

Congress of the United States
House of Representatives
Washington, DC 20515-2506

Congressman Sam Graves
Opening Statement

Committee on Transportation and Infrastructure
Subcommittee on Water Resources and Environment

“Potential Impacts of Proposed Changes to the Clean Water Act Jurisdictional Rule”

June 11, 2014

Mr. Chairman,

My home state of Missouri is one of the largest producing agriculture states in the nation. North Missouri, which I represent, is made up of 36 counties stretching from the Missouri River to the Mississippi River. The people I represent rely on Missouri farming to earn a living, and it is these activities which support our local and regional economies in the heartland.

In my four years as the Chairman of the House Small Business Committee, I have held more than 20 hearings examining the effects of regulations on small businesses and the economy. However, few regulations are as expansive and as potentially damaging to small businesses and farmers as the EPA’s recently proposed “Waters of the United States” rule.

As currently drafted, this rule would extend the regulatory reach of the Clean Water Act to thousands of small streams, ditches, ponds, and other isolated waters, some of which may contain little or no water.

The EPA claims that the proposed rule will increase clarity as to which waters are subject to Clean Water Act jurisdiction. However, this proposed rule creates more confusion - not less. Terms like “neighboring,” “floodplain,” “riparian area,” “tributary” and “significant nexus” are vaguely defined and fail to clarify where EPA jurisdiction will end.

What I see is the EPA threatening to drown small businesses, home builders, farmers, and families in unnecessary regulatory burdens, higher costs, and bigger headaches.

One of my constituents, Steve Hall of Platte County, Missouri, is trying to build a small pond on his property where no water has existed before. According to Mr. Hall, a dry ditch also on his property would become a “navigable” waterway that is critical to the local ecosystem under EPA rules. If Mr. Hall is ever going to see his pond, he has been told that it is going to cost him six-figures in permitting fees.

Just a couple weeks ago, Tom Woods, a constituent from Blue Springs, Missouri and Owner of Woods Custom Homes, testified before the Small Business Committee about how the EPA's rule is going to hurt home builders. Mr. Woods, who is the former mayor of Blue Springs, fears the significant impact the rule will have on small businesses nationwide, an important notion that both the EPA and the Army Corps chooses to ignore.

While this proposed rule clearly has significant consequences for everyday Americans, the EPA and the Army Corps of Engineers failed to assess these impacts. Had the agencies conducted outreach to small businesses and property owners, perhaps they would have realized the dramatic impact of this rule before it was proposed. For that reason, I call on the EPA and Corps to withdraw the rule and conduct the required small business impact analysis and outreach before proceeding.

A handwritten signature in blue ink, appearing to read "Sam Lu". The signature is stylized with a large, sweeping initial "S" and a long horizontal stroke at the end.