



Southern Shrimp Alliance
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Southern Shrimp Alliance Comments
Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act

NOAA-NMFS-2026-0826

Submitted through *Regulations.gov*

September 23, 2026

Julia Goss
Foreign Affairs Specialist
Office of International Affairs, Trade, and Commerce
Attn: MMPA Fish Import Provisions
NMFS, F/IA
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Goss:

The Southern Shrimp Alliance (“SSA”) appreciates the opportunity to comment on NMFS’s review of the regulations implementing the Marine Mammal Protection Act (“MMPA”) import provisions.¹

SSA supports efforts to make the program more efficient, consistent, and enforceable. However, efficiency should not weaken the requirement that foreign fisheries demonstrate conservation measures comparable in effectiveness to those required of U.S. fishermen.

For over fifty years, the MMPA has required the federal government to “ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards.”² Nevertheless, decades of delays in the implementation of this statutory requirement have meant that the MMPA’s import provisions

¹ See *Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act*, 91 Fed. Reg. 47,798 (NOAA July 29, 2026).

² 16 U.S.C. § 1371(a)(2).

were not broadly enforced until January 1, 2026. Now, less than a year after finally taking effect, NMFS has requested comments that indicate a willingness to entertain proposals to weaken enforcement.

SSA strongly objects to the agency's suggestion that requirements imposed on foreign fisheries should be relaxed due to administrative concerns or objections to the economic impact of enforcement of the MMPA. SSA agrees with the views expressed to the agency by another member of the Seafood Harvesters of America, the Massachusetts Lobstermen's Association, as "conservation cannot be a one-way obligation" and "[i]t is fundamentally unfair to require American commercial fishermen to operate under stringent marine mammal protection standards while allowing seafood harvested in foreign fisheries under substantially weaker standards to enter the United States and compete directly against American fishermen."³

NMFS has, without complaint, implemented and administered a complex set of regulatory controls over commercial fishermen operating in U.S. waters. American commercial fishermen have been required to meet these regulations, including record-keeping obligations, in order to continue to operate.

Since the MMPA was enacted, the regulatory approach of imposing strict regulation on domestic harvesting of seafood while applying no conservation standards on foreign sources of supply has led to a U.S. seafood market in which NMFS estimates that 80 percent of U.S. consumption comes from imports⁴ while the U.S. Food and Drug Administration (FDA) reports that imports account for 94 percent of the volume of seafood sold in the United States.⁵ This is a direct consequence of NMFS's choice to focus enforcement efforts exclusively on American fishermen while failing to develop parallel structures to administer statutory requirements on imported seafood.

NMFS cannot now retreat and once again ask that American fishermen meet a standard that their foreign competitors are not required to meet.

Although NMFS has historically declined to apply statutory requirements imposing comparable standards on domestic and foreign fishermen supplying seafood to the U.S. market, the U.S. Department of State's administration of Section 609 of Public Law 101-162 (Section 609) demonstrates that foreign commercial fisheries can be required to meet U.S.-comparable conservation standards as a condition of access to the U.S. market. Under Section 609, U.S. Department of State certification, turtle excluder device (TED) requirements, fisheries

³ Letter from Massachusetts Lobstermen's Association to Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs, NMFS (Aug. 5, 2026), available at: <https://www.regulations.gov/comment/NOAA-NMFS-2026-0826-0006>.

⁴ See NMFS, *Fisheries of the United States 2023* (Feb. 2026) at 23 (reporting estimate for 2023, "Because of the many inputs and great complexity of this calculation, we do not attempt to quantify the variance of this estimate, but we do prefer to report the figure as a range of 75 to 90 percent.").

⁵ See U.S. Food and Drug Administration, *Activities for the Safety of Imported Seafood* (Feb. 2023) at 4, available at: <https://www.fda.gov/media/165447/download>.

management, enforcement, and annual verification visits conducted with NMFS participation provide an established framework for ensuring that foreign conservation measures are implemented in practice.

