



International Marine Mammal Project
Earth Island Institute • David Brower Center
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January 11, 2017

RE: Request for MSC Board of Trustees Consideration of a Policy Prohibiting the Certification of Fisheries Employing the Intentional Targeting and Netting of Cetaceans

Mr. Rupert Howes
Chief Executive
Marine Stewardship Council
1 Snow Hill
London EC1A 2DH UK

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Dr. Werner Keine
Chairman of the Board
Marine Stewardship Council

wkeine@gmail.com

Dear Rupert and Dr. Keine,

As a matter of urgency, and on behalf of the undersigned organizations and scientists, we hereby formally request that the Board of Directors of MSC undertake a policy review in order to consider enactment of a prohibition on the MSC certification of any fishery that employs the fishing method of intentional targeting and netting of cetaceans as means of catching tuna.

More than 750 tuna companies and retailers representing 95% of the world canned tuna market already prohibit any purchase, processing, and sale of tuna caught by this fishing method. They have stipulated that they will not market MSC products produced from this fishery. Many of these companies are prepared to convey their opposition to MSC certification of any fishery involving the intentional setting of nets on cetaceans.

The scientific and conservation rationales for an MSC policy prohibiting certification of this fishing method are unassailable and its enactment is consonant with the ocean and species health mission of MSC. Further, prohibiting certification of this morally and scientifically objectionable fishing method is well within the scope of the MSC framework.

This fishing method is exceptional in its use and its destruction. It is the only fishery in existence utilizing helicopter location of dolphin schools in order to direct speedboats to corral fleeing dolphins long enough for encirclement of dolphins -- and the tuna below -- in mile-long purse-seine nets. Dolphins impacted by this fishing method cannot be rightfully considered unavoidable bycatch. They are an intentional target of capture, and their injuries and deaths are intrinsic. This fishing method is responsible for the largest killing of marine mammals of any fishery in history, killing more than 7 million dolphins since its inception in the late 1950's and resulting in severe depletion of dolphin populations.

For these reasons all intentional setting of nets on cetaceans is banned by both the Western and Central Pacific Fisheries Commission (WCPFC) and the Indian Ocean Tuna Commission (IOTC). It is also illegal for tuna caught by this method to be labeled Dolphin Safe under United States law.

We are aware that MSC has a strict policy against certifying any fishery involved in the finning of sharks and we applaud your principled position against this destructive practice. Similarly we feel that a policy must be enacted to provide protection for cetaceans rather than encouraging practices that invariably result in their injury and death and have significant adverse effects on their numbers and their recovery.

As conservation organizations, scientists, and tuna industry representatives, we believe that enactment by MSC of such a policy is critical to the recovery of target dolphin populations. It is consistent with policies of the various RFMOs, and is in line with fishing industry best practices utilized by virtually the entire international tuna industry.

We urge that the MSC Board's policy consideration of this matter include a full review, which would also include a public consultation. Regarding the current matter of a fishery predicated on the intentional setting of nets on cetaceans that is currently under MSC assessment, we note that the World Wildlife Fund has filed an official objection to the assessment on clear scientific grounds. We support that objection, as does the US Marine Mammal Commission. **We therefore request that any final action on this application be held in abeyance until such time that the MSC Board review is completed and a final decision on a policy prohibiting certification of this fishery method is determined.**

Our organization, and the representatives and organizations listed below, are prepared to engage in constructive discussions so that there is full understanding of the rationales for such a policy.

I look forward to your response to this request as soon as possible.

Best Regards,



David Phillips
Executive Director

Endorsing Organizations:

American Tuna, USA
American University Washington College of Law Environmental Law Society, USA
Animal Rights Sweden
Arrecifes Saludables, Mexico
Asociacion de Prestadores de Servicios Turisticos (APSA), Mexico
Augusto Carneiro Institute, Brazil
Australia for Dolphins, Australia
Bahamas Freedom Alliance, The Bahamas
BlueVoice.org, USA
Born Free, USA
Center for Biological Diversity, USA
Cetacean Society International, USA
Conservacion de Mamiferos Marinos de Mexico (COMARINO), Mexico

Delfines sin Fronteras, Mexico
Dolphin Connection, USA
Dyrenes Beskyttelse (Danish Animal Welfare Society), Denmark
EMS Foundation, South Africa
Earth Island Institute Int'l Marine Mammal Project, USA
Environmental Investigation Agency, UK
Fundacion Antonio Hagenbeck y de Lama AC, Mexico
German Foundation for Marine Conservation (Deutsche Stiftung Meeresschutz), Germany
Gesellschaft zur Rettung der Delphine (GRD), Germany
Grupo de los Cien, Mexico
Grupo Ecologico del Mayab (GEMA), AC, Mexico
Humane Society International
In Defense of Animals, USA
Marea Azul, Mexico
Marine Connection, UK
MEER e.V., Germany
Movimiento Ciudadano Ecologista, Mexico
Natural Resources Defense Council, USA
No Whales In Captivity, Canada
Nuevo Cicio, Mexico
Ocean Alliance, USA
Ocean Care, Switzerland
Ocean Conservation Research, USA
Ocean Futures Society, USA
Ocean Harvester Operative LLC, USA
Orca Lab, Canada
Orca Research Trust, New Zealand
Pacific Orca Society, Canada
Planete Vie, France
Pro Wildlife e.V., Germany
Public Citizen, USA
reEarth, The Bahamas
Saving Our Sharks, Mexico
Turtle Island, USA
Whale Rescue, New Zealand
The Wild Dolphin Project, USA

Endorsing Scientists and Individuals:

Dr. Yvan Beck, France
Dr. Beatriz Vanda Canton, Mexico
Jean-Michel Cousteau, USA
Dr. Sylvia Earle, USA
Silvia Frey, Ph.D., Switzerland
Toni Frohoff, Ph.D, USA
Dr. Denise Herzing, USA
Dr. Sidney Holt, UK
Lori Marino, Ph.D., USA
Giuseppe Notarbartolo di Sciara, Ph.D., Italy
Dr. Roger Payne, USA
Naomi A. Rose Ph.D, USA
Dr. Paul Spong, Canada
Charles Vinick
Ingrid N. Visser, Ph.D., New Zealand
Lindy Weilgart, Ph.D., Canada