

Committee on Energy and Commerce
Opening Statement
of
Subcommittee on Environment Ranking Member Paul D. Tonko

Modernizing the Superfund Cleanup Program

Thank you, Chairman Shimkus for holding this hearing on modernizing EPA's Superfund program.

And thank you, Mr. Breen for being here; however, I am disappointed that Albert Kelly, who led the Superfund Task Force, is not with us.

It is critical that we hear from the Agency's political leadership on this and other important issues.

In 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act, which is more commonly known as Superfund.

Superfund is critical to protecting Americans' health and the environment.

It is estimated that over 50 million Americans live within 3 miles of a Superfund site.

Today, there are over 1,300 sites listed on the National Priorities List. These represent many of the most contaminated sites in the country.

There is no question that remediation of these sites is complex. There are many reasons why cleanups are slow or often delayed.

And I believe many Members would be interested in examining what changes are needed to the program to ensure that it operates more effectively moving forward.

But we cannot discount the importance of funding and the need for robust engagement with stakeholders and the people that live near these sites.

Administrator Pruitt has said remediating these sites is a top priority; however, the President's Fiscal Year 2018 Budget Request proposed a 30 percent cut to the program.

The EPA has also proposed eliminating financial support for the Justice Department's Environment and Natural Resources Division. EPA provides this office with 27 percent of its budget, which is used to support Superfund efforts.

Superfund has always been based on the principle of the polluters pay. Responsible parties should foot the bill to clean up contaminated sites, not the taxpayers.

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But it is critical that EPA has the resources to hold responsible parties accountable, as well as ensure remediation of orphan sites.

Similarly, Superfund can only succeed with public buy-in.

Rushing to delete sites without engaging stakeholders or failing to alleviate their concerns that a site is not adequately remediated will undermine the integrity of the program as well as its ability to complete meaningful cleanups.

As we will hear this morning, Administrator Pruitt has taken actions related to Superfund. In July, the Superfund Task Force released its report with 42 recommendations, and last month, EPA published a list of 21 sites targeted for immediate, intense action.

I have questions and concerns about how these recommendations and priorities have been developed.

These cases are yet additional data points in an unacceptable pattern of behavior: This Administration's aversion to transparency and public input.

In the case of the targeted list, the Task Force's own recommendation was not even closely followed. As far as I am aware, there was no method released publicly for determining site selection. And it seems to me that sites where human exposure is not under control were not sufficiently prioritized.

It appears that many of these sites do not have much in common with one another. According to the Questions and Answers document on EPA's website, they were— at least partially— chosen because they have “upcoming critical milestones”.

And the intent is to have sites added and removed from this list going forward.

I am not convinced that cycling sites through a meaningless list and churning out press releases celebrating milestones are going to result in these sites being cleaned up more quickly.

So far, this list has only raised more questions and caused confusion with stakeholders. As always with Superfund, Members will have questions about sites of great interest to them.

For the people of my district, that means the Hudson River. I am very concerned about the status of the site.

EPA's draft Second Five-Year Review concluded that today the upper Hudson fails to meet the minimum standard for Superfund cleanup: protection of human health and the environment. The draft review concluded that EPA expects the site to be protective at some point in the very distant future— 55 years or more— although that assumption seems tenuous.

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The U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and New York State have all challenged EPA's timeline for achieving the remediation goals and the adequacy of the cleanup.

The communities I represent have already waited a lifetime to see this river and its rich heritage restored.

They should not have to wait another five or six decades as a best case scenario.

The federal government has a responsibility to ensure that the Hudson River is protected. So I encourage EPA to reevaluate the draft review.

Finally, I want to emphasize that rolling back environmental protections and reducing enforcement actions will ensure that we continue to add sites to the National Priorities List in the future.

I hope we can consider Superfund's role in the context of the Agency's broader plan to protect human health and the environment.

With that, I yield back.