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ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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September 25, 2026

Mr. Gerald L. Pouncey Jr.
Senior Counsel
Taft Stettinius & Hollister LLP
3343 Peachtree Road, NE
1600 Atlanta Financial Center
Atlanta, GA 30326

Dear Mr. Gerald L. Pouncey Jr.:

Thank you for appearing before the Subcommittee on Environment on Wednesday, March 4, 2026, to testify at the hearing entitled “Ready for Reuse: Legislative Proposals to Unleash the Potential of America’s Brownfields Sites.”

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, October 23, 2026. Your responses should be mailed to Seth Ricketts Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed to Seth.Ricketts@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Palmer", with a long horizontal flourish extending to the right.

Gary Palmer
Chairman
Subcommittee on Environment

cc: Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment

Additional Questions for the Record

The Honorable Gary Palmer (R-AL)

1. I am a bit surprised that there has been opposition to some of these ideas that have been presented before at this Committee. For example, the Brownfields Revitalization for a Better Tomorrow Act includes language expanding eligibility for EPA's Brownfields Grant program to "private, for-profit limited liability corporations" that provide evidence in their applications that local governments, redevelopment agencies, or 501(c)(3) organizations approve of them submitting an application. This is the same language that was in the majority draft from last Congress.

I reviewed the National Brownfields Coalitions' written statement from the 2023 Subcommittee hearing on that discussion draft, and I don't see any objection from the National Brownfields Coalition to that language.

Would language making "private, for-profit limited liability corporations" eligible for these grants allow any and every private company, including the large industries Mayor Tomson is so concerned about, to be eligible?

The Honorable Brett Guthrie (R-KY)

1. In your opening remarks, you stated that effective cleanup results from the private sector undertaking cleanup as part of redevelopment efforts. You explained that cleanup is consistent with the construction that occurs and the liquidity that is part of these transactions. Can you please elaborate on this, and how private redevelopment contributes to cleanup?
2. You stated in your opening remarks that state brownfields programs offer incentives for cleanups. In your experience, what are some of the most effective state incentives. Could any of these be implemented at the federal level?
3. In your opening remarks, you recommend clarifying the "innocent landowner" and "Bona Fide Prospective Purchaser" liability defenses in the Comprehensive Environmental Response, Compensation, and Liability Act. Do you have any recommendations for the Committee in considering doing so?
4. In response to a question by Representative Joyce on how public-private partnerships come about, you stated that sometimes a private developer and public entity submit a joint application for funding.
5. How can we facilitate public and private entities to coordinate on applications, where there is interest from both parties?
6. Would assistance from a private developer be helpful to some of the small and disadvantage communities that, as we discussed, may not have the resources and technical expertise to produce their own competitive applications?

7. In an exchange with Representative Evans, you discussed that the high due diligence costs of a smaller development on a brownfields site in a smaller town are often prohibitive for developers. You further stated that allowing funds to be awarded to a private entity to conduct due diligence associated with a development in a smaller town could have some benefits. Could you please elaborate on any benefits associated with allowing private sector entities to be eligible for EPA Brownfields Grant funding, or situations in which it might be beneficial, and why?

The Honorable Robert Latta (R-OH)

1. Have you supported any projects seeking to redevelop former power plants, or similar sites?
 - a. Is there anything Congress should know in supporting reuse of these sites, and do you think any of the legislation being discussed would further this goal?