

6th Circuit Court Of Appeals Denies EPA WOTUS Effort

By ACSH Staff — October 17, 2015

The courts have issued another rebuke to the EPA's claim that it cares more about healthy water than the people who live near it.

The U.S. Court of Appeals for the Sixth Circuit [has rebuked the Environmental Protection Agency \(EPA\) in its ongoing efforts to widely broaden the scope of the waters of the United States](#) ^[1] (WOTUS) subject to federal regulatory jurisdiction under the Clean Water Act. The federal government wanted control over any wet area that is close to any other body of water (a significant nexus) with a physical connection to a navigable waterway. The states objected.

Lawyers for the Natural Resources Defense Council, which make make millions for the group suing under the Clean Water Act, [insist the Sixth Circuit Court lacks jurisdiction anyway](#) ^[2], and have vowed to continue lobbying for more centralized control over local water. But they have had little success - 31 states have resisted and in 13 states it has already been found illegal.

"The rulemaking process by which the distance limitations were adopted is facially suspect," wrote U.S. Circuit Judge David McKeague for the majority. "Significant nexus" would cover even temporary pools in almost any state.

Ohio, Michigan, Tennessee, Oklahoma, Texas, Louisiana, Mississippi, Georgia, West Virginia, Alabama, Florida, Indiana, Kansas, Kentucky, North Carolina, South Carolina, Utah, and Wisconsin are all parties to the lawsuit.

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