

July 18, 2018

The Honorable Richard Shelby  
304 Russell Senate Office Building  
Washington, 20510

The Honorable Patrick Leahy  
437 Russell Senate Office Building  
Washington, DC 20510

The Honorable Lamar Alexander  
455 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein  
331 Hart Senate Office Building  
Washington, DC 20510

The Honorable John Boozman  
141 Hart Senate Office Building  
Washington, DC 20510

The Honorable Brian Schatz  
722 Hart Senate Office Building  
Washington, DC 20510

The Honorable Steve Daines  
320 Hart Senate Office Building  
Washington, DC 20510

The Honorable Chris Murphy  
136 Hart Senate Office Building  
Washington, DC 20510

The Honorable James Lankford  
316 Hart Senate Office Building  
Washington, DC 20510

Dear Conferees,

Our organizations, along with our millions of members and supporters, urge you to oppose all anti-environmental riders during conference negotiations of H.R. 5895, the Energy and Water Development and Related Agencies Appropriations Act, 2019, a three-bill 'minibus' package that includes the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Acts. In particular, we are concerned about language from the House version that would repeal the 2015 Clean Water Rule.

Adding poison pill riders undermines the legislative policy-making process and creates additional unnecessary barriers to the already challenging budget and appropriations process. The Senate Majority Leader and Chairman of the Senate Appropriations Committee recognized this. During a June 14, 2018 markup of the FY19 Interior, Environment, and Related Agencies Appropriations bill, Chairman Shelby credited the subcommittee chairs and ranking members for "refraining from including new authorizing provisions and poison pill riders on these appropriations bills." And on June 21, 2018 during the floor debate of the FY19 Energy and Water Development Appropriations bill, Senator McConnell tabled a controversial Clean Water Rule amendment to ensure "passage of appropriations bills this year." Our groups urge the conferees to continue opposing poison pill riders during the appropriations process.

Specifically, Section 108 of the House bill is a radical rider that would eliminate the vital safeguards of the Clean Water Rule for the waters that feed the drinking water of 117 million people and protect streams, headwaters, wetlands and other water bodies that serve as habitat for wildlife, reduce flooding risk, and naturally filter pollution. The dangerous provision would subvert the entire rulemaking process by disregarding public input, including the over 1.5 million comments submitted in support of the Rule and opposing attempts to roll it back. Additionally, it would ignore the strong scientific foundation for the Rule and would return Clean Water Act jurisdiction to an inconsistent and uncertain regulatory scheme, which stakeholders across the board have said is unworkable.

The rulemaking process ensures that the agencies follow the law and that their actions can be fairly assessed by the courts. This extreme rider would disregard all of that process in favor of the inconsistent and uncertain regulatory scheme that existed before the Rule's adoption. The EPA and the Army Corps already have the tools they need to reevaluate the Rule, but this dangerous rider would completely erase the 2015 Rule from the books, absolving the administration of a need to justify its repeal process against the backdrop of the strong scientific record and public comments that supported the Rule. Rather than starting from ground zero as this rider would direct, the agencies should follow the rulemaking process - objectively review the scientific record and the public input on the rulemaking actions, assess what specific parts of the Clean Water Rule they think could be improved, propose targeted amendments that don't sacrifice important water bodies and that follow the scientific evidence, and seek and incorporate meaningful public input on that proposal.

We all depend upon clean water – for drinking, for the economy, for our health, and for outdoor recreation, including fishing, swimming, paddling and bird watching. But too many of our communities, particularly low-income communities and communities of color, are already disproportionately impacted by contaminated water. It is clear, now more than ever, that we need strong federal safeguards for our water, yet polluters and their allies continue their push to undermine one of our most valuable tools, the Clean Water Rule.

The appropriations process should not be used to roll back fundamental health and environmental safeguards and undermine the rulemaking process. We ask you to stand up for clean water by opposing this radical and dangerous provision to eliminate the Clean Water Rule and further, urge you to oppose all anti-environmental riders in the final H.R. 5895.

Thank you for your consideration,

Alliance for the Great Lakes  
Alliance of Nurses for Healthy Environments  
American Rivers  
Center for Biological Diversity  
Clean Water Action  
Earthjustice  
Endangered Species Coalition  
Friends of the Earth US  
Green Science Policy Institute  
GreenLatinos  
Interfaith Power & Light  
League of Conservation Voters  
Natural Resources Defense Council  
PolicyLink  
River Network  
Sierra Club  
Southern Environmental Law Center  
WE ACT for Environmental Justice