TECHNICAL NOTE

Letter No. 20250428/1

Brasilia, April 26, 2025

TO THE
MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE,
Your Excellency Mrs.

Minister of State for the Environment and Climate Change

MINISTRY OF FISHERIES AND AQUACULTURE,
Your Excellency Mr.
Minister of State for Fisheries and Aquaculture

Subject: Technical Analysis for the URGENT revocation of Inter Ministerial Ordinance MPA/MMA No. 30/2025

Dear Ministers,

The organized civil society movement, now represented by **Sea Shepherd Brazil Institute and partner organizations representative of civil society and academia,** whose missions involve the protection of animal life and the protection of the ocean, respectfully come before Your Excellencies to present this Technical Note requesting the urgent and immediate revocation of the Inter Ministerial Ordinance No. 30/2025, published on April 17, 2025, which regulates blue shark fishing (*Prionace glauca*).

In fact, the aforementioned ordinance ignores basic principles of precaution and prevention of degradation of the environment, including the marine ecosystem, disregarding and neglecting the analysis of guidelines and perspectives that SHOULD be carried out through a Non-Detriment Finding, NDF, which is mandatory at the international and national level, raised here by analogy, under the terms of IBAMA Normative Instruction No. 28, of 12/11/2024.

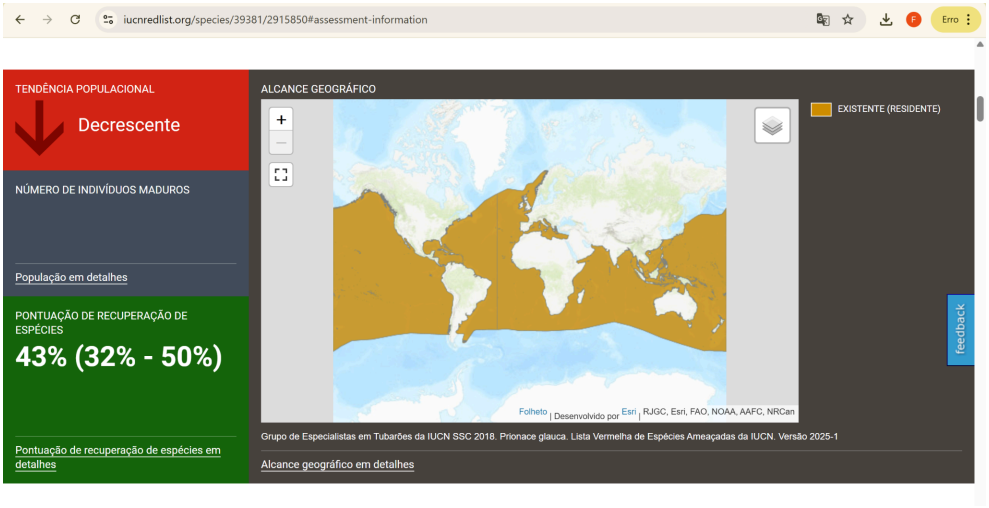
It is important to highlight that the aforementioned Ordinance promotes serious setbacks in the conservation of elasmobranchs, as this group of species is already the second largest group of vertebrates at risk of extinction in Brazil and in the world.

1. Violation of the Precautionary Principle and Absence of Non-Detriment Finding, NDF

The blue shark has been included in Appendix II of the CITES Convention since 2023, proving the global concern for the protection of this species. In the year of 2025, the data shows that 37% of shark species are threatened with extinction in Brazil.

In particular about the species of Blue Shark (*Prionace glauca*), the species most consumed by Brazilians annually, is already classified as “Vulnerable” (VU) in the South Atlantic and “Nearly Threatened” (NT) globally by the IUCN, as described below, and “Vulnerable” in Rio Grande do Sul according to the Zoo Botany Foundation of Rio Grande do Sul. Equally seriously, In the "green status of species" classification by IUCN, the species is in a "largely depleted" category, which means that a species is currently unable to fully perform its ecological functions throughout its distribution area, despite the potential for recovery. Furthermore, it indicates that the species' population has been reduced and is not at the level necessary to maintain its ecological role.

In the same study published by **International Union for Conservation of Nature’s Red List of Threatened Species**, the same assessment carried out in 2024 demonstrated a population decline more pronounced in the North and South Atlantic. Weighted global population trends estimated a median decline of 7.3%, with the highest probability of decline being <20% over three generations (30–31.5 years). However, due to uncertainty in some of the estimated regional trends, steep historical declines inferred in the Mediterranean Sea, high levels of unregulated exploitation, and high levels of international trade in meat and fins, experts have estimated a global population reduction of 20–29% over three generations and the blue shark is assessed as Near Threatened, and almost reaching the Vulnerable A2bd level, justifying its inclusion.are included in CITES Annex II since 2023.



