**MBTA Law**

In January 2022 the Biden administration repealed the Trump administration’s rollback of the Migratory Bird Treaty Act (MBTA).

“Four years ago, on December 22, 2017, the Interior Department issued a legal opinion that instantly gutted the law and eliminated longstanding protections for birds. That MBTA policy, and the January 2021 regulation that doubled down on it, gave a free pass for bird deaths caused by industrial activities – often referred to as ‘incidental take’. It meant that companies no longer needed to take reasonable actions that minimize bird deaths, such as covering up oil pits or marking power lines to avoid collisions. Over the past four years, harm to birds from oil spills and other hazards went uninvestigated and without accountability.”

<https://www.audubon.org/news/bird-protections-restored-and-key-process-advances-strengthen-rules>

The US Fish and Wildlife Service (FWS) has begun drafting the regulations for revisions to the MBTA. A letter signed by advocacy organizations supporting bird protection explains the need for effective regulations by the FWS.

“Birds have important ecological value, supporting resilient ecosystems and acting as indicators of environmental health. And they contribute to our economy, providing ecosystem services such as insect control and pollination and adding more than $100 billion each year to the economy through consumer spending on birdwatching activities.

“Unfortunately, our bird populations are in serious peril. A 2019 report in the journal Science found that North America’s bird populations have declined by 3 billion birds since 1970, representing a 29% decline overall. Grassland birds, shorebirds, seabirds, and aerial insectivores have faced particularly steep declines. Additionally, a report from National Audubon Society found that two-thirds of North America’s bird species are at risk from the compounding impacts of climate change.

“FWS has a core responsibility for managing and conserving migratory birds. The four bilateral migratory bird treaties and the MBTA provide the foundational authority and obligation to protect and conserve these species. FWS has made significant strides over the decades in expanding bird conservation efforts in partnership with states, non-governmental organizations, industry, and other nations. Essential to this work, and a primary purpose of the MBTA, is addressing bird mortality from human activity.

“For decades, FWS has helped advance efforts to minimize the incidental take of birds from avoidable industrial hazards, helping to save millions of birds through the adoption of practices such as covering oil waste pits and marking power lines. FWS has also relied on the MBTA to help birds recover from incidents such as oil spills, including the Deepwater Horizon spill, which led to a $100 million fine that supported efforts to protect and restore habitat under the North American Wetlands Conservation Act.” (pdf attached to the Audubon article; ngo\_mbta\_anpr\_letter\_12.3.21.pdf)

**Organizations signing this letter include**:

    American Bird Conservancy

    Appalachian Trail Conservancy

    Defenders of Wildlife

    Environmental Defense Fund

    Friends of the Earth

    Humane Society Legislative Fund

    National Audubon Society  
    National Parks Conservation Association

    National Wildlife Federation

    Natural Resources Defense Council

    Ocean Conservancy  
    The Conservation Fund  
    The Humane Society of the United States

    The Nature Conservancy

    The Wildlife Society

    World Wildlife Fund

**Are you a member of any of these groups? If so, your eco-choice might be to find out what you can do to support a revised MBTA.**

**If you’re not a member, but you want to help protect birds, why not join one of these groups and organize support for the revised MBTA?**