



Best Aquaculture Practices Certification Program

Global Aquaculture Alliance

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Comments on BAP Standards

Standards Development

Comments concluded March 2008

Environmental Defense Fund

Michelle Mauthe Harvey

Bentonville, Arkansas, USA

GENERAL COMMENTS:

The Environmental Defense Fund continues to appreciate the work of the GAA in revising the draft standards development document. The following comments target issues that we still feel need to be addressed.

BAP: *Please see general responses on BAP standards development at the end of this document.*

SPECIFIC COMMENTS:

BAP Standards Development: Structure, Process

General: The Standards Oversight Committee (SOC) must have the ability to license additional certifiers if the SOC finds that the Aquaculture Certification Council (ACC) is inadequately enforcing the GAA standards. The SOC and GAA need to jointly agree on content of public messages regarding the SOC, including topics such as organizational participation on the SOC and technical committees, standard-setting processes, and the nature of the multi-stakeholder program.

3. Technical Committees

Para. 1, line 4: "Action" should be clarified by simply saying "approval" or "a vote."

Para. 1, lines 4-5: It is unclear how the SOC assists the BAP Standards Coordinator in selecting technical committee members. The SOC should have the final say in technical committee membership to maintain separation from the GAA board.

Para. 2, line 1: Who has the final say in committee chair selection? Does the BAP Standards Coordinator have one vote, like each SOC member?

4. BAP Standards Coordinator

General: The role of the BAP Standards Coordinator, as a GAA employee, should be limited to logistics, coordination and recommendations, with final decisions on technical committee make up and chair nomination resting on the SOC.

5. Standards Development

Para. 1, lines 3-4: Practices are emphasized, in contrast to the "SMART" criteria, as the impacts of practices are rarely measurable. More emphasis should be put on identifying appropriate performance metrics and setting appropriate levels of performance.

Para. 3, lines 5-6: The SOC needs to be able to update as needed such guidance as the formal public appeals process. The current document could imply that only the first SOC can shape these documents, and then the bylaws will define the standards development process after that.

Development Process

If the SOC is to manage the public comment period, they should have a review option before the document is released for public comment, rather than afterwards. If the SOC rejects the standards after public comment, there will need to be a new comment period before the draft goes to the SOC again. By providing a review period before public comment, it is less likely that the draft will be rejected after public comment.

Preliminary Drafts

The development of the preliminary draft should be under the supervision of the Technical Committee and SOC, rather than the technical committee and the BAP Standards Coordinator so that the process is independent of the GAA board.

Public Drafts

State what will be done with the public comments. Each comment need not be incorporated into the draft, but should be responded to. Example: Comment: "Standard should require organic feed." Response: "The necessary environmental performance can be achieved with conventional feeds by reducing fishmeal. There are organic standards to address the organic feed issue."

Final Drafts

SOC approval of the final draft should be approved by a 2/3 + 1 vote to ensure support from all three representative groups -- industry, academic/regulatory, and NGO.

6. New Standards, Standards Revisions

Priority for revision should be given to standards developed before the formation of the SOC. All standards developed before the formation of the SOC will be reviewed within the first two years after the SOC formation. There is no mention of how new species for standards development will be determined. The SOC should have final decision on whether or not to develop new standards. Again, if the ACC is found to be inadequately enforcing the standards, the SOC must be able to have another entity approved to certify the standards.

Para. 1, line 5: The standards should represent the best available metrics for measurement impacts, not just best practices.

BAP Standards Development: Committee Selection, Duties, Functions

1. Introduction

The SOC must be able to nominate new projects, and have equal weight with the GAA board in deciding which new projects to undertake.

2. Committee Representation

Standards Oversight Committee -- "Stakeholders" who nominate the initial SOC members must not be restricted to GAA members.

Are the nominees organizations or individuals? If it is individuals that are nominated, it is possible for a single organization to be represented through many three-year cycles.

3. Committee Chairpersons

Para. 4, line 2: After the initial appointment by the GAA board, the SOC chair should be selected by the SOC members.

