

# Help Stop EPA's WOTUS Overreach and Regulation of Small Ponds and Ditches



*A new WOTUS rule could increase uncertainty, decrease land value, and increase red tape to restrict the ability of small businesses to alter or develop their land.*

Under the Biden Administration's new "Waters of the United States" (WOTUS) rule, effective March 20, business owners like you may need new expensive Environmental Protection Agency (EPA) permits for building, dredging, grading, draining, landscaping, or making other alterations to your land.

## WHY

The EPA is again expanding the definition of U.S. waters to include small depressions and ponds that are only wet part of the year, even without a continuous connection to flowing water.

## HOW

The EPA and the U.S. Army Corps of Engineers (USACE) are no longer enforcing the Trump Administration's WOTUS rule and are expanding the WOTUS definition that was proposed by the Obama Administration. While the WOTUS case *Sackett v. EPA* is pending before the U.S. Supreme Court, the EPA and USACE prematurely issued a final WOTUS rule effective March 20, 2023, ignoring NFIB's calls to wait for the Supreme Court decision.

**NFIB is working to stop the expanding WOTUS definition. For example, we:**

- Support the *Congressional Review Act (CRA)* to repeal the new EPA and USACE rule. The resolution would eliminate the rule's new uncertainties and red tape for small business owners already managing high inflation, supply chain disruptions, and labor shortages.
- Filed a brief at the U.S. Supreme Court arguing that the nation's highest court should stop the EPA from expanding its WOTUS authority.
- Filed comments challenging the EPA's jurisdiction to redefine the rule and pointing to the rule's impact on small businesses.

You can help! Support NFIB as we work to protect small business against big government and over-regulation. Tell us about your concerns and personal experience with federal WOTUS issues.

Learn more and take action at [NFIB.com/waters](https://www.nfib.com/waters)