

Military and Industrial drive to weaken the Marine Mammal Protection Act

Michael Stocker

Science Advisor for Seafloor

The recent congressional “field hearings” in San Diego on the Marine Mammal Protection Act (MMPA) conducted by Representative Dick Pombo (R- Tracy) highlight the importance of maintaining vigilance on our environmental laws. The Rep. Pombo assembled a group of industry “stakeholders” to testify on the impact that the MMPA is having on industrial and recreational use of the ocean – ostensibly to weaken the provisions of the laws that have protected marine mammals and allowed for some of the population recoveries we have seen in the last decade. The meeting was “invitational,” as only individuals and organizations sympathetic to weakening the MMPA were admitted to testify; scientists and conservation interests were silently excluded from the meeting.

Weakening the MMPA initially arose around the use of the laws to restrict military use of powerful active sonars, including Low Frequency Active sonar (LFA). Active sonar has proven deadly to marine life, including fish, whales, and dolphins, who use sound communication to survive. Repeatedly, mass strandings of whales and dolphins have occurred in the immediate wake of military exercises, and active sonar has been implicated when necropsies revealed exploded ears and internal tissue damage due to acoustic trauma. LFA has heretofore been restricted due to the MMPA, but the US Navy wants to deploy this technology throughout 80% of the world’s oceans. By the time you read this Judge Elizabeth LaPorte will have established a ruling on the global use of LFA based on a recent suit by the Natural Resources Defense Council. As of this writing we are unsure of what the ruling will be, but it is likely that it will be fairly restrictive – based on the current MMPA. Proposed modifications of the MMPA will render the ruling weak or ineffectual, thus the push by the administration to modify the law on the heels of the judgment.

Weakening the MMPA will also loosen up current restrictions on oil and minerals industries to use active sonar and seismic air-gun technologies in the course of their work, inviting a dangerous increase in industrial generated noise throughout the sea.

Scientists and technologists continue to argue that less devastating technologies exist to accomplish the same tasks, and that with the precarious condition of life in the seas, precautionary principals should be engaged. These warnings have largely fallen on deaf ears due in part to the economic momentum behind the military and industrial positions. Please call your representatives and request that they preserve the MMPA and not bend to the economic interests that are driving the calls for weakening the laws.