



Support the Shark Conservation Act of 2009, S. 850

Sharks are among the oceans' top predators. Powerful and perfectly adapted, they have roamed the seas for hundreds of millions of years, predating dinosaurs and surviving the harshest of climatic and geographic changes. Unfortunately, many species of sharks are now threatened with extinction, but not from natural causes. The wasteful practice of "finning" (slicing off a shark's fins and discarding the body at sea) is a leading threat confronting sharks. Shark fins are used for the Asian delicacy *shark fin soup* and up to 73 million sharks are killed each year to support the global fin trade.¹ The Shark Conservation Act of 2009 (S. 850) would close major loopholes in the U.S. finning ban and promote shark conservation by other fishing nations.

Depletion of Shark Populations off U.S. Coasts

Sharks are slow-growing fish, typically maturing late and producing relatively few young. Strong demand for shark fins and meat in the face of few controls on fishing has led to serious overfishing of many populations. The UN Food and Agriculture Organization of the United Nations estimates that more than half of highly migratory sharks are either overexploited or depleted.²

Populations of some East Coast shark species, such as porbeagle and dusky sharks, have declined by roughly 80 percent since the 1970s. Recovery of these populations is expected to take 100–400 years, even under strict fishing limits.

As top predators, sharks play key roles in maintaining healthy ocean ecosystems. The effects of losing sharks are complex and often hard to quantify, but similar to land species, the loss or severe depletion of an apex predator can have far-reaching ecological and economic consequences throughout the ecosystem.

While finning is not the only threat to sharks, a ban on this practice is a critical step to curbing mortality and waste of these vital animals. Prohibiting the removal of shark fins at sea will also facilitate the collection of improved, species-specific data on shark catches, which is key to developing more accurate estimates of shark population size and safe levels of shark catch.

Shark Finning and the Law

In 2000, Congress passed the Shark Finning Prohibition Act aimed at ending shark finning in U.S. waters and stopping the landing or transporting of shark fins without corresponding carcasses. This law allows for the fins to be removed on the vessel as long as a fin-to-carcass weight ratio is not exceeded. This "finning ratio" is difficult to enforce and hampers efforts to identify species and collect data. The National Marine Fisheries Service now requires that sharks caught in federal fisheries in the Atlantic

Ocean and Gulf of Mexico be landed with their fins attached. There is no similar requirement in the Pacific Ocean.

Language in the 2000 law unfortunately left unintended loopholes that the fishing industry has exploited. The most recent example is a lawsuit brought against the U.S. Coast Guard by a U.S. flagged vessel over shark finning charges. In 2008, the 9th Circuit Court of Appeals ruled that, although the *King Diamond II* was transporting 32 tons of unattached fins (cut from an estimated 30,000 sharks), it was not in violation of the U.S. Shark Finning Prohibition Act because the ship was not technically a fishing vessel.³ This misinterpretation of Congressional intent by the courts illustrates the need for new legislation.

The House companion bill to S. 850, the Shark Conservation Act of 2009 (H.R. 81) introduced by Rep. Madeline Bordallo (Guam), passed in March 2009.

Key Provisions of the Shark Conservation Act of 2009 (S. 850)

- *Eliminates Vessel Loophole:* The bill prohibits *all* U.S. flagged vessels from having custody, control or possession of shark fins without the corresponding carcass.
- *Requires Fins Naturally Attached:* The bill specifically requires that sharks be brought to port with their fins naturally attached. This provision will make the “fins attached” requirement consistent for fisheries in all U.S. waters and will aid enforcement.
- *Ensures U.S. Competitiveness:* The Shark Conservation Act of 2009 amends the High Seas Driftnet Fishing Moratorium Protection Act to allow the U.S. to identify nations that do not have comparable shark conservation measures in place. Further, it grants U.S. authorities the ability to restrict imports of shark products from those countries. This provision promotes shark conservation internationally and helps to ensure the competitiveness of the U.S. fishing fleet.

Shark finning is associated with unsustainable mortality and unacceptable waste of some of the oceans’ most vulnerable animals. The Senate has an opportunity to ensure that the U.S. has the world’s strongest shark finning ban and to bolster U.S. leadership in international shark conservation by passing S. 850, the Shark Conservation Act of 2009.

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¹ S. Clarke *et al.*, “Global estimates of shark catches using trade records from commercial markets,” *Ecology Letters*, 9:10, Blackwell Publishing Ltd/CNRS, 2006, pp. 1115-1126, <www.iccs.org.uk/papers/Clarke2006EcologyLetters.pdf>.

² The Food and Agriculture Organization of United Nations, “World Review of Fisheries and Aquaculture,” *Fisheries and Aquaculture Department*, Issue 1020-5489, FAO, 2008, p. 35.

³ United States Court of Appeals, 9th Circuit, “Opinion: United States of America, *Plaintiff-Appellee*, Tai Loong Hong Marine Products, Ltd., *Claimant-Appellant*, v. Approximately 64,695 Pounds of Shark Fins, *Defendant-Appellant*,” <www.ca9.uscourts.gov/datastore/opinions/2008/03/17/0556274.pdf>.