

Venture Dairy Cooperative: WOTUS decision spells huge victory for farmers and ranchers

Posted on Friday, May 26, 2023

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

May 26, 2023 – Yesterday, spelling a huge victory for farmers and ranchers across the country, the Supreme Court of the United States issued a unanimous decision reining in the EPA’s overly burdensome 2023 Waters of the United States (WOTUS) rule, seriously undercutting the rule’s “significant nexus” test. The Court found that the EPA had gone too far in how it interpreted what constitutes a “water” of the U.S. The Court noted the Biden WOTUS rule overstepped its authority and waded into regulating waters that Congress specifically left to the purview of the states to regulate.

The case, [Sackett v. EPA](#), concerned a landowner’s filling of a wetland and subsequent enforcement against the landowner by the EPA under its WOTUS rule. The Court sided with the landowner determining that this wetland was not a “water” of the U.S. The Court clarified that the definition of a “water” covered by the Clean Water Act only includes those wetlands which are “indistinguishable” from navigable waters. Prior to this decision the EPA had interpreted the Clean Water Act to allow ~~them~~ the agency to regulate any water “adjacent” or with a “significant nexus to” a navigable water. This standard was vague, and inconsistent with Federal law, per the Court. The Court was particularly troubled by the vagueness of the rule’s definitions given the potential for criminal penalties under the Act.

“We are thrilled the Supreme Court recognized that for too long unelected bureaucrats in Washington have run amok, punishing farmers and landowners under this draconian rule. The EPA should have to follow the letter of the law, as they require farmers to,” said Kim Bremmer, Executive Director of Venture Dairy Cooperative.

“The Supreme Court of the United States got it right. Farmers are not afraid of regulation per se, but they cannot operate with uncertainty. The EPA’s definition was so vague that nearly every bit of wet ground might be considered a ‘water’ of the U.S. Living under this uncertainty was untenable,” said Cindy Leitner, President of Wisconsin Dairy Alliance.

Wisconsin Dairy Alliance and Venture Dairy Cooperative are continuing to review the decision and its impacts on Wisconsin and will continue to provide updates.