



Animal Welfare Institute

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BY ELECTRONIC MAIL

Submitted via <http://www.regulations.gov>

Ms. Laura Cimo
Trade and Marine Stewardship Division
Office of International Affairs
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Cimo:

RE: RIN 0648-BA89 High Seas Driftnet Fishing Moratorium Protection Act; Identification and Certification Procedures to Address Shark Conservation (Federal Register Volume 77, Number 132, Pages 40553-40561)

On behalf of the Animal Welfare Institute (AWI), please accept the following comments on the above-referenced proposed rule by the National Marine Fisheries Service (NMFS). We support a full exploration of the identification and certification procedures established by the Shark Conservation Act to address shark conservation in areas beyond any national jurisdiction. Further, we support the redefinition of illegal, unreported, or unregulated (IUU) fishing for purposes of the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act).

While we support the U.S. commitment and efforts to end overfishing and promote shark conservation and management, we are concerned that regardless of how extensively IUU fisheries are managed internationally, as long as our domestic seafood market relies on importation and allowance of extensive mislabeling, it will be difficult not to inadvertently support IUU fisheries. It is promising that NMFS is aware of these issues, as indicated by the statement, “the United States wants to ensure that its own import market does not encourage unsustainable activity.”¹ Since the United States imported approximately 84% of its seafood in 2010,² and mislabeling continues to be a major form of economic fraud in the seafood supply,³ it seems improbable that our country’s fisheries market at present is *not* encouraging unsustainable activity.

¹ 77 Fed. Reg. No. 132, 40554 (July 10, 2012)

² NOAA: U.S. domestic seafood landings and values increase in 2010, September 7, 2011.
http://www.noaanews.noaa.gov/stories2011/20110907_usfisheriesreport.html (last visited August 9, 2012)

³ NMFS: Enhancing NOAA Fisheries Seafood Safety, Quality, and Outreach Programs.
http://www.nmfs.noaa.gov/ocs/mafacc/meetings/2008_07/docs/seafoodsafetyfinal.doc

It is our hope that in addition to amending the identification and certification procedures established by the Shark Conservation Act to reflect the statutory amendments to the Moratorium Protection Act, NMFS and other governmental agencies continue to work towards traceability of our imported fisheries products (and enforcement through the Lacey Act) so as not to feed into the global IUU fisheries market.⁴

AWI also supports the expansion of the IUU fishing definition to include applicability to non-parties to international fishery management agreements to which the U.S. is a party, violations of shark conservation measures, non-compliance with data reporting requirements, and fishing without authorization in U.S. waters. We also support NMFS' intent to include a nation's actions or inactions in managing its fisheries in addition to a flagged vessel's conduct with regard to IUU fishing. We encourage NMFS to communicate this amendment to the global community proactively and as quickly as possible so that other nations have sufficient time to make the necessary transitions to their fisheries management and conservation measures. Waiting until vessels of a particular nation engage in IUU fishing to communicate the provisions of the Moratorium Protection Act to the nation would create an unnecessary opportunity for those vessels to continue IUU fishing.

We are encouraged by the news that NMFS has already started collecting and analyzing information that could help the agency determine which nations may have vessels engaging in fishing activities or practices on the high seas that target or incidentally catch sharks. We look forward to reading the 2013 Biennial Report to Congress and hope that the United States will make certain that the relevant vessels are denied entry into the U.S. and similarly that certified nations have import restrictions imposed on their fish or fish products until they come into compliance.

Again, the Animal Welfare Institute supports this proposed rule to set forth identification and certification procedures established by the Shark Conservation Act as well as to amend the definition of IUU fishing.

Sincerely,



Susan Millward
Executive Director
Animal Welfare Institute

⁴ We note and support the aims of H.R. 6200 "Safety and Fraud Enforcement (SAFE) for Seafood Act"