4. BAP Standards Coordinator

Para. 2: If the BAP Standards Coordinator, as a GAA employee hired by the board, is able to assist in developing the committee draft standards, the SOC should be allowed line item review on the draft to insulate the standards from the GAA board. It is preferable that the BAP Standards Coordinator's role be limited to process and ensuring continuity between and across the standards.

5. Committee Member Commitment

Para. 1: It is preferable to have the Committee as a whole provide technical reasons for a negative vote only when the entire draft is voted down, rather than having every Committee member who votes against the draft provide technical reasons for negative votes, even if the draft is approved.

New England Aquarium

National Coordinator – Aquaculture New Animal Drug Applications
Matthew Thompson, Michael Tlusty, Heather Tausig
Boston, Massachusetts, USA

GENERAL COMMENTS:

These comments are provided to the Global Aquaculture Alliance (GAA) on the proposed Best Aquaculture Practices Standards Development documents with regard to the role that the New England Aquarium plays in the seafood industry within its mission to protect, preserve and promote the world of water. These comments should not be considered an endorsement of the GAA or its standards; neither should the suggestions made be considered conditions to obtain that endorsement. The Aquarium recognizes the challenges and potential benefits of certification schemes, especially in regard to aquacultured products, and offers comments and suggestions to the documents, including those required to be consistent with United Nations Food and Agriculture Organization (FAO) and International Social and Environmental Accreditation and Labelling (ISEAL) Alliance guidelines. Additionally, comments regarding the Code of Practice for Setting Social and Environmental Standards produced by ISEAL are made to highlight where, in the Aquarium's opinion, the proposals are not in line with the accreditation that the GAA is seeking. They should not be considered as an endorsement of ISEAL or the Code of Practice.

BAP: *Please see general responses on BAP standards development at the end of this document.*

SPECIFIC COMMENTS:

BAP Standards Development: Structure, Process

2. Standards Oversight Committee

General: Although the proposed committee composition, with one-third industry, one-third non-governmental conservation and social justice organizations and one-third academic and regulatory interests, should provide the GAA with a more balanced stakeholder involvement, the voting ratio whereby standards can be passed from the SOC to the Board by a two-thirds vote would be strengthened by requiring a two-thirds plus one majority.

The role of the SOC in the appeals process should be defined to enable recommendations to the GAA board to publicly address complaints of inadequate enforcement or substandard application of the GAA standards by the ACC as well as advocate for a shift to or inclusion of other certifying bodies. The SOC should also have responsibility for ensuring that the standards are correctly enforced by the certification bodies using the standards. Given the diversity of the proposed SOC, a commitment to jointly agree with the GAA board on content of public messages regarding the SOC would be beneficial.

Specific: Please state whether only one SOC will be formed, and that it will have responsibility to vote on developed standards as a whole prior to submission to the GAA board.

3. Technical Committees

General: The technical committees should be able to nominate a chairperson internally; this will increase the overall confidence in process. Also, where "voting" is required at all committee levels, it should follow a standard voting procedure and pass rate. We recommend a two-thirds plus one vote to best utilize the diversity of the committee representatives.

Specific: (Para. 1, line 4) Clarify "action"; the SOC should be responsible for reviewing and voting on the standards produced by the technical committees. If the above recommendation of the committee self-appointing a chairman is rejected, specify exactly how the BAP standards coordinator and the SOC committee will choose the chairman (i.e., by voting procedure, etc.).

4. BAP Standards Coordinator

General: For future appointments we recommend that nominations be public and published on the GAA website for comment. Please specify how the SOC will be involved in the process. ISEAL requires that work plans on standards be publicly produced every six months. This responsibility could be allocated to

the BAP Standards Coordinator. Please state that the BAP standards coordinator will not have a vote on SOC decisions.

5. Standards Development

General: The GAA's commitment to "identifying appropriate performance metrics and targets" is very positive. We recommend that the GAA also proactively engage in and formally commit to including criteria (where there currently is insufficient data, such as energy use) in future and update standards with the view of developing new appropriate performance metrics in the future

Specific: (Para. 3, line 6). The formal public appeals process. The ISEAL Code of Conduct requires public documenting and a complaints resolution mechanism. It is important to clarify if this appeals process will aim to meet these standards.

