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STATEMENT OF GOVERNOR CHRISTINE TODD WHITMAN  
ADMINISTRATOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE SUBCOMMITTEE ON  
ENVIRONMENT AND HAZARDOUS MATERIALS  
COMMITTEE ON ENERGY AND COMMERCE  
UNITED STATES HOUSE OF REPRESENTATIVES

MARCH 7, 2001

Good morning, Mr. Chairman, and members of the Subcommittee. It is my pleasure to appear before you today as Administrator of the Environmental Protection Agency on the important subject of brownfields. I commend Subcommittee Chairman Gillmor and Representative Pallone for holding a hearing on brownfields to highlight State brownfields programs and the actions Congress can take to further expedite brownfields cleanup and redevelopment and improve EPA's ability to support State and local programs.

Enacting brownfields legislation this year is an important priority for President Bush and this Administration and provides the opportunity to remove existing barriers to brownfields cleanup and development. I look forward to working with all members of this Committee to develop bipartisan legislation as soon as possible that is consistent with the President's principles and budget.

In my confirmation testimony I emphasized the need for flexibility when working with States and local communities. States have developed significant expertise in the cleanup and development of brownfield properties, and together with local communities, will continue to have the primary role. I am pleased that the purpose of this hearing is to examine ways to develop smarter partnerships to help remove barriers to brownfield cleanup and development.

Brownfields cleanup is an important urban redevelopment tool that provides an alternative to development of greenfields. The Administration believes that brownfields legislation is important enough to be considered independently from other statutory reform efforts, such as Superfund. I know that some members of this Committee are interested in reforming Superfund and I am committed to working with them, but I would urge that Superfund, as well as other statutory reform issues, not hold up brownfields legislation.

President Bush is committed to strengthen state and local brownfields programs based on the following principles:

- Brownfields legislation should remove a significant hurdle to brownfields cleanup by providing redevelopers with protection from federal Superfund liability;
- Brownfields legislation should ensure that states have the authority and resources to run their own brownfields programs while ensuring those cleanups are protective of human health and the environment;
- Brownfields legislation should direct EPA to work with the States to ensure that they employ high, yet flexible cleanup standards, and allow EPA to step in to enforce those standards when necessary;
- Brownfields legislation should streamline and expedite the process by which grants are given to states, and in turn to local communities, so that they have maximum flexibility to use the funds according to their unique needs;
- The federal government should focus additional research and development efforts on new cleanup technologies and techniques to clean up brownfields; and

- While not under the jurisdiction of this committee, the brownfields tax incentive should be made permanent. The President has included this proposal in his Fiscal Year 2002 budget.

The States and the U.S. Environmental Protection Agency have been at the forefront of encouraging the cleanup and economic redevelopment of brownfields. EPA has awarded more than 360 assessment pilots of up to \$200,000 each to states, Tribes, and local governments to assist them with brownfields redevelopment. Grantees report that EPA funding supported assessments at over 2000 properties and helped leverage more than \$2.8 billion in economic development and generated more than 11,000 jobs. EPA's job training pilots have trained more than 560 people and put more than 400 to work. In addition, EPA has funded 104 revolving loan fund pilots, provided over \$80 million in funding for state programs, and worked with states to perform Targeted Brownfields Assessments at more than 550 properties.

However, much remains to be done to facilitate the rapid, high-quality assessment, cleanup and sustainable economic development in communities across the nation. With your help, this Administration will provide the tools that communities need to address the problems posed by brownfield properties, and will encourage redevelopment while fully protecting human health and the environment.

I understand that barriers may exist as a result of the uncertainty over Federal liability and enforcement issues. In addressing these concerns, there should be limited circumstances where EPA would need to take further action if a State approves a protective cleanup. As I discussed before the Senate Environment and Public Works Committee, there should be compelling evidence that a cleanup is no longer protecting human health and the environment before EPA

would step in. In fact, we know of no case in the past where EPA has acted on its own to step in at a brownfields site.

Brownfields legislation must strike the correct balance between the liability certainty sought by parties cleaning up brownfields and the need to protect public health and the environment. Legislation also should clarify Superfund liability for contiguous property owners, prospective purchasers, and innocent landowners.

The Administration supports brownfields legislation that encourages the identification, assessment, cleanup, and redevelopment of a full range of contaminated brownfields properties by specifically authorizing a federal program for grants and loans to states, Tribes, and local governments. In addition, legislation should relieve EPA's current brownfields program of unnecessary Superfund regulatory procedures for the Brownfields Cleanup Revolving Loan Fund, and provide for expedited grant funding of cleanup of contaminated properties.

Brownfields legislation that is consistent with the President's principles should provide flexible grant funding to the states, local communities, and Tribes to support their brownfields programs in ways that will enhance the already impressive achievements of the 47 state programs that address brownfields currently. According to a study by the *Northeast/Midwest Institute*, more than 16,000 sites have enrolled in state voluntary cleanup programs. States with emerging programs would benefit from resources and support that enable them to use creative approaches in encouraging protective assessment, clean up and redevelopment of property. States with established brownfields programs, such as Ohio and New Jersey, would benefit from support that enhances successful brownfields redevelopment work.

The Administration also supports funding for technical assistance, training, and technology to encourage the best methods and approaches to cleaning up brownfields. New tools

that improve the ability to conduct protective cleanups while reducing cost can help promote the redevelopment of brownfields across the Nation.

Whether states and localities receive Environmental Protection Agency grants for assessment and cleanup, Housing and Urban Development grants for redevelopment, Economic Development Administration grants, Department of Energy research support - or whether redevelopment is encouraged by the Federal Brownfields tax incentive - this Administration is committed to strengthening State and local brownfields programs to address the problem of derelict brownfields properties.

Thank you for the opportunity to appear before you today and to describe the President's support for brownfields legislation. I look forward to working with you to achieve swift passage of brownfields legislation. Mr. Chairman, I will be happy to answer any questions you or the committee members may have.