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WOTUS CHALLENGES SENT TO FEDERAL DISTRICT COURTS

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The U.S. Supreme Court ruling could complicate attempts to repeal and replace the controversial Obama administration's rule

On Jan. 22, the U.S. Supreme Court ruled that challenges to the Waters of the United States (WOTUS) rule should be heard by federal district courts, rather than appellate courts. Construction workers, farmers and environmentalists alike argued that Clean Water Act challenges should be heard at the federal level.
district court level, providing more possibilities for appeal. The U.S. Supreme Court announced their agreement in a statement.

"Routing WOTUS Rule challenges directly to the courts of appeals may improve judicial efficiency. But efficiency was not Congress' only consideration," Justice Sonia Sotomayor wrote. "Had Congress wanted to prioritize efficiency, it could have authorized direct circuit-court review of all nationally applicable regulations, as it did under the Clean Air Act."

WOTUS was issued under the Obama administration in an attempt to define which water are subject to federal regulations. However, some feel, including the current administration, that the rule is an example of government overreach and should be repealed.

The often contested rule has been stayed by federal appeals courts since Oct. 2015, but may go back into effect before the current administration can repeal or replace it. The U.S. EPA and the U.S. Army Corps of Engineers have proposed two regulations to prevent WOTUS from taking effect, including a repeal of the Clean Water Rule and the addition of an applicability date to the regulation.