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6 REVITALIZING AMERICA THROUGH THE

7 REAUTHORIZATION OF THE BROWNFIELDS PROGRAM

8 WEDNESDAY, SEPTEMBER 27, 2023

9 House of Representatives,

10 Subcommittee on Environment, Manufacturing,

11 and Critical Materials,

12 Committee on Energy and Commerce,

13 Washington, D.C.

14

15 The subcommittee met, pursuant to call, at 10:00 a.m.,

16 in Room 2123 Rayburn House Office Building, Hon. Bill

17 Johnson [chairman of the subcommittee] presiding.

18

19 Present: Representatives Johnson, Carter, Palmer,

20 Crenshaw, Joyce, Weber, Allen, Balderson, Fulcher, Pfluger,

21 Miller-Meeks, Obernolte, Rodgers (ex officio); Tonko,

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22 DeGette, Schakowsky, Sarbanes, Clarke, Ruiz, Peters, and
23 Pallone (ex officio).
24

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25 Also present: Representatives Dingell and Trahan.

26

27 Staff present: Sarah Alexander, Professional Staff
28 Member; Kate Arey, Digital Director; Sarah Burke, Deputy
29 Staff Director; Marjorie Connell, Director of Archives;
30 Jerry Couri, Deputy Chief Counsel; Sydney Greene, Director
31 of Operations; Rebecca Hagigh, Executive Assistant; Nate
32 Hodson, Staff Director; Tara Hupman, Chief Counsel; Sean
33 Kelly, Press Secretary; Peter Kielty, General Counsel; Emily
34 King, Member Services Director; Elise Krekorian,
35 Professional Staff Member; Mary Martin, Chief Counsel;
36 Kaitlyn Peterson, Clerk; Karli Plucker, Director Operations
37 (shared staff); Carla Rafael, Senior Staff Assistant; Emma
38 Schultheis, Staff Assistant; Peter Spencer, Senior
39 Professional Staff Member; Michael Taggart, Policy Director;
40 Dray Thorne, Director of Information Technology; Tiffany
41 Guarascio, Minority Staff Director; Anthony Gutierrez,
42 Minority Professional Staff Member; Caitlin Haberman,
43 Minority Staff Director; Emma Roehrig, Minority Staff
44 Assistant; and Kylea Rogers, Minority Policy Analyst.

45

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46 *Mr. Johnson. The committee will come to order -- the
47 hearing will come to order.

48 Welcome everyone to today's Environment, Manufacturing,
49 and Critical Material Subcommittee's hearing on Revitalizing
50 America Through the Reauthorization of the Brownfields
51 Program. Mr. Breen, welcome. Thank you for being with us
52 today.

53 You know, this has long been a very bipartisan issue,
54 so let me be clear at the outset, I want to continue that
55 bipartisan work today, and I look forward to working with my
56 colleagues, both Democrat and Republican, on extending this
57 important program to promote environmental cleanup and
58 economic redevelopment across our country.

59 Our hearing today is timely because the Brownfields
60 Program formally expires this year. Importantly, today's
61 hearing also reaffirms the committee's jurisdiction over the
62 program and advances the reauthorization process through
63 regular order.

64 I again appreciate our witnesses for joining us today
65 to shed light on how EPA's Brownfields Program is currently
66 working, identify opportunities for improvement, and find

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67 ways to monitor the progress of grant-funded projects,
68 particularly since the Infrastructure Investment and Jobs
69 Act provided an unprecedented infusion of funding to the EPA
70 for brownfields.

71 The Brownfields Program provides critical grant funding
72 and liability protections that allow states, communities,
73 and stakeholders to clean up and redevelop previously
74 contaminated sites. I am proud to have represented Eastern
75 and Southeastern Ohio with its rich history of manufacturing
76 and industrial development, and I have seen the significant
77 benefits of brownfields investments in and around my own
78 district.

79 For example, I mentioned this in our last Brownfields
80 hearing. The district lines have changed since 2020, but in
81 May of 2020 under the Trump administration, the EPA awarded
82 600,000 in Brownfields Program funding to clean up former
83 industrial sites in Ironton and Coal Grove in Southern Ohio.
84 This was and continues to be a big deal for these rural
85 Appalachian communities with a proud history of
86 manufacturing and industry along the Ohio River.

87 But also looking to Northeast Ohio, I was proud just a

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88 couple of years ago to speak with local leaders and tour the
89 Wick Six brownfield site in Youngstown, which also received
90 a substantial grant from the EPA.

91 My friends, the point is that many of you on this
92 subcommittee today have probably seen similar successes of
93 these Brownfield grants in your district, so I believe we
94 can build on recent successes of the Brownfields Program so
95 communities all across America can benefit from the EPA's
96 dual environmental and economic investment.

97 So the discussion draft we are focusing on today
98 includes five legislative tweaks to strengthen the
99 Brownfields Program. First, the draft creates the Rural
100 Brownfield Showcase Program with grants for communities with
101 populations less than 50,000 residents and less than 100,000
102 residents, two different tiers. I represent several rural
103 counties, as do many of our subcommittee members, and we
104 strongly believe that the Rural Brownfield Showcase Program
105 would ensure that these communities, rural communities, are
106 not left behind.

107 In addition, oversight of brownfields is incredibly
108 important and the discussion draft outlines unique roles for

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109 the EPA and EPA's Office of Inspector General to conduct
110 internal audits to ensure that federal funds are awarded
111 properly. Simply increasing overall funding levels for
112 brownfields without carefully crafted oversight mechanisms
113 could lead to lower quality projects, not to mention waste,
114 fraud, and abuse.

115 The draft also increases the involvement of local
116 governing officials by adding local concurrence as a
117 condition of the EPA awards. Furthermore the discussion
118 draft also private -- I'm sorry, the discussion draft allows
119 private for-profit limited liability partnerships whose
120 application has the backing of the local government, a state
121 sanctioned redevelopment agency, or a nonprofit in order to
122 receive grants under the Brownfields Program. If we are
123 looking to stretch federal dollars to the fullest, we should
124 include these relevant stakeholders in the process.

125 Finally, the draft authorizers -- authorizes
126 appropriations for five years through fiscal year 2028
127 providing the necessary certainty to the program to
128 encourage more investment and economic development. Of
129 note, authorization amounts in the discussion draft are

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130 intentionally blank. I have some concerns with permanently
131 increasing grant amounts and waiving cost sharing
132 requirements, but I hope to -- that today's conversation and
133 future conversations will allow us to reach consensus.

134 In summary, I look forward to working with my
135 Republican and Democratic colleagues, the EPA state and
136 local officials, and private sector stakeholders to help
137 ensure that the Brownfields Program continues to bolster
138 communities by funding environmental cleanup and economic
139 redevelopment across the country.

140 [The prepared statement of Mr. Johnson follows:]

141

142 *****COMMITTEE INSERT*****

143

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144 *Mr. Johnson. And with that, thank you for indulging
145 my time, and I yield back.

146 And now I recognize the gentleman from New York, Mr.
147 Tonko, for his opening statement.

148 *Mr. Tonko. Thank you, Mr. Chair, for holding this
149 hearing on the Majority's discussion draft to reauthorize
150 the EPA's Brownfields Program.

151 Whenever we discuss this program I immediately think
152 about the opportunities that have been created in my home
153 district and my hometown from the remediation of former
154 industrial sites. Along the Mohawk and Hudson Rivers, many
155 mill towns once thrived. Factories produced carpets, and
156 collars, and leather products. But when those factories
157 closed, valuable properties, often on the waterfront, were
158 left abandoned or underutilized.

159 Thanks to the hard work of local governments, often
160 with the support of EPA funding, many of these properties
161 have been able to be transformed. In some places, new parks
162 allowing public access to the waterfront have been created
163 and other sites have been prepared for economic
164 redevelopment, enabling a new employer to move into that

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165 given space.

166 This is a common good news story and it is not unique
167 to my district. Brownfields are found in communities all
168 across our country from the most industrial cities to the
169 most rural of towns. And these success stories would not be
170 possible without the EPA. Because of EPA support, since
171 2002, tens of thousands of acres of idle land have been made
172 ready for productive use, increasing nearby property values
173 and helping to preserve greenfields. These properties have
174 been brought back onto the tax rolls and have helped support
175 communities and revitalization efforts and they have
176 protected public health by addressing potential
177 environmental threats.

178 I am so proud of the bipartisan work this subcommittee
179 did during the last reauthorization to strengthen this
180 program. That effort made a number of widely agreed upon
181 improvements based on the consensus recommendations from a
182 range of stakeholders. This included increasing individual
183 grants to enable more complex sites to be remediated,
184 creating multipurpose grants, making it possible for
185 nonprofit stakeholders to get more involved in the program,

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186 and allowing a small portion of grants to be used to cover
187 administrative costs.

188 With these reforms, the program has continued its
189 strong track record of success. Each federal dollar spent
190 continues to leverage about \$20. And just yesterday, EPA
191 announced the availability of some 235 million dollars in
192 multipurpose assessment and cleanup grants made possible by
193 the Infrastructure Investment and Jobs Act, which is making
194 a difference all across our country. The Bipartisan
195 Infrastructure Law included an historic investment of 1.5
196 billion dollars for the program and these funds provide even
197 greater opportunities for disadvantaged communities by
198 removing the program's cost share requirements.

199 I am very excited about so much of the work that we can
200 do. I have no doubt that this round of funding will bring
201 new opportunities and hope to many communities. I am
202 thankful that the work of the program since the last
203 reauthorization has moved us even further. I believe the
204 changes that were made have been successful and I am eager
205 to examine how we can build upon that success.

206 But with that said, there are a few provisions in the

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207 discussion draft under consideration today that I am not
208 convinced have the same level of consensus and widespread
209 support as the reforms from 2018. I also want to note that
210 the authorization funding levels have been left blank. I
211 expect one area where we will hear agreement from all the
212 stakeholders today is that this very successful program can
213 and should receive more funding.

214 We know the Brownfields Program is an incredible
215 investment of federal dollars. It enables local governments
216 to support environmental and economic revitalization by
217 turning a liability into an opportunity, so I truly hope
218 that we can work together to make certain this program has
219 the resources and authorities necessary to continue
220 assessing and remediating the tremendous number of remaining
221 sites across our country.

222 I look forward to hearing from our witness, and I hope
223 we can work together on this legislation.

224 [The prepared statement of Mr. Tonko follows:]

225

226 *****COMMITTEE INSERT*****

227

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228 *Mr. Tonko. And with that, Mr. Chair, I yield back.

229 *Mr. Johnson. The gentleman yields back. The chair
230 now recognizes the chair of the full committee, Chair
231 Rodgers, for five minutes for her opening statement.

232 *The Chair. Thank you, Mr. Chairman. Good morning,
233 everyone.

234 Today we are examining the EPA's Brownfields Program.
235 This program was authorized under the Comprehensive
236 Environmental Response Compensation and Liability Act of
237 1980. It is commonly referred to as either CERCLA or
238 Superfund.

239 A brownfield site, as many of you know, is an abandoned
240 or underutilized property with known or suspected
241 contamination. The risk of legal liability for existing
242 contamination can discourage interested buyers from
243 purchasing the property for redevelopment due to threats of
244 litigation. This can rob communities of vital economic
245 development opportunities.

246 The Brownfield statute provides liability defenses for
247 landlords and potential purchasers and authorizes grants to
248 encourage environmental assessment and cleanups. This

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249 program can rejuvenate existing property and infrastructure
250 and take development pressures off of undeveloped land, and
251 it improves the environment. All of this increases local
252 tax bases and creates jobs for Americans across the country.

253 The Brownfields Program has been successful in removing
254 barriers to investment in economic development while also
255 addressing environmental contamination. Since 2002, the
256 EPA's Brownfields Program has cleaned up 200 -- 2,000 --
257 2,260 properties, revitalized 10,400 properties for reuse,
258 created more than 270,000 jobs, and resulted in nearly 40
259 billion in investment. This has translated into numerous
260 success stories.

261 There's Minute Maid Park in Houston, Texas, home of the
262 Houston Asteroids (sic). Since 2000, the ballpark holds
263 more than 41,000 fans for its 81 home games each season.
264 Minute Maid Park has hosted games in three of the last seven
265 World Series including in 2021 when the three World Series
266 games generated more than 25 million for Houston. The park
267 also frequently hosts concerts and other major events to
268 bring the Houston community together.

269 And then there is the Georgia Sea Turtle Center at

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270 Jekyll Island, Georgia. This 5500-square foot facility
271 includes an exhibit area, visitor space, and a veterinary
272 clinic. Jekyll Island, where the turtle cancer (sic) is
273 located, receives more than three million visitors per year.

274 And looking closer to my home, there's a university
275 district in Spokane, Washington. The university district
276 has five major universities and two medical school programs.
277 The Health, Education, and Research Complex at the
278 university district boasts some 90,000 enrolled students at
279 eight regional universities. The university district also
280 inspires economic development such as Life Sciences Spokane
281 which supports the billion dollar Intermountain Northwest
282 Health Sciences Sector.

283 The Brownfields Program has played a role in all these
284 stories, improving the lives of Americans and bringing
285 prosperity around the country. By reauthorizing the
286 Brownfields Program, we can build on these successes.
287 Brownfields extension has historically been a bipartisan
288 goal for the committee, and as the authorizing committee,
289 one of our most important responsibilities are these regular
290 reauthorizations which help ensure taxpayer dollars are

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291 being spent responsibly and that programs like Brownfields
292 are working and helping our communities.

293 Today's hearing is an opportunity to review and if
294 possible enhance the Brownfields Program. It is a
295 continuation of the regular order process that began last
296 Congress. This discussion draft is the next step, and as
297 always, we encourage engagement from all members and
298 stakeholders as we work through the committee process and
299 especially when considering the funding figures for the
300 program.

301 And it is important that we don't neglect to remember
302 just how much in taxpayer dollars was spent last Congress.
303 It is vital that we appropriate responsibly and allow for
304 proper oversight to ensure accountability of these
305 resources. There are risks to dramatically increasing
306 funding, including decreasing competition as well as quality
307 among grant applicants. We also need to make sure non-
308 suburban communities or those with less than 100,000 people
309 are benefiting from the program. We should continue the
310 tradition of bipartisan action on this subject.

311 The Brownfields Program continues to be an effective

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312 cleanup program with a purpose, encouraging economic growth
313 and improving communities in places that have lacked
314 investment. Let's stay focused on the goal which has
315 brought prosperity, revitalization, and opportunity to
316 communities across the country.

317 I welcome the witnesses today, Mr. Breen and those that
318 will be following, their perspectives, and look forward to
319 their testimony.

320 [The prepared statement of The Chair follows:]

321

322 *****COMMITTEE INSERT*****

323

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324 *The Chair. I yield back.

325 *Mr. Johnson. The gentlelady yields back. The chair
326 now recognizes the gentleman from New Jersey, the ranking
327 member of the full committee, Mr. Pallone, for five minutes
328 for his opening statement.

329 *Mr. Pallone. Thank you, Mr. Chairman.

330 Today we are discussing the EPA's Brownfields Program
331 and the Majority's discussion draft to update and
332 reauthorize the program through fiscal year 2028. The
333 Brownfields Program is a shining example of how government
334 can both stimulate economic growth and protect public health
335 and local communities.

336 In 2002, I partnered with the late Representative Paul
337 Gillmor of Ohio, who chaired this subcommittee at the time,
338 to write the Brownfields law, and since then, the
339 Brownfields Program has consistently enjoyed bipartisan
340 support, including the historic funding boost that was
341 passed as part of the Bipartisan Infrastructure Law last
342 Congress. And over the last 20 years, the Brownfields
343 Program has been an economic engine for local government and
344 communities looking to turn former contaminated sites into

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345 economic centers and greenspaces.

346 As part of this program, the Federal Government
347 provides financial help in the form of loans or grants for
348 cleanup, assessments, and job training so communities can
349 turn dilapidated sites into parks, public housing, or new
350 business centers, and by revitalizing these properties
351 communities are growing their economies for the future and
352 creating good paying jobs.

353 And I just want to reiterate that for every dollar we
354 invest in the Brownfields Program, we get \$20 back in
355 economic return. And since the inception of the program,
356 37,000 sites and 163,000 acres have been revitalized and
357 made ready for development around the country. Not only
358 does the program clean up formerly contaminated sites and
359 boost economic development, but it also benefits public
360 health and safety by reducing contamination in communities
361 that couldn't afford to repurpose the site on their own.

362 Now the Bipartisan Infrastructure Law passed through
363 Congress and signed by the President two years ago injected
364 1.5 billion dollars in the Brownfields Program. This
365 historic investment also eliminated cost share requirements

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366 for applicants and increased the grant amounts. Since that
367 time, the EPA has awarded 215 million dollars in grants to
368 262 communities around the country. And that's just the
369 beginning.

370 We funded the Brownfields Program through the fiscal
371 year 2026 in the Bipartisan Infrastructure Law so we will
372 need to reauthorize and fund the program again in the near
373 future, and that's why today's hearing is so important. I
374 believe that starting these bipartisan conversations early
375 is a necessary first step. I hope we can all agree that
376 this program is more than worth every dollar we put into it
377 and that we can work together to maintain robust funding
378 moving forward.

379 Now the Republicans have put forward a discussion draft
380 to reauthorize the program. I have reservations about some
381 of the provisions included in the draft, particularly the
382 provision that would for the first time allow private
383 companies to access the limited public funds for this
384 program. The Brownfields Program was never intended to
385 provide cleanup and revitalization funding for for-profit
386 organizations, and I don't believe that it should start

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387 doing that now. Nevertheless, I look forward to working
388 with my colleagues so that we can continue the bipartisan
389 tradition and ensure that any final reauthorization
390 legislation benefits the communities it is meant to serve.

391 I am also pleased to see the EPA Deputy Assistant
392 Administrator Barry Breen here today. Having the EPA's
393 direct input on the legislation will be invaluable as we
394 move forward. And I would like to welcome the local leaders
395 and stakeholders joining us on the second panel. I
396 especially want to thank Mayor Bollwage from Elizabeth, New
397 Jersey for being here today. He has a long history of
398 advocating for Brownfields and testifying before the
399 committee in support of the program.

400 Finally, Mr. Chairman, it is important to recognize
401 that all the great work being done at EPA on the Brownfields
402 Program would be jeopardized if House Republicans cave to
403 the extreme elements in their party and forced the
404 government shutdown. Program officers could not distribute
405 grant money, cleanups could not be completed, and
406 communities would be stuck in a state of limbo waiting for
407 the Republican House to figure out how to function and to

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408 govern.

409 Across the country, communities are waiting for
410 critical Brownfields funding to break ground on their
411 transformational projects, and I think we owe it to all of
412 them to figure out a path forward.

413 [The prepared statement of Mr. Pallone follows:]

414

415 *****COMMITTEE INSERT*****

416

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417 *Mr. Pallone. And with that, I yield back, Mr.
418 Chairman. Thank you.

419 *Mr. Johnson. The gentleman yields back. Almost a
420 full minute. Thank you, Mr. Pallone.

421 Our first witness today is Mr. Barry Been -- Breen, the
422 Principal Deputy Assistant Administrator for the Office of
423 Land and Emergency Management of the U.S. Environmental
424 Protection Agency. Mr. Breen, welcome. Thank you for
425 coming down today. You are recognized for five minutes for
426 your opening statement.

427

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428 STATEMENT OF BARRY BREEN, PRINCIPAL DEPUTY ASSISTANT
429 ADMINISTRATOR, OFFICE OF LAND AND EMERGENCY MANAGEMENT, U.S.
430 ENVIRONMENTAL PROTECTION AGENCY

431

432 *Mr. Breen. Thank you and good morning, Chair Johnson,
433 Ranking Member Tonko, Chair Rodgers, and Ranking Member
434 Pallone. Thank you for this opportunity to appear today to
435 discuss revitalization of our communities through the
436 reauthorization of EPA's Brownfields Program. We appreciate
437 the leadership that this subcommittee has shown over the
438 years by helping us to establish the Brownfields Program
439 into law, and thank you for your continuing leadership in
440 ongoing support over the many years that we have pursued the
441 mission. We are looking forward to discussing with you
442 today --

443 *Ms. DeGette. Mr. Breen, do you mind moving your mic a
444 little closer?

445 *Mr. Breen. Yes, thank you. How's that? Better?
446 Thanks, Ms. -- thank you very much.

447 We are looking forward to discussing with you ways to
448 further strengthen EPA's Brownfields Program and the way we

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449 do our work in communities to enhance and advance
450 contaminated land cleanups, environmental workforce
451 development, and to provide a more resilient landscape for
452 the American people. Our land programs work with states,
453 tribes, local governments, and other federal agencies to
454 provide positive outcomes, and our emergency response
455 efforts under the Superfund program are a great example of
456 multi-level agency collaboration.

