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**Aquaculture**  
ASSOCIATION

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**ACTION ALERT**

Instant News for the  
U.S. Aquaculture Community

February 16, 2021

## Support HR 628! The Shellfish Aquaculture Improvement Act

The [Shellfish Aquaculture Improvement Act](#), introduced by Rep. Don Young (R-AK) and cosponsored by Rep. John Larson (D-CT) and Rep. Garret Graves (R-LA), will exempt aquaculture workers from unintended consequences of the Merchant Marine Act that inflate insurance costs and expose our employers to unlimited liability.

The Merchant Marine Act of 1920 (Jones Act) was enacted to ensure that the nation had a sufficient merchant marine and shipbuilding base to protect U.S. defense and commercial interests. A little-known section of the Merchant Marine Act protects injured seamen on U.S. owned/operated vessels who are not eligible for coverage by either the Longshore and Harbor Workers Compensation Act or state workers compensation insurance.

Aquaculture as we know it today was not around when the Act was drafted, but if it were being drafted today there would be no reason to include aquaculture workers in the definition of "seamen" as they currently are. Congress recognized this flaw and specifically excluded aquaculture workers from the Longshoreman's and Harbor Workers' Compensation Act in 1986.

The shellfish farming community is seeking for the same exclusion from

this change needed?

- Aquaculture employees are not “seamen” in the traditional sense of the term. Seamen working on the high seas cannot be covered under state workers compensation insurance, so it makes sense that they need special insurance. Aquaculture workers on near-shore farms in state waters should be insured by state workers’ compensation insurance.
- Shellfish aquaculture is a near-shore, water-dependent farming operation, normally conducted solely within state waters. These activities have no relevance to the Merchant Marine Act’s original national security and coastal commerce intent.
- In many states Merchant Marine Act insurance costs much more than state workers compensation insurance, (often several times more) so aquaculture farms could save thousands on their insurance bills annually if this measure passes.
- Aquaculture firms in many states are forced to purchase both a Jones Act insurance endorsement and pay into state workers compensation programs, paying twice to cover each employee.
- Under the Merchant Marine Act employees who suffer serious injury can sue their employer for maintenance and cure, and those lawsuits can quickly exceed the Jones Act insurance cap, crippling or bankrupting the farm.

For more information contact: Robert B. Rheault, Ph.D., Executive Director, East Coast Shellfish Growers Association at [bob@ECSGA.org](mailto:bob@ECSGA.org) or (401) 783-3360.

To contact your House member, information can be found [here](#). Contacting state offices is as effective as calling the DC office. While on the phone, invite your Representative and staff to visit your farm. Share your pride and experiences in farming the very best shellfish in the world.

For House Members to co-sponsor, please contact Kevin Swanson, [Kevin.Swanson@mail.house.gov](mailto:Kevin.Swanson@mail.house.gov) in Rep Young’s office.

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