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19th February 2021

Dear Mr Aamodt,

I write on behalf of WDC, Whale and Dolphin Conservation, an organisation which works globally to protect whales and dolphins and their habitat. We have just learned (11<sup>th</sup> February) about the complaint sent to you by our colleagues at NOAH - for *dyrs rettigheter* relating to the permit issued by the Norwegian Food Safety Authority (Mattilsynet) for the capture of 12 minke whales for auditory evoked potential (AEP) hearing tests in Vestfjord.

The researchers acknowledge that this type of experiment has never previously been attempted. As detailed below, our grave concern is that the capture of minke whales and experimentation for up to 6 hours at a time has significant potential for causing injury and stress, potentially resulting in capture myopathy.

We fully support each of the points raised by NOAH in their complaint dated 12<sup>th</sup> February 2021 and, in particular, their assertion that this research violates the purpose of the Experimental Animal Regulations, which limits the use of animals for scientific and educational purposes, promotes high welfare standards and stipulates that animals must not be exposed to unnecessary stress.

Given that this four-year project involves trapping a total of 12 juvenile minke whales as they migrate north to the Barents Sea (by means of 1,300m nets strung across a strait at Vestvågøy and then funneling each whale into a holding area 280m long, 150m wide and 27m deep), it is likely that the whales will be subjected to stress from the outset.

We are informed that each whale will be held in the holding area for at least 24 hours before being moved into a modified aquaculture enclosure (salmon cage). The cage is then closed around the whale, which is clamped firmly between two rafts. The project states that the whale will spend up to six hours in this position whilst its hearing is measured by mapping AEP via electrodes attached to the individual's 'neck' before they are fitted with a satellite transmitter and released. The whale is monitored by a vet and sedation is not ruled out as an option.

This raises several serious concerns relating to the safety and welfare of the individual whales subjected to these tests, as well as questions around the legislative and ethical nature of these trials:

## 1. Welfare concerns

### 1.1 Veterinary experience with cetaceans

It is stated that a veterinarian from Dyreparken in Kristiansand will be present to monitor proceedings and in case sedation is needed. While we appreciate that this type of experiment warrants the oversight of an experienced veterinarian, it is unclear as to what level of experience

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in cetacean biology and live cetacean capture is being required. Given their complex needs, we are concerned that the protocol does not require that the attending veterinarian must have specific experience in handling whales.

## 1.2 Sedation

Sedation is rarely attempted in cetaceans as it is fraught with risk, since these taxa are highly adapted for hypoxia. While guidance on sedation is available for small captive cetaceans<sup>1</sup> the use of sedation on free-swimming large whale species is extremely limited<sup>2</sup>. We were not able to locate any peer-reviewed literature documenting the sedation at sea of a minke whale. However, it is important to note that attempted sedation does not necessarily result in the effects desired. For example, in the attempted sedation at sea of a North Atlantic right whale, the initial drug cocktail injected resulted in an increase in swim speed and boat avoidance (ibid). Our view is that it is not acceptable to consider exposing minke whales (which are research subjects rather than facing genuine danger in the open ocean) to the risks associated with sedation.

## 2. Ethical concerns

2.1 We have been informed that the experimental procedure will involve subjecting the whales to ‘moderate distress and discomfort for up to six hours’ during AEP mapping. In our opinion, there is a fundamental lack of an ethical cost-benefit analysis. Specifically, we question how these research findings will justify this method of obtaining data, or advance understanding in this field in any reliable way? We do not believe the safety and welfare of the 12 whales involved each year, over a 4-year study period (a total of 48 whales) has been sufficiently prioritised over research incentives. We agree with NOAH’s contention that the whales’ suffering and fear cannot be justified by the anticipated experimental results (even assuming these are replicable in a non-captive setting).

2.2 Minke whaling takes place in this region during the spring and summer months. Any research initiative should not utilize or result in data which can directly or indirectly support commercial whaling activity.

## 3. Legislative concerns

3.1 We urge you to consider the concerns raised by NOAH that the trials do not meet the requirements of the Norwegian Experimental Animal Regulations §9 which state, *inter alia*, that live animals should not be used in experiments if objectives can be achieved by replacing their use with alternative methods or strategies. Aversion responses of whales and other marine mammals to sonar and seismic activities are already well described in the literature.<sup>3</sup> The fact that AEP has not previously been attempted on minke whales does not, in our opinion, offer sufficient justification to carry out these highly invasive and disruptive trials.

3.2 We further support NOAH in their contention that an application for a permit to capture these whales should have been made to the Norwegian Environment Agency and question their assessment that “this does not involve any intervention that requires a permit. The net used will not catch fish and the volume that is shut off is very limited for a limited period.”<sup>4</sup> We understand that new game regulations enacted on 1<sup>st</sup> April 2020 state (Chapter 2) that “the Norwegian Environment Agency may, upon application, grant permission to, or by its own initiative, capture game for research...”. We would be very concerned if, contrary to expectation, cetaceans do not fall within the scope of these regulations.

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## Conclusion

We have grave concerns about the animal welfare implications of this experiment. If it is allowed to go ahead, it will lead to considerable suffering for the individual whales and risks undermining Norway's reputation among the international public and research community. We strongly urge you to reconsider issuance of the permit for these trials.

Yours sincerely



Chris Butler-Stroud  
Chief Executive

## References

1. <https://www.jstor.org/stable/24550078?seq=1>
2. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0009597>
3. Erbe, C., Dunlop, R., and Dolman, S. (2018a). "Effects of noise on marine mammals," in *Effects of Anthropogenic Noise on Animals*, eds H. Slabbekoorn, R. J. Dooling, A. N. Popper, and R. R. Fay (New York, NY: Springer), 277–309
4. Extract from documents obtained from the Norwegian Environment Agency under a FOI request and shared with WDC on 12.02.21

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