



**American
Sustainable
Business
Network**

Michael Connor
Assistant Secretary of the Army for Civil Works
Office of the Assistant Secretary of the Army
(Civil Works)
108 Army Pentagon
Washington, DC 20310-0108

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Mail Code 1101A

Date: February 7, 2022

From: American Sustainable Business Network and undersigned business

RE: Comment on Docket EPA-HQ-OW-2021-0602, Revised Definition of “Waters of the United States”

Submitted via [regulations.gov](https://www.regulations.gov)

Dear Administrator Regan and Acting Assistant Secretary Connor:

The undersigned businesses and business associations of all sizes and from across industries applaud you on the recent repeal of the Navigable Waters Protection Rule and urge you to quickly implement a new rule that creates strong, science based, long-lasting protections for our water resources across the country. We ask that you act promptly to restore strong federal Clean Water Act protections stripped by the Navigable Waters Protection Rule (NWPR). From breweries to outdoor outfitters, lakeside retail and lodging to shellfish harvesters and sustainable farmers, the businesses that power our economy and support our communities need the same thing as our own families do – strong safeguards for clean water and our health.

According to a survey conducted in 2014, more than 70% of small business owners—including majorities of self-identified Republicans, Democrats, and Independents—believe that clean water protections help to spur economic growth. Only six percent believe such protections are too burdensome. Strikingly, 67% of these small business owners were concerned that water pollution could hurt their business operations. From recreation to tourism, brewing to aquaculture, clean, unpolluted water matters.

In 2016, Americans spent \$46.1 billion on fishing alone, and in 2019 outdoor recreation accounted for 2.1% of national GDP, at \$459.8 billion. In 2017, in California alone, the outdoor recreation industry directly employed 691,000 Californians, provided \$30.4 billion in wages and salaries, and generated \$92 billion in consumer spending. In 2020, the craft brewing industry contributed \$62.1 billion to the economy, and supported over 400,000 jobs. Clean, swimmable coastal and lake waters support a vast range of associated businesses, from resorts and restaurants to boat sales and marinas.

Solving clean water crises once they occur is costly, to government and to taxpayers, dragging down economic development and causing lasting damage. Even incrementally greater pollution negatively affects many of our businesses – for instance, for oyster farmers, healthy estuaries grow more oysters, which in turn support greater numbers of fish that sustain tourism and commercial and recreational

fishers. That's why it is crucial to quickly restore strong clean water protections, to protect a precious resource we all depend on, and stop favoring polluting industries over other businesses.

While your agencies' current guidance of protecting those waters that had been covered prior to 2015 is significantly better than the recklessly limited coverage of the Navigable Waters Protection Rule, it is still inadequate to ensure clean water across the country. The EPA and Army Corps must therefore move promptly towards replacing it and adopting strong federal clean water protections that are rooted in science and consistent with the objective of the Clean Water Act to protect streams, wetlands, and lakes that our businesses and communities rely on.

Given the extensive prior record on the definition of waters protected under the Clean Water Act -- including widespread public comment-- the agency has all the tools it needs to complete the replacement process by the end of this year.

In order to ensure a new definition of "Waters of the United States" fulfills the promise of the Clean Water Act, the following are some of the key topics to implementing the Clean Water Act consistent with the Act's objective, in protecting families and communities, and in allowing businesses to thrive:

The scope of jurisdictional tributaries- In defining jurisdictional tributaries, the agencies should protect the chemical, physical, and biological integrity of the rivers, streams, lakes, and other waters that are tributaries to interstate waters, traditional navigable waters, impoundments, territorial seas, and other waters of the United States.

The scope of adjacency- The rule must protect wetlands adjacent to other "waters of the United States" and the agencies should use their expertise and the latest science on hydrologic and functional connectivity in doing so.

Science- We need regulatory standards that are rooted in science and protective of the interconnected streams, wetlands, and other waters that are so vital to our communities and ecosystems. Establishing a sound, consistent, scientifically supported and clear definition of "waters of the United States" is a critical component of lawfully implementing the Clean Water Act.

Environmental justice interests- An unduly restrictive definition of "waters of the United States" disproportionately harms environmental justice communities. EPA has provided guidance to its rule-writers on how to incorporate environmental justice, noting in internal guidance that "it is critical that EPA rule-writers consider environmental justice (EJ) when developing a regulation."

Climate implications- Climate change must be factored into any new definition of "waters of the United States." Nearly half of the river and stream miles in this country are already biologically impaired, and the effects of climate change will exacerbate these impairments unless greater protections are implemented. Climate change dictates the broad protection of all waters, without exclusion

We call on you to promptly restore federal clean water protections and then strengthen protections in a second rulemaking to adequately safeguard America's waterways. Clean water benefits everyone, including our families, our businesses, our employees and customers, and our communities. The American Sustainable Business Network and the nearly 300 undersigned businesses endorse this comment.

Please contact Senior Policy Manager Colton Fagundes with any questions or to get in contact with any of the other signatories, cfagundes@asbnetwork.org.

