



## Small Businesses Call on Supreme Court to Clarify WOTUS Standard

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NFIB files amicus brief in *Sackett v. EPA* concerning Waters of the United States

**WASHINGTON, D.C. (April 18, 2022)** – **NFIB** filed an amicus brief in the case *Sackett v. Environmental Protection Agency* at the U.S. Supreme Court. NFIB’s brief argues the Court should reverse the Ninth Circuit’s decision and clarify that the *Rapanos* plurality provides the proper test for determining the outer bounds of federal authority under the *Clean Water Act*.

“For years, small business owners have dealt with ever-changing standards regarding what bodies of water federal agencies can regulate under the Waters of the United States rule,” said **Karen Harned, Executive Director of NFIB’s Small Business Legal Center**. “Small businesses need a clear and consistent standard, and we are hopeful the U.S. Supreme Court will adopt the *Rapanos* plurality test as the proper WOTUS standard and won’t return to an extreme interpretation of the *Clean Water Act*.”

The case questions whether the U.S. Court of Appeals for the Ninth Circuit set forth the proper test for determining whether wetlands are “waters of the United States” under the *Clean Water Act*. NFIB filed the brief with The Cato Institute, Associated General Contractors of America, Mountain States Legal Foundation, and Washington Legal Foundation.

The NFIB Small Business Legal Center protects the rights of small business owners in the nation’s courts. NFIB is currently active in more than 40 cases in federal and state courts across the country and in the U.S. Supreme Court.