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Leveraging Legitimacy: How Alaska Circumvented Salmon Sustainability By Creating Their Own Eco-Label

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Leveraging Legitimacy:
How Alaska Circumvented Salmon Sustainability
By Creating Their Own Eco-Label

By
Monique Couture

Accepted in Partial Completion
Of the Requirements for the Degree
Master of Arts

Kathleen L. Kitto, Dean of the Graduate School

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Monique Couture
May 9, 2016
Leveraging Legitimacy:

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A Thesis
Presented to
The Faculty of
Western Washington University

In Partial Fulfillment
Of the Requirements for the Degree
Master of Arts

by
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May 2016
Abstract

Eco-labelling programs have become an important market mechanism of environmental governance. The Alaska salmon eco-certification case study provides a rich opportunity to analyze whether industry created eco-labelling programs can foster legitimate resource sustainability. This paper investigates the motives of the Alaska industry in the withdrawal of the salmon fisheries from the Marine Stewardship Council (MSC) certification, and creation of an Alaska label in 2011. It is argued that Alaska circumvented salmon sustainability by creating its own eco-label. This paper suggests the motive for the emergence of a new fisheries eco-certification initiative was to gain an eco-label through less stringent conformance criteria. In this case, Alaska sought to certify fisheries engaged in industrial hatcheries, which are harming wild stocks, as sustainable. Finally, market mechanism disciplinary discourse logic implies both a ratcheting up of market-wide environmental performance and legitimacy. This study illuminates an intriguing example of an eco-label that runs contrary to this.
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I gladly share any success this thesis has achieved with the individuals listed above, and many others. Any errors or omissions are my own responsibility.
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List of Abbreviations

ADF&G: Alaska Department of Fish and Game
AFDF: Alaska Fisheries Development Foundation
ASMI: Alaska Seafood Marketing Institute
ASPA: Alaska Salmon Processors Association
CAB: Conformity Assessment Body
CCPH: Commercial Common Property Harvest
CFEC: Commercial Fisheries Entry Commission
ELI: Environmental Law Institute
NGO: Non-Governmental Organization
FAM: Fisheries Assessment Methodology
FAO: United Nations Food and Agriculture Organization
FSC: Forest Stewardship Council
IRF: Icelandic Responsible Fisheries
MEL: Marine Eco-Label
MSC: Marine Stewardship Council
PSPA: Pacific Seafood Processors Association
PSVOA: Purse Seine Vessel Owners Association
PWS: Prince William Sound
RFM: Responsible Fisheries Management
SEAK: Southeast Alaska
SFP: Sustainable Fisheries Partnership
SVR: Seine Vessels’ Reserve
UFA: United Fisherman of Alaska
US: United States
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Introduction

Due to the sheer number of stakeholders, huge financial interests, and significant sustainability concerns present within the industry, the Alaska salmon eco-certification case study is complex. Transparency and a full understanding of this case study is critical to progress in the environmental governance field in order to determine if state and industry owned eco-labelling programs can actually be meaningful. This research attempts to understand the motives behind the recent emergence of territorial eco-labelling schemes that are thought to have been created due to dissatisfaction with the MSC. The rejection of independent sustainability certification in favor of an approach that is essentially industry controlled and State of Alaska owned provides a conundrum because accountable and reliable sustainability certifications in the global market are a necessity for eco-labels to work in addressing environmental problems.

This thesis investigates and analyzes the reasons that the major Alaska salmon processors withdrew from the Marine Stewardship Council (MSC) recertification process in 2012 and created the United Nations Food and Agriculture Organization based Responsible Fisheries Management (FAO-based RFM) certification. My research proposes that there are factors beyond the reason of the cost of the MSC certification that resulted in Alaska salmon processors withdrawing from the MSC certification and creating the FAO-based RFM certification. This Alaska salmon case study documents and analyzes the events that occurred during the simultaneous second reassessment of the MSC certification in 2012, and the emergence of Alaska’s FAO-based RFM certification. This archival evidence provides a rich opportunity to analyze whether or not an industry owned eco-label, as a neoliberal tool of global environmental governance, can actually serve a legitimate function.
Further analysis into the Alaska salmon eco-certification case is needed to address two important aspects and implications of eco-labels as a form of global environmental governance. First, an investigation into whether or not the processors initial withdrawal from the MSC was motivated by the possibility of failing to meet MSC sustainability criteria. Second, a determination of whether or not the new Alaska eco-label generates the assumed ratcheting up of market-wide environmental performance and legitimacy. By analyzing these two aspects, a new motivation for pursuing alternative eco-label schemes could be illuminated. It could also reveal a discrepancy in the logic of market mechanisms associated with disciplinary discourses. Through these lenses, it is argued that Alaska circumvented salmon sustainability by creating its own eco-label.

The MSC has become an important topic for academic analysis given their dominance in the wild capture fisheries sector (Foley and Herbert 2013; Foley 2011; Gutierrez et al. 2012; Gulbrandsen 2005; Ponte 2012). As the MSC eco-label has expanded to fisheries worldwide, alternative third party certification and labeling processes have emerged. These third party certification systems provided opportunities for profitable commerce and competition among existing certification and inspection firms (Mutersbaugh et al. 2005). This rise in eco-labels has resulted in competition for legitimacy, as eco-label organizations battle for credibility and market share. There is agreement in the academic literature that the creation and proliferation of non-governmental standard setting certification and labelling organizations, like the MSC, are connected to broad worldwide transformations in governance, that are in turn associated with globalization (Foley 2011).

Eco-labels are an important tool in this new form of global environmental governance. Voluntary eco-labeling as a standard and certification scheme relies on third
party certification to gain credibility and legitimacy. Environmental governance differs from traditional governance, which is defined as any kind of state or non-state institutional arrangement, laws and regulations. Environmental governance is a neoliberal approach to environmental policy that de-emphasizes centralized government and other forms of traditional environmental policymaking. Regulation of the environment has shifted to private actors, or a joint-public-private undertaking, relying on market-based mechanism of third party certification. Foley (2011) identifies two important market mechanisms associated with disciplinary discourses on labelling and asserts eco-labels are assumed to generate both a ratcheting up of market-wide environmental performance and convey legitimacy to consumers.

The Alaska salmon fishery was one of the first fisheries in the world to receive MSC certification in 2000, and was the first large volume fishery of commercial significance to be certified. The future of MSC certified Alaska salmon became uncertain when the fishery struggled to recertify in 2012. Since 2010, the Alaska salmon fishery has experienced a period of imbalance, with four transfers between sponsoring organizations occurring. The sustainability processes involves a conformity assessment body (CAB) and a client- an entity that takes responsibility for having or maintaining the sustainability certification.

The Alaska Department of Fish and Game (ADF&G) was the original organization responsible for maintaining the Alaska salmon MSC certification. The first transfer occurred in 2010, from the ADF&G to the Alaska Fisheries Development Foundation (AFDF). Then in 2012 the client role was transferred to the Purse Seine Vessel Owners Association (PSVOA). The final transfer occurred in 2014 to the current organization, the Alaska Salmon Processors Association (ASPA).
The certification process is time consuming. It requires an annual surveillance report and a full assessment of the fishery every five years. A frequently cited criticism of the MSC certification program is the cost, specifically the required fishery assessments and the MSC eco-label use fees. The processors that withdrew from the MSC certification aligned with the ASMI’s FAO-based RFM certification. To further establish legitimacy and credibility, ASMI utilized Global Trust in the capacity of an independent and third party certification body. Global Trust is a privately owned company with the mission, “to service the needs of industry and to bridge the gap through certification.”

This research supports Foley and Havice’s (2016) analysis of what motivates the new fisheries eco-certifications that are emerging forms of what might be conceptualized as territorial sustainability governance. This paper builds off Vandegeest, Ponte and Simon’s (2015) analysis of four case studies from around the world that found some state agencies to be suspicious of sustainability certification, and others to have embraced it or even used it to extend their sovereignty. This work brings Foley and Herbert’s (2013) initial investigation of alternative regimes of transnational environmental certification in Alaska’s salmon fisheries to date. While their investigation began to understand the stakeholder dynamics and underlying tensions between the MSC and Alaska stakeholders, this research provides a counter-argument that costs were not the primary reason that the processors withdrew from MSC certification. In addition, that Alaska’s new label has gone against the disciplinary discourse logic in actually ratcheting down market wide performance and legitimacy.

Alaska is known for its libertarian views and desire for independence. As a result, they specifically do not like being told what to do by outside environmental players. ASMI may have created the Alaska label in response to the, dominance, ascent and cost of the
MSC. However, the frequently cited factor of cost serves as a distraction to the sustainability issues that are present in the Alaska salmon fishery. This paper shows that the cost of the MSC is not the only reason the Alaska stakeholders strongly opposed the MSC certification and went on to create the FAO-based RFM certification. Due to the fundamental differences between industry and conservation interests, research in environmental politics can shine light on the effectiveness of neoliberal market mechanisms within the field of environmental governance. This work contributes to understanding the gap that exists between these conflicting interests through investigating the motives that brought about the move from the MSC to the RFM label in the Alaska salmon fishery.

**Methodology**

Empirical data for this thesis was obtained using a combination of methodological approaches and sources, including a non-random survey of Alaska stakeholders. The theoretical and historical documents used in this study are available in books and academic journals. Research included both academic and ‘grey literature,’ including studies on the governance of fisheries produced by consultancy firms, international organizations and government agencies. Primary and statistical data available through the Internet includes published reports and documents produced by the MSC, government departments and agencies and professional certification firms. Data from the Internet was also used from public reports produced by international organizations such as the FAO and environmental organizations. Following research techniques of Foley (2011), sources of data also included subscriptions to seafood industry news websites, magazines and newsletters, which he advocates have been underutilized in the existing academic literature on the MSC.
I created a ten-question survey that was distributed to a group of key informants (see appendix). It was strictly confidential and administered through ‘survey monkey’ to interview selected Alaska salmon stakeholders. Survey participants were identified in the literature and news publications on marine eco-labels and Alaska salmon. Stakeholders from all user groups were contacted, including: fishermen associations, business interests, scientists, hatcheries and environmental organizations. Realizing the specialized and sensitive nature of this research topic, and that it may be difficult to identify a large number of respondents, the snowball technique was employed. Those interviewed were asked to refer anybody they knew who was knowledgeable on the topic. This method worked in identifying and contacting additional stakeholders. Contact was attempted for at least three individuals from each stakeholder group, for a total of 41 people. 23 stakeholders participated in this study. The response rate was 49 percent. The informed consent form is also available in the appendix.

The following conceptual framework grounds the case study of Alaska salmon into the environmental governance literature. The first section introduces eco-labels as a system of global environmental governance. The second addresses how eco-labelling systems achieve legitimacy. The third section provides insights into the politics of eco-certification through details of the rise of new territorial eco-certifications in Iceland, Japan and Alaska. Together, these three sections comprise a literature review on eco-labels and global environmental governance, the legitimacy of eco-label certification systems and the rise of eco-certifications tied to particular national and sub-national territories in fisheries.
Conceptual Framework

Eco-labels as a System of Global Environmental Governance

This literature review will define ‘green grabbing,’ neoliberalism and governance. It will also explain the shift from state-run governance to non-state, market-driven governance. Eco-label certification has become an important instrument of global governance. Global environmental governance is a field that includes the institutions, processes, initiatives, actors, and organizations that shape environmental actions and outcomes in the global realm (O’Neil et al. 2013). This field is a departure from the traditional state-centered view of governance. While the literature in political science, international relations, economics and law has widened to include studies towards broader understandings of governance, there has been a great amount of theoretical discussion about what governance means. This research builds on the emerging critique of what is referred to as ‘neoliberal’ or market-oriented governance (Foley and Herbert 2013; Guldbrandsen 2010), or more recently ‘green grabbing’ (Corson, MacDonald and Neimark 2013; Fairhead, Leach and Scoones 2012).

The term ‘green grabbing’ refers both to the history of state “appropriation of land and resources for environmental ends” (Fairhead, Leach and Scoones 2012, 237) and how state institutions are aligning with market logics to create and commodify new natures through new forms of environmental conservation. The green grab metaphor is used to illustrate how market logics have become dominant in the field of environmental governance and conservation, displacing a previous logic based on the idea that a Keynesian state should act to protect the environment (Corson, MacDonald and Neimark 2013, 7). New research in
this area analyzes four case studies of sustainability certification¹ in seafood to show that ‘green grabbing’ is not necessarily the central dynamic in assembling sustainability territories, and that certification always involves state agencies in determining how the key elements that comprise it are defined (Vandergeest, Ponte and Simon 2015). While not the central dynamic, elements of a green grab are embedded in complex territorialization processes. This study also found some state agencies to be suspicious of sustainability certification, while others embrace it or use it to extend their sovereignty. Vandergeest, Ponte and Simon (2015) argued that the relationship between state action, market logics and territorialization in environmental governance bears closer examination. In agreement with their argument, these same concepts will be further investigated.

Kolben (2011) defines governance as “a process in which regulatory authority and legitimacy have become de-centered from the state and from government.” Alternatively, Cadman (2011) finds governance to be “portrayed as essentially social-political in nature, and understood as ongoing processes of interaction between social groups and forces within public and private institutions. Interaction is key, and is identified as a series of co-arrangements between state and non-state actors, more oriented towards collaborative approaches to problem-solving based on the formation of criteria, or the setting of standards.” Both these definitions highlight that governance includes a broad range of actors from both the public and private sectors. According to Cadman’s definition, governance is the interaction between a range of actors who work through processes and institutions to channel ideas and power to reach a particularly desirable outcome.

¹ Certified sustainable shrimp farming in Thailand, certified organic shrimp farming in Vietnam, MSC certification of hake in South Africa and MSC certification of skipjack tuna in the Western Pacific.
The non-state, private or “co-arrangements,” where both state and non-state actors collaborate to meet desired objectives mentioned in these definitions of governance include a wide range of organizations, arrangements, or institutions that are described in the literature using many different terms including “voluntary codes/initiatives,” “soft law,” and “civil regulation.” These can all be categorized as being part of a school of governance, referred to as “new governance.” Kolben (2011) describes this new governance as encompassing:

New processes emerging which range from informal consultation in highly formalized systems that seek to affect behavior but differ in many ways from traditional command and control regulation. These processes may encourage experimentation; employ stakeholder participation to devise solutions; rely on broad framework agreements, flexible norms and revisable standards; and use benchmarks, indicators and peer review to ensure accountability (422).

Within the new governance literature, “soft law” studies focus on mechanism and standards that are not legally enforceable by the state. Kirton and Trebilock (2004) define soft law as:

Voluntary standards that serve as equivalents to legislation, government law, and regulation and the informal institutions at the international, transnational, and national levels that depend on voluntary supplied participation, resources and consensual actions of their members.

These instruments exist parallel with traditional governmental command and control regulations that set legally enforceable requirements for compliance. In the case of soft law, voluntary standards include everything from standards and certification to voluntary corporate codes of conduct. The new governance literature addresses the neoliberal shift from state-led regulation to non-state governance, which is known as market-driven governance.

Neoliberalism is a political economic theory centered on individual rights, free markets, trade and private property. Its proponents argue that the good of society can be maximized through individuals maximizing their self-interest, which is best achieved through
the market. Neoliberal policy has resulted in a reduction and discrediting of social welfare programs and Keynesian policies, what Peck and Tickell (2002) term rollback neoliberalism. Characterized by privatization, deregulation and liberalization, rollback neoliberalism has resulted in states being less willing and capable of orchestrating environmental regulation (Bartley 2003). In many countries, including the United States, Peck and Tickell (2002) argue neoliberalization has entered a second stage, what they term rollout neoliberalism. This has resulted in a re-regulation of the economy, with rollout neoliberalism shifting from state-led regulation to non-state, market-driven governance (Cashore, Auld and Newsom 2004). This shift is characterized by an increasing combination of corporations, industry associations, social movement organizations and certification bodies being responsible for developing and enforcing regulations (Bartley 2007, Konefal 2012). Environmental regulation is thus left to private actors, or as a joint public-private undertaking, and relies on market-based mechanisms, such as third-party certification, to gain credibility and to be legitimate (Cashore, Auld and Newsom 2004).

The literature on “private regulatory regimes,” “private governance,” “civil regulation,” and “voluntary codes/initiatives” focuses on the tools covered by these categorizations, including standards and certification schemes, company ethics statements, corporate codes of conduct, management systems, and other non-governmental organization led instruments such as the Global Reporting Initiative (Gordon 1999). These scholars find that the defining features of these instruments is that they do not necessarily rely on the state for their legitimization, nor are they necessarily legislated by the state. Instead, they lie in the private or voluntary spheres where they are either created by a single entity (i.e. NGO, company, industry association, etc.) or in a multi-stakeholder setting that may include the
state looking to address social and environmental problems (Ha 2012). The Forest Stewardship Council’s (FSC) certification and labelling organization is an example of a path-breaking market mechanism of global environmental governance in the post-1992 Rio Earth Summit era of liberal environmentalism. Cashore (2002, 512) conceptualized the FSC as ‘non-state market-driven governance’ because the ‘location of authority is grounded in market transactions occurring through the production, processing, and consumption of economic goods and services.’ Voluntary eco-labeling as a standard and certification scheme is an important tool in this new form of global environmental governance.

The emergence and proliferation of certification as a global governance tool has been well documented (Conroy 2007; Elliot 2000; Foley 2011; Gulbrandsen 2010). The assessment of the legitimacy of these certification systems has received special attention (Aichlmayer 2010; Bernstein and Cashore 2007; Koppell 2010). Most studies focus on questions of legitimacy. These studies have analyzed through specific cases how rules are made in certification systems and who can participate in the rule making. Examples of case studies include: the Forest Stewardship Council (Cashore, Auld, and Newsom 2004; Dingwerth 2007), Marine Stewardship Council (Ponte 2006) or a number of cases (Koppel 2010).

