

The Honorable Andrew Wheeler  
Environmental Protection  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OW-2018-0149  
Proposed Revised Definition of “Waters of the United States”

April 15, 2019

Dear Mr. Wheeler:

On behalf of our member network, which represents more than 250,000 businesses in all sectors, we ask that you withdraw your proposal to eliminate federal protection for waterways across the country. Access to clean water is vital for the safety, well-being and success of our communities, businesses, economy and nation. The current proposal puts polluters ahead of other businesses.

Businesses across all economic sectors depend on clean water. Gutting protections for streams and wetlands hurts business and the whole economy.

U.S. manufacturing employs over 12 million people as of December 2017 and relies on clean water for nearly every step of production. Consumers spend \$887 billion annually on outdoor recreation overall, and nearly \$175 billion on fishing, kayaking, rafting, canoeing, scuba diving and other water sports alone – all of which thrives on a visibly healthy water supply. The craft brewing industry contributed \$76.2 billion to the U.S. economy in 2017, more than 500,000 jobs, and depends heavily on clean water to create a high-quality product for its consumers. Further, clean water is important for the real estate industry – home values can erode by as much as \$85,000 each on land near water with high nutrient pollution levels. A clean water source allows each of these industries to provide safe products and activities for their customers to enjoy, while also reducing the cost of water treatment for each sector.

Right now, our nation needs more clean water protections that safeguard our waters, not less. We need a Clean Water Act that protects all wetlands and streams that our businesses rely on. Even with current protections, our waters are still impaired. Aging water infrastructure leads to sewer overflows contaminating near-shore areas along the nation’s coasts, impacting tourism dollars. Agricultural runoff contributes to nutrient pollution that can have a devastating effect on local drinking water and industries that rely on clean water sources.

Instead of confronting these existing problems, the U.S. EPA and Army Corps have proposed to establish the narrowest definition of federally protected waters in the history of the Clean Water Act. This proposal—for the first time—eliminates at least 18 percent of streams and 51 percent of wetlands from federal protection. This means thousands of miles of streams, roughly half of the nation’s wetlands, and other critical water bodies would no longer be guaranteed protection under the Clean Water Act’s pollution control, prevention, and clean-up programs.

The science is clear that these proposed changes to the Clean Water Act will threaten the quality of our nation’s water sources. Small headwater and ephemeral streams feed into rivers and lakes with the water Americans use for drinking and growing food. Wetlands minimize flooding by soaking up

excess water, filter out pollutants like nitrogen and phosphorus, and provide habitat for fish, birds and other wildlife. Keeping upstream waters clean and clear helps protect waters downstream and ensure that all communities are healthy and thriving. Eliminating the protection of these waterways would allow polluters to further degrade our nation's water supply and put our health and businesses at risk.

To ensure more protection not less, this proposal should meet the following principles:

- Ensure clean water protections extend to all streams and adjacent wetlands and other waterbodies that science shows to be ecologically or economically important.
- Recognize that the health of larger water bodies depends on the health of smaller waters by grounding any changes to federal policy in sound wetland and stream science.
- Incorporate the work done to develop the Clean Water Rule, finalized in 2015, and consider that work as a starting point for determining future changes.
- Do not rely on legal interpretations that include only “relatively permanent waters” and wetlands with a “continuous surface connection” to those waters as these will limit the scope of the Clean Water Act.
- Ensure an inclusive, transparent, and robust public process equal to that of the 2015 rulemaking.

This current proposed rule meets none of these. We ask you to ask you to withdraw it. Clean water benefits us all. Customers and employees rely on it for drinking, other health maintenance activities, and for recreational uses. It is also critical for businesses, providing for many jobs and building our economy. We hope you keep this in mind and withdraw this rule to protect American's access to safe, clean water.

Sincerely,

David Levine  
President  
American Sustainable Business Council  
1001 G Street NW, Suite 400E  
Washington, DC 20001-4559