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Shark Fin Sales Elimination Act: Frequently Asked Questions

The Act became effective on December 23, 2022

What does the Shark Fin Sales Elimination Act do?

The Shark Fin Sales Elimination Act established U.S. prohibitions on the possession, transport, and sale of shark fins, stating that, “no person shall possess, acquire, receive, transport, offer for sale, sell, or purchase a shark fin or a product containing a shark fin.” There are no exceptions from these provisions for commercial purposes. The Act does provide limited exceptions to this prohibition for noncommercial subsistence and scientific purposes.

Will NOAA Fisheries issue regulations to implement the Act?

No, NOAA Fisheries does not intend, at this time, to issue implementing regulations for the Act.

In making this decision, NOAA Fisheries conducted a comprehensive review of the potential impacts of the Act on current shark fishing regulations across the country, which included reviewing state and federal shark fisheries’ regulations; coordinating with other federal agencies to discuss the need for any additional clarifying or interpretive rulemaking; coordinating with NOAA’s Office of Law Enforcement and other federal enforcement agencies to discuss how to monitor and enforce the Act provisions at the time of harvest, landing, sale, transport, and export; and working with the U.S. Fish and Wildlife Service to develop processes to address Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)-related permitting for shark exports. These evaluations and discussions did not demonstrate a need for additional statutory interpretation at this time. NOAA Fisheries will continue to monitor the implementation of the Act across the country and will evaluate the need for additional guidance, recommendations, or regulations to clarify the statute, or aid in tracking, permitting, and/or enforcement.

Additionally, NOAA Fisheries will continue to work with other federal agencies, specifically the U.S. Fish and Wildlife Service, to address any issues regarding the tracking, monitoring, and enforcement of legally-harvested,

exported sharks and the associated CITES and other required permitting processes.

How does the Act impact the sale of shark fins?

The Act defines a shark fin as “the unprocessed, dried, or otherwise processed detached fin or tail of a shark.” Under this definition, detached shark fins or tails may not be possessed, sold, purchased, offered for sale, or transported in or through the United States, unless they fit within the exemption for smooth dogfish (*Mustelus canis*) or spiny dogfish (*Squalus acanthias*) or meet one of the statute’s limited exceptions.

Since the Shark Finning Prohibition Act of 2000 amended the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to prohibit shark finning—a process of removing shark fins at sea and discarding the rest of the shark—it has been unlawful to land shark fins without the corresponding carcass.

In 2011, the Shark Conservation Act of 2010 was signed into law, further amending the MSA. The Shark Conservation Act requires that all sharks in the United States, with one limited exception for smooth dogfish, be brought to shore with their fins naturally attached.

Under these three laws, fishermen may continue to transport, land, sell, and export whole sharks with fins naturally attached. They may not land, possess, sell, or export detached fins.

Does the Act provide any exceptions?

The Act provides limited, narrowly defined, exceptions to its prohibition of possession, transport, and sale of shark fins.

Exceptions are included for lawfully-taken shark fins that are:

- destroyed or disposed of immediately upon separation from the carcass
- used for noncommercial subsistence purposes in accordance with federal, state, or territorial law
- used solely for display or research purposes by a museum, college, or university pursuant to a federal, state, or territorial permit to conduct noncommercial scientific research.

Additionally, the Act provides that, “persons may possess, acquire, receive, transport, offer for sale, sell, or purchase a shark fin of a smooth dogfish (*Mustelus canis*) or a spiny dogfish (*Squalus acanthias*) shark.” Because this exemption explicitly specifies the applicable species, the exemption does not apply to other similar looking *Mustelus* or *Squalus* shark species, such as Pacific spiny dogfish (*S. suckleyi*), Florida smoothhound (*M. norrisi*), or Gulf smoothhound (*M. sinusmexicanus*).

As stated above, the Act allows for shark fins to be retained if the shark was lawfully taken and the fin is used for display or research purposes by a museum, college, or university pursuant to a federal, state, or territorial permit to conduct noncommercial scientific research. NOAA Fisheries reads the statute to allow an applicable person to possess, acquire, retain, and transport fin “clips” that are separate from the sharks as long as those fin clips are used solely for display or research purposes as part of applicable noncommercial scientific research. Fin clips are small pieces or clips of shark fins that are generally collected by scientists without mortally injuring the shark. Fin clips are used for genetic and other biological research purposes and are often taken nonlethally from living sharks.

Can I land, sell, transport, or export a shark carcass with fins naturally attached under the Act?

Yes. The Shark Conservation Act of 2010, with one limited exception for smooth dogfish sharks, requires fishermen to land sharks with fins naturally attached. In other words, fishermen cannot remove the fins from the shark until the shark has been offloaded from the fishing vessel. This Act prohibits possessing, transporting, selling, or exporting detached shark fins, even those that are merely in transit through the United States from one foreign location to another. Under these two statutes, fishermen may possess and transport lawfully taken shark fins, as long as the shark fins remain naturally attached to the shark.

While NOAA Fisheries manages shark fisheries under the MSA, there are other statutes and international agreements that affect shark management. One such agreement is CITES. CITES is a global treaty that aims

to ensure international trade in wild plants and animals is legal, traceable, and biologically sustainable. The U.S. Fish and Wildlife Service is responsible for implementing this treaty. Sharks began to be added to CITES appendices in the 1990s. As of November 2023, almost all the shark species managed under the MSA were listed on Appendix II of CITES. As a result, anyone (e.g., dealers, aquariums, scientists) wishing to export or land sharks or shark products that were harvested on the high seas will need to work not only with NOAA Fisheries when it comes to harvesting the sharks, but also with the U.S. Fish and Wildlife Service to obtain the appropriate CITES export or introduction from the sea permits. NOAA Fisheries worked with the U.S. Fish and Wildlife Service to ensure a common understanding that sharks may be transported and exported with fins naturally attached, consistent with the Shark Conservation Act, the Shark Fin Sales Elimination Act, and all applicable laws.

What are individuals supposed to do with shark fins that are in storage and were caught/processed prior to the President signing the Act into law on December 23, 2022?

The Act makes it unlawful to “possess, acquire, receive, transport, offer for sale, sell, or purchase a shark fin or a product containing a shark fin.” The Act does not include a delay or grace period for these prohibitions, and therefore, the prohibitions became effective immediately. The Act does not include any exception for shark fins that were caught, processed, or held in storage prior to the enactment of the statute; such fins are therefore subject to the new prohibitions.

How do I appropriately destroy or discard fins from landed sharks?

Fishermen and dealers should follow all local laws and guidance regarding disposal of shark parts. Fishermen or dealers who are considering destroying or disposing of large quantities of shark fins that have been held in storage may consider contacting their municipal waste management authority for additional guidance.

Is the Act effective now or is there a grace period before it is effective?

The Act became effective when President Biden signed the 2023 National Defense Authorization Act on December 23, 2022. The statute does not provide a grace period or delayed implementation schedule.