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Gulf of Mexico Fisheries Management Council
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"NOAA's Fishery Science: Is the Lack of Basic Science Costing Jobs?"
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Chairman Fleming, Ranking Member Sablan and Members of the Committee, my name is Harlon Pearce and I am pleased to have this opportunity to testify before you today on several factors currently impacting seafood jobs in my home state of Louisiana. In order to give you the most accurate perspective on this issue, I will be wearing my seafood wholesaler hat today, although my forty year career in Louisiana's fisheries goes beyond that. I am the owner of Harlon's LA Fish, a seafood wholesaler based in Kenner, Louisiana; I serve as the Chairman of the Louisiana Seafood Promotion and Marketing Board; and since 2006, I have been a member of the Gulf of Mexico Fisheries Management Council. In every one of these forums, I have always advocated for developing a strong and sustainable commercial fishing industry that properly utilizes the Gulf of Mexico's abundant natural resources while also ensuring the longevity of our strong fishing tradition.

The state of Louisiana ranks as one of the United States' top seafood producers. Nearly one third of all domestic seafood consumed in the contiguous U.S. comes fresh from our waters. In addition to being the number one oyster producing state, Louisiana harvests more than 90% of our crawfish, 69% of our nation's shrimp, and more hard and soft shell crab meat than any other state in the country. As such, Louisiana's economy is highly dependent on a strong seafood supply chain. Nearly one in seventy jobs in Louisiana is seafood-related with a total economic impact of \$2.4 billion annually. Many of these jobs are in family-owned and operated companies that have been in business for generations. Nationally, a NOAA Economic Impact Study determined that the Gulf of Mexico seafood community contributes to the employment of over 885,000 people across the country. With national unemployment hovering near double digits, strengthening this economic powerhouse should be a top priority

Despite our vigorous production numbers, the Louisiana seafood community has faced its share of challenges in recent years, most notably with the horrific hurricane season of 2005, the Deepwater Horizon spill last April, and most recently the flooding of the Mississippi River which may have serious impacts on our oyster and crab fisheries. There are also several regulatory obstacles facing our community including a shortage of accurate fisheries stock assessments and a lack of updated fishery data which lead to uninformed and often overly-restrictive management protocols.

At this point, a primary challenge to maintaining seafood jobs is the misperception that seafood from the Gulf of Mexico is tainted with toxins from the Deepwater Horizon oil spill. In a poll conducted by Louisiana State University on April 11, 2011, 69% of consumers express concern that seafood from the Gulf of Mexico might be tainted from the spill – a concern that is completely unfounded yet continues to plague our local economy. In fact, in October, 2010, the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) and NOAA announced that every seafood sample taken from the Gulf tested 100-1000 times lower than the safety thresholds established by the FDA for oil residues and that "American consumers can feel confident in the quality and safety of Gulf seafood." Sadly, the American public is not getting the message.

In a misguided attempt to respond to these unfounded consumer concerns, several retailers and restaurants across the country have sworn off Gulf seafood entirely with some displaying signs telling their customers that they would not serve seafood from the Gulf of Mexico. On the supply side, as a result of precautionary closures of fishing waters during the spill, Louisiana seafood businesses lost continuity of supply and, in turn, lost our seat at the table with buyers. As a result of these combined obstacles, my business is down 25-35% and will take at least three to five years to fully recover.

In order to address lagging consumer perceptions of Gulf seafood, the five Gulf states have recently come together in an unprecedented fashion to form the Gulf Seafood Marketing Coalition. This Coalition was formed with a mission of working together to rebuild and enhance the image of Gulf seafood much like the beef, pork and milk industries have famously done in the past. The Coalition is currently undertaking extensive market research to help clarify exactly why consumers are shying away from our products and what it will take to bring them back. While this short-term work is imperative, restoring our brand internationally will take years and ensuring a steady stream of funding for this effort may prove difficult.

Fortunately, Congress has an opportunity to assist in the Gulf seafood marketing effort by passing legislation that will dedicate at least 80% of BP penalties paid under the Clean Water Act (CWA) to the Gulf states to restore the ecosystems and economies damaged during the spill. Specific to seafood marketing, S. 1400, the RESTORE Act, lists "Programs to promote the consumption of seafood produced from the Gulf Coast" among the authorized expenditures. This seafood marketing set-aside from BP's penalties would cost the taxpayers nothing yet would fund critical consumer research and messaging programs to help restore confidence in Gulf seafood. I am certain that if Congress approves this legislation with the seafood marketing component intact, our five-state Gulf Seafood Marketing Coalition effort will prove to be a key part of the solution for strengthening the Gulf of Mexico seafood community well into the future.

I would like to spend the remainder of my time outlining a few key areas of our federal fisheries management regime that may have an equivalent impact on seafood businesses in Louisiana and across the Gulf coast.

As Chairman of the Gulf Council's Data Collection Committee, I am supportive of requirements that the Regional Fishery Management Councils place an increased emphasis on data and science when determining catch limits to prevent overfishing. At the Gulf Council, we have instituted the use of Annual Catch Limits (ACLs) based on recommendations from our Science and Statistical Committee (SSC) to prevent overfishing for several species. If the ACL is met or exceeded, accountability measures such as seasonal closures or quota closures are triggered. While this management concept is preferable in theory, in reality, NOAA's lack of timely and thorough fishery data means our ability to enact fair catch limits is severely restricted. While I support NOAA and the Regional Fishery Management Councils' ability to institute catch share programs as a management tool, I firmly believe that available data must be improved prior to moving forward with these decisions.

