



Ecology Action Centre

David Agnew
Standards Director
Marine Stewardship Council

18 June 2014

Dear Mr. Agnew,

We would like to engage with you in a dialogue about provisions regarding endangered, threatened or protected (ETP) species. We are increasingly concerned that the Marine Stewardship Council (MSC) is inadvertently increasing pressure on some of the world's most vulnerable marine species because of its narrow application of the definition of ETP species. The Ecology Action Centre (EAC) has been concerned about the interpretation since it was informally changed in 2011; however, we are increasingly concerned because: 1) We believe the North West Atlantic Canadian swordfish fishery is falling behind on meeting conditions for shark bycatch (many of which are threatened and endangered according to the Committee on the Status of Endangered Wildlife in Canada (COSEWIC); and 2) Cod (endangered according to COSEWIC) in the 3Ps NAFO area is currently undergoing assessment.

MSC defines ETP species as:

a. Species that are recognised by national ETP legislation; b. Species listed in the binding international agreements given below: 1) The Convention on International Trade in Endangered Species (CITES), Appendix I." (section 7.4.1).

However, in 2011 MSC stopped considering species that have been assessed in Canada as endangered and threatened as ETP. We believe that this decision was made in error. The current definition of ETP species under MSC should include COSEWIC identified species as it includes "species that are recognized by national ETP legislation."

The process for assessing species at risk in Canada is described under paragraph 15, of the Species At Risk Act (SARA). The Committee for the Status of Endangered Wildlife in Canada (COSEWIC) was established under SARA to identify species at risk and provide advice to government (<http://laws-lois.justice.gc.ca/eng/acts/s-15.3/page-5.html#h-9>). COSEWIC is the only body that has been mandated by the government to identify species at risk. COSEWIC findings are also legally binding, as they initiate an obligatory process within the government of Canada to consider the listing of species under SARA.

The MSC definition of ETP species does NOT require that species **are listed** by national ETP legislation, rather than they **are recognized**. COSEWIC identified species are certainly recognized, as they are the foundation of SARA and the only species get government consideration for listing. Therefore, we believe that MSC's must recognize Canadian-assessed species at risk as ETP species .

MSC certification adheres to "a robust scientific process, which draws on scientific expertise from marine scientists worldwide as well as contributing to improving scientific understanding through the fishery assessment process." Failing to recognize species that have been identified through a legally-mandated scientific process threatens the credibility of MSC and its commitment to the scientific

Marine Program

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process.

We are particularly concerned because of development within MSC that directly impact threatened and endangered species in Canada – especially the longline swordfish fishery which catches 3-5 threatened and endangered sharks for every swordfish caught, and the new assessment for the cod fishery.

We would like to meet with you to discuss this issue at your earliest convenience, in order to maintain a high bar for species that face extinction in Canada. We look forward to hearing back from you at your earliest convenience.

Sincerely,



Catharine Grant
Marine Policy and Certification Coordinator
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CC: Jay Lugar, MSC

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