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**Testimony before the House Committee on Natural Resources,
Subcommittee on Water, Power and Oceans**

April 17, 2018

Legislative Hearing on H.R. 4528, H.R. 5248, H.R. 1456

Introduction

My name is Dr. Robert Hueter and I am a Senior Scientist at Mote Marine Laboratory, an independent, nonprofit research and education institution based in Sarasota, Florida. Over its 63-year history, Mote has grown from a one-room laboratory to a world-class marine research and science education enterprise that now has five campuses stretching from Sarasota Bay to the Florida Keys, 24 research programs, 200 staff, 35 Ph.D.-level researchers, 1,658 volunteers and more than 11,000 members. Our research has evolved from a primary focus on sharks to now conducting diverse studies of our oceans, with an emphasis on conservation, sustainable use and environmental health of marine and coastal biodiversity, habitats and resources. We also have significant education, public outreach and public policy programs that are integrated with our research.

I am the Director of Mote's Center for Shark Research, which was established by the U.S. Congress in 1991, in recognition of Mote's leadership in research and conservation of sharks and their relatives, the skates and rays (hereafter simply called the sharks and rays). My statements here represent both my own professional findings and the official position of Mote Marine Laboratory.

For 27 years, Mote's Center for Shark Research has worked as a completely independent research entity to provide NOAA much of the information the agency requires to understand and sustainably manage sharks as a marine resource. My personal experience with shark fisheries spans more than 40 years, including fisheries research on sharks of the Atlantic Ocean, Gulf of Mexico, Caribbean Sea and Pacific Ocean. For the past 21 years, I have served as one of only four academic members of NOAA'S Advisory Panel for Highly Migratory Species (sharks, tunas, swordfish, billfish), and have served on the Shark Specialist Group of the United Nations' International Union for the Conservation of Nature (IUCN) for about 20 years. I also am a Past-

President and currently serve on the Board of Directors of the American Elasmobranch Society (AES), the largest professional organization in the world comprising scientists, students, and other experts studying sharks and rays, collectively known as the elasmobranch fishes.

My experience as a shark conservationist began in 1988, when I was made aware of the previously unknown practice we now call “shark finning.” I brought this wasteful and inhumane practice to the attention of the major media, beginning a 30-year career as an advocate for science-based shark conservation. For decades I have translated scientific discoveries to inform public policy that benefits shark populations *and* the communities and nations who value sharks as a marine resource. In 1991, I presented my data and concerns about an expanding, unregulated U.S. shark fishery to the Florida Marine Fisheries Commission, which took my recommendations and enacted the first management plan for sharks in Florida state waters. Florida has been a state leader in shark conservation ever since.

I then championed shark research and science-based fisheries management and conservation on the federal level beginning in 1993, by organizing an international conference that drew 150 scientists, policymakers, fishers and other stakeholders. At that meeting held at Mote, NOAA acted on this group’s incredible momentum and announced its first federal Fisheries Management Plan (FMP) for sharks. Since then I have remained actively engaged as a shark scientist and conservationist on many domestic fronts, including giving testimony to the House Subcommittee on Fisheries Conservation, Wildlife and Oceans in 1999, as Congress worked to close loopholes in federal anti-finning laws.

Knowing that many sharks migrate between the U.S. and other nations, I also have led efforts to improve shark fisheries sustainability and conservation measures abroad, particularly in Mexico and Cuba. One of our most exciting successes has been Cuba’s National Plan of Action (NPOA) for sharks and rays, released in 2015. I participated in the plan’s development, drawing upon my years of collaborative research with Cuban scientists in their home waters. I knew then, and know now, that conservation and management of sharks and rays must become more consistent internationally. Simply managing these stocks for sustainability in U.S. waters doesn’t work, because these animals do not recognize political boundaries.

The good news is that after 25 years of dedicated work by shark researchers, conservationists, NOAA and various state agencies, and the fishing industry, U.S. shark fisheries have become some of the best managed in the world, and many of our shark fisheries are healthy or rebounding from past overexploitation. A 2017 paper by two renowned experts in global shark fisheries (see attached) identified 18 U.S. shark and ray fisheries as being “bright spots” of sustainable fishing. This comprises about two-thirds of all the sustainable shark and ray fisheries in the world. Clearly, the U.S. is doing something right with respect to shark conservation and responsible fisheries management. How can the U.S. incentivize other nations to replicate our success, while continuing to encourage rule-following fishers and promote science-based management at home?

