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Subcommittee on Water, Oceans, and Wildlife**

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Chairman Huffman, Ranking Member McClintock, and Members of the Subcommittee, on behalf of the International Fund for Animal Welfare (IFAW), thank you for the opportunity to provide testimony concerning the Big Cat Public Safety Act (H.R. 1380) and the SAVE Right Whales Act (H.R. 1568).

IFAW is a global non-profit organization that protects animals and the places they call home. With offices in 17 countries and projects in over 40, we rescue, rehabilitate and release animals into secure landscapes around the world. We have long worked to rescue and advance legal protections for marine mammals and big cats in the U.S. and abroad, and we support congressional action to safeguard these animals.

Big Cat Public Safety Act (H.R. 1380)

For many years, IFAW has called for an end to the private ownership and unscientific breeding of big cats in the United States and around the world. The organization has a long history of rescuing and providing sanctuary for captive big cats that, because of deficiencies in existing law governing big cat ownership, have endured inhumane and unsafe living conditions, often for many years. Since 2004, IFAW has worked with bona fide sanctuaries and the Global Federation of Animal Sanctuaries to assist with the rescue and transport of big cats from backyards and makeshift displays into permanent, optimal lifetime care.

The Big Cat Public Safety Act would address this serious public safety and animal welfare crisis in the United States by bringing an end to the trade in “pet” big cats and the unsafe display of lions, tigers, leopards, snow leopards, clouded leopards, cheetahs, jaguars, and cougars, as well as any hybrid of these species. These dangerous big cats are kept as pets in the U.S. in alarming numbers, which threatens public safety, diminishes global big cat conservation efforts, and often results in mistreatment and cruelty toward the animals. Captive big cats may be kept on residential properties, roadside pay-to-play displays, and other places in which they live in inhumane conditions and pose a significant risk to people. It is estimated that there are thousands of big cats in private ownership in the U.S., including roughly 5,000 captive tigers¹—more than are found in the wild. However, the precise number of captive big cats remains a mystery, and this lack of knowledge about nationwide big cat ownership is a significant part of the problem that H.R. 1380 aims to solve.

Big Cats as “Pets”

¹ Douglas F. Williamson and Leigh A. Henry, *TRAFFIC North America Report: Paper Tigers? The Role of the U.S. Captive Tiger Population in the Trade in Tiger Parts* (2008).

IFAW has helped to rescue and relocate 118 big cats, including lions, tigers and cougars, from unsuitable homes to qualified sanctuaries across the United States. One rescue effort consisted of removing 24 big cats from conditions in which, according to the New Jersey Department of Environmental Protection's Division of Fish and Wildlife, the cats were forced to choose between standing knee-deep in mud and feces or taking shelter in filthy trailers. In another case, IFAW rescued and transported to sanctuaries six big cats that had been abandoned by their owner at an Ohio property. In the same state a few years later, IFAW supported the rescue of and provision of veterinary care for five tigers at another site, transporting the animals to legitimate sanctuaries and better lives. Through advocacy and rescue work, IFAW's animal rescue team has seen firsthand the sad conditions of these captive animals and the accompanying public safety hazards.

Big cats that are kept as pets are often held in very small spaces that are entirely inconsistent with their natural behaviors and welfare. Their owners may be uninformed about the resources needed to care for such an animal, or do not have the means to do so. Tigers, for instance, are 500-pound carnivores that cost as much as \$10,000 a year just to feed and require huge spaces to roam. Many tigers and other big cats in the U.S., however, live their entire lives in basements, backyard kennels, or even in apartment buildings. When big cats escape from such unsuitable facilities, they are often killed, as first responders have few options under these dangerous circumstances.

