

Waters of the U.S. (WOTUS) Backgrounder

Background

The U.S. Environmental Protection Agency and U.S. Army Corps of Engineers finalized a rule in June 2015 that significantly expanded the definition of ‘Waters of the United States’ (WOTUS), under the Clean Water Act. The rule grants the federal government regulatory control over virtually any waters – and many land areas that only temporarily hold water – assuming a scope of authority Congress never authorized.

USApple is concerned about the potential impact of the regulations on crop protection product applications and agricultural practices. Implementation of the rule has been delayed in the courts as a result of lawsuits brought against the EPA by 22 states, as orchardists, farmers and ranchers, foresters and private applicators would face confusion and potential legal uncertainties as they work to control pests on crops, forests and other areas.

USApple continues to be concerned that the net result would be a significant, unwarranted expansion of federal jurisdiction over marginal waters and man-made conveyances that have not previously been defined under WOTUS.

USApple Position

USApple supports review by the EPA and the Corps to rescind or revise the rule. Congressional action to repeal the rule would result in a much more timely resolution, therefore USApple urges Congress to continue efforts to repeal WOTUS.