

## **Clarifying that the Standard for Listing and Delisting are the Same**

The ESA is clear in its requirement that when a species is in danger of extinction, either now or in the foreseeable future, it should receive the Act's protection. Likewise, when the ESA has done its job and the species is no longer in danger of extinction, it should be delisted. To provide consistency, the standard under the law for listing and delisting must be the same, i.e., whether the species meets the ESA's definitions of an endangered species or a threatened species.

When some of the Services delisting decisions have been challenged, courts have sometimes appeared to set a higher bar for removing a species from the list than for adding a species to the list (i.e., gray wolves and bald eagles).

Keeping species on the list when they no longer face the threat of extinction takes valuable resources away from species that still need ongoing protection under the ESA and discourages the kind of state and private partnerships essential to conserve plants and wildlife that genuinely need the Services help.