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Press Release

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NAVY SUED OVER HARM TO WHALES FROM MID-FREQUENCY SONAR

Simple precautions could protect majestic creatures

LOS ANGELES (October 19, 2005) -- Ear-splitting sonar used throughout the world's oceans during routine testing and training by the United States Navy harms marine mammals in violation of bedrock environmental laws, according to a lawsuit filed here today in federal court. Whales, dolphins and other marine animals could be spared excruciating injury and death with common sense precautions, but the Navy refuses to implement them, according to the lawsuit, brought by a coalition of conservation and animal welfare organizations led by the Natural Resources Defense Council (NRDC).

The case follows a successful lawsuit by NRDC and other groups, settled two years ago, that blocked the global deployment of the Navy's new low-frequency active sonar system (LFA), and restricted its use for testing and training to a limited area of the north-western Pacific Ocean. Today's lawsuit, however, targets training with mid-frequency sonar, the principal system used aboard U.S. naval vessels to locate submarines and underwater objects.

Mid-frequency sonar can emit continuous sound well above 235 decibels, an intensity roughly comparable to a Saturn V rocket at blastoff. Marine mammals have extraordinarily sensitive hearing, and there is no scientific dispute that intense sonar blasts can disturb, injure, and even kill them. Whales exposed to high-intensity mid-frequency sonar have repeatedly stranded and died on beaches around the world; some bleeding from the eyes and ears, with severe lesions in their organ tissue. At lower intensities, sonar can interfere with the ability of marine mammals to navigate, avoid predators, find food, care for their young, and, ultimately, to survive.

"Military sonar needlessly threatens whole populations of whales and other marine animals," said Joel Reynolds, a senior attorney at NRDC. "In violation of our environmental laws, the Navy refuses to take basic precautions that could spare these majestic creatures. Now we're asking the courts to enforce those laws."

Evidence of sonar harm to whales 'overwhelming'

Mass stranding and mortality events associated with mid-frequency sonar exercises have occurred, among other places, in North Carolina (2005); Haro Strait off the coast of Washington State (2003); the Canary Islands (2004, 2002, 1989, 1986, 1985); Madeira (2000); the U.S. Virgin Islands (1999, 1998); and in Greece (1996). One of the best documented incidents occurred in the Bahamas in 2000 when 16 whales of three species stranded along 150 miles of shoreline as ships blasted the area with sonar. The U.S. Navy later acknowledged in an official report that its use of sonar was the likely cause of the stranding.

The association between sonar and whale mortalities is "very convincing and appears overwhelming," according to a report issued last year by the scientific committee of the International Whaling Commission, one of the world's leading bodies of whale biologists. The committee also noted concerns that stranding reports may underestimate sonar harm because they do not account for whales that die at sea and are never found.

Government withholds results of investigation into acoustical trauma

Earlier this year, 37 whales of three species stranded along North Carolina's Outer Banks after U.S. Navy sonar exercises. Scientists at several major universities, working under federal contract, conducted necropsies and tissue analyses on the whales to determine why they died. The government, however, has refused to release the scientists' findings despite a Freedom of Information Act (FOIA) lawsuit filed by NRDC in June. The Navy plans to use the area off the Outer Banks as a sonar training range.

Unmitigated sonar use violates U.S. environmental laws



Beaked whales being removed from the beach after a mass stranding, Canary Islands, 2002



[Audio Statement by Pierce Brosnan](#) (mp3)

[NRDC v. United States Navy, Complaint](#) (104k pdf)



Orcas, U.S.S. Shoup, San Juan Islands, 2003



Porpoise, Haro Strait, WA, 2003

The Navy's use of mid-frequency sonar violates the National Environmental Policy Act, the Marine Mammal Protection Act and the Endangered Species Act, according to the lawsuit filed today. Those laws require the Navy to assess and mitigate the damage its activities cause; to obtain "take" permits for the animals its activities will necessarily harass, harm or kill; and to consult with the National Marine Fisheries Service and the Fish and Wildlife Service on the potential effects of mid-frequency sonar exercises on threatened or endangered species.

Simple precautions could spare whales

The lawsuit seeks to compel the Navy to prepare a mitigation plan to reduce its impact on whales and other marine mammals from mid-frequency sonar. The plan could include common sense precautions during peacetime testing or training with mid-frequency sonar, such as putting rich marine mammal habitat off limits; avoiding migration routes and feeding or breeding areas when marine mammals are present; testing and training with sonar primarily in areas with few marine mammals; listening with passive sonar to ensure marine mammals are not in the testing area before switching on active sonar; increasing the volume of active sonar gradually to give nearby marine mammals a chance to flee; and curtailing active sonar drills when marine mammals are detected.

"The U.S. Navy could use a number of proven methods to avoid harming whales when testing mid-frequency sonar," said Fred O'Regan, President and CEO of the International Fund for Animal Welfare (IFAW), a co-plaintiff in today's lawsuit. "Protecting whales and preserving national security are not mutually exclusive. The American people deserve more of a 'can-do' approach from the U.S. Navy."

NRDC submitted a formal letter to the Secretary of the Navy in July 2004 (read the press [release](#)) requesting a constructive dialogue about mitigating sonar harm to marine life. The Navy has failed to respond meaningfully to the letter or to alter its practices. The Navy has 60 days to respond to the lawsuit filed today. Besides NRDC, the plaintiffs are the Cetacean Society International, IFAW, the League for Coastal Protection, and Ocean Futures Society and its founder and president Jean Michel-Cousteau.

New movie on sonar harm narrated by Pierce Brosnan

NRDC and IFAW today released a short movie about harm suffered by marine mammals from high-intensity military sonar and seismic air guns used to find oil and gas deposits beneath the ocean floor. The movie is narrated by actor and environmentalist Pierce Brosnan and produced by Imaginary Forces. The video will be available on NRDC's website soon.

Sonar is an acronym for "sound navigation and ranging."

The Natural Resources Defense Council is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has more than 1 million members and online activists nationwide, served from offices in New York, Washington, Los Angeles and San Francisco.

Related Materials

[NRDC v. Gordon R. England, Secretary of the Navy](#) (104k pdf)

[Statement by Pierce Brosnan](#) (mp3)

[Press conference statement by Joel Reynolds](#) (16k pdf)

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[BioGems: Whales in Danger](#)

July 4, 2005, [Coalition Warns Navy Over Destructive Use of Mid-Frequency Sonar](#)

[Protecting Whales from Dangerous Sonar](#)

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