

Lawsuit Challenges Trump Administration's Gutting of Federal Protection for Migratory Birds

By [Center For Biological Diversity](#)

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National environmental groups filed a [lawsuit](#) today in the Southern District of New York challenging the Trump administration's reinterpretation of the Migratory Bird Treaty Act, which eliminated longstanding, vital protections for more than 1,000 species of waterfowl, raptors and songbirds.

Under the Trump administration's revised interpretation, the Act's protections will apply only to activities that are specifically intended to kill birds. So-called "incidental" take, regardless of its impact on bird populations or how foreseeable that impact is — such as letting birds drown in uncovered oil pits — is rendered immune from enforcement under the law.

"Trump's tenure has been a reign of terror for the environment, and his cruel insistence on destroying this century-old law is a testament to his total disregard for wildlife," said Noah Greenwald, endangered species director at the Center for Biological Diversity. "The revised rule is nothing but a gift to oil companies and other polluters, allowing them to kill birds without legal consequence. The courts rightfully stopped this farce once before, and we hope this latest suit again fully restores legal protection to birds that desperately need it."

Had the Trump administration's policy been in place at the time of the Deepwater Horizon oil spill in 2010, British Petroleum would have avoided paying more than \$100 million in fines to support wetland and migratory bird conservation to compensate for more than a million birds the accident was estimated to have killed.

"Trump's rollback of migratory bird protections is an appalling and inexcusable give-away to corporate polluters who don't want to face any consequences for killing birds," said Bonnie Rice, Sierra Club's endangered species representative. "Two-thirds of North America's birds are imperiled by climate change. More than three billion birds have vanished since 1970. We need more protections, not less, in the face of this massive loss and the current human-caused extinction crisis."

"We are back in the courts to fight the Trump administration's callous decision to eliminate protections for migratory birds," said Jamie Rappaport Clark, president and CEO of Defenders of Wildlife. "Even though a federal court already ruled that the administration's reinterpretation of the MBTA was illegal, it pushed forward with its rulemaking to cement this destructive policy into law. We are here to overturn this terrible decision once and for all."

Background

The Trump administration began its assault on the Migratory Bird Treaty Act in December 2017 with a legal [opinion](#) authored by Daniel Jorjani, the solicitor of the Department of the Interior and a former Koch Industries employee. This opinion has already [allowed](#) birds deaths across the country that could have easily been avoided. In May 2018 the Center and allies [filed suit](#) in the Southern District of New York to challenge the proposed revision, resulting in a blistering court [decision](#) overturning the opinion.

Flouting the court ruling invalidating the basis for the reinterpretation, the Trump administration moved ahead with finalizing the rule on Jan. 4, along with a flurry of other last-minute actions aimed at eviscerating an array of essential environmental laws and regulations.

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