

March 26, 2019

The Honorable Lisa Murkowski
Chairwoman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Joe Manchin
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

Re: Opposition to the Nomination of David Bernhardt as Secretary of Interior

Dear Chairwoman Murkowski and Ranking Member Manchin,

On behalf of the undersigned organizations and our millions of members and supporters, we are writing to express our strong opposition to the nomination of David Bernhardt for Secretary of the Interior. Mr. Bernhardt's nomination continues the Trump administration's theme of nominating candidates who have a long history of being hostile to the very agencies they have been appointed to lead. Mr. Bernhardt has built his career favoring big corporations and special interests over the needs of imperiled wildlife, and has consistently done so over the past 18 months as Deputy Secretary.

This week, the *New York Times* reported that Mr. Bernhardt improperly used his leadership position at Interior to scuttle the public release of a U.S. Fish and Wildlife Service (FWS) nationwide Biological Opinion (BiOp) analyzing the impacts of Chlorpyrifos and two other organophosphate pesticides on endangered species.¹ **The career scientists at the FWS concluded that Chlorpyrifos is putting 1399 threatened and endangered animal and plant species on a path to extinction.** Documents demonstrate that when Mr. Bernhardt was briefed on these findings, he swiftly intervened to make sure they were never released to the public. Despite the sweeping harm caused by Chlorpyrifos — a pesticide known to impair neurological development in children — all further progress on completing this critical conservation work has effectively come to a halt.

In light of these revelations, we are extremely concerned that Mr. Bernhardt will continue to interfere with science and scientists at the Department of Interior. The Endangered Species Act has been such an effective conservation law because it requires that many decisions be based solely on the best available science. If Mr. Bernhardt is willing to deliberately interfere in science-based processes, the damage to this nation's natural heritage will be quite extensive, and could easily result in the extinction of imperiled species. Mr. Bernhardt was willing to go to great lengths to protect the profits of the pesticide industry by sabotaging one of the most transparent, analytically rigorous, sophisticated endangered species consultations in the history of Endangered Species Act.

The pesticide consultation process for Chlorpyrifos involved an unprecedented collaborative and transparent interagency effort between the FWS, the U.S. Environmental Protection Agency (EPA), and the U.S. Department of Agriculture (USDA). It was a significant undertaking and one that would

¹ Lipton, Eric, March 26, 2019, *Interior Nominee Intervened to Block Report on Endangered Species*, New York Times, available at: <https://www.nytimes.com/2018/08/09/us/politics/chlorpyrifos-pesticide-ban-epa-court.html>.

have led to critical on-the-ground conservation measures that would have protected endangered species and their habitats.

Unfortunately, Mr. Bernhardt knows full well the tricks for how to effectively undermine the work of career, civil servants. As the head Solicitor at the Department of Interior, he conveniently looked the other way while high level political appointees interfered in listing decisions and consultations under the Endangered Species Act. The only lesson Mr. Bernhardt appears to have learned from the 2008 Inspector General report² is how best to cover one's tracks so that industry special interests can be advanced with as few obstacles as possible.

It is clear Mr. Bernhardt will always put the profits of his special interest allies above the well-being of this nation's most imperiled animals and plants. Even in the face of overwhelming evidence — that a highly toxic pesticide is putting 1399 endangered species in serious jeopardy of extinction — Mr. Bernhardt chose to abuse his position and force career scientists to abandon this work. Mr. Bernhardt is wholly unfit to be the leader of a department whose conservation mission he clearly does not believe in. If confirmed, he would always tip the scales in favor of industry and is will do irreparable damage to the public lands, waters and wildlife that Department of Interior is entrusted to preserve for current and future generations.

For these reasons, we strongly urge you to oppose his nomination.

Signed,

² Dept of Interior Inspector General, 2008, *Investigative Report: The Endangered Species Act and the Conflict between Science and Policy*.