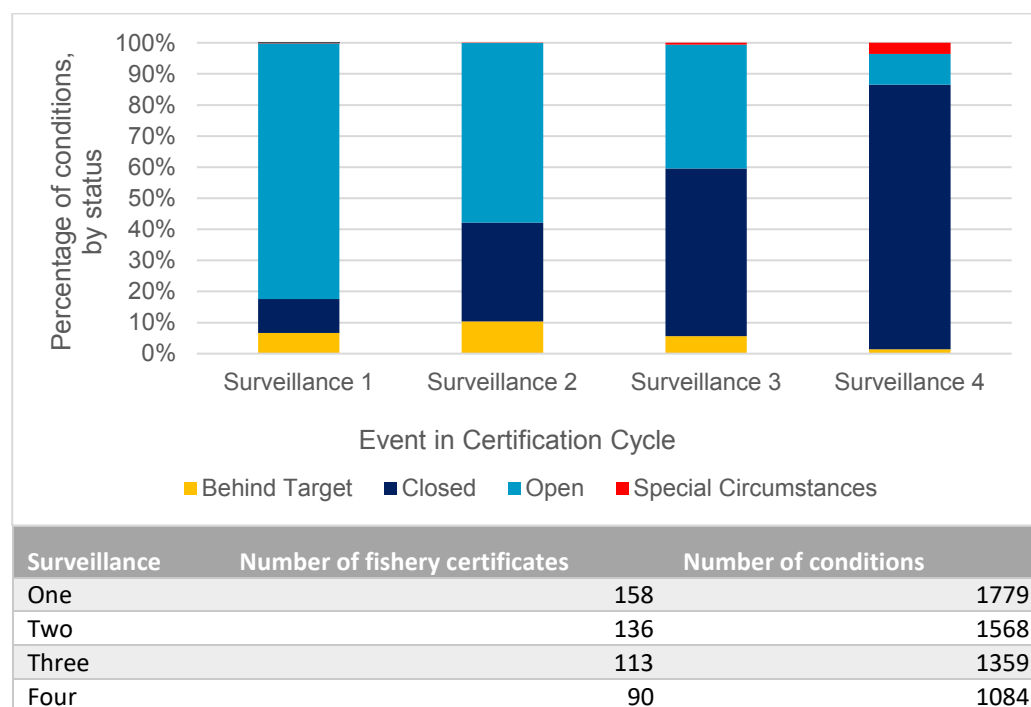


Fig. 1: Percentage of conditions that are met within 4 years

As noted by the SeaChoice report, there are two reasons why MSC certified fisheries would be allowed to continue to recertification with open conditions. This flexibility accounts for the complex and challenging nature of fisheries management in dynamic natural systems and meets the best practice requirements set by both the United Nations' Food and Agriculture Organization (UN FAO) and ISEAL, the global membership association for sustainability standards.

A. Exceptional circumstances

Exceptional circumstances (7.11.1.3.a) are invoked when “the CAB determines that achieving a performance level of 80 may take longer than the period of certification. The CAB shall interpret exceptional circumstances to refer to situations in which, even with perfect implementation, achieving the 80 level of performance may take longer than the certification period”.

The guidance for this clause states the following examples: “time taken for natural ecological functions and response times; time required for relevant research to be funded, undertaken and published; and, time taken for determination of the point(s) at which fish and fish products enter further Chains of Custody.” Allowance for a single or a few certified fisheries to effect change in Regional Fisheries Management Organizations (RFMOs) is also an exceptional circumstance when it relates to research and implementation in these multi-lateral settings and must be complete within a second certification period.

B. Changes to the MSC Standard

If a fishery is transitioning from use of a pre-FAM assessment methodology to a default set of Performance Indicators (version 1.3 of the Fisheries Standard), conditions which are not yet closed can be carried over into the new assessment. These conditions are rewritten to reflect the requirements of the new standard, and the fishery must complete its new client action plan in the next 5 years.

For example, the requirements of version 1.3 Principle 2 were more stringent than the pre-FAM assessment methodology and performance indicators were re-organized. Therefore, new conditions were written by independent certifiers to match the higher bar of new performance indicators, and the fisheries were allowed

to improve over the course of their new certification period. This is acceptable practice for a standard that slowly evolves to reflect new scientific understanding and global best practice in fisheries management.

This practice fully explains all new conditions given to the three northern shrimp fisheries in Canada at recertification (SeaChoice Table 2). In fact, all three fisheries had closed all their existing conditions by year four of their original certification period, with the lone exception of one condition that was closed at the end of year five, only to face three new conditions each at recertification due to the evolved Standard.

For more information on conditions in re-assessment, see section 7.24 in the [Fisheries Certification Requirements v2.0](#).

