

June 8, 2020 – for immediate release

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Wild Virginia Urges AG Herring to Challenge Illegal Action by EPA Trump Administration Tramples on Rights to Protect our Waters

On June 8, 2020, Wild Virginia sent a [letter to Virginia Attorney General Mark R. Herring](#) urging him to take legal action to oppose a new regulation from the Trump administration. The rule weakens state authorities to protect our waters and communities from damage caused by federally-licensed projects such as the huge natural gas pipelines that have damaged our waters and communities.

Section 401 of the Clean Water Act was adopted by Congress in 1972 to preserve states' historic rights to protect their own environments from harmful activities, even when federal agencies would permit those projects. This law has been a strong tool for some states who have used it to stop harmful pipeline projects and other unwise proposals. Because of these successes, the Trump administration has bowed to industry pressure and changed regulations to implement section 401, in an attempt to limit state powers.

In October, 2019, [Wild Virginia wrote Mr. Herring](#) asking that he submit comments to the U.S. EPA opposing changes to the 401 regulations. We applauded the AG for joining other states in asserting the proposed regulation was illegal in numerous ways, in [a letter dated October 21, 2019](#). However, EPA has arrogantly ignored those and thousands of other comments and [announced the new regulation on June 1, 2020](#).

Therefore, the only avenue to preserve our rights is to take court action – and we have called on Attorney General Herring to take that action.

As Wild Virginia's Conservation Director, David Sligh, stated in the letter:

The Commonwealth of Virginia, since its founding, has a strong history of independence and we must not now defer to the wishes of a President who would trample our rights in favor of fossil fuel companies and others who would despoil our state for profit. We hope and trust you will stand with us in this resolve.

We are anxious to learn how the Attorney General will act in response to the Trump administration's illegal action.