



The House Committee on Transportation & Infrastructure

Chairman Peter A. DeFazio
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Trump Dirty Water Rule is Single Largest Rollback in Clean Water History *Proposal Reverses Bipartisan Protections on Over Half of the Nation's Wetlands, Rivers, and Streams*

THE IMPORTANCE OF CLEAN WATER

Clean water is a basic need. Our families rely on rivers and streams to supply clean drinking water to our homes and businesses. Our farmers and brewers rely on clean water to produce food and drink. Hunters, anglers, and birders need waters and wetlands to sustain wildlife and the \$887 billion outdoor recreation industry depends upon clean water to recreate.

Congress recognized the importance of protecting our rivers, streams, lakes, and wetlands when it overwhelmingly, and on a bipartisan basis, enacted the Clean Water Act over the veto of former-President Nixon in 1972. In enacting the Clean Water Act by a 10-to-1 margin, Congress established a national baseline, in partnership with the states, to address the water quality disasters of the 1970s – when rivers served as little more than open sewers, when the Great Lakes were pronounced “dead,” and when the Cuyahoga River literally caught on fire.

The Clean Water Act has been instrumental in addressing the most obvious sources of water pollution – the open discharge of chemicals and untreated sewage into the nation's waters – as well as achieving the historically-bipartisan goal of “no net loss” in our nation's wetlands.

TRUMP DIRTY WATER RULE

President Trump's Dirty Water Rule undermines those state-by-state water quality improvements we have fought for, and made significant Federal investments to achieve, in a giveaway to polluters. The Dirty Water Rule would radically reinterpret decades-old Clean Water Act protections endorsed by Republican and Democratic administrations alike – virtually assuring the destruction of rivers, streams, lakes, and wetlands throughout the nation.

U.S. Environmental Protection Agency (EPA) documents have estimated that the Dirty Water Rule would eliminate Clean Water Act protections on ***between 18 to 71 percent of the Nation's stream and river miles, and over 50 percent of wetlands.*** Yet, EPA political appointees have repeatedly refused to quantify the exact scope and nature of waters that would lose Clean Water Act protections – failing to let everyday Americans understand how the Dirty Water Rule could harm or destroy locally-important waterbodies.

President Trump repeatedly says he is for “crystal clean water” and recently noted how “water is the lifeblood of agriculture and we will always protect your water supply;” however, if the Dirty Water Rule is allowed to go into effect, American families and farmers can no longer count on Federal efforts to protect our waters. The Dirty Water Rule removes Clean Water Act protections on the network of tributaries and streams that are scientifically-critical to ensuring safe and reliable sources of water throughout the Nation. According to EPA, this Dirty Water Rule allows for the pollution or destruction of waterbodies that serve as the ***drinking water source for over 117 million Americans.***

This radical departure from historic Clean Water Act protections can only cause harm across the country. If our network of smaller rivers and streams are no longer protected, then best estimates suggest that 60 percent of stream miles in the lower 48 states that do not flow year-round – almost 2 million stream miles – will lose Clean Water Act protection. Similarly, the Dirty Water Rule would end protections on an estimated 110 million acres of wetlands in the continental United States (excluding Alaska and Hawaii) that do not have a surface-water connection to other covered waterways, in spite of contributing to the health of those waters.

The Dirty Water Rule flies in the face of science, the law, and economics. Streams and wetlands are critically important for ecosystem services, including filtering water that helps provide clean drinking water, and storing water that helps protect communities from flooding and drought. This simple truth was recently verified by the Trump administration's *EPA Science Advisory Board*, which found that the Dirty Water Rule **"neglects established science"** by **"failing to acknowledge watershed systems"** and ultimately determined there was **"no scientific justification"** for excluding certain bodies of water from protection under the new regulations.

When this Rule is finalized, it will hurt the average American family by eliminating uniform access to clean water, and by increasing their out-of-pocket costs both for simply expecting clean water from their taps or in protecting against increased risk of flood damages. In fact, the EPA's own economic analysis of the Dirty Water Rule highlights the cascading adverse consequences of this proposal, including reduced wetlands habitat (and ecosystem values), increased flood risk, higher numbers of polluted waterbodies (and increased restoration costs), higher costs for drinking water treatment, and greater exposure risks to oil and hazardous waste spills. Similarly, when finalized, the Dirty Water Rule will likely **eliminate existing Clean Water Act permit requirement on, what EPA conservatively estimates are, 16,000 permitted facilities**, including sewage treatment plants and industrial facilities.

At the end of the day, the Dirty Water Rule will mean that fewer streams, wetlands, and other waterways will be protected by the Clean Water Act programs put in place to help protect the environment and people. It means more pollution into the streams and lakes that are sources for our drinking water, fishing, and swimming. It means the likely destruction of wetlands that serve both as irreplaceable habitat for countless birds, fish, and mammals, as well as protect our homes, lives, and livelihoods from flooding, coastal storms, and the challenges facing this nation by climate change and extreme weather.

As David Uhlmann, the former Chief of the U.S. Department of Justice, Environmental Crimes Section, recently noted:

With fresh water supplies vulnerable to a changing climate, and our infrastructure outdated, as seen in Flint, Michigan, we need to do more to protect America's waterways and ensure continued progress in the effort to provide clean drinking water, and fishable and swimmable streams — the goals Congress set when it passed the Clean Water Act in 1972. The last thing we should do is turn back the clock, weaken the Clean Water Act and further fray our national commitment to clean water and a healthy environment.

Yet, that is exactly what the Trump Dirty Water Rule would do – it would needlessly weaken our Nation's premiere clean water law that has achieved remarkable improvements in water quality over the last four decades. In short, if the Dirty Water Rule is finalized, generations to come will point to this action as the moment where comprehensive water quality protections in the United States ceased to exist.