Sincerely,

Name of Business	State
Fox One Solutions	AL
Herbaliz LLC	AL
A.R. Marketing House	CA
Alter Images	CA
AlterEco, inc.	CA
Avocado Mattresses, LLC	CA
C. Wolfe Software Engineering	CA
DIESEL, A Bookstore	CA
Dogpatch Biofuels	CA
Dr. Bronner's	CA
ECOS/Earth Friendly Products	CA
Ecosia	CA
Encore Editorial Services	CA
Enigmatics	CA
Financial Alternatives	CA
Green Retirement, Inc.	CA
Green2Gold	CA
greentv.com	CA
Healthy Oceans, Healthy People	CA
HigherRing, Inc.	CA
impact coaching & consulting, llc	CA
inNative	CA
Intex Solutions, Inc	CA
James' Solar	CA
Kahl Consultants	CA
KW Botanicals Inc.	CA
Landscape Consultant	CA
Lawrence R. Jensen & Associates	CA
Leadership & Strategy for Sustainable Systems	CA
Meaningful Organization Design, Inc	CA
Marin Sunshine Realty	CA
Marlene Puaoi, CSR	CA
Matt Sheridan Dog Walking	CA
National Stewardship Action Council	CA
Net Impact	CA
Otherwild	CA
Quest	CA

Rincon-Vitova Insectaries, Inc.	CA
The Rosebud Agency	CA
Sol Economics	CA
STOKE	CA
Tendaji LLC	CA
Thinkshift Communications	CA
Unical Aviation	CA
Wallin Mental Medical	CA
Weil Aquatronics, Inc	CA
AREI, Inc.	CO
Box Canyon Lodge and Hot Springs	CO
Business for Water Stewardship	CO
Dreamweaver Yoga	CO
Durango Compost Company	CO
Equinox Consultancy LLC	CO
GoodLight Natural Candles	CO
Horse & Dragon Brewing Company	CO
Interiors by Design	CO
Mind-iN-Spire.org	CO
New Belgium Brewing	CO
Relish Studio	CO
Solar Energy Consulting US, Inc.	CO
Spector and Associates	CO
Suite Sleep, Inc.	CO
SunJuice Solar	CO
Sustainable Food Trade Association	CO
The Denver Business Journal	CO
Venner Consulting	CO
4P Foods	DC
Eighty2degrees LLC	DC
Jim Schulman, Architect	DC
National Latino Farmers and Ranchers Trade Association	DC
Shifting Patterns Consulting	DC
Advanced Pavement Group	DE
BrightFields, Inc.	DE
Brown Advisory	DE
Drone Workforce Solutions, LLC	DE
Equality Delaware Foundation	DE
Hatzel and Buehler, Inc.	DE
Ultra Solar and Wind	DE
Wilmington Rowing Center	DE
World Trade Center Delaware	DE
Ethical Markets Media	FL

Jarmusz & Associates	FL
Nancy Deren Financial Coaching	FL
The Global Cooling Project	FL
"The Paula Gordon Show"	GA
Chicory Wealth	GA
Owens Business & Cnsltg. Llc	GA
Tai Chi 4 LIFE	GA
'The Paula Gordon Show'	GA
Proof Maui Photography	HI
Ideal Energy Inc	IA
Chlorinefree Products Association	IL
Earth Friendly Products / Ecos	IL
Eye Love Nature	IL
HJKessler Associates	IL
Human being	IL
Just in Time Direction	IL
NJH Sustainability Consulting	IL
Open Water	IL
Ringspann Corp.	IL
Sodrel Photography	IN
Broadside Bookshop Inc.	MA
Climate Action Business Association/ Climate XChange	MA
DiMatteo Consulting	MA
HealthLink	MA
Irving House Corporation	MA
Perfect Supplements	MA
Stakeholders Capital	MA
Tech Networks of Boston	MA
The Basil Tree Inc	MA
Topia Inn	MA
Amicus Green Building Center, LLC	MD
Biohabitats, Inc.	MD
CEM Design, Architects	MD
CRK properties Inc	MD
Harbor West Design	MD
HarborWest Design	MD
PaverGuide, Inc.	MD
RoundPeg	MD
Tierra Vista Consulting	MD
Lamey-Wellehan	ME
ReVision Energy	ME
Humanoid Digital	MI
Wiltse Kitchen	MI

Inclusivi-tee	MN
Iroquois Valley Farmland REIT	MN
Sustainability Associates	MN
Thousand Hills Lifetime Grazed	MN
TriplePundit	MO
Southern Energy Development	MS
Bioroot Energy, Inc.	MT
Kent Mollohan Designs	MT
A Sustainable Design of the Americas. LLC	NC
Values2Action LLC	NC
A.K. A Coach and Company	ND
Nebraska Wildlife Federation	NE
LeBel Marketing	NH
Megafood	NH
NH Businesses for Social Responsibility	NH
Your Movement Mentor	NH
ANJEC	NJ
Bayshore Council	NJ
Camden Fireworks	NJ
Camden Print Works	NJ
CASE MEDICAL	NJ
Ciel Power LLC	NJ
Comeback Farm Organic Produce	NJ
Common Interests, LLC	NJ
Cottage Dweller Productions	NJ
Cronheim Consulting LLC	NJ
Ecco Bella	NJ
Middletown for Clean Energy	NJ
Natural Systems Utilities	NJ
Newport Metals, LLC	NJ
NJ Sustainable Business Council	NJ
Offshore Power LLC	NJ
Princeton Hydro, LLC	NJ
Sustainable Business Partners LLC	NJ
The Wei LLC	NJ
Triple Ethos LLC	NJ
Beyond BlueGreen	NM
Canyonlights	NM
Equiterra Regenerative Design Inc	NM
Reno Acupuncture & Integrative Medicine	NV
Transition Services, Inc.	NV
A Stone's Throw B&B/Village of Interlaken	NY
A thru G Music	NY

