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PROMOTING ECONOMIC AND COMMUNITY REDEVELOPMENT AND ENVIRONMENTAL JUSTICE IN THE REVITALIZATION AND REUSE OF CONTAMINATED PROPERTIES

(117–36)

REMOTE HEARING

BEFORE THE

SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

DECEMBER 8, 2021

Printed for the use of the
Committee on Transportation and Infrastructure

Available online at: https://www.govinfo.gov/committee/house-transportation?path=/browsecommittee/chamber/house/committee/transportation

U.S. GOVERNMENT PUBLISHING OFFICE

47–324 PDF WASHINGTON : 2022

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CONTENTS

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DECEMBER 3, 2021

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Water Resources and Environment
FROM: Subcommittee on Water Resources and Environment Staff
RE: Subcommittee Hearing on "Promoting Economic and Community Redevelopment and Environmental Justice in the Revitalization and Reuse of Contaminated Properties"

PURPOSE OF HEARING

The Subcommittee on Water Resources and Environment will meet in open session on Wednesday, December 8, 2021, at 10:00 a.m. ET in the Rayburn House Office Building, Room 2167, and by video conferencing via Zoom, to receive testimony on federal, state, and local efforts to address the nation's brownfields and other contaminated properties. The subcommittee will hear from local government officials and representatives of non-profit organizations, academia, and other stakeholders involved in the remediation and reuse of contaminated properties.

BACKGROUND

SUPERFUND

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), more commonly known as the Superfund law, establishes a framework to remediate certain types of contaminated sites and to hold the parties connected to those sites responsible for cleanup costs.[1] CERCLA authorizes the Environmental Protection Agency (EPA) to clean up contaminated sites, subject to annual appropriations, and to compel entities that bear responsibility for all or part of the contamination at a site to perform or pay for cleanup activities. Additionally, parties that incur cleanup costs may seek to recoup those costs from other responsible parties or from the Superfund Trust Fund, which was enacted to provide a source of funds for the federal government to finance the cleanup of contaminated sites where the responsible parties cannot pay or cannot be identified.[2]

CERCLA cleanup and response actions fall into two categories. Removal actions are generally shorter-term actions taken to address immediate risks. Remedial actions are generally longer-term actions to address contamination more permanently, and may involve long-term treatment or containment of wastes in place. Although EPA cleans up some sites itself, it may also compel "potentially responsible parties"

[1] See generally, Congressional Research Service, *Liability Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)*, March 12, 2021 (IF11790).

[2] See generally, Congressional Research Service, *Comprehensive Environmental Response, Compensation, and Liability Act: A Summary of Superfund Cleanup Authorities and Related Provisions of the Act*, June 14, 2012 (R41039). As originally enacted in 1980, section 211(a) of CERCLA authorized Superfund excise taxes on petroleum and chemical feedstocks, which were deposited into the Superfund Trust Fund. Section 515(a) of the Superfund Amendments and Reauthorization Act of 1986 expanded the reach of the tax on domestically manufactured chemical feedstocks to include imported chemical derivatives. Section 516(a) such Act established the special tax on corporate income to provide an additional revenue stream for the Superfund Trust Fund. The taxing authority for all three sources of revenue to the Superfund Trust Fund expired at the end of 1995, and general revenues appropriated annually have largely continued to fund the Superfund program. Section 80201 of H.R. 3684, the Infrastructure Investment and Jobs Act, reinstates the Superfund tax on certain chemical feedstocks through December 31, 2031. Section 136701 of H.R. 5376, the Build Back Better Act, would reinstate the Superfund tax on domestic and imported oil and petroleum through December 31, 2031.

(PRPs)[3] to perform or pay for the cleanup. PRPs are liable if there has been: (1) an actual or threatened release (2) of a hazardous substance (defined in section 101(14) of CERCLA) that (3) causes the incurrence of response costs.[4] Liability is retroactive (parties may be liable for the release of hazardous substances prior to CERCLA's enactment in 1980), strict (regardless of a party's negligence), and joint and several (a party may be liable for all cleanup costs at a site, even if other parties also contributed to the contamination).[5]

BROWNFIELDS

Brownfields are real properties, "the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."[6] Types of brownfields include inactive factories, gas stations, salvage yards, or abandoned warehouses. These sites drive down property values, provide little or no tax revenue, and contribute to community blight. The EPA reports that an estimated 450,000 to one million brownfields sites exist within the United States.[7] Cleanup and redevelopment of these abandoned sites can increase local tax bases, promote economic development, revitalize neighborhoods, facilitate job growth, enable the creation of public parks and open space, or preserve existing properties, including undeveloped green spaces.

Brownfields Revitalization and Environmental Restoration Act

In 2001, Congress passed the Brownfields Revitalization and Environmental Restoration Act of 2001, contained as title II of the Small Business Liability Relief and Brownfields Revitalization Act of 2001, to create specific authority to conduct brownfields assessments and cleanups.[8] This legislation amended the Superfund law to authorize funding through EPA for brownfields assessment and cleanup grants, provide targeted CERCLA liability protections, and increase support for State and tribal voluntary response programs. In 2018, Congress further amended the program through the Brownfields Utilization, Investment, and Local Development (BUILD) Act, enacted as Division N of the Consolidated Appropriations Act, 2018.[9]

The brownfields program provides direct funding authority for brownfields site assessments, cleanups, revolving loans, environmental job training, technical assistance, and other funding assistance for state and tribal brownfields program. To facilitate the leveraging of public resources, EPA's brownfields program collaborates with other federal programs and state agencies to identify and make available resources for brownfields-related activities.

