



Massachusetts Lobstermen's Association

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Sent via: nmfs.seafoodstrategy@noaa.gov

Howard Lutnick, Secretary of Commerce
Herbert C. Hoover Building
1401 Constitution Avenue, NW
Washington, DC 20230

RE: Executive Order 14276, Restoring American Seafood Competitiveness

Dear Secretary, Lutnick,

On behalf of its 1800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of SUPPORT for the Executive Order; Restoring American Seafood Competitiveness. The commercial lobster industry in Massachusetts has been under siege with ongoing right whale issues, China Tariffs, National Marine Monuments and a National Seafood Campaign. These are all equally critical issues that are wreaking havoc on the commercial lobster industry causing great concern and economic uncertainty for the future of the commercial lobster industry here in Massachusetts.

The Massachusetts commercial lobster industry is a historic and iconic cornerstone of our coastal communities. Yet today, it faces threats that extend far beyond the ongoing North Atlantic right whale litigation. Every day, lobstermen and women contend with deep market uncertainty—driven by burdensome tariffs on U.S. exports, an influx of tariff-free imported lobsters that undercut domestic prices, and a patchwork of outdated, often conflicting regulations. These overlapping challenges are not only jeopardizing livelihoods but are also pushing an already strained industry toward the brink—all while our coastal heritage hangs in the balance.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The MLA continues to work conscientiously through the management process with the MA Division of Marine Fisheries (MADMF), the Atlantic States Marine Fisheries and National Marine Fisheries Service to ensure the continued sustainability and profitability of all the resources in which our lobstermen are engaged in.

The Massachusetts commercial lobster fleet is primarily made up of:

- State waters vessels are all owner/operator
- Fishermen tend to fish with one sternman or by themselves
- Vast majority of lobster fishing occurs between May and November
- The lobster pot limit is 800
- The average number of lobster pots fished for the fishery is <400
- Full time professional lobstermen fish 800 lobster pots
- Gear is typically fished in "trawls" – 10 - 20 lobster pots on a string
- Trawl size is directly proportional to vessel length

- Gear is typically hauled and re-baited every 3 to 5 days
- Lobstermen haul between 100 and 400 lobster pots per day

The Massachusetts commercial lobster industry employs thousands of individuals who earn their living on the sea. In 2024, the ~750 active MA commercial lobstermen harvested 16,501,712 lbs. with an ex-vessel value of \$115,512,700.00 and an overall economic impact on the local economy of \$289 million dollars.

Massachusetts Commercial Lobstermen's Ongoing Conservation Efforts

The Massachusetts commercial lobstermen and MLA have been actively engaged in the conservation of right whales for over 30 years and remain committed to staying the course.

1935- International ban on hunting whales goes into effect

1970- North Atlantic Right Whales listed as endangered

1996- NOAA implements the Large Whale Take Reduction Plan & Atlantic Large Whale Take Reduction Team- MLA is on the Team

1997-MA requirement for “breakaway” features in gillnets and trap/pot buoy lines

Seasonal ban in Cape Cod Bay for gillnets and on use of floating rope between pots

1997-Dedicated aerial surveys begin in Cape Cod Bay

2004 – Year-round ban on floating rope between traps in Cape Cod Bay

2007 - Year-round ban on use of floating rope between traps statewide

2014- MA Restricted Area is created – A three-month closure Feb-April to 3,071 sq. miles

2015 - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area

2016 – 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area

2017 – 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area **PLUS** 4-day extension of the gear closure in Cape Cod Bay

2018 - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area **PLUS** a 15-day extension of the gear closure and speed restriction (10 mph) for small vessels in Cape Cod Bay

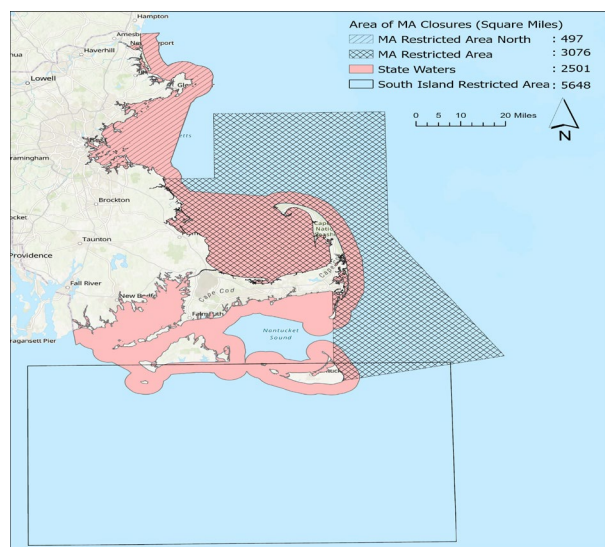
2019- 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area

2020 - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area, MLA members deploy 700 coils of whale safe 1700lb weak red rope.

