



PRESS RELEASE

Attorney General Frosh Joins Lawsuit Challenging the Trump Administration’s Unlawful Assault on the Clean Water Act

BALTIMORE, MD (May 1, 2020) – Maryland Attorney General Brian E. Frosh today joined a coalition of 19 attorneys general in filing a [lawsuit](#) challenging the Trump Administration’s final rule narrowing the definition of the “waters of the United States” under the Clean Water Act. The final rule continues the Environmental Protection Agency’s (EPA) effort to weaken water quality protections under the Clean Water Act. Specifically, the new rule removes federal protections for all ephemeral streams, many wetlands, and other waters that were previously covered under the Act. In the lawsuit, the coalition argues that EPA’s rule directly conflicts with the text of the Clean Water Act, Supreme Court precedent, and the EPA’s own scientific findings.

“Repeated efforts by the EPA to weaken water quality protections threaten the health of our rivers, streams, and lakes - potentially rolling back decades of hard-fought progress in restoring the health of the Chesapeake Bay,” said Attorney General Frosh. “We will continue to fight back against this relentless assault on environmental protections.”

The definition of “waters of the United States” under the Clean Water Act is critical to maintaining a strong federal foundation for protecting our waters. While the Act has yielded dramatic improvements to water quality, many of the Nation’s waters remain polluted. The 2015 Clean Water Rule, enacted during the Obama Administration, provided much-needed clarity and consistency in federal Clean Water Act protections by specifically including within the scope of protected waters the headwaters of rivers and creeks as well as other non-traditionally navigable waters, which have significant impact on downstream water quality. The 2020 rule narrows the definition of “waters of the United States” to eliminate federal protections for many of Maryland’s waterways, including waters that the state relies on for drinking water, wildlife habitat, agriculture, and recreation.

The coalition asserts that the 2020 rule is unlawful under the federal Administrative Procedure Act because it:

- Contradicts the Clean Water Act’s objective of maintaining and restoring the integrity of the Nation’s waters and the EPA’s own scientific findings;
- Arbitrarily and capriciously reduces and eliminates protections for ephemeral streams, tributaries, adjacent waters, wetlands and other important water resources that significantly affect downstream waters;

- Fails to comply with controlling Supreme Court precedent established in *Rapanos v. United States*; and
- Lacks a reasoned explanation or rational basis for changing longstanding policy and practice.

In filing the lawsuit, Attorney General Frosh joined the attorneys general of California, Connecticut, Illinois, Maine, Michigan, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, Wisconsin, the Commonwealths of Massachusetts and Virginia, and the District of Columbia, along with the North Carolina Department of Environmental Quality and the City of New York.