

August 5, 2016

The Honorable Bill Nelson  
United States Senate  
Washington, DC 20510

Dear Senator Nelson:

I am writing to share my strong opposition to S. 3095, The Shark Fin Trade Elimination Act.

As the Director of Mote Marine Laboratory's Center for Shark Research, which was designated by Congress in 1991 as the nation's research center for shark studies, I have more than 40 years of experience with this issue. That experience includes biological research, collaborations with fisheries, conservation education, and domestic and international policy work. As an independent, nonprofit research and education institution in Sarasota, Mote's history of shark expertise goes back to its founding in 1955 by Dr. Eugenie Clark, our famous "Shark Lady."

While possibly well-intentioned as a measure to improve the conservation of sharks, S. 3095 will be ineffective in making a dent in the global problem of shark overfishing. Instead, it will punish the wrong people by putting American commercial fishermen, who are fishing for sharks legally and sustainably, out of business. I outline below the reasons behind my opposition and those of many of my colleagues who work closely with the fishing community:

- Federal management of the U.S. shark fishery has been in place since 1993, and today we have one of the best systems in the world for shark fisheries management and conservation. Commercial shark fishermen with federal and state permits rely on the sale of the fins, in addition to the meat and other products, to support their industry. The fins they are selling come from legally caught, sustainably managed sharks. They are *not* from "finned" sharks – that is, sharks whose fins are cut off at sea and the rest of the animal is discarded, a wasteful and inhumane practice that is *already illegal in this country*. To prevent finning, all sharks must be landed with fins still attached (with exceptions noted below). Anti-finning laws are in place (both federally and in a number of coastal states, including Florida) and if a commercial fisherman is caught finning at sea, he is guilty of a crime and is prosecuted. S. 3095 does not change that and is not needed to prohibit the practice of shark finning. This bill is not about ending finning but instead will bring about the end of the legal domestic industry that is utilizing shark fins in a responsible, sustainable way.

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#### BOCA GRANDE OFFICE

PO Box 870  
Boca Grande, FL 33921  
(941) 855-9251

#### CHARLOTTE HARBOR RESEARCH STATION

Demere Key, FL  
(941) 388-4441

#### MOTE AQUACULTURE PARK

874 W.R. Mote Way  
Sarasota, FL 34240  
(941) 388-4541

#### MOTE LIVING REEF EXHIBIT AT THE NOAA ECO-DISCOVERY CENTER

35 East Quay Road  
Key West, FL 33040  
(305) 296-2325

#### TROPICAL RESEARCH LABORATORY

24244 Overseas Highway  
Summerland Key, FL 33042  
(305) 745-3554

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A NONPROFIT ORGANIZATION DEDICATED TO ADVANCING THE SCIENCE OF THE SEA AND A MEMBER OF:

American Academy of Underwater Sciences • Arts & Cultural Alliance of Sarasota • Association of Zoos & Aquariums • Association of Marine Laboratories of the Caribbean • Consortium for Ocean Leadership • Economic Development Council of Sarasota County • Florida Institute of Oceanography • Florida Ocean Alliance • Greater Sarasota Chamber of Commerce • Gulf of Mexico Coastal Ocean Observing System • International Association of Aquatic & Marine Science Libraries & Information Centers • International Consortium for Marine Conservation • National Association of Marine Laboratories Science & Environment Council of Sarasota County • Sea Grant • Southeast Coastal Ocean Observing Regional Association • Southern Association of Marine Laboratories

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- S. 3095 grants an exception for smooth and spiny dogfish, species of small sharks off the northeast and mid-Atlantic coasts. This allowance for a segment of the U.S. east coast commercial shark industry is consistent with current federal regulations that allow fins of these sharks to be landed unattached (accompanied by the carcasses, which are processed for food at sea). The reasons for this special exemption have to do with commercial processing of these small sharks at sea. However, the exemption contradicts the stated intent of the bill itself and is hard to reconcile, other than as an allowance for the sponsor's local constituencies. It also compromises the U.S. position on anti-finning within the world community.
- S. 3095 also makes an exception for the "fins" (aka the wings) of rays, cousins of the sharks. Rays are just as – and in many cases, more – threatened than the sharks in today's oceans. Thus the bill is inconsistent with its stated intent on this point as well.
- S. 3095 would promote wastefulness in our nation's shark fishery. Those sectors of the fishery that might survive this trade ban would be forced to discard the fins at the dock. Instead of providing income to the fishermen, the fins will end up in dumpsters at our nation's ports.
- S. 3095 will do nothing to effectively combat the practice of finning in other countries, where the real problem lies, and it will not significantly reduce mortality of the approx. 100 million sharks killed in global fisheries every year. This is because the U.S. supply of shark fins to Asia, the major consumer of fins, comprises less than 3% of the global total. Shutting down the U.S. supply, therefore, will have no real impact on this market. In fact, by prohibiting American commercial fishermen from participating in the shark fin trade, S. 3095 actually creates more market share for those countries *not* practicing legal and sustainable shark fishing. It would therefore punish the wrong people (American fishermen) and reward the wrong people (foreign fleets practicing finning and unsustainable fishing).

I believe the conservation of sharks is of paramount importance to the health of our oceans and the economies of our coastal states and fisheries. What can we do to promote shark conservation? Federal and state bills such as S. 3095 are often supported by well-meaning individuals and organizations who think they are doing the right thing for shark conservation. Unfortunately these actions are at best symbolic and at worst counterproductive. They are a distraction from the real need to forge international agreements to end overfishing of sharks worldwide.

It is popular to think that if we as Americans take a stand and outlaw the consumption of shark fins here, it will motivate other countries to do the same. Our symbolic effort will have little effect because we are dealing with a fundamental cultural difference. An analogy is often made between the shark fin issue and elephant ivory: when the sale of ivory was prohibited in the U.S., it supposedly killed the practice of taking ivory from elephants in Africa. But this is a false analogy, because it fails to take into account that in the case of ivory, the U.S. was the major consumer. That is not the case for shark fins for which a domestic trade ban will do little to impact global demand and consumption. This example also ignores the fact that elephant poaching continues in Africa and

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that ban has actually driven the ivory trade underground where it cannot be documented and regulated. We don't want to do the same thing with the shark fin trade.

Instead of the language in S. 3025, I would like to see NOAA and the Administration complete the task of certifying fishing nations as either compliant or non-compliant with the standards set in the Shark Conservation Act of 2010. This federal law, passed by Congress and signed by the President in 2011, requires NOAA to complete this certification, yet five years later this has yet to be done. Once complete, imports of shark products from the non-compliant nations should be prohibited, using GATT standards of environmental sustainability. We should allow American fishermen to supply the demand for shark fins in the Asian communities of our own cities in the U.S. This is a common sense approach that would punish the bad guys and reward American fishermen for complying with heavy regulation and doing the right thing.

Thank you for your consideration of our views. I am happy to answer any questions or provide any additional information or data.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Hueter". The signature is fluid and cursive, with a large initial "R" and "H".

**ROBERT E. HUETER, Ph.D.**

*Associate Vice President for Research,  
Directorate of Marine Biology and Conservation  
Perry W. Gilbert Chair in Shark Research  
Director of the Center for Shark Research  
Mote Marine Laboratory*