

IMAGE UNAVAILABLE FOR COPYRIGHT REASONS

Under threat: the law that has helped protect the grizzly bear for more than 30 years may be scaled back.

Congress attacked over species bill

SAN DIEGO

Conservationists say members of Congress are misrepresenting science in a bid to change the way endangered species are protected in the United States.

The record of the Endangered Species Act (ESA) is being twisted to win passage of a new law that would reduce protections for animals and plants, leading biologists say. They are now calling on other scientists to get involved in the debate to try to defeat the measure, which has passed the House of Representatives and is soon to emerge in the Senate.

Since it was passed in 1973, the ESA has been the country's most important law for designating species as threatened or endangered, and ensuring that landowners and industry minimize damage to habitats while logging, mining or developing land.

Many industry groups, with support mainly from Republicans, are keen to scale back environmental protection laws. One particular supporter is Representative Richard Pombo (Republican, California). Pombo chairs the House Committee on Resources, and last May his staff released a report arguing that the ESA is failing to protect endangered species. The report points out that only about a dozen of the more than 1,300 species protected by the law have made it off the threatened and

endangered lists, concluding that the law "does not appear sustainable".

In September, Pombo introduced a bill to the House that suggested major changes to the act. These included weakening the requirements for recovery plans for species, permitting the secretary of the Department of the Interior to overrule any scientific decision on how to save a species, and allowing the elimination of habitat protection shown to be vital for species recovery. The bill passed on 21 September with little discussion.

Rule benders

But experts in the field have complained that scientific results were consistently ignored or misrepresented by Pombo's team. "The goal of this legislation is to emasculate the ESA," says conservation biologist Dennis Murphy of the University of Nevada, Reno. "The legislation has nothing to do with science, and everything to do with economics."

"The resources committee report is a biased, unbalanced representation of the ESA," agrees wildlife biologist Barry Noon of Colorado State University in Fort Collins, who studies threatened species. Noon says it is misleading to call the law a failure just because only a few species have made it off the threatened and endangered lists.

By the report's rationale, says Noon, many of the nation's most famous conservation successes are failures, including the dramatic resurgences of the bald eagle (*Haliaeetus leucocephalus*) and the grizzly bear (*Ursus arctos*), both of which are still listed.

Noon points out that a peer-reviewed report by the lobby group Environmental Defense shows that the conservation status of 52% of listed species is improving (T. D. Male and M. J. Bean *Ecol. Lett.* 8, 986–992; 2005). And the evidence available for the 40% of species that haven't been fully surveyed because of lack of funds suggests that the status of many of these is improving too.

The populations of virtually all the listed species were small and in decline when they were put on the list, Noon notes. It can be very difficult to halt declines quickly, he adds, because it takes time to change or eliminate agricultural and industrial practices. And the biology of certain species can mean that even under the best conditions, their recovery can take decades if not centuries.

"One needs to look at the recovery rate relative to the life history of a species," he says. "That includes the rate of reproduction, the age that needs to be reached for reproduction, the size of the population and the nature of the threat to the species."



WARNING SHOT FOR GREEN CHEMISTRY
Some solvents with an environmentally friendly reputation may kill fish.
www.nature.com/news

As examples, environmental groups have pointed to the recovery of the Northern right whale (*Eubalaena glacialis*) and the red-cockaded woodpecker (*Picoides borealis*). Government officials, scientists and industry representatives estimate that it will take 150 years to recover the right whale, nearly extinct after 1,000 years of whaling, and 70 years to rescue the red-cockaded woodpecker, endangered by loss of its forest habitat from 300 years of logging.

Scientists at the Center for Biological Diversity in Tucson, Arizona, an environmental organization that has used lawsuits to prompt enforcement of the ESA, say their analysis of government data shows that the average expected recovery time for species currently on the list is 35 years.

In June — shortly after the Resources Committee report was published — Murphy, Noon and botanist Bruce Pavlik of Mills College in Oakland, California, travelled to Washington DC to explain their concerns to Pombo's staff. But Noon says that the staff

paid little heed to their concerns.

"I was mad," he recalls. They weren't interested in what we had to say." Pombo's aides declined *Nature's* request for an interview.

Pombo, who did not meet the three scientists, defends his bill, saying that all the material in the committee's report came from government agencies whose responsibilities are to monitor species. "We are open to everybody and anybody," he says, adding that "dozens and dozens of biologists have testified" at committee hearings on the ESA during the past 12 years.

Murphy, who sometimes works with industry to find productive solutions to conservation issues, admits that the ESA has shortcomings. "Substantial changes need to be made," he says. "But those types of change aren't in this bill."

First, the federal agencies currently responsible for determining whether a species should be listed "don't have the technical expertise to make the decision," he says. The habitat that species need to recover should also be defined more rigorously, he adds. "We often don't

"One needs to look at the recovery rate relative to the life history of a species."

identify the specific resource needs for a species to survive in the long haul." Improving this could reduce litigation over protecting species on private lands: "We like to think that better science on this will get us a better ESA."

A companion bill to Pombo's is expected to be introduced to the Senate later this month, and will initially be dealt with by an environmental subcommittee chaired by Lincoln Chafee, a moderate Republican from Rhode Island. Debate in the Senate may be influenced by further discussions due to be held on the ESA, including meetings planned for November and December, which will be hosted by the Keystone Symposia in Colorado. And the US Government Accountability Office, a federal agency that conducts politically neutral reviews, is expected to complete by March a report on the process the ESA uses to come up with recovery plans.

In the meantime, Noon hopes that more scientists will get involved in the debate. "Scientific information is power," he says. ■

Rex Dalton

With additional reporting from Emma Marris, Washington DC