457 On that note, Mr. Chair, to you and to all, we wanted
458 to take a moment to let you know that EPA continues to stand
459 with you and with our federal, state, and local partners as
460 we work together to support the community impacted by the
461 tragic train derailment in East Palestine, Ohio.

462 Since its inception, EPA's Brownfields Program has
463 provided support directly to grant applicants including
464 rural and small communities that may be just proportionately
465 impacted by legacy contamination. Our data indicates that
466 approximately 160 million people, roughly 48 percent of the
467 U.S. population, live within three miles of a brownfield
468 site that has received EPA funding. We appreciate the
469 importance and the attention that you are providing, and we

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470 recognize the challenge that many small and rural
471 communities face that have not yet received funding, and we
472 support providing further technical assistance to
473 communities.

474 We foster a community-driven approach, and as you
475 mentioned, we have contributed to more than 10,500
476 properties being ready for productive use, we have leveraged
477 over 260,000 jobs, we have increased tax revenue for local
478 governments. We do this through partnerships with all of
479 them.

480 Importantly, we have a proven record of supporting
481 small and rural communities. We frequently provide the seed
482 money that encourages land use and attracts additional
483 investment. However, we have concerns regarding the
484 administrability of a program that would require local
485 government concurrence of grant awards. This would be a
486 significant departure from how we have successfully
487 implemented the Brownfields Program for more than 20 years.
488 We provide input for state, tribal, and local governments
489 through an intergovernmental review process, and we would be
490 happy to help you understand that better, if you would like.

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491 We appreciate the committee's support for the
492 Brownfields Program and the benefit it provides to
493 communities around the country. Brownfields grants empower
494 communities to address the environmental and social issues
495 impacted by contaminated land.

496 Thank you for your time today and we are looking
497 forward to helping.

498 [The prepared statement of Mr. Breen follows:]

499

500 *****COMMITTEE INSERT*****

501

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502 *Mr. Johnson. The gentleman yields back. And thank
503 you, Mr. Breen. And we will begin the questioning, and I
504 recognize myself for five minutes to start that.

505 Mr. Breen, the discussion draft includes a rural
506 brownfields showcase program to provide tools for smaller
507 non-suburban communities to take advantage of EPA's
508 Brownfields Program. Is it important in your view to ensure
509 that rural communities have access to Brownfields Program
510 resource?

511 *Mr. Breen. Yes, it is. Thank you.

512 *Mr. Johnson. Thank you. Would technical assistance
513 benefit communities under this program, those with less than
514 50,000 residents or less than 100,000 residents? Do you
515 think technical assistance would benefit those communities?

516 *Mr. Breen. Yes. Thank you.

517 *Mr. Johnson. Okay. You know, the investment -- I am
518 sorry, the Infrastructure Investment and Jobs Act funds come
519 with huge increases in grant amounts and it waives the
520 matching requirements for certain types of grants. With so
521 much funding right now, is there competition for that
522 funding among applicants?

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523 *Mr. Breen. Yes. And I can help you with some
524 statistics if you would like.

525 *Mr. Johnson. Okay. Quickly, yeah.

526 *Mr. Breen. Okay. So we are in our current technical
527 assistance trying to reach out especially to small, rural,
528 and disadvantaged communities, so here are the statistics.
529 Over the last five years, so this is before the
530 Infrastructure Act and after, over the last five years, the
531 success rate for all applicants is 33 percent. That is one-
532 third of the applicants are awarded. And, in fact, that
533 number has been true for about 10 years. That's a pretty
534 steady state per-Infrastructure Law.

535 During that time, the success rate for those with less
536 than 50,000 population was 34 percent. So 33 percent for
537 the universe of applicants as a whole, 34 percent for those
538 that were of less than 50,000 population. But in fiscal
539 year 2023, looking now that we have got Infrastructure money
540 and the additional technical assistance, the -- everybody's
541 success rate went up and the numbers tell the following.

542 The success rate for communities with a population over
543 50,000 has been 53 percent, so from 33 up to 53. The

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544 success rate for communities with a population under 50,000
545 is 57 percent, so up even more. And when you look for the
546 smallest communities, the selection rate for communities
547 with a population of less than 10,000 is 62 percent. So 33
548 percent before up to in the 50s.

549 *Mr. Johnson. Okay.

550 *Mr. Breen. 53 for over 50,000. 62 -- 57 for 10 to
551 50,000, and 62 percent for under 10,000.

552 *Mr. Johnson. Okay. All right. Well, I have a few
553 more questions, so let me move -- thank you for those
554 statistics. Could dramatically increasing funding be a
555 disincentive for applicants to carefully draft proposals for
556 long-term success if they know their project would be funded
557 regardless?

558 *Mr. Breen. That is hard to know. We have never been
559 in that situation.

560 *Mr. Johnson. Okay. Are certain types of Brownfields
561 applicants not eligible to obtain IIJA funding because of
562 the nature of those grants?

563 *Mr. Breen. I don't think -- I would have to --

564 *Mr. Johnson. Can you get back to us?

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565 *Mr. Breen. -- ask you to say a little bit more about
566 what you were thinking of. I am not thinking that the grant
567 criteria have changed.

568 *Mr. Johnson. If -- okay. If there are eligibility
569 barriers or requirements, would you get back to us on that?

570 *Mr. Breen. We would be happy to.

571 *Mr. Johnson. Okay. Are there issues right now
572 between EPA's operation of traditional Brownfields Program
573 grants and loans subject to regular appropriations while
574 simultaneously managing the significant cash infusion and
575 unique requirements for brownfields under the IIJA?

576 *Mr. Breen. My understanding is we are using the same
577 grant criteria.

578 *Mr. Johnson. Okay. What challenges does the EPA face
579 with keeping the two pots of money separate, the traditional
580 funding, the annual funding versus the IIJA funding?

581 *Mr. Breen. I haven't heard of any challenges in that
582 regard. We are pretty faithful to managing the --

583 *Mr. Johnson. Okay.

584 *Mr. Breen. -- appropriations.

585 *Mr. Johnson. All right. Well, thank you, Mr. Breen.

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586 With that, I will yield back a whole 18 seconds. And
587 now, Mr. Tonko, the ranking member is recognized for five
588 minutes.

589 *Mr. Tonko. Thank you, Mr. Chair, and thank you, Mr.
590 Breen for once again appearing before our subcommittee. I
591 am grateful for your work and the work at the EPA, the staff
592 that administers this program so effectively. But, of
593 course, we can always look for ways to improve the program.

594 So, Mr. Breen, can you discuss any challenges EPA may
595 face in administering the program?

596 *Mr. Breen. Thank you.

597 *Mr. Tonko. For example, do you have all the EPA
598 personnel necessary to maximize the effectiveness of the
599 program and whatever other thoughts you have?

600 *Mr. Breen. Thank you, Mr. Tonko, I sure appreciate
601 it. The -- right now with the staff that we have onboard,
602 we are making it work. We have about 1100 open project --
603 open EPA cooperative agreements, and with the regional
604 staff, we are covering it.

605 But as the Infrastructure money gets obligated more and
606 more, that is grants get awarded more and more, the number

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607 of projects will go up and up and up. So we have 1100
608 projects right now; we are anticipating 2700 open
609 cooperative agreements in just a few years.

610 The President's budget does call for sufficient funding
611 to address that with increased hiring, and so we would ask
612 you to support the President's budget in that regard.

613 *Mr. Tonko. Thank you. And with the discussion draft,
614 we would require EPA and the IG to conduct regular audits of
615 the program. So, Mr. Breen, what safeguards are already in
616 place for the Agency to guard against waste, or fraud, or
617 abuse within the grant program?

618 *Mr. Breen. Thank you. So we have a number of
619 safeguards in place. Of course, the Inspector General is
620 already in place and a healthy oversight from the Inspector
621 General is an important part of all our programs, this one
622 and others.

623 We also run a very methodical grant selection in which
624 panels are empaneled, and review, and then points are
625 awarded. Ultimately, those with the highest points get the
626 award. We feel we do a very business-like and objective
627 job. It is hard. But remarkably, we don't -- I don't think

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628 we have had much complaint about the objectivity of our
629 work.

630 *Mr. Tonko. Thank you. And would you say there is a
631 good track record of grantees making good on their
632 commitments to the Agency and using federal funds
633 appropriately and effectively?

634 *Mr. Breen. Yes, I think so.

635 *Mr. Tonko. The bill would automatically direct
636 programmatic funding to the Inspector General. I would
637 certainly support more funding for the IG, but I am not sure
638 that taking funding out of the program office, which can be
639 used to hire personnel, better administer the funds, and
640 protect against waste before the IG is needed to be called
641 upon is the right approach.

642 And, Mr. Breen, I won't ask you to comment on this, but
643 I feel compelled to remind everyone that a government
644 shutdown would indeed hurt this program, and the funding
645 cuts proposed in the House's interior appropriations bill
646 will certainly hurt this program. And that means local and
647 state governments that rely on these funds to support their
648 economic development agendas will feel that pain directly.

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649 These governments are trying to do the right thing, clean up
650 their communities and get land back into productive use, but
651 it will be difficult to do without EPA support. So rather
652 than cutting EPA's budget and staff, we should be providing
653 more federal support.

654 And with that, Mr. Chair, I thank you, and I yield
655 back.

656 *Mr. Johnson. The gentleman yields back. The chair
657 now recognizes the gentleman from Georgia, Mr. Carter, for
658 five minutes.

659 *Mr. Carter. Thank you, Chairman, and thank you, Mr.
660 Breen, for being here.

661 As you know, this is extremely important, and I am glad
662 to see that we are having this hearing, and I want to thank
663 the chairman for this because this is very important. We
664 know that we got thousands of Brownfields across this
665 country. I believe maybe 450,000 to be quite honest with
666 you.

667 But, you know, my colleague, the chair of this -- of
668 the full committee, Chairman Rodgers, mentioned the Georgia
669 Sea Turtle Center on Jekyll Island. That is in my district,

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670 and I am very proud of that. I have got quite a few success
671 stories of brownfields in my district, and that is one of
672 them, where it used a coal-fire powerplant, and now it is a
673 center for rehabilitating sea turtles, and research, and
674 educating the public, and that is in the southern portion of
675 my district.

676 In the northern portion of my district, in the Savannah
677 area, one of our great corporate citizens, Reed Dulany,
678 Dulany Industries, has completed the largest by area
679 brownfield cleanup in Georgia history. A great project.
680 And again, a great corporate citizen who cares about our
681 community, and we thank him for that.

682 This facility was used for processing titanium dioxide
683 but now it is a new industrial terminal with a focus on
684 sustainability, and I can't think of any better examples
685 than these two right here in my own home district. So I am
686 very proud of that.

687 But approvals, and assessments, and cleanups, they take
688 so long. I have got four brownfields down in Glynn County
689 that we have just been working on for years and years and
690 years, and just so frustrated that we can't get anything

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691 done in these areas, and some of them are in great locations
692 that would benefit the community enormously if we could get
693 something done. And a lot of times they are opposed by
694 various groups.

695 But I want to ask you, because I am building up to the
696 point that, you know, do you think it is a wise use of
697 federal tax dollars to award projects to communities where
698 the local elected officials are not on board with the
699 project?

700 *Mr. Breen. Thank you, Mr. Carter, we sure appreciate
701 the question. So we do work hard to work carefully with
702 local governments and with your agreement, I would like to
703 explain to you what we are doing currently, if that is all
704 right with you.

705 *Mr. Carter. Sure.

706 *Mr. Breen. So --

707 *Mr. Carter. Quickly, please.

708 *Mr. Breen. So we would like -- we saw that in the
709 discussion draft, and we would like to understand better any
710 experiences where local governments have been displeased.
711 The reason for that is we already have an intergovernmental

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712 review process to provide local governments an opportunity
713 to submit their comments to EPA when applications for
714 Brownfields grants are selected for possible funding. That
715 intergovernmental review process is codified in regulations,
716 40 CFR 29, and it is the same one used by programs
717 throughout EPA so --

718 *Mr. Carter. Does it work?

719 *Mr. Breen. Well, I will finish, if I may, sir.

720 *Mr. Carter. Okay.

721 *Mr. Breen. So the EPA Brownfields Program uses the
722 same intergovernmental review process that other programs in
723 the Agency use. I can get you a list of all the programs
724 that --

725 *Mr. Carter. Okay, okay.

726 *Mr. Breen. -- use it. But the reason I wanted to let
727 you know that is it gives states an option. States can --
728 states could choose to have a single point of contact or a
729 state could choose not. And where a state has chosen to
730 have a single point of contact, then we will work through
731 that point of contact, otherwise we will go out and make
732 sure we direct that --

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733 *Mr. Carter. Okay.

734 *Mr. Breen. -- local governments get told. So if
735 there are examples of local governments displeased with our
736 work, we would like to work with you on it.

737 *Mr. Carter. Okay. Well, the point I am trying to
738 make is that communication is the key and that we have got
739 to work with the local governments. If they don't buy in,
740 it does no good whatsoever, and I get so frustrated with --
741 and with all due respect, when the Agency's pointing to a
742 code somewhere saying that we have to do it this way. I --
743 you know, a lot of this is subjective, and we have just got
744 to work with the local governments. The more they want this
745 to work, the more we are going to be able to make it work.
746 So that is what is so vitally important.

747 Whenever the EPA -- whenever local officials want a
748 project to move forward, what kind of steps does the EPA
749 take to verify that that is going to happen?

750 *Mr. Breen. Right. So what we do is, of course, we
751 will take enormously seriously whatever comments we get from
752 local governments. There is an interesting concept in the
753 discussion draft that we would want to make sure you thought

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754 hard about. It -- the way it is written, if a state applied
755 for a Brownfields grant, the state -- we would have to go
756 and ask the local government if they agreed with what the
757 state had proposed, and that may raise issues under state
758 law. So this seems like an area where technical assistance
759 and working together might be helpful.

760 *Mr. Carter. Okay, okay. I just want to again stress
761 how important it is to have buy-in from the local level.
762 Two great examples in my district right there of where it
763 has worked. It can work, and we owe it to the people to
764 make it work. So thank you very much for being here.

765 And I yield back.

766 *Mr. Breen. Thank you.

767 *Mr. Johnson. The gentleman yields back. The chair
768 now recognizes the gentlelady from Colorado, Ms. DeGette,
769 for five minutes.

770 *Ms. DeGette. Thank you so much, Mr. Chairman.

771 I -- we all love Brownfields on a bipartisan level at
772 this -- in this committee because it works so well to clean
773 up contaminated properties in our districts and our states.
774 I -- my staff just gave me some information about Colorado

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775 -- Colorado's Brownfields Program without realizing that I
776 had actually written the bill when I was in the state
777 legislature in 1993, the Voluntary Redevelopment and Cleanup
778 Act. And what she told me is, under that law, which has
779 been in effect since 1994, we have had 1558 approved
780 voluntary cleanup plans and redevelopment programs in
781 Colorado, which have restored 17,000 acres of land,
782 constructed more than 50,000 new residences, and created
783 45,000 new jobs. So I feel pretty happy about that this
784 morning.

785 And I also feel happy that you are here today, Mr.
786 Breen, because we can take that and we can apply it and we
787 are applying it all across the country. So I just want to
788 ask you a couple questions about that. The IIJA
789 appropriated 1.5 billion dollars in additional funding
790 through fiscal year 2026 for the Brownfields Program, is
791 that right?

792 *Mr. Breen. Yes, thank you.

793 *Ms. DeGette. And some of the funds are being used for
794 environmental justice areas, areas that are economically
795 depressed, and so I am just wondering if you can help talk

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796 to us about how the additional funds and the grant amounts
797 allowed under IIJA can help expand the program to
798 traditionally underserved areas.

799 *Mr. Breen. Thank you. It is a wonderful tool in that
800 regard. And, in fact, there are a number of grant types
801 that can be useful. One that I would want to make sure you
802 knew about is the Environmental Workforce Training Grant.
803 There is an enormous good work being done, in fact, in your
804 state, Ms. DeGette. The Colorado Department of Local
805 Affairs was awarded a \$200,000 Brownfields Environmental
806 Workforce Development Job Training Grant. Even though COVID
807 came in between, the grant recipient was able to overcome
808 the COVID challenges, and earlier this year, 41 trainees are
809 now employed thanks to the training they received in the
810 program.

811 *Ms. DeGette. Yeah, and I --

812 *Mr. Breen. There was so much good.

813 *Ms. DeGette. I think some of them actually are in
814 some of the economically depressed areas of my district, so
815 thank you very much.

816 Now because of the funds in the IIJA, the EPA

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817 anticipates that there is going to be an increase in the
818 number of grants being managed by staff, is that right?

819 *Mr. Breen. Yes.

820 *Ms. DeGette. And how will the increase in grants
821 impact staffing at the Agency, at EPA?

822 *Mr. Breen. Yes, thank you. So right now we are okay.
823 You know, we are managing, although there is no time to
824 spare, but we are managing. So there are 1100 open
825 cooperative agreements at the moment, and there is some
826 additional staff provided by the IIJA, but it will
827 disappear, of course, yet -- when the IIJA money is
828 obligated, and yet those grants will still be open and need
829 to be managed. And this is a little bit making sure
830 taxpayers get their money's worth and a lot making sure
831 communities get their results.

832 And so as we go from 1100 open cooperative agreements
833 to 2700, we want to make sure those 2700 communities are
834 actually getting EPA staff expertise and not just a voice on
835 the end of the phone.

836 *Ms. DeGette. Well, that is exactly right. That is
837 how the grants are going to work. So I would hope you and

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838 your Agency would continue to work with us. I am glad you
839 have got the staffing you need right now because I don't
840 think you are probably going to get any more staffing in the
841 next couple of months, if I had to predict. But as it looks
842 like you are getting short and you are needing me, please
843 come back to us so we can work on a bipartisan way to make
844 sure these grants are appropriately dispersed and managed.

845 *Mr. Breen. Thank you.

846 *Ms. DeGette. Thank you, and I will yield back.

847 *Mr. Carter. [Presiding] The gentlelady yields back.

848 The chair recognizes the gentleman from Pennsylvania, Dr.
849 Joyce, for five minutes.

850 *Mr. Joyce. Thank you. And first I want to thank
851 Chair Johnson for holding today's hearing on a program that
852 is important to both of our states. In my home State of
853 Pennsylvania, we have many legacy industries, the coal, the
854 steel, and railroad, that were mined and forged in our
855 cities and our towns. Sadly, many of these legacy
856 industries have fallen on harder times. They have gone out
857 of business leaving behind land in need of environmental
858 cleanup and communities with limited resources to invest in

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859 that needed redevelopment.

860 This is where EPA's Brownfields Program has been used
861 -- has been useful to ensure that areas are not left behind
862 and economic development and redevelopment can occur.

863 Across the Commonwealth of Pennsylvania in places like
864 Johnstown and Altoona, communities have used Brownfields to
865 leverage public and private funding to create family
866 sustaining jobs and businesses. This program is a great
867 example of how instead of the Federal Government getting in
868 the way with burdensome regulations, how it can work with
869 local stakeholders to spur lasting redevelopment.

870 Pennsylvania has been at the forefront of this effort
871 with both Republican and Democrat governors deploying state
872 funding and the Pennsylvania Department of Environmental
873 Protection to help bring grants back to the Commonwealth.
874 It is an important program that should be reauthorized and a
875 model that demonstrates that when the Federal Government
876 stops attacking businesses and instead works with them, we
877 can help our constituents revitalize our Nation.

878 Deputy Assistant Administrator Breen, we see the value
879 in land revitalization from a health and an environmental

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880 standpoint, but as I touched on, the program is particularly
881 useful as a tool to spur economic development. Do you agree
882 that land revitalization can grow the economies of rural
883 communities?

884 *Mr. Breen. Yes, thank you.

885 *Mr. Joyce. Will you commit to refocus your efforts
886 and intention on growing rural communities and their
887 economies through land revitalization?

888 *Mr. Breen. Thank you. We are actually doing an
889 enormous amount of technical assistance as we are managing
890 the program right now. We would like to meet with your
891 staff if you would like to hear more.

892 *Mr. Joyce. I would certainly welcome that meeting as
893 well, and bring in those communities that are affected. We
894 will look forward to scheduling that with you.

895 Administrator Breen, your Agency's website promotes its
896 land revitalization program which includes the Brownfield
897 Programs. In practical terms, what is the difference
898 between the sustainable development of abandoned properties
899 and something that wouldn't qualify?

900 *Mr. Breen. I want to make sure I understand your

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901 question. Something that would not qualify for the
902 Brownfields Program?

903 *Mr. Joyce. Do they have to be abandoned properties to
904 make that qualification?

