

Opening Statement
The Honorable Madeleine Z. Bordallo
Chairwoman
Subcommittee on Insular Affairs, Oceans and Wildlife
Tuesday, April 27, 2010
**Oversight Hearing on “*Marine Mammals in Captivity: What Constitutes*
Meaningful Public Education?”**

Today’s hearing will explore the issues surrounding the education and conservation value of holding marine mammals in captivity. As everyone here well knows, this topic is not without controversy, and can be very emotional for some. That controversy and emotion is highlighted and exacerbated when there are incidents such as the February 24th death of Dawn Brancheau, a Sea World trainer, during an orca show at Shamu Stadium.

This tragic incident highlights the potential hazards of working with marine mammals in captivity, and I would like to take a moment to express my deepest sympathies to the family, friends, and co-workers—some of whom are joining us here today—of Ms. Brancheau for their loss. The incident also underscores the fact that, despite what many people may think, orcas, dolphins and seals are wild and potentially dangerous animals. These factors must be considered when developing the standards to evaluate and guide the implementation of education and conservation programs at public display facilities.

The 1994 amendments to the Marine Mammal Protection Act delegated primary authority for the care of captive marine mammals to the Animal Plant Health Inspection Service under the Animal Welfare Act. However, the National Marine Fisheries Service, or NMFS, maintained responsibility for issuing permits for the take or import of some marine mammals for public display. To obtain a permit, a public display facility must be registered under the Animal Welfare Act, must be regularly open to the public, and must offer an education or conservation program based upon professionally recognized standards of the public display community.

In the sixteen years that have since elapsed since those changes to the law, however, NMFS has not developed the regulations that would spell out their criteria for issuing such permits; for regulating the sale, export or transfer of marine mammals; and for modifying, suspending, or revoking a take or import permit. In addition, the Agency apparently has no process for ongoing evaluation of education and conservation programs at public display facilities to ensure that they are meeting the professional standards that the industry has established.

Today we will hear testimony from a variety of experts regarding this long-delayed rulemaking, and explore, from a number of perspectives, current professionally recognized standards for education and conservation programs at public display facilities, as well as the process for evaluating whether those standards are being met.

Over sixty million people a year see and experience marine mammals at aquarium, zoos, and other venues. For some, it is their primary source of information about these iconic creatures, their life history, and the myriad of threats they face. In light of that, it is imperative that we ensure that conservation and education programs at all captive display facilities meet the highest professional standards. I look forward to hearing from today's witnesses.