

What Is the Endangered Species Act?

The Endangered Species Act (ESA) was passed in 1973 as a broad effort to protect species and the habitat they live in. More than 1,000 American species are listed as either endangered or threatened. "Endangered" species are those considered close to extinction, while "threatened" species are those that are close to becoming endangered. Persons who harm a listed species or damage their habitat are subject to severe penalties.

Special interest groups have convinced many Americans that the ESA has been a great success. At the same time, they have used exaggerated claims of species extinction to convince the public that the ESA must be strengthened. Among these are estimates that one-third of U.S. species are in danger, and that 100 species a day worldwide are going extinct.

But these claims are based on guesswork, not on facts.

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OUR FUTURE IN THE BALANCE

Can Government Really Protect Our Wildlife?



A Misguided Approach to Wildlife Protection

A Failed Law

Only 12 species out of more than 1,000 have been removed from the endangered species list due to recovery, and in most cases their recovery had little to do with the ESA. For example, the bald eagle was taken off of the list primarily due to laws banning the pesticide DDT.

In 1998, Interior Secretary Bruce Babbitt claimed that more than two dozen species were being considered for removal from the endangered species list. But eight of these species had never been endangered in the first place — their numbers had simply been undercounted. Another four species were “taxonomically invalid,” meaning that they were never a separate species at all. Five other species were going to be removed from the list only because they were already extinct!

The fact is that the ESA has failed to achieve its main goal: to recover species to the point where they are no longer endangered or threatened.

Suspect Science

The science special interest groups use to support their claims about the ESA is unsound, and in most cases based only on guesswork. No one knows for sure how many species actually exist on earth.

Some scientists think there are as few as 5 million, others think there are as many as 100 million. If scientists are unsure how many species exist, it is impossible to know at what rate they are going extinct. In addition, the claim that one-third of American species are in danger is based on a study that looked at only 20 percent of the estimated 100,000 species living in the United States. Of the species the study did look at, more than 16,000 were plants or insects — hardly what Americans think of as endangered species.

A Costly Burden

While the ESA has failed to achieve its goals, its costs are high. The federal government spent nearly \$245 million on the ESA in 1994 alone, and the unseen costs to Americans are much larger. For example, taxpayers in California had to spend \$4.5 million to create a preserve for a species of fly. Many citizens have seen their property values reduced and opportunities to improve their land restricted due to bugs, weeds, and other creatures being put on the endangered species list. The recent listing of certain groups of salmon in the Pacific Northwest will cause unprecedented

regulation of everyday activity in urban and suburban areas of Oregon and Washington state. The cost of water, power, new homes, and many other products is expected to rise dramatically.

What's the Solution?

The ESA is due for congressional reauthorization and the law needs several common-sense changes. The heavy-handed regulatory approach of the current ESA must be changed so that property owners are given an incentive to protect species found on their land. Greater use of “incidental take” permits must be made. Under these permits, property owners are not penalized if they accidentally harm an endangered species. Government must also assure citizens that if they take steps to protect endangered species now, they will not be punished with new regulations and penalties later. In addition, ESA regulations should be waived if there are threats to humans, such as in the cases of creating firebreaks or repairing flood control projects.

All Americans are interested in protecting endangered species. But the ESA as it is currently written focuses more on punishing property owners than on making progress in saving species. To preserve the rich diversity of life on earth, a new and positive approach is needed.

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