

April 28, 2014

Patricia Bianchi
Marine Stewardship Council
Marine House, 1 Snow Hill
London, EC1A 2DH
United Kingdom



Re: MSC Shark Finning Consultation
Submitted by email to standards@msc.org

Dear Ms. Bianchi:

On behalf of our organizations, we appreciate the opportunity to comment on the Marine Stewardship Council (MSC) consultation document regarding proposed revisions to MSC requirements aimed at ensuring that MSC fisheries do not engage in shark finning (slicing off a shark's fins and discarding the body at sea) and that fisheries involved in finning are not eligible to be certified as sustainable by the MSC. We are among the stakeholders that have urged the MSC to tighten its standards with respect to this wasteful and indefensible practice.

We strongly support the proposal to, in relation to Scoring Guidepost (SG) 80 and SG100:

- remove the possibility of landing shark fins and carcasses separately, and
- allow only processing sharks and landing sharks with their fins naturally attached (FNA).

Furthermore, we urge removal of fin-to-carcass ratio limit options in relation to SG60.

It is widely acknowledged that shark finning is associated with unacceptably high levels of waste and mortality. Our organizations have long promoted the FNA method as the most reliable means for enforcing shark finning bans. We are pleased that the MSC is recognizing this policy as the best practice. Our rationale for this position is contained in the responses to the questions posed.

1. Do you consider that there is sufficient scientific evidence to support a conclusion that landing using a default fin-to-carcass ratio is inadequate to ensure that shark finning is not taking place?

Yes, there is a growing body of scientific evidence to demonstrate that fin-to-carcass weight ratios are inadequate for finning ban enforcement, and that FNA policies represent the best practice.

*Shark Advocates International is a project of The Ocean Foundation formed to safeguard sharks through sound conservation policy.
Humane Society International is an animal protection organization working throughout in the world to protect all animals.
Project AWARE Foundation is a growing movement of scuba divers protecting the ocean planet -- one dive at a time.
The Shark Trust is dedicated to advancing the conservation of sharks through science, education, influence and action.*

As mentioned in our previous comments, a 2010 expert report¹ from the European Elasmobranch Association (EEA) and the IUCN Shark Specialist Group (SSG) details how under an FNA policy:

- Enforcement burden is greatly reduced;
- Information on species and quantities of sharks landed is vastly improved;
- “High-grading” (mixing bodies and fins from different animals) is impossible; and
- Value of the finished product can be increased.

As mentioned in the MSC document, the technique of making a partial cut (allowing fins to be folded against the body) can address industry concerns about safety and efficient storage.

The same 2010 EEA/SSG study concluded that:

- Setting different ratios for different species and/or fleets, in addition to requiring much research, would be costly, time-consuming, and particularly difficult to implement
- Prohibiting the removal of fins on-board vessels is the *“only fail-safe, most reliable, least expensive means to prevent finning and measure compliance; this method is viable for freezer vessels and can facilitate collection of much-needed, species-specific catch data.”*

We remind you of the conclusions from an extensive 2007 EEA study² on this subject:

- A fin-to-carcass ratio is a complicated and inadequate tool for preventing finning because of differences in cutting techniques and variability among species’ fin sizes and values
- Setting ratios at the upper end of (or above) scientifically derived ratios exacerbates this problem and leaves species with small fins and/or low value meat at particular risk
- Lack of information and inconsistency in fin removal prevent scientific determination of a single optimal fin-to-carcass ratio
- To ensure finning cannot take place, sharks should be landed with their fins attached.

As noted in the MSC consultation document, owing to these practical advantages, FNA policies have been mandated in dozens of countries and are gaining acceptance in international arenas, including Regional Fishery Management Organizations.

¹ Fowler, S. and Séret, B. (2010). *Shark fins in Europe: Implications for reforming the EU finning ban*. European Elasmobranch Association and IUCN Shark Specialist Group.

² Hareide, N. R., Carlson J., Clarke, M., Clarke, S., Ellis, J., Fordham, S., Fowler, S., Pinho, M., Raymakers, C., Serena, F., Seret, B. and Polti, S. (2007). *European Shark Fisheries: a preliminary investigation into fisheries, conversion factors, trade products, markets and management measures*. European Elasmobranch Association.

The consultation document also highlights more recent scientific literature examining shark finning ban implementation. We take this opportunity to expand on the findings from two of these papers from the April 2012 *Journal of Fish Biology* special issue on “The Current Status of Elasmobranchs: Biology, Fisheries and Conservation.”

First, experts focusing on blue shark (*Prionace glauca*) fin to carcass ratios in Spain³ found that:

- Varying fin sets and fin cutting techniques result in significant differences in fin-to-carcass ratios across fleets and even among vessels
- There are problems with using such ratios to enforce finning bans
- Requiring EU fishermen to land sharks with fins naturally attached to bodies (as is already practiced for fresh-chilled shark landings in Vigo) would facilitate proper, cost-effective enforcement as this policy is the “*most reliable method for preventing undetected finning*”
- Landing sharks with fins attached can improve catch data by easing carcass identification to the species level.