Specifically, the brownfields program authorizes $200 million annually (through fiscal year 2023)[10] for the following types of funding assistance:

- *Brownfields Assessment Grants*: which provide funding for brownfield inventories, planning, environmental assessments, and community outreach. Assessment grants are limited to $200,000 per site except in some cases, where due to size and contamination level, the limit is $350,000.[11]
- *Brownfields Cleanup Grants*: which provide funding to carry out cleanup activities at brownfields sites owned by the applicant. Cleanup grants are limited to $1 million per eligible entity (or a maximum of $650,000 per site) and can be awarded on a community-wide or site-by-site basis.[12]
- *Brownfields Revolving Loan Fund (RLF) Grants*: which allow eligible entities (as defined in section 104(k)(1)) to capitalize revolving funds for the remediation of brownfields, subject to the same funding limitations as direct grants.[13]

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[3] Section 107(a) of CERCLA defines those parties liable for response costs for contaminated facilities as: (1) the owner or operator of the facility; (2) the owner or operator of the facility at the time of disposal of the hazardous substances; (3) any person who arranged for the disposal of a hazardous substance at the facility and (4) any person who accepts a hazardous substance for transport to the facility. See 42 U.S.C. 9607(a).

[4] See 42 U.S.C. 9607.

[5] See https://www.epa.gov/enforcement/superfund-liability.

[6] See 42 U.S.C. 9601(39) (definition of "Brownfield site"). See also, generally, *Overview of EPA's Brownfields Program*, located at https://www.epa.gov/brownfields/overview-epas-brownfields-program.

[7] See *Overview of EPA's Brownfields Program*, located at https://www.epa.gov/brownfields/overview-epas-brownfields-program

[8] See P.L. 107–118 (signed in January 2002).

[9] See P.L. 115–141, Consolidated Appropriations Act, 2018.

[10] See 42 U.S.C. 9604(k)(13).

[11] See 42 U.S.C. 9604(k)(2) and (5)(A)(i).

[12] See 42 U.S.C. 9604(k)(3) and (5)(A)(ii).

[13] See 42 U.S.C. 9604(k)(3)(A)(i).

In addition, the brownfields program authorizes $50 million annually (through fiscal year 2023) for state and tribal response programs.[14] States and tribes may use this assistance to establish or enhance individual state response programs, capitalize existing revolving loan programs, and develop risk-sharing pools, indemnity pools, or insurance mechanisms to provide financing for remediation activities.[15]

The brownfields program also provides targeted protection from Superfund liability for innocent landowners, owners of property contaminated by a source on contiguous property, and for prospective purchasers of property which may be contaminated.[16] It clarified Superfund's "innocent landowner" defense against liability for a person who unknowingly purchased contaminated land, provided the person made "all appropriate inquiries" prior to the transaction.[17] The brownfields law did not define what constitutes "all appropriate inquiries," but directed EPA to establish by regulation the standards and practices which would satisfy the "all appropriate inquiries" requirement. On November 1, 2005, EPA issued a final rule establishing the standards and practices which would satisfy the "all appropriate inquiries" requirement.[18]

The brownfields program generally has been well received by EPA, states, communities, investors, and developers. According to EPA, since its inception, the brownfields program has assessed over 34,000 properties, has cleaned up over 2,200 sites and has made ready over 9,100 sites for reuse.[19] In addition, according to EPA, federal brownfields assistance has leveraged more than $35.2 billion in additional cleanup and redevelopment funding.[20] This is consistent with the intent of the brownfields program to provide vital federal "seed money" for redevelopment and to leverage this money in conjunction with funding from state, local, private, and other federal sources to address brownfield sites.[21] According to EPA, its brownfields program has helped to create or leverage almost 180,000 jobs.[22]

On May 11, 2021, EPA announced that 151 applicants (out of a total of 418 individual grant requests) were selected to receive 154 multipurpose, assessment, and cleanup (MAC) grants totaling $66.5 million.[23] Of this amount, $8.8 million in grants went for 111 multipurpose grants to conduct a range of eligible assessment and cleanup activities at one or more brownfields properties, $42.2 million in grants went for 107 site assessments, and $15.5 million went for 36 cleanup grants.[24]

On June 16, 2021, EPA selected 27 existing RLF grantees to receive $11.6 million in supplemental funding to help communities continue their work to carry out cleanup and redevelopment projects on contaminated brownfield properties.[25] Supplemental funding for RLF grants is available to grantees that have depleted their funds and have viable cleanup projects ready for work.

Funding of EPA's Brownfields Program

EPA's brownfields program has an authorized funding level of $250 million annually (through fiscal year (FY) 2023).[26] In FY 2021, Congress appropriated $161.78 million for the brownfields program, of which $91.0 million was for brownfields site assessment and cleanup grants, $46.2 million was for state voluntary cleanup programs, and $24.0 million was for EPA's administrative expenses for the program.[27] In the FY 2022 budget request, the administration has requested a total of $200.3 million for the brownfields program, of which $130.0 million is for brownfields site assessment and cleanup grants, $46.2 million is for state voluntary cleanup programs, and $24.2 million is for EPA's administration of the brownfields program.[28]

