

**AFGE Council 238 \* American Rivers \* Center for Biological Diversity \* Center for Science and Democracy at the Union of Concerned Scientists \* Clean Water Action \* Earthjustice \* Environment America \* Environmental Law & Policy Center \* Friends of the Earth \* Hip Hop Caucus \* League of Conservation Voters \* League of United Latin American Citizens \* Natural Resources Defense Council \* Physicians for Social Responsibility \* PolicyLink \* River Network \* Save EPA \* Sierra Club \* Southern Environmental Law Center \* WE ACT for Environmental Justice**

July 26, 2017

Dear Representative:

Our organizations, along with our millions of members and supporters, urge you to oppose all damaging ideological riders in H.R. 3219, the “Defense, Military Construction, Veterans Affairs, Legislative Branch, and Energy and Water Development National Security Appropriations Act,” including those that attack our clean water protections. In addition, we urge you to support all amendments that strip out these harmful, inappropriate riders.

**In particular, H.R. 3219 includes a dangerous, undemocratic, poison-pill provision that would exempt the Trump administration’s repeal of the Clean Water Rule from requirements under the law.** Section 108(a) reads as follows:

AUTHORIZATION.—The Administrator of the Environmental Protection Agency and the Secretary of the Army may withdraw the Waters of the United States rule without regard to any provision of statute or regulation that establishes a requirement for such withdrawal.

This radical provision aims to shield the EPA and the Army Corps of Engineers’ repeal of protections for the drinking water of one in three people from public and legal scrutiny. For example, the agencies could ignore Clean Water Act and Administrative Procedure Act requirements that the repeal meaningfully consider public comment. It could also interfere with the courts’ ability to review if the withdrawal is “arbitrary or capricious.” The true motivation for this rider, therefore, is to cut out the public’s ability to have a voice in the actions of their government and to ensure that the Trump administration’s plan to allow polluters to dump into our waterways is incredibly difficult to challenge in court. It is hard to imagine a more undemocratic provision.

Additionally, the rider would create a chaotic mess around implementation, compliance, and enforcement of the Clean Water Act itself. It would allow the EPA and Army Corps to withdraw safeguards for waterways that clearly deserve to be protected from pollution, such as tributary streams, and leave many of them in a state of limbo. This would put our precious water bodies at risk of uncontrolled pollution, jeopardizing the clean water our children and grandchildren drink, swim, and play in.

Lastly, Section 108(a) could allow for all kinds of illegal shenanigans from our governmental agencies by exempting the repeal from “any provision of statute or regulation that establishes a

requirement for such withdrawal.” Taken at face value, this sweeping language could even allow the agencies to violate anticorruption laws while withdrawing the Clean Water Rule.

Ultimately, this rider shows that the Trump administration and its allies are willing to get rid of the Clean Water Rule and the drinking water protections it provides at all costs, regardless of the law and public opinion.

**We urge you to reject this damaging assault on safeguards for the streams, wetlands, lakes, rivers, and other waters that our families, communities, and economy depend on, and urge you to support Representatives Beyer and Esty’s amendment to strip this incredibly undemocratic and harmful rider.** Even if this rider is removed, however, we still encourage you to oppose H.R. 3219, which undermines environmental and public health protections and decimates funding for a clean energy future.

Thank you for your consideration,

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