Atlanta Urban Debate League

Spring Updates & Evidence

2021 – 2022

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What's New? (Spring Updates & Evidence)

Overview

For Spring 2022, the Atlanta Urban Debate League is releasing additional evidence for use in our tournaments. This supplementary packet contains additional off-case positions and general updates. These arguments are eligible for use in the appropriate divisions beginning with the Middle School tournament on January 15, 2022.

General Updates

This section is for use in ALL DIVISIONS and contains updates to the Environmental Justice AFF and the Spending Disadvantage. For the Environmental Justice Affirmative, students will find new Inherency evidence that assumes the recent passage of the bipartisan infrastructure bill. For the Spending DA, students will find recent evidence about government spending, inflation, and President Biden's Build Back Better agenda.

States Counterplan

The States Counterplan was previously released for use in MS Varsity. As of January 15, 2022, the States CP is now eligible to be read in the MS Junior Varsity and HS Novice divisions. The counterplan proposes an alternative policy to solve the harms of the status quo and argues that the fifty states, not the federal government, should take the lead on water policy.

Midterms Disadvantage

The Midterms Disadvantage is a new Disadvantage for use in the MS Junior Varsity, MS Varsity, and HS Novice divisions. The Disadvantage argues that focusing on water policy in the run-up to the 2022 Midterms Election would harm the electoral chances of Democrats, which risks returning to a Republican foreign policy that is unable to deal with international crises.

Special thanks to the Georgia Forensics Coaches Association, who released the Midterms Disadvantage as part of their Evidence Packet earlier this year!

States Counterplan (Argument Overview)

Summary

The States Counterplan contains three parts: Counterplan Text, Solvency, and Net-Benefit. A counterplan proposes an alternative policy to resolve the harms identified by the Affirmative. In particular, the States Counterplan argues that state funding and regulations are a better option to remove harmful pollutants from drinking water.

Text: The Counterplan Text identifies the specific policy that the Negative will propose as an alternative means to resolve the Harms of the Affirmative. In the States Counterplan, the Counterplan Text identifies that the fifty States and relevant territories of the United States should fully fund a program to remove harmful pollutants from drinking water. As per the 1AC evidence, this would likely involve funding both rural water infrastructure and the removal / replacement of lead water pipes.

Solvency: Solvency is how the counterplan will resolve the harms of the Affirmative. In the States Counterplan, the Tyrrell and Farquhar evidence argues that local water problems require local solutions. In particular, the evidence cites state policies following the crisis in Flint, Michigan as examples of how water crises present an opportunity for state leadership..

Net-Benefit: A Net-Benefit is a reason to prefer the counterplan over the plan. In the States Counterplan, the net-benefit is that state-level programs prevent the expansion of federal authority, thereby avoiding the Federalism Disadvantage.

Midterms Disadvantage (Argument Overview)

Summary

The Midterms Disadvantage contains three parts: Uniqueness, Link, and Impact. A Disadvantage argues that the costs of the Affirmative plan are more important than (outweigh) the potential benefits (advantages). In particular, the Midterms Disadvantage argues that focusing on water policy ahead of the 2022 midterm elections will harm the electoral chances of Democrat candidates, risking a return to an unstable Republican foreign policy.

Uniqueness: Uniqueness is the argument that the status quo (current state of things) is good now but could take a turn for the worse if the plan were to happen. In the Midterms Disadvantage, the Pougiales and Erickson evidence says that Democrats will keep their majority in both the House and Senate if they are able to focus on the economy. In particular, the authors cite polling data to prove that there is an “economic trust gap” in which voters believe that Republicans are better able to manage the economy.

Link: A link is the negative change to the status quo made by the Affirmative plan. In the Midterms Disadvantage, the Magill evidence argues that water policy is controversial because it involves expanding federal authority over natural resources. In particular, the author cites President Biden’s proposed changes to expand the authority of the Environmental Protection Agency as an example of the lack of political compromise surrounding water policy.

Impact: An Impact is the ultimate negative consequence of the change to the status quo made by the plan. In the Midterms Disadvantage, there are two pieces of impact evidence. First, the Cohen evidence says that the Trump administration harmed American alliances internationally. In particular, the author concludes that restoring American alliances is necessary to manage international crises. In contrast, the Friedman evidence concludes that President Biden will restore American leadership in key foreign policy areas like the Middle East and Western Europe. As a result, the Midterms Disadvantage argues that President Biden’s leadership is necessary to manage international crises and prevent a return to the chaotic foreign policy of the previous administration.

Updates (Environmental Justice)

Environmental Justice 1AC (Inherency)

Recent legislation isn't enough. The status quo can't solve lead contamination.

Puko 12/16 – Journalist for the *Wall Street Journal*

(Timothy, Journalist For The Wall Street Journal. U.S. Seeks To Replace Every Lead Water Pipe In The Country Within A Decade. The Wall Street Journal. December 16, 2021. https://www.wsj.com/articles/u-s-seeks-to-replace-every-lead-water-pipe-in-the-country-within-a-decade-11639648805)

The Biden administration intends to announce a plan to **replace every lead water pipeline in the country** within a decade, leaning on $15 billion recently approved by Congress and forthcoming new rules from the Environmental Protection Agency. White House officials said they are rolling out a new plan aimed at helping about 10 million U.S. households replace lead water pipes. Both President Biden and Democratic lawmakers in Congress have promised swift action on the issue, as lead pipes are considered a health hazard by the EPA. The White House's first step will be to distribute $3 billion for line replacement in 2022 from the money Congress approved in an infrastructure package this year. Vice President Kamala Harris is set to announce the plan Thursday alongside other administration officials and national union leaders in Washington. "The science on lead is settled—there is no safe level of exposure and it is time to remove this risk to support thriving people and vibrant communities,'' said EPA Administrator Michael Regan. Even with the influx of cash and a goal from the White House, it could take decades to take out all the millions of pipes nationwide, according to state and local officials. **Advocates** of replacing lead pipes **say the newly approved funding isn't enough to replace all lead lines**, that Congress didn't pass a mandated timeline for replacements along with that new funding, **and some state and local governments that have set legal deadlines have given themselves until the middle of the century to complete the work.** Part of the Biden administration plan is to create new national deadlines through the EPA. The agency is going to start a rule-making process to mandate 100% replacement nationwide "as quickly as is feasible," it said, but it's likely to be years before such rules go into effect. Mr. Regan has directed the agency to aim for a new rule that would set legal deadlines within a decade if possible, senior administration officials said. Their goal is to finish that rule by 2024, the last full year of Mr. Biden's term, they said. Lead pipes connecting public water mains to private homes are buried in every U.S. state, according to researchers. Lead, even at low levels, has been linked to nervous-system damage, learning disabilities and slowed growth in children, and complications for pregnant women, according to scientists and public-health officials. While water-contamination issues in cities such as Flint, Mich., and Newark, N.J., have made lead pipes a more high-profile issue, most states and communities have made little progress in eliminating them. Municipalities have grappled with logistical hurdles, including finding trained workers to replace them and persuading the public that lead is a health concern. **Forecasts for the cost of replacing every lead service line in the country vary**. **The American Water Works Association,** an industry group, **estimates the average cost of removing each lead service line to be about $5,000. The EPA estimates that there are about nine million lead service lines in the U.S. That comes to about $45 billion for nationwide replacement,** an amount Mr. Biden had proposed early in the infrastructure-bill negotiations. **But Congress included just a third of that—$15 billion—for lead-pipe replacement in the $1 trillion infrastructure package it passed this year**. About half of that would be provided to states in the form of grants, the other half as loans.

The bipartisan infrastructure bill solves. It's a transformative investment.

