

FACT SHEET

Historical Events in Reducing Dolphin Mortality in the ETP Tuna Purse Seine Fishery

- 1950s** Fishers discover the as yet unexplained association between schools of large yellowfin tuna and certain schools of dolphin. As a result, tuna fishers in the eastern tropical Pacific Ocean (ETP) begin to use this association to locate yellowfin tuna.
- 1960s** Purse seine technology replaces pole and line fishing as a predominate method of harvesting tuna. Fishers begin setting nets around dolphins to harvest tuna swimming below.
- 1970s** The ETP fishery is dominated by U.S. vessels and annual dolphin mortality was listed at over 350,000. With enactment of the Marine Mammal Protection Act (MMPA) incidental mortality from fishing by the U.S. domestic fleet begins to decline, participation in the fishery by foreign vessels began to increase, and by the mid 1980s foreign fleets dominated the fishery.
- 1972** Congress ratified the MMPA in large part due to the public reaction to the high levels of dolphin mortality associated with the tuna fishery in the ETP.
- 1984-88** To address concerns regarding increased mortality by foreign vessels, Congress amends the MMPA to tighten the importation requirements for tunas harvested by foreign tuna vessels in the ETP. Estimates show dolphin mortality from foreign fishing at over 110,000 for 1986, while U.S. fleet mortality is under 21,000. Congress again amends the MMPA, imposing additional requirements on both U.S. fishers and imports of foreign tuna.
- 1990** The total dolphin mortality from foreign fishing is over 47,000, while U.S.-associated dolphin mortality was only around 5,000. Congress enacts the Dolphin Protection Consumer Information Act (DPCIA) which established standards for tuna labeled as dolphin-safe. The DPCIA does not actually require dolphin-safe labeling, but U.S. tuna canners voluntarily purchased tuna only from vessels where no dolphins were intentionally encircled during the entire fishing trip.
- 1990s** Foreign participation in the ETP fishery continues to increase, and dolphin mortality is managed through the voluntary International Dolphin Conservation Program (IDCP) by the Inter-American Tropical Tuna Commission (IATTC). The U.S. fleet's participation in the ETP tuna fishery declines to less than ten vessels due to other economic opportunities in the western Pacific Ocean and MMPA prohibitions in the ETP.
- 1992** The total dolphin mortality from foreign fishing is approximately 15,100, while U.S.-associated dolphin mortality is reduced to 431. The International Dolphin Conservation Act (IDCA) is passed to encourage an international moratorium on the practice of harvesting tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals. The IDCA establishes U.S. mortality limits and requires that the number of dolphins killed decrease from one year to the next.
- The United States and the governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, and Spain, whose vessels fish for tuna in the ETP, signs the La Jolla Agreement. The La Jolla Agreement places voluntary limits on the maximum number of dolphin that could be incidentally killed annually in the fishery. The participants also agree to lower the maximum each year over seven years, with a goal of eliminating mortality in the fishery.
- 1993-94** The U.S. fleet is successful in reducing dolphin mortality to an estimated 115. The IDCA prohibits U.S. citizens crewing on the vessels of other nations in the fishery from intentionally encircling marine mammals and makes it unlawful for any person to sell tuna that isn't dolphin-safe in the United States after June 1, 1994.
- 1995** The United States and other ETP tuna fishing nations meet again and negotiated the Panama Declaration. The Panama Declaration establishes conservative annual dolphin mortality limits for each species or stock, and represents an important step toward reducing bycatch in commercial fisheries using sound ecosystem management.

The signing nations agree to a binding international agreement for the continued protection of dolphins and the entire ETP ecosystem, providing the United States amend import requirements of the MMPA for those countries participating in the IDCP in the ETP. The signatory nations expected that, if they reduced their dolphin mortality, the United States would amend its laws so that participation in the IDCP would satisfy comparability requirements of U.S. law and result in the lifting of embargoes on yellowfin tuna and yellowfin tuna products.

- 1997** In response to the Panama Declaration, Congress passes the International Dolphin Conservation Program Act (IDCPA) to implement the IDCP. The IDCPA primarily amends provisions in the MMPA dealing with yellowfin tuna in the ETP fishery. Key provisions of the IDCPA became effective in March 1999. Among the provision of the IDCPA are the establishment of the “affirmative finding” process and the requirement for the Secretary of Commerce to make an initial finding and a final finding on the impact of the fishery on dolphin stocks and thus the dolphin-safe definition by March 31, 1999, and December 31, 2002, respectively.
- 1998** The countries participating in the IDCP successfully negotiates the international Agreement on the IDCP, a legally binding instrument for dolphin conservation and ecosystem management in the ETP.
- 1999** The international Agreement on the IDCP became effective on February 15, 1999, when the fourth country, Mexico, ratifies it. On March 3, 1999, the Secretary of State provides the required certification to Congress that the international agreement on the IDCP was in force. Key provisions of the IDCPA becomes effective on this date.

On April 29, 1999, NOAA Fisheries issues an initial finding that there is insufficient evidence to conclude that encirclement of dolphins with purse seine nets by fishing vessels in the ETP is having a significant adverse impact on depleted ETP dolphin stocks. On June 14, 1999, NOAA Fisheries publishes proposed regulations to implement the IDCPA. On August 17, 1999, a lawsuit is filed by several environmental groups, alleging that NOAA Fisheries failed to follow the requirements of the DPCIA in its initial finding on the impact of the fishery on depleted dolphin stocks. On December 22, 1999, NOAA Fisheries publishes a proposed rule to designate an official Department of Commerce dolphin-safe label.

- 2000** On January 3, 2000, the NOAA Fisheries published an interim final rule to implement the IDCPA. On February 8, 2000, Defenders of Wildlife and other environmental organizations file suit against NOAA Fisheries in the Court of International Trade (CIT). NOAA Fisheries publishes final regulations to designate an official dolphin-safe mark as required by the DPCIA on May 30, 2000. On April 12 and May 31, 2000, NOAA Fisheries issues “affirmative findings” for Ecuador and Mexico, respectively.

On April 11, 2000, a court ruling reverses NOAA Fisheries’ initial finding under the DPCIA, prohibiting NOAA Fisheries from using the new dolphin-safe labeling standard. On April 12 and May 31, 2000, NOAA Fisheries issues affirmative findings for Mexico and Ecuador, respectively. On August 19, 2000, NOAA Fisheries changes the intermediary nation status for Costa Rica, Japan, and Italy.

- 2001** NOAA Fisheries renews affirmative findings for both Ecuador and Mexico for 2001. NOAA Fisheries completes four years of required research and begins an independent peer review of the research results. On December 7, 2001, the CIT rules in favor of NOAA Fisheries’ program to conserve dolphins in the eastern tropical Pacific, upholding the legality of the January 2000 Interim Final Rule and affirming that the Federal government complied with the National Environmental Policy Act in promulgating its regulations and in negotiating the Agreement on the IDCP. The CIT upholds that NOAA Fisheries’ affirmative finding for Mexico in 2000, allowing it to import dolphin-safe and non-dolphin-safe tuna into the United States, is not arbitrary and capricious.
- 2002** NOAA Fisheries renews affirmative findings for both Ecuador and Mexico for 2002. NOAA Fisheries develops the Organized Decision Process to provide guidance to the Secretary in making the final finding. NOAA Fisheries completes a rigorous peer review process for its research results and prepares the IDCPA Final Science Report. On September 4-6, 2002, two expert panels: the Ecosystem Expert Panel and the Indirect Effects Panel assess the Science Report and other information to address specific issues the Secretary will be considering in making his final finding.