



**American
Iron and Steel
Institute**

Steelgram

Immediate Attention Requested

November 3, 2015

To: Members of the U.S. Senate
Senate staff assigned to environment and/or steel issues

SUPPORT S. J. RES 22 TO DISAPPROVE THE "WATERS OF THE U.S." REGULATION

Background

On May 27, EPA and the Army Corps of Engineers released the final rule defining which bodies of water are defined as "waters of the United States" (WOTUS) and, therefore, subject to federal regulation under the Clean Water Act (CWA). The rule was an attempt by the agencies to provide clarity to the definition of such waters following Supreme Court decisions on the matter in 2001 and 2006.

Situation

AISI is concerned about the impact the final WOTUS rule will have on the domestic steel industry. In particular, we are concerned that the rule would extend federal jurisdiction to non-navigable, intrastate waters that cannot be considered "navigable waters" under the Supreme Court's past CWA jurisdiction rulings. Instead of facilitating efficient and effective regulatory protections for the country's navigable waters, the final rule will broaden EPA and Corps jurisdiction. This could result in an increased need for permits and the potential for litigation that will negatively impact the operations of key aspects of our economy. Further permitting delays can result in lost opportunities for economic growth and job creation.

S.J.Res 22 from Senator Ernst (R-IA) would disapprove of the WOTUS regulation under the Congressional Review Act.

Request

Senators should support S.J.Res 22 when it is considered on the Senate floor this week. This resolution would recognize the substantive and procedural flaws in the final rule and disapprove of it under the Congressional Review Act.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Gibson".

Thomas J. Gibson