The experiences of IFAW's partner sanctuaries—true sanctuaries that provide quality, lifetime care to rescued animals and do not allow public contact, buy, sell, breed, or otherwise exploit big cats—demonstrate in detail the extreme abuse enabled by the “pet” big cat trade. When The Wildcat Sanctuary rescued Liberty the cougar, she weighed less than half the weight of a typical adult cougar due to starvation, and had ears so severely damaged that the tips were hanging by tiny strips of flesh, urine burns on her body, and parasitic and bacterial infections. Alarming, both of her back legs had been broken and left untreated.

Another “pet” cougar, Mickey, was in such poor condition when Big Cat Rescue saved him from a backyard enclosure that he was not expected to survive. Severely torn ligaments in his back legs were left untreated such that he was barely able to move. Because of the severe pain associated with his condition and the grossly inadequate care that he was receiving, he was extremely underweight. After multiple surgeries and extensive and ongoing veterinary care, he is now able to walk short distances and engage in some natural behaviors, but the devastation of his time as a backyard novelty has left him with permanent physical limitations.

A leopard held on the property from which Mickey was rescued was not so lucky. The leopard had been placed into the same enclosure as a large dog and experienced severe injuries, which were left untreated. It was reported that the leopard's owner intended for the dog to be a meal for the leopard, and that the dog initially fought back. The leopard ultimately succumbed to these injuries after at least two years of suffering, during which the animal was observed with open wounds, festering tissue and bones protruding from its skin.

Unfortunately, these are just a few examples of the horrific conditions that “pet” big cats endure across the U.S.—and most will not be rescued and brought to qualified sanctuaries. Unwanted

big cats that do not end up at true sanctuaries (which, sadly, is the case for most) often end up warehoused,² sent to unqualified facilities, or sold to other individual owners, further exacerbating animal welfare and human health and safety concerns.

Even for those animals that are rescued, resource constraints can make it difficult to place big cats. Most legitimate sanctuaries for mistreated or unwanted big cats are at or nearing capacity, and many lack financial reserves for more than a few months' operating expenses.³ A number of rescue facilities facing financial difficulties have been forced to close, and remaining sanctuaries are not equipped to take in animals indefinitely. Though legitimate sanctuaries provide a critical service by providing rescued animals with quality, lifetime care, free from exploitation, they do not represent a permanent solution to the U.S. captive big cat crisis. They cannot continue to clean up the mess created by inadequate regulation and irresponsible "pet" ownership indefinitely. Rather, these charitable organizations—which undertake incredibly resource-intensive rescue operations and absorb the astounding costs of caring for big cats long-term—are helping to mitigate a problem that ultimately demands a federal policy solution.

For these reasons, the vast majority of qualified big cat sanctuaries that accept these unwanted big cats across the U.S. support a federal ban on private ownership and feel that it is a major threat to animal welfare, public health and human safety.

Public Contact

Big cats also suffer when they are used in pay-to-play or photo op displays; these big cats are overbred, separated from their offspring, and subjected to nearly constant human contact. Exhibitors who profit from allowing people to handle cubs promote intensive breeding because there is a constant need to produce new cubs for display; these young animals are most profitable for just a few short weeks of their lives, yet some species can live for up to 20 years in captivity. The cubs used for handling exhibits are prematurely taken from their mothers, constantly held and photographed, exposed to illness due to constant human contact, and subjected to beatings and other abusive "training" techniques in futile attempts to make them safe for public contact once they mature.

Once cubs become too large to be used for profit in cub handling displays—at just a few months of age—they are often left to live out their lives in extremely inhumane conditions, without much-needed space or stimulation. They may be sold to other unqualified facilities at which conditions are just as deplorable, sold as pets and kept in yards, basements, or otherwise dangerous and cruel conditions, or even killed. In one case, more than 90 dead tigers, including 58 cubs stuffed into freezers, as well as other exotic animals suffering from malnutrition, were found abandoned by an exhibitor who operated a cub handling business in California.⁴

² Whitaker, *supra* note 11 (explaining the concept of "warehousing" and noting that "it appeared that the older animals had been taken from the sanctuary when they were no longer appealing to the public and were left to die at the residence....").