Olson 11/19 – Senior Director at the National Resources Defense Council

(Erik D., Senior Strategic Director at the NRDC. Removing Lead From The Drinking Water of Millions of American Children. National Resources Defense Council. https://www.nrdc.org/experts/erik-d-olson/removing-lead-drinking-water-millions-american-children)

The funding in the Build Back Better Act, combined with funding in the bipartisan infrastructure bill, **will be**, by far, **the most significant funding for removing lead from drinking water in U.S. history**. **The** Build Back Better **legislation** that has just passed the House **includes nearly $10 billion to remove lead drinking water pipes** from the ground and to address lead in school drinking water. **This historic investment will have a transformative impact on** improving the safety of the **drinking water for tens of millions of Americans**, including millions of school children who are essentially drinking every day from lead straws. In neighborhoods across the country, **Americans will start seeing lead pipes pulled out of the ground, lead-containing water fountains removed from schools, and filtration stations installed in schools** to remove lead from their kids' water. As this work is completed, parents will be able to feel confident that their children can safely drink from their kitchen faucets and school fountains. This is far from a theoretical concern for too many families. As NRDC's recent survey of lead service lines showed, there are an estimated 9 to 12 million of the garden hose–size lead service lines in all 50 states that bring water from the water main in the street into homes. Once these are pulled out of the ground and replaced with safe copper pipes, lead levels in household tap water will plummet and the water will be far safer. In addition, in thousands of schools, lead-contaminated water is common. For example, testing across New York State found that 82 percent of the schools had at least one outlet contaminated with lead at a level higher than the U.S. Environmental Protection Agency (EPA) action level for lead. Lead is especially dangerous for young children and pregnant moms. It can reduce children's IQs, cause learning disabilities and hyperactivity, interfere with impulse control, and cause irreversible harm to the developing brain. It is also associated with cardiovascular and kidney disease in adults. **The funding in the Build Back Better Act is split between $9 billion for the EPA for lead service lines and lead in school water, and nearly $1 billion to the U.S. Department of Agriculture for removing lead pipes from small water systems**. This once-in-a-generation investment, combined with funding in the bipartisan infrastructure bill, will be, by far, the most significant funding for removing lead from drinking water in U.S. history. This funding must be accompanied by strong implementation by federal, state, and local authorities. Priority should be given to helping low-income disadvantaged communities, who should be first in line to receive funding. Additionally, EPA needs to overhaul its lead in the drinking water standard, called the Lead and Copper Rule. As discussed in earlier blogs, EPA is currently considering revising the weak Trump administration Lead and Copper Rule, which must be substantially revamped and strengthened to protect families around the country who have been drinking lead-contaminated water. **The Build Back Better agenda will benefit tens of millions of Americans for generations to come. Once the lead is removed, the threat of lead from these service lines and school fountains will be gone forever. That's truly great news.**

The status quo fails. We have more work to do.

Cunningham 11/9 – Officer at the Environmental Policy Innovation Center

(Maureen, Chief Strategy Officer and Director of Water Strategy At The Environmental Policy Innovation Center. End of the Line For Lead Pipes? Let's Make It Happen. American City & County. November 9, 2021. https://www.americancityandcounty.com/2021/11/09/end-of-the-line-for-lead-pipes-lets-make-it-happen/)

With the passing of the bipartisan infrastructure bill (H.R. 3684: Infrastructure Investment and Jobs Act), **we** now **have an incredible opportunity** in front of us **to make** millions of **toxic lead water pipes** in this country **a thing of the past. The infrastructure bill passed** on Friday **is a great start** to getting rid of these toxic pipes **with $15 billion earmarked for "lead service line identification, planning, design and replacement"** over the next five years. **The** reconciliation package (**Build Back Better Act**) is still in play, and **could add another $9 billion** (down from $30 billion in an earlier version) to lead service line replacement. While it is not the $45 billion President Biden proposed earlier in the year, **the allocated $24 billion is still roughly half of the estimated need to replace all lead lines in this country.** Nonetheless, **listening to committee hearings** in previous weeks in which **a few of the House Energy and Commerce Committee Members balked at investing billions towards this, with one of them saying that lead pipes are "not the responsibility of the federal government" and another referring to the funding as a "bailout of cities**," I see **we still have much work to do** to convey the urgency and opportunity of this moment.

Updates (Spending DA)

1NC Spending DA (Uniqueness)

New spending tanks the economy. Plan risks an economic recession.

Means 11/18 – Opinion Contributor at *The Hill*

(Grady, Opinion Contributor at The Hill. Defund Biden: The only way to put America on a budget. The Hill. November 18, 2021. https://thehill.com/opinion/white-house/581965-defund-biden-the-only-way-to-put-america-on-a-budget)

The spike in inflation is the flashing red warning sign that U.S. government spending must stop growing. **The only reasonable answer is to reject any new spending** and attempt to reduce current spending where possible. In short, the federal government must begin to grasp what every household in America understands — that unfamiliar, six-letter word: budget. **If not, the social consequences of inflation will become even more serious.** To start with, inflation is a devastating economic attack by liberals and radical progressives on elderly, retired Americans living on fixed incomes, who know that the value of their money has been reduced sharply this year. In addition, all Americans know that the price of gasoline, food and other commodities has risen much more sharply than their incomes over the past eight months that Joe Biden has been in the White House. In short, contrary to his campaign promises, by reducing the value of money, Biden has inflicted a huge new tax on all Americans, which falls most harshly on the poor and middle class. Of course, the stock market, which adjusts more quickly to inflation, has risen in nominal terms, meaning that those apparent gains are not actually "real" dollars but, rather, inflated dollars with which you can buy less. **Over time, the economic consequences of overspending and inflation will lead to political consequences and the Fed will be forced to** act — i.e., **raise interest rates. That, in turn, will lead to recession, rising unemployment and further social hardship.** Compounding all of this is Biden's sacrifice of America's energy independence, putting the country again at the mercy of foreign oil producers. **To get an idea of where America is headed, look no further than the economic collapse that happened under Jimmy Carter, the deepest and longest-lasting recession in the modern era.**

The Disadvantage is non-unique. Record inflation now.

Aratani 12/10 – Journalist for *The Guardian*

(Lauren, Journalist for The Guardian. US Inflation rose 6.8% in 2021, the highest increase since 1982. The Guardian. December 10, 2021. https://www.theguardian.com/business/2021/dec/10/us-inflation-rate-rise-2021-highest-increase-since-1982)

The **US inflation rate rose 6.8% over the last year**, **the highest increase since 1982, the Bureau of Labor Statistics reported** Friday morning. **Inflation rose 0.8% in November after rising 0.9% in October. Price increases were seen across many sectors, including gas, food and housing**. **This is the sixth month in a row the US is seeing price increases. Gasoline prices rose by 58.1% in November – the largest increase over 12 months since 1980. Within the food index**, **grocery store prices increased across the board for a third month in a row**. **Meat, poultry, fish and eggs saw a 0.9% increase in November while cereals and bakery products saw price increases of 0.8%.** The price index that does not include food and energy rose 0.5% in November after a 0.6% increase in October. The prices of **used and new cars, household furnishings, apparel and airline fares all notably rose last month.**

Biden's agenda is paid for. No risk of inflation or deficit spending.

Rainey 11/17 – Journalist for *The Fiscal Times*

(Michael, Journalist For The Fiscal Times. Biden Spending Plan Won't Boost Inflation: Analysts. The Fiscal Times. November 17, 2021. https://www.yahoo.com/now/biden-spending-plan-won-t-235250040.html)

With inflation running hotter than expected by many economists, some **lawmakers have expressed concerns that** President Joe **Biden's** $1.85 trillion Build Back Better **social spending** plan currently making its way through Congress **will only make matters worse by pumping more money into an already overheated economy. But according to analysts at two leading rating agencies, those worries may be overblown**. Charles **Seville, senior director at Fitch Ratings, told Reuters** that **the bipartisan infrastructure package** Biden signed into law this week **and the larger social spending bill** still under debate in Congress "**will neither boost nor quell inflation much in the short-run."** Government spending will increase demand less in 2022 than in 2021, Seville said, and in the long run, increased spending on things like child care will boost labor productivity. William **Foster, vice president** and senior credit officer **at Moody's Investors Service**, **echoed that view, saying that the two bills stretch spending out over a period of years and "should not have any real material impact on inflation."** Mark **Zandi, chief economist at Moody's Analytics**, which operates independently from Moody's ratings unit, **told Reuters that in his view the spending bills would actually help control inflation.** "**The bills do not add to inflation pressures, as the policies help to lift long-term economic growth via stronger productivity and labor force growth, and thus take the edge off of inflation."** Zandi also said that the bills would not add to the deficit. "**The bills are largely paid for through higher taxes on multinational corporations and well-to-do households, and more than paid for if the benefit of the added growth and the resulting impact on the government's fiscal situation are considered."**

States Counterplan

Text: The fifty states and relevant territories of the United States should substantially increase their protection of water resources in the United States by fully funding a program to remove harmful pollutants from drinking water.