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[14] See 42 U.S.C. 9628.
[15] See https://www.epa.gov/brownfields/state-and-tribal-response-program-grants.
[16] See 42 U.S.C. 9607(q) and (r).
[17] See 42 U.S.C. 9607(q).
[18] See 70 Fed. Reg. 66070. See also https://www.epa.gov/sites/production/files/2015-05/documents/aai__reporting__factsheet.pdf.
[19] See https://www.epa.gov/brownfields/brownfields-program-accomplishments-and-benefits.
[20] See id.
[21] See https://www.epa.gov/brownfields/overview-epas-brownfields-program.
[22] See https://www.epa.gov/brownfields/brownfields-program-accomplishments-and-benefits.
[23] See https://www.epa.gov/brownfields/applicants-selected-fy-2021-brownfields-multipurpose-assessment-and-cleanup-grants.
[24] See id.
[25] See https://www.epa.gov/brownfields/announcing-fy21-supplemental-funding-brownfields-revolving-loan-fund-grants.
[26] See 42 U.S.C. 9604(k)(13) and 9628
[27] See https://www.epa.gov/planandbudget/fy-2022-justification-appropriation-estimates-committee-appropriations.
[28] See id.

Brownfields Implementation Issues

Generally speaking, the brownfields program has been effective at expanding the redevelopment of former brownfields sites. In 2018, Congress amended the brownfields law in the BUILD Act to address stakeholder recommendations to further brownfields redevelopment and reuse, including: (1) expanded grant eligibility for non-profit redevelopment organizations; (2) increased per-project limits for remediation grants; (3) expanded grant authority for multi-purpose assessment and cleanup grants; and (4) new brownfields ranking criteria focusing on renewable energy and energy efficiency projects and waterfront developments.[29] The BUILD Act extended then-current authorization levels without increase for brownfields grants through FY 2023.

Brownfields stakeholders have advocated for increasing the overall authorization of appropriations for the brownfields program beyond the $250 million annual level.[30] Currently EPA receives four times more grant applications than can be funded under current appropriations.[31] Assuming full funding of the brownfields program, there would still likely be a shortfall between the amount requested through grant applications and annual appropriations.[32] Accordingly, stakeholders advocate for increasing the overall authorization of appropriations for the brownfields site assessment and cleanup grant component of the program commensurate with the apparent needs.

Another issue related to the program is establishing effective performance measures to determine the extent to which the program is achieving its goals. While EPA does report on the cumulative sites addressed, jobs generated, and the cleanup and redevelopment funds leveraged, there has been little reporting on cleanup and redevelopment activities, which is one of the primary objectives of the program. In partial response to these concerns, in 2020, EPA released a report that examined certain environmental benefits that accrue when brownfield sites are used for redevelopment.[33] This study, entitled *2020 Environmental Benefits of Brownfields Redevelopment—A Nationwide Assessment*, found that, when housing and job growth is accommodated by redeveloping existing brownfields sites, the expansion of paved impervious surfaces and average vehicle miles traveled per capita/per job are reduced as compared to accommodating the same amount of growth on previously undeveloped sites.[34]

On a related matter, as the program continues to mature, it is possible to begin reviewing the performance of the brownfields program in addressing redevelopment and reuse goals throughout the nation. Brownfields properties can be found in large urban centers, small and rural communities, and suburban neighborhoods. Since there are more applications for assistance under the brownfields program than can be funded under current appropriations, current funding of the brownfields program has limited the ability of the brownfields law to address all the site assessment and cleanup grant applications proposed in any one year. Yet, there has never been a formal review of the types of brownfields properties that have been addressed through the EPA program and how the current selection process, when combined with a lack of sufficient federal funding, addresses the types, geographic locations, and the independent economic capabilities of communities to revitalize brownfields properties that are present around the nation.

In its 1996 report that informed the creation of the initial EPA brownfields grant program, the National Environmental Justice Advisory Council (NEJAC) highlighted the importance of ensuring that brownfields investment "provide focus to a problem which by its very nature is inextricably linked to environmental justice"—which the NEJAC observed is both an urban and rural concern.[35] This concern about targeting brownfields site assessment and remediation grants was also recently highlighted by EPA Administrator Michael Regan in awarding the FY 2021

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[29] https://www.epa.gov/sites/default/files/2018-08/documents/1-pg__build__summary__handout__508__0818.pdf.

[30] See witness testimony during Subcommittee hearing on *Building a 21st Century Infrastructure for America: Revitalizing American Communities through the Brownfields Program*, March 28, 2017, (https://www.govinfo.gov/content/pkg/CHRG-115hhrg24789/pdf/CHRG-115hhrg24789.pdf).

[31] Cf. List of applicants for brownfields grants in FY2021 (https://www.epa.gov/sites/default/files/2021-05/documents/fy21__mac__all__applicants__list__updated.pdf) and list of brownfields grant recpients for FY2021 (https://www.epa.gov/sites/default/files/2021-04/documents/fy21__bf__mac__grant__selections__may__2021.pdf).

[32] See id.

[33] https://www.epa.gov/brownfields/brownfields-program-environmental-and-economic-benefits.

[34] See id.

