



November 2, 2015

United States Senate
Washington, DC 20510

Dear Senator,

On behalf of Associated Builders and Contractors (ABC), a national trade association with 70 chapters representing nearly 21,000 chapter members, I am writing to express our support for S. 1140, the Federal Water Quality Protection Act. **ABC strongly urges your support of this legislation, and will consider this a “KEY VOTE” for our scorecard on the 114th Congress.**

This legislation would require the withdrawal of the joint rulemaking by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) revising the definition of “Waters of the U.S.” (WOTUS) rule under the Clean Water Act (CWA). Additionally, the legislation provides the EPA and Corps the direction essential to develop a more sensible rule that will protect the nation’s “navigable” waters.

We are deeply concerned about the final rule jointly issued by EPA and the Corps to redefine WOTUS and the harmful impact that it will have on the construction industry. Beyond creating uncertainty over the permitting process, the rule will increase regulatory compliance costs and lead to a more drawn-out approval process that will harm the construction industry both directly and indirectly, as our industry’s growth relies largely on a growing economy as a whole. Issues like these, as well as the increased potential for litigation, easily translate to lost businesses and jobs and stalled economic activity, all of which is detrimental to the construction industry.

Throughout the rulemaking process, we have consistently urged the agencies to clarify the limits of federal jurisdiction over waterways consistent with Supreme Court decisions and congressional intent. It is now abundantly clear that Congress needs to step in to provide guidance to the agencies and set parameters for that regulation. We believe S. 1140 will help create certainty for all parties involved by identifying “bright lines” and excluding waters that should be outside of federal jurisdiction, such as groundwater, isolated ponds, storm water management systems and streams without surface connections or sufficient flow to carry pollutants to navigable waters.

By requiring EPA and the Corps to rewrite the WOTUS rule, S. 1140 initiates a process that will further protect our nation’s environmental assets, while also limiting the regulatory burden on the construction industry, ensuring that businesses are given the opportunity to thrive. **ABC urges you to vote YES on S. 1140 and will consider this a “KEY VOTE” for our scorecard on the 114th Congress.**

Sincerely,

Kristen Swearingen
Senior Director, Legislative Affairs