

**Testimony of Shaun M. Gehan on Behalf of the Sustainable Shark Alliance  
Regarding H.R. 737 and H.R. 788  
Submitted to the House Natural Resources Committee’s Subcommittee on Water, Oceans,  
and Wildlife Regarding the Subcommittee’s Legislative Hearing on  
Tuesday, March 26, 2019 10:00 AM  
1324 Longworth House Office Building**

The Sustainable Shark Alliance (“SSA”), joined by the below listed commercial fishing organizations, offers the following testimony in support of H.R. 788 the Sustainable Shark Fisheries and Trade Act of 2019 (“SSFTA”) and in opposition to H.R. 737, the Shark Fin Sales Elimination Act (“SFSEA”). The SSA represents shark fishermen, dealers, and processors, many of whom worked with the National Marine Fisheries Service (“NMFS”) back in the 1980s to develop markets for shark meat and to develop a viable domestic shark fishery.

The organizations providing this testimony are deeply disappointed the Subcommittee has excluded the bipartisan Webster/Lieu bill, H.R. 788, from consideration in this hearing. The SSFTA—the only bill that improves shark, skate, and ray conservation globally—is modeled on widely-supported laws that protect sea turtles and marine mammals in other nations. Like those laws, this bill limits imports only to fish caught using environmentally responsible methods required in the U.S. Specifically, the SSFTA excludes shark, skate, and ray products from nations that do not enforce strong anti-finching measures and meet the high U.S. standards for management and conservation.

This incentive promotes responsible fishing practices beyond U.S. borders, making the SSFTA a stronger conservation bill than H.R. 737. Barring possession, domestic sales, exports, and imports of shark fins has no extraterritorial impact other than ceding the global fin market to nations with cruel and unsustainable fishing practices. (The United States is a net shark fin exporter,<sup>1</sup> importing less than one percent of total fins traded annually.<sup>2</sup>) By contrast, H.R. 788’s certification and trade monitoring program incentivizes other nations to proactively manage shark, skate and ray fisheries and end finching as we have done here in the U.S.

One of the chief arguments of supporters of a national shark fin sales ban is that it will prevent U.S. consumers of shark fins, who are mostly of Asian descent, from contributing to the abhorrent practice of shark finching. However, the fact that the U.S. participates as a consumer in the global fin trade means that our nation has leverage to influence fisheries management in other nations. Such influence will evaporate if the United States were to abandon trade.

No one denies that the United States is the world leader in terms of shark conservation and fisheries management. In a 2017 paper, two experts in global shark fisheries noted that about

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<sup>1</sup> NOAA Office of Science and Technology, Commercial Fisheries Statistics, Cumulative Trade by Date, *available at* <https://www.st.nmfs.noaa.gov/commercial-fisheries/foreign-trade/applications/trade-by-product>.

<sup>2</sup> The United States account for only about 0.2% of total imports on average from 2000-2011, according to the United Nation’s Food and Agriculture Organization. F. Dent, S.C. Clarke, *State of the Global Market for Shark Products* (Technical Paper 590) UNFAO (2015), Table 3, at 21.

two-thirds of all the sustainable shark and ray fisheries in the world occur in this country.<sup>3</sup> Stringent anti-finning rules and precautionary management practices have led to exponential shark population increases in this country.<sup>4</sup> This stands in stark contrast to trends in many foreign shark fisheries, as has been widely noted by proponents of H.R. 737. Notably, however, it is demand for shark meat, which has sharply increased over the past couple of decades, and not the declining demand for fins, that is prompting the need for stepped-up conservation efforts in other parts of the world.<sup>5</sup>

In fact, growing domestic populations of large coastal sharks are leading to increasing concerns, most recently expressed by the South Atlantic Fishery Management Council, that an imbalance in predator/prey relationships are impacting important game and commercial fish stocks, such as king mackerel and many snapper-grouper species.<sup>6</sup> The Florida Fish and Wildlife Conservation Commission has also reported growing complaints from recreational and commercial fishermen regarding impacts of increased shark populations on their fisheries. Impacts include shark attacks on fishing gear, such as shrimp trawls, and fish lost to commercial and recreational hook-and-line fisheries as sharks feed on the catch before it can be brought aboard. Larger shark populations also increase opportunities for interactions between humans and sharks, which have been on the rise in recent years from Florida to New England.

