

THE HUMANE SOCIETY OF THE UNITED STATES.

OFFICERS

David O. Wiebers, M.D.
Chair of the Board
Anita W. Coupe, Esq.
Vice Chair of the Board
Eugene W. Lorenz
Board Treasurer
Wayne Pacelle
President & CEO
G. Thomas Waite III
Treasurer & CFO
Roger A. Kindler, Esq.
General Counsel & CLO
Janet D. Frake
Secretary

STAFF VICE PRESIDENTS

Andrew N. Rowan, Ph.D.
*Executive Vice President
Operations*
Michael Markarian
*Executive Vice President
External Affairs*
Patricia A. Forkan
*Senior Vice President
External Affairs International*
John W. Grandy, Ph.D.
*Senior Vice President
Wildlife & Habitat Protection*
Heidi Prescott
*Senior Vice President
Campaigns*
Katherine B. Liscomb
*Administration &
Animal Care Centers*
Nicholas Braden
Communications
Richard M. Clugston, Ph.D.
Higher Education
Jonathan R. Lovvorn, Esq.
Animal Protection Litigation
Miyun Park
Farm Animal Welfare
Nancy Perry, Esq.
Government Affairs
Steve Putnam
*Business Development &
Corporate Relations*
Robert G. Roop, Ph.D., SPHR
*Human Resources &
Education Programs*
Melissa Seide Rubin, Esq.
Field & Disaster Services
John M. Snyder
Companion Animals
Martin L. Stephens, Ph.D.
Animal Research Issues
Richard W. Swain Jr.
Investigative Services
Gretchen Wyler
Hollywood Office

DIRECTORS

Leslie Lee Alexander, Esq.
Patricia Mares Asip
Peter A. Bender
Barbara S. Brack
Donald W. Cashen, Ph.D.
Anita W. Coupe, Esq.
Neil B. Fang, Esq., CPA
Judi Friedman
David John Jhirad, Ph.D.
Jennifer Leaning, M.D.
Eugene W. Lorenz
William F. Mancuso
Mary Max
Patrick L. McDonnell
Gil Michaels
Judy Ney
Judy J. Peil
Marian G. Probst
Joshua S. Reichert, Ph.D.
Jeffery Q. Rose
James D. Ross, Esq.
Marilyn G. Seyler
Walter J. Stewart, Esq.
John E. Talt
David O. Wiebers, M.D.

February 21, 2006

The Honorable Carlos M. Gutierrez
Office of the Secretary, Room 5516
U.S. Department of Commerce
14th & Constitution Ave. NW
Washington, D.C. 20230

Dear Mr. Gutierrez:

On behalf of The Humane Society of the United States (HSUS) and our more than 9.5 million members and constituents, I write to express our deep concern over Japan's continued undermining of the International Whaling Commission's (IWC) ban on commercial whaling and the U.S. government's hesitancy to take forceful and meaningful steps required to end this behavior.

We were disappointed that the United States did not sign the joint demarche last January from 17 other pro-conservation countries expressing strong opposition to Japan's expanded research whaling program. This decision not to join with the other countries leads the American people to conclude that the U.S. policy of opposing commercial and special permit whaling is weakening.

Japan has been undermining the commercial whaling moratorium since its inception. In 1986 when the moratorium went into effect, Japan circumvented the moratorium by merely calling their commercial whaling lethal scientific research. To this day Japan continues to hunt whales under the guise of science and sell the meat commercially. Japan's whaling demonstrates indifference to world opinion and blatant disregard of the global moratorium on commercial whaling. Strong measures are in order.

The HSUS therefore requests that you certify that the nationals of Japan are diminishing the effectiveness of the International Convention for the Regulation of Whaling (ICRW). Section 8 of the Fishermen's Protection Act of 1962, 22 U.S.C. 1978 (the Pelly Amendment) requires you to certify to the President when "nationals of a foreign country . . . are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program." Following a certification, the President is authorized to direct the Secretary of Treasury to prohibit the import of any fish or wildlife products from the certified nation. The President must then inform the U.S. Congress within 60 days of any action he has decided to take on the certification and must explain any decision not to ban the import of fish products or wildlife.

Japan has been certified three times under the Pelly Amendment for its so-called scientific whaling program. The first time was in 1988, after Japan launched its research program and

Promoting the protection of all animals

2100 L Street, NW, Washington, DC 20037 ■ 202-452-1100 ■ Fax: 202-778-6132 ■ www.hsus.org

authorized the lethal take of 300 minke whales in the Antarctic Ocean. In 1995, the Secretary certified Japan in response to an expansion of its research program to take an additional 140 minke whales in the Antarctic and to begin a take of 100 minke whales in the North Pacific. In 2000, when Japan again expanded its research program in the North Pacific to permit the lethal take of 10 endangered sperm whales and 50 Bryde's whales, these actions resulted in another Pelly certification.

In June 2004, the Secretary certified Iceland for its "scientific" whale hunt; at that time, he also announced that Japan's 2000 certification "remains active." He noted that the United States remained concerned not only about the Japanese research program's additions of the Bryde's and sperm whales that had inspired the 2000 certification, but also about the subsequent 2002 addition of endangered sei whales to the North Pacific hunt.

In 2005, Japan announced that they would double their take of minke whales in its southern program to 850 and start taking humpback and fin whales, adding two more endangered species to its research program. Japan is now acting on its announcement and is currently hunting minke and fin whales in the IWC-designated Southern Ocean sanctuary. This most recent expansion is what led to the demarche from 17 IWC countries.

This Administration's lack of any formal or transparent action in response to Japan's expanded whaling program is disturbing. A new certification, triggering consideration of trade measures, is clearly warranted.

It is our sincerest hope that when Japan is certified, your office will recommend that trade measures be applied. As you are aware, though Japan has been certified numerous times, Pelly sanctions have never been applied. Unfortunately, certification, without penalties, has not been a deterrent.ⁱ

Mr. Secretary, we believe that certifying and recommending trade sanctions to the President are necessary to uphold and confirm the United States' long-standing policy of opposition to Japan's lethal research whaling. Thank you for your attention and we stand ready to further assist you in supporting your efforts on this important matter.

Sincerely

Wayne Pacelle
President and CEO

ⁱ There may be products imported into the United States that are tied to Japanese whaling operations. Gorton's of Gloucester, Inc., a seafood company that is based in Massachusetts, is now wholly owned by the Japanese conglomerate Nissui (Nippon Suisan Kaisha). Nissui also owns 31.9% shares in Kyodo Senpaku Kaisha, Ltd., the whaling company contracted by the Japanese government to conduct their annual hunts.