

ONE HUNDRED SIXTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

January 23, 2020

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Wheeler:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee continues to examine the Environmental Protection Agency's (EPA) implementation of the Superfund program to clean up our nation's most contaminated sites and ensure polluters pay for cleanups. We are writing to request a briefing on recently released information from EPA that shows a significant increase in the backlog of unfunded cleanups in Fiscal Year (FY) 2019.<sup>1</sup>

Nearly 53 million people live within three miles of a Superfund site.<sup>2</sup> Contaminated sites nationwide pose significant and immediate risk to human health and the environment resulting from exposure to contaminants such as lead, asbestos, dioxin, and radiation.<sup>3</sup> Since its creation in 1980, the Superfund Program has provided significant public health and economic benefits nationwide, reducing birth defects and blood lead levels in children living near sites and increasing residential property values after cleanup.<sup>4</sup>

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<sup>1</sup> Environmental Protection Agency, Superfund Sites with Unfunded New Construction Projects ([www.epa.gov/superfund/superfund-sites-unfunded-new-construction-projects](http://www.epa.gov/superfund/superfund-sites-unfunded-new-construction-projects)) (accessed Jan. 3, 2020). For purposes of this letter, unfunded Superfund site cleanups refers specifically to unfunded new construction projects at Superfund sites.

<sup>2</sup> Environmental Protection Agency, *Population Surrounding 1,836 Superfund Remedial Sites* (Oct. 2017) ([www.epa.gov/sites/production/files/2015-09/documents/webpopulationrsuperfundsites9.28.15.pdf](http://www.epa.gov/sites/production/files/2015-09/documents/webpopulationrsuperfundsites9.28.15.pdf)).

<sup>3</sup> Environmental Protection Agency, Contaminants at Superfund Sites ([www.epa.gov/superfund/contaminants-superfund-sites](http://www.epa.gov/superfund/contaminants-superfund-sites)) (accessed Jan. 3, 2020).

<sup>4</sup> Environmental Protection Agency, *Superfund: Transforming Communities. Accomplishment Report, FY 2018* ([semspub.epa.gov/work/HQ/100001884.pdf](http://semspub.epa.gov/work/HQ/100001884.pdf)).

Unfortunately, the increase in the number of unfunded cleanups of Superfund sites follows repeated proposed budget cuts to the Superfund program and raises concerns that the EPA is failing to effectively implement the program.<sup>5</sup> According to EPA, it was unable to fund new construction projects at 34 Superfund National Priority List sites located in 18 states and Puerto Rico in FY 2019 which would have otherwise been ready for new construction.<sup>6</sup> This figure is significantly higher than the number of sites in recent years with unfunded construction projects.<sup>7</sup> According to a recent report in the *Associated Press*, this represents the largest number of unfunded Superfund projects in at least 15 years.<sup>8</sup>

Given our concerns, we request that EPA provide Committee staff with a briefing on the basis for and impact of this increase in unfunded Superfund site cleanups,<sup>9</sup> as well as any planned or ongoing Agency actions to address this issue. Please be prepared to address the following and provide documents where noted:

1. Any analyses EPA has conducted regarding the root cause of this increase in Superfund sites with unfunded cleanups, and the findings of this analysis. Please also provide any documents showing such analyses;
2. Any programs or initiatives, including proposed budget and spending breakdowns, which EPA will use to address these funding shortages;
3. A summary of the Agency's current understanding of the increased risks to human health and the environment associated with delays in cleaning up these sites. Please provide any documents outlining these risks and also explain any ongoing or planned analysis of these risks;
4. Analysis EPA has conducted regarding the economic impact of delays in cleaning up these sites. Please provide any documents showing such analysis and explain the conclusions of any analysis completed to date and any ongoing or planned analysis; and

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<sup>5</sup> Environmental Protection Agency, *FY 2020 Budget in Brief* (Mar. 2019) ([www.epa.gov/sites/production/files/2019-03/documents/fy-2020-epa-bib.pdf](http://www.epa.gov/sites/production/files/2019-03/documents/fy-2020-epa-bib.pdf)) and Environmental Protection Agency, *FY 2018 Budget in Brief* (May 2017) ([www.epa.gov/sites/production/files/2017-05/documents/fy-2018-budget-in-brief.pdf](http://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-budget-in-brief.pdf)).

<sup>6</sup> Environmental Protection Agency, Superfund Sites with Unfunded New Construction Projects ([www.epa.gov/superfund/superfund-sites-unfunded-new-construction-projects](http://www.epa.gov/superfund/superfund-sites-unfunded-new-construction-projects)) (accessed Jan. 3, 2020).

<sup>7</sup> *Id.* The number of sites with unfunded new construction projects was 20 sites in 2018, 18 sites in 2017, 12 sites in 2016, and 3 sites in 2015.

<sup>8</sup> *Backlog of Toxic Superfund Cleanups Grows Under Trump*, Associated Press (Jan. 3, 2020).

<sup>9</sup> See footnote 1.

The Honorable Andrew Wheeler

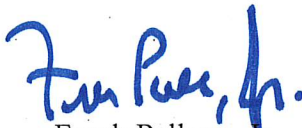
January 23, 2020

Page 3

5. The reason for the recent decline in private party commitments obtained through Superfund enforcement actions, and the extent to which this reduction of commitments results in fewer resources being available for new construction projects.

We appreciate your attention to this matter and request a response no later than Thursday, February 6, 2020. If you have any questions, please contact Jon Monger of the Committee staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.  
Chairman



Diana DeGette  
Chair  
Subcommittee on Oversight  
and Investigations



Paul D. Tonko  
Chairman  
Subcommittee on Environment  
and Climate Change

The Honorable Andrew Wheeler

January 23, 2020

Page 4

cc: The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce

The Honorable Brett Guthrie, Ranking Member, Subcommittee on Oversight and Investigations

The Honorable John Shimkus, Ranking Member, Subcommittee on Environment and Climate Change