By conditioning access to the U.S. market on the adoption of measures that mitigate the harm otherwise caused to sea turtle populations, Section 609 has strongly incentivized foreign fisheries to adopt technology like TEDs. In fact, the adoption of TEDs – technology that is an American invention – outside of this country has been attributed to the conditionality of market access. As one academic study has observed: “TEDs became compulsory in the United States (US) and their use spread to other countries following US regulations on shrimp imports that required nations exporting shrimp to the US to introduce TEDs in their shrimp trawlers.”⁶

NMFS first convened an in-country TED training session in February 1991 through a four-day conference held in Panama City, Panama.⁷ Conducted after the enactment of Public Law 101-162 in November 1989, the conference was attended by representatives from Belize, Colombia, Costa Rica, El Salvador, French Guiana, Guatemala, Guyana, Honduras, Nicaragua, Panama, and Venezuela, with U.S. government officials informing participants that “in-country TED training is now available, and requests for training must be initiated by each country through their respective U.S. State Department AID mission.”⁸ Since this initial outreach, NMFS officials worked with Panamanian authorities and commercial fishermen to confirm compliance with Panamanian Law 82 of 2005 requiring the use of TEDs in shrimp trawl nets.⁹

Per USAID, with respect to another of the initial attendees of the U.S. government’s inaugural TED conference in 1991, “[i]n March 2005, officials from the U.S. National Marine Fisheries Service paid a visit to Guyana . . . The initial inspection revealed shortcomings, and

⁶ Daisuke Shiode and Tadashi Tokai, *A Review of Development, Modification and Implementation of TED (Turtle Excluder Device) to Reduce Sea Turtle Bycatch in Trawl Fisheries*, Papers Presented at the Expert Consultation on Interactions Between Sea Turtles and Fisheries within an Ecosystem, FAO Fisheries Report No. 79, FIRM/R738 (Rome, Italy, 9-12 March 2004), <https://www.fao.org/4/y5750e/y5750e09.htm>.

⁷ See John F. Mitchell, *Turtle Excluder Device (TED) Technology Transfer to Latin American Shrimp Fisheries*, Marine Turtle Newsletter 56:5-7 (1991), <http://www.seaturtle.org/mtn/archives/mtn56/mtn56p5.shtml>.

⁸ *Id.* Outreach efforts with some of these countries have continued through other multilateral efforts. For example, “[a]s part of the CAFTA-DR Environmental Cooperation Program, OES supports NOAA Fisheries Service’s work with Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to improve compliance with U.S. import requirements. U.S. law mandates that countries exporting shrimp into U.S. markets attain certification that their wild shrimp catch was harvested using methods comparable to those used in the United States. Effectively this means using nets that are fitted with TEDs.” U.S. Department of State – Bureau of Oceans, Environment, and Science, CAFTA-DR Program, *The “Better TEDs” Project: Protecting Endangered Sea Turtles and Improving Shrimp Harvests* (Oct. 2009), https://www.caftadr-environment.org/spanish/outreach/publications/27_Final%20TEDs%20Glossy%20ENG%2019Oct09.pdf

⁹ See U.S. Embassy in Panama, *U.S. Officials Observe ‘Turtle Device Exclusion’ Inspections Aboard Panamanian Shrimp Boats* (July 15, 2019), <https://pa.usembassy.gov/u-s-officials-observe-turtle-device-exclusion-inspections-aboard-panamanian-shrimp-boats/>.

Guyana faced the prospect of not being able to export shrimp to the United States.”¹⁰ “This was frightening for local fishermen who depend heavily on income from these exports, which total over \$50 million annually.”¹¹ Working with USAID, government inspectors and the Guyana Trawlers Association coordinated to obtain compliance with the law.¹² Since that time, the shrimp trawling industry in Guyana has reportedly steadily improved its use of TEDs, achieving a “100 per cent pass rate” in NMFS inspections conducted in 2023.¹³

Similarly, countries that have not received certifications have been taking steps to improve their commercial shrimping practices. For example, the government of India and the Indian commercial shrimping industry first confronted the potential need to use TEDs nearly four decades ago:

In the early 1980s, India conducted experiments for assessing the effectiveness of TEDs at Orissa beach (Silas, Rajagopalan and Bastian Fernando, 1983; Silas *et al.*, 1983). In the mid-1990s activities were expanded to include development and diffusion of TEDs, which lead to the development of the CIFT-TED by the Central Institute of Fisheries Technology (CIFT) (Dawson and Boopendranath, 2003). About 500 sets of CIFT-TED were distributed for free to fishermen in the surrounding areas (Sankar and Raju, 2003).¹⁴

