

Testimony of Chris Wells, Executive Director, Mississippi Department of Environmental Quality, & President, Environmental Council of the States, to the U.S. House Committee on Energy & Commerce, Subcommittee on Environment, Addressing *Ready for Reuse: Legislative Proposals to Unleash the Potential of America's Brownfields Sites* – March 4, 2026

Summary

The EPA Brownfields Program, including CERCLA Sections 128(a) and 104(k), is one of the most consistently successful federal programs in existence. For over two decades, it has delivered measurable environmental, economic, and community benefits nationwide.

State and tribal programs are at the core of that success. Federal funding supports state response programs that provide technical assistance, liability protection, assessments, cleanups, and redevelopment guidance — particularly for small and rural communities that lack the capacity to manage complex federal grants. By pairing federal resources with state-level implementation, communities receive both funding and practical expertise to move projects forward.

In Mississippi alone:

- Seventy EPA 104(k) grants totaling \$29,712,760 have leveraged over \$300 million in private investment, created more than 800 jobs, and returned over 700 properties to productive use.
- MDEQ has received \$21,718,565 in Section 128(a) funding, including Infrastructure Investment & Jobs Act (IIJA) supplemental funds.
- Since 2023, MDEQ's Targeted Brownfield Assessment program has assessed 82 sites across 550 acres, leveraging more than \$3 million in brownfield funding and opening the door for \$30–\$60 million in expected investment and 300-600 jobs in very small communities.

Projects such as the Fry Building in Natchez (population approximately 14,500) demonstrate cradle-to-rebirth success made possible through federal assessment, cleanup, and revolving loan fund grants, leveraging public and private investment.

The federal program works because it combines liability protection, technical oversight, and strong federal–state partnership, directly to brownfield communities. The program works, and therefore, it does not need to be reinvented — it needs to be renewed and strengthened.

When IIJA supplemental funding expires in 2026, Congress should maintain Section 128(a) funding at a level commensurate with what was made available through that supplemental funding.

Reauthorization should preserve what works, reinforce state partnership, and ensure small and underserved communities are not left behind.

Full Written Testimony

Good afternoon, Chairman Palmer, Ranking Member Tonko, and Members of the subcommittee and full committee. Thank you for the opportunity to testify today.

My name is Chris Wells. I serve as Executive Director of the Mississippi Department of Environmental Quality, and I am also currently serving as President of the Environmental Council of the States (ECOS), which is the national nonprofit, nonpartisan association of state, territorial, and District of Columbia environmental agency leaders.

I'm here today to express strong support of the reauthorization of the EPA Brownfields Program and innovation to help advance economic and energy progress, while maintaining the fundamental mission of brownfields programs to ensure environmental protection and remediation at the state and local levels.

In my view — and in the view of most, if not all, state environmental leaders — the CERCLA 128(a) and 104(k) Brownfields programs are among the most effective state-federal partnership programs we have. With relatively limited funding, these programs consistently produce positive results.

From an environmental perspective, brownfields redevelopment preserves greenspace while transforming blighted properties that pose environmental risks, with a range of community-benefiting outcomes – such as parks and clean residences, commercial and industrial space, energy sites, and other facilities. Partnerships among state, local, and federal governments; the private sector; and local organizations are delivering cleanups at sites previously ignored or marginalized. On the economic front, brownfield programs

can serve as significant sources of job creation; revenue enhancement through income, property, and sales taxes; and infrastructure development – including in the areas of power generation (such as solar arrays and nonrenewable sources of energy), data centers, and other commercial and industrial processing facilities. All of these benefits help meet local, regional, and national needs.

In Mississippi, the results are tangible.

Through 70 EPA 104(k) grants totaling nearly \$30 million, our communities have leveraged more than \$300 million in private investment — roughly a 10-to-1 return — and created more than 800 jobs and returned over 700 properties to productive use. Nationally, EPA reports an average leverage of approximately 19-to-1, underscoring the strong economic return this program consistently delivers.

Through our state response program under Section 128(a), including Infrastructure Investment & Jobs Act (IIJA) supplemental funds, we've strengthened our ability to serve small and rural communities that otherwise would not have access to this program.