Generally, blue sharks are retained by their fins, although demand for meat is likely increasing in some countries, as is the case in Brazil, driven by the market generated by the trade of wide range of “cação” meat in common commercial establishments in the country and by public purchases of “cação” meat to be offered in public meals in daycare centers and hospitals.

For all this, for the federal government to include this species among those that can be targeted for regular fishing is, at the very least, environmental negligence or complicity in the collapse of marine biodiversity, mainly because it is the blue shark already classified as almost threatened in the world and vulnerable in the South Atlantic and Rio Grande do Sul.

This regulation represents a setback for several segments, as instead of protecting a species in rapid decline, it paves the way for its commercial exploitation under the guise of sustainability, ignoring scientific data, disregarding the principle of precaution and prevention, anticipating, irresponsibly, completion of a Non-Prejudicial Extraction Opinion (NDF) — a fundamental requirement for legal export under the CITES Convention. As a form of warning, it is known that signatory countries need to issue an NDF, or Non-Harmful Extraction Opinion, to ensure the continuity of their legal export..

So, the lack of building guidelines and perspectives that should be carried out through a Non-Detriment Finding (NDF) in accordance with international commitments, can be characterized as a negligent stance by the Public Authorities.

As required for Amazonian plant species listed under CITES and dependent on NDF, by analogy the same rigor must apply to marine fauna: IBAMA Normative Instruction No. 28, of 12/11/2024, which establishes procedures related to Sustainable Forest Management activities of species of the genera Handroanthus, Tabebuia, Dipteryx and Cedrela, listed in Annex II of the Convention on International Trade in Species of Wild Flora and Fauna in Danger of Extinction - CITES in the Amazon biome, upon recommendation of the Non-Harmful Extraction Opinion, **what would also apply by analogy to the exploration activity of marine fauna and biome.**

In effect, it must be considered mandatory for the Public Authorities to carry out and construct the guidelines through an NDF, this being an essential document issued by the

scientific authority CITES, on the species included, which must contain a scientific assessment that guarantees that trade in products from these species does not threaten their survival.

In Brazil, this document is being prepared through the collaborative dedication of the Working Group coordinated by IBAMA, composed of the scientific authorities CITES: Brazilian Institute for the Environment and Renewable Natural Resources (Ibama), Chico Mendes Institute for Biodiversity Conservation (ICMBio) and Ministry of the Environment, to really assess the sustainability, if it exists in this case, of fishing for this species. I.e, the publication of the Ordinance without the conclusion of this opinion is an affront to Brazil's international commitments and national environmental legislation in the duty to protect fauna and ecosystems in the country.

In this way, the Authorization for targeted harvest of a vulnerable species without completion of a Non Detriment Findings (NDF) violates the:

i) Principle of precaution and conservation attributed to the Public Authorities, as provided in art. 225, CF/88 and

ii) It compromises the fundamental right to biodiversity.

Environmental urgency should impose on the Brazilian State the suspension of fishing until the sustainability of the activity is scientifically proven.

In summary, publishing the Ordinance even before the NDF is concluded is violating the precautionary principle. Or worse: the chance to use the NDF not only as an international requirement is lost, but as a protection tool also for the domestic market, where the high consumption of an animal potentially at great risk continues to be allowed.

2. Weak scientific basis and inappropriate use of ICCAT data

In this sense, it appears that the quotas established by the Ordinance are based exclusively on ICCAT data, regional body that, in addition to not having specific expertise on the biology of the blue shark, limits its analysis exclusively to the tuna fleet, disregarding the rest of the national fishing effort. Your quota calculation represents only a part of the Brazilian tuna fleet (around 30 vessels), and not considering the fishing effort for the species of dozens of vessels from the surface gillnet fleet considered by Ordinance (1.1 and 1.2) and the hundreds of vessels that capture blue sharks as accompanying fauna in the country in these quota calculations.

Respected national studies that were not considered in the decision point out the predominant capture of juveniles and pregnant females in these fishing efforts, especially in the South region, where potential nursery areas are located (PROTUNA, 2022), which further worsens the situation.