905 *Mr. Breen. Oh. You know, I -- we better get the
906 lawyers to help on that. I don't think I could accurately
907 get the words just right and be sure to get you the answer.
908 Let me get back to you on that.

909 *Mr. Joyce. We will follow up with that with your
910 Agency specifically.

911 *Mr. Breen. Okay.

912 *Mr. Joyce. When the EPA makes the claim about land
913 revitalization programs and promote the integration -- and
914 again I'm quoting, "sustainable reuse considerations into
915 all cleanup and redevelopment decisions," where in either
916 Section 104(k) or 128 is this criteria imposed on the
917 Agency?

918 *Mr. Breen. I think I understand the question. The
919 grant criteria?

920 *Mr. Joyce. Yes, sir.

921 *Mr. Breen. Are you -- and you mentioned -- I will get

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922 my statute. The criteria are in 104(k) --

923 *Mr. Joyce. And 128.

924 *Mr. Breen. Oh, 128. I thought --

925 *Mr. Joyce. 104 or 128. They are both delineated
926 there.

927 *Mr. Breen. Okay, thanks. 104(k) --

928 *Mr. Joyce. Yes, sir.

929 *Mr. Breen. -- (6)(c).

930 *Mr. Joyce. Yes, sir.

931 *Mr. Breen. So that -- I hope that helps.

932 *Mr. Joyce. I think it should.

933 *Mr. Breen. Okay.

934 *Mr. Joyce. Are these criteria used or used more
935 heavily than others when award funding, and shouldn't the
936 continued economic benefit to local areas be important, if
937 not the most important, criteria?

938 *Mr. Breen. Ah, thank you. So I will just -- if you
939 don't mind, may I tell you where the grant criteria
940 addressed that as it --

941 *Mr. Joyce. Yes, sir.

942 *Mr. Breen. -- as it is currently written in the

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943 statute? The -- I mentioned 10 --

944 *Mr. Joyce. 104(k).

945 *Mr. Breen. 104(k)(6)(c). Here is the statute's
946 terms, the extent to which a grant would meet the needs of a
947 community that has a small population or a low income, and
948 the extent to which the grant would further fair
949 distribution of funding between urban and nonurban areas.
950 So those are already in the criteria.

951 *Mr. Joyce. And I think that the emphasis,
952 particularly as someone who represents predominantly a rural
953 area, that equitable distribution into rural areas, we look
954 forward to working with you bringing all the stakeholders to
955 the table and making sure that that equitable distribution
956 into rural areas is maintained.

957 I thank you for offering to have that meeting, and I
958 look forward to following up.

959 *Mr. Breen. Thank you.

960 *Mr. Joyce. Mr. Chairman, my time has expired, and I
961 yield back.

962 *Mr. Carter. The gentleman yields. The chair
963 recognizes the gentleman from Maryland, Representative

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964 Sarbanes, for five minutes.

965 *Mr. Sarbanes. Thanks very much, Mr. Chairman.

966 Thank you for being here, Mr. Breen. As you know,
967 brownfield sites are a problem we face in every single
968 state, in every district across the country, contaminated by
969 pollutants or hazardous materials that were not properly
970 remediated in the past. These are properties that are a
971 current threat to the health and wellbeing of nearby
972 communities and rob those same communities of the future
973 opportunity to use these spaces in a very beneficial way by
974 providing technical assistance and grants to fund planning,
975 assessment, and cleanup of these contaminated properties and
976 communities that would otherwise be unable to take on the
977 cleanup.

978 The Brownfields Program facilitates site remediation,
979 it spurs economic redevelopment, and by making these areas
980 available for productive purposes, as I understand it, the
981 Brownfields Program produces a \$20 return on investment for
982 every one dollar spent, which is really a tremendous figure.
983 The Brownfields Program is one of the best examples of how
984 we can simultaneously protect human health and the

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985 environment on the one hand and foster long-term economic
986 development and job creation on the other hand.

987 Since 2018, EPA Brownfields activities have been
988 authorized, as you know, at 200 million dollars a year. Can
989 you give me a sense at this funding level how many
990 applicants to the program were denied Brownfields grants
991 just because of lack of funding?

992 *Mr. Breen. Yes. At least I can get a start on it.
993 So before the Infrastructure Law --

994 *Mr. Sarbanes. Yeah.

995 *Mr. Breen. -- we were able to fund about a third, 33
996 to 34 percent of applicants were funded.

997 *Mr. Sarbanes. Okay.

998 *Mr. Breen. Now those numbers are up into the half to
999 two-thirds range, depending on the size of the community.

1000 *Mr. Sarbanes. Great.

1001 *Mr. Breen. But it still means there are quite a --

1002 *Mr. Sarbanes. Yeah.

1003 *Mr. Breen. -- few that are not funded.

1004 *Mr. Sarbanes. I am proud, and you have mentioned it
1005 now, that for fiscal years 2022 through 2026, the Bipartisan

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1006 Infrastructure Investment and Jobs Act, which you just
1007 referenced, grants an additional 300 million dollars a year
1008 to the EPA's Brownfields activities, funding that can now be
1009 allocated to larger grants, and I guess a larger number of
1010 grants, and to make cleanup more accessible to the most
1011 underserved communities. I am also of the understanding
1012 that there is not a cost share requirement in there, which
1013 is important.

1014 How have these additional funds changed the kinds of
1015 activities or applicants that can be successfully funded
1016 through the Brownfields Program? I assume that having more
1017 resources gives you a broader scope in being able to be
1018 responsive to different kinds of applications that are
1019 coming at you.

1020 *Mr. Breen. We are working hard to make sure that
1021 small, and rural, and disadvantaged communities know how to
1022 apply and we are providing technical assistance in that
1023 regard. We think the results are promising and we would
1024 like to continue them.

1025 *Mr. Sarbanes. It will be interesting for us in this
1026 committee to get some report on that in the future at the

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1027 appropriate time when you think the various dimensions have
1028 been sort of at least explored on an initial basis.

1029 Despite the successful expansion of the Brownfields
1030 Program, of course, many communities are still waiting for
1031 assistance to begin remediating their sites and revitalizing
1032 their communities. For example, while my district had
1033 several Brownfield success stories when it encompassed parts
1034 of Baltimore, my newly redrawn district hasn't received any
1035 funding in the last several years despite having nearly 200
1036 active brownfield sites, so you can see why I am
1037 particularly interested in the expansion of the scope and
1038 more resources being brought to bear.

1039 I think you alluded to it, but even now with the
1040 enactment of the Infrastructure Bill and the additional
1041 funding, tell me again how many applicants to the
1042 Brownfields Program are still being turned away just because
1043 the funding isn't at the highest level it could be?

1044 *Mr. Breen. Yes. And can I just add, I grew up just
1045 outside of your district.

1046 *Mr. Sarbanes. Oh.

1047 *Mr. Breen. I could have ridden my bike into your

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1048 district.

1049 *Mr. Sarbanes. All right, well keep riding your bike
1050 in there.

1051 *Mr. Breen. [Laughter.] For -- in the newest round --

1052 *Mr. Sarbanes. Mm-hmm.

1053 *Mr. Breen. -- for municipalities over 50,000, the
1054 success rate is I think 52 percent.

1055 *Mr. Sarbanes. Okay.

1056 *Mr. Breen. For municipalities between 10 and 50,000,
1057 it is at 57 percent success rate. And for the very small
1058 ones under 10,000, a 62 percent success rate.

1059 *Mr. Sarbanes. Okay.

1060 *Mr. Breen. I would like to get you those numbers for
1061 the record --

1062 *Mr. Sarbanes. Yeah.

1063 *Mr. Breen. -- so I can be --

1064 *Mr. Sarbanes. I appreciate --

1065 *Mr. Breen. -- completely sure of them.

1066 *Mr. Sarbanes. Well, as I am closing, let me just
1067 observe as others have done that the successful program, we
1068 all view it as successful. It is oversubscribed even with

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1069 historic funding. So as we consider reauthorizing it, it is
1070 essential that we make sure these important resources are
1071 there to help revitalize more communities for years to come.

1072 With that, I yield back, Mr. Chairman.

1073 *Mr. Joyce. [Presiding] The gentleman yields. I now
1074 recognize the chair of the entire Energy and Commerce
1075 Committee, Chair Rodgers.

1076 *The Chair. Thank you, Mr. Chairman.

1077 Mr. Breen, recently in speaking with the Inspector
1078 General for the Environmental Protection Agency, he told me
1079 that the Agency rarely conducts internal audits of its work.
1080 So I wanted to ask, does the Office of Land and Emergency
1081 Management conduct internal audits of the Brownfields
1082 Program?

1083 *Mr. Breen. I can't point to something that I would
1084 say is labeled as an audit. We have the IG who does audits,
1085 and reviews, and evaluations. We have our own evaluation
1086 function, but I can't point to something that I would say we
1087 label as an audit apart from the IG.

1088 *The Chair. Why not?

1089 *Mr. Breen. We want to make sure we spent the dollars

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1090 you give us carefully. We haven't found a lot of red flags
1091 pointing toward trouble.

1092 *The Chair. How often does the IG examine the
1093 Brownfields Program's books and operations?

1094 *Mr. Breen. I should let the IG get back to you on
1095 that. I don't have that number.

1096 *The Chair. So I understand that under CERCLA, Section
1097 104(k)(8), the Inspector General is not tied to a regular
1098 interval at which these inspections are supposed to occur.
1099 Is that your understanding?

1100 *Mr. Breen. I would have to look it up, Your Honor, I
1101 don't.

1102 *The Chair. Okay. If EPA were to have received full
1103 funding at the current authorized levels in CERCLA, Sections
1104 104(k) and 128, in addition to the advanced appropriations
1105 under the IIJA, the Brownfields Program would receive 550
1106 million in a fiscal year, so 440 million and 110 million
1107 respectively. So practically speaking, what would be the
1108 management and maintenance challenges presented by growing
1109 the program's budget by more than 150 percent?

1110 *Mr. Breen. Right. I think the biggest challenge is

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1111 making sure we have the staff on hand. And it is not in
1112 Washington, D.C. I believe it is true, we are not asking
1113 for any more staff in Washington, D.C. It is in the
1114 regional offices that the additional staffing would be
1115 provided under the President's budget. And they would be
1116 there for communities and also to make sure that the money
1117 is faithfully spent.

1118 *The Chair. What do you think about separating the
1119 IICJA funds and its one-time waivers with CERCLA funding?

1120 *Mr. Breen. I'm sorry --

1121 *The Chair. What do you think about separating the
1122 IICJA funds and its one-time waivers with CERCLA funds?

1123 *Mr. Breen. Could I -- I think I understand the
1124 question. Is it appropriate, how appropriate is it to keep
1125 the two funding streams separate?

1126 *The Chair. Right, rather than incorporating it --

1127 *Mr. Breen. Okay.

1128 *The Chair. -- into, you know, incorporating it into
1129 the baseline basically.

1130 *Mr. Breen. Let us get back to you on that, for the
1131 record. I don't have a good sense of that.

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1132 *The Chair. Do you have insights into what you believe
1133 the impact would be in making these levels permanent?

1134 *Mr. Breen. Yes. We have had good experience with the
1135 Infrastructure money in terms of not having to say no to
1136 applicants that are deserving.

1137 *The Chair. Mm--hmm.

1138 *Mr. Breen. We have been able to fund more applicants.

1139 *The Chair. Okay, thank you. If you permanently waive
1140 matching requirements for a brownfield's revolving loan
1141 funds, would those funds have more difficulty revolving?

1142 *Mr. Breen. If we permanently waived matching
1143 requirements --

1144 *The Chair. Mm-hmm.

1145 *Mr. Breen. -- I don't know that we have that
1146 experience, so I don't have sort of a track record to point
1147 you to, and I wonder if I could get you some better opinions
1148 on that.

1149 *The Chair. Okay. Because that is one of the
1150 provisions in IIJA.

1151 *Mr. Breen. Okay.

1152 *The Chair. So --

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1153 *Mr. Breen. I will need to get back to you on that.

1154 *The Chair. Okay, okay. Are there any program or
1155 legal conflicts for the Brownfields Program created by IIJA
1156 that you need Congress to help untangle?

1157 *Mr. Breen. Thank you. No, we don't have anything
1158 that we are here to ask you to follow up on today.

1159 *The Chair. Okay. Well, I would ask you to follow up
1160 on this question around the waiving of the matching
1161 requirements that was included in IIJA and also the issue
1162 surrounding internal audits.

1163 *Mr. Breen. Thank you.

1164 *The Chair. Because I was personally just shocked to
1165 learn that we don't have -- EPA doesn't have internal
1166 audits. That seems pretty basic when you are handling
1167 billions of dollars and -- it is billions of dollars, and
1168 the baseline budget for EPA is about 10 billion a year, and
1169 now with the Infrastructure and the IIJA, they have gotten
1170 like over a hundred billion dollars. And I know that you
1171 are -- you handle one office, but we are talking billions of
1172 dollars --

1173 *Mr. Breen. We -- thank you.

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1174 *The Chair. And -- yes.

1175 *Mr. Breen. It may be a matter of the labels. We do a
1176 financial statement every year, and it may be that the
1177 financial statement we do every year helps get what you are
1178 asking about. So I might get back to you on that.

1179 *The Chair. Well, I don't -- okay. Yeah, I do -- I
1180 would like you to get back. I don't see a financial
1181 statement being an audit but --

1182 *Mr. Breen. Okay.

1183 *The Chair. -- we are going to continue to ask these
1184 questions.

1185 I yield back.

1186 *Mr. Breen. Okay.

1187 *Mr. Joyce. The gentlelady yields. I now recognize
1188 the gentleman from Georgia, Mr. Allen, for his five minutes
1189 of questions.

1190 *Mr. Allen. Thank you. Thanks to Chairman Johnson for
1191 holding this hearing on the Environmental Protection
1192 Agency's Brownfield Program. And I want to thank you, EPA
1193 Principal Deputy Assistant Administrator Breen, for being
1194 here to answer these important questions.

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1195 In my home State of Georgia, there is the Atlantic
1196 Station in midtown Atlanta. This is a 138-acre brownfield
1197 site revitalized in the early 2000s to an area where people
1198 can enjoy restaurants, housing, and greenspace. This
1199 project was successful through the EPA Brownfields Grant
1200 Program that allowed this former steel facility to be an
1201 economic benefit to that community. Bottom line, people are
1202 closer to midtown Atlanta and the business district.

1203 Being from the business -- being a businessman, I am
1204 always interested in the rate of return on government
1205 investments as far as programs like this. As we consider
1206 reauthorizing the Brownfields Program, it is imperative that
1207 we continue to look at how to improve and ensure government
1208 resources are used properly.

1209 Administrator Breen, I understand that the EPA received
1210 1.5 billion in funding for the Brownfields Program under the
1211 Infrastructure Investment and Jobs Act, is that correct?

1212 *Mr. Breen. Yes.

1213 *Mr. Allen. You characterized the Infrastructure
1214 Investment and Jobs Act funding as supplemental in your
1215 testimony indicating that the EPA is managing funding from

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1216 both the IIJA and annual appropriations, is that correct?

1217 *Mr. Breen. Yes.

1218 *Mr. Allen. Your testimony mentions a request for
1219 177.94 million in annual appropriations for fiscal year 2024
1220 for the Brownfields Program which is less than annual
1221 appropriations for the program for fiscal year 2023. How
1222 did EPA reach the 177.94 million request?

1223 *Mr. Breen. I will need to get back to you for that.

1224 *Mr. Allen. Okay. Does that requested value extend
1225 beyond 2024?

1226 *Mr. Breen. We have a 2024 request pending with you,
1227 and we will be developing a fiscal year 2025 request as part
1228 of the President's budget.

1229 *Mr. Allen. Okay. Well, my concern here is does the
1230 influx of IIJA funding mean that EPA needs less in annual
1231 appropriations for the Brownsfield (sic) Program?

1232 *Mr. Breen. Well, I better get -- once we put together
1233 the fiscal year 2025 budget, I would be in a better position
1234 to answer that.

1235 *Mr. Allen. Okay. And why would we not be able to
1236 determine that at this stage?

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1237 *Mr. Breen. I just don't have it in my --

1238 *Mr. Allen. Okay.

1239 *Mr. Breen. -- in my material.

1240 *Mr. Allen. Okay. Well, thank you, sir.

1241 And I yield back.

1242 *Mr. Joyce. The gentleman yields. I now recognize the
1243 ranking member of the committee, Mr. Pallone, for his five
1244 minutes.

1245 *Mr. Pallone. Thank you, Mr. Chairman. This is an
1246 important hearing. I want to thank Principal Deputy
1247 Assistant Administrator Barry Breen for giving your -- us
1248 your insights on the discussion draft and the Brownfields
1249 Program more broadly.

1250 Mr. Breen, it is my understanding that the current
1251 grant application process is rigorous and includes local
1252 government engagement, but the Republican discussion draft
1253 would require concurrent approvals by a local or regional
1254 government before EPA could issue grant awards. What would
1255 be the unintended consequences of that approval model be in
1256 your opinion?

1257 *Mr. Breen. We are concerned about the

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1258 administrability of a local government concurrence as framed
1259 in the discussion draft. We do think local governments are
1260 indispensable in this program and many others. But it is
1261 the nature of the engagement, the formal concurrence rather
1262 than an inability to get comment and support back and forth.

1263 We do have a tested experience with the
1264 intergovernmental review and it is the same that EPA uses in
1265 many, many programs, so it doesn't require a new learning by
1266 local governments, or state governments, or the federal
1267 grant-making officials. So there is some benefit in not
1268 disrupting it, but if there are examples where it hasn't
1269 worked, we would like to understand what was better.

1270 *Mr. Pallone. Yeah, I just think it is an absolute --
1271 you know, having an absolute veto is not a good idea because
1272 there definitely are local governments that, you know,
1273 because they think it doesn't look good, you know, for the
1274 public or whatever, you know, might just say no, so I agree
1275 with you.

1276 But I -- the second question is that the discussion
1277 draft would make for-profit organizations eligible for the
1278 grant funds. And I mentioned in my opening statement that

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1279 this is concerning to me because limited public funds I
1280 don't think should be going to for-profit entities when
1281 there are countless communities with unfunded grant
1282 applications. So do you have any concerns about opening the
1283 grants available to for-profit organizations?

1284 *Mr. Breen. We do understand the discussion draft to
1285 make private for-profit limited liability corporations
1286 eligible for cleanup and assessment grants and we wonder
1287 whether it might have unintended consequences in two ways.
1288 It is certainly intended to have benefits, but we wonder if
1289 there might be disadvantages to be considered as well.

1290 Previous -- currently, limited liability corporations
1291 are eligible only to receive revolving loan funds, and we
1292 are -- and concerned that the ability to compete for
1293 competitive grant funding could increase the competition for
1294 those limited grants and that would limit the chances of
1295 small, rural, and disadvantaged communities to become the
1296 selected entities for those. At the same time, the
1297 revolving loan funds, which limited liability corporations
1298 are eligible to receive, need to be active and robust, and
1299 without limited liability corporation participation, they

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1300 might not operate as intended and so might not be a critical
1301 source of cleanup for small, rural, and low-capacity
1302 communities to receive them as well.

1303 *Mr. Pallone. Well, thank you. My last question, I
1304 mean, obviously the Brownfields Program has a long
1305 bipartisan history and, you know, we want to work with
1306 Republicans and Democrats to reauthorize and to strengthen
1307 it. But, unfortunately, I believe that the success of the
1308 Brownfields Program would be put at risk by a potential
1309 Republican government shutdown.

1310 So I wanted to ask you how a government shutdown at
1311 this point would impact the Brownfield's Program.

1312 *Mr. Breen. That is something I need to get back to
1313 you on. I don't have the impacts well-framed to be able to
1314 share back with you.

1315 *Mr. Pallone. All right. Well, I appreciate that. I
1316 guess my concern is that any government shutdown will
1317 certainly impact the program. My understanding is that
1318 grants wouldn't be processed, cleanups wouldn't be
1319 completed, communities looking for relief would be left
1320 waiting until the House gets its act together again. So if

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1321 you could get back to me through the chair, I appreciate it.

1322 *Mr. Breen. Thank you.

1323 *Mr. Pallone. Thank you.

1324 Thank you, Mr. Chairman.

1325 *Mr. Joyce. The gentleman yields. I now recognize the
1326 gentleman from Idaho, Mr. Fulcher, for his five minutes of
1327 questioning.

1328 *Mr. Fulcher. Thank you, Mr. Chairman, and, Mr. Breen,
1329 thank you for being here.

1330 Mr. Breen, what is environmental justice?

1331 *Mr. Breen. We have a definition. I don't have it
1332 with me, but there is an executive order that provides the
1333 definition.

