

October 23, 2023

RE: PLEASE OPPOSE ANTI-ESA BILL H.R. 520

Dear Representative:

On behalf of our organizations and our millions of members and supporters, we urge you to oppose H.R. 520, “To amend the Endangered Species Act of 1973 to provide that artificially propagated animals shall be treated the same under that Act as naturally propagated animals, and for other purposes,” introduced by Rep. Tom McClintock R-CA. The bill will be included in a hearing expected to be held by the House Natural Resources Subcommittee on Water, Wildlife and Fisheries on October 25, 2023.

H.R. 520 would undermine the central purpose of the Endangered Species Act (ESA) – the conservation of the ecosystems upon which endangered species and threatened species depend, 16 U.S.C. § 1531(b). H.R. 520 accomplishes this by prohibiting the Secretary from distinguishing between naturally propagated animals and artificially propagated animals in making determinations under the Act. The bill adds a new Section 14 to the ESA that directs the Secretary to authorize the use of artificial propagation of animals of a species for purposes of any mitigation required under the Act with respect to such species.

The ESA is America’s most effective law for protecting wildlife in danger of extinction. Nearly all species listed under the ESA have been saved from disappearing forever and hundreds are on the path to recovery. Species saved from extinction by the ESA include America’s symbol – the bald eagle – as well as the peregrine falcon, the brown pelican, the American alligator, the humpback whale, and the whooping crane. Scientists have warned that one million species are facing extinction in the coming years. At a time when the planet is experiencing a biodiversity crisis of epic proportions, Congress should not be considering legislation that guts our best tool for addressing this rapidly worsening crisis.

Controlled propagation is an essential tool in the conservation of imperiled species, expressly authorized by Section 3(3) of the ESA, 16 U.S.C. § 1532(3). Propagation is used by the U.S. Fish and Wildlife Service (FWS), the National Marine Fisheries Service (NMFS) and other conservation agencies to maintain genetic diversity in small, isolated populations, to permit scientific research, to supplement wild populations and to recover depleted populations in secure settings before reintroducing them to the wild. But as the FWS and NMFS noted in adopting a formal policy governing the use of controlled propagation, 65 FR 56916 (September 20, 2010), the central purpose of the ESA is to conserve the ecosystems on which endangered and threatened species depend, and “controlled propagation is not a substitute for addressing factors responsible for an endangered or threatened species' decline.” The agencies declared that their “first priority” is “to recover wild populations in their natural habitat wherever possible, without resorting to the use of controlled propagation.” *Id.* Moreover, as the FWS/NMFS policy makes clear, the use of propagation must be carefully controlled to avoid transmission of disease or genetic release into wild populations that may harm their survival.

H.R. 520 would force FWS and NMFS to abandon their carefully controlled approach to propagation as a conservation tool, forbidding the Secretary from making any distinction

between artificial propagation and natural propagation and requiring approval of artificial propagation whenever mitigation is required under the ESA. Even more alarming, the sweeping language of H.R. 520 would force the Secretary to treat artificially propagated animals as if they were wild in making listing determinations and in determining when species have recovered. Sufficient numbers of fish in a hatchery or of animals in a zoo could, under this bill, preclude listing such species or force their delisting even when the species is still headed for extinction in the wild. The bill would thus destroy the central purpose of the ESA – conserving the habitats on which endangered and threatened species depend so that species can thrive in the wild.

Again, we urge you to oppose this damaging legislation. Thank you for your attention.

Sincerely,

American Bird Conservancy
American Humane
Amigos for Monarchs
Amphibian and Reptile Conservancy
Animal Legal Defense Fund
Animal Welfare Institute
Animal Wellness Action
Apex Protection Project
Azul
Bat Conservation International
Between the Waters
Binder Park Zoo
Born Free USA
Buffalo Field Campaign
CalWild
Cascadia Wildlands
Center for a Humane Economy
Center for Biological Diversity
Central Sierra Environmental Resource Center
Christian Council of Delmarva
Clean Water Action
Coalition on the Environment and Jewish Life
Conservatives for Responsible Stewardship
Corazon Latino
Council for the Bighorn Range
Defenders of Wildlife
ECODiversity
Endangered Habitats League
Endangered Species Coalition
Environmental Defenders of McHenry County
Environmental Protection Information Center- EPIC
Farmer Frog

Fly Fishers International
FOUR PAWS USA
Friends of Blackwater, Inc.
Friends of Merrymeeting Bay
Friends of the Earth
Friends of the Inyo
Friends of the Wisconsin Wolf
Gaviota Coast Conservancy
Grand Canyon Wolf Recovery Project
Great Lakes Wildlife Alliance
Great Old Broads for Wilderness
GreenLatinos
Greenpeace USA
Harris Center for Conservation Education
Heartwood
Howling For Wolves
Humane Action Pennsylvania
Humane Action Pittsburgh
IFAW - International Fund for Animal Welfare
Information Network for Responsible Mining
International Marine Mammal Project of Earth Island Institute
IWLA Harry Enstrom Chapter
Kentucky Heartwood
Kettle Range Conservation Group
Klamath Forest Alliance
Latino Outdoors
League of Conservation Voters
Los Angeles Audubon Society
Los Padres ForestWatch
Maine Audubon
National Parks Conservation Association
National Wildlife Refuge Association
Native Fish Coalition
Natural Resources Defense Council
New Hampshire Audubon
North American Climate, Conservation and Environment (NACCE)
North Cascades Conservation Council
North Central Washington Audubon Society
Northcoast Environmental Center
Northeastern Minnesotans for Wilderness
Northern California Council, Fly Fishers International
Northern Front Range Broadband, Great Old Broads for Wilderness
Northwest Center for Alternatives to Pesticides
NY4WHALES

Ocean Alliance
Oceana
Oceanic Preservation Society
OneNature
Oregon Natural Desert Association
Partnership for Policy Integrity
People & Pollinators Action Network
Pilchuck Audubon Society
Plastic Pollution Coalition
Predator Defense
Primate Conservation Inc
Resource Renewal Institute
Rocky Mountain Wild
SAFE Alternatives for our Forest Environment
San Diego Zoo Wildlife Alliance
San Luis Valley Ecosystem Council
Santa Barbara Zoo
Save Our Sky Blue Waters
Save Our wild Salmon Coalition
Save the Manatee Club
Shift Our Ways Collective
Sierra Club
Sierra Foothills Audubon Society
Sierra Forest Legacy
Southern Environmental Law Center
The #RelistWolves Campaign
The Conservation Angler
The Cougar Fund
The Urban Wildlands Group
The Vocal Seniority
The Wei LLC
Unite the Parks
Voices of Wildlife in New Hampshire
Western Nebraska Resources Council
Western Watersheds Project
Western Wildlife Outreach
WildEarth Guardians
Wilderness Watch
Wilderness Workshop
Wildlands Network
Winter Wildlands Alliance
Wolf Conservation Center
World Animal Protection
World Wildlife Fund

Wyoming Untrapped
Wyoming Wildlife Advocates
Xerces Society for Invertebrate Conservation