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Boxer challenges delay in polar bear listing

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Sen. Barbara Boxer (D-Calif.), who has emerged as the chief critic of the White House's environmental policies, took aim Wednesday at the administration's delay in determining whether the polar bear should be listed as a threatened species.

The Senate Environment and Public Works (EPW) Committee, which Boxer chairs, held its second hearing in three months on the issue. The U.S. Fish and Wildlife Service (FWS) was supposed to have reached a verdict in January, but officials said they needed more time to study the issue.

Environmental groups and biologists say that global warming has shrunk polar ice sheets where polar bears live. "By failing to finalize its decision with respect to the polar bear within the statutory time limits, the Bush administration is violating the law," Boxer said.

"I guess maybe I'm old-fashioned, but I always learned that when laws are passed by Congress, and signed by the president, they must be obeyed. But that's not what's happening here."

In recent weeks, Boxer has also challenged the decision at the Environmental Protection Agency to block California from imposing its own emissions standards in response to global warming fears.

Interior Department Secretary Dirk Kempthorne, who was once a member of the EPW Committee, was invited to testify at the hearing Wednesday. But he sent a letter to Boxer saying he would not testify before the committee until after a decision on the polar bear listing was made.

Kempthorne's letter also sought to explain the delay in the listing: "There are occasionally tensions between the Endangered Species Act's [ESA] time deadlines and the ability of the Department to render a thorough and defensible decision," Kempthorne wrote.

He also noted that former Interior Secretary Bruce Babbitt and former FWS Director Jamie Rappaport Clark had similar problems in the Clinton administration.

"What I have to say is that if someone else breaks the law, that's not a reason for you to break the law," responded Boxer. She then noted that the average number of species listed under the ESA under the Clinton administration was 65 per year. The Bush administration has an average of eight per year.

Witnesses at the hearing offered differing views on whether the polar bear should be listed.

William Horn, a lawyer for [Birch, Horton, Bittner & Cherlot](#) and former assistant secretary of the Interior for fish, wildlife and parks, described the polar bear populations as "presently healthy and sustainable." He said resources that would be directed to the polar bear would be better spent on "bona fide wildlife conservation and recovery efforts."

But Douglas Inkley, a senior scientist at [National Wildlife Federation](#), and Kassie Siegel, the director of the Climate, Air and Energy program at [The Center of Biological Diversity](#), both said polar bear populations were threatened.

"There is still time to save the polar bear if we act quickly," Siegel said. "But that window is closing."