THE "PARTY OF POLLUTION":
AN ANALYSIS OF THE REPUBLICAN MAJORITY'S FAILURE TO PROTECT CLEAN WATER

The Honorable Peter A. DeFazio
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives

Prepared by the Democratic Staff of the Committee on Transportation and Infrastructure

October 18, 2016

The "Party of Pollution":
An Analysis of the Republican Majority's
Failure to Protect Clean Water

Executive Summary

As the Nation marks the 44th anniversary of the enactment of the Clean Water Act, the opportunity presents itself to assess the many successes of this landmark environmental statute and to evaluate the reasons why the approach of the Republican Majority in Congress to addressing water pollution falls short of what is necessary to protect our local rivers, streams, lakes, and coastal waters from degradation or destruction.

The primary goal of the Clean Water Act is to restore and maintain the chemical, physical and biological integrity of the Nation's waters. To be clear, the progress the Nation has made in achieving this goal is laudable. Today, our rivers are no longer grotesquely polluted, and we are far-removed from the events that led to the Cuyahoga River fire of 1969.

The Clean Water Act has been instrumental in addressing the most obvious sources of water pollution – the open discharge of chemicals and untreated sewage into our Nation's waters – and has achieved remarkable results over the last four decades. It is the main reason the Nation's waterways have shown dramatic improvement in water quality, even as the Nation's population has doubled. The Clean Water Act has been instrumental in improving the health of our rivers, lakes, and coastal waters. Further, it has stopped billions of pounds of pollution from fouling the water, and dramatically increased the number of waterways in our Nation that are safe for swimming and fishing.

However, the Nation now stands at a crossroads in the restoration and protection of its waters and wetlands. One path improves upon the successes of the Clean Water Act and will finally achieve the goals of universal fishable and swimmable waters. The other path leads to the very real possibility that progress will be lost. It is a simple question of priorities and commitment.

Unfortunately, the Republican Majority in Congress has done all it can to slow the progress in cleaning up the Nation's waters, and has taken aggressive steps to undermine the successes already achieved – to virtually eliminate any Federal "safety-net" in protecting the Nation's water-related environment. Whether through direct legislative proposals to repeal Clean Water Act safeguards, through efforts to restrict or eliminate funding for implementing or enforcing the Nation's environmental laws, or by hampering the Obama administration's efforts to clarify the scope of the protected waters, the Republican Majority has led the charge to undermine one of the Nation's most popular environmental statutes characterizing it as too bureaucratic, too expensive, and bad for American business.

The question remains – which path will the Nation follow? Should we be satisfied with the progress that has been made and resign ourselves to the fact that we have already witnesses the peak in water quality? Or should we demand that the next steps be taken to clean America's waterways?

The answer depends on our commitment to finishing the job that began in 1972 with the passage of the Clean Water Act. In contrast to the actions of Republican Majority, a Democratic-led Congress commits to finish the task, and to renew the Federal commitment to fishable and swimmable waters for the enjoyment of all Americans and for generations of Americans to come.

Introduction

October 18, 2016, will mark the 44th anniversary of the enactment of the Clean Water Act ("the Act"). This revolutionary environmental statute established a national commitment to restore and maintain the chemical, physical, and biological integrity of the Nation's water.

The Act is the main reason the Nation's waterways experienced historic improvements in water quality, even as the population increased by over 50 percent. Without the Act, the health of our rivers, lakes, and streams would most certainly be in jeopardy. Since 1972, it has stopped billions of pounds of pollution from fouling the water and significantly increased the number of waters that are safe for swimming and fishing, and as a drinking water source.

Yet, recent trends suggest that our Nation's water quality has plateaued or even declined. Ongoing sources of pollution have grown more complicated, more widespread, and more expensive. Where improvements to water quality can be identified, they are often minor and do not significantly increase the percentage of waters that meet the Act's swimmable and fishable standards. Sadly, there is now evidence[1] of declining water quality conditions throughout the country, jeopardizing the environmental and public health improvements realized since the Act was passed.

