

February 13, 2024

The Honorable Bruce Westerman
Chairman
Natural Resources Committee
U.S. House of Representatives
Washington, DC, 20515

The Honorable Raul Grijalva
Ranking Member
Natural Resources Committee
U.S. House of Representatives
Washington, DC, 20515

Re: Opposition to H.R. 6784, the “ESA Flexibility Act,” and H.R. 7157, the “Strengthen Wood Product Supply Chain Act”

Dear Chairman Westerman, Ranking Member Grijalva,

On behalf of our organizations and our millions of members and supporters, we write to express our strong opposition to H.R. 6784, the ESA Flexibility Act, and H.R. 7157, the Strengthen Wood Product Supply Chain Act.

If passed, H.R. 6784 would eviscerate the very foundation of the Endangered Species Act and cause unprecedented harm to our nation’s most imperiled animals and plants. This extreme bill would make the Act’s automatic, full-strength protections for species newly listed as endangered voluntary, allowing the U.S. Fish and Wildlife Service or NOAA Fisheries to issue weaker, species-specific rules specifying prohibited activities. While Congress gave the Services flexibility under section 4(d) to issue such rules for *threatened* species, the Act and its legislative history are unambiguously clear that *endangered* species are to always receive the full suite of protections given their more vulnerable status.¹ By eliminating the mandate that endangered species receive full, automatic protections, H.R. 6784 would render the more protective “endangered” status virtually meaningless, undercutting the very cornerstone of the Endangered Species Act and ultimately placing hundreds of species at greater risk of extinction.

For example, under H.R. 6784 the Service could allow the oil and gas industry to continue building well pads, access roads, and other destructive fossil fuel infrastructure, even if those activities are driving species like the dunes sagebrush lizard and Texas kangaroo rat extinct.

H.R. 6784 would also expose the Services’ listing program to increased political pressure from special interests, which is already a persistent problem. As we have seen with many existing 4(d) rules for threatened species, industry groups routinely seek exemptions from the take prohibition for their particular industries, undermining the scientific integrity of the listing process and ultimately resulting in species receiving less protection than needed. Further, the Fish and Wildlife Service’s listing program already lacks the necessary funding and resources to complete even the most basic duties under the Act, facing a backlog of more than 300 species awaiting consideration for protection. If the agency is allowed to develop individual rules for endangered species, a hostile administration could use this discretion to further burden this already overwhelmed program, ultimately resulting in increased extinction risk for animals and plants across the country. For these reasons, we urge you to oppose H.R. 6784.

¹ See H.R. Rep. 93-412 (1973).

We also oppose H.R. 7157, the Strengthen Wood Product Supply Chain Act, which would impose unreasonably burdensome requirements on customs officials when they detain plant or wildlife products, including wood products, that are suspected to have been imported in violation of the Lacey Act. Customs officials are often one of the first lines of defense in preventing illegal timber and other shipments from entering the United States. If passed, the bill would create unrealistic timeframes for officials to inspect items seized at the border, weakening enforcement and allowing potentially harmful products into the country. For these reasons, we urge you to oppose this bill.

Sincerely,

Center for Biological Diversity

American Bird Conservancy

Animal Legal Defense Fund

Animal Welfare Institute

Cascadia Wildlands

Christian Council of Delmarva

Defenders of Wildlife

Earthjustice

Endangered Habitats League

Endangered Species Coalition

Environmental Investigation Agency

Environmental Protection Information Center- EPIC

Friends of the Earth

Friends of Wisconsin Wolf and Wildlife

Great Lakes Wildlife Alliance

Heartwood

Humane Society Legislative Fund

International Marine Mammal Project of Earth Island Institute

Kentucky Heartwood

Klamath Forest Alliance

Los Angeles Audubon Society

Northern California Council, Fly Fishers International

NRDC (Natural Resources Defense Council)

Oceanic Preservation Society

Project Coyote

Resource Renewal Institute

Save the Manatee Club

Sierra Club

The #RelistWolves Campaign

The Conservation Angler

The Humane Society of the United States

The Urban Wildlands Group

Washington Wildlife First

Western Watersheds Project

WildEarth Guardians