



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

May 19, 2025

Re: Rescinding the Definition of “Harm” Under the Endangered Species Act; FWS-HQ-ES-2025-0034; submitted via regulations.gov

The National Stone, Sand & Gravel Association (NSSGA) is pleased to provide comments to U.S. Fish and Wildlife Services and the National Oceanic and Atmospheric Administration (the agencies): Rescinding the Definition of “Harm” Under the Endangered Species Act (ESA) (FWS-HQ-ES-2025-0034). NSSGA agrees with the decision to rescind the current definition of harm under the ESA.

NSSGA is the leading advocate for the aggregates industry. Our members are responsible for the essential stone, sand and gravel used in road and public works projects, as well as erosion control, wastewater treatment, and drinking water purification systems. Aggregate companies take naturally occurring rock from the ground, then crush and sort it. Our industry exists side-by-side with nature, and many of our members voluntarily set aside areas of their property for wildlife habitats. NSSGA believes that the protection of endangered species is important, and supports a consistent, transparent and scientific approach to protection, while balancing the need for continued economic growth.

NSSGA agrees that the agencies’ definitions of harm do not accord with the single, best meaning of the statutory text, and should be rescinded due to the U.S. Supreme Court decision in *Loper-Bright*. NSSGA suggests the agencies develop implementation guidance for this change. I can be reached at (703) 772-2499 or at ecoyner@nssga.org.

Sincerely,

A handwritten signature in dark ink, reading "Emily W. Coyner". The signature is fluid and cursive, with the first name "Emily" being the most prominent.

Emily Coyner
Senior Director, Environmental Policy

