

DEAR USFWS

RE: Endangered and Threatened Wildlife and Plants; Interagency Cooperation Regulation.

Submitted to, <https://www.federalregister.gov/documents/2025/11/21/2025-20551/endangered-and-threatened-wildlife-and-plants-interagency-cooperation-regulations>

Submitted on Dec 22<sup>nd</sup>, 2025.

On behalf of this organization, by-and-for-the-people<sup>1</sup>, submits the following comments for consideration. **highlight key info**. Especially when “quoting” points.

## INTRODUCTION

The By and For the People Organization is a newly formed grassroots effort dedicated to preserving the integrity of our natural environment's biological future. As founder and president, I, Josh Wilson, bring decades of experience and understanding of biotechnology regulation and have contributed over 37 public comments on “proposed rules” and policies regarding biotechnology. Recently submitted detailed comments to multiple federal agencies that contribute to these proposed rule concerns are <sup>2</sup>, <sup>3</sup>, <sup>4</sup>.

Please read these supporting documents regarding detailed biotechnology regulation concerns that this proposed regulation, “interagency cooperation,” proposed rules are rooted in.

## SYNOPSIS OF COMMENT.

This response will show that all these recent combined federal regulation policy changes will allow reckless biotechnology release that will disrupt our natural environment and untimely harm the human existence and rewrite government / human existence... if you take into account the newly re-written **NEPA Act “Phase 2”** <sup>5</sup>(effective **7/1/2024**) allows broad **Categorical Exclusions**<sup>6</sup> and effectively silences Americans’ voices in the name of “science.” Then acknowledge the **11/13/2024 USDA/APHIS decision**<sup>7</sup> to **exempt major genetic engineering for plants**. Also, don’t forget that, as of (4/2024), the **FDA’s Genomic Alterations (IGAs) in Animals — changes to DNA via modern technologies like CRISPR — are not required to be recorded**. And then see the recent rewrites of **Endangered Species Act enhancement of survival and incidental take permits ( 4/12/2024)**<sup>8</sup>, which let biotechnology manufacturers off the hook for unintended experimental problems and even **shield their identities** by hiding under operations of conservation groups, NGOs, intuitions, nurseries and government partners — or now, by maybe operating through “inter-agency” processes... these programs together foster the core of my concern.

**Executive Order 14154 (“Unleashing American Energy”)** would honestly be better titled as: *“Unleashing American Energy and Reckless Hidden Experiments Without Anyone Knowing.”*

**Okay, I get it; it’s complicated. Let me walk you through it. ( I am speaking to the public)**

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<sup>1</sup> By and for the People home page, [byandforthepeople.org](http://byandforthepeople.org)

<sup>2</sup> 5/19/25 RE; USFWS **Endangered and Threatened Wildlife and Plants** (attached. **This is the most current detailed read**), <https://www.regulations.gov/comment/FWS-R3-ES-2024-0137-70501>

<sup>3</sup> 1/22/24 RE; USDA/APHIS Proposed Exemptions: Movement of Organisms Modified or Produced through Genetic Engineering, Posted by the Animal and Plant Health Inspection Service. <https://www.regulations.gov/comment/APHIS-2023-0022-6501>

<sup>4</sup> 11/11/25 RE; BLM, Re: Rescission of Conservation and Landscape Health Rule (attached) <https://www.regulations.gov/comment/BLM-2025-0001-60996>

<sup>5</sup> CEQ, NEPA Final rule page, <https://ceq.doe.gov/laws-regulations/regulations.html>

<sup>6</sup> NEPA CE list <https://ceq.doe.gov/nepa-practice/categorical-exclusions.html>

<sup>7</sup> 11/24 USDA/APHIS meeting, <https://www.aphis.usda.gov/biotechnology/meetings/archive>

<sup>8</sup> Endangered Species Act enhancement of survival and incidental take permits, <https://www.regulations.gov/document/FWS-HQ-ES-2021-0152-0075>

**The Bigger and more complicated Picture:** This Rule Is Not Isolated — It Sits on Top of a Deregulatory Machine. Over the last 12 months, federal agencies have quietly assembled a regulatory pathway that fast-tracks biotechnology into natural ecosystems with mostly NO public oversight of the intentions. My previous comments ( footnote 2,3,4, and numerous unlisted comments that go back 18 years with the deregulating agencies directly) document how NEPA Phase 2, USDA/APHIS exemptions, FDA's IGA policy, ESA rewrites, and multiple Executive Orders work together to remove transparency from the public and bypass any true, honest way to move forward, if the proposed rule is passed without proper public discussion...

