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Boxing out the Wildlife Experts: New ESA Listing Rules Will Only Make it Harder to Protect Species

The North America Policy Program of the Society for Conservation Biology (“SCB”) has recently submitted comments regarding the newly proposed rule from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (“Services”) that changes the procedures that scientists must comply with when submitting a petition to the Services to protect a species under the Endangered Species Act (“ESA”). Recently, the Services proposed several new requirements that all petitions must contain, including a requirement that a petitioner submit the petition in advance to every state where the species is located prior to filing the petition and incorporate all information received from every state to the petition. The proposal also requires a petitioner to gather and append “all relevant information” that is “reasonably available” to the petitioner. These requirements will be difficult for individual scientists to comply with and will make it less likely that they will attempt to engage in the listing process. The proposal also appears to decrease the efficiency of the listing process.

Doug Parsons, North America Policy Director at SCB, said, “These ESA rule changes add significant obstacles to a process that historically has been very user friendly to scientists. These changes will make it much harder for scientists to engage in the ESA process, which will only undercut the purpose of the Endangered Species Act.”

Further, from a scientific perspective (which is important because listing decisions are to be based solely on best available science), it is unclear what the Services mean when they assert that the effectiveness of the petition process must be “enhanced.” The goal and purpose of the ESA is to prevent species extinction. Thus the effectiveness of the petition process should be evaluated based on whether species at greatest biological need for protection under the ESA are protected in a timely fashion.

Historically, imperiled species have often waited for many years to receive protection under the ESA, far longer than the timelines and expectations set forth by the law. The letter questions the premise for these new regulations: [SCB Comments](#).

The Society for Conservation Biology (SCB) is an international professional organization dedicated to promoting the scientific study of the phenomena that affect the maintenance, loss, and restoration of biological diversity. The Society's membership comprises a wide range of people interested in the conservation and study of biological diversity: resource managers, educators, government and private conservation workers, and students make up the more than 5,000 members world-wide.