



## Fact Sheet

### A New Rule to End Overfishing in the United States: Federal Guidelines Must (Not “Should”) Protect Fisheries

The National Marine Fisheries Service (NMFS) is just one word away from keeping President Bush’s commitment to our oceans. That word is “must.” In 2006, Congress passed and President Bush signed the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the law that governs America’s ocean fisheries. The success of the revised MSA at ending overfishing depends on the effectiveness of its implementation. In particular, fisheries managers **must** be required to set conservative science-based catch limits that end overfishing and include provisions for strong enforcement and accountability.

The Congressional language in the MSA law left no doubt about their intentions, clearly mandating the establishment of annual catch limits “such that overfishing does not occur [emphasis added].” President Bush was equally clear in his remarks on June 16, 2006, at the designation of the Northwestern Hawaiian Islands National Monument when he spoke of “our responsibility to be wise managers of marine resources living off every coast. And that’s why we’re working to end over-fishing. Over-fishing is harmful. It’s harmful to our country, and it’s harmful to the world.”

The MSA provides a directive to fisheries managers to develop annual catch limits (ACLs) for each managed fishery that prohibit overfishing and that are based on sound scientific advice. By law, these ACL mechanisms **must** be in place by 2010 for stocks subject to overfishing and 2011 for all fisheries.

NMFS recently closed the public comment period on proposed new regulations setting forth implementation by federal managers of the ACL mandate. The proposed rule recommends setting the catch targets for a fishery below the scientifically recommended limit through the use of buffers to allow for variability in catch due to uncertainty of scientific data and the effectiveness of management measures. Buffers reduce the probability of exceeding the limit and reduce the risk of overfishing, but the NMFS proposal does not require them.



The NMFS regulations that describe how ocean fisheries are managed, known as the national standard guidelines, specify that “**must**” is used to denote an obligation to act and refers to requirements of the MSA, while “should” only strongly recommends an action. As the proposed ACL rule is currently written, NMFS merely suggests that “Councils *should* take an approach that considers uncertainty in scientific information and management control of the fishery,” or that “Councils *should* develop a process for receiving scientific information and advice,” or that a stock’s catch target “*should* usually be less than its ACL” [emphasis added]. On the contrary, the MSA states that NMFS has an obligation to end overfishing, not simply suggest doing so.

In order to meet the legal requirement to end overfishing, these “shoulds” need to be replaced with “**musts**.” Fishery managers **must** not be allowed to set annual catch limits at the very limit of scientific sustainability. Reckless management has resulted in chronic overfishing for decades. To change the status quo and restore America’s ocean fisheries, the new ACL rule **must** require managers to establish buffers between catch targets and limits to account for uncertainty in scientific data and management. While the proposed ACL rule represents a good faith effort on the part of NMFS to address the problem, nearly 100,000 public comments all expressed a common opinion:

There are no “shoulds” about it; America **must** end overfishing.

### For more information, please contact:

Lee Crockett, director of Federal Fisheries Policy, Pew Environment Group  
(202) 552-2065    lcrockett@pewtrusts.org

Please also visit our new website for more resources at [www.endoverfishing.org](http://www.endoverfishing.org).