The Republican Majority of the U.S. House of Representatives remains fixated on cutting Federal funds to critical environmental authorities and programs under the jurisdiction of the U.S. Environmental Protection Agency (EPA), such as the Clean Water Act – prioritizing budget cuts over traditional infrastructure investment. For example, during the last eight years, Congressional funding for the primary Clean Water infrastructure program – the Clean Water State Revolving Fund (SRF) – has declined by more than 30 percent, from $2.1 billion during Democratic control of the House in fiscal year 2010 to $1.45 billion in fiscal year 2015 under Republican Majority control. These decisions jeopardize the reliability of our critical water-related infrastructure, our Nation's economic and environmental health, and the well-being of future generations.

Coupled with dangerously inadequate funding for the Act's clean water programs, the latest policy proposals put forth by the Republican Majority have involved a slow, but steady, dismantling of the Act itself. Whether through direct legislative proposals to repeal many of the safeguards of the Act, through efforts to restrict or eliminate funding for Federal agencies responsible for implementing or enforcing the Nation's environmental laws, or by hampering the Obama administration's efforts to promote Federal protection over the Nation's waters, the Republican Majority has led the charge to undermine one of our country's premier environmental statutes.

For example, the Republican Majority:

- Presided over the steady decline of Federal protections over the Nation's waters, as well as, multiple attempts to disrupt the Obama administration's development and implementation of the Clean Water Protection Rule;[2]

---

[1] U.S. Environmental Protection Agency, "Watershed Assessment, Tracking, and Environmental Results: National Summary of State Information." February 2012.

[2] *Regulatory Integrity Protection Act of 2015*, H.R. 1732, 114th Cong. (2015) and *A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection*

- Pushed to impose new regulatory requirements on Federal agencies that would block efforts to implement or enforce critical environmental, public health, and safety laws;[3]

- Failed to support solutions to emerging water quality challenges, such as the 33 square-mile harmful algal bloom in May 2016 in Lake Okeechobee, Florida; the harmful algal bloom that covered a 636-mile stretch of the Ohio River in September 2015; or the harmful algal bloom in Lake Erie in May 2014 that covered the drinking water intake for the City of Toledo, Ohio, that prompted a drinking water ban that impacted 400,000 of the Toledo's residents;[4]

- Ignored efforts to modernize programs to address nonpoint source pollution – the greatest continuing source of impairment to the Nation's waters; and

- Hijacked the public-health crisis of the Zika virus to weaken Federal and State laws to monitor and minimize the impacts of pesticides on water quality.[5]

Equally disturbing is the Republican Majority's reluctance to consider legislation that would increase Federal investment in the Nation's wastewater and drinking water infrastructure, despite repeated calls for increased investment from States, municipalities, stakeholders, and the general public. From Milwaukee, Wisconsin, to Washington, D.C., from Alamosa, Colorado, to Charleston, West Virginia, and from Toledo, Ohio, to Flint, Michigan, large communities and small towns have suffered the consequences of failed water and wastewater systems that have led to public health emergencies, outbreaks of water contaminated by disease, algal blooms, and other toxic materials, and unfortunately, even death. Yet, failure to make necessary Federal infrastructure investments will lead to further degradation in water quality, as well as a massive decline in productivity and economic prosperity.

Even though we are armed with the knowledge of how far the Nation has come, we stand on the threshold of throwing the Act's successes away and reverting to the days of rivers that burn, lakes that are dead, and waterways that serve as sewers.

Agency relating to the definition of "Waters of the United States" under the Federal Water Pollution Control Act, S.J.Res. 22, 114th Cong. (2015).

[3] *Regulations from the Executive in Need of Scrutiny Act of 2015,* H.R. 427, 114th Cong. (2015) and *Require Evaluation before Implementing Executive Wishlists Act of 2016*, H.R. 3438, 114th Cong. (2016).

[4] Motion to Recommit to H.R. 1732, *the Regulatory Integrity Protection Act of 2015, 114th Cong. (2015), May 12, 2015.*

[5] *Zika Vector Control Act,* H.R. 897, 114th Cong. (2015).