However, even with the adoption of legal requirements under Indian law that Indian shrimp trawlers use TEDs, the Indian industry declined to adopt the practice:

As per the Marine Fishing Regulation Acts (MFRAs) in the maritime states of India, the usage of TED has been insisted for fishing nets of mechanised trawler vessels in order to allow bycatch sea turtles to escape. However, Indian fishermen predominantly avoided fitting TEDs citing enormous loss of catch, which eventually led to the ban. It may be noted that bottom trawlers mainly

¹⁰ USAID, *Success Story: Shrimpers Help Keep Turtles Safe*, <https://2012-2017.usaid.gov/results-data/success-stories/shrimpers-help-keep-turtles-safe>.

¹¹ *Id.*

¹² *Id.*

¹³ Cooperative Republic of Guyana, Ministry of Agriculture, *Guyana Achieves 100 Per Cent Pass Rate for Section 609 Turtle Excluder Device Inspection* (Nov. 16, 2023), <https://agriculture.gov.gy/2023/11/16/guyana-achieves-100-per-cent-pass-rate-for-section-609-turtle-excluder-device-inspection/>.

¹⁴ Daisuke Shiode and Tadashi Tokai, *A Review of Development, Modification and Implementation of TED (Turtle Excluder Device) to Reduce Sea Turtle Bycatch in Trawl Fisheries*, Papers Presented at the Expert Consultation on Interactions Between Sea Turtles and Fisheries within an Ecosystem, FAO Fisheries Report No. 79, FIRM/R738 (Rome, Italy, 9-12 March 2004), <https://www.fao.org/4/y5750e/y5750e09.htm>.

catch shrimps found in the seabed, and sea turtles, an endangered species, are protected under the Wildlife Protection Act, 1972.¹⁵

This intransigence was supported by the failure, until recently,¹⁶ of the U.S. government to meaningfully enforce the prohibition on Indian wild-caught shrimp imports. However, with such imports now barred from entering the United States, the government of India reports that dive evaluation studies have been jointly conducted by Indian experts and NMFS officials and that modified TEDs were received and began to be tested in November of 2022.¹⁷ Public reporting in India indicates that TEDs designed with the technical support of NMFS were being tested in January of 2023¹⁸ and that Indian government officials were meeting with Indian fishermen regarding the requirements in 2024.¹⁹ While no formal timeline for establishing nationwide compliance has been established, India's Marine Products Export Development Authority (MPEDA) "considers it an urgent priority to resume wild-caught shrimp exports to the US to safeguard the livelihoods of millions of Indian fishers."²⁰

¹⁵ S. Godson Wisely Dass, *Indian Scientists Design Indigenous Turtle Excluder Device Mandated by US*, The New Indian Express (Aug. 3, 2024), <https://www.newindianexpress.com/states/tamil-nadu/2024/Aug/04/indian-scientists-design-indigenous-turtle-excluder-device-mandated-by-us>.

¹⁶ Although India has never been certified by the U.S. Department of State under the Section 609 program, media reports indicate that enforcement of the prohibition on wild-caught shrimp imports from India did not begin until 2019. See Nikhil Sreekandan, *Indigenous Turtle-Safe Fishing Devices Help India Tackle U.S. Shrimp Ban*, Mongabay (Jan. 17, 2025), <https://india.mongabay.com/2025/01/indigenous-turtle-safe-fishing-devices-help-india-tackle-u-s-shrimp-ban/>.

¹⁷ *Id.*

¹⁸ See India, *US Agree on Mechanism to Export Indian Shrimps for Americans*, Economic Times (India) (Jan. 12, 2023), <https://economictimes.indiatimes.com/small-biz/trade/exports/insights/india-us-agree-on-mechanism-to-export-indian-shrimps-for-americans/articleshow/96928295.cms?from=mdr>.

