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**NEWS FOR IMMEDIATE RELEASE**

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**AG Schimel Leads 20-State Coalition Urging EPA to Respect  
States in WOTUS Review**

MADISON, Wis. – Attorney General Brad Schimel, along with West Virginia Attorney General Patrick Morrissey, led a 20-state coalition in requesting the Environmental Protection Agency (EPA) preserve the role of the states in protecting the nation’s water sources.

The coalition filed its letter Monday as part of the EPA’s ongoing review of its Waters of the United States (WOTUS) rule. The attorneys general outlined regulatory overreach present in the existing rule and offered suggestions to better respect the authority of states going forward.

“The WOTUS Rule is unlawful...and significantly impinges upon the States’ traditional role as the primary regulators of land and water resources within their borders,” Attorney General Brad Schimel joined in writing. “We write to suggest how the [EPA and U.S. Army Corps of Engineers] can write a rule that respects Congress’s instruction.”

“We appreciate Attorney General Brad Schimel’s leadership on this letter regarding recommendations to the WOTUS rule. The proposed rule was a blatant overreach of EPA and US Army Corps of Engineers’ jurisdiction and broadens their authority to regulate waters and land,” Wisconsin Farm Bureau President Jim Holte said. “It jeopardizes a farmer’s ability to carry out normal farming practices. It could require a federal permit to do things as simple as plant seed corn that has a protectant on it, spread fertilizer, or apply crop protectant products to control weeds or insects.”

The letter requests a concrete definition of the term “waters of the United States.” In doing so, it suggests the EPA and the Army Corps of Engineers should preserve the states’ role in protecting water resources, especially those within the border of individual states.

The attorneys general also suggest any final definition should adopt a framework consistent with Supreme Court precedent. That includes that federal agencies can only assert authority over permanent, standing or continuously flowing bodies of water forming geographic features.

The letter expresses that rather than claiming jurisdiction over vast amounts of water and land, EPA and Army Corps of Engineers should consider the active role each state already plays in safeguarding its waterways.

The Obama-era regulation, if implemented, would have taken jurisdiction over natural resources from states and put it in the hands of federal agencies. This included almost any body of water, such as isolated streams, hundred-year floodplains and roadside ditches.

Many of these states won a nationwide stay that blocked enforcement of the rule and proved crucial in providing time for a new administration to reconsider the rule.

Wisconsin Attorney General Schimel and West Virginia Attorney General Patrick Morrisey led the writing of this letter on behalf of Alabama, Alaska, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nevada, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, and Utah.

Read a [copy of the letter](#).