This document is scheduled to be published in the
Federal Register on 2026-05-12 and available online at
https://www.federalregister.gov/d/2026-09429, and on
https://govinfo.gov

E 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF700]

Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Action - Notification of Comparability Findings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of comparability finding determinations for swimming crab fisheries in Vietnam, Indonesia, Sri Lanka, and the Philippines.

SUMMARY: Under the authority of the Marine Mammal Protection Act (MMPA), NMFS announces comparability finding determinations for the swimming crab fisheries of Vietnam, Indonesia, Sri Lanka, and the Philippines. NMFS bases the comparability findings on documentary evidence submitted by the governments of these countries and interested parties as well as other relevant, readily available information.

DATES: These comparability findings are valid and in effect from **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]** through December 31, 2029, or for such other period as NMFS may specify.

FOR FURTHER INFORMATION CONTACT: Mi Ae Kim, Office of International Affairs, Trade, and Commerce, NMFS, 301-427-8365, *mmpa.loff@noaa.gov*.

SUPPLEMENTARY INFORMATION: The MMPA requires the United States to ban the importation of commercial fish or fish products that have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards (16 U.S.C. 1371(a)(2)). For the purposes of applying this import ban, the Secretary of Commerce shall insist on reasonable proof from the government of any nation from which fish or fish products will

be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States (16 U.S.C. 1371(a)(2)(A)).

On September 2, 2025, NMFS announced its 2025 MMPA comparability finding determinations for 135 nations covering approximately 2,500 fisheries seeking to export fish and fish products to the United States (90 FR 42395). As part of its findings, NMFS concluded that the swimming crab fisheries in Vietnam, Indonesia, Sri Lanka, and the Philippines were not comparable in effectiveness to the U.S. regulatory program and imposed an import ban on swimming crab fish and fish products effective January 1, 2026. A lawsuit was filed by the National Fisheries Institute and others challenging NMFS' findings. The parties ultimately executed a settlement agreement and filed a joint stipulation of dismissal, whereby NMFS agreed to consult with the harvesting nations, permit them to provide additional information related to the swimming crab fisheries subject to the lawsuit, review any new information provided by the harvesting nations, and reconsider its prior decisions and issue new comparability findings for the harvesting nations' swimming crab fisheries on or before May 11, 2026. (*National Fisheries Institute et al.* v. *United States et al*., Case No. 1:25-cv-00223).

NMFS consulted with Vietnam, Indonesia, Sri Lanka, and the Philippines and permitted each nation to submit additional information pertaining to the five swimming crab fisheries identified in the *National Fisheries Institute et al.* v. *NMFS et al.* lawsuit. In some cases, the harvesting nations provided more detailed descriptions of information previously provided for the comparability finding applications, or in other cases, they provided evidence indicating that new laws, regulations, or initiatives related to the swimming crab fisheries and marine mammal interactions were enacted after the September 2025 comparability findings determinations. NMFS engaged directly with each nation to request additional details and clarification concerning the information

provided. NMFS also received information from industry associations and non-governmental organizations and considered all of the information provided. NMFS also conducted its own research to ensure it had the most recent and best available data to inform its analyses.

NMFS took into account the four nations' current efforts and programs to address the problem of marine mammal bycatch in their respective swimming crab fisheries, the practical challenges of doing so and any improvements they may have made to their regulatory programs since the September 2025 denial of comparability findings. Additionally, in January 2026, Vietnam divided Fishery ID 2988 into four individual swimming crab fisheries based on target species and gear type. The red and blue swimming crab fisheries, previously under Fishery ID 2988 are now identified as: Fishery ID 13164 (blue swimming crab, bottom gillnet gear); Fishery ID 13206 (blue swimming crab, pots/traps gear); Fishery ID 13204 (red swimming crab, bottom gillnet gear); and Fishery ID 13205 (red swimming crab, pots/traps gear).

NMFS has, based on its review of all of the available information, determined that the swimming crab fisheries in Vietnam (Fishery IDs 13164, 13206, 13204, and 13205), Indonesia (Fishery ID 12391), and Sri Lanka (Fishery ID 2705) are comparable in effectiveness to the U.S. regulatory program, and determined that the swimming crab fisheries in the Philippines (Fishery IDs 2129 and 2130) remain not comparable in effectiveness to the U.S. regulatory program.

All of the other comparability finding determinations for Vietnam, Indonesia, Sri Lanka, and Philippines identified in the September 2, 2025, **Federal Register** notification and accompanying reports for these nations' fisheries are unaffected by NMFS' reconsideration of the Export fisheries identified in this notification and remain valid.

NMFS announces the issuance of comparability findings, which allows the continued importation into the United States of fish and fish products harvested by

swimming crab fisheries in Vietnam (Fishery IDs 13164, 13206, 13204, and 13205), Indonesia (Fishery ID 12391), and Sri Lanka (Fishery ID 2705). Fish and fish products harvested in the swimming crab fisheries in the Philippines (Fishery IDs 2129 and 2130) may no longer be imported into the United States as of **[INSERT 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

A more detailed analysis of NMFS' comparability findings for the swimming crab fisheries is contained in NMFS' Decision Memorandum dated April 8, 2026. Links to the Decision Memorandum and detailed analysis of NMFS' comparability findings for Vietnam, Indonesia, Sri Lanka, and the Philippines can be found at: *https://www.fisheries.noaa.gov/international-affairs/2025-marine-mammal-protection-act-comparability-finding-determinations*.

Dated: May 7, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

[FR Doc. 2026-09429 Filed: 5/11/2026 8:45 am; Publication Date: 5/12/2026]