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RCC Statement on Sackett v. EPA and Wetlands Protections

On Thursday, May 25th, the Supreme Court ruled to drastically cut protections for wetlands under the Clean Water Act (CWA) in [Sackett v. EPA](#). The Sackett family argued that their property located near a large waterway in Idaho is not a protected wetland and thus should not require a permit to develop under EPA regulations. All nine justices ruled that the Sacketts' property is not covered by the CWA. However, there was significant disagreement in their interpretation.

The ruling represents the judgment or decision of the court, while opinions represent the justices' reasoning behind a ruling. CWA authority only extends to "waters of the United States" (WOTUS), a classification which a five-justice majority argues only covers wetlands with a "continuous surface water connection" to a regulated waterway. Despite agreeing with the court's judgment, the four remaining justices argue that the majority court's interpretation of the CWA is too narrow considering both the function of so-called "isolated" wetlands and the actual language used in the CWA. One minority concurring opinion points out that the majority court has taken the CWA's inclusion of "adjacent" wetlands in WOTUS to only mean "adjoining" wetlands, fundamentally changing the meaning of the text.

The majority interpretation rolls back protections for wetlands across the country, many of which lack a surface water connection, but nevertheless have a significant hydrologic connection to surrounding waterways. These wetlands regulate water quality by absorbing pollutants from upstream sources, retaining rainwater, and reducing runoff. For example, wetlands near agricultural areas serve as [sinks for nutrients present in agricultural fertilizers](#), thereby reducing the [risk of toxic algal growth, dissolved oxygen depletion, and fish kills](#).

The benefits of wetlands extend [beyond improving water quality](#); they support ecologically- and culturally-important species, provide recreational opportunities, and [store much of the earth's carbon](#), mitigating greenhouse gas emissions. Losing protections for these wetlands will be devastating to both ecosystem and human health.



The Rachel Carson Council, an advocate for strong water quality regulations, condemns the court's ruling, and stands firm in the belief that all people deserve access to clean water.

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The Rachel Carson Council is the national environmental organization envisioned by Rachel Carson and founded in 1965. The RCC educates, organizes, and advocates for climate justice, environmental health, and the promotion of Carson's environmental ethic of empathy for all living creatures