The counterplan solves water infrastructure; prefer the flexibility of state policy

Tyrrell and Farquhar 2017 – Directors of Environmental Policy

(Kim Hargraves, Environmental Program Director At The National Conference of State Legislatures. Doug, Former Director of Environmental Health At The National Conference of State Legislatures. State Efforts To Protect And Pay For Clean Drinking Water. National Conference of State Legislatures. Vol. 25, No. 1. January 2017.
https://www.ncsl.org/research/environment-and-natural-resources/state-efforts-to-protect-and-pay-for-clean-drinking-water.aspx)

State legislatures often struggle with the role they should play in drinking water oversight. **In Michigan**, **where the Flint lead crisis played out** as a worst-case-scenario, the **Legislature formed a committee to** evaluate the issue and **propose legislative actions,** most of which are still pending, **that would prevent a future crisis**. One proposal would allow for the use of DWSRF monies to replace residential lead service lines. **States introduced over 400 bills related to water quality and infrastructure investments in 2016. Water source supplies and demands vary by state, so a one-size-fits-all approach isn't likely to yield the best results. Hence, states have taken a variety of approaches. A New York bill would establish the Clean Water/Clean Air/Green Jobs Bond Act of 2016**. This bond bill totals $5 billion, $2 billion of which would be allocated for water infrastructure projects. **A 2016 Pennsylvania law makes $22 million available for grants or reimbursement for water and sewer projects**. This reflects a $19 million increase over the previous year. **Tennessee passed a law in 2015 authorizing the use of green infrastructure** in areas that have combined sanitary sewage and storm water systems. The objective is to capture water before it enters the combined sewer system, thus alleviating pressure on over-taxed systems. **Failures in water infrastructure**, whether related to aging pipes or contaminated sources, **are costly and can have long-term** public health **impacts.** With a renewed emphasis on infrastructure at the federal level, and new funding through programs such as WIFIA, **states have an opportunity to take steps to not only prevent a water crisis, but to plan for potential shifts in supply and future demands.**

First, Permutation: Do Both. State and federal cooperation is the standard for water protection

Environmental Protection Agency 2020

(Environmental Protection Agency. Basic Information About Source Water Protection. February 24, 2020. https://www.epa.gov/sourcewaterprotection/basic-information-about-source-water-protection)

EPA works with states, tribes, local utilities, and many other stakeholders to implement programs that maintain drinking water quality. The Safe Drinking Water Act (SDWA) is designed to protect drinking water quality through the "multi-barrier approach" that considers all threats (natural and human-made) and establishes barriers to either eliminate or minimize their impacts. The following steps are an important part of the multi-barrier approach: Selecting the best available drinking water source; Protecting the drinking water source from contamination; Using effective water treatment; and Preventing water quality deterioration in the water distribution system. EPA recognizes that the multi-barrier approach and partnerships are essential to protect drinking water, public health, and economic productivity. SDWA also required states and utilities to assess their source water, and there are a number of Clean Water Act (CWA) provisions designed for protecting water from contamination. However, there is no federal mandate requiring comprehensive source water protection. **The Source Water Protection** (SWP) **program strives to protect sources of drinking water by developing tools and supporting voluntary partnerships and approaches that can prevent contamination of** sources of **drinking water.** The SWP program is primarily voluntary for state and local governments and other stakeholders; with help from a wide array of partners, EPA has made considerable strides. While a substantial progress has been made, much work remains to be done, and there are numerous opportunities to leverage EPA's programs and partnerships with external organizations. **States may choose to fund source water protection through optional set-asides from the Drinking Water State Revolving Fund capitalization grant distributed by EPA. The Clean Water State Revolving Fund can also be used to support certain source water protection activities.**

Second, the counterplan can't solve. Three warrants:

A. States lack motivation expertise, and funding

Secchi and McDonald 2019 — Natural Resource Economist & Program Director

(Silvia, Natural Resource Economist At The University of Iowa. Moira, Environment Program Director at the Walton Family Foundation. The State of Water Quality Strategies In The Mississippi River Basin: Is Cooperative Federalism Working?. Science of the Total Environment. Vol. 677, p. 241-249. August 10, 2019. https://www.sciencedirect.com/science/article/pii/S0048969719319266)

Broadly speaking, **the lackluster progress of the** NRS-**state led approach** outlined here, and the loose oversight that EPA is exercising in meeting the Stoner memo criteria are significant indicators of the lack of ex post program evaluation in environmental policy (Harrington et al., 2004), which today seems to be largely left to the courts. Further, the lack of coordination in initiatives across the watershed (with the exception of the MRBI) **shows the continued abandonment of a holistic watershed approach** (Cooter, 2004). **Overall, due to lack of targeting and scientific basis for the watershed prioritization,** omission of CAFOs in the strategies, **lack of understanding** of the spatio-temporal patterns of benefits, **poor implementation, and insufficient additional resources**, **it is apparent that the current crop of strategies is not being effective at improving water quality** in the watershed and in the Gulf of Mexico. In some states such as Minnesota, the strategies and the process preceding their development have created or added impetus to state-level activities to address NPS pollution, but in others, such as Kentucky, they have not spurred any meaningful efforts. Thus, for the basin as a whole, **the current approach is not working.** A recent development illustrates how **the states are largely stalling, and ignoring science** in the process. In early 2019, the Iowa Environmental Protection Commission (EPC) denied the petition brought forth by environmental organizations to implement Numeric Nutrient Criteria for recreational lakes, on the basis that the proposed criteria lack a scientific rationale, though the criteria were based on a 2008 recommendation from a well-known and respected group of experts from all state universities and the Department of Natural Resources. If NNCs have become so contentious they are being ignored, more fundamental reconsideration of the current approach may be necessary. There is a large literature that discusses the range of options possible to address NPS pollution problems, from a purely theoretical standpoint, and, more concretely considering pre-existing legal and institutional constraints (O'Shea, 2002; Secchi and Soman, 2010; Shortle et al., 2012; Stephenson and Shabman, 2017). As noted in the Introduction section, there are different approaches used in OECD countries that illustrate how these options operate in practice. Possible solutions include Payments for Ecosystem Services (PES) schemes, which compensate agricultural producers for the reduction of their impact on the environment (Engel et al., 2008; Wunder et al., 2008). PES programs would be consistent with the current approach in the US, which is based on voluntary participation and conservation subsidies. A more radical alternative would entail enhancing Conservation Compliance, which is a form of cross-compliance that punishes farmers who do not follow conservation plans by depriving them of commodity or crop insurance subsidies. This is similar to current European Union's policies that have stronger elements of cross-compliance: certain pollution reduction activities have to occur for farmers to receive subsidies (Pe'er et al., 2014). More broadly, this approach would mean moving to a Polluter Pays approach, and require the transformation of the NPS problem into a point source one with the use of monitoring technologies (Xepapadeas, 2011). Thus, there are science-based alternatives that would allow waters in the MARB to meet their intended uses at the least possible cost (Shortle et al., 2012). The range of policy tools of such alternatives in terms of who would bear the costs of the reduction in pollution is large, but they all have in common an integrated interdisciplinary methodology rooted in watershed approaches, and substantial more efforts, in terms of public funding and/or costs to farmers, than are currently being expended. These approaches would have to address the fact that **federalism has become a problematic framework for improving water quality** in the MARB because most of the funding for subsidies to reduce NPS pollution comes from federal voluntary programs (such as the conservation title of the farm Bill), but the authority to address NPS pollution is left to state and local authorities, which have little funding for monitoring and, according to legal scholars, have shown little willingness to act (Craig, 2000; Craig and Roberts, 2015; Dunn and Boian, 2013). A comparative analysis of how similar principles such as subsidiarity in the EU are faring in addressing NPS pollution, and more broadly on whether centralized approaches would be more effective than decentralized ones is beyond the scope of this assessment, but could be the subject of a separate study. It is apparent, however, that in the MARB and in the US more generally, **the misalignment of resources and authority needs to be addressed. Switching to a federal, centralized approach may seem radical, but the argument has been made** that rapid changes in agricultural and monitoring technologies are transforming agricultural NPS into point source pollution (Hanson et al., 2016), and that legal reforms eliminating "agricultural exceptionalism" and enforcing the polluter pays principle for agriculture are warranted (Pollans, 2016).