Development Process

Preliminary Drafts

General: If a draft template of the standards has not been created, then its creation may streamline the procedure by forming a consistent structure to the GAA standards from which the preliminary drafts could be built. If such a process currently exists, then it should be transparent. All drafts and templates should be clearly labeled (template, draft, preliminary, final). All standards should cover the important impacts of aquaculture, including:

- Habitat and Siting
- Effluents/Pollution
- Disease Control and History
- Predator Control and History
- Chemical Usage
- Food Safety
- Traceability
- Wild Fish Use and Sources in Feed
- Work Safety and Social Concerns
- Escape Prevention and History
- Energy Use/Resource Efficiency
- Traceability

Public Comment Drafts

General: The ISEAL Code of Good Practice specifies two rounds of public comment lasting 60 days. While the Code identifies several conditions where this may not be required, the GAA should be clear as to how this process meets (or will not meet) the ISEAL requirement. This section should also include a formal commitment for all public comments submitted to GAA to be posted on the GAA website with a written response. The process and persons/committees responsible for the evaluation of the comments and producing written responses should also be defined.

Final Drafts

General: Final draft approval of a positive vote of at least 80% with a quorum of 66% or more of the technical committee membership means that a vote could be passed by as little as seven of eight votes or 58% of the committee. We believe a two-thirds plus one vote would be most appropriate, as it would require at least one vote from one of the three representative groups and more effectively use the diversity of the committee.

We agree that a "no line item veto" for standards submitted to GAA Board is appropriate since this puts the emphasis on the technical committees to make the required changes. We also consider a publicly transparent GAA website which would include strong minority reports as a positive step.

6. New Standards, Standards Revisions

General: An annual review and commitment to improve standards every three years is a positive action, as is the stated commitment to consider the inclusion of standards from various aquaculture forums, including the World Wildlife Fund-facilitated Aquaculture Dialogues. However, there is no language with

regards to a formal appeals process that we feel is an essential requirement of the certification program.

Specific: (Para. 1, line 5) "...represent current international best practices." This may be inconsistent with the stance that the GAA standards set realistic objectives for the majority of the aquaculture operators (in Introduction).

(Para. 2, line 2) "...considered by the SOC and appropriate Technical Committee chairpersons." Clarify if this means that only the SOC coordinator is involved. The whole SOC should be required to vote in this process.

BAP Standards Development: Committee Selection, Duties, Functions

1. Introduction

General: We recommend clarifying that there will only be one SOC and that it will have the responsibility of reviewing and voting on final standards for all species before they go to the GAA Board for approval.

2. Committee Representation

Standards Oversight Committee

General: Please identify the stakeholders involved and the decision-making process as well as clarify if limits will be placed on individuals from any one group or organization and whether limits on consecutive terms apply to organizations/companies. That said, the target composition of the SOC is a positive step.

Technical Committees

General: Please specify the process by which the technical committee members will be recruited. Again, the target composition of the technical committees is a positive step.

3. Committee Chairpersons

General: Chairpersons should be selected internally by the committees, using a two-thirds plus one vote system. Initially, the GAA might wish to appoint an SOC chairperson for logistical reasons; we recommend in such a case that this chairperson be given an initial position for one year, after which the committee should vote in its own chairperson. This will increase confidence that in the system as a whole and utilize the diversity of the committee.

Environmental Defense Fund

Michelle Mauthe Harvey
Bentonville, Arkansas, USA

New England Aquarium

Heather Tausig
Boston, Massachusetts, USA

GENERAL COMMENTS:

The Environmental Defense Fund and New England Aquarium continue to appreciate the work of the GAA in revising the draft standards development document. The following comments specifically discuss the voting procedures and oversight for accreditation and certification bodies to be delineated in the by-laws of the Standards Oversight Committee (SOC).

BAP: *Please see general responses on BAP standards development at the end of this document.*

SPECIFIC COMMENTS:

Voting Guidance

The GAA should formalize the target composition of the SOC by creating three sectors, e.g:
Business Sector -- Four representatives from relevant regional industry associations from around the

world

NGO Sector -- Four representatives from relevant conservation or social justice nongovernmental organizations

Academic/Policy Sector -- Four representatives from academic, regulatory, or policy groups.

