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2019 Legislative Priorities

Aquaculture is the fastest-growing food-production system globally, and shellfish aquaculture is the largest and fastest-growing marine aquaculture sector in the U.S. Over 1,500 shellfish farms on the East Coast provide thousands of jobs in rural coastal communities, harvesting over \$170 million worth of sustainable, nutritious shellfish. Oyster production on the East Coast has doubled in the past five years and is poised to double again. Expanding production will create more jobs, improve public health and provide tangible environmental benefits. But shellfish farmers face a variety of challenging issues.

Merchant Marine Act Exemption for Aquaculture Workers

The 1920 Merchant Marine Act (Jones Act) contains a little-known provision to insure mariners who are injured while working on U.S. vessels. Unfortunately, the Act's definition of "seaman" captures aquaculture workers who are working in state waters, exposing employers to expensive premiums, and in many states requiring firms to both buy Jones Act coverage and pay into state workers compensation for the same employees. The Act also exposes employers to crippling unlimited-liability lawsuits. Aquaculture farmers should be covered under state workers' compensation programs.

- **Co-sign the Shellfish Aquaculture Improvement Act to exempt aquaculture workers from the Merchant Marine Act when they are eligible for state workers' compensation.**

Support Genetics Research to Improve Food Security – USDA ARS

Selective breeding is a proven, effective means of improving disease resistance and production. We are seeking \$1.2M to build a selective breeding program for cold-adapted, disease-resistant lines of oysters.

A novel oyster virus that has devastated producers in Europe, New Zealand and Australia has now been detected in San Diego, exposing West Coast oyster farmers to the threat of a potential crisis.

- **Appropriate funds to USDA ARS to support the selective breeding of shellfish. East Coast growers seek \$1.2M and West Coast growers are seeking \$2.7M to develop selective breeding programs for disease-resistant lines and enhanced food security.**

Resume Shellfish Trade with the European Union – FDA

After seven years of negotiations a tentative Equivalency Determination agreement has been reached to allow limited trade between the EU and the U.S. For over a year we have received assurances that the deal would be listed in the Federal Register and trade would begin in January of 2019. FDA officials now tell us that the listing won't happen until March, and Export Certificates won't be issued for another six months. The EU completed its work in November.

- **Direct the FDA to issue Export Certificates to registered firms immediately following the Federal Register listing as opposed to waiting another six months.**

FDA – National Shellfish Sanitation Program

The FDA has proposed an expansive interpretation of the term “marina” that would force states to impose shellfish closures around mooring areas and aggregations of private docks even though there is no compelling public health justification. These closure zones would vastly restrict both wild harvest and aquaculture landings, and jeopardize hundreds of jobs.

- **Direct the FDA to cease its regulatory overreach and work with its state regulatory partners and focus on issues that have significant public-health impacts.**

National Aquaculture Legislation – Commerce Committee

Currently, no federal agency has the authority to grant permits or leases for aquaculture operations in the Exclusive Economic Zone (3-200 miles offshore). Offshore aquaculture has tremendous potential to increase domestic seafood production and reduce our vast seafood trade deficit while creating jobs and economic development. If we could get leases, we envision developing an offshore mussel-farming industry to offset the \$50 million in mussels that we import from Canada and New Zealand annually.

- **Support National Marine Aquaculture legislation.**

Critical Research Funding – USDA, NOAA & FDA

Federal shellfish aquaculture research is funded through a patchwork of USDA and NOAA programs that have suffered deep cuts in recent years. Shellfish farmers (mostly small in scale) are unable to self-fund critical research in shellfish disease and food safety. NOAA Fisheries spends less than 1% of its annual budget on aquaculture research, even though 91% of the seafood consumed in the U.S. is imported, and half of those imports are farmed overseas.

- **Support funding for NOAA’s Aquaculture Program (\$9.3M), Sea Grant (\$62.7M), the Sea Grant Marine Aquaculture program (\$9.4M) and NOAA’s Shellfish Initiative (unfunded).**
- **Support NOAA’s Ocean Acidification IOOS research at the FY19 \$22M level.**
- **Support funding for critical USDA aquaculture research efforts through NIFA and the Regional Aquaculture Centers.**

Clean Water is Critical for Shellfish – EPA

Excess nutrients can lead to algal blooms, low-oxygen conditions and fish kills. Agricultural runoff of nitrogen is the leading cause of degraded rivers and coastal waters. Shellfish improve water quality and remove many tons of nitrogen from sensitive coastal waters annually. Unfortunately, the CWA and EPA regulations do not currently allow for “in-stream treatment,” which would allow nutrient-credit trading and provide further market-based incentives to expand and integrate shellfish aquaculture with other sustainable development.

- **Direct the EPA to encourage states to include shellfish aquaculture in their nutrient-credit trading programs.**