2022 MA Restricted Area Closure in Southern New England Feb 1 – April 30 (5,500 sq miles) and Wedge Area Closure April

2023 Wedge Area Closure February – May

MA Restricted Area Closure



The Massachusetts commercial lobstermen continue to endure ALL the draconian whale conservation management over the last several decades since the inception of the Critical Habitat in 1994 and now have a 3-month (Feb-April) closure to all vertical lines. Currently, there are over 12,000 square miles closed, removing ALL the vertical lines when the right whales are present and feeding, leaving ZERO chance of an interaction or entanglement.

The MADMF through their swift ability to implement and rescind Dynamic Area Management (DAM) have implemented this for additional whale conservation when there were high aggregations of Right Whales in Cape Cod Bay after NMFS lifted

the closure. The DAM measures through the extension of the MA Restricted Area closure by the

MADMF are working and the right whales can come to the waters of the Commonwealth and feed and leave very much alive. The unfortunate events that happened in Canadian waters have now become our responsibility and Massachusetts commercial lobstermen continue to bear the brunt of these lawsuits.

On-Demand Gear

Today, there are a lot of misperceptions on what can and cannot be done in the commercial lobster fishery when it comes to the use of On-Demand gear for real life fishing. Over the last 10 years or so, there has been a major effort to make it mandatory for the commercial lobstermen and fixed gear fishermen to transition over to On-Demand gear to further save the right whales. Furthermore, this gear transition to On-Demand gear is being pushed for year-round implementation when it's not needed as the 3-month closure is in effect when the right whales are present.

The sheer magnitude of the economic undertaking would be well over \$150 million dollars to outfit the commercial lobster industry here in the Commonwealth the first year. The individual cost would be an estimated \$190,000 per lobsterman to outfit their gear to go fishing. Not to mention there is an average of 10% gear loss each year and this would have to be replaced year in and year out and the gear loss would likely increase dramatically as the technology has yet to be tested on large scale multi disciplined fisheries. This transition would take hundreds of millions of dollars and decades to implement and outfit every commercial fishing vessel that is on the water.

The Massachusetts Division of Marine Fisheries has presented two technical reports on the Feasibility and Economics of implementing On-Demand gear here in Massachusetts and they both highlight the negative impacts to the commercial lobster industry. These reports can be found here <https://www.mass.gov/info-details/on-demand-fishing-gear-feasibility-study> for further review.

The unintended consequences of gear conflicts between traditional and ropeless gear in the fisheries would be grave if not thought through to the end. Fixed gear commercial fishing and the mobile gear industry do not fish in one hypothetical box for a species and this is where the gear conflicts would be catastrophic given that the technology is not readily available, nor do individual brands talk to each other.

Unfortunately, Environmental Non-Government Organization (ENGO) such as PEW Charitable Trust or the International Fund for Animal Welfare continue to commission opinion based On-Demand gear reports to help further their pecuniary gains when right whales continue to swim into marginally protected waters. Saving right whales is a great way to raise capital while putting the hard-working commercial lobstermen out of business here in the United States of America.

Marine Mammal Protection Act

The MMPA has been exploited over the years by the ENGOs through numerous lawsuits against the National Oceanic and Atmospheric Administration and the MLA. These lawsuits have cost the taxpayers hundreds of millions of dollars and us upwards of \$500,000.00 defending our commercial lobstermen who are not the ones killing the protected species. When these large whales swim into international waters, they are not afforded the same protections as the United States. We need to ensure that ALL the seafood coming into the United States meets the same draconian standards that our commercial lobstermen are held to on a daily basis.

“Congress enacted the Marine Mammal Protection Act (MMPA) in 1972, due in part to the high level of dolphin mortality in the eastern tropical Pacific tuna fishery (estimated at more than 400,000 animals per year in the late 1960s).” https://www.everycrsreport.com/reports/RL30120.html#_Toc229466607 *The MMPA has morphed*

so radically from its original charge to stave off the loss of 400,000 dolphins per year to becoming the nails in the coffin for every fixed gear fisherman in America. The MMPA was reauthorized in 1994, 31 years ago, and needs to be revamped to be a law that is sensible and attainable. Not a law that vilifies or demonizes our law-abiding commercial lobstermen when the real problem lies out of the United States of Americas jurisdiction.