Eco-labels have also become an important illustration of the powerful expectations surrounding disciplinary neoliberalism, defined as a concrete form of structural and behavioral power that operates with different degrees of intensity across a range of "public" and "private" spheres (Foley 2011). Broadly speaking, legitimacy is the processes through which objects, process and practices gain credibility (Weber 1978). Neoliberalism requires continual legitimization because it “is a socially produced, historically and geographically
specific, crisis-driven, conjunctural, and definitionally incomplete phenomenon” (Peck and Tickell 2007). Legitimacy is necessary for any authority system, whether it be based on neoliberalism or something else. This means that for an eco-certification scheme, and corresponding eco-label, to be deemed legitimate, neoliberalization needs to be viewed as credible, valid and appropriate by not only relevant groups, but consumers as well (Konefal 2012). How legitimacy is established for voluntary eco-certifications is an important aspect of any labelling scheme. The frameworks of eco-label certification that have been developed to analyze the legitimacy of eco-certification systems will now be reviewed.

**Legitimacy of Eco-label Certification Systems**

Eco-labelling based on third-party certification assessment developed out of concerns about resource depletion and insufficient governmental action in the early 1990s. An “eco-label” is a label that provides information in a standardized manner, reflecting the result of a life cycle analysis and the environmental characteristics of the product, to allow the consumer to make a more informed purchase (LeBlanc 2003). A globalized market tool, eco-labels are used to address collective action problems through consumer choices. They have become one of the most widely and enthusiastically promoted strategies of individualist and consumerist responses to environmental regulation (Gulbrandsen 2005). The first eco-label was dolphin friendly tuna (labeled dolphin safe) by the United States Department of Commerce in 1990. This new environmental labelling concept was viewed as a less intrusive policy instrument, compared to regulations and market based initiatives (Cooper, Ludlow and Clift 2012).

Most eco-labeling programs have been developed by non-governmental organizations (NGO), however some eco-labelling programs have been developed by the industries
themselves. An organization or entity creates an eco-label conformance criteria. The organization is the owner of criteria. Independent certifiers are approved by the organization to carry out sustainability assessments against the eco-label conformance criteria. Independent certifiers are generally natural resource consulting firms that specialize in environmental impact assessments. The FAO Committee on Fisheries (2014) identified 26 major eco-labels, retail labels and consumer guides for fisheries and fishery products alone. The MSC was the first global multi-criteria certification and labeling scheme for fisheries, establishing principles and criteria for its definition of “well-managed fisheries.” These principles and criteria include the maintenance of the productivity and diversity of the ecosystem on which the fishery depends. They also include prescriptions to stop overfishing and are respectful of local, national and international sustainability fishery laws and standards (Agnew et al. 2013).

The MSC criteria and principles are based on the 1995 Code of Conduct for Responsible Fisheries that was adopted by the FAO. Modeled after the Forest Stewardship Council (FSC), the MSC was established in 1996 by the World Wildlife for Nature Fund and the Unilever food conglomerate, as a market based labeling scheme for fisheries. The idea behind the MSC label is that consumers may support sustainable management practices by buying products carrying a label indicating that they are sourced from well-managed resources (Gulbrandsen 2005). Like the FSC, the MSC label requires chain of custody tracking to ensure that products carrying its logo actually originate in a sustainable fishery.

Certification systems are voluntary regulatory systems in which transnational networks of diverse actors set and enforce standards. Sustainability certification can be understood as a set of interlinked governance practices which includes at least: setting
standards for ecological and social interactions, auditing compliance with these standards, assigning labels or logos to products and enterprises which meet the standards and creating institutions to implement these activities (Mutersbaugh et al. 2005). Three standards exist for eco-labeling: first, second and third party (Ramachandran 2010; Weber 2002; Wessells et al. 2001). Weber (2002) provides a summary of the standards commonly associated with the dissemination of environmental information or product claims and the barriers that standards can evoke. First-party standards are developed by a company for application within the company. This form of eco-labeling can be referred to as “self-declaration” (Gardiner and Viswanathan 2004). Second-party labeling standards are developed by an industry organization to apply to the entire industry sector. Third-party standards are developed by organizations independent of the industry to which the standards apply. For example, a third-party uses a certification procedure to provide written assurance that a product, process or service is in conformity with the standards. Although third-party standards are often preferred in the transfer of environmental information to consumers, the true objectivity of these standards is dependent on the range of input provided during the standards development (Phillips, Ward and Chaffee 2003).

Eco-label standards focus on environmental and social issues based on notions of sustainability. These systems are distinct in that they are private and voluntary systems that use the market to provide public goods, with their aim not solely to govern the behavior of the parties involved, but also to address the areas that states fail to govern (Meidinger 2003). Often relying on democratic theory, several researchers have developed frameworks to analyze the legitimacy of certification systems, by analyzing specific case studies and placing strong emphasis on institutional design (Dingwerth 2007; Koppell 2010; Ostrom 2005).
Most of these studies focus on the decision-making procedures and policy strategies within a certification system and the standard setting process in particular (Marx 2013). Bernstein and Cashore (2007) built upon these theoretical foundations and developed a three-phase model on how certification systems gain legitimacy. They state that:

Legitimacy requires institutionalized authority (whether concentrated or diffuse) with power resources to exercise rule as well as shared norms among the community. Norms of legitimacy provide justifications and a shared understanding of what an acceptable or appropriate institution should look like and bounds what it can and should do (Bernstein and Cashore 2007, 351).

Bernstein and Cashore (2007) argue that certification systems gain political legitimacy through successful “community building” (362). Stakeholder involvement in the decision making procedures is important. When stakeholders come to a consensus, the certification system is recognized as legitimate and the deliberation process helps different actors to develop shard norms of legitimacy (Bernstein and Cashore 2007, 363). Following this line of research, attention has gone towards investigating how decisions in certification systems are made, who has access to the decision making procedures, and who is represented in the decision making process.

Several authors have argued that a standard-setting process for verification and review can be open and transparent, but that the procedures to assess conformity with the rules can differ, thereby affecting the legitimacy of the system (Aichlmayer 2010; Elliot 2000; Weber 2002). Weber (2002) found that the preferred method of developing standards that maintain true objectivity and independence is to include a wide range of stakeholders. Without a wide range of stakeholder input, third-party standards can become as biased as any other standard. Aichlmayer (2010) contends that a credible (legitimate) eco-label is one that “addresses multiple environmental issues across a product’s entire lifecycle.” To measure the
effectiveness of any eco-labeling standard, criteria have been developed to judge the effectiveness of certification standards (Elliot 2000 and MRAG 2010). Elliot (2000) developed a set of criteria to assess certification standards from a review of the common requirements given for such standards in the literature. Elliot lists 14 criteria, which include: credible to consumers, comprehensive, objective and measurable, reliable, independent from parties with vested interests, voluntary in participation, equitable in treatment, acceptable to the involved parties, institutionally adapted to the local conditions, cost effective, transparent, goal-oriented and effective in reaching objectives, practical and operational, and applicable to all scales of operation. Gardiner and Viswanathan (2004) found that Elliot’s standard provides the most relevant precedent for eco-labeling in fisheries since labeling and certification of fisheries is relatively recent compared to forest products. MRAG (2010) outline seven main criteria that any eco-labeling standards must address. These are scope, accuracy, independence, precision, transparency, standardization and cost-effectiveness.

Auld and Gulbransen (2010) completed an extensive investigation of transparency and accountability of certification systems, distinguishing between two forms of transparency: procedural transparency and outcome transparency. Procedural transparency refers to openness of the decision making process, while outcome transparency refers to the openness of the outcome of the certification process and the context of accountability where stakeholders use disclosed information to hold actors accountable for their commitments. This component of legitimacy is often operationalized through institutional design, in the form of complaint, appeal or dispute settlement mechanisms (Ostrom 2005).

Marx (2013) proposes a configurational approach to assessing the legitimacy of eco-labels. This approach assessed 426 eco-labels on three components related to legitimacy.
First, the decision making procedures of certification systems were assessed. Then the design of the verification system was analyzed. The final factor investigated was the presence and functionality of the dispute settlement mechanism. His paper elaborates upon each component and conducted an empirical assessment of the presence of each component using the Eco-label Index database. Containing more than 400 eco-labels operating worldwide from different economic sectors, the Eco-label Index is the most exhaustive database on eco-labels available. Using an analysis technique developed by Ragin (1987, 2008), which is well suited for analyzing configurations of parameters. He used a truth table to rewrite certification systems as a configuration of parameters that are either present or absent in a certification system for seven parameters under the three components. Key findings from the study reveal that for recertification of an eco-label, data is available for 216 labels. Of those cases, only 25 percent use third-party for reassessment. Furthermore, 45 eco-labels make their audits publically available, and about 150 eco-labels make use of the corrective action plans. These results indicate that the granting of many eco-labels is rather flexible.

Eco-labels have become one of the most widely and enthusiastically promoted strategies of individualist, consumerist responses to environmental regulation and an important illustration of the powerful expectations surrounding disciplinary neoliberalism (Foley 2011). Integrating Durkheimian and Foucauldian notions of discipline, Gill coined the concept of disciplinary neoliberalism to refer to a ‘concrete form of structural and behavioral power.’ Neoliberal forms of discipline are not necessarily universal nor consistent, but they are bureaucratized and institutionalized, and they operate with different degrees of intensity across a range of "public" and "private" spheres (Gill 1995). The disciplinary neoliberalism
concept can be used to understand the emergence of the concept of 'sustainable
development,' as well as assumptions made about consumption,

“Sustainable development must be made compatible with maintaining buyer
confidence and creating a stable or profitable business environment, premised on the
assumption that investors and buyers, including the often more affluent consumers of
seafood, are a privileged group who will act in the interest of the public good” (Foley
2011).

Although seldom distinguished in the literature, Foley (2011) identifies two important market
mechanisms associated with disciplinary discourses on eco-labels. He asserts eco-labels are
assumed to generate both a ratcheting up of *market-wide environmental performance* and
*legitimacy* (that market-incentives can 'ratchet up' improvements towards more sustainable
products and practices through consumer power). This thesis applies Gill’s disciplinary
neoliberalism to test whether the Alaska processors move from the MSC to ASMI’s RFM
Certification resulted in the new territorial eco-label generating the opposite of the assumed,
a ratcheting down of market-wide environmental performance and legitimacy. To further
understand Alaska’s development of an alternative sustainability certification, similar place-
based eco-label schemes utilized by Iceland and Japan will be reviewed alongside the Alaska
case.

*Territorial Eco-Certification in Fisheries*

The rise of eco-certifications tied to particular national and sub-national territories in
fisheries provides insights into the dynamic global politics of eco-certification, particularly
the nature of power, dominance, alternatives and resistance that exists within each case
(Foley and Havice 2016). Alaska, Iceland and Japan are examples of states that have moved
away from the MSC and created independent place-specific, or “territorial” eco-labeling
certification programs.
These new territorial labelling schemes rely on a global authoritative institutional framework provided by the FAO Code of Conduct for Responsible Fisheries Management and Eco-Labeling Guidelines to build credibility for their eco-labels. While the MSC has been widely studied, (Gutierrez et al. 2012; Parkes et al. 2010; Ponte 2006), these alternative labeling schemes that have emerged, sometimes in conflict with the MSC, are understudied. These new eco-certification initiatives develop a mechanism for industry and states to demonstrate that existing regulatory institutions and production practices that are geographically bounded, provide an environmentally legitimate option and are worthy of international recognition (Foley and Havice 2016). They also provide an alternative by integrating transnational governance norms within a geographical eco-certification that allows the territorial certification scheme to compete with, and offer an alternative to the MSC. Industry has driven the development of each territorial eco-certification, often through nationally embedded industry associations and various forms of government partnership. Foley and Havice (2016) found the prime catalyst and significant motivation for all five of the cases they studied was developing an alternative to the MSC.

Foley and Havice (2016) identified these new fisheries eco-certifications as emerging forms of what might be conceptualized as territorial sustainability governance. The five territorial eco-certification initiatives in the fisheries sector examined were located in Japan (the Marine Eco-Label – MEL), Iceland (the Iceland Responsible Fisheries eco-label – IRF), Alaska (the Alaska Responsible Fisheries Management Certification Program), Canada (a pilot project), and the US (an in-process proposal). Their analysis revealed four closely related motivations that develop the territoriality as spatial strategy: (1) to respond strategically to the MSC, (2) to respond strategically to the transnational sustainable seafood
movement, (3) to reassert and demonstrate territorial control over national fisheries, and (4) to enhance control over information and communication of territorially-specific regulatory and production practices, manifested as a territorialized brand of eco-certification. This research and analysis will focus on established certification programs in Alaska, Iceland and Japan.

The Alaska RFM Certification program was led by ASMI, a public-private agency created under state law as a public corporation to serve as the state’s seafood marketing arm representing both fishing and processing interests. Alaska’s certification programs utilizes Global Trust as an independent certification body. Global Trust is a privately owned company that is an accredited certification body with operational projects in over twenty-five countries. Founded in 1998 and with global headquarters in Ireland, Global Trust is not a standards owner, nor is the logo a specific eco-label. Instead, Global Trust is an ISO accredited independent certification body delivering certification to standards. This assists many standards owners with accreditation and certification criteria for standards. Global Trust also carries out sustainability assessments against eco-label conformance criteria. This is essentially the same role as natural resource consulting firms that specialize in environmental impact assessments. What is confusing is that ASMI and Global Trust crafted a convoluted market mechanism. The original version took the State of Alaska salmon management policy and compared this to principles of the FAO guidelines and UN Fisheries guidelines. Global Trust certified that Alaska had responsible fishery management, without ever carrying out a stock assessment. ASMI has since changed this, and now has their own ‘RFM Fisheries Standard.’
In the Alaska case, frustrations with the costs of the MSC eco-certification and eco-label licensing fees were stated as the primary motivation in creating an alternative. ASMI wished to maintain Alaska stakeholder control of messaging, and to communicate what it perceived to be a historic well established reputation of sustainability of Alaska’s fisheries (Foley and Herbert 2013). MSC’s powerful influence over market access also motivated actors to develop alternatives, as monopoly in the market place was explicitly cited in Alaska (Foley and Herbert 2013) and Iceland (Bjarnason 2007).

Iceland’s Responsible Fisheries (IRF) eco-label is the only other fishery in the world to utilize Global Trust as an independent certification body. They have done so since the launching of the IRF in 2007, and have never been certified by the MSC. The program was developed by the Fisheries Association of Iceland, which consisted of the Federation of Icelandic Fishing Vessel Owners, the National Association of Small Board Owners, and the Federation of Icelandic Fishing Processing Plants. In Iceland, processors sought to avoid expensive verification processes through its program (Bjarnason 2007). Icelandic fisheries interests were also concerned about international environmental NGOs influence on tense whaling debates and the influence this controversy could have on major domestic fisheries such as cod (Foley and Havice 2016). Kvalvik, Noestvold and Young (2014) investigated why Norway went with the MSC, while Iceland created their own sustainability program. Their research found that the different strategies are due to differences in the industries market positions, their response to advocacy groups, reputational considerations and the structure of the industry in Norway and Iceland. In addition, they found differences in the role of the fishery in public policy and national discourses. Control over fisheries is a
powerful force in Icelandic identity and culture, with pride of their seafood industry providing strong weight for resisting the MSC (Foley and Havice 2016).

Japan maintains their own alternative labelling scheme for evaluating the sustainability of fishery resources. The program is called Marine Eco-label (MEL) Japan. Japan Fisheries Association, a public interest corporation, developed the standardizing processes for MEL Japan. A major motivation for a territorial initiative was to offer a framework in which large and small scale fisherman could obtain eco-certification rapidly and a low cost; in addition, MEL Japan was created to provide a counter point to the publicized and generalized accounts of fisheries decline (Moye 2010). MEL Japan also became a platform in the defense of whaling. Though MEL Japan is not actively attempting to certify whaling, the organization took up this issue as part of its national and cultural mission (Foley and Havice 2016). Similar to the Icelandic case, Japanese interests were opposed to NGO influence on whaling issues affecting other major domestic fisheries.

Moye’s (2010) MEL Japan findings can be applied to Alaska and Iceland’s industry operated eco-labels because in both cases there is a clear conflict of interest between economics and an environmental mandate. While the mission of the MSC is to safeguard ocean resources, ASMI’s mission as a marketing organization is to increase the economic value of the Alaska seafood resource. In her evaluation of MEL Japan, Moye (2010) proposes that private programs such as the MSC are better suited to run eco-labeling programs than state-run entities. Private entities (such as the MSC) lack many of the pressures faced by state run programs, where government and industry have a strong interest in the success of the fishing industry.
Iceland, Japan and Alaska all wanted to be independent from the MSC to maintain their own interests and identity. They also wanted a cheaper eco-certification. The desire to protect domestic fisheries interests and the cultural importance of whaling is shared by Japan and Iceland. Alaska believed their state fishery management was reputable enough to market their own resources. This is why the Alaska stakeholders wanted more control of messaging and created a State owned eco-label. In all three cases, relations between powerful seafood industry organizations are highly integrated. In addition, state agencies acted together to support the interests of the domestic industry, while navigating the global industry (Foley and Havice 2016). Each territorial eco-certification initiative is designed to provide a new means to credibly verify, document and communicate sustainability practices. While the established programs are technically not self-certification by the state or industry, the dominant trend across the cases is to build infrastructures of credibility that are recognized transnationally with opportunity for territorial features (Foley and Havice 2016). Territorial eco-certification’s challenge of the MSC certification is an example of the dynamic and political nature of environmental governance in the global economy.

Placing the case study of Alaskan salmon into context, the description of events begins with a detailed overview of salmon management in Alaska from statehood to present. The MSC Certification of Alaska salmon will then be described. This is followed by a detailed account of the politics of four MSC client transfers from 2008-2011. A comparative analysis of the MSC and ASMI’s RFM Certification reveals the differences of the two eco-labelling programs. The final section of the Alaska salmon case study is of the politics of four MSC client transfers from 2012-2015.
The Alaska Salmon Fishery Case Study

Since statehood, political struggles over control and management of salmon fisheries have been a defining feature of Alaska’s history and have informed natural resource management policies (Foley and Herbert 2013). Fisheries management in the US sometimes remained with the federal government, as was the case for US territories. Under federalism, states had the power to regulate fisheries within their own jurisdiction. The first Organic Act was passed by Congress in 1884 and set up organized territories from newly acquired lands giving varying degrees of regulatory authority to manage and control fishery resources to new territorial governments (Clark et al. 2006). The only exception was the territory of Alaska. The management of the Alaska salmon had been the sole responsibility of the federal government from the time Alaska was purchased from Russia in 1867 until 1960, one year after Alaska achieved statehood. In 1976, with the passage of the Magnuson-Stevens Fishery Conservation and Management Act, known as the Magnuson-Stevens Act, the federal government began actively managing its fisheries within the 200 nautical mile exclusive economic zone. Prior to the Magnuson-Stevens Act, waters beyond 12 nautical miles were international waters and fished by fleets from other countries.

