

DITCH THE RULE

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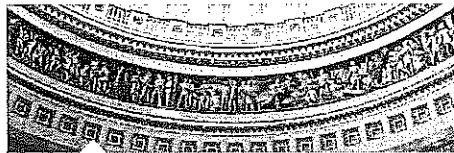
GET RESOURCES



IT'S TIME TO DITCH THE RULE

Puddles, ponds, ditches, ephemerals (land that looks like a small stream during heavy rain but isn't wet most of the time) and isolated wetlands dot the nation's farmland. The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (the Corps) on June 29 finalized a rule that expand its regulatory authority under the Clean Water Act (CWA) to these types of land features and waters, giving the agencies the power to dictate land-use decisions and farming practices in or near them. On August 28, the new rule became effective, making it more difficult to farm or change a farming operation to remain competitive and profitable.

[read more]



GAO FINDS EPA VIOLATED LAW ON WOTUS

On Dec. 14, the GAO found that the Environmental Protection Agency broke the law with its social media and grassroots lobbying campaign advocating for its own Waters of the U.S. rule. It has become clear that the agency used illegal tactics to manufacture ill-informed support for the rule.

Congress must act immediately to prohibit implementation of this rule, which is the product of an unlawful and misguided process.

TAKE ACTION NOW

NOT WHAT CONGRESS HAD IN MIND

EPA's jurisdiction under the Clean Water Act is expanded immensely under the final Waters of

"The judges expressed deep concerns over the basic legality of this rule. We're not in the least surprised."

BOB STALLMAN

"A federal court today ordered the EPA to stop enforcement nationwide of the Waters of the United States rule. The American Farm Bureau Federation is pleased the Sixth Circuit recognizes that this rule has serious flaws and cannot go forward until the courts have had an opportunity to understand its effect on farmers, ranchers and landowners of all kinds.

[read more]

FACT OR FICTION: SHEDDING LIGHT ON EPA'S "FACTS" ABOUT THE NEW "WATERS OF THE U.S." RULE

As soon as EPA finalized its new rule, its spin machine was in overdrive (again) this time

The EPA broke the law with its social media campaign promoting a controversial Obama administration water rule...

GAO: EPA DITCHED THE LAW THROUGH "COVERT PROPOGANDA"

From Politico:

A Government Accountability Office report released Monday afternoon found that the campaign promoting the Waters of the U.S. rule violated legal provisions barring federal agencies from engaging in congressional and grassroots lobbying.

Read more on Politico.

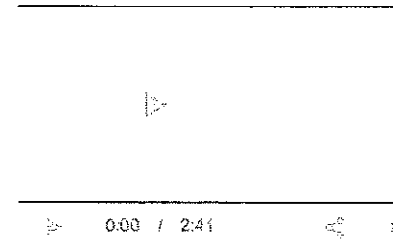
Read AFBF President Bob Stallman's statement here.

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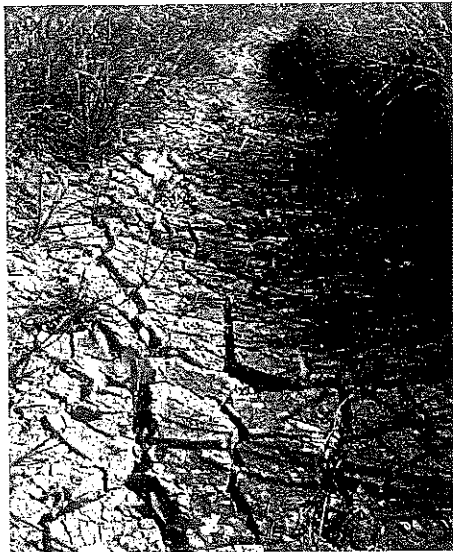
VIDEO STATEMENT ON THE WOTUS RULING



On Friday, October 9, a court of appeals sitting in Cincinnati, OH issued a temporary "stay" of the WOTUS rule. EPA and the Corps cannot enforce the new rule until this same court rules otherwise, giving farmers and ranchers a temporary reprieve from the uncertainty and liability surrounding the new WOTUS rule.

the U.S. Rule. Among the numerous questionable provisions, the rule would define "navigable waters" so as to regulate countless ephemeral drains, ditches and "wetlands" that only contain water when it rains. But whether they are wet or dry on any given day, farming, home building, business expansions, commercial development and countless other land uses in or near these land features will require a federal permit. Permits might take years, or might never be issued. The result amounts to nothing short of federal zoning authority.

This is not what Congress had in mind when it wrote the Clean Water Act.



DOES EPA HAVE THE RIGHT TO DO WHAT IT IS PROPOSING?

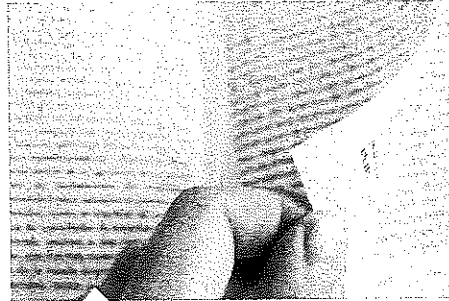
EPA clearly thinks it does, but the Supreme Court has said in two separate decisions that there are limits to EPA's authority under the Clean Water Act. If the agency can regulate every water body from the largest to the smallest, and even those areas that aren't wet most of the time, as it is proposing in this rule, then there are effectively no limits to the agency's regulatory reach.

I'VE HEARD THAT THE RULE WOULD RESTORE PROTECTIONS THAT EXISTED BEFORE THE SUPREME COURT RULINGS. IS THAT CORRECT?

