



Issue Brief: Endangered Species Act (ESA)

The Issue:

The Endangered Species Act (ESA) needs to be updated and improved. Despite some notable successes, it has largely failed to conserve the species it was meant to protect and in the process has wreaked economic havoc and social distress on communities and individual property owners throughout the U.S.

According to the Government Accountability Office, more than 85% of the species listed under the ESA rely upon private land for some, if not all, of their habitat. Yet the ESA has often been used as a tool by no-growth advocates to curtail progress and economic development on private property rather than as a true species conservation measure.

The ESA was first enacted in 1973 to protect species believed to be on the brink of extinction. Initially, 109 species were placed on the endangered list. Today, 611 animal and 744 plant species are listed as threatened or endangered in the U.S. and territories (for a total of 1,355) while an additional 9 species have been proposed for listing and another 280 are being studied as “candidate” species for listing. Forty-seven species have been “delisted,” or removed from the endangered list although fewer than half of these were due to the recovery of a species population. A common complaint is that species can be listed without sufficient scientific peer review while ignoring available data from commercial or other private sources. It is imperative that the ESA be reformed to reflect current scientific and economic realities.

Our Position:

Although the House passed a major reform bill in 2005—the Threatened and Endangered Species Recovery Act (TESRA)—the Senate failed to act. In response, Senator Mike Crapo (R-ID) introduced S. 700, the Endangered Species Recovery Act. This proposal would establish a tax credit for eligible taxpayers that undertake habitat protection efforts for qualified species. In other words, under many existing conditions the ESA would offer incentives to protect species rather than punishment for activities that might disturb species habitat. The companion bill in the House is H.R. 1422, introduced by Rep. Mike Thompson (D-CA).

Opposing Arguments:

Opponents of ESA reform often argue that all species have great—if unknown—value to society and, therefore, all species must be protected even if that means imposing economic burdens on private landowners.

ICSC’s Response:

Because the ESA can be used to strip landowners of their property rights—similar to eminent domain condemnations—it is imperative that accurate and complete data be utilized in the decision-making process. In cases of extreme restrictions on private landowners, compensation for lost value should be required.

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