The Magnuson-Stevens Act is the primary law governing marine fisheries management in the US federal waters. Under what came to be know as the Sustainable Fisheries Act, the authority to manage fisheries in Alaska, and other jurisdictions is divided between the federal government regional fishery management councils, state managers and in some cases tribal managers. State jurisdiction extends to 3 nautical miles. Fisheries beyond state jurisdiction and within the US exclusive economic zone are the responsibility of the federal government. While there are other levels of government involved in the management
of Alaskan salmon, this investigation will focus on state management, in order to understand
to what extent the State of Alaska’s hatchery management program influenced the MSC
recertification process and stakeholder’s decision to pursue the new Alaska FAO-based eco-
label.

Article VIII of the Alaska Constitution is dedicated to natural resources. The Alaska
Board of Fisheries and the Alaska Department of Fish and Game conduct salmon
management within state waters. The Board of Fisheries is a constitutionally created
regulatory body that is made up of individuals who are knowledgeable about the fishing
industry. Appointed by the Governor for three-year terms, they vote on regulations that
govern the states fisheries (Juditello, Weber and Wieland 1999). The Alaska Department of
Fish and Game provides research, management and enforcement of regulations. The
conversion to state management in 1959, in addition to the establishment of the hatchery
program (salmon enhancement) in 1971 and the introduction of the limited entry permit
system in 1973 resulted in the State of Alaska being able to increase the salmon population
fisheries from prior record low levels.

Alaska’s limited entry permit system was introduced in 1973 and is an example of a
license limitation combined with limitations on catch and restrictions on units and size of
gear (Phillips, Ward and Chaffee 2003). The limited entry program succeeded in improving
management and the ability of the fishery managers to regulate the fishery. This insured that
harvesting could occur while still meeting the escapement objectives. In addition, the
program maintained a high proportion of Alaska resident participation in the salmon fisheries
(Clark et al. 2006).
Alaska salmon enhancement was initially conceived as state-run systems. Today private non-profit corporations run most hatcheries. Salmon hatcheries improve the catch for sport fisherman and commercial fishing operations. However, salmon hatcheries and the increased control that is inherent in them create further problems for salmon and society (Scarce 2000). In 1995, the total salmon return from Alaska hatchery operations was estimated at more than 38 million fish. In 1996, Alaska had collected and incubated 1.7 billion salmon eggs. This accounted for fry, fingerling and smolt releases to exceed 1.5 billion per year (Chaffee 2000, 15). In 2011, 31 percent of salmon harvested in Alaska came from the hatchery production of hundreds of millions of pink and chum salmon, and smaller numbers of sockeye, chinook and coho salmon. The quantity of hatchery salmon to the overall Alaska harvest has been gradually on the rise over the past decade. It is problematic that Alaska has built up an industry that is heavily reliant on hatchery salmon, when prior to 2012 virtually nothing was known about the effects hatchery fish were having on wild populations (Grant 2012; Naish et al. 2008).

Effects on the salmon fishery by hatchery programs fall into two broad categories. First, returning hatchery fish mixing with natural stocks as they enter fishing areas (Brenner, Moffitt and Grant 2012). Hatchery stocks are able to withstand very high exploitation rates because their run is terminal and the fish are expected to nearly all be harvested because they are artificially replaced every year. Natural spawning fish cannot tolerate equivalent exploitation rates. Achieving a balance between the harvest of mixed hatchery and wild stocks can be a difficult task, wherein attempts are made to maximize the hatchery harvest while ensuring adequate protection is still provided for naturally spawning stocks.
Second, some data suggest the release of large numbers of hatchery juveniles into near-shore rearing areas may have an effect on the growth and survival of natural stocks through competition for food (Rand et al. 2012; Ruggerone, Agler and Nielsen 2012; Ruggerone et al. 2010). This negatively affects natural stocks because the increased presence of hatchery fish results in less food for them. In addition, straying and spawning of hatchery-origin fish into natural spawning areas may affect fitness and productivity of wild populations (Gardner et al. 2004). The impact of hatchery salmon on wild stocks is a serious problem. This research only investigates State level salmon management in Alaska and the competing interests between eco-labelling certifications during the recertification of Alaska salmon in 2012. However, Japan and Russia are also utilizing industrial salmon hatcheries in the North Pacific. Studies have been conducted that investigate how hatchery salmon interact with wild salmon, and how they influence the carrying capacity of the North Pacific. Research is actively continuing in Alaska and throughout the Pacific coast to better understand and address these issues (Chaffee 2007).²

*Marine Stewardship Council Certification of Alaska Salmon*

This section will explain the MSC certification process for Alaska salmon. It will also show that sustainability concerns have been an ongoing issue within the fishery since first

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² The most extensive study has been underway since 2012 in Prince William Sound and Southeast, Alaska by Prince William Sound Science Center in conjunction with Sitka Sound Science Center, scheduled to be concluded in 2016. The project titled “Interactions of wild and hatchery pink and chum salmon in Prince William Sound and Southeast Alaska” intends to answer three important questions:

1. What is the genetic stock structure of pink and chum salmon in each region?
2. What is the extent and annual variability in straying of hatchery pink salmon in PWS and chum salmon in PWS and SEAK?
3. What is the impact on fitness (productivity) of wild pink and chum salmon stocks due to straying of hatchery pink and chum salmon?
entering into certification. The move from certifying the fishery as a whole, to dividing
Alaska into smaller units of certification was highly debated, and contributed to the Alaska
stakeholders departure from the MSC.

In 1998, MSC officials began discussing certification possibilities for Alaska salmon.
An agreement was reached between the MSC and ADF&G to assess Alaska’s salmon fishery
as a test case. Full assessment of a fishery to the MSC standards is a rigorous and public
process. The process begins when a person or organization client seeks MSC certification for
a particular fishery resource. The client is the person or organization that has entered into an
agreement with a conformity assessment body (CAB) and the MSC with the purpose to
achieve the MSC certification. The CAB provides an independent, objective and
scientifically verifiable assessment of the resource. A contract with a CAB is signed, and the
CAB notifies the MSC and other stakeholders that the fishery is entering full assessment.

One of the most important facets of the MSC assessment process is the involvement
of stakeholder groups that include: fishermen, environmental groups, recreational fishermen,
environmental agencies and other levels of the marketing chain (Knapp, Roheim and
Anderson 2007). A working group consisting of fish harvesters, government managers,
processors and conservation groups was assembled by the fishery client ADF&G. During the
initial discussions, there was concern that data gathered during the certification process could
affect resource allocation because it was possible for the information to be used by one
region or gear type against another (Phillips, Ward and Chaffee 2003). The MSC agreed to
the condition of not reporting information that linked problems to any particular region’s
fishery. They also agreed to pay for the assessment.
Stakeholder concerns and environmental issues are a defining feature of MSC’s involvement with Alaska salmon. The assessment team was concerned about the lack of research on the potential effects of salmon hatcheries on the wild stock gene pool and reproductive fitness. The Audubon Society, the Sierra Club of British Columbia and the Canadian fishing industry raised concerns, a few of which included: the influence of salmon hatcheries on the genetic integrity of wild salmon stocks, the ecological ramifications of adding thousands of additional salmon fry into the ocean and their effect through competition for the plankton food source (Knapp, Roheim and Anderson 2007). They also questioned the adequacy of marking hatchery salmon to understand their influence in Prince William Sound and other areas.

Even though sustainability concerns had surfaced from the assessment, the Alaska salmon fishery was MSC certified for the first time in 2000. ‘Conditions’ for continued certification were placed on the fishery. In order to remain certified, the ADF&G would have to comply and show progress towards resolving the conditions with documentation of the programs, policies, regulations, statutes and specific actions taken to assure the consistency of the hatchery program with the Genetics Policy (Chaffee 2000). An important condition was that the ADF&G must identify long range research needed to assess the magnitude of the interaction of hatchery programs on the wild stock gene pool and the effect on the reproductive fitness of those stocks (Duffy 2005).

The MSC certificate is valid for five years. During this time, the accredited conformity assessment body conducts an annual surveillance audit to verify continued compliance. As one of the first fisheries to receive the MSC certification, it was one of the first to enter the full reassessment process in 2005. The reassessment of the Alaska salmon
fishery proceeded differently than the initial assessment. Rather than assessing the fishery as a single fishery for all rivers, gear types and all species, it was assessed with 16 units of certification. These units of certification are generally defined by geographical area, each containing various species and usually more than one gear type. These 16 units represent the 5 species of salmon and more than 400 salmon stocks spread over the state of Alaska.

Hatcheries continued to be an issue throughout the annual surveillance audits and the reassessment process. In particular, the surveillance audit recommended that “a reassessment should examine what recent genetic and population research is being conducted to ascertain the ongoing effects of hatchery releases” (Scientific Certification Systems 2004). Despite the concern over hatcheries, Alaska salmon was recertified in 2007. The certificate was valid until 2012. The final assessment report listed 69 conditions for continued certification. An analysis of the 2007 conditions found that 17 were related to hatchery activities (25 percent). Key conditions are footnoted, while the full list of the 17 conditions relating to hatcheries can be found in the appendix.

The Politics of MSC Client Transfers: Part 1, from 2008 to 2011

Following the completion of the first annual audit in 2008, the Alaska Department of Fish and Game (ADF&G) announced that they would no longer remain the client for the

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3 Key Conditions include: Condition 3- Estimate contribution of hatchery chum to wild escapement in representative areas through appropriate means, such as implementing thermal otolith mass marking of all hatchery chum salmon [Southeast]. Condition 23- Provide adequate data and analyses to demonstrate that hatchery and fishery management actions are sufficient to ensure that harvest of enhanced fish is not adversely affecting the wild pink, chum, sockeye, and coho stocks. Revise wild stock assessments and management as appropriate [Prince William Sound]. Condition 66- Establish and implement a mechanism for periodic formal evaluations of each hatchery program for consistency with statewide policies and prescribed management practices. This would include a specific evaluation of each program relative to related policies and management practices [All].
MSC certified Alaska salmon and planned to transfer the client role to the Alaska Seafood Marketing Institute (ASMI), the state of Alaska’s public-private seafood marketing group. In fall of 2009, ASMI and the MSC debated issues of concern to ASMI before assuming the new client role. In a letter sent from ASMI to the MSC, ASMI insisted that client sponsorship be cost neutral and that the processors expected to benefit from the use of the MSC eco-label cover ASMI’s administrative costs. ASMI did not want to be the client to MSC unless it was cost neutral because they planned to use their state funding to launch their own eco-label program.

Unable to reach a compromise between the MSC and the processors on the cost issues, ASMI voted to delay its decision to take on the role of client for the Alaska salmon fishery’s MSC certification. In February 2010, it was announced that the Alaska Fisheries Development Foundation (AFDF) would serve as the new client. AFDF began to work on the annual audit and to address the remaining conditions of certification. As a result of the change of client, the annual surveillance audit and second full reassessment were delayed. AFDF contracted with Moody Marine International to conduct a new assessment necessary to recertify the fishery (Alaska Fisheries Development Foundation 2012). The current certification was set to expire in October 2012.

Around the same time that AFDF assumed the client role, the ASMI board of directors announced that it had contracted with Global Trust Certification to assess and certify the management of Alaska fisheries in accordance with the FAO’s Code of Responsible Fisheries, and the FAO Guidelines for Eco-labeling of Fish and Fishery
Products from Marine Wild Capture Fisheries. Alaska stakeholders, specifically the processors and state entities, became frustrated with three core elements of the MSC certification program: fisheries certification costs, chain-of-custody and related eco-label fees, and eco-label marketing (Foley and Herbert 2013). The 2007 reassessment was estimated to have cost $150,000 (Forillo 2009). Mandatory annual audits were estimated to cost $75,000 and $100,000 annually, potentially totaling $650,000 through 2012 (Forillo 2009).

From interviews conducted in 2011, Foley and Herbert (2013) found industry insiders griping that the MSC demanded eco-label royalty fees at each level of sale. Individual companies using the trademarked MSC logo on product packaging continued to pay the MSC eco-label licensing fees based on the volume of MSC product they sold. This helps explain why so much certified Alaska salmon was sold to consumers without the MSC eco-label. For example, by 2007 only about 5% of Alaska salmon sold in the US was stamped with the MSC’s eco-label (Knapp, Roheim and Anderson 2007). An additional complaint came from the ADF&G, with officials reportedly viewing the reassessment process and annual auditing requirement to be time consuming. They also felt the work was redundant, since they were required to compile detailed accounts of activities they would be doing irrespective of their involvement with the MSC program.

ASMI’s director suggested that buyers were satisfied with Alaska’s historic reputation of sustainability, with or without MSC certification. He also insisted that the new initiative maintained third-party independence and international credibility. Privately there was some dissent to these claims. Foley and Herbert (2013) found through their interviews

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4 It is important to note that the FAO does not operate a certification or eco-labelling program, accredit certification organizations, nor authorize or inspect the use of its principles or guidelines.
that an industry insider with a hand in multiple stakeholder groups voiced that the fishery was trading an “A+” for a “C+” certification program. Regarding the credibility of Alaska’s new label, the Environmental Law Institute (ELI 2012) found that Alaska’s reliance on only the FAO Guidelines was not a credible backing on which to base eco-labeling standards and legitimacy. In another analysis comparing the MSC and Global Trust’s independent third-party certified fisheries, The James Sullivan Consulting (2012) found that Alaska and Iceland’s eco-labels lacked transparency in standards due to limited publically available information regarding standards and stakeholder resolution. To better understand the differences between the MSC and RFM certification, an analysis comparing these two labelling schemes follows.

Comparative Analysis of the MSC and RFM Certification

This section will compare the MSC certification to ASMI’s FAO-based RFM certification that was initially certified by Global Trust. When the RFM program was first launched in 2011, the credibility of the scheme was placed on the third-party independent assessment entity Global Trust. ASMI has since accepted ownership for the label, and Global Trust is now one of the independent assessment bodies that conducts fishery assessments to the RFM Fisheries Standard. ASMI’s RFM program is currently undergoing review to improve weaknesses in its program.

The MSC Fisheries Standard was designed to assess if a fishery is well managed and sustainable. Developed in consultation with scientists, industry, and conservation groups, the standard reflects the most up to date understanding of internationally accepted fisheries science and best practice management. MSC’s Fisheries Assessment Methodology (FAM) provides operational guidance and is the organizations environmental standard for
sustainable fishing. The FAM was developed in consultation with fishery stakeholders over a 2 year period. Version 1 of the FAM was released in July 2008.

The MSC and RFM conformance criteria both reference FAO Guidelines, but they utilize them differently. For example, the MSC certification is directed by three core principles:

MSC Principle 1: A fishery must be conducted in a manner that does not lead to over-fishing or depletion of the exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

MSC Principle 2: 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.

MSC Principle 3: 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 use of the resource to be responsible and sustainable.

To determine if each principle is met, the MSC Fisheries Standard comprises 28 performance indicators. They are used by independent conformity assessment bodies to score the fishery. These core principles lay the foundation for the MSC Guidelines, which are different from the FAO Guidelines. The Alaska Seafood Marketing Institute’s (ASMI) “FAO-based Responsible Fisheries Management (RFM) certification,” model assesses fisheries against the Conformance Criteria that Global Trust derived from the FAO Code of Conduct for Responsible Fisheries and the FAO Guidelines (Global Trust 2012).

Global Trust developed Alaska’s RFM certification program in 2011. The program is accredited by the certification body Global Trust Certification, and is based on the FAO Code of Conduct for Responsible Fisheries Management and Eco-Labeling Guidelines. RFM certification utilizes the territorial brand identity of ‘Alaska Seafood.’
2011 ‘Conformance Criteria’ for the RFM Certification is a 35 page document divided into six key components for responsible fisheries management. These sections are then divided into 14 fundamental clauses, each made up of its supporting criteria. The six key components of the RFM certification program are: the fisheries management system, science and stock assessment activities, the precautionary approach, management measures, implementation, monitoring and control, and serious impacts of the fishery on the ecosystem.

It should be noted that the assessment reports for the FAO-based RFM program, certified by Global Trust and the MSC recertification refer to hatchery activities differently. Global Trust reports primarily refers to hatchery activities as “ocean ranching,” while the reports for the MSC use “enhancement.” This difference in terminology that corresponds to the exact same topic adds confusion to the underlying issue present within the Alaska salmon fishery. This is important to because it makes this case study more difficult to document and understand because of the inconsistent terminology within the literature. Salmon enhancement and ocean ranching both refer to the artificial propagation of salmon, where the fish is born in a hatchery and then released to the ocean to grow, until returning as a mature salmon to be harvested in a terminal fishing area. This is different from salmon farming, which is salmon that are raised and harvested from a closed pen in the ocean (Heen, Monahan and Utter 2003; Young and Matthews 2010),

While Foley and Herbert (2013) tracked the controversies surrounding the MSC recertification and the development of an alternative certification in Alaska, their analysis of Alaska’s alternative FAO-based labelling scheme lacked a detailed investigation into the governance structure and legitimacy of the label itself. Three reviews on ASMI’s FAO-based RFM certification are available in the literature. James Sullivan Consulting (2012) for the
World Wildlife Fund for Nature, the ELI (2012), regarding the credibility of seafood certification based on FAO guidelines Code of Conduct, and Fish First Consulting (Taylor 2013), which outline components of an effective and credible eco-certification. These three investigations into the development and credibility of ASMI’s RFM certification, will now be presented and analyzed.

In James Sullivan Consulting’s (2012) update to the comparison of wild capture fisheries schemes, the report evaluated and quantified ASMI’s utilization of the FAO-Based RFM Certification within eight categories. Their analysis found very little information publically available for nearly all the criteria, including: Alaska RFM Certification standard setting structures and procedures, accreditation and certification structures, how fishery certifiers are expected to operationalize, and how scores are assigned for different ecological requirements. In addition, very little public information was available how fishery certifiers are expected to operationalize and assign scores to different ecological and validation criteria. They also found that the FAO guidelines are referenced in some instances as if they are the standard, even though the standards were written by an FAO committee using its own process that does not conform to ISO, WTO, or ISEAL Alliance guidelines for standards development (James Sullivan Consulting 2012).

