

Congress of the United States

Washington, DC 20515

October 21, 2003

Representative Duncan Hunter
Chairman
Armed Services Committee
U.S. House of Representatives

Senator John Warner
Chairman
Armed Services Committee
U.S. Senate

Representative Ike Skelton
Ranking Member
Armed Services Committee
U.S. House of Representatives

Senator Carl Levin
Ranking Member
Armed Services Committee
U.S. Senate

Dear Representatives Hunter and Skelton and Senators Warner and Levin:

We are writing today to express our continued concern regarding the military exemptions to the Marine Mammal Protection Act (MMPA) contained in the House version of the Defense Reauthorization Bill (H.R.1588), which is currently under consideration by the conference committee. The latest twist in the settlement of a protracted and high profile court case combined with new, compelling scientific evidence lend a new urgency to our unease.

Under a court agreement disclosed on October 13, 2003, the Navy has agreed to accept a permanent injunction that would limit its use of low frequency sonar to a restricted geographic area. Although these limitations would not apply during times of war or increased threat, the Navy has said that they will continue to press for a broad exemption through legislative changes to the MMPA. An exemption would, in practice, make the injunction moot. It would grant to the military an exclusive authority to waive compliance with this benchmark law protecting ocean wildlife.

Now is the time for reasoned caution. According to a research article published last week in the highly respected scientific journal *Nature*, sonar may act directly on gas-bubble precursors that are naturally contained in the blood of marine mammals, causing the bubbles to expand and lodge in organs such as the liver or kidney. This process would cause marine mammals to suffer decompression sickness, a serious injury known as "the bends" that can also afflict, sometimes fatally, human divers.

Marine mammal scientists have said that this study may be the so-called 'smoking-gun' linking sonar use with marine mammal strandings. It provides a plausible and credible scientific explanation for an abundance of circumstantial evidence that has linked sonar use to marine mammal stranding and unusual mortality events over the past decade.

We implore you to proceed with caution and we urge you to acknowledge that we are at the scientific tip of the proverbial iceberg in understanding the relationship between sonar and the physical threat this technology and other acoustic sources pose for marine mammals. We believe that the United States Navy can train effectively without compromising marine mammal protection and, in the interim, support research to better comprehend the potential negative effects of its technologies on the marine environment.

For these reasons, we respectfully urge you not to include any provision regarding the MMPA and military readiness activities in the final conference report of the Defense Authorization bill. We appreciate your consideration of this request.

Sincerely,

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