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Contact: Jason Schratwieser,
IGFA Conservation Director
954-927-2628

Ken Hinman,
President, Wild Oceans
703-777-0037

Billfish Conservation Act Closer to Complete Ban on US Mainland Billfish Sales

When the *Billfish Conservation Act* (BCA) was signed into US law nearly a year ago, conservationists worldwide cheered that the globe's largest market for imported marlin, sailfish, and spearfish would soon be closed. Although the challenge of getting a bill passed through the legislative process was won, there is still work to be done to make sure the BCA will be properly enacted. Last Thursday, on September 26, 2013, the International Game Fish Association (IGFA) and Wild Oceans (formerly National Coalition for Marine Conservation) met with NOAA Fisheries senior staff to discuss progress on implementing the new law and learned that a complete ban on the sale of billfish in the mainland United States is nearing reality.

The BCA, signed into law by President Obama on October 5, 2012, prohibits the sale of all marlin, sailfish, and spearfish in the continental US, effectively eliminating an estimated 30,000 billfish being imported each year from foreign countries. In April of this year, NOAA Fisheries announced an [Advanced Notice of Proposed Rulemaking](#) (ANPR) seeking comment on implementing and enforcing the Act. Of particular concern is whether or not billfish harvested in Hawaii and nearby US territories under an exemption for traditional Pacific island fisheries may be shipped to the mainland.

When IGFA and Wild Oceans, through their joint *Take Marlin Off the Menu* campaign, facilitated the creation of the Act in 2011, the intent was to completely close the mainland to importation and sale of all billfish, thus ending a sizeable foreign market, while still allowing the traditional local consumption of billfish in the Hawaiian Islands. After the BCA was signed into law, both groups immediately began working with legal and trade experts to emphasize the law's intent to NOAA Fisheries as the BCA entered the rule-making process. During the ANPR comment period, IGFA and Wild Oceans submitted detailed comments that highlighted the following key items:

- The BCA was intended as a mechanism to conserve imperiled billfish and not to replace foreign origin billfish in the mainland US with fish caught under the domestic exemption
- Allowing billfish harvested in Hawaii to be shipped and sold to the mainland US, where imports are prohibited, would violate international trade law
- Sale of Hawaii-caught billfish in the US mainland would necessitate a new and complex layer of monitoring and enforcement and facilitate a black market for illegal imports.

(For full comments see <http://wildoceans.org/wp-content/uploads/2013/10/WO-Comments-on-BCA-ANPR-7-3-13.pdf>)



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<http://www.igfa.org/images/uploads/files/IGFA%20BCA%20ANPRM%20Comments%20%28FINAL%29.pdf>.)

During their meeting with NOAA Fisheries staff, IGFA Conservation Director Jason Schratwieser and Wild Oceans President Ken Hinman were told that, since it was signed into law last fall, **NOAA Fisheries has been interpreting the BCA as a complete prohibition on possession and sale of billfish covered by the Act in the continental United States** and will continue to do so until it issues a Final Rule. To underscore this policy, NOAA has issued an enforcement order that existing billfish product on the mainland be destroyed or donated to charity.

NOAA Fisheries staff said they intend to issue a proposed rule by the end of this year or early 2014. IGFA and Wild Oceans will continue to work with the agency to ensure that the conservation goals of the BCA are maintained throughout the rulemaking process and the strictest interpretation of the law is implemented.

For more information on the *Take Marlin Off the Menu* campaign and the *Billfish Conservation Act*, including the research behind the movement, please visit <http://www.igfa.org/Conserve/Billfish-Conservation-Act.aspx> or <http://wildoceans.org/the-public-weights-in-strictly-enforce-the-billfish-conservation-act/>

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Founded in 1939, the **IGFA** is a non-profit organized under Section 501(c)(3) under the Internal Revenue Code and is best known for conservation efforts of fisheries, educational programs, rule-making and for maintaining worldwide game fish records in freshwater, saltwater, fly fishing and junior angler categories. IGFA members are located in over 125 countries. The IGFA welcomes visitors to its 60,000-square-foot interactive Fishing Hall of Fame & Museum in Dania Beach, Florida.

For further information, contact the IGFA Fishing Hall of Fame & Museum, 300 Gulf Stream Way, Dania Beach, Florida 33004; phone 954-927-2628, fax: 954-924-4299, website: www.igfa.org.

Wild Oceans, formerly the National Coalition for Marine Conservation or NCMC, was founded by anglers in 1973. Our mission is to preserve fishing opportunities for the future by bringing conservation-minded fishermen and pro-fishing environmentalists together to promote a broad, ecosystems approach to fisheries management that reflects our expanding circle of concern for all marine life and the future of fishing. www.wildoceans.org