Impact of the Clean Water Act on Our Nation's Waters

The Act is rightfully viewed as one of the most successful environmental statutes in America. While the Act's goals of universal swimmable and fishable waters remain unmet, substantial progress has nonetheless been made. The Act has provided a tremendous return on Federal investment in water-related infrastructure – preventing billions of pounds of pollution from fouling our water and dramatically increasing the number of waterways that are safe for swimming and fishing.

The policies underpinning the Act and the associated investments have significantly impacted our economy for the better. By one estimate, for every $1 billion invested in traditional clean water infrastructure, the United States creates between 10,000 and 15,000 jobs.[6] In terms of a pure return on investment, the Commerce Department's Bureau of Economic Analysis estimates that $2.62 is generated in the private economy for every dollar invested in water infrastructure.

In addition, the Clean Water Act has led to water quality assessments that give communities necessary data outlining the actual health and quality of our Nation's waters. In 2004, States had assessed the water quality of only 16 percent of our river and stream miles, and 39.9 percent of lake acres.[7] States have assessed more waters each year and, today, over 31 percent of river and stream miles, and 44.4 percent of lake acres have been assessed.[8]

However, the results of those assessments reveal that we are far from ensuring that all waters are swimmable and fishable. Today, about 50 percent of assessed rivers and streams, 70 percent of lakes, and 70 percent of estuaries are not clean enough to support their designated uses, such as swimming and fishing.[9] Moreover, according to EPA, industrial discharges are presumed to be responsible for threatening the water quality of more than 14,000 miles of rivers and more than 220,000 acres of lakes, ponds and estuaries in the United States.[10]

Given the fact that the true condition of all of the Nation's waters could, in fact, be worse than these reports reveal, any reversal of improvement in water quality is troublesome, especially in light of the Republican Majority's repeated attempts to roll back Clean Water Act protections and unwavering commitment to underfunding our water infrastructure.

---

[6] Claudia Copeland, Linda Levine, and William J. Mallet, Congressional Research Service, "The Role of Public Works Infrastructure in Economic Recovery." September 2011.
[7] U.S. Environmental Protection Agency, "National Water Quality Inventory: 2004 Report." January 2009.
[8] U.S. Environmental Protection Agency, "Assessment and Total Maximum Daily Load Tracking and Implementation System," downloaded from ofmpub.epa.gov/waters10/attains_index.control, 18 August 2016.
[9] *Id.*
[10] U.S. Environmental Protection Agency, "Watershed Assessment, Tracking, and Environmental Results: National Summary of State Information." February 2012.

Needed Wastewater Infrastructure Improvements to Protect Drinking Water

To a large degree, the successes of the Clean Water Act resulted from a significant Federal investment in wastewater infrastructure improvements throughout the country. Since 1987, the Clean Water State Revolving Funds ("CWSRF") have provided more than $111 billion to communities in wastewater assistance, which has dramatically increased the number of Americans enjoying better water quality and improved the health of the environment.[11]

In 1968, sewage treatment facilities served approximately 140 million people in this country, many at a primary, or low, treatment level. Today, with investments and assistance provided by the Federal Government under the Act, the Nation's 16,000 publicly owned treatment works serve more than 200 million Americans. In fact, as of June 30, 2014, the CWSRF financed almost 15,000 projects in 5,222 communities, treating approximately 856 billion gallons of wastewater per day.[12]

Treating, and in many cases eliminating, the flow of direct discharges of untreated sewage into U.S. rivers, lakes, and streams has been one of the best investments the American people have ever made. First through the Federal construction grant program, and now, the CWSRF program, the Federal investment in water infrastructure has been integral to improving the quality of the Nation's waters. The gains in water quality realized through Federal, State, and local investment in wastewater infrastructure have been significant, helping to achieve a dramatic increase in the number of fishable and swimmable waters throughout the Nation. In addition, as a result of dramatic improvements in wastewater infrastructure, effluent discharges have decreased by one-half since 1970, despite the fact that waste loads grew by more than one-third due to population growth and an expanded economy.

