

**TRANSCRIPT – Senator Joni Ernst (R), Iowa
Comments on S.J. Res. 22 to eliminate WOTUS rule
November 3, 2015**

“Mr. President, I rise today to talk about this ill-conceived and harmful Waters of the U.S. Rule, better known as ‘WOTUS’, and how its implementation threatens the livelihoods of many of my fellow Iowans.

“As you know, Mr. President, recent court decisions have forced this rule – EPA’s latest power grab - to come to a screeching halt across the country because of the likelihood that EPA has overstepped its authority.

“And to be clear, it’s not just me saying that – it’s the courts.

“As my colleague and friend, the senior Senator from Iowa Chuck Grassley often says, ‘Washington is an island surrounded by reality.’

“There is not a more perfect phrase to describe how the events and process has unfolded surrounding this confusing rule. Only in Washington do unelected bureaucrats take 300 pages to simplify and provide clarity.

“This rule is so complex and so ambiguous that folks in my state are concerned that any low spot on a farmer’s field - or a ditch - or a puddle after a rainstorm, may now fall under the EPA’s watch.

“We all want clean water and clean air – that is not disputable. Time and again, I have emphasized that air we breathe and the water we drink needs to be clean and safe.

“Statements suggesting otherwise can’t be farther from the truth; and it’s unfortunate that the EPA continues to fuel that line of false attack through their election style tactics and controversial lobbying efforts on social media.

“This rule and this debate isn’t about clean water. No Mr. President, the heart of this debate is about how much authority the federal government and unelected bureaucrats should have to regulate what is done on private land.

“Look at my state of Iowa. And you can see the map behind me. Look at my state of Iowa. This rule would give the EPA extensive power to regulate water on 97% of the land in the state of Iowa. 97%!

“If you compare that to Iowa’s federal land acreage percentage of 0.3% – it is quite a shift in the current makeup of federal authority over the land in Iowa.

“I spent the weekend going back through letters my fellow Iowans have sent me on this issue. And so many of them are frustrated with the lack of common sense coming

out of Washington. They are taking this issue personally because their livelihood depends on it.

“Many of the letters I get are from farmers who spend their days working land that has been in their families for generations, some going back over a hundred years. They have an incentive to take care of their land and conserve it for future generations. Caring for the land and conserving is a way of life in the heartland – and it’s as if the EPA just turns a blind eye to that fact.

“One Iowan wrote, ‘This proposed rule is so vague, long and very unclear that I feel they are wanting farmers . . . to fail . . . so a large fine can be assessed. Why am I taking this personal?’ – She writes, ‘because, for me and my family, we live off this land. If we don’t take care of it – it will not take care of us. So I will do whatever I can to protect this land and water for my children. My family lives on well water, my cattle drink from the same well and I don’t want either to get sick.’

“That’s what one Iowan wrote. And I believe the same.

“Exactly, Mr. President.

“This rule would give EPA the authority to expand its power over family farms, small businesses, ranchers and other landowners in our rural communities.

“Iowans are so concerned about this rule because they know it will actually create a negative impact on conservation and it is contradictory to the common sense and voluntary work that is taking place in communities across Iowa, today.

“In Iowa, we have had a state-level clean water initiative in place for several years now. It’s a partnership between the state legislature, the Department of Natural Resources, the Iowa Department of Agriculture and Land Stewardship, Iowa State University and a myriad of stakeholders across the state.

“The Voluntary Nutrient Reduction Strategy is based on extensive research, and provides a path forward for conservation efforts that individual farmers can pursue with matching funds from the state. This science-based approach provides incentives for farmers and other landowners to make sustainable decisions on their own land, rather than be forced to adhere to a one-size-fits-all regulation that would do far more harm than good.

“A farm in Iowa is not the same as one in Montana, and the rolling plains of Texas are very different from the hills and valleys of Pennsylvania. This is simply one more reason that this WOTUS rule is the wrong approach. A one-size-fits-all ‘solution’ from inside the beltway could have disastrous effects nationwide.

“As I’ve mentioned, I’ve heard from constituents across the state of Iowa who have grave concerns with the ambiguity of this rule. They are holding off on making

conservation improvements to their land, for fear of being later found out of compliance with this WOTUS rule, and facing significant fines.

“Maybe it’s because we are so ‘Iowa Nice’ that we are inclined to work together collaboratively, rather than simply issuing more onerous regulations. Take the Middle Cedar Partnership for example – this project in Eastern Iowa uses local dollars and state funding, coupled with federal grants from the USDA to organize and advocate for land practices that improve water quality downstream.

“The coalition is made up of city, county and state officials, business people, farmers, environmentalists and other concerned citizens. Together, they are making meaningful progress on multiple watershed projects within the Cedar River basin, and sharing what they have learned. This approach is now being adopted by other municipalities within the state.

“Contrary to what some claim - Iowa has done all of this on its own, not at the behest of the EPA. In fact, the EPA has asked the leaders of Iowa’s efforts to come to D.C. and explain how they’re able to get such grassroots buy-in to voluntary conservation project and programs. The other states in the Mississippi River basin look to Iowa as a leader on water quality, and are modeling their own state-level efforts after ours in the state of Iowa.

“Mr. President, while there are clear indications that this WOTUS rule is illegal and likely to be scrapped by the courts – that process could take years to play out and all at the expense of the average American.

“Let’s not wait around for the inevitable and force our farmers and small businesses to operate in the dark while they wait.

“Let’s fix this now and give American families the certainty they deserve.

“And Mr. President, we can do that by passing the legislation before us.

“I have led the charge here in the Senate on this joint resolution of disapproval which would scrap the rule entirely.

“My legislation is the necessary next step in pushing back against this blatant power grab by the EPA. We will send this to the President where he will be forced to decide between the livelihood of our rural communities nationwide and his unchecked federal agency.

“I also voted for S. 1140, which provides the EPA with clear principles and directions on how best to craft a Waters of the U.S. rule.

“It spells out the steps that they should have taken prior to finalizing this rule – to guarantee that they are taking into consideration the thoughtful comments from folks like farmers, ranchers, small businesses and manufacturers.

“Congress is acting because it is evident that the EPA did not seriously consider the comments and perspective from those whom this rule will directly impact.

“And it’s clear they are far outside the bounds of the congressional intent of the Clean Water Act.

“Mr. President, Iowa is bounded by rivers – the very shape of our state is dictated by the mighty Mississippi and Missouri Rivers. Take one look at the commerce and recreation happening on them, and it’s easy to see why these are considered ‘navigable water.’ When Congress passed the Clean Water Act, this was the type of water it intended to protect, not a grass waterway running across a farmer’s field, or a ditch bordering it. This rule ignores congressional intent, and is nothing more than a power grab by the EPA.

“The EPA continues to run roughshod over Iowans, acting as if they are a legislative body – something they have no business doing.

“It’s no wonder they have lost the trust of the American people and many here in Congress.

“Every community wants clean water and to protect our nation’s waterways, but we simply cannot allow mounting unnecessary regulations to overwhelm the common sense voice of hardworking Americans.

“Especially when they are not based on sound science – and again it’s not just me saying that.

“The courts and the Army Corps have both called the EPA on their shaky data or lack thereof.

“Yet unelected bureaucrats remained committed to making a political decision instead of the right decision.

“As Iowa’s United States Senator, it’s my responsibility to speak up for the folks I represent and hold the federal government accountable when it’s clear they have gone too far. And make no mistake, they have here.

“And with that Mr. President, I yield the floor.”