Advanced Telecommunications Company	NY
Becket, Inc.	NY
CLC Consulting LLC	NY
Collaborative Solutions	NY
Culture Shift Agency	NY
Dobbs & Bishop Fine Cheese	NY
EcoPlum	NY
Environmental Support	NY
Farmland Preservation NY LLC	NY
Future Nexus	NY
Garnant Computer Services	NY
Global Women 4 Wellbeing (GW4W)	NY
Good for Business	NY
Green Circle Accounting	NY
Green Map System	NY
GREENPLAN Inc.	NY
InStep Consulting LLC	NY
Interfaith Center on Corporate Responsibility	NY
JSA Sustainable Wealth Management	NY
Kostis Kosmos Inc.	NY
Krystan Doyle (Farmer)	NY
Laurie Allan & Associates LLC	NY
LIBECO	NY
Middlesex Water Company	NY
Miller Howard Investments	NY
My Home Assistsnt, LLC	NY
New York State Sustainable Business Council	NY
Perlman and Perlman	NY
Possible Rochester	NY
Slow Money NYC	NY
Stonetree Productions	NY
Strugatz Ventures Inc.	NY
SULA NYC	NY
The CommonSpot	NY
The Paper Straw Girl LLC	NY
The Sustainable Coop Store	NY
What's Good	NY
Naturepedic Organic Mattresses	OH
Schmidt Family Farms	OH
Trammell Consulting Co.	OH
Evergreen Sustainability, LLC	OR
Maracuja Solutions	OR
Oregon PeaceWorks	OR

Please Select	OR
Southern Oregon Field Mowing	OR
The OIFactory LLC	OR
Urban Ordhards	OR
All Together Now PA	PA
Bar Hygge	PA
Benari LTD	PA
Biohabitats	PA
Birchtree Catering	PA
Cedar Run Landscapes	PA
Cerulean, LLC	PA
Collins Nursery	PA
Community Energy Solar	PA
Community Impact Consulting	PA
Crime & Punishment Brewing Co.	PA
David Brothers	PA
Exact Solar	PA
Green Rush Advisors	PA
GreenTreks Network	PA
GreenWeaver Landscapes	PA
Ground Plan Studio	PA
Gryphon Solutions, LLC	PA
Happy Happy Cleaning	PA
Hillside Equity	PA
ImpactED	PA
Interpret Green	PA
JustLaws	PA
Key Medium	PA
Kind Earth Growers LLC	PA
Lynch Music, Inc	PA
Meliora Design	PA
National Foundry Products	PA
Native Scapes Design	PA
New Wave Audio and Video	PA
North Creek Nurseries	PA
OptiRTC, Inc.	PA
PEER Environmental, LLC	PA
Philadelphia Area Co-op Alliance	PA
Phildelphia Green Roofs LLC	PA
Philly Electric Wheels	PA
Power Corps PHC	PA
Progressive Business Services	PA
Redbud Native Plant Nursery	PA

Relaxing into Wellness Reflexology	PA
Remark Glass	PA
Riverbend Nursery	PA
RM Green Environmental Services, LLC	PA
Rodale Institute	PA
Roofmeadow	PA
Sanderson Sustainable Design	PA
Soap Alchemy	PA
Sustainable Solar Systems	PA
The H Trust	PA
ThinkGreen LLC	PA
Triple Bottom Brewing Company	PA
Understand Your Brand	PA
USA Environmental Management, Inc.	PA
Midlands Entertainment llc	SC
South Carolina Business Council	SC
Murells Inlett Seafood	SC
Ibis Communications	TN
ID2MP	TN
Feraway Capital	TX
Suraksha	TX
Bloomberg BNA	VA
Revisoning Strategies	VA
Savage Acres LLC	VA
Agrilab Technologies Inc.	VT
Ben&Jerry's	VT
Cx Associates	VT
Seventh Generation	VT
Arlington Investments, LLC	WA
Calyx	WA
Crista	WA
Gardow Consulting, LLC	WA
Grounds for Change	WA
JLFG Communications	WA
LolitaMoon Productions	WA
Mone Natural Plant Design	WA
Namu Baru Inc.	WA
GMB Rentals, LLC	WI
Healthy Mamas	WI
Kickapoo Peace Circle	WI
Quality Cleaning	WI
Vista Global Coaching & Consulting	WI

