

October 18, 2023

Dear Chairman Carper and Ranking Member Capito:

Thank you for holding a hearing to examine the impacts of the Supreme Court's decision in *Sackett v. EPA*, which removed federal Clean Water Act protection for critical waters nationwide. Because the Court's opinion so fundamentally misconstrued Congress's intent in enacting the Clean Water Act and the importance of science in its implementation, communities across the country are counting on Congress to restore the protections that the Supreme Court majority ripped away. This hearing is an important first step towards fixing the law.

The Environmental Protection Agency [estimates](#) that up to 63% of the country's wetlands and as much as 4.9 million miles of streams could be denied Clean Water Act protections because of the Court's opinion. The public health, safety, and welfare threats the decision could unleash are difficult to overstate. Wetlands filter pollution, curb flooding, capture carbon in soils, and provide important habitat for fish and other aquatic life, while non-perennial streams directly affect the condition of downstream waters and feed the drinking water supplies of tens of millions of people. Environmental justice communities and Tribal communities will be especially impacted, with these same communities already disproportionately impacted by water pollution and a lack of water infrastructure investment.

Yet the Court's opinion dismantled numerous federal safeguards for countless important waters. The protections weakened by the *Sackett* decision include requirements to mitigate unavoidable harms when wetlands and other waters are filled, pollution control limits for industrial and municipal dischargers, restrictions on sewage sludge disposal near waters, and spill prevention and cleanup obligations for facilities with significant amounts of oil or hazardous substances.

Collectively, these programs have greatly improved the condition of our waters. However, even before the *Sackett* decision, the work of the Clean Water Act was far from done; according to the Environmental Protection Agency's most recent [report](#) to Congress, more than half of the nation's assessed rivers and streams and 70 percent of assessed lake acres fail to meet water quality standards. By forcing the country to retreat from Congress's declared objective -- "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" -- the Supreme Court has all but guaranteed that water quality nationwide will deteriorate.

Simply put, this reckless judicial revision of our most important federal law protecting surface waters cannot stand. Congress must amend the Clean Water Act to restore longstanding protections and it must do so soon.

Sincerely,

Anacostia Riverkeeper
Atchafalaya Basinkeeper
Black Warrior Riverkeeper
Cahaba Riverkeeper
Chautauqua-Conewango Consortium
Children's Environmental Health Network
Choctawhatchee Riverkeeper

Clean Water Action
Columbia Riverkeeper
Congaree Riverkeeper
Cook Inletkeeper
Earthjustice
Endangered Habitats League
Environmental Protection Network
Environmental Stewardship
Flint Riverkeeper, Georgia
Friends of Casco Bay/Casco Baykeeper
GreenLatinos
Gunpowder RIVERKEEPER
Hackensack Riverkeeper
Kentucky Waterways Alliance
Kissimmee Waterkeeper
Lawyers for Good Government
League of Conservation Voters
League of Women Voters Upper Mississippi River Region
Milwaukee Riverkeeper
Missouri Confluence Waterkeeper
Missouri River Bird Observatory
Mobile Baykeeper
Natural Resources Defense Council
New Mexico Wild
Ohio River Foundation
Orange County Coastkeeper
Park Watershed
Peconic Baykeeper
Potomac Riverkeeper Network
Puget Soundkeeper
Raritan Riverkeeper
Save The Bay, Narragansett Bay
ShoreRivers
Snake River Waterkeeper
Southern Environmental Law Center
Suncoast Waterkeeper
Surfrider Foundation
The Water Collaborative of Greater New Orleans
Three Rivers Waterkeeper
Waterkeeper Alliance
Waterkeepers Chesapeake
Winyah Rivers Alliance