I am here today to answer that question. I deeply thank the members and staff of the Subcommittee on Water, Power and Oceans for this opportunity.

Scope of the problem

Last month, H.R. 5248, the Sustainable Shark Fisheries and Trade Act, was introduced in the U.S. House. It utilizes a science-based approach to discourage overfishing and unsustainable trade of sharks and rays around the world and disincentivizes shark finning by foreign nations.

Why is this necessary?

Of the more than 1,250 species of sharks and rays in the world's oceans today, as many as one-quarter are estimated to be threatened with extinction. The conservation status of nearly half is poorly known. These fishes are particularly vulnerable to over-exploitation — most grow slowly, mature late and produce few young. Overfishing, through targeted fisheries and incidental bycatch, is the primary threat to sharks and their relatives, which are harvested for their meat, fins, oil, cartilage and other products. Shark and ray meat is a major source of protein in some nations, and shark fins are used to make shark fin soup, a culinary delicacy in many Asian cultures. None of these uses of shark and ray products are in themselves unethical, as long as the animals from which they came were fished sustainably. That has been the problem — unsustainable fishing mortality of sharks — in addition to the cruelty and wastefulness of shark finning.

It is important to understand the distinction between shark finning and the shark fin trade: *finning* is the act of cutting off a shark's fins and discarding the rest of the animal, often still alive, at sea. Without its fins, sharks will slowly die, as the fins do not grow back. It is a practice fueled by total disregard for the future of the resource, any consideration for humane treatment of the animals, and economic greed. On the other hand, taking fins from sharks landed onshore in regulated, legal and sustainable fisheries is *not* shark "finning." It provides a legal commodity for trade that encourages the full utilization of every shark, rather than throwing part of the resource away. Full utilization of landed sharks and rays is consistent with guidelines in the International Plan of Action (IPOA) of the Food and Agriculture Organization (FAO). Finning is banned in the U.S. and does not occur in our domestic fisheries, except rarely by lawbreakers subject to federal and state prosecution. It also has been banned by at least 40 other countries to date, as well as by regional fishery management organizations such as ICCAT, the International Commission for the Conservation of Atlantic Tunas.

Losing the sharks and rays from the marine environment would have dire consequences for marine ecology and the balance of life in the sea. Research has shown that removal of sharks from ocean communities such as coral reefs creates a "trophic cascade" of ecological effects down to the lowest levels of the food web, and can lead to the general degradation of the entire community. Losing sharks and rays also would lead to the loss of income and quality of life for fishing communities and seafood consumers, threatening food security in some developing nations that depend on these fishes as important sources of protein for human consumption. According to a recent, comprehensive FAO report by economist Felix Dent and shark specialist Dr. Shelley Clarke, global shark fisheries are conservatively valued at about \$1 billion, with much of these fisheries under-reported. In 2011, total trade in shark products was valued at \$438.6 million for the fins and \$379.8 million for the meat. These figures apply only to international trade and do not include domestic use of shark products, which drives much of the

global consumption for the around 2 million metric tons of sharks caught each year. The value of the shark tourism industry, which includes activities such as diving with sharks, is also estimated to be around \$314 million annually.

Because of the scope and complexity of shark and ray fisheries around the world, even our best efforts to manage these fishes in domestic waters cannot guarantee similar protections abroad. We can, however, create incentives for other nations to adopt standards of shark fishing similar to our own. This past January, the U.S. implemented the Seafood Import Monitoring Program (SIMP) to end imports into the U.S. of shark products from illegal, unreported and unregulated (IUU) fisheries, but the third U — unsustainable — is missing from these regulations, representing a critical loophole. For instance, a foreign shark fishery could be legalized and reported but deficient in law enforcement or scientific monitoring, leading to the same result of shark depletion by overfishing as in IUU fisheries. SIMP also does not currently include ray products in its monitoring program.

A science-based policy that benefits both sharks and people

H.R. 5248, the Sustainable Shark Fisheries and Trade Act introduced by Reps. Webster and Lieu, with the co-sponsorship of Reps. Posey, Jones, Clay, Soto and Bilirakis, provides a bipartisan, sensible solution to the need for U.S. domestic action in global shark and ray conservation. The Sustainable Shark Fisheries and Trade Act would require that shark and ray parts and products imported into the U.S. be permitted only from countries certified by NOAA as having in place and enforcing management and conservation policies for these species comparable to the U.S., including science-based measures to prevent overfishing and provide for recovery of shark and ray stocks. Prohibitions on shark finning comparable to the U.S. ban also would be required.

