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Announcements

# 12 April 2023 - Preliminary Injunction Granted for 24 States Regarding the 'Waters of the United States' Rule

Published April 12, 2023

On April 12, 2023, a district court judge in North Dakota issued an order preliminarily enjoining in 24 States the rule issued by EPA and the Department of the Army defining “waters of the United States.” The agencies are reviewing the decision and their options. The agencies continue to believe the rule, which is informed by the text of the relevant provisions of the Clean Water Act and the statute as a whole, as well as the scientific record, relevant Supreme Court case law, input from public comment, and the agencies’ experience and technical expertise after more than 45 years of implementing the longstanding pre-2015 regulations defining waters of the United States, is the best interpretation of the Clean Water Act. In light of the preliminary injunctions, the agencies are interpreting “waters of the United States” consistent with the pre-2015 regulatory regime in 26 States until further notice.

The agencies remain committed to establishing and implementing a durable definition of “waters of the United States” informed by diverse perspectives. Our goal is to protect public health, the environment, and downstream communities while supporting economic opportunity, agriculture, and industries that depend on clean water.

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