

SENATOR TYLER HARPER

District 7
121-J State Capitol
Atlanta, Georgia 30334
Phone: (404) 463-5263
Email: Tyler.Harper@senate.ga.gov



COMMITTEES:

Natural Resources and the Environment, Chairman
Public Safety, Vice-Chairman
Agriculture and Consumer Affairs
Appropriations
Rules

The State Senate

Atlanta, Georgia 30334

April 29, 2022

Senator Jon Ossoff
Russell Senate Office Building
Suite 455
Washington, DC 20510

Senator Raphael Warnock
Russell Senate Office Building
Suite 388
Washington, DC 20510

Dear Senators Ossoff and Warnock,

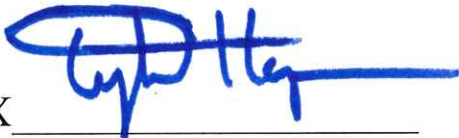
I am writing to you today on behalf of our state's agriculture industry regarding the Environmental Protection Agency and Army Corps of Engineers proposed rule to revise the definition of "Waters of the United States"—also known as WOTUS. The proposed rule revision would place significantly onerous regulations on Georgia's farmers, producers, and residents, result in millions of dollars in increased costs, fees, and inspections, and potentially cause irrevocable harm to our state's number one industry.


The proposed rule significantly expands the definition of "navigable waters" beyond any reasonable understanding—giving the federal government the power to regulate ditches, drainages, ephemeral streams, and other lowland on farms—none of which should be considered "navigable" bodies of water. Further, it also diminishes the clarity provided by the previous administration's Navigable Waters Protection Rule (NWPR) by reverting to case-by-case determinations. By returning to the pre-2015 regulatory definition, it gives the Environmental Protection Agency and the Army Corps of Engineers unilateral discretion and authority to decide an area's status. Additionally, the pre-2015 rule leaves producers with tremendous uncertainty, whereas the NWPR provided our industry with clearly defined parameters without the threat of government overreach. This subjectivity will result in increased inspections, force our producers to hire additional lawyers, and create a regulatory backlog and wait times with additional permitting and paperwork—unnecessarily burdening an industry that is already overregulated.

As you know, Agriculture is our state's number one industry—contributing roughly \$74 billion annually to Georgia's economy. One in seven Georgians works in agriculture, forestry, or related fields. Agriculture and Forestry industries constitute Georgia's primary land use, with 22 million acres of private working forests and over 10 million acres of operating farmland operated by

hundreds of thousands of hardworking Georgians across the state. These are the facts and faces that will be directly impacted—day in and day out—by this overreaching rule revision. On behalf of the undersigned leaders of the agriculture community in our state, I urge you to publicly oppose this rule revision and engage with the Environmental Protection Agency, the Army Corps of Engineers, and other current Administration officials to halt its implementation. The future success of our state's number one industry—and Georgia's overall economy—will directly be impacted by this decision, and I strongly encourage you to act swiftly on this matter.

Sincerely,


X 
State Senator Tyler Harper
Chairman, Committee on Natural Resources
and the Environment

X 
State Senator Larry Walker III
Chairman, Committee on Agriculture and
Consumer Affairs

X 
State Representative Lynn Smith
Chairwoman, Committee on Natural Resources
and the Environment

X 
State Representative Robert Dickey
Chairman, Committee on Agriculture and
Consumer Affairs

X 
Georgia Agribusiness Council

X 
Georgia Cattlemen's Association

X 
Georgia Farm Bureau

X 
Georgia Forestry Association

X Chia Benth
Georgia Fruit and Vegetable Association

X Lanie A. Kimer
Georgia Green Industry Association

X Matt Jones
Georgia Milk Producers

X Mike Gub
Georgia Poultry Federation

X Mary Kay Woodward
Georgia Urban Ag Council