Currently, the MMPA is being discussed by Congress, thanks to Congressman Begich for his willingness to take this most important issue up with his fellow Congressmen. We are not asking for the MMPA to be abolished, we are asking for it to be modernized on terms such as “potential”, “negligible impact”, and “necessary and appropriate” to clearly defined to eliminate personal interpretation. We need to close the loopholes that have been exploited by the ENGOs.

Baked into the MMPA is the term Zero Mortality Rate Goal (ZMRG) which has empowered and emboldened the ENGOs to continually sue the government and industry alike because it is an unattainable goal. Under the current ZMGR is 10% of the Potential Biological Removal (PBR) for the North Atlantic Right Whale, which is currently set at 0.7 or, 7 whales every 10 years. The ZMRG would be 0.07 or 7 whales every 100 years. This goal creates an impossible standard for the commercial lobster fishery, ensuring that, regardless of the conservation measures adopted, success will remain out of reach.

Endangered Species Act

“The Endangered Species Act (ESA) in 1973, it recognized that our rich natural heritage is of ‘esthetic, ecological, educational, recreational, and scientific value to our Nation and its people.’ It further expressed concern that many of our nation's native plants and animals were in danger of becoming extinct” The commercial lobstermen here in the Commonwealth fish under the strictest conservation management rules anywhere in the world and yet they are still bearing the brunt of ALL the litigation rulings with no end in sight because of the ESA.

When the right whales visit the coast of Massachusetts from February through April, they are free to feed without incident. The ESA has continually worked against the commercial lobstermen for decades now even though they have been doing everything that has been asked of them to do, even the implementation of a 3-month closure to over 3,071 sq miles.

As we navigate through these uncharted waters without knowing what the feasibility is for the State to acquire an Incidental Take Permit and or what the outcome will be with *Center for Biological Diversity, et al. suit*. We remain hopeful that ALL the elected officials will continue to fight on behalf of the hard-working men and women in the commercial lobster industry and fixed gear fisheries. These laws are archaic, and the process is broken. Please help us fix this today before it destroys the iconic and historic commercial lobster fishery here in the Commonwealth.

The MLA wants to know what the 2010-2024 economic impact is on the right whale recovery efforts in the United States. Would it be possible; to invoke the 1979 amendment to the ESA, “God Squad” to review the ESA and the right whale recovery efforts. The God Squad has the authority to exempt an agency action from the requirements of section 7(a)(2) of the ESA if the God Squad makes certain determinations. The God Squad is composed of seven members: the Secretary of Agriculture, Secretary of the Army, Chairman of the Council of Economic Advisors, Administrator of the Environmental Protection Agency, Secretary of the Interior, Administrator of the National Oceanic and Atmospheric Administration, and one individual from the affected State, as determined by the Secretary of the Interior. These real hard numbers would help to better understand what and why the commercial lobstermen are continually being asked to modify their business through closures or gear modifications. If it is for litigation’s sake or fundraising campaigns, that is unconscionable.

The Massachusetts commercial lobster industry is continually in the crosshairs of the ongoing right whale litigation, and we need to put this to an end today with smart reasonable changes to the ESA and MMPA that will help both the right whales thrive, and commercial lobstermen survive.

China Tariffs on US Seafood and Steel

In April, China imposed around 38% retaliatory tariffs on a wide range of U.S. seafood exports worth over \$1 billion in 2024. Here in the Commonwealth the live, frozen and processed lobster products will make our lobsters less competitive in China as Canada will not be subject to the same 25% tariff.

China is taking out their trade frustration out on our lobstermen, lobster dealers, and lobster consumers due to an ongoing trade war with the United States. The US lobster export market to China is second to Canada and without the fiduciary relief it will cost the dealers upwards of an additional \$350 million dollars all of which will have a direct impact on the fishing industry around the United States.