Let me give you one example.

The Fry Building in Natchez — a community of about 14,500 people — is a cradle-to-reuse success story. Federal assessment, cleanup, and revolving loan fund assistance is helping Natchez turn a long-vacant building into infrastructure to support the redevelopment of the historic Eola hotel, expected to create approximately 75 jobs and generate over \$30 million in private investment. This is just one of several major projects that the City of Natchez has been able to leverage due to federal brownfield

dollars in combination with state brownfield program support, liability protection, and incentives.

That project likely would not have been possible but for the Brownfields Program.

And that's the key point.

The Brownfields Program works because it removes uncertainty at the local level for the community and potential investors. Liability protection gives private investors confidence. Technical assistance gives local officials guidance. And disciplined oversight ensures public health and environmental protection.

Success stories like this are playing out around the country, thanks in large measure to Congress's vision and bipartisan enactment of the Small Business Liability Relief & Brownfields Revitalization Act of 2002. Yet since the inception of EPA's Brownfields Program, federal funding that supports state Technical Assistance Grants under section 128(a) has generally remained at its initial level, while the number of applicants requesting funding has more than doubled. Congress last authorized the Brownfields Program through the Brownfields Utilization, Investment, & Local Development (BUILD) Act of 2018, and then in 2021, the IIJA provided the first-ever increase to state brownfields funding via supplemental section 128(a) grants, providing additional funding over FY2022-26. The Association of State & Territorial Solid Waste Management Officials notes the IIJA funding increase has led to significant improvements to brownfields programs across the nation, and the association has documented the return on investment in state and local brownfield projects.

To sustain this momentum, states ask Congress to provide robust 128(a) funding, along with strong CERCLA section 104(k) EPA Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Grant funding. We would welcome the proposed increase in 128(a) funding in FY27-31, as this type of support is the fastest and most efficient way to provide non-competitive brownfields assessment, planning, and cleanup assistance to small, rural, and low-capacity public entities and nonprofits. In addition, we would endorse an increase in the 104(k) grant maximum for cleanup grants for FY27-31.

States are also understanding of the need to include limited waivers from cost-sharing (match grant) requirements for small and rural communities and disadvantaged areas based on undue hardship. In fact, very small and rural communities often lack the capacity to manage competitive 104(k) grants directly. In Mississippi, our Targeted Brownfields Assessment efforts have helped communities like Alligator, Eupora, and Utica – places that would otherwise struggle to access these resources. Notably, EPA's most recent grant guidelines included specific consideration for communities with populations under 10,000. Supporting state-administered assistance for communities of this size ensures no community is left behind and that rural America can fully participate in redevelopment opportunities.

The proposed increase to Section 104(k) funding is much needed, but without bolstering critical State and Tribal brownfield support, reaching the rural, small, and disadvantaged community is not achievable. Section 128(a) funding has remained essentially flat for nearly two decades. Across the nation, States and Tribes seized the opportunity provided by the IIJA supplemental funds to elevate and enhance their brownfield

programs to reach their communities with the greatest need. There is a need to continue that support.

States recognize the importance of using brownfields sites in innovative ways to meet growing needs and emerging challenges in our communities. Through ECOS, we hope to have the opportunity to engage constructively with all the Members of this subcommittee to ensure that brownfields legislation upholds the necessary combination of federal funding, local autonomy, and state authority and flexibility that has been so crucial to the national program's success over the last two decades. For instance, states would like to work with Members to ensure that any new programs avoid duplicative requirements, a diversion of funds from traditional brownfields grants, or negative impacts on the existing Brownfield Revolving Loan Fund grant program. With regard to the proposed use of brownfields sites for "nationally significant infrastructure," ECOS looks forward to discussing these initiatives. While ECOS does not have an official position on National Environmental Policy Act (NEPA) waivers, our state members share a keen interest in bipartisan solutions for permit streamlining and efficiency and also preserving the vital authority of states to review federal actions and assess potential environmental impacts under state environmental policy acts similar to NEPA.

Thank you. I am happy to address any questions you may have.