In addition, increasing shark populations are also starting to cause concern over predatory impacts on North Atlantic Right Whales. Concern for right whale recovery was the main topic of a recent Water, Oceans, and Wilderness Subcommittee hearing and of a bill on the docket for today's hearing. A 2013 peer-reviewed scientific article published in the journal of *Marine Mammal Science* clearly concludes that shark predation is a concern for right whale stock recovery in that "right whale calf and perinatal mortality could be over twice as high as documented by mortalities and disappearances from the sighting record. Predation may be a greater threat to this population than documentation suggests...." The report goes on to state that "maintaining survey efforts, necropsy responses, and reviewing the photo-identification data will be essential for monitoring the frequency of shark attacks on the calving ground." (*Id.* at 210.)

Consider this paradox – the entire U.S. fishing industry from Maine to Florida is required to not exceed a Potential Biological Removal ("PBR") of just one North Atlantic Right Whale per year but robust shark populations (*e.g.*, Great White) that are afforded disproportional conservation protection are consuming severely endangered right whale calves and juveniles at a rate that

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<sup>3</sup> Colin A. Simpfendorfer and Dulvy, N.K., Correspondence, *Bright spots of sustainable shark fishing*, *Current Biology* 27, R83–R102, (Feb. 6, 2017), p. R97-R98.

<sup>4</sup> See National Marine Fisheries Service, Northeast Fisheries Science Center, *2015 Coastal Shark Survey Reveals Shark Populations Improving off U.S. East Coast* (Sept. 8, 2015), available at [https://www.nefsc.noaa.gov/press\\_release/pr2015/scispot/ss1509/](https://www.nefsc.noaa.gov/press_release/pr2015/scispot/ss1509/).

<sup>5</sup> See Dent & Clarke, *supra* n.2, at 6-7.

<sup>6</sup> See SAFMC, Draft letter re: Concern over the impact of large coastal sharks on fisheries managed by the South Atlantic Fishery Management Council (March 8, 2019), available at [http://safmc.net/download/Briefing%20Book%20Council%20Mtg%20March%202019/TAB%2011%20-%20Full%20Council/TAB11\\_A4\\_DraftSharkCommentLetterToHMS.pdf/](http://safmc.net/download/Briefing%20Book%20Council%20Mtg%20March%202019/TAB%2011%20-%20Full%20Council/TAB11_A4_DraftSharkCommentLetterToHMS.pdf/)

concerns marine mammal scientists, yet H.R. 737 would effectively put an end to all shark fishing, as explained below.

The obvious solution to overfishing by other nations is to incentivize foreign fishermen to adopt meaningful conservation measures. This is exactly what H.R. 788 does. Moreover, it ensures that our domestic fishermen can continue to realize the full value of their strictly regulated catch.

By contrast, the Shark Fin Sales Elimination Act is noble in purpose but will almost certainly exacerbate the problems it purports to address. This bill allows imports of shark, skate, and ray products other than fins from unsustainable fisheries to continue, while taking sustainable U.S. shark fins out of global trade. As a result, the net fins exported from sustainable American fisheries represented by SSA will be replaced by those from unmanaged and unsustainable fisheries, while the U.S. will still be a market for meat from these countries.

And the leading shark scientists agree with us and H.R. 788. In an April 23, 2018 letter to Congressman Beyer of this Subcommittee, Mote Marine Laboratory's Dr. Robert E. Hueter stated the following:

Less than 10 of the approximately 150 "scientist" who signed on to the Oceana letter of support for H.R. 1456 [now H.R. 727] are actually scientists with leading expertise in sharks or shark fisheries. In contrast, all 62 of the Ph.D. and Master's-level scientists who signed on to the Wildlife Conservation Society (WCS) letter of support for H.R. 5248 [now H.R. 788] are recognized, active professional shark researchers, experts in the field of shark and shark fisheries. The WCS letter signatories include 12 Past Presidents of the American Elasmobranch Society, the world's largest professional organization of shark scientists. Which letter's group is better informed on the issue? Clearly it is the group who signed the WCS letter.

A copy of this letter and one signed by 50 environmental organizations, zoos, and aquariums supporting the SSFTA are attached.

Domestically, H.R. 737 will all but end the fishery on large coastal sharks. The revenue realized from fin sales can comprise up to fifty percent of a large coastal shark's value. Loss of this income will make it more expensive to land large coastal sharks than could be realized from meat sales alone.

