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March 16, 2023

Dear Senator:

On behalf of NFIB, the nation's leading small business advocacy organization, I write in strong support of H.J.Res. 27, the Congressional Review Act (CRA) resolution of disapproval for the Waters of the United States (WOTUS) final rule. The resolution would repeal the Environmental Protection Agency's (EPA) and the Department of the Army's final rule that expanded the federal government's regulatory authority over wetlands, farms, and private property. **This resolution will be considered an NFIB Key Vote for the 118<sup>th</sup> Congress.**

For many years, NFIB members have identified "unreasonable government regulation" as one of the top problems facing their businesses.<sup>1</sup> Unfortunately, the Biden Administration has significantly added to the regulatory burdens faced by small businesses. In 2021, President Biden imposed more than \$200 billion in regulatory costs, the largest first year total ever.<sup>2</sup> Unfortunately, there are an additional 311 proposed rules that could add another \$191 billion in regulatory costs for U.S. businesses.<sup>3</sup>

The WOTUS final rule is just one example of these onerous federal regulations that will significantly increase the regulatory burdens and uncertainty facing small businesses. The arbitrary language and case-by-case determinations of the WOTUS rule will make compliance a nightmare for small businesses. America's farmers, ranchers, developers, contractors, and other small businesses are still facing high inflation, supply chain disruptions, and pervasive labor shortages. Additionally, small business owners' expectations for better business conditions six months from now remains near historic lows.<sup>4</sup> If there was ever a time to not impose additional burdensome regulations, that time is now.

**NFIB supports H.J.Res. 27 and will consider the legislation an NFIB Key Vote for the 118<sup>th</sup> Congress.**

Sincerely,

A handwritten signature in black ink that reads "Kevin Kuhlman".

Kevin Kuhlman  
Vice President, Federal Government Relations  
NFIB

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<sup>1</sup> Holly Wade & Andrew Heritage, *Small Business Problems & Priorities*, NFIB Research Center, August 2020, <https://assets.nfib.com/nfibcom/NFIB-Problems-and-Priorities-2020.pdf>.

<sup>2</sup> Dan Bosch, *2022: The Year in Regulation*, American Action Forum, January 2023, <https://www.americanactionforum.org/research/2022-the-year-in-regulation/>.

<sup>3</sup> *Id.*

<sup>4</sup> William C. Dunkelberg & Holly Wade, *NFIB Small Business Economic Trends*, NFIB Research Center, March 14, 2023, <https://strgnfibcom.blob.core.windows.net/nfibcom/SBET-Feb-2023.pdf>.