The GAA should define a quorum as the presence of 60 percent of the standing SOC membership AND with a minimum of two members attending from each sector. Committee members should be allowed to participate in meetings via conference call or other means of communication by which all persons participating in the meeting are able to hear one another. An SOC committee member may select an individual to represent him/her and to vote by proxy at one of the two meetings to be held each year. These individuals will be counted when determining a quorum.

To ensure that no sector of the SOC can have disproportionate influence, the GAA should set the following requirements for voting:

- A quorum must be present, and
- A minimum of eighty percent of those present -- including at least TWO representatives of each sector -- must vote to approve any action of the SOC.

To the extent that the Technical Review Committees has a similarly representative multi-stakeholder structure, it should use the same voting procedures.

Oversight for Accreditation and Certification Bodies and Procedures

The GAA should specifically charge the SOC with oversight regarding the selection and continual evaluation of the certification bodies and certification procedures, including accreditation, for BAP standards.

Previous discussions between members of the conservation community and the Aquaculture Certification Council (ACC) identified areas of concern including multi-stakeholder/balanced ACC committees, the ACC's independence from the GAA, the use of independent certifiers, logo usage, unannounced inspections and transparency. Many of these issues have been addressed (or partly addressed) in some form by the ACC, which has been encouraging.

At this time, we are identifying a new opportunity to address many of the previously voiced concerns about certification and accreditation procedures. The responsibility of developing clear guidelines on the accreditation and certification procedures should be placed on the SOC, with there being a certification technical committee to determine process level detail. Pursuant to this, the GAA should also hold the certification label (logo) so that it is clear that the GAA is defining the standards as well as the process around certifier approval. It would also allow for the GAA to outline in its by-laws the important procedural requirements for accrediting and certifying bodies to adhere to in comprehending and verifying against the BAP standards. Alternatively, the ACC could continue to hold the label, and define appropriate certifier requirements, but in this case would not act as a certifying body. The necessary step here is to separate the approval/accreditation of certification bodies and the actual certification.

According to the FAO, "The acceptance and credibility of standards is closely related to how the standards were developed, the standards themselves, and the accrediting or certifying process by which organizations are evaluated against the standard... . An accrediting body provides some degree of assurance that the certifier has been trained by an accredited training programme and is qualified to perform an evaluation against a specific set of criteria in a given field. While the criteria may be established through a negotiation process among the various interested parties, they are often motivated by the objectives of the initiators of such schemes. Environmental organizations and consumers generally prefer ecolabelling schemes of this type because of the heightened confidence that private commercial interests will not compromise the criteria applied to the schemes and strict compliance with them based on verifiable and impartial certification procedures." For more information, see <http://www.fao.org/docrep/005/y2789e/y2789e06.htm>.

In our view, this step would remove the need to make the ACC a multi-stakeholder entity, while minimizing the redundancy of NGO participation on various committees and allowing NGOs to concentrate their energies on the GAA. This would also potentially open the playing field for other certification bodies to be involved with the GAA's BAP standards, especially as the volume of work increases with the emergence of additional BAP standards.

Please let us know if you have any questions. Thank you for your consideration.

Daniel Miller

Research Associate -- Aquaculture
West Virginia University
Morgantown, West Virginia, USA

SPECIFIC COMMENTS:

2. Committee Representation
Technical Committees

See proposed text...

The SOC and Standards Coordinator will recruit, nominate, and approve vacancies in the Technical Committees. It was not clear to me if the recruitment of vacant positions in the Technical Committees will require nomination by the SOC and Stds. Coordinator, or if approval by the Board is needed.

BAP: *Please see general responses on BAP standards development at the end of this document.*

GAA Response to Comments Received

Wally Stevens
Executive Director
Global Aquaculture Alliance

GENERAL RESPONSE:

In November 2007, the Global Aquaculture Alliance (GAA) presented its initial proposals for the formation of a Standards Oversight Committee (SOC) to enhance the governance of the development and maintenance of the organization's Best Aquaculture Practices (BAP) certification standards. Since that time, GAA has received comments on the SOC from varied parties around the world. Many arrived informally in personal communications, while others were received during the formal public comment period for the revised BAP standards development process.

