

House Transportation & Infrastructure Committee, Subcommittee on Water Resources and the Environment

“Helping Revitalize American Communities Through the Brownfields Program.” July 22, 2015 Subcommittee hearing.

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The Search for Authentic Signs of Hope Revisited

Thank you Chairman Gibbs and Ranking Member Napolitano for the invitation to be a part of this important conversation today. I have worked in partnership with U.S. EPA and communities across the country for the past twenty-two years to assess, envision and deliver the promise of community revitalization via successful Brownfields redevelopment. I also served on the All Appropriate Inquiry Federal Advisory Committee that wrote the implementing language for the Small Business Liability Relief and Brownfields Redevelopment Act passed by Congress and signed into law by President George W. Bush in 2002.

History and background:

The Northeast-Midwest Congressional Coalition and the Northeast-Midwest Institute -

In the early 1970's the Northeast-Midwest Coalition in Congress launched a research arm called the Northeast-Midwest Institute initially to explore how to drive the newly created Community Development Block Grant resources to their districts.

The emergence of Brownfields grew out of inquiries in the early 1990's from a number of the members of the Northeast-Midwest Congressional Coalition who were hearing that local redevelopment projects in their districts had ground to a halt because of fears of potential chain of legal liability under CERCLA due to concerns about possible hazardous substances left

behind at former industrial sites. A lot of the early thinking about Brownfields redevelopment was stimulated by a desire to see redevelopment happen in some of the most distressed areas of their districts reeling from the loss of manufacturing and industrial facilities in the Midwest and Northeast. Two Congressional leaders who led the effort to create the concept of Brownfields were Congressmen Ralph Regula (R) and Louis Stokes (D) of Ohio.

The Northeast-Midwest Institute was fortunate to have on its staff a brilliant researcher named Charlie Bartsch who began to explore the issue of Brownfields sites (as distinct from severely contaminated Superfund hazardous waste sites) and what policy instruments were needed to expedite the identification, classification and redevelopment of these lesser contaminated sites. Charlie Bartsch began meeting and talking with staff in the Office of Solid Waste and Emergency Response at U.S. EPA to see if he could interest them in this discussion and he found a willing audience who began to explore what they (U.S. EPA) could do to stimulate the redevelopment of these sites which they initially estimated to number at 450,000 to 500, 000 such sites across the country.

EPA was interested in creating a program that could drive environmental clean-up and improve public health conditions in communities plagued by the presence of vacant, contaminated (real or perceived), underutilized parcels of land that were not only an eyesore, but created real impediments to the economic revitalization of many of the nation's most distressed communities. EPA, in partnership with the Northeast-Midwest Institute began to explore a pilot program to support the identification and assessment of these vacant properties which they launched in 1995, called the Brownfields Economic Redevelopment pilot project.

The National Environmental Justice Advisory Council Federal Advisory Committee -

Also in 1995, the National Environmental Justice Advisory Council (NEJAC) Waste and Facility Siting Subcommittee under the chairmanship of Charles Lee, and the EPA Office of Solid Waste and Emergency Response co-sponsored a series of public hearings entitled, "Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities." The Public Dialogues were held in five cities: Boston, Massachusetts; Philadelphia, Pennsylvania; Detroit, Michigan; Oakland, California; and Atlanta, Georgia. They were intended to provide for the first time an opportunity for environmental justice advocates and residents of impacted communities to systematically provide input regarding issues related to the EPA's Brownfields Economic Redevelopment Initiative.

More than 500 persons from community groups, government agencies, faith groups, labor, philanthropies, universities, banks, businesses, and other institutions participated in a

"systematic attempt to stimulate a new and vigorous public discourse about developing strategies, partnerships, models, and projects for ensuring healthy and sustainable communities in America's urban centers and demonstrating their importance to the nation's environmental and economic future." Representatives from 15 federal agencies as well as state, local, and tribal governments participated.

Concerns were raised by members of the public about the Brownfields Initiative, i.e., whether or not the Brownfields issue was a "smoke screen" for gutting cleanup standards, environmental regulations, and liability safeguards. Heretofore, public policy discourse around the Brownfields issue has revolved around removing barriers to real estate investment transactions at sites where there exists toxic contamination concerns--real or perceived. There was hope twenty years ago that the Brownfields Initiative would provide an opportunity to (1) stem the ecologically untenable, environmentally damaging, socially costly, and racially divisive phenomenon of urban sprawl and Greenfields development; (2) provide focus to a problem which by its very nature is inextricably linked to environmental justice, for example, the physical deterioration of the nation's urban, rural and tribal communities; (3) allow communities to offer their vision of what redevelopment should look like; (4) apply environmental justice principles to the development of a new generation of environmental policy capable of meeting complex challenges such as Brownfields and its potential to help stem the severe disinvestment crisis in urban America; and (5) bring greater awareness and opportunities for building partnerships between EPA, local communities and a vast array of other stakeholders. As a result, EPA committed itself to supporting a sustained dialogue on Brownfields and environmental justice issues.

