

**TESTIMONY OF WILLIAM WOODY, CHIEF, OFFICE OF LAW ENFORCEMENT,
U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE
THE U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL
RESOURCES, SUBCOMMITTEE ON WATER, POWER, AND OCEANS, REGARDING
H.R. 4245, TO EXEMPT IMPORTATION AND EXPORTATION OF SEA URCHINS
AND SEA CUCUMBERS FROM LICENSING REQUIREMENTS UNDER THE
ENDANGERED SPECIES ACT OF 1973**

February 2, 2016

Introduction

Good afternoon Chairman Fleming, Ranking Member Huffman, and Members of the Subcommittee. I am William Woody, Chief of the Office of Law Enforcement for the U.S. Fish and Wildlife Service (Service), in the Department of the Interior. I appreciate the opportunity to testify before you today on H.R. 4245, “to exempt importation and exportation of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act of 1973.”

The Service’s Office of Law Enforcement focuses its resources and efforts on significant threats to wildlife resources—illegal trade, unlawful commercial exploitation, habitat destruction, and environmental hazards. The Office of Law Enforcement investigates wildlife crimes; regulates wildlife trade; helps Americans understand and comply with wildlife protection laws; and works in partnership with international, Federal, State, and Tribal counterparts to conserve wildlife resources. The Service is the primary Federal agency responsible for enforcing U.S. laws and treaties that address international wildlife trafficking and protect U.S. and foreign species from unsustainable trade.

The Service’s Office of Law Enforcement has a workforce comprised of special agents and wildlife inspectors. This workforce is relatively small compared to the volume of wildlife trade and crimes they are tasked to monitor and investigate. Our 195 special agents conduct investigations to detect and document international smuggling and crimes involving the unlawful exploitation of native and foreign species in interstate commerce. These agents are on the front line of combating the illegal slaughter of elephants in Africa and the lucrative trafficking of elephant ivory that provides significant funds for organized criminal organizations.

The Service’s 125 wildlife inspectors work at major ports of entry across the nation to check inbound and outbound shipments for wildlife and wildlife products. These uniformed wildlife inspectors facilitate legal wildlife trade and serve as the Nation’s primary defenders against illegal international trade in wildlife and wildlife products. They ensure that wildlife trade complies with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and U.S. laws. Although they are relatively small in number, they are responsible for a large volume of inspections. During FY 2014, Service inspectors processed over 183,000 declared shipments of wildlife and wildlife products worth more than \$4.9 billion.

The Service's Role in Import/Export of Echinoderms

The Endangered Species Act (ESA) provides the Service broad authority to regulate the import and export of fish and wildlife. This includes licensing of importers and exporters, inspection of shipments, and charging and retaining reasonable fees for processing applications and performing inspections. This comprehensive system is designed to protect foreign and domestic wildlife from illegal trafficking and guard against the introduction of injurious species. The Service also works closely with stakeholders in the United States business community to ensure compliance with applicable laws and facilitate the lawful trade in fish and wildlife.

The ESA exempts the import of certain shellfish and fishery products that are intended for human or animal consumption and that are not listed as endangered or threatened, protected under CITES, or listed as injurious under the Lacey Act, from the law's trade regulation requirements. This exemption is reflected in Service import/export regulations found in 50 CFR Part 14, which waive import/export license, declaration, and inspection requirements for these commodities. The exemption, however, is purposefully narrow to discourage smuggling and illegal trade in protected species, invasive species and other wildlife, and to protect the legal trade community.

Sea urchins and sea cucumbers do not meet the Service's definition of a shellfish or fishery product, and are therefore not exempt from the Service's import and export requirements related to wildlife. In 50 CFR Part 10.12, the Service defines "shellfish" as an aquatic invertebrate having a shell including but not limited to oysters, clams, other mollusks, lobsters or other crustaceans. Sea urchins and sea cucumbers, which are not mollusks, do not have a shell and do not qualify as shellfish. A "fishery product" is defined as a non-living fish of one of the following classes: Cyclostomata, Elasmobranchii and Pisces; and includes any part, product, egg or offspring whether or not included in a manufactured product or a processed product.

In addition, there is one CITES Appendix III listed sea cucumber species. The Service's role in import/export permitting allows us to monitor international trade in order to prevent overexploitation. Internationally, the data the Service collects through its import/export program is relied upon to inform CITES listing determinations.

