

## **Written evidence submitted by Whale and Dolphin Conservation (MM0017)**

### **EFRA Committee inquiry on marine mammals**

**27<sup>th</sup> May 2022**

WDC is dedicated to the protection of whales, dolphins, and porpoises (collectively known as cetaceans). We defend these remarkable beings through campaigns, lobbying, advising governments, conservation projects, field research and rescue. We are providing written evidence pertaining to cetaceans because WDC is an international charity dedicated to the conservation and protection of cetaceans, with our head office in the UK.

#### **Executive summary**

- In the UK, the extent to which Good Environmental Status (GES) has been achieved for cetaceans under the Marine Strategy (MS) is uncertain, and their status is unknown.
- Globally, over 1,000 large whales, including minke, sei, humpback and bowhead whales, are hunted every year for their meat and body parts.
- Worldwide, 100,000 small cetaceans are killed each year for human consumption or for use as bait. Both the number of individuals and the range of species targeted is increasing.
- By embedding welfare considerations in its domestic and international policies, the UK should continue to lead and support cetacean conservation and welfare initiatives globally.
- In the UK, nearly 1,000 harbour porpoises and 300 common dolphins die each year in UK fishing nets.
- Entanglement in UK fishing gear is impacting harbour porpoise populations in the Celtic Sea, North Sea, and West Scotland, as well as Northeast Atlantic common dolphins, minke and humpback whales.
- Better monitoring of UK cetacean populations requires more government support and investment.
- The UK should increase cetacean bycatch monitoring and prevention measures on vessels fishing in UK waters and UK vessels fishing elsewhere.
- There is a need for increased monitoring of contaminants and clean-up programmes are required to remove and stop PCBs entering the marine environment.
- Alternative technologies that prevent noise pollution, and a requirement for all who produce noise to record into the noise registry in close to real time, are required to prevent population impacts on coastal and offshore cetaceans.
- Improved legislation to tackle marine wildlife disturbance cases.

**What is the status of marine mammal populations?**

IUCN notes 34 of the 92 species of cetacean assessed fall into a threatened category, as do 38 of the 40 subspecies/subpopulations.

With almost 3 million whales killed in commercial whaling between 1900 and 1999, many species and populations suffered catastrophic declines, and in some cases extirpation. Some appear to be recovering in parts of their range<sup>[1],[2]</sup> E.g., humpback whales, which were extensively hunted worldwide, are showing population growth in the North Atlantic, North Pacific, and areas of the Southern Ocean<sup>[3]</sup>, however, monitoring data are inadequate to detect population trends in UK waters. In contrast, other populations of whales appear to be struggling to recover. In some cases, local populations appear to have been extirpated, with no recovery evident in the intervening years<sup>[4]</sup> species such as the North Atlantic right whale number in the low hundreds even after decades of protection<sup>[5]</sup>.

As with large whales, the status of various species/sub-species/populations/sub-populations of small cetaceans vary significantly. Common dolphins for example, are considered one of the most widespread and abundant of all cetaceans and are listed as of Least Concern by the IUCN<sup>[6]</sup>, however, several subpopulations and a sub-species are listed as Vulnerable, Endangered and/or Critically Endangered.

Species classification does not always accurately reflect the status of various populations and more localised assessments are required. Within the UK specifically, the extent to which GES has been achieved for cetaceans under the MS is uncertain, and their status at a regional level is unknown<sup>[7]</sup>. We have lost the population of North Sea orca and we will likely lose the Scottish 'west coast community' in the coming decade. Coastal bottlenose dolphin populations are remnants of larger populations.

### **How, and for what purpose, are marine mammals being killed?**

Since 1990, people in at least 114 countries consumed one or more of at least 87 species of marine mammal<sup>[8]</sup>.

Between the whaling operations in Japan, Norway and Iceland, as well as those communities engaged in Aboriginal Subsistence Whaling (ASW), over 1,000 large whales, including minke, fin, sei, humpback and bowhead whales, are hunted every year.