¹⁹ See *Fishers' Group Seeks Centre's Intervention in US Shrimp Ban*, Times of India (July 23, 2024), <https://timesofindia.indiatimes.com/city/kochi/fishers-group-seeks-centres-intervention-in-us-shrimp-ban/articleshow/111941112.cms>. At these meetings, Indian shrimp fishermen expressed concerns regarding the adoption of TEDs similar to those that had been previously voiced by American shrimpers when the same devices were required of the industry. "First of all, we have our concerns regarding the use of the TEDs. One is that what if the fish as well as other bycatches escape from it? Second is the cost involved with its installation. Our assessment is that a trawling boat needs 12 TEDs and the cost of one will come around ₹30,000. That means, ₹3.60 lakh will have to be spent on each boat." Dileep V. Kumar, *Kerala Fisherfolk Suffer as US Shuts Door on Shrimp Imports Over Turtle Conservation*, The South First (Aug. 1, 2024) (quoting Joseph Xavier Kalapurackal, general secretary of All Kerala Fishing Boat Operators Association), <https://thesouthfirst.com/kerala/kerala-fisherfolk-suffer-as-us-shuts-door-on-shrimp-imports-over-turtle-conservation/>.

²⁰ Nikhil Sreekandan, *Indigenous Turtle-Safe Fishing Devices Help India Tackle U.S. Shrimp Ban*, Mongabay (Jan. 17, 2025), <https://india.mongabay.com/2025/01/indigenous-turtle-safe-fishing-devices-help-india-tackle-u-s-shrimp-ban/>.

More recently, India's Ministry of Commerce and Industry, Department of Commerce, issued its annual report for 2025-2026, summarizing extensive work done to progress towards meeting the requirements of Section 609:

Turtle Excluder Device (TED) Awareness: To meet U.S. shrimp export regulations, 152 TED awareness programmes, 72 special campaigns, and 14 on-board trials were held across coastal states. These demonstrations showed the operational efficiency and conservation benefits of TEDs to local fishers.²¹

The Indian government also described practical steps taken to encourage the adoption of TEDs:

Implementation of (Turtle Excluder Device) TED: MPEDA-NETFISH conducted 14 field trials and 152 awareness programmes for TED implementation in all the coastal states & UTs. MPEDA had proposed to DoF to implement TED in all Coastal states & extend financial assistance under PMMSY. Based on MPEDA's proposal, scheme for financial assistance for TED has been included in the PMMSY under Centrally sponsored scheme, where in central and state governments share the cost of TED (60 per cent and 40 per cent respectively).²²

The efforts by the federal government in India are being matched by state governments. For example, in August, the government of the Indian state of Gujarat announced that it would be installing, free of cost, TEDs in the trawl nets of 8,925 fishermen.²³

These concrete efforts to improve practices in India's commercial shrimp fishery are the direct result of the prohibition of imports of wild-caught shrimp from India. Nevertheless, NMFS appears to have made no effort to tie the agency's involvement and experience with the U.S. Department of State's administration of the Section 609 program with its own administration of the MMPA import provision. SSA urges NMFS to recognize the success of the Section 609 program, to fully implement the parallel MMPA import provision, and decline to take any steps that would reduce the substantive standard applicable to foreign fisheries.

SSA addresses the specific questions posed by NMFS below.

²¹ Government of India, Ministry of Commerce & Industry, Department of Commerce, *Annual Report 2025-2026 Department of Commerce Free Trade Agreement*, available at: https://www.commerce.gov.in/files/2026-04/Annual_0.pdf.

²² *Id.*

²³ See News 18, *Gujarat's Fishermen to Adopt Turtle Excluder Devices to Safeguard Sea Turtles* (Aug. 29, 2026), <https://www.news18.com/agency-feeds/gujarats-fishermen-to-adopt-turtle-excluder-devices-to-safeguard-sea-turtles-10299659.html> and DP Bhattacharya, *Gujarat Aims to Catch US Shrimp Orders with Turtle-Safe Nets*, The Economic Times (Aug. 29, 2026), <https://economictimes.indiatimes.com/news/economy/foreign-trade/gujarat-aims-to-catch-us-shrimp-orders-with-turtle-safe-nets/articleshow/133616280.cms>.

What changes should NMFS make to its regulations to improve marine mammal conservation outcomes while treating exporting nations fairly and consistently?