Conditions for MSC recertified fisheries in Canada

SeaChoice highlights the number of conditions open at recertification.

SeaChoice Figure 10 highlights that 8 out of 10 (80%) of Canadian fisheries were given new conditions at recertification. However, all of these new conditions conformed to either of the two special circumstances outlined above (A and B). In total, SeaChoice identified 19 new conditions at recertification that they stated were carried over from pre-existing conditions (SeaChoice Table 2). In fact, all but 3 of the initial certification conditions were closed during the first certification period and 16 new conditions arose from changes in the MSC Standard. One of the three conditions not closed remained open due to legitimate extenuating circumstances (RFMO fishery management issues) and the other two resulted from issues that arose when an independent certifier transfer occurred at recertification.

The 19 conditions at recertification represent a minor portion of the more than 433 conditions that certifiers have opened on all MSC certified fisheries in Canada from inception and of the 167 conditions already closed by Canadian fisheries currently involved in the program (again, for clarity, 167 does not include BC salmon related conditions).

MSC certified fisheries are demonstrating continuous improvement in order to retain certification as the MSC Fishery Standard evolves to reflect new best practice in fisheries management.

MSC Theory of Change

SeaChoice does not agree with the MSC Theory of Change, and states that “the ability to influence fishery change through the MSC scheme may be declining”.

As the most credible and globally recognised standard for sustainable fishing, the MSC provides a platform for fisheries to demonstrate that their operation has the highest standards of environmental performance. This helps strengthen reputation and business relationships, and provides the ability to meet the needs of current markets or access new ones.

The [MSC Theory of Change](#) has two key elements:

- Incentivise certified fisheries to continue making improvements, whether through necessary changes on the water, or by collecting important information about their impacts to increase certainty. Examples of these continued improvements can be seen in our [Global Impacts Report 2017](#).
- Incentivise fisheries that are not yet certified to engage with the program and achieve MSC certification to gain status and recognition in local, national and global seafood marketplaces. This is the case for many Canadian fisheries on the Atlantic and Pacific coasts as well in lakes in Canada.

A further incentive within the Theory of Change is the opportunity for P2 species within an MSC certified fishery to become a P1 stock through a scope extension audit, making the stock eligible for the MSC ecolabel. SeaChoice could help grow the demand for certified seafood, thereby enhancing the built-in incentives within the MSC program.

It is contrary that SeaChoice concludes its report with the view that “the ability to influence fishery change through the MSC scheme may be declining” when in fact the MSC program is the only program in Canada that



can document improvements made by fisheries and offers the opportunity for these fisheries to gain recognition of successful improvements made prior to certification.

Where SeaChoice sees slow progress and completion of some conditions, others witness our Theory of Change in action:

- improved information and strategies for fishery management decisions in Canada for target and bycatch stocks, and
- improved attention by DFO to work with industry to adopt and enforce effective harvest control rules that achieve responsible fisheries management decisions in the face of natural stock downturns that result from changing ecosystems in Canadian waters.

Crest of the wave

SeaChoice refers to the MSC as “behind the crest of the wave”.

This is a misquote; the MSC aims to be ‘*just* behind the crest of the wave’ – not leading, but in the forefront of science and management application. This is where a global standard setter should be positioned when operating a voluntary assessment program. The MSC maintains the Fishery Standard at the level of current globally accepted best practice, and the level is retained until new practices have been proven by leading fisheries management agencies, by leading fisheries biologists or are included in internationally recognised documents, such as UN FAO guidelines.

The MSC undertakes regular reviews of our standard and certification requirements for effectiveness and to incorporate global best practice. We last completed this in the [2014 Fisheries Standard Review](#), and will initiate this review again in 2019. Our Standard Setting Procedures and aim to incorporate global best practice meet – unique to our certification system – both ISEAL and Global Sustainable Seafood Initiative (GSSI) requirements.

The MSC considers the best practice state as just behind the wave crest. The goal of the MSC Standard is to have all fisheries in the world engaged and achieving our best practice level. This is a realistic goal, over time, considering that after nearly 20 years of existence just over 10 percent of the world’s capture of wild stocks is MSC certified.

