

March 30, 2023

President Joseph Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden,

On behalf of the thousands of hard-working farm and ranch families who produce the safe and sustainable food, fiber, and renewable fuel that our nation and the world depend on, I urge you to sign the Congressional Review Act resolution of disapproval of the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) 2023 revised Waters of the United States (WOTUS) regulation. Farmers and ranchers are committed to protecting the water we all rely on, which is why the definition of WOTUS is critically important to Farm Bureau members across the country.

America's farmers and ranchers need a clear, consistent, and transparent WOTUS rule so they can continue to protect our natural resources, operate with certainty, and create jobs in their communities. Continual revisions, remands, and reintroductions of WOTUS definitions only sow confusion and ultimately dissuade future investment in agriculture. However, the new definition of WOTUS exceeds Congressional authority in multiple respects, ignores recent Supreme Court case law interpreting the Clean Water Act, and will be impossible to implement consistently in the field.

Farmers and ranchers should not need a team of lawyers and consultants simply to farm our land. Unfortunately, that is precisely the situation in which the new WOTUS rule places us. This rule lacks definitions for key terms, uses vague and conflicting examples, and doubles down on an expanded and subjective "significant nexus" test. It complicates an already complex process without added environmental benefits beyond what the current regulations already provide. Small businesses will be forced to spend tens of thousands of dollars to hire consultants and lawyers simply to determine whether there is federally jurisdictional water on their property and if they need a federal permit. Delays created by regulatory uncertainty, plus increased permitting and mitigation costs, will hinder economic growth and development while making it more difficult and expensive to meet our nation's goals to grow food, produce energy, and provide clean drinking water.

Finally, the United States Supreme Court is currently considering *Sackett v. EPA*, a case that could have significant ramifications for the scope of WOTUS regulations. Despite requests by Members of Congress, farmers, ranchers and small businesses all across the country to delay any new regulation until that case is decided, EPA and the Corps disregarded this commonsense request and prematurely finalized yet another complex rule that lacks durability. The Court's decision in *Sackett* could render substantial portions of the final rule non-applicable and irrelevant – and require yet another WOTUS rule.

I appreciate your attention to this issue and urge you to sign H. Res. 27 into law and keep the current WOTUS regulatory regime in place. In addition, I welcome the opportunity to sit down with you in the coming days to discuss this important matter.

Sincerely,

A handwritten signature in black ink, reading "Zippy Duvall". The signature is written in a cursive style with a large, prominent "Z" and "D".

Zippy Duvall
President