Congress of the United States
Washington, DC 20515

July 9, 2013

Dr. Kathryn Sullivan, Acting Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Dr. Sullivan,

We are writing to ask that the National Marine Fisheries Service (NMFS) withdraw the provision to preempt state shark fin trade laws in its proposed rule to amend regulations under the Moratorium Protection Act and Magnuson-Stevens Act to implement provisions of the Shark Conservation Act of 2010 [Docket No. 111014628-3329-01]. While we support the Service's actions to implement the Shark Conservation Act, which established the U.S. as a leader in global shark conservation and recovery, we are very concerned that the preemption provision undermines valid and essential state and territorial statutes.

Shark finning is a major contributor to the accelerating decline in global shark populations. Experts estimate that between 26 and 73 million sharks are killed every year to supply the global demand for shark fins. Within the proposed rule, NMFS would preempt state and territorial statutes that are designed to combat finning by prohibiting the possession, sale, and distribution of detached shark fins after the point of landing. The preemption provision in the draft rule would take away a much-needed tool to protect and recover dwindling shark populations.

The Magnuson-Stevens Act's shark finning provisions, as most recently amended by the Shark Conservation Act of 2010, address the landing and possession of sharks and shark fins at sea and in our federal waters. The Act was not constructed to directly address the trade in detached and processed shark fins within the United States. Addressing this trade is vital, as there is currently no global mechanism in place that requires detailed record keeping on species, origin, and chain of custody for shark fins. It is almost impossible to tell, further down the chain of consumer demand, whether a shark fin or shark fin product came from a federally managed legal fishery, or was imported from a country with little or no regulations on shark finning.

There are a growing number of state and territorial statutes that are designed to address the problem of finning by reducing the demand for shark fin products. These statutes address the market for sale of products made from shark fins, and do not attempt to regulate fishing practices or fisheries management. This is not a conflict of interest, and is well within the jurisdiction and authority of the States to regulate. The Magnuson-Stevens Act clearly states that ". . . nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries." 16 U.S.C. 1856(a)(1).

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If we are to address the problem of shark-finning head on, we must allow state and territorial statutes to complement the federal regulations and further the U.S. leadership in global shark conservation. We urge you to withdraw the preemption provision in the proposed rule, and look forward to your reply.

Thank you for your attention to this urgent matter.

Sincerely,

Jared Huffman
Member of Congress

Grace Meng
Member of Congress

Madeleine Bordallo
Member of Congress

Vern Buchanan
Member of Congress

Sam Farr
Member of Congress

Michael Grimm
Member of Congress

Jim Moran
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Gregorio Kilili Camacho Sablan
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Brad Sherman
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Eleanor Holmes Norton
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Lois Frankel
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Frederica Wilson
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Jan Schakowsky
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Zoe Lofgren
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Pedro R. Pierluisi
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Steve Israel
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George Miller
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Ann McLane Kuster
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Bill Foster
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Gary Peters
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Ami Bera
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