

# Push to weaken US Endangered Species Act runs into roadblocks

Policymakers have tried, unsuccessfully, to change this law for decades.

## Jeremy Rehm

The endangered American burying beetle inhabits areas that are also of interest to oil and gas companies. Credit: Joel Sartore/Getty

America's Endangered Species Act — which protects more than 2,000 plant, animal and insect species at risk of extinction — is under renewed attack from Republican politicians. But policy experts say that their efforts face an uphill battle, even though Republicans control the White House and both chambers of Congress.

On 19 July, the US Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) proposed policy changes that would make it easier to delist species and harder to add new ones, among other things. And in recent weeks, legislators in the US House of Representatives have gone further by introducing around 12 bills aimed at altering the law itself.

Some of the bills wending their way through Congress would roll back protections on species including the [Northern spotted owl](#) (*Strix occidentalis caurina*) and the [American burying beetle](#) (*Nicrophorus americanus*). Lawmakers say that this is to remove barriers to the activities of businesses such as oil and gas companies. Other bills propose fundamental changes to the law, for example by narrowing the range of habitats deemed necessary for organisms to recover or weakening safeguards for threatened species.

## Tug of war

Many conservative politicians argue that these changes would protect species while also making room for economic growth and development. “The law needs to be updated to ensure it maintains its original intent and focus of species recovery and not simply serve as a tool for endless litigation,” says Representative Rob Bishop, the Utah Republican who heads the House of Representatives Committee on Natural Resources. The committee has spearheaded many of the bills under consideration.

Decisions on whether or not to list a species under the Endangered Species Act (ESA) often draw legal challenges from industry, environmental groups and private citizens. Special-interest groups including the oil and gas industry have fought the law since its enactment in the 1970s.

But many conservation scientists and environmental groups say the Republican legislation would cripple the ESA by making it much harder to protect species that are now imperilled. One of the Trump administration's proposals would allow officials to consider the economic consequences of listing a species; the current law instructs them to only consider the best available science when making a decision.

## Uncertain future

Brett Hartl, government-affairs director for the Center for Biological Diversity in Washington DC, doubts that the bills will become law — even if the Republicans retain control of the US Senate and the House after the November midterm elections. Similar legislation that has been introduced over the past several years has foundered, he notes.

Hartl worries more about the changes to the ESA proposed in mid-July by the FWS and the NMFS. “Those are very dangerous,” he says, because they don’t require approval by Congress to take effect. The plans must undergo a 60-day public-comment period before the Trump administration can finalize the changes and implement them. Hartl thinks that they will probably make it through the process.

The Northern spotted owl is one of thousands of species protected under the Endangered Species Act. Credit: Joel Sartore/Getty

But the plan is likely to face lawsuits, says Steve Holmer, vice-president of policy at the American Bird Conservancy in The Plains, Virginia. Litigants could challenge the proposals on several grounds, using arguments that the changes would harm species — in direct opposition to the Endangered Species Act’s original aim.

Conservationists charge that lawmakers and the Trump administration want to serve the needs of special-interest groups at the expense of wildlife. “They seem to be very intent on responding to a select group of the stakeholders out there, namely the states and industries,” Holmer says.

## Burying a beetle

One of the species that researchers worry about is the endangered American burying beetle, which lawmakers have been trying to strip of federal protections since 2013.

Habitat destruction in the twentieth century eliminated 90% of this flashy black-and-orange insect’s historical range, which stretched across 35 states in the Midwest and the East Coast. Declining food sources also contributed to population declines. The US government added the beetle to the endangered-species list in 1989.

The bulk of the burying beetle’s remaining habitat is in states including Kansas, Oklahoma and Nebraska — places where gas and oil-drilling companies hold interests, says Louis Perrotti, the director of conservation programmes at Roger Williams Park Zoo in Providence, Rhode Island. “It’s pretty much the gas and oil companies that have been looking to have the beetle delisted.”

The most recent legislative salvo included an addition to the House's 2019 funding bill for the Department of Defense that would have removed the insect from the endangered species list. After an outcry from some of the lawmakers working to reconcile the House and Senate versions of the spending bill, legislators removed the addition earlier this week.

Perrotti and his collaborators, including conservationists at the Saint Louis Zoo in Missouri, have been breeding burying beetles in captivity and releasing them into the wild to establish self-sustaining populations. The insects are important because they feed on carrion. "Without burying beetles, we'd be knee-deep in dead and decaying carcasses," says Perrotti.

If lawmakers eventually succeed in delisting the burying beetle, the repopulation project could lose major collaborators that receive federal funding. Some states — including Rhode Island, which hosts a small wild population of burying beetles — have laws that could help to preserve the insects if federal protections disappear, Perrotti says. "But they won't have as much teeth as the ESA."

There is a real risk of this beetle going extinct if lawmakers are successful in changing the ESA, says Perrotti. Nevertheless, he and his collaborators will keep pushing to save the species. "A lot of people have put their blood and soul into this, including me."