



March 20, 2023

Dear Senator,

On behalf of the National Association of State Departments of Agriculture (NASDA), I write in strong support of H.J.Res. 27, the Congressional Review Act (CRA) resolution of disapproval for the Waters of the United States (WOTUS) final rule. The resolution would repeal the Environmental Protection Agency's (EPA) and the Army Corps of Engineers (USACE) final rule that expanded the federal government's authority over wetlands, farms, and private property. NASDA members oppose the final "Revised Definition of 'Waters of the United States'" rule.

The agriculture community fully supports the goals of the Clean Water Act to protect our nation's waterways and has long-sought clarity in the definition of what are "jurisdictional" waters under the responsibility of the federal government. The Clean Water Act clearly established a cooperative approach between the federal government and state governments to restore and maintain our nation's waters.

State and tribal governments share responsibility for the protection of waterways and have advocated for a definition of WOTUS that reflects consideration of the statute as a whole. It is imperative the federal government respects that the primary responsibility for planning the development and use of water resources rests with the states. Federal policies must ensure state laws regarding water rights and allocations are honored and that states are given maximum flexibility in the management of both their water resources and their water quality programs.

The final "Revised Definition of 'Waters of the United States'" rule is a statement of federal overreach that ignores states' authority to regulate intrastate water quality and the Clean Water Act's statutory mandate for cooperative federalism. Further, the release of this ruling ahead of the U.S. Supreme Court ruling on *Sackett v. EPA* wastes tremendous federal, state, and private sector resources as the decision of SCOTUS could invariably shift water regulations across the United States yet again.

The final "Revised Definition of 'Waters of the United States'" rule will significantly increase the regulatory burdens and create further uncertainty for state departments of agriculture, farmers, and ranchers across the country. NASDA asks for your support by voting YES on H.J.Res. 27.

Sincerely,

A handwritten signature in black ink, reading "Ted A. McKinney", is written over a light gray grid background. The signature is fluid and cursive, with a long, sweeping tail that loops back under the name.

Ted McKinney
Chief Executive Officer