³ Statement of Patty A. Finch, Executive Director, Global Federation of Animal Sanctuaries (2011).

⁴ Chris Dixon, *Last 39 Tigers Are Moved From Unsafe Rescue Center*, N.Y. Times (June 11, 2004); Barbara Whitaker, *Many Dead Tigers Are Found At Big Cat 'Retirement Home'*, N.Y. Times (April 24, 2003).

Just as direct contact threatens the health and safety of cubs, it jeopardizes human health. In addition to scratches, bites, and other injuries, numerous pathogens can be passed between big cats and people, including ringworm, roundworm and other parasitic infections, bacterial infections, and rabies. Notably, this is not a risk that can be offset by simply vaccinating the animals. In the case of rabies, for instance, there are currently no vaccines licensed for use in big cats. Even where humans are not susceptible to a particular pathogen, diseases may be passed from captive big cats to other animals, including pets, through humans; canine distemper virus is just one example. The risk of zoonotic disease transmission underscores that even juvenile big cats can be deadly when used in public contact displays.

Allowing direct contact with captive big cats can also give the general public the false impression that these animals can be tame, harmless, and suitable as pets, and that they can be humanely kept in small enclosures with little stimulation—a misconception that is problematic with respect to both animal welfare and human safety. Acknowledging the risks associated with this perception, Dr. Ronald Tilson, an expert on tiger conservation and coordinator of the tiger Species Survival Plan from 1987 to 2011, stated, “allowing members of the public to handle tiger cubs ... contribute[s] to the demand for big cats as exotic pets.... Getting too close to any large predator, whether captive or wild, is risky and the public apparently is often not getting this important message.”⁵ Similarly, Jay Pratte, an expert on captive big cat husbandry at Omaha’s Henry Doorly Zoo, has emphasized that “[t]here is simply no reason to allow members of the public to have direct contact with big cats, bears, or nonhuman primates. Such exhibition provides no value to the animal and is inherently dangerous to the people and animals involved, regardless of the age of the animal.”⁶

Notably, the risk of disease exposure and transmission is exacerbated by the early separation of mothers and cubs, because many cubs are left without the benefit of the antibodies usually received through the mothers’ colostrum during early feeding. As their risk of disease increases, the risks to those handling them rises as well.

Public Safety

In recent decades there have been at least 740 dangerous incidents involving captive big cats across the U.S., including maulings, escapes, confiscations, situations in which big cats have been killed, and—alarmingly—cases in which captive big cats have killed people.⁷ These incidents have resulted in at least 20 human deaths (including 5 children), 265 maulings, 285 escapes, 149 big cat killings, and 133 confiscations.⁸ In addition, private owners of captive big cats have sought to surrender or abandon at least 1,297 big cats since 1999.⁹ The actual number of unwanted big cats is likely much higher, as this figure accounts only for the number of big cats about which a *single* rescue was approached during these years.¹⁰ Such risks are unavoidable

⁵ Declaration of Ronald Tilson, Ph.D., In Support of HSUS Petition to the United States Department of Agriculture for Rulemaking to Prohibit Public Contact with Big Cats, Bears, and Nonhuman Primates, Oct. 16, 2012.

⁶ Declaration of Jay Pratte, M.A., In Support of HSUS Petition to the United States Department of Agriculture for Rulemaking to Prohibit Public Contact with Big Cats, Bears, and Nonhuman Primates, Dec. 2, 2014.

⁷ Big Cat Rescue, Big Cat Attacks, *available at* <http://bigcatrescue.org/big-cat-attacks/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

under the current legal and regulatory structure governing big cat ownership; these dangerous, wild animals cannot be trained or domesticated in such a way that people can safely have direct contact with them. Private operations that keep, breed, and offer for handling big cats are fundamentally unsafe for the public, as is possession of “pet” big cats.

