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Fisheries Management Directorate
Ministry for Primary Industries
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To Whom It May Concern:

On behalf of Shark Advocates International, Project AWARE, and Shark Trust, we appreciate this opportunity to comment on the New Zealand government's proposals for eliminating shark finning (slicing off a shark's fins and discarding the body at sea) in New Zealand fisheries, reportedly intended to:

- address "wastage or under-utilisation of shark species," and
- ensure New Zealand is demonstrating commitment to the objectives of the International Plan of Action for Sharks (IPOA-Sharks) and its own associated National Plan of Action (NPOA).

We maintain that New Zealand's current shark finning policy hampers effective enforcement, sets a poor example for other countries, and impedes progress toward stronger finning bans at Regional Fishery Management Organizations. We appreciate the consultation document's recognition that shark finning (described as "fin-only landings") has been common for several species taken in New Zealand fisheries, including blue sharks, porbeagles, makos, spiny dogfishes, and carpet sharks, and we are pleased that the government is at last moving to expand the current ban on finning to cover all sharks (not only live ones). For ensuring compliance, however, we strongly favor the "fins-naturally-attached" (FNA) policy over the fin-to-carcass ratios proposed for many commercial species, as these complicated limits are difficult to enforce and create opportunities for undetected finning. Our perspectives on these approaches, other elements of the consultation document, and next steps are detailed below.

General Concerns about Misconceptions

Following the New Zealand government's May press release and media interviews about expanding and speeding up implementation of proposed finning rules (reportedly due to overwhelming public concern and importance for the country's "clean, green reputation"), we were dismayed to learn that reports of a new and complete FNA requirement were inaccurate. Such claims were made by several outlets including the *New Zealand Herald*, leading to much positive attention to the government's plans without mention of the numerous proposed exceptions to this best practice, along with widespread misperceptions within the public and conservation community about the status of proposals. We urge the government to be clearer and more specific in future press statements as to the final finning measures and related exceptions, and to make a greater effort to correct misinformation (about fundamental policies) reported in the press.

We are also concerned that the current consultation document, in arguing for exceptions to the FNA approach, repeatedly references potential problems with "landing sharks whole." We stress that in many instances where the FNA method has been mandated, it is permissible to remove the sharks' heads and guts at sea. To suggest that whole shark landings that preclude any at-sea processing are necessary under the FNA approach is misleading.

1) TIMING OF THE FINNING BAN

We strongly support Preferred Option 1A to ban finning in all fisheries, for all species (including blue sharks) by October 2014 (if not sooner), instead of the original staged implementation approach.

2) IMPLEMENTATION OF THE FINNING BAN

To ensure that the goal of eliminating shark finning in New Zealand fisheries is achieved, we reiterate our strong support for ***a complete prohibition on the removal of shark fins on board vessels, and rejection of any options that rely on fin-to-carcass ratios for finning ban enforcement.***

The Case for FNA

As we noted previously, a 2010 report from the IUCN Shark Specialist Group and the European Elasmobranch Association¹ compared the FNA method to ratios, and found that under the former:

- 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.

The study concluded that prohibiting the removal of fins on-board vessels is the *“only fail-safe, most reliable, least expensive means to prevent finning and measure compliance.”*

Because of its many practical advantages, the FNA method has been mandated in the United States, the European Union, Taiwan, India, Sri Lanka, parts of Australia, most of Central America, much of South America, and elsewhere; and is gaining acceptance in international arenas.

Concerns over Background & Rationale

We are generally concerned that the document appears to downplay the importance of adopting the most reliable finning ban enforcement method (FNA) by suggesting without much evidence:

- an *“apparent slow-down in global demand for fins”* that may result in fewer fins being landed over time,
- a *“belief”* that current market conditions make incentives or opportunities for high-grading *“limited,”* and
- the potential for development of *“a voluntary undertaking not to fin sharks”* by industry.

We agree with the later statement: *“a voluntary approach to the practice of shark finning would not, on its own, provide the level of confidence in compliance that adequately reflects the importance placed on the ban by the public and international stakeholders.”* We note that the various factors involved in the changing shark fin market (including demand reduction campaigns, bans on luxury items, emerging markets, and changing product codes) have yet to be comprehensively analyzed to provide a complete picture or forecast of this commerce. In any case, we stress that the NPOA goal is to eliminate finning in New Zealand fisheries, irrespective of magnitude.

With regard to discounting the relevance of “some of the advantages cited for FNA,” we reiterate that this approach does not necessarily (as suggested in parts of the document) require the landing of the “whole” shark, and -- as noted later in the document -- fins can be partially detached and folded against the body. Therefore, there is little basis for purported problems based on vessel capacity (need for *“additional hold space required to accommodate whole sharks”*) or safety while moving them, when compared to ratios.

