

WRITTEN TESTIMONY BY

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LEGISLATIVE HEARING
BEFORE THE

COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON WATER, OCEANS, AND WILDLIFE
U.S. HOUSE OF REPRESENTATIVES

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Chairman Huffman, Ranking Member Bentz, and Members of the Subcommittee, thank you for the opportunity to testify today regarding several ocean-related bills. My name is Janet Coit, and I am the Assistant Administrator for the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and Acting Assistant Secretary for Oceans and Atmosphere and Deputy NOAA Administrator. As you know, NOAA is responsible for the stewardship of the nation's ocean resources and their habitat. We provide vital services for the nation, all backed by sound science and an ecosystem-based approach to management: productive and sustainable fisheries, safe sources of seafood, recovery and conservation of protected resources, and healthy ecosystems. U.S. fisheries are among the world's largest and most sustainable. The resilience of our marine ecosystems and coastal communities depends on healthy marine species, including protected species such as whales, sea turtles, corals, and salmon. While I am only a month into the job and still getting up to speed on all of these important issues, I am excited to join NMFS to work with the agency's incredibly skilled and dedicated employees. I acknowledge and appreciate the ongoing work with the Subcommittee and look forward to working with you on these important issues. NOAA appreciates the Subcommittee's attention to ocean and coastal resources and your interest in protecting and sustaining these areas. I look forward to discussing these bills with you today.

[H.R. 2848](#), *Marine Mammal Research and Response Act*

H.R. 2848, the Marine Mammal Research and Response Act of 2021, would build upon the foundation of the successful John H. Prescott Marine Mammal Rescue Assistance Grant Program (Prescott Program) that has been implemented by the NMFS Marine Mammal Health and Stranding Response Program (MMHSRP) since 2002. Each year, Congress has appropriated approximately \$4 million dollars to the program, resulting in \$63.9M funding provided through 739 competitive grants to National Marine Mammal Stranding Network members in 26 states, two tribes, two territories, and the District of Columbia. Prescott Program funds have been used

to expand response capacity for marine mammals that are stranded, including injured, ill, distressed, or dead animals, increase data collection from investigations into strandings and entanglements, and build and upgrade facilities for rehabilitating marine mammals. My home state of Rhode Island has benefitted from the Prescott Program, which has provided much-needed support to our local area Stranding Network members who respond to stranded pinnipeds and cetaceans on Rhode Island's beaches. Stranding Network organizations and researchers around the country have also benefited from the Prescott Program funds that support national services such as diagnostic testing, post-release monitoring, and research projects on marine mammal health.

The amendments regarding the Prescott Program would expand the MMHSRP and strengthen the national Stranding Network, and create the "Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund" in parallel to the annual Prescott Grant competition. While many stranding response needs can be planned for and funded through the annual competitive grants, the nature of an emergency response program means there can be unforeseen events that require assistance outside of the typical funding cycle.

Additionally, the bill contains several other provisions that would increase collection, tracking, and public availability of information on the health of wild marine mammals in the creation of the HealthMAP and it would include entangled animals within the definition of strandings. While this information is already collected by the MMHSRP and our partners, it would benefit from the additional formalized support under the Marine Mammal Protection Act as proposed in H.R. 2848.

H.R. 3075, *Illegal Fishing and Forced Labor Prevention Act*

NOAA is committed to combating illegal, unreported and unregulated (IUU) fishing and seafood fraud. This work forms a key element of our mission, and we are working hard on many fronts -- including through bilateral and multilateral engagements -- to prevent, track and enforce against illegal fishing activity.

The United States is a global leader in sustainable fisheries management and NOAA is committed to preventing illegally harvested or fraudulently marketed fish from entering U.S. markets and the global stream of commerce. IUU fishing and seafood fraud undermine U.S. efforts for sound science, strong management programs, and enforcement controls. Entities that engage in IUU fishing circumvent conservation and management measures and avoid the operational costs associated with sustainable fishing practices.

IUU fishing also undermines the reputation of legitimate fishing and seafood operations and the consumer confidence on which they rely. The United States has a critical role in promoting the consumption of sustainable and legally caught seafood, and NOAA has the mandates and expertise to continue to support these efforts.

