



Wild Birds Matter

Stop H.R. 4239

In March of 2018, bird and nature lovers will celebrate the 100-year anniversary of the Migratory Bird Treaty Act of 1918 (MBTA). This law has protected our nation's birds through a century of human population expansion and remarkable economic growth. The MBTA currently protects over 1,000 bird species in the United States.

Unfortunately, the MBTA, our nation's cornerstone bird conservation law, is under attack. In November of 2017, the House of Representatives Committee on Natural Resources approved H.R. 4239, an energy act.* This act would remove liability for the incidental or accidental "take" of bird species protected under the MBTA. **This means that energy companies and other industries would no longer be held responsible for bird deaths and injuries resulting from their activities.**

HOW THE MBTA WORKS TO PROTECT BIRD POPULATIONS

- The MBTA provides criminal sanctions for the unpermitted "take" of a protected bird species, by any means or manner, regardless of fault.
- Under this law, U.S. prosecutors can force companies, including oil and gas, mining, electricity, timber, and chemical companies, to be held accountable for incidental deaths and injuries of birds protected by the MBTA.
- Over the past decade, energy companies have been fined in excess of \$114 million, in part due to prosecution for violations of the MBTA.

DEADLY EFFECTS OF ENERGY PRODUCTION ON BIRDS

- **POWER LINES and COMMUNICATION TOWERS** – The U.S. Fish and Wildlife Service (USFWS) estimates that collisions with electric utility lines kill upwards of 50 million birds a year, with an additional 6.5 million deaths from collisions with communication towers.
- **WIND TURBINES** – The USFWS estimates that upwards of 300,000 birds are killed annually from impacts with wind turbines at wind farms.
- **FOSSIL FUELS** – Migratory bird deaths frequently result from entrapment in hydrofracturing and oil waste pits, oil sands tailings ponds, and power plant waste ponds.



IMPACTS OF H.R. 4239

- If H.R. 4239 is passed in Congress, energy companies will be able to develop and build energy projects with impunity and with no regard to the incidental killing of protected birds.
- This will result in more birds, perhaps millions more, dying from accidental causes directly associated with energy projects.



AAV members and their colleagues work with federal and state agencies, non-profit organizations, and private entities to treat and care for avian patients affected by oil spills, power line impacts, and other injuries related to energy projects. H.R. 4239 would be a dangerous step backward in bird conservation.

The AAV opposes H.R. 4239 because it removes liability of energy companies and other industries for the incidental death and injury of protected birds and opens the door to development of energy projects that ignore the potential harm to wild birds.

WHAT CAN YOU DO?

Join the AAV and other organizations that oppose H.R. 4239.

- **Contact your House Representative and ask them to oppose H.R. 4239.**
<https://www.house.gov/representatives/find-your-representative>
- **Send the draft letter, adding your own personal statement, to your House Representative.**
The AAV draft letter is available here: <http://www.aav.org/stophr4239>
- **Distribute and display this flyer in your clinic, on your website, or post to your social media outlets.**
- **Complete an online petition against H.R. 4239.**
 - » American Bird Conservancy petition: <https://abcbirds.org/action/petition-mbta>
 - » National Audubon Society petition: <http://www.audubon.org/takeaction> and click "Stop the Bird-Killer Amendment"

* Strengthening the Economy with Critical Untapped Resources to Expand American Energy Act, or SECURE American Energy Act