It is not only the individuals who choose to keep or interact with big cats who are at risk. First responders are generally not trained or equipped to deal with these wild animals, but nonetheless must put their lives on the line when dangerous incidents involving big cats occur. The law enforcement officers who were called upon to respond to the 2011 “Zanesville massacre,” an incident in which an Ohio man with a backyard menagerie released 38 big cats and other exotic animals, have recounted the peril and challenge of such situations. Muskingum County Sheriff Matthew Lutz, acknowledging the strain placed on his agency by the incident, recalled, “In order to protect my community, I had to make the difficult decision to shoot the animals.... This decision, although the right one, brought major adversity to my office and my community. It also placed a heavy burden on our Deputies some which still carry that today.”¹¹ He emphasized that “[l]aw enforcement and other first responders don’t go through training for this, and taxpayers pay the cost when big cats escape or otherwise jeopardize the community.... Some of our Deputies took quite some time to cope with the situation they were put in.”¹² Other first responders have echoed these statements, noting that “first responders should never be expected to manage animals of this magnitude”¹³ and calling the Big Cat Public Safety Act “common sense legislation [that] will help our public safety officers to protect the public and themselves.”¹⁴

H.R. 1380 would require that facilities that are permitted to raise and keep big cats be legitimate sanctuaries or exhibitors licensed by the U.S. Department of Agriculture (USDA) and operating with adequate barriers or distance between animals and the public. It is noteworthy that the backyard menagerie in Zanesville, Ohio would not have been considered an exempted facility under H.R. 1380, as it (like many similar operations) was not a legitimate sanctuary or USDA-licensed exhibit.

Presently, very little information is kept by the USDA, state agencies or local authorities regarding how many big cats are being kept, under what conditions, and where. By requiring big cat owners to publicly register their animals with the U.S. Fish and Wildlife Service, H.R. 1380 will ensure that state agencies, local law enforcement, first responders and the surrounding community can access information about where dangerous big cats are being kept. It will avert unnecessary human suffering, deaths and injuries from these inherently dangerous animals.

In addition to jeopardizing public safety, the existing private ownership and breeding systems in the United States burdens taxpayers. When first responders must handle a big cat that has escaped or otherwise poses an immediate threat to nearby communities, taxpayers bear the cost

¹¹ Letter from Matthew J. Lutz, Muskingum County Sheriff, to Members of Congress (2013).

¹² *Id.*

¹³ Open letter from Dwight Graves, Commissioner, Alabama Fire College and Personnel Standards Commission (2013).

¹⁴ Open letter from Tim Harrison, Director of Outreach for Animals, retired police officer/firefighter/EMT-paramedic, and instructor for the National Emergency Response and Rescue Training Center (2013).

of response efforts. Sheriff Lutz reported that responding to the “Zanesville massacre” cost his department an extra \$8,000; expenses like these, which result from irresponsible private ownership, breeding and handling of big cats, are passed on to the public.

Conservation

Breeding captive big cats to be kept as pets or used as photo props does nothing to advance the protection and welfare of big cat species in the wild. Although private ownership advocates have argued that big cat ownership and cub handling result in conservation benefits for wild populations, experts are overwhelmingly in agreement that this is not the case. Big cats held in private hands in the U.S. cannot be traced back to wild populations, and they have been crossbred and inbred in captivity.

In fact, private ownership in the U.S. exacerbates big cat conservation challenges; it contributes to interstate traffic in those species and may contribute to the illegal international wildlife trade. The U.S. spends hundreds of millions of dollars every year in efforts to combat wildlife trafficking because of its adverse impact on conservation of wild species and its contribution to organized crime. Wildlife trafficking is the fourth most lucrative criminal enterprise worldwide,¹⁵ and has been linked to other criminal enterprises including illegal arms, drugs, and even terrorist activities. It seems senseless that the U.S. should allow domestic breeding and sale of big cats that may contribute to the very trade that we are working so hard to stop.

