



March 16, 2023

U.S. Senate
Washington, DC 20510

Dear Senators:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 22,000 members, I write in support of the House-passed H.J. Res. 27, a joint resolution of disapproval under the Congressional Review Act of the Environmental Protection Agency and the Army Corps of Engineers' 2023 revised Waters of the United States regulation. **ABC urges you to support this resolution and will consider this a "KEY VOTE" for our scorecard on the 118th Congress.**

The Biden administration's flawed, burdensome and overreaching WOTUS rule will result in sweeping changes to the federal government's authority to regulate what is considered a navigable water with enormous impacts on small businesses, developers and contractors. The rule will cause building delays due to regulatory uncertainty, plus increased permitting and mitigation costs, which will make it more difficult and expensive to grow food, produce energy and build critical infrastructure for the 21st century.

ABC also calls on Congress to codify the ABC-supported Navigable Waters Protection Rule's definition of WOTUS under the Clean Water Act. The NWPR strikes an appropriate balance between protecting waters and wetlands and providing clarity and predictability to stakeholders and regulators. Moreover, it is firmly grounded in the CWA and relevant court precedents.

Finally, because the U.S. Supreme Court has decided to hear the case of *Sackett v. Environmental Protection Agency*, which challenges EPA's overreach of its CWA jurisdiction, there is no sense in rushing through a rulemaking proceeding that codifies a standard that the Supreme Court could change or foreclose altogether.

While ABC members remain committed to serving as good stewards of the environment and complying with federal, state and local law, the Biden administration's WOTUS rule seeks to make the sixth change in the regulation in nearly as many years, which makes for an ever-changing regulatory environment that adds layers of difficulty to important and costly business decisions.

ABC urges a YES VOTE on the resolution and will consider this a "KEY VOTE" for our scorecard on the 118th Congress.

Sincerely,

Kristen Swearingen
Vice President, Legislative & Political Affairs