Addressing human trafficking, including forced labor, is particularly challenging within the seafood industry. Fishing activity is often isolated, with vessels sometimes spending months to years at sea, impeding the escape from, or the reporting of, labor abuse. Fishing sector workers subjected to human trafficking, including forced labor, experience many abuses including:

emotional and physical abuse, sometimes resulting in death; excessive overtime; poor living conditions; deceptive or coercive recruiting; and non-payment or underpayment. These illegal activities are unacceptable and immoral, and NOAA will continue to work hard to eliminate forced labor in coordination with other relevant agencies.

Current Scope of Our Work

NOAA employs a wide range of tools to influence how other nations address IUU fishing, ensure parity for U.S. stakeholders, and support broader objectives to sustainably manage shared fisheries and international living marine resources. These tools include our statutory authorities, regulatory programs, bilateral outreach, and multilateral fora.

NOAA works to combat IUU fishing pursuant to its domestic authorities. The High Seas Driftnet Fishing Moratorium Protection Act requires NOAA to identify nations whose fishing vessels engage in IUU fishing activities. Once NOAA identifies a nation for IUU fishing, we consult with that nation to encourage appropriate corrective action. If the nation does not take appropriate action, it receives a negative certification, and is subject to the port privilege denial and import prohibition provisions of the High Seas Driftnet Fishing Enforcement Act. In accordance with the Moratorium Protection Act, every two years NOAA issues a report to Congress that includes those nations identified for IUU fishing activities that occurred in the preceding three years and certification determinations for the nations identified in the previous report, along with other efforts to improve international fisheries governance.

The Maritime Security and Fisheries Enforcement (SAFE) Act supports a whole-of-government approach to counter IUU fishing and related threats to maritime security through the establishment of a 21-member Interagency Working Group on IUU Fishing. NOAA is the first Chair of the working group, and the Co-chairs are the Department of State and U.S. Coast Guard. The working group seeks to improve data sharing that enhances surveillance, enforcement, and prosecution against IUU fishing and related activities; support coordination and collaboration to counter IUU fishing within priority regions; increase and improve global transparency and traceability across the seafood supply chain to deter IUU fishing, and strengthen fisheries management and food security; improve global enforcement operations against IUU fishing; and prevent the use of IUU fishing as a financing source for transnational organized crime groups.

In June 2016, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) entered into force. The successful international implementation of the PSMA is critical to reducing the level of IUU fish and fish products being landed and exported from nations around the world. By working to increase awareness and competence of global law enforcement partners to combat IUU fishing and crimes related to IUU fishing (such as human trafficking, documentation fraud, and trafficking in protected fish and wildlife), NOAA seeks to prevent illegal fishing and related activities at the source before the fish and seafood resulting from these activities enter global commerce.

NOAA and its interagency partners actively engage bilaterally, both formally and informally, to address policy, trade, scientific, and technical issues relating to IUU fishing and its impacts. Bilateral consultations are an effective, flexible, and practical tool for directly addressing IUU fishing (and other priority issues) with our international partners. These exchanges can inform

joint strategies for engagement on new initiatives to counter IUU fishing at multilateral organizations.

The United States is a leader within Regional Fisheries Management Organizations (RFMOs), working with members and other participants to develop binding international measures to manage shared fisheries resources. The United States proposes and supports measures on issues related to monitoring, control, and surveillance and efforts to combat IUU fishing, working closely with countries around the world to develop strong enforcement tools and effective conservation and management measures. NOAA provides policy guidance and technical expertise in the development of these tools and measures.

Implementation and Resource Considerations

Seafood Import Monitoring Program

The Seafood Import Monitoring Program (SIMP) is a risk-based traceability program that establishes reporting and recordkeeping requirements needed to prevent imported IUU fish and fish products or misrepresented seafood from entering U.S. commerce. Through this work, SIMP provides additional protections for our national economy, global food security, and the sustainability of our shared ocean resources. Currently, SIMP applies to 13 species groups, which were determined to be most at-risk of IUU fishing and seafood fraud. These 13 species groups comprise over 1,100 individual species and accounted for 45 percent by volume and 47 percent by value of all U.S. seafood imports in 2020.

The current risk-based approach to SIMP allows NOAA to target our existing resources on those fish and fish products most likely to come from IUU fishing. NOAA is committed to reevaluating our initial risk assessments and potentially include more species in SIMP as the program matures beyond this nascent stage. This would require NOAA to shift resources and reprioritize activities.

