

JUSTIFICATION FOR CHANGE
FISHERIES CERTIFICATE OF ORIGIN
OMB CONTROL NO. 0648-0335

This request is to revise the layout of the NOAA Form 370, Fisheries Certificate of Origin, the information contained on the form and the language required for a captain to certify on an accompanying captain's statement that tuna covered by the form is dolphin-safe.

The purpose of NOAA Form 370 is to implement certain requirements of the [Marine Mammal Protection Act](#) (MMPA), 16 U.S.C. 1361 *et seq.*, and the [Dolphin Protection Consumer Information Act](#) (DPCIA), 16 U.S.C. 1385. The MMPA and the DPCIA authorize the Secretary of Commerce to promulgate regulations that restrict the sale, importation, and transportation of tuna that is subject to certain embargo provisions or that is not dolphin-safe, and of any fish harvested by large-scale high seas driftnets, and to implement the DPCIA's dolphin-safe labeling standard. The Form 370 documents the dolphin-safe status of tuna import shipments and may also be used by U.S. fishermen to document domestic tuna harvests.

The National Marine Fisheries Service is promulgating an interim final rule (**RIN 0648-BF73**) that amends the regulations governing use of the dolphin-safe label for tuna harvested by all captains (other than those participating in the large purse seine fishery in the eastern tropical Pacific Ocean where the vessel carrying capacity is more than 400 short tons (362.8 mt)), to certify the dolphin-safe status of their tuna with a written statement. The new regulatory language for the written certification will be "no purse seine net or other fishing gear was intentionally deployed on or used to encircle dolphins during the fishing trip in which the tuna were caught, and that no dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught." Also, "the Captain of the vessel has completed the NMFS Tuna Tracking and Verification Program dolphin-safe captain's training course."

The NMFS Tuna Tracking and Verification Program (TTVP) Web site <http://www.nmfs.noaa.gov/pr/dolphinsafe> has links to the existing OMB approved NOAA Form 370 and the associated captain's statement templates. This Web site will be updated coinciding with the publication of the interim final rule in the [Federal Register](#). When the interim final rule is published, the TTVP Web site will be updated to include the new dolphin-safe captain's training course, the updated version of the NOAA Form 370 and the associated new captain's statement template.

The documents collected from the respondent will remain the same (i.e., a NOAA Form 370 and associated captain's statement – only the wording required for dolphin-safe certification has changed). Thus, the burden estimate for the respondent will not change since the NOAA Form 370 and the associated captain's statement are already required under the existing approved collection for OMB Control No. 0648-0335.

In addition to the changes mentioned above, NMFS will redesign the layout of the NOAA Form 370 by removing the section on High Seas Driftnet Certification. This is because the NMFS

Assistant Administrator certified that Italy no longer has vessels that use large-scale driftnets to fish on the high seas (see the Federal Register Notice, published on June 11, 2015) and therefore no longer identifies Italy as a high seas driftnet nation. Therefore, shipments of certain fish and fish products from Italy are no longer required to be accompanied by a Fisheries Certificate of Origin (NOAA Form 370) for importation into the United States, and any NOAA Form 370 used for tuna or tuna products from Italy no longer requires certification that the tuna was not harvested with large-scale driftnets on the high seas. Italy had been the only country still identified by NMFS as using large-scale driftnets on the high seas.

NMFS seeks OMB approval of these changes to OMB Control No. 0648-0335.