In this report, the MSC was found to be the most in compliance with FAO Guidelines from an analysis of eco-labels and benchmarking (Parkes et al. 2010; James Sullivan Consulting 2012). MSC scored a 94 percent. ASMI’s RFM certification was found to be semi-compliant and received a score of 54 percent. Table 2 provides a summary and comparison of the MSC and ASMI’s RFM certification based on findings and data from

Table 1. Comparison of the MSC and RFM Certification Eco-labeling Schemes

<table>
<thead>
<tr>
<th>Scheme owner and operator</th>
<th>Marine Stewardship Council (MSC)</th>
<th>FAO-Based Responsible Fisheries Management (RFM Certification)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eco-label</td>
<td>![MSC Logo]</td>
<td>![RFM Logo]</td>
</tr>
<tr>
<td>Initiation</td>
<td>WWF and Unilever, 1996</td>
<td>ASMI 2010</td>
</tr>
<tr>
<td>Scheme Objectives: what was the driving force for the scheme’s creation? Why was the eco-label created?</td>
<td>The MSC’s mission is to use its eco-label and fishery certification program to contribute to the health of the world’s oceans by recognizing and rewarding sustainable fishing practices, influencing the choices people make when buying seafood, and working with partners to transform the seafood market to a sustainable basis.</td>
<td>Founded on Alaska seafood’s reputation of sustainability. The certification was created to help to further the Alaska origin as a leading source of sustainable seafood and provide additional assurance to buyers, markets and stakeholders that seafood from Alaska is responsibly managed.</td>
</tr>
<tr>
<td>Participation and Openness</td>
<td>Voluntary; world wide for wild capture fisheries, including some enhanced</td>
<td>Voluntary, geographical restriction: only fish from Alaska.</td>
</tr>
<tr>
<td>Geographic Scope</td>
<td>Global</td>
<td>Sub-national, Alaska</td>
</tr>
<tr>
<td>Category</td>
<td>Third Party</td>
<td>Third Party through Global Trust acting as an independent certification body that conducts fisheries assessments to the RFM Fisheries Standard.</td>
</tr>
<tr>
<td>Product and Market Scope</td>
<td>Wild-capture and enhanced: 188 certified fisheries, 106 further fisheries in assessment.</td>
<td>Wild-capture; 7 certified fisheries.</td>
</tr>
</tbody>
</table>


The Environmental Law Institute (ELI 2012) completed a credibility review of seafood certification based on the FAO Code of Conduct Guidelines. The reports conclusions
were drawn from three critical findings. First, the ELI review states that the FAO does not support and did not intend for its documents to be directly used for certification. Second, the FAO does not undertake the responsibilities of a standard setting body or certification scheme owner. Third, neither the FAO Code of Guidelines nor Global Trust’s “translation” of them contains the measurable performance indicators necessary for certification. Their review concluded that the FAO Guidelines and Code of Conduct are not certification standards and cannot be used as such without additional standard setting to establish measurable performance elements, a process that also needs to conform to the FAO Guidelines in order to be credible. The ELI (2012) found that Global Trust’s “FAO based” Certification schemes had not established additional standard setting, and still had not done so as of April 2015, when ELI was contacted regarding the current status of their report.

The ELI concluded that Global Trust, as a certifier, could not also undertake standard setting without creating a conflict of interest that violates the FAO Guidelines. This is because if the standard was developed and owned by its clients, the scheme would lack independence. In either case, Global Trust’s conformance criteria lack measurable performance indicators and were not created through a Guidelines compliant process. Therefore, the conformance criteria do not conform to the Guidelines. As a result, this Global Trust “FAO based” certification system lacks credibility. Both its standards and process failed to meet the minimum requirements for independent third party certification set out by the international community. The ELI’s report shattered the credibility of Global Trust’s third party FAO-based approach to verifying the sustainability of Alaska salmon through the RFM Certification program. However, this did not stop Alaska stakeholders from continuing to advocate for the RFM program and resist the MSC.
Certification experts have reached similar conclusions about Global Trust. Fish First Consulting (Taylor 2013) outlines components of an effective and credible eco-certification, and compares and contrasts the MSC and Global Trust to the outlined components. Of the nine components of an effective and credible eco-label, the MSC achieved all the components, while Global Trust only met 1. The comparison highlights that one of the key strengths of the MSC’s sustainability criteria is that it actively monitors and accesses the performance of a fishery relative to an internationally accepted set of principles and criteria for sustainable fisheries.

In contrast, ASMI’s FAO-based RFM, certified by Global Trust, only confirms whether Alaska fisheries have a management regime in place that conforms to FAO’s Code of Conduct for Responsible Fisheries. It does not assess Alaska salmon stocks, the overall fishery, or management decisions against rigorous internationally accepted performance measures (Taylor 2013). The analysis found that the difference in the rigor and credibility of the two certifiers are well documented in their respective Alaska salmon assessments. Citing the most recent Alaska certification reports, MSC’s certifier identified 70 areas that required improvements; while, Global Trust’s assessment of the same fishery identified no areas requiring corrective actions. Taylor notes that the MSC’s conditions of improvements and implementation timelines have encouraged conservation groups to support certification of fisheries that are on a sustainable footing, but still are in need of improvements.

These three reviews of ASMI’s FAO-based RFM Certification, certified by Global Trust provides valuable insight into how these eco-certifications are in fact different. The MSC and ASMI’s FAO-based RFM certification are simply not equivalent measurements of fishery sustainability. The MSC is a verified third party fishery eco-label; while, Global
Trust, acting in the capacity of an independent certification body, only evaluated whether a management agency’s standards reflected FAO guidelines. The politics that took place during the transition from the MSC to ASMI’s FAO-based RFM certification will bring the case study of Alaskan salmon to date.

*The Politics of Four MSC Client Transfers: Part 2, from 2012 to 2015*

This case study reveals strong opposition and deeply rooted politics associated with Alaska’s continued MSC certificate. The processors withdrew from the MSC certification in 2012 and created the ASMI FAO-based RFM certification. For over three years, Alaska stakeholders resisted and tried to halt the MSC certification, and purported that the two labels could co-exist in Alaska. When European markets refused to buy salmon that was not MSC certified, the processors wanted back into the MSC program to access these markets (Bauman 2015). Most accounts of the Alaska eco-labelling case have focused on the cost factor almost exclusively (Foley and Herbert 2013). My research suggests another answer. This section documents the important events that occurred from 2012 to July 2015.

In January 2012, AFDF announced it would discontinue its participation in the MSC because eight major seafood companies, which collectively process nearly 80% of Alaska salmon, decided to phase out their financial support for the MSC recertification. AFDF would remain the client through October 2012, when the certificate expired, and would not maintain certification beyond the expiration date. In April 2012, the PSVOA, which protects and promotes the interests of the purse seine fleet throughout Alaska and the West Coast, agreed to become the new client.

Although salmon is the dominant fishery, many PSVOA members have diversified into multiple fisheries including: squid, crab, sardines, cod and quota long-line fisheries.
PSVOA also offers marine insurance coverage to purse seiners and other small boat fleets through fisherman-owned insurance pools. Membership in the PSVOA is limited to the members in the Seine Vessel Reserve (SVR) insurance pool and any individual or business that wants to be a member, who has a vested interest in the fishing industry. To qualify as a PSVOA member, one must own some or all of a fishing business, or have a business that is directly associated with commercial fishing. Members apply through the SVR Board and the PSVOA Board of Directors.

With 328 members, 49 percent are seine permit holders and 11 percent are businesses that are not part of the SVR. Limited entry seine permits are consistently one of the most valuable and lucrative permits in all of Alaska. 42 percent of all Southeast seiners are members of the PSVOA. A five-year average of annual gross earnings for the highest producing Southeast seiners (top 12 percent of permits) from 2010-2014 was $746,923 (CFEC 2014). PSVOA membership represents a very small percentage of all Alaska fishermen, less than 1 percent.

While PSVOA continued to pursue MSC recertification, ASMI proceeded to develop and market their new RFM certification. In May 2012, ASMI orchestrated a letter signed by 27 salmon processors reaffirming their withdrawal from the MSC process. According to the letter, they wanted no “confusion in the marketplace” and had “no intention” of supporting further MSC certification. The letter also stated their belief that “the action to withdraw from the MSC salmon scheme is in the best interest of the Alaska salmon industry, an industry in which is heavily invested in the future of Alaska, our fisherman, their families and our companies” (Zuanich 2015).
In the Global Trust (2011) ‘FAO-based Responsible Fishing Management Certification Full Assessment and Certification Report for the US Alaska Commercial Salmon Fisheries, Trident (one of the largest fish processors in Alaska) wrote a letter to the then Alaska Governor Parnell stating that hatcheries are regarded as economically essential by the State of Alaska industry (p. 181). This is important to note because it highlights the common interest of the processors and the State of Alaska in preserving their golden goose, the salmon enhancement program. In 2012, Alaska salmon hatcheries accounted for the release of an estimated 1.7 billion juveniles that resulted in an estimated 37 million fish return (Vercessi 2013, p. 4). This accounts for 29 percent of all harvested salmon in Alaska. This means that the Alaska salmon industry harvest around 37 million hatchery produced salmon that would otherwise not exist, worth an estimated exvessel\(^5\) value of $149 million. In addition, these millions of hatchery salmon are currently labeled and sold on the world market as ‘wild Alaskan salmon.’

From 2012 to 2015, the Alaska salmon case study took many turns, resulting in a complicated and controversial few years. Zuanich (2015) documents important milestones that occurred during that time in a letter from the ASPA to Trident Fisheries (see appendix). These include: November 2012, the PSVOA invited the ASMI Board Chairman to address the full membership on the issue of third party verification of fishery sustainability. According to Zuanich (2015), “instead he delivered a damning indictment of the PSVOA decision to become an MSC client and urged withdrawal as the MSC client.” Then in December of 2012, ASMI enlisted then Governor Parnell to have the Commissioners of Fish & Game and Commerce & Economic Development meet with PSVOA to express the State’s

\(^5\)Exvessel value is the post season adjusted price per pound for the first purchase of commercial harvest.
concern with MSC certification relating to governance, loss of market access and erosion of the Alaska brand.

In addition, in February 2012, ASMI drafted and urged passage of a resolution by the United Fisherman of Alaska (UFA) to reject MSC certification for Alaska salmon on a variety of bases. The United Fisherman of Alaska is the statewide commercial fishing trade organization, representing 35 Alaska commercial fishing organizations throughout the state and its offshore waters. Their mission is to promote and protect the common interest of Alaska’s commercial fishing industry as a vital component of Alaska’s social and economic well-being. UFA Resolution 2013-1 (see appendix) is titled, “A resolution of the United Fisherman of Alaska supporting the State of Alaska and the Alaska Seafood Marking Institute’s decision to offer third party fisheries certification and to seek alternative certification criteria under internationally recognized standards” (UFA 2013).

Analysis of the UFA Resolution reveals a factually flawed argument leading to five resolutions. This resolution states, “MSC violates Alaska’s constitution because of the substitution of the MSC for the State of Alaska seafood directed management.” The Alaska constitution establishes that the Alaska legislature shall provide for the utilization, development and conservation of all natural resources belonging to the State. A factual review of this resolution found that MSC certification does not replace the State of Alaska’s management because MSC is a third party organization that works in partnership with independent verifiers to certify the sustainability of fishery management. Alaska has the liberty to undergo any eco-label certification of their choosing for all natural resources belonging to the State.
UFA resolved that “MSC as the only third party certifier for Alaska seafood sustainability could effectively control the supply chain between Alaska seafood processors and Alaska salmon customers.” Again, UFA’s facts are misguided because MSC is not the only third party certifier. ASMI’s RFM certification has certified five other fisheries alongside MSC. Therefore, MSC cannot effectively control the supply chain between Alaska seafood producers and Alaska salmon customers.

The UFA resolution calls for “the need of an objective standard for sustainability certification.” Objective is defined by the Merriam-Webster dictionary as based on facts, rather than feelings or opinions, and not influenced by feelings. The world’s largest third-party sustainability standard for verification of wild capture fisheries, the MSC certification criteria are widely accepted to be an objective standard for sustainability eco-certification. A fishery is deemed qualified to bare their MSC label after successfully passing an independent assessment based on science of stock parameters.

Continuing into September of 2013, ASMI urged the Alaska Congressional Delegation to hold hearings on the role of certification in rewarding sustainable fisheries, which then went to Congress. Influenced by Alaska senator Lisa Murkowski, the US General Services Administration updated its purchasing guidelines. This exempted American managed fisheries from third party certification to demonstrate responsible and sustainable practices. Previously the recommendation in the guidelines was that any seafood purchased should always be “Best Choices or “Good Alternatives” on the Monterrey Bay Aquarium Seafood Watch list or certified sustainable by the MSC, or approved by an equivalent program. This change allows federal government contractors, such as for the Department of
Defense and the National Park Service, to purchase US seafood without a sustainability eco-label.

The opposition to MSC recertification in 2013 was fierce due to four compounding reasons, the overarching issue being the possibility that some units of certification may not be recertified due to sustainability concerns regarding hatcheries. First, during the 2007 reassessment, units of certification established an evaluation methodology for regional fisheries sustainability. The units of certification faced criticism because individual fisheries could be singled out for not meeting the sustainability criteria. Second, going into the 2012 MSC reassessment process, conditions of certification were still unmet, many directly related to hatcheries. Third, the largest hatchery study had just begun to investigate hatchery and wild salmon interactions in Prince William Sound and Southeast Alaska. Fourth, a plethora of new research publications provided empirical evidence that hatchery salmon are having a negative impact on wild salmon survival (Brenner, Moffitt and Grant 2012; Gardner et al. 2004; Grant 2012; Naish et al. 2008; Rand et al. 2012; Ruggerone, Agler and Nielsen 2012; Ruggerone et al. 2010). The most significant of these studies relate to straying of hatchery fish into wild salmon rivers and competition for food at sea.

Despite all the criticism that the PSVOA faced, successful MSC recertification occurred in November 2013, a year after the prior certification had expired. The Prince William Sound unit did not meet MSC criteria because of their industrial hatchery production. Further evaluation was necessary to determine the impact of hatchery releases on wild stocks. This was the first time one of Alaska’s areas failed the MSC assessment process. Chart 1 provides a five year average of the Alaska commercial harvest of hatchery produced fish, by region from 2010-2014. The data was compiled from five Alaska
Department of Fish and Game annual reports. It illustrates the percentage of the commercial common property harvest and location of hatchery produced salmon in Alaska. This chart is important because it shows the magnitude of hatchery produced fish, especially in Prince William Sound. This chart shows that 77 percent of all Alaska’s hatchery production has occurred in Prince William Sound over the past five years. The increased scale of investment and reliance on hatchery produced fish directly correlates to the strong opposition of the processors and the State of Alaska with MSC involvement.

![Chart 1- Five Year Average of Alaska Commercial Harvest of CCPH* Hatchery Produced Fish, by Region, 2010-2014.](image)

*CCPH- Commercial Common Property Harvest. Data from State of Alaska, Alaska Department of Fish and Game, Alaska Salmon Fisheries Enhancement Program Annual Reports: White (2011) and Verssessi (2012-2015). See Appendix for Table 2- Regional Percentage of Alaska Commercial Harvest of CCPH Hatchery Produced Fish, from 2010-2014 and Five Year Average.

After the PSVOA succeeded in achieving MSC certified sustainable salmon, ASMI issued a press release emphasizing that most of Alaska salmon will not carry the MSC label. The major salmon producers also remained opposed to MSC certification of Alaska salmon. Most of the salmon would not have the MSC label because six of the largest salmon processors were not part of the client group. In 2013, the majority of Alaska stakeholders remained opposed to the MSC label and were affiliated with ASMI’s FAO-based RFM
certification. Strong opposition continued because it was in their interest to not bring
attention to the sustainability issue of industrial hatchery production negatively impacting
wild stocks.

Then in April 2014, under heavy pressure from these big seafood processors and the
Governor of Alaska’s office, the PSVOA withdrew as the MSC fishery client. The Alaska
Seafood Producers Association, Inc. (ASPA) was then formed and became the new, and
fourth MSC client since 2009. The Executive Director of ASPA is Robert Zuanich, who is
also a managing partner of Silver Bay Seafoods, LLC and a member of the PSVOA. Silver
Bay Seafoods is a fishermen-owned seafood processing company that is headquartered in the
Southeast, Alaska town of Sitka. In January 2015, the ASPA withdrew the Prince William
Sound unit of certification from continued MSC assessment. It remains uncertified by the
MSC today. Interestingly, the MSC never released the Prince William Sound final report
from 2013. In October of 2014, the MSC published the ‘New Fisheries Certification
Requirements to the MSC Standards (version 2.0).’ It became effective on the first of April
in 2015 (MSC v2.0 2014). One of the 10 key updates in version 2.0 introduces an entirely
new default standard for the assessment of enhanced salmon fisheries. It was developed
following six years of discussion with stakeholders. The new criteria made it even more
difficult for Prince William Sound to meet the MSC FAM criteria.

Finally, in April of 2015 the ASPA received an email on behalf of the processors that
originally withdrew from the MSC in 2012. The processors wanted back into MSC because
buyers in Europe refused to buy their products without the MSC stamp of approval (Bauman
2015). Wanting to share the MSC certification for the Alaska salmon fishery for the 2015
season, they asked the ASPA to vote on their request a few days later at their scheduled
meeting. When the ASPA vote did not occur on that day, articles appeared in industry blogs, which intended to apply pressure on the ASPA. This was a tactic that mirrors the anti-MSC campaign of 2012-2013. ASPA responded to the letter in May 2015, denying them admission to the client group and the ability to use the MSC label for the 2015 season, but offered to resume the discussion after the season in September. When mediation between the ASPA and the processors for MSC certification sharing failed, the Governor of Alaska wrote a letter to the MSC Executive Director urging for “fairness.” Governor Walker stated,

“It is extremely difficult for the State to apply financial resources, working with the assessment team, and a compliance audit team, if the resulting certificate is denied to 75 percent or more of the resulting participants. This is an issue of fairness for the fisherman and coastal communities in Alaska, even for Alaska herself” (Parker 2015).

