

**SUPPORTING STATEMENT
FISH AND SEAFOOD PROMOTION
OMB CONTROL NO. 0648-0556**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

In 1989, National Marine Fisheries Service (NMFS) implemented a final rule enacting the Fish and Seafood Promotion Act of 1986 (Act), as it pertains to Seafood Marketing Councils, for one or more species of fish or fish products. A National Seafood Marketing Council was established under the Act. The National Council was authorized to enter into agreements with applicants to fund referenda to establish and terminate species-specific marketing councils. However, no species-specific marketing councils were established and the National Council was disbanded. Over the years, no initiatives were made by industry to reestablish the National Council or to create species-specific councils. The seafood marketing regulations, along with a large number of other rules and regulations unused or little used, were stricken from the Code of Federal Regulations (CFR) as part of a government-wide Presidential regulatory reform effort to streamline and simplify regulations. Although the implementing regulations were withdrawn from the CFR, the Act remains in effect.

In response to renewed industry support for marketing and promotion-related activities, NMFS published proposed regulations implementing the Act governing the establishment and operation of Councils and their seafood marketing programs, with a Final Rule, RIN 0648-AS09, published on April 11, 2007 (69 FR 18105) and the regulations codified in 50 CFR 270. The intent of the rule is to aid industry in establishing seafood promotion councils to promote the consumption of domestically harvested seafood in the domestic and international marketplace. Niche marketing programs have been initiated by both the Pacific salmon harvesters in Alaska and by the Wild American Shrimp organization in the southern Atlantic and Gulf of Mexico states. Recently, interest in marketing programs has been expressed by United States (U.S.) lobster processors and harvesters who are now facing declining market shares and reduced demand for their products due to a global economic recession and foreign competition in substitute seafood commodities. The economic analysis conducted for the original action indicated that at least twelve fish species could benefit from the development of organized marketing programs. Several of those industry groups had approached NMFS to request implementation of the Act to allow them to create seafood promotion councils.

NOAA is requesting an extension of this information collection.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Marketing and promotion plans prepared by a Council would be designed to increase the general demand for fish and fish products by encouraging, expanding, and improving the marketing and utilization of fish and fish products both in domestic or foreign markets, through consumer

education, research, and other marketing and promotion activities. To ensure that NMFS stewardship goal is not jeopardized while increasing benefits from domestic fisheries, the applicant would provide as part of the application package an economic analysis and/or any other analytical documentation addressing the requirements of the Regulatory Flexibility Act, Executive Order 12866, National Environmental Policy Act, and other information NMFS considers necessary or appropriate for the review and approval of the application, which may include an analysis of the primary, secondary, and tertiary affects of increasing demand for seafood. NMFS would use this information to determine if a proposed council or its marketing program is consistent with NMFS conservation goals, national standards, and other national guidelines. Applicants would also have to demonstrate that the marketing program is consistent with Federal standards and guidelines on nutrition and health.

Continued operation of a Council will be at the discretion of NMFS and subject to NMFS' annual review of the Council's market assessment and evaluation of Council performance. The Council must demonstrate that the marketing plan would not adversely impact those fisheries for which conservation and management measures are necessary to prevent overfishing and rebuild overfished stocks, e.g., the market plan could be designed to increase information about fishery products rather than increase harvest. The marketing plan must also demonstrate that conservation and management efforts in other fisheries are not adversely affected, but the Secretary may use national net benefits in evaluating whether the Council should be allowed to continue operating. Where measures have been implemented to reduce the overall harvest in a fishery, the marketing plan must clearly identify how stock conservation and harvest capacity reduction would not be adversely impacted. The Council supports the regional fishery management council's adoption of dedicated or controlled access programs, for example, but not limited to programs such as Individual Fishing Quota, and other efforts to control measures, are programs that comply with this standard. In addition, NMFS would retain the authority to determine if the continued operation of a Council would be in the public interest.

The framework developed by the NMFS under the authority of the Fish and Seafood Promotion Act would improve the accuracy and believability of claims made for seafood products. The establishment of a seafood promotion council with federal oversight would ensure that unbiased, accurate, and objective information about the safety, health characteristics, environmental and biological sustainability of seafood products were made available to seafood consumers. The Seafood Promotion Councils would be funded by industry contributions and while marketing campaigns would be subject to federal approval, would operate at no cost to the U.S. taxpayer.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The information would be submitted via email or U.S. Mail depending on respondent's capability to the Seafood Council administrative staff.

4. Describe efforts to identify duplication.

Not applicable.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Not applicable.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Not applicable.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

NA.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on October 28, 2009 (74 FR 55538) solicited public comments. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Not applicable.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Not applicable.

12. Provide an estimate in hours of the burden of the collection of information.

Although no plans have yet been submitted, we would like to allow for up to three submissions of 106 hours and 40 minutes each, for a total of 320 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

The only reporting/recordkeeping costs would be for mailing, at an estimated \$2 per item, and copying if desired, at an estimated \$0.05 per page, or \$5 per item. For three submissions, this would be 3 x (\$2 + \$5) or a total of \$21.

14. Provide estimates of annualized cost to the Federal government.

Costs would be approximately \$100,000 per Seafood Promotion Council in labor costs for one GS-12 FTE, or up to \$300,000 total.

15. Explain the reasons for any program changes or adjustments.

Adjustment: the \$21 in reporting/recordkeeping costs was not addressed in the previous submission.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods will be employed.