

## **The 1997 Amendments and Subsequent Administration Action:**

Between 1990 -- when the Dolphin-Safe label was created -- and 1997, non-dolphin-safe tuna could not be imported or sold in the United States. Because the United States consumes much of the world's harvest of tuna, this made it very difficult for foreign countries that continued to catch tuna by chasing and encircling dolphins to find markets for their tuna. They complained to the U.S. President and also asked Congress to change the Marine Mammal Protection Act to allow their tuna to be sold in the U.S. In 1997, Congress amended the Marine Mammal Protection Act to end the embargo and to allow the U.S. Department of Commerce to weaken the dolphin-safe label, provided certain conditions were met. Although Congress wanted to end the embargo and allow the importation of tuna, Congress remained concerned that the physical stress dolphins suffered during chase and encirclement would impede the recovery of dolphin populations. The amended Marine Mammal Protection Act instructed the Secretary of Commerce to conduct a series of studies concerning, among other things, the stress effects of purse seine fishing on dolphins. If it were shown that the practice is not hurting dolphin populations, then tuna caught using the chase and encirclement method could be labeled dolphin-safe, provided an on-board observer certified that no dolphins were observed killed or seriously injured in the process. If and only if the Secretary made a finding of no significant adverse impacts could a new and weakened standard for the "dolphin-safe" label take effect; tuna caught by the chase and encirclement of dolphins could then be labeled "dolphin-safe," so long as no dolphins were observed to have been killed or seriously injured during the set.

Experts from the National Marine Fisheries Service ("NMFS"--an agency of the Department of Commerce) have found that these species have not recovered to anticipated population levels. Read the official government report by NMFS. In fact, at least one still appears to be declining, indicating that *years of setting tuna nets on these dolphins has indeed had a significant harmful effect on their populations*. The studies also showed that chasing and encircling dolphins causes physiological stress and injuries, separates mothers from dependent calves, and causes unseen dolphin deaths. Read a letter from the Marine Mammal Commission describing the results of the studies.

Despite the scientific evidence, the Commerce Secretary announced on December 31, 2002, that the meaning of the "dolphin-safe" label would be changed to allow its application to tuna caught by encircling dolphins with tuna nets, as long as an on-board observer claims that no dolphins were killed or seriously injured during the fishing set. For the first time in over a decade, tuna caught by chasing and encircling dolphins will be sold with a dolphin-safe label. This will mislead consumers into thinking that the canned tuna they are buying was not caught in a fashion that harms dolphins, when in fact just the opposite is true.