

June 12, 2019

The Honorable John Barrasso
Chairman
Committee on Environment and Public
Works
United States Senate
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

We, the undersigned Chambers of Commerce, appreciate the Committee holding the hearing, “A Review of Waters of the U.S. Regulations: Their Impact on States and the American People.” We are committed to the protection and restoration of America’s wetlands and waters, and the definition of “Waters of the United States” (“WOTUS”) is critical to our membership, as many of our members engage in activities subject to the Clean Water Act’s (“CWA”) extensive permitting requirements.

The definition of WOTUS is a pivotal aspect of the ability of the U.S. Environmental Protection Agency and Army Corps of Engineers (“the Agencies”) to administer and enforce the CWA. Unfortunately, uncertainty has long surrounded the scope of federal jurisdiction over WOTUS.

To quell that uncertainty, the Agencies revised the definition of WOTUS in 2015 in order to “ensure protection of our nation’s aquatic resources and make the process of identifying ‘waters of the United States’ less complicated and more efficient.” That definition, however, strayed far from that goal and created a substantial amount of regulatory confusion for affected stakeholders. The courts recognized that confusion and have since stayed implementation of the 2015 rule in a number of states across the U.S., creating a distinct patchwork of enforcement.

The current Administration has made addressing that confusion and uncertainty a top priority. The Agencies have since undertaken a number of rulemakings to repeal the 2015 rule and recodify the preexisting regulations. Further, the Agencies recently proposed a revised definition of WOTUS that better defines the scope of federal jurisdiction over U.S. waters.

In April, we submitted the attached comment letters in support of this revised definition. The proposed revisions, if finalized, would provide the regulated and agricultural communities with the certainty and clarity they need to continue operations and invest in new operations that are subject to the CWA’s requirements. Further, the proposed revisions would maintain protections for American waters while preserving the states’ authority over local land and water use, enhance transparency, and reflect decisions that are appropriately informed by science.

Stakeholders in all sectors of the economy across the U.S. rely on this regulatory certainty and clarity to ensure that critical projects are completed in a timely fashion and that day-to-day business operations are not unduly hindered by regulatory uncertainties.

We look forward to working with you on this important matter.

Sincerely,

U.S. Chamber of Commerce
Arizona Chamber of Commerce & Industry
Colorado Chamber of Commerce
Georgia Chamber of Commerce
Kentucky Chamber of Commerce
Ohio Chamber of Commerce
Tennessee Chamber of Commerce & Industry
Wisconsin Manufacturers and Commerce

cc: Members of the Senate Committee on Environment and Public Works