Sadly, however, these improvements belie the fact that underinvestment and complacency in Congress have allowed the systems to fall into disrepair over time, creating a massive backlog of projects and threatening the long-term reliability of our infrastructure. In the 2012 Clean Watershed Needs Survey, EPA reported to Congress that "the total wastewater and stormwater treatment and collection needs for the nation are $271 billion as of January 1, 2012…. [including] capital needs for publicly owned wastewater pipes and treatment facilities ($197.8 billion), combined sewer overflow (CSO) correction ($48.0 billion), stormwater management ($19.2 billion), and recycled water treatment and distribution ($6.1 billion)."[13]

Unfortunately, EPA's estimates may take a conservative approach to assessing our Nation's water infrastructure needs, as some estimates place the need at alarmingly higher levels. For example, the American Water Works Association estimates that restoring existing water systems and expanding them to keep up with the pace of our growing population will cost at least $1 trillion over the next 25 years.[14]

---

[11] U.S. Environmental Protection Agency, "2015 Annual Report Clean Water State Revolving Fund Program." March 2016.
[12] U.S. Environmental Protection Agency, "Clean Water State Revolving Fund Fiscal Year 2014 Environmental Benefits Report." June 2015.
[13] U.S. Environmental Protection Agency, "2012 Clean Watershed Needs Survey." January 2016.
[14] American Water Works Association, "Buried No Longer: Confronting America's Water Infrastructure Challenge." 2012.

Bringing Our Wastewater Infrastructure into the 21st Century

As we have struggled to keep up with investments needed for restoring and maintaining our existing water infrastructure, we also have failed to invest in the technological innovation of the water sector.

For example, the U.S. Water Alliance estimated that investment in research and development for clean energy is 50 times greater than the investment in research and development for water.[15] In fact, the Alliance for Water Efficiency, estimates that investments in water efficiency programs could increase Gross Domestic Product (GDP) by $1.3 to $1.5 million per every $1 million dollars invested in green infrastructure projects.[16] These projects include installing green roofs, raingardens, and permeable pavement that can reduce burden on existing wastewater treatment plants and stormwater and sewer pipes. At the same time, several organizations have documented[17] the added economic and social benefits of green infrastructure and other low-impact development practices to communities, including improved air quality, reduced energy-usage and heat-island effects, and increased property-values and livability of our communities.

Despite the proven return on investment of wastewater and drinking water projects and the numerous benefits they provide to the public and our environment, the Republican Majority has failed to recognize the importance of increasing our investment in clean water infrastructure**. Not once during the 18 years of the Republican Majority (1995-2009; 2011-2016) has the U.S. House of Representatives taken up *any bill* to reauthorize the primary Federal wastewater infrastructure program – the Clean Water SRF.** Yet, during this same period, the number of critical water infrastructure failures and water quality challenges facing our communities continues to rise.

Similarly, during the last eight years, Congressional funding for the Clean Water SRF has declined by more than 30 percent, from $2.1 billion during Democratic control of the House in fiscal year 2010 to $1.45 billion in fiscal year 2015 under Republican Majority control.[18] These cuts to the primary Federal wastewater infrastructure assistance program stand in stark contrast to the identified and growing infrastructure needs and jeopardize the continued reliability of our critical water-related infrastructure, our Nation's economic and environmental health, and the well-being of future generations.

---

[15] US Water Alliance, "One Water for America Listening Sessions: Crafting a National Water Policy Framework." August 2016.
[16] Alliance for Water Efficiency, "Transforming Water: Water Efficiency as Stimulus and Long-Term Investment." December 2008.
[17] *See*, e.g., The Value of Green Infrastructure: A Guide to Recognizing Its Economic, Environmental and Social Benefits, Center for Neighborhood Technology, 2010.
[18] Claudia Copeland, Congressional Research Service, "Water Infrastructure Financing: History of EPA Appropriations." February 2016.

Uncontrolled Nonpoint Source Pollution

Great advances have been made in improving the quality of U.S. waters since the inception of the Act 44 years ago, with one large exception – nonpoint sources of pollution.

