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President Bush Entangled in Tuna/Dolphin Issue

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The Bush Administration's record of warping, suppressing, and ignoring science that undermines their pro-business political agenda keeps worsening. In no issue is this more explicit than the recent federal court decision from a lawsuit filed by Earth Island Institute and nine other environmental groups against the Administration's attempts to weaken the "Dolphin Safe" tuna label.

Dolphins and tuna form mixed schools in the Eastern Tropical Pacific Ocean. In the late 1950's, tuna fishermen switched from using poles and lines to chasing the dolphin schools and encircling them with giant purse seine nets as a way to catch the tuna swimming below. More than 7 million dolphins have been killed by this fishing technique. In response to a campaign by Earth Island and other groups, the U.S. tuna industry adopted a strict policy of buying and selling only tuna caught without chasing and netting dolphins. In 1990, Congress adopted these standards for use of a "Dolphin Safe" label.

Congress re-visited the tuna/dolphin issue in 1997, pushed by the governments of Mexico and Venezuela and their high-paid lobbyists to allow their tuna back on US supermarket shelves.

In a compromise worked out by Senators John Kerry and Barbara Boxer, Congress mandated that no weakening of the "Dolphin Safe" label standards could take place so long as scientific studies showed that chasing and netting dolphins harmed dolphin populations. The results of these government studies were dramatic: Dolphin populations, despite low reported mortality, were not recovering at all. The government scientists, backed by outside experts, concluded that the separation of baby dolphins from their mothers during the chase, false reporting by bribed or intimidated onboard observers, and other factors were to blame for the continued harm to dolphins by the tuna fishery.

But those scientific conclusions did not sit well with the Bush Administration. On December 31, 2002, President Bush's Commerce Secretary Evans issued a "no significant adverse impacts" finding for dolphins, allowing Mexico, Colombia, and other tuna fishing nations to label their tuna as "Dolphin Safe" and sell it in the U.S. Earth Island and our coalition sued.

On August 9, 2004, Federal Judge Thelton Henderson overturned the Bush

Administration's weakening of the "Dolphin Safe" label as the Administration illegally ignored scientific evidence. He ordered the permanent prohibition on the use of a "Dolphin-safe" label on any tuna products caught by netting dolphins. Judge Henderson's ruling exposes the Bush Administration's deceit in ignoring its own scientists and caving in to Mexican demands to allow dolphin-deadly tuna back into US with a phony label.

In his 51-page decision, Judge Henderson slammed the Bush Administration, stating that in his 24 years on the bench, he had never seen a record of action by a government agency that "contained such a compelling portrait of political meddling."

He added: "(T)he record convincingly demonstrates that the Secretary (of Commerce) nonetheless proceeded to sacrifice the integrity of the decision-making process by disregarding the best available scientific evidence in favor of political and diplomatic considerations."

The Bush Administration ignored its own government scientists, endangered dolphins, deceived American consumers, and undercut the 14-year-old "Dolphin Safe" policy adopted by U.S. tuna fishing companies. All this just to favor two tuna companies in Mexico that can 80% of that nation's tuna and stand to gain millions of dollars by using a phony "Dolphin Safe" label to fool U.S. consumers.

Not many months ago, a large group of laureate scientists, many of who are prominent Republicans, called upon President Bush to cease the unprecedented and flagrant abuse of science. Unfortunately, the abuse continues.