

United States Senate
WASHINGTON, DC 20510

June 10, 2015

The Honorable Lisa Murkowski
Chairman
Subcommittee on the Interior, Environment,
and Related Agencies
131 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Tom Udall
Ranking Member
Subcommittee on the Interior, Environment,
and Related Agencies
125 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Murkowski and Ranking Member Udall:

I write to request your assistance in rectifying an instance of the U.S. Fish and Wildlife Service (FWS) exceeding its mandate and encroaching on that of other federal agencies. I am deeply troubled by the Service's recent decision to inspect and collect related fees on the import and export of certain seafood—including sea urchins and sea cucumbers. Not only is this activity inappropriate, inefficient, and without proper due cause, it is having significant and debilitating economic impacts on those involved in processing these species in Maine and other states. It is my request that your subcommittee include the following language in your forthcoming appropriations report to ensure FWS is appropriately focused on its important task of preventing the trade of injurious, threatened, and endangered species:

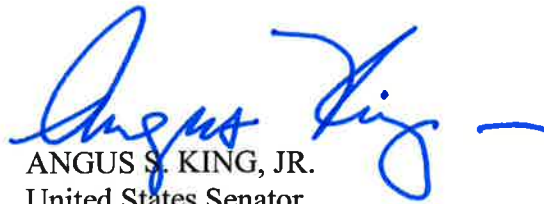
The committee is very concerned about the Fish and Wildlife Service's recent and unexplained decision to change its interpretation of their longstanding shellfish and nonliving fishery products inspection exemption to no longer include non-threatened and non-injurious echinoderm, such as sea urchins and sea cucumbers. This shift has had negative economic effects with no demonstrated benefit or connection to the Service's mandate. The Committee expects the Service to reevaluate its interpretation of shellfish to encompass aquatic invertebrates marketed and consumed as seafood, as the general inspection of seafood for import or export is not included in the Service's mandate.

Under 50 CFR Part 14, fishery products are exempt from FWS import and export inspection requirements if they are intended for sale to the public as a human food item and the species is not listed as injurious, threatened or endangered, or protected internationally under CITES. The regulation's language is the basis for the numerous exemptions that FWS has established from the import and export restrictions, including for lobsters, clams, mussels, scallops, hagfish, and

various other species. While sea urchins and sea cucumbers do not have the market share or historical appreciation of these other seafoods, I am aware of no basis for treating them differently.

This issue is of significant importance to me and I look forward to working with you to achieve a resolution that enables commerce and ensures the safety and integrity of seafood sold in and out of the country. I have also made my concerns known directly to FWS as well as the Subcommittee on Commerce, Justice, Science, and Related Agencies. If you require further details or information, please contact Peter Benoit in my office at peter_benoit@king.senate.gov or 4-3874.

Sincerely,



ANGUS S. KING, JR.
United States Senator