

## Senate EPW committee hearing reviews Clean Water Act rule

**April 26, 2017**

On April 26, the Senate Committee on Environment and Public Works (EPW) held an oversight hearing to review the Obama Administration's Waters of the United States (WOTUS) rule. The WOTUS rule, also known as the Clean Water Rule, was established to provide a more clear definition of the waters protected under the Clean Water Act (CWA).

The EPA developed a report on water connectivity to inform the WOTUS rulemaking process, which confirmed the basic hydrologic principle that all parts of a watershed are connected to some degree. According to Senator John Barrasso (R-WY), Chairman of the EPW Committee, the EPA's report fails to examine whether connections are significant, and it does not address the issue of federal jurisdiction, therefore it cannot be used to justify the WOTUS rule.

Witnesses provided testimony during the hearing to assess which streams and wetlands should be subject to federal regulation.

Misha Tseytlin, Solicitor General for the State of Wisconsin, said that the WOTUS rule is "an overbroad assertion of federal authority over local waters, which are rightfully subject to state, not federal, regulation." According to President and Chief Executive Officer of the National Wildlife Foundation (NWF) Collin O'Mara, however, the WOTUS rule is an important part of collaborative federal and state conservation efforts. Mr. O'Mara explained that the rule is a product of years of transparent scientific and public deliberations, and it protects the drinking water for more than 117 million Americans.

The hearing follows an executive order signed by President Trump on February 28 directing the Environmental Protection Agency (EPA) and the Army Corps of Engineers (USACE) to review and then rescind or revise the WOTUS rule. The rule is currently stayed (postponed from further action) pending legal challenges, including a petition before the Supreme Court to decide whether or not circuit courts should have jurisdiction to hear challenges to the rule.

*Sources: Environmental Protection Agency, U.S. Senate*

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