We note that on June 17, 2014, the White House released a Presidential Memorandum entitled "Establishing a Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud." Among other actions, the Memorandum established a Presidential Task Force on Combating Illegal, Unreported, and Unregulated (IUU) Fishing and Seafood Fraud (Task Force). The Task Force was directed to provide "recommendations for the implementation of a comprehensive framework of integrated programs to combat IUU fishing and seafood fraud that emphasizes areas of greatest need." Pursuant to those recommendations, the National Marine Fisheries Service will soon release a proposed rule to establish data reporting and related operational requirements at the point of entry into U.S. commerce for imported fish and fish products of species at particular risk of IUU fishing and seafood fraud. This list of at-risk species and the principles applied to determine this list were developed through a process of extensive public comment. Together, the requirements already in place for products of U.S. domestic fisheries and the requirements proposed in the rule for imported fish

and fish products will provide a framework for the designated at-risk species to trace seafood, whether domestic or imported, back to the point of harvest to verify that seafood entering U.S. commerce is both legally caught and not fraudulently represented. The proposed rule may include sea cucumbers and/or sea urchins in the list of at-risk species thereby obviating the need to regulate such species under 50 CFR Part 14; however, the Department cannot support the bill until the proposed seafood import monitoring program is in effect.

Addressing Illegal Wildlife Trade and Population Declines of Echinoderms

International wildlife trafficking is a growing concern and unregulated sea cucumber shipments compound this problem. The Service, working with government partners in Mexico and other Central American nations, has identified a highly-profitable black market for transshipment of sea cucumbers through the United States to Asian markets. Sea cucumbers worldwide are primarily harvested for human consumption in Asia. Growing demand in these markets has increased sea cucumber prices globally to up to \$500.00 (U.S.)/ kilogram, or more, for dried product.

Initially, fishery productions increased to meet this demand, but now overfishing and unregulated fishing has taken hold. Globally, 66 species are overexploited because of poor regulations or lack of enforcement, causing a dramatic decrease in their populations. Many domestic sea cucumber populations face a steady decline from unsustainable harvests. Because they are sedentary and live in shallow water, some of the most valuable species are easily over-harvested. Overharvest of these valuable species has led to the use of some non-preferred species as a substitute to match supply for the overall increased demand for this product. Sustainable regulated harvest is essential to preserve the economic interests of those involved in the industry, and for the preservation of the delicate marine ecosystems in which the sea cucumber is an integral species.

Facilitating Legal Trade of Echinoderms

The Service has worked closely with the trade community to ensure both an understanding of our requirements and to facilitate the lawful trade in fish and wildlife. While we understand the applicable laws and regulations may be new to some importers and exporters, the requirements have been in place since the mid-to-late 1970s.

The current standard requires that sea urchin and sea cucumber imports and exports travel through ports as listed in the Code of Federal Regulations. Shipments must be declared and the Service requires 48 hour notice prior to arrival and inspection primarily to ensure that inspection staff members are available to clear shipments in a timely fashion. The 48 hour notification requirement also allows wildlife inspectors to review documents and resolve paperwork problems before inspection, thus expediting shipments upon arrival or departure. Shipments typically go out on time and are cleared the same business day they are declared.

The Service charges modest fees for processing applications and performing inspections. For example, the inspection fee for a shipment of sea urchins would be \$93. By comparison, our review of a sample of 20 shipments of sea urchins out of Maine shows that the average declared value was about \$23,000 per shipment.

We consider the key to ensuring proper clearance and compliance is close communication between the importer/exporter or their broker, and the Service inspectors at the port where clearance is requested. Our goal is not only to ensure compliance with the laws but to facilitate lawful trade.

Conclusion

The Service's role in monitoring the import and export of wildlife, including echinoderms, is integral to the success of conservation. The Service is the only agency monitoring and physically inspecting the export of wildlife from U.S. ports. As with other domestically managed species, State fish and wildlife agencies rely upon the Service inspection process to deter interstate smuggling efforts. An exemption for echinoderms would provide greater opportunity for international smuggling of these valuable species and other wildlife, while limiting the Service's ability to work with States and international government partners to detect and deter unsustainable, illegal trade.

Thank you for the opportunity to testify today. I would be happy to answer any questions that you have and will continue to work with Congresswoman Pingree, Congressman Poliquin, and the Subcommittee on this important issue.