



NATIONAL STONE, SAND  
& GRAVEL ASSOCIATION

May 15, 2023

The Honorable David Rouzer  
Chairman  
Subcommittee on Water Resources & Environment

Dear Chairman Rouzer and Members of the Subcommittee on Water Resources and Environment,

On behalf of the 400 members of the National Stone, Sand & Gravel Association (NSSGA), I am writing to you in light of the upcoming hearing, "The Next Fifty Years of the Clean Water Act: Examining the Law and Infrastructure Project Completion," scheduled for Tuesday, May 16, 2023.

NSSGA proudly represents the nation's aggregates industry, which conducts over 9,000 operations and employs over 100,000 citizens annually that create 2.5 billion tons of aggregates each year. These raw materials are essential to rebuild and repair our country's aging infrastructure and assist our nation's goals in lowering the overall energy cost for families.

Our members, who represent the largest volume of natural materials producers in the United States, are integral to the construction and maintenance of the nation's infrastructure. Aggregate materials, including sand, gravel, crushed stone, and others, are indispensable to public works projects involving water treatment systems, flood control, and stream restoration. These materials also play a crucial role in purifying our drinking water, underlining their importance to both public health and environmental sustainability.

However, our members' capacity to contribute to these critical projects is currently threatened by the latest WOTUS rule, which is an unclear, overly expansive, and arbitrary interpretations of the Clean Water Act (CWA). While the CWA is an essential instrument for protecting our water resources, the ambiguous interpretation, particularly regarding the definition of 'waters of the United States,' has created a climate of uncertainty for aggregate producers. This is especially problematic given the regulatory patchwork where 3 courts have put the rule on hold due to its overreach and lack of clarity. This makes it even harder given the purportedly "durable" rule is anything but, and regulators and the public are even more confused about what features are jurisdictional. NSSGA has members who have been trying to permit projects for years under multiple rules.



This situation could potentially delay or halt essential projects that are central to public health, the economy, and the environment. Unclear guidance impedes the effective use of aggregate materials, undermining our collective goal of sustainable development and environmental protection.

As the Subcommittee convenes to deliberate on the future of the Clean Water Act, we implore you to consider an interpretation that balances the Act's environmental objectives with the practical needs of infrastructure projects. Clear and actionable guidance is needed for industries that depend on aggregate materials, ensuring their operations' certainty and continuity.

We believe that the upcoming hearing offers an opportunity to strike a balance between environmental protection and infrastructure development. We trust that the esteemed witnesses - Dr. Travnicek, Secretary McIlwain, Mr. Conway, and Mr. Farris - will bring invaluable insights to this discussion.

We thank you for your consideration and remain confident that your actions will serve the best interests of our nation, contributing to a sustainable future for our communities and a prosperous aggregate industry.

Sincerely,



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

