

# ADVOCACY PLAYBOOK

## WHATS THE ISSUE?

In 2015 the Environmental Protection Agency (EPA) and Army Corps of Engineers implemented the Clean Water rule, commonly referred to as the Waters of the United States (WOTUS) rule. The rule is a regulation under the Clean Water Act of 1972 which significantly expanded the scope of bodies of water deemed to fall under federal regulations due to their hydrological or ecological to larger navigable waters, interstate waters, and territorial seas. This expansion of waters which fall under federal regulation led to a significant increase in the number of bodies of water on agricultural operations subject to strict EPA supervision. In 2017, the Trump administration began a process to review and rescind or revise the 2015 WOTUS rule and following federal litigation the rule was formally suspended in early 2020. Since being elected, the Biden administration has indicated its intent to reimplement a more expansive WOTUS rule, however not exactly the same as the rule was in 2015.

## WHY DOES IT MATTER?

One of the industries most impacted by the expanded scope of federally regulated waters was agriculture. Due to the vast land holdings required for agriculture, many farmers found parts of their operations now fell under onerous federal regulations which limited their ability to properly manage their crops. Yet more, due to the expansive nature of the regulation it was often unclear if certain irrigation ditches, retention ponds, or even just low areas of land which could fill with water could be subject to federal water regulations. Altogether, the 2015 WOTUS rule significantly impacted farms due to burdensome regulation of almost all water that crossed their lands and confusion about what areas could be subject to these regulations.

## WHAT YOU CAN DO

If you want to get involved in crafting the new WOTUS rule, the EPA is currently soliciting public input prior to crafting a new rule. Information on how to submit comments can be found here:

<https://www.epa.gov/wotus> When submitting comments, it is useful to include a story about how the WOTUS rule will affect you, your family, and your community. Each call, email, and letter the EPA receives will help ensure that the new WOTUS rule respects private property rights and allows the agriculture economy to flourish. By lending the voice of Grangers across the country in support of a fair WOTUS rule, together we can push the administration to create a system which benefits both the environment and farmers.