Response:

SSA points out that the import provisions within MMPA (1972) should be fully enforced. The U.S. commercial fishing industry is in crisis to maintain market share and operational functionality as approximately 90% of the seafood consumed in this country is imported. This isn't a function of capacity, but rather counterproductive trade policies that have allowed imported seafood to enter the U.S. with significantly reduced inspections, enforcement, and penalties for fraudulent activities. It is long past time to put our sustainable commercial fisheries and the hard working U.S. commercial industries first. Under E.O. 14276 *Restoring American Seafood Competitiveness*, our American workers need support and the ability to produce.

Simply put, if a foreign nation wants access to U.S. markets, they should be held to equivalent standards that our commercial fishermen have adhered to since 1972. These standards require seafood to be produced ethically and sustainably in fisheries that are heavily managed and enforced. This ensures food safe products are available to Americans, while simultaneously providing conservation to species listed on the MMPA.

SSA understands that imports play a vital role in the supply chain, but foreign entities should not be given access without comparability findings that prove seafood is ethically produced and offers a food safe product. NMFS should establish clear and consistently applied comparability expectations while allowing flexibility in how foreign nations meet them. Fairness should mean consistent standards and a meaningful opportunity to demonstrate compliance—not weaker requirements.

What opportunities or challenges have the MMPA import provisions introduced to you as a harvesting nation, intermediary nation, seafood importer, or seafood consumer?

Response:

For U.S. shrimp fishermen, the principal benefit is the potential for a more level playing field. Domestic fishermen should not bear the costs of U.S. conservation requirements while competing against imported seafood harvested under materially weaker standards. This has largely been the case since 1972, and American workers face unprecedented challenges due to our markets being flooded with imports.

SSA realizes inspections, comparability findings, and enforcement require significant time and resources, but the fact remains that access to our U.S. markets should only be available when foreign nations are held to the same high standards required of our own U.S. industries.

How should NMFS define “U.S. standards” for purposes of rendering comparability determinations and are there other ways to assess comparability?

Response:

SSA strongly supports retaining the “comparable in effectiveness” standard. Foreign regulations need not be identical to U.S. regulations, but they should provide comparable conservation results through effective mitigation, monitoring, fisheries management, implementation, and enforcement. This is not something that can simply be reviewed on paper, but rather on-site inspections, examination of fisheries, gears and areas used should be assessed. It is critical for

NMFS to determine if functional and equivalent fisheries management programs and ensuing enforcement capabilities exist in foreign supply chains.

Section 609 provides a useful model. In this program, foreign wild caught shrimp fisheries may use different regulatory structures but must implement TEDs in operations, have effective fisheries management, and a functional and meaningful enforcement program sufficient to satisfy U.S. certification requirements.

How can NMFS make the process for evaluating whether exporting nations' fisheries are in excess of U.S. standards more straightforward while maintaining conservation outcomes and a level playing field?

Response:

NMFS should use risk-based review, standardized information requirements, existing federal seafood import data, and require on-site verification as a mandatory part of the comparability finding's structure.

Data limitations should not work to the advantage of poorly monitored fisheries and simultaneously work to the disadvantage of our U.S. industries where all MMPA and food production safeguards are adhered to, since 1972. NMFS should distinguish between legitimate scientific uncertainty and uncertainty caused by inadequate monitoring or reporting. The burden should remain on the harvesting nation to provide sufficient evidence of comparability.

Should NMFS prioritize comparability findings based on conservation status and risk of bycatch?

Response:

Yes. Risk-based prioritization can make the program more efficient without reducing the substantive comparability standard. Greater scrutiny should be directed toward fisheries with higher marine mammal risk, poor monitoring, significant data gaps, weak enforcement, or other indicators of noncompliance.

Imports from foreign nations, where increased bycatch concerns exist, should be immediately precluded from having access to our U.S. markets until mitigation measures are implemented and NMFS is confident that increased bycatch concerns have been alleviated.

Are there any factors or elements NMFS is not considering under the current program but should be?

Response:

NMFS should place greater emphasis on actual implementation and enforcement rather than simply the existence of laws or regulations. Specifically, comparability findings must provide proof that foreign fisheries are operating in a manner that mitigates the risk of marine mammal bycatch to the greatest extent possible. This proof cannot simply be in the form of application and review on paper.

