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Office of Communications

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Agriculture Commissioner Tyler Harper Releases Statement on Biden EPA's Flawed WOTUS Rule Revision

Atlanta, Ga – Today, Georgia Agriculture Commissioner Tyler Harper issued the following statement in response to the revised Waters of The United States (WOTUS) rule recently promulgated by the Biden Administration's Environmental Protection Agency (EPA) and Army Corps of Engineers.

“Yet again, the Biden Administration has rushed through a revised WOTUS rule that fails to provide much needed clarity for American farmers, ranchers, and property owners and that will lead to continued federal overreach,” **said Agriculture Commissioner Tyler Harper**.

“Following *Sackett v. EPA*, the Administration had the opportunity to put forth a clear, time-tested rule that would provide stability for millions of Americans, instead they dismissed the expertise and concerns of stakeholders from across the country. We will continue to push back against the Biden Administration's overreach, and I am confident that our farmers and ranchers – whose livelihoods depend on the land – will continue to do their part to protect and preserve Georgia's abundant natural resources.”

On August 29, 2023, the EPA issued this revised WOTUS rule in response to the Supreme Court's ruling in *Sackett v. EPA* on May 29, 2023, which struck down the “significant nexus” standard included in the previous rule as overly vague. While the “significant nexus” standard has been removed from the revised rule, it lacks clear definitions of words like “tributary” and “relatively permanent” waters, leaving the door open for continued federal overreach. The revised rule was finalized without normal notice or the opportunity for public comment.

Commissioner Harper has a history of supporting farmers, ranchers, and private property owners and pushing back against federal overreach. In April 2022, he joined agriculture leaders from across the state to pen a [letter](#) to Senators Ossoff and Warnock urging them to speak out on the version of the WOTUS rule that was ultimately struck down by SCOTUS. Similarly, he supported Attorney General Chris Carr's lawsuit, in conjunction with 23 other states, against the Biden Administration's definition of WOTUS and applauded SCOTUS's decision in *Sackett v. EPA*. Commissioner Harper will continue to work together with industry, state, and federal leaders to advocate for a clearly defined WOTUS rule that provides farmers, ranchers, and property owners the stability they deserve while still protecting our nation's waterways.