



NEWS RELEASE

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Attorney General Jackley Join 20-State Coalition Urging EPA to Respect States' Role Against EPA Overregulation

PIERRE, S.D. – Attorney General Marty Jackley has joined a 20-state coalition in requesting the U.S. Environmental Protection Agency preserve the role of the states in protecting the nation's water sources.

"Time and time again the Attorneys General have stepped in to stop the EPA and the CORPS overreach. The federal courts have agreed with the Attorneys General and have enjoined the EPA and the CORPS from enforcing a Rule that infringes upon our State authority. It's time to provide our agriculture and business community fairness and a degree of common sense in federal regulation," stated Jackley.

The coalition filed its letter Monday as part of the EPA's ongoing review of its Waters of the United States rule. The attorneys general outlined regulatory overreach present in the existing rule and offered suggestions to better respect the authority of states going forward.

The letter requests a concrete definition of the term "waters of the United States." In doing so, it suggests the EPA and the Army Corps of Engineers should preserve the states' role in protecting water resources, especially those within the border of individual states.

The attorneys general also suggest any final definition should adopt a framework consistent with Supreme Court precedent. That includes that federal agencies can only assert authority over permanent, standing or continuously flowing bodies of water forming geographic features.

The letter expresses that rather than claiming jurisdiction over vast amounts of water and land, EPA and Army Corps of Engineers should consider the active role each state already plays in safeguarding its waterways.

The Obama-era regulation, if implemented, would have taken jurisdiction over natural resources from states and put it in the hands of federal agencies. This included almost any body of water, such as isolated streams, hundred-year floodplains and roadside ditches.

Many of these states won a nationwide stay that blocked enforcement of the rule and proved crucial in providing time for a new administration to reconsider the rule.

Read a copy of the letter at <http://bit.ly/2tGljKk>.

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