

With the Obama Presidency Ending, This Agency Just Hit the Accelerator on His Agenda

When President Barack Obama said Thursday, after meeting with his successor, President-Elect Donald Trump, that he had made a “smooth transition” from one administration to the next a top priority, it seems EPA Administrator Gina McCarthy didn’t get the message.

Rather than slow down or halt the highly controversial Waters of the U.S. rule change, her agency just stomped on the accelerator. As a result, Thursday, a bicameral group of 88 members of Congress filed an amicus brief with the Sixth Circuit Court of Appeals, asking that the effort to broadly expand federal regulation of land and water be nullified.

The group, which includes 21 senators and 67 representatives, wrote in support of a lawsuit filed by 31 states and 57 municipalities over the “WOTUS” rule change. Among those signing on the brief was Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa), who said, if enacted, the new rules would place 97 percent of the land in his home state under federal jurisdiction.

That would, in turn, subject nearly every square inch of the state to new federal regulations, such as permitting requirements.

“We all value clean water, and Congress has passed legislation to prevent pollution of our waterways,” Grassley said. “But the EPA’s plan would take that law far beyond what Congress even intended by regulating vast acres of dry land and usurping authority that Congress specifically left for the states.

“The result would be new federal permit costs and penalties for families, farmers, and businesses; for activities on dry land nowhere near an actual body of water. Thirty-one states have pressed the courts to stop this massive power grab and allow the states to implement the Clean Water Act as Congress intended. We are calling on the court to recognize the states’ concerns, the widespread negative impact the rule would have, and the specific limitations of the law set by Congress.”

[Click here to read the entire amicus brief.](#)