Worldwide, 100,000 small cetaceans are intentionally killed each year. Worryingly, since the turn of the century there has been an unprecedented increase both in terms of the number of individuals taken and the range of species targeted for human consumption, or for use as bait. The reason for the slaughter differs from country to country; human consumption, use as bait (increasingly so in shark fisheries), traditional medicines/amulets, currency, waterproofing, or the elimination of a perceived competitor for ever declining resources<sup>[9]</sup>. In several countries dolphin takes have evolved from incidental bycatch (non-target individual caught) to 'assisted' bycatch (not releasing the individual if found alive), ending with increased commercialisation and directed hunts<sup>[10]</sup>.

### **Beyond whaling, what human behaviours are affecting whale populations and how?**

Globally and within the UK, bycatch kills more marine mammals than any other threat. The UK bycatch monitoring programme has calculated that about 833 harbour porpoises and 278 common dolphins die each year in UK fishing nets in UK waters<sup>[11]</sup>, impacting harbour porpoise populations in the Celtic Sea, North Sea and West Scotland and Northeast Atlantic

common dolphins<sup>[12]</sup> Around 30 minke whales and 5 humpback whales die in Scottish creel ropes each year, impacting local populations.<sup>[13]</sup>

Chemical pollutants, and particularly persistent PCBs (Polychlorinated Biphenyls), are impacting UK cetacean populations, despite a 1981 ban. PCBs weaken an individual and make them more susceptible to other diseases and stressors and are known to harm breeding success. North Sea orca populations became extinct in the 1960s, and the Scottish 'west coast community' will likely go extinct in our lifetime because of these toxic chemicals. Coastal populations of bottlenose dolphins and harbour porpoises carry high PCB burdens, particularly juveniles who receive an offloading of pollutants from their mothers' milk<sup>[14]</sup>.

In addition to the legacy impact from PCBs, other chemicals like the PFAS (per and poly-fluoroalkyl substances) group, are highly persistent (some PFAS have half-lives of over 1000 years), and highly mobile in the environment with research showing the ability of some to bioaccumulate and biomagnify. PFAS are directly impacting population survival and reducing resilience to other stressors such as climate change and habitat loss. PFAS are now detected in numerous species across the UK, including marine mammals<sup>[15],[16]</sup>, where exposure has been linked to impacts on the immune system, blood, liver and kidney function.<sup>[17]</sup> Pollutants are at levels that are likely to cause population declines and suppress population recovery.<sup>[18]</sup>

In 2018 the worlds' largest mass stranding of Cuvier's beaked whales happened on the west coasts of England, Ireland and Scotland, with more than 100 whales stranding over a period of months. This event was determined to have occurred from a 'point source', i.e. - one event killed these whales. Military sonar, like in many other similar mass strandings globally<sup>[19]</sup>, is the probable cause<sup>[20]</sup>. This event is likely to have had a population level impact and yet we know almost nothing about where Cuvier's beaked whales are found in UK offshore waters, let alone how many remain.

Detonation of old, dumped military ordnance is impacting harbour porpoise populations in the North Sea<sup>[21]</sup>. Underwater detonations produce high amplitude shock waves that may adversely affect marine mammals, causing hearing loss and death. Other sources of intense noise pollution, particularly increasing pile driving resulting from offshore wind farm development will significantly add to this. Acoustic deterrent devices used to deter seals from fish farms on the Northern Isles and west coast of Scotland can harm cetaceans, and concerns have been raised about population impacts on harbour porpoises within a Special Area of Conservation<sup>[22]</sup>.

Locally around the UK, vessel disturbance is increasing and currently neither recreational nor commercial wildlife watching is regulated in the UK. Increasing vessel interactions are likely to be impacting coastal bottlenose dolphin populations, although evidence is poor in most areas, other than in Cornwall<sup>[23]</sup>.

## **How effective are the global protections of marine mammals?**

Global protections vary in their effectiveness, depending on their remit relative to species, geography or whether decisions taken by signatory countries are legally-binding or not. E.g., Whilst making some significant advances, the Convention on Migratory Species (CMS), is a non-legally binding treaty and therefore, although there are several important and protective measures implemented by way of Resolutions, regional agreements and Concerted Action Plans, there is no penalty for non-compliance.

