



# Congresswoman Lois Capps

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## **Capps Introduces Comprehensive, Sustainable Offshore Aquaculture Legislation**

*Common Sense Regulatory Framework Will Protect Fragile Oceans and  
Boost Economy*

WASHINGTON, D.C. – Yesterday Congresswoman Lois Capps (CA-23) introduced landmark legislation, the National Sustainable Offshore Aquaculture Act of 2009 (H.R. 4363), that for the first time would establish a comprehensive regulatory framework for offshore aquaculture development that takes a balanced approach to environmental and economic. The legislation would also establish a research program to address important data gaps and ensure that offshore aquaculture development proceeds in an ecologically sustainable fashion.

Currently there are no national policies or laws governing how this method of offshore fish farming should be regulated in America's territorial waters which generally begin three miles from the coastline. Officials from the National Oceanic and Atmospheric Administration (NOAA) have said the agency will offer its own national aquaculture policy in early 2010.

**“My legislation represents a huge step forward in our efforts to establish a comprehensive regulatory framework for offshore aquaculture development that balances environmental, social, and economic concerns,”** said Capps. **“I believe that by working together we can create a common sense framework that ensures that offshore aquaculture development proceeds in an ecologically sustainable fashion. Developing these guidelines has the potential to preserve the integrity of our fragile ocean ecosystems, meet the increasing consumer demand for seafood, reduce stress on wild fish populations, and create jobs here at home. We have a good model for doing this in my home state of California, which recently enacted landmark legislation on this topic. I believe this type of balanced, comprehensive and precautionary approach will work in California, and my legislation seeks to accomplish similar goals at the national level.”**

**“It’s time to set a standard for open-ocean aquaculture, and the National Sustainable Offshore Aquaculture Act is an important step,” explained George Leonard, Ocean Conservancy’s aquaculture program director. “We need a strong national framework for marine aquaculture before expansion occurs in our federal ocean waters, and Congresswoman Capps is to be commended for showing leadership on this important national issue.”**

In January 2009, the Gulf of Mexico Fishery Management Council adopted a fishery management plan to develop a permitting system for offshore aquaculture. In September 2009, NOAA took the unusual step of making no active decision on this plan. This allowed the plan to enter into effect and set a dangerous precedent whereby aquaculture is regulated on a case-by-case basis with an inconsistent application of regulations and standards.

This piecemeal approach lays the groundwork for a fragmented regulatory system for offshore aquaculture in the United States that could result in significant and potentially irreversible environmental consequences, including water pollution from waste products and chemicals, threats of disease transmission to wild fish populations, harmful effects on native marine species from escaped farmed species, and an increase in the use of wild forage fish for aquaculture feeds.

The development of the Gulf of Mexico Fisheries Management Plan, coupled with the ever-increasing stress on our fisheries and marine ecosystems, underscores the need for immediate federal action to establish a national set of regulatory rules for this emerging economy.

Congresswoman Capps’ legislation, the National Sustainable Offshore Aquaculture Act of 2009 (H.R. 4363), addresses these concerns by establishing an overarching, federal regulatory system for offshore aquaculture that includes standardized, precautionary measures to protect the environment and coastal communities. The key provisions of the legislation include:

1. Establishing a clear, streamlined regulatory process for offshore aquaculture with specific provisions and permit terms to protect marine ecosystems and coastal communities;
2. Requiring coordinated, regional programmatic environmental impact statements to provide regulatory certainty, ensure environmental protection for sensitive marine areas, and reduce conflicts among competing uses of the marine environment; and
3. Authorizing new funds for research to provide the crucial feedback needed for adaptive, environmentally-sound management of this new use of offshore waters.

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