



## Southern Shrimp Alliance

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**To:** Gulf of Mexico Fishery Management Council  
**Subject:** Background and Importance of Section 609 (Public Law 101-162)

Gulf and South Atlantic shrimpers are required to install and maintain Turtle Excluder Devices (TEDs) that are federally certified to be 97% effective in enabling sea turtles to escape their shrimp trawl nets. All 5 of the sea turtle species that inhabit the U.S. Gulf of Mexico and South Atlantic region and with which the U.S. shrimp trawl fishery interacts are listed as either endangered or threatened under the Endangered Species Act (ESA). Consequently, compliance with these requirements is central to the ESA-required finding by NOAA in its 2021 Biological Opinion that the shrimp fishery is “*not likely to jeopardize the continued existence of*” those sea turtle species. That finding is essential for the agency to authorize this fishery to operate in U.S. waters. The use, proper maintenance, and correct functioning of these TEDs is strictly enforced by NMFS.

Compliance with this mandate comes with a significant cost to U.S. shrimpers. There are substantial costs associated with the purchase, maintenance and periodic replacement of TEDs. In addition, depending on the TED design being used, a certain amount of shrimp catch also escapes through the TED opening – which is, effectively, a large hole in the net – causing a loss of shrimp catch and revenue. This is a significant financial sacrifice being borne by U.S. shrimpers in the name of sea turtle conservation.

Recognizing that ESA-listed sea turtle species are distributed globally and, likewise, interact with warm-water shrimp trawl fisheries globally, Congress included in section 609 of the FY 1990 CJS Appropriations legislation (P.L. 101-162) provisions that, among other things, provide that shrimp or products from shrimp harvested with commercial fishing technology that may adversely affect sea turtle species may not be imported into the United States unless the U.S. Department of State certifies to Congress that the exporting nation harvests shrimp under conditions that minimize the impact on sea turtles. The effectiveness of this program requires NOAA/NMFS - Harvesting Systems

Unit (Pascagoula, MS) staff's gear expertise and technical advisement to the State Department. While the State Department rotates 609 Program managers every ~3 - 5 years, personnel from HSU have served as technical experts to the DOS and foreign nations, since the programs' inception.

To export shrimp to the U.S., nations must have sea turtle conservation measures in place (i.e., TED requirements) and sea turtle bycatch rates in their shrimp trawl fisheries that are comparable to the U.S. – or document specific reasons why their shrimp fisheries do not pose a threat to sea turtles. NMFS is substantially responsible for the on-site inspections of foreign shrimp fisheries to determine compliance with this requirement.

The effective enforcement of this section 609 program is one of the most important ways the federal government can protect endangered sea turtles and provide the U.S. shrimp fishery with a more level playing field in having to compete with shrimp imports that have overwhelmed the U.S. marketplace and driven prices to levels that can no longer sustain shrimp fishing operations. The failure of NMFS and the State Department to effectively enforce this statutory mandate puts U.S. shrimpers at a severe competitive disadvantage – and damages the health of those endangered and threatened sea turtle populations for which the U.S. shrimp fisheries are held directly accountable.

Countries with commercial shrimp fisheries that are not currently certified continue to show a strong interest in exporting wild-caught shrimp to the U.S. market. At the request of the Southern Shrimp Alliance (SSA), the Harmonized Tariff Schedule of the United States (HTSUS) was amended in July 2021 to, for the first-time, require importers to separately report wild-caught from farm-raised warmwater shrimp imports. In the first twelve months after the HTSUS was changed, despite not being certified pursuant to section 609, India exported nearly \$36 million in wild-caught shrimp to the U.S. that the law prohibits from importation. After SSA worked with U.S. Customs and Border Protection to get enforcement of the prohibition, the value of Indian wild-caught shrimp imports over the last twelve months has fallen by 96 percent. If Section 609 becomes a rubber stamp program due the failure by NMFS to allocate adequate funds and effectively enforce this mandate, this shrimp – as well as wild-caught shrimp from China and other countries with substandard environmental records – will come flooding back into the U.S. market.



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