

Institute for Policy Integrity
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STUDY: NOAA’S PROPOSED FINES RISK OVER-FISHING *Report defines economic formula for deterring marine-life destruction*

Anyone who has pet an elephant seal or harvested a haul of under-sized snapper might already know these actions can trigger hefty fines from the U.S. government.

Threatening certain kinds of protected marine life causes serious environmental risks and often carries serious penalties. But a possible shift in ocean policies could cause a rise in over-fishing.

In a [report](#) released this morning, the Institute for Policy Integrity at NYU School of Law recommends more economically effective fines that would increase the protection of our nation’s ocean life.

The National Oceanic and Atmospheric Administration (NOAA) is the agency charged with protecting fish and other marine life. Policy Integrity’s report responds to a draft NOAA guidance that, if finalized, would revise the penalties and fees for violations like using improper gear or fishing in protected areas.

The Policy Integrity report finds that NOAA’s proposal is too lenient for certain types of violations and fails to create the right incentives to obey the law. The think tank instead suggests properly calibrated fees combined with more rigorous enforcement that, together, will serve to efficiently deter over-fishing.

The NOAA proposal places greater emphasis on the “state of mind” of an offender—whether a violation was willful or the result of negligence—rather than the harm created by misconduct. As a consequence, sea-faring industries will not see adequate incentives to preserving marine-life.

“This policy risks arbitrary and inconsistent enforcement when NOAA would have to determine whether rules were violated willfully or not,” said Jason Schwartz, a legal fellow at Policy Integrity. “And when enforcement is uneven, rules won’t send the right signals to stop harm to fisheries.”

The Policy Integrity report recommends penalties that are enforced uniformly so that offenders are aware of the steep risks they take when over-fishing.

Also recommended are fines set high enough to account for the many violations that go undetected. The report offers a formula, based on standard economic principles, for setting penalties that would deliver the appropriate incentives to protect the environment.

“Sufficiently high penalties drive home the message that breaking the law isn’t a good bet. Too-low penalties, combined with uneven enforcement, serve to undermine the goal of achieving efficient ocean management,” said Michael A. Livermore, executive director of Policy Integrity.

The report will be formally submitted as public comments to the agency today.

The Institute for Policy Integrity at New York University School of Law is a non-partisan think-tank that works with advocacy organizations and governments to use economics and law to protect the environment, public health, and consumers.

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