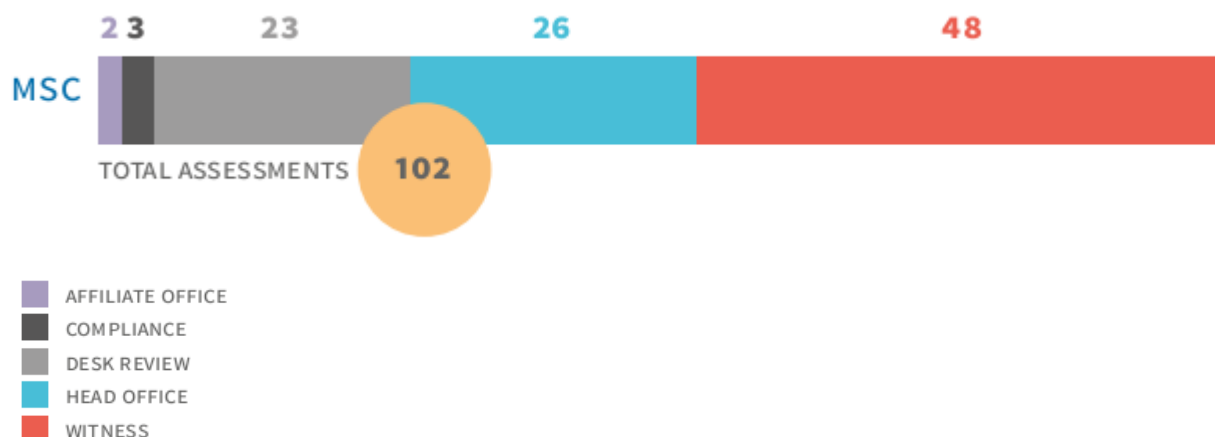
Role of Accreditation Services International (ASI)

SeaChoice describes the role of ASI but glances over the importance of this independent oversight when it suggests that audits from ASI only occur when requested by the MSC or stakeholders.

Accreditation Services International (ASI) is an assurance partner for leading voluntary sustainability standards and initiatives around the world. As a peer-evaluated, full member of the ISEAL Alliance, ASI operates a quality management system based on ISO/IEC 17011:2004 requirements for accreditation bodies.

ASI offers international accreditation to Conformity Assessment Bodies wishing to audit against voluntary sustainability standards around the world.

In 2016, ASI completed 102 assessments of accredited CABs, to ensure their performance was in line with the MSC Certification Requirements. Any lapses in CAB performance result in a Non-Conformity that must be closed to maintain accreditation ([ASI annual report, 2016](#)).



Any concerns with CAB performance, including those raised in the SeaChoice report, should be raised to ASI through the [ASI Incidents Log](#).

Stakeholder involvement

SeaChoice outlines the difficulties encountered by environmental NGOs when participating in MSC assessments led by independent certifiers.

The MSC views stakeholder participation as a key component of assessments and strives to make participation efficient. This goal also needs to be balanced with the efficiency of the MSC assessment process to ensure the certifier's time is effectively used.

The MSC is currently piloting a [streamlined assessment process](#) that frontloads stakeholder input on 'likely scoring levels' which are published and subject to stakeholder scrutiny before site visit. This will help stakeholders to relate information back to MSC Performance Indicators, and allow the certifier assessment team to focus their questions at a site visit. The next consultation for this process will begin on **Friday 1 September 2017** and we encourage SeaChoice and its members to participate in this dialogue to help improve the MSC assessment process and stakeholder involvement.

Variation Requests

SeaChoice raises that variation requests to extend a fishery certificate have been granted for Canadian fisheries.

The [MSC General Certification Requirements](#) allow Conformity Assessment Bodies (CABs or certifiers) to apply to vary from requirements in specific circumstances. A variation request is submitted to the MSC to evaluate the situation and decide whether to accept, with terms to meet, or decline the variation request.

14 variation requests were accepted for Canadian fisheries between 2011 and 2017, and the average (mean) length of certificate extension granted to the fishery was 68 days (see Fig.2, below).

Rationales

CABs provided the following rationales to extend certificates in accepted variation requests.

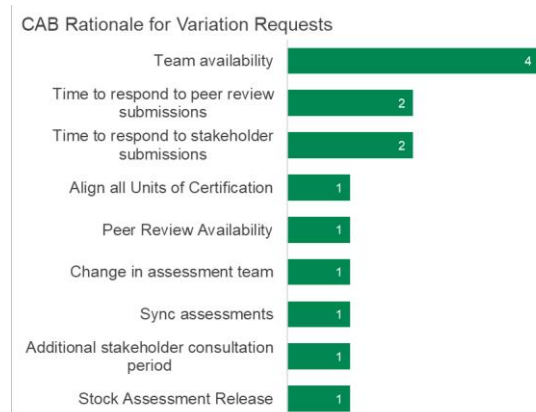


Fig. 2 Variation requests and rationales

MSC Terms of Acceptance

If the MSC accepts variation requests, terms of acceptance are provided in the 'variation response'. Terms that were applied to these certificate extensions include:

- The CAB must confirm that it is not currently aware of any factor that could result in the fishery no longer being in compliance with the MSC Fisheries Standard.
- Stakeholders are made aware of the extension.
- The certificate is updated on the MSC website.

All accepted variation requests and MSC variation responses are published on [MSC Track a Fishery](#).

