



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Secretary of Commerce**  
Washington, D.C. 20230

July 19, 2011

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

The Pelly Amendment to the Fishermen's Protective Act of 1967, 22 U.S.C. § 1978 (the Pelly Amendment), requires me to certify to you when I determine that nationals of a foreign country are conducting fishing operations which diminish the effectiveness of an international fishery conservation program. Further, the Pelly Amendment requires me to periodically review the activities of the nationals of the offending country to determine whether the reasons for certification no longer prevail. Also, the Packwood Amendment to the Magnuson-Stevens Conservation Act, 16 U.S.C § 1821(e)(2), requires me to certify when nationals of a foreign country, directly or indirectly, are conducting fishing operations or engaging in trade or taking which diminishes the effectiveness of the International Whaling Commission (IWC). Pursuant to these provisions, I write to certify to you that Iceland, by permitting its nationals to engage in commercial whaling and exporting endangered fin whale meat, is diminishing the effectiveness of the IWC conservation program.

In 1982, the IWC set catch limits for all commercial whaling at zero. This decision, known as the moratorium on commercial whaling, is in effect today. Iceland abided by the moratorium until 1992 when it withdrew from the IWC. In 2002, Iceland rejoined the IWC with a reservation to the moratorium on commercial whaling. In 2003, Iceland began a lethal scientific research whaling program. In 2004, Secretary of Commerce Donald L. Evans certified Iceland under the Pelly Amendment for lethal scientific research whaling. When Iceland resumed commercial whaling in 2006, Secretary Carlos M. Gutierrez retained Iceland's certification, which remains in effect today.

Iceland's commercial harvest of fin whales escalated dramatically over the past few years. In addition, Iceland recently resumed exporting whale products. Of particular concern to the United States, Iceland harvested 125 endangered fin whales in 2009 and 148 in 2010, a significant increase from the total of seven fin whales it harvested between 1987 and 2007. In November 2010, I sent a letter to Iceland's Minister of Fisheries and Agriculture indicating that U.S. law required that I evaluate potential domestic responses to Iceland's increased whale harvest taking place outside of IWC control.

On May 10, 2011, Iceland's sole fin whaling company, Hvalur hf, announced it will suspend its fin whaling due to the earthquake and tsunami in Japan, where it exports its whale products. The company will reassess operations for the 2011 season in August or September. Despite this suspension, Iceland continues to permit whaling and has a government issued fin whale quota in effect for the 2011 season that continues to exceed catch levels that the IWC's scientific body advised would be sustainable if the moratorium was removed. This continues to present a threat to the conservation of fin whales. Further, Icelandic nationals continue to hunt minke whales commercially, and exports of whale meat to Japan reportedly increased significantly in both March and April 2011.

Iceland's actions threaten the conservation status of fin whales, an endangered species, and undermine multilateral efforts to ensure greater worldwide protection for whales. Iceland's increased commercial whaling and recent trade in whale products diminish the effectiveness of the IWC's conservation program because: (1) Iceland's commercial harvest of whales undermines the moratorium on commercial whaling put in place by the IWC to protect plummeting whale stocks; (2) Iceland's fin whale harvest greatly exceeds catch levels that the IWC's scientific body advised would be sustainable if the moratorium were removed; and (3) Iceland's harvests are not likely to be brought under IWC management and control at sustainable levels through multilateral efforts at the IWC. Through this certification, I urge the Government of Iceland to cease permitting commercial whaling consistent with the IWC's moratorium on commercial whaling.

On receipt of a certification, the Pelly Amendment authorizes you to direct the Secretary of the Treasury to prohibit the importation into the United States of any products from Iceland for any duration as you determine appropriate and to the extent such prohibition is sanctioned by the World Trade Organization. The Pelly Amendment does not prevent you from taking other action or require you to take this or any other action. However, the Pelly Amendment requires you to report to Congress within sixty days of this certification any action you take pursuant to this certification.

With this certification, I am recommending that you consider the following actions: (1) direct relevant U.S. delegations attending meetings with Iceland and senior Administration officials visiting Iceland to raise U.S. concerns regarding commercial whaling by Icelandic companies and seek ways to halt such action; (2) direct Cabinet secretaries to evaluate the appropriateness of visits to Iceland depending on continuation of the current suspension of fin whaling; (3) direct the Department of State to examine Arctic cooperation projects, and where appropriate, link U.S. cooperation to the Icelandic Government changing its whaling policy and abiding by the IWC moratorium on commercial whaling; (4) direct the Departments of Commerce and State to consult with other international actors on efforts to end Icelandic commercial whaling and have Iceland abide by the IWC moratorium on commercial whaling; (5) direct the Department of State to inform the Government of Iceland that the United States will continue to monitor the activities of Icelandic companies that engage in commercial


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whaling; and (6) direct relevant U.S. agencies to continue to examine other options for responding to continued whaling by Iceland. Further, I recommend that you direct the relevant Departments and offices to report to you on their actions within six months, unless Icelandic nationals resume fin whaling prior to that time, in which case immediately upon resumption of fin whaling by Icelandic nationals.

I also note Japan remains certified under three Pelly Amendment certifications for conducting lethal research whaling activities undermining the effectiveness of the IWC. An additional certification is not required because the previous certifications remain in effect.

I will notify the Secretaries of State and Treasury, the Chairs of the Council on Environmental Quality and the Marine Mammal Commission, and the U.S. Trade Representative of this certification.

Respectfully submitted,



Gary Locke