CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

Kelly Denit, Director, Office of Sustainable Fisheries
National Marine Fisheries Service
1315 E West Highway
Silver Spring, MD 20910

Submitted via email to ***nmfs.seafoodstrategy@noaa.gov***

October 14, 2025

Re: *E.O. 14276 Notice Response*

Dear Director Denit,

The Chesapeake Bay Foundation (CBF) is a 501(c)(3) non-profit organization with over 200,000 members, whose mission, carried out from offices in Maryland, Virginia, and Pennsylvania, is to restore and protect the ecological health of the Chesapeake Bay, the nation's largest and one of its most vital estuaries. The Chesapeake Bay watershed spans six states and the District of Columbia and is 64,000 square miles. Home to over 348 species of finfish and 173 species of shellfish, the Chesapeake Bay's fisheries are a huge economic driver in the region, and the Bay is a hot spot for commercial and recreational fishing. The National Oceanic and Atmospheric Administration (NOAA) is a critical leader in restoring key fisheries habitats and species, providing the latest data and science, and improving fisheries across the Bay.

Commercial Fisheries
The United States fisheries are of great cultural and economic importance. Unfortunately, over time, many of our fishery resources have been taken for granted resulting in reduced abundance, economic impact and opportunities for both recreational anglers and commercial fishing interests.

Maintaining a robust fisheries management program will help ensure the following:

- A sustainable domestic seafood supply.
- Enhanced recreational and subsistence fishing opportunities.
- Ecosystem health and sustainability.
- Sustained economic and social benefits, including community resilience.

The Executive Order[1] includes an opportunity to continue efforts to remove barriers to exporting shellfish to the European Union (EU). Current impediments to developing a more robust international shellfish trade are primarily caused by food safety regulations, including requirements for listing approved growing areas and establishments, and mandatory health and export certificates issued by the exporting country's competent authority. U.S. shellfish are grown in approved growing areas, and our companies are certified Hazard Analysis and Critical Control Points (HACCP) facilities, yet exports are limited to only Washington and Massachusetts-based producers. Shellfish from the Chesapeake Bay region are widely recognized as a sustainable seafood choice being grown in approved growing areas. As filter feeders, they help improve water quality by removing excess nutrients from their surrounding environment.

The export market represents a critical opportunity for many Chesapeake Bay region shellfish producers, many of which are family-owned businesses. Reopening and expanding access to EU markets helps producers compete globally, providing new commerce opportunities and strengthening the industry. A robust and consistent supply of high-quality U.S. shellfish offers EU consumers a wider selection of fresh, healthy, and safe seafood. Our shellfish industry operates under strict, science-based safety framework, ensuring that they are safe for consumption.

Oyster Aquaculture in the Chesapeake Bay

As one of the Bay's key filter feeders, Chesapeake Bay's native oysters (*Crassostrea virginica*) facilitate the removal of excess nutrients, including nitrogen and phosphorus, the two primary pollutants degrading the Bay's water quality. Oyster aquaculture has tremendous potential for achieving these ecological benefits while providing economic opportunities for coastal communities. In the Chesapeake Bay region, aquaculture supports a more than $30 million industry[2]. As oyster restoration in the Chesapeake Bay, the largest oyster reef restoration effort in the world[3], continues, it is critical that aquaculture is supported as a tool to support ecological goals, other fisheries, and the economies of local communities. NOAA is an invaluable partner in this effort, as they coordinate with other federal agencies

[1] Federal Register :: Restoring American Seafood Competitiveness (Executive Order 14276)
[2] Increasing Oyster Aquaculture - Chesapeake Oyster Alliance
[3] Chesapeake Bay partners complete the world's largest oyster reef restoration project

and organizations, lead workgroups that develop and implement restoration work, and conduct surveys and analysis to guide and monitor progress[4].

One of the biggest threats to the growth of oyster aquaculture on the East and Gulf coasts is the persistence of Sudden, Unusual Mortality Syndrome (SUMS). SUMS is causing the instability of the oyster aquaculture industry, with businesses planning for up to 80% loss in product on an annual basis from SUMS[5]. As of right now, the causes of SUMS are unknown, and NOAA's continued funding and technical assistance is crucial to identifying the cause which will allow oyster farmers and scientists to forecast conditions and rear more resilient oysters in hatcheries. Continued investment in research, coordination, and leadership provided by NOAA in oyster restoration and aquaculture is critical to the economic success of waterfront communities and the regional economy.

Managing Invasive Blue Catfish

Blue catfish were introduced intentionally into the upper reaches of the James River in Virginia in the 1970s and 1980s in an effort to support recreational fishing opportunities. Because blue catfish are typically freshwater fish, the risk of introducing these fish to a limited area was thought to be low, and the benefits to supporting recreational fishing and the economy outweighed any of the perceived risks.