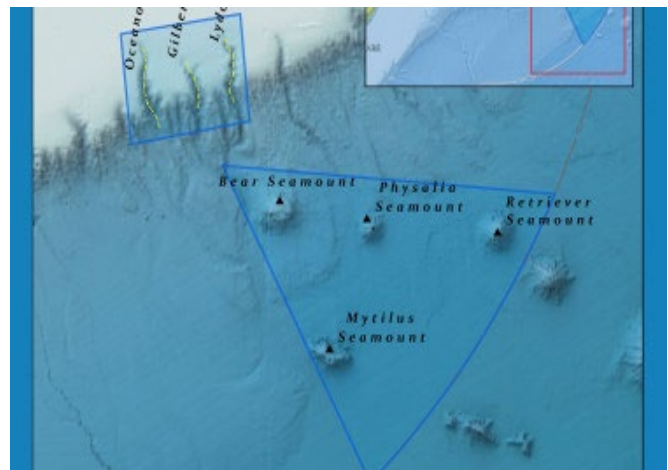
There is also a 25% retaliatory tariff imposed on steel, and this will impact all the lobster pot dealers and manufacturers of wire the commercial lobster industry depends on. To keep the steel markets flowing and steel, this tariff on all steel coming and going to China will directly impact ALL pot fisheries.

Furthermore, several of our members are wire and lobster pot manufacturers and these additional tariffs are hurting their ability to deliver a cost-effective product to the commercial lobstermen. Now the commercial lobstermen here in Massachusetts are being negatively impacted twice, once on their lobsters going to China and secondly on the steel that is needed to make their lobster pots. There are not too many businesses that can sustain these exorbitant increases for a long time.

Proclamation on Modifying the Northeast Canyons and Seamounts Marine National Monument

Thank you, President Trump, for signing the Proclamation on May 9, 2025 Opening the Northeast Canyons and Seamounts Marine National Monument created *“In Proclamation 9496 of September 15, 2016, and exercising his authority under section 320301 of title 54, United States Code (the “Antiquities Act”), the President established the Northeast Canyons and Seamounts Marine National Monument, reserving for the care and management of objects of historic and scientific interest approximately 4,913 square miles of water and submerged lands in and around certain deep-sea canyons and seamounts situated upon lands and interests in lands owned or controlled by the Federal Government.”*

<https://www.whitehouse.gov/presidential-actions/proclamation-modifying-northeast-canyons-seamounts-marine-national-monument/>



We need a permanent solution to stave off any further actions being taken to shutdown these “pristine” fishing grounds as the estimated loss of income to the shoreside businesses is in hundreds of millions of dollars. These negative economic impacts will have a ripple effect on the shoreside businesses the commercial fishing industry depends on such as marinas, seafood dealers and processors, and fuel companies. As the commercial fishing industry faces these unpredictable

restrictions, the shoreside businesses may be unable to absorb any losses for their services and leave the area, and the lobstermen left are no longer able to receive these services.

The Massachusetts Commercial Lobstermen Needed Your Help Today

When the MLA is asked what help is needed today for the commercial lobster industry, there are several things that come to the surface.

1. The Marine Mammal Protection Act and the Endangered Species Act, need to be reauthorized as they have become out-of-date and unattainable from the get-go for the commercial fixed gear fishermen. The MMPA and ESA are going to make the hard-working commercial lobstermen extinct.
2. The commercial lobster industry needs to have a level playing field when it comes to importing and exporting lobsters. Not all trade is created equal, and we need your help to get the job done so our commercial lobstermen are compensated accordingly.
3. The trade war needs to be resolved as swiftly as possible so our hard-working commercial lobstermen and seafood dealers can compete with the Canadians who do not have the additional 38% tariff on their lobsters that are going to China. Also, the wire and lobster pot manufactures will benefit by having the additional 25% tariff on steel lifted. In the end the commercial lobstermen will somehow and in some way be paying for all these tariffs.
4. The MLA is seeking a permanent solution to allow the commercial lobstermen unobstructed access to these fishing grounds no matter what administration is in place. The MLA is extremely concerned about the future negative economic impacts should this Marine National Monument designation be implemented permanently here in Southern New England.

Commercial lobstering is a historic part of what helped build this great country and the commercial lobstermen here in the Commonwealth are stewards of the sea as they continue to fish under the most draconian conservation measures anywhere in the world. Our commercial lobstermen deserve to know that their state and federal agencies and elected officials are going to fight for them to save their industry not only for today, but for future generations to come.

As the MLA works under the tightest of budgets and is always looking for ways to better promote our beloved American Lobster and to educate consumers on the benefits of sourcing locally harvested seafood collectively. With help from AI, you will see below a cost-effective marketing plan ***Promoting U.S.-Caught Seafood to U.S. Consumers.*** We truly hope you can help this become a reality as the commercial fishermen need your help today.

In closing, the Massachusetts Lobstermen's Association members thank you for the opportunity to comment.

Sincerely,

Beth Casoni

Executive Director