Historically recognised as the authority on the conservation and protection of the 'great whales', the International Whaling Commission (IWC) moratorium on commercial whaling is

undoubtedly one of the most significant conservation achievements of all time. Although the IWC facilitates and funds several small cetacean research and conservation programmes it does not regulate the hunting of small cetaceans.

The Convention on International Trade in Endangered Species of wild Fauna and Flora (CITES) controls the legal trade in endangered species and most of the great whales are listed on Appendix I (strict protection) – some of the smaller species of cetacean are protected from trade by way of the Appendices however this trade is often illegal and therefore unregulated.

As a specific example, most directed kills of small cetaceans are illegal, unsustainable and poorly documented and their impact on populations and indeed entire species is unknown. As with the reasons for the hunts, protective (and importantly, effective) legislation differs from country to country. Enforcement generally is weak, particularly in remote areas, and a flourishing black market is often established<sup>[24]</sup>. Overarching guidance regarding aquatic wild meat in international policy remains limited for most species. Understanding the scope and potential threat of overexploitation of aquatic wild meat species is an important first step toward developing effective international and domestic policy<sup>[25]</sup>.

Habitat protection for marine mammals is almost non-existent on the high seas which cover 61% of the ocean. The UN Biodiversity Beyond National Jurisdiction (BBNJ) initiative is currently devising a legally binding tool for setting up high seas marine protected areas, but this may take some years to achieve agreement. In the Northeast Atlantic, the OSPAR commission has made great strides in agreeing areas, but full implementation requires political will and substantial new funding streams. Currently, about 8% of the ocean is in protected areas, but only an estimated 1 to 2.7% is fully or highly protected<sup>[26]</sup>. Only about 1.2% of the high seas has any protection. These percentages fall far short of the 30 by 30 (30% of the ocean to be protected by 2030), a global aspiration pushed by the UK and now adopted by 72 countries. With the UK leading on this, it falls to the UK to help make it happen, with effective protection backed by the requisite funding.

If 30% of the ocean is protected, many marine mammal populations will have some protection for their habitat. However, targeted protection is necessary or even 30 by 30 will fall short. A valuable tool is the 'Important Marine Mammal Area', or IMMA, devised by the IUCN SSC-WCPA Marine Mammal Protected Areas Task Force to identify global habitat for the 132 species of marine mammals. [This ongoing initiative](#) has covered 35% of the global ocean and is moving region by region for full coverage over the next 5 or 6 years. Inspired by the Important Bird and Biodiversity Areas (IBAs), these IMMAs are not protected areas but simply indications of where protection is needed<sup>[27]</sup>.

### **How can the UK better protect marine mammals?**

On a global scale, only a small percentage of the small whales, dolphins and porpoises killed will ever be reported in official reports due to the illegality of the practice and the increasing exploitation of small cetaceans needs to be stopped or we will witness localised extinctions of many populations, and even species, of small cetaceans with unknown yet likely devastating knock-on effects.

Marine mammal protection is prominently on the agenda at several international fora including the IWC, CMS, the Convention on Biological Diversity (CBD) and even the UNFCCC, as States start to engage with cetacean nature-based solutions. It is vital that the UK works to lead and support cetacean conservation and welfare initiatives, including to

ensure global recognition of the problem; with countries encouraged to address the unsustainable consumption of small cetaceans.

Domestically, baseline monitoring is an essential first step to understand cetacean populations and trends over time, but the pursuit of data should not stop the UK from taking precautionary action. These data are not available for most UK cetacean species and there remains uncertainty about the number of populations or management units of most species in UK and regional waters, including harbour porpoise. It is assumed in current policy decisions that there is only one population of Risso's dolphins, but this may not be the case for this species, or for others. We know almost nothing about the deep-diving offshore species, such as Cuvier's beaked whales, sperm whales and endangered blue whales in UK waters.