Unfortunately, blue catfish are voracious predators that feed on many native species including juvenile rockfish, blue crabs, clams and even wood ducks. While scientists are still working to understand the full scope of their impacts on these various species, we know that they are having a significant impact. In one 12 square kilometer area of the James River, for example, a study from the Virginia Institute of Marine Science estimated that blue catfish are eating over 500,000 blue crabs annually[6]. Blue crabs are the Chesapeake Bay's most valuable fishery, bringing in $66 million annually in dockside value[7]. Maryland also supports the largest striped bass, or rockfish, commercial fishery on the East Coast, one which is struggling to rebuild even after multiple restrictions on commercial and recreational harvest, a result attributed, at least in part, to the predation of blue catfish on larval and

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[4] Chesapeake Bay Oyster Restoration | NOAA Fisheries

[5] Adding up the pieces to solve SUMS | Virginia Institute of Marine Science

[6] Mary C Fabrizio, Troy D Tuckey, Jack R Buchanan, Robert A Fisher, Predation impacts of invasive Blue Catfish on blue crabs in estuarine environments, *Marine and Coastal Fisheries*, Volume 17, Issue 4, July 2025, vtaf025, https://doi.org/10.1093/mcfafs/vtaf025

[7], Fisheries One Stop Shop (FOSS) | NOAA Fisheries | Landings

juvenile rockfish. Therefore, blue catfish are having a direct impact to the Bay ecosystem, but also to our economy and commercial fishermen's bottom line.

Fortunately, blue catfish are a viable commercial harvest species in and of themselves, with firm, white meat that resembles other desirable fish species. One response to managing the blue catfish population has been to liberalize or remove barriers to commercial and recreational harvest of blue catfish to encourage their removal and use in the food fish market. While harvest has increased 287% from 2012 to 2022, further expansion of this fishery and its economic benefits are limited by federal seafood processing regulations which specifically target wild-caught blue catfish from the Chesapeake Bay region[8].

In the 2008 Farm Bill, Congress passed a requirement for catfish to be inspected by the U.S. Department of Agriculture (USDA)[9], and that created a problematic and cumbersome issue for Chesapeake Bay processors. Catfish are the only fish inspected by the USDA, as the Food and Drug Administration (FDA) handles food safety for all other fish species. The regulation requires that in-person inspectors examine the catfish before they go to market. Processing catfish in a dedicated space at a time when USDA inspectors are available has been a significant impediment to getting a robust commercial catfish industry up and running in Maryland.

In ten separate reports, the Government Accountability Office (GAO) reiterates that the USDA inspections amount to government waste, noting the USDA program costs $14 million per year as well as $20 million to start up, while the FDA previously handled catfish inspections for just $700,000 a year[10]. The GAO's Steve D. Morris testified that the USDA's catfish inspection program was unlikely to enhance the safety of eating catfish and instead duplicates "other federal catfish inspections at a cost to taxpayers."[11]

In evaluating regulations and policies that hinder American fisheries, we strongly urge NOAA to consult with USDA and other relevant agencies to rescind this draconian policy which limits American seafood competitiveness and productivity at the expense of our vital native species.

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[8] Maryland Fishery Disaster Determination
[9] Inspection of Siluriformes | Food Safety and Inspection Service
[10] Seafood Safety: Responsibility for Inspecting Catfish Should Not Be Assigned to USDA | U.S. GAO
[11] GAO-17-289T, SEAFOOD SAFETY: Status of Issues Related to Catfish Inspection

Critical Research and Resources

NOAA has a critical role in ensuring the safety and success of fishing and seafood industry. NOAA's National Weather Service and Ocean Observing Systems include hundreds of data collection buoys and instruments, along with satellites, that track and evaluate weather and ocean conditions nationwide. This information is broadcast to fishermen regularly, helping them ensure their safety and the safety of their vessels and equipment on the water. Without timely, accurate information, the lives of U.S. fishermen are at risk.

Beyond safety, NOAA's integrated ocean observing systems provide critical environmental information to the nation's seafood industry. Information on water quality conditions on fishing grounds, early warning of harmful algae blooms, and tracking of changing ocean conditions are all key data points for fishermen. NOAA has also worked to integrate these large data sets into useful tools for the seafood industry which help them to better manage their activities to avoid losses due to poor environmental conditions or marine accidents, like oil spills.

Environmental assessments conducted through NOAA allow a better understanding of changing environmental conditions. As traditional fisheries species shift their range, understanding these changing conditions can help fishermen access new fisheries and become more resilient. For commercial fisheries that rely heavily on a few key species, like striped bass and blue crabs in Chesapeake Bay, understanding and identifying emerging opportunities to establish new fisheries will be key to protecting the long-term viability of American fisheries.

NOAA's leadership under Magnuson-Stevens Fishery Conservation and Management Act[12] is more important than ever, as a new generation of fishermen are entering the market and traditional fishermen are aging out. NOAA's work to promote sustainable fisheries and long-term viability of commercial fisheries is critical and should be preserved.

Grant programs managed through NOAA provide critical resources to support working waterfronts, build the next generation of American watermen, and conduct research to support aquaculture and other fisheries[13]. This funding should

[12] Magnuson-Stevens Fishery Conservation and Management Act | NOAA Fisheries
[13] Grants | NOAA Fisheries

continue to ensure seafood fisheries across the country are sustainable and competitive and provide opportunities for waterfront communities and economies.

We appreciate the opportunity to provide feedback on how NOAA can support economically and ecologically important American fisheries, including those in the Chesapeake Bay. As partners from across the Chesapeake Bay watershed continue our commitment to restoring the Bay and its fisheries, NOAA's expertise and leadership is more important than ever.

Sincerely,

Annabelle Harvey
Federal Policy Coordinator
Chesapeake Bay Foundation