With MSC certificate sharing negotiations unsuccessful, the Pacific Seafood Processors Association (PSPA) filed to begin a new assessment of Alaska salmon with the MSC (Stewart 2015). This made the PSPA the second MSC client organization to the Alaska salmon fishery.

To analyze this case study, a survey was administered to Alaska stakeholders to clarify the events that occurred between 2012 and 2015. Throughout this case study, there has been a subtle “other” reason in the literature to explain why Alaska producers and industry stakeholders withdrew from MSC and pursued the alternative RFM certification. It was mentioned in footnotes in Herbert and Foley’s (2013) analysis of the Alaska case, but explicitly expressed by four environmental NGOs in an April 2013 letter in response to Alaska stakeholders withdrawing from the MSC (Beardslee et al. 2013). This letter linked that the withdrawal is related to fisheries sustainability issues. The seafood media published the view that anyone in Europe who acts on the NGOs letter is simply responding to
propaganda, and is not evaluating anything to do with sustainability or science (Sackton 2013). Zuanich (2015) went on to frame the MSC Alaska salmon recertification debate as:

“Seeing a group of large processors who attempted to destroy the MSC certification of Alaska salmon through almost any means possible. When the major salmon producers withdrew MSC support, ASPA members recognized the 80% of salmon producers opposition to MSC and the perceived need to develop the alternative Responsible Fisheries Management (“RFM”) or perhaps some other certification process, particularly in view of the current adversity between MSC assessment standards and Alaska’s hatchery management practices. What we did not understand was the suggested incompatibility of parallel MSC and RFM salmon certifications when other Alaska fisheries co-existed with both certification regimes.”

Other Alaska fisheries that amicably co-exist with the MSC and RFM certifications are Alaska cod, flatfish and pollock. If three other Alaskan fisheries could co-exist alongside MSC, Alaska salmon could too. However, the Governor’s office worried that continued MSC certification of Alaska salmon would “erode” the Alaska brand.

This section documented the important events that occurred from 2012 to July 2015. The Alaska eco-certification case study has shown the strong opposition and deeply rooted politics that ensued after the AFDF announced in January 2012 that it would discontinue its participation with the MSC, because the major processors withdrew financial support for the MSC recertification. To examine this specific time period and the realm of possible explanations to this research question, a strictly confidential survey was administered to a wide range of Alaska stakeholders to further investigate the motivations for why the processors initially withdrew in 2012.

**The Marine Eco-Labels Survey Results**

A variety of methods were used to collect this data. The majority of information was acquired through an e-survey from January to March of 2016. Twenty individuals representing Alaska stakeholders responded. In addition, three informal interviews were conducted over the phone, and two participants that did not take the survey significantly
contributed to this research by responding to critical questions over email. Of the three phone interviews, two people participated in the survey and the other person did not. A total of twenty-three individuals from different organizations participated in this study. Alaska stakeholders that were invited to participate included: representatives of the MSC, ASMI, processors, fisherman organizations, business interests, hatchery non-profit corporations, agency and research scientists and NGOs. To protect all research participants’ confidentiality, no specific response is attributed to an individual person or organization. All findings and conclusions presented are my own.

Some respondents contested the survey wording. Specifically the phrase, “ASMI’s FAO-based RFM program, certified by Global Trust.” Multiple survey respondents clarified that in the current form of the ASMI conformance criteria, Global Trust does not ‘certify.’ It was acknowledged by ASMI through email correspondence that when the program started, Global Trust did have a different role. Currently, Global Trust is one of ASMI’s approved independent certification bodies that conduct fisheries assessments to the RFM Fisheries Standard. This discrepancy between the prior and current role of Global Trust does not affect the validity of these findings because this research specifically focuses on the time period in 2012 when the processors withdrew from the MSC and pursued ASMI’s RFM program. The motivations and legitimacy of the prior form of ASMI’s FAO-based RFM program is at the heart of this study, regardless of the changes that have occurred since the original program was launched.

The survey was divided into three sections. The first section pertained to the case study of Alaska salmon. The second section addressed concerns of eco-label legitimacy,
particularly in regards to how ASMI’s conformance criteria compared to the MSC’s. The third section sought to clarify issues relating to the sustainability of Alaska salmon.

From this survey, it can be determined that the cost associated with the MSC label was not a significant factor to explain the processors withdrawal from the MSC and the transition to ASMI’s RFM program. In fact, survey data suggested that MSC had agreed to pay the bulk of the reassessment costs (Table 3, Comment 1.1). MSC was contacted to confirm this, but had not responded upon completion of this study.

Question 1 asked, ‘Why did a group of processors withdraw from the Marine Stewardship Council certification program in 2012 and join ASMI’s FAO-based RFM program, certified by Global Trust?’ These results suggest the following factors to explain why the processors moved from the MSC to ASMI’s program: Seafood processors wanted more control of labelling guidelines, MSC’s conditions for certification were too demanding, and tension between the MSC assessment standard and Alaska’s hatchery management existed. These findings support that sustainability issues that were perceived to make it more difficult to become certified, were a powerful motive for the processors to withdraw from the MSC reassessment and pursue an alternative. Chart 2 displays the findings from four questions in Question 1 that are related to issues of the MSC.
Statement ‘a’ results show that a combined response of 63 percent disagreed that ‘the MSC label use fees were too expensive.’ While 26 percent of respondents were neutral, only 11 percent agreed with the statement. Statement ‘b’ tested whether the cost of the MSC reassessment was too expensive, which was the most cited reason to explain why the processors left the MSC (Foley and Herbert 2013). The survey results found that a combined response of 53 percent disagreed with statement ‘b.’ While 21 percent were neutral, a combined 26 percent agreed that cost of reassessment as a reason for why the processors withdrew from the MSC. From statement ‘c,’ a combined response of 50 percent agreed that MSC’s conditions for certification were too demanding. Despite 39 percent being neutral and 11 percent disagreeing, this draws attention to the possibility of a new motive relating to a sustainability issue being present in this case study. Chart 3 details the findings from the remaining three questions in Question 1 that pertain to processors and hatcheries.

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6 Strongly Disagree and Disagree.
It can also be determined from Question 1 that seafood processors wanted more control of labelling guidelines and that existing tension between the MSC assessment standard and Alaska’s hatchery management were significant factors to explain why a group of processors withdrew from the MSC and joined ASMI’s FAO-based RFM program. While a combined response of 42 percent agreed with statement ‘e,’ 32 percent of respondents were neutral and 26 percent disagreed. There is slightly stronger evidence in support of statement ‘f,’ than for statement ‘e.’ A combined response of 50 percent of respondents agreed with statement ‘f,’ while 39 percent was neutral and 11 percent disagreed.

Statement ‘g’ results provide the strongest evidence out of all seven statements tested in Question 1. A combined response of 68 percent agreed that tension between the MSC assessment standard and Alaska’s hatchery management was a factor for the processors withdrawing from the MSC certification and joining ASMI’s RFM program. While 26 percent were neutral, only one respondent disagreed. These findings provide strong support for the proposed new motive for why an alternative was needed to verify fisheries resources.
Table 5 lists responses from the “other (please specify)” and comments received from the survey. These results provide valuable qualitative data to further understand the motivations of not only the processors, but also the Alaska stakeholders. This confidential survey sought out stakeholders knowledgeable on this specific time period and issue, providing them the opportunity to shed light to new factors.

Table 3. ‘Other’ and Comments Responses from Question 1, (n=14).

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1.1</td>
<td>MSC had agreed to pay the bulk of the reassessment costs.</td>
</tr>
<tr>
<td>1.2</td>
<td>ASMI was cheaper and less stringent, and the Alaskans thought the Alaskan brand could carry the day without MSC.</td>
</tr>
<tr>
<td>1.3</td>
<td>There was a mis-perception of MSC certification value in the marketplace by most processors.</td>
</tr>
<tr>
<td>1.4</td>
<td>An important consideration: Alaska has a pretty libertarian culture and Alaskans don't like to be told what to do by outsiders.</td>
</tr>
<tr>
<td>1.5</td>
<td>MSC splitting fisheries up for assessment, with the possibility of a mix of certified and uncertified fisheries.</td>
</tr>
<tr>
<td>1.6</td>
<td>Alaska takes a very independent approach to its fisheries and marketing. MSC, being an external verifier, runs somewhat counter to that philosophy.</td>
</tr>
<tr>
<td>1.7</td>
<td>Strongly agree: There was continuing tension between AK industry and MSC over a perception that the MSC logo was undermining the value of the Alaska-ASMI brand.</td>
</tr>
<tr>
<td>1.8</td>
<td>I believe the issue with potentially not meeting certification requirements was a primary issue. The Alaskan clients- stakeholders had always held a strong position of an all or none certification. To fail a unit like PWS and highlight issues surrounding AK hatchery management would have create (and subsequently did create) significant reputational risk, and at a time when processors were writing letters to the state advocating significant increases in hatchery production. Also the insular nature of AK and their belief of absolute preeminence in the fisheries management and sustainability universe cannot be understated as an overlaying motivator in many things they do. The emotional feelings in AK around these issues can at times be as strong as any objective or strategic analysis around specific issues.</td>
</tr>
<tr>
<td>1.9</td>
<td>I believe that the major salmon processors pulled out of the last assessment because pre-assessment discussions led them to believe that Prince William Sound and Southeast Alaska would have trouble getting certified. MSC certifies wild stock fisheries, and both of these regions have transitioned to large-scale ocean ranching that in some cases dwarfs local stocks. ASMI’s certification program is much less rigorous than MSC’s program, and I believe the thinking was that both of these regions would pass. I believe that the major processors stepped back in because the interim client would not share the certification (that he paid for—there was a lot of discussion in the press on this). The interim client was able to market his product in Europe or other markets that value the MSC label. The major processors lost access to some of these markets and were</td>
</tr>
</tbody>
</table>
stuck with surplus product from some areas like Bristol Bay.

1.10 The processors expressed an “all or nothing” attitude when they sensed issues with PWS regarding hatcheries. MSC was not the one to raise those issues. The independent certifier for MSC assessment was made aware of scientific reports, some by ADFG scientists, raising concern about the sustainability of wild stocks due to the large presence of hatchery stocks.

1.11 You would need to ask the processors who left what their reasons for leaving were.

1.12 There is very little space on consumer packaging. Alaska feels a big point of differentiation in selling their seafood comes from their own brand origin, since 'seafood is a product of its environment'. By having to use the MSC eco-label instead of an origin logo from Alaska, some felt their own brands were being diluted.

1.13 The Alaskan fisheries feel that they both meet and exceed MSC audit requirements and that it should be obvious since Alaskan law says that fisheries in the state are sustainable. The issues were cost (i.e. no real audit is needed since it is required that they be sustainable and it should be obvious that they are) and the fact that MSC is foreign controlled (almost every media story refers to MSC as a UK company or some variant of it).

1.14 Instead of 'neutral' as a choice, it would be helpful to have a N/A. Also, some of the terminology above isn't accurate. For example Global Trust doesn't 'certify' the Alaska RFM Program. Rather, they were awarded an RFP to take the FAO key reference documents and develop auditable criteria. They responded in the capacity of a consultancy vs. as a 'certification body' (CB). Many CBs have arms or revenue streams within their organizations that perform various types of consultant work. The AK RFM Program is an ISO (International Organization for Standardization) 'accredited', and also accredited by the Irish National Accreditation Board. The only role Global Trust plays in the program today is as an approved Certification Body that performs fisheries and chain of custody assessments.

1.15 #3 "MSC’s Conditions for Certification were too demanding." Demanding is not the word. Misguided, irrelevant, prejudiced come to mind. MSC’s conditions were tantamount to a re-forming of Alaska's salmon management based on their perceptions from a depleted worldview that is irrelevant in Alaska.

1.16 A question that may also be worth considering is whether the MSC label provides value. This is different to the cost of certification being prohibitive. I am not aware of the reasons why the processors decided to withdraw from the MSC certification program, and I do not feel that it would be appropriate for me to guess.

1.17 MSC’s standard changes and the quality and objectivity of assessments depend on the assessment team. Some assessors tend to be influenced by the weight of stakeholder input rather than weight of evidence. The MSC brand was threatening to erode the Alaska brand. The MSC standard and assessment process can undermine the regional public process to establish research and management priorities. ASMI's program is ISO-accredited, not "certified by Global Trust". Global Trust is an ISO-accredited certification body, but another ISO-accredited certification body is now eligible to assess fisheries under the RFM program (DNV).

This data provides a wide spread of new possible factors, all of which were not included as options to evaluate in the survey. The factor of the MSC reassessment splitting
fisheries up for assessment, with the possibility of a mix of certified and uncertified fisheries (comments 1.5 and 1.8), further supports the “all or nothing” explanation (1.10). Alaska’s independent stance is a theme that is frequently referred to in this data (1.4, 1.6 and 1.8). In addition, the factor of the perceived value of the MSC label (1.3 and 1.16), the lesser cost and stringency (1.2) and an undermined Alaska brand (1.7 and 1.12) are also insightful to understanding the possible initial motivations for the processors withdrawal from the MSC in 2012.

The second section of the survey investigated eco-label legitimacy. Question 3 addressed how ASMI’s conformance criteria compared to the MSC’s. Chart 4 details the response results from Question 3 of the survey. The variability in responses is note-worthy, especially the percentage of people who responded neutrally. Most respondents (72 percent) are in agreement with statement ‘c,’ that ASMI’s RFM program evaluates whether a management agency’s standards reflect FAO guidelines. While there is strong agreement among respondents to statement ‘a,’ that stock assessment relative to standard are required (56 percent), statement ‘j’ results reflect that 44 percent of respondents disagree that ASMI’s conformance criteria maintain independence of certifier, client/management agency and standard. The remaining results of statements regarding legitimacy of ASMI’s RFM conformance criteria are inconclusive, with the majority having an even opinion spread, more often than not towards neutrality. In this regard, these results are insightful because there is a clear divide of opinion on the legitimacy of ASMI’s conformance criteria among a wide range of Alaska stakeholders. Table 4 provides valuable data to support the findings reported in Chart 4.
Chart 4. Results by Percentage to Question 3, Does ASMI's FAO-Based RFM Conformance Criteria Include the Following Components of an Effective and Credible Eco-Certification? (n=18).

<table>
<thead>
<tr>
<th>Component</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Stock assessment relative to standards is required</td>
<td>55.6</td>
<td>16.7</td>
<td>16.7</td>
<td>11.1</td>
</tr>
<tr>
<td>b. Assessment of the environmental impact of the fishery is required</td>
<td>38.9</td>
<td>27.8</td>
<td>16.7</td>
<td>16.7</td>
</tr>
<tr>
<td>c. Evaluates whether a management agency's standards reflect FAO guidelines</td>
<td></td>
<td>72.2</td>
<td>16.7</td>
<td>11.1</td>
</tr>
<tr>
<td>d. Required improvements relative to an internationally accepted set of standards for sustainable fishing are identified</td>
<td>33.3</td>
<td>22.2</td>
<td>33.3</td>
<td>11.1</td>
</tr>
<tr>
<td>e. Commitment is obtained from a management agency to address required improvements within a specific time frame</td>
<td>17.7</td>
<td>41.2</td>
<td>23.5</td>
<td>17.7</td>
</tr>
<tr>
<td>f. Consequences are identified if required improvements are not made</td>
<td>17.7</td>
<td>29.4</td>
<td>29.4</td>
<td>23.5</td>
</tr>
<tr>
<td>g. The certification process is transparent</td>
<td>33.3</td>
<td>27.8</td>
<td>33.3</td>
<td>5.6</td>
</tr>
<tr>
<td>h. Stakeholder involvement is encouraged</td>
<td>38.9</td>
<td>27.8</td>
<td>27.8</td>
<td>5.6</td>
</tr>
<tr>
<td>i. Advances in science, FAO standards and international &quot;best practices,&quot; are incorporated</td>
<td>35.3</td>
<td>23.5</td>
<td>35.3</td>
<td>5.9</td>
</tr>
<tr>
<td>j. Independence of Certifier, Client/Management agency, and standards is maintained</td>
<td>27.8</td>
<td>22.2</td>
<td>44.4</td>
<td>5.6</td>
</tr>
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Table 4. Comments in Response to Question 3, (n=15).

| 3.1 | It is a little difficult to answer some of these questions since the ASMI-RFM program is not static and is undergoing a continuing process of review and potential improvement, the effectiveness of which can't really be pre-judged. The scheme relies heavily on whether an effective management exists and should be able to respond to needed change more than it assesses based on actual outcome performance, though that's not uniformly the case. The first statement above is not clearly worded. Environmental impacts of fishing doesn't substantively include assessment of the impacts of the hatchery system that supports the fisheries. |
| 3.2 | I have not looked at RFM in a long time, so I did not answer these. I know it is much less comprehensive than MSC, although I understand RFM is making changes. A key problem is that RFM did not evaluate performance of the management system. It was more about policy, and Alaska salmon has best policy in the world, they just do not always implement that policy. Also, I believe 2 of the original scientists on the RFM team were also on Board of Directors of Hatcheries. This changed during last review. |
| 3.3 | I have not reviewed ASMI's RFM, and don't intend to. I don't trust self-certification. |
| 3.4 | The FAO does not maintain a standard, only offers broad guidelines. The large processors fund and govern ASMI, so the processors essentially created their own certification system, that is not independent or scientifically rigorous. |
| 3.5 | There was a consultation on the RFM conformance criteria last year, and the comments submitted by stakeholders a good resource for reviewing issues with the RFM standard as it currently stands. |
| 3.6 | Eco-certification does not obligate the management agency to any action (unless they are the client) except through industry interaction. |
| 3.7 | The ASMI standard amount too little more than industry self certification. It is a joke. |
| 3.8 | I'm not intimately acquainted with the ASMI process; however, ADFG has openly stated that the ASMI process was very agency friendly: no real evaluation of the fishery was required for certification. Certification apparently depended upon agency policies and not upon the implementation or effectiveness of policies. |
| 3.9 | Prior to RFM program reforms, there was a lack of transparency in assessments, stakeholder participation was not welcome, and there was no independence between scheme owner and fishery client. Recent program reforms that are just being implemented are intended to address the previous defects in the RFM program. |
| 3.10 | Generally I would say the RFM standard focused on whether management had systems in place on the books, but did not assess actual performance. I also note that ASMI has been working to improve the RFM program in ways that may address some of the issues mentioned above. |
| 3.11 | Only in the past year has there been acknowledgement that the standard is a complex document created by an unnamed body. The claim that the FAO guidelines are a standard is wrong on a number of accounts, it was not written as a standard and it applies to member states of the FAO and not to fisheries. Note that ASMI is a body of the State of Alaska, the governor appoints the board. Also, its system assesses agencies of the State of Alaska - this appears to be a conflict of interest. |
| 3.12 | The AK RFM Conformance Criteria is transparent and readily available on the ASMI website. The Standard is developed by an independent group of experts known as the 'Conformance Criteria Committee' (CCC). All members of this committee and their bio are also on the ASMI website. ASMI is currently working toward Version 2.0 and this will go out for a 60-day public comment period where stakeholder
comments will be taken on board and responded to by the CCC.

