

OPENING STATEMENT
Ranking Member Eddie Bernice Johnson (D-TX)

House Committee on Science, Space, and Technology
Subcommittee on Environment
“The Future of the WOTUS Rule: Examining the Role of States”
November 29, 2017

Good morning. I want to join in welcoming our witnesses, and I look forward to your testimony. A clear definition of what is considered ‘waters of the U.S.’ is important to protecting public health and the environment. A narrow definition would lead to less water bodies being protected under the Clean Water Act. In turn, protecting fewer water bodies could endanger sources of clean drinking water and wetlands that support hunting and fishing. But that is exactly what this administration appears to be trying to do.

The impact of the Clean Water Rule, also known as the WOTUS rule, and its potential repeal and replacement with a narrower definition of waters of the U.S., is deserving of a thoughtful discussion and debate. However today, at a hearing ostensibly to examine the roles of states in the next phase of defining waters of the US, only one state has been brought in to testify, the Subcommittee Chairman’s home state of Arizona. And there is also no one at the table from the EPA to provide an understanding of where things stand at the federal level. It’s now almost December, and the Majority has yet to have a single political appointee from the Trump Administration testify in front of the Committee. This is an abdication of our Committee’s oversight responsibilities.

The “de-facto deregulation” that this Administration is attempting by repealing the Clean Water Rule and replacing it with a narrower definition of waters of the U.S. will have broad impacts on downstream water sources under the Clean Water Act. By allowing certain headwaters, rain-fed or seasonal streams to fall out of jurisdiction of the Clean Water Act, we could potentially adversely impact over 117 million Americans whose public drinking water supplies rely on these sources.

That is why it is vital that we have a comprehensive discussion on this issue. Instead we are again having another incomplete hearing with no representation from the EPA at a hearing focusing on an Agency program. This is a disservice to the American people. With a multitude of changes in EPA priorities and practices being undertaken by this Administration and this Administrator, it is important for Congress to get a full accounting of what is happening at the EPA. This will help to ensure the Agency is being managed in an effective way that is to the benefit of the public.

Earlier this month I led a letter with my fellow Democratic colleagues on this Committee to Chairman Smith requesting a formal hearing with EPA Administrator Scott Pruitt. Since then, it has been reported that Administrator Pruitt will be testifying before both the House Energy and Commerce Committee as well as the Senate Environment and Public Works Committee over the next few months. But we still have not heard of a hearing date for the Administrator to come

before this Committee. As members of the Science Committee, it is our duty to conduct serious oversight of the agency that is in charge of protecting our nation's public health and the environment. I again urge the Chairman to commit to holding a hearing with Administrator Pruitt, and to conduct future hearings with representatives from the EPA present to ensure a well-rounded dialogue.

Thank you, and I yield back the balance of my time.