There is currently no way to know how many U.S.-born big cats are disposed of or when their parts are illegally sold into trade. However, investigations undertaken by the U.S. Fish and Wildlife Services’ (FWS) demonstrate that this threat is far from speculative. For instance, a multi-state investigation that was initiated in 1997 resulted in the conviction of seventeen defendants in seven states after FWS special agents discovered that the defendants involved were purchasing and killing exotic big cats with the intention of selling their meat, hides, and parts.¹⁶ These animals were purchased and killed in the United States, underscoring the direct link between private, domestic captivity and breeding and the illicit trade in wildlife parts.

Tigers are placed at a particularly high risk as a result of the relationship between private ownership and trafficking. Tigers are extremely endangered by poaching and trade, and illegal tiger products continue to be smuggled into the U.S. from foreign countries. One of the biggest threats to wild tigers is the demand for tiger parts and products. Since wild tigers are more desirable than captive tigers for these purposes, any leakage of captive tiger parts and products into the illegal market perpetuates demand, encourages poaching and poses a dire threat to remaining wild populations.

It is telling that observer organizations and Parties to the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) believe the U.S. could do more to fully comply CITES Resolution Conf. 12.5, which deals with captive tiger breeding and trade, and for

¹⁵ Global Wildlife Program (2018), *available at* <http://pubdocs.worldbank.org/en/359781531841410469/GWP-Brochure-May2018-WEB.pdf>.

¹⁶ U.S. Fish & Wildlife Service, *Owner of Chicago Area Exotic Meat Market Sentenced to Six Months in Prison*, FWS Journal (Dec. 18, 2003), *available at* http://www.fws.gov/arsnew/print/print_report.cfm?arskey=11071.

which the U.S. has always been a strong advocate. When U.S. officials have pressed other nations—including those in which tiger farming continues to grow, reinforcing global demand for parts and products—to restrict such intensive captive breeding operations, they lack credibility and influence due to America’s own unchecked tiger breeding.¹⁷ In short, weak regulation of the domestic trade in captive big cats is hampering the nation’s ability to positively impact tiger conservation abroad.

It is noteworthy that captive-bred tigers cannot be used to replenish wild tiger populations, as they can never be released into the wild. They are largely genetic hybrids and would diminish the genetic vitality of wild populations. Captive tigers and other big cats have not learned to hunt, a skill they acquire from their mothers in the wild, and have generally become accustomed to humans, which could lead to conflict with people and put these cats’ survival at stake.

Conservation threats are particularly important because all species of big cats that would be covered under this bill are protected under the Endangered Species Act, with the exception of cougars. If steps are not taken to restrict the private ownership and breeding of big cats in the U.S., wild populations of these species will face increasing pressure as their captive counterparts continue to suffer.

In addition to contributing to wildlife trafficking, private ownership and direct contact exhibition of big cats in the U.S. has resulted in the dissemination of misinformation about these species, their natural behaviors and biology, and their conservation in the wild. While some exhibitors claim to be contributing to the protection of these animals, the misinformation that they share with consumers runs counter to the objective of advancing conservation education. There is nothing natural or informative about viewing these large predators in tiny backyard enclosures, treating them as “pets,” allowing humans to handle juveniles that have been torn from their mothers, or over-breeding, crossbreeding and inbreeding cats to produce revenue-generating cubs. These practices not only fail to provide conservation benefits, but also mislead the public about big cats’ natural behaviors and needs in the wild.

Congressional Action

Despite the establishment of various state laws related to big cat possession, a federal solution is needed to address the many problems surrounding the private ownership of big cats in the U.S. The current regulatory patchwork governing dangerous, captive big cats is ineffective, inefficient and expensive. Some states have little to no restriction on the private possession of big cats, while others have limited the private ownership of these wild animals.¹⁸ Falling in between these two approaches, certain states have instituted partial bans on the private ownership of wild animals, forbidding ownership of particular species, while still others have established licensing requirements. While strengthening state laws would be a step in the right direction, these inconsistent restrictions cannot adequately address the dangerous and inhumane U.S. trade in

¹⁷ See, e.g., e-mail from Rowena Watson, U.S. Dept. of State to John Mark Kolb, U.S. House of Representatives (Aug. 1, 2018) (acknowledging that “the U.S. situation regarding our domestic private ownership of big cats is often problematic as we work with foreign governments to stop tiger farming and trafficking in Southeast Asia and China, and promote conservation of these species in the wild”).

