

POINT OF ORDER

WATER RESOURCES TOPIC: TOPICALITY ARGUMENTS

National Federation of State
High School Associations



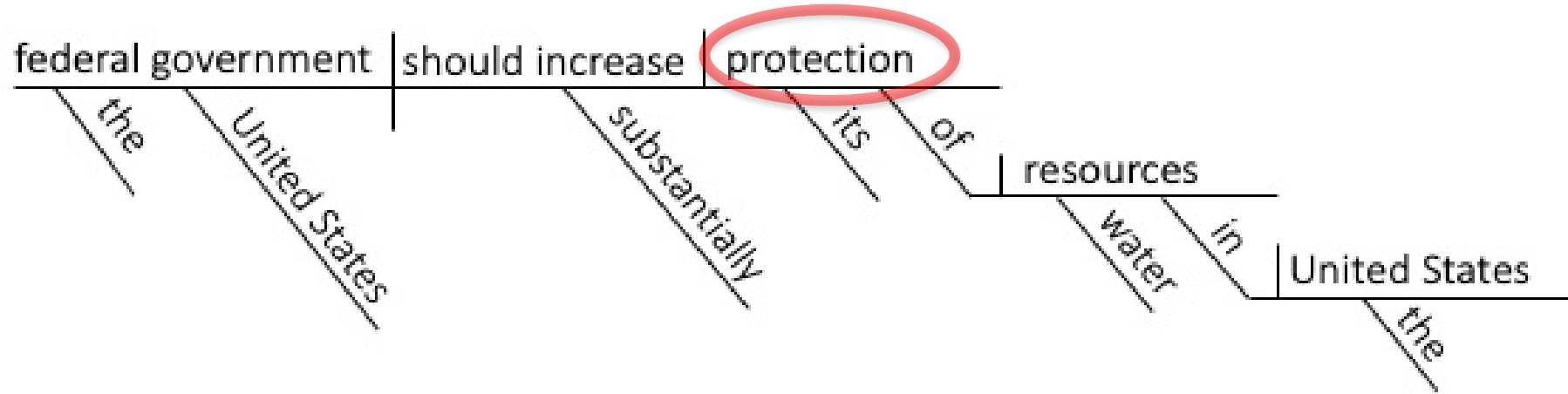
Some possible topicality arguments for the 2021-22 resolution:

Resolved: The United States federal government should substantially increase its protection of water resources in the United States.

A look at negative topicality arguments provided by Rich Edwards, Baylor University



TOPICALITY: “PROTECTION” REQUIRES LEGAL REGULATIONS ON WATER SOURCES



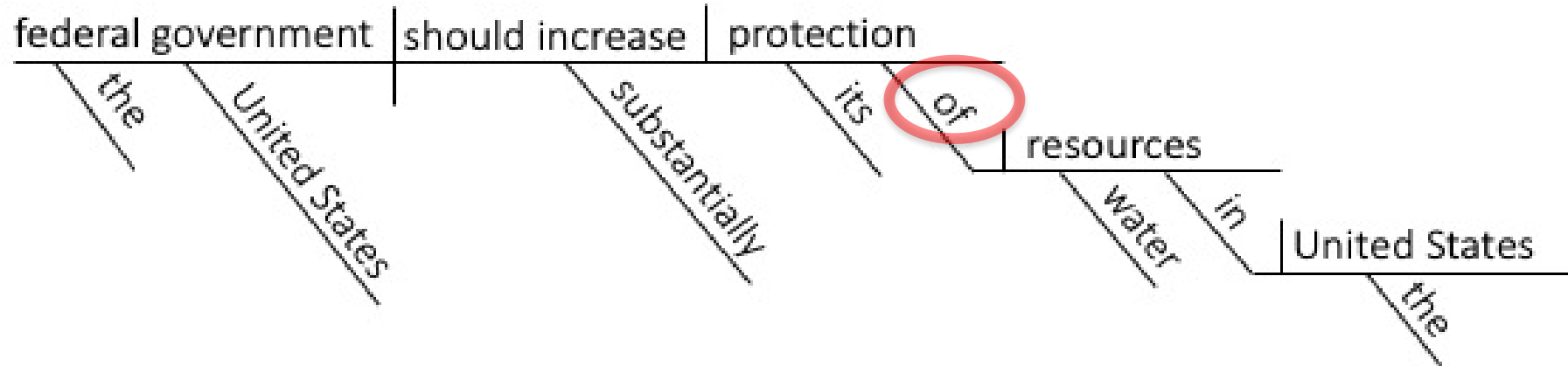
“Protection” of water resources requires legal regulations on actors to protect water; indirect actions on matters such as climate change are not topical.

