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## **NCLA Asks First Circuit to Reel in Rule Requiring Fishermen to Pay for Gov't Monitors on Their Boats**

*Relentless Inc., et al. v. U.S. Dept. of Commerce, et al.*

**Washington, DC (January 16, 2026)** – The New Civil Liberties Alliance filed its opening brief [today](#) at the U.S. Court of Appeals for the First Circuit in [Relentless, Inc. v. Dept. of Commerce](#). In 2024, NCLA persuaded the U.S. Supreme Court in this case to overturn the *Chevron* doctrine, which had forced judges to defer to government agencies' interpretations of allegedly ambiguous or silent statutes rather than to apply their own judgment to say what the law means. Now, with *Chevron* defeated, NCLA urges the First Circuit to apply ordinary rules of statutory interpretation and set aside the National Oceanic and Atmospheric Administration's (NOAA) unlawful rule. The Industry-Funded Monitoring (IFM) rule requires Atlantic herring fishermen to pay the salaries of government employees on their boats who monitor the catch.

NCLA represents Relentless Inc., Huntress Inc., and Seafreeze Fleet LLC, Rhode Island and Massachusetts small businesses that commercially fish for Atlantic herring, squid, Butterfish, and Atlantic Mackerel. Because they use a unique at-sea fish freezing technique, their fishing trips typically last 7-14 days at sea, compared to 2-3 days for other vessels in the Atlantic herring fishery. They would be charged \$710 per day at sea to have government monitors on board. That sum can be more than they make in profit from the fishing catch in a day.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) sets the rules for regulating America's fisheries. It does not authorize NOAA to force fishmen to pay the salaries of government staffers at sea. Congress never gave the Secretary of Commerce, who has authority over NOAA, the power to impose such a rule.

NOAA originally interpreted the MSA to mean that fishermen could be forced to pay the monitors. Courts accepted that dubious agency interpretation under *Chevron* when they decided the MSA was ambiguous or silent on this issue, leading them to defer to NOAA. The Supreme Court's decision to end *Chevron* deference freed judges to decide independently what the MSA does and does not allow based on usual rules of statutory interpretation instead of leaning toward the government's interpretation. As a result, previous First Circuit and district court decisions in this case, which upheld NOAA's at-sea monitor rule based on *Chevron*, were overturned. Then, last year, the U.S. District Court for the District of Rhode Island relied on one of those old decisions to uphold the IFM rule, saying there was a "default norm" that regulated parties pay regulatory costs including salaries of monitors. There is no such norm, so the First Circuit must correct the lower court's mistake.

### **NCLA released the following statements:**

"Almost all previous Courts have only upheld this regulation by deferring to the agency. To allow it to continue when they have admitted Congress did not clearly give these powers to the agency is error, and we trust the First Circuit, guided by the Supreme Court, will see it that way."

— **John Vecchione, Senior Litigation Counsel, NCLA**

“Forcing fishermen to pay the salaries of government regulators watching them conduct their work is backward. The regulation unlawfully places the government’s financial responsibilities onto the governed and without congressional authorization.”

— **Kara Rollins, Senior Litigation Counsel, NCLA**

“If the government can force fishermen like our clients to pay for all the monitors a federal agency wants to put on board, even when Congress has not authorized them, they’re going to need a bigger boat! Without *Chevron*’s thumb on the scale, ordinary rules of statutory interpretation cannot possibly support upholding this rule.”

— **Mark Chenoweth, President, NCLA**

**For more information visit the case page [here](#).**

## **ABOUT NCLA**

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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