1334 *Mr. Fulcher. Yeah, and I don't know what it is
1335 either. What about Justice 40, what's that?

1336 *Mr. Breen. I -- again, I could get you for the
1337 record, but I believe it has to do with 40 percent.

1338 *Mr. Fulcher. 40 percent of what?

1339 *Mr. Breen. Of a program's benefits to go to
1340 disadvantaged. But again, let me get you that, for the
1341 record.

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1342 *Mr. Fulcher. I would think that would be important to
1343 you given your role as Deputy Assistant Administrator. But
1344 according to the website, White House website, Justice 40
1345 initiative stipulates that at least 40 percent of the
1346 benefits of federal environmental investment must go to
1347 underserved or disadvantaged communities. What are
1348 underserved and disadvantaged communities?

1349 *Mr. Breen. So I am going to -- I am going to want to
1350 get you the exact definition to be precise.

1351 *Mr. Fulcher. Mr. Breen, looking at the EPA portion of
1352 the White House Environmental Justice Advisory Council's
1353 final recommendations for a Justice 40 initiative that is
1354 apparently unclear what that really is, it was submitted to
1355 Congress May 20th of 2022, and there is numerous references
1356 to issues such as clean electric busses, getting lead out of
1357 drinking water, monitoring for buildings, refitting
1358 stormwater.

1359 My state is largely rural. I am from the State of
1360 Idaho. Those are not the issues generally that come up in
1361 discussions that I have in rural Idaho. Do rural
1362 communities qualify under Justice 40 initiative for any of

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1363 these funds or do they have to do something unique to
1364 qualify?

1365 *Mr. Breen. Thank you.

1366 *Mr. Fulcher. Rural.

1367 *Mr. Breen. Thank you. We work very hard to make sure
1368 that rural communities have the outreach and the capacity
1369 they need for the Brownfields Program, and we have had good
1370 experience. You might remember I just a moment ago used
1371 those statistics. Communities of fewer than 10,000 people
1372 actually get a better success rate than communities of more
1373 than 10,000 and even better than 50,000 or more. We are
1374 having good success.

1375 *Mr. Fulcher. Given the nebulous definition of what
1376 environmental justice is or even this Justice 40 initiative,
1377 it doesn't seem like there is a clear path for deserving
1378 communities that are specifically in rural areas to take
1379 advantage of this stuff. And like you, I struggle with what
1380 the definition is for these things, but from what I can
1381 tell, it really has nothing to do with environment, nothing
1382 to do with justice, and we struggle with this.

1383 I -- there is a provision under CERCLA, Section 104 and

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1384 128, that applies to regional, state, and tribal applicants.
1385 Can you talk about that a little bit? Can you tell how we
1386 leverage that, how we can take advantage of that in a rural
1387 area?

1388 *Mr. Breen. Yes. And I would like to offer that EPA
1389 staff from the regional office, or headquarters, or both
1390 could sit down with your staff and walk through what are the
1391 opportunities that governments in your district could make
1392 themselves more ready to take on. We work very hard to make
1393 sure that the rural communities have opportunities.

1394 *Mr. Fulcher. We would be happy to try to do that.
1395 Frankly, I don't have high expectations as a result of that.
1396 But I will just close up my comments with this, Mr. Breen.
1397 The -- I think given everything going on right now in
1398 Congress, and the looming potential of a shutdown, struggles
1399 over money, the debt that we are all struggling with, I
1400 think it is a very real possibility that the EPA is going to
1401 take a significant cut, and I would submit to you this is
1402 one of the reasons why. It is programs like this being
1403 pushed by the administration in the name of so-called
1404 environmental justice that really doesn't have meaning other

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1405 than it is a way to steer funds towards pet projects this
1406 administration wants to steer it to. And so when those cuts
1407 come through, I just want to be on record saying it is this
1408 kind of thing that is the reason why.

1409 Mr. Chairman, I yield back.

1410 *Mr. Joyce. The gentleman yields. The chair now
1411 recognizes the gentleman from California, Dr. Ruiz, for his
1412 five minutes of questioning.

1413 *Mr. Ruiz. I appreciate that, Mr. Chairman. And to my
1414 colleague, Congressman Fletcher (sic), I would like to have
1415 a conversation --

1416 *Mr. Fulcher. It is Fulcher.

1417 *Mr. Ruiz. What is it?

1418 *Mr. Fulcher. Fulcher.

1419 *Mr. Ruiz. Fulcher? Excellent. Thank you,
1420 Congressman Fulcher. I would like to address environmental
1421 justice, Justice 40, and rural communities.

1422 And, Mr. Breen, I would like to recommend that you
1423 study up on that information since you do work for the
1424 administration. It is very important that you have clarity
1425 in what those definitions are, especially if you work for

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1426 the EPA, because those definitions are really clear, Mr.
1427 Breen.

1428 There are two components for environmental justice that
1429 is very important to understand. One is the fact that has
1430 been studied and has been shown through scientific
1431 literature that those that live in underserved, under-
1432 resourced committee -- communities bear the brunt of
1433 environmental pollutions. Okay, that is one aspect of
1434 environmental justice. is that -- and oftentimes, that is
1435 associated with minority populations, also rural
1436 populations.

1437 The second component of environmental justice is the
1438 historic effect that oftentimes decisions are made of where
1439 to put high-risk companies, or high-risk debris, or the
1440 possibility of -- or manufacturing with -- that has high
1441 pollution, those decisions are made without the consent or
1442 the consultation of those very exact same under-resourced,
1443 impoverished communities. And so the environmental justice
1444 movement is to reverse the disproportionate exposure to
1445 pollutions by rural and underserved communities and by
1446 increasing the community's voice to have a say in decisions

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1447 that will affect their health.

1448 So that is environmental justice. It is very clear.

1449 The literature is out there. I recommend that we can have

1450 hearings on those by environmental justice experts.

1451 Second, Justice 40. Justice 40 is very simple.

1452 Because historically resources do not go to rural areas or

1453 under-resourced areas and those resources usually go to

1454 people that have the capacity to apply for them, big urban

1455 areas, Justice 40 is an intentional way to ensure that those

1456 that lack the resources and that have historically not

1457 received the resources get a fair shot at getting the

1458 resources and 40 percent of those resources. In fact, it is

1459 very clear. there is no vagueness in terms of this

1460 definition.

1461 It is an effort. It is an intent. I support it, and I

1462 would like to know if the administration is actually living

1463 up to that intent because it is a good intent.

1464 The next question of not knowing what underserved and

1465 under-resourced means shows that people in Washington have

1466 really lost touch. It is very simple. Underserved

1467 communities are communities that lack the resources to meet

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1468 its basic functions. And under-resourced usually leads to
1469 poverty in those communities, meaning very simply high
1470 unemployment rate, low median income rate, and high poverty
1471 rates.

1472 And, yes, rural communities meet those definition.
1473 Yes, Justice 40's intent is to help those communities in
1474 Rural America that suffer from lack of access to
1475 infrastructure money to schools to hospitals that have kept
1476 them in a state of poverty for generations. So, yes,
1477 Justice 40 benefits rural communities.

1478 And I will just give you a clear example. In the
1479 Northridge earthquake that happened in California, decisions
1480 were made to put the debris in underserved, under-resourced
1481 rural communities. Now the rural communities are
1482 experiencing the effects of the contaminants from that
1483 debris. A mountain of debris that was forcibly put in those
1484 communities. And after Tropical Storm Hilary, a lot of
1485 chemicals were draining from that, and there was kids in
1486 trailer parks that live around that that are being exposed
1487 to that.

1488 So, Mr. Breen, my time is up, but I would highly

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1489 encourage you as a member of the EPA of this administration
1490 to please get clarity on what environmental justice is and
1491 please get clarity in what Justice -- the initiative of
1492 Justice 40 is because the Brownsfield (sic) Program is
1493 essentially making sure that under-resourced communities in
1494 rural areas, in urban areas can get the funds to clean up
1495 their land, and because most of those contaminants are in
1496 underserved and minority communities.

1497 With that, I yield back.

1498 *Mr. Joyce. The gentleman yields. The chair now
1499 recognizes the gentlelady from Iowa, Dr. Miller-Meeks, for
1500 her five minutes of questioning.

1501 *Mrs. Miller-Meeks. Thank you, Mr. Chair, and thank
1502 you to our witness, Mr. Breen.

1503 As you have heard from colleagues, the Brownfields
1504 Program is an important opportunity to improve economic
1505 development in rural areas like my district in Southeast
1506 Iowa which also happens to have the highest rate of
1507 unemployment and the lowest wages throughout the state.
1508 Through fiscal year 2022, the program saw great success with
1509 over 800 jobs being created for each \$100,000 grant

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1510 investment in the assessment, cleanup, and revolving loan
1511 fund cooperative agreements.

1512 Principal Deputy Assistant Administrator Breen, like
1513 you stated in your opening remarks, this program can be
1514 vital in rural areas considering that 72 percent of the
1515 fiscal year 2023 grants will serve communities with
1516 populations of less than 500,000. However, I noticed that
1517 you did not comment on the oversight provision of this
1518 discussion draft that requires internal audits of the
1519 Brownsfield (sic) Program. So in follow up to Chair
1520 Rodgers, do you believe in the need for government oversight
1521 for this program?

1522 *Mr. Breen. Yes, we have been -- this and practically
1523 every program would benefit from healthy oversight and
1524 transparency.

1525 *Mrs. Miller-Meeks. And are you concerned the EPA does
1526 not have the capacity to conduct an internal audit of the
1527 Brownsfield (sic) Program?

1528 *Mr. Breen. We haven't had a lot of complaints about
1529 bad administration. We think we are doing a pretty good
1530 job.

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1531 *Mrs. Miller-Meeks. So you believe that there needs to
1532 be oversight, but you are not concerned that you don't have
1533 the capacity to conduct an internal audit?

1534 *Mr. Breen. So the Inspector General as it is is a
1535 important and healthy part of our oversight and our internal
1536 controls are considerable. So we would want to make sure
1537 that the money that we are provided is spent to provide on
1538 the ground results for the communities we serve.

1539 *Mrs. Miller-Meeks. And as the chairwoman mentioned,
1540 the Infrastructure Investment and Jobs Act included a
1541 drastic increase in funding for the program, more than 300
1542 million in additional funding a year on top of the annual
1543 appropriations. Can you expand more on the oversight that
1544 has been conducted to date on the IIJA funds?

1545 *Mr. Breen. Thank you. So I would probably do well to
1546 get back to you on the record for that to get you a complete
1547 answer and to make sure that the important role of the
1548 Inspector General is well-reflected.

1549 *Mrs. Miller-Meeks. Okay. And in your opinion, has
1550 the EPA's OIG's oversight positively or negatively impacted
1551 the Brownsfield (sic) Program?

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1552 *Mr. Breen. We benefit from a healthy Inspector
1553 General function.

1554 *Mrs. Miller-Meeks. And has the involvement of the EPA
1555 OIG in the Brownsfield (sic) Program deterred any
1556 applicants?

1557 *Mr. Breen. Deterred any applicants?

1558 *Mrs. Miller-Meeks. Did it deter any applicants?

1559 *Mr. Breen. I don't have a good factual basis to
1560 answer that. I don't know.

1561 *Mrs. Miller-Meeks. Okay. And then this is more of an
1562 in general question and you could certainly respond in
1563 writing if you don't know the answer. So given that I am in
1564 Southeast Iowa and it is a rural state, to us, and we have
1565 our health professional shortage areas, so when we look at
1566 what is defined as rural, typically it is not communities --

1567 *Mr. Breen. Yes.

1568 *Mrs. Miller-Meeks. -- to the size of 50,000.

1569 *Mr. Breen. Yes.

1570 *Mrs. Miller-Meeks. It is communities that are 10,000,
1571 or 25,000, or less. So to me, 50,000 actually seems like a
1572 large city not a rural community. So if you could, if you

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1573 don't know, it would be nice to have the breakdown, and you
1574 mentioned this, you alluded to this earlier when you said
1575 that communities of 10,000 and under do very well, have a
1576 high success rate. It would be nice to know what the
1577 breakdown is for communities under 10,000, 10 to 25,000, and
1578 25 to 50,000, what is the success rate, and of the overall
1579 funds that are allocated, what percentages go to communities
1580 in that size?

1581 *Mr. Breen. We will -- I think we will be able to get
1582 that for you. I asked similar questions and was able to get
1583 answers, but I didn't ask precisely that question.

1584 *Mrs. Miller-Meeks. Yeah, so if you could get that
1585 information to us, that would be tremendously helpful and --
1586 because most of the communities in my district are actually,
1587 you know, below 25,000, so I would appreciate you sending --
1588 submitting that to us in writing. Thank you so much.

1589 And, Mr. Chair, I yield back.

1590 *Mr. Joyce. The gentlelady yields. The chair now
1591 recognizes the gentleman from Alabama, Mr. Palmer, for his
1592 five minutes of questioning.

1593 *Mr. Palmer. Thank you, Mr. Chairman, and I appreciate

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1594 the fact that we are holding this hearing because I think
1595 this is a very important issue, particularly as my
1596 colleagues have all pointed out in terms of developing areas
1597 where people are suffering economic injustice. There are
1598 opportunities here I think to dramatically improve the
1599 economic viability of those communities.

1600 One of the things I want to talk to you about, Mr.
1601 Breen, is that there are -- more and more and states are
1602 looking for ways to clean up sites with some flexibility.
1603 My understanding is that the EPA is supposed to give
1604 deference to state Brownfield laws unless there is an
1605 imminent threat to human health. How often how has the EPA
1606 decided to overrule state Brownfield laws under those
1607 circumstances?

1608 *Mr. Breen. I am not thinking of any recent examples,
1609 but I may not have them all available at my fingertips, so I
1610 would do best to get back to you for that.

1611 *Mr. Palmer. Could you check on that and --

1612 *Mr. Breen. Yes.

1613 *Mr. Palmer. -- provide that to the committee? Are
1614 there other circumstances where the EPA would overrule

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1615 state's Brownfield laws?

1616 *Mr. Breen. On a Brownfields matter?

1617 *Mr. Palmer. Yes, sir.

1618 *Mr. Breen. I am not familiar with what you might be
1619 thinking of.

1620 *Mr. Palmer. Well, I -- now, it is a straightforward
1621 question. Are there other cases where the EPA would
1622 circumvent a state's Brownfield laws? Now the one example
1623 that I presented to you was in cases where it was a danger
1624 to human health, but are there other --

1625 *Mr. Breen. Right.

1626 *Mr. Palmer. -- instances where the EPA has
1627 intervened?

1628 *Mr. Breen. None that are occurring to me at the
1629 moment.

1630 *Mr. Palmer. Could you check on that?

1631 *Mr. Breen. Yes.

1632 *Mr. Palmer. And this is not an adversarial question.
1633 We are trying to get to solutions --

1634 *Mr. Breen. Yeah.

1635 *Mr. Palmer. -- as we pursue this. And I thank you

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1636 for providing information to us. Alabama passed a
1637 Brownfields law that allows for innovative brownfield zones
1638 and flexibility, and I think there have been some issues
1639 raised about concerns about liability for a new owner.
1640 There is problems with current owners not doing anything to
1641 develop the -- these locations because once they disturb the
1642 ground then it opens up to a lot of issues.

1643 What I would like to know is what sort of funding would
1644 be available to rehabilitate these sites? You know, which
1645 in some instances might include sites that are owned by
1646 potential responsible parties. Is the EPA working in a
1647 collaborative manner with private owners to rehabilitate
1648 sites?

1649 *Mr. Breen. Where the owner is the responsible party?

1650 *Mr. Palmer. Yes.

1651 *Mr. Breen. I am not sure that the statute enables
1652 that owner to apply for Brownfields funding, but I have to
1653 get back to you.

1654 *Mr. Palmer. Is that something that should be
1655 considered?

1656 *Mr. Breen. Well, there's a delicate balance to be

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1657 struck. Let me ask folks to get you an answer for that on
1658 the record.

1659 *Mr. Palmer. Well, my point is is that where you have
1660 a company that may have acquired a site years ago that did
1661 not contribute to whatever might be in the ground or there,
1662 in order to -- for them to allow that site to be developed
1663 for a more useful purpose, whether it is economic
1664 development, or for a park, or whatever, a lot of those
1665 companies can't afford to do that. So what my question
1666 would be, and something I think the committee might --
1667 should consider is, is there a collaborative way to get
1668 those sites cleaned up so that they can be used again. And
1669 I would like for you to look into that and respond back to
1670 the committee.

1671 And then, Mr. Chairman, maybe we could pursue this
1672 further and come up with a solution. With that, Mr.
1673 Chairman, I yield back.

1674 *Mr. Joyce. The gentleman yields. The chair now
1675 recognizes the gentleman from Ohio, Mr. Balderson, for his
1676 five minutes of questioning.

1677 *Mr. Balderson. Thank you, Mr. Chairman.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1678 Mr. Breen, thank you for being here today. Section 2
1679 of the discussion draft we are considering today proposes a
1680 new limited pilot program for EPA to aid three applicants in
1681 communities with a population of less than 50,000 people and
1682 two applicants in communities with a population of 50,000 to
1683 100,000 people. Can you discuss why it might be beneficial
1684 to have this funding provided on a noncompetitive basis?

1685 *Mr. Breen. Thank you. The need to reach out
1686 especially to small communities is much appreciated. Rural
1687 communities, small communities. We are working hard to do
1688 that outreach now, and so we have existing mechanisms for
1689 doing it. We don't have any technical assistants that say
1690 change this word or that word and that text that you have
1691 suggested.

1692 *Mr. Balderson. Okay. There are three main types of
1693 cleanup -- federally-governed cleanups: corrective action,
1694 Superfund cleanups, and Brownfield cleanups. Mr. Breen, are
1695 there lessons from the Brownfields Program that could be
1696 applied to Superfund or corrective action cleanups?

1697 *Mr. Breen. And thank you for the question. They all
1698 work together in our office. They are quite literally down

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1699 the hall from one another. There is a lot of lessons to be
1700 learned and on the science underlying land contamination, on
1701 the methods of cleanup. We have a pretty good expertise
1702 that we share across offices.

1703 *Mr. Balderson. Okay, good to know. I understand that
1704 more than 20 years ago Brownfield cleanups were not
1705 occurring because parties interested in developing that land
1706 were worried about CERLAC (sic) liability applying to them
1707 if they got involved. Would you please walk me through the
1708 liability rules of this process, who it applies to, and
1709 whether it is appropriated -- apportionated (sic) and fault-
1710 based?

1711 *Mr. Breen. Thank you. That is a wonderful topic. I
1712 would do well to --

1713 *Mr. Balderson. I love the smile on your face, so I am
1714 glad to hear that.

1715 *Mr. Breen. I would well to do that for you in writing
1716 because the rules are so complicated that a wrong choice of
1717 phrase might leave you with the wrong impression, so I would
1718 be better to get you back that in writing.

1719 *Mr. Balderson. I respect that, thank you. The

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1720 Brownfields law does not provide an exemption to liability
1721 but rather defenses to liability. Could you explain the
1722 difference between those two concepts?

1723 *Mr. Breen. The difference between a defense and an
1724 exception?

1725 *Mr. Balderson. Yes.

1726 *Mr. Breen. So I think --

1727 *Mr. Balderson. Defense and liability.

1728 *Mr. Breen. Thank you. I think there is a distinction
1729 within Section 107 of CERCLA. There are some listed
1730 defenses and there are some listed exceptions, but the
1731 impact of being a defense versus an exception would be
1732 something I would need the enforcement office and the
1733 general counsel's office to respond to.

1734 *Mr. Balderson. Okay. Well, we are moving right along
1735 here.

1736 *Mr. Breen. I'm sorry?

1737 *Mr. Balderson. Oh, we are moving right along here.

1738 As it is possible that a Brownfield applicant could become a
1739 potentially responsible party under CERLAC (sic), I have a
1740 few more questions on the transparency of this process. Is

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1741 liability for CERLAC (sic) sites covered by your office, the
1742 enforcement office, the regions, or some combination upon
1743 the cost and size of the cleanup?

1744 *Mr. Breen. Yeah, I think I understood your question.
1745 Is the -- are the liability provisions --

1746 *Mr. Balderson. Yes.

1747 *Mr. Breen. -- who are they administered by. The
1748 national program guidance for the liability provisions would
1749 come from the enforcement office, and frequently it is the
1750 regional offices that actually apply it on a situation by
1751 situation basis.

1752 *Mr. Balderson. Okay. Would you say that the
1753 liability provisions pursuant to CERLAC (sic) and relevant
1754 case law are administered uniformly in each area of the
1755 country?