This is not hyperbole. Starting last year, Texas began enforcing a law requiring all shark carcasses shipped into or through the state have the tails and fins naturally attached. As most of the shark carcasses caught in Louisiana—by far the leading state in terms of landings—are shipped to Mexico, this law has the effect of requiring fishermen to forego the profits from fin sales. The loss of this income stream has effectively closed the Western Gulf of Mexico shark

fishery for 2019. Landings are down over ninety percent so far this year compared to the same period last year.<sup>7</sup>

Requiring the discard or destruction of shark fins is also wasteful, both of a food source and an economic resource that helps sustain rural coastal fishing communities here in America. It has long been the policy of Congress to encourage full utilization of landed catch in order to obtain the maximum economic value of our limited marine resources.<sup>8</sup> In fact, limiting fin sales will make it more difficult for other nations to effectively manage their shark, skate, and ray fisheries because more of these fish will have to be caught to obtain the same level of income. This is one reason the UN FAO's guidelines in the International Plan of Action for Conservation and Management of Sharks call on nations to strive to achieve full utilization of landed sharks, skates, and rays.<sup>9</sup>

Finally, efforts by Oceana and the Humane Society of the United States to end all shark fishing via H.R. 737 and under the guise of alleged rampant shark finning, are not going to stop with the commercial fishing industry. If proponents of H.R. 737 oppose the full utilization of shark resources for food, how long will it be before the same Members of Congress are asked to ban the killing of sharks for sport? Currently there are NGO-backed petitions targeting the end of U.S. recreational fishing tournaments that catch sharks. There are currently 111 such sport fishing tournaments around the country in places such as Texas, Louisiana, Florida, New York, Massachusetts, and Rhode Island. This issue, along with predation on important game fish, is likely why the American Sportfishing Association, Center for Sportfishing Policy, and the Coastal Conservation Association submitted the attached letter last year in support of the bipartisan SSFTA.

The SSA emphasizes that the American fishing industry is deeply opposed to the practice of shark finning – the harvesting sharks solely for their fins and discarding the carcass at sea. It is a wasteful, immoral, and cruel practice. It has been outlawed by regulation on the Atlantic and Gulf coasts, where most shark fishing occurs, since 1993, and by law throughout the country since 2000. In 2010, Congress acted to strengthen this prohibition by requiring that most sharks<sup>10</sup> be landed with their fins naturally attached. This was widely supported by our industry. The ease of enforcement of these regulations, along with the steep penalties for violating these laws, has led to near universal compliance, particularly by federally licensed shark fishermen who benefit from the law's strict enforcement.

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<sup>7</sup> See National Marine Fisheries Service, Atlantic Highly Migratory Species, 2019 Atlantic Shark Commercial Fishery Landings and Retention Limit Update, available at <https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/2019-atlantic-shark-commercial-fishery-landings-and-retention>.

<sup>8</sup> See, e.g., 16 U.S.C. §§ 1801(a)(1), 1826(i).

<sup>9</sup> <http://www.fao.org/ipoa-sharks/en/>.

<sup>10</sup> The sole exception is for smooth dogfish, a small and abundant shark harvested off the East Coast. This species is most valuable for the meat, the quality of which quickly degrades if the fish is not quickly and fully dressed.

American fishermen operate under the world’s most precautionary and strict shark conservation rules. In aggregate, total allowable landings for sharks have been reduced by more than eighty percent since the fishery’s peak in the late 1980s and early 1990s. Catches of many sharks, including the most commercially important stock, Sandbar sharks,<sup>11</sup> are generally prohibited. Annual catch limits are set on a very conservative basis, taking into account the life history of these animals. Frequently, fisheries for very abundant shark stocks close before annual catch limits are caught to facilitate rebuilding of less abundant species. Also, the National Marine Fisheries Service (“NMFS”) closes the fishery on shark stocks when only 80 percent of the allowable catch limit is projected to be harvested.

Our industry accounts for \$14 million in exports, with Louisiana and Florida leading the way in terms of landings and permitted fishermen. It can continue to coexist with “shark tourism,” an industry that has been thriving alongside our shark fishery. U.S. commercial shark fishing has been ongoing for 40 years. In 2017, Oceana published a study estimating the value of the dive industry in Florida to be \$221 million annually, providing an estimated 3,700 jobs. If the dive industry in Florida, a leading state for commercial shark harvest, has succeeded to such a degree, commonsense and deductive reasoning suggests both activities can and do coexist. Sustainable management ensures there are ample numbers of sharks in our waters to both be experienced by those who wish to view them in their natural habitat and to serve their role in the marine ecosystem. Our coastal communities can—and must—be allowed to benefit from all sources of economic activity related to sharks—commercial fishing, angling, and ecotourism.

