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Approaches for the Sustainable Management of U.S. Ocean Waters and the Ocean Economy: Considerations for Congress

In its first year, the Biden Administration engaged in international climate fora and outlined domestic climate policies in Executive Order (E.O.) 14008, "Tackling the Climate Crisis at Home and Abroad." The Administration described its view of the impacts of climate change on the ocean and ocean-based solutions (including sustainable ocean management) for addressing climate change. The sustainable management of U.S. ocean areas may include balancing the economic growth of shipping and fishing with ocean health, promoting environmental conservation and sustainable use of ocean resources, and implementing a science-informed and ecosystem-based management plan for the ocean. This In Focus links ocean outcomes from the 2021 United Nations (U.N.) Framework Convention on Climate Change (UNFCCC) 26th Conference of the Parties (COP26) to congressional ocean policy considerations.

Ocean Outcomes at COP26

At COP26, the Biden Administration joined in multilateral fora and issued several statements regarding U.S. government actions. The United States joined the High-Level Panel for a Sustainable Ocean Economy (Ocean Panel), a multicountry panel established in 2018; in the U.S. Department of State's press release, the Ocean Panel's sustainable approach is "harnessing the power of the ocean to reduce greenhouse gas emissions, provide jobs and food security, improve climate resilience, and sustain biological diversity." The Biden Administration announced it will develop a national plan to sustainably manage the ocean area under its jurisdiction within five years and signed two declarations that call for decarbonization of the shipping industry. Congressional support may be key to the Administration's ability to meet its ocean goals.

Annual Dialogue on Ocean and Climate Change

One outcome of COP26 was the issuance of the Glasgow Climate Pact. This document, among other things, established an annual ocean-climate dialogue process. The annual dialogue aims to create a formal, recurring space to elevate challenges within the ocean-climate nexus, coordinate solutions, and promote scientific research within the UNFCCC. The 25th Conference of the Parties, dubbed by some as the *Blue COP*, had resulted in a one-time dialogue on Ocean and Climate Change. This was the first official dialogue on the ocean-climate nexus convened under the UNFCCC to discuss the implementation of mitigation and adaptation ocean actions.

Sustainable Ocean Plan

In 2020, the then-14 member countries of the Ocean Panel announced their shared ambitions to develop individual national sustainable ocean action plans that would guide the 100% sustainable management of ocean areas under their national jurisdiction by 2025, in support of the global target to protect 30% of the global ocean by 2030 (i.e., U.N. Decade of Ocean Science for Sustainable Development). According to the involved countries, the action plan strives for a holistic approach to ocean management that balances protection and production within national waters.

As part of joining the Ocean Panel, the United States announced it would develop a national plan to sustainably manage ocean areas under its national jurisdiction within five years. As an Ocean Panel member, the United States also is to work with other member countries to create a sustainable global ocean economy. The Ocean Panel member countries make up more than 40% of the world's coastlines and more than 30% of the global exclusive economic zones (EEZ). These countries also account for approximately 20% of global fisheries and approximately 20% of the global shipping fleet. The U.S. EEZ is the world's largest, spanning over 13,000 miles of coastline and containing 3.4 million square nautical miles of ocean.

Shipping Declarations

The United States signed two shipping declarations at COP26. The Declaration on Zero Emission Shipping by 2050 (signed by 14 countries) calls for zero-emission fuels on international commercial vessels by 2030. The Clydebank Declaration for Green Shipping Corridors (signed by 22 countries) calls for the establishment of at least six zero-emission shipping routes between two (or more) ports by the middle of the 2020 decade.

U.S. Position on Ocean-Climate Issues

E.O. 14008 identifies ocean issues that may complement the development of a national sustainable ocean plan. These issues include the discussion of climate in international ocean fora, reevaluation of U.S. fisheries management, protection of marine habitat and biodiversity, consideration of the environmental cost of offshore oil and gas extraction, and conservation of 30% of U.S. waters by 2030.

Several U.S. federal departments and agencies address aspects within the ocean-climate nexus. For example, the National Oceanic and Atmospheric Administration chairs the Interagency Working Group (IWG) on Ocean Acidification to coordinate research and monitoring on the topic; the Department of Transportation supports the International Maritime Organization's goal to halve emissions from ships by 2050 (compared with 2008 levels); and the Department of Energy funds public and private research projects, such as the conversion of ocean wave energy into zero-carbon energy.

