

# **Overview of the U.S. Marine Mammal Protection Act (MMPA)**

## **Import Provisions<sup>i</sup>**

### **MMPA import provisions**

In 2016, the U.S. published new regulations (81 FR 54390) implementing the Marine Mammal Protection Act (MMPA) import provisions pertaining to the reduction of marine mammal bycatch in foreign commercial fishing operations. Under the import provisions, which take effect on January 1, 2022,

These import provisions apply **only** to fisheries intending to export their product to the U.S.

harvesting nations intending to export fish and fish products to the U.S. must apply for and receive a comparability finding from the U.S. National Oceanic and Atmospheric Administration (NOAA) for each of its commercial fisheries. Detailed information from the U.S. government on the MMPA import provisions can be

found at: <https://www.fisheries.noaa.gov/foreign/marine-mammal-protection/noaa-fisheries-establishes-international-marine-mammal-bycatch-criteria-us-imports> .

### **Conditions of the MMPA import provisions**

To receive a comparability finding for a fishery, the U.S. MMPA import provisions mandate that harvesting nations, such as Canada, demonstrate:

1. the prohibition of intentional mortality or serious injury (IMSI) of marine mammals in the course of commercial fishing operations;
2. it has a regulatory program in place comparable in effectiveness to the U.S., including monitoring IMSI and measures to reduce IMSI.

#### **Export Requirements:**

1. Prohibition of marine mammal bycatch.
2. Marine mammal bycatch estimates and management measures.

### **List of Foreign Fisheries (LOFF)**

As a first step towards implementing the new rule, the U.S. developed a List of Foreign Fisheries (which export fish and fish products to the U.S.), based on input from harvesting nations and other third party sources. The LOFF classifies each fishery as either an “exempt” or “export” fishery (defined below) based on its risk of marine mammal bycatch. Throughout 2016 and 2017, the Department of Fisheries and Oceans Canada (DFO) consulted with NOAA to provide and revise data for several drafts of the LOFF, which was finalized on March 16, 2018. The U.S. government has published the LOFF at:

<https://www.fisheries.noaa.gov/foreign/international-affairs/list-foreign-fisheries> .

### **What this Means for Canadian Commercial Fisheries**

- Prohibition of the intentional mortality or serious injury of marine mammals (including seals) during the course of commercial fishing operations is required for both **exempt** and **export** fisheries.
- **Export** fisheries are also required to maintain a regulatory program for the fishery that is comparable in effectiveness to the U.S. regulatory program, with respect to intentional mortality or serious injury of marine mammals in the course of commercial fishing operations.

**Exempt** = remote likelihood of marine mammal bycatch  
**Export** = risk of marine mammal bycatch

## Timelines for the U.S. MMPA process



### For More Information:

- To inquire about U.S. MMPA information sessions or workshops in your area, please contact your regional DFO office.
- For any other inquiries about Canada’s comparability findings for the U.S. MMPA, please contact Freya Nales, DFO- Resource Management: [Freya.Nales@dfo-mpo.gc.ca](mailto:Freya.Nales@dfo-mpo.gc.ca) or 343-542-5180

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<sup>1</sup> This backgrounder was prepared by Fisheries and Oceans Canada to assist Canadian fisheries in preparing for the new U.S. MMPA import provisions. This is not meant to be a replacement for information available from the U.S.