[35] https://www.epa.gov/sites/production/files/2015-02/documents/public-dialogue-brownfields-1296.pdf.

brownfields MAC grants. In an interview associated with this announcement, Administrator Regan noted, "[t]his is a significant opportunity for environmental justice communities and rural communities that for far too long have been living with blighted pieces of property." [36]

WITNESSES

- The Honorable Lucy Vinis, Mayor, Eugene, OR
- Michael Goldstein, Esq., Chairman, Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee, National Brownfields Coalition
- Susan Bodine, Esq., Partner, Earth & Water Law, Washington, D.C.
- Sacoby Wilson, Ph.D., M.S., Associate Professor & Director, Center for Community Engagement, Environmental Justice & Health, Maryland Institute for Applied Environmental Health, School of Public Health, University of Maryland, College Park, MD
- Jerome Shabazz, Executive Director, Overbrook Environmental Education Center, JASTECH Development Services, Inc., Philadelphia, PA
- mark! Lopez, Eastside Community Organizer & Special Projects Coordinator, East Yard Communities for Environmental Justice, Commerce, California

[36] https://apnews.com/article/business-environment-and-nature-government-and-politics-5a60b4e839dae5ab3268948a7bcb76fd.

PROMOTING ECONOMIC AND COMMUNITY REDEVELOPMENT AND ENVIRONMENTAL JUSTICE IN THE REVITALIZATION AND REUSE OF CONTAMINATED PROPERTIES

WEDNESDAY, DECEMBER 8, 2021

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:02 a.m. in room 2167 Rayburn House Office Building and via Zoom, Hon. Grace F. Napolitano (Chair of the subcommittee) presiding.

Members present in person: Mrs. Napolitano, Mr. DeFazio, Mr. Rouzer, Mr. Graves of Louisiana, Mr. LaMalfa, and Mr. Westerman.

Members present remotely: Mr. Huffman, Ms. Johnson of Texas, Mr. Lowenthal, Mr. Delgado, Ms. Bourdeaux, Mr. Carbajal, Mr. Stanton, Ms. Norton, Mr. Cohen, and Mr. Mast.

Mrs. NAPOLITANO. Good morning. I call this hearing to order.

Today's hearing highlights the historic levels of investment for the cleanup of contaminated and toxic waste sites that was included in the bipartisan infrastructure bill signed by President Biden last month.

This is a once-in-a-generation opportunity to significantly improve the pace of toxic cleanups, to provide increased protection for human and environmental health, and to ensure this investment benefits all communities, especially rural and small communities that have disproportionately borne the burden of toxic contamination in the past.

Let me begin by asking unanimous consent that the chair be authorized to declare a recess at any time during today's hearing.

Without objection, so ordered.

I ask unanimous consent that Members not on the subcommittee be permitted to sit with the subcommittee at today's hearing and ask questions.

And without objection, so ordered.

As a reminder, please, please keep your microphone muted unless speaking. Should I hear any inadvertent noise, I will request that the Member please mute their microphone.

And finally, to insert a document into the record, please have your staff email it to DocumentsT&I@mail.house.gov.

These are very historic times in Congress. Just a few weeks ago, President Biden signed into law the single largest investment in our Nation's infrastructure ever. The Infrastructure Investment and Jobs Act, or Jobs Act, provides once-in-a-lifetime investment that will modernize our roads, bridges, transit, ports, and airports, as well as our critical water and wastewater systems.

We all know the neglect that our critical infrastructure has faced over the years due to the shortsighted budget reductions under the previous administration or through the lack of available resources from our State and local partners. However, that continued neglect is now over. And thanks to the courage of Members on both sides of the aisle—thank you, Mr. Rouzer—infrastructure investment help is now on the way. This is especially true for the critical infrastructure under the jurisdiction of the Subcommittee on Water Resources and Environment.

The Jobs Act provides over $12.7 billion in critical infrastructure assistance to States and local communities to rebuild their crumbling wastewater systems, and reauthorizes the Clean Water State Revolving Fund, the SRF, for the first time in its 34-year history.

Just as important, more than half of this assistance is provided as grants, responding to the direct testimony of rural, small, and economically disadvantaged communities that testified before this subcommittee on their struggles to afford critical wastewater upgrades.

The Jobs Act provides the U.S. Army Corps of Engineers, known as USACE, with an additional $17.1 billion to carry out crucial construction and operation and maintenance activities on critical water resources development projects throughout the Nation.

This committee, on a bipartisan basis, has now completed work on four Water Resources Development Acts in a row, and will begin work on the fifth early next year. However, all of the projects authorized in WRDAs need appropriated funds for communities to realize the full navigation, flood control, and environmental benefits these projects provide. The $17.1 billion in the Jobs Act will quickly bring many of these critical water resources projects into reality.

Finally, and central to the theme of today's hearing, passage of the Jobs Act, when combined with the Build Back Better Act, provides billions to clean up the Nation's most toxic hazardous waste dumps, and to make sure polluters pay to clean up their mess.

First, the Jobs Act provides a total of $1.5 billion to assess and remediate our Nation's brownfields, those underutilized sites in big cities and small towns where contamination or the threat of contamination limits full use of these properties. This is the most significant investment in Federal brownfields cleanup funding in its 20-year history and will finally allow for the redevelopment of properties that have languished for years, simply waiting for critical cleanup funds.

Second, just as important, the Jobs Act, when combined with the Build Back Better Act, will provide an additional $30 billion to clean up America's most contaminated Superfund sites, finally bringing relief to urban and rural neighborhoods that have had to live with these legacy toxic waste dumps for decades.

And these combined bills will finally restore the "polluter pays" concept of Superfund cleanup, making sure that polluters, not the taxpayers, pay the cost of cleaning up toxic contamination.

I am proud to support these historic investments in brownfields and Superfund cleanups, which will rejuvenate neighborhoods, will protect the health of our families, our neighborhoods, our environment, and will start to undo the toxic legacy of the past.

