

August 31, 2026

Dear Members of Congress,

The ocean waters spanning off the coasts of Virginia, North Carolina, South Carolina, Georgia and northern Florida are home to a cherished species, the North Atlantic right whale (*Eubalaena glacialis*). We write to urge you to **oppose H.R. 9436**, a harmful bill that would further delay lifesaving protections for these whales from accidental entanglements in fishing gear until 2035.

Each year, right whales migrate along the Atlantic coast, with pregnant females traveling to the shallow coastal waters of the Southeast, the only known region where the species regularly gives birth and nurses its calves. Virginia, North Carolina, and South Carolina serve as important migratory and sometimes foraging habitat, while Georgia and Florida encompass the species' only known calving grounds. Its annual migration and calving season inspire community events, educational programs, and public engagement across the region, such as the annual Right Whale Festival held in northeast Florida. Recognizing this exceptional connection, Georgia has designated the North Atlantic right whale as its official state marine mammal. The North Atlantic right whale is part of our region's natural heritage and holds cultural significance for coastal communities, serving as a powerful symbol of the shared marine environment that connects our states.

Saving the critically endangered North Atlantic right whale requires strong, science-based protections across the entire Atlantic coast. According to NOAA Fisheries' most recent population estimate, approximately 380 individuals remain, with only an estimated 70 breeding females. Accidental entanglements in static vertical lines of fishing gear, such as those used to mark lobster traps in the northeastern United States, remain the single greatest threat to the species' survival. More than 86% of living North Atlantic right whales bear scars from fishing gear entanglements, and over the past several years, entanglements were directly linked to death or serious injury in 31 of 55 documented cases. In 2023, a 4-year-old juvenile female sighted off Rodanthe, North Carolina, had fishing line wrapped multiple times around her mouth and tail, additional line trailing behind her, and extensive wounds across her body. NOAA Fisheries determined that her injuries constituted a "serious injury" case and that she was unlikely to survive. She has not been resighted since the entanglement was documented.

In December 2022, Congress included a rider to the FY23 Consolidated Appropriations Act (FY23 gear rider) which delayed necessary protections for the North Atlantic right whale from entanglement in vertical fishing gear used in New England's lobster and Jonah crab fisheries. The rider delayed regulations through the end of 2028. H.R. 9426, introduced by Rep Mike Lawler (R-NY-17) and Rep. Jared Golden (D-ME-02), would extend the rider through the end of 2035.

A real, working solution to the gear entanglement problem already exists. NOAA's Northeast Fisheries Science Center has tracked more than 21,000 hauls of "on-demand" gear - which keeps vertical rope out of the water column until a fisher is actively retrieving traps or pots - including off the coast of Maine, with a success rate above 90%. Since 2020, fishermen using on-demand

gear have safely sold over a million pounds of seafood harvested with this gear without entangling a single whale.

Nonetheless, progress toward transitioning to on-demand fishing gear in sensitive habitats has been too slow, and without science-based protections from NOAA Fisheries, entanglements continue to injure and kill whales at a rate the species cannot sustain. By extending the FY23 gear rider to 2035, H.R. 9436 removes the incentive for the industry to keep testing and adopting safer gear, and it sidelines NOAA's Atlantic Large Whale Take Reduction Team - a group Congress itself created, made up of fishing industry members, scientists, and conservationists, to work out solutions that protect both whales and fishing jobs.

The North Atlantic right whale cannot survive many more years of delay. We urge you to oppose H.R. 9436.

Sincerely,

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