

[HB 1576 Pyle, Jeff](#) - (PN 2133) An Act standardizing a state process for listing of threatened or endangered species by formalizing existing resource agency authority via rulemaking, consolidating the listings into a centralized database managed by the Department of Conservation and Natural Resources, granting access to information in the database to planners required to consider the impacts that a project could have or to those involved in conservationist efforts, and protecting sensitive data by prohibiting the disclosure of the information to anyone not involved in a development or conservation project. Effective in 90 days. - The bill was **reported as amended** by a vote of 16-8 with Representatives Keith Gillespie (R-York), Marcia Hahn (R-Northampton), Mike Peifer (R-Pike), Frank Farina (D-Lackawanna), Kevin Haggerty (D-Lackawanna), Tim Mahoney (D-Fayette), Gerald Mullery (D-Lackawanna), and Jesse White (D-Washington) voting in the negative.

Greg Raffensperger, Executive Director of the committee, explained the bill, noting the legislation requires the designation of endangered species or waterways to go through the Independent Regulatory Review process and establishes a central database on endangered species. He said currently endangered species or waterways must go through the Independent Regulatory Review process within two years to justify their continued placement on the list.

[A04284](#) by Causer, was said to change the definition of "acceptable data" to comply with the Regulatory Review Act, amend the definition of "central database" to ensure currently included species are included in the database, amend the definitions of "persons" to clarify the confidential information accessible to authorized persons, add language to clarify that nothing shall be construed to require the Game Commission and Fish and Boat Commission to comply with the Regulatory Review Act in other areas, remove the redesignation of current species within two years requirement, clarify the range of species only includes those animals within Pennsylvania and not on a national scope, require clearance for projects relating to surveys of endangered or listed species, remove language requiring written approval for use of information, provide a penalty of intentional misuse of information on the database, remove the repeal language in section nine of the bill, prohibit the transfer of licensing dollars for implementation of the Act, and make technical changes. The amendment was unanimously **adopted**.

On the amendment, Rep. Gillespie asked about the Pittman-Robertson Fund and queried if the amendment asks the federal government to divert the money from other states. Raffensperger said the amendment asks the commissions to not transfer licensing dollars and federal money to other agencies for implementation, which would jeopardize federal dollars. Rep. Gillespie asked if the amendment alleviates the risk of losing the federal dollars. Raffensperger said that is his understanding. Chairman Martin Causer (R-McKean) said this was an issue the committee took a close look at and he is now sure there will be no loss in federal funds, much like other states that have similar laws. He said caucus legal staff has said there will be no loss of funding and said the amendment is proactive in ensuring there will be no loss of federal funds.

Rep. Gillespie said he will be voting "No" on the bill as amended, despite the amendment helping the legislation. He said he has concerns as a lifelong sportsman and based upon his past history in the health care profession. He argued the process for designation in the legislation is "extremely dangerous" and noted the Game Commission's work on combating white nose syndrome in bats and detailed past mismanagement of passenger pigeons that led to their extinction. He further commented on positive work with preserving and bringing back the Bald Eagle in Pennsylvania. He said while the Independent Regulatory Review Commission's (IRRC) heart might be in the right place, it does not have the knowledge to make these "life or death" decisions.

Chairman Causer commented there has been a great deal of misinformation on the bill and said it provides consistency, transparency, and accountability for these designations and provides for regulatory review, which he said every other state agency must submit to other than the two commissions in question. He said the bill provides for an important centralized, standardized database and makes significant improvements to the permitting process, which he opined is important. He said all want scientists to be making the designations and argued they still will be making the designations, explaining the agency still makes the designation, but the designation must then be approved by IRRC, assuring adequate public comment is received on the designation. He argued the legislation ensures the endangered species is protected by making sure only limited individuals are able to access the information. He noted prior [hearings](#) the committee held on the issue, where concerns expressed at those hearings were added to the amendment. He said all concerns were addressed in the amendment except the IRRC provisions and opined some of the groups will never be happy with any kind of bill on the matter. He said the amendment greatly improves the bill and he would be open to looking at other amendments.

Rep. Jesse White (D-Washington) noted the people of Pennsylvania want less government, but opined the legislation adds more government to the process. He said the bill will cause unfunded mandates and take away funds that will be

impossible to replace. He said while scientists will be making the initial determination, leaving the designation to IRRC approval takes the final decision out of the hands of the scientists. He said this is politicizing science and pointed out IRRC has no scientists on staff. Chairman Causer noted IRRC has been in place for decades and stated he has never heard a complaint about IRRC. He said the commission is not about turning down regulations or science, but is about process and making sure that has been followed before approval. He disagreed this is politicizing science.

Rep. Doyle Heffley (R-Carbon) disagreed with the amount of authority scientists should have in government and the need for some kind of governmental review process, since it is elected officials who are ultimately responsible. He pointed out all other agencies have some sort of review process and said the commissions should be subject to that requirement in some regard. He argued if scientists are so accurate, they should not fear having their findings reviewed.

Rep. Dave Maloney (R-Berks) said the amendment addressed several different concerns brought up regarding the legislation. He stated all should understand everyone on the issue needs to be on the same team and said he is concerned about prior designations of trout streams and their impact on the ability to fish in the future. He said this legislation will make the process of designation more transparent. He argued science does not always prevail, even when it is said to.

Rep. Gillespie noted the validity of medical science in opposition to prior comments made about the validity of science.

Chairman Causer noted the work of Minority Chairman Gary Haluska (D-Cambria) in drafting the amendment.