



**American
Forest & Paper
Association**

www.afandpa.org

Waters of the U.S.

The American Forest & Paper Association (AF&PA) is the national trade association of the forest products industry and advances public policies that promote a strong and sustainable U.S. forest products industry in the global marketplace. The industry is an integral part of our nation's green job base and generates approximately 6 percent of the total annual U.S. manufacturing GDP.

AF&PA's member companies make pulp, paper, packaging and wood products, and own forest land. Our companies make essential products from renewable and recyclable resources that sustain the environment. Nationwide, the U.S. forest products industry:

- *Employs approximately one million workers — on par with the nation's automotive and plastics industries.*
- *Provides green jobs that reduce greenhouse gases by sustaining the forests that absorb carbon dioxide; making the paper and wood products that store it indefinitely; generating and using more renewable energy than anyone else—28.5 million megawatt hours annually, enough to power 2.7 million homes; and recycling paper to avoid methane emissions and reduce waste.*
- *Is among the top ten manufacturing sector employers in 48 states.*
- *Is a significant taxpayer, paying approximately \$7 billion annually in federal, state, and local taxes.*



BACKGROUND

Legislation approved on June 18, 2009 by the Senate Environment and Public Works Committee (an amended version of S. 787) would greatly expand the reach of the federal Clean Water Act and redefine the term “waters of the United States” to include all interstate and intrastate water bodies. This could have enormous consequences for the forest products industry.

- For forest landowners and wood products facilities, it could require permits for ditches, culverts, and log ponds, imposing severe time and cost burdens on both those operating facilities and those managing forestlands.
- For papermakers, some wastewater treatment ponds could be required to meet end-of-pipe water quality standards. This could require reconstruction of wastewater treatment systems that have achieved compliance with increasingly stringent water quality requirements for decades at a cost of more than \$1 billion, or require mills to find other means for complying with their water permits, which may be impossible in some cases.

POSITION

The forest products industry opposes this legislation.

Papermakers would see the commonsense exclusions that their wastewater treatment systems currently enjoy eviscerated. Instead they would see backbreaking new compliance costs despite the fact that their water treatment processes have become so sophisticated that their discharged water typically has no effect on downstream aquatic life. This was confirmed by a recently-released independent study by the National Council for Air and Stream Improvement, which spent 10 years examining water quality and aquatic life in four representative streams around the country with discharges from papermaking facilities. The study found that virtually all downstream differences detected were related to naturally-occurring patterns or other sources.

Forest landowners require regulatory certainty for water quality compliance. This legislation creates ambiguity about which activities require a permit. If all water on private land falls under federal jurisdiction, then normal forestry operations could be greatly encumbered with new regulatory burdens with little or no improvement in the environment. Similarly, requiring permits for ditches, culverts, and log ponds imposes costs on manufacturers with little environmental benefit.

Finally, this legislation does not recognize the primary right and responsibility of States to make decisions about local land and water use. In this regard, it is inconsistent with provisions of the existing Clean Water Act.

REQUEST

AF&PA respectfully requests your opposition to S.787, as amended, and that you oppose any other amendments which would ignore the industry's commitment to meeting water quality standards at its facilities and expose industry facilities and forest management activities to expanded Clean Water Act permit requirements.