



PRESS RELEASE

Attorney General Frosh Joins Lawsuit Challenging Trump Administration’s Rollback of Endangered Species Act Regulations *Twenty-One Animals and Plants Listed as Endangered or Threatened in Maryland*

BALTIMORE, MD (September 25, 2019) - Maryland Attorney General Brian E. Frosh today joined a coalition of 18 attorneys general and the City of New York in filing a [lawsuit](#) challenging the Trump Administration’s rollback of the Endangered Species Act (ESA). The attorneys general of Maryland, California, and Massachusetts lead the lawsuit filed in the U.S. District Court for the Northern District of California. The challenge argues that the decision by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to finalize three rules that undermine the key requirements and purpose of the Endangered Species Act is unlawful.

“The Trump Administration is waging war on the ESA’s decades of success, undoing protections that have saved many kinds of wildlife and preserved millions of acres of critical habitat,” said Attorney General Frosh. “Deciding whether to protect endangered species is not an economic question. These decisions must be guided by science, not by profits and political influence.”



<http://bit.ly/2IMFqYX>

For more than 45 years, the ESA has protected thousands of iconic and threatened species, including the bald eagle, California condor, grizzly bear, and humpback whale. Enacted under the Nixon Administration in 1973, the ESA is intended “to halt and reverse the trend toward species extinction, whatever the cost.” The Trump Administration’s rules would dramatically weaken current protections and reduce federal ESA enforcement and consultation, putting these endangered species and their habitats at risk of extinction.

Currently, the ESA protects more than 1,600 plant and animal species in the United States and its territories, and millions of acres of land have been designated as critical habitat to allow for species conservation. Ninety-nine percent of species protected by the ESA have avoided

extinction. In Maryland, there are 13 animals and 8 plants listed as endangered or threatened under the Act.

In the lawsuit, the coalition challenges the rules as arbitrary and capricious under the Administrative Procedure Act, unauthorized under the Endangered Species Act, and unlawful under the National Environmental Policy Act. Of specific concern are the U.S. Fish and Wildlife Service and the National Marine Fisheries Service actions to:

- Inject economic considerations into the Endangered Species Act's science-driven, species focused analyses;
- Restrict the circumstances under which species can be listed as threatened;
- Expand the Act's narrow exemptions for designating critical habitats and limit the circumstances under which a habitat would be designated, especially where climate changes poses a threat;
- Reduce consultation and analyses required before federal agency action;
- Radically depart from the longstanding, conservation-based agency policy and practice of providing the same level of protection to threatened species afforded to endangered species, which is necessary to prevent a species from becoming endangered;
- Push the responsibility for protecting imperiled species and habitats onto the states, detracting from the states' efforts to carry out their own programs and imposing significant costs; and,
- Exclude analysis of and public input on the rules' significant environmental impacts.

In addition to Maryland, the suit was joined by the attorneys general of California, Colorado, Connecticut, Illinois, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, the District of Columbia and the City of New York.