

Editorial: Trump guts the Endangered Species Act. Polar bears and bald eagles, take notice

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The Trump administration announced reckless and potentially devastating new rules Monday that will weaken the Endangered Species

Act, which currently bestows a mantle of protection over 1,663 species of animals and plants. Of those, 1,275 are considered endangered and close to extinction. Another 388 are listed as threatened—the polar bear is one—and at risk of becoming endangered.

In the 46 years since it was signed into law by President Richard Nixon, the Endangered Species Act has protected imperiled wildlife and brought many species back from the brink of extinction. The law is credited with saving such species as the [bald eagle](#) (which recovered sufficiently to be delisted), as well as the California condor and the grizzly bear, both of which are still considered endangered. So are the right whale, the San Joaquin kit fox, and the rusty patched bumblebee.

California Attorney General Xavier Becerra and his counterpart in Massachusetts announced Monday they were considering filing a lawsuit to challenge the new rules. We certainly hope they will. These irresponsible and short-sighted changes will lead to further extinctions, damage the ecosystem and set back the nation's efforts to protect wildlife—all as a gift to industry, which finds the law costly and burdensome. The new rules will no doubt clear the way for building, mining and oil and gas drilling in sensitive areas.

The new rules come in the wake of a report from the United Nations earlier this year that more than 1 million plants and animals around the world face extinction, some within decades, owing to human development, climate change and other threats.

Since it became law in 1973, the act has required that the decision to list an endangered or threatened species must be made on the basis of scientific criteria without reference to the decision's possible economic effects. The administration's new rule removes that language, clearing the way for cost-benefit analysis to be considered in the process. Although some officials suggested that [economic impacts](#) would be

considered only for informational purposes, it is nevertheless a giant concession to industries that have long complained about having to make excessive accommodations because of the law.

Also, the act has always protected species designated as endangered from being "taken," meaning that they can't be killed or maimed or harassed. A threatened species got the same protection, except in the case of a special rule specifying otherwise. The new rules remove that automatic protection for threatened species, unless there is a specific rule written. (So the presumption has been reversed; the exception has become the rule.)

But a key purpose of the law has been to keep [threatened species](#) from becoming endangered species. Wildlife advocates, rightly, fear that rolling back automatic protections and requiring special action from the Fish and Wildlife Service to protect an endangered species will be a time-consuming process and will leave the service vulnerable to political pressure from developers.

The new rules include language that advocates fear will make it harder to protect the habitats of species that are designated as threatened or endangered, and to put restrictions on land use there.

And, where the law has required that a proposed project's impact on a species take into account the effects for the "foreseeable future," the new rules have added a definition of that term that limits how far into the future "foreseeable" is. That's an obvious effort to lessen the connection to climate change in these determinations.

It's unconscionable—and dangerous—to be removing protections at a time when scientists warn that a million [species](#) could become extinct. The new rules should be legally challenged and overturned. They undermine a progressive and far-sighted, environmentally conscious law

that has worked well for nearly half a century.

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