For Immediate Release  
U.S. Poultry & Egg Association  

Contact: Gwen Venable, 678.514.1971, gvenable@uspoultry.org  

Court Invalidates 2015 WOTUS Rule  

Tucker, Ga., May 31, 2019 – The U.S. Court for the Southern District of Texas on Tuesday, May 28, remanded the Environmental Protection Agency/Army Corps of Engineers 2015 “Waters of the U.S.” rule that greatly expanded the regulatory reach of the agencies’ authority to thousands of isolated or small (e.g., depressions, ditches, etc.) waters and drainage features. While several courts have issued injunctions on implementing the rule pending the outcome of several lawsuits, this was the first decision to rule on the legitimacy of the process to finalize the 2015 rule.  

The Southern District of Texas decision, to which U.S. Poultry & Egg Association was a party, concluded that the agencies erred in following legal guidelines when the agencies issued the 2015 regulation without giving an opportunity to comment on a key report cited for much of the more controversial provisions of the new rule. The Court’s conclusion that the rule was unlawful on procedure was one of the court arguments that came from the U.S. Poultry & Egg Association, its 17 other business and industry partners, and three states (Texas, Louisiana and Mississippi).  

“While we are pleased with the decision the court made in agreeing that the 2015 rule was unlawful, we look forward to continuing to work with EPA in developing an appropriate means of determining ‘Waters of the U.S.’ EPA has initiated a revised rulemaking, and we will continue our diligent efforts to work with EPA in this process,” said Paul Bredwell, P.E., vice president of environmental programs at U.S. Poultry & Egg Association.  

The full court report is available here.  

###  

U.S. Poultry & Egg Association (USPOULTRY) is the all-feather organization representing the complete spectrum of today’s poultry industry, whose mission is to progressively serve member companies through research, education, communication and technical assistance. Founded in 1947, USPOULTRY is based in Tucker, Georgia.