A. History proves states fail and no federal follow-on

Konisky 2015 – Professor of Public and Environmental Affairs

(David, Professor of Public and Environmental Affairs at Indiana University. Editor's Note: Introduction to the Publius Virtual Issue: U.S. Federalism and Environmental Policy. Publius: The Journal of Federalism. P. 1-5. https://academic.oup.com/DocumentLibrary/Publius/EnvironmentalPolicy_Intro.pdf)

Environmental protection was primarily a state issue in the United States **until the 1970s**, **when the federal government forcefully intervened in response to** new scientific revelations about threats to human and ecological health, growing citizen demand for policy action, and **an emerging consensus that state governments were unwilling to assume responsibility**. **Congress enacted major pieces of legislation such as the 1970 Clean Air Act (CAA), the 1972 Clean Water Act (CWA), and the 1973 Endangered Species Act (ESA) that shifted the balance of power from the state to the national level,** and the federal government was reorganized to create a new agency—the Environmental Protection Agency (EPA)—to lead the implementation of the new environmental protection regime. **An important rationale for this federal intervention was that many state governments could not be relied upon to either effectively address pollution problems or adequately manage natural and biological resources**. Chief among the concerns was that **states did not have sufficient incentive to address interstate pollution spillovers and that they were too reluctant to impose costly regulatory burdens on industry due to concerns that it would disadvantage them economically. Exacerbating matters was a belief that**, in most states, business interest groups had disproportionate influence on government policy relative to environmental public interest groups, and that **states lacked the institutional capacity—technical, financial, and administrative—to manage environmental problems.**

B. Federal action is key; it's the foundation of water policy

Cody et al. 2017 – Researcher at the Congressional Research Service

(Betsy A./ Judy Schneider / Mary Tiemann, Researchers At The Congressional Research Service. Selected Federal Water Activities: Agencies, Authorities, and Congressional Committees. Congressional Research Service. May 24, 2017. https://fas.org/sgp/crs/misc/R42653.pdf)

The federal government has been involved in water resources development **since the earliest days of the nation**'s creation. Congress first directed water resource improvements to facilitate navigation, then to reduce flood damages and expand irrigation in the West. For much of the 20th century, the federal government was called upon to assist and pay for a multitude of water resource development projects—large-scale dams such as Hoover and Grand Coulee, as well as avigation locks throughout the country's largest rivers. **In recent decades, Congress has enacted legislation to regulate water quality**; protect fish, wildlife, and threatened and endangered species; manage floodplain development; conduct research; and facilitate water supply augmentation via support for water reclamation and reuse facilities and desalination. **Congress maintains an active role in overseeing implementation of this legislation, as well as enacting new laws and appropriating funding for water resources activities.** Specific federal water laws have been enacted for the diverse purposes noted above. **Development and implementation of these laws have involved the action of numerous congressional committees and federal agencies.** At the congressional level, this action has resulted in a set of diverse and sometimes overlapping committee jurisdictions dealing with various aspects of water policy and addressing the interests of differing constituencies. At the executive branch level, this has resulted in many agencies and organizations being involved in different and sometimes overlapping aspects of federal water policy. The activities identified in this report fall into the jurisdiction of numerous congressional standing committees (and generally exclude appropriations and other

committees in the relevant chambers that deal with banking, taxes, and finance issues.) Similarly, the activities identified in this report are addressed in some form by many federal executive branch agencies.

The counterplan solves. State action creates a race-to-the-top and spurs federal follow-on

Dana 2017 — Professor of Law at Northwestern University

(David A., Professor of Law At Northwestern University School of Law. Escaping The Abdicating Trap When Cooperative Federalism Fails: Legal Reform After Flint. Forham Urban Law Journal. 44 (1329). 2017. https://ir.lawnet.fordham.edu/ulj/vol44/iss5/2> Accessed 6/30/21 ARJH/msdi2021)

This approach depends on legislative and regulatory action at the state level, and the political climate in some states may make that impossible. However, while it is true that states sometimes engage in races to the bottom, other times **there are races to the top with states copying best practices adopted elsewhere. We could see such a phenomenon regarding lead in water.**126 If nothing else, **should one or more states adopt a "model" state-based regime** with effective testing and disclosure, **advocates in other states could point to that model** as part of their own advocacy. Moreover**, if a number of states adopted the strategy** proposed in this Article, it **might change the political economy at the federal level to make it more likely that Congress would amend the SDWA and require states to share testing and disclosure responsibilities with localities in return for federal infrastructure funding.**127 This approach also relies heavily on the power of information, and informational approaches have their limits. Particularly for otherwise distressed communities, more information simply may not be something they have the wherewithal to fully absorb and act upon. Conversely, information about health risks can also prompt overreactions or non-adaptive reactions—such as not running one's tap at home except when absolutely necessary because of a fear of lead, which has the effect of increasing lead concentrations in the water that one does use.128 Public education can address the problem of such reactions, and that too has to be part of the response to the problem of lead in water.129 Continuing with our current regime is simply not a tenable option, because lead is one clear danger we can identify and eliminate. **Too little has been done to address the problem of lead in water** under the current institutional design, **so a re-design is needed,** not just a tweaking of current rules. **In re-designing the regime for lead contamination in water, moreover, we may gain a better understanding of how to address the broader problem** of abdication in environmental law.

The counterplan solves funding; state budgets for environmental protection are larger than the federal government's

Cohen 2018 — Professor of Public Affairs at Columbia University

(Steve, Professor of Public Affairs At Columbia Unviersity. The State and Local Role In Protecting America's Environment. State of the Planet, News From Columbia Climate School. July 16, 2018. https://news.climate.columbia.edu/2018/07/16/state-local-role-protecting-americas-environment/)

Due to its power, media attention, and symbolic importance, we pay a great deal of attention to the federal Environmental Protection Agency (EPA). EPA plays an important and unique role in keeping our environment clean, although most of the heavy lifting in American environmental protection is done by state and local governments. EPA sets policy, subsidizes state and local programs, oversees states, and conducts scientific research, but **state and local governments do the day-to-day work of environmental protection**. A quick look at a few numbers may provide perspective. **The** U.S. **EPA has a staff of** about **15,000 people and an annual budget of $8 billion**. The New York State Department of Environmental Conservation has a staff of 3,000 and a budget of $1.4 billion. **New York City's Department of Environmental Protection spends about $1.5 billion a year and has a staff of 6,000. And there are 49 other states and thousands of local governments in America.** When writing about this issue last year, I reported on the results of a study published by the Environmental Council of the States and observed that: "According to their report, **state environmental agency funding rose from $12.2 billion in 2013 to $14.9 billion in 2015.** But most of that increase was in California where the budget grew from $2.9 billion to $4.9 billion. With California excluded, state funding only went up from $9.3 billion in 2013 to $10.0 billion in 2015. Federal support for states other than California during this part of the Obama administration dropped by 3 percent from $2,557,856,937 in 2013 to $2,493,785,970 in 2015. Remember that the Obama Administration was not immune to the right-wing attack on environmental regulation that has dominated the budget making process for years. EPA lost 1,600 staff during the Obama years." **State funding was greater than federal funding and did not always include all the costs of environmental protection, many of which are funded locally and by state agencies not called "environmental."** One of the most expensive state and local services is water supply, followed by sewage treatment. These are organized differently by different states, cities and counties, and so comparisons across states and localities are not always straightforward. For example, New York City's Water Board controls an annual budget of about $3.8 billion, and about $1.4 of the city's annual $1.5 billion environmental protection budget comes from the water authority. Almost $1.8 billion of the $3.8 billion Water Board budget is debt service that pays the costs of the bonds used to build the city's extensive water infrastructure system. The revenues for the system come from water bills paid by property owners in New York City. **Functions such as water supply,** sewage treatment, and garbage disposal are non-optional, **critical environmental services** typically **performed by America's local governments.** People expect these services to be performed, but also recognize that rules and regulations are required to ensure that people don't dump their garbage in the streets or release toxics into our water supply. Environmental protection is not simply regulations that tell businesses what they need to do to avoid damage to the planet, but rules to ensure that effective environmental services can be provided to residents and businesses everywhere. Businesses in many cities are required to pay for garbage removal by highly regulated waste haulers. Rules on property upkeep, sidewalk cleanliness and disposal of hazardous materials are set and enforced by local governments.