1756 *Mr. Breen. We do our best to be consistent. Every
1757 situation has its own particular nature so that one answer
1758 would not necessarily be the right answer in another
1759 situation. But we do our best to be consistent.

1760 *Mr. Balderson. Thank you. And thank you for your
1761 promptness and your effective questions (sic).

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1762 I am done, Mr. Chairman. I yield back my remaining
1763 time.

1764 *Mr. Joyce. The gentleman yields. The chair now
1765 recognizes the gentleman from Texas, Mr. Crenshaw, for his
1766 five minutes of questioning.

1767 *Mr. Crenshaw. Thank you. Thank you, Mr. Chairman,
1768 and thank you, Mr. Green (sic), for being here. It is an
1769 important program. It affects every district, and I think
1770 it has created -- I think this program has been very
1771 successful and, of course, enjoys bipartisan support. There
1772 has been a few questions on how we assess who is eligible
1773 for a Brownfield site, and I want to drill down into that a
1774 little bit if we can.

1775 And it does revolve around discussions about the
1776 administration's push for environmental justice initiatives
1777 and that is defined in a bunch of different ways, you know,
1778 some of which makes sense and some of which don't. And I
1779 think what we are always trying to figure out is what is the
1780 process for assessing, is it risk-based, or is it based on
1781 the median income of a community? You know, if you have got
1782 a site that is clearly more contaminated than another site

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1783 but that other site is in what one would define as an
1784 underserved community, does that one get priority, even
1785 though the other site might be riskier?

1786 You assess risk. I am assuming that is based on
1787 population, because if a site affects more people, then it
1788 is more risky. And so maybe walk us through how that
1789 assessment is done.

1790 *Mr. Breen. Thank you. The statute itself gives us 12
1791 criteria, 12 ranking criteria, and some of them specifically
1792 call out particular factors. For example, a factor called
1793 out is the inability to draw on other resources, or being
1794 located in an area of small population, or low income, or a
1795 need for fair distribution between urban and non-urban
1796 areas. So those are called out.

1797 We use those statutory criteria. We have ranking
1798 panels that assign points to each application. The regions
1799 are quite deeply engaged on this. And then those ranking
1800 panels and their points come forward to headquarters and we
1801 try to make the money go as far as we can.

1802 *Mr. Crenshaw. Yeah, so are you penalized if you are
1803 in a wealthier area?

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1804 *Mr. Breen. Well, there is a -- low income is called
1805 out in the statute. I don't think you are being penalized
1806 if you are in a wealthy area, just a criteria is low income
1807 communities are called out in particular.

1808 *Mr. Crenshaw. You get extra points in the assessment?

1809 *Mr. Breen. I would have to get you the framing point
1810 system. I don't have that in front of me.

1811 *Mr. Crenshaw. Sure. You know, maybe that is fine.
1812 All else being equal, right? I mean, I think the concern I
1813 would have is if a more contaminated site is -- becomes
1814 weighted less because of the conditions surrounding that
1815 site. You know, you -- in the end, the purpose of the
1816 program is to clean up contaminated sites and, you know, we
1817 should always be prioritizing the actual cleanup and making
1818 risk assessments based on that.

1819 *Mr. Breen. Can I elaborate on that?

1820 *Mr. Crenshaw. Sure.

1821 *Mr. Breen. I -- so another one of the criteria is to
1822 address and facilitate reductions in threats to human health
1823 and the environment, particularly greater than normal
1824 incidents of disease, or cancer, or asthma, or birth

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1825 defects. So the actual risk to human health is front and
1826 center.

1827 *Mr. Crenshaw. Okay. That is good to hear. I -- in
1828 our remaining time, if you could say how the program's
1829 evolved, what steps have you taken to streamline and promote
1830 innovation in the application process as well as the
1831 redevelopment efforts.

1832 *Mr. Breen. Thank you.

1833 *Mr. Crenshaw. You want to highlight anything.

1834 *Mr. Breen. Thank you. The program began in the mid-
1835 1990s as doing our best to do what we could for communities
1836 that are neither completely uncontaminated nor so
1837 contaminated as to need Superfund designation. And we found
1838 that there is a --

1839 *Mr. Crenshaw. Mm-hmm.

1840 *Mr. Breen. -- 150,000 by estimates in the middle. So
1841 we did what we could with the authority that we had. Thanks
1842 to this subcommittee's work and that of other applicable
1843 subcommittees, a statute was enacted a few years later to
1844 codify largely what we were doing. There have been some
1845 amendments over the years, but the basic framework from that

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1846 2002 statute has proven reliable, and durable, and
1847 productive. And so we get support from across the country.

1848 *Mr. Crenshaw. Okay. And I yield back. Thank you.

1849 *Mr. Joyce. The gentleman yields. The chair now
1850 recognizes the gentlelady from Michigan, Mrs. Dingell, for
1851 her five minutes of questioning.

1852 *Mrs. Dingell. Thank you, Mr. Chairman, and thanks for
1853 holding this important hearing today to discuss
1854 reauthorizing the EPA's Brownfield Programs, and thanks to
1855 the EPA for being here.

1856 As you know, I am one of the biggest supporters of
1857 Brownfields. It has had a long history -- but the reason I
1858 am one of the biggest supporters is because I had more of
1859 them than almost anybody in the country. And I would say to
1860 my colleague from Texas that unfortunately we see a lot of
1861 industrialized areas that there weren't -- the population
1862 wasn't as well off that is cleaning up sites from 30, 40,
1863 50, 60, 70 years ago.

1864 But I do have a -- it is not a Brownfield site, it is
1865 finally going to get listed as a Superfund site in a more
1866 wealthy area that is a dox and plume that has been there for

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1867 50 years. So we are still cleaning up a lot of places. But
1868 the EPA Brownfields Program has had a long history of
1869 empowering state's local communities and stakeholders to
1870 work together and to prevent contaminated sites from
1871 endangering public health and the environment.

1872 This program has had strong bipartisan support from
1873 members of this committee and I -- it is really important
1874 that this continue. I was very proud to welcome and help
1875 open EPA's annual Brownsfield (sic) conference held in
1876 Michigan. In my district, the Downriver Community
1877 Conference is managing one of the best Brownfields Programs
1878 in the country. Since its creation, the DCC has received
1879 and administered over 19 million dollars in Brownfield
1880 funding and assisted in more than 200 sites, accounting for
1881 over 600 million dollars in total investment while creating
1882 jobs, and increasing the tax base of the local Downriver
1883 communities, and restoring programs that needed to be
1884 cleaned up, and it has made my Downrivers and other parts of
1885 my district, it has made them more beautiful again, vibrant,
1886 and a sustainable place to live, work, and visit.

1887 So having said that, and I am very committed to getting

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1888 this reauthorized and fully funded because I still have
1889 brownfields in my district that need you. But as you may
1890 have seen, today's discussion draft would create a new
1891 requirement for the EPA to conduct an annual internal audit
1892 of its Brownfields Programs and its awards. Administrator
1893 Breen, what mechanisms are in place to monitor and evaluate
1894 the effectiveness of the Brownfield Program and how does the
1895 EPA use this feedback to make improvements?

1896 *Mr. Breen. Thank you. So, first of all, thank you
1897 for speaking at the Brownfields conference last month. You
1898 mentioned it just now, and we were thrilled. Thank you for
1899 being there.

1900 We do have an existing Inspector General program for
1901 the Agency as a whole, including the Brownfields Program,
1902 and we have pretty rigorous procedures for how we give
1903 grants, for the ranking criteria, numerical scores. We make
1904 sure that we bring together regions and the national staff
1905 to look at them. And there have not been a great deal of
1906 problems, but at the same time, oversight is always healthy,
1907 transparency is necessary.

1908 *Mrs. Dingell. So let me ask you this, from a Federal

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1909 Government's perspective, why is the EPA's Brownfields
1910 Program crucial for the overall environmental and economic
1911 health of communities?

1912 *Mr. Breen. Thank you. It fills a gap that wouldn't
1913 otherwise be filled between the very most contaminated
1914 property and greenfields. And every time we invest in a
1915 brownfields, it means we have a pretty good shot at reusing
1916 infrastructure that has already been built: roads, pipes,
1917 electric lines. Reusing those means that we don't have to
1918 plow up greenspace in order to make jobs; we can reuse space
1919 that has already got what it needs.

1920 *Mrs. Dingell. And could you elaborate on the ways in
1921 which federal investment in this program aligns with the
1922 broader environmental and economic goals of the EPA, and why
1923 should it be a priority for the Federal Government?

1924 *Mr. Breen. So one of the best things about it is we
1925 found a pretty good data set. We didn't go and cherry pick
1926 sites, we found sites where we had good data, and we just
1927 took all of the sites that we had good data on and compared
1928 what we invest to what tax revenue is received by local
1929 governments, and it is enormous.

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1930 We invested I think it is 12 million dollars, I can get
1931 you the exact number. We invested our money and then year
1932 after year after year, the local governments get increased
1933 tax returns, thanks to the investments, all because some
1934 important seed money was provided. So there is better
1935 healthcare, there is better libraries, there is better
1936 police forces thanks to those real estate taxes going up.

1937 *Mrs. Dingell. Thank you. I do want to say, Mr.
1938 Chairman, Brownfields funding does great work and it does
1939 help bring communities back. I have got a lot of them.
1940 Thank you.

1941 And I yield back.

1942 *Mr. Breen. Thank you.

1943 *Mr. Johnson. [Presiding] The gentlelady yields back,
1944 and we will now transition to the second panel.

1945 Mr. Breen, thank you so much for your testimony today.
1946 You are excused.

1947 And I will ask our guests to please take their seats
1948 for our second panel.

1949 [Pause.]

1950 *Mr. Johnson. I want to thank our panelists for

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1951 joining us today, and I would remind our panelists when you
1952 being your -- to speak, please make sure your microphone is
1953 turned on and that it is pulled close. We would appreciate
1954 that.

1955 Our witnesses for the second panel today are the
1956 Honorable Christian Bollwage, Mayor of Elizabeth, New
1957 Jersey, on behalf of the Conference of Mayors and the
1958 National League of Cities. Mayor Bollwage, welcome.

1959 The Honorable Tammy Tincher, President of the
1960 Greenbrier County Commission on behalf of the National
1961 Association of Counties. Ms. Tincher, thank you.

1962 Ms. Lesly Melendez, the Executive Director for
1963 Groundwork Lawrence on behalf of the National Brownfields
1964 Coalition. Thank you for joining us today.

1965 And Mr. Pat Ford, the Director of External Affairs and
1966 Business Development at Frontier Group of Companies. Mr.
1967 Ford, welcome.

1968 Mayor Bollwage, you get to go first. You are
1969 recognized for your five-minute opening statement.

1970

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1971 STATEMENT OF THE HON. CHRISTIAN BOLLWAGE, MAYOR OF
1972 ELIZABETH, NEW JERSEY, ON BEHALF OF THE CONFERENCE OF MAYORS
1973 AND THE NATIONAL LEAGUE OF CITIES; THE HON. TAMMY TINCHER,
1974 PRESIDENT OF THE GREENBRIER COUNTY COMMISSION, ON BEHALF OF
1975 THE NATIONAL ASSOCIATION OF COUNTIES; LESLY MELENDEZ,
1976 EXECUTIVE DIRECTOR FOR GROUNDWORK LAWRENCE, ON BEHALF OF THE
1977 NATIONAL BROWNFIELDS COALITION; AND PAT FORD, DIRECTOR OF
1978 EXTERNAL AFFAIRS AND BUSINESS DEVELOPMENT, FRONTIER GROUP OF
1979 COMPANIES

1980

1981 STATEMENT OF THE HON. CHRISTIAN BOLLWAGE

1982

1983 *Mr. Bollwage. Thank you very much, Mr. Chairman,
1984 Chair McMorris Rodgers, and the Ranking Member Congressman
1985 Pallone, Subcommittee Chair Johnson, and Ranking Member
1986 Tonko, it is good to see you again, Congressman, and members
1987 of the subcommittee.

1988 I am Chris Bollwage. I have been the mayor of
1989 Elizabeth, New Jersey, fourth largest city, since 1993,
1990 Trustee of the Conference of Mayors, and I serve as chair of
1991 the Brownfields Task Force for 25 years. I have testified

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1992 many times, not only here but before the Senate as well as
1993 the full House committee to improve the Brownfields law. I
1994 am honored to be here today on behalf of the Conference of
1995 Mayors and the National League of Cities to share our
1996 priorities for reauthorizing EPA's Brownfields Program.

1997 I cannot say strongly enough how effective this program
1998 has been and the federal program to help revitalize
1999 America's communities by putting abandoned or blighted
2000 property back to productive use. For city leaders,
2001 Brownfields sites represent jobs, revitalized neighborhoods,
2002 increased tax base, reuse and enhance already existing
2003 infrastructure. So that is exactly what we have done in my
2004 city to a variety of brownfield redevelopment projects along
2005 our waterfront, train station, throughout the community.

2006 We brought new market rate as well as affordable
2007 housing, job training opportunities, revitalized
2008 neighborhood, and provided new opportunities for economic
2009 growth. The story of success is one that is replicated in
2010 hundreds of communities throughout the country as
2011 Brownfields Program is a win for local governments, our
2012 environment, and economy. With these successes in mind, I

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2013 want to thank the committee for the changes that were
2014 enacted in 2018 and -- in that reauthorization as well as
2015 the 2021 Infrastructure Investment and Jobs Act.

2016 We have advocated for years for additional funding and
2017 higher caps on the grants which could allow for
2018 redevelopment of harder to develop brownfields sites, and we
2019 are hopeful that the new influx of new resources will
2020 demonstrate this and that Congress would consider including
2021 these changes in the new reauthorization.

2022 My written testimony, Mr. Chairman, includes more
2023 context and explanation around additional priorities for the
2024 next authorization. But in short, more flexibility,
2025 direction to EPA that would allow local governments to use
2026 multipurpose grant funding for more broadly and any eligible
2027 Brownfield activity within the community. Raise the
2028 administrative cost allowance from five percent to 10
2029 percent will further support smaller communities.

2030 Allow communities to apply for an additional cleanup
2031 grant for a specific property, even if a community has
2032 already received a cleanup grant, as well as the ability to
2033 apply for an assessment grant for a community that has

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2034 received a cleanup grant for that property. Require
2035 nonprofit entities to get signoff from the city to ensure
2036 that the project is coordinated with local government
2037 efforts. We appreciate the discussion draft includes a
2038 provision on this issue.

2039 We also want to offer some comments on your discussion
2040 draft concerns regarding allowing for-profit companies to
2041 apply to EPA cleanup grants for several reasons outlined in
2042 my written testimony. There is not enough money, number
2043 one, appropriated to fund the current number of grant
2044 applications, and we can believe Congress could help the
2045 private sector more effectively by reinstating the
2046 Brownfields tax credit.

2047 One of the biggest hurdles that small and medium size
2048 communities face is accessing federal funding and the lack
2049 of staff capacity. We are generally supportive of the draft
2050 discussions approving technical assistance for small and
2051 mid-size communities. We would like to understand how this
2052 would impact EPA's current technical assistance program and
2053 learn more about how applicants would be selected for those
2054 five small and mid-size communities.

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2055 And on behalf of both the Conference of Mayors and the
2056 National League of Cities, we strongly encourage the
2057 committee to incorporate the infrastructure changes into the
2058 reauthorization bill. Our organizations stand ready to work
2059 with you to develop solutions that would further improve the
2060 Brownfields Program. This is a program that many members of
2061 Congress have supported in the past. It has a proven track
2062 record of creating jobs, cleaning up contamination, and
2063 protecting the public health, and I urge you to support the
2064 reauthorization.

2065 Mr. Chairman, members of the committee, I thank you for
2066 allowing me to testify here today and will answer and look
2067 forward to your questions. Thank you.

2068

2069

2070

2071 [The prepared statement of Mr. Bollwage follows:]

2072

2073 *****COMMITTEE INSERT*****

2074

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2075 *Mr. Johnson. Thank you, Mr. Mayor.

2076 And now, Ms. Tincher, you are recognized for five

2077 minutes.

2078

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2079 STATEMENT OF THE HON. TAMMY TINCHER

2080

2081 *Ms. Tincher. Thank you, Chair Johnson, Ranking
2082 Members Pallone, and Rodgers, and Tonko -- Chair Rodgers,
2083 and Tonko, and distinguished members of this subcommittee.
2084 Thank you for the opportunity to testify today.

2085 My name is Tammy Tincher, and I serve as President of
2086 the Greenbrier County Commission in Greenbrier County, West
2087 Virginia, and I am representing the National Association of
2088 Counties.

2089 Today's hearing is of great importance to my county and
2090 many others throughout the country, both urban and rural,
2091 who are tasked with protecting the environment, ensuring
2092 public health, and strengthening the economic vitality of
2093 their communities. The EPA Brownfields Program is one of
2094 the most successful programs to help address vacant and
2095 abandoned sites at the local level, the redevelopment of
2096 which can reinvigorate entire communities and their
2097 economies.

2098 As a county commissioner, I have seen firsthand the
2099 positive effects that Brownfields redevelopment has had on

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2100 my community. Greenbrier County is in Southeastern West
2101 Virginia and much of the northern parts -- northern and
2102 western parts of my county are either national forests, coal
2103 land, or private forest land. In years past, the
2104 communities in this -- in these areas were the commerce
2105 centers of Greenbrier County. The coal and forestry
2106 industries contributed to a robust economy in the county
2107 until their recent decline, which has left communities
2108 devastated.

2109 The EPA Brownfields Program has been beneficial to
2110 Greenbrier County and other rural communities across the
2111 country by providing funds for the cleanup and redevelopment
2112 of contaminated sites, which helps to attract new business
2113 and provide opportunities for these prosperous -- for these
2114 once prosperous communities. This is particularly impactful
2115 for rural counties, which make up 70 percent of the Nation's
2116 3,069 county governments. Of the 353 counties that
2117 experience persistent poverty, 85 percent are rural, and the
2118 poverty rate in Rural America is 2.5 percentage points
2119 higher than the national average.

2120 These challenges are exacerbated by the fact that in

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2121 many states, counties are severely constrained in our
2122 ability to both raise and collect tax revenues. Despite
2123 these limitations, rural counties must still deliver
2124 essential services to our residents and visitors, such as
2125 road and bridge maintenance, law enforcement, and much more.
2126 These challenges hinder the potential of our rural
2127 communities and contribute to widening disparities between
2128 rural and urban areas.

2129 However, federal investment in rural communities
2130 through programs such as the Brownfields Program presents a
2131 key opportunity to bolster -- bolster rural economic
2132 development. Brownfields are traditionally thought of as an
2133 urban feature and they are also found in most rural counties
2134 nationwide. Brownfields in rural areas can include railroad
2135 property, old gas stations, agriculture buildings, and more.

2136 The EPA Brownfields Program is indispensable to
2137 revitalizing these sites in rural communities. For example,
2138 the program has been essential in helping to begin the
2139 renovation process for the former Rupert Elementary School
2140 in my county. The site has several auxiliary buildings that
2141 have been renovated to house Marvel, an early learning

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2142 childhood center. The western end of Greenbrier County is a
2143 childcare desert and this development has allowed services
2144 to be provided to those families in need.

2145 Additionally, a gymnasium has been restored to provide
2146 athletic opportunities to community members of all ages.
2147 The major redevelopment on the campus, however, is the
2148 renovation of the three-story school building which will
2149 house a medical clinic on the first floor and senior and
2150 low-income housing on the second and third floors. All
2151 aspects of the project will bring in new life to the Meadow
2152 River Valley and create a community center that will be
2153 central to all residents.

2154 The previous uses of the buildings on the campus
2155 require the Brownfields assessments and inspections, and the
2156 funding provided by the EPA Brownfields Program through the
2157 West Virginia Department of Environmental Protection removed
2158 barriers to redevelopment of the site.

2159 It is essential that federal resources remain available
2160 for Brownfields assessment, cleanup, and redevelopment as
2161 well to provide incentives for private investment. We
2162 request increasing funding levels for the program. We

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2163 recommend that Congress authorize and appropriate increased
2164 funding for the Brownfields Program, provide technical
2165 assistance to rural communities. Our capacities are limited
2166 and the more barriers that we have to deal with with grant
2167 applications and paperwork limits our ability to be able to
2168 redevelop and deploy the services that we need.

2169 In conclusion, counties recognize the importance of
2170 brownfields. We thank you for the opportunity to be able to
2171 testify, and I look forward to answering any questions that
2172 you may have. Thank you.

2173 [The prepared statement of Ms. Tincher follows:]

2174

2175 *****COMMITTEE INSERT*****

2176

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2177 *Mr. Johnson. The lady yields her time back.