This "Interagency Cooperation" proposal does not stand alone. It locks in changes to the ESA procedures, enabling federal agencies and private "partners" to move biotechnology into endangered species habitats under the cover of "restoration," "adaptation," or "science-based solutions" and innovation... and "science"...and without open public discussion, And just **to be clear. Once this regulatory stack is assembled, the public will no longer easily be able to see the "science" applied to plants and animal species that will be experimented on, nor will the local community of the area be able to convers on the obvious downstream risks happing in our backyard... Furthermore, This is not conservation.**

**This is not science.**

**This is deregulation disguised as environmental stewardship, handed over to world scientists and corporate powers to experiment with our environment in open nature, with all kinds of crazy risks, using a substantial amount of public money without the public being able to see what is happening. It will be the beginning of destroying something beautiful. Nature.**

**Let's break it down. Where does USFWS get its "Science"? — And Why That Is a Problem???**  
USFWS does not independently generate most of the science it relies on. Under ESA Section 7, the *action agency* (APHIS, EPA, DOE, USDA, DOD, BLM, etc.) provides the biological assessments, impact models, and data. Much of this information comes from the applicant itself, including biotechnology developers, whose studies are still treated as "best available science" even when incomplete, industry-funded, or shielded as Confidential Business Information (CBI). USFWS biologists are skilled ecologists, but they must rely on whatever limited data they receive; they are not molecular geneticists and cannot independently analyze gene-drive behavior, CRISPR dynamics, horizontal gene transfer, or long-term ecosystem interactions. This means the agency's so-called "best available scientific information" often comes from the very programs promoting biotechnology, not from independent ecological risk assessment. In an interagency structure that now allows anonymous applicants and undisclosed biotechnology operations, this is not transparency — it is a systemic blind spot built into the science pipeline itself.

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**The Danger of Interagency Cooperation When Agencies Have Independent Policies**  
USDA, FDA, EPA, CEQ, and USFWS all operate under different regulatory rules—some permissive, some opaque- and this "cooperation" does not produce safety. It produces regulatory laundering. Lets go through the list,

Here is how it works: (trust I am being brief, see my pass comments for the bigger picture)

- **USDA/APHIS exemptions (11/13/2024)** exempt multiple genetically engineered "stacked traits" in a vast array of plants from regulatory oversight entirely and are now considered natural<sup>9</sup>. Additionally, the regulations have since worsened. However, the 2025 meeting was canceled and I cant find any records of the new looser rules.
- **ESA Sections 7 & 10 recent revisions** allow developers to stay anonymous and indemnified for unintended harms (no surprise clause).
- **NEPA Phase 2 (7/1/2024)** allows agencies to move techniques into Categorical Exclusions, eliminating environmental review by relying on recent federal policy changes.
- **FDA IGA guidance** allows gene-altered wildlife traits to proceed with minimal to NO public notice.

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<sup>9</sup> USDA APHIS BRS Stakeholder meeting, Nov 14, 2024, [https://youtu.be/X9n02g\\_3g6w](https://youtu.be/X9n02g_3g6w)

Executive Order 14154 instructs agencies to use broad regulatory and enforcement discretion to advance policy goals—making oversight discretionary in practice and allowing global impacts to be separated from, and obscured within, domestic decision-making, essentially hiding information from the American public...

When these systems are connected under “interagency cooperation,” any agency can point to any other agency and say:

“We relied on their determination.”

No one will become visible.

No one will become responsible.

And the communities will forever remain removed from the conversation and compensation movement... the average American Nobody will never easily know the truth. Well, I suppose someone could file a FOIA request under NEPA rules, but the ESA rules would block the information. The community would bear the consequences of the unnamed experiment.

Courts are already rejecting these “streamlined” oversight frameworks, and I have no doubt that more will follow.

In *National Family Farm Coalition v. Vilsack* (Dec. 2, 2024), a federal court vacated USDA/APHIS’s biotechnology exemption framework, confirming that reduced oversight and enforcement discretion violate fundamental administrative law... And all the new organisms released before the rule was rescinded are now free to roam the natural world.

