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U.S. global warming rules won't change to help polar bears

The Endangered Species Act 'is not the appropriate tool for us to deal with what is a global issue,' Interior Secretary Ken Salazar says in announcing that the Bush-era policy on emissions will stand.

By Jim Tankersley

Reporting from Washington -- The Interior Department on Friday let stand a Bush administration policy barring the federal government from using the precarious state of the U.S. polar bear population as a reason to crack down on global warming, upsetting environmentalists and cheering oil and gas companies.

The decision means the government cannot use the Endangered Species Act to regulate greenhouse gas emissions, though Interior Secretary Ken Salazar explicitly has blamed those emissions for the habitat erosion that last year landed the polar bear on the list of threatened species.

"The single greatest threat to the polar bear is the melting of Arctic Sea ice due to climate change," Salazar said in a conference call announcing the decision. But the Endangered Species Act "is not the appropriate tool for us to deal with what is a global issue," he added.

Like Bush administration officials before them, Interior officials said it would be impossible to directly link any one factory or power plant to the decline in polar ice, and thus impractical to regulate their emissions.

Environmental groups promised to sue.

"It just doesn't make any sense to recognize that the polar bear is threatened and then exempt the primary threat to the species," said Noah Greenwald, biodiversity program director for the Center for Biological Diversity.

Andrew Wetzler, who directs the endangered species project for the Natural Resources Defense Council, said the decision was illegal and that the group would "continue to fight it in court."

Energy industry groups celebrated Friday, as did many Republicans.

"The Endangered Species Act is not the proper mechanism for controlling our nation's carbon emissions," said Jack Gerard, president of the American Petroleum Institute.

Rep. Doc Hastings of Washington, the top Republican on the House Natural Resources Committee, praised Salazar for what he called "a common-sense decision that will ensure more jobs are not lost due to excessive regulations of greenhouse gases by the government."

President George W. Bush's Interior Department listed the polar bear as threatened last year. But shortly before Bush left office, the agency issued a rule prohibiting the government from using the bear's status under the Endangered Species Act to curb greenhouse gas emissions, closing

what Bush officials called a "back door" to climate regulation.

Salazar pledged to reconsider the rule when he took office in January. On Friday, he said that revoking the rule would lead to "uncertainty and confusion" in the department's efforts to protect polar bears.

Instead, he said, the U.S. must tackle climate change with a comprehensive set of emissions limits, such as the one President Obama is pushing Congress to enact this year.

Congress never intended for the species act to regulate climate change, Salazar said. He sidestepped the question of how that was different from the Clean Air Act, which Obama critics contend was not intended to address climate change either, but which is being used by the EPA to regulate emissions.

Salazar has overturned several last-minute Bush environmental rules. He rescinded one that would have allowed federal agencies to bypass expert biologists and determine on their own whether their projects threatened endangered plants or animals. He also blocked the issuance of oil and gas drilling leases near national parks in Utah.

Yet Salazar sided with Bush on another high-profile species issue, moving ahead with a plan to remove gray wolves from the endangered list in the Great Lakes region and parts of the Mountain West.