Section 609 demonstrates the value of on-site verifications. Foreign TED requirements are meaningful because implementation and enforcement are evaluated through certification and verification visits. When foreign nations participating in this program are found out of compliance, they are embargoed by the U.S. Department of State until such time that subsequent on-site inspections conducted by NMFS and the U.S. Department of State demonstrate that

compliance is regained. This keeps U.S. commercial shrimp fishermen on a level playing field with foreign commercial shrimp fishing operations.

This should be a model for full implementation of import provisions within the MMPA.

Should NMFS allow “conditional” comparability findings based on a harvesting nation’s commitments to future compliance?

Response:

No. Foreign nations have had ample time to comply with import provisions in the MMPA, a law enacted in 1972. As NMFS observes in its request for comments, the agency first published an advance notice of proposed rulemaking for the MMPA import provision in 2010, issued a proposed rule in 2015, a final rule in 2016, established an initial five-year exemption period, and then extended this exemption period three times.

Future actions are not a substitute for compliance, and a meaningful verification check program should be implemented. SSA believes that imports from foreign nations seeking a ‘pass’ for the promise of future commitments should be precluded from exporting seafood products to the U.S. until all commitments are met, verified and proved to be effective.

Should fisheries with de minimis impacts on marine mammals be excluded from the comparability finding process?

Response:

A narrowly tailored de minimis approach may be reasonable where reliable evidence demonstrates negligible risk.

However, exclusions from the comparability finding process should not be used. Again, foreign nations have been apprised of the import provisions under the MMPA since 1972. NMFS should retain authority to review an excluded fishery if new information indicates greater risk.

Should the current four-year progress report and application cycle be modified?

Response:

SSA supports reasonable streamlining for fisheries with strong compliance records. However, SSA suggests progress reports and application cycles to be shorter, such as a two-year time frame. Longer time frames offer too many potential loopholes and potential impacts to marine mammal populations if compliance and mitigation measures are not being adhered to.

NMFS must retain authority to reopen a comparability finding when credible information indicates that conservation measures, monitoring, enforcement, or fishing practices have materially changed. Comparability should remain subject to regular and consistent verification.

How should NMFS structure and implement trade-related measures under the MMPA import provisions?

Response:

Trade measures should be predictable, timely, and enforceable.

Once a fishery fails to obtain comparability, the resulting restriction should take effect immediately, meaning the U.S. should not allow imports from these entities until reasonable compliance is met. Reconsideration should be made available for legitimate new evidence but should not become a mechanism for repeated delays. Reconsideration for foreign fisheries found

in non-compliance could be given within one-year and only considered following on-site verifications.

NMFS should also administer the MMPA import provisions by effectively utilizing the requirements of the seafood import monitoring program (SIMP), international fisheries trade permits (IFTPs), and traceability requirements imposed on seafood by the FDA. NMFS should also collaborate with NOAA's Office of Law Enforcement (OLE), U.S. Customs and Border Protection (CBP), Homeland Security Investigations (HSI), and the FDA to best identify tools that may be used to flag prohibited products and high-risk shipments.

Should potential economic impacts inform NMFS's comparability findings?

Response:

No. Economic impacts should not determine whether a foreign fishery satisfies the statutory comparability standard.

Domestic fishermen cannot avoid U.S. conservation requirements because compliance is costly. Foreign competitors should not receive a different standard because an import restriction may affect importers, processors, retailers, or foreign suppliers.

If NMFS considers economic impacts in program administration, it should also recognize the economic harm to U.S. fishermen when foreign competitors are allowed market access under weaker conservation requirements. This unfair advantage exists in U.S. fisheries today, and U.S. industries deserve an equal opportunity market.

How should NMFS revise or clarify the intermediary nation provisions?

Response:

Intermediary nation requirements must prevent transshipment, processing, or relabeling from being used to circumvent MMPA import restrictions. For products covered by SIMP, NMFS should use existing harvest and chain-of-custody information to verify the actual harvesting source.

Country of export alone is not sufficient where seafood may have been harvested in one nation, processed in another, and exported from a third. Increased inspections and enforcement of fraudulent activities is needed to disincentivize foreign nations from trying to find loopholes and create an unfair advantage to our U.S. commercial fishermen.

How should NMFS account for uncertainty and incomplete information when evaluating comparability?

