



Wednesday, May 14, 2008

Polar Bears: Protected, but Not Safe

By BRYAN WALSH

After a year of deliberation, another four months in overtime and multiple lawsuits from environmental groups, the Bush Administration today listed the polar bear as “threatened” under the Endangered Species Act (ESA). But it may not matter much. At a press conference in Washington, Secretary of the Interior Dirk Kempthorne acknowledged that Arctic sea ice — vital for the polar bears’ survival — was clearly receding, and that scientific studies by the U.S. Geological Service (USGS) estimated some 30% decline in sea ice by mid-century. (A study by the USGS released last September projected a two-thirds decline in the world’s polar bear population — currently standing at up to 25,000 — by 2050.) “[Polar bears] are, in my judgment, likely to become endangered in the foreseeable future,” said Kempthorne.

But echoing earlier arguments by the Bush Administration, Kempthorne repeatedly pointed out that even though the polar bear had become the first animal listed as threatened due to global warming, and despite a clear scientific consensus connecting the rise in man-made greenhouse gas emissions to rapid warming in the Arctic, in no way would the listing open the door to requiring reductions in U.S. emissions as a way to protect the bear. Kempthorne emphasized that the polar bear already received protection under the Marine Mammals Protection Act, and that its listing under the ESA would require no additional protection from increasing oil and gas exploration in the Arctic, noting that it was sea ice loss, not the energy industry, that is threatening the bear. At the same time, it’s clear that there is nothing, under the ESA at least, that the Bush Administration intends to do to slow down warming and reduce sea ice loss. “This listing will not stop global climate change or prevent sea ice from melting,” said Kempthorne. As Democratic



A polar bear mother and her two cubs walk along the shore of Hudson Bay in Manitoba near Churchill, Canada.

Jonathan Hayward / The Canadian Press / AP

Rep. Edward Markey, chairman of the House’s global warming committee, said in a statement: “The Bush Administration is forcing the polar bear to sink or swim.”

Many green groups, which had fought for more than three years to get the polar bear listed, were unimpressed with the decision. “This changes nothing,” says Carroll Muffett, deputy campaign director for Greenpeace. “They simultaneously acknowledge that global warming is likely to lead to polar bear extinction, while ruling out any action to address that problem.” There had been hope that, as the bear was threatened because of global warming, its listing might offer a new way to fight fossil fuel projects in the U.S. Kassie Siegel, director of the Climate, Air and Energy program for the Center for Biological Diversity, points out that under the ESA, any federal agency ruling on something that could impact a listed species needs to examine the effect that project might have on the animal. So a new coal plant somewhere far from the bears’ habitat in Alaska could hypothetically come under review because the plant’s greenhouse gas emissions would add to the

warming effect hurting the bears. But Kempthorne specifically ruled out using the ESA listing for what he called “back door” climate policy. “The best scientific data available do not demonstrate significant impacts on individual polar bears from specific power plants, resource projects, government permits or other indirect activities in the lower 48 states,” he said.

That seems disingenuous: more emissions mean more warming, more warming means less sea ice, less sea ice means less polar bears. Green groups are likely to challenge Kempthorne’s ruling in court, so the struggle over the polar bear is far from over. But the Administration’s hair-splitting highlights just how difficult it will be to adapt existing environmental legislation to protect species in a warming future. In the past, an endangered species was usually threatened by specific human action in a limited geographical area

— say, logging in the Pacific Northwest destroying the habitat of the spotted owl — that could be regulated easily by the government. But climate change is a global threat felt on a local level — greenhouse gas emissions anywhere in the world hurt the polar bear equally, and only by sharply reducing emissions globally can we protect the endangered species. That is perhaps beyond the scope of traditional environmental legislation.

The decision to list the polar bear shouldn’t be entirely dismissed — it is, after all, the first animal to be listed by the Administration under the ESA in more than three years, the longest gap in Presidential history. “This is a huge victory for polar bears,” says Siegel. “It’s the clearest acknowledgement by the Bush Administration of the urgency of global warming.” But once again with this White House, it may be too little, too late.