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From the Selected Works of James R. May

September 3, 2017

Endangered Species Act Has Been Under Attack for Years

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Available at: https://works.bepress.com/james_may/106/

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JAMES R. MAY
DELAWARE VOICE

There is no law more effective in protecting wildlife in danger of extinction than the Endangered Species Act. It is a law that is highly successful, helping prevent 99 percent of listed

species from going extinct.

Bald eagles, humpback whales, brown pelicans and American alligators are but a few species that this law has saved from permanently disappearing from our planet. The Endangered Species Act is also flexible and collaborative, giving Delaware wildlife managers the opportunity to work with federal scientists to develop recovery plans for plants and wildlife.

Deciding which species need to be added to the list is based on sound science from biologists, conservationists and scientists. It requires that state, local, tribal and federal agencies work together to prevent irrevocable extinction.

The U.S. Fish and Wildlife Service has a proven record of success in part-

nering with the states to prevent extinction.

And, in Delaware, state wildlife officials worked with the USFWS to recover and de-list the Delmarva fox squirrel and to conserve the Red Knot, as well as dozens of varieties of plants threatened or endangered by invasive species.

Despite all these successes, some lawmakers in Washington are determined to destroy this important law. In just the last two years alone, Congress tried more than 150 times to undermine the Endangered Species Act through bills, amendments and riders that would have gutted the law and de-listed endangered and threatened species.

There have already been two hearings in the Senate environmental committee this year focused on "modernizing" this important law.

Fortunately, we have good reason for hope. Delaware's Senator Tom Carper is a champion for endangered species and a supporter of the Endangered Species Act. And in his new role as the senior Democrat on the Senate environment committee, he is uniquely positioned to help stop those pushing to rewrite the law.

He is our voice for what 90 percent of Americans support: the Endangered Species Act.

Some legislative context makes it even easier to see what's going on here. Wyoming Senator John Barrasso chairs the Senate environment committee, and has taken up the states' cause as a centerpiece of the call to "modernize" the law. He has already introduced legislation to remove federal protections for wolves in Wyoming, a state that doesn't even have any legal protections that resemble the federal Endangered Species Act. The torrent of anti-ESA legislation over the past two years includes a radical Senate bill to remove protections for all endangered and threatened species and withhold protections until Congress approves them.

Given Congress' current hostility to endangered species, any attempt to rewrite the Endangered Species Act now would place this successful law at overwhelming risk of being significantly weakened or gutted outright.

Senator Barrasso wants to expand the role of states in managing protections for endangered species. But most states just aren't equipped to fill the void. This law is a tool of last resort – a

necessary backstop to prevent species' extinction, typically after decades of decline under state management.

When a plant or animal species goes extinct, our entire ecosystem is at threat. What is lost can never be regained, and if one species disappears, there's no telling how that will impact every other species around it.

Now more than ever, we must stop efforts to change the Endangered Species Act. It is a law that works, and we should be skeptical of legislation that proposes to "modernize" this bedrock law. Endangered species can't make campaign contributions or call their senators, but we can. It is our responsibility to be good stewards of our natural heritage, to protect it so that future generations can experience animals in the wild.

For the sake of thousands of threatened and endangered plant and animal species, we are fortunate to have a wildlife supporter like Senator Carper in a unique position to continue to implement the Endangered Species Act.

James R. May is a distinguished professor of law and co-director of the Environmental Rights Institute at Widener University Delaware Law School.