For all the above reasons, the SSA and below listed organizations and businesses urge you to reject the shark fin ban and support H.R. 788, the Sustainable Shark Fisheries and Trade Act. That will send a message that Congress supports law-abiding U.S. fishermen, while taking real action to end unsustainable and cruel fishing practices abroad.

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This testimony is supported by the following organizations and businesses:

Garden State Seafood Association  
North Carolina Fisheries Association  
Southeastern Fisheries Association

Blue Water Fishermen’s Association  
Louisiana Shrimpers Association

Bryant Products, Bayou La Batre, AL  
Madeira Beach Seafood, Madeira Beach, FL  
Seafood Atlantic, Port Canaveral, FL  
AP Bell Seafood, Madeira Beach, FL  
Kings Seafood, Port Orange, FL  
Omni Shrimp Company, Madeira Beach, FL  
Phoenix Fisheries, Southport, FL

Safe Harbour Seafood, Bon Secour, AL  
Save On Seafood, St. Petersburg, FL  
Greg Abrams Seafood, Panama City, FL  
Fishermen’s Ice & Bait, Madeira Beach, FL  
Wild Ocean Market Seafood, Titusville, FL  
Day Boat Seafood, Lake Park, FL  
DSF, Inc., Daytona Bch., FL

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<sup>11</sup> A small research fishery for sandbar sharks is allowed in order to collect data for the stock assessment. Currently, a full benchmark assessment for this species is being considered, along with one for dusky sharks.

Hull's Seafood Market, Inc., Ormond Beach, FL	Phillips Seafood, Townsend, GA
Ocean Fresh Seafood, New Orleans, LA	Venice Fish and Shrimp, Venice, LA
Southern Seafood Connect'n, Crisfield, MD	Marder Trawling Inc, New Bedford, MA
Seatrade International, Topsfield, MA	Crystal Coast Fisheries, Morehead City, NC
Avon Seafood, Avon, NC	Wanchese Fisheries, Wanchese, NC
O'Neal's Sea Harvest, Wanchese, NC	B & J Seafood, New Bern, NC
Willie R. Etheridge Seafood, Wanchese, NC	Jeffery's Seafood, Hatteras, NC
Crystal Coast Dayboat Seafood, Morehead Cy, NC	Lund's Fisheries, Cape May, NJ
Viking Village Seafood, Barnegat Light, NJ	Agger Fish Corp., Brooklyn, NY
Carolina Seafood, Rutledge Leeland, SC	



March 13th, 2018

Dear Member of Congress:

We write in support of the Sustainable Shark Fisheries and Trade Act of 2018. The U.S. already has strong laws and regulations governing the management of commercially traded shark, skate and ray fisheries. This legislation would help promote the sustainable management of shark fisheries globally by ensuring that all shark, ray and skate products entering U.S. markets come from fisheries with comparable conservation and management practices. This approach serves a valuable dual purpose—improving the global management of these fisheries while leveling the playing field for U.S. commercial fishermen.

There are more than 1,250 species of cartilaginous fishes—sharks and their relatives, which include skates and rays—and while the conservation status of nearly half these species is poorly known, one-quarter are estimated to be threatened with extinction. As species that grow slowly, mature late, and have few young, they are particularly vulnerable to overexploitation. Overfishing is the primary threat to many of these species.

Although a large number of shark, skate, and ray species are struggling, evidence suggests that with effective fishery management, many species can be sustainably fished and commercially traded while maintaining healthy populations. Markets for shark fins and meat are important drivers of fisheries for these products, and other products like liver oil, cartilage, and skin are also valued and traded for, forming the basis of livelihoods for people and communities both in the U.S. and around the world.

We support the Sustainable Shark Fisheries and Trade Act's approach of requiring that shark, skate and ray products imported to the U.S. come from fisheries managed under strong standards, similar to those already required by U.S. law. This includes science-based management of related fisheries that prevents overfishing and rebuilds overfished stocks. By holding imported products to the same standards as U.S. fisheries, the U.S. can promote sustainable shark, skate and ray fisheries globally while also supporting the market for well-managed U.S. fisheries. I urge you to support this legislation.

As a significant shark, ray and skate fishing and trading country and a global leader in the conservation of these species, the U.S. has an important role to play in promoting sustainable shark, skate and ray fishery management in the U.S. and abroad. We endorse the Sustainable Shark Fisheries and Trade Act of 2018 and urge its prompt passage by Congress.

