

Testimony of Rick Baumann
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House Committee on Small Business
“Small Business Perspectives on the Impacts of the Biden Administration’s
Waters of the United States (WOTUS) Rule”
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2:00 p.m. EST

Good afternoon Chairman Williams, Miss Velazquez and distinguished committee members. I am Rick Baumann, from the fishing village of Murrells Inlet, the Seafood Capital of South Carolina.

Thank you for this opportunity to speak to you today.

I would like to begin with a very short dedication for the testimony I am about to give to my late friend and mentor, Doctor Ian W. Marceau, PhD.

Ian was from Australia but spent many years of his life here in America, both in Washington and as an advisor to the Governor of New York – before he retired to South Carolina.

In his lifetime, Dr. Marceau did a lot of great work, both for the environment and agriculture, all over the world. But his proudest days were spent here in DC helping to write and negotiate the Clean Water Act (CWA) into law – to fulfill President Nixon’s vision of ‘Clean air, land and water for ALL Americans.’

During our many days spent together enjoying the outdoors, Ian and I talked a lot about clean water. Ian’s pride in the CWA was often tempered. While lamenting the fact that so much more had been learned since the Act was written, he believed that the Act desperately needed to address the new information.

So many new “chemicals of convenience” had come into existence – pesticides, fertilizers and so many others – and we were just beginning to understand their negative impacts on land, water, wildlife and human beings. We were starting to learn the profound impacts of non-point source pollution – how toxic man-made compounds and chemicals spread on the land were ending up in wetlands, streams and rivers – and how they were being found in our drinking water.

In 2004, when I was appointed to my county’s Stormwater Advisory Committee, I was fortunate to have two geniuses advising me at every meeting, Dr. Marceau and Dr. Hobart Kraner, formerly of the Brookhaven National Laboratory.

Together, using only the facts, we were able to make a very strong case that our fast-developing area was threatening our small business economy by failing to address non-point source pollution and its effects on that economy – which so specifically requires clean water to survive and thrive.

As those meetings progressed, we received a great deal of pushback from the exact same special interests that we have heard from today. I have often seen this scenario play out in many areas of our country.

When I was young, I worked on a Black Angus farm in upstate New York. I have also been a waterfowl hunting guide – from the agricultural Eastern Shore of Maryland to the Rice Belt in Texas. I am keenly aware of the challenges facing today's farmers – and I am a member of the South Carolina Farm Bureau.

Like farmers, I am in the business of feeding people. Since 1967 I have fed many millions of folks a fresh seafood dinner.

I know from firsthand experience why the rule we are talking about today is important.

It is essential for my business to have fresh local seafood. If I can't get it, I don't have customers. If I don't have customers, my business suffers.

This is exactly the scenario that takes place when the State of South Carolina closes our shellfish beds of clams and oysters for up to two weeks. When we have three inches of rainfall resulting in measurably high pollution and bacteria in our state's shellfish beds, they are shut down.

The contaminants in these shellfish beds are not all coming from local sources. All the rivers in my state run to our coast. Those rivers get pollution from non-navigable water sources, pollution that finds its way into the flowing waters upstate which then find its way into our coastal shellfish beds.

There are no other sources of roasting oysters for me than locally. I might be able to get clams from North Carolina but that's assuming their shellfish beds are closed for these reasons.

Yes, my business suffers and, honestly, my customers suffer, all because some businesses that are nowhere near our coast want to be free of regulations regarding how they handle pollution on their property. They might want to keep their costs down but those of us along the coast pay the price. These businesses are outsourcing the cost of addressing their pollution issues to me and others in the seafood industry.

But I am not just speaking for the seafood industry – I am speaking for ALL the small business economy which exists in the vicinity of watersheds, all across America.

When we think of a recreational and commercial fishery, we need to realize that there is a very large group of small businesses which are intertwined with that fishery; we have ice companies, boat mechanics, dry docks, marinas – plus their associated rental businesses. We have boat companies, fiberglass works, tour guides, bait shops and bait catchers, rig and tackle shops, crabbers, oystermen, clambers, wholesale seafood processors, charter fishing guides, commercial fishermen, retail seafood stores like mine.

In the secondary market are the restaurants that purvey fresh seafood and all of their employees, right down to the dishwashers. Then you have the gift shops, cafés, breakfast houses, Airbnb's, rental cottages and condos, convenience stores and more.

Also, in the secondary market requiring clean water are the campers, hunters, birders and recreational anglers who are part of the \$887 billion outdoor recreation economy. On and on I could go here.

I can assure you folks, without a doubt, that anywhere in our great country where there is navigable water, there is another plethora of small businesses which relies on clean water for those businesses to thrive.

I can also assure you that wherever there is navigable water, there are wetlands – sometimes isolated; there are ditches, creeks and ephemeral streams flowing into those navigable waters, which constantly affect water quality.

The credible science here speaks much louder than fallacious disinformation. These waters ABSOLUTELY need to be protected IF we are to ensure “clean air, land and water for ALL Americans.”