Existing SCANS (Small Cetaceans in European Atlantic waters) surveys, bottlenose dolphin and acoustic surveys are important to continue, however, they are required more frequently and in all seasons. Passive acoustic data collected under the ECoMASS project should be expanded along the northeast and southwest coasts of England. An increase in survey effort would assist with the considerable gaps, including for Data Deficient cetacean species. NGOs play an important part in collecting survey data in the UK however gaps remain, and additional monitoring effort is required together with support for improving existing levels of citizen science data.

Most data are either collected during July (SCANS surveys) or between May to October (NGO led surveys). SCANS-type surveys are required more frequently, and more investment is required in NGO-led surveys, including those that utilise citizen science programmes. A more holistic, ecosystem approach to monitoring is required, with better join up and integration of monitoring data. Use of existing data could also be improved. Overall, marine mammal monitoring requires more investment.

Our understanding of bycatch rates in UK waters is limited by the low level of observer coverage currently provided by the UK Bycatch Monitoring Programme. Monitoring of all protected species bycatch from UK-registered fishing vessels currently focusses on three broad gear types, with annual sampling achieving coverage of <1% total static net effort, 1-2% longline effort and roughly 5% of midwater trawl effort<sup>[28]</sup>. Another challenge is a lack of wider bycatch monitoring of non-UK vessels fishing in the UK EEZ or the UK fleet fishing in UK overseas territories or outside UK waters.

The UK bycatch monitoring programme collects insufficient data and there remains uncertainty in the bycatch rates of all cetaceans, including those most commonly bycaught, due to poor levels of monitoring. The UK needs an effective way of monitoring its fisheries activities wherever UK fleets operate, and to obtain accurate bycatch rates. To understand trends over time, it will be important to increase monitoring levels on all fleets.

Urgent measures are needed to prevent bycatch in those populations that are being impacted. To meet the requirements of the Fisheries Act 2020, efficient bycatch reduction will require technical solutions, use of alternative gears, and in some areas, reductions in fishing effort.

Clean-up programmes are needed to remove PCBs and other pollutants and prevent them entering the marine environment, e.g., improved management of dredging of harbours and ports, as well as improved containment of PCB environmental contamination from industrial buildings, equipment, and domestic waste disposal (landfill). PFAS-free solutions already exist, yet PFAS continue to be added to many consumer products, highlighting the need for clear legislative action for an urgent phase-out of all unnecessary uses of all PFAS.

Contaminants represent a major and increasing burden on wildlife, directly impacting population survival and reducing resilience to other stressors such as climate change and habitat loss.

Measures are also required to protect marine mammals from intense noise pollution, including ordnance detonation, pile driving to install wind farms and active military sonar. Efforts are required to use alternative technologies that prevent noise pollution, to acoustically monitor our oceans (including offshore) and a requirement for all who produce noise to record into the noise registry in close to real time.

Furthermore, we need improved legislation to make legal action more achievable in disturbance cases and the UK should embed welfare considerations in all its policies to protect cetaceans.

### **What role can the UK Government play to protect and promote the conservation of marine mammals internationally?**

- The UK should seek to define a new hierarchy of international regimes that prioritise cetacean conservation and protection. E.g., the UNFCCC should recognise the role of cetaceans in Blue Carbon and insist on their protection. The CBD should be used to ensure that the essential nature of cetaceans means that all exploitation should be eliminated.
- Within this hierarchy, continue to argue against the resumption of commercial whaling at the IWC and ensure that Aboriginal Subsistence Whaling quotas are minimised and allocated only to meet nutritional need.
- Continue to support and drive, the efforts of the IWC to increase its remit in cetacean welfare, and to extend its effort on the bycatch mitigation initiative.
- Continue to support and drive the efforts of CMS to increase their remit pertaining to the protection and conservation of migratory species of cetacean and ensure threat mitigation in important migratory corridors.
- The UK should use their influence to encourage and support countries to address cetacean conservation issues, including tightening of relevant legislation and employing effective mitigating techniques, and by supporting the effective protection of substantial marine habitat in EEZs and on the high seas, ensuring the fulfilment of the 30x30 goal with a high level of protection that includes the substantial funding needed to make this happen. The growing network of IMMAs identified by scientists , will provide a good starting point for further protections needed.
- Ensure full compliance with the US Marine Mammal Protection Act Import Provision Rule.

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