

### CITES SC74 Docs 59.1.1 and 59.1.2: Registration of Operation Earth Ocean Farms (Mexico) Breeding *Totoaba macdonaldi*

At SC74, Members will consider Mexico's application to [register captive breeding operation EOF](#) for totoaba. The Standing Committee (SC) should **deny or delay** the registration for the following reasons:

1. It is biologically reckless and inappropriate to authorize the commercial trade in totoaba when illegal fishing and trade in totoaba from Mexico is ongoing and [rampant](#) and when another Appendix-I species, the vaquita porpoise, is near extinction (approximately [eight animals](#) remain), largely due to entanglement in illegally-set totoaba gillnets. Illegal totoaba trade is being considered as a compliance issue at SC74; the SC should not simultaneously authorize trade in the species. Legal trade of captive-bred totoaba could provide cover for laundering of illegally caught, wild totoaba and complicate law enforcement efforts.
2. Mexico has made a significant, critical change to its original registration request, raising concerns about consistency with Resolution Conf. 12.10's procedural requirements. Mexico's original application proposed trade in totoaba *including swim bladders*. But Mexico now asserts that "[a]t the moment the commercialization and export of the maw (or swim bladder) is not contemplated" while indicating its desire for "possible future commercialization" of maw.<sup>1</sup> Yet Mexico has not amended its application to confirm this change or begun the process anew. This places Members in the untenable position of making decisions about commercial trade in an Appendix-I species based on vague assurances from the proponent that are not included in the official application. Moreover, Mexico states it will only destroy its current maw stockpile if the EOF registration is approved and will thereafter only destroy maws until Mexico, with the endorsement of the Standing Committee ... establishes a safe procedure" for bladder storage.<sup>2</sup> It is unclear how the SC would provide such endorsement. Overall, the process applied to this application, given Mexico's amendment, has been highly unusual and could set a dangerous precedent.
3. The conservation benefit of the facility has not been demonstrated.<sup>3</sup> Mexico's report concedes that "the final recruitment success of the released juveniles is not known" and the results of a project assessing the purported conservation benefits are expected in "the second half of 2022."<sup>4</sup> There is presently no evidence that EOF is contributing to the conservation of totoaba in the wild.
4. Authorizing a legal commercial trade in totoaba conflicts with CITES Decision 18.292 directing parties to reduce demand for totoaba products and CITES Decision 18.294 to study the implications of a legal trade in totoaba. At SC71, the SC delayed a decision on the EOF registration because, in part, "it would be imprudent to make a decision before the results of ... the study analyzing the potential impact of legal trade in totoaba could be considered in detail."<sup>5</sup> That study is not complete and approving the registration remains premature and imprudent.
5. Concerns raised by the United States and Israel's objections to the registration remain unresolved, including the adequacy of the proposed marking system and inspection and monitoring procedures.<sup>6</sup> Specifically, Mexico's inspection and monitoring procedures have either not been implemented or are not sufficient "to confirm the identity of the breeding stock and offspring and to detect the presence of unauthorized specimens ... being exported."<sup>7</sup> Mexico admits genetic analysis of samples will only be a "back-up for special operations ... and will not be done continuously."<sup>8</sup> Mexico also does not appear to have the forensic capacity to conduct such analyses, it has not implemented relevant capacity building or finalized protocols for joint enforcement actions, which is particularly troubling given Mexico's failure to enforce other totoaba trade controls.<sup>9</sup>

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<sup>1</sup> SC74 Doc. 59.1.2 at 9, 11.

<sup>2</sup> *Id.* at 11.

<sup>3</sup> Resolution Conf. 12.10 (RevCoP15), Annex 1 at 15.

<sup>4</sup> SC Doc. 59.1.2 at 10.

<sup>5</sup> SC71 Summary Record at 14 at 17.

<sup>6</sup> Resolution Conf. 12.10 (Rev. CoP15), Annex 1 at 12-13, 14.

<sup>7</sup> *Id.*, Annex 1 at 13.

<sup>8</sup> SC74 Doc. 59.1.1 Annex 4a at 5e.

<sup>9</sup> *Id.*, Annex 4a at 5e, 7.