Sincerely,

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Alaska SeaLife Center

Glenn Dobrogosz  
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President & Chief Executive Officer  
National Aquarium

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Kurt Strand  
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Jacksonville University

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Chris Fischer  
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Chuck Wikenhauser  
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Greg Bockheim  
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Dr. Bridget Coughlin  
President & Chief Executive Officer  
Shedd Aquarium

April 17, 2018

Dear Member of Congress:

As professional marine scientists, many with expertise in the biology and fisheries of sharks and their relatives the skates and rays, we write in support of H.R. 5248, the Sustainable Shark Fisheries and Trade Act of 2018. This legislation promotes responsible, science-based shark, skate, and ray fishery management around the world without economically harming U.S. law-abiding fishermen. It will help ensure that any products from these animals that enter U.S. markets are sourced only from countries where shark and ray fisheries are subject to comparable management measures as for U.S. shark, skate, and ray fisheries.

The more than 1,250 species of sharks and their relatives play important ecological roles in the many marine and freshwater habitats where they occur. Some species are also culturally and economically important. Yet 24% of chondrichthyan species are estimated to be threatened with extinction, according to the International Union for Conservation of Nature (IUCN), making them one of the most threatened groups of animals on the planet. Overfishing – to feed the global demand for meat, fins, oil, gills, and other products – is the primary driver of these declines. Globally, many tens of millions of sharks and rays are caught and killed each year in directed fisheries or as incidental catch.

The U.S. has become a global leader in shark fishery management and conservation. Over the past 25 years, many of us have worked with the National Marine Fisheries Service, the fishing industry, conservation groups, and the public to raise awareness about the impact global fishing is having on these vulnerable species, and have pushed for science-based management. In accordance with strong regulatory standards under the Magnuson-Stevens Act, the U.S. commercial fishing industry, to their credit, has adopted critical management measures for many shark and ray fisheries. This includes a domestic ban on the practice of shark finning (removing the fin and dumping the carcass), the implementation of catch quotas and other fishery regulations since the 1990s, and leadership in promoting similar measures in international fisheries fora. Recreational fisheries are also subject to management, and catch-and-release of sharks is becoming more common among anglers. As a result of this and effective rebuilding plans, the U.S. has some of the most sustainable shark fisheries in the world.

We are now seeing the benefits of these efforts, as some depleted shark populations in U.S. waters begin to rebuild. This provides evidence that fisheries, at least for some species, can be sustainable *if* carefully managed. The Sustainable Shark Fisheries and Trade Act of 2018 will require that any import of shark, skate, and ray products into U.S. markets be sourced from a country that has been certified to have shark, skate, and ray management and conservation measures comparable to those in the U.S., including science-based measures to prevent overfishing and comparable prohibitions on shark finning. In addition to promoting sustainable

fishery management by other fishing countries, this bill would also help level the playing field in international markets for U.S. fishermen, who have already taken the necessary steps to support responsible domestic shark, skate, and ray fisheries.

Although it is not the largest importer of shark products, the U.S. is a major shark and skate fishing and exporting country and therefore can lead in both modeling and promoting sustainable shark fisheries management and responsible trade for these species. Continuing to exercise this leadership can help to reverse the declining trend in many shark, skate, and ray populations around the world. We heartily endorse the Sustainable Shark Fisheries and Trade Act of 2018 and strongly urge its prompt passage by Congress.

Sincerely,

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May 8, 2018

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Dear Senators Rubio and Murkowski and Representatives Webster and Lieu:

Thank you for introducing the Sustainable Shark Fisheries and Trade Act of 2018, which will reduce the overfishing and unsustainable trade of sharks, rays and skates around the world and prevent shark finning. As recreational fishing organizations committed to marine resource conservation, we applaud your efforts to strengthen the U.S.'s role in stopping the wasteful and inhumane practice of shark finning.

The nation's 11 million saltwater anglers and the thousands of recreational fishing-dependent businesses are proud of our community's strong conservation ethic. Recreational fishermen and the sportfishing industry are constantly striving to improve fishing practices that minimize harm to fish. Shark finning flies in the face of the sportfishing community's conservation ethic, and we fully support efforts – such as your legislation – to curtail this practice.

We recognize and appreciate your efforts on this important issue and on other policies and legislation shaping the management and conservation of fishery resources.

Sincerely,

Glenn Hughes, President  
American Sportfishing Association

Jeff Angers, President  
Center for Sportfishing Policy

Pat Murray, President  
Coastal Conservation Association