

Prepared Statement of Captain Raymond Kane  
On  
Fisheries Treaties and Port State Measures Agreement  
Before the  
Committee on Foreign Relations  
United States Senate  
February 12, 2014

Good afternoon Senators Markey and Rubio! My name is Captain Ray Kane and I appreciate your invitation to testify at this important hearing. By way of background, I have been actively involved in the Massachusetts commercial fishing industry for over 40 years, and I have participated in virtually every fishery including tuna, lobster, scallops, and groundfish. In addition to being the owner and operator of the F/V Frenzy, I also serve as the fishery advocate for the Cape Cod Commercial Fishermen's Alliance (Alliance). Today I am testifying on behalf of the hard working, small boat fishermen from Cape Cod and the Islands that comprise the Alliance.

The subject of today's hearing is the consideration of four fisheries agreements including an Amendment to the Convention of Future Multilateral Cooperation in the Northwest Atlantic (NAFO); the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean; the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (SPRFMO); and the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA).

As an organization dedicated to sustainable fisheries, we support the establishment and strengthening of effective regional fishery management organizations, also known as RFMO's. RFMO's for high seas areas are especially important as by their very nature, high seas areas are under the control of no one single nation. As we painfully learned from high seas fishing in the Northwest Atlantic Ocean, when there are no rules and no enforcement, there is also no conservation. Effective multilateral RFMO's are the only way to manage and conserve fisheries on the high seas and as such we firmly support their creation in the North and South Pacific Ocean. Because our Cape Cod fishermen are not involved in the Pacific fisheries nor do they fish in the NAFO area, my testimony today will focus on the Port State Measures Agreement aimed at deterring and eliminating IUU fishing.

Make no mistake about it. Illegal, unreported and unregulated fishing—IUU fishing—is a multi-billion dollar industry and it is growing. IUU fishing is fueled by the overall increase in fish prices and dwindling global fish stocks. Recent studies suggest that foreign illegal fishing is a worldwide business that accounts for up to \$23.5 billion worth of seafood annually, or 26 million tons of fish—six times more fish than the entire U.S. commercial fishing industry annual catch. Some of the biggest culprits involve fishing vessels flagged from EU and Asian nations including Korean, Taiwan and China. Recent research by Daniel Pauly, a scientist at the University of British Columbia, found that even though China claims to have the biggest distant-water fishing fleet in the world, it only reported 386,000 tons of fish caught per year between 2000 and 2011. This same research also estimated China was catching more than 12 times the amount of fish it reported.

The United States has been a global leader in fighting IUU fishing. Domestically, we have some of the strongest laws aimed at curtailing IUU fishing and ensuring that IUU fish does not enter

our markets. Under the High Seas Driftnet Fishing Moratorium Protection Act, as amended, the United States lists nations identified as having vessels engaged in IUU fishing and can both deny port privileges to IUU vessels and prohibit the import of fish products from IUU nations into the U.S. Additionally, the Magnuson-Stevens Act includes some of the strictest enforcement measures and penalties to deter U.S. fishermen from engaging in IUU fishing. Believe me, the United States Coast Guard, the National Marine Fisheries Service and the Department of Homeland Security do an excellent job enforcing a whole suite of conservation, safety and security laws on American fishermen.

Internationally, the US has also taken a leadership role. Through the various RFMO's, the United States has pushed for stronger measures to deter and detect IUU fishing, including adoption of IUU vessel lists, market-related measures, vessel monitoring and surveillance programs and prohibiting the transfer of catch at sea. Unfortunately, as is the case with most international fishery organizations, application and enforcement of these measures remains mixed at best.

The Port State Measures Agreement is built on the premise that IUU fishing can be reduced if IUU fish can be prevented from entering global commerce, and the most effective way of accomplishing this is to make it extremely difficult for IUU fish to be offloaded in a port. In this regard, the Agreement establishes the first global standards to control port access from foreign illegal fishing vessels that engage in IUU fishing. These standards include mandating parties (port states) to require prior notice of a foreign fishing vessel's arrival in their port, restricting port entry and port services to foreign vessels known or suspected of IUU fishing, adopting minimum dockside inspection and training standards, and the sharing of information about IUU vessels with the appropriate RFMO's. But what is most critical about the Agreement is that it creates an obligation of the signatory nations to apply and implement these measures; in other words, these measures are to be enforceable, not merely aspirational. The truth is, many coastal nations are simply not as rigorous in their enforcement as the United States. What's worse is that it is widely understood that around the world the illegal sale of additional fish quotas and fishing licenses is extremely lucrative which fuels the IUU epidemic.

So why is this Agreement important to the small, day boat fishermen on Cape Cod and, for that matter, my fellow fishermen from Gloucester, Boston, New Bedford and all along the New England coast? The answer is simple: for too many years, New England fishermen have sacrificed to rebuild highly migratory stocks, while foreign fishermen engaged in IUU fishing reap the benefits of our efforts by targeting those very same fish. This is particularly true for tuna and swordfish fishermen along the New England coast.

For decades, Atlantic tuna and swordfish quotas for American fishermen were significantly reduced for conservation reasons while foreign IUU fishing persisted and undermined those attempts at sustainability. Unlike inshore fish stocks where the United States can exert effective unilateral management within our 200 mile exclusive economic zone, highly migratory stocks like tuna and swordfish swim throughout the Atlantic Ocean and are therefore susceptible to over-exploitation by foreign fishermen in international waters. In addition to undermining conservation efforts, IUU fish depresses the market for American harvested fish both in terms of demand and price. In sum, IUU fish undermines our businesses as well as our stock rebuilding efforts. Thus, our fishermen feel the double whammy: fish that we abstain from harvesting to ensure a sustainable stock are harvested instead through IUU fishing, and yet when we do harvest our quota, the markets and prices for our fish are depressed because of the presence of IUU fish in the marketplace.

Mr. Chairman, American fishermen and especially Massachusetts fishermen have had enough of IUU fishing! We need to level the playing field in order to make sure that we have an equal footing in the marketplace and to ensure that our conservation efforts and sacrifices are not undone by IUU fishing. We believe the Port State Measures Agreement is a good place to start and we strongly encourage this Committee and the entire Senate to approve the Agreement as soon as possible.

Thank you and I would be happy to answer any questions.