



## Shuster Bill (H.R. 1732) Undermines Clean Water Act Protections for Fish, Wildlife, and Drinking Water

**Representative Bill Shuster's bill (H.R. 1732) would halt the Administration's near-final rulemaking to clarify longstanding Clean Water Act protections for millions of wetlands and headwater streams that contribute to the drinking water of one in three Americans, protect communities from flooding, and provide essential fish and wildlife habitat. Many of these waters have been at increased risk of pollution and destruction for more than a decade – and it has taken its toll.** For the first time since the 1980s, annual wetland losses are on the increase: the rate of wetland loss in 2004-2009 increased by 140 percent over 1998-2004.

In just a few weeks, The Environmental Protection Agency and the Army Corps of Engineers will release their final rule and members of Congress and stakeholders will get a chance to review the rule and determine for themselves whether the agencies have adequately considered input from stakeholders. *All stakeholders, including the over 800,000 members of the public who commented in support of these protections, should be given the opportunity to review the final rule.*

***The Shuster bill's additional consultation is unnecessary, wasteful, and threatens our water resources.***

The Environmental Protection Agency and the Corps of Engineers have engaged in a transparent and rigorous multi-year process that included an extensive peer-reviewed scientific analysis, a thorough legal analysis, over 400 stakeholder meetings, a 200+ day public comment period, and over 1 million public comments, 87% of which support these protections.

The Shuster bill requires the agencies to stop the current rulemaking, solicit input from stakeholders they have already consulted, consider factors they have already considered, and then propose the rule anew.

***The Shuster bill is a waste of taxpayer money.*** It forces the agencies to do a new rulemaking and it imposes new layers of wasteful process not required by any federal law.

There is nothing to gain by further delaying this rule—this bill is simply a veiled attempt at blocking crucial protections for water resources.

**The Shuster bill would lock in the current state of confusion around Clean Water Act jurisdiction and leave our nation's waterways, and the fish and wildlife that depend on them, at risk for pollution and destruction.**

- 60% of America's streams, and 20 million acres of wetlands nationwide continue to be at risk from pollution and destruction from development, oil, gas production, and other industrial activities.
- 1 in 3 Americans, 117 million Americans, depend on drinking water from these at-risk streams and wetlands, which are also home to countless fish and wildlife species.



## *States cannot fully protect their waters without a uniform Clean Water Act foundation.*

As more than 30 states explained when they submitted a Supreme Court brief in *Rapanos* arguing that small streams and nearby wetlands deserved federal protection:

- “First, water flows downhill, and each of the lower 48 States has water bodies that are downstream of one or more other States.”
- “Second, maintaining consistency among water pollution programs throughout the nation is essential. The Clean Water Act is key to achieving this relative parity, because it creates a federal ‘floor’ for water pollution control.”
- “Third, ... the States have come to rely on the Clean Water Act’s core provisions and have structured their own water pollution programs accordingly.”

The Clean Water Rule also provides a safety net when states have legal limitations on adopting safeguards that go beyond the federal minimum. Over two-thirds of U.S. states have laws that could restrict the authority of state agencies or localities to regulate waters left unprotected by the federal Clean Water Act.

The Clean Water Act has always been about restoring and maintaining the chemical, physical and biological integrity of the Nation’s waters. **It is bedrock support for 47 million hunters and anglers, and for the 117 million Americans whose drinking water depends on healthy headwater streams.**



The Clean Water Rule represents the best chance in a generation to clarify Clean Water Act protections while preserving – and, in some cases, enhancing – longstanding Clean Water Act exemptions for farmers, ranchers and foresters that encourage wise stewardship of land and water resources.

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**Protect America’s clean waters. Oppose H.R. 1732 and allow the open, transparent, and thorough rulemaking process to conclude at long last.**

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