Advocates for the proposed rule claim that it would restore protections that existed before the Supreme Court's decisions in 2001 and 2006; however, that is a gross misinterpretation. The court upheld the limits that already existed in the Clean Water Act. EPA might have behaved as if it had the authority to regulate every puddle and ditch in the country, but that doesn't mean it was

labeling their bundle of fabrications: "The Clean Water Rule FACT CHECK." We took the opportunity, again, to *check* their "facts" with a six-page legal analysis explaining how EPA again misleads the public over EPA's expansion of jurisdiction over waters.

[read more]

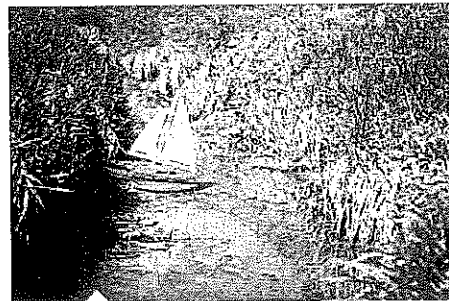


LET'S READ THE FINE PRINT

Recently, the EPA's acting assistant administrator for water questioned the validity of concerns raised by the American Farm Bureau Federation and others regarding the proposed Waters of the U.S. rule.

Let's take a look at EPA's comments together.

[read more]



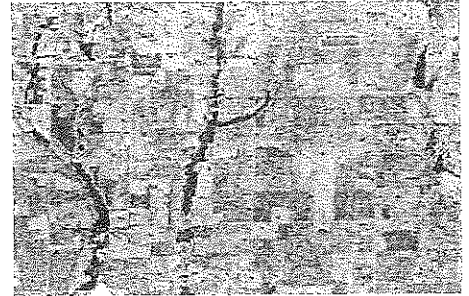
WHAT IS DIFFERENT UNDER THE FINAL RULE?

EPA claims in its promotional materials that it is not broadening coverage of the Clean Water Act. However, the details of the rule itself say otherwise.

[read more]

For me ... the EPA and Corps Clean Water regulations could literally make farming a large portion of our land impossible."

[read more]



LET'S MAP EPA'S OVERREACH

In the final rule, EPA and the Corps can regulate almost all waters. AFBF has read the fine print of the final rule and mapped out (using the same type of map EPA will use) how many "waters" can be regulated by the federal government and our analysis is frightening! Very few "waters" found on the farm would be free from potential jurisdiction.

[read more]

TWEET YOUR VOICE

LET CONGRESS, NOT FEDERAL AGENCIES, MAKE THE LAWS. SAY NO TO THE NEW EPA RULE! #WOTUS #DITCHTHERULE

Tweet #DitchTheRule

TWEET YOUR VOICE

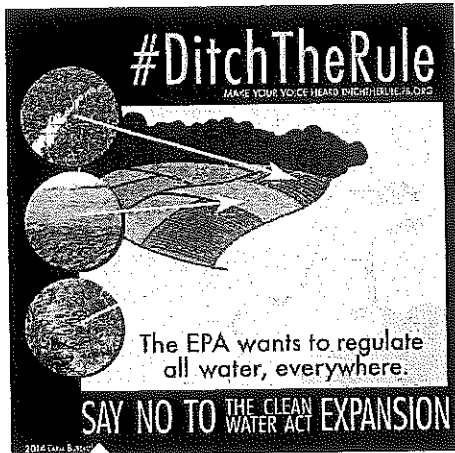
AN UNWELCOME GUEST IN YOUR BACKYARD - THE EPA. PROTECT YOUR LAND TODAY! #DITCHTHERULE

Tweet #DitchTheRule



right

[read more]



STOP EPA OVERREACH, FARM BUREAU'S STALLMAN TELLS CONGRESS

"It threatens local land-use and zoning authority, and is an end-run around Congress and the Supreme Court."

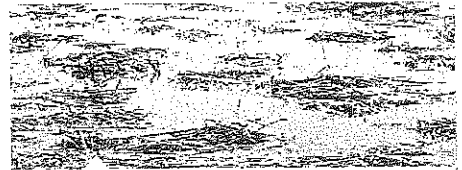
[read more]

KATIE HEGER

TWEET YOUR VOICE

MAKE YOUR VOICE HEARD AND SAY NO TO THE CLEAN WATER ACT EXPANSION! #DITCHTHERULE

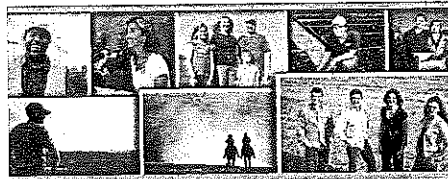
Tweet #DitchTheRule



HOW WILL THOSE WATERS BE PROTECTED IF EPA DOESN'T REGULATE THEM?

EPA's implication that only the federal government is capable of protecting small bodies of water is not supported by science or facts, and EPA certainly has not provided any evidence to support that assertion.

[read more]



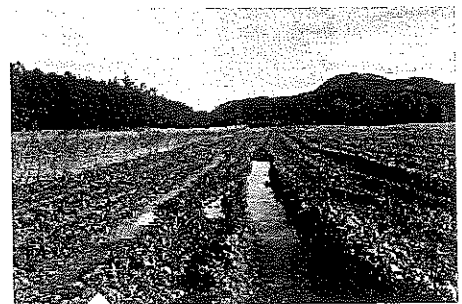
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EPA SAYS IT WILL EXEMPT FARMERS FROM THE RULE, SO WHY ARE THEY CONCERNED?

First, the exemptions are extremely narrow. They only apply to one part of the CWA, the section 404 "dredge and fill" permit program. The rule provides no protection from enforcement over other activities, such as weed control, fertilizer applications and any number of other common farm activities that may trigger CWA liability and permit requirements.

In addition, a farmer has to have been farming continuously at the same location since 1977 to benefit from the exemptions.