

April 27, 2010

“America’s Commitment to Clean Water Act” Protects Farmers

Dear Colleague:

I introduced “America’s Commitment to Clean Water Act”, H.R. 5088, to reaffirm the ability of the Clean Water Act to protect the nation’s waters, including wetlands. These waters support our nation’s economic well-being, enable our quality of life, and sustain our environment for generations to come.

In 1972, Congress set a goal that the nation’s waters would be fishable and swimmable by July 1, 1983. Great progress toward that goal has been made, but 40% of our waters still do not meet the goals and standards of the Act.

In 2001 and 2006, two decisions of the U.S. Supreme Court threw the nation’s clean water programs into turmoil, creating confusion and uncertainty for communities, developers, and agricultural interests, and placed at risk the nation's ability to restore, protect, and maintain water quality and the environment.

Turmoil, confusion, and uncertainty are no way to run a program. The result has been increased processing times and backlogs as the agencies struggle to interpret the court decisions. That is why I developed legislation to restore the common understanding of the scope of the Clean Water Act based on decades-old interpretations of the Corps of Engineers and the Environmental Protection Agency.

Opponents of the bill argue that it will make every drop of water subject to Federal jurisdiction. Nothing could be more fanciful or untrue.

The bill has been carefully crafted to ensure that the Clean Water Act is neither expanded nor contracted. I worked extensively with EPA, the Corps, the Natural Resources Conservation Service, and agriculture and resource conservation groups to achieve that result, being purposefully careful to avoid new terms or concepts that could be misinterpreted.

Certain interest groups have raised concerns about how the legislation might affect agriculture and the status of “prior converted croplands” under the Clean Water Act. The attached information paper explains how America’s Commitment to Clean Water Act addresses prior converted croplands. It also discusses myths and misinformation concerning prior converted croplands under the Clean Water Act.

America’s Commitment to Clean Water Act offers greater certainty and clarity to the agricultural community than exists today. Wetlands on farms and farming practices that are exempt from Clean Water Act permitting today **remain exempt** under the bill.

For more information on the bill, or to cosponsor America’s Commitment to Clean Water Act, H.R. 5088, please contact the Subcommittee on Water Resources and Environment at (202) 225-0060.

Sincerely,

James L. Oberstar