

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

April 14, 2015

The Honorable Bill Shuster
Chairman
Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Shuster and Ranking Member DeFazio:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, appreciates the Committee's leadership in developing "The Regulatory Integrity Protection Act," and its efforts to address the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers' (COE) significant jurisdictional overreach as these agencies prepare to finalize their proposed definition of "waters of the United States."

This forthcoming rule is expected to affect a wide variety of permitting requirements, definitions, and Clean Water Act programs. The agencies have not adequately addressed the significant chilling effect its proposed definition will have on numerous land uses, or the fact that it would undermine and complicate state and local regulatory programs. Because this rule could ultimately slow, or bring to a complete halt, numerous projects major and minor across the nation, it will impact a significant portion of the U.S. economy.

For these reasons, it is critical that EPA withdraw its proposed rule; undertake additional meaningful consultation with states, local governments and interested stakeholders; and revise the proposed definition in accordance with consensus-based recommendations. The Regulatory Integrity Protection Act would accomplish all of these things.

The Chamber believes EPA's proposed rule as written represents an unjustified expansion of Clean Water Act jurisdiction far beyond the limits of federal regulation explicitly established by Congress and affirmed by the courts. As such, we respectfully request that any final Committee action fully address unfunded mandates and require a full accounting of the land use impacts to businesses of all sizes, consistent with prior Congressional action and Supreme Court decisions.

The Chamber also believes that this bill could be improved by making more clear the jurisdictional limitations to which EPA and COE must adhere, based on prior Supreme Court decisions and the long-understood concepts of cooperative federalism embodied in the Clean Water Act.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." being a simple flourish, "Bruce" written in a clear cursive, and "Josten" written in a more complex cursive style.

R. Bruce Josten

cc: Members of the Committee on Transportation and Infrastructure