Marco Bruni, (Institute of Cosmology and Gravitation, University of Portsmouth), WATER SOURCE PROTECTION. 2020. Retrieved May 16, 2021 from <https://sswm.info/arctic-wash/module-4-technology/further-resources-water-sources/water-source-protection>

Implementing water source protection requires a legal framework. This usually involves a protection plan, which formulates responsibilities, specific protection measures and basic rules that apply to all community members and water source users.



TOPICALITY: PROTECTION “OF” WATER RESOURCES MEANS PREVENTING WATER POLLUTION



Protection “of” water resources requires preventing pollution of water; Cases protecting species living “in” water (overfishing, protection of sea turtles, etc.) are not topical.

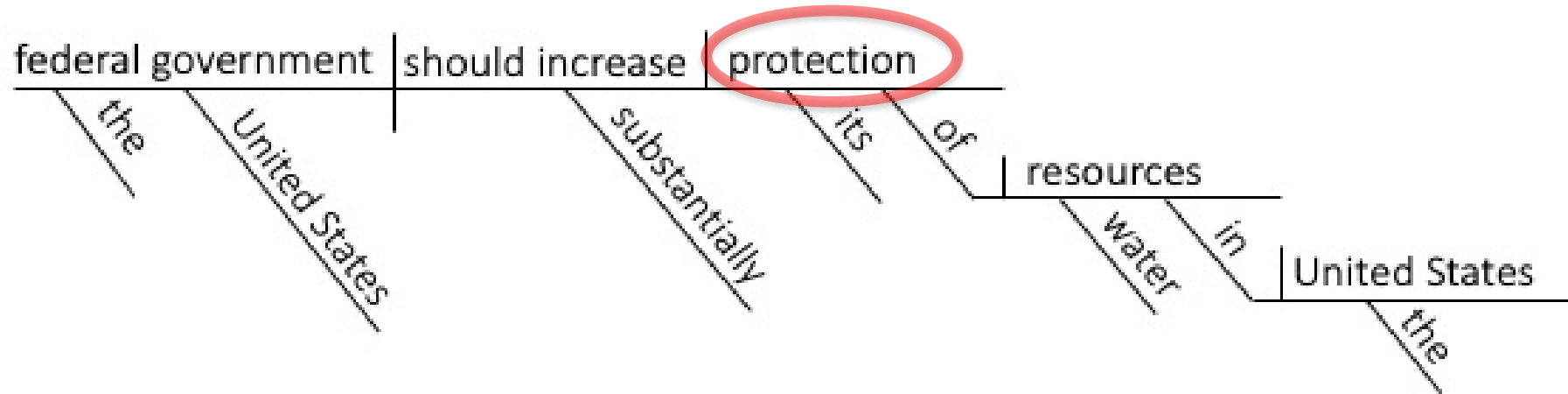
Marco Bruni, (Institute of Cosmology and Gravitation, University of Portsmouth), WATER SOURCE PROTECTION. 2020. Retrieved May 16, 2021 from <https://sswm.info/arctic-wash/module-4-technology/further-resources-water-sources/water-source-protection>

Water source protection involves the protection of surface water sources (e.g. lakes, rivers, man made reservoirs) and groundwater sources (e.g. spring protection, dug well protection, and drilled well protection) to avoid water pollution (see also pathogens and contaminants).





TOPICALITY: “PROTECTION” IS DISTINCT FROM PURIFICATION



“Protection” of water resources denotes the prevention of contamination, as opposed to the purification of water post-contamination.

Marco Bruni, (Institute of Cosmology and Gravitation, University of Portsmouth), WATER SOURCE PROTECTION. 2020. Retrieved May 16, 2021 from <https://sswm.info/arctic-wash/module-4-technology/further-resources-water-sources/water-source-protection>

All in all, water source protection keeps contaminants out of drinking water and is often more cost-effective than removing contaminants after the water source has been polluted.



TOPICALITY: “PROTECTION” IS DISTINCT FROM “USE”

federal government | should increase | protection |
the | United States | substantially | its | of | resources | water | in | United States |
the

“Protection” involves preventing harm to water resources, not the use of water for desalination, bottling water, generating electricity with wave power, etc.

