

OPENING STATEMENT

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Committee on Science, Space, and Technology

“Navigating the Clean Water Act: Is Water Wet?”

July 9, 2014

Thank you, Chairman Smith for holding today’s hearing to examine the rule proposed by the Environmental Protection Agency and the Army Corps of Engineers to clarify the definition of the “waters of the United States” in the Clean Water Act. I’d also like to thank Mr. Perciasepe for his participation this morning. I’m looking forward to your testimony and our discussion today. There has been a significant amount of confusion about what waters will be subject to the requirements of the Clean Water Act in light of the proposed rule, and today’s hearing provides us with the opportunity to clear up any misconceptions.

As my colleagues are aware, I am a strong supporter of EPA’s mission to protect public health and the environment. I am also a believer that a strong economy and a healthy environment go hand in hand. It is clear that clean water plays an important role, not just in the day to day lives of every American, but in nearly every sector of our economy. The availability and quality of water is critical to manufacturing, agriculture, recreation and tourism, energy production, and commercial fisheries.

In 1972 Congress recognized the value of the Nation’s water supply to our economy and quality of life and enacted the Clean Water Act to protect this vital and finite resource. However, rulings by the Supreme Court in 2001 and 2006 have created ambiguity regarding what waters are subject to the Act’s jurisdiction.

For nearly a decade, stakeholders ranging from the American Association of State Highway and Transportation Officials to the Environmental Defense Fund to the American Petroleum Institute have been calling on EPA and the Army Corps to provide clarity about what is and what is not a “water of the United States.” And while there may be differences in opinion about the proposed rule, I applaud the agencies for addressing this need and working to provide “greater clarity, certainty, and predictability” to the regulated community and state and local governments that share the task of implementing and enforcing the Clean Water Act.

As we will likely hear today, streams, lakes, and wetlands offer a variety of ecological benefits and services. For example, wetlands can store excess water after a heavy rainfall, reducing the possibility of flooding; they can trap sediments and filter out pollutants, improving water quality; and they can serve as a breeding ground for fish and other aquatic life, increasing biological diversity.

As a representative from the great state of Texas, I have seen first-hand the impact water shortages can have on public health and the economy. In 2011 Texas experienced one of the worst droughts on record with nearly 1,000 public water systems implementing restrictions on

the use of water. In fact, 23 of those systems believed they would run completely out of water within 180 days. Additionally, about 16 percent of the Texas' power generation relies on cooling water from sources that are at historically low levels. Competition for water in the state is already high, but climate change is likely to further increase competition for this critical resource as shortages are expected to rise and the quality of our water resources is predicted to decline.

We need a reliable supply of clean water in order for our economy to remain strong. The proposed rule we are discussing today will go a long way in protecting this critical resource, and this hearing can be a constructive mechanism for all of us to learn more about the proposed rule.

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