2178 Ms. Melendez, you are now recognized for five minutes.

2179

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2180 STATEMENT OF LESLY MELENDEZ

2181

2182 *Ms. Melendez. Thank you, Chair Johnson, Ranking
2183 Member Tonko, and members of the subcommittee. Thank you
2184 for the opportunity to testify today on the important role
2185 the Brownfield Program plays in revitalizing American
2186 communities.

2187 My name is Lesly Melendez, and I am appearing as the
2188 Executive Director of Groundwork Lawrence representing the
2189 National Brownfields Coalition and Groundwork USA.
2190 Groundwork USA is a network of place-based, people-centered
2191 environmental justice organizations working in urban
2192 communities across the country to undo the legacy of
2193 environmental harm and create green, healthy, just, and
2194 resilient urban neighborhoods. Groundwork USA has a track
2195 record of community development and land revitalization
2196 spanning over 30 years.

2197 Groundwork Lawrence is a non-profit organization in
2198 Lawrence, Massachusetts that is part of the larger
2199 Groundwork USA network. Groundwork Lawrence works to
2200 improve our city's physical environment by developing

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2201 community-based partnerships which empower people,
2202 businesses, and organizations to promote environmental,
2203 economic, and social wellbeing.

2204 The National Brownfields Coalition is a nonpartisan
2205 alliance of nonprofits, academics, and public and private
2206 sector professionals who support the responsible cleanup and
2207 reuse of underutilized, blighted, or environmentally
2208 impacted land. Brownfield sites are a stark evidence of the
2209 environmental justice issues that continue to impact many
2210 under-resourced communities. Brownfields, especially those
2211 in resource-constrained neighborhoods, are barriers to
2212 redevelopment and perpetuate a cycle of disinvestment.

2213 Since the 1980s, the environmental justice movement has
2214 tackled the disproportionate concentration of Brownfield
2215 sites in low-income communities and communities of color.
2216 But the lack of positive environmental assets that help make
2217 a neighborhood a safe, enjoyable, healthy place to live,
2218 such as parks and play spaces, walking and biking
2219 infrastructure, tree cover and gardens, has often been
2220 overlooked. These items, which many wealthier communities
2221 take for granted, have generally been treated as nice to

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2222 have amenities rather than essential components of a healthy
2223 community.

2224 As a Lawrence kid, growing up with more reasons to
2225 leave than to stay, the environment and its many benefits
2226 was not something I knew about. But I did notice the vacant
2227 lots, the absence of parks and open spaces, the lack of
2228 pride in the way the city looked or even smelled. I
2229 remember our rivers weren't the attractive recreational
2230 destinations that they are today.

2231 In fact, the area that Groundwork first focused on was
2232 the neighborhood I grew up in. For many outside of the
2233 city, it was considered the Dresden of Lawrence. Most of
2234 the large mill buildings were vacant and in disrepair. This
2235 was a time in Lawrence where the disinvestment across the
2236 city was never more evident.

2237 In 2004, I joined the fledgling Groundwork Lawrence.
2238 The small organization began to change the way I saw my
2239 home, the way I thought about how things could change for
2240 the better, and provided me a new way to see how I could fit
2241 into that change. Groundwork Lawrence believes the
2242 Brownfields redevelopment is a long-term economic

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2243 development strategy for underserved communities.

2244 Community-driven Brownfield projects offer opportunities to
2245 counter disinvestment and build community wealth by creating
2246 jobs, educational opportunities for youth, and multiple ways
2247 for residents to become long-term stewards of their shared
2248 environment.

2249 Brownfield projects yield a triple bottom line of
2250 equity, health, and economic opportunity for communities
2251 that would otherwise be left behind. My first large
2252 Brownfield project in Lawrence was a 2.7-acre site in one of
2253 the densest neighborhoods in the city. Picture if you will
2254 a cement lot, long fenced off and forgotten by its owners.
2255 The community wanted more open space. That is when GWL
2256 began to work with the neighbors to design a space to call
2257 their own.

2258 The design process took place in a neighbor's living
2259 room and included the Groundwork team, a landscape
2260 architect, and a group of neighbors who had invested their
2261 time and energy. Despite some roadblocks, we persevered and
2262 cut the ribbon on Dr. Nina Scarito Park in 2006. Today, the
2263 park is one of the most beautiful greenspaces along the

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2264 Spicket River Greenway, a 3.1 mile greenway in the heart of
2265 the city that connects 10 parks, four of which were former
2266 Brownfields.

2267 These restored sites give residents a place to
2268 recreate, a place to socialize, and most importantly a place
2269 to feel proud of, and they would not have been possible
2270 without the support of the Brownfields Program. Groundwork
2271 Lawrence is proud of our Brownfield accomplishments. With
2272 over 25 million dollars in investment, including EPA
2273 Brownfields funding, we have been able to redevelop and
2274 create over 25 parks, four of those being brownfields to
2275 greenspace projects that have helped to increase property
2276 value, provide residents much needed greenspace and changed
2277 the people view -- the way people view the community in
2278 Lawrence.

2279 I hope that what I have shared with you today makes it
2280 clear that it is critical to continue to invest in the
2281 Brownfields Program. Doing so ensures that places like
2282 Lawrence can continue to convert once derelict spaces into
2283 thriving, sustainable, and mutigenerational community
2284 assets.

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2285 Thank you for the opportunity to testify. I look
2286 forward to answering your questions.

2287 [The prepared statement of Ms. Melendez follows:]

2288

2289 *****COMMITTEE INSERT*****

2290

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2291 *Mr. Johnson. Thank you, Ms. Melendez.

2292 Mr. Ford, you are now recognized for five minutes.

2293

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2294 STATEMENT OF PAT FORD

2295

2296 *Mr. Ford. Thank you, Chair Johnson, Ranking Member
2297 Tonko, and committee members. It is an honor and privilege
2298 to return before you and to testify with regards to what I
2299 believe to be the single most effective economic development
2300 tool in the hands of the Federal Government, the Brownfields
2301 Program housed in the U.S. EPA.

2302 Thank you, Deputy Administrator Breen, and the EPA
2303 staff for 10 years of supporting our projects for which I
2304 have been involved, totaling approximately three million
2305 dollars of public investment from the U.S. EPA, which has
2306 leveraged almost two billion dollars of private investment
2307 in only three counties in West Virginia and Ohio.

2308 I am fortunate to have had every role one could imagine
2309 in the repurposing of a brownfield in communities as small
2310 as 250 to as large as 300,000. I have been the permit
2311 reviewer, the site planner, the enforcement officer, the
2312 funder, the collaborator, the policy administrator, property
2313 owner, and developer. What I have learned on my career
2314 trajectory is that the market doesn't take care of

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2315 brownfields.

2316 There is no such thing as a conventional approach to
2317 brownfield development. There is no such thing as
2318 conventional financing in brownfield development.

2319 Brownfields continue to have a stigma, and even in the
2320 United States of America, people's appetite for risk still
2321 has a limit and that limit has been the private investment
2322 of brownfields, that is until the U.S. EPA stepped in to
2323 share the shoes of captains of industry.

2324 We are still as a country figuring out how to mend the
2325 disruptions of our domestic and international supply chains.
2326 I would argue that the most logical solution to these
2327 disruptions is the repurposing of brownfields. Our most
2328 critical and strategically located brownfields, our mega-
2329 sites, are within eight hours of 50 percent of our country's
2330 industrial output and 50 percent of America's population.
2331 These same brownfields, abandoned brownfields, have the
2332 bones of infrastructure in place to support and transform
2333 our country's energy generation and industrial growth for
2334 the remainder of this century.

2335 We must keep our large brownfields in our country's

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2336 industrial inventory. We must provide the EPA with the
2337 resources, regulatory and monetary, to ready these sites for
2338 economic development and at the pace of business and with
2339 business. It is cost prohibitive to take a greenfield and
2340 recreate the infrastructure that exists in our industrial
2341 brownfields where we have roads, rail, river access, and the
2342 workforce with the muscle memory to perform the work. There
2343 is no better time than now to put these forgotten pockets of
2344 our proud industrial heritage back into play and breathe
2345 life back into the bones of our abandoned mill and factory
2346 sites located in states and towns that desperately need the
2347 jobs and the tax base to support the services and the
2348 schools.

2349 Who in our national economy's operating room is
2350 equipped to breathe life back into the bones of our
2351 brownfields, our industrial mega-sites? You will find them
2352 at 1200 Pennsylvania Avenue Northwest. You will find no
2353 better agency than the EPA that is equipped to reinvigorate
2354 communities that have fallen on hard times, where they've
2355 lost energy production, shuttered mills.

2356 The EPA understand the importance of leverage, private

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2357 investment, risk share, and where to fit in the capital
2358 stack. We are at a critical juncture in our country's
2359 industrial renaissance where international companies are
2360 moving operations into the U.S., U.S. based companies that
2361 moved abroad are moving back, supply chain disruptions are
2362 being corrected, and some government agencies have figured
2363 out how to move at the pace of business. Now is not the
2364 time to tap the brakes.

2365 The U.S. EPA is on a natural trajectory. They are
2366 building on-ramps to growing our country's industrial output
2367 highway in a collaborative, affordable, and time-sensitive
2368 manner. We need to keep our foot on the accelerator and
2369 make the on-ramp to our industrial highway more accessible
2370 to others, and that includes the private sector, and give
2371 the U.S. EPA the fuel they need to take us to economic and
2372 energy independence. Thank you.

2373 [The prepared statement of Mr. Ford follows:]

2374

2375 *****COMMITTEE INSERT*****

2376

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2377 *Mr. Johnson. Thank you, Mr. Ford.

2378 The gentleman yields back. We will now go into the
2379 questions, and the chair recognizes himself for five minutes
2380 to begin that process.

2381 Commissioner Tincher, I represent several rural
2382 counties with populations less than 50,000, and I believe
2383 that Brownfields grants can spur environmental cleanup, job
2384 creation, and community revitalization. Do you have an
2385 opinion about what currently prevents or discourages small,
2386 rural communities from applying for Brownfields grants?

2387 *Ms. Tincher. Certainly. Thank you for the question.
2388 I believe one of the biggest barriers is capacity for rural
2389 counties. Capacity limits of staffing, limitations on
2390 abilities to go through in-depth --

2391 *Mr. Johnson. The grant-writing process?

2392 *Ms. Tincher. Absolutely. Yes, sir.

2393 *Mr. Johnson. You mentioned technical assistance. Is
2394 that part of the technical assistance you think that they
2395 could use help with?

2396 *Ms. Tincher. Absolutely. We find that it is very
2397 important to have technical assistance on so many projects.

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2398 It is greatly helpful to rural communities and counties and
2399 would be extremely beneficial.

2400 *Mr. Johnson. Sure. Well, I could talk about the
2401 impacts and the benefits, but I'd like to hear from you.
2402 What do you think the impacts of a Brownsfields (sic) grant,
2403 what would it be for a community of that size, for 50,000 or
2404 less?

2405 *Ms. Tincher. Certainly. My communities -- Greenbrier
2406 County itself is 32,000 people. Our largest municipality is
2407 3600 people. The areas that I spoke about in my testimony,
2408 the western areas of the county, we have municipalities that
2409 have 800 people. And so, much of those areas that I spoke
2410 of are very limited in opportunity right now because of the
2411 loss of industry that we previously had in our area.

2412 We had the largest hardwood lumber mill in the world in
2413 my community where I live. In 1975 it closed, and our
2414 community has not recovered since.

2415 *Mr. Johnson. Okay.

2416 *Ms. Tincher. We are faced with dilapidated and
2417 abandoned buildings, empty storefronts, and the Brownfields
2418 Program allows us to be able to begin the process of

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2419 redevelopment. It allows us the opportunity to look at new
2420 ways to bring energy and revitalization back into our
2421 communities that we have not had in a very long time.

2422 *Mr. Johnson. Okay. I am sure you have seen the
2423 discussion draft, I presume. How would the rural
2424 Brownfields showcase pilot program in that discussion draft
2425 benefit rural, non-suburban communities like you're talking
2426 about?

2427 *Ms. Tincher. I believe it is -- it would be very
2428 helpful to provide opportunities to these rural counties and
2429 communities to just have -- have promotion of the program,
2430 to be able to have interest and show the communities that
2431 there's opportunity, that instead of having the abandoned
2432 areas or the underutilized areas that have been in their
2433 communities for years looking at ways to revitalize and
2434 provide future opportunities is tremendous for a community's
2435 energy and those who have boots on the ground and actually
2436 doing the work.

2437 *Mr. Johnson. Okay. Mr. Ford, can you explain how the
2438 Brownfields Program effectively leverages private capital
2439 for cleanup and economic revitalization?

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2440 *Mr. Ford. Yes, sir. Thank you. What is interesting
2441 about this program is that if you look at the capacity that
2442 exists in most of these areas, primarily rural, even outside
2443 our suburban areas, they have historically been drained by
2444 wealth and industry, and what we have been able to do is
2445 follow a roadmap that basically includes three ingredients
2446 to leverage private investment.

2447 Collaboration and concurrence working with the local
2448 economical development agencies, providing our technical
2449 assistance and capacity and being able to bring the private
2450 sector in to self-perform the work, and then also
2451 collaborate and work with our local, state, and federal
2452 officials to make sure that these sites are treated as a
2453 priority for industry's that are looking to onshore,
2454 reshore, or expand.

2455 And with that formula, we have been able to work with
2456 communities as small as Beech Bottom in West Virginia, Mingo
2457 Junction in Ohio to bring back industry both our traditional
2458 value-added steel industries and also the industries of
2459 tomorrow, such as battery manufacturing, to leverage again
2460 almost two billion dollars of private investment just in

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2461 those areas.

2462 *Mr. Johnson. Okay. Very quickly, how long does it
2463 take to complete a typical Brownfields project?

2464 *Mr. Ford. Well, if you are on the private side and
2465 using just our money, I will tell you it took us seven
2466 years --

2467 *Mr. Johnson. Okay.

2468 *Mr. Ford. -- to get a certificate of completion from
2469 the West Virginia Department of Environmental Protection.

2470 *Mr. Johnson. So it is not -- that is not a short
2471 process?

2472 *Mr. Ford. It is not a short process.

2473 *Mr. Johnson. Okay. My time has expired.

2474 Commissioner Tincher and Mr. Ford, if either of you have any
2475 additional suggestions to improve EPA's Brownfields Program
2476 for smaller communities, would you please let our committee
2477 know? Okay, thank you.

2478 I yield back, and I recognize the ranking member, Mr.
2479 Tonko, for his five minutes.

2480 *Mr. Tonko. Thank you, Mr. Chair, and thank you to our
2481 witnesses.

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2482 I mentioned in my opening statement that the last
2483 reauthorization effort was based on longstanding
2484 recommendations that had support from all of the major
2485 Brownfields stakeholders. I also mentioned that the
2486 proposed funding level in this discussion draft has been
2487 left blank. So for each of our panelists, my question is,
2488 with that in mind, do you believe the increased funding from
2489 the Bipartisan Infrastructure Law has been positive for the
2490 program? We will start with the Mayor.

2491 *Mr. Bollwage. Yes, Congressman. Absolutely,
2492 Congressman. It has given more flexibility to the grant
2493 process. It has given additional funding not only to
2494 municipalities but to counties as well and something we
2495 strongly encourage.

2496 *Mr. Tonko. All right, thank you.

2497 *Ms. Tincher. I would reiterate what the Mayor just
2498 said. It has been extremely helpful for our rural
2499 communities and counties to be able to begin projects, to
2500 look at opportunities that we may not have even considered
2501 previously because of the increased funding. Thank you.

2502 *Mr. Tonko. Thank you.

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2503 Ms. Melendez, please.

2504 *Ms. Melendez. Thank you. Yes, it would -- it has
2505 helped, it will continue to help. One of the biggest things
2506 that Mr. Green (sic) had alluded to earlier today was that
2507 there was only 30 percent worth of applications were able to
2508 be approved, and since the additional funding, that has
2509 grown to more than 50 percent. Continuing that pattern is
2510 going to be very important for all communities.

2511 *Mr. Tonko. Thank you.

2512 And Mr. Ford?

2513 *Mr. Ford. Mr. Tonko, absolutely. And what I will say
2514 what has been particularly attractive from the position that
2515 I have been is the trajectory of the expansion of the
2516 program and also the money that comes with it. You have
2517 expanded at one time to include nonprofits and additional
2518 funding came with that.

2519 And also, if you look at where we started and where we
2520 are now, when we first started this program, you know, it
2521 was the low-hanging fruit that was getting cleaned up, and
2522 we are at that stage in the evolution of our industrial
2523 society that it is the heavier, larger, megasites that need

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2524 that cleanup done. And that additional money with the
2525 additional capacity will definitely go a long way to helping
2526 us ready these sites for future industrial development.

2527 *Mr. Tonko. Thank you very much, and again, across the
2528 board. As the committee considers how to fill in the blanks
2529 on authorization levels, would you be supportive of amounts
2530 that reflect the recent increased funding administered by
2531 that program? And I'll ask for a yes or no answer, and we
2532 will start again with the Mayor, please.

2533 *Mr. Bollwage. Yes.

2534 *Ms. Tincher. Yes.

2535 *Ms. Melendez. Yes.

2536 *Mr. Ford. Yes, and we would just encourage that it
2537 remains competitive to make sure that we get the maximum
2538 leverage from those dollars. Thank you.

2539 *Mr. Tonko. Thank you. The last reauthorization
2540 effort created multipurpose grant opportunities. The
2541 intention was to provide greater flexibility to local
2542 governments that may have multiple Brownfields within their
2543 jurisdictions. Under one application, an assessment or
2544 cleanup plan could be shifted based on the local community's

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2545 needs and the opportunity for successful redevelopment.

2546 So, Mayor Bollwage, do you believe these multipurpose
2547 grants are a good option for many communities?

2548 *Mr. Bollwage. Absolutely, Congressman. When this --
2549 when I first testified in the 1990s on this issue, that was
2550 not part in -- of the process and it has evolved where
2551 multipurpose grants afford not only mayors, and city
2552 councils, and county governments more opportunities but
2553 gives them flexibility, which is extremely important in the
2554 process.

2555 *Mr. Tonko. So I believe you had a recommendation
2556 also, right, for how multipurpose grants could be approved
2557 by EPA allowing for greater flexibility? Now can you
2558 explain how these grants may not be fully achieving their
2559 original intent, Mr. Mayor?

2560 *Mr. Bollwage. Well, the flexibility that could occur
2561 in multipurpose grants, one of the things in the strength is
2562 you could work with not only affordable but market rate
2563 housing as well. Your community can decide what the needs
2564 for their community will be best to contribute to the
2565 economic vitality. For example, many communities face

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2566 challenges with having the adequate affordable housing
2567 component. And in this case, with the multipurpose grants,
2568 it is about creating a community where people want to live,
2569 work, and play, and it also helps the support system and the
2570 economic opportunities in place.

2571 *Mr. Tonko. Okay. For the remaining panelists,
2572 Commissioner Tincher, and Ms. Melendez, and Mr. Ford, I
2573 would ask if you could share in writing because, I am
2574 running out of time, any thoughts that you have that might
2575 add on the value of multipurpose grants. Okay, I would
2576 appreciate that input, too. So with that, I have exhausted
2577 my time, and I thank you all for your response and your
2578 testimony.

2579 And with that, Mr. Chair, I yield back.

2580 *Mr. Johnson. The gentleman yields back. The chair
2581 now recognizes the gentleman from Georgia, Mr. Carter, for
2582 five minutes.

2583 *Mr. Carter. Thank you very much, Mr. Chairman, and
2584 thank all of you for being here, we appreciate you taking
2585 time out to spend with us and share your expertise with us.

2586 Mr. Mayor, I was a mayor in a past life, and I know how

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2587 important it is to have buy-in on projects like this, to
2588 have the community to be a part of this. And, in fact, in
2589 the first panel I cited two great examples in my district
2590 alone where we have had great success in turning brownfields
2591 into projects such as on Jekyll Island with the Georgia Sea
2592 Turtle Center which is just an outstanding facility that we
2593 are very proud of.

2594 And then in the northern part of my district in
2595 Savannah, Dulany Industries completed the largest bio area
2596 brownfield cleanup in the history of Georgia, and it is just
2597 a great facility now and by a great corporate citizen. So
2598 they are examples of where that -- where it can succeed and
2599 where we can be successful.

2600 The discussion graph -- draft contains language that
2601 requires Brownfield applications contain local government
2602 concurrence. Do you think that is a good idea, a bad idea?

