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U.S. DEPARTMENT OF COMMERCE**

**HEARING ON
LEGISLATION ON SHARK FIN AND BILLFISH SALES**

**BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON WATER, POWER AND OCEANS
U.S. HOUSE OF REPRESENTATIVES**

April 17, 2018

Introduction

Good afternoon, Chairman Lamborn, Ranking Member Huffman, and Members of the Subcommittee. My name is Alan Risenhoover and I am the Director of the Office of Sustainable Fisheries within the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) in the Department of Commerce. Shark and billfish species are important contributors to the nation's valuable commercial and recreational fisheries as well as serving an important role in our ocean ecosystem. I appreciate the opportunity to speak with you today about the work by NMFS to conserve and manage sharks and billfish and to provide our perspective on the main bills being discussed.

Shark Conservation and Management

Almost two decades ago Congress prohibited shark finning—which is removing shark fins at sea and discarding the rest of the shark—when it amended the Magnuson-Stevens Fishery Conservation and Management Act by enacting the Shark Finning Prohibition Act of 2000. The law prohibits any person under U.S. jurisdiction from engaging in the finning of sharks, possessing shark fins aboard a fishing vessel without the corresponding carcass, and landing shark fins without the corresponding carcass.

In 2008, NOAA implemented even more stringent regulations to require all Atlantic sharks to be landed with all fins naturally attached to facilitate species identification and reporting and improve the enforceability of existing shark management measures, including the finning ban. Today, Atlantic sharks are primarily managed through NOAA's Atlantic Highly Migratory Species program.

The Shark Conservation Act of 2010 amended the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Act to further strengthen rules against shark finning. Among other things, the Shark Conservation Act extended the fins-attached requirement to all sharks in the U.S., with an exception for commercial fishing of smooth dogfish sharks.

Sharks are among the ocean's top predators and are vital to the natural balance of marine ecosystems. Due to their biological characteristics, many shark species are vulnerable to overfishing. To help protect these important marine species, the United States has some of the strongest shark conservation and management measures in the world. By conducting research, assessing stocks, working with U.S. fishermen, and implementing restrictions on shark harvests as called for in the Magnuson-Stevens Act, we have made significant progress toward ending overfishing and rebuilding overfished stocks for long-term sustainability. As of the end of 2016, only 3 out of 36 U.S. shark stocks or stock complexes were listed as subject to overfishing and just 5 shark stocks were listed as overfished.ⁱ Strict management measures are currently in place to rebuild overfished shark stocks and to end overfishing when it occurs. We expect continued progress in this regard.

In partnership with regional fisheries management organizations and other international bodies, The U.S. continues to be a leader in promoting the global conservation and management of sharks. NMFS works internationally to promote our "fins naturally attached" policy overseas and provide technical support for other countries' shark conservation and management efforts. We collaborate with other countries on research aimed at achieving science-based management measures and conservation of sharks in our global ocean.

Shark fisheries are valuable contributors to the U.S. economy. In 2015, U.S. fisherman landed approximately 25 million pounds of sharks, valued at nearly \$7 million.ⁱⁱ Fins remain an important source of revenue for our shark fisheries. In the Atlantic, commercial landings of the primary shark species, other than spiny dogfish, were worth approximately \$2.5 million in 2016, of which approximately 26 percent came from the sale of fins.ⁱⁱⁱ

The United States is a relatively small player in the global trade in sharks, but we work with other countries on the trade of shark species internationally. According to 2015 data from the Food and Agriculture Organization of the United Nations, global imports of shark fins were approximately 13,000 metric tons. Only a small portion of that volume was imported into the U.S. In 2015, 24 metric tons of shark fins valued at \$288,000 entered U.S. Customs districts from outside the United States. These shark fins were imported through the U.S. Customs and Border Protection districts of Houston-Galveston; Los Angeles; Miami; New York; Portland, Maine; and Seattle and all came from New Zealand or Hong Kong. Due to the complexity of the shark fin trade, fins are not necessarily harvested by or produced in the same country from which they are exported. In 2015, the U.S. exported 18 metric tons of shark fins valued at a little over \$1 million.^{iv}

Billfish Conservation and Management

The United States carefully regulates its domestic billfish fisheries and participates in international fishery management bodies that regulate billfish in both the Atlantic and Pacific. The U.S. has successfully implemented measures aimed at ending overfishing and rebuilding all overfished billfish stocks.

In the Pacific and Western Pacific, with the exception of striped marlin, billfish populations are not overfished or subject to overfishing and are being sustainably managed under the Magnuson-Stevens Act. The U.S. catch of billfish has been below established limits set by international bodies for Pacific striped marlin stocks.

Commercial harvest of billfish in the Atlantic has been prohibited by regulation under the Magnuson-Stevens Act since 1988 due to conservation concerns. Under existing regulations, seafood dealers and processors are required to use the Billfish Certificate of Eligibility (COE) to document that billfish possessed or offered for sale were not harvested from the Atlantic Ocean. The certificate must document the harvest event and accompany the billfish to any dealer or processor who subsequently receives or possesses the billfish. The COE certifies that the accompanying billfish was not harvested from the Atlantic Ocean, and identifies the vessel landing the billfish, the vessel's homeport, the port of offloading, and the date of offloading. This COE, along with existing requirements for documentation of landings of domestic catch contained in Federal fishery management plans provides adequate documentation to distinguish billfish legitimately in U.S. commerce from those that are prohibited.