However, now that these funds are available, it is equally critical that these investments benefit families and neighborhoods of all economic means in rural and urban areas, in minority and Tribal communities, and in every geographic area of this country.

That is the focus of today's hearing, listening to stakeholders on how we can improve the EPA's Brownfields Program. This program has, by most accounts, been successful in redeveloping many unutilized and underutilized brownfield sites. However, if you dig a little deeper, there are questions about whether all communities have benefited from this critical redevelopment investment, and whether this investment has actually benefited those who have had to suffer with legacy contamination for decades.

Today we will hear from stakeholders representing an array of viewpoints on the successes of the Brownfields Program, and should hear who has benefited and who may have been left behind. As we stand on the cusp of significant increases in brownfields and Superfund cleanup investment, it is critical that all these voices be heard.

We need to ensure that the historic funds in the Jobs Act and the Build Back Better Act are used to help all communities realize a future without toxic contamination, and to ensure that these funds benefit our communities, both rural and urban, especially those that have been overlooked or passed over for critical reinvestment funds in the past.

At this time, I am pleased to yield to my colleague, the ranking member of the subcommittee, my good friend, Mr. Rouzer, for any thoughts he may have.

[Mrs. Napolitano's prepared statement follows:]

Prepared Statement of Hon. Grace F. Napolitano, a Representative in Congress from the State of California, and Chair, Subcommittee on Water Resources and Environment

These are historic times in Congress.

Just a few weeks ago, President Biden signed into law the single largest investment in our nation's infrastructure ever. The Infrastructure Investment and Jobs Act (or Jobs Act) provides once-in-a-lifetime investment that will modernize our roads, bridges, transit, ports and airports, as well as our critical water and wastewater systems.

We all know the neglect that our critical infrastructure has faced over the years—due to shortsighted budget reductions under the previous administration or through lack of available resources from our state and local partners. However, that continued neglect is now over—and thanks to the courage of members on both sides of the aisle—infrastructure investment help is now on the way.

This is especially true for the critical infrastructure under the jurisdiction of the Subcommittee on Water Resources and Environment.

The Jobs Act provides over $12.7 billion in critical infrastructure assistance to States and local communities to rebuild their crumbling wastewater systems—and reauthorizes the Clean Water State Revolving Fund program for the first time in its 34-year history!

Just as important, more than half of this assistance is provided as grants—responding to the direct testimony of rural, small, and economically-disadvantaged communities that testified before this Subcommittee on their struggles to afford critical wastewater upgrades.

The Jobs Act also provides the U.S. Army Corps of Engineers with an additional $17.1 billion to carry out crucial construction and operation and maintenance activities on critical water resources development projects throughout the nation.

This committee, on a bipartisan basis, has now completed work on four water resources development acts in a row—and will begin work on the fifth early next year. However, all of the projects authorized in WRDAs need appropriated funds for communities to realize the full navigation, flood control, and environmental benefits these projects provide. The $17.1 billion in the Jobs Act will quickly bring many of these critical water resources projects into reality.

Finally, and central to the theme of today's hearing, passage of the Jobs Act—when combined with the Build Back Better Act—provides BILLIONS to clean up the nation's most toxic hazardous waste dumps—and to make sure polluters pay to clean up their mess.

First, the Jobs Act provides a total of $1.5 billion to assess and remediate our nation's brownfields—those underutilized sites in big cities and small towns where contamination or the threat of contamination limits full use of these properties.

This is the most significant investment in federal brownfields cleanup funding in its 20-year history and will finally allow for the redevelopment of properties that have languished for years simply waiting for critical cleanup funds.

Second, and just as important, the Jobs Act, when combined with the Build Back Better Act, will provide an ADDITIONAL $30 BILLION to clean up America's most contaminated Superfund sites—finally bringing relief to urban and rural neighborhoods that have had to live with these legacy toxic waste dumps for decades.

And these combined bills will finally restore the "polluter pays" concept of Superfund cleanup—making sure that polluters, not taxpayers, pay the cost of cleaning up toxic contamination.

I am proud to support these historic investments in brownfields and Superfund cleanups, which will rejuvenate neighborhoods, will protect the health of our families, our neighborhoods, and our environment, and will start to undo the toxic legacy of the past.

However, now that these funds are available, it is equally critical that these investments benefit families and neighborhoods of all economic means—in rural and urban areas, in minority and tribal communities, and in every geographic area of the country.

That is the focus of today's hearing—listening to stakeholders on how we can improve upon the EPA's brownfields program.

This program has, by most accounts, been successful in redeveloping many unutilized or under-utilized brownfields sites; however, if you dig a little deeper, there are questions about whether all communities have benefited from this critical redevelopment investment and whether this investment has actually benefited those who have had to suffer with legacy contamination for decades.

Today, we will hear from stakeholders representing an array of viewpoints on the successes of the brownfields program—and should hear who has benefited and who may have been left behind.

As we stand on the cusp of significant increases in brownfields and Superfund cleanup investment, it is critical that all of these voices be heard.

We need to ensure that the historic funds in the Jobs Act and the Build Back Better Act are used to help all communities realize a future without toxic contamination, and to ensure that these funds benefit all communities—both rural and urban—especially those that have been overlooked or passed over for critical reinvestment funds in the past.

At this time, I am pleased to yield to my colleague, the Ranking Member of our subcommittee, Mr. Rouzer, for any thoughts he may have.

Mr. ROUZER. Thank you, Madam Chairman. I appreciate you holding this hearing, and I would also like to thank our witnesses for being here today.