Permutation fails; federal aid like the plan destroys federalism. Only the counterplan solves

Edwards 2019 — Director of Tax Policy at the CATO Institute

(Chris, Director of Tax Policy at the CATO Institute. Restoring Responsible Government By Cutting Federal Aid To The States. Policy Analysis. CATO Institute. Number 868. May 20, 2019. https://www.cato.org/sites/cato.org/files/pubs/pdf/pa868_2.pdf)

The federal government has a large presence in state and local policy activities such as education, housing, and transportation. That presence is **facilitated by "grants-in-aid" programs**, **which are subsidies to state and local governments accompanied by top-down regulations.** Federal aid spending was $697 billion in 2018, which was distributed through an estimated 1,386 separate programs. **The number of programs has tripled since the 1980s, indicating that the scope of federal activities has expanded as spending has grown. Rather than being a positive feature of American federalism, the aid system produces irresponsible policymaking. It encourages excessive and misallocated spending. It reduces accountability for failures while generating costly bureaucracy and regulations. And it stifles policy diversity and undermines democratic control**. **Cutting federal aid would** reduce federal budget deficits, but more importantly it would **improve the performance of** federal, **state, and local governments**. **The idea that federal experts can efficiently solve local problems with rule-laden subsidy programs is misguided. Decades of experience in many policy areas show that federal aid often produces harmful results and displaces state, local, and private policy solutions.**

Midterms DA

1NC Midterms DA – 1/4

Uniqueness — Democrats can keep their majorities in 2022, but only if they maintain focus on economic issues.

Pougiales and Erickson 2021 — Analysts at Third Way

(Ryan, Deputy Director of Politics at Third Way. Lanae, Senior Vice President At Third Way. Democrats Face An Economic Trust Gap In 2022. July 1, 2021. Third Way. https://www.thirdway.org/memo/democrats-face-an-economic-trust-gap-in-2022.)

Third Way's latest national survey with ALG Research finds that **Democrats suffer from an economic trust gap that may impact the party at the ballot box if action is not taken ahead of the 2022 midterm election**. **This trust gap is the belief among voters that Republicans instead of Democrats are best able to manage the economy**. But this survey also points to initial steps that Democrats can take to address the trust gap: Run as "Biden Democrats," talk more about the economy, and talk about it in a way that centers on the majority of voters who identify as working and middle class. Here's more of what we found: **Democrats' economic trust gap stands at 12 points, a perilous position heading into the midterms**. Voters trust Republicans over Democrats by 12 points on the party best able to manage the economy. **And Democrats are just tied on the House generic ballot (46–46%), which is a tenuous position ahead of 2022**. **The economic trust gap extends to key voter groups.** Latino and Black voters were oversampled in this survey. **Latinos are split on the party best able to manage the economy, and only 59% of Black voters side with Democrats. Persuadable 2022 voters back Republicans on the economy by 29 points.** Run as "Biden Democrats" on the economy 2022. A majority approve of President Biden on the economy (50–48%), while voters disapprove of Democrats in Congress by a 41–55% margin. Biden's margin is 31 points higher than the party's with persuadables, 21 points with Latinos, and 24 points with Black voters. **Democrats need to talk more about the economy.** By a 60–26% margin, **voters say Democrats are focused on social and cultural issues over economic ones, while they want Democrats to focus on the economy by a 73–15% margin**. Most **voters identify as working or middle class and respond to policy messages centered on them and core economic values**. Eighty-four percent of voters identify as working or middle class, and messages that reference these voters and economic values like hard work perform on average 14 points better than other messages in conveying support for working- and middle-class communities. Democrats have a wide economic trust gap, and this gap is imperiling the party's electoral position. This survey builds on previous focus groups, but it is not conclusive on the sources or solutions to Democrats' trust gap; our research into it is continuing. But **Democrats can begin to address it by positioning themselves as "Biden Democrats," talking more about the economy, and focusing policy content and messages on the supermajority of voters who identify as working and middle class.** These actions won't wholly bridge Democrats' economic trust gap, but they are necessary steps forward.

Water resource reform is controversial. Compromise is unlikely.

Magill 2021 — Journalist for Bloomberg Law

(Bobby, Reporter At Bloomberg Law. Biden Swings Waters Pendulum With Final Resolution Still Elusive. Bloomberg Law. January 29, 2021. https://news.bloomberglaw.com/environment-and-energy/biden-swings-waters-pendulum-with-final-resolution-still-elusive)

The Biden administration is swinging the pendulum of repeated changes to water regulation back to expanding after those regulatory powers contracted under President Donald Trump. But the swing isn't likely to be permanent, legal scholars say. The expansion of regulation has turned **the question of federal jurisdiction over water**s of the U.S., or WOTUS, from an arcane rule into a facet of America's culture wars, given its impact on how private property is developed. Trump claimed—inaccurately, his critics said—that WOTUS "gave bureaucrats virtually unlimited authority" and "basically took your property away from you." Environmental litigators are urging the new administration to act fast. "We want to it to be proper. I want them to follow science and develop a rule relatively quickly so we're not left with a complete lack of protection," said Janette Brimmer, an Earthjustice attorney who is litigating several WOTUS cases. **Political compromise is unlikely,** however, until the Supreme Court or Congress can settle the issue once and for all, the observers say. **The pendulum is likely to continue swinging "indefinitely, unless one party establishes political dominance**," said Dave Owen, a professor at the University of California, Hastings College of Law. Stays Expected Stopping the WOTUS pendulum from swinging might mean asking the courts to set aside expected Biden administration requests to stay pending litigation, and allowing the lawsuits to continue, said Anthony Francois, an attorney for the Pacific Legal Foundation. **The Biden administration** is expected to ask courts to put WOTUS litigation on ice to give the Environmental Protection Agency and the Army Corps of Engineers time to decide if and how to rewrite the Trump administration 2020 rule lifting federal protections for many small waterways nationwide. "Some 2020 cases should not be stayed—they should be litigated," which could eventually allow the Supreme Court to clarify its ruling in Rapanos v. United States, Francois said. In that case, the justices offered five different opinions over federal water jurisdiction, driving years of follow-up litigation about the definition of "waters of the U.S." Congress didn't clearly define those waters in the Clean Water Act, throwing that ball to the courts and regulators, who have made several attempts to define federal waters since the 1970s. "The real question is, what does the statute mean? Right now, the Rapanos decision says it could mean damn near anything," said Francois, who represents private property owners and cattlemen in WOTUS litigation. Owen said he expects WOTUS litigation to continue because there are defendant-intervenors lined up in multiple cases who'll carry the litigation forward even if the federal government switches sides and refuses to defend the Trump-era rule. Executive Actions President Joe Biden set the WOTUS pendulum swinging again on Jan. 20. That day, he **announced that the EPA and the Defense Department would review Trump's narrow federal waters definition**. Biden also signed a separate executive order revoking a 2017 Trump order calling for a review and reversal of the Obama rule. The Trump rule, known as the Navigable Waters Protection Rule, or NWPR, lifted federal jurisdiction over some small streams and ditches—a rollback of the Obama administration's 2015 expansion of water protections. The new rule prevents developers from needing a federal permit for work in those waterways. The rule is in effect in every state except Colorado, where a judge blocked it. Both the Obama and Trump-era rules are being challenged in court. However the Biden administration approaches WOTUS, the stakes are high for states grappling with how to regulate construction that could pollute surface water. Development Underway Development in previously protected steams are already underway in New Mexico, threatening watersheds in sensitive areas of the arid West, said Rebecca Roose, director of the New Mexico Environment Department's Water Protection Division. "The sooner NM can devote our limited resources fully to active surface water protection work, instead of costly challenges to bad federal rules, all New Mexicans will benefit from healthier rivers, streams, lakes and wetlands," Roose said in an email. Developers nationwide have been seeking Army Corps determinations for whether their proposed projects affect federal waters. In the first three months after the Trump rule was finalized in June, the Army Corps issued more than 1,000 determinations, more than 750 of which were determined to fall outside of federal jurisdiction. By the end of the 2020, the Army Corps issued 4,589 determinations, and 569 so far in 2021, Army Corps spokesman Doug Garman said. Garman said he was unable to immediately respond to a question about how many of those were for projects that fell outside federal jurisdiction. Years-Long Process Absent court action, **the Biden administration's options** for reversing Trump's WOTUS rollback **would mean writing its own rule, which is likely to take years** and leave many once-protected waters without federal oversight during that time. The EPA declined to comment about its strategy and next steps. But the agency did say in a statement that it "will follow the science and law in accordance with the Biden administration's executive orders and the Clean Water Act in reviewing the definition 'waters of the United States' to ensure that it protects public health and the environment." The biggest challenge for the Biden administration is revising the WOTUS definition in a way that increases protections for streams but passes muster before a conservative majority on the Supreme Court, Owen said. "The court is primed to use this issue to trim federal authority," Owen said. It's also possible the EPA and Army Corps will keep the Trump rule in place but expand it in order to meet the new administration's environmental objectives, said Neal McAliley, an attorney with the Miami office of Carlton Fields P.A. **"There may not be as much of a rush to rescind the Trump rule,"** he said. No Compromise Ultimately, **it may take an act of Congress to resolve the issue and fill in the gap it left in the Clean Water Act—but political compromise doesn't appear to be possible soon**, he said. "The whole definition of waters of the U.S. has entered the culture wars of America. People are not compromising on it," McAliley said. "There are some rules that are technical and arcane that take on this broader significance for people in the country, and this WOTUS rule is one of them."

