

# Let's never forget: Extinction is forever

Dr. Aldemaro Romero Jr.

For many, the conservation of nature is seen as an essential component of human wellbeing. Its value is oftentimes referred to in relation to the four "Es": economic, environmental, esthetic and ethical values.

From an economic viewpoint, we know that the entire pharmaceutical industry is built upon known natural substances we find in plants and animals, as are the varieties of many domesticated animals we use for food. On the environmental front, we know how essential it is for human health to have an abundant availability of clean water and air.

Esthetically speaking, natural areas represent one of the major attractions for the American public as evidenced by the huge number of visits (330 millions just last year) to national parks alone. From an ethical perspective, we also know that we, as a generation, have a responsibility for bestowing upon future generations the same clean and diverse environment that we ourselves have enjoyed.

Now all that may change. On July 19, the Trump Administration proposed major changes to the Endangered Species Act. Why is that of vital interest?

In 1973 President Richard Nixon signed the Endangered Species Act (ESA) aimed at protecting critically imperiled species and their habitats from extinction as a "consequence of economic growth and development untampered by adequate concern and conservation." This law, administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department's National Marine Fisheries

Service, was deemed constitutional in a 1973 U.S. Supreme Court decision in *Tennessee Valley Authority v. Hill*. The court decided that "the plain intent of Congress in enacting" the ESA "was to halt and reverse the trend towards species extinction whatever the cost."

This law has been instrumental in saving endangered species such as the bald eagle, the grizzly bear, and the gray whale, among 2,000 or so others. Ninety-nine percent of those species are still around thanks to the ESA.

If you think that these results, and the fact that in 2015 a national poll found that 90 percent of registered voters supported the ESA are enough to keep its original intent, think again.

In the last few weeks, Republican members of Congress (afraid of losing their majority in November), an unhinged White House, and greedy, irresponsible industry leaders, have been working feverishly to weaken the ESA. In the past two weeks, they have introduced more than two dozen pieces of legislation, policy initiatives and amendments designed to weaken the law.

While under the changes in the law proposed by the Trump Administration species that remain on the endangered list would still see their habitats protected, it would become more difficult to list a new species for protection and easier to remove those now on the list. And since decisions as to which species to protect are based on science, and given the little respect conservative legislators and the White House have for science, we will likely see a serious deterioration of our environment to favor of oil and gas companies and ranchers in Western states,

who have long sought to overhaul the law.

All these efforts have been coordinated by David Bernhardt, deputy U.S. Department of the Interior secretary and a former oil lobbyist and legal representative of groups such as the Independent Petroleum Association of America.

One strategy they are working on is to attach amendments to the ESA to must-pass bills such as the National Defense Authorization Act, which specifies the annual budget for the Pentagon. Anyone voting against it will be labeled as "unpatriotic," and given that virtually all U.S. representatives and senators have defense-related financing in the areas they represent, they will feel the pressure to vote for the law.

Legislators' efforts are being coordinated by Oklahoma Republican Sen. James Inhofe, who has long advocated on behalf of the oil industry, and who is well known for denying the science of human-caused climate change.

In addition to changes in the law, part of the strategy to weaken the ESA through a departmental regulatory process that includes a public comment period.

The USFWS budget has seen reduced by Republican administrations and is no longer sufficient to support the agency's ability to comply with the law.

The proposed regulatory changes include the deceptively dull title of "elimination of blanket 4(d) rule." The ESA prohibits the "take" (harming) of species designated as endangered, while Section 4(d) of the law allows the agency to establish special regulations for threatened species. In 1978, USFWS used this authority to extend the prohibition of "take" to all

threatened species. This is known as the "blanket 4(d) rule."

Another change has to do with the definition of "foreseeable future," crucial in the ESA-related decisions when determining conservation measures. According to these proposed changes, the "foreseeable future" definition used in making ESA listing decisions will extend only as far as officials "can reasonably determine that the conditions posing the potential danger of extinction are probable." Thus, the decision of what the length of that "future" will be is in the hands of political appointees who will not have to rely on science for their decisions.

Besides the economic and ecological impacts the loss of species and their habitats will have on this country, we should not forget that ideological and private interests, once again, would sidestep science. A lot of the science generated in support of conservation measures is produced in colleges and universities, and they will be seriously impacted both intellectually and economically by the lack of attention by government officials who will not consider science in making decisions.

Thus, these actions should not only concern the general public – whether they are "tree-huggers" or just plain responsible citizens – but also people in academia. Unfortunately, they have been absent in this debate for the most part.

More importantly, let's never forget the old saying that extinction is forever.

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