Today's hearing will examine contaminated properties known as brownfields, the tools the Environmental Protection Agency has to address them, and what we hope to accomplish with those tools.

There are hundreds of thousands of brownfield sites in America, in both rural and urban areas. They are often prime locations for

redevelopment, except for the fact, of course, that the land may have some contamination. Brownfields drive down property values, decrease tax revenues, and are a blight on many of our cities and towns. In the past, few wanted to invest in cleaning up these sites because they feared liability. And rightfully so. As a result, many developers turned to undeveloped green spaces for new investments and development.

It became clear that it made good economic and environmental sense to remove legal roadblocks and support State, local, and private efforts to clean up and redevelop brownfields. Through this committee's efforts, the Small Business Liability Relief and Brownfields Revitalization Act became law in early 2002, which the committee updated in 2018 with the Brownfields Utilization, Investment, and Local Development Act.

The law provided legislative authority for the Brownfields Program, including grants for site assessments and cleanup. The law also clarified liability issues and helped provide greater protections for those who have had no history with contamination of the brownfields property, and want to clean up and redevelop them.

Turning brownfields back into usable property involves the efforts of the EPA, State and local governments, developers, and nongovernmental organizations. The Brownfields Program, codified in 2002, is itself built on another pivotal environmental law, the Comprehensive Environmental Response, Compensation, and Liability Act, known by its acronym, CERCLA, which is also commonly referred to as "Superfund."

Passed by Congress in 1980, Superfund provides the basis for federally overseen cleanup of environmentally damaged sites. In addition to funding cleanup efforts, the program provides a liability framework that has enabled needed environmental remediation to be done.

I look forward to the testimony today to learn how to improve the Brownfields and Superfund Programs, and specifically how they affect the local economies of communities, and the lives of the people who live in and near those communities.

[Mr. Rouzer's prepared statement follows:]

Prepared Statement of Hon. David Rouzer, a Representative in Congress from the State of North Carolina, and Ranking Member, Subcommittee on Water Resources and Environment

Thank you, Chair Napolitano. I appreciate you holding this hearing, and I would also like to thank our witnesses for being here today.

Today's hearing will examine contaminated properties known as "brownfields," the tools the Environmental Protection Agency has to address them, and what we hope to accomplish with them. There are hundreds of thousands of brownfield sites in America, in both rural and urban areas. They are often prime locations for redevelopment—except for the fact that the land may have some contamination. Brownfields drive down property values, decrease tax revenues, and are a blight on many of our cities and towns.

In the past, few wanted to invest in cleaning up these sites because they feared liability. As a result, many developers turned to undeveloped green spaces for new investments. It became clear that it made good economic and environmental sense to remove legal roadblocks, and support state, local, and private efforts to clean up and redevelop brownfields.

Through this committee's efforts, the "Small Business Liability Relief and Brownfields Revitalization Act" became law in early 2002, which the Committee up-

dated in 2018 with the Brownfields Utilization, Investment, and Local Development (BUILD) Act. The law provided legislative authority for the Brownfields Program, including grants for site assessments and cleanup. The law also clarified liability issues and helped provide greater protections for those who have had no history with contamination of the brownfields property and want to clean up and redevelop them.

Turning brownfields back into usable property involves the efforts of the Environmental Protection Agency, state and local governments, developers, and non-governmental organizations.

The Brownfields Program codified in 2002 is itself built on another pivotal environmental law, the Comprehensive Environmental Response, Compensation, and Liability Act, known by its acronym "CERCLA" but is also commonly referred to as "Superfund."

Passed by Congress in 1980, Superfund provides the basis for federally overseen cleanup of environmentally damaged sites. In addition to funding cleanup efforts, the program provides a liability framework that has enabled needed environmental remediation to get done.

I look forward to the testimony today to learn how to improve the Brownfields and Superfund Programs and specifically how they affect the local economies of communities and the lives of the people who live in and near them.

Mr. ROUZER. Again, thank you to our witnesses, and I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Rouzer, very much, for your testimony. And now I am pleased to yield to the chair of the committee, Mr. DeFazio, for any thoughts he may have.

Mr. DEFAZIO. Thanks, Madam Chair. Thanks for calling this hearing to highlight just some of the critical investments in the Infrastructure Investment and Jobs Act.

This committee twice passed the bill called INVEST, a comprehensive approach to rebuilding America's infrastructure. We went through a real legislative process. In the end we were given a Senate product written behind closed doors, but I think we pushed the envelope a lot. The numbers are not quite as high as what we had, but they are historic, and will provide for a tremendous amount of activity.

We are not done yet, in terms of Build Back Better, and additional policies in there, and the potential for implementation policies of the vast amount of money in this bill to better address some of the concerns this committee had that did not make it into the final cut. Today, we are here to talk about those issues within the purview of the Water Resources and Environment Subcommittee.

The first is, the first reauthorization of the Clean Water State Revolving Fund program in 34 years. Things don't happen quickly around here. This is my 35th year, and I am retiring next year. It will be 36. But that was passed in my first term, and has never been reauthorized, and it is a critical, critical program for the States to deal with their wastewater issues, in partnership with the Federal Government. That alone is pretty big news.

But the bill also provides $12.7 billion—B, billion—in new wastewater infrastructure funding over 5 years for States and municipalities to directly help communities large and small. And even better—this is different and historic—about half that funding will be provided in the form of grants.

There are many communities out there, relatively small communities, without an income or a tax base that could support the costs of these new systems. And the combination of grants and funding will make it affordable and will make it more widely available.

