

Congress of the United States
Washington, DC 20515

February 27, 2023

The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Ms. Janet Coit
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Secretary Raimondo and Assistant Administrator Coit:

I am writing to share my concerns regarding the recent increase in whale deaths along the East Coast and to request additional information as to how the National Oceanic and Atmospheric Administration (NOAA) conducts investigations and shares its findings with the public regarding the causes of these strandings.

As you are aware, in the past two months alone, the Marine Mammal Stranding Network has reported at least 18 cases of whales found washed ashore along the Atlantic Coast. Alarming, humpback whales and North Atlantic right whales – both species currently experiencing Unusual Mortality Events – are the two species that account for the majority of these strandings. At least seven dead humpback whales have already been reported in 2023, including four in New Jersey. This is in addition to a North Atlantic right whale that was found stranded along Virginia Beach earlier this month.

NOAA is responsible for collecting information on strandings and must compile and analyze the conditions and causes of illnesses and deaths of stranded marine mammals. NOAA must also collect information on other life history and reference level data, including marine mammal tissue analyses, that would allow for the comparison of the causes of illness and deaths in stranded marine mammals based on physical, chemical, and biological environmental parameters. The information is gathered by Marine Mammal Health and Stranding Response Program (MMHSRP) networks and submitted to the National Marine Fisheries Service. However, while the basic data that is collected by these networks, known as Level A data, is made available to the public, Level B and Level C data, which consists of findings from necropsies where internal organs and tissues collected and analyzed for histopathology, toxicology, microbiology, virology, parasitology, and other potential causes of marine mammal mortality are proprietary. It is our understanding that the inaccessibility of Level B and C data is agency policy and not a requirement under the Marine Mammal Protection Act.

Given that the sudden increase in whale deaths is occurring at a time when the Biden Administration proceeds with authorizing large-scale commercial offshore wind (OSW) projects along the East Coast, I believe it is imperative that NOAA make Level B and C data from these strandings, if collected, available to the public so that all ocean stakeholders can better understand if OSW activities – from increased vessel traffic to the use of sonar – are causing serious injuries or mortalities to whales and to ensure that the federal government is mitigating any potential negative consequences on marine life from OSW development. To that end, I would appreciate your response to the following questions by **Thursday, March 30, 2023:**

1. Can you explain why Level B and Level C data collected during marine mammal necropsies is proprietary if it is not required to be under statute?
2. MMHSRP networks must utilize a standardized form when completing Level A reports for marine mammal strandings, whereas standardized forms for Level B and Level C data have yet to be developed. Why is this the case? Does NOAA plan to standardize all necropsies done on marine mammals?
3. Has Level B and Level C data been collected for any of the stranded whales found between December 1, 2022 and January 31, 2023? If so, is NOAA willing to provide this data to the public?
4. NOAA has said unequivocally that the whale mortalities along the East Coast were not caused by OSW activities. Can you elaborate on this claim and provide us with justification for reaching this conclusion?

As the federal government, the fishing industry, coastal communities, and other stakeholders work together to find meaningful and practical solutions to protect marine mammals along the East Coast, it is our hope that NOAA will commit to being as transparent as possible with the public regarding information that could ultimately impact their livelihoods. Given the significant ramifications that whale deaths may have on your agency's future rulemaking and regulatory activities, I will be monitoring this situation closely.

I appreciate your attention to this important matter.

Sincerely,



Jared Golden
Member of Congress