Second, scientists at the University of British Columbia Fisheries Centre conducted a global review of species-specific fin-to-body weight ratios and relevant legislation⁴. Their paper and an associated summary sheet reported that:

- Mean and median wet fin to body mass ratios were 3% and 2.2%, respectively
- The EU’s 5% ratio was too high, and provided “*an opportunity for fishers to harvest extra fins from more sharks without retaining all of the corresponding shark carcasses*”
- The generalized 5% ratio used in existing regulations presents a “*dangerous loophole*”
- Species and/or fleet-specific ratios are not a practical solution due to difficulties associated with high-grading and accurate species identification
- Requiring sharks to be landed with fins attached is the best way to close finning loopholes
- Landing sharks with fins attached makes it “*easier for trained observers at landing sites to record the number, mass and species of sharks landed, making data collection and monitoring more straightforward and accurate.*”

³ Santana-Garcon, J., Fordham, S. and Fowler, S. (2012). Blue shark *Prionace glauca* fin-to-carcass-mass ratios in Spain and implications for finning ban enforcement *Journal of Fish Biology*. DOI:10.1111/j.1095-8649.2012.03233.x

⁴ Biery, L. and Pauly, D. (2012). A global review of species-specific shark fin to body weight ratios and relevant legislation. *Journal of Fish Biology*. DOI: 10.1111/j.1095-8649.2011.03215.x

These papers draw heavily from and support the findings of the EEA and IUCN reports summarized above, and all back up the ultimate conclusion of a 2006 assessment of the validity of 5% fin-to-carass ratios⁵ published within a collective volume of scientific papers produced by the International Commission for the Conservation of Atlantic Tunas:

“The only guaranteed method to avoid shark finning is to land sharks with all fins attached.”

2. Do you consider that there is improved fishery management to support a conclusion that best practice is comprehensive management of used/processed sharks or FNA?

Yes, as more and more governments implement FNA policies, the examples of ease of enforcement are surely growing. In particular, law enforcement officials with the United States National Oceanic and Atmospheric Administration (NOAA) reported in April that 92% of recent Atlantic Highly Migratory Species (HMS) fishery violations involved sharks (as opposed to tunas, swordfish, etc).⁶ Of those violations, 30% were related to finning. The report documents how enforcement officials charged fishermen for sharks that were not intact and for the lack of carcasses to correspond to detached fins. We contend that such enforcement action would have been much more challenging had officials still been required to rely on complicated, labor-intensive fin-to-carass weight ratios.

3. Is the draft certification requirement / guidance adequate for delivering these changes?

No. We reiterate our assertion that fisheries in which fins are removed at sea should not qualify for MSC certification. In other words, we urge an end to MSC certification pathways for fisheries using fin-to-carass ratio limits for finning ban enforcement, as these methods are well documented as inadequate and problematic.

4. Are you aware of unintended consequences of the changes proposed?

If an option remains for a fishery that uses a fin-to-carass ratio for finning ban enforcement to qualify for MSC certification, presumably unintended negative consequences include the perception that such ratios qualify as best practice which can serve to perpetuate these flawed policies and the associated waste of sharks.

⁵ Cortes, E. & Neer, J. A. (2006). Preliminary reassessment of the validity of the 5% fin to carcass weight ratio for sharks. *ICCAT Collective Volume of Scientific Papers* **59**, 1025–1036.

⁶ NOAA Fisheries. April 2014 Highly Migratory Species Enforcement Overview. Available for download at: http://www.nmfs.noaa.gov/sfa/hms/advisory_panels/hms_ap/meetings/april_2014/documents/hms_ap_gces_ole_vms_final1.pdf

Conclusion

We remain in strong support the MSC actively promoting an end to at-sea shark fin removal along with careful monitoring of associated compliance in order to prevent the wasteful practice of shark finning. Given that FNA policies are exceptionally simple and widely acknowledged as best practice for finning ban enforcement and related monitoring, we continue to feel strongly that fisheries without such a requirement should not be considered for MSC certification.

We are hopeful that a strong MSC finning ban standard can accelerate the expansion of FNA policies, bringing us closer to preventing shark finning on a global scale. We respectfully urge you to adjust and advance your final proposal accordingly.

Thank you for considering our views.

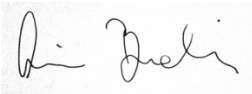
Sincerely,



Sonja Fordham
President
Shark Advocates International



Rebecca Regnery
Deputy Director, Wildlife
Humane Society International



Ania Budziak
Associate Director
Project AWARE



Ali Hood
Director of Conservation
Shark Trust

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