IUU Fishing and Forced Labor

The United States strongly condemns labor abuses of any kind throughout the seafood supply chain, and supports the need for decent work conditions within the fishing industry, including for observers and vessel crew members. NOAA works with our interagency partners, such as the Departments of State, Homeland Security, and Labor to combat illegal labor practices, including forced labor, in fisheries. We are also committed to working with our international partners to advocate for the adoption and implementation of relevant and appropriate measures within the competencies of regional and global organizations, such as RFMOs and the United Nations and its agencies.

Domestically, forced labor and IUU fishing are addressed under various domestic legal regimes and by many agencies with different mandates and expertise. Addressing forced labor in the fishing industry requires collaboration and cooperation between the relevant agencies, and NOAA is actively participating in these efforts. We will continue to seek opportunities to address both IUU fishing and forced labor issues with existing domestic and international partners.

Mandatory Vessel Automatic Identification System (AIS)

The bill mandates the use of AIS on U.S. fishing vessels, fish processing vessels, and fish tender vessels greater than 50 feet in overall length and would require archived fishing location information to be shared publicly. This provision is duplicative of existing Vessel Monitoring System (VMS) requirements since it would require those vessels already equipped with VMS to carry AIS without significant benefits. AIS is primarily a collision avoidance system, but VMS are more effective for tracking fishing vessel movement and effort, are less susceptible to tampering, and have better tools for two-way communications with vessels.

[H.R. 4458](#), *Keeping Ecosystems Living and Productive (KELP) Act*

Since 2014, northern California has lost over 95 percent of its kelp beds, causing a collapse of the vital ecosystem that provides habitat to threatened and endangered salmonids, abalone, and commercial and recreational fisheries. The Keeping Ecosystems Living and Protected (KELP) Act introduced by Congressman Huffman would authorize a grant program for state, tribal, non-profit organizations, universities and commercial and recreational fishermen partners to stop the loss of kelp ecosystems along the West Coast.

NOAA collaborates with a diverse set of partners, including government agencies, environmental organizations, academic institutions, and community partners to restore, manage, conserve, and better understand these iconic, ecologically significant, and economically valuable habitats. NOAA and our partners are researching kelp ecosystem dynamics and socio-economic input to help identify state management priorities, restoring kelp and abalone through outplanting and reduction of urchin grazing pressure, engaging and educating stakeholders, providing technical assistance, and working to streamline permitting on subtidal restoration efforts. NOAA would implement the bill, if enacted, by building on our existing expertise and partnerships.

[H.R. 2872](#), *Safeguarding America's Future and Environment (SAFE) Act*

NOAA's work is consistent with the SAFE Act's objectives to reduce increased risks from extreme weather and climate change impacts by protecting, restoring, and responsibly managing natural resources. NOAA has been a leader in doing so through programs such as our National Marine Sanctuary System, National Estuarine Research Reserve System, National Sea Grant College Program, Coastal Zone Management Program, Coral Reef Conservation Program, GulfCorps, EarthCorps, and Vet Corps resulting in benefits to human and ecological communities along our coasts and across the nation. NOAA empowers local communities and mobilizes the next generation of workers to advance climate solutions through grants, fellowships, training, and short-term employment opportunities. As an example, NOAA and the National Fish and Wildlife Foundation jointly administer the National Coastal Resilience Fund, a grant program to enhance fish and wildlife habitat and protect coastal communities. Demand for the program is high. In Fiscal Year 2020, NOAA awarded \$37 million in funding for 46 projects of the nearly 300 eligible pre-proposals requesting a total of \$172 million.

In addition, NOAA will continue to apply the latest science to assess climate impacts on fish and other protected species and identify and implement adaptation solutions. Through efforts such as the NMFS Climate Science Strategy, Regional Climate Action Plans, and an Ecosystem-based Fisheries Management Road Map, NOAA is gathering and integrating information on climate and ecosystem changes into our fish, wildlife, and habitat management decisions. Through collaborative networks, such as the U.S. Marine Biodiversity Observation Network, NOAA

works to advance biological observing, modeling, and other innovative tools to inform adaptation strategies. NOAA's Office of National Marine Sanctuaries recently released a Climate Resilience Plan for 2021-2023, committing to integrating a climate-informed approach to ecosystem management across the entire National Marine Sanctuary System.

Conclusion

NOAA is proud to continue to lead the world in conducting ocean science, serving the nation's coastal communities and industries, and ensuring responsible stewardship of our ocean and coastal resources. We value the opportunity to continue working with this Subcommittee on these important issues. Thank you and your staff for your work to support NOAA's mission.