Likewise, the 2024 CEQ NEPA “Phase 2” rule is currently under active litigation, with courts finding that CEQ lacked the authority to issue binding NEPA regulations. Expanding ESA interagency discretion in this legal environment magnifies opacity, not conservation, and risks the release of new organisms before common sense court repels can come into play.

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Allow me to outline the concerning objectives of recent Executive Orders, which appear designed to bypass established legal safeguards surrounding the implementation of biotechnology initiatives. Maybe because they could be hindered by public opposition??? I don’t know.

Eo14219 <sup>10</sup>“**regulations that harm the national interest by significantly and unjustifiably impeding technological innovation, infrastructure development, disaster response, inflation reduction, research and development, economic development, energy production, land use, and foreign policy objectives**”

This is made even more alarming by the recent Presidential Memorandum<sup>11</sup>, which appears to disregard our longstanding legal processes and institutional checks, undermining the very framework that ensures transparency, accountability, and public trust, DIRECTING THE REPEAL OF UNLAWFUL REGULATIONS.

“**In effectuating repeals of facially unlawful regulations, agency heads shall finalize rules without notice and comment, where doing so is consistent with the “good cause” exception in the Administrative Procedure Act. That exception allows agencies to dispense with notice-and-comment rulemaking when that process would be “impracticable, unnecessary, or contrary to the public interest.”**

READ IT AGAIN,

“**without notice and comment.**”

Secretarial Order 3418 <sup>12</sup> further raises concern because its ultimate direction and scope remain undefined. By directing rapid internal reviews and revisions without clearly stated standards or

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<sup>10</sup> EXECUTIVE ORDER 14219, ENSURING LAWFUL GOVERNANCE AND IMPLEMENTING THE PRESIDENT’S “DEPARTMENT OF GOVERNMENT EFFICIENCY” DEREGULATORY INITIATIVE, 2/19/25, <https://public-inspection.federalregister.gov/2025-03138.pdf>

<sup>11</sup> Presidential Memoranda, DIRECTING THE REPEAL OF UNLAWFUL REGULATIONS, April 9, 2025, <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/>

<sup>12</sup> 2/3/25, SO 3418 - Unleashing American Energy, <https://www.doi.gov/document-library/secretary-order/so-3418-unleashing-american-energy>

public benchmarks, the Order creates uncertainty about which protections will be weakened, on what scientific basis, and through which interagency pathways—amplifying transparency and accountability risks.

But maybe EO14303, Restoring Gold Standard Science Could help transparency??? <sup>13</sup>

“This order restores the scientific integrity policies of my first Administration and ensures that agencies practice data transparency, **acknowledge relevant scientific uncertainties, are transparent about the assumptions and likelihood of scenarios used**”.

The Gold Standard Science Executive Order requires that scientific information used in federal decision-making be transparent and open to public evaluation. Because ESA interagency cooperation relies on scientific analyses to justify regulatory outcomes, those analyses cannot be hidden behind interagency processes or confidentiality without violating the EO’s core transparency requirements.

**Why ESA Is the Last Line of Defense — and Why This Rule Weakens It**

The ESA is supposed to be the firewall that protects irreplaceable ecosystems from experiments, accidents, and ecological engineering gone wrong.

But this rule dangerously narrows:

- what counts as an “effect of the action,”
- how far future consequences must be analyzed,
- what gets included or excluded from the environmental baseline, and
- what qualifies as “reasonably certain to occur.”

For biotechnology:

- *uncertainty is inherent,*
- *spread is likely,*
- *interactions are unpredictable,*
- *ecosystem effects compound over time.*

When ESA narrows its definitions, biotechnology slips through the cracks by design.

The explicit allowance for anonymous applicants under Section 10, combined with the “no surprises clause,” means that:

- Developers cannot be held liable.
- The public cannot know who is involved.
- The long-term harms fall entirely onto ecosystems and citizens.

My previous comments documented how agencies anticipate using vaccines, sterile insects, genetic traits, and climate-adaptation biotech under these exemptions and CE categories. The public needs to know about what is being applied; we are often on-site and can keep an eye on things.

I cannot see nature in any other way; its design is sacred to me. The natural visual appearance of plants and animals is essential to my connection to nature... Please ensure that the natural look of nature (plants and animals) remains unscathed by human intervention.