1NC Midterms DA – 3/4

Republican foreign policy threatens extinction from impending crises.

Cohen 2020 — Senior Political Scientist at RAND Corporation

(Raphael S., Senior Political Scientist At RAND Corporation. Why The United States Will Need A New Foreign Policy In 2020. May 26, 2020. https://www.rand.org/blog/2020/05/why-the-united-states-will-need-a-new-foreign-policy.html)

Voting may still be six months away, but **already the 2020 election cycle is in full swing, and the traditional presidential tropes—pledging a new and better future—are out in force**. And yet, for all the campaign promises to the contrary, **a disconcerting truth remains**. Even before the COVID-19 pandemic, the country faced a growing strategic predicament: **The United States' challenges are mounting, and its international commitments** increasingly **outstrip its means to fulfill them**. Since the pandemic, **these problems have only multiplied.** Consequently, no matter who wins in 2020, **big changes in America's foreign policy could be on the horizon.** To start, **the geopolitical dynamics making the world an increasingly uncertain place exist largely irrespective of who occupies the presidency**. To be sure, President **Trump is a polarizing figure**. In Pew Research surveys of 32 countries worldwide, 64 percent of respondents said they had no confidence that he would "do the right thing" in world affairs, making him far more globally unpopular than other leaders, such as Germany's Angela Merkel, France's Emmanuel Macron, China's Xi Jinping, and Russia's Vladimir Putin. And **Trump's statements**—threatening to withdraw from NATO or demanding greater burden sharing for American troops abroad—**have put American allies and partners on edge.** And highly publicized aid campaigns in the wake of the COVID-19 pandemic by China and Russia—along with relative American inaction—will likely further tilt global opinion against the United States. And yet, even if Trump is replaced by Joe Biden, **the United States' international challenges will not go away**. After all, the Trump and Obama administrations largely agreed on the list of United States' great-power adversaries (PDF), and many threats to the international order predated the current administration. Moreover**, the deeper forces unsettling American global alliances all exist apart from who is at the helm of the United States**. These include the populism riling Europe, continued turmoil and sectarian violence in the Middle East, and the angst in Asia stemming from a more powerful, more assertive China. No matter who is president in 2021, **America's adversaries will likely remain constant. But its allies may change**, particularly when it comes to use of force. Share on Twitter Arguably, **the** COVID-19 **pandemic has only added further strain to American alliances**, as multiple countries—including the United States—prioritize domestic interests over alliances. No matter who is president on January 20, 2021, the United States' adversaries will likely remain constant, but its allies may change, particularly when it comes to use of force. Second, the numbers do not lie. At the end of the Cold War, **the United States and its European and Asian allies made up more than three-quarters of the global gross domestic product**. Even before COVID-19, that number had fallen below 60 percent and was projected to fall below 50 percent by 2030, while **the share belonging to American adversaries will rise to 30 percent.** Much of the greatest growth was in China, while the greatest relative declines were in Europe and Japan, tilting the economic balance against the United States and its allies.

Democrats are key to cohesive foreign policy and preventing international disasters.

Friedman 2020 — Contributing Writer at *The Atlantic*

(Uri, Contributing Writing At The Atlantic. The Big Split Emerging In The Democratic Party. The Atlantic. January 15, 2020. https://www.theatlantic.com/politics/archive/2020/01/what-foreign-policy-vision-2020-democrats/604954/)

All the candidates generally agree that Donald Trump has gutted traditional American foreign policy, undermining the country's principles, alliances, and global leadership. Where they diverge is in how to respond to that destruction. One camp aims to painstakingly restore the United States' position in the world to what it was before the aberrant Trump era—or as Pete Buttigieg said, "send Trumpism into the dustbin of history"—while the other believes that the turmoil of the era only underscores the need to fully renovate America's role in international affairs. During the debate, **Biden spoke for the "restorationists"** in making it his mission to "restore America's soul," **to reestablish America's alliances and "standing" in the Middle East following Trump's confrontation with Iran, and to return to familiar U.S. positions** such as not meeting unconditionally with adversarial leaders such as North Korea's Kim Jong Un. Buttigieg came across as a more youthful emissary of restoration, sprucing up old ideas with proposals such as making any U.S. military deployments authorized by Congress expire after three years to avert endless wars. Bernie Sanders, who along with Warren represents the "renovators," stressed his anti-war credentials and articulated a vision in which the United States projects power overseas by shifting its investments from the military to the State Department and the United Nations. Hours before the debate, at a conference organized by the Center for American Progress in Washington, D.C., to design a progressive national-security agenda for the next Democratic president's first 100 days in office, these **divisions between restorationists and renovators were already evident**. In opening remarks, the former Obama-administration official Kelly Magsamen sought to bridge the gap. She noted the daunting "task to fix all that Trump has broken," while also stating that "today is not really about Trump, and it's not about returning to the status quo ante." She urged attendees to develop an "affirmative agenda" for America's role in the world and to "revisit some of our assumptions." When Denis McDonough, Susan Rice, and Michèle Flournoy, all top national-security officials under Barack Obama, assembled for the first panel, however, the thrust of the discussion was much more about restoration than renovation. Rice, who served as Obama's national security adviser, said **the next Democratic administration would have to find ways to stage "a renewal of our vows" to NATO and provide "extraordinary reassurance" to all U.S. allies,** which over the course of Trump's presidency have come to question America's commitment to their security and interests. ("You go back to the altar and apologize for your transgressions," Rice counseled.) **A key challenge for this camp is that restoring the status quo ante will be far more difficult than simply embarking on a global "we're back and we're not Trump" tour. Will countries believe that the United States they used to know is really coming back** in the form they used to know it, for example, or that any agreements they enter into with a new president will be honored by future administrations? As Samantha Power, Obama's ambassador to the United Nations, noted at the conference, returning to nuclear negotiations with Iran following Trump's withdrawal from the 2015 nuclear deal will be difficult because the Iranians will say, "Won't this [agreement], too, be replaced the next time someone who doesn't like the deal takes office?" For the renovator camp, **acknowledging that Trump** accurately **diagnosed the need for the U.S. to revamp its role in the world,** even if it thinks he got the prescription wrong, **is a big challenge. So is describing what exactly a progressive foreign policy will look like if it doesn't look like the American foreign policy of the past,** and how the camp will actually achieve the new objectives it's setting for U.S. statecraft. **What unites all the Democratic** presidential **candidates is that**, so far, **they are defining their vision for how the United States will interact with the rest of the world in a more negative than affirmative sense: Whatever it will be, it won't be Trumpism.**

2AC Block (Midterms DA) – 1/2

Republicans will win the 2022 Midterms. Three warrants:

A. Historical precedent and Trump loyalists

Brownstein 2021 — CNN Senior Political Analyst

(Ronald, CNN Senior Political Analyst. Analysis: How Democrats Can Defy History in 2022. CNN. June 22, 2021. https://www.cnn.com/2021/06/22/politics/democrats-2022-turnout-congress/index.html)

How many of those voters return in 2022 could be the margin between success and failure for Democrats. My feeling is **it really depends on how much Trump overshadows the 2022 election**. He was a driving force for people who felt passionately about him both ways. ... How much of a factor is he going to play in 2022? MICHAEL MCDONALD, UNIVERSITY OF FLORIDA "**We had a massive turnout in 2020, all these marginal voters who had not voted before**," says Meg Schwenzfeier, chief analytics officer at Catalist. "**So the degree to which they stay in the electorate is the big question for me." One recent national survey** by veteran Democratic pollster Stanley B. Greenberg for his group Democracy Corps **offered sobering results for Democrats** on that front. **It found the usual midterm pattern firmly in force, with Republican voters** -- **especially evangelical Christians and** other conservatives who define themselves as **Trump loyalists** -- **expressing much more interest in the election than Democrats, with the falloff in attention particularly severe among young people.** "We were also surprised by how much **Donald Trump's loyalist party is totally consolidated at this early point in its 2022 voting** and how engaged it is," he wrote in a memo detailing the poll. "There is no escaping the reality that Trump's Republican Party is a self-consciously and self-confidently anti-democratic, anti-immigrant party that will battle for the future of white people in a multicultural America."

B. Biden's fumbles

Samuels 2021 — White House Reporter for *The Hill*

(Brett, White House Reporter for The Hill. GOP Believes Democrats Handing Them Winning 2022 Campaign. The Hill. April 18, 2021. https://thehill.com/homenews/administration/548757-gop-believes-dems-handing-them-winning-2022-campaign)

Republicans are riding high about their prospects for retaking both chambers of Congress in the upcoming midterms, **thanks to the abundant campaign fodder they believe Democrats and the Biden administration have handed them** in recent weeks. **Conservatives pointed to the surge of migrants at the southern border; difficulties getting kids back in school for in-person learning amid the pandemic; massive spending from the White House** and Democratic-controlled Congress; the inclusion of progressive priorities **in infrastructure and economic relief bills; and** most recently **a push** among some Democrats **to expand the Supreme Court as actions that will offer campaign fodder for Republicans in the months to come. Some GOP lawmakers are gloating over their prospects even though the 2022 midterms are still 19 months away. "This is going to be like 2010, 2012, 2014 where we pick up seats because of Obama's agenda**," Sen. Rick Scott (R-Fla.), head of the Republican Senate's campaign arm, said on Hugh Hewitt's radio show Friday. "Now what I talk about every day is do we want open borders? No. Do we want to shut down our schools? No. Do we want men playing in women's sports? No. Do we want to shut down the Keystone Pipeline? No. Do we want voter ID? Yes," he continued. "And the Democrats are on the opposite side of all those issues, and I'm going to make sure every American knows about it." **The party in power traditionally loses seats during midterm elections, putting Democrats on defense at a time when they already are protecting razor-thin majorities in both chambers of Congress**. **The Senate is split 50-50** with Democrats up for reelection in Arizona, Georgia, New Hampshire and elsewhere, while **Republicans would need to pick up just a handful of House seats to take the majority.**

C. Structural barriers

Gabriel 2021 — National Correspondent for the *New York Times*

(Trip, National Correspondent For The New York Times. The Big Question of the 2022 Midterms: How Will The Suburbs Swing. July 10, 2021. https://www.nytimes.com/2021/07/10/us/politics/biden-democrats-suburbs.html?campaign_id=9&emc=edit_nn_20210711&instance_id=35079&nl=the-morning®i_id=82368834&segment_id=63180&te=1&user_id=69ba61cfc3754ca708509f164384a25a)

Representative Tom Emmer of Minnesota, who leads the G.O.P. campaign arm, said **Republicans would attack Democrats over a set of "incredibly toxic" issues for the suburbs. He listed them as crime, tax increases, border security and the latest flash point of the culture wars, critical race theory — the idea that racism is woven into American institutions, which Republicans have seized on in suburban school districts.** "It's going to be a big issue in 2022," Mr. Emmer said. He added that while Democrats "seem to be focused on a personality in the past" — Mr. Trump — "we're focused on issues." **House Democrats also face structural and historical obstacles to retaining their slender nine-seat majority. In the modern era, a president's party has lost an average of 26 House seats in midterm elections. Redistricting will place nearly all members of the chamber in redrawn seats, with Republicans wielding more power to gerrymander than Democrats**. **National polling shows Mr. Biden's job approval consistently above 50 percent. But some recent surveys of swing House districts suggest that the president is less popular on specific issue**s. A survey in May of 37 competitive House districts by a Democratic group, Future Majority, found that **more voters disliked than liked Mr. Biden's handling of the economy, climate policy and foreign affairs**.

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2) Link non-unique: Focus on immigration already ruins Democrats' 2022 chances

Samuels 2021 — White House Reporter for *The Hill*

(Brett, White House Reporter for The Hill. GOP Believes Democrats Handing Them Winning 2022 Campaign. The Hill. April 18, 2021. https://thehill.com/homenews/administration/548757-gop-believes-dems-handing-them-winning-2022-campaign)

With Democrats already on the ropes based on history, Republicans feel they have a full complement of issues to attack the other party over, including policy matters and cultural issues that will motivate their voters and potential swing voters. **The border situation has been a favorite talking point for conservatives, with lawmakers and former President Trump blaming the Biden administration's rollback of hard-line immigration policies for the massive influx of migrants.** Heritage Action, a conservative advocacy group, conducted **polling** late last month in 15 congressional swing districts and 19 suburban swing counties **that found a majority of those surveyed agreed Biden's reversal of Trump's policies was to blame for the burgeoning crisis and were less likely to vote for Democrats because of the surge in migrants at the border**. **The White House on Friday said it would not raise the refugee cap from 15,000 this year despite Biden pledging to do so. The reversal drew widespread criticism from Democrats,** and it served as a signal that **the administration sees an increase in migration, even when it is those fleeing persecution, as a thorny political issue.** Some GOP operatives see it as an opening. **"Immigration and the loss of control of the border is the top Achilles' heel for Democrats**," said Dan Eberhart, a GOP fundraiser.

Democrats will win the 2022 midterms. Two warrants:

A. **Georgia runoffs and anti-Trump voters**

Hopkins 2021 — Opinion Contributor at *The Hill*

(Michael Starr, Opinion Contributor at The Hill. The GOP's Strategy Is Galvanizing Democrats Ahead of 2022. June 9, 2021. https://thehill.com/opinion/campaign/557550-the-gops-strategy-is-galvanizing-democrats-ahead-of-2022)

