

Week 6: We should think twice before short-circuiting our environmental protection laws.  
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A majority of citizens agree with the goal to fight climate change and the urgency to act now. However, the country does not share a unified vision of how we should wage this battle. President Biden's executive order, issued on January 27, 2021, attempts to unify us in this effort. It highlights the need to tackle the climate crisis both locally and globally, in a manner that "protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice and spurs well-paying union jobs and economic growth."

The current plan to industrialize [22 million acres](#) of the Atlantic Ocean's continental shelf (8%) with wind turbines, however, will neither satisfy the objective nor the requirements of the executive order. Implementing such an extensive program without the proper safety and efficacy data, to cut through the "red tape," will potentially just exacerbate our environmental crisis, without solving the problem of climate change. The companies make no claims their projects will help global warming and clearly state, in their environmental impact statements, the projects will have "[no measurable influence](#) on climate change."

The executive order highlights the need to solve the crisis while still maintaining biodiversity. The country's *Endangered Species Act* and the *Marine Mammal Protection Act* should provide the necessary restraints and serve to protect us from biodiversity loss. But, not if federal agencies, in the name of the executive order, choose to circumvent these laws.

NOAA's willingness to issue Letters of Authorizations to "take" marine mammals, including endangered whales, illustrates one example of such legal transgressions. Against the recommendations of the Natural Resources Defense Council, along with several other environmental groups ([Jasny, 2020](#)), NOAA has issued the wind companies permission to harass the North Atlantic right whale (NARW), a critically endangered species. NARWs border on extinction, with only 70 reproductive females alive to carry on the survival of this species. Despite the dwindling numbers (334), NOAA has already allowed offshore wind companies to harass 210 of these whales (over 60%) to the point of altering their behavior. Adding this level of stress, according to a NOAA scientist (see [Dlouhy, 2022](#)), could potentially drive the whales to extinction.

To date, the offshore wind companies have now [submitted requests](#) to harass a total of 811 North Atlantic right whales. If NOAA continues to grant these requests in their usual manner, they will permit the harassment of almost *three times* the number of whales alive today. This clearly defies both the language and the intent of the *Endangered Species Act* and the *Marine Mammal Protection Act*.

In addition to the North Atlantic right whale, NOAA has authorized injury and harassment to four other endangered whale species. If they proceed to grant all requests, NOAA will permit the legal injury of 359 whales and the harassment of another 22,288 whales. This astounding number has no precedent in recent history.

The executive order clearly states that our efforts to combat the climate crisis should not come at the expense of biodiversity. Besides our moral obligation to another species, we should protect these majestic, mysterious, mighty mammals for practical reasons. As the [International Monetary Fund states](#), whales are nature's solution to climate change. Whales and their welfare ultimately anticipate our own. The notion that we humans can intervene in the ocean at a colossal scale and drive other species to extinction without harming ourselves seems, if not perversely arrogant, then excessively naive. Short-circuiting environmental laws in the name of solving our

climate crisis will leave us vulnerable in the future; once de-clawed, they will no longer protect either biodiversity or what remains of our natural world.