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New Federal Rule Allows NOAA to Deny Port Entry to Illegal Fishing Vessels

A new federal rule will allow NOAA's assistant administrator for fisheries to deny a vessel entry into a U.S. port or access to port services if that vessel has been listed for engaging in illegal, unreported and unregulated (IUU) fishing by one of the world's international fishery management organizations. The rule takes effect on Oct. 27, 2010.

"This is a global problem that subjects our fishermen to unfair competition with illegally caught fish products entering the marketplace here and abroad. Illegal fishing also depletes fish stocks, which ultimately hurts the legal fishermen, fishing nations and their economies," said Eric Schwaab, NOAA assistant administrator for NOAA's Fisheries Service. "Denying port access to vessels engaged in illegal fishing is an effective way to curb this damaging activity."

Foreign vessels are required to provide a notice to the U.S. Coast Guard prior to arriving in the U.S. If the vessel is on one of the IUU vessel lists, NOAA Fisheries will be notified and a consultation with federal agencies will ensue. NOAA's assistant administrator for fisheries will determine whether to deny entry to the vessel or if other restrictions will be placed on the vessel consistent with our international obligations.

The new rule will also prohibit persons and businesses from providing certain services to, and engaging in commercial transactions with, listed IUU vessels. Those services would include at-sea transporting of fish harvested by a listed IUU vessel, processing fish harvested by a listed IUU vessel or processing fish using a listed IUU vessel; joint fishing operations; providing supplies, fuel, crew, or otherwise supporting a listed IUU vessel; and entering into a chartering arrangement with a listed IUU vessel.

Current U.S. law has largely discouraged IUU fishing vessels from arriving in U.S. ports. However, there have been a few instances when transport vessels identified on IUU lists have reached U.S. ports. This rule clarifies actions that the U.S. can take to deny these vessels entry into, or access to, the United States.

The new rule is part of international efforts to address IUU vessels, which often flout other rules as well, including labor rights, habitat protection, safety-at-sea and food safety requirements.

In recent years, several organizations, such as the International Commission for Conservation of Atlantic Tunas and the Western and Central Pacific Fisheries commissions, have adopted binding measures that establish both procedures for identifying vessels that engaged in IUU fishing activities and actions to be taken against such vessels. Such measures can act as a strong deterrent to IUU fishing by reducing the profitability of such activities. Nations that are members of these organizations are required to take actions against the listed IUU vessels, such as today's action which essentially closes markets to the vessels.

IUU fishing activities include fishing in an area without authorization; failing to record or declare catches, or making false reports; using prohibited fishing gear; re-supplying or re-fueling IUU vessels.

Links to relevant conservation measures and IUU vessel lists can be found at

<http://www.nmfs.noaa.gov/ia/challenges/iuu.htm>

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