

FACT SHEET

International Dolphin Conservation Program Act

In August 1997, Congress passed the International Dolphin Conservation Program Act (IDCPA) to implement the International Dolphin Conservation Program (IDCP). The IDCPA is the United States' response to the Panama Declaration, an international agreement signed in 1995. The IDCPA primarily amends provisions in the Marine Mammal Protection Act (MMPA) dealing with the eastern tropical Pacific Ocean (ETP) tuna purse seine fishery and the importation of yellowfin tuna and yellowfin tuna products from other nations participating in this fishery.

Key provisions of the IDCPA include:

- Allowing U.S. fishing vessels to participate in the ETP yellowfin tuna fishery on equivalent terms with the flag vessels of other IDCP signatory nations;
- Permitting U.S. citizens crewing on the vessels of other nations in the fishery to incidentally take marine mammals during fishing operations outside the U.S. exclusive economic zone;
- Requiring the development of an official dolphin-safe mark that could be used to indicate that a tuna product is "dolphin-safe;"
- Conducting specified research to address the question of whether intentional chase and encirclement by the tuna fishery is having a significant adverse impact on any depleted dolphin stock;
- Requiring the development of a domestic tracking and verification program to track tuna harvested from the ETP by U.S. and foreign vessels. The program will track both dolphin-safe and non-dolphin-safe tuna from capture to final sale and is an expansion of the current program for tracking tuna.

The IDCPA did not become effective until the following two certifications were made: (1) The Secretary of Commerce certified that research had begun on the effects of intentional chase and encirclement on ETP dolphins, and that funds were available to complete the first year of the study, and (2) the Secretary of State certified to Congress that a binding legal instrument establishing the IDCP has been adopted and is in force.

- **Research:** On July 27, 1998, the Secretary of Commerce made the required certification on the research program. As required by the IDCPA, data gathered has been used in determining whether intentional encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the ETP. This information, along with individual opinions rendered from members of two Expert Panels, input from the Inter-American Tropical Tuna Commission and the U.S. Marine Mammal Commission, and other relevant information have been provided to the Secretary for consideration in making a decision.
- **Binding International Agreement:** In February 1998, the countries participating in the IDCP successfully negotiated the international Agreement, which is a legally binding instrument for dolphin conservation and ecosystem management in the ETP. The agreement on the IDCP became effective on February 15, 1999, when Mexico, the fourth country, ratified. The United States, Panama, Ecuador, Mexico, El Salvador, Venezuela, and Nicaragua are the ratifying countries to date.
- **IDCPA effective date:** On March 3, 1999, the Secretary of State provided the required certification to Congress that the Agreement on the IDCP had been adopted and was in force. Consequently, the IDCPA became effective on that date.
- **Rules to Implement Act:** On January 3, 2000, the NOAA Fisheries published interim final regulations to implement the IDCPA (65 FR 30) and expects to publish the final rule in early 2003.