

Opening Statement of the Honorable John Shimkus
Subcommittee on the Environment
Hearing on “Modernization of the Superfund Cleanup Program”
January 18, 2018

(As prepared for delivery)

The Subcommittee will now come to order. The Chair recognizes himself for 5 minutes.

Today we continue the Subcommittee’s oversight of the Superfund cleanup program and we initiate a discussion with EPA and other stakeholders about ways to modernize the program to make sure that Superfund sites around the country are getting cleaned up and returned to productive use in the most efficient and effective manner possible.

The Comprehensive Environmental Response, Compensation, and Liability Act or CERCLA also known as ‘Superfund’ was signed into law on December 11, 1980. The National Priorities List came into existence in 1983 and it is the prioritization of sites with known releases or threatened releases of hazardous substances throughout the United States. As of November 2017, there were over 1,300 sites on the NPL and many of the sites have been on the list for more than 20 years. The process of evaluating contamination at a site and determining the appropriate remedy can take years or even decades which delays the cleanup of the site and prevents the area from being returned to productive use – which is why today’s hearing is so important.

We applaud Administrator Pruitt for making Superfund cleanups a priority because he correctly noted that cleanups take too long to start and too long to complete. To improve the efficiency and efficacy of the Superfund program, EPA developed an extensive list of recommendations to restructure the cleanup process and make sure that responsible parties and other stakeholders are fully engaged in the process. I would like to welcome Mr. Breen, the Principal Deputy Assistant Administrator for the Office of Land and Emergency Management who will hopefully be able to share with us information about the efforts undertaken by the Agency to expedite cleanups and reinvigorate redevelopment. We hope that today will be the start of a productive dialogue about the Superfund cleanup program and how we can all work together to make sure that the program results in timely and efficient cleanups.

When CERCLA was enacted, very few states had their own cleanup programs. Whereas, today all states have robust and successful programs. We need to assess whether States should have a more significant role in CERCLA cleanups and whether there are cleanups that are best handled entirely by the States. Furthermore, there is a lot of process involved with CERCLA cleanups. We need to take a serious look at whether that process is working and whether it encourages or impedes cleanups.

To help us with this analysis, we welcome our second panel. We welcome back Mr. Cobb from the State of Alabama who is here on behalf of a good friend of the Subcommittee, ASTSWMO. Mr. Cobb is the head of the land division in Alabama and he will hopefully talk to us about how far states have come with developing cleanup programs and whether the current role for states in CERCLA cleanups is appropriate. We also welcome Mr. Porter, who is the former head of EPA's Office of Solid Waste and Emergency Response. Mr. Porter has been in the trenches at EPA with respect to CERCLA cleanups and hopefully he can share with us his ideas and suggestions for making the program work better. We also have with us today, Jim McKenna who comes to us from Governor Brown's office in Oregon. Mr. McKenna has over 30 years of experience working with the superfund cleanup program and we welcome his suggestions for modernizing the program both from the State and responsible party perspective. And last, but not least, we will hear from Katherine Probst who recently wrote a detailed report on how to improve the Superfund program and Ms. Mans who is part of the Community Advisory Group for the Passaic River Superfund Site in New Jersey which was listed on the National Priorities List in 1984 so hopefully she will have some productive suggestions for us on how to make the program work better. So, welcome everyone.