

Congress of the United States

Washington, DC 20515

x

December 23, 2025

Hon. Lee Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Hon. Adam Telle
Assistant Secretary of Army (Civil Works)
United States Army Corps
441 G St NW
Washington, DC 20314

Administrator Zeldin and Assistant Secretary Telle:

We write to express our deep concerns about the Environmental Protection Agency (EPA) and the United States Army Corps of Engineers' (USACE) recently proposed rule defining "Waters of the United States" (WOTUS) under the *Clean Water Act* (CWA).¹ While we recognize that the Supreme Court of the United States significantly eroded CWA protections in its 2023 decision in *Sackett v. Environmental Protection Agency*, this proposal uses the guise of *Sackett* to further restrict which water bodies are safeguarded from pollution and destruction under the CWA, while failing to provide for "clean water" or a "clear rule", as the Agencies have suggested.² Our economy and families cannot afford heightened attacks on our most precious natural resource: water.

The EPA and USACE have provided only 45 days for public comment on the proposal. Given the severity of its impact, we request that the comment period for the proposed rule be extended for a period of at least 90 days.

This revision of WOTUS would exacerbate the harms of the *Sackett* decision—which already removed federal protections over millions of acres of wetlands—by excluding unknown, further expanses of wetlands that do not meet the agencies' new and confusing wetness test. The proposal creates new, vague language that will exclude unquantified numbers of streams, including streams that are influenced by rainfall or snowmelt, as well as invites further limits on federal protections beyond those covered by *Sackett*—potentially excluding more rivers, streams, and wetlands essential to protect local waterbodies than at any time since the 1972 enactment of the CWA.

While the Agencies admit that they do not know the expanse of waters and wetlands that will lose federal protection under this proposal, including waterbodies already designated as impaired (polluted) by states, preliminary estimates suggest that this proposed rule will roll back federal protections from approximately tens of millions of acres of wetlands and millions of stream miles, including streams which provide nearly 55 percent of the water moving through our nation's river basins and many used in drinking water supplies.³

The new WOTUS definition in this rule is significant: the sheer scope of the proposed rule merits an extended public comment period to ensure that communities can appropriately provide insight on how it will impact their access to clean, safe, and reliable water.

If finalized, this rule will threaten Americans' public health and stifle economic prosperity. Limiting protections over rivers, streams, and wetlands will increase the possibility of pollution exposure for families. In addition to making our families sicker, the proposal would boost the threat of flooding, further risking lives and damage to communities. The proposal further weakens states' ability to protect locally important waterbodies or shared

¹ https://www.epa.gov/system/files/documents/2025-11/updated_definition_wotus_nprm.pdf

² <https://www.epa.gov/newsreleases/epa-army-corps-unveil-clear-durable-wotus-proposal>

³ <https://www.science.org/doi/10.1126/science.adg9430>

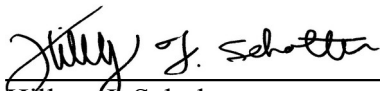
drinking water sources from their upstream neighbors who might have competing priorities for the same resources.

Despite these impacts, the proposed rule does not account for how increased water pollution will undercut local economies and increase prices for Americans. America's tourism and outdoor recreation sectors rely on clean water and pristine environments to support local jobs and bolster main streets throughout the nation. Unmitigated pollution in our waterways will increase clean-up costs for local water treatment facilities, which will ultimately be passed down to ratepayers, many of whom are already struggling to pay their utility bills.

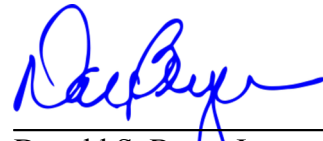
The EPA and USACE's proposed rule will have far-reaching implications on our nation's public health, economy, and environment. We believe this proposal is contrary to the goals and objectives of the *Clean Water Act* and uses the pretext of *Sackett* to reward polluters at the expense of a safe, reliable, and affordable clean water for everyday American families.