¹⁸ Big Cat Rescue, Big Cat Bans Enacted, *available at* <http://bigcatrescue.org/big-cat-bans-enacted/>.

captive big cats. These animals are regularly transported, exhibited and sold in interstate commerce and, with respect to dangerous incidents and escapes, these deadly felids do not simply become less dangerous when they cross state lines.

Given the significant, ongoing trade in captive big cats in the U.S., further federal action in the form of a simple, nationwide standard is necessary in order to accomplish what some states have already tried to do: stop dangerous big cats in private possession from endangering communities and ensure that states that have little to no prohibition or regulation of any kind on private possession of big cats cannot continue to drive a nationwide problem. For the sake of public safety, protection of first responders, big cat welfare, and international conservation, it is critical that Congress pass the Big Cat Public Safety Act (H.R. 1380).

SAVE Right Whales Act (H.R. 1568)

IFAW has been actively engaged in efforts to save the right whale from extinction since the 1986 global moratorium on commercial whaling, and it is very encouraging that the Subcommittee is considering legislation to address this important conservation and animal welfare issue.

The North Atlantic right whale is an iconic species that connects all Americans living along the East Coast of the United States and makes critical contributions to the marine ecosystems that support coastal communities. Each year, North Atlantic right whales travel through the waters of each and every one of the Atlantic coastal states, following their migratory path between calving areas off Georgia and Florida and cool productive feeding areas off Rhode Island, Massachusetts, Maine, and up into eastern Canada.

Unfortunately, unless strong measures are taken now, current research suggests that the North Atlantic right whale will be functionally extinct within the next 20 years. Right whale scientists estimate that there are fewer than 415 right whales, of which fewer than 100 are breeding females.¹⁹ In fact, in 2017, when right whale mortalities spiked, the National Oceanic and Atmospheric Administration (NOAA) declared an Unusual Mortality Event.²⁰ If current mortality trends continue, especially with breeding age females, recovery of the species will soon become impossible.

Right whales face multiple threats in Atlantic waters. Ship strikes and entanglement in fishing gear are the most common causes of mortality for right whales.²¹ Ocean noise, as well as climate and ecosystem changes, also pose potential threats.

Ship Collisions

¹⁹ Pettis, H.M., Pace, R.M. III, and P.K. Hamilton. 2018. North Atlantic Right Whale Consortium annual report card 2018. Report to the North Atlantic Right Whale Consortium, November 2018.

²⁰ NOAA. (n.d.). 2017-2018 North Atlantic Right Whale Unusual Mortality Event. Retrieved from <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2018-north-atlantic-right-whale-unusual-mortality-event>.

²¹ Hayes, S.A., Gardner, S., Garrison, L.P., Henry, A., and L. Leandro. 2018. North Atlantic Right Whales- Evaluating Their Recovery Challenges in 2018. National Oceanic and Atmospheric Administration Technical Memorandum NMFS-NE-247.

Collisions with ships cause death or serious injuries to whales, including bleeding, blunt-force trauma, propeller cuts, and broken bones. Large vessels (over 65 feet) traveling above a speed of 10 knots have a heightened probability of causing serious injury or mortality if they collide with whales. North Atlantic right whales' behavior makes them particularly vulnerable to vessel collision, as they lack a dorsal fin and swim just beneath the water's surface, making them almost invisible to ship captains and lookouts.