The predecessor bill, H.R. 1456, the Shark Fin Sales Elimination Act of 2017, sought to ban all shark fin trade within the U.S., including fins obtained legally and sustainably by American fishers permitted in U.S. shark fisheries. This earlier bill catalyzed an important and productive public conversation about the threats to sharks worldwide in directed and bycatch fisheries. The proponents of H.R. 1456 are to be congratulated for their dedicated work on this issue and for moving the conversation towards finding real solutions for shark conservation. The bill did not cover threats to rays and focused solely on shark fins, not all shark products. In a peer-reviewed paper published late last year (see attached), shark expert Dr. David Shiffman and I analyzed the consequences of a federal domestic fin ban as proposed by H.R. 1456. We found this approach would fall short of providing the type of U.S. leadership that is needed for effective shark conservation around the world.

H.R. 5248, the Sustainable Shark Fisheries and Trade Act, builds upon the progress made by H.R. 1456, by broadening protection for both sharks and rays, and also including restrictions on the trade of all shark and ray products, not just the fins. The bill creates incentives for change in fisheries management by nations seeking to export shark or ray products to the U.S., rather than placing burdensome and unnecessary penalties on law-abiding American fishers.

Passage of the Sustainable Shark Fisheries and Trade Act by Congress would help ensure that shark and ray products in U.S. markets are from fisheries managed under similar high standards that U.S. fisheries are already held to — a positive for the U.S. fishing industry. It also will give the U.S. government leverage in working with other nations to establish an international system to conserve shark and ray populations, by rewarding sustainable fisheries management through permitted trade — a big win for the conservation of these vulnerable species.

Most importantly, the Sustainable Shark Fisheries and Trade Act gives the American public a sensible answer to a reasonable question they often ask: How can we as U.S. citizens contribute to the cause of global shark conservation? We tell our fellow citizens to support international efforts to rein in IUU shark fisheries. We tell them to help with the effort to get all fishing nations to ban the practice of finning. We ask them to support the work of shark conservation NGOs and the research of shark scientists. But they want to know how they can promote U.S. legislation that will advance the cause of global shark conservation. H.R. 5248, the Sustainable Shark Fisheries and Trade Act, will give the American people an effective tool to say, “No longer will we allow the import and consumption of unsustainably fished shark and ray products on American soil. Our participation as consumers in this practice ends now.” The bill does this without punishing American fishers who are conducting legal and sustainable shark fishing, providing a model of responsible management and conservation for the rest of the world.

Support for H.R. 5248

As a leading shark scientist as well as a proactive advocate for shark conservation for the past 30 years, I support the Sustainable Shark Fisheries and Trade Act. It identifies the source of the problem, incentivizes foreign fisheries to adopt U.S. standards of sustainability, and rewards U.S. fishers for the gains that have been made in domestic shark fisheries management. Many of my fellow scientists have joined me in supporting H.R. 5248. The Wildlife Conservation Society (WCS) is submitting a scientists’ letter of support for H.R. 5248 that includes approximately 60 (as of this writing) of the world’s leading experts in shark science and fisheries. These signatories are all active marine science professionals with Ph.D. or Master’s degrees. Included in the list are 12 Past-Presidents of the American Elasmobranch Society. These 12 scientists represent the best and brightest leaders in shark research and conservation over the past 25 years.

Recommendations to Congress

In my capacity as an expert scientist specializing in the study and conservation of sharks and rays, and on behalf of Mote Marine Laboratory, I recommend that Congress take the following measures:

- Pass the Sustainable Shark Fisheries and Trade Act, H.R. 5248, to significantly benefit shark and ray conservation globally and law-abiding fishers domestically.
- Provide the support to NOAA needed to carry out the provisions of H.R. 5248, continue the collection of research data to monitor and manage our shark and ray fisheries, and

assist other nations with implementing science-based management of their shark and ray fisheries.

- Increase the federal penalties for shark finning, which the Florida state legislature has recently done to punish lawbreaking shark fishers and fin dealers.
- Assist in the education of the public about the real problems sharks and rays face, and empower American citizens to support effective measures for shark and ray conservation, in the U.S. and abroad.