Nonpoint source pollution refers to the polluting of water by diffuse sources, rather than a single, more easily identifiable "point" source. Primarily, nonpoint sources tend to be associated with land use activities as opposed to end-of-pipe discharges. Examples of common nonpoint source pollution include: sediments, pesticides, and nutrients running off of farms and urban lawns; oil, grease, heavy metals, and other toxic materials carried on streets, highways, rooftops, and parking lots into storm sewers; farm animal wastes from barnyards and pet wastes from urban areas; and soil washed away from construction areas.[19]

Today, after 44 years of Federal and State efforts under the Act, the leading cause of water quality problems is nonpoint source pollution. **According to the most recent data provided by EPA, over 141,000 miles of assessed rivers and streams in the U.S. are currently threatened or impaired by agricultural sources.**[20] In addition, nearly 1.1 million acres of assessed lakes, reservoirs, and ponds are impaired or threatened by agricultural sources, and an additional 624,668 acres of lakes, reservoirs, and ponds are impaired or threatened by urban runoff and stormwater.

The Act has been unable to replicate its successes in controlling point sources to address the problem of nonpoint sources of pollution. To a large degree, the reason is simple: whereas the Act has direct regulatory authority over discharges from point sources, the Federal role in addressing nonpoint sources of pollution is limited to voluntary, incentive-based programs that lack sustainability, accountability, and verification of water quality benefits.

Section 319 of the Clean Water Act requires States to prepare nonpoint source pollution programs, but does not require that such programs be implemented. In addition, unlike the mandatory technology-based controls imposed on point source discharges, the Act does not require nonpoint source management plans, such as buffer strips or nutrient management plans, to demonstrate their ability to address polluted runoff. **Finally, although nonpoint sources of pollution now cause the majority of water quality impairments, only three percent of Clean Water Act funds have been devoted to address this problem.**

To reverse these trends and decrease the amount of water pollution caused by nonpoint sources, a new approach is necessary. Any legislation to tackle this problem must both significantly increase funding for the implementation of existing nonpoint source control programs, and demonstrate that these investments produce verifiable, consistent, and enforceable water quality benefits.

What is clear is that the Republican Majority in Congress has refused to address the single largest source of water pollution in our Nation, and failed to take any actions to control the flow of nonpoint source pollution into our waters.

---

[19] Coast Alliance, "Mission Possible: State Progress Controlling Runoff Under the Coastal Nonpoint Pollution Control Program." 2000.

[20] United States Environmental Protection Agency, "National Summary of State Information." Retrieved from US EPA website https://ofmpub.epa.gov/waters10/attains_index.control

What has the Republican-led Congress Done to Improve Water Quality?

The Republican Majority in Congress has done very little to improve water quality. In fact, the Republican Majority in Congress has overseen multiple attempts to undermine the successes of the Act.

Death by a Thousand Cutbacks

As noted earlier, the country's water and wastewater infrastructure is aging and falling into disrepair. Many of the wastewater facilities constructed soon after enactment of the Act in 1972 are now reaching the end of their expected useful life, and are in significant need of replacement or rehabilitation. Without renewing our attention to and investment in water infrastructure, we risk losing many of the gains made over the past 44 years in improving water quality.

The Republican Majority fails to recognize the need for increased Federal investment in water infrastructure. Since recapturing control of the House in 2011, the Republican Majority has slashed funding for the Clean Water State Revolving Fund. In 2010, Congress, under Democratic leadership provided approximately $2.1 billion for Clean Water SRF capitalization grants. Conversely, the Republican Majority has cut funding for the Clean Water SRF program by one third to $1.4 billion in 2015.

These cuts come at a time when EPA and stakeholder groups acknowledge that the funding gap is growing out of control. The American Society of Civil Engineers estimates that by 2020, our wastewater infrastructure needs will amount to more than $126 billion.[21] By 2040, this estimate balloons to $195 billion.[22]

The current level of Federal investment is grossly inadequate to maintain and improve the quality of the Nation's waters and the health of the environment. The choice is clear, we can make necessary investments in water infrastructure needs today, or allow our achievements in public and environmental health to degrade and pass along the costs to future generations.

Gutting Clean Water Protections

Over the past few years, the Republican Majority has repeatedly tried to roll back or repeal environmental laws and regulations provided by the Act under the guise of a noble end – such as protecting jobs and state and local control of water quality.