3.13 The most comprehensive review of the ASMI program is in a report that was prepared by Accenture in 2012 (James Sullivan Consulting).

3.14 It has been a long time since I reviewed the Alaskan RFM standard and I am not aware of what changes that have been made, although I am aware that they have made changes. I do not have the time to review the standard at this time to provide more detailed feedback.

3.15 The Alaska RFM program meets all requirements for credible 3rd party seafood certification schemes as defined by the Global Seafood Sustainability Initiative (GSSI). I don't think the RFM program issues conditional certifications, so the middle two questions would not be relevant. The response to "best practices" depends on if you are referencing FAO adopted documents. If so, I agree.

There is agreement among the Question 3 comments that the ASMI RFM program is not static and currently undergoing reforms (3.1, 3.2, 3.5, 3.9, 3.10, 3.12 and 3.14). Many comments also articulate that the RFM program relies heavily on whether an effective management exists and should be able to respond to needed change, more than the implementation or effectiveness of polices (3.1, 3.2, 3.8 and 3.10). In addition, two comments suggest that ASMI’s RFM program is ‘self certification,’ (3.3 and 3.7). Others went on to state that it is not independent or scientifically rigorous (3.4) and there is a conflict of interest due to ASMI being a body of the State of Alaska, with governor appointed boards (3.11) and two of the original scientists on the RFM team originally also being on the Board of Directors of Hatcheries (3.2).

Question 5 of the survey asked participants whether the ASMI and MSC conformance criteria are equivalent in sustainability stringency. 48 percent of respondents disagreed, while 26 percent remained neutral and 21 percent agreed. There is agreement that ASMI’s certification criteria are less rigorous and comprehensive than the MSC’s conformance criteria (Environmental Law Institute 2012; James Sullivan Consulting 2012; Taylor 2013; Table 3, comments 3.2, 3.3, 3.4, 3.7, 3.8 and 3.9). These findings suggest that the thinking
behind the creation of ASMI’s RFM program was that both the Prince William Sound and Southeast Alaska regions would pass the new RFM conformance criteria (Table 3: comments 1.2, 1.8 and 1.9). Table 5 lists all the comments yielded through Question 5.

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<th>Table 5. Comments in Response to Question 5, (n=9).</th>
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<tr>
<td>5.1 If you had asked me in 2012, I would have said no.</td>
</tr>
<tr>
<td>5.2 I have not reviewed RFM in a long long time. I do know that they are making changes to make their evaluation more rigorous. MSC has also updated their FAM.</td>
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<tr>
<td>5.3 Very soft review; apparently fishery is not evaluated; only agency intentions regardless of effect.</td>
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<td>5.4 RFM looks at the management system on the books, but does not evaluate actual performance.</td>
</tr>
<tr>
<td>5.5 ASMI's system includes elements that are the responsibility of governments and other bodies and as such contains a number of requirements that the certificate holder cannot be held accountable for.</td>
</tr>
<tr>
<td>5.6 I try to dissuade the use of the word 'equivalent'. Both Standards are rigorous and essentially look at similar elements within the fishery. There are different approaches to the scoring algorithms and how criteria is referenced. AK RFM looks at 6 key principles, and MSC has P1, P2 and P3. A better question to ask, and a better 'bar' by which to measure both programs would be the global benchmark tool by GSSI (Global Sustainable Seafood Initiative). This is a rigorous, benchmark tool based on global multi-stakeholder input and the FAO key reference documents that audits Certification Schemes in (4) areas of Governance, Operations, Fisheries and/or Aquaculture.</td>
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<tr>
<td>5.7 Having not reviewed the standard recently I cannot comment, however the GSSI process may shed light on this.</td>
</tr>
<tr>
<td>5.8 See the SFP comments on the conformance criteria for a list of concerns/areas where RFM isn't equivalent with MSC: <a href="http://certification.alaskaseafood.org/wpcontent/uploads/2015/12/SFPCC">http://certification.alaskaseafood.org/wpcontent/uploads/2015/12/SFPCC</a> Submission.pdf</td>
</tr>
<tr>
<td>5.9 Both have rigorous standards for responsible management.</td>
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The variability in findings from both Questions 3 and 5 supports that ASMI is currently undergoing review in order to improve their program. Despite this, these findings highlight that the credibility of Alaska’s eco-label program has not been firmly established amongst Alaska stakeholders, and questions regarding legitimacy of an industry owned eco-labelling program remain. Question 7 asked respondents whether hatcheries are the most debated sustainability issue regarding Alaska salmon.

Respondents provided strong evidence in support of hatcheries being the most debated sustainability issue regarding Alaska salmon, with 50 percent responding in agreement to the question. The dissent cited the interception of salmon as more of a significant issue than hatchery salmon in British Columbia (7.4 and 7.9). The data in Table 4 provides a better understanding of the behind the scenes sustainability issues that mirror the relationship between an ‘all or nothing attitude.’ It also shows the possibility of the MSC reassessment splitting fisheries up for assessment, with the possible outcome of a mix of certified and uncertified salmon fisheries.
Table 6. Comments in Response to Question 7, (n=11).

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<tr>
<td>7.1</td>
<td>There are certainly other concerning factors around the sustainability of Alaska salmon but hatcheries is one managers and fisheries has control over.</td>
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<td>7.2</td>
<td>Yes if you set aside the associated need to protect habitat. BUT, there was another very significant issue beneath the surface in the AK debate and anger with MSC that hasn't been discussed publicly. That was the fear that MSC was going to prescribe population specific management objectives and strategies for managing spawning escapement. Mixed stock fishery issues have long been a practical challenge for salmon fishery managers. In AK historically, with stock being generally quite productive and healthy, the management system has been able to operate at pretty aggregate management scales in still provide adequate protection for individual spawning populations with establishing escapement goals at that level of granularity. But that doesn't ensure weak stocks will be protected and as more weak stock management needs arise, the potential impact on harvest opportunity in large-scale purse seine and troll fisheries can be a concern. AK looks at MSC as the tail wagging the dog, and heavily influenced by eNGOs and outsiders that are interested in imposing population specific management that would be extremely difficult and costly to implement. This was a big behind the scenes issue in the MSC debate with AK industry.</td>
</tr>
<tr>
<td>7.3</td>
<td>Just look at the Conditions that were placed on the fishery during the last assessment (and the 2006 assessment). Nearly all are related to hatcheries. AK has excellent policy with respect to hatcheries and protecting/managing wild salmon, but they do not always follow that policy in places like PWS and SEAK. Hatcheries are the reason that PWS “failed” MSC certification. I think PWS also recently failed the RFM evaluation. Upper management in ADFG &amp; the state (appointed positions) do not like groups like the MSC telling the state how to manage, even when independent assessment is simply reminding them about their own policy.</td>
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<td>7.4</td>
<td>Enhanced fisheries are definitely a widely discussed issue. Whether it is the 'most debated', I can't say. It has definitely received much press, and there has been a lot of misinformation. Alaska is very proud of our hatchery programs and we do all that we can to provide accurate information and make sure stakeholders understand the difference between Alaska and other parts of the world that may also have hatchery practices.</td>
</tr>
<tr>
<td>7.5</td>
<td>Hands down.</td>
</tr>
<tr>
<td>7.6</td>
<td>In British Columbia, Alaskan interceptions of at-risk stocks from Canadian rivers is a more controversial issue than Alaska's problematic aquaculture practices.</td>
</tr>
<tr>
<td>7.7</td>
<td>MSC certifies wild stock fisheries. Alaska is moving towards industrial ocean farming in SEAK and PWS. Wild stocks cannot be maintained sustainably given the industrial scale of hatcheries.</td>
</tr>
<tr>
<td>7.8</td>
<td>Maybe among people that are uninformed of benefits of hatcheries in protecting wild stocks. Where I live there are four or five programs teaching or promoting more fly-fishing. Most fly fishers think they have to wade in the streams, and they cause a lot of damage. We have 30,000 people, catch and eat mentality, 45 miles of road system with three salmon streams suitable for fishing. So without the local hatchery to provide marine and shore based consumptive salmon fisheries, our salmon streams get trampled by anglers. The hatchery does not plant fish upriver. Its fish protect the wild fish in the rivers. MSC has no conception of this benefit, and their anti-hatchery bias is based on stupid things done elsewhere.</td>
</tr>
<tr>
<td>7.9</td>
<td>I would argue they should be, but I think more public debate has been aimed at chinook by catch.</td>
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<tr>
<td>7.10</td>
<td>I think this is probably the case for those close to the issue, e.g. producers, government, NGOs, however I feel that it has not yet entered the consumer space.</td>
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Several responses are of important concern to this study, especially comments 7.2, 7.3, 7.7 and 7.10. There were possibly fears stemming from the MSC prescribing population specific management objectives and strategies for managing spawning escapement. This was said to be a very significant issue beneath the surface of the Alaska debate that has not been discussed publicly (7.2). This comment is a significant factor worthy of further investigation because it affects. Comment 7.3 addresses that while Alaska may have excellent sustainability polices, they do not always follow it. In addition, the State of Alaska were said to dislike being told how to manage, even when independent assessment was reminding them about their own policy (7.3).

Alaska’s salmon management policy has been coined the ‘gold standard’ of wild fisheries. However, it was pointed out in the survey responses that Alaska does not always follow their own polices. Comment 7.7 illuminates the potential severity of maintaining Alaska’s hatchery policy, “MSC certifies wild stock fisheries. Alaska is moving towards industrial ocean farming in Southeast and Prince William Sound. Wild stocks cannot be maintained sustainably given the industrial scale of hatcheries.” Hatchery salmon production has continued to grow over the past 20 years, yet science is saying that hatcheries are negatively affecting wild salmon. These findings call the State of Alaska’s salmon management polices into question when hatcheries are embedded in political and industry interests, and even Alaska herself. Alaskan fisherman and communities have come to economically depend on the hatchery system for providing income opportunities, in an otherwise limited and rural employment market.
When the MSC conformance criteria allow for industrial hatchery salmon to garner the same eco-label as wild fish, this does not adequately bring attention to the documented sustainability problems associated with hatcheries within the Alaska salmon fishery. When consumers go to the store and purchase seafood with the blue MSC-logo, they rely on label credibility to help them make responsible purchases. With Alaska’s reliance on hatcheries, these survey results bring attention to the dire reality that wild stocks are at increased risk because hatcheries have become the status quo for the Alaska industry. Industrial salmon hatcheries also exist in Japan and Russia. People around the world need to know that wild stocks are at risk in the North Pacific Ocean because of the industrial use of hatcheries by Russia, Japan and Alaska. This may help to solve this problem because the market mechanism could adjust to reflect this environmental issue through ratcheting up sustainability standards for all eco-labelling of salmon.

The final question of the survey to be reported asked respondents whether they thought more fisheries would pursue alternative eco-label certification programs, such as ASMI’s FAO-based RFM model in the future. In response to this question, 45 percent thought more fisheries would, while 35 percent did not know. This question is important because it addresses the current trend of new eco-labels being created as an alternative to the MSC certification criteria. While the cost and complexity of setting up a seafood eco-certification program would seem to make it difficult for very many fisheries to create alternative programs, this did not stop particular national and sub-national entities from creating new territorially based eco-labelling schemes. Table 7 details important data that helps to quantify the future of alternative eco-labels.
Table 7. Comments in Response to Question 6, (n=11).

| 6.1 | It is a problem, as it will confuse the public. The fishing industry just wants a label so they can sell the product. They typically do not want to be evaluated so that they can show they have good management. They just want to sell the product. Some buyers in Europe will not buy salmon if it is not MSC certified. This is what the big processors came back to the MSC process in 2015. |
| 6.2 | I know that other jurisdictions might consider doing so, but an evaluation of the AK experience would be very helpful to those who are considering that option. AK has learned some tough lessons about the costs and benefits of trying to create an industry program that has similar market traction to independent certification schemes. The fact that AK came back into the MSC system due to market requirements in Europe, after spending probably well over a million dollars in scheme development and incurring ongoing costs and human energy drain, might give others pause to consider the wisdom of pursuing this route. The more fundamental question probably is whether the market will require sustainability eco-labeling on a long-term basis. |
| 6.3 | There are a lot of politics behind this stuff, and it's hard from my vantage point to know where things are going to go. There's definitely a niche for a standard that's cheaper than MSC yet respected by the sustainability community. At this point, RFM has its work cut out for it to achieve that respect. |
| 6.4 | Interesting way to put it. The actual clients pursue the certifications and they change. |
| 6.5 | Really depends upon market acceptance. Indications are MSC has broader acceptance than other soft processes. |
| 6.6 | The cost and complexity of setting up a seafood eco-certification program would seem to make it difficult for very many fisheries to identify or create alternative programs. |
| 6.7 | I think it depends how the improvements turn out. |
| 6.8 | It all depends on how much a government or other body will pay to maintain it. |
| 6.9 | Having a choice is certification is very important. It is the genesis for why AK RFM was started. As |
with any industry - whether that be your cable company, your bank, etc....having a choice is important and better than the alternative, which often times is a monopoly.

6.10 A diversity of eco-labels is likely as seen across other industries and fisheries may seek a number of different marks dependent on the requirements of the particular market they are selling into. It is also beneficial to have competition between standards to ensure a high level is maintained.

6.11 Some processors are coming back to MSC since the buyers in Europe still look to their label instead of Global Trust.

These results suggest that Alaska returned to the MSC program due to market requirements in Europe (comments 6.1, 6.2 and 6.11), after spending substantial funds (one estimate is well over a million dollars) developing the RFM program (6.2). The trend of alternative labelling schemes is seen as both important in order to have a choice (6.9) and beneficial to maintain competition between standards to ensure a high level (6.10). It is also seen as problem because it can confuse the public (6.1). These findings recommend that tough lessons can be learned from the Alaska case about the costs and benefits of trying to create an industry program that has similar market traction to independent certification schemes (6.2). In addition, they suggest there is a niche for a standard that is cheaper than the MSC standard, yet respected by the sustainability community (6.3). The last section of this thesis will unify and analyze the conceptual framework, case study of Alaska salmon and Marine Eco-Label survey results before implications of this study are discussed.
Analysis

There is no doubt that eco-labels have increasingly become an important and influential instrument of global environmental governance. They have also become an illustration of the power surrounding disciplinary neoliberalism. Building on the emerging critique of neoliberal or market-oriented governance, and ‘green grabbing’ (Corson, MacDonald and Neimark 2013; Fairhead, Leach and Scoones 2012), it is shown that the Alaska salmon eco-certification case study contributes to this literature with the State of Alaska and the Alaska industry stakeholders aligning with market logics to create and commodify new natures (hatchery salmon) through new forms of environmental conservation (the market mechanism of ASMI’s FAO-based RFM certification scheme).

The first section of the conceptual framework discussed eco-labels as a system of global governance, defining the concepts of neo-liberalism and governance and explaining the shift from state-run governance to non-state, market-driven governance. This shift has resulted in an increasing combination of corporations, industry associations, social movement organizations and certification bodies being responsible for developing and enforcing regulations (Konefal 2012). Environmental regulation has shifted to private actors, or a joint-public-private undertaking (in this case the MSC and ASMI), relying on market-based mechanism of third-party certification to gain credibility and legitimacy (MSC conformance criteria, Global Trust and RFM Fisheries Standard). Since neoliberalism, and any authority system, requires continual legitimization, establishing legitimacy for voluntary eco-certifications is an important aspect of any labeling scheme. This research investigated the motivations and legitimacy of the Alaska industry’s departure from the MSC certification, to a label that is owned by the State and heavily influenced by the industry.
The second section of the conceptual framework analyzed the legitimacy of eco-certification systems and the corresponding eco-labels that are used to address collective action problems through consumer choices. Today, there are 26 major eco-labels, retail labels and consumer guides for fisheries and fishery products alone (FAO Committee on Fisheries 2014). While several researchers have developed frameworks to analyze the legitimacy of certification systems (Ostrom 2005; Dingwerth 2007; Koppell 2010), most of these studies focus on the decision-making procedures and policy strategies within a certification system (Marx 2013).

With all the research and attention given to these third party certification systems, it is concerning that out of 426 labels accessed from the Eco-label Index database containing eco-labels operating world-wide from different economic sectors, there is only data for 21 labels. Of those cases, only 25 percent use third-party recertification, 45 eco-labels make their audits publically available and about 150 eco-labels make use of corrective action plans. Marx’s (2013) eco-label research indicates that the granting of many eco-labels is rather flexible. The results of this study support Marx’s (2013) findings in a related, but different way. He found that the granting of many eco-labels is rather flexible. This study found that it is rather easy to create a new eco-label relative to motivations and desired conformance criteria.

While most eco-labelling programs are independent third party accreditation bodies that are developed by NGOs, some eco-labelling programs have been developed by the State (MEL-Japan) and the industries themselves (Alaska and Iceland). The third section of the conceptual framework showcased these three particular national and sub-national territories as examples of states that have moved away from the MSC, and created independent place-specific, or ‘territorial’ eco-labelling certification programs. This research contributes to
Foley and Havice’s (2016) conceptualization of these new fisheries eco-certifications emerging as forms of territorial sustainability governance. Their analysis revealed four closely related motivations that develop the territoriality as spatial strategy and inform this research: to respond strategically to MSC, to respond strategically to the transnational sustainable seafood movement, to reassert and demonstrate territorial control over national fisheries, and to enhance control over information and communication of territorially-specific regulatory and production practices, manifested as a territorialized brand of eco-certification.

