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January 29, 2009

Dr. Rebecca Lent
Director, Office of International Affairs
Attn: Swordfish Petition, NMFS, F/IA
1315 East-West Highway
Silver Spring, MD 20910

Dear Dr. Lent,

The undersigned groups are writing to express their support for the Petition to Ban Swordfish Imports Pursuant to Marine Mammal Protection Act (“MMPA”) Section 101, 16 U.S.C. § 1371. Immediate enforcement of this law is crucial to achieve the nation’s vital interests in protecting marine mammals from harmful fishing practices as well protecting U.S. fishers from unfair competition with unregulated international fishing fleets. We ask that the National Marine Fisheries Service act quickly to prohibit swordfish imports unless and until exporting countries have submitted the proof required by the MMPA that the fish or fish products did not result in the incidental kill or serious injury of marine mammals in excess of U.S. standards. 16 U.S.C. § 1371(a)(2).

Congress recognized that fishing posed a grave threat to marine mammal species when it passed this provision of the MMPA over 30 years ago. The law imposes restrictions on fisheries-related mortalities of marine mammals and, together with regulations pursuant to the Endangered Species Act, has led to the establishment of significant protective measures aimed at restricting harmful fishing practices and protecting marine mammal populations from unsustainable fisheries bycatch. Congress also recognized that, if the United States’ efforts to protect marine mammals from fisheries bycatch were to be successful, it would have to exert pressure on fisheries of other nations to adopt similarly protective measures.

By requiring foreign nations to prove that their fishing methods do not result in harm to marine mammals in excess of U.S. standards before allowing those nations to export fish and

fish products to the U.S., MMPA section 101 ensures that the U.S.'s considerable economic power provides an incentive to conserve, rather than obliterate, marine mammal populations. It also serves to protect U.S. fishers from unfair competition by foreign fishers operating without appropriate restraints on fishing practices.

The MMPA requires that all fisheries supplying U.S. markets “reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate.” 16 U.S.C. § 1387(b)(1). This requirement has led to a number of important regulations on U.S. fishing, including gear-based requirements such as the use of pingers and net extenders and limits on the length of longlines, as well as other measures like time-area closures, safe handling and release training and equipment, and mandatory observer coverage. All of these measures play a vital role in reducing the fisheries’ impact on marine mammal populations as well as other species vulnerable to bycatch.

Enforcement of MMPA section 101 will provide a much-needed incentive for foreign fisheries to implement similar protective measures and data-gathering requirements. It will also ensure that U.S. consumers do not unwittingly reward unregulated fisheries with their economic support. Allowing unregulated fisheries to sell their catch alongside that of U.S. fishers undermines conservation efforts and places U.S. fishers at a significant disadvantage.

Therefore, we ask that NMFS enforce this important and longstanding law without delay. We appreciate NMFS’s attention to this issue and look forward to more effective conservation of our precious global marine mammal populations.

Sincerely,

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