These stakeholder dialogues led to the publication in 1996, of a comprehensive report authored by the Waste and Facility Siting Subcommittee of the National Environmental Justice Advisory Council entitled "*Environmental Justice, Urban Revitalization, and Brownfields: The Search for Authentic Signs of Hope*". The original report can be found here:

<http://www.epa.gov/environmentaljustice/resources/publications/nejac/public-dialogue-brownfields-1296.pdf>).

Brownfields Redevelopment Program Successes to date –

There is no question that by any objective measure the U.S. EPA Brownfields Redevelopment program has been a runaway success. Perhaps more so than any of us initially envisioned. The Brownfields Redevelopment program is rare within the pantheon of federal programs in that it drives environmental, public health and social benefits all at once. For every one dollar that

EPA has invested in Brownfields assessment grants, Revolving Loan Funds and Job Training grants, seventeen additional dollars of investment have been leveraged in local and tribal communities across the country.

The Brownfields Job Training program has trained over 14,100 individuals to become certified in a range of site remediation skills. The Brownfields Job Training program graduates include many unemployed and underemployed veterans, at risk young adults, and fifty percent of the graduates are Ex-offenders. Seventy percent of the Brownfields Job Training graduates have been placed in living wage jobs. The program's placement rate is to be highly commended, especially when one considers the target population of their trainees.

Other successes of the program to date include hundreds of examples of transformative brownfields redevelopment projects, including:

- The epic struggle to clean-up brownfields sites and [restore the Los Angeles River](#).
- Atlantic Station where a former steel mill has been transformed into a brand new thriving community in Atlanta.
- [The Spicket River Revitalization Project - featuring Groundwork Lawrence, in Lawrence, MA](#)

The EPA Brownfields program has also spawned unique partnerships like the collaboration with the National Park Service Rivers, Trails and Conservation Assistance Program and Groundwork USA which works to transform Brownfields sites into urban green space in park poor communities. As well as the growing Urban Waters Federal Partnership where 14 federal agencies are collaborating with local communities and local governments to restore urban rivers and waterways as a driver of community revitalization.

The launching of the "Re-powering America" initiative that is working to turn brownfields sites into alternative energy sites for community-based solar and wind power is another creative avenue spawned by the EPA Office of Brownfields and Land Revitalization.

This is just a small sample of the hundreds of real life examples of community transformation wrought by successful Brownfields redevelopment over the past twenty years.

The Downside of Successful Brownfields Redevelopment –

Of all the promise I envisioned for distressed urban communities via successful Brownfields redevelopment, I did not envision the large scale gentrification and displacement of long-standing communities of color that Brownfields redevelopment has brought.

Communities that had experienced decades of residential and commercial discrimination, red-lining, economic disinvestment, crime, and other social ills have been transformed into urban oases as a result of successful Brownfields redevelopment projects across the country. This was certainly not EPA's intent, but conventional real estate market forces have many times overtaken the vision of broad-based community and economic revitalization where successful Brownfields redevelopment projects have occurred. Places like Bayview-Hunters Point in San Francisco, The Dudley Street community of Roxbury, MA, the ever expanding Baltimore Inner Harbor, and the Southwest Waterfront area here in the District of Columbia are but a few examples.

The hope was that these long suffering communities would experience public health improvements, expanded green space and waterfront access, commercial revitalization, grocery stores and pharmacies, transit oriented development opportunities, new affordable and moderate income housing options, and so much more. Instead, what many of these long-standing communities have experienced is increased cost of living beyond their reach and loss of community, cultural touchstones and neighborhood identity.

We must refocus our efforts if the hope of successful Brownfields redevelopment is to bring broad-based economic opportunity and community revitalization to all, especially those people living and working at the bottom of our economic strata.

Recommendations for Improvements to the Brownfields Redevelopment program -

Increase the appropriation for the U.S. EPA Office of Brownfields and Land Revitalization.