2603 *Mr. Bollwage. Congressman, I -- as a mayor, I would
2604 like to be involved in all of the grants that are put forth
2605 through the city, whether it be nonprofit or for profit.
2606 Perfect example is we originally received one of the
2607 original \$200,000 grants. We used that to leverage a 166-

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2608 acre landfill into a two million square foot mall with four
2609 hotels. And without that \$200,000 grant, it wouldn't have
2610 happened. But the government applied for it on behalf of
2611 the for-profit industry that eventually developed on that
2612 location.

2613 *Mr. Carter. Mm-hmm.

2614 *Mr. Bollwage. So there should be some type of
2615 involvement. Oftentimes when local governments have to deal
2616 with the Congress, the definition of the language becomes
2617 something of a struggle, so concurrence could mean a lot of
2618 things. I want to know about it, though, yes.

2619 *Mr. Carter. Okay. Well, and tell me about your
2620 experiences with EPA and how they have been doing to help
2621 communities understand these sites and the potential that
2622 they have.

2623 *Mr. Bollwage. So my city is the fourth largest city
2624 in the State of New Jersey, and we have a lot of the
2625 expertise in the government in order to apply for the grants
2626 and work with the EPA. We have worked very closely with our
2627 regional office in order to succeed and I have always had
2628 the ability to stay in contact with them and questions were

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2629 answered rather quickly.

2630 *Mr. Carter. Any one of you had experience with
2631 smaller cities? I mean, obviously you are truthful in
2632 telling us that you got the personnel, but a lot of these
2633 smaller municipalities just don't have that. Any -- Mr.
2634 Ford, have you had any experience with that?

2635 *Mr. Ford. Absolutely. Excuse me. Absolutely. One
2636 has to just look at Beech Bottom, West Virginia. It was a
2637 home of an abandoned former Wheeling/Pitt steel mill,
2638 population of 250, no staff, volunteer mayor, and we worked
2639 closely with that community to bring resources, to actually
2640 bring in outside private capital from California and Indiana
2641 to repurpose that, and we did it with local concurrence.

2642 Without concurrence, you are actually robbing the
2643 project of a partner, and that is why we find it critical
2644 that the public and private sector work together and there
2645 is concurrence.

2646 *Mr. Carter. So what was your experience with the EPA,
2647 were they cooperative as well?

2648 *Mr. Ford. Actually, they provided us with a number of
2649 resources. They provided us with a targeted Brownfields

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2650 assessment grant, which was the technical assistant to help
2651 us get our head around the project. It was actually our
2652 first large Brownfield project. And then they followed up
2653 helping us bifurcate the site to get multiple grants for
2654 cleanup and remediation of that site to ready that site for
2655 industries to move in.

2656 *Mr. Carter. You spoke earlier, Mr. Ford, about the
2657 competitive grant process and how you believe in that. And
2658 I know that you have been -- you have testified before and I
2659 have -- I had the opportunity to hear you talk about it.
2660 For the benefit of those who haven't on this committee, how
2661 does promoting a competitive grant process rather than one
2662 that seeks to ensure all who apply get funding, how is that
2663 better?

2664 *Mr. Ford. I think it is simple. I mean, without
2665 competition it simply becomes a lottery and you are just
2666 really giving it -- money out on a first come, first served
2667 basis without really consideration for capacity, ability to
2668 deliver, ability to set up a plan, ability to understand how
2669 to characterize the site, and also an -- the ability to
2670 understand with that end use in mind. All of those

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2671 considerations, including the capacity to self-perform that
2672 work, need to be included. And without competition, where
2673 is the threshold criteria to determine how to best leverage
2674 those precious federal resources to bring private investment
2675 and jobs to these sites.

2676 *Mr. Carter. Great, great. Again, all of you, thank
2677 you for being here, it is extremely important.

2678 Thank you, Mr. Chairman, and I will yield back.

2679 *Mr. Johnson. The gentleman yields back. The chair
2680 now recognizes the gentlelady from Illinois, Ms. Schakowsky,
2681 for five minutes.

2682 *Ms. Schakowsky. Thank you, Mr. Chairman.

2683 I want to begin by asking -- talking to Ms. -- uh-oh, I
2684 want to get your name right.

2685 *Voice. Oh, Melendez.

2686 *Ms. Schakowsky. What is it?

2687 *Voice. Melendez.

2688 *Ms. Schakowsky. Melenday (sic). Okay, there we go.
2689 Am I -- no, that's still not right. Okay, I'm sorry, I will
2690 get your name.

2691 *Ms. Melendez. Lesly.

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2692 *Ms. Schakowsky. But I know who I am talking to.

2693 [Laughter.]

2694 *Voice. Lesly.

2695 *Ms. Melendez. You can call me Lesly.

2696 *Ms. Schakowsky. All right, thank you. So I just want
2697 to say that I was very proud to help pass the Bipartisan
2698 Infrastructure Bill which put 1.5 billion dollars into
2699 brownfields, addressing them. And -- but as we look to make
2700 the improvements that we want, we have to make sure that we
2701 are also really focusing on environmental justice
2702 communities, and that is what I want to talk to you about.

2703 Brownfield programs can certainly help by reducing
2704 pollution, et cetera, in some communities, but I am also
2705 concerned about some unintended consequences like
2706 gentrification that can happen when there are these
2707 Brownfield improvements. So I wanted to ask you, Mr. -- Ms.
2708 Melendez, the issue of gentrification or loss of affordable
2709 housing in these communities, is that a concern and is that
2710 something that we ought to watch out for to make sure that
2711 people who have been in those communities are going to be
2712 able to continue to benefit from the Brownfield

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2713 improvements?

2714 *Ms. Melendez. Thank you. Yes. Gentrification isn't
2715 a thing that is somewhere out there, it is happening in our
2716 communities every day, and one of the ways to help battle
2717 that is by doing equitable development.

2718 And when we are looking at -- by that I mean that when
2719 we are looking at redeveloping a brownfield site, it is
2720 based on not just what the community of municipal leaders
2721 and business people want but also what the residents of the
2722 community are looking for, and how you bring residents into
2723 the process from the very beginning so that they are able to
2724 inform the process, so they are able to become -- to support
2725 the development and the design of the process, and then of
2726 the project ultimately, so that they become the stewards of
2727 the project, so that they know that they are a part of the
2728 community and they can stay in their community.

2729 It is really difficult to deal with some of these
2730 brownfield projects that get redeveloped to be high-end
2731 high-rises or live, work, play. We want all of those things
2732 in our communities, but we want them done in an equitable
2733 way so that the folks that have been living there for

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2734 generations don't get pushed out.

2735 *Ms. Schakowsky. Thank you.

2736 And one for you, Mayor, the question is similar really.

2737 I wanted -- I know that -- when we talk about private sector

2738 involvement, and I know what you have been so involved in

2739 making sure that you're collaborating with the Environmental

2740 Protection Agency and state and local governments, and that

2741 is also true of yours, Ms. -- your community as well.

2742 But I am a little bit concerned about the role of then

2743 the private sector and using precious federal dollars for

2744 the private sector, and how are communities going to

2745 continue to be helping to shape what is going to happen in

2746 their communities. Do I -- am I right to worry a little bit

2747 about that?

2748 *Mr. Bollwage. Yes. If it was just up to the private

2749 sector, then Brownfields would have been cleaned up a long

2750 time ago and, you know, private sectors have the ability to

2751 generate their own income. And frankly, if private sectors

2752 are going to apply for the money without the backing of the

2753 municipality, I see that as a negative.

2754 When we have -- when we applied for a Brownfields grant

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2755 to do our Hope 6 project, based on your previous question,
2756 Congresswoman, I made sure that all of the tenants who lived
2757 in the public housing had a lawyer, had access to legal
2758 representation, also that they sat in a room and picked the
2759 developer, and to make sure gentrification did not occur,
2760 and the 555 families who lived there all had the opportunity
2761 to move back into the new apartments, they had the first
2762 choice, and so therefore, the protection of the existing
2763 people who lived in my community going forward.

2764 But to strictly leave -- to strictly leave the
2765 opportunity for for-profit companies to apply for Brownfield
2766 grants without the input and the consultation of the
2767 municipalities would be a negative on urban communities.

2768 *Ms. Schakowsky. Thank you. I am sorry I am out of
2769 time. I would -- I did want to hear from you as well.
2770 Maybe I can get something in writing.

2771 Thank you, and I yield back.

2772 *Mr. Johnson. The gentlelady yields back. The chair
2773 now recognizes the gentleman from Alabama, Mr. Palmer, for
2774 five minutes.

2775 *Mr. Palmer. Thank you, Mr. Chairman.

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2776 Cleaning up these brownfields sites, as has been
2777 pointed out numerous times, is very important, not only to
2778 urban areas but to rural areas. I grew up in a very rural
2779 part of north Alabama, and when Ms. Tincher mentioned a saw
2780 mill, my dad was a logger. I grew up skinning logs and
2781 mules and loved going to the saw mill. But most of those
2782 don't exist anymore. I also grew up near an area where they
2783 did a lot of coal mining and there's been a lot of
2784 reclamation but some of it wasn't.

2785 I now represent the area around Birmingham, Alabama,
2786 and there are thousands of acres in the urban area that
2787 could be cleaned up, used for new schools, for businesses.
2788 As you know, a lot of these urban areas suffer as food
2789 deserts. They don't have access -- local access to
2790 shopping, grocery stores, and drug stores, and things like
2791 that.

2792 And one of the things that I brought up in -- with the
2793 previous panel or the gentleman from the EPA is working with
2794 the companies that own these facilities, the owners, and so
2795 a lot of times they don't want to do anything. They don't
2796 want to sell the property, they don't want to develop the

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2797 property because once they disturb the ground, then there
2798 could be problems. And trying to figure out a way that --
2799 and working with the states -- Alabama has some very
2800 innovative brownfields revitalization laws and getting a
2801 collaborative arrangement where the EPA can work with the
2802 state. Now the EPA could work with a private company.

2803 Ms. Tincher, you talked about some of this a little bit
2804 and I know, Ms. Melendez, you did, too, so I would like for
2805 the two of you to respond.

2806 *Ms. Tincher. I believe it is advantageous for
2807 counties to collaborate in all aspects of every work that
2808 they do, especially rural counties because we are limited
2809 with our capacity, as I mentioned. As far as counties go
2810 and working with private companies, I believe it is -- it
2811 can be beneficial.

2812 As the Mayor mentioned, I believe having that
2813 oversight, having opportunities to be able to collaborate
2814 and look at different ways that these private businesses
2815 could utilize the properties in the future once brownfields
2816 are cleaned. Opportunities to be able to have municipal and
2817 county funding versus state funding and different ways to be

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2818 able to work with getting the funding to be able to do the
2819 job. So --

2820 *Mr. Palmer. How about working --

2821 *Ms. Tincher. But with that, having that oversight.

2822 *Mr. Palmer. What about, though, working with a
2823 private company if they own the property? Working in a
2824 collaborative manner where they can, you know, follow the
2825 regulations but clean up the site themselves but not be
2826 exposed to litigation, which is the single biggest
2827 impediment --

2828 *Ms. Tincher. Absolutely.

2829 *Mr. Palmer. -- in redeveloping these sites?

2830 *Ms. Tincher. I think opportunities to be able to look
2831 at transferring properties to economic development
2832 associations, to be able to possibly utilize federal
2833 funding, and having agreements in place to be able to --
2834 once work is completed to be able to transfer back, there
2835 are opportunities to do that. And looking at ways, as I
2836 mentioned to collaborate with the industries because all
2837 counties, and especially rural counties, if there's an
2838 opportunity for an industry to come to your area, it is

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2839 going to help you. But to have guardrails in place and the
2840 opportunity to have the government -- local government
2841 oversight and involvement is very, very important.

2842 *Mr. Palmer. Ms. Melendez, just quickly respond, but I
2843 think this -- we talk a lot about environmental injustice,
2844 but I really think that we reach a point sometimes where we
2845 create an economic injustice and --

2846 *Ms. Melendez. Agreed.

2847 *Mr. Palmer. And -- yeah. Mr. Ford, there are a lot
2848 of brownfields sites where they don't have the economic
2849 activity, but cleaning up the sites alone does not increase
2850 economic viability of an area. If we want these sites
2851 cleaned up, we want to increase the quality of life for
2852 people, wouldn't it make sense to work, as I said, in a
2853 collaborative manner between the private sector companies
2854 and state and local government or the Federal Government?

2855 *Mr. Ford. Absolutely. And the reason why they remain
2856 in their current situation is that people do not want to
2857 take on that environmental liability.

2858 *Mr. Palmer. Mm-hmm. Ms. Tincher, this really has
2859 nothing to do with the hearing, but where did you grow up?

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2860 Is that where the saw mill was or was that somewhere else?

2861 *Ms. Tincher. I grew up in Virginia just right over
2862 the border from Greenbrier County. But the saw mill -- or
2863 the Meadow River Lumber Company was in Rainelle, West
2864 Virginia.

2865 *Mr. Palmer. Okay.

2866 *Ms. Tincher. Which is on the western end of
2867 Greenbrier County, which we border the I-64 corridor
2868 adjoining Virginia.

2869 *Mr. Palmer. Mr. Chairman, I yield back. Thank you.

2870 *Mr. Johnson. Thank you. The gentleman yields, and
2871 now the chair recognizes my friend and colleague from
2872 California, Mr. Peters, for five minutes.

2873 *Mr. Peters. Thank you, Mr. Chairman. Thanks to the
2874 witnesses for being here.

2875 I want to talk about one application of the
2876 redevelopment of brownfields for clean energy. We know we
2877 have to build clean energy to meet our climate goals.
2878 According to energy innovation, to reach 80 percent clean
2879 power by 2030, we have to add about a thousand gigawatts of
2880 new solar and wind capacity, which is about 125 gigawatts a

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2881 year, and that will require us to deploy solar and wind
2882 projects at four times our historical record pace of 30
2883 gigawatts in 2021.

2884 As I have raised repeatedly in this committee and
2885 elsewhere, we won't hit these targets with financial
2886 incentives alone, we need comprehensive clean energy
2887 permitting and siting reform, and today we are discussing
2888 the EPA's Brownfields Program. Brownfields -- a brownfield
2889 is a property, the expansion, redevelopment, or result --
2890 reuse of which may be complicated by the presence or
2891 potential presence of a hazardous substance, pollutant, or
2892 contaminant. Currently, brownfields are often
2893 underutilized, abandoned, or closed, which has negative
2894 economic and environmental impacts on local communities.

2895 We need to find innovative ways to clean up
2896 contaminated sites and bring new economic opportunities to
2897 local communities. The clean energy transition provides us
2898 with an opportunity to do that.

2899 And, Commissioner Tincher, I want to know if you have -
2900 - if you feel we should incentivize the development of clean
2901 energy -- clean infrastructure development on brownfields

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2902 and what kind o economic, environmental, social benefits
2903 could clean infrastructure development on brownfields
2904 provide?

2905 *Ms. Tincher. Thank you for the question. I think it
2906 is very important that the communities and counties have the
2907 involvement in helping to make decisions or recognize the
2908 needs for the future of their counties and communities. And
2909 if green energy is able to fit into that structure, that is
2910 tremendous. If it is not, then those areas need to look at
2911 ways to be able to utilize, whether it be tourism, small
2912 business. In my county, we are very limited on flat land.

2913 *Mr. Peters. Right.

2914 *Ms. Tincher. Very limited on opportunities for
2915 certain types of green energy, so we have had to look at
2916 other options. So I think it is very important to recognize
2917 the areas that are utilizing the brownfields and what is
2918 going to work best.

2919 *Mr. Peters. Okay.

2920 *Ms. Tincher. Thank you.

2921 *Mr. Peters. And, Mayor, could I ask you what
2922 opportunities you think exist for brownfields for clean

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2923 energy deployment? What do you think Congress should do to
2924 consider that kind of proposal?

2925 *Mr. Bollwage. I can only tell you, Mr. Congressman,
2926 things that we did in our city, and we used a Brownfields
2927 grant in order to help stimulate a senior building of about
2928 40 units of affordable housing.

2929 *Mr. Peters. Mm-hmm.

2930 *Mr. Bollwage. And in the construction of that, we
2931 worked with the developer to make sure it was what is called
2932 LEED certified in New Jersey and a gold certificate with
2933 rain spouts and clean energy in the building. So Brownfield
2934 grants are essential for everything we have described in
2935 creating opportunities, and jobs, and housing.

2936 *Mr. Peters. Okay.

2937 *Mr. Bollwage. But if you work with the developer, you
2938 can do what we call in New Jersey LEED certified at a gold
2939 level.

2940 *Mr. Peters. Great, okay.

2941 Mr. Ford, I practiced law in the area of CERCLA, the
2942 Superfund law. It imposes strict liability on folks who
2943 generate or aggravate sort of the conditions of

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2944 contamination. That's discouraging a lot of people I think
2945 you said from investing, even though they certainly wouldn't
2946 make things worse, they would be improving the condition. I
2947 am interested in providing liability protection, maybe this
2948 is something that Mr. Palmer mentioned, too, under CERCLA
2949 for clean energy developers building on brownfields.

2950 Do you think that would be a good idea? Do you have an
2951 opinion on that kind of a proposal?

2952 *Mr. Ford. Absolutely, sir. And actually, as I speak
2953 here today, we have acquired probably a half-a-dozen power
2954 plants from power companies under an environmental liability
2955 transfer project to take title to repurpose these sites.
2956 And, in fact, we are right now looking at hydrogen, solid
2957 waste, and solar on a number of those sites, and to
2958 accelerate that process and ability to get those sites
2959 online to accommodate those end uses, we would love to see
2960 some incentives from the U.S. EPA on the front end --

2961 *Mr. Peters. Right.

2962 *Mr. Ford. -- as opposed to the back end where you are
2963 seeing some of the other federal agencies supply support.

2964 *Mr. Peters. Well, liability protection on the front

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2965 end would help you under CERCLA, right?

2966 *Mr. Ford. Absolutely.

2967 *Mr. Peters. Okay, good. Thank you very much for your
2968 testimony.

2969 Mr. Chairman, I yield back.

2970 *Mr. Johnson. The gentlemen yields back, and the chair
2971 now recognizes the very capable vice chair of this
2972 subcommittee, the gentleman from Pennsylvania, Dr. Joyce,
2973 for five minutes.

2974 *Mr. Joyce. Thank you, Mr. Chairman, and I want to
2975 thank you, Chairman Johnson for holding today's hearing on
2976 the EPA Brownfields Program, and for all of the witnesses
2977 for joining us here on this second panel.

2978 It is encouraging to see witnesses here from places
2979 that have experienced similar economic circumstances that
2980 many of the towns that I represent in South Central and
2981 Southwestern Pennsylvania's 13th Congressional District have
2982 also experienced, and your ability to speak to how useful
2983 this program can definitely be. The EPA's Brownfields
2984 Program is a great tool to stop areas of our country from
2985 being left behind and enable local stakeholders to leverage

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2986 federal dollars to get their communities back on their
2987 economic feet.

2988 I have seen how successful these efforts have been in
2989 my hometown of Altoona, Pennsylvania where a Brownfields
2990 grant helped encourage downtown redevelopment by
2991 jumpstarting investment. In Johnston, Pennsylvania,
2992 Brownfields funds were used to build the Greater Johnstown
2993 High School. Another Brownfields grant in Johnstown,
2994 redeveloped the Cambria Ironworks, repurposing older,
2995 industrial buildings in an area that can attract visitors
2996 and residents while creating opportunities for new
2997 manufacturing jobs.

2998 In the last few years, three Brownfields grants have
2999 been awarded in my district by the EPA. Two are in western
3000 Pennsylvania in Cambria and Somerset Counties and one helps
3001 capitalize a million dollar Brownfields revolving fund that
3002 covers Mifflin, Perry, and Juniata Counties across my
3003 district. I can elaborate on the different success stories
3004 of local communities taking advantage of this program to
3005 bring their towns back to life.

3006 Commissioner Tincher, like Pennsylvania, West Virginia

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3007 has a proud coal mining heritage. That history is at the
3008 core of many communities across Appalachia. The short-
3009 sighted transition away from coal as an energy source has
3010 had a crushing economic impact on many communities that have
3011 kept the lights on for millions of Americans. I am
3012 concerned that some in Washington think that the solution is
3013 to use brownfields to build solar fields or wind farms.

3014 I would much rather see this program be deployed to
3015 stimulate small businesses and entrepreneurs and create
3016 permanent family-sustaining jobs. Commissioner Tincher, it
3017 seems to me that simply putting windmills and solar panels
3018 in these towns may generate tax revenue and a few temporary
3019 construction jobs but not the broader, long-term employment
3020 opportunities that you spoke about. Do you agree?

3021 *Ms. Tincher. Thank you. It is very important for a
3022 community to have the human capital, the workforce, and
3023 overall lived experiences, and that what -- that is what
3024 makes a community. Redevelopment and revitalization of our
3025 areas in West Virginia that have experienced a downturn in
3026 their economy from the loss of coal industry has been one of
3027 where we have had to think out of the box to figure out what

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3028 works best.

