



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

March 3, 2023

The Honorable Tom Carper
Chairman
Senate Committee on Environment and
Public Works

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment and
Public Works

Dear Chairman Carper, Ranking Member Capito, and Members of the U.S. Senate:

On behalf of the 400 members of the National Stone, Sand & Gravel Association (NSSGA), I am writing to share our strong support for S.J. Res. 7, the Congressional Review Act (CRA) resolution of disapproval on the Biden administration's new Waters of the United States (WOTUS) Rule. NSSGA urges every member of Congress to support this measure, which will bring immediate and needed permitting certainty, as the aggregates industry works to deliver materials to build our infrastructure.

NSSGA is the voice of our nation's aggregates industry, which operates over 9,000 operations and employs over 100,000 people in high-paying jobs to source 2.5 billion tons of aggregates each year that are critical to the supply chain and used to sustain our modern way of life and build our nation's communities and infrastructure.

In [recent testimony before](#) the House Transportation and Infrastructure Subcommittee on Water Resources and Environment, NSSGA implored Congress to act to disapprove of the flawed and expanded rule. We thank Congressional leaders for answering our calls.

Aggregates are the chief ingredient in asphalt pavement and concrete and are used in nearly all residential, commercial and industrial building construction, as well as in most public works projects, including roads, highways, bridges, dams and airports. A disruption in the aggregates supply chain can slow or stop these important projects and break crucial links in moving other goods across the U.S.

Aggregates are used for many environmental purposes, including treating drinking water and sewage treatment plants; erosion control and stream restoration; and cleaning air emissions from power plants. Biofiltration is a recent innovation where aggregates and organic materials are blended to create a mixture that removes substantial quantities of nitrogen and phosphorus from stormwater runoff, which is a significant benefit to water quality. Unlike other businesses, we cannot simply choose where we operate. We are limited to where natural forces have deposited the materials we use. There are also competing land uses that can affect the feasibility of any project.



NSSGA members are deeply concerned that EPA's new WOTUS rule will further complicate an already lengthy and burdensome process to establish or access aggregates resources. Today, it takes **10-20** years to plan and develop a quarry. While the new rule is being portrayed as a familiar regulation, it in fact poses more questions than it answers, making it very difficult for business to plan and hire the workforce needed to supply materials. This rule could add millions in costs and even more delays in supplying new aggregates.

Further, the finalization of the rule is occurring in a few weeks, as we await a Supreme Court ruling in the next few months that will likely change how the definition of WOTUS is determined. This would require the agencies to rewrite the rules they just promulgated, triggering yet another WOTUS rule change, and once again creating uncertainty.

It is important to note that should this resolution be enacted into law; it will not leave us with an absence of CWA authority and WOTUS regulations or, as some have suggested, confusion. If the rule is rescinded, the pre-2015 WOTUS definitions will apply, which is exactly the same system we are operating under currently.

Congressional action to rescind the rule alleviates this administration's new and unnecessary rule and allows regulators and businesses to better react to the Supreme Court's decision, which will hopefully lead to a more enduring and lasting WOTUS regulation which our industry sorely craves.

Thank you for your consideration of the aggregates industry views and do not hesitate to reach out if we may be able to provide any assistance.

Sincerely,

Michael W. Johnson
President and CEO
National Stone, Sand & Gravel Association

