

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
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September 17, 2019

The Honorable Grace Napolitano
Chairwoman
Subcommittee on Water Resources and the
Environment
U.S. House of Representatives
Washington, DC 20515

The Honorable Bruce Westerman
Ranking Member
Subcommittee on Water Resources
and the Environment
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Napolitano and Ranking Member Westerman:

The U.S. Chamber of Commerce appreciates the Committee holding the hearing, “The Administration’s Priorities and Policy Initiatives Under the Clean Water Act.” The Chamber is committed to proactively working with legislators, regulators, and stakeholders alike to ensure that the Administration implements and enforces all relevant policies and procedures in accordance with Congress’s intent when enacting the Clean Water Act (“CWA”), as this is a key priority and essential to building economic prosperity and growth for our member companies and the communities where they operate.

Today’s hearing addresses a number of issues important to the business community, and is aligned with the Chamber’s Business Task Force on Water Policy principles. When it comes to water policy, as detailed in the attached document, the Chamber supports increased and sustained funding and expanded opportunities for financing, regulatory flexibility and efficiency of service, resilience, small communities and small business needs, and technology innovation.

Notably, the Chamber applauds the Environmental Protection Agency (“EPA”) and U.S. Army Corps of Engineers for their recent actions to repeal the 2015 “Waters of the United States” (“WOTUS”) rule and recodify the preexisting regulations. The 2015 WOTUS rule significantly expanded the definition of navigable waters well beyond what Congress intended, creating great uncertainty for states, local governments, businesses, and farmers. We look forward to working with those Agencies as they promulgate a new rule that properly defines WOTUS in a manner that provides certainty and clarity for stakeholders and builds upon existing standards to improve water quality.

The Chamber also supports EPA’s recent actions to develop a clear and predictable water quality certification process under section 401 of the CWA that comports with Congressional intent and does not unnecessarily delay the permitting process for interstate infrastructure projects, as well as its guidance clarifying that releases from industrial activities that reach WOTUS via groundwater are otherwise not regulated under the CWA’s point source program.

Lastly, the appropriate regulation of per- and polyfluoroalkyl substances (“PFAS”) is extremely important to the Chamber and its members, and the Chamber supports EPA’s “PFAS Action Plan,” released earlier this year. The PFAS Action Plan is the most comprehensive cross-agency plan to address an emerging chemical of concern that EPA has ever released and provides the clear roadmap needed to address this important issue.

With that said, it is imperative that any Congressional action taken to address the regulation of PFAS does not circumvent existing regulatory authorities and regulate PFAS as a single class. EPA must retain its traditional authority to assess the array of PFAS and ascertain which among them should be regulated through ongoing Agency efforts.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a large, stylized flourish at the end.

Neil L. Bradley

cc: Members of the Subcommittee on Water Resources and the Environment