



COMMITTEE ON DEMOCRATS  
**ENERGY & COMMERCE**  
RANKING MEMBER FRANK PALLONE, JR.

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**Statement of Ranking Member Frank Pallone, Jr., as prepared for delivery  
Committee on Energy and Commerce  
Subcommittee on Environment and the Economy  
Hearing on “Federal Facility Superfund Cleanups”**

I want to thank the Chairman for calling this hearing, on the Superfund program. Superfund has been an incredibly important tool for protecting public health and the economy in my home state of New Jersey and throughout the country. Thousands of contaminated sites have been cleaned up and revitalized, including many former federal sites.

As successful as Superfund has been, there is still so much important cleanup work to be done. I expect we will hear from today’s panel about the staggering number of abandoned mine sites, just a subset of federal sites and an even smaller subset of contaminated sites nationwide. I hope that my colleagues on this Subcommittee will join me in working to ensure that EPA, other federal agencies, states, and local communities have the resources needed to get these cleanups done.

Superfund sites are contaminated with toxic substances that can make their way into drinking water wells, creeks and rivers, backyards, playgrounds and streets. Communities impacted by these sites can face restrictions on water use and recreational activities as well as economic losses as property values decline due to contaminated land. In the worst cases, residents of these communities can face health problems such as cardiac impacts, infertility, low birth weight, birth defects, leukemia, and respiratory difficulties.

The major environmental laws that are the powerful legacy of this Committee have consistently held that polluters must pay for environmental harms. That principal is the heart of the Superfund program, and should be preserved. For Federal facility cleanups, that means that we in Congress have a duty to ensure funds are appropriated to cover cleanup needs. For private facilities, that means we have a duty to reinstate the Superfund tax and stop charging taxpayers for cleanups.

In 1995, despite opposition from myself and other Democrats, a Republican Congress allowed the Superfund tax to expire. Before its expiration, the collected taxes were placed into a Superfund Trust Fund that was used for the clean-up of so-called "orphaned sites," where the party responsible for the pollution either no longer existed or could not afford the cost of the

cleanup. The thousands of abandoned mines across the western United States are examples of such sites.

Without those revenues, important Superfund cleanups have been delayed, the backlog of sites needing cleanup has grown, and the costs have shifted to the taxpayers.

As many of you know, I have routinely introduced legislation, the *Superfund Polluter Pays Act*, which would replenish the Superfund Trust Fund by reinstituting the taxes oil and gas companies paid between 1980 and 1996. The legislation reinstates a 9.7 cents a barrel tax on petroleum, a tax on 42 chemicals and a corporate environmental income tax of .12 percent on taxable income in excess of \$2 million. This would help ensure that the EPA has sufficient funds available for the costs of investigations and cleanups of these toxic sites.

Reinstating this tax should be part of any conversation we have in Congress about Superfund.

But the tax itself is not enough. We need higher appropriations for federal agencies with responsibility for cleanups, and we need financial responsibility requirements to stop the proliferation of abandoned mines and other orphan sites.

Under Section 108 of Superfund, EPA has been working to establish such requirements for hardrock mining and eventually for other polluting industries. Financial responsibility requirements would ensure that any company undertaking this dangerous practice has the resources necessary to cover the costs of anticipated clean up needs. Republicans have blocked these requirements in recent years through appropriations riders, a practice that I hope will stop in the wake of the Gold King Mine spill last month.

Removing public health hazards by cleaning up contaminated sites is incredibly important for the surrounding communities. Cleaning up toxic Superfund sites not only reduces health risks, it helps create jobs during the cleanup and through newly uncontaminated and productive land ready for redevelopment. We should all support cleanup efforts, and should ensure that these efforts are funded.

I look forward to today's testimony, and I thank the Chairman for calling this hearing.

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