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The Federal Clean Water Act In 2025: A Retracting Construction

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More than 50 years ago, the Federal Clean Water Act (CWA or Act) was enacted by Congress to protect the quality of the Nation's waters. The scope of that protection has been evolving ever since. Until relatively recently, the CWA was subject to an expanding interpretation by the federal agencies that implement the Act and, in many instances, the courts. During this time, jurisdictional waters included not only "traditionally navigable" waters, but also adjacent wetlands and non-adjacent wetlands that had a "significant nexus" to, i.e., affected the chemical, physical, and biological integrity of, waters subject to federal jurisdiction.

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