Despite careful management of billfish in the U.S., global billfish populations have declined significantly due to overfishing by non-U.S. fishing fleets. According to the Food and Agriculture Organization of the United Nations, U.S. fisheries represented approximately one percent of the estimated 124,000 metric tons of billfish captured globally in 2014. The decline in billfish populations are primarily from retention of billfish caught as bycatch in other fisheries.

With the Billfish Conservation Act of 2012, Congress recognized the continued global conservation challenges that billfish populations continue to face. While it does not explicitly ban the import or export of billfish into or from the U.S., it does prohibit selling billfish or billfish products as well as having custody, control or possession of billfish for purposes of selling them or offering them for sale. This effectively banned commercial trade in billfish, thereby eliminating demand for imports. The Billfish Conservation Act has stopped importation of well over 8 million pounds since its enactment. The Act provides for two exceptions that cover a small amount of billfish trade, sold mainly in Hawaii and the Pacific Insular Areas.

Perspectives on pending bills

With respect to the Billfish Conservation Act amendments (H.R. 4528), we believe the legislation would not advance the conservation of billfish significantly, and would block a small amount of sustainably harvested domestic product from entering commerce on the U.S. mainland. Further, the bill's amendments to the Shark Conservation Act of 2010 (SCA) are unnecessary for the conservation of sharks, including smooth dogfish. The rule of construction in section 2 of the bill provides that nothing in the SCA shall be construed to alter the Secretary of Commerce's authority to manage certain highly migratory species under the Magnuson-Stevens Act. It is our understanding that this rule of construction is intended to provide the Secretary authority to override the exception in the SCA that allows the finning of smooth dogfish under certain circumstances. As written, however, the rule of construction does not

affect the statutorily-created smooth dogfish exception, nor does it provide the Secretary any additional authority that he does not currently retain under the Magnuson-Stevens Act.

We cannot support the Shark Fin Sale Elimination Act (H.R. 1456) because the bill's negative impact on U.S. fishermen would outweigh its minimal benefit to shark conservation. The United States currently has effective laws and associated regulations that prevent shark finning and sustainably manages its fisheries. As written, this bill does not meet its intent to improve the conservation and management of domestically harvested sharks. It prohibits the possession and sale of shark fins. This would hurt U.S. fishermen who currently harvest and sell sharks and shark fins in a sustainable manner under strict federal management. Furthermore, the bill does not significantly curb international trade in shark fins where the majority of trade in shark fins occurs.

While we support the intent of reducing the illegal trade of shark fins in a manner that does not harm our domestic fishermen, we cannot support the Sustainable Shark Fisheries and Trade Act (H.R. 5248) in its current form. In particular, we do not support the proposed certification program. The breadth of shark products covered in the legislation (e.g. cosmetics, supplements, footwear, etc.) goes beyond the jurisdiction of NMFS and the agency could not trace source material for such highly-processed products. Implementing such a certification program, even one focused on specific shark species and shark products of concern, would entail significant costs. In addition, available data for shark fin imports indicates the U.S. imports a relatively small amount of shark fins compared to other countries. Therefore, the impact of the bill on global conservation and trade would be relatively small.

Conclusion

NOAA Fisheries appreciates the opportunity to discuss shark and billfish conservation and management and highlight the importance of these fisheries to our coastal economies. We look forward to working with Congress on these issues. I am available to answer any questions you may have.

i See Status of the Stocks 2016. NMFS Office of Sustainable Fisheries, available at:

<https://www.fisheries.noaa.gov/national/2016-report-congress-status-us-fisheries>

ii See NOAA Annual Commercial Fisheries Landings Database, available at

<http://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index>

iii 2017 Stock Assessment and Fishery Evaluation (SAFE) Report for Atlantic Highly Migratory Species.

iv See 2016 Shark Finning Report to Congress, available at: <https://repository.library.noaa.gov/view/noaa/17060>

v 2015 Stock Assessment and Fishery Evaluation (SAFE) Report for Atlantic Highly Migratory Species. Status of

the U.S. West Coast Fisheries for Highly Migratory Species through 2015, Stock Assessment and Fishery

Evaluation (SAFE) Report Pacific Island Pelagic Fisheries 2015. Western Pacific Fisheries Information Network

<https://www.pifsc.noaa.gov/wpacfin/>. Note the billfish figures include Atlantic and Pacific Swordfish, Pacific blue

marlin, Pacific black marlin, Pacific striped marlin, Pacific sailfish, and Pacific spearfish.

vi Estimate based on C. Geslani, M. Loke, B. Takenaka, and P.S. Leung. 2012. *Hawai'i Seafood Consumption and Its Supply Sources*. SOEST 12-01/JIMAR Contribution 12-0379, and personal communications with B. Takenaka on the recent landings and wholesale price data.