

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Chairman Frank Pallone, Jr.

Hearing on “The CLEAN Future Act: Superfund Proposals to Advance Cleanups, Equity, and Climate Resilience”

May 13, 2021

The Superfund program is critical to cleaning up the most toxic sites across our country. Investments and improvements to the Superfund program can benefit public health and the environment, reduce environmental injustice, and promote job creation.

Climate change and the increasing incidence of extreme weather has made these cleanups even more important, and more pressing. Cleaning up these sites also puts people to work at the same time we are protecting communities and our natural resources. That’s why we have included important Superfund provisions in the CLEAN Future Act, and why President Biden has emphasized Superfund in the American Jobs Plan. I am pleased that we are holding this hearing today to look at those provisions and discuss how the Superfund program can help communities in need.

Superfund cleanups remove serious public health hazards for the surrounding communities, which are often environmental justice communities. Common contaminants at Superfund sites include lead, dioxin, arsenic, and PCB’s. Much of this pollution is a legacy of our industrial past that still threatens public health. And now, thanks to climate change, many communities see these sites as ticking time bombs, just one storm away from flooding their homes with toxic pollution.

Extreme weather can cause pollution at Superfund sites to be released into the environment. It can undermine the integrity of cleanup remedies. And it can create new Superfund sites as new releases spread toxic pollution to previously clean areas.

Last year, the Government Accountability Office (GAO) identified 945 sites on the National Priorities List that are vulnerable to climate-related hurricanes, wildfires, and flooding.

We can and should address this threat. And the good news is, these clean ups also help create good-paying jobs in these communities. They create construction jobs while the cleanups are happening, and long-term jobs once the remediation is done and the property is returned to productive use.

This is a nationwide problem, and a particular concern in my home state where roughly 50 percent of New Jersey’s population lives within three miles of a Superfund site.

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Provisions in the CLEAN Future Act aim to address these risks by cleaning up those sites most vulnerable to climate change and preventing the creation of new contaminated sites. Prevention is always going to be cheaper and safer than remediation, especially for environmental justice communities around these facilities.

These substantive provisions would complement President Biden's efforts to invest in Superfund cleanups. The American Jobs Plan includes a proposal to restore payments from polluters into the Superfund Trust Fund so that polluting industries help fairly cover the cost of cleanups. That's a \$5 billion investment in the remediation and redevelopment of Brownfield and Superfund sites, as well as workforce development investments to turn these properties into new hubs of economic growth and job creation.

For many years, I have introduced a bill, the Superfund Polluter Pays Act, which would reauthorize the original Superfund fees and make polluters, not taxpayers, pay the costs of cleaning up Superfund sites. Taxpayers have been footing the bill to clean up polluters' messes for far too long. Reinstating the Superfund taxes will reestablish the polluter pays principle of the law, reduce pressures on the budget, and lead to faster cleanup of these toxic and dangerous sites.

Reinstating this polluter pays tax must be part of any conversation we have in Congress about Superfund.

The bottom line is that the Superfund program is an essential tool, and one that we should use as much as possible in our effort to fight climate change, promote equity, and restore the American economy. Robust funding, deadlines for federal cleanups, reinstatement of the tax, and efforts at prevention and adaptation all have important roles to play as we move forward.

The communities around Superfund sites and potentially dangerous industrial facilities deserve the peace of mind that comes with knowing these contaminated sites are being cleaned up, that polluters are paying for the cleanup work, and that we're actively working to protect their health.

I thank the Chairman for convening this expert panel, and I look forward to today's testimony.