

Attachment—Additional Questions for the Record

Subcommittee on Environment and Climate Change

Hearing on

“The CLEAN Future Act and Environmental Justice: Protecting Frontline Communities”

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The Honorable Nanette Diaz Barragán (D-CA)

1. Superfund sites are contaminated with the most dangerous toxic pollutants. The backlog of Superfund cleanups is the largest it has been in the last 15 years¹. Many communities are waiting years, if not decades, for contaminated sites to be cleaned up, and in many cases the corporation responsible is bankrupt and can't be fully held accountable. This happened recently at an abandoned Exide battery recycling plan in Los Angeles County. How can Congress reform the Superfund program so it works better for environmental justice communities?

RESPONSE:

Congresswoman Barragán thank you very much for your question. To put it bluntly, the Superfund program needs more money. Period. Funding for cleanup of toxic sites was greater prior to the mid-1990s due to a tax on petroleum and chemical industries that Congress chose not to reauthorize in 1995. Since then, funding has been in a steep decline. Funding for the program has decreased since then from \$4 billion to around \$1 billion today, which has led to a decrease in cleanups. [00] Today, there are still people advocating for a "make polluters pay" tax, which could work, but only if there were a mechanism to prevent industries from diverting their costs to nearby environmental justice communities. If there were such a mechanism to prevent that outcome, then the tax may work.

¹ <https://blog.ucsusa.org/juan-declet-barreto/superfund-site-cleanups-ignore-communities-of-color>

The site that you mentioned, and the countless other orphaned sites that have not been cleaned up (most of which are in environmental justice communities), need investments commensurate with the work required to keep people and communities safe. Congress, along with the White House, can give that program more funding. For example, Senator Booker's and Congressman McEachin's Environmental Justice Legacy Pollution Cleanup Act would give the Superfund program billions of dollars to cleanup these orphan sites. In addition, the Superfund program needs to be strengthened to ensure that potentially responsible parties are identified and held accountable and not protected by bankruptcies, but that sites are cleaned up to safe levels. As a part of that, the responsibility for site cleanup should rest with the EPA, and not necessarily with state and local governments.

An adequately funded and strengthened Superfund program will reduce the disparities in Superfund site cleanups in EJ communities. For example, Superfund site deletions since 2017 have targeted a smaller share of communities of color as compared to those deleted during 2008-2016: 24.8 percent, impacting about 41,000 people between 2017-2020, versus 33.5 percent (about 107,000 people). The difference of nearly 9 percentage points indicates that recent Superfund site cleanups have neglected communities of color. In addition, there is a great deal of work to be done to protect EJ communities from toxics present in these sites. Nearly 31.7 percent of the 6.1 million people living in census tracts with Superfund sites that have not been cleaned up are people of color.