



The Delhi sands flower-loving fly. Photo credit: USFWS.

In the Superman comics, everything is backwards in [Bizarro World](#). I thought I must have been unknowingly transported there when I read [H.R. 1042](#), introduced by California Democrat [Joe Baca](#), imaginatively (if incoherently) named the “Discredit Eternal Listing Inequality of Species Takings Act” (the DELIST Act, get it?). (Hat tip: [ESA blawg](#).)

The text of the bill is even less coherent than the title so it’s a bit tough to parse, but let’s try. It would give certain species only 15 years on the ESA protected list, requiring that they be declared extinct at the end of that time unless either their population has substantially increased or the listing “does not impose any economic hardship” on local communities. Those rules would apply to any species listed as endangered “for which it is not reasonably possible to determine whether the species has been extirpated from the range of the species that existed on the date the species was listed because not all individuals of the species were identified at the time of such listing.” I’m not sure I understand that definition, but it sounds like it the 15-year time limit would apply to every endangered species unless every individual member of the species was known at the time of listing.

The bill is obviously a response to Rep. Baca’s frustration over continued protection of the [Delhi Sands flower-loving fly](#), found in his district; it includes a lengthy litany of findings, all complaining about the fly. But it would apply much more broadly. It is impossible to be certain that a census of any species in the wild will turn up every member of the species. Indeed, it will nearly always be certain that the census has not been perfect. The intent of the bill, therefore, seems to be to give endangered species no more than 15 years to show that their condition is improving, unless they can manage to have their conservation be costless.

That’s Bizarro World all right — the species most in need of protection would be dumped

from the list, indeed regulated out of existence, while those easiest to conserve could apparently remain listed forever. Species which have declined due to human carelessness would be punished for human ineptitude as well if we could not quickly figure out how to turn their plight around. The bill completely denies the reality that many listed species will need the protection of the ESA forever simply because nothing else keeps human impacts within manageable bounds. Instead of devoting more resources to determining species' status or to undoing harms we have inflicted, we would in effect blame the victim for not making the task of conservation simple.

This illogical, incoherent bill has so far garnered 8 co-sponsors, both Democrats and Republicans. That's nowhere near enough to move the bill forward, but it's enough to be discouraging. Don't these representatives have real work to do?