

Listing Reform Act of 2019

Representative Pete Olson- TX22

The Problem:

- Under the Endangered Species Act of 1973, any organization can petition that a species be listed (or delisted) as “endangered” or “threatened” and thus eligible for special protections.
- As written, the act orders the Fish and Wildlife Service or National Marine Fisheries Service to make an initial decision within 90 days and then a final determination within 12 months—either rejecting the petition, accepting the petition, or accepting the premise of the petition but holding off on listing for a short period of time.
- While this sounds like a straightforward concept, in reality it has been troublesome almost since the outset given the complex nature of the process and the sheer scope of the mission at hand. This has only increased in recent years, as non-governmental organizations overwhelm the Department of Interior with hundreds of complex petitions and subsequently sue when arbitrary timelines have passed.
- As a result, the government is forced to make listing determinations under an artificial timeline with less ability to prioritize. This makes it more difficult to target limited resources towards the most threatened species first.



The Solution: The Listing Reform Act (LRA) of 2019

- The bill would provide flexibility by ending the arbitrary deadlines set forth in the Endangered Species Act and stop their role as a weapon that forces settlements on the federal government. **The government should have the flexibility to act as quickly as it *practically* can on listing and delisting petitions.**
- Part of this shift from impossible deadlines will allow the federal government to “triage” listing petitions as needed. **Like a hospital emergency room, the most endangered species should move to the front of the line.**
- Finally, the bill gives the Department of Interior and related agencies more power in considering “threatened” listing petitions. The federal, state and local entities ultimately responsible for implementing the Endangered Species Act—have limited resources. **Current law allows the federal government to defer listing species where protection could be warranted, but are overshadowed by higher priorities. This flexibility should be explicitly extended to factor the high cost of listing a species if the species is not yet truly endangered.**

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