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Congress failed 3 times to pass laws (HR 2421, S. 1879 and S. 787) for federal control over almost all water, so the EPA and Army Corps of Engineers are declaring jurisdiction under the Clean Water Act.

Currently, waters with a 'significant nexus' to 'navigable waters' are covered under the Clean Water Act (CWA). The EPA is now trying to assert that the CWA "protects" (controls) traditional navigable waters, interstate waters, adjacent wetlands, tributaries, and 'other waters' which account for just about all water except swimming pools ( [see page 5](#) ).

### **Lisa Jackson, EPA Administrator**

In this video from 2009, Lisa Jackson admits that she doesn't know what the EPA jurisdiction is for navigable waters or wetlands, and then she says that she does need legislation to clarify the matter! That legislation has already failed 3 times because it is an affront to individualism and property rights. Additionally, several Supreme Court rulings limit EPA power.

When Jackson is asked whether she wants more enforcement ability or to expand the powers of the EPA, she responds that she wants both! She further states that the power should be broad, meaning that it will give the EPA unbounded control.

She also recommends that runoff should pass through vegetative barriers before flowing into bodies of water. Jackson is completely wrong-headed about filtering runoff, as pollution should be remedied at its source.

### **Federal Jurisdiction Over Water**

The federal government usurped power over navigable water in the early 1800's by distorting the Commerce Clause listed in the Enumerated Powers (Article 1, Section 8) of the Constitution, which says:

"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"

The Commerce Clause has been [stretched](#) far beyond federal regulations over trade transactions and taxes; it now extends to federal authority over the means of commerce (trucks, roads, telephones, etc) and almost anything that crosses state lines (industry, fish, pollution, etc). This is an illogical abuse of the Constitution, but it fits the plan for centralized control.

### **State Jurisdiction Over Water**

Does federal law trump state law? ONLY when it is a Constitutional law! The Supremacy Clause says that federal laws supersede state laws "in pursuance of the Constitution", therefore, if the federal law is not Constitutional, then action is left to the State and to the People.

Because water affects human health directly, government regulations over water are appropriate to PROTECT human health and property (but no more and no less than that). The states are the obvious choice for regulating water because they answer more directly to the People who live there, instead of a central federal one-size-fits-all policy.

A new bill introduced in the House, the [Clean Water Cooperative Federalism Act](#) of 2011, is using the guise of limiting EPA power as a trick to bind states into a federal partnership. '

#### [Cooperative federalism](#)

' means that state and local governments are used to implement federal policies. However, under the Tenth Amendment the States can ignore unconstitutional federal acts. Therefore, the feds usually bribe states with funds for implementation or they withhold funding from the states to usurp state power.

The Governor of each state has the responsibility of standing up against the EPA.

### **The Philosophy of Pollution**

There are two opposite ideologies concerning pollution and property rights. Communist Karl Marx advocated "the abolition of private property" as all collectivists do. When the Bolsheviks were in power and applied this concept to pollution, the government was the only monopoly that owned all land and resources, and their priority was industrialization over human health. To this day, there are some rivers in [Russia](#) that don't freeze because there are so many chemical pollutants. In 1989, the Russian Minister of Health said, "To live longer, you must breathe less".

The opposite model of individualism is based on property rights. Your body and your property are sacred and NO ONE has the right to hurt you or take your property. If pollution harms individuals, they have the right to expect the government to stop the polluter. This was the

system in the US prior to the mid-1800's (the industrial age).

Here's Ron Paul's explanation (starts at 3:55):

Paul says that governments are the biggest polluters and they sanction pollution through permits and licensing. He says the proper way to resolve pollution problems is through the private marketplace (contractual voluntary arrangements) and property rights. He supports abolishing the EPA.

### **Agriculture Under Attack**

Agricultural run-off is reportedly the primary water polluter. In the first video Lisa Jackson recommended using vegetative barriers in wetlands to filter pollution. As you can see from the video below, this policy is already damaging farms in Washington state and threatens over 60% of the farmland. The EPA ignored the State's scientific data and implemented its regulations (not laws) under a state agency.

### **Conclusion**

The EPA is collecting comments on its website for this new measure, but they have a history of ignoring opposition from the public. If you want to be effective, you can educate and your state lawmakers, the governor and the state water regulatory agencies (in California the [lead](#) regulatory agency is the California Water Commission) about the Tenth Amendment. These are the parties that will be offered federal bribes or will be financially threatened by the feds to implement the EPA's regulations. Public pressure and lobbying have more power on state and local levels because they have to face you. Ultimately, the Governor is the final authority.