3029 As I mentioned, we are very limited on flat land in
3030 West Virginia, so there is not going to be a lot of
3031 opportunities for large areas to be developed, so we have to
3032 look at ways for -- to bring our communities back to life,
3033 to bring opportunity to -- for the impoverished to have
3034 opportunities to have jobs and increase our economies in our
3035 small communities. All of this will require the Brownfields
3036 Program funding to clean up these past industrial areas, and
3037 so it is extremely important for us to look at the
3038 opportunities that will work best for our areas.

3039 *Mr. Joyce. Continuing, Mr. Ford, in your testimony,
3040 you indicated that one of the benefits to the Brownfields
3041 Program is that the applicants, the community, the
3042 developers all have skin in the game. In my home State of
3043 Pennsylvania, it is vital and it is a part of what we have
3044 with success in these programs. Can you explain why you
3045 feel that skin in the game is so important for individuals
3046 to be successful in utilizing these Brownfields funds?

3047 *Mr. Ford. Yes, sir. What is interesting about the
3048 success of all of the Brownfield projects that we have been

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3049 involved in and also some folks that are working in this
3050 space is that everybody shares the risk, everybody has this
3051 stake in it, everybody feels the pain that -- if something
3052 goes bad. Everybody has ownership in that site. If someone
3053 doesn't have skin in the game, they can simply walk away
3054 from the project and the project dies, and then it even
3055 becomes more difficult to jumpstart that project.

3056 *Mr. Joyce. What would happen if the EPA were to waive
3057 all that cost-sharing, that skin in the game? What would
3058 happen to the Brownfields Programs?

3059 *Mr. Ford. It is -- it takes a pretty strong
3060 disposition to get into this business, and it is very easy
3061 to walk away if things go bad. A lot of the organizations
3062 that get access to this money literally live and work year
3063 to year. Their operations come from the state and Federal
3064 Government. If they don't have skin in the game, and if
3065 things south, those projects will die and they will not get
3066 resurrected, and you will see a number of brownfields
3067 projects fail, I believe.

3068 *Mr. Joyce. I thank all the witnesses for
3069 participating today.

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3070 Mr. Chairman, my time has expired, and I yield.

3071 *Mr. Johnson. The gentleman yields back. The chair
3072 now recognizes the ranking member of the full committee, Mr.
3073 Pallone, for five minutes.

3074 *Mr. Pallone. Thank you, Mr. Chairman. Mayor
3075 Bollwage, it is good to see you again. You have been coming
3076 here for so many years representing the National Conference
3077 on, you know, talking about the Brownfields Program, and I
3078 know you have done a lot of that work in Elizabeth in your
3079 town as well. So thank you for being here.

3080 In your testimony, which I missed because we had
3081 another subcommittee hearing, you appeared to share my
3082 concerns that the Republican's discussion draft provides an
3083 opportunity for private companies to access Brownfields
3084 grant funding. Can you just elaborate on your concerns in
3085 that regard, Mayor?

3086 *Mr. Bollwage. Thank you, Congressman, it is always
3087 good to see you as well. And, you know, the concerns
3088 regarding the addition, as I spoke about it earlier, for-
3089 profit companies, they -- to fund the current number of
3090 grant applications, first of all, there is not enough

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3091 resources in this -- in the bill. Second, the private
3092 sector already can take advantage of many of the revolving
3093 loan funds that exist.

3094 And third, when we first approached Congress, and I
3095 testified 25/30 years ago about this, I have been here that
3096 long, it was -- Brownfields wouldn't be here if private
3097 sector wanted to clean them up anyway, so the Brownfields
3098 Program helped local governments deal with the issue as well
3099 as, you know, dealing with the responsibility for
3100 contamination and limiting the funding to local governments
3101 in order to give it to for-profits governments (sic), I
3102 think, in my humble opinion, would defeat the purpose.

3103 *Mr. Pallone. Well, thanks. I share your concern.
3104 But you also mentioned that under the Bipartisan
3105 Infrastructure Law, EPA was given the ability to award
3106 larger grants but the Agency hasn't really taken advantage
3107 of this authority. So could you expand on that? What new
3108 opportunities, what higher Brownfields grant amounts unlock
3109 for communities?

3110 *Mr. Bollwage. Well, it would create a lot more
3111 flexibility, Mr. Pallone, and it would give the

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3112 municipalities the ability to work not only with county
3113 governments and state governments in order to develop
3114 Brownfields, but it would give us more options and the
3115 flexibility of the program and more funding. Clearly, the
3116 funding has been flat, as you know, since the existence of
3117 the Brownfields Program. The Infrastructure Bill, by going
3118 up to 1.5 billion, has created a lot of opportunities for
3119 not only urban communities but rural communities as well.

3120 *Mr. Pallone. Exactly. All right, thanks a lot.

3121 Let me go to Director Melendez. In your testimony, you
3122 spoke about how during the COVID-19 pandemic it was clear
3123 that having access to outdoor space was a critical need for
3124 your community. How has your community continued to use the
3125 brownfields to greenspace sites and what additional benefits
3126 did you notice after these sites were completed?

3127 *Ms. Melendez. Thank you, Mr. Pallone. We continue
3128 today to see the use of the brownfields to greenspace
3129 project, so the one -- the Dr. Nina Scarito project that I
3130 referred to in my testimony is one of those spaces that
3131 continues to be used, although the neighborhood changes,
3132 because in communities like Lawrence, you have waves of

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3133 immigrants that come in and go and come in and go, but they
3134 continue to use the space in a way that it was intended.
3135 They continue to take care of the space in ways that it was
3136 intended.

3137 So being able to make sure that these spaces continue
3138 to be stewarded by the very people that helped to create
3139 them has been extremely important for us in terms of using
3140 brownfields -- of doing brownfields to greenspaces. And I
3141 think one of the most important pieces here for whether it's
3142 an urban area or a rural area is that community be at the
3143 center of all of this. That community voice be first and
3144 foremost as we think about how we redevelop these sites.

3145 Sometimes we are all not going to agree, and we
3146 understand that. Some things need to be housing, some
3147 things need to be commercial, some things need to be
3148 greenspaces. But making sure that all the voice are at the
3149 table to make sure that those conversations continue to
3150 happen so that people do continue to steward these spaces,
3151 whether they are commercial, residential, or greenspace is
3152 extremely important as we continue moving forward with this
3153 program and many other programs like it.

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3154 *Mr. Pallone. Oh, absolutely. Thank you. I mean, you
3155 can imagine in New Jersey, which is the most densely
3156 populated state, we always like to use the sites for
3157 greenspace, right? But, you know, it depends. We have all
3158 three that you mentioned, right? But I -- the greenspace is
3159 particularly important to me.

3160 So thank you, Mayor, thank all of you for your input
3161 because it is going to be very valuable as we move forward
3162 to try to reauthorize this and hopefully get more funding,
3163 so I appreciate it, thanks.

3164 Thank you, Mr. Chairman.

3165 *Mr. Joyce. [Presiding] The gentleman yields. The
3166 chair now recognizes the gentleman from Georgia, Mr. Allen,
3167 for his five minutes of questioning.

3168 *Mr. Allen. I want to thank Chair Johnson for holding
3169 this second panel so we can hear from stakeholders on the
3170 Environmental Protection Agency's Brownfields Program.

3171 As I mentioned earlier in the earlier hearing with EPA
3172 Principal Direct -- Deputy Assistant Administrator, when he
3173 was testifying, in my home State of Georgia, there is
3174 Atlantic Station, which you are probably familiar with, a

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3175 huge, redeveloped steel facility in midtown Atlanta. This
3176 location is an example of how the EPA Brownfields Grant
3177 Program can be used in a successful manner and receive
3178 tremendous economic benefit from it.

3179 I would also ask all members of the committee to
3180 consider not only how this program may be used to revitalize
3181 land in large metropolitan areas but also in Rural America,
3182 which I primarily represent.

3183 Mr. Ford, from your experience, could you speak to the
3184 importance of Brownfield Programs being utilized also in
3185 rural communities?

3186 *Mr. Ford. Yes, sir. As a matter of fact, if you look
3187 at all of the large megasites that we are currently working
3188 on, all of them are in rural areas of which the population
3189 rarely peaks above 20,000 people and go down to as low as
3190 250 people. And over the past hundred years, all of these
3191 communities were homes to the steel mills, textile
3192 factories, pulp factories. And slowly over the last
3193 decades, we have been draining these areas of these
3194 resources and the wealth by moving the industries out, and
3195 we are at a great time where we can take advantage of the

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3196 decisions that were made by our forefathers to move those
3197 industries there, to breathe life back into these sites, and
3198 bring industries back to these very areas.

3199 *Mr. Allen. How can we make this happen? How can we
3200 deal with --

3201 *Mr. Ford. Do exactly what you are doing with this
3202 proposal, and that is incentivizing and carving out some of
3203 these programs, both technical assistants and financial, to
3204 incentivize readying these sites quicker in these rural
3205 areas so they can compete on a level playing field with the
3206 larger urban areas.

3207 *Mr. Allen. Do you think these communities have access
3208 to the necessary technical assistance to be able to utilize
3209 the program?

3210 *Mr. Ford. They do not, and that is where we strongly
3211 encourage the concurrence with the private sector. You
3212 remove the private sector out of that equation and you rob
3213 these communities of a partner. There needs to be
3214 collaboration, there needs to be cooperation, and there
3215 needs to be involvement from the private sector.

3216 *Mr. Allen. Thank you.

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3217 Commissioner Tincher, we understand the Brownfields
3218 Program is not the only federal program that communities
3219 have access to. Have you been able to leverage other
3220 federal incentives such as the Opportunity Zones Program,
3221 historic tax credit, and new market tax credits to complete
3222 brownfield projects?

3223 *Ms. Tincher. Yes. The program that we spoke -- that
3224 I spoke about, the redevelopment of the Rupert Elementary
3225 School in my county, we have been able to utilize the
3226 Brownfields Program in order to begin that project. We --
3227 the total cost of that project is 3.6 million dollars, and
3228 the construction cost, the project cost is 4.6, and we have
3229 utilized a low-income interest loan from the Federal Home
3230 Loan Bank of Pittsburgh, West Virginia historic tax credits
3231 as well as federal historic tax credits, low-income housing
3232 tax credits, and deferred developer fees to be able to
3233 complete or to fund the entire project.

3234 *Mr. Allen. Mm-hmm.

3235 *Ms. Tincher. Having the opportunities to utilize the
3236 Brownfield funding for leveraging other federal funds, state
3237 funds, and private funding is essential to counties and

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3238 organizations in West Virginia to be able to get projects
3239 completed.

3240 *Mr. Allen. Right. Well, we toured a project like a
3241 hotel in my hometown of Augusta that benefitted from the
3242 Opportunity Zones and now that is a vibrant large hotel
3243 project on a site that is providing tremendous economic
3244 impact to our area. And as you know, during the Masters
3245 Tournament, we need a lot of hotel rooms and so that was
3246 very beneficial to our community.

3247 Listen, I want to thank all of you for being here.
3248 This -- you know, we need to look for costs benefit programs
3249 and return on investment like this and where the Federal
3250 Government can assist, and I thank you for participating
3251 today.

3252 And I yield back.

3253 *Mr. Johnson. [Presiding] The gentleman yields back.
3254 The chair now recognizes the chair of the full committee,
3255 Mrs. Rodgers, for five minutes.

3256 *The Chair. Thank you, Mr. Chair.

3257 Mr. Ford, I believe I once heard you refer to
3258 brownfields as job fields. So why do you believe more

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3259 emphasis within EPA should be channeled to technical
3260 assistance and funding in order to move from brownfields to
3261 job fields?

3262 *Mr. Ford. The -- the job fields that I refer to,
3263 again, if you look at all of the megasites, the sites that
3264 are truly historically have been prepared for the industrial
3265 revolution, those areas right now have very little capacity.
3266 If you go -- if you look at each one, for example, the dozen
3267 sites that we are working on in rural areas, they probably
3268 have an economic development agency of one to maybe two
3269 people, so they don't have the capacity to -- they barely
3270 have the capacity to apply for the money and administer the
3271 money.

3272 They need assistance with how to leverage the money,
3273 how to use the money for assessments, characterizations,
3274 planning, remediation. And this technical assistance
3275 program that has been available from the EPA has been
3276 instrumental not only with helping them understand how to
3277 apply for the grant and use the grant, but also how to
3278 collaborate with the private sector to maximize the
3279 leveraged investment to bring jobs to these sites.

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3280 *The Chair. Thank you.

3281 Commissioner Tincher, when Commissioner Largent, from
3282 my home State of Washington, testified two years ago, he
3283 called for greater and more meaningful consultation by EPA
3284 with counties under the Brownfields Program. Would you
3285 agree with this concern?

3286 *Ms. Tincher. Yes, ma'am.

3287 *The Chair. Have you seen better consultation from EPA
3288 in recent years?

3289 *Ms. Tincher. We have. We have seen cooperation.

3290 *The Chair. Okay. Would -- could you provide me some
3291 examples of improved consultation between EPA and the
3292 counties?

3293 *Ms. Tincher. Certainly. The EPA has hired additional
3294 coordinators in the Brownfields Program for more engagement
3295 with those communities and counties that have limited
3296 capacity. It seems like some of these coordinators are
3297 having some learning curve, so we would urge to have the
3298 opportunity to make sure that we have -- those individuals
3299 are well-versed and provide information that is -- by
3300 providing the information that is essential.

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3301 We know that this -- because there are limited capacity
3302 within the program and being able to add more individuals,
3303 it does take time for education and information to be
3304 shared, but for the rural areas, this cooperation is very
3305 essential to us and we are very appreciative of it.

3306 *The Chair. Great. Thank you. I wondered, do you
3307 have any insights on the importance of separating out the
3308 IIA funds and its one-time waivers from the CERCLA funding,
3309 the base funding? And if you have -- if you want to speak
3310 to some of the matching requirements that were waived?

3311 *Ms. Tincher. Unfortunately, I am not able to speak
3312 very much on that. I am very happy to get you some
3313 information related to some projects in our county and in
3314 West Virginia. We have -- there have been an increased
3315 number of projects in West Virginia for brownfields, and we
3316 have a lot happening, so I am fairly certain I should be
3317 able to get some information for you.

3318 *The Chair. Okay, thank you. Well, thank you for
3319 those answers, and thank you all for being here, we
3320 appreciate your testimony.

3321 I yield back.

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3322 *Mr. Johnson. The gentlelady yields back, and seeing
3323 no -- okay, I will ramble for 30 seconds.

3324 [Laughter.]

3325 *Voice. You can do that.

3326 *Mr. Johnson. I could sing but nobody would listen.

3327 *Voice. You are the chairman; we would have to listen.

3328 *Mr. Johnson. If our witnesses will indulge for a
3329 second.

3330 [Pause.]

3331 *Mr. Johnson. The chair is now pleased, and I will say
3332 this slowly so she can get seated, to recognize Mrs. Trahan
3333 from Massachusetts, for five minutes.

3334 *Mrs. Trahan. Chairman Johnson, thank you so much for
3335 letting me waive onto this hearing and to do so right at the
3336 tail end.

3337 I want to thank Ms. Melendez and the entire team at
3338 Groundwork Lawrence for the countless hours they have worked
3339 to redevelop brownfields in the City of Lawrence and support
3340 the people of the 3rd District in Massachusetts. There are
3341 hundreds of post-industrial brownfield sites in my district,
3342 many within underdeveloped and marginalized neighborhoods

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3343 where they continue to pose a health risk and a barrier to
3344 development. It is thanks to the success of the Brownfields
3345 Development Program and the hard work of parks like the Dr.
3346 Nina Scarito Park and the Manchester Street Park that they
3347 exist in Lawrence today.

3348 Ms. Melendez, you have to let me catch my breath. I
3349 just sprinted here, three floors. How does brownfield
3350 redevelopment promote environmental justice and equity for
3351 underserved communities like our City of Lawrence?

3352 *Ms. Melendez. Thank you, Representative Trahan, and
3353 thank you for being here. One of the most important things
3354 that we talk about in terms of brownfields, in terms of
3355 equitable development is community voice and youth voice,
3356 and centering those voices at the very core of this work.
3357 And if it wasn't for centering those voices, we wouldn't be
3358 able to actually develop opportunities for jobs and
3359 opportunities for economic development, and opportunities
3360 for increased public health.

3361 There are times where tough decisions have to be made
3362 because funding isn't always an open purse that we can get
3363 as much as we want whenever we want. So sometimes some

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3364 things have to get put on the back burner. But having
3365 transparency, having conversations, making sure that we are
3366 centering our folks at the very center of the work, at the
3367 core of who we are and what we do, is extremely important.

3368 And I think, you know, back to my testimony when I said
3369 brownfield -- brownfields project yield a triple bottom line
3370 of equity, health, and economic opportunities for all
3371 communities.

3372 *Mrs. Trahan. Which I get to see up close firsthand.
3373 I also want to highlight the capacity of these projects to
3374 address many of the concerns that urban communities face
3375 today. Lawrence suffers from an urban heat island effect,
3376 which is only made worse as we experience more extreme heat
3377 events due to climate change. And during the COVID
3378 pandemic, parks and greenspaces were some of the only places
3379 that people could safely interact with others and just get
3380 outdoors.

3381 Ms. Melendez, how have the greenspaces built by
3382 Groundwork Lawrence helped the city deal with the COVID-19
3383 pandemic and climate change as a result?

3384 *Ms. Melendez. It was one of the only places where

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3385 people could go. In a community that is six square miles
3386 with over 80,000 residents, there wasn't a lot of space for
3387 people to use. And to be honest with you, we are not really
3388 welcome in spaces in some of the wealthier neighborhoods.
3389 They are not for people like us that look like us. We get
3390 questioned, we get followed. So having our own spaces to be
3391 able to use is -- was really important.

3392 One of the examples that I can think of and like to
3393 bring up is the use of our 12 community gardens in the City
3394 of Lawrence during the time of COVID where the Board of
3395 Health of the city and the city's municipal government
3396 decided that they weren't going to allow us to open those
3397 gardens during COVID, and we had to fight.

3398 *Mrs. Trahan. Mm-hmm.

3399 *Ms. Melendez. And we had to call on folks like
3400 yourself and others to help us have that fight. And the
3401 Board of Health decided that, yes, we could, but it took a
3402 lot of convincing, it took a lot of work to make sure that
3403 people had the opportunity to have these spaces.

3404 *Mrs. Trahan. You know, that is proof that our
3405 investments in Brownfield revitalization do pay off for our

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3406 districts and our communities.

3407 One last question. How has the EPA's Brownfield
3408 Program supported your work and how will reauthorizing and
3409 funding it support Groundwork Lawrence's ongoing and future
3410 work?

3411 *Ms. Melendez. The Brownfield redevelopment -- or the
3412 Brownfield reauthorization this time is so important to us
3413 and as many other times has been extremely important. But
3414 because of the funding, we are able to leverage additional
3415 dollars to be able to do this work. When we think about Dr.
3416 Nina Scarito Park and the former private owner of the park,
3417 we were able to leverage the cleanup and assessment grant
3418 money from the Brownfields Program to then have the former
3419 owner donate a million dollars to be able to build the park.

3420 We didn't have money to build the park, but because
3421 they were able to -- we were able to leverage what we had
3422 gotten from the Brownfields funding, they were then invested
3423 in making sure that we were able to build this park. And we
3424 also used a technique called a covenant not to sue, and I
3425 will provide more information to the committee in writing
3426 about it, but that was the one way that we were able to get

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3427 support from private industry. --

3428 *Mrs. Trahan. Mm-hmm.

3429 *Ms. Melendez. -- to be able to do this project and to
3430 be able to move projects like this forward.

3431 *Mrs. Trahan. Great. Thank you for all your work.

3432 *Ms. Melendez. Thank you.

3433 *Mrs. Trahan. I yield back.

3434 *Mr. Johnson. The gentlelady yields back. And seeing
3435 no further members seeking to ask questions, I ask unanimous
3436 consent to insert in the record the documents included on
3437 the staff hearing documents list.

3438 Without objection, that will be the order.

3439 [The information follows:]

3440

3441 *****COMMITTEE INSERT*****

3442

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3443 *Mr. Johnson. I remind all members that they have 10
3444 business days to submit questions for the record, and I ask
3445 the witnesses to respond to those questions promptly.
3446 Again, thank you to our panelists today. This has been
3447 very informative. Thank you very much.
3448 Without objection, the subcommittee is adjourned.
3449 [Whereupon, at 1:03 p.m., the subcommittee was
3450 adjourned.]