Less than a year after a brutal election that only further divided an already fractured nation, members of both sides of the aisle have begun to turn their attention to the upcoming 2022 midterm elections. It may seem entirely too early to begin talking about the midterm elections, but as we all recognize, election season is now a never-ending cycle. **Historically, the party in power loses seats in Congress during the midterms. Nevertheless, Democrats stand a strong chance at bucking that trend in 2022, if Republicans aren't careful. Democrats' win in Georgia during the 2020 general election, and subsequent runoff in 2021, was a blueprint on how to win Southern states with a progressive message and energetic turnout among communities of color.** Winning one Senate seat in Georgia would have been a big deal for Democrats heading into a presidential election, but **winning two Senate seats in Georgia would have been a bet that practically no Democrat would have taken this time last year; yet, here we are**. **Some of the credit for Republicans' wipeout in Georgia certainly sits at the feet of former President Donald Trump and his mishandling of COVID-19**. Changing demographics in the suburbs of Atlanta, coupled with Trump's insistence that going to the polls was a wasted effort, undoubtedly played a role in Democrats' big win. But the most important takeaway for Democrats to implement around the country heading into the midterm elections is that year-round party infrastructure and organizing matters. For far too long, Democrats thought they could drop into ruby red states during election season and attempt to persuade voters that they were the best party to speak to their issues. Unsurprisingly, those efforts were routinely rebuffed. Not because Democratic policies weren't the best fit for Southern states, who often rank at the very bottom on issues of access to healthcare and economic mobility, but because — like everything else in politics — it's all about relationships. When Democrats meet voters where they are and spend time understanding what motivates them, the investment tends to pay off. After losing the gubernatorial election in 2018, Stacey Abrams and her Fair Fight organization doubled down on their efforts to register new voters and combat voter suppression efforts across the South. That investment of both time and resources paid off handsomely when it came time for Democrats to mobilize voters during an international pandemic that upended door-to-door campaign efforts. **Democrats' decision to strengthen party infrastructure and adapt to a year-round campaign model isn't the only move that has them positioned to overperform in 2022. Trump continues to motivate turnout among a large swath of the Democratic party.** Historically, supporters of the party in power are lulled into a sense of complacency by their recent victory and a belief that they now control the immediate direction of the country. **This year feels much different from previous post-election years, when settling usually takes place among the electorate.** Much of that can be attributed to the Jan. 6 insurrection and a lack of political courage among Republicans to speak honestly about how and why the events unfolded. Most of which is a direct result of the power that Trump still yields within the Republican party. His ability to bend the party to his will and remake it in his own vision has left few Republicans willing to speak truth to power. The Hill's Morning Report - Presented by Goldman Sachs - Democrats... Wisconsin Rep. Gallagher raises nearly $625K amid Senate speculation More so than any policy or piece of legislation, **Democratic voters are worried about whether institutions can sustain Republicans returning to power** and continuing the divisive and damaging tone that gripped the nation over the last four years. To put it simply, **Trump may turnout Republicans, but he supercharges Democratic turnout.** Most Democrats see no difference between Trump and Republicans actually on the ballot, for good reason. **The more that Trump continues to push conspiracy theories** and implement litmus tests for Republican office holders, **the more likely it is that Democrats continue to see Trump as an existential threat, thereby driving up turnout.**

B. Record turnout

Brownstein 2021 — CNN Senior Political Analyst

(Ronald, CNN Senior Political Analyst. Analysis: How Democrats Can Defy History in 2022. CNN. June 22, 2021. https://www.cnn.com/2021/06/22/politics/democrats-2022-turnout-congress/index.html)

(CNN) **The huge voter turnout over the past three elections could scramble the usual dynamics of midterm voting -- potentially providing Democrats their best chance to avoid losses next year that could cost them control of the House, the Senate or both. The president's party has almost always lost ground in the first midterm after his election**, a trend that stretches back well into the 19th century and threatens Democrats clinging to a slim majority in the House and a 50-50 split in the Senate after Joe Biden's victory in 2020. **One reason for those consistent losses, political scientists and campaign operatives agree, has been that voters who support the new president typically have not felt as much urgency to turn out in the midterm elections as the voters opposed to him.** That risk still looms over **Democrats**, but **the party has a unique, rarely discussed, asset in trying to avoid that fate in 2022: the unusually large pool of voters who have backed its candidates in recent elections.** Everything else is working against Democrats, but this is the first midterm ... that a president's party has had this reservoir of votes hanging over. That's the way Democrats can avoid the usual losses in the midterm: They have the names and addresses. MICHAEL PODHORZER, POLITICAL DIRECTOR, AFL-CIO Voters surged to the polls in large numbers in 2016, and in record-breaking proportions in the 2018 and 2020 elections; Democrats won the popular vote in both of those presidential races by substantial margins, while also capturing significantly more House votes nationwide than the GOP in 2018. As a result, **there are nearly 91 million individual Americans who have voted Democratic in at least one of those three elections,** according to previously unreported calculations by Michael Podhorzer, the longtime political director of the AFL-CIO, from data collected by Catalist, a Democratic targeting firm. Even with Donald Trump's formidable success at energizing his supporters, **that's significantly more than the slightly more than 82 million voters who backed Republicans** in at least one of the past three elections, according to Podhorzer's calculations. **This disparity helps explain the torrent of new laws that red state Republicans are passing, on an almost entirely party-line basis, making it more difficult to vote.** As I've written, those laws, especially across the Sun Belt, represent an effort by local Republicans to stack sandbags against a rising tide of demographic change: to fortify their dominance in those states before a racially diverse rising generation of younger voters potentially erodes their advantage. The large surge of first-time voters in 2018 and 2020 offered Republicans an uncomfortable preview of how that generational replacement may change the electoral balance of power, because Catalist found that new voters in each election, especially the youngest ones, leaned solidly Democratic.

Link — increased regulation of lead levels in drinking water presents an experience hurdle for the Biden Administration, distracting from other issues.

Snider 2021 — Journalist for *Politico*

(Annie, Journalist For Politico. Politico Q&A: Radhika Fox, Acting Head of EPA's Water Office. Politico. April 14, 2021. https://www.politico.com/news/2021/04/14/radhika-fox-epa-481529)

Radhika Fox, a former executive for a nonprofit water advocacy group and water utility official, **is leading the Biden administration's work to incorporate environmental justice into EPA's water work and chart a course to reverse a litany of Trump-era rollbacks**. She comes to the role with a deep history in equity work and water infrastructure advocacy — **a focus that she's already brought to bear in helping to shape President Joe Biden's call to remove all lead piping from drinking water systems under his massive infrastructure proposal,** and in launching a review of the Trump administration's overhaul of the regulation governing lead levels in drinking water. **But that professional background is a departure from the hefty legal and regulatory experience that leaders of the water office under both Democratic and Republican administrations have had**, and **some in the environmental community have questioned whether the Biden administration plans to aggressively address the full range of rules that were weakened under Trump**. Fox says that addressing those rollbacks is a top priority, and that her selection "signals a commitment to do the regulatory work in a way that's grounded in people, that's grounded in community, and is grounded in really trying to achieve these equitable outcomes." For now, Fox is principal deputy administrator of the water office, but during a virtual event on Monday following Vice President Kamala Harris' visit to a water treatment plant in Oakland, Calif., EPA Administrator Michael Regan called her the "perfect person for this job at this moment in this time," adding to speculation that she could be nominated to the assistant administrator post.

Link — Agriculture's role in climate change is historically controversial, posing a distraction to key 2022 political issues.

Politico 2020

(A Voter's Guide To Food Stamp; Agriculture: Here's Where The 2020 Candidates Stand. March 2, 2020. https://www.politico.com/2020-election/candidates-views-on-the-issues/agriculture/)

Food and farming have not traditionally been high-profile campaign issues. That could change in 2020. **Rural voters played a critical role in the last presidential election and were crucial to Trump's political base.** Farmers, a small voting bloc (there are about 2 million farms in the U.S.), have largely stood by Trump amid his numerous trade disputes. **Many Democratic candidates have pledged to enact policies to boost the farm economy**, such as by strengthening antitrust laws and breaking up agribusinesses in the seed, pesticide and meat industries, and by helping farmers take on climate change. * Food & Agriculture Farm Economy What can be done to reverse a five-year downturn for farmers? 11 candidates have declared a position. * Farmers are reeling from five years of low commodity prices. Net farm income has been halved since 2013. And the downward trend has been exacerbated by President Donald Trump's trade disputes, which have left some farmers unable to sell their crops overseas. **Large-scale farms are becoming more common**, putting pressure on smaller producers, and rapid consolidation in the agrochemical sector means they may be paying more for seeds, fertilizers and equipment. Farmers also are facing labor shortages as Congress remains deadlocked on immigration reform. And in recent years, **climate change has contributed to intensifying natural disasters that have harmed agricultural operations in several state**s. *** Tackling agriculture's role in climate change has long been a controversial topic on Capitol Hill, with little support for establishing mandatory initiatives.** But the Trump administration's regulatory rollback has prompted many Democrats to call for ambitious climate action, including in the agriculture industry, which has lost billions of dollars in recent years due to more intense natural disasters like hurricanes, flooding and wildfires. **Agriculture accounted for 9 percent of U.S. greenhouse gas emissions in 2017**, a slight increase over prior year levels, according to EPA. **The main source is soil management,** like the use of fertilizers**, which can also lead to runoff that contributes to water pollution**. Livestock and their waste are another major source of emissions. But farming also functions as a "carbon sink" by removing excess carbon from the atmosphere through plants and soil.