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Court Forces Government to Move on Polar Bear Status

By [Andrew C. Revkin](#)

A polar bear on Alaska's Arctic coast. (Credit: Alaska Image Library/United States Fish and Wildlife Service, via Bloomberg News)

Environmental groups just cheered a Federal Court ruling today that forces the Bush administration to decide by mid-May [whether polar bears deserve protection](#) under the Endangered Species Act because of Arctic impacts from the warming climate.

President Bush and members of his administration have criticized environmentalists' moves under the endangered species law and other statutes to force federal action on climate change. As Dana Perino, the White House press secretary, put it earlier this month, in a briefing preceding Mr. Bush's latest speech on climate, the result was a looming "[regulatory train wreck](#)."

"This would have the Clean Air Act, the Endangered Species Act, and the National Environmental Policy Act all addressing climate change in a way that is not the way that they were intended to," she said.

The [polar bear issue](#) has been a particular thorny one for the administration. It is pushing for new oil and gas drilling in polar bear habitat while biologists for Interior Department, prodded by legal action, recommended the bear be given threatened status under the species act because of the warming of the Arctic and summer retreat of sea ice.

"Today's decision is a huge victory for the polar bear," said Kassie Siegel, climate program director at the [Center for Biological Diversity](#) and lead author of the 2005 petition, filed by various environmental groups, seeking protection under the endangered species law. "By May 15th the polar bear should receive the protections it deserves."

According to a news release from the [Natural Resources Defense Council](#), which joined in the suit, the court rejected a request by the Interior Department for more time, saying: "Defendants offer no specific facts that would justify the existing delay, much less further delay. To allow Defendants more time would violate the mandated listing deadlines under the ESA and congressional intent that time is of the essence in listing threatened species."

This is classic American environmental action, seeking leverage in existing laws to force governments to move on newly identified problems (or issues, in White House parlance). Do you think this approach can work in the long run on an issue like climate change?

The Bush administration has argued in various courts, including the Supreme Court, that such efforts will fail because, among other things, the "remedy" for limiting global warming must be applied globally, not just in the United States.