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### **Transparency Failures Already Surrounding USFWS ESA**

As noted in my past comments, I have repeatedly attempted to obtain the USFWS “strategic plan” — *a document required under the Government Performance and Results Act (GPRA), which mandates that every federal agency publish a long-term strategic plan outlining its goals, performance measures, operational priorities, and how it intends to use its statutory authorities.* Despite requesting this plan through official channels —email, and phone calls, a Request from my congressman, Paul Gosar, to USFWS / DOI – including FOIA, all my requests remain unanswered.

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<sup>13</sup> 5/23/25, EO14303, Restoring Gold Standard Science  
<https://www.whitehouse.gov/presidential-actions/2025/05/restoring-gold-standard-science/>

FWS own supporting evidence urges caution with biotechnology, used on may 19 2025, Threatened Species Status with Section 4(d) Rule for Monarch Butterfly and Designation of Critical Habitat “Climate Change 2014 Synthesis Report” Table 4/3 <sup>14</sup>.  
“Perceived risk to public health and safety; **ecological risks associated with introduction of new genetic variants to natural environment**”

When USFWS relies on vague terms that clearly encompass biotechnology but never explicitly names it<sup>15</sup>, the public is deprived of meaningful notice. This ambiguity prevents informed comment, obscures risk assessment, and undermines transparency required for lawful decision-making:

- promotes “climate adaptation,” “using cutting-edge science in conservation.”
- hints at “genetic resource management,”
- uses vague language about “science-based tools”

And then participates in interagency structures that allow anonymous applicants, and shields them from all damages, and refuses to provide its legally required strategic plan, then the public is not dealing with transparency.

The public is dealing with obstruction.

This interagency rule further expands those obstructions.

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#### What USFWS Must Do to Prevent Abuse of Biotechnology Under ESA

I formally request the following:

A. Require a full Environmental Impact Statement (EIS) for any biotechnology used in endangered species habitat.

This requirement must supersede any Categorical Exclusion or APHIS/FDA exemption.

B. Require public disclosure of all biotechnology developers and genetic constructs released. No anonymous applicants. No subcontracting obscurity. No “partners” hidden behind nonprofits or government ties.

C. Treat gene editing, even excluded genetic editing, gene drives, synthetic genomes, sterile insect systems, and wildlife genomic alterations as high-risk actions with long-term impacts until public overview of the regulations happens with debatable science. The ESA must apply a precautionary standard, not a deregulatory one.

D. Expand—not narrow—the definition of “effects of the action.”

For self-replicating technologies, the concept of “reasonably certain to occur” must consider ecological plausibility, not just short-term certainties.

E. Prevent interagency cooperation from becoming regulatory cover.

USFWS must retain authority and responsibility instead of deferring to other agencies’ deregulatory frameworks.

F. Please properly account for “Required Determinations” with my viewpoint added to your judgment—

“Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 provides that regulations must be based on the best available science and that the rulemaking process **must allow for public participation and an open exchange of ideas**”...

by operating under these new “proposed rules” the transparency aspect of these E.Os are missed...

G. Show me how the biotech will be funded! i would like to know what grants, Infrastructure Laws (BIL + IRA) funding are being used and how public money is spent.

H. We should expand the definition of ESA protection and the use of biotechnology.

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<sup>14</sup> Climate Change 2014 Synthesis Report <https://www.regulations.gov/document/FWS-R3-ES-2024-0137-0007>, [https://archive.ipcc.ch/pdf/assessment-report/ar5/syr/AR5\\_SYR\\_FINAL\\_All\\_Topics.pdf](https://archive.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_All_Topics.pdf)

<sup>15</sup> USFWS webpage, climate change, <https://www.fws.gov/glossary/climate-change>

I. The censorship of my voice in many online outlets, and the record requests is a form of corruption.

J. I want the opportunity to offer options that can naturally restore the natural environment and know about the use of biotechnology if it is used.

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#### **Closing Statement**

**USFWS has a critical decision before it:**

**Will the ESA remain a real safeguard for endangered species, or will it become the final doorway through which new engineered organisms enter the natural world without scrutiny? One would think that this would have an International Impact on world partners, and they should be able to comment as well... this should be considered a significant rule**

**This rule, as written, fails to address the necessary infrastructure for releasing biotechnology into ecosystems with sufficient accountability.**

**I urge you—firmly but respectfully—to revise this rule, restore transparency, and uphold your responsibility to protect the irreplaceable natural biodiversity of the United States.**

**Lets pull the rains and study these tools and enjoy the rest of humanity in a transparent way**

**To the best of my ability,**

**Respectfully submitted,**

**Josh Wilson**

**By and For the People...**

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