



## PRESS RELEASE

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### **Attorney General Frosh Leads States' Efforts to Halt Seismic Testing off Atlantic Coast**

**BALTIMORE, MD (March 6, 2019)** – Maryland Attorney General Brian E. Frosh, leading a coalition of 9 attorneys general, has joined a group of non-governmental organizations' motion to preliminarily enjoin the Trump Administration's authorization of harassment of marine mammals via seismic air gun surveys in the Atlantic Ocean. These "seismic testing" surveys, meant to explore the ocean floor for oil and gas, will expose whales, dolphins, and porpoises to repeated sound blasts louder than 160 decibels. The surveys will threaten the health and life of hundreds of thousands of highly sensitive marine mammals, including multiple endangered or threatened species. In addition, these tests are another step toward allowing offshore drilling - an action that could result in severe and irreparable harm to coastal and marine resources, including our vibrant coastal economy.

Last month, the court granted the states' motion to intervene as parties in a pending lawsuit against the National Marine Fisheries Service (NMFS) and federal officials filed in South Carolina by a coalition of local and national non-governmental organizations. To prevent any seismic testing from occurring while the lawsuit is under way, the states yesterday joined in those organizations' motion for a preliminary injunction.

"Seismic testing will have dangerous consequences for hundreds of thousands of marine mammals, including endangered species," said Attorney General Frosh. "While the administration continues to place the interests of the fossil fuel industry ahead of our precious natural resources, attorneys general up and down the Atlantic coast will continue to fight these and other efforts to open the waters off our shores to drilling for oil and gas. Our filing seeks to prevent any seismic testing going forward while our lawsuit is pending."

In 2014 and 2015, five private companies applied to the U.S. Interior Department's Bureau of Ocean Energy Management (BOEM) for permits to use air guns for seismic testing, in search of oil and gas, across the floor of the Atlantic Ocean. These companies also applied to NMFS for "incidental harassment authorizations" (IHAs) because their activities were expected to harass members of numerous marine mammal species. NMFS now expects that they will result in more than 373,000 instances of harassment of marine mammals—including endangered and threatened species (such as the endangered North Atlantic right whale) as well as other mammals designated as depleted, such as the blue whale and sperm whale.

In July 2017, Maryland Attorney General Brian E. Frosh led a coalition of attorneys general in urging NMFS to deny the IHA applications. Granting these IHAs, argued the attorneys general, would be contrary to numerous scientific studies documenting the dangers acoustic devices pose to marine wildlife. In addition, the attorneys general argued, the IHAs would hinder recovery of threatened or endangered marine mammal species along the Atlantic Coast.

Despite widespread criticism of the proposed testing from the scientific community and the public, NMFS granted the IHAs in November 2018. In challenging the grant of the IHAs, the coalition of attorneys general charges that NMFS's approval violated the Marine Mammal Protection Act, Endangered Species Act, National Environmental Policy Act, and Administrative Procedure Act.

Today's [filing](#) is being led by Attorney General Frosh and joined by attorneys general from Connecticut, Delaware, Maine, Massachusetts, New Jersey, New York, North Carolina, and Virginia.