

CMR Opening Statement
Environment and Climate Change Subcommittee
May 13, 2021
CLEAN Future Act – Superfund provisions

As prepared for delivery

Good morning, everyone, and good morning to our witnesses.

Today, our subcommittee is having a hearing on provisions in the CLEAN Future Act that are related to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 also known as Superfund.

I note that unfortunately we are not hearing today from the U.S. Environmental Protection Agency. It is imperative that members have an opportunity to question and get feedback from EPA in a hearing setting. We need to hear about the feasibility of this legislation and how it would be implemented.

Having any kind of discussion about changing Superfund cannot occur in a vacuum. So much has occurred in this program and at these sites in the last four decades that ignoring history risks making Superfund outcomes worse. I know the Chairman of the full Committee is a big supporter of reinstating the Superfund tax as a way of curing what ails Superfund.

For me, though, as I said at our budget hearing, I want to know exactly what all that money is buying. Past GAO studies have shown that EPA's Superfund program was spending less than 50 cents of every dollar out of its cleanup budget on dirt-moving cleanups at these heavily contaminated sites.

In addition, Superfund sites were taking what seemed like forever to clean up. We should be focusing on reality and results. Provisions in this bill likely will slow progress and add costs. One provision removes the Act of God defense for liability for unanticipated natural events if they are connected to climate change.

This is simply unrealistic. Human activity certainly influences climate change. But, legislating the words out of a statute is not going to change the fact that Acts of God still exist. In my home state of Washington, people

are painfully aware of the four Superfund sites at Hanford (32 years) and the Puget Sound Naval Shipyard (27 years).

More specific to my own district, Fairchild Air Force Base has four waste areas that have officially been on EPA's priority list even longer than Hanford and Puget Sound. We need to figure out how to move protective cleanups along rather than ways to make them take more time.

This is why many of my Republican colleagues and I were so pleased with the work of the previous Administration. They prioritized listening to affected communities, getting the cleanups done, and removing these sites from the National Priorities List. The previous EPA didn't just say it, they did it – the most “delistings” of cleaned Superfund sites in 20 years!

And, the Trump EPA positioned even more sites to complete their cleanups and receive delisting in the not too distant future. They will not get “credit” for doing this, but all Americans are the winners when communities can turn the page to redevelopment and a cleaner future.

Superfund and the communities with these sites have been marred by stigma, litigation, and delay. We should avoid creating more of that-- and instead, produce the one thing Superfund was meant to do clean up.

Perhaps this is why so many of us are big fans of the Brownfields program: the sunniest side of the Superfund law. Brownfields is a twenty-year-old program that has been successfully returning blighted properties back into productive use, whether for retail, industrial, or renewable energy.

In Eastern Washington, we've seen the benefits of Brownfield grants for both the Hillyard neighborhood and Riverfront Park in Spokane. I appreciate that the CLEAN Future Act is only trying to further extend the Brownfields program. What is concerning for me are the significant funding increases and whether statutory funding criteria will be applied.

I look forward to hearing testimony from our witnesses, and to discussing further our concerns with the Superfund provisions in the CLEAN Future Act. We have seen in the previous Administration how to approach the Superfund program in a successful way - with prioritization, engagement with communities, and progressive cleanup actions. We should be working

for results and outcomes – not delays and inaction. Thank you, Mr. Chairman. I yield back whatever time I have remaining.