Dear Mr Tozzi,

Thank you for your letter of 27 January and draft CRE analysis of one of IWC’s Scientific Committee reports which I have passed on to the Chair (Arne Bjørge, Norway) and Vice-Chair (Debbie Palka, USA) of the Scientific Committee. I apologise that pressure of other work has delayed this response.

I have a few general remarks and then some specific points in relation to CRE’s draft analysis. My remarks relate mainly to gaining a better understanding of CRE’s approach to reviews of scientific reports.

**General remarks**

Thank you for providing background on CRE’s programme for performing transparency and data quality assessments of scientific reports issued by international bodies and their member countries. However, it is not quite clear what prompted your organisation to undertake this task and whether it acts upon specific requests by third parties. As CRE is not a governmental body, I assume that it is the responsibility of a US government agency to make a final decision on whether a particular report complies with US legislation and that CRE reports provide background information to the decision making process.

I note from your letter that CRE staff are reviewing a ‘select’ number of documents produced by the IWC’. I would be interested to know the basis for the ‘selection’ process. For example, is the selection random or based on specific issues? I would also be interested to know which other documents have been selected and when you are expecting to complete your reviews on these.

For the record, please note that the statement you attribute to IWC in your letter, beginning ‘under no circumstances…’ is not an IWC statement, but rather part of the text of the Government of Iceland’s instrument of adherence to the Convention that it deposited with the US State Department on 10 October 2002. Nevertheless, it is certainly true that IWC puts emphasis on the importance of sound science as demonstrated by Article V.2 of the 1946 International Convention for the Regulation of Whaling which states that amendments to the Schedule (the rules governing the conduct of whaling under the auspices of member governments) must, *inter alia*, be based on scientific findings. The Convention text is available on our website (see http://www.iwcoffice.org/commission/convention.html#convention).

**Draft CRE analysis report**

It appears that CRE has focussed its analysis on Annex K, Report of the Standing Working Group on Environmental Concerns, from the Scientific Committee’s Report of its Annual Meeting in 2004. For clarification, the url in note 1 of the draft report needs to be changed as this is a link to the 2004 Scientific Committee (SC) report without its Annexes. Annex K to the 2004 SC report can be found at: http://www.iwcoffice.org/_documents/sci_com/SCRepFiles2004/56annexk.pdf. However as the 2004 SC report,
including Annexes, is now published in our Journal, in your final report you should cite it as *J. Cetacean Res. Manage.* 7 (Suppl.): 267-305.

The Standing Working Group (SWG) on Environmental Concerns addresses a wide range of issues. In 2004, it reported on its discussions on: (1) a mini-symposium on acoustics; (2) the State of the Cetacean Environment (SOCER) report; (3) habitat-related issues; and (4) integration of its work plan with the topics of other subcommittees. It considered about 70 papers submitted to it.

In the draft CRE analysis report, specific mention is made to only one topic reported on by the SWG (i.e. acoustics) and to only one paper reviewed by that group (i.e. Engel et al, paper SC/56/E28). It therefore gives the impression of being a critique of the Scientific Committee’s review of a single paper rather than to its procedures in general. To gain a better understanding of CRE’s practice when analysing scientific reports, it would be helpful to know whether CRE reviewed the whole of Annex K or only part of it and what the common practice is of CRE. Do other scientific reports that CRE may reference in the course of its analysis also have to comply with the US Data Quality Act?

With respect to Scientific Committee’s review of the Engel et al paper, it is not appropriate for me to make detailed comments here, other than to say that your comments will, of course, be passed on to the Scientific Committee for consideration at the coming meeting.

The potential impacts of marine noise on cetaceans is an issue taken seriously by the Commission, its Member Governments and the Scientific Committee. It is a complex issue and new information is continuously becoming available. A concentrated two-day meeting to assess the potential for seismic surveys to impact cetaceans will be held on 24 and 25 May 2006 immediately prior to this year’s Scientific Committee meeting in St. Kitts and Nevis. The draft agenda is available at [http://www.iwcoffice.org/commission/sci_com/scmain.htm](http://www.iwcoffice.org/commission/sci_com/scmain.htm). Workshop participants will include marine mammal scientists and representatives from industry and we hope that this cooperative approach will lead to the best scientific advice being made available.

Thank you for your offer to attend this year’s Scientific Committee meeting to discuss CRE’s analysis of the Committee’s reports and the Data Quality Act and other US ‘good government’ laws. However, as I am sure you would agree, if the US Government wishes to inform the Scientific Committee about such matters, then it would be appropriate for them to do so directly.

Yours sincerely,

Dr. Nicky Grandy
Secretary to the Commission