

New Water Rule Increases Confusion, Lacks Clarity

WASHINGTON, December 19, 2022 – The Waters Advocacy Coalition, which includes nearly 50 organizations representing agriculture, energy, infrastructure, construction and real estate, manufacturing, mining, specialty pesticides, state departments of agriculture, and many other job creators, is extremely disappointed in the Environmental Protection Agency’s and Army Corps of Engineers’ final Waters of the United States (WOTUS) rule.

The regulated community and many states have called for a rule that provides the clarity and certainty essential for predictable and efficient permitting. Unfortunately, the agencies failed to pay attention to the input they received during their public comment process, as well as their regional roundtables on the proposed rulemaking. Instead, the rule’s reliance on vague terms will make it very difficult for any business or individual trying to comply with the Clean Water Act (CWA)—let alone the many small businesses that we represent.

In addition, the new rule comes at a time when the Supreme Court is weighing the scope of the CWA in the case of *Sackett v. EPA*. A ruling in the *Sackett* case could negate (or render irrelevant) significant elements of this WOTUS rule, which will create even more confusion for landowners and businesses throughout the country.

WAC members work to protect and steward water resources, and a clear, efficient definition of WOTUS would enable us to continue to do so. Regrettably, EPA’s new water rule not only makes these efforts more difficult, it also puts sorely needed infrastructure projects at risk and threatens to make food, housing, and energy even more expensive for America’s families.