

United States Senate

WASHINGTON, DC 20510

July 24, 2012

His Excellency Arturo Sarukhan Casamitjana
The Ambassador of Mexico
Embassy of Mexico
1911 Pennsylvania Avenue, NW
Washington, DC 20006-3445

Dear Ambassador Sarukhan:

We are writing with respect to the dispute between the United States and Mexico over the U.S. Dolphin-Safe label used on tuna products. We are concerned by Mexico's efforts to undermine this voluntary and highly effective program to protect dolphins. Furthermore, we are disappointed that Mexico has continued to stall consideration of this issue under the North American Free Trade Agreement (NAFTA), and request your cooperation in immediately convening a dispute resolution panel to settle this issue.

For decades, Mexican fishermen have profited from the close association between dolphins and tuna in the Eastern Tropical Pacific by using purse seine nets to encircle dolphins and catch the tuna underneath. According to data from the Marine Mammal Commission and the Inter-American Tropical Tuna Commission, this method has resulted in the deaths of 6.5 million dolphins over the past sixty years – and this number is thought to be an underestimate. The Dolphin Protection Consumer Information Act of 1990 established standards for the use of the Dolphin-Safe label to recognize tuna caught without the use of this cruel and lethal practice. Thanks to this label and other conservation measures, dolphin deaths in the tuna industry have declined a remarkable 98 percent since 1990.

As you know, Mexico challenged the U.S. Dolphin-Safe label at the World Trade Organization (WTO) in October 2008, leading to the establishment of a WTO dispute panel in March 2009. At that time, the U.S. invoked NAFTA and requested that it be the sole forum to hear the dispute. NAFTA Article 2005(4) provides that at the request of the responding party, in this case the U.S., disputes pertaining to Chapter 9 (Standards-Related Measures) may be considered solely under NAFTA.

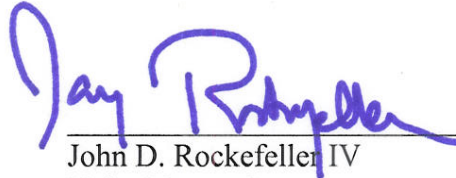
It has now been nearly three years since the U.S. invoked its right to have this dispute settled under NAFTA. During that time, the U.S. has worked in good faith to attempt to resolve this issue, but Mexico has failed to select its NAFTA dispute panelists. In September 2010, the U.S. requested a NAFTA dispute settlement panel to resolve the choice of forum issue. We are deeply concerned that Mexico has continued to pursue the dispute under the WTO even though the question of appropriate forum has yet to be settled.

We urge you to convey to your Administration and relevant ministries the importance of moving forward with panel selection under NAFTA so that this matter can be resolved expeditiously.

Sincerely,



Barbara Boxer
United States Senator



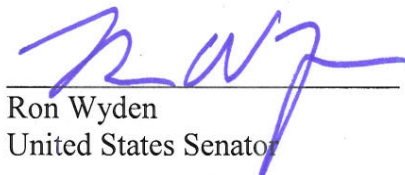
John D. Rockefeller IV
United States Senator



Benjamin L. Cardin
United States Senator



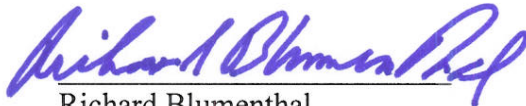
Sheldon Whitehouse
United States Senator



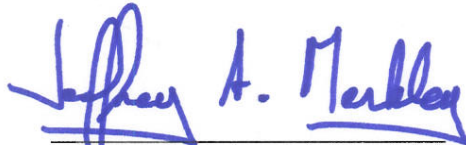
Ron Wyden
United States Senator



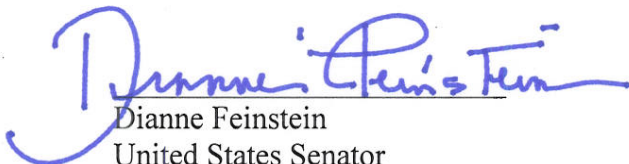
Bernard Sanders
United States Senator



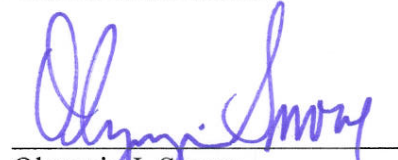
Richard Blumenthal
United States Senator



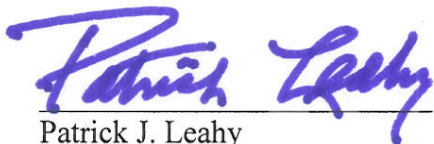
Jeff Merkley
United States Senator



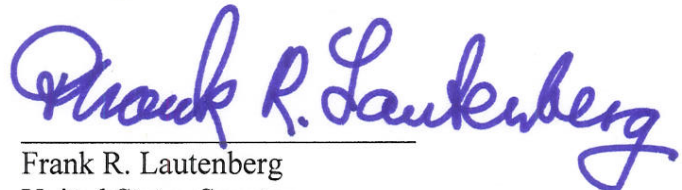
Dianne Feinstein
United States Senator



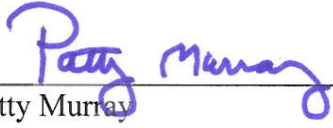
Olympia J. Snowe
United States Senator



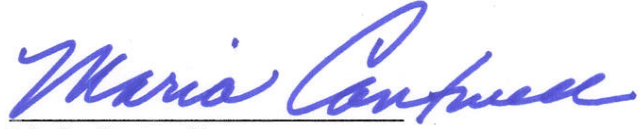
Patrick J. Leahy
United States Senator



Frank R. Lautenberg
United States Senator



Patty Murray
United States Senator



Maria Cantwell
United States Senator