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ENDANGERED SPECIES

Scientists, lawyers tell Biden: Get climate back in the ESA

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Pacific walrus bull. Joel Garlich Miller/Fish and Wildlife Service/Wikipedia

Prominent scientists and legal experts today urged President Biden to rescind decisions dating to the George W. Bush administration that limited the consideration of climate change in Endangered Species Act decisions.

Rallied by the Harvard Law School Animal Law & Policy Clinic and the Center for Biological Diversity, more than two dozen signatories **asked** the White House to set a new course.

"Ignoring greenhouse gases leaves the government blindfolded in its effort to protect threatened species," stated Stuart Pimm, a Duke University conservation scientist. "If he's serious about protecting wildlife threatened by the climate crisis, from the Pacific walrus to unique birds of the Florida Everglades, President Biden has to revoke these damaging rules."

The petition targets in part what it calls the 2008 Bernhardt Memorandum, issued during the Bush administration by then-Interior Solicitor David Bernhardt, and the Polar Bear Listing Memorandum, released during litigation over the 2008 listing of the polar bear as a threatened species.

The Bernhardt Memorandum concluded that greenhouse gas emissions or the effects of climate change are "not subject to consultation" under the ESA.

The polar bear memo concluded that climate change, and the resulting loss of sea ice habitat, would be "incremental," thereby decreasing the "polar bear's ability to sustain itself ... over time." But the memo also maintained that polar bear populations were not suffering to the point where they could be considered "on the brink of extinction."

"The memoranda and [related] regulations are factually and legally flawed and directly contrary to the purposes of the Endangered Species Act," the petition declares, citing "the evidence showing that climate change harms endangered and threatened species."