We also have inclusion investments for the utilities, the wastewater utilities, to recapture, reuse their methane. It can be reused directly as a fuel. That way it is prevented from being vented into the atmosphere in a more damaging form. One utility who testified before the committee a few years ago in New Jersey is generating all the electricity they need for their newly refurbished plant, and selling onto the grid, and making money, and saving the ratepayers from higher costs. This is a win for the constituents and the environment.

The National Utility Contractors Association estimates that every $1 billion in SRF funding produces 28,000 new jobs. That will mean roughly 350,000 new jobs over the term of this bill for the working men and women who will be doing much-needed construction and repair of our wastewater systems.

And today, the hearing, though, is focused on Brownfields and Superfund Programs, two programs that were created to clean up legacy toxic contamination. The Jobs Act has some big wins there, too, providing billions for both programs to finally address the backlog of remediation projects throughout the country. Right now, the EPA can only fund about one in four local brownfields cleanup project applications, and that is a result of chronic underfunding.

The EPA states that every Federal dollar invested in brownfields assessment or cleanup leverages over $20 in private-sector investment, and every $100,000 in EPA brownfields funds expended leverages around 10.3 jobs. That is pretty darn efficient when you are accomplishing a goal and creating economic activity that inexpensively. That means that the $1.5 billion in brownfields investment contained in the Jobs Act can be expected reasonably to generate $30 billion in additional private-sector investment in brownfields properties, and create 150,000 new jobs associated with the reuse of those properties.

Similarly, for the Superfund Program, the Jobs Act, when combined with the Build Back Better Act, will provide over $30 billion in additional remediation funds and finally restore the polluter pays principle for Superfund cleanup that was allowed to languish many years ago under Republican control. Superfund was enacted with the premise that polluters should be required to pay for the cleanup of their messes, not the taxpayers. But over the years, that has devolved to where the polluters aren't paying, and many times you can't find a responsible party, so, the taxpayers are paying. That is not right.

So, this bill is going to right that wrong, and begin to deal with some of these very hazardous sites. So, this will bring a lot of relief to communities across the Nation, who have been forced to wait in line for the small annual appropriated trickle of cleanup funds.

So, Madam Chair, the Jobs Act and Build Back Better Act are filled with programs to directly benefit health, safety, and quality of life for American families. And just looking at the two programs we are going to look at today—and I have discussed this morning clean water and brownfields—this investment will create close to 1 million jobs.

I welcome our witnesses here today and look forward to the rest of the hearing.

[Mr. DeFazio's prepared statement follows:]

Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure

Thank you, Madam Chair, for calling today's hearing and for highlighting the critical investments in the Infrastructure Investment and Jobs Act.

I am proud of this committee's hard work in pulling together the single largest infrastructure investment in our nation's history.

The bipartisan Jobs Act provides once-in-a-lifetime investment that will modernize our roads, bridges, rail, transit, ports, and airports, as well as our critical water and wastewater systems.

The Jobs Act will have a very real and positive impact on every American—from decreasing the average amount of time required to get to work or school or the grocery store, to expanding access to rail and mass transit options for both urban and rural areas, to addressing the existential threat that climate change poses on every citizen of this planet.

There is a lot to celebrate in the Jobs Act for programs within the Water Resources and Environment Subcommittee's purview.

To start, the Jobs Act is the first ever reauthorization of the Clean Water State Revolving Fund program in its 34-year history.

That feat alone should be big news, but it gets better because the Jobs Act also actually provides over $12.7 billion in new wastewater infrastructure funding over the next five years to states and municipalities.

This historic level of funding will directly help communities—large and small—address the backlog of wastewater infrastructure upgrades which our mayors and our constituents have told us are critically needed.

Even better, about half of this funding will be provided in the form of grants—meaning that communities will finally be able to make these critical upgrades but not saddle households with additional debt or looming rate increases.

And this investment will also be carried out with an eye towards minimizing or mitigating any impacts on climate change—including investment by utilities to recapture and reuse greenhouse gasses such as methane—in order to protect our environment as well as reduce the long-term operational costs of the wastewater treatment plant.

The water infrastructure funding in the Jobs Act is a no-brainer, win-win outcome for our constituents and our environment. And, because the National Utility Contractors Association estimates that every $1 billion in SRF funding produces 28,000 new jobs, this would mean roughly 350,000 new jobs to directly benefit the working men and women who too often are forgotten here in Washington.

Today's hearing is focused on EPA's brownfields and Superfund programs—two programs created to clean up legacy toxic contamination that scars our communities with blighted or underutilized properties and threatens the health of our neighborhoods and our environment.

However, the Jobs Act has several wins for brownfields and Superfund as well—providing billions for both programs to finally address the backlog of remediation projects throughout the country—a backlog that results in EPA being able to fund only about 1 in 4 local brownfields cleanup project applications annually.

This backlog of projects is the result of chronic underfunding of the brownfields program, which is extremely popular with local mayors and communities for the multiple benefits this program can produce.

The EPA states that every federal dollar invested in a brownfields assessment or cleanup leverages over $20 in private sector investment, and every $100,000 in EPA brownfields funds expended leverages around 10.3 jobs.

This means that the $1.5 billion in brownfields investment contained in the Jobs Act can reasonably be expected to generate approximately $30 billion in additional private sector investment in brownfields properties—and create over 150,000 new jobs associated with the reuse of these properties.