Over the past decade significant progress has been made in reducing the number of ship strikes occurring in U.S. waters by reducing ship speeds in critical whale habitats, changing shipping lanes and port access routes to reduce the likelihood that ships will encounter right whales, establishing Seasonal Management Area and Dynamic Management Area regimes,²² and implementing mandatory ship reporting of whale sightings. However, for such a severely depleted population, the rate of ship strike mortalities is still alarmingly high. Research is urgently needed to develop detection and avoidance measures to help prevent right whale collisions with vessels.

Entanglement

Like ship strikes, entanglement in fishing gear has devastated right whale populations. In fact, despite the efforts of NOAA and the fishing industry, entanglement is now the primary cause of right whale mortality. Between 2010 and 2015, entanglement caused 85 percent of diagnosed serious injuries and mortalities.²³ In 2017 there were 17 documented right whale deaths in North Atlantic waters: 12 in Canada's Gulf of St. Lawrence and five in U.S. waters.²⁴ Even more worrying, scientists estimate that documented mortalities represent just one third to one half of actual mortalities in any given year—and the risk of serious injury or mortality from entanglement has increased dramatically as the population of North Atlantic right whales has declined.²⁵

Eighty-three percent of the population has been entangled at least once,²⁶ and in all cases entanglement causes significant suffering. Upon becoming entangled, whales may drown almost immediately if they are unable to reach the surface to breathe. Those still able to swim suffer serious injuries and infections as the ropes cut deeply into their skin and mouths over time. Others slowly starve to death due to the additional energy expenditure needed to drag heavy fishing gear around. Fatally entangled whales take an average of six months to die. Veterinarians

²² Final Rule to Implement Speed Restrictions to Reduce the Threat of Ship Collisions with North Atlantic Right Whales, 73 Fed. Reg. 60173 (Oct.10, 2008).

²³ Kraus S.D., Kenney R.D., Mayo C.A., McLellan W.A., Moore M.J., and D.P. Nowacek. 2016. Recent scientific publications cast doubt on North Atlantic right whale future. *Frontiers in Marine Science*, 3:137. doi: 10.3389/fmars.2016.00137.

²⁴ Pettis, H.M., Pace, R.M. III, and P.K. Hamilton. 2018. North Atlantic Right Whale Consortium annual report card 2018. Report to the North Atlantic Right Whale Consortium, November 2018.

²⁵ Hayes SA, Josephson E, Maze-Foley K, Rosel P, Byrd B, Chavez-Rosales S, Cole T, Engleby L, Garrison L, Hatch J and others. 2018. US Atlantic and Gulf of Mexico Marine Mammal Stock Assessments - 2017. Woods Hole, MA: NOAA Northeast Fisheries Science Center. NOAA Tech Memo NMFS NE-245; Henry AG, Cole TVN, Garron M, Ledwell W, Morin D, Reid A. 2017. Serious injury and mortality a determinations for baleen whale stocks along the Gulf of Mexico, United States East Coast, and Atlantic Canadian provinces, 2011–2015. Woods Hole, MA:US Department Commerce Northeast Fisheries Science Center. Ref Doc. 17-19.

²⁶ Kraus, *supra* note 23.

and scientists describe entanglement as a serious animal welfare concern, in addition to the leading threat to the population.

Even when whales escape entanglement, the associated stress can have long-term health impacts and prevent females from having calves for years afterward. Indeed, science shows that females are being disproportionately harmed by entanglement. Fewer than 100 breeding females remain,²⁷ and their life expectancy has been vastly reduced from 70 years or more to only 30-40 years. On average, females produced a calf every three years throughout the 1990s and 2000s,, but are now only giving birth approximately once per decade.²⁸ No new calves were observed in the 2017-2018 season (though, fortunately, a few calves have been observed since that time). For long-lived, slow-to-reproduce animals, such trends can have devastating consequences for population decline.