From another angle and in the same study made available by **International Union for Conservation of Nature's Red List of Threatened Species**, it is considered that there are broader protections against shark capture globally, including reporting requirements,

international guidelines, bans on lines and fin clipping for sharks and measures to reduce bycatch. While these regulations have likely had a positive impact over time, Blue Shark bycatch remains high and continues to increase, leading to a Low Conservation Legacy rating. Thus, if all current restrictions and regulations were removed, shark exploitation would likely increase throughout the species' range, further deteriorating its status.

I.e, if existing international measures remain in force, The species is expected to improve its overall status over the next decade, with some regions improving while others declining — resulting in a net Conservation Gain of Zero, however, contrary to that, if in addition to not maintaining protective measures, or even, worsened by permissive regulations such as that of Inter Ministerial Ordinance No. 30/2025, published on April 17, 2025, the result can be simply devastating.

In the long term, **with maximum conservation effort**, the condition of the species in a global scope may improve significantly, reflecting a Medium Recovery Potential. To achieve this objective, it would be necessary to strictly enforce catch limits in several parts of the world and temporarily suspend large-scale commercial fishing in the Mediterranean spatial unit, in particular. However, the Brazilian government acts in the opposite direction, issuing an Ordinance that defies all recommendations from international organizations on the preservation of this species.

3. Brazilian data on Blue Shark capture

THE context of blue shark exploitation on the south coast of Brazil, it also occurs in nursery areas, which is inferred by the presence in captures of juveniles (around 70% of individuals) and pregnant females (Montealegre-Quijano and Vooren, 2010; Lucena-Frédou et al., 2015; Cardoso et al, 2022; Mas et al., 2023; 2024), pointing out for unsustainable exploitation of the stock.

Demographic analysis carried out within the scope of the PROTUNA project (Scientific Technical Support Project for the Development of Tuna and Related Fishing in Brazil,- https://www.gov.br/mpa/pt-br/assuntos/pesquisa/projetos-de-pesquisa/2022/protuna-1-_compressed.pdf) reveal that the capture of these young individuals in southern Brazil is a key factor for the sustainability of *P. glauca* in the South Atlantic, as this phase (ages younger than the age of maturity - 6 years) corresponds to more than 80% of importance in the demography of the species (Lessa and Santana, 2022), and this phase is also the most important for the species in other parts of the world (Aires-da-Silva and Gallucci, 2007; Midinoudéwa et al., 2020; Geng et al., 2021; Dolfo et al. al., 2024).

Fishing for young individuals in the southern region of Brazil, where the greatest fishing effort on the blue shark occurs in the South Atlantic, (Lucena-Frédou et al., 2015; Joung et al., 2017) causes an annual population drop of approximately 10%, resulting in population declines in 10 years of around 60% (Lessa and Santana, 2022).

The inclusion of the blue shark in Ordinance 30/25 as a fishing target does not indicate that this measure will have a positive consequence for the recovery of other threatened species of elasmobranchs in general, and protected by law in the country, whether on the species of the genus Sphyrna mentioned above or on others that occur along the coast of Brazil and

that are present in the fishing area along the Brazilian coast and, therefore, listed among the foreseeable catch in IN 10, namely *Carcharhinus falciformis* and *Isurus oxyrhynchus*.

In addition to these, other species of sharks protected by law will be captured, as, as *P. glauca* will be targeted, the longline will be adapted and improved to capture this species, helping to increase efforts to capture other species of sharks, such as *Carcharhinus longimanus*, *Alopias* spp. and *Sphyrna* spp. which are protected by law in Brazil and recommended for release by ICCAT itself (https://www.iccat.int/com2024/ENG/PA4_805A_ENG.pdf).

As part of this analysis, it is worth highlighting that hammerhead shark species (*Sphyrna* spp.), for example, are fragile in longline captures, presenting a low survival rate in longline captures (Gulak et al., 2015; Bezerra, 2017), preventing specimens from being returned healthy.

4. Failures in ensuring supervision and regulatory loopholes

It should be noted that the Ordinance prohibits the use of slings only in activities that do not even use this equipment, while its application remains authorized precisely in surface longline fishing — the main responsible for catching sharks — during ten of the twelve months of the year. This allows vessels to direct their operations towards intensive shark fishing in periods of lower tuna abundance, configuring an ineffective and merely symbolic measure that falsifies a commitment to conservation.

With permission for target fishing, the vessels begin to operate, in practice, with an exclusive focus on the blue shark, filling their holds with the species until the quota ceiling is reached. After this limit, fishing continues — with captured sharks being discarded at sea as bycatch, a common practice in tuna fishing efforts and other target stocks, and known to be devastating.