Issues for Congress

According to the U.S. Bureau of Economic Analysis, the ocean economy contributed an estimated $397 billion to the national gross domestic product in 2019. Ocean resources provide food as well as economic and national security. Congress may consider the possible effects of actions it takes regarding the implementation of a national ocean sustainable plan on these services.

In the 117th and 116th Congresses, some Members have shown interest in the establishment of more sustainable management and use of U.S. waters and resources through proposed legislation (e.g., S. 46 and H.R. 160, Restoring Resilient Reefs Act of 2021) and enacted legislation (e.g., P.L. 116-224, Save Our Seas 2.0 Act). Members may consider ocean-related policy issues, including

- **Protecting U.S. coastal "blue carbon" ecosystems.** The conservation community and some decisionmakers see the identification and protection of selected marine ecosystems (e.g., seagrasses, mangroves, kelp forests) in U.S. waters as a nature-based approach to absorb and store atmospheric carbon dioxide (CO_2) and to protect and restore threatened marine habitats and wildlife, among other potential benefits. Commercial and recreational fishermen express concerns that some identified areas may unnecessarily restrict fishing access and may not increase fish productivity.
- **Reducing shipping emissions within U.S. waters.** Research shows that a reduction of vessel speeds can reduce emissions from the shipping industry. Banning engine idling while ships are at dock in U.S. ports also would likely reduce the industry's carbon footprint. The implementation of either of these measures could apply to every ship entering U.S. ports, regardless of its home country. The shipping industry notes that reducing maximum speed limits could slow the supply chain and affect the industry's ability to meet global demands, especially for perishable goods. Speed reductions also might lead to a U.S. trade disadvantage, should the shipping industry give preference to countries without speed limitations.

Congress may consider whether changes in certain federal programs would be needed to support a sustainable ocean economy and if providing other types of federal support, such as grants, might offer opportunities for public- and private-sector economic activities that promote ocean sustainability. These changes might include

- **Implementing sustainable measures in the U.S. fishing industry.** Environmental advocates point to several measures that they assert could improve the U.S. fishing industry's sustainability. These measures include implementing technologies and practices to reduce bycatch; reevaluating fish stock baselines through scientific research to adjust catch limits; limiting the use on U.S. fishing vessels of plastic equipment (e.g., nets, ropes) that contribute to marine plastic pollution; and restricting bottom-trawling, a fishing practice that disturbs the seabed and releases sediment-stored CO_2. Such advocates also assert that the U.S. government could more stringently enforce regulations to stop illegal, unreported, and unregulated (IUU) fishing within U.S. waters and the import of IUU seafood into the United States. Some commercial and recreational fishermen may oppose new fishing measures that limit their catch yields or technology and equipment requirements that might place a financial burden on them.
- **Deploying offshore renewable energy.** The offshore renewable energy industry (wind, solar, wave, and tidal energy producers) contends these technologies can replace or offset carbon-intensive energy sources (coal, natural gas, and petroleum). Solar, wave, and tidal energy advocates call for increased federal funding for public- and private-sector research and development to help increase deployment; wind energy advocates call for more offshore leasing, production and investment tax credits, manufacturing and construction incentives, and favorable conditions for entering electricity markets. Environmental advocates support the transition away from fossil fuels, while emphasizing that offshore renewable energy infrastructure be sited to reduce habitat and biodiversity disturbances. Local stakeholders may claim that wind farms damage seascape aesthetics.

Competing priorities may further complicate Administration and congressional efforts surrounding a national sustainable ocean plan. Resource constraints also may become a factor when considering possible options.

Stakeholders have highlighted the potential for duplicating existing activities. For example, some established IWGs mandated through legislation may already be working indirectly toward aspects supporting ocean sustainability in U.S. waters (e.g., IWG on Ocean and Coastal Mapping). Stakeholders suggest that instead of establishing new and potentially duplicative IWGs, Congress consider amending through legislation the purposes of existing IWGs to better align with a national ocean sustainable plan.

The United States manages its own national waters and has not ratified the U.N. Convention on the Law of the Sea (UNCLOS). UNCLOS is an international agreement that establishes a legal framework for all marine and maritime activities, including environmental protections. The agreement remains controversial among some Members of Congress, who argue that the United States may be faced with unnecessary burdens or would not gain any additional freedoms or benefits through ratification. Other stakeholders argue that U.S. ratification would help protect marine ecosystems by allowing the United States to negotiate provisions that account for the effects of climate change on marine ecosystems and work toward sustainably managing the global ocean and its resources.

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