

CAPE COD COMMERCIAL
**FISHERMEN'S
ALLIANCE**

Small Boats. Big Ideas.

March 31, 2022

Rohan Currey, PhD
Science and Standards Director
Marine Stewardship Council
Via email only: rohan.currey@msc.org

Re: Proposed Revised MSC Fisheries Standard v. 3.0

Dear Dr. Currey:

On behalf of the members of the Cape Cod Commercial Fishermen's Alliance, I am writing to oppose in the strongest possible terms an adoption of the proposed revised MSC Fisheries Standard (Proposed Standard).

Please understand that this is not a typical, "business as usual," pro forma letter. Adoption of this Standard, which has no scientific, environmental, or stock protection merit for the historic fishery of Cape Cod and the Northwest Atlantic more generally, would threaten the very existence of the small-boat, independent, family-based fishing community we represent.

This is no exaggeration. This wholly unnecessary tragedy must not be allowed to happen.

The Cape Cod Commercial Fishermen's Alliance is a member-based, nonprofit organization that works to build lasting solutions to protect our ecosystem and the future of our fisheries. The Alliance represents 150 fishing businesses and more than 300 fishing families. We have been at the forefront of sustainable fishing effort including full accountability, improving stock assessments, and testing and developing gear modifications to eliminate risk of potential harm to whales. We are deeply invested in public policies that protect the environment, manage stocks well, and build sustainability for next-generation fishermen.

The U.S. Atlantic spiny dogfish fishery was first certified by MSC as a sustainable fishery in August, 2012. The stock that was certified is the Northwest Atlantic stock of spiny dogfish. It was re-certified in May, 2018. By any measure, the U.S. Atlantic spiny dogfish fishery is sustainable.

The Northwest Atlantic stock of spiny dogfish is not endangered, threatened or protected. The Proposed Standard ignores this scientific fact and automatically classifies a species as Endangered, Threatened or Protected (ETP) or Out of Scope (OOS) if the species is listed on Appendix 1 or 2 of the Convention on the Conservation of Migratory Species of Wild Animals (CMS). (See p. 30, Figure SA3: Decision tree for ETP/OOS species). Spiny dogfish are listed on CMS Appendix 2.

The Northeast and Northwest Atlantic spiny dogfish stocks are distinctly separate. CMS' listing of spiny dogfish refers only to the Northeast Atlantic spiny dogfish stock. <https://www.cms.int/en/species/squalus-acanthias>. CMS ignored undisputed scientific fact when it erroneously listed all spiny dogfish stocks in the Northern hemisphere without distinguishing between the Northeast and Northwest Atlantic stocks. If CMS had recognized the different stocks as does IUCN (whom CMS refers to in the aforementioned citation) the

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Northwestern Atlantic stock would not be on Appendix 2.
<https://www.iucnredlist.org/species/91209505/124551959>

The automatic classification lacks even a scintilla of scientific foundation in its misapplication to the U.S. Atlantic spiny dogfish fishery.

The decision tree (Figure SA3) and accompanying clause SA3.1.7.3 provides for an exception to ETP/OOS listing for species other than sharks based on life history, management, and stock status. The management and stock status of the northwestern stock of spiny dogfish are why it is currently passing Principle 1 of the Standard and certified sustainable. We would accept as a solution to this problem that commercially and sustainably harvested sharks such as spiny dogfish also be provided the exception in SA3.1.7.3, provided that clause SA3.1.7.1b is stricken.

The U.S. Atlantic spiny dogfish fishery continues to meet all criteria of the MSC definition of sustainable fishing. Adopting the Proposed Standard would strip the fishery of its certification in a manner that is antithetical to MSC's goals.

Spiny dogfish have become a staple of our small-boat fishing fleet, replacing other historic stocks. Dogfish arrive in our waters in great abundance during the warmer months. Day-boat fishermen harvest them in both state and federal waters. Total harvests are regulated, and sustainable. In addition, our fishermen experience almost no "by-catch," successfully targeting dogfish and skates, another plentiful species also MSC certified (#MSC-F-31501, issued Feb. 19, 2021).

Nearly 100% of U.S. Atlantic spiny dogfish is sold in the European Union (EU), and we presume soon to Great Britain. Most buyers in the EU require MSC certification. Adopting this standard would mean that our fleet, and many other regional fishermen, will no longer be certified as a sustainable fishery. This will cause a complete collapse of the commercial market for no reason. Given the abundance of dogfish, alternative stocks are not a feasible option for harvest.

This is directly at odds with the MSC's stated mission to use markets to incentivize proven sustainable fishing practices.

All of the Cape's fishermen, and the overwhelming majority of all fishermen with spiny dogfish permits (approximately 2000 vessels) are independently owned and operated. But it's not just the permit holders who are imperiled; all ancillary companies that for example process, cut and ship dogfish will suffer unnecessarily. The Board will be the direct cause of severe economic impacts without any justification from stock management or habitat protection perspectives.

The Cape Cod Commercial Fishermen's Alliance implores the MSC Board of Trustees to strike the ETP/OOS automatic classification in its entirety, or provide an exemption under SA3.1.7.3 and strike clause SA3.1.7.1b, or abandon the Proposed Standard completely.

Sincerely,



John Pappalardo, CEO

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