The Endangered Species Act Works

The ESA is a landmark law that has saved hundreds of species from extinction, including the bald eagle, the brown pelican, and the gray whale. Indeed, it is a remarkably effective law; only 10 of nearly 2,000 imperiled plants and animals protected under the Act have gone extinct since its enactment—a success rate of more than 99%.

American's overwhelmingly Support the Endangered Species Act

Further, the vast majority of Americans understand the Act’s importance and support its mission, regardless of political affiliation. In a 2015 poll conducted by Tulchin Research, 94% of self-identified liberals, 94% of self-identified moderates, and 82% of self-identified conservatives supported the ESA. Similarly, in a 2017 poll conducted by Hart Research, approximately 75% of respondents who identified as swing voters opposed dismantling protections for at-risk wildlife.

Background on the Attacks to the Endangered Species Act

Since 2015, legislators in both the House and Senate have introduced more than 150 legislative proposals that would severely undermine the conservation of threatened and endangered species under the Endangered Species Act (ESA).

Some of these proposals would undermine science under the Endangered Species Act by limiting the scope of scientific and commercial data that biologists at the U.S. Fish and Wildlife Services and the National Marine Fisheries Service may consider when making listing determinations (S. 935/H.R. 2134) or by prioritizing economic considerations over scientific data in listing decisions (H.R. 717). Dozens would block or remove necessary protections for individual imperiled species, including gray wolves (H.R. 424/S. 164) and sage grouse (H.R. 527/S. 273). And others would severely curtail citizens’ access to our judicial system by preventing plaintiffs’ recovery of attorney’s fees in successful lawsuits or blocking the right to judicial recourse altogether (H.R. 1525/S. 375). None of these proposals would contribute to species conservation.

Another currently moving piece of legislation, the HELP for Wildlife Act (S. 1514), has multiple anti-ESA provisions disguised within positive language on conservation funding. If passed, this bill would allow use of environmentally harmful lead tackle, allow importation of endangered polar bear hunting trophies violating a key provision of the Endangered Species Act, and legislatively delisting Grey Wolves in the Great Lakes.

Now, the Endangered Species Act faces yet another, very grave threat. Senator John Barrasso (R-WY), Chair of the Senate Environment and Public Works Committee, is expected to advance a damaging overall rewrite of the ESA – so-called ESA “modernization” legislation – through his committee in June or July. He claims the Act is “not working.” And Rep. Rob Bishop (R-UT), Chair of the House Committee on Natural Resources, would surely make any Senate bill much worse considering he has vowed to repeal the ESA wholesale.

Save the Endangered Species Act

Given the number of anti-ESA legislative proposals in Congress at this time, an attempt to rewrite the law would place the Act at overwhelming risk of being significantly weakened or gutted outright.
Opening up this vital law in the current Congress would incur significant harm on imperiled species and likely lead many to disappear forever.
July 18, 2017

Dear Senator:

On behalf of the twenty-one undersigned organizations and our millions of members and supporters, we write to express our strong opposition to the inappropriately named “Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act,” S. 1514. We urge you to not cosponsor this harmful bill and to vote against it in committee. While the bill contains reauthorization language for Chesapeake Bay-focused programs and some other programs supported by many of our organizations, it also contains three damaging provisions that would harm wildlife and undermine our nation’s most important wildlife conservation law – the Endangered Species Act (ESA). The program reauthorizations contained in this bill do not outweigh the damage caused by the bill’s poison pill riders. For this reason, we urge you to oppose S. 1514.

**Wyoming and Great Lakes Wolf Delisting Riders**

The so-called “HELP for Wildlife Act” includes two “War on Wolves” riders that ensure that gray wolves will not receive protections under the ESA in Wyoming or the Great Lakes region. Section 7 of the bill overrides a federal district court decision and removes existing Endangered Species Act protections for gray wolves in Michigan, Minnesota, and Wisconsin. A decision from the D.C. Circuit Court of Appeals in the Great Lakes case is anticipated any day now, making the Great Lakes provision very poorly timed. Section 8 codifies a recent D.C. Circuit Court of Appeals decision that stripped ESA protections for wolves in Wyoming. The plaintiffs in the Wyoming case did not appeal the court’s decision and wolves in Wyoming were already returned to state management in late April. Thus, the Wyoming portion of this rider is effectively moot.

More fundamentally, these riders politically subvert the ESA’s process – not to mention the rule of law and citizens’ access to court – by prohibiting judicial review of both legislative wolf delistings. Congress long ago recognized that the federal government needs citizens to be partners in enforcing all manner of America’s laws, including civil-rights laws, voting-rights laws, environmental laws. The “no judicial review” language in this rider sets a damaging precedent for undermining all laws that allow citizens from across the political spectrum to go to court to hold the government accountable for its actions.

These riders also continue a dangerous trend of congressional interference in listing and delisting decisions that should be made by the federal wildlife agencies and adjudicated in court if necessary.
These riders are an attempt to solve politically what should be done by science and the processes set out under the ESA. Moreover, these riders encourage other insidious legislative attacks on the ESA, an incredibly popular, successful law that has saved more than 99 percent of protected species from going extinct.

**Lead Fishing Tackle Rider**

The bill also prohibits the Environmental Protection Agency (EPA) from regulating toxic lead fishing tackle, which unnecessarily harms fish, wildlife, and human health. In the United States, an estimated 4,000 tons of lead are lost in ponds and streams as fishing lures and sinkers every year, leading to the death of thousands of birds, aquatic species and other animals from lead poisoning. Lead fishing equipment also risks contamination of our waterways and drinking water. Despite the well-documented dangers of toxic lead poisoning and the availability of inexpensive and ecologically sound alternatives to lead fishing gear, Section 9 prevents the EPA from regulating lead in nearly all forms of fishing tackle under the Toxic Substances Control Act.

The poorly named “HELP for Wildlife Act” would harm rather than help wildlife. Waterfowl and other species that ingest lead fishing tackle would suffer; gray wolves in Michigan, Minnesota, Wisconsin, and Wyoming would be subject to state management without the chance for federal judicial review; and other imperiled species that rely on the protections of the ESA would become more vulnerable to future legislative attacks. A deal that trades poison pill riders such as these for reauthorizations of programs is a bad deal that harms wildlife, public health, and the ESA and does not deserve the support of any pro-conservation Members of Congress. We strongly urge you to oppose this bill and to vote against it. Thank you for your attention.

Alaska Wilderness League  
Animal Welfare Institute  
Born Free USA  
Center for Biological Diversity  
Defenders of Wildlife  
Earthjustice  
Endangered Species Coalition  
Environmental Protection Information Center  
Howling for Wolves  
Humane Society Legislative Fund  
International Fund for Animal Welfare  
International Marine Mammal Project of Earth Island Institute  
Klamath Forest Alliance  
League of Conservation Voters  
Natural Resources Defense Council  
Sierra Club  
Turtle Island Restoration Network  
Western Watersheds Project  
Wildlands Network  
Wolf Conservation Center  
Wyoming Untrapped