



## Does dolphin-safe tuna live up to its labeling?

Kate Gibson

December 3, 2015

The World Trade Organization recently ruled that U.S. regulations for dolphin-safe labels on cans of tuna discriminate against Mexico. But that doesn't mean the end is near for the logo that Americans have become accustomed to over the past 25 years.

The WTO ruling "will not change anything in terms of their current, existing tuna sourcing policies. Company requirements designed to ensure dolphins are not harmed in the process of harvesting tuna remain in full effect," the National Fisheries Institute, the largest U.S. seafood trade association, said in a statement.

StarKist, one of the nation's top tuna producers, also says the ruling won't affect its policies for sourcing the fish, some species of which remains endangered.

The Nov. 20 WTO decision leaves Mexico with the option of making a claim for retaliation against U.S. exports, and many observers expect the U.S. will negotiate a settlement that could include paying tariffs.

Although the American government could face trade sanctions imposed by Mexico, that "doesn't mean the U.S. has to bow to pressure and get rid of this label that has been successful at saving wildlife," Ben Beachy, a senior policy advisor with the Sierra Club's responsible trade program, said.

"Earth Island's view is that it means almost nothing. It doesn't require that the U.S. change the label -- only Congress can do that," David Phillips, director of the International Marine Mammal Project of Earth Island Institute, said. "We have a law, and it is not going to change."

Earth Island oversees the international monitoring program behind the dolphin-safe labels to ensure its standards are met, which largely means fishing cannot involve chasing and herding dolphins, a practice common in the eastern tropical Pacific, where yellowfin tuna swim with dolphins and where Mexico's fleet operates.

While boats herd dolphins and use nets to catch the tuna swimming under them, international conservation efforts now have observers on ships catching tuna to ensure dolphins are not

harmed, a practice Mexico and others, including Phillips, say has greatly reduced dolphin deaths from prior decades.

U.S. tuna producers have shifted from fishing for yellowfin tuna in the eastern tropical Pacific to fishing for skipjack tuna in the western tropical Pacific, where tuna is not caught by "intentional encirclement of dolphins," Phillips said.

"It's not 100 percent zero-dolphin kill in all those techniques, but it's very low," Phillips said of the fishing practices sanctioned by the label. "They may catch a dolphin, but if they do that tuna has to be segregated, and not be labeled dolphin-safe."

Greenpeace has a different take, underlining how difficult it can be for environmentally conscious consumers to shop for tuna. The group says "dolphin-safe does not mean-ocean safe." In March it released its first ranking of sustainable U.S. canned tuna, saying the type of fishing involved in catching most of the albacore tuna eaten in the U.S. also snares and kills seabirds, sea turtles, sharks and other marine life.

Top U.S. tuna producers Bumble Bee, Chicken of the Sea and StarKist are among the worst offenders, while smaller brands including Wild Planet, American Tuna and Ocean Naturals offer ocean-safe products, according to the environmental group.

Sustainability, as well as moving away from industrialized methods of fishing where more than the intended fish are caught, is a trend picking up momentum, particularly in Europe, noted Phillips. "We're involved, but sustainability] is not a required mandate under the dolphin label."

Bill Watson, a trade policy analyst at the libertarian-leaning Cato Institute, believes "labeling laws are a bit of a scam." He suggests that protecting dolphins was not the primary driver of the U.S. position. Mexican fishing fleets face greater difficulty than their U.S. counterparts in getting the dolphin-safe label, and the levels of difficulty "weren't justified by how much that protected dolphins," Watson said.