

Statement:

"We are troubled by the recent misguided decision from the World Trade Organization (WTO) against dolphin-safe tuna labels. We urge your administration to make clear to our trading partners that the U.S. intends to maintain the strong dolphin-safe standards, and not to water them down."

Fact:

The WTO did not rule against dolphin-safe labels. The WTO ruled that the current U.S. dolphin safe labeling scheme is misleading and deceiving U.S. consumers since 98% of the tuna in the U.S. market is caught in fisheries where there are thousands of dolphins killed and injured every year and, yet, it can be labeled dolphin safe.

Statement:

"Beginning in the 1950s, tuna fishing fleets began to profit from this association by tracking down and chasing dolphin herds, and then encircling them with purse seine nets, in order to capture the tuna underneath. The result was an enormous increase in dolphin deaths."

Fact:

True and False. There was an enormous increase in dolphin deaths through the 1950's, '60's and '70's, primarily at the hands of the U.S. fleet. Beginning in the late 1980's fishermen began to develop and implement technologies and techniques to reduce these mortalities. In the 1990's, through the multilateral agreements and programs put in place, mortalities were dramatically reduced by 99% to levels approaching zero. This problem was fixed by the time Congress passed the law to change the definition of dolphin safe in 1997, which was blocked by Earth Island Institute (EII) in the courts.

Statement:

"We authorized U.S. membership in regional tuna associations to craft multilateral solutions to the problem. These efforts have been beset by problems, and do not currently resolve the dolphin-unsafe tuna fishing practices."

Fact:

The multilateral solutions referred to here have in no way been beset by problems. In fact the AIDCP is recognized internationally as one of the most successful multilateral cooperative resource management regimes ever put in place. It has been hailed not only for its success in conserving dolphins, but also for its contribution to the sustainability of the tuna fishery and responsible fishing.

Statement:

"The latest scientific research by NMFS has shown that chasing and netting dolphins adversely harms those populations, a point the Mexican government unfortunately refuses to acknowledge."

Fact:

The science referred to here is counterbalanced by other scientific studies that show the opposite or, at the very least, the highly speculative nature of the conclusions. The science is clear that the alternative to the method of fishing utilized by Mexico to catch mature tuna with a minimum of bycatch is sustainable, particularly when compared to the methods required to access the U.S. “dolphin-safe” label—namely FAD fishing, which is decimating ecosystems through exceedingly high levels of bycatch of sharks, turtles, juvenile fishes and dolphins.

Statement:

“Congress has repeatedly looked in depth at the question of the use of dolphin-safe tuna labels. Thanks to this program, dolphin deaths in the tuna industry have been reduced by a remarkable 98% since 1990.”

Fact:

Dolphin mortality reductions may have begun to be achieved when the issue received public attention in the late 1980's, but the tremendous and sustained reductions were achieved as a result of multilateral cooperation among the nations whose fleets fish in the ETP. These achievements have been made despite, and not because of the U.S. policy. The U.S. policy is instead causing great ecological harm to fisheries around the world by forcing fishermen to use FAD fishing in order to access the U.S. market. The U.S. policy is also deceiving consumers because these methods result in thousands of dolphin deaths and, still, the tuna can be labeled dolphin safe.

Statement:

“Mexican tuna could qualify for the dolphin-safe label if Mexico agreed to follow the standards for dolphin-safe tuna that other countries, including the U.S. industry follow.”

Fact:

Mexico refuses to convert to fishing on FADs, which Greenpeace and the Pew Charitable Trusts have clearly shown to have devastating impacts on dolphins and on the sustainability of fisheries.

Statement:

“The WTO decision... would require the U.S., in order to avoid alleged unfairness to Mexico, to enforce requirements in other tuna fisheries outside the Eastern Tropical Pacific that are not needed, since dolphins practically never associate with tuna schools in these other areas. This absurd requirement would push other tuna fishing nations to object in the WTO against the U.S. that this regulation is more trade restrictive regulation than is warranted.”

Fact:

To ensure consumer confidence in the dolphin safe label, the same requirements imposed in the ETP for tracking and verification of dolphin safe claims ARE needed in the fisheries that supply 98% of the market's tuna...particularly given the scientific fact that those fisheries are experiencing numbers of dolphin mortalities well in excess of those in the ETP. This is misleading to consumers.

Statement:

"The WTO recognized that the protection of dolphins in the tuna fishery was a legitimate management goal. The implication of the recent WTO ruling, in contrast, is that the U.S. should expend significant regulatory resources around the globe in an untargeted fashion..."

Fact:

Mexico believes the protection of dolphins in a fishery is a legitimate management goal. Mexico and most of the rest of the world also believe that in the ETP it is a management goal that has been met exceptionally well through the implementation of the landmark AIDCP multilateral agreement, and not through unilateral and outdated policies like the U.S. dolphin safe regime.

Statement:

"...[complying with the WTO ruling will cause] serious disruption of the canned tuna market in the US and loss of consumer confidence in environmental laws and labels."

Fact:

Given the high numbers of dolphin mortalities in the principal U.S. fishery (Western and Central Pacific), and the fact that all of that tuna can be labeled dolphin safe, it is the U.S. policy that is having a significant adverse impact on consumer confidence in environmental laws and labels.

Statement:

"We urge [the Obama] administration to make clear that the U.S. will not water down or eliminate the very successful dolphin-safe labeling regime."

Fact:

Mexico does not want the dolphin safe regime watered down. On the contrary, the way it is currently applied renders it meaningless. Mexico wants the U.S. consumers to know whether the specific tuna they are buying was caught in a way that resulted in a mortality or injury to a dolphin, with a full tracking and verification program to prove it. Such a program is in place in the ETP, but it is most certainly not for the fisheries that supply 98% of the U.S. market. The current label is deceptive to consumers.