***Waters of the United States Regulatory Overreach Protection Act* (H.R. 5078)**

**Talking Points**

* Over two years ago we stood on these same steps, in an ultimately successful effort to have the federal government recognize the state partnership needed to govern meaningful science-based decisions regarding our state’s waters.
* However, earlier this year, the EPA and Army Corps proposed a rule that would redefine the scope of waters subject to federal jurisdiction under the CWA. The “waters of the US” rule would trigger steep regulatory burdens impacting a wide range of sectors across the nation and in our state - from homebuilders to agriculture to transportation - many of which stand with me here today.
* The *Waters of the United States Regulatory Overreach Protection Act* (H.R. 5078) would defend the successful federal-state partnership under the Clean Water Act that has worked for 40 years – and turn back the Administration’s brazen power grab.  As a result, we have taken the first step in restoring certainty for the farmers, manufacturers, and construction and transportation industries that drive our nation’s and Florida’s economic growth, as well as counties and local municipalities impacted under the rule.
* Through the bill, Republicans and Democrats in Congress are working in a bipartisan fashion to recognize the role that states must play in regulating waters within their respective boundaries.

* The agencies assert this rule merely “clarifies” the scope of federal CWA jurisdiction over waters in the United States. In reality, however, this rule goes far beyond and would allow federal agencies to regulate ditches, culverts and pipes, desert washes, sheet flow, erosional features, and farmland and treatment ponds as “waters of the United States,” subjecting such waters to all of the requirements of the CWA – which had traditionally been under the power of the states.
* Primary estimates show that the “waters of the United States,” rule could cost $182 million for project 8 counties in Florida alone, according to the National Waters Advocacy Coalition. In addition, our state will be uniquely impacted due to our vast amount of waters and wetlands bodies – said to make up over 25% of the state of Florida.
* *Waters of the United States Regulatory Overreach Protection Act* (H.R. 5078) will specifically prohibit the EPA and the Corps from developing, finalizing, adopting, implementing, applying, administering, or enforcing the proposed rule to redefine “waters of the United States” under the CWA, thereby preserving the existing federal-state partnership in regulation of our nation’s waters.
* The bipartisan legislation also precludes the agencies’ efforts to broaden regulation of the agricultural community, and further, requires the EPA and the Army Corps to engage in a federalism consultation with the states and local governments toward a consensus regulatory proposal that would identify the scope of waters to be covered.
* H.R. 5078 was approved by unanimous consent by the Committee on Transportation and Infrastructure on July 16, 2014. The Bill was filed with the Clerk of the House on July 31, with 120 cosponsors and expected for Floor consideration in September 2014.

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