Response:

NMFS should distinguish between genuine scientific uncertainty and uncertainty caused by inadequate monitoring, reporting, or enforcement. A poorly monitored fishery should not receive a comparability finding simply because insufficient data exists to document its impacts. These findings should include verification visits and not rely upon a review of applications.

The requirement that exporting nations must provide reasonable proof should remain intact, and this should include verifications beyond paper applications.

What changes would improve NMFS's processes for receiving and evaluating public input?

Response:

NMFS should maintain a transparent process for receiving credible information from knowledgeable outside parties.

Where reliable information conflicts with representations made by a harvesting nation, NMFS should evaluate and address that discrepancy before issuing a final determination. Until determinations are completed, verified, and protection of marine mammals is assured, foreign seafood products should not enter U.S. markets. Further, once determinations are made, consistent and regular checks should be implemented well in advance of a four-year period.

How could the Certification of Admissibility process be changed to facilitate lawful entry more efficiently?

Response:

NMFS should integrate the admissibility process with existing electronic import and traceability systems wherever practicable.

SIMP is particularly relevant because NMFS already receives substantial harvest and supply-chain information for shrimp and other covered seafood. However, SIMP needs to be expanded and fully enforced. Streamlining efforts to alleviate duplicative shipment information will greatly assist. The goal should be to collect information once, where possible and verify it effectively using it across relevant federal seafood enforcement programs.

Which technical areas are the highest priority for harvesting nations to achieve and maintain comparability?

Response:

The highest priorities should be credible monitoring, effective mitigation, fisheries management, and meaningful enforcement. Comparability findings should require verification visits to include site visits, assessing all fisheries and fisheries management regimes firsthand. These should include but are not limited to: verifying commercial fishing gear and areas deployed, working with foreign fishery managers to train and educate mitigation measures used in the U.S., conducting on the water fishery inspections, and working with foreign enforcement programs to ensure compliance standards, comparable to those of the U.S., are met.

Section 609 provides a useful model that could be implemented with full implementation of import requirements through the MMPA. In the Section 609 program, NMFS assists foreign fisheries with TED expertise and technical support, while U.S. Department of State certification and verification visits provide an incentive to implement and enforce conservation measures in practice. When nations are found to be in non-compliance, they are embargoed and prevented from exporting product to the U.S. until subsequent verification visits determine positive changes have been implemented and protected species are no longer at risk. This same concept should be applied fully to any foreign fishery seeking access to U.S. markets.

Conclusion

SSA supports improvements that make the MMPA import program more efficient and enforceable while preserving meaningful comparability.

In revising the regulations, NMFS should:

- ☐ maintain a comparability standard tied to protections required of U.S. fisheries;
- ☐ require meaningful implementation and enforcement, not merely regulations on paper;
- ☐ use Section 609 as an established model for conditioning foreign market access on effective mitigation, fisheries management, certification, enforcement, and verification;
- ☐ improve and use SIMP and existing import data to improve traceability and enforcement while reducing duplication;
- ☐ coordinate with NOAA OLE, CBP, HSI, FDA, and other relevant federal agencies to enhance enforcement of import prohibitions;
- ☐ refuse conditional findings and prevent reconsideration from becoming mechanisms for indefinite delay;
- ☐ ensure that transshipment or intermediary processing cannot circumvent import restrictions; and
- ☐ preserve a level playing field for U.S. fishermen who already bear the costs of complying with U.S. conservation requirements.

Section 609 demonstrates that foreign fisheries can be required to meet meaningful U.S.-comparable conservation standards as a condition of market access.

NMFS should use existing tools and experience to make the MMPA import program more efficient and effective without weakening the core requirement that foreign fisheries seeking access to the U.S. market provide conservation protections genuinely comparable in effectiveness to those required of American fishermen.

U.S. commercial fishermen are facing unprecedented times requiring implementation of fully enforced federal programs that allow our ethically produced and sustainably produced product to obtain the highest market share without competition operating with lesser standards maintaining the vast majority of the market. Building on existing programs and fully enforcing the import provisions of the MMPA would greatly assist with E.O. 14276.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Blake Price". The signature is stylized with a large, sweeping initial "B" and "P".

Blake Price
Executive Director
Southern Shrimp Alliance