Shedding new light on Foley and Havice’s (2016) conceptualization of territorial sustainability governance, while all four of the closely related motivations begin to explain the emergence of new fisheries eco-certifications, this research reveals an additional motive. The processors and State of Alaska created an alternative eco-certification because there was a sustainability concern surrounding hatchery salmon. This sustainability concern was perceived to make it more difficult for specifically Prince William Sound and Southeast units of certification to get certified. For this reason, the processors and the State of Alaska withdrew from the MSC and created their own eco-label. This was achieved through ASMI, with Global Trust acting in the capacity of an independent certification body.

These findings have shown that ASMI’s FAO-based RFM certification fails to meet the generally agreed upon standards for eco-certification. The survey has demonstrated that in the minds of key observers, the RFM certification criteria compares unfavorably with the MSC conformance criteria. As a result, the Alaska eco-certification case is an example of an alternative eco-labelling scheme that has culminated in a discrepancy of market mechanism disciplinary discourse logic through a ratcheting down of market wide performance and legitimacy for sustainability of salmon in Alaska.
For market mechanisms to work, there must be demand for a particular sustainability problem the global market. Consumer demand is influenced by an awareness of environmental problems. Most people in the world are unaware of the effect industrial hatcheries are having on wild stocks in the North Pacific. People must become aware of the particular environmental problem in order for the market mechanism to correct itself. The world needs to know that Alaska, Russia and Japan are engaged in industrial hatchery activities that are negatively impacting wild stocks. People worldwide also need to know that these hatchery fish are sold as ‘wild salmon’ in the global market. Consumer awareness of this problem can influence the market mechanism to adjust in ratcheting up standards. Some possible ways are by putting pressure on the MSC to adjust their conformance criteria to correct this issue, or by differentiating hatchery from wild fish in the market place.

To be clear, not all salmon hatchery programs are inherently bad. They began with good intention to help boost wild runs to sustainable numbers. Low impact hatchery projects can be effective in helping to restore wild stocks. However, what has occurred is the shift to industrial hatcheries where entirely new superficial runs have been created that are terminal. These are in no way natural. Helping a run recover is fundamentally different from a man-made economic stimulus terminal salmon stock. Scaling back industrial hatcheries in the North Pacific is a precautionary principle to ensure wild stocks survive. Research needs to focus on how to identify hatchery activity that is actually helping wild stocks and how to differentiate these hatchery programs from the industrial ones that are harming wild salmon. How can an eco-label provide a mechanism in the market place to differentiate healthy wild salmon stocks and successful low impact hatchery programs from industrial hatcheries that are harming wild salmon in the North Pacific?
Implications

Environmental governance promises to deliver legitimate mechanisms to address environmental problems. Voluntary codes, initiatives and eco-label certifications are important non-state market-based tools in this new form of global environmental governance. It has become a popular tool because new eco-label certification schemes can be created to differentiate products; thereby, allowing consumers to make responsible purchasing choices. This case study shows a discrepancy in this logic because Alaska stakeholders circumvented sustainability concerns by setting up its own eco-label program.

Eco-labels are supposed to generate both a ratcheting up of market-wide environmental performance and legitimacy. The benefit of eco-labelling programs is the environmental good resulting from this ratcheting up. The findings of this study have important repercussions because it calls into question the legitimacy of eco-labelling schemes. Since eco-labels are pursued, and in part funded by industry, market-based mechanisms are susceptible to being influenced by those who are paying for the service. This is especially true when the industry seeking third-party certification does not like the sustainability recommendations resulting from the independent review of their resource.

There is a fundamental divide between industry and conservation interests. Industry’s intent is to maximize profits, while conservation organizations desire to implement the best possible sustainability practices. Environmental marketing from an eco-label is a compromise that bridges the gap between the two motives. It is an arrangement that attempts to compensate industry for loss resulting from good resource management. The eco-label adds value by distinguishing the product as environmentally responsible. The Alaska processors returned to MSC after resisting it for two years because European markets refused
to buy salmon that was not MSC certified. This Alaska salmon eco-certification case study shows that a credible eco-label is valuable.

Non-state market-based mechanisms must be transparent to be legitimate. Academia can contribute to achieving transparency by being a safe place for stakeholders to share their experience and expertise of the mechanism in place, without fear of the information being held against them. Nearly everyone who was contacted to participate in this research project was insistent on anonymity because of the possible repercussions on their career for sharing controversial information that is in the industry’s interest to keep undisclosed. Stakeholders were concerned because the industry has the ability to influence which independent assessment body will conduct the resource evaluation. This facet of the eco-labelling certification system is questionable because industry interests have the ability to influence objective resource assessments through selection of the experts. Essentially, redacting the most progressive science and management recommendations for a particular fishery.

These findings progress the research within the field of environmental governance because academic researchers engaged in interdisciplinary work have the ability to straddle multiple worlds and disciplines. This vantage allows the researcher to see a bigger picture, helping identify and solve environmental problems. Researchers in environmental politics have the opportunity to bring more transparency and accountability to the market mechanism through illuminating the architecture of the eco-label, which straddles the interests of certification organizations and industries.
Conclusion

This thesis has investigated why the major Alaska salmon processors withdrew from the MSC certification in 2012 and joined ASMI’s FAO-based RFM program. Hypothesizing that there were factors beyond the cited reason of the cost of the MSC label, this study has uncovered evidence that Alaska circumvented salmon sustainability by creating its own eco-label.

These findings contribute to the global environmental governance discipline with problem driven research that advances our understanding of a new motivation behind a territorial entity creating an alternative standard for fisheries certification. The study also reveals an example of an alternative eco-label that has resulted in a ratcheting down of market wide performance and legitimacy for fishery resources. The main reason FAO-based RFM certification not co-exist with the MSC certification in Alaska is because the State of Alaska would need to address the sustainability of their hatchery management program. However, addressing these discrepancies and the problems of the hatchery management program would contribute to an erosion of the Alaska brand. For these reasons, the motivation for the major Alaska salmon processors pulling out from the MSC and creating ASMI's RFM program was in order to gain an eco-certification for Alaska salmon (specifically salmon created by artificial hatchery production) by means of a less stringent conformance criteria that were owned and controlled by the major processors, the State of Alaska and Alaska stakeholders. As a result, ASMI's initial RFM program is an example of a ratcheting down of market-wide performance and legitimacy for sustainability governance of fisheries in the global economy.
The e-survey and phone interview results verify that hatcheries engaged in industrial salmon production are the contested environmental concern in this case study and the catalyst for the Alaskan processors withdrawing from the MSC recertification in 2012. There is agreement among key respondents that the major salmon processors withdrew from the MSC reassessment because pre-assessment discussions led the processors to believe that Prince William Sound and Southeast areas would have difficulty getting certified. MSC certifies wild stock fisheries, but both Prince William Sound and Southeast regions have transitioned to large-scale hatchery production that in some cases dwarf local stocks. This is congruent with Table 2 (see appendix), which shows the regional percentage Alaska commercial harvest of hatchery-produced salmon from 2010-2014, and the five-year average. The Prince William Sound region average by far topped the chart at 77 percent, compared to Southeast’s 15 percent.

Industrial salmon hatcheries in the North Pacific are a problem because they are hurting the survival of wild runs. In addition, hatchery salmon are sold as ‘wild’ in the global market. Yet most people are unaware of both these facts. For a market mechanisms to work, consumers must be educated in environmental problems and demand a ratcheting up of sustainability standards. A ratcheting up of standards can help to solve the sustainability problem of industrial hatchery salmon present not just in Alaska, but throughout the North Pacific as well.

It cannot be denied that there is a niche for a standard that is less expensive than the MSC, yet respected by the sustainability community. At this point, these results show that ASMI’s RFM program has not achieved that respect and legitimacy held by the MSC standard. Due to ongoing evaluation and reform efforts, it cannot be determined if ASMI’s
current FAO-based RFM program is a legitimate market mechanism of environmental governance. For this reason, more research is needed to make a determination if an industry owned and operated conformance criteria and eco-label can actually be legitimate and meaningful.

Given the sheer number of eco-labels that are present today, and the reality that new eco-labels are likely to continue emerging, it cannot be denied that there is a future risk of a ratcheting down of market-wide performance and legitimacy for resource sustainability through use of eco-certifications in the global economy. It is crucial that problem driven research continues in all sectors of natural resource based industries in order to uncover instances of green grabbing and to identify eco-labels that are not legitimate forms of sustainability governance. The discipline of environmental politics is in a unique position to act as a watchdog and safe place for non-state market based players and mechanisms. This includes being an entity that stakeholders can approach to share expert understanding of the obstacles and effectiveness of the market mechanism itself.
References


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MSC v2.0 2014. “MSC Fisheries Standard and Guidance v2.0 (Extracted from Annexes SA, SB, SC and SD of the Fisheries Certification Requirements v2.0).” Marine


Table 2- Regional Percentage of Alaska Commercial Harvest of CCPH* Hatchery Produced Fish, from 2010-2014 and Five Year Average.

<table>
<thead>
<tr>
<th></th>
<th>Southeast</th>
<th>PWS</th>
<th>Kodiak</th>
<th>Cook Inlet</th>
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<tbody>
<tr>
<td>2010</td>
<td>7.67</td>
<td>88.64</td>
<td>3.59</td>
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<td>2011</td>
<td>20.97</td>
<td>74.61</td>
<td>4.14</td>
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<td>2012</td>
<td>24.46</td>
<td>69.04</td>
<td>6.45</td>
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<tr>
<td>2013</td>
<td>11.55</td>
<td>77.46</td>
<td>10.96</td>
<td>.05</td>
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<td>2014</td>
<td>11.41</td>
<td>77.24</td>
<td>11.17</td>
<td>.18</td>
</tr>
<tr>
<td>5 year Avg.</td>
<td>15.21</td>
<td>77.40</td>
<td>7.26</td>
<td>.13</td>
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</table>


MSC Principle 1, (13 Conditions).

Condition 3. Estimate contribution of hatchery chum to wild escapement in representative areas through appropriate means, such as implementing thermal otolith mass marking of all hatchery chum salmon. [Southeast]

Condition 11. Same as Condition 3 Estimate contribution of hatchery chum to wild escapement in representative areas through appropriate means, such as implementing thermal otolith mass marking of all hatchery salmon. [Southeast]

Condition 13. Same as Condition 3 - Where agreed by ADF&G and the certification body conducting annual surveillance audits under the MSC program, implement new estimates of productivity on wild salmon and incorporate appropriate changes in fishery management. [Southeast]

Condition 15. Same as Condition 3 Estimate contribution of hatchery chum to wild escapement in representative areas through appropriate means, such as implementing thermal otolith mass marking of all hatchery chum salmon. [Southeast]

Condition 18. Evaluation of hatchery stray rates of coho in representative natural spawning populations. [SE/Yakutat Troll]

Condition 23 - Provide adequate data and analyses to demonstrate that hatchery and fishery management actions are sufficient to ensure that harvest of enhanced fish is not adversely affecting the wild pink, chum, sockeye, and coho stocks. Revise wild stock assessments and management as appropriate. [Prince William Sound]

Condition 24. Estimate the contributions of stray hatchery chum and sockeye to spawning escapements and report results. [Prince William Sound]

Condition 25. Same as Condition 23

Condition 27. Provide a written evaluation of the effects of potentially selective hatchery practices on characteristics of un-enhanced wild stocks. [Prince William Sound]

Condition 29. Conduct a review of the Gulkana sockeye hatchery program with emphasis on potential impacts to wild stocks. [Copper/Bering]

*Condition 30. Continue to improve information on contributions of component stocks of sockeye and chino salmon to the commercial fisheries by time and area and incorporate*
appropriate refinements in escapement estimates for target species and enhanced fish. Provide a publicly available report that discusses the results. [Copper/Bering]

Condition 33. Complete revision of Cook Inlet Regional Enhancement Plan including specific guidelines consistent with existing sustainable fisheries and genetics policies and criteria for evaluating hatchery effectiveness. [Lower Cook Inlet]

Condition 34. Identify assumptions regarding contributions of enhanced sockeye, pink, and chum in natural spawning areas in the Cook Inlet Regional Enhancement Plan and describe guidelines which ensure that hatchery contributions to natural escapement are adequately considered in fishery management. [Lower Cook Inlet]

MSC Principle 2 (2 Conditions)

Condition 62. Support additional investigations of hatchery chum straying into natural production areas, including streams that are close to release sites and some streams distant from release sites.

Condition 63. Implement effective hatchery management practices needed to minimize hatchery impacts on the genetic diversity and productivity of wild pink and chum stocks in Prince William Sound. Effective measures will include: 1) evaluate various on site and remote release strategies to identify those that cause significant straying of hatchery-produced fish into natural production areas, 2) substantially reduce undesirable straying by improving or eliminating appropriate strategies, and 3) avoidance of hatchery selection practices that alter genetic and life history characteristics of the hatchery stocks relative to the local wild stocks. [Prince William Sound]

MSC Principle 3 (2 conditions)

Principle 3 considers the management and operational framework of the fisheries. In Alaska all commercial salmon fisheries are implemented in a comprehensive statewide system by the Alaska Department of Fish and Game and the Alaska Board of Fisheries. This system includes centralized and regional programs for implementation of regional commercial salmon fisheries. Because all regional fisheries are managed under the same system, this principle was scored for all regions jointly unless exceptions were identified for specific indicators.

Condition 66. Establish and implement a mechanism for periodic formal evaluations of each hatchery program for consistency with statewide policies and prescribed management practices. This would include a specific evaluation of each program relative to related policies and management practices. [All]
Condition 67. Complete a comprehensive, formal, written, and externally-reviewed evaluation of how the enhancement programs in Prince William Sound protect and sustain the genetic structure and productivity of natural stocks in the area. The review should include an explanation of how the current programs are consistent with current scientific information on hatchery risks to wild stocks, statewide policies, and hatchery practices in other regions of Alaska. Based on this review, update the comprehensive regional management and enhancement plan to include appropriate policies, objectives, and practices comparable to those identified in the comprehensive enhancement plan for southeast Alaska. [Prince William Sound]

17 Conditions Relating to Hatchery Activities, 17/69 = 24.6, 25%
May 12, 2015

Stefanie Moreland  
By Email: smoreland@tridentseafoods.com  
Trident Seafoods Corporation  
5303 Shilshole Avenue NW  
Seattle, WA 98107-4000

Dear Stefanie:

I’m writing in response to your April 7th email requesting the following companies be granted membership in the Alaska Salmon Processors Association (“ASPA”) and to share the Marine Stewardship Council (“MSC”) certification for the Alaska Salmon Fishery (“fishery”).

Trident Seafoods  
Peter Pan Seafoods  
Icicle Seafoods  
Ocean Beauty Seafoods  
North Pacific Seafoods  
Alaska General/Leader Creek Fisheries

Your request came as a great surprise given these companies’ prior stance, particularly those who serve pursuant to A.S. 16.51.020(b) as the four large processors on the Alaska Seafood Marketing Institute. The companies you represent enjoy a very large share of Alaska Salmon fisheries. Your request also raises multiple questions of varying complexity. Let’s be clear, ASPA does not view your request as simply your clients’ short term desire to use the certificate for the 2015 season.

For context, ASPA was formed in April 2014 only after the Purse Seine Vessel Owners Association (“PSVOA”) withdrew as the MSC fishery client under heavy pressure from the companies you now represent and various segments of government including Governor Parnell’s office where you served at the time as

[1]
his fisheries policy adviser. Your clients thus until very recently rejected the MSC that you say they now want to use. ASPA became the fourth fishery client since 2010. It was comprised of six smaller companies, including Silver Bay Seafoods LLC (“Silver Bay”), processing no more than 15% of the annual Alaska salmon harvest. Because of the rapid succession of fishery clients, MSC certification lapsed in 2012 and was not recertified until October 2013. This eighteen month delay caused primarily by your clients prevented ASPA members from selling in-season their 2013 harvest as MSC certified salmon and thereby eroded customer confidence in their ability to rely on a steady source of MSC labeled Alaska salmon products. The PSVOA withdrawal brought these six small companies to the realization that they needed to form a stable and durable fishery client—one not susceptible to the whims and pressure of government and industry politics. To that end, ASPA was established with express purposes:

1. Promote the interests of salmon fishermen and processors who have demonstrated a commitment to maintain MSC certification for the fishery.

2. Maintain the integrity of the MSC certification process in the marketplace.

3. Promote the MSC goal to provide for consumer demand for sustainably sourced fish products and meet the demand by member customers and buyers for MSC labeled Alaska salmon products.

4. Ensure that ASPA and its rules of governance are structured in a manner to address the conditions set forth in the November 23, 2013 assessment report and maintain uninterrupted MSC certification of the fishery.

With this background, let’s examine in more detail what has transpired over the past three years leading up to your request:

In 2012, the Alaska Fisheries Development Foundation (“AFDF”), composed of 40 plus seafood processors including your clients and other industry interests, agreed to replace ADF&G as the salmon fishery client. AFDF was already an MSC client for the Alaska Cod fishery. AFDF began working with the certifier, Moody Marine International (“Moody”), to complete the required annual audits and contracted with Moody to conduct a new assessment necessary to recertify the fishery as the current certification was set to expire in October 2012.

[2]
In January 2012, AFDF received letters from the major salmon processors including your clients giving notice that they would support MSC certification of Alaska salmon only through October 2012, when the certificate expired. A very short term approach. These companies indicated it was time to focus their resources on a broader market message. AFDF with support from your clients swiftly followed suit announcing it would not maintain certification beyond the expiration date.

Silver Bay, with some customers who looked favorably on MSC labeled Alaska salmon products, did not oppose the AFDF decision not to maintain certification. Rather, it implored AFDF to remain as the client through the already initiated fishery assessment so as to avoid any interruption in the MSC certification. AFDF refused stating it was compelled to comply with the requests of the major processors including your clients notwithstanding that it intended to remain the client for the MSC Alaska Cod fishery. It was thus very clear that the major salmon processors (your clients) were categorically opposed to any further MSC certification of Alaska salmon.