The requirement for onboard observers on just 5% of trips, combined with the dependence on self-declarations of capture, reveals a fragile control system, susceptible to fraud. Proof of this was the seizure made by IBAMA, in 2023, of 27 tons of shark fins due to fishing irregularities, coming from the same fleet now benefiting from the ordinance.

5. Contamination and public health risks

From another angle, a recent analysis by Fiocruz (Hauser-Davis et al., 2024) proves high levels of mercury, arsenic, lead and cadmium in blue shark meat, including those found in the South Atlantic, making its consumption dangerous, especially for children and pregnant women. Despite this, it continues to be sold as "cação" and is commonly served in schools and hospitals. This measure will continue to encourage this consumption that harms public health and social rights.

A meat from these animals has also been proven to have high concentrations of nnot only of metals that are toxic to humans in any quantity, such as mercury, cadmium, arsenic and lead, but also other contaminants such as pesticides, petroleum-derived compounds (hydrocarbons) and even the so-called "eternal chemicals" (perfluorinated compounds, highly toxic and not easily degraded).

This happens because these animals have a high trophic level within the food chain and have a long life span and for this reason they bioaccumulate large amounts of toxic substances from their prey (through food) throughout their lives. In fact, the aforementioned study indicates that there are risks (carcinogenic and non-carcinogenic) to human health related to the consumption of the meat of many species of sharks and rays around the world (Hauser-Davis, et al. 2024).

These sharks, often more financially accessible, and consequently chosen in the country's public lunches, are regularly consumed by a significant portion of the population, often without knowing it, and even when within regulatory limits, they are potentially harmful to health as they contain metals and other elements. toxic, representing a significant aggravating factor for public health.

The permissive stance adopted by Inter Ministerial Ordinance No. 30/2025, published on April 17, 2025, In this context, it is especially worrying for “meat” that continues to be consumed frequently and institutionally in public meals aimed at already vulnerable populations;

6. Misalignment with public opinion

A comprehensive survey research representative of the Brazilian public carried out by HSR Research, an independent and commissioned by Sea Shepherd Brasil in 2023, shows that 68% of the population is against shark fishing in Brazil. Upon learning that the cação sold in Brazilian commerce is shark, this index rises to 75%, demonstrating that the Brazilians want to respond against the lack of transparency.

The government may have the chance to lead not only based on science but also on popular will. It is necessary to consult interested parties who must be respected, as in addition to being the recipients of these regulations, they also suffer the harmful consequences due to the government's inconsistent stances with the absence of effective measures to protect health and the environment.

7. The unconstitutionality and violation of article 225 of CF/88 of Inter Ministerial Ordinance No. 30/2025, which regulates blue shark fishing (*Prionace glauca*).

Our Federal Constitution also elevates a healthy and balanced environment as a fundamental right of people, as provided for in article 225, as follows:

> Art. 225, CF/88: Everyone has the right to an ecologically balanced environment, a common asset for the people and essential to a healthy quality of life, imposing on the Public Power and the community the duty to defend and preserve it for present and future generations.

Ordinance 30/2025 therefore directly violates art. 225 of the Constitution, since, by allowing the fishing of vulnerable species, it denies the effectiveness of the fundamental right to a balanced environment.

Therefore, it is essential to recognize this topic as being of interest to all collectivity and linked to the right to human dignity (Art. 1, III, of the CF), and such a link only highlights the

need to adapt measures that protect the environment, the species of an ecosystem and biodiversity for all generations.

8. Claims

In view of the points presented, the organized social movement requests and expresses itself for:

I. To declare the UNCONSTITUTIONALITY and NON-COMPLIANCE with international commitments of the Ordinance MPA/MMA nº 30/2025, which is far from constitutional precepts and international pacts, of which Brazil is a signatory;
II. REVOCATION immediate MPA/MMA Ordinance No. 30/2025;
III. Imperative and urgent need for the scientific and transparent conclusion of the NDF for the blue shark;
IV. For the establishment of a real national conservation plan for the species, including effective standards and resources for monitoring and inspection, prohibition of the use of slings in surface longline fishing efforts and others;
V. SUSPENSION from blue shark fishing and marketing to the delivery of these real conservation measures for the species.

9. Final considerations

Regulating blue shark fishing means institutionalizing its extinction. This species plays an essential ecological role in pelagic ecosystems and its decline compromises the health of the ocean. Brazil has the chance to lead through conservation, not permissiveness.

Yours sincerely,

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AND PARTNER ORGANISATIONS

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