In addition, directed fisheries for shark fins were not a pre-requisite for other countries that have chosen the FNA approach, and several of these nations also impose shark quotas; we don’t see the fact that New Zealand has no directed fin fisheries and has a quota system as solid reasons not to employ the most reliable finning ban enforcement measures.

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.

While it is widely recognized that sharks' urea content creates challenges with respect to avoiding an ammonia taste in shark meat, the document's numerous references to industry assertions that leaving shark fins partially attached exacerbates these problems are not well founded. In particular, the unsubstantiated claim that proper cleaning of the carcass cannot be accomplished without the removal of the pectoral, ventral, anal, and tail fins is discredited by the fact that the FNA is being successfully employed in the US and EU, where sanitary standards are quite high.

Indeed, fear of meat "tainting" was a main argument among the fishermen who opposed FNA rules in the US and EU. After the US and EU FNA requirements were implemented, however, fishermen quickly adapted their at-sea processing techniques to comply. Since that time, we have not heard of any documented cases of "ammoniation" of shark meat stemming from keeping shark fins attached to carcasses in these regions. As noted later in the consultation document, sharks can be *"gutted and/or bled to prevent or slow the ammoniation of the meat in storage."*

The Case Against Ratios

Some of the best arguments against adopting fin-to-carcass ratios are found and detailed within the consultation document:

As explained there, determining fin-to-body weight ratios requires consideration of:

- varying values depending on species, fishers, and primary landed state,
- whether values are based on dry or wet fin weight,
- whether just primary fins (the first dorsal fin, both pectorals and the lower lobe of the caudal fin) or also secondary fins (e.g. second dorsal, anal, pelvic, upper caudal fins) are landed, and
- the existing fishery practices (i.e. the types and state of fins landed).

Also explained in the consultation document, a ratio approach would:

- potentially provide opportunities for high-grading to occur in fisheries where the value of shark fins is high relative to the rest of the shark,
- make it harder to determine through physical inspections if any excess shark fins had been landed (i.e. fins for which the body of the shark was not retained),
- pose challenges for identifying fins by species unless genetic techniques are available,
- rely on analysis of fisher/fish receiver reporting and observer data, to verify compliance, and
- likely make it necessary to develop some species-specific ratios over time rather than relying on a single generic ratio, given the range of shark species encountered by commercial fisheries.

Enabling the monitoring of landings of fins versus primary processed states would require:

- changing the way in which landings of the secondary processed state (i.e. fins) occur,
- ensuring products are landed and weighed in separate batches by species.

Heightening our concern is the appearance that the New Zealand approach to ratios is not yet fully developed or clear, and would require ongoing changes and complications (in contrast to the simple straight-forward, long-term policy advantage of the FNA method):

"to base ratios on fin weight to shark carcass weight, converted by a conversion factor to greenweight. For example, this would require a ratio of 3.3% of fin weight to shark greenweight be achieved (based on the standard generic conversion factor for wet fins of 30), but there would be scope to develop species-specific ratios as required over time."

Shark fin-to-carass ratios have been addressed in a number of peer-reviewed technical studies in recent years. Notably, in April 2012, the *Journal of Fish Biology* published a special issue on “The Current Status of Elasmobranchs: Biology, Fisheries and Conservation” that includes a University of British Columbia Fisheries Centre global review of species-specific fin to body weight ratios and relevant legislation². Authors report that:

- Mean and median wet fin to body mass ratios were 3% and 2.2%, respectively,
- Generalized ratios present 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, and
- Requiring sharks to be landed with fins attached is the best way to close finning loopholes, and 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) DEALING WITH UNWANTED SHARK CATCHES

We are not able to support the Preferred Option (C2) that would remove the ban on dead discards of blue, mako, and porbeagle sharks, as we believe requiring their landing provides for much better accounting of actual mortality (presumably a reason for imposing the ban in the first place). Such information is particularly important at the moment for porbeagle sharks, as countries work to develop non-detriment findings pursuant to the species’ listing under the Convention on International Trade in Endangered Species (CITES), and also for the exceptionally vulnerable mako sharks. We appreciate that this proposal is aimed at expanding options for the fishing industry, yet note that fishers don’t usually “catch dead sharks” but rather catch live sharks that then often die as a result of capture. Allowing dead discards would likely reduce the incentive to avoid catching these species.

4) PROGRAM REVIEW

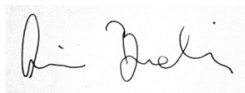
We support the proposal to fully review the implementation and effectiveness of the finning regulations as well as the other elements of the 2013 NPOA-Sharks in 2017.

Thank you for considering our views.

Sincerely,



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President
Shark Advocates International



Ania Budziak
Associate Director, Science & Policy
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Ali Hood
Director of Conservation
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² 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