

March 19, 2015

Myths vs. Facts: EPA and Corps' Clean Water Rule

Myth # 2 – The Proposed Rule Is Not Based on the Science

Dear Colleague:

Last April, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) proposed a Clean Water rule to clarify the jurisdictional scope of the Clean Water Act. This proposal was intended to simplify and improve the process for determining what waters (and wetlands) are, and are not, protected by the Act, consistent with the decisions of the U.S. Supreme Court. Yet, critics of this proposed rule have questioned the science behind the proposal.

MYTH #2

- The proposed rule is not based on sound science.

FACTS

- In January 2015, EPA's Office of Research and Development released its "[Connectivity of Streams and Wetlands to Downstream Waters](#)" report – a review and synthesis of more than 1,200 existing peer-reviewed publications from the scientific literature.
- This Connectivity report noted that "the scientific literature unequivocally demonstrates that streams, individually or cumulatively, exert a strong influence on the integrity of downstream waters. All tributary streams, including perennial, intermittent, and ephemeral streams, are physically, chemically, and biologically connected to downstream rivers via channels and associated alluvial deposits where water and other materials are concentrated, mixed, transformed, and transported."
- The Connectivity report also noted that "the incremental effects of individual streams and wetlands are cumulative across entire watersheds and therefore must be evaluated in context with other streams and wetlands."
- In October 2014, EPA's Science Advisory Board [completed its own scientific review](#) of the Connectivity report, and concluded that the report is "a thorough and technically accurate review of the literature on the connectivity of streams and wetlands to downstream waters" and found that the scientific literature provides enough information to support a more definitive statement on the degree of connection between certain, geographically-isolated waters and downstream waters.

If you have any questions or would like to learn more about the proposal, please see (<http://democrats.transportation.house.gov/legislation/waters-united-states>) or call the Subcommittee on Water Resources and Environment at 202-225-0060.

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Committee on Science, Space, and Technology