

March 24, 2015

**Myths vs. Facts: EPA and Corps' Clean Water Rule**  
**Myth # 4 – EPA is Seizing Greater Power over Agriculture**

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 two decisions of the U.S. Supreme Court. Since that time, a number of questions or misconceptions about this proposal have been raised.

**MYTH #4**

- The proposed rule is a “power grab” by the EPA to exert greater Federal authority over farming, ranching, and forestry operations.

**FACTS**

- The proposed rule provides greater certainty to farmers, ranchers, and forestry operations and would **preserve existing statutory and regulatory exemptions for common farming, ranching, and forestry practices**, including exemptions for prior converted cropland, irrigation return flows, and normal farming, ranching, and silvicultural activities.
- The proposed rule would not affect an existing Clean Water Act exemption for the **construction and maintenance of farm or stock ponds** constructed on dry lands, and would, for the first time, specifically exclude **artificial stock watering and irrigation ponds** constructed on dry lands from Clean Water Act jurisdiction.
- The proposed rule does not just respect the **current exemptions for ditches**, but it would **expand the definition of ditches to make the exemption clearer**.
- No Clean Water Act permit is required today for the **application of pesticides or fertilizer** to dry land, and this will not change under the proposed rule.
- **Puddles on crop fields** are not subject to the Clean Water Act today, and this will not change under the proposed rule.
- In short, if you can **plow, plant, or harvest** today without a Clean Water permit, you will not need a permit for these activities under the proposed rule.

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 5-0060.

Sincerely,

/s/

Donna F. Edwards  
Member of Congress