In response to those constructive comments, GAA has modified the process for BAP standards development. The following points, which address the comments most commonly submitted, provide an overview of the revised process. Full documentation for the BAP structure and process, as well as committee selection and functions, is provided at <http://www.gaalliance.org/uploads/BAP-Proc.pdf>.

SOC Composition

The 12-person Standards Oversight Committee will be composed of an equal balance of stakeholders from three stakeholder groups -- industry, conservation/social justice organizations and academic/scientific/regulatory groups. Individuals are appointed to the SOC as representatives of companies, organizations or other entities. They serve until the completion of their appointed terms and may only be replaced upon mutual agreement between the GAA Board and the organizations they represent. Companies or organizations can be represented in successive terms, but may not have more than one representative on the SOC at any given time.

SOC Function

The SOC will function as a policy-making group with responsibility for the development and maintenance of all Best Aquaculture Practice standards. The BAP standards will be drafted by technical committees,

the composition of which will be recommended by the BAP Standards Coordinator and approved by the SOC. Drafts of all standards will be reviewed by the SOC prior to those standards being posted for public comment.

Standards Development

The BAP Technical Committees will develop standards via separate committees for specific species or species groups. Following a public comment period for each set of standards, the BAP Technical Committees will consider proposed changes and generate "final" drafts that must be approved by committee members prior to proceeding to the SOC for its review and vote. Consistent with the International Social and Environmental Accreditation and Labeling Alliance, written responses will be provided to all public comments received and made publicly available on the GAA or BAP website.

Decisions of the SOC will be made with a quorum of eight members present, including participation by telephone. The quorum must include at least two members from each stakeholder group. For a decision to be ratified, 75 percent of those voting must vote to approve, with at least two members from each stakeholder group participating.

Each SOC committee member can select an individual to represent him/her and vote by proxy at meetings. These individuals are counted when determining a quorum.

Decisions of the SOC are to approve or reject Technical Committee composition and output in their entire form with no "line item" approvals or denials. Minority reports will be accepted and posted. Standards approved by the SOC will move to the GAA Board of Directors for final approval, with no line item approvals or denials.

Once established this year, the SOC will begin to work with BAP Standards Coordinator Daniel Lee in examining pending standards. The committee will also review earlier BAP standards with an eye for continuous improvements.

The priority of new standards development will be determined by GAA with guidance from the SOC and BAP Standards Coordinator. The preliminary development of new standards will incorporate input from Technical Committees that includes framing the key elements of culture for a given species.

SOC Terms

The initial members of the SOC will be appointed for staggered three-year terms. The initial chairperson of the SOC will be appointed for a one-year term by GAA. After that time, the chair will be elected by the members of the SOC.

Join the SOC

SOC members will be appointed by GAA from nominations received by June 30, 2008. Nominations can be submitted in writing via regular mail or e-mail to Wally Stevens, GAA Executive Director, 5661 Telegraph Road, Suite 3A, St. Louis, Missouri 63129 USA; phone +1-314-293-5500; e-mail wallys@gaalliance.org.

ACC, Evaluators

In addition to overseeing the development of BAP standards, the Standards Oversight Committee will oversee the accreditation procedures for evaluators who implement the BAP standards in site inspections and audits, and will make recommendations to the GAA Board of Directors regarding the accreditation procedures.

GAA currently contracts with the Aquaculture Certification Council (ACC) for the accreditation of evaluators with relevant experience, knowledge and credentials as defined by ISO and other organizations. ACC will make decisions on certification entities and collect data from those entities to feed back to the SOC regarding issues with the BAP standards. That input should help serve the requirements of the SOC to have Technical Committees revisit existing standards as appropriate.

If you have any questions, please contact Wally Stevens at the contact information provided under "Join the SOC" above. Thank you for your time and contribution to strengthening the Global Aquaculture Alliance's standard-setting process and governance committees.