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# Businesses Urge Supreme Court to Protect Wetlands Under the Clean Water Act

WASHINGTON, D.C. – June 21, 2022 – Last week, organizations representing numerous industries and hundreds of thousands of American businesses—including craft breweries, farmers and ranchers, ecological restoration businesses, and countless other companies concerned about protecting our country’s natural resources—filed an *amicus curiae* brief before the Supreme Court. The friend-of-the-court brief urges the justices to rule in favor of clean water.

The American Sustainable Business Network (ASBN), the National Latino Farmers and Ranchers Trade Association (NLFR), the Ecological Business Restoration Association (ERBA), and a group of craft brewers submitted the *amicus* brief to oppose weakening federal clean water protections and a narrowed judicial definition of “waters of the United States” under the Clean Water Act. They write in support of the Environmental Protection Agency in *Sackett v. EPA*—a case with enormous implications for the EPA’s ability to regulate and ensure access to clean water and resilient wetlands and watersheds.

The exclusion of wetlands from the “waters of the United States” definition is particularly at risk in the case, but as *amici* note, “[w]etlands protect farming operations from flooding, ensure pure water quality for breweries, and support outdoor tourism.” In the view of *amici*, “[t]he economic value of clean, healthy water to the U.S. business community is immense, as is the harm that will result from petitioners’ proposed rollback of federal protections.”

The brief stands in direct contrast to the well-heeled industry voices that have weighed in against the EPA, including the American Petroleum Institute and the American Exploration and Mining Association. In contrast, the brief highlights the interests of business stakeholders that rely on consistent, robust federal water protections for the health of their businesses and communities, and for whom the benefits of regulation outweigh the costs.

For example, the craft beer industry—which contributes billions of dollars and hundreds of thousands of jobs to the economy—depends heavily on clean water for its business operations. As emphasized in the brief, “the quality of source water significantly affects the finished product, and compounds present in brewing water can affect pH, color, aroma, and taste.”

Countless small businesses and their customers strongly support robust protections for upstream waters. According to one poll, *amici’s* support for robust, evidence-backed federal protection of waters is shared by 80% of small business owners. As the brief

highlights, “117 million Americans ... get their drinking water from sources that would risk losing federal protection under petitioner’s proposed jurisdictional limits.”

“The Clean Water Act protects a diverse array of business interests, from outdoor outfitters to shellfish harvesters,” said Colton Fagundes, Senior Policy Manager at ASBN. “Degradation of wetlands imposes significant burdens on taxpayers and businesses. Weakening clean water protections favors polluting industries over community health and economic opportunity for other businesses.”

“Losing dependable access to clean water would endanger the livelihood of farmers and ranchers across the country,” said Rudy Arredondo of NLFR. “Healthy wetlands filter pollutants and provide important flood control benefits to rural farmers. Rolling back federal protections would enable upstream pollution that jeopardizes crops, livestock, and drinking water.”

“Uncertainty around federal water protections hinders investment in ecological restoration markets,” said Sara Johnson, Executive Director of ERBA. “Clear regulations informed by science support not only the burgeoning ecological restoration industry—which has now surpassed iron, steel, logging, and coal mining in terms of jobs supported—but also lead to investor-friendly and efficient permitting processes that support crucial infrastructure projects.”

The Court has scheduled arguments for October 3, 2022. The brief is available to the right on this page.

*Amici* are represented by Pollock Cohen LLP.

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*ASBN originated in 2022 as a merger of two longstanding business organizations committed to sustainable and equitable corporate practices—the Social Venture Network and the American Sustainable Business Council. ASBN develops and advocates solutions for policymakers, business leaders, and investors that support an equitable, regenerative, and just economy that benefits all—people and planet. As a multi-issue membership organization advocating on behalf of every business sector, size, and geography, ASBN and its association members collectively represent over 250,000 businesses. To learn more, visit <https://www.asbnetwork.org/>*

*NLFR provides policy advocacy, farm management and sustainability training, conservation best practices, and technical assistance that enables Latinos and multiethnic farmworkers, farmers, and ranchers who have been historically discriminated against to transition and thrive in indigenous, regenerative, and sustainable farming and ranching operations, while strengthening and safeguarding our national food supply system. To learn more, visit <https://www.nlfrta.org/>*

*ERBA's mission is to support private investment in durable environmental results that enable responsible economic growth. First established in 1998 as the National Mitigation Banking Association, ERBA promotes federal legislation and smart regulatory policies that encourage and advance compensatory mitigation and private investment in ecological restoration as the preferred means to offset adverse impacts to our nation's natural resources and coastal communities. To learn more, visit <https://ecologicalrestoration.org/>*

*The Craft Brewers participate in a coalition of craft breweries from across the United States. The Craft Brewers operate businesses dependent on consistent sources of clean water and rely upon the Clean Water Act to protect their water supply and their business operations.*

*Pollock Cohen LLP is a small, mission-driven law firm that focuses on four areas: whistleblower litigation, public impact litigation, appeals, and class actions. Pollock Cohen is proud to represent proposed amici in this matter pro bono.*



**“Reducing protections for wetlands stands in direct opposition to the needs of the business community that amici represent; the vast majority of small business owners favor federal regulations that protect wetlands.”**

Representing the American Sustainable Business Network, the National Latino Farmers and Ranchers Trade Association, the Ecological Restoration Business Association, and the craft brewers.

To read the full amicus brief, click on the link to the right.