This rulemaking will have significant impacts on Americans' everyday lives—from their water bills to their summer vacations—and it is incumbent on the Agencies to provide sufficient time and opportunity for the public to delineate these impacts. We urge an extension of the comment period to 90 days to allow for robust public input. Thank you for your time and attention to this pressing matter.

Sincerely,



Hillary J. Scholten
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Rick Larsen
Member of Congress



Frederica S. Wilson
Member of Congress



Eleanor Holmes Norton
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



John Garamendi
Member of Congress



Laura Friedman
Member of Congress



Nellie Pou
Member of Congress



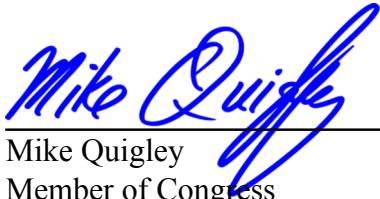
Jesús G. "Chuy" García
Member of Congress



Julia Brownley
Member of Congress



André Carson
Member of Congress



Mike Quigley
Member of Congress



Steve Cohen
Member of Congress



Rashida Tlaib
Member of Congress



Mark DeSaulnier
Member of Congress



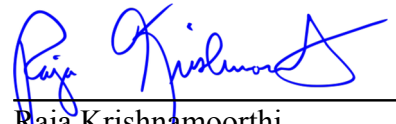
Maxine Waters
Member of Congress



Betty McCollum
Member of Congress



Chris Deluzio
Member of Congress



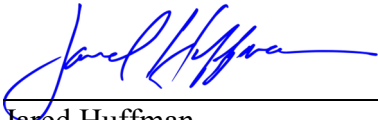
Raja Krishnamoorthi
Member of Congress



Paul D. Tonko
Member of Congress



Valerie P. Foushee
Member of Congress



Jared Huffman
Member of Congress



Gwen S. Moore
Member of Congress



Patrick Ryan
Member of Congress



Pramila Jayapal
Member of Congress



Joe Courtney
Member of Congress



Bill Foster
Member of Congress



James P. McGovern
Member of Congress



Cleo Fields
Member of Congress



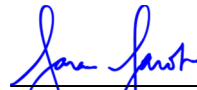
Dan Goldman
Member of Congress



Lateefah Simon
Member of Congress



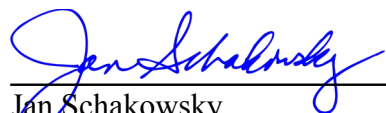
Terrold Nadler
Member of Congress



Sara Jacobs
Member of Congress



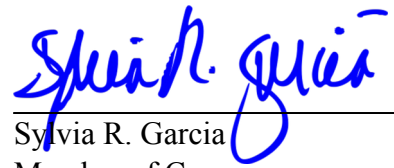
Haley M. Stevens
Member of Congress



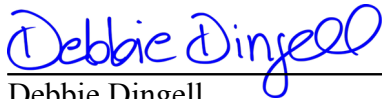
Jan Schakowsky
Member of Congress



George Latimer
Member of Congress



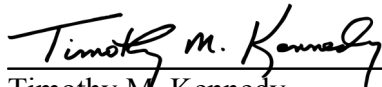
Sylvia R. Garcia
Member of Congress



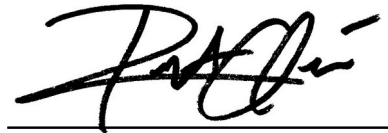
Debbie Dingell
Member of Congress



Maxwell Alejandro Frost
Member of Congress



Timothy M. Kennedy
Member of Congress



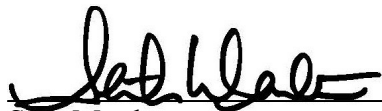
Robert Garcia
Member of Congress



Morgan McGarvey
Member of Congress



Dwight Evans
Member of Congress



Seth Moulton
Member of Congress



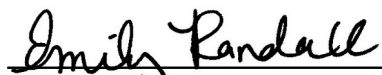
Ted W. Lieu
Member of Congress



Chris Pappas
Member of Congress



Bradley Scott Schneider
Member of Congress



Emily Randall
Member of Congress



John B. Larson
Member of Congress



Adelita S. Grijalva
Member of Congress