Recognizing the significant and growing opposition within the processing sector, Silver Bay reached out to Alaska’s salmon fishermen who supported a stable MSC certification of their fisheries. PSVOA, which represents approximately 400 Alaska salmon fishermen throughout Alaska and the West Coast, agreed in April 2012 to become the new client reasoning that resumption of that certification process would allow the Alaska salmon industry participants time to evaluate the merits of maintaining stable MSC certification. PSVOA immediately took the following steps:

1. Contracted with the certifier Moody for a new assessment of the fishery realizing the current certification would soon expire. PSVOA was not able to utilize the assessment already underway for AFDF.

2. Established an industry fee system using the AFDF model to fund the cost of the assessment.

3. Sent a letter to every Alaska salmon processor requesting they join the PSVOA client group.

Regrettably, the PSVOA decision to move forward did not lessen determination by your clients and others to stop any further MSC certification. The major
salmon processors immediately coordinated an effort to reverse the PSVOA decision, and when that failed they redoubled their efforts through the Alaska Seafood Marketing Institute (ASMI) and its surrogates. Although every salmon processor, including ASPA members, contribute to ASMI, it, like AFDF, was apparently compelled to comply with the request of the major salmon processors to stop MSC.

In May, 2012, ASMI first orchestrated a letter signed by 27 salmon processors reaffirming their withdrawal from the MSC process. According to the letter, they wanted no “confusion in the marketplace” and they had “no intention” of supporting further MSC certification. Further, the letter stated their belief that “the action to withdraw from the MSC salmon scheme is in the best interest of the Alaska salmon industry, an industry in which [they] have invested heavily for the future of Alaska, our fishermen, their families and our companies.”

Moreover, an ASMI Board member, who was also a PSVOA member, stated he would personally urge PSVOA to drop their role as MSC client.

In November 2012, PSVOA invited the ASMI Board Chairman to address the full membership on the issue of third party verification of fishery sustainability. Instead, he delivered a damming indictment of the PSVOA decision to become an MSC client and urged withdrawal as an MSC client. This was incredibly divisive and appeared designed for the purpose to create divisions within PSVOA membership.

In December, 2012, ASMI enlisted then Governor Parnell to have his Commissioners of Fish & Game and Commerce & Economic Development meet with PSVOA to express Alaska’s concern with MSC certification relating to governance, loss of market access and erosion of the “Alaska” brand.

Next, in February 2013, ASMI drafted and urged passage of a resolution by the United Fishermen of Alaska to reject MSC certification for Alaska salmon on a variety of bases including that MSC certification violated Alaska’s constitution.

During this time, ASMI, supported by your clients through its sponsorship and other contractual relationships with the publication Seafood.com, attempted to create third party opinions that were highly critical of the MSC certification and continuing PSVOA involvement.
Next, ASMI urged the Alaska Congressional Delegation to hold hearings in September, 2013, on the role of certification in rewarding sustainable fisheries with the clear focus to impugn MSC and accuse it of economic blackmail. Ironically, as mentioned above, you were then the fisheries policy adviser to the Alaska Governor Parnell and testified at the Senate hearing:

In 2011, Alaska’s leading salmon producers [your current clients] decided to withdraw from the MSC program. They saw the Alaska brand being eroded and replaced by a generic eco-label. They were frustrated with increased fees and most of all with the fact that the conditions for maintaining certification were continually changing... This (MSC) certification model effectively undermines the management of our authority over our fisheries governance process and structure by threatening to restrict access to markets based on our adherence to the changing standards of an entity completely unconnected and unaccountable to our state or nation.

Against this unrelenting opposition, PSVOA maneuvered through a fishery assessment that took almost 18 months to complete with recertification finally achieved on November 12, 2013—one full year after the prior certificate expired. Even then, ASMI issued another press release emphasizing that more than 80% of Alaska salmon will not carry the MSC label and the major salmon producers, your clients, remain opposed to MSC certification of Alaska salmon. And the smaller salmon companies that financed and supported the certification were left without MSC certification for the 2013 salmon season and the dissatisfaction of some of their customers who were looking favorably on MSC certified salmon products. Is there any wonder why PSVOA withdrew as the client?

With this backdrop, we get to your request in light of ASPA goals mentioned above. When the major salmon processors withdrew MSC support ASPA members recognized your client’s opposition to MSC and the perceived need to develop the alternative Responsible Fisheries Management (“RFM”) or perhaps some other certification process, particularly in view of the current adversity between MSC assessment standards and Alaska’s hatchery management practices. What we did not understand was the suggested incompatibility of parallel MSC and RFM salmon certifications when other Alaska fisheries co-existed with both certification regimes. This position ran totally contrary to the realities of the market where seafood sellers and buyers of Alaska salmon can have multiple certification or verification approaches based upon a variety of end-user preferences.
As stated initially, your request to expand the ASPA membership to these large salmon processors raises more questions than it answers. However, the only question we must now address is whether to expand the ASPA membership to include your group of major salmon processors. To answer this question, we look to ASPA’s stated purposes and the past for guidance. There, as outlined above, we see a group of large processors who attempted to destroy the MSC certification of Alaska salmon through almost any means possible. We also see that when this group of large processors were members of past MSC salmon client groups they gave no consideration to the views of the smaller processors or Alaska’s salmon fishermen. They pressured and manipulated the decisions of these past client groups – all to the detriment of a stable MSC certification desired by some smaller processors and some of their customers.

We also think it is noteworthy to look at the manner in which you made your request for admission to ASPA. Rather than inviting us to a meeting among the large processors to discuss the request in a spirit of cooperation, we received a short, perfunctory email stating that the group would like to be ASPA members and would like the association to vote on their request on April 10, some three days later. When the ASPA vote did not occur on April 10, a steady stream of articles in the industry blogs followed with many seemingly intended to apply pressure on ASPA. A tactic reminiscent of the anti-MSC campaign of 2012-13.

Based upon the foregoing, we do not believe it is presently consistent with ASPA’s above stated purposes to admit your group into the client group. We note that the 2015 season is now upon us and we have our businesses to run. However, ASPA is willing to resume discussions in September with the express intention of establishing comprehensive stable sustainability certification or verification in 2016 for Alaska salmon.

We understand that some companies may not find this acceptable. Fortunately there are multiple alternative approaches to certification or verification of sustainability that some salmon purchasers desire. Among the options and alternatives is the option to establish a new client group and start a second assessment of the fishery. MSC guidelines allow for multiple clients to simultaneously assess the same fishery even using the same certifier, provided conditions placed on the fishery by the certifier(s) were “harmonized.”
We are not suggesting this is the preferred approach. However, this parallel approach may offer an alternative. In addition, of course MSC is not the only way of attempting to satisfy the desires of some of your clients' customers for assurances of sustainability. Assurances of sellers as to sustainability can take many forms and approaches.

Sincerely,

[Signature]

Rob Zuanich
Executive Director

cc: ASPA Board of Directors
RESOLUTION 2013 -1

A RESOLUTION OF THE UNITED FISHERMEN OF ALASKA SUPPORTING THE STATE OF ALASKA AND THE ALASKA SEAFOOD MARKETING INSTITUTE’S DECISION TO OFFER THIRD PARTY FISHERIES CERTIFICATION AND TO SEEK ALTERNATIVE CERTIFICATION CRITERIA UNDER INTERNATIONALLY RECOGNIZED STANDARDS.

WHEREAS, Alaska seafood has been sustainably managed since statehood; and

WHEREAS, the State of Alaska Constitution requires that Alaska Salmon “shall be utilized, developed and maintained on the sustained yield principle”; and

WHEREAS, Alaska’s salmon management, including the development of the hatchery program, has been internationally recognized as the best managed salmon fisheries in the world; and

WHEREAS, the State of Alaska and Alaska’s seafood industry have created the Alaska Seafood Marketing Institute to educate Alaska’s seafood customers about the sustainability of Alaska seafood and to promote Alaska salmon as wild, natural and responsibly managed; and

WHEREAS, the Alaska Seafood Marketing Institute has worked for 30 years to market the Alaska brand and to have Alaska seafood consumers associate Alaska with sustainable, wild, natural and responsibly managed fisheries; and

WHEREAS, the Alaska brand logo is one of the most recognized seafood identifiers in the world encouraging Alaska seafood sales both nationally and internationally; and

WHEREAS, sale of Alaska seafood provides significant economic benefits to coastal and rural Alaska, including fishermen, processors, processing workers, businesses and communities; and

WHEREAS, economic benefits to rural and coastal Alaska from seafood sales support transportation, retail, supply, and energy business in urban Alaska and throughout the State of Alaska, and
WHEREAS, the Alaska seafood industry is the largest non-government employer in Alaska, and

WHEREAS, the State of Alaska annually invests in salmon research including “in river” and “near shore” research as well as research monitoring hatchery production and stock identification research; and

WHEREAS, the initial third party “sustainability” certification by the Marine Steward Council simply affirmed the sustainability of the State of Alaska’s existing salmon and seafood management programs; and

WHEREAS, MSC staff asserted that MSC approval was the only process by which Alaska seafood customers could know that Alaska’s fisheries were managed sustainably; and

WHEREAS, substitution of MSC directed seafood management for State of Alaska management would violate Alaska’s constitution which states that the Alaska “Legislature shall provide for the utilization, development and conservation of all natural resources belonging to the State”; and

WHEREAS, substitution of the MSC logo and branding for the Alaska brand would erode 30 years of investment in the Alaska brand; and

WHEREAS, MSC certification increases industry costs by imposing audit costs, fishery management costs and logo use costs on Alaska’s seafood industry; and

WHEREAS, MSC, as the ONLY third party certifier for Alaska seafood “sustainability”, could effectively control the supply chain between Alaska seafood producers and Alaska salmon customers; and

WHEREAS, an objective standard for “sustainability” certification is needed; and

WHEREAS, many customers for Alaska seafood have requested that, if needed at all, an alternative to the MSC certification process is desired; and

WHEREAS, the State of Alaska cannot delegate Alaska seafood management decisions to a third party certification entity.

THEREFORE BE IT RESOLVED, that the UNITED FISHERMEN OF ALASKA and all signatory fishing groups strongly support the State of Alaska’s decision to withdraw the Alaska Department of Fish and Game from Marine Stewardship Council (MSC) certification.
BE IT FURTHER RESOLVED, that the UNITED FISHERMEN OF ALASKA and all signatory fishing groups strongly support the Alaska Seafood Marketing Institutes’ decision to reject MSC “clientship” for Alaska salmon certification.

Be IT FURTHER RESOLVED, that the UNITED FISHERMEN OF ALASKA and all signatory fishing groups believe that the Alaska brand of wild, natural and sustainable seafood as well as the Alaska Constitution requiring “sustainability” and the Alaska Department of Fish and Game’s internationally acclaimed management practices are all that is needed for Alaska’s seafood retail and wholesale customers to understand that Alaska’s seafood is “sustainable”.

BE IT FURTHER RESOLVED, that the United Fishermen of Alaska and all signatory fishing groups support the Responsible Fishery Management (RFM) certification as an objective, internationally recognized ISO (International Organization for Standardization) Standard that is in the best interests of Alaska and its fisheries.

BE IT FURTHER RESOLVED, that the UNITED FISHERMEN OF ALASKA and all signatory fishing groups encourage the State of Alaska to continue to fund and support ASMI in its efforts to educate Alaska seafood customers regarding the constitutional and institutional sustainability of Alaska seafood management as well as the need for objective internationally recognized 3rd party fishery certification.

Signed this 19th day of February, 2013 by:

Bruce Wallace, United Fishermen of Alaska Interim President

Bruce Schaeffer, United Fishermen of Alaska Marketing Chair

[Signature]

Southeast Alaska Fishermen’s Alliance

[Signature]

SEAS
Jerry McCune  Cordova District Fishermen United
Paul A. Shoemaker  Kenai Peninsula Fishermen's Association
R Bart Wahl  Armstrong-Keta, Inc.

Valdez Fisheries Development Assoc.

Tom Andrus  Cook Inlet Aquaculture Association
Ken Bunn  Kenai Peninsula Aquaculture Association

Earl Prestbyard  Douglas Island Park & Camp Inc.

Dale Kelley  AK Trollers Assn

Duncan Fields  Cape Barnabas Inc.

Jim Lash  Petersburg Vessel Owners Assn.

Chip Tre  SF Hearing Cons. Alliance

Richard Marble  Concerned Area M Fishermen
Brent C. Pain, United Codner Party

ARDFIA

Mark H. Gleason, Alaska Reeling Sea Crabbers

Jason Anderson, BFP

Tom Gemmell, United Southeast Alaska Gillnetters

Stephanie Madsen, At-Sea Processors Association

Ian Pitman, United Cast-Net Drift Association

Jim Stone, Alaska Scallops Association

Richard Walsh, Concerned Area M Fisherman

Kim D. Adams, At-Large Delegate

ARDFIA

CWA

Freezer Longline Coalition

AKALFA

Alaska Longline Fishermen's Association
L. P. Q.    AIC DA

M. D.     SPC

Linda R.    Golden King Crab Coalition

S.S.A.A.

Michael S.    North Pacific Fisheries

The Marine Eco-Labels Survey Questions

Marine Eco-Labels

Thank you for participating in this research.

1 / 5 20%

This study examines the factors that influenced a group of Alaska seafood processors from withdrawing their support of the Marine Stewardship Council’s (MSC) fishery certification program in 2012, and instead engaging with the Alaska Seafood Marketing Institute’s (ASMI) United Nations Food and Agriculture Organization (FAO)-Based "Responsible Fisheries Management (RFM)" program, certified by Global Trust. The results of this study will advance our understanding as to why an alternative standard was needed to verify the sustainability of fishery resources.

Thank you for participating.

By clicking next, I verify that I have received and signed an Informed Consent Form and returned a signed copy to the researcher.
### Marine Eco-Labels

#### The Case Study of Alaska Salmon

1. Why did a group of Alaska salmon processors withdraw their support from MSC’s fishery certification program in 2012, and join ASMI’s FAO-Based RFM program, certified by Global Trust?

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<tr>
<td>The cost of MSC reassessment was too expensive.</td>
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<td>MSC’s Conditions for Certification were too demanding.</td>
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<td>Seafood Processors feared they would not meet re-certification requirements.</td>
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<tr>
<td>Seafood Processors wanted more control of labeling guidelines.</td>
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<tr>
<td>There was tension between the MSC assessment standard and Alaska’s hatchery management.</td>
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<tr>
<td>There were too many MSC Conditions left unresolved.</td>
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Other (please specify)

2. Comments?


### Legitimacy of Labelling

3. Does ASMI's FAO-Based RFM conformance criteria, certified by Global Trust, include the following components of an effective and credible eco-certification?

<table>
<thead>
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<th>Disagree</th>
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<td>Stock assessment relative to standards is required</td>
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<tr>
<td>Assessment of the environmental impact of the fishery is required</td>
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<td>Evaluates whether a management agency's standards reflect FAO guidelines</td>
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<tr>
<td>Required improvements relative to an internationally accepted set of standards for sustainable fishing are identified</td>
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<tr>
<td>Commitment is obtained from a management agency to address required improvements within a specific time frame</td>
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<tr>
<td>Consequences are identified if required improvements are not made</td>
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<td>The certification process is transparent</td>
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<tr>
<td>Stakeholder involvement is encouraged</td>
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<tr>
<td>Advances in science, FAO standards and international &quot;best practices,&quot; are incorporated</td>
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</tbody>
</table>
Independent of Certifier, Client/Management agency, and standards is maintained

Other (please specify)

4. Comments?

5. Does ASMI’s FAO-Based RFM conformance criteria adhere to equivalent sustainability stringency criteria standards as the Marine Stewardship Council?

Comments

6. Do you think more fisheries will pursue alternative eco-label certification programs, such as ASMI’s FAO-based RFM model, in the future?

Comments
7. Are hatcheries the most debated sustainability issue regarding Alaska salmon?

Comments

About you

[5/5] 100%

7. Please select your stakeholder involvement with fisheries (optional).

- Government
- Fisheries Interest
- Business Interest
- Non-Governmental
- Other (please specify below)

Name of Group or Organization (optional)

8. Could you recommend a person (or people) who are knowledgeable on this topic of Marine eco-labels, who I could send this interview to? If yes, please provide their name and contact information below.


9. Could I contact you to clarify your answers or to ask further questions regarding this research project?

- Yes
- No
- If yes, please provide your contact information.

[Prev Done]

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Informed Consent Form

Purpose and Benefit:

The role that eco-labels can have in creating sustainable fisheries around the world has been previously examined. This study continues research into the future of eco-labels in the fishing industry, particularly the factors that influence participation with and legitimacy of voluntary sustainability eco-labeling schemes. The purpose of this investigation is to examine the factors that influenced a group of Alaska's salmon processors from withdrawing their support of the Marine Stewardship Council's certification, and instead engaging with the Alaska Seafood Marketing Institute's Responsible Fisheries Management program. The results of this study will advance understanding as to why an alternative standard was needed to verify the sustainability of fishery resources.

I UNDERSTAND THAT:

1) My involvement will include filling out a questionnaire and/or participating in a telephone or in person interview. My participation will involve approximately 20 minutes.
2) There are no anticipated risks or discomfort associated with participation. One possible benefit for me may be a better understanding of the research process.
3) My participation is voluntary, I may choose not to answer certain questions or withdraw from participation at any time without penalty.
4) All information is confidential. My signed consent form will be kept in a locked cabinet separate from the questionnaires. My name will not be associated with any of my responses at any time.
5) My signature on this form does not waive my legal rights of protection.
6) This master’s thesis is supervised by Dr. Singleton. Any questions that you have about the study or your participation may be directed to her at 360-650-4880. I (Monique Couture) can be contacted at couturm@students.wwu.edu.

If you have any questions about your participation or your rights as a research participant, you can contact the WWU Human Protections Administration (HPA), 360-650-3220 or janai.symons@wwu.edu
If during or after participation in this study you suffer from any adverse effects as a result of participation, please notify the researcher directing the study or the WWU Human Protections Administrator.

I have read the above description and agree to participate in this study.

______________________________________________  ____________________________
Participant’s Signature                             Date

______________________________________________
Participant’s PRINTED NAME

*NOTE: Please sign both copies of the form and retain the copy marked “Participant.” If this was sent to you electronically, you are encouraged to print out a copy for your records.