For example, the Republican Majority has quixotically pursued legislation to undermine efforts by the administration to provide additional clarity on the scope of the Clean Water Act – despite multiple calls for such clarity by both the regulated AND conservation communities.[23] During the past six years, Congress has taken six separate votes[24] to overturn the administration's

---

[21] The American Society of Civil Engineers, "Failure to Act: The Economic Impact of Current Investment Trends in Water and Wastewater Treatment Infrastructure." 2011.
[22] *Id.*
[23] *See* https://www.epa.gov/sites/production/files/2014-03/documents/wus_request_rulemaking.pdf
[24] Moran amendment to H.R. 5325 (112th Cong., 2nd Session, Roll Call Vote 308); Moran amendment to H.R. 2609 (113th Cong., 1st Session, Roll Call Vote 311); H.R. 5078 (113th Cong., 2nd Session, Roll Call Vote 489); H.R. 1732 (114th

Clean Water Protection rulemaking, despite clear indications that these efforts would never become law due to strong Democratic Congressional and administration opposition. As noted in the Veto Message to Senate Joint Resolution 22, the most-recent effort by the Republican Majority to undermine efforts to clarify the scope of Clean Water Act protections:

> We must protect the waters that are vital for the health of our communities and the success of our businesses, agriculture, and energy development. As I have noted before, too many of our waters have been left vulnerable. Pollution from upstream sources ends up in the rivers, lakes, reservoirs, and coastal waters near which most Americans live and on which they depend for their drinking water, recreation, and economic development. Clarifying the scope of the Clean Water Act helps to protect these resources and safeguard public health.[25]

Similarly, the Republican Majority has pursued a multi-faceted, multi-year effort to weaken fundamental Clean Water Act protections. Over the past few years, the Republican Majority first focused its efforts on a series of bills to weaken Clean Water Act protections that seek to minimize the water quality impacts of mountain-top and strip mining[26] and conversion of green spaces into commercial development,[27] and weaken state efforts to prevent pollution of their waters from upstream sources.[28]

In 2014, the Republican Majority combined their "greatest hits" against the Clean Water Act in H.R. 5077, the "Coal Jobs Protection Act of 2014". The purported purpose of this legislation was to, "restore the Federal-State partnership under [the Clean Water Act]" and "preserve the authority of each state to make determinations relating to the state's water quality standards and to restrict EPA's ability to second-guess or delay a state's permitting and water quality certification under [the Clean Water Act]."[29]

Unfortunately, the Coal Jobs Protection Act of 2014 was nothing more than an ill-conceived attempt to roll back fundamental provisions of the Act. If enacted, H.R 5077 would have brought back many of the failed water pollution control policies that existed prior to enactment of the Clean Water Act, and would have significantly curtailed the ability of EPA to protect the Nation's waters from pollution.

Prior to the Clean Water Act, States were given primacy in establishing the appropriate level of protection for their own waters. Unfortunately, the Federal-State relationship failed to ensure uniform levels of water quality protection among the States, and contributed to the cataclysmic water pollution events of the time, including the burning of the Cuyahoga River. Enactment of the Act reversed this trend by establishing Federal minimum standards for protecting water quality, and by allowing States to enact more stringent protections to protect local water quality.

Cong., 1st Session, Roll Call Vote 219); S. J. Res. 22 (114th Cong., 2nd Session, Roll Call Vote 45); Beyer amendment to H.R. 5538 (114th Cong., 2nd Session, Roll Call Vote 468).

[25] *See* https://www.whitehouse.gov/the-press-office/2016/01/19/president-obama-vetoes-sj-22

[26] H.R. 4854, the *Regulatory Certainty Act of 2014* (113th Cong., 2nd Session).

[27] H.R. 4278, the *Preserving Rural Resources Act of 2012* (112th Cong., 2nd Session).

[28] H.R. 2018, *the Clean Water Cooperative Federalism Act of 2011* (112th Cong., 1st Session).

[29] House Report No. 113-604, at 13-14 (2014).