The Gulf of Mexico is a national treasure that belongs to every American citizen and we all have the right to utilize to this resource. The inability of fishery managers to access needed scientific data and their continued reliance on "best available science" is doing the owners of our fishery a great disservice. When we rely on outdated science that does not reflect the health of certain rebounding stocks, the "precautionary approach" may be to set unnecessarily low catch limits that short change fisherman and consumers. In the Gulf of Mexico, we only have adequate data on approximately 12 out of 80 species.

We lack current data on goliath grouper, red drum, cobia, 4 grouper species, and 11 snapper species. Certain Gulf fisheries have been closed for over 20 years because there is insufficient data to conduct stock assessments. The use of closures as a management tool because of insufficient data is simply unacceptable. All fishery closures should be accompanied by a rebuilding plan in order to preserve sustainability of the stocks as well as the sustainability of American workers.

Another concern is the 5-year lag time between data collection and final implementation of fishery management plans. Currently, Gulf Council scientists are using data collected in 2009 to conduct their 2011 stock assessments which cannot be incorporated into final management plans until after consideration by the full Council and a lengthy public comment period - a process which will likely take until 2014.

This 5-year delay in translating fisheries data into public policy is a serious concern, yet we may be able to overcome this challenge with more cooperative research programs that involve all fishing sectors. One key to the solution may be electronic recreational data collection programs. The development of a data collection program that provides recreational anglers with electronic reporting tools will fill in data-collection gaps with real-time information and help resource managers to better understand all sectors of our fishery. During our upcoming Gulf Council meeting in August, I will begin formulation of a new Recreational Data Collection Advisory Panel to better understand the specifics of this process. At this time, I am in full support of recreational data collection becoming part of our management solution as long as it is electronic.

Another way to ensure annual catch limits are established using the most current data may be to grant NOAA and their partners more time in order to fulfill their data collection duties. I understand that Congressman Wittman has introduced legislation, the Fishery Science Improvement Act, which provides flexibility in the timelines required to establish annual catch limits in cases where there is inadequate data. This measure may provide fishery managers with much needed relief from the arbitrary December 31st, 2011 deadline for establishing catch limits where no scientific information exists on the health of the stock. In an effort to examine every possible solution to this problem, I would encourage the Committee to give the Fishery Science Improvement Act your full consideration.

The Administration's budget priorities may also be hindering U.S. fishery production numbers and jobs. In light of recent budget shortfalls, NOAA may be shifting funding away from stock assessments in order to fund other priorities, including expedited initiation of catch share programs. Of course, I would strongly encourage this Committee to take every action possible to ensure the solvency of NOAA's stock assessment programs.

Another challenge facing Louisiana's seafood community is the current debate over the usage of Turtle Excluder Devices (TEDs). As you may know, NOAA is considering new guidance governing the use of TEDs in the Gulf of Mexico shrimp fishery. This regulatory action is intended to address a recent uptick in sea turtle strandings which occurred in 2010 and the first half of 2011. While it is imperative that we protect sea turtles, there is currently no definitive link between the turtle strandings and the shrimp industry. In fact, the greatest number of strandings occurred at a time when a vast section of the Gulf of Mexico shrimp fishery was shut down in response to the Deepwater Horizon spill.

In order to fully understand the dynamics leading to sea turtle strandings this year, this Committee should urge NOAA to make sea turtle stock assessments a top priority. NOAA is currently basing management decisions on outdated data for many fisheries and sea turtles are no exception. As a result

of the Endangered Species Act listing and cooperation from the Gulf of Mexico shrimping community, it has been reported that the numbers of sea turtle nesting grounds along the coast of Mexico have exploded from 800 turtles in 2003 to over 20,000 nests in 2011. This exponential population increase should be taken into account when determining the cause of recent strandings and whether or not additional TEDs requirements are necessary.

As far as what the industry can do, a combination of sea turtle education and enforcement of current TEDs regulations will ensure this rebounding species continues to thrive. The State of Louisiana is slated to launch a new sea turtle outreach program designed to educate shrimpers about sea turtles and raise awareness about the appropriate usage of TEDs. Congress should work alongside NOAA to engage the broader shrimp industry in similar efforts to improve understanding and compliance. By partnering federal regulators with industry, we can work together to protect the health of our sea turtle populations and maintain jobs for American fishermen.

All of the concerns I have described today are forcing U.S. fishery production into a downward spiral. In my written testimony, I have included two charts provided by the National Marine Fisheries Service that outline employment in both recreational and commercial fisheries across the Gulf of Mexico from 2006 – 2009. (*See attachment*) While the charts do not establish causality, it is plain to see a dramatic decline in fisheries jobs that should give us all cause for concern. A renewed emphasis on fisheries data collection combined with a commitment to rebuilding Gulf Coast fisheries impacted by the Deepwater Horizon spill should go a long way towards reversing these troubling trends.

Again, I appreciate the opportunity to present these issues to the Committee for consideration and I look forward to answering any questions you may have.