

American Rivers • American Whitewater • Amigos de los Ríos • California River Watch • Californians for Alternatives to Toxics • Clean Water Action • Conodoguinet Creek Watershed Assn • Earthjustice • Endangered Habitats League • Greenpeace • Gulf Restoration Network • League of Conservation Voters • Maryland Conservation Council • Midwest Environmental Advocates • Missouri Coalition for the Environment • Natural Resources Defense Council • Ohio Wetlands Association • Prairie Rivers Network • Sierra Club • Southern Environmental Law Center • Surfrider Foundation • Tookany/Tacony-Frankford Watershed Partnership, Inc. • WESPAC Foundation

November 2, 2015

Senator:

The undersigned organizations, and our millions of members and supporters, oppose the Dirty Water Resolution (S.J. Res. 22). The “Resolution of Disapproval” under the Congressional Review Act attacks the Clean Water Rule, the Obama administration’s landmark initiative to restore safeguards against pollution and destruction for lakes, streams, wetlands and other water bodies.

The Clean Water Rule restores important safeguards that once existed for a variety of water bodies. Those safeguards were eroded after a pair of Supreme Court decisions and by policies the Bush administration adopted, which left many water bodies inadequately protected or lacking the pollution control requirements of the Clean Water Act. The rule restores prior protections for many critical wetlands, which curb flooding, filter pollution, and provide habitat for a wide variety of wildlife, including endangered species and wildfowl and fish prized by hunters and anglers.

The Dirty Water Resolution is an extreme action that seeks to kill the Clean Water Rule using the Congressional Review Act, which goes far beyond stopping a disapproved administrative action. The Congressional Review Act says that an agency may not adopt “a new rule that is substantially the same” as the disapproved rule, and the breadth of that requirement is very unclear.

In the context of the Clean Water Rule, it could be read to prohibit EPA and the Army Corps from issuing any rule that establishes protections for waters that the Clean Water Rule covers, like lakes, streams, and wetlands. The Dirty Water Resolution radically undermines the agencies’ ability to clarify the jurisdiction of the Clean Water Act – despite urging from industry associations, conservation groups, members of Congress, state and local leaders, and Supreme Court justices for such a clarification.

By pursuing this anti-clean water resolution, pro-polluter members of the Senate are seeking to kill a commonsense and modest rule containing scientifically-sound and legally-valid protections for the nation’s waters, including critical drinking water supplies.

Restored clean water protections enjoy broad support. In polling for the American Sustainable Business Council, eighty percent of small business owners — including 91% of Democrats, 73% of Independents and 78% of Republicans — said they supported the then-proposed Clean Water Rule. A strong majority, 71%, also said that clean water protections are necessary to ensure economic growth; only six percent said they were bad for growth. Similarly, a bipartisan research team polled hunters and anglers

nationwide and discovered that 83% surveyed thought that the Environmental Protection Agency should apply the rules and standards of the Clean Water Act to smaller, headwater streams and wetlands. Support for this policy was strong across the political spectrum, with 77% of Republicans, 79% of Independents and 97% of Democrats in favor.

We ask that you oppose the Dirty Water Resolution (S.J. Res. 22) because it will undermine protections for our drinking water supplies, flood buffers, and fish and wildlife habitat. This attack on clean water is not only a waste of the Senate's time but also an excessive and dangerous act that jeopardizes clean water for generations to come.

Sincerely,

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