The Coal Jobs Protection Act of 2014 would have placed downstream States at the mercy of their upstream neighbors by eliminating existing provisions of the Act intended to protect waters that flow from one State into another. Further, this legislation would have made downstream States responsible for treating the pollution of their upstream neighbors, which, at a minimum, would increase compliance costs of downstream States, and at most, destroy the ecological or economic health of downstream States.

The Republican Majority sought to loosen many of the Act's provisions that protect one State from passing the buck to another downstream State. If it had been enacted, the bill would have encouraged States to decrease investment in water pollution control technologies and simply send their polluted waters to neighboring States that would then bear the responsibility and costs associated with cleaning the waters.

Protecting Polluters over the Public

For more than a decade, one of the primary goals of the Republican Majority has been to roll back provisions of the Act that protect our Nation's waters from overzealous or irresponsible applicators of pesticides. At the behest of the agricultural industry and pesticide producers, the Republican Majority in the House of Representatives has tried again and again to prohibit EPA from requiring a Clean Water Act permit for discharging a pesticide into our Nation's waters. Republicans in the House of Representatives argued that the bill was necessary to thwart the spread of Zika, despite the fact that the Clean Water Act provides a specific emergency provision to prevent outbreaks of disease, such as the Zika virus.

When their multiple attempts to roll back these protections proved futile, the Republican Majority shamefully sought to take advantage of multiple public health crises, renaming these bills after various mosquito-borne diseases, seeking to invoke support for their efforts through fear. First, in the 109th Congress, Republicans introduced their bill to roll back pesticide requirements as the "Pest Management and Fire Suppression Flexibility Act".[30] In the 112th and 113th Congresses, Republicans introduced the same bill as the "Reducing Regulatory Burdens Act".[31] In 2015, at the beginning of the 114th Congress, Republicans reintroduced the "Reducing Regulatory Burdens Act", but, again, were unable to drum up enough support to enact the bill. This year, the Republican Majority changed the name of the bill to the "Zika Vector Control Act",[32] in an effort to take advantage of the public health crisis that has gripped the country throughout the year.

No matter the name, this bill would simply roll back critical EPA regulations that protect our Nation's waters from pesticides. As noted in a *New York Times* editorial, "Republicans have introduced a bill that would allow businesses to spray pesticides on or near waterways without first notifying regulators, as now required by law….[It's] a ruse to benefit pesticide manufacturers and farmers who find the regulation burdensome….The House seems incapable of seeing that Zika is a real threat, not a devise to satisfy its anti-regulatory zeal."[33]

---

[30] H.R. 1749, *The Pest Management and Fire Suppression Flexibility Act*, 109th Cong. (2005).
[31] *Reducing Regulatory Burdens Act of 2011*, H.R. 872, 112th Cong. (2011) and H.R. 935, 113th Cong. (2013).
[32] H.R. 897, *The Zika Vector Control Act*, 114th Cong. (2015).
[33] Stealing from Ebola to Fight Zika, *New York Times* Editorial, May 19, 2016.

Despite the fact that an overwhelming number of our Nation's lakes, rivers, and streams are currently impaired because of pesticide use, this legislation would imperil *even more* bodies of water that are used for swimming, fishing, or drinking water. If passed, this legislation would have long-term negative impacts on human health and our environment by wholly removing EPA from the regulation of pesticide application, despite the fact that the Act in no way hinders, delays or prevents the use of approved pesticides for pest control operations.

What will a Democratic-led Congress Do to Improve Water Quality?

Renew the Federal Partnership for Water Infrastructure Investment and Create Jobs

When the Democrats last controlled the U.S. House of Representatives, the first major infrastructure investment bill to overwhelmingly pass both the Committee on Transportation and Infrastructure and the House was to reauthorize the principal source of Federal funds for wastewater infrastructure investment – the Clean Water SRF. That bill (H.R. 720, the "Water Quality Financing Act of 2007") would have authorized significant increases in Clean Water SRF financing to help close the water infrastructure funding gap facing the Nation, and provide a much-needed economic stimulus both to the construction industry and to the companies (including a renewed U.S. manufacturing base) that supply and service water infrastructure projects. While that bill ultimately did not become law, it has served as a starting point for Democratic-led legislation to reauthorize the Clean Water SRF program since that time.