Clearly ongoing financial support via Congressional appropriation is the lynchpin of the EPA Brownfields Redevelopment program. Current funding levels allow EPA to fund one out of every four Brownfields Job Training applications, and one out of seven Brownfields Assessment applications they receive. As stated earlier EPA's Brownfields dollars leverage an additional seventeen dollars of investment in local communities for every one dollar they spend on Brownfields Assessment, Revolving Loan and Job Training grants. EPA's financial assistance has been catalytic across the country, and without their resources we would still be stuck trying to figure out what to do with the thousands of sites, and millions of acres of underutilized and vacant land that proliferated across our communities twenty years ago. Much has been accomplished but with increased appropriations to this program even more can be done.

Please do not reduce the appropriated amount Congress makes available to the EPA Brownfields program. Please do not reduce funding in other areas of EPA's budget. We need a

fully funded U.S. EPA to provide the environmental protections all Americans expect and are entitled to.

Additional Recommendations for improving the U.S. EPA's Brownfields Redevelopment Program -

Recently, the EPA Office of Brownfields and Land Revitalization held a stakeholder forum in April of this year to gather recommendations for how to improve the Brownfields Redevelopment program. Listed here are some of the recommendations that emerged from this forum:

Promoting Economic Development and Community Revitalization:

- Increase technical assistance to distressed urban communities and small, disadvantaged, rural and tribal communities.
- Continue to invest in the Area-Wide Planning Grant program.
- Provide technical assistance to communities regarding how to find interim uses for brownfields.
- Promote networking among stakeholders and continue the National Brownfields Conference.
- Develop guidance on state Voluntary Clean-up Programs and how property owners / developers and Non-profit groups can obtain No Further Action letters under each state program.

Leveraging Resources beyond the EPA Brownfields Grant:

- Strengthen the connections with other EPA grant / funding programs (e.g., Clean Water State Revolving Fund).
- Explore opportunities for brownfields Supplemental Environmental Projects.
- Develop real estate training for EPA staff and state officials.
- Explore opportunities to dovetail EPA brownfields funding with other federal agency funding programs (e.g., HUD, EDA, DOE, DOT).
- Reach out to Department of Treasury to explore opportunities to encourage greater use of New Market Tax Credits and the Low-Income Housing Tax Credits, and opportunities to promote the issuance of tax-exempt industrial revenue bonds.
- Conduct lender forums to encourage lenders to provide financing for brownfields projects.

Boosting Manufacturing and Technology Innovation on Brownfields Sites:

- Conduct community roundtables and offer technical assistance in the form of toolkits and published case studies.

- Provide technical assistance and guidance on funding options to assist communities in addressing infrastructure challenges.

Here are some additional recommendations for how to improve the Brownfields program provided by attendees post the forum:

- To encourage the redevelopment of former manufacturing sites: link New Market Tax Credits (NMTC) to certain census tracts: Explore with Treasury a potential pilot program where NMTC geographic criteria could be modified for some subset of industrial projects. For example allow NMTC in additional census tracts that are adjacent to currently eligible census tracts if the project is: 1) manufacturing; 2) on a brownfields site; 3) served by public transit.
- In regard to manufacturing and technology innovation on brownfields: the National Network for Manufacturing Innovation (under NIST) presents an interesting (if limited) means to reusing brownfields in some locations. There are only a handful of NNMI institutes in the country so far, but the leader of the center based in Detroit chose to locate in and repurpose an abandoned property in the downtown area. Perhaps future Extension Partnership program under NIST consists of about 60 centers across the country that provide assistance to small and mid-sized manufacturers and they may be a useful network to reach out to on brownfields reuse challenges and opportunities.
- To promote brownfields redevelopment in rural areas: EPA's Brownfields Program should consider working closely with the Natural Resources Conservation Service (NRCS), which is part of USDA, to promote brownfields redevelopment in rural areas. NRCS has the federal responsibility for the National Cooperative Soil Survey, and their strength is technical assistance in natural resource disciplines.
- To promote the leveraging interagency funding: EPA should connect with two other offices that do not often surface in the Brownfields discussion--the Office of Economic Adjustment at the Department of Defense, and the Brownfields and Community Health Initiative under the CDC's ATSDR.

After twenty-two years I remain committed to the promise of successful Brownfields redevelopment and I still think of this multi-dimensional program as the harbinger of Authentic Signs of Hope for the many distressed, marginalized and environmentally over-burdened communities across our nation who long for revitalization and economic opportunity where they live, work, and play.

Again, thank you Chairman Gibbs and Ranking Member Napolitano for inviting me to address you today.