Acknowledging this problem in 2008, NOAA established a requirement that fishermen engaged in the Northeast trap and pot fisheries to use sinking ground line between their pots and traps to reduce whale entanglement in floating ground line. While the sinking ground line rule made sense from a whale protection perspective, the lobster industry and the rope manufacturers were not prepared for this major conversion of the fishery. In an effort to address this challenge, IFAW and the Atlantic Offshore Lobstermen's Association (AOLA) partnered to host a "Lobster Gear Summit" to seek information regarding potential obstacles associated with implementation of the new sinking line requirement. Nearly 100 participants attended this gathering, including regional lobstermen, fishing gear manufacturers, federal and state fisheries officials, and rope-recycling specialists. The results were both sobering and alarming. The summit made clear that (1) fishing gear manufacturers were totally unprepared to produce the amount of sinking line that would be required by industry, and (2) without some level of financial support, it was highly unlikely that lobstermen would be able to purchase the necessary sinking line, and therefore would be unable to comply with the deadline. However, IFAW addressed these challenges successfully, working with industry leaders and government officials to provide fishermen with the sinking ground line they needed to maintain a legal and profitable fishery.

Today, the U.S. is in a very similar situation. Scientific evidence from entangled whales indicates that the biggest threat to whales from an entanglement standpoint are the vertical lines in the water column from fixed gear fisheries like pots, traps, and gillnets. There are approximately 622,000 vertical lines threatening right whales in Atlantic waters from Florida to Maine alone.²⁹ The challenge before us is to find new ways to reduce and eliminate as many vertical lines as possible in areas frequented by right whales. The fishing industry must play a major role in developing a solution, which is why IFAW has been working with fishing industry groups to test innovative, "ropeless" gear that does not require vertical lines.

²⁷ Samuel, M. (2018, February 28). Researchers Haven't Found A Single Endangered Right Whale Calf Yet This Season. Retrieved from <https://www.npr.org/2018/02/28/589439219/researchers-havent-found-a-single-endangered-right-whale-calf-yet-this-season>.

²⁸ Pennisi, E. (2017, December 08). The North Atlantic right whale faces extinction. Retrieved from <http://www.sciencemag.org/news/2017/11/north-atlantic-right-whale-faces-extinction>.

²⁹ Hayes, *supra* note 21.

While still in the development phase, there are several models of ropeless gear that show great promise. Unfortunately the challenge goes far beyond developing the technology. It demands major transformation of an iconic industry that has relied on vertical lines attached to floating buoys for hundreds of years. It will indeed be a challenge to figure out how to fish with ropeless gear, how to locate gear, and how to ensure that other fishermen will not damage or destroy that gear without surface markers. It is essential that the U.S. take on this challenge because, if overcome, it will mean that the growing fishing industry and right whales can coexist.

The SAVE Right Whales Act is a critical part of the solution. It would provide a vital, sustained source of federal funding for research to develop, test, or use innovative technologies and other strategies to reduce entanglements and vessel collisions, and is supported by industry leaders like the Cape Cod Commercial Fishermen's Alliance.

IFAW has already made a significant investment in the purchase and testing of ropeless fishing gear. This project is in the early stages and there is so much more that needs to be done. The present challenge is even more significant than the 2008 transition from floating to sinking ground line. IFAW believes that the federal government has a duty to not only protect the right whale pursuant to the Marine Mammal Protection Act and the Endangered Species Act, but also to support the development and deployment of ropeless fishing gear.

Congressional Action

The United States is at a pivotal point in the history of the North Atlantic right whale. If strong, immediate action is taken, this population can reasonably be expected to survive and rebound. In the absence of such action, unprecedented threats may push the species towards effective extinction within two decades. To encourage strong future management and recovery of North Atlantic right whales, I respectfully urge the Subcommittee to support and advance H.R. 1568.

For the foregoing reasons, I respectfully encourage the Subcommittee to support and advance both H.R. 1380 and H.R. 1568. Thank you for the opportunity to provide testimony on these important matters.