

November 10, 2015

To Senators King, Nelson, Kaine, Warner, Feinstein, Schatz, Coons, Carper, Tester, Bennet, and Klobuchar:

The undersigned organizations representing a broad section of the construction, real estate, mining, agriculture, transportation, forestry, manufacturing, and energy sectors write to express extreme disappointment with your November 3 vote against S. 1140, the bipartisan Barrasso-Donnelly “Federal Water Quality Protection Act.” Furthermore, your letter transmitted the same day as the vote to Environmental Protection Agency Administrator McCarthy and Assistant Secretary of the Army for Civil Works Darcy in no way makes up for your failure to support this important legislation. Rather, your letter requesting implementation guidance for the Waters of the United States final rule demonstrates exactly why S. 1140 is needed.

While we agree that EPA and the Corps “can and must do better to address the legitimate issues that have been raised in regards to the implementation of this rule,” as your correspondence states, the best way to ensure that EPA and the Corps address the fundamental flaws in the WOTUS rulemaking is by enacting and requiring that the agencies comply with S. 1140.

As has been discussed with you at length over the past several months, EPA and the Corps have proven unwilling to address the concerns you raise and that we share. We do not believe that EPA’s final rule can be fixed without further legitimate and transparent rulemaking process.

No amount of the “clearer and concise implementation guidance” you call for in your letter can address the flaws in the final rule, because, unless and until a court of law orders it vacated or remanded, EPA will assert the final promulgated rule is the law of the land.

We urge you to reconsider your vote and support S. 1140 when the Senate returns to this matter again in the coming weeks.

Sincerely,

State and Local Organizations:

Billings (MT) Chamber of Commerce
Builders Association of Minnesota
California Chamber of Commerce
California Farm Bureau Federation
Cerritos (CA) Regional Chamber of Commerce
Chambers of Commerce Alliance of Ventura & Santa Barbara Counties (CA)
Colorado Association of Home Builders
Colorado Business Roundtable
Dakota County (MN) Regional Chamber of Commerce
Florida Chamber of Commerce

Florida Farm Bureau Federation
Florida Golf Course Superintendents Association
Fresno (CA) Chamber of Commerce
Gateway Chambers Alliance (CA)
Grand Junction Area (CO) Chamber of Commerce
Greater Springfield (VA) Chamber of Commerce
Hawaii Farm Bureau Federation
Home Builders and Remodelers Association of Maine
Home Builders Association of Delaware
Home Builders Association of Virginia
I-94 West Chamber of Commerce (MN)
Irvine (CA) Chamber of Commerce
Litchfield Area (MN) Chamber of Commerce
Loudoun County (VA) Chamber of Commerce
Maine Arborist Association
Maine Landscape & Nursery Association
Molokai (HI) Chamber of Commerce
Montana Building Industry Association
Montana Chamber of Commerce
Montana Farm Bureau Federation
Murrieta (CA) Chamber of Commerce
Ojai Valley Chamber of Commerce (CA)
Orlando (FL) Regional Chamber of Commerce
Oxnard Chamber of Commerce (CA)
Pasadena (CA) Chamber of Commerce and Civic Association
Rochester Area (MN) Chamber of Commerce
Rocky Mountain Agribusiness Association (CO)
Rocky Mountain Golf Course Superintendents Association (CO)
Sacramento Metro (CA) Chamber of Commerce
San Gabriel Valley Economic Partnership (CA)
Southwest California Legislative Council
St. Cloud Area (MN) Chamber of Commerce
The Chamber of Commerce of the Santa Barbara Region (CA)
Torrance Area (CA) Chamber of Commerce
TwinWest Chamber of Commerce (MN)
Virginia Chamber of Commerce

National and International Organizations:

American Farm Bureau Federation
American Petroleum Institute
Associated Builders and Contractors
Industrial Minerals Association – North America
International Council of Shopping Centers
International Liquid Terminals Association
National Association of Home Builders
National Stone, Sand & Gravel Association
U.S. Chamber of Commerce