A DEADLY DECISION

In Geneva, Switzerland, on August 16, 1991, three unelected and unaccountable foreign officials met in secret and, in a decision that has shaken the international environmental community, ruled that a provision of a long-standing environmental law protecting dolphins from dolphin-deadly tuna nets—the U.S. Marine Mammal Protection Act (MMPA)—is a barrier to world trade. This provision, they stated, violates the General Agreement on Tariffs and Trade (GATT), an international trade pact. The GATT council is a 107-member body that attempts to regulate international trade and resolve disputes among nations.

The panel decision further held that no country may have any law to protect the environment or a species outside its own geographic territory, including the global commons of the oceans and the air or the species inhabiting them, if that law can also affect trade. It stated that a country may not consider the process by which a product is produced and that, therefore, the United States cannot embargo the importation of tuna from a country that uses dolphin-deadly methods to catch the tuna. By revealing that GATT has no way to issue exceptions in such cases, the panel implied that a range of protective domestic and international environmental, health, and safety measures is also at risk. The decision makes a mockery of U.S. efforts to protect the environment, health, and safety of all people.

Since the passage of amendments to the MMPA in 1988 that renewed dolphin-kill limits for U.S. and foreign tuna-fishing fleets and mandated an automatic embargo of yellowfin tuna from foreign countries exceeding those limits, the Mexican fleet has continued to kill excessive numbers of dolphins. When the U.S. Department of Commerce failed to act on its findings that Mexico, Venezuela, and Vanuatu had gone over their limits for 1990, environmental groups successfully sued for imposition of an embargo on those nations. In February 1991 Mexico filed a formal complaint against the United States under GATT, challenging the embargo; the GATT panel decision in August was Mexico’s answer.

The onerous decision is now slated for consideration by the GATT council, which usually rubber-stamps such findings. However, this decision has such far-reaching implications that many groups, including The HSUS and environmental, labor, agriculture, and consumer organizations, are insisting that GATT itself must be changed. If it is not, there will be serious ramifications for the MMPA and other U.S. laws that protect the environment and endangered species by imposing trade sanctions on other countries. The Endangered Species Act, the African Elephant Conservation Act, and the Pelly Amendment to the Fisherman’s Protective Act, which allows for sanctions against countries that do not meet U.S. environmental standards, could all be seriously threatened. Another frightening aspect of the GATT ruling is its potential impact on international environmental treaties governing wildlife protection, particularly the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Through the U.S. State Department, the Bush administration, which wishes to establish a free-trade agreement with Mexico and Canada, has informally proposed to Congress that the MMPA be amended so that the embargo against Mexico could be lifted. This proposal was met with outrage from animal-protection and environmental groups, including The HSUS, and Congress itself. Sixty-three U.S. senators and 57 representatives sent messages to President Bush that the GATT decision labeling the MMPA a trade barrier is unacceptable and that GATT—not the U.S. law—must be changed. Congressional hearings are underway in which the HSUS is joining with other groups to oppose weakening of the MMPA and to support GATT reform.

GATT reform is now imperative. GATT is clearly out of step with the growing international consensus that strong measures—including trade sanctions—must be taken to protect the global environment. A coalition of more than twenty organizations, including The HSUS, is now working hard to bring pressure on President Bush to block the GATT decision. Under GATT procedural rules, it takes only one country to block the adoption of a panel report.

Mexico, meanwhile, pledged reform of its fishing practices, hoping that the changes would satisfy the MMPA. The coalition, however, denounced Mexico’s ten-point plan as “window-dressing.” It does not mandate any reduction in the Mexican dolphin kill, which is estimated to average more than 40,000 dolphins annually, and would not bring Mexico into compliance with the MMPA. The only acceptable means of lifting the embargo provisions of the MMPA would be for Mexico to follow the lead of Ecuador and Panama and pass a law prohibiting the practice of setting nets on dolphins.

In the meantime, economic sanctions must remain in place against Mexico.

The recent GATT decision could have serious ramifications for the MMPA, which limits dolphin kills caused by tuna nets.
THANK YOU!

The HSUS extends its thanks to the following members of Congress who have recently taken the lead in promoting legislation on behalf of animals:

- Sen. Harry Reid of Nevada, for his leadership in and commitment to securing the successful reallocation of almost $400,000 for new, more humane techniques for managing our nation's wild horses.
- Rep. Robert Torricelli of New Jersey, chairman of the House Foreign Affairs Western Hemisphere Subcommittee, for his letter to President Rafael Leonardo Calderas, of Honduras, requesting his continued support for the efforts of the HSUS wild-bird rehabilitation center there.
- Reps. Barbara Boxer and Henry Waxman of California and Sens. Ernest Hollings of South Carolina, Bob Packwood of Oregon, and Donald Reigle of Michigan, who have taken the lead in expressing congressional concern about the GATT panel ruling against the embargo provision of the MMPA. Representative Boxer and Senators Hollings and Packwood initiated letters to President George Bush, signed by almost 120 members of Congress, expressing their opposition to weakening the MMPA. Senator Reigle and Representative Waxman introduced similar resolutions, which expressed congressional opposition to trade agreements that jeopardize existing health, safety, labor, or environmental laws.

