

## **PRESERVING THE DIRTY WATER RULE**

Passed: 51-49

### **SUMMARY:**

The Senate adopted an amendment opposing the Biden administration's decision to revoke the Trump administration's Dirty Water Rule, which stripped Clean Water Act protections for thousands of waterbodies across the nation. (*February 5, 2021, Roll Call No. 43*)

### **BACKGROUND:**

The Clean Water Act, one of our nation's most important environmental laws, plays a critical role in protecting aquatic habitats from harmful pollutants. However, exactly which waters are provided protections by this act has been a matter of contentious debate for decades. In 2015, the Environmental Protection Agency and Army Corps of Engineers promulgated the Clean Water Rule to clarify which bodies of water are covered. Relying on significant scientific analyses demonstrating the connections between navigable waters, tributaries and wetlands, the rule affirmed protections for the majority of the nation's streams and millions of acres of wetlands. In 2020, the Trump administration published a new rule, nicknamed the Dirty Water Rule because it drastically limited which water bodies are protected. One result of this misguided rule was that the development of a proposed titanium mine adjacent to Okefenokee National Wildlife Refuge was allowed to proceed without federal review. If completed, this project could lower water levels, increase wildfire risk and introduce pollution into the largest refuge in the eastern U.S.

Senator Shelly Moore Capito (R-W.Va.) introduced an amendment to S. Con. Res. 5, the concurrent resolution setting the budget levels for fiscal year 2021, to permit the Chairman of the Senate Committee on the Budget to establish a deficit-neutral reserve fund related to prohibiting efforts to withdraw or amend the Dirty Water Rule. As a nonbinding amendment, it did not carry the force of law and served only to urge the administration not to revoke the rule.

### **OUTCOME:**

On February 5, 2021, the Senate adopted the Capito amendment, 51-49. "Nay" was the pro-conservation vote.