



**PET INDUSTRY JOINT  
ADVISORY COUNCIL**  
1615 Duke Street, Suite 100  
Tel: 202-452-1525  
Fax: 703-997-4270

## **PIJAC's Aquatic Committee: Activities Protecting the Aquatics Community**

Since the October 2009 Center for Biological Diversity (CBD) petition to list 83 species of corals as endangered under the Endangered Species Act (ESA), a group of aquatics industry leaders worked with PIJAC to identify the trade impact associated with a NOAA determination to list these species and to develop strategies to ensure a more favorable outcome.

In 2011, several environmental organizations led by the Environmental Defense Fund (EDF) drafted a trade impacting federal Coral Reef bill for introduction by the late honorable Senator Daniel K. Inouye. PIJAC submitted a detailed analysis of the draft bill, which led to the Senator's decision to not introduce the bill. Over the past few years, PIJAC critiqued and provided testimony on a large number of trade - banning bills introduced in the Hawaiian legislature, as well as responded to several proposed regulations governing Hawaii's ornamental aquarium industry. More recently, PIJAC is dealing with ever increasing anti-trade rhetoric and activity from the animal rights and environmental activist communities. PIJAC is currently involved in a Court of Appeals case involving Hawaii's aquarium collection permit system, the culmination of a lawsuit brought against the state of Hawaii by one such group. All of these activities have created a greater sense of urgency for the ornamental aquatics industry to organize to ensure the future of a healthy, viable and defensible industry and hobby.

In October 2012 a handful of concerned aquatics industry associates established a committee within PIJAC with the goal of addressing increasingly complex issues pertaining to the marine ornamental trade. At that time, numerous industry participants were invited to support the effort and to help strategize how best to address the growing threats facing the ornamental aquatics community. A restricted funds account was also established where direct contributions could be received to help fund PIJAC's expenditures incurred via this committee's efforts. For the past 2 years, this committee has been engaged with the scientific community, with various regulatory agencies, and with legal counsel specializing in environmental law. PIJAC has and continues to support reasonable laws, regulations, and science-based policies and has successfully opposed trade bans and poorly crafted regulations. These efforts require fundraising as well as communicating those efforts to our industry.

On September 10, 2014, NOAA's Final Rule listing 20 additional coral species as threatened was published in the Federal Register. This is a significant and historic decision, and could have sweeping impacts on all aspects of our aquatics industry, as well as industries enjoying terrestrial species, captive bred or otherwise, whose natural wild populations are deemed as potentially threatened due to climate change.

Once the 273-page Final Rule is fully reviewed, PIJAC, in consultation with its lawyers, will develop a legal strategy for addressing this final listing, including how best to respond to the November 10, 2014, deadline to provide comments on a potential ESA Section 4(d) rule. Such a strategy may include developing comments for submission to NOAA regarding a 4(d) rule, meeting with NOAA to discuss these comments, and evaluating other opportunities to further clarify or challenge certain aspects of the final rule. It is far from clear at this point how the listing decision will impact the pet industry and hobby. As we better understand the scope and full effect of this action, we will communicate with the industry and hobby community regarding these matters.

Additionally, there have been two other petitions filed to list a large number of aquatic species to the ESA. A July 2013 WildEarth Guardians petition to List 81 fish species was met with the agency's February 24, 2014 publishing a 90 day finding that action may be warranted for a number of the petitioned species, specifically *Pterapogon kauderni* (Bangaii cardinalfish). In September 2012 the CBD filed a petition to list eight species of *Pomacentrid* reef fish (damsel-fishes) under the ESA to which, on September 3, 2014, NOAA issued its 90 day finding that *Amphiprion percula* (Percula Clownfish) did warrant a status review, while six of the petitioned species did not. We await the 90 day finding for the eighth, *Dascyllus albisella*, the Hawaiian *Dascyllus* damselfish. PIJAC is collecting trade, distribution and abundance data for these species and developing a response to these actions as well.

The PIJAC Aquatics Committee is in the process of reviewing petitions and determinations, consulting authoritative members of the scientific community, and strategizing with legal counsel to ensure that decisions made by NOAA to list these species are indeed supported by the best available scientific data, and that the value of the ESA is not undermined due to its novel application to protect species for which populations, distributions, and adaptability to anticipated climate change are not well enough documented or understood.

Collectively and responsibly, through PIJAC, our aquatic community can work with the agencies and the scientific community to ensure that our activities are not imperiling any species, moreover that we represent solutions to their preservation. By joining PIJAC and by pledging support for the Aquatics Defense Fund, wholesalers, manufacturers, dealers, aquarium hobbyists, and others concerned about the preservation of aquatic life empower PIJAC to work hard on these serious issues facing our industry. Please join PIJAC, and pledge your additional support for the future of Ornamental Aquatics Industry.

Keep informed and periodically visit [www.pijac.org](http://www.pijac.org) for updates and copies of key documents. If you have additional questions contact your Steering Committee or [marshall@pijac.org](mailto:marshall@pijac.org).

#### The PIJAC Aquatics Subcommittee

##### Steering Committee

Sandy Moore, Co-Chair

Chris Buerner, Co-Chair

Julian Sprung

Dustin Dorton

Kevin Kohen

Marshall Meyers, Advisor