The most recent bill (H.R. 4954, the "Water Quality Protection and Job Creation Act of 2016") was introduced by the Ranking Members of the Committee on Transportation and Infrastructure, Peter DeFazio (D-OR), and the Subcommittee on Water Resources and the Environment, Grace Napolitano (D-CA). ***Passage of a Clean Water SRF reauthorization is a high priority for a Democratic-led Committee on Transportation and Infrastructure.***

Address the Cost of Clean Water Protections for Municipalities and Disadvantaged Communities

This report has highlighted the expected costs to modernize and increase the reliability of our Nation's network of water and wastewater infrastructure. However, many times, the communities with the greatest need in restoring and maintaining their water-related infrastructure may also struggle with raising the necessary local revenue to cover these costs.

To address these concerns, Congress should find creative ways to reduce the financial burden to communities struggling to improve local water quality or the condition of their water-related infrastructure, without compromising the ultimate goals of Clean Water Act toward fishable and swimmable waters. Several proposals have been advanced to meet these objectives, including efforts to reduce the costs of financing to local communities through Federal grants, grant-substitutes, or locally-targeted, Federal water-subsidies (modeled on the Low Income Home Energy Assistance Program); efforts to improve the overall energy and water efficiency of water utilities; and efforts to encourage administrative flexibility in assisting communities that want to improve local water quality in a reasonable and predictable timeframe.

Making water-related infrastructure more affordable to municipalities and disadvantaged communities while preserving the goals of the Clean Water Act is a high-priority for a Democratic-led Committee on Transportation and Infrastructure.

Address Emerging and Continuing Sources of Pollution to our Nation's Waters:

This report has highlighted the Republican Majority's continual assault on existing Clean Water Act provisions, while also ignoring ongoing and preventable sources of pollution to our Nation's waters. Like many of our Nation's other critical Federal environmental statutes, the Clean Water Act has not been subject to a comprehensive, top-to-bottom review in over three decades.

Many of the challenges we face in significantly improving the quality of our waters and wetlands can be traced to this fact – and the reality that we may be over-concentrating our efforts on one type of pollution, and under-addressing other sources of pollution. Similarly, we need to ensure that the Clean Water Act remains constantly vigilant to emerging sources of pollution.

A comprehensive review of the Clean Water Act to make further progress toward its goals of fishable and swimmable waters is a high-priority for a Democratic-led Committee on Transportation and Infrastructure.

Conclusion

Without a doubt, the 44-year history of the Clean Water Act is largely a tale of success. In this period, the health of our Nation's waterways has dramatically improved even as there have been significant increases in our population. We cannot, however, take these successes for granted and watch all the progress we have made come undone.

The recent actions of the Republican Majority in the House of Representatives demonstrates how easy it is to turn the clock back on protecting our Nation's waters, and to virtually eliminate any Federal "safety-net" in protecting the environment. The recent policy choices made by the Republican Majority have shown the difference between restoring and revitalizing our most important natural resource from pollution, and rolling back the protections that have proven integral to the health of our Nation's waterways.

Their actions demonstrate how easy it would be to turn the clock back on protecting our Nation's waters.

In contrast, a Democratic-led Committee on Transportation and Infrastructure will:

(1) prioritize efforts to increase Federal investment in our Nation's water-related infrastructure;
(2) promote the creation of family-wage jobs here in the United States;
(3) increase the affordability of improved local water quality for municipalities and disadvantaged communities; and
(4) undertake a comprehensive review to accelerate progress in meeting the goals of the Clean Water Act.

As a Nation, we stand at the crossroads – should we be satisfied with the progress that has been made, and resign ourselves to the fact that we have already witnessed the peak in water quality even as conditions worsen? Or should we demand that the next steps be taken to clean America's waterways?

The answer should be readily apparent – now, more than ever, we must reaffirm our commitment to restoring and protecting our Nation's greatest natural resources – our rivers, lakes, estuaries, streams, and wetlands.

The consequence of gambling away our most valuable resource is too risky – we owe future generations the chance to inherit our Nation's waters in pristine condition.