ANIMAL-FACILITY BREAK-IN BILLS

For the past several years, the research community has been pressuring Congress to pass legislation to protect research and farm-animal facilities from violent and illegal acts. The HSUS has always abhorred violence in any form and has consistently used and encouraged the use of legal means to achieve the protection of animals. But we have been concerned about certain provisions in these bills and have informed members of Congress that these provisions could impede legitimate investigations and prevent the exposure of animal cruelty and misuse outlined in the Animal Welfare Act (AWA). Other animal-protection organizations and the American Civil Liberties Union have also expressed their concern. Moreover, the U.S. Department of Justice and the FBI have testified that state and local laws already sufficiently address illegal acts such as arson, vandalism, theft, and threats of violence. Despite this, S. 544, sponsored by Sen. Howell Heflin of Alabama, was passed by the Senate in October 1991; H.R. 2407, sponsored by Rep. Charles Stenholm of Texas, has the support of 242 cosponsors in the House of Representatives. If passed by Congress, these bills could severely curtail HSUS investigations and serve to intimidate both those who wish to report AWA violations and those who receive information about these violations. The HSUS will continue to press Congress for needed changes in the bills and for the addition of a whistleblower-protection provision.

HSUS FUNDING SUCCESSES

The HSUS has succeeded in its efforts to obtain federal appropriations for fiscal year 1992 for the funding of the national organic-labeling program approved by Congress last year; the National Toxicology Program (NTP), an interagency program that is successfully using nonanimal tests in validating new toxicity tests; and additional research by the Commerce Department into development of dolphin-safe tuna-fishing technologies.

Working closely with the Center for Science in the Public Interest, The HSUS lobbied key members of the House Appropriations Committee and planned a grass-roots program for members of the Organic Foods Production Organization of North America to contact Congress. Our efforts were rewarded when Congress gave final approval to the $120,000 needed to launch the National Organic Standards Board (NOSB). The NOSB will establish guidelines for use of the 'organic' label and ultimately advise the secretary of agriculture on substances that should be allowed to carry such a label. The HSUS is committed to promoting humane sustainable agriculture, and funding of the organic-standards board is a step toward ensuring that consumers will be able to make informed choices when purchasing food products.

Working with the Massachusetts Society for the Prevention of Cruelty to Animals, the HSUS legislative staff was successful last year in convincing members of Congress to acknowledge that more attention should be given to alternative testing and validation. Accordingly, Congress urged that $1 million in additional funds be made available for the NTP's validation budget.

Finally Congress has appropriated $750,000 to fund additional research into the development of alternatives to...
the dolphin-deadly purse-seine-net method of fishing for tuna. This research is needed because yellowfin tuna and dolphins often swim together in the Eastern Tropical Pacific Ocean (ETP). In the 1970s tuna fishermen developed a net that could be used to encircle dolphins, which swim near the top of the water, and catch the tuna swimming beneath as well. Although most U.S. tuna processors no longer buy or sell tuna that has been caught via this fishing method, many foreign nations still use it in the ETP.

**PUPPY PROTECTION ACT INTRODUCED**

Based on investigative reports and research by The HSUS, H.R. 3718, the Puppy Protection Act, was introduced by Rep. Ben Cardin of Maryland and eleven cosponsors on November 6, 1991. This bill offers strong legal recourse to consumers who have purchased dogs from pet stores or commercial breeders and:

- within fourteen days a veterinarian certifies that the animal has an illness, unsoundness, symptom of a contagious disease, parasites, or behavioral problems making an unfit pet;
- the animal dies within fourteen days except for reasons of accident or injury;
- within one year the dog is clearly not the breed of dog represented at the time of purchase; or
- within two years a veterinarian certifies that the dog has a serious congenital or hereditary disorder.

If any of these conditions exists, the consumer would have the option of returning the animal for an exchange or a refund or keeping the animal and being reimbursed for veterinary costs up to three times the price of the dog.

This bill attacks the tragedy of puppy mills, the estimated 5,000 commercial breeding facilities in the United States that mass-produce as many as 500,000 dogs every year in horrifying conditions in order to cut costs. The bill will give those who sell unfit animals an economic incentive to choose their sources of dogs more carefully.

**WORKING FOR WILD HORSES**

In 1991 Drs. John Grandy, vice president, wildlife and habitat protection, and Jay Kirkpatrick, HSUS consultant and professor of biological science at Eastern Montana State College, testified before the Senate Appropriations Subcommittee on Interior and Related Agencies, chaired by Sen. Harry Reid of Nevada (see the Fall 1991 HSUS News). They addressed the mismanagement of America's wild horses by the Department of the Interior's Bureau of Land Management. Dr. Kirkpatrick is a pioneer in the development and use of wildlife contraception via remote delivery, a procedure that is far less traumatic to animals than are traditional contraception methods, which require rounding up the animals and invasive surgery.

Following the favorable reception given by the subcommittee to the HSUS testimony (which included a recommendation for the use of immunocontraception as one element of an integrated wild-horse-management plan), Senator Reid recently met with Drs. Grandy and Kirkpatrick and The HSUS's Paula Jewell and Stacy A. Bohlen. He agreed to cooperate with The HSUS to de-
velop and implement an immu­nocontraception program to be used initially in specified herd areas in Nevada.

Senator Reid successfully fought for the reallocation of $400,000 within the Department of Interior's budget for research, development, and administration of a pilot immunocontraception program. He also freed funds to conduct a census on Nevada's wild horses, a move that The HSUS has long recognized as a necessary component of any wild-horse-management program. The HSUS is extremely pleased with the success of these efforts and looks forward to continuing its productive work with Senator Reid.

NEW REFUGE BILLS THREATEN WILDLIFE

The passage of H.R. 330, the Refuge Wildlife Protection Act, continues to be a priority for The HSUS. Sen. Bob Graham and Rep. Sam Gibbons, both of Florida, recently introduced S. 1862 and H.R. 3688, identical bills that profess to stop incompatible activities on refuges yet specifically protect and endorse recreational hunting. We urged Senator Graham to ensure that any animals affected by management programs would be treated humanely, but no such provision was included.

A trapped raccoon awaits its fate: H.R. 330 would ban recreational hunting and trapping on national wildlife refuges.