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FOR IMMEDIATE RELEASE
December 30, 2022

New Waters of the U.S. rule creates regulatory uncertainty for farmers

The National Association of State Departments of Agriculture issued the following statement regarding the U.S. Environmental Protection Agency's and U.S. Department of the Army's announcement of a final rule on Waters of the United States:

"The EPA's latest rule on defining "waters of the United States" 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. In turn, although we recognize EPA's attempt at clarifying through a roster of exemptions, its rule ignores the voices of nearly all in American agriculture who have long been seeking clarity on this issue, especially regarding the debate over what is and is not a navigable water," NASDA CEO Ted McKinney said.

"Farmers are committed to being responsible stewards of the land and water that they use to grow food, and the effectiveness of WOTUS should be taken with the same seriousness," McKinney said.

As NASDA previously stated in multiple sets of [comments](#) and input throughout this regulatory process, the Clean Water Act establishes limits on federal jurisdiction and the role of the federal government to regulate interstate commerce, thus recognizing the role of states in regulating non-navigable waters.

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 will invariably shift water regulations across the United States yet again significantly. This is in stark contrast to the comments previously made by Administrator Regan to the U.S. House Appropriations Subcommittee on Interior and the Environment that the EPA's rule would "be in a position to respond and adjust to the Supreme Court ruling."

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