

April 25, 2022



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910



U.S. House of Representatives
Washington, DC 20515

Dear [REDACTED]

We share the concerns expressed in your letter regarding the threat that Russia's actions pose to the effective functioning of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Russia's lack of cooperation has led to a lack of progress on a number of important issues. This includes Russia's refusal at the last annual meeting to join consensus to adopt a conservation measure, with a science-based catch limit, for the toothfish fishery in Statistical Subarea 48.3. This subarea includes waters surrounding South Georgia.

As you noted, CCAMLR members that spoke on the matter, including the United States, saw no basis for Russia to block the continuation of this long-standing and science-based fishery. However, because of the lack of consensus, CCAMLR does not have a conservation measure for the fishery in Subarea 48.3. As a result, any fishing that may take place in that subarea, as well as any trade of such fish, would be of questionable legality; U.S. acceptance of this fish would have serious implications for the operation of CCAMLR. The U.S. delegation, led by the Department of State, stands by its commitment to manage CCAMLR fisheries based on agreed frameworks – in a manner that is based on best available science and that deters illegal, unreported, and unregulated (IUU) fishing.

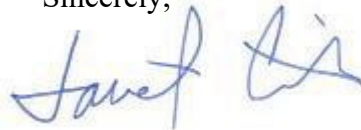
Consistent with applicable regulations, the National Oceanic and Atmospheric Administration (NOAA) makes determinations on importations of toothfish on a shipment-by-shipment basis. *See* 50 CFR 300.105. However, because the majority of the toothfish from the fishery around South Georgia has historically been exported to the United States, both the UK government and the U.S. importer who has imported the fish have asked for a preliminary opinion on the admissibility of any toothfish harvest from this fishery in 2022. Our view, based on the information available at this time and developed in coordination with the Department of State, is that, should any CCAMLR member's vessel harvest fish in Subarea 48.3 during the 2021/2022 fishing season, the importation of such fish into the United States would be prohibited under U.S. laws and regulations that implement our CCAMLR obligations. We provided this view to the UK government and the U.S. importer as a courtesy and to help inform their decision-making. NOAA has not imposed a ban on toothfish from the toothfish fishery in Subarea 48.3 and any final determination would, as always, be made upon submission of an application for preapproval to import a specific shipment.



We recognize that fish from this subarea has represented a substantial percentage of toothfish imports (approximately 10% in 2021), and we do not wish to impede commerce nor disrupt the operations of those companies that have been involved with the trade in this fish. However, we are bound by our obligations under the CAMLR Convention, applicable conservation measures in force, and relevant U.S. law. Some CCAMLR members, as well as the non-governmental organization community, have asserted that any toothfish fishing in Subarea 48.3 in this fishing season, and any subsequent trade in such fish, would be unlawful. Should this fishery occur this season, we expect some Members to raise significant compliance concerns at the annual meeting in October and in fact, Argentina has already raised its concerns to the Commission through an official letter issued by its CCAMLR Commissioner. The UK is aware of these views and, though the Government of South Georgia and the Sandwich Islands have announced a call for fishing license applications for this area, our understanding is that the UK Government has not made a final decision on whether to issue licenses.

As this situation continues to evolve, NOAA will continue to work, in coordination with the Department of State, with U.S. businesses and our partners in the UK to provide relevant information and appropriate support. If you have further questions, please contact Makeda Okolo, Director of NOAA's Office of Legislative and Intergovernmental Affairs, at Makeda.Okolo@noaa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet Coit", with a stylized flourish at the end.

Janet Coit
Assistant Administrator
for Fisheries