

Dept. of Justice: AG Kaul urges EPA to expand Clean Water Act protections for nation's waterways

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MADISON, Wis. – Attorney General Josh Kaul joined a multistate coalition that urged the Biden Administration to repeal a Trump-era rule drastically curtailing protections under the Clean Water Act. Under the 2020 rule, more than half of all wetlands and at least 18 percent of all streams across the United States were left without federal protections. Western states were even harder hit, with 35 percent of all streams deprived of federal protections as a result of the 2020 rule. In the comments, the coalition supports the Biden Administration's proposed regulation to restore the 1980s definition of "waters of the United States" and urges the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) to take swift action to develop a more expansive definition that is consistent with science and the law, addresses the impacts of climate change, and serves environmental justice communities.

"This proposed rule follows the science and the law and would help protect clean water," said Attorney General Kaul. "It should be finalized without delay."

The definition of "waters of the United States" under the Clean Water Act is critical to maintaining a strong federal foundation for water pollution controls that preserve the integrity of our waters. While the Clean Water Act has resulted in dramatic improvements to water quality in the United States, its overriding objective has not yet been achieved. Many of the Nation's waters remain polluted.

The 2020 rule made the Clean Water Act's goals further out of reach, threatening entire watersheds, including 4.8 million miles of streams and 16.3 million acres of non-floodplain wetlands. In May 2020, a coalition led by California and New York

filed a lawsuit challenging the unlawful rule. In the recent comments, the coalition supports the Biden Administration's proposal to undo the 2020 rule and urges the Biden Administration to adopt a more protective definition of "waters of the United States" that takes into account environmental justice and climate change and is consistent with science and the law.

All Americans are entitled to clean water for drinking, recreation, and countless other uses that sustain our life and economic activities, but many of the most vulnerable and already overburdened communities continue to lack access to this fundamental resource. In the comments, the coalition specifically addresses the need for the Biden Administration to adopt a new definition of "waters of the United States" that strives to eliminate these inequities. In addition, as water quality and quantity continue to change as a result of more frequent, severe, and unpredictable weather events, the coalition argues that it is essential that the new definition be based on a consideration of the consequences of climate change.

Attorney General Kaul joins the attorneys general of California, New York, Connecticut, the District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Mexico, North Carolina, Oregon, Vermont, Washington, and Wisconsin, as well as the California State Water Resources Control Board and the City of New York in filing the letter.

Press Release: <https://www.doj.state.wi.us/news-releases/ag--kaul-urges-epa-expand-clean-water-act-protections-nations-waterways>