SeaChoice Recommendations to MSC

SeaChoice provided several recommendations which, in their view, would improve the operation of the MSC program. We are thankful for these insights and confirm our interest to dialogue with SeaChoice on effective ways these recommendations can be implemented. One clear way is for SeaChoice to bring these recommendations into the MSC policy development process. The MSC Standard is not static and evolves to reflect changes in global best practice. Decisions on updates to the Standard are made by the MSC Board of Trustees in a process that meets our commitments to the UN FAO ecolabeling guidelines, membership in ISEAL, and adherence to GSSI benchmarking.

Specific comments to the SeaChoice recommendations are as follows:

Recommendation	MSC Response
<i>CABs should consistently note fishery progress on conditions in annual surveillance audits using the 'on target', 'ahead of target', 'behind target', and the actions that need to be completed for a change in scoring to be granted, as required by Guidance 7.23.13.1.</i>	<p>In version 1.3 and version 2.0 of the MSC Fisheries Certification Requirements, certifiers are required to document whether progress is 'on target', 'ahead of target' or 'behind target', as per MSC requirements (FCR v2.0 7.23.13.1.b), which is an enhancement from earlier version of the Standard.</p> <p>Failure to complete this by a certifier is non-compliance with our Certification Requirements, and can be reported to Accreditation Services International (ASI), who can issue non-conformities to certifiers. If multiple non-conformities are issued, the certifier can be suspended.</p>

<p><i>Publish an easy to access database of certifications and fishery progress.</i></p>	<p>The MSC has a public, online database of all fisheries engaged in the MSC program, including their certification status and all assessment reports. View the website at fisheries.msc.org.</p> <p>The MSC is committed to improving the accessibility of this publicly-available data and we are working on ways to provide more user-friendly summary data to stakeholders, fisheries, and certifiers.</p>
<p><i>MSC should apply the requirements of GCR 7.4 (suspension or withdrawal) more strictly and limit the number of time extension variation requests granted.</i></p>	<p>MSC submits that independent certifiers are making correct, timely and accurate decisions when faced with information in annual audits and recertifications that lead to fishery certifications being suspended and eventually withdrawn.</p> <p>ASI, the organisation that accredits certifiers to conduct MSC assessments and audits, actively monitors determinations made by certifiers. Any concerns stakeholders have with certifier decisions can be raised to ASI using the ASI Incidents link.</p> <p>The MSC will continue to dialogue with SeaChoice and its members to ensure the reasons for certifier decisions are clear and the rationales provided are consistent with the MSC Standard.</p>
<p><i>Exceptional Circumstances and other justifications for conditions at recertification should be interrogated rigorously by MSC Technical Oversight to ensure fisheries are held strictly to their condition timelines.</i></p>	<p>MSC is aware that the use of exceptional circumstances to allow additional time for completion of conditions should be a rare occurrence and used only when the situation truly qualifies as exceptional, in accordance with the MSC Standard definition. As well as ASI monitoring certifier determinations, the MSC conducts Technical Oversight on a selection of certifier reports to identify when certifiers can improve the scoring rationales to conform to the Standard.</p> <p>Both MSC and ASI will continue to monitor to use of these clauses to ensure only correct use and that issues are addressed if they arise.</p>
<p><i>MSC issued Interpretation documents should be published as soon as they are issued, similar to variation responses.</i></p>	<p>The MSC is reviewing mechanisms to make the Interpretations public.</p>

A public comment period after the publication of Surveillance Audit Reports should be introduced.

Certifiers are actively required to seek stakeholder views, hold stakeholder interviews, and allow written submissions at the surveillance site visit ([7.23.12.2](#)). All stakeholder submissions must be provided in the published surveillance report ([7.23.19](#)).

The MSC is reviewing the assessment process as part of ongoing policy development reviews, and will consult with SeaChoice to discuss alternative options for stakeholder input during surveillance.

Certifiers should be responsible for connecting all stakeholder information submitted to the appropriate scoring indicator and ensure information and comments are responded to, even when not formatted per Principle Indicator wording.

The MSC recognises that participation in a fishery assessment can be a difficult and time-consuming process for environmental NGOs and other stakeholders and we are committed to improving this process.

As part of this, the MSC Board of Trustees has agreed to new measures, including the recruitment of an NGO Development Director to strengthen the MSC's capacity to engage effectively with the environmental and conservation community. The MSC Board is also creating two new working groups to monitor the MSC's systems, processes and certification performance as well as the scope of the MSC program.

The MSC is also actively piloting new assessment processes that bring stakeholder input forward in an assessment process to make it more effective, as part of [proposed revisions to the fisheries assessment process](#).

The issue raised by SeaChoice has been identified as an area where improvements can be made to ensure stakeholder engagement in the assessment process is effective and we anticipate further improvement in this regard.



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