



January 23, 2020

The Honorable Roger Wicker
Chairman, Committee on
Commerce, Science, and Transportation
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Department of Commerce opposes Senate passage of S. 877, the Shark Fin Sales Elimination Act of 2019 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 prohibit the removal of shark fins and discarding the carcass at sea. Because the United States sustainably manages its shark fisheries, there is economic value in harvesting both shark meat and fins.

S. 877 would not improve the conservation and management of domestically harvested sharks through prohibiting the possession and sale of shark fins and products containing shark fins. This prohibition would hurt U.S. fishermen who currently sell sharks and shark fins that are harvested sustainably under strict federal management (e.g., blacktip sharks and small coastal sharks). This management is primarily led by the Secretary of Commerce through the National Oceanic and Atmospheric Administration (NOAA) for shark stocks in the Atlantic Ocean, Gulf of Mexico and Caribbean Sea and the Regional Fishery Management Councils (RFMCs) elsewhere. NOAA and the RFMCs, who work closely with NOAA, develop fishery management plans and regulations under the Magnuson-Steven Fishery Conservation and Management Act (MSA) that support the long-term sustainability of shark stocks. NOAA believes that transparent, science-based management by NOAA and the RFMCs under the MSA is the appropriate process for making decisions about shark conservation and management.

Furthermore, the United States is a relatively small player in the global trade in sharks, and a domestic ban on harvesting shark fins would undermine United States' efforts to promote international dialogue and negotiations on sustainable shark management. From 2000 to 2011, the United States only exported an average of 171 tons of shark fins per year for USD 3.4 million. This is equivalent to 1 percent of global volume and 1.3 percent of global value. So while S. 877 would not significantly curb international trade in shark fins, where the majority of shark fin trade occurs, it would eliminate the small, sustainably managed domestic shark fishery. If the bill were signed into law, countries that purchase from the United States would shift their purchases of shark products to other foreign markets where sharks are not sustainably harvested. A domestic ban on shark fin sales would not allow the United State to point to its own best management practices and would not put the United States in a stronger advocacy position for shark conservation and sustainable use.

While the dogfish exemption would be beneficial to some U.S. dogfish fishermen, it would not similarly benefit other fishermen that also harvest sharks in a sustainable manner. S. 877 would only exempt one species of smooth dogfish (*Mustelus canis*) and spiny dogfish (*Squalus acanthias*) from the statutory prohibitions. Because smooth dogfish species are difficult to distinguish by visual inspection, the failure of S. 877 to exempt two other species of smooth-hound dogfish (*Mustelus norrisi* and *Mustelus sinusmexicanus*) would create an enforcement challenge.

We appreciate the opportunity to present our views on S. 877. The Office of Management and Budget has advised that there is no objection to the transmittal of these views from the standpoint of the Administration's program. If you have any further questions, please contact Anthony Foti, performing the delegated duties of the Assistant Secretary for Legislative and Intergovernmental Affairs at (202) 482-3663.

Sincerely,

A handwritten signature in blue ink that reads "Michael Walsh, Jr." with a stylized flourish at the end.

Michael J. Walsh, Jr.

Chief of Staff performing the delegated duties of the
General Counsel

cc: The Honorable Maria Cantwell
Ranking Member