Similarly, for EPA's Superfund program, the Jobs Act, when combined with the Build Back Better Act, will provide over $30 billion in additional remediation funds and finally restore the "polluter pays" principle for Superfund cleanup that was allowed to languish under Republican control.

The Superfund program was enacted with the premise that polluters should be required to pay for the cleanup of their messes; however, over the years, the program shifted the costs of cleanup to American taxpayers—letting polluters off the hook and slowing down Superfund cleanups as annual funding for the program was reduced.

The Jobs Act and the Build Back Better Act reverse this trend and will bring welcome relief to communities across the nation who have been forced to wait in line for the trickle of scarce cleanup funds.

These bills will also save taxpayers money by again putting the burden to pay for Superfund cleanups back where it belongs—with the polluters who caused these toxic sites in the first place.

Madam Chair, the Jobs Act and the Build Back Better Act are filled with programs that will directly benefit the health, safety, and quality of life of American families. And, just looking at the two programs I have discussed this morning—the Clean Water and brownfields program—this investment will create close to 1 million new jobs.

Today's hearing will highlight some of these critical investments, as well as help to ensure that these investments benefit all communities—rural and urban, tribal and economically-disadvantaged—regardless of where they are located.

I welcome the witnesses here today and yield back the balance of my time.

Mr. DEFAZIO. Thank you, Madam Chair.

Mrs. NAPOLITANO. Thank you, Mr. DeFazio, and I need to thank you personally, because you have been a great leader, and certainly have made it easier for me to work on the water and the infrastructure. But without your leadership for the whole committee and my subcommittee—thank you very much, sir.

Now we will move on to the introduction of witnesses. Thank you very much. We will now proceed to hear from those who are prepared to testify.

I ask the witnesses to please turn their cameras on and leave them on for the duration of the panel. Thank you for being with us, and welcome.

On today's panel we have the Honorable Lucy Vinis, mayor of Eugene, Oregon; Mr. Michael Goldstein, chairman of the National Brownfields Coalition Committee on Public Policy, Redevelopment Incentives, and Regulatory Partnerships; Ms. Susan Bodine, partner, Earth & Water Law; Dr. Sacoby Wilson, associate professor and director, Center for Community Engagement, Environmental Justice, and Health, Maryland Institute for Applied Environmental Health at the University of Maryland's School of Public Health; Mr. Jerome Shabazz, executive director, Overbrook Environmental Education Center, Philadelphia, Pennsylvania; and Mr. mark! Lopez, Eastside community organizer and special projects coordinator, East Yard Communities for Environmental Justice, Commerce, California.

Without objection, your prepared statements will be entered into the record, and all witnesses are asked to limit their remarks for 5 minutes.

Yes, I would like to have Mr. DeFazio please take the mic and introduce the mayor.

Mr. DEFAZIO. Thank you, Madam Chair. I would just like to take a minute to introduce the mayor of the city of Eugene, the largest city in my district, sister city to Springfield, where I live.

Lucy, as you know, managed—and it is not easy to get Springfield in Lane County and Eugene all on the same page to put together two very successful brownfield cleanup programs. And being recognized for her success and her advocacy in her work, she has been named to—by the President to the Local Government Advisory Committee on these issues.

So, I am certain her testimony today will get into some of that.

So, Lucy, welcome to the hearing. It's a little early there, and I appreciate your doing this. Thank you.

Mrs. NAPOLITANO. Thank you, Mr. DeFazio.

Without objection, your prepared statements will be entered into the record.

And again, all witnesses are asked to limit their remarks to 5 minutes.

Mayor Vinis, welcome, and you may proceed.

TESTIMONY OF HON. LUCY VINIS, MAYOR, EUGENE, OREGON; MICHAEL R. GOLDSTEIN, ESQ., CHAIRMAN, PUBLIC POLICY, REDEVELOPMENT INCENTIVES, AND REGULATORY PARTNERSHIPS COMMITTEE, NATIONAL BROWNFIELDS COALITION; SUSAN PARKER BODINE, ESQ., PARTNER, EARTH & WATER LAW LLC; SACOBY WILSON, M.S., PH.D., ASSOCIATE PROFESSOR, MARYLAND INSTITUTE FOR APPLIED ENVIRONMENTAL HEALTH, SCHOOL OF PUBLIC HEALTH, UNIVERSITY OF MARYLAND, AND DIRECTOR, CENTER FOR COMMUNITY ENGAGEMENT, ENVIRONMENTAL JUSTICE, AND HEALTH; JEROME SHABAZZ, FOUNDER AND EXECUTIVE DIRECTOR, OVERBROOK ENVIRONMENTAL EDUCATION CENTER AND JASTECH DEVELOPMENT SERVICES, INC.; AND MARK! LOPEZ, EASTSIDE COMMUNITY ORGANIZER AND SPECIAL PROJECTS COORDINATOR, EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE

Ms. VINIS. Good morning, Chair DeFazio and Chair Napolitano, and members of the committee. I am Lucy Vinis, mayor of Eugene, Oregon, and I am here with you today to testify about Eugene's experience with the Environmental Protection Agency's Brownfields Assessment Grant Program.

As you know, the Brownfields Assessment Grant Program provides funding for local communities to assess contaminated properties with the end goal to put these sites back into productive use. It is a critical resource for local governments to address sites with unknown contamination levels, and the city of Eugene and our regional partners were grateful that the Infrastructure Investment and Jobs Act law included $1.5 billion in new brownfields funding to help address the backlog of important projects.

Eugene received EPA funding in 2012 and 2017. Together with Lane County and the city of