

## **ECSGA Goes to DC to Protest ESA Listing**

*by Robert Rheault*

ECSGA members Tom Kehoe, Ed Rhodes and myself trekked to DC to join compatriots from the Gulf Coast and scientists and resource managers from both coasts to testify to the House Resources Committee on Tuesday about what a bad idea the proposed listing of oysters on the endangered species list would be. In an effort coordinated by the National Fisheries Institute, we split into teams and met on Monday and Tuesday with 28 representatives and senators (mostly staff) urging them to weigh in and support our industry.

Monday evening the Louisiana Oyster Task force sponsored a reception for staff and delegates featuring food and drinks and an oyster eating contest with Sonya Thomas “the Black Widow” the world champ oyster eater. The event drew half a dozen congressmen and about a hundred staff and provided a great opportunity for industry to get our message across to key decision makers.

Committee Chair Rep. Richard Pombo (CA-R) attended as did committee member Charlie Melancon (D-LA), John Larson (CT-D), Dana Rohrabacher (CA), Gene Taylor (MS) and Henry Brown (SC). On Tuesday our group met with NOAA Fisheries Director Bill Hogarth who explained the genesis of the petition and defended the decision to accept the petition for review.

This was followed by a congressional hearing in the House Resources Committee where members and staff heard testimony from a dozen experts about the shortcomings of the petition. Some of the highlights:

- There are over 10 billion American oysters in US waters!
- ESA Listing would kill markets for oysters, ruin jobs for thousands of farmers and harvesters and stop growers from investing in the resource.
- This would remove a huge source for larvae and a huge sink for nitrogen causing more environmental damage.
- Listing would not help the resource and would damage recovery efforts by ending research on disease resistance.

All of this is going on as a backdrop for a larger political football, the reauthorization of the Endangered Species Act. Rep. Pombo wants major changes to the ESA and environmental groups are opposing reauthorization as they fear the republican-backed efforts will weaken the ESA. Reality probably lies somewhere in between, but one thing is clear – the ESA is not working the way it was intended if it allows a petition as flawed as this to go forward. Congressional hearings on the ESA will continue through September and the Senate is likely to take up the issue later in the fall.

Whatever happens to these efforts to redraft the ESA is unlikely to affect this petition or take place in time to save us. Some believe it is unlikely that the House and Senate will be able to reach consensus on a new ESA. Even if they do it will be months after NOAA has reached a decision on the oyster petition.

Most of what we heard as we sweated back and forth across the Hill was supportive, but I don't want growers to get complacent. This issue will not be decided in DC. Our congressional delegates can pressure NOAA to do the right thing. However, the final recommendation is made by a “status review team” comprised mostly of state resource managers who will be hearing scientific testimony from experts over the next four months. Their recommendation will go to the Secretary of Commerce who makes the final decision in January.

Anyone who feels that the outcome is assured by rational thinking and sound science has only to look at the experience of salmon farmers in Maine who learned the hard way that anything can happen if the environmental community get behind the petition. So far we are not aware of any groups supporting the listing, but that could change and they can generate a million e-mails overnight with a single alert to their members.

So far I understand that ECSGA members have submitted at least 83 letters to their congressional delegates. Most of the coastal delegates we visited claimed they had not heard from their constituents on this and they are not likely to act if they don't feel that their constituents care about this. Please send an e-mail if you have not already done so. If you don't know how to send an e-mail to your delegates I can help.

We also have three more things we should do:

1. I would like help drafting a fact sheet that can go out to dealers and restaurants so we can encourage them to write in for us and keep up the pressure.
2. We also need scientists to send their comments to the status review team at EasternOyster.Info@noaa.gov. Be sure to include docket number (050509124-5124-01) in the subject line of the message. You will get a confirmation e-mail from NMFS and your comments should go in the federal register if you get them there by the 26th. They do not need to be long.
3. It would also help to get state resource management agencies to weigh in opposition. They should have data to suggest their management plans exist and are working.

We could not have done this without the support of the Gulf coast industry (especially Mike Voisin) and the assistance of Frank Vittello and NFI as well as the letters and backing of our members.