

## Right Side Round Table: Has the Endangered Species been successful?

May 30, 2013

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*Question of the Week: This year marks the 40th anniversary of the Endangered Species Act. Has the Endangered Species been successful? How could the act be reformed or replaced to better serve people and endangered animals?*

Ilya Shapiro

Senior Fellow in Constitutional Studies at the Cato Institute

The Endangered Species Act began as a noble attempt to protect rare animals — including the bald eagle! — but quickly became a blunt tool whose costs outweigh its benefits. Even on its own terms, its success has been meager: Only 28 of the more than 2,000 species that have come under ESA protection have been “delisted,” with another 25 upgraded from “endangered” to merely “threatened.”

The ESA creates perverse incentives to destroy habitat and even animals — hence the advice to “shoot, shovel, and shut up” — lest federal authorities stop landowners from using their property. A series of amendments have mitigated some of these unintended consequences, but more can be done to harness market forces to protect species or to decide that the regulatory costs aren’t worth it for a given species.

Finally, Congress lacks the constitutional authority to regulate wholly intrastate non-commercial species, such as the infamous delta smelt (a small fish in California’s central valley). In such cases, the federal government should bow out of the process.