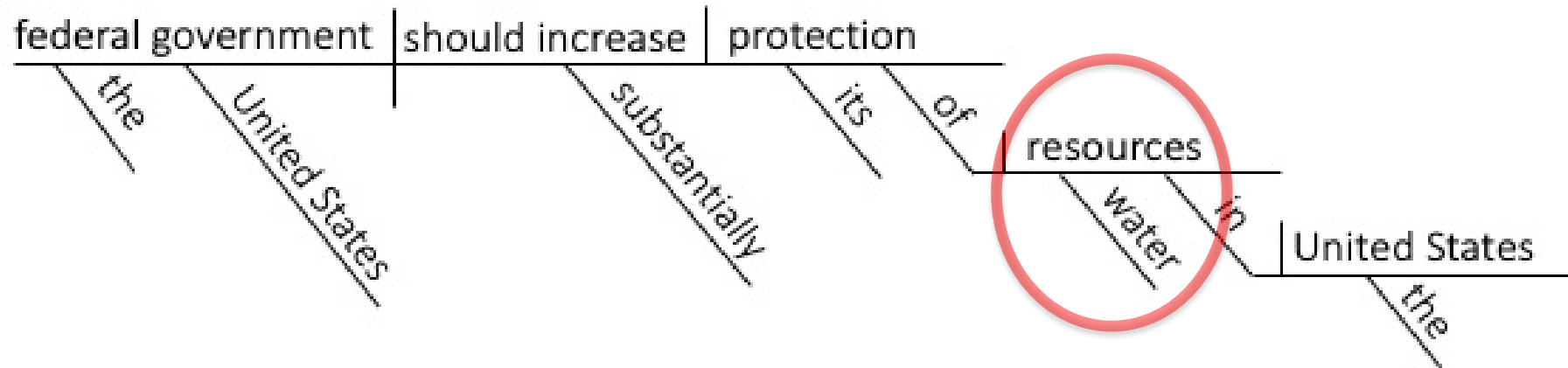
Anne Soukhanov, (Editor), ENCARTA WORLD ENGLISH DICTIONARY, 1999, 1445.

The act of preventing somebody or something from being harmed or damaged, or the state of being kept safe .





TOPICALITY: “WATER RESOURCES” REFERS TO FRESHWATER



The term “water resources” implies freshwater; cases dealing with ocean water are not topical.

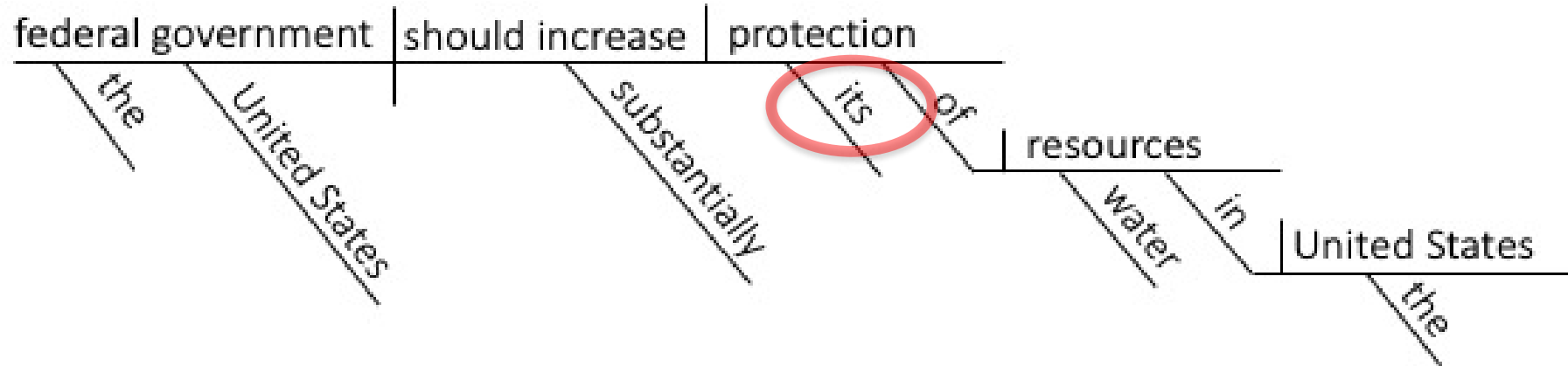
Alexander Lane et al., (Water Planning Consultant), WATER RESOURCES: A NEW WATER ARCHITECTURE, 2018, 10.

Where there is a stock or supply of freshwater that can be drawn on by individuals, companies or water authorities, that water is termed a ‘water resource.’ The term ‘resource’ implies use, that is use to maintain life and to support standards of living, as well as use through agriculture and other activities.





TOPICALITY: “ITS” MEANS THE PROGRAMS OF THE FEDERAL GOVERNMENT



“Its” means that the affirmative plan must directly involve programs of federal protection; incentives or grants for states and localities to protect water resources are not topical.

Henry Black (Ed.), BLACK’S LAW DICTIONARY, 1990, 695.

Federal government: The government of the United States of America, as distinguished from the governments of the several states.

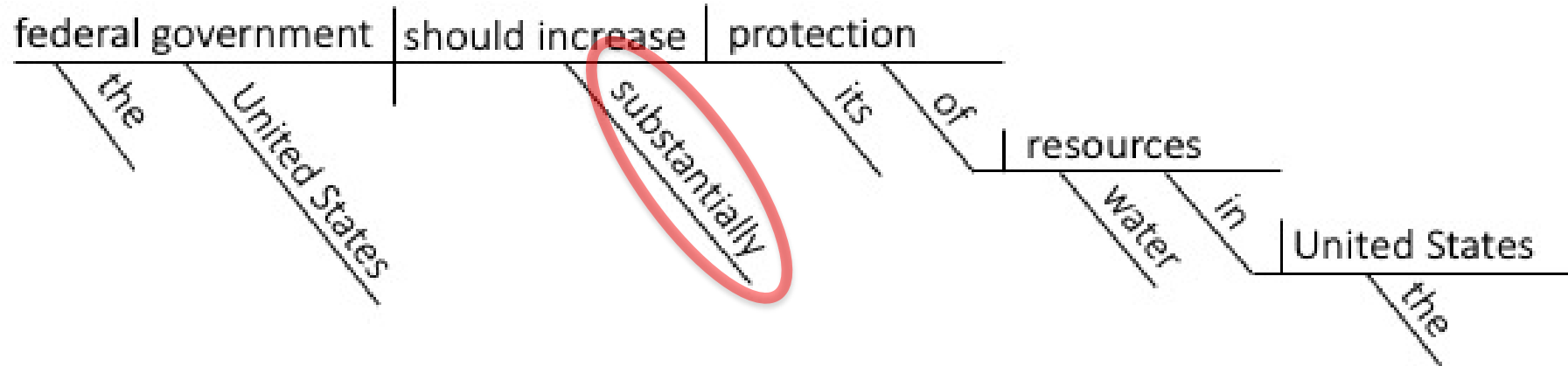
J Frederick Mish, (Editor-in-chief), WEBSTER’S COLLEGIATE DICTIONARY, 10th ed., 1993, 623.

Its: Of or relating to it or itself, esp. as possessor.





TOPICALITY: “SUBSTANTIALLY” MEANS DEALING WITH SUBSTANCE AND NOT PROCEDURE



“Substantially” means that the plan must deal with substantive law: cases merely declaring that water is a human right, or cases changing technical procedures used in the Clean Water Act or the National Environmental Protection Act are not topical.

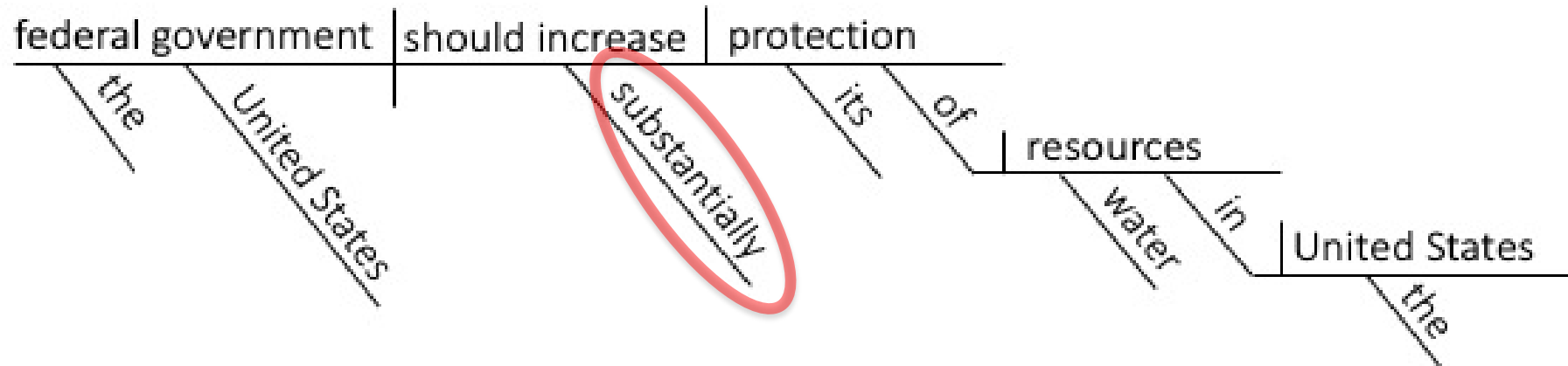
Merriam-Webster, 2020. Retrieved May 21, 2020 from <https://www.merriam-webster.com/legal/substantial%20right>.

Legal Definition of substantial right: An important or essential right that merits enforcement or protection by the law: A right related to a matter of substance as distinguished from a matter of form.





TOPICALITY: “SUBSTANTIALLY” MEANS ACROSS THE BOARD



“Substantially” means that the plan must deal with water resources across the United States rather than in a single isolated area; cases dealing with a single river, lake, or stream or even a single region of the country are not topical.

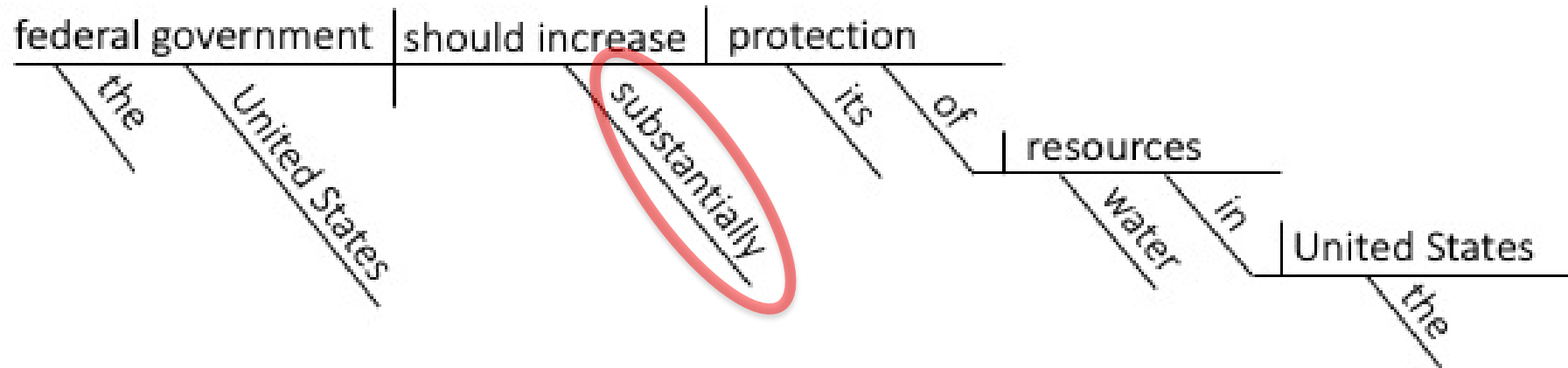
SCHOOL DISTRICT OF HOLMEN, Dec. 9, 2013. SECTION 504 OF THE REHABILITATION ACT OF 1973. Retrieved May 16, 2021 from https://www.holmen.k12.wi.us/board/policies_and_admin_rules/300/a342-1%20504%20Rehab%20Act%20of%201973%2012-9-13.pdf

The Supreme Court in “Toyota v. Williams” noted that to meet the “substantially limit” definition, the disability must occur across the board in multiple environments, not only in one environment or one setting.





TOPICALITY: “SUBSTANTIALLY” MEANS MORE THAN 25%



“Substantially” means at least 25%; cases impacting only a small portion of the water resources in the United States are not topical.

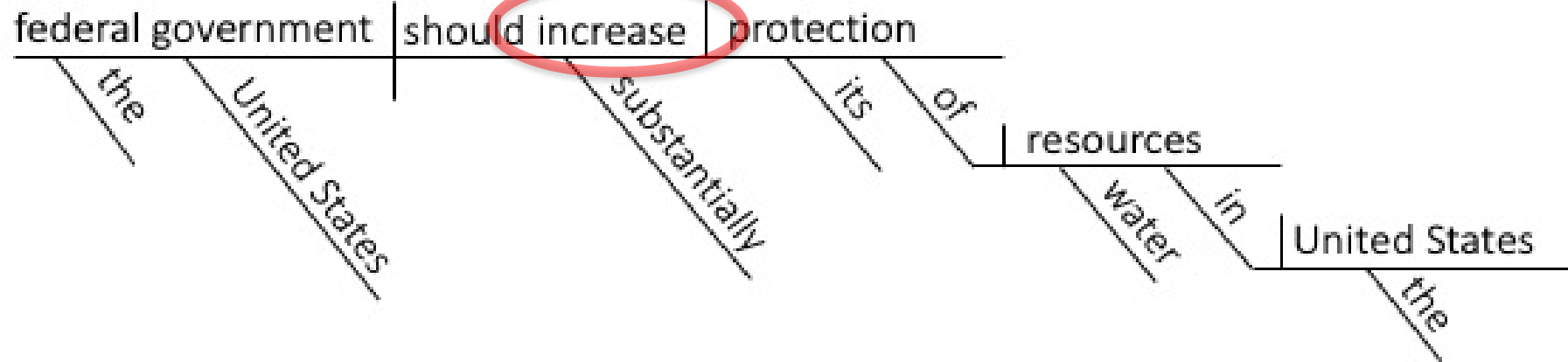
Federal Tax Regulation, Section 1.409A-3(j)6, INCOME TAX REGULATIONS (Wolters Kluwer Business Publication), 2008, 723.

For this purpose, a reduction that is less than 25% of the deferred amount in dispute is not a substantial reduction.”





TOPICALITY: “INCREASE” MEANS THE PLAN MUST INCREASE EXISTING PROTECTIONS OF WATER



“Increase” is distinct from “create;” the resolution calls for increasing protections under pre-existing federal programs.

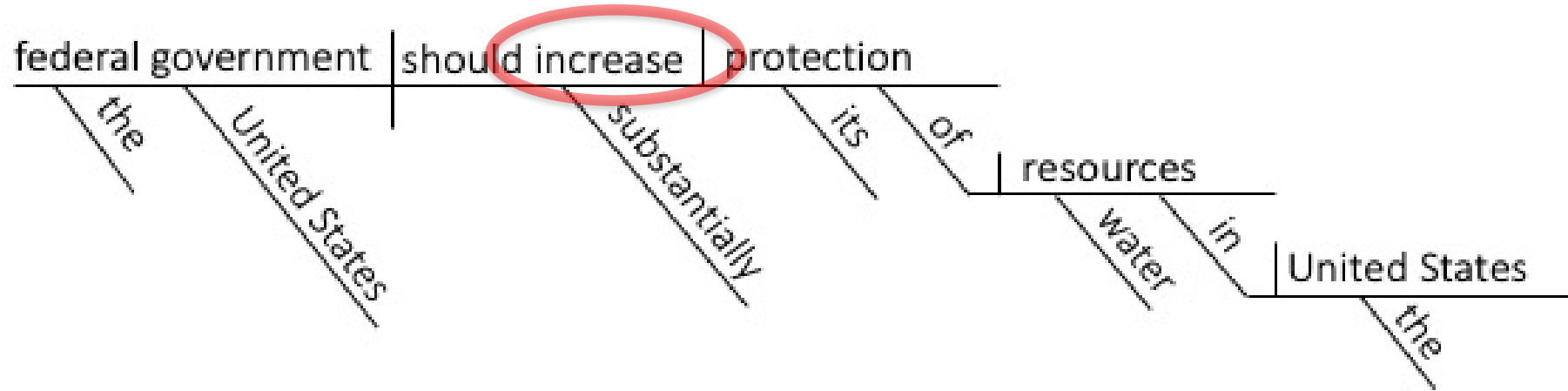
WORDS AND PHRASES, 1960, 381.

“Increased,” as used in West’s Ann.Cal. Const. art. 12, § 11, providing that the stock and bonded indebtedness of corporations shall not be increased without the consent of the person holding the larger amount of the stock, does not include or apply to the first creation of bonded indebtedness. To give it such meaning would be to inject into the provision the word “create.”





TOPICALITY: “INCREASE” MEANS A NET INCREASE



“Increase” means that the plan must do more than merely shift resources from one water protection program to another, or to shift water protection resources from one region to another region.

WORDS AND PHRASES CUMULATIVE SUPPLEMENTARY PAMPHLET, Vol. 20A, 07, 309.

Increase: Term “increase” as used in statute giving the Energy Commission modification jurisdiction over any alteration, replacement, or improvement of equipment that results in “increase” of 50 megawatts or more in electric generating capacity of existing thermal power plant, refers to “net increase” in power plant’s total generating capacity in deciding whether there has been the requisite 50-megawatt increase as a result of new units being incorporated into the plant.



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