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How Attacks on Environmental Laws Have Eased Since Democrats Re-took Control of the U.S. House
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February 2020

By

Emily Knobbe, Stephanie Kurose, Paulo Lopes

The Center for Biological Diversity Action Fund is a national nonprofit organization that advocates for legislation and legislators that will advance a progressive environmental agenda. The Action Fund is the 501(c)(4) affiliate of the Center for Biological Diversity, but these organizations’ names are not interchangeable.

www.centeractionfund.org

Cover photo: Northern spotted owl by USFWS
In 2019 the Democratic party regained the majority in the U.S. House of Representatives after eight years of Republican control. The Center for Biological Diversity Action Fund conducted an analysis to determine how this change in power affected the number of legislative attacks on the nation’s core environmental laws. Specifically, we evaluated legislation introduced in the first year of the 115th and 116th congresses (2017 and 2019) that would weaken our nation’s bedrock environmental laws, including the Endangered Species Act, the Clean Air Act, the National Environmental Policy Act and public lands laws.

Our key finding: Legislative attacks on environmental laws decreased by a third since the Democratic party regained control of the U.S. House of Representatives. In 2019, 175 pieces of anti-environmental legislation were introduced—mostly by Republican members of Congress—compared to the 265 anti-environmental bills during the first year of the 115th Congress when Republicans controlled both the House and Senate.

Other key findings:

- Attacks on the Endangered Species Act decreased by 45 percent, from 64 bills in 2017 to 35 in 2019.
- Attacks on public lands decreased by 39 percent, from 141 bills in 2017 to 86 in 2019.
- Attacks on the National Environmental Policy Act decreased by 29 percent, from 93 bills in 2017 to 66 bills in 2019.
- Attacks on the Clean Air Act decreased by 49 percent, from 49 bills in 2017 to 25 bills in 2019. Legislation targeting the Clean Air Act were the most partisan, with 100 percent introduced by Republican members of Congress over the past three years.
I. **INTRODUCTION**

Since the Democratic party gained majority in the U.S. House of Representatives in January 2019, legislative attacks have decreased by 34 percent. In 2019, during the first year of the 116th Congress, a total of 175 pieces of anti-environmental legislation were introduced—mostly by Republican members of Congress—compared to the 265 attacks during the first year of the 115th Congress when Republicans controlled both the House and Senate. These bills — if they had become law — would have severely undermined our nation's bedrock environmental laws, including the Endangered Species Act, the Clean Air Act and the National Environmental Policy Act.

One reason for the significant decrease in attacks is that when the Republicans were in the majority, they inevitably attached dozens — if not hundreds — of harmful policy riders to must-pass pieces of legislation including the annual spending bills and national defense authorization bills. These “poison-pill” riders would often strip or block protections for particular imperiled animals and plants, stymie regulatory efforts of the EPA for clean air and water, give away public lands, or undermine the NEPA public participation process in agency decision-making. With Democrats as the new gatekeepers and authors of these critical bills, these nefarious and insidious attacks on the environment were kept out of the legislation at the outset.

Despite the general downward trend in legislative attacks on environmental laws, one troubling development has been an increase in attacks by Democratic members of Congress on the National Environmental Policy Act. Between 2017 and 2019, Democratic members of Congress introduced 64 percent more legislation that would undermine or short-circuit the NEPA process. These attacks are unfortunate and have unwittingly bolstered efforts by the Trump administration to dismantle the regulatory procedurals that form the foundation of the NEPA process.
II. **ATTACKS ON WILDLIFE**

In May 2019 scientists from around the world sounded the alarm over the wildlife extinction crisis and warned that 1 million species are now at risk of extinction, many within decades, because of human activity.\(^1\) Thankfully, the United States arguably has the strongest conservation law in place to help combat the extinction crisis. The Endangered Species Act has not only helped prevent the extinction of 99 percent of plants and animals under its protection, but it has put many of these species on the road to recovery. Had the Act not existed, scientists estimate that at least 291 species would have gone extinct since its passage in 1973.\(^2\)

Unfortunately, the Endangered Species Act has been a top target for anti-wildlife members of Congress since 2011, when Republicans gained majority in the U.S. House of Representatives. While under Republican control, nearly 350 attacks were launched against the Act and individual species.\(^3\) During the first year of the 115\(^{th}\) Congress alone, 64 separate legislative attacks were introduced for an average of one every six days. Comparatively, only 35 legislative attacks were introduced in 2019—a 45 percent decrease since Democrats regained control of the House. Many of these bills would gut certain provisions of the Act itself, as well as remove or preclude protections for certain species.

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\(^3\) Attacks on the Endangered Species Act, Center for Biological Diversity Action Fund (February 19, 2020), [https://centeractionfund.org/endangered-species-act/](https://centeractionfund.org/endangered-species-act/)
### III. ATTACKS ON PUBLIC LANDS

Each year, tens of millions of tourists visit America's public lands and waters for recreation. These forests, grasslands, rivers and oceans are owned by all Americans and help clean our air and water, and provide important habitat for wildlife. Most Americans, regardless of their political views, want to protect the more than 600 million acres of public lands and 4.5 million square miles of oceans.

However, since 2017, Republicans have sponsored 89 percent, 247 out of the 279, of the legislative attacks against our public lands and oceans.\(^4\) In 2017, during the first year of the 115th Congress, members of Congress introduced over 141 legislative attacks. Alternatively, in 2019, during the first year of the 116th Congress, when Republicans no longer controlled the U.S. House of Representatives, 86 legislative attacks occurred, a 39 percent decrease. The majority of these legislative attacks seek to exploit our public lands and oceans for oil and gas drilling, fracking, logging and mining.

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The National Environmental Policy Act (NEPA) gives power to everyday citizens to have a voice before the government acts and to go to court to stop polluters before they inflict harm on the environment. For 50 years, the Act has worked well. In 2009, the American Recovery and Reinvestment Act provided approximately $300 billion in funding for over 190,000 projects, which all went through the environmental review process. This same environmental review process has helped to stop destructive projects, including the Keystone XL pipeline.

However, when the government excludes a project from environmental review, disaster may result. Sadly, this occurred in 2010 when BP's Deepwater Horizon oil rig exploded resulting in 11 deaths, 17 injuries and the largest oil spill in U.S. history, which affected thousands of wildlife species. The Department of the Interior excluded BP's drilling plan for the Deepwater Horizon oil rig from an in-depth environmental review under the view that the drilling would not result in significant impacts. Since 2017, Republicans have sponsored 84 percent, 179 out of the 213, of the legislative attacks on NEPA. Members of Congress introduced 93 legislative attacks in 2017, the first year of the 115th Congress. However, in 2019, when Democrats controlled the U.S. House of Representatives, 66 legislative attacks occurred, a 29 percent decrease.

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ATTACKS ON CLEAN AIR

The Clean Air Act has been one of our most essential environmental laws since its passage in 1970. By requiring EPA to regulate air pollutants like particulate matter, ozone and lead, emissions have dropped 73 percent. Lower levels of air pollution lead to reduced instances of bronchitis, myocardial infection and asthma. Healthy air also means healthy ecosystems. Air pollutants are absorbed into soil, water and plant matter, causing long-term damage to habitats that cannot be washed away. In 2007 the Supreme Court ruled that EPA also has the authority to regulate carbon dioxide as an air pollutant. Carbon dioxide and other greenhouse gases like methane and nitrous oxide are the key drivers of climate change. Regulation of these compounds is essential to our battle against climate change.

Despite the indisputable fact that humans rely upon clean air to survive, Republican lawmakers have sponsored 86 attacks against the Clean Air Act since January 2017, accounting for 100% of all such legislation. In addition to direct attacks on the Act, GOP members have also proposed to defund parts of EPA to prevent funding going to regulating certain kinds of air pollution. From the first year of the 115th Congress when the Republicans held the House to the first year of the 116th Congress when Democrats gained control, there was a 49 percent decrease in the number of attacks on the Clean Air Act and EPA.

Congressional Attacks on CAA 2017-2019

![American burying beetle by SD Game, Fish and Parks](image)