

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