



For Immediate Release

Wild Virginia: AG Herring Must Stand Up for State Authorities, Virginians'  
Rights to Protect Our Water and Our Communities

On October 4, 2019, Wild Virginia sent a letter to Virginia Attorney General Mark Herring urging him to strongly oppose an attempt by the Trump administration to weaken states' abilities to prevent harm to our waters from federally-regulated projects. Trump's Environmental Protection Agency proposes to change regulations governing the ways states can act under section 401 of the Clean Water Act; a portion of the law through which Congress intended to retain historic state authorities over their own environments and to veto or alter projects as necessary.

As stated in the letter from Conservation Director David Sligh:

*In many cases, the 401 reviews are the only effective mechanism through which local and state citizens can defend their rights and interests. This is especially true when federal agencies are prepared to "rubber stamp" development proposals and ignore severe impacts that will occur. In many cases section 401 actions by states have successfully prevented degradation of waters. To weaken the abilities of our state agencies to conduct thorough 401 reviews in any way is unacceptable. Further, we strongly believe that these regulatory proposals are in conflict with the Act itself and are, therefore, illegal.*

We strongly urge Attorney General Herring to object to this change in the regulation by filing comments during the public notice period, which ends October 21, 2019. Further, we ask that he be prepared to take legal action if the Trump administration follows through with its destructive proposal. This action by Mr. Herring would be in line with actions he took in 2018 to oppose Trump's proposal to let oil companies drill off our coast. In that case, Herring filed an objection and then joined other states in suing to stop this assault on our natural treasures. Again, in this case, AG Herring has a chance to combine his voice with fellow Attorneys General. Fifteen state AGs joined in May 24, 2019 letter to express their opposition to the kinds of changes now proposed.

Again from Wild Virginia's letter:

*Thousands of Virginians have participated in CWA section 401 reviews for the Atlantic Coast Pipeline and Mountain Valley Pipeline and learned about the possibilities and the weaknesses of this mechanism for protecting our waters. Many of us have been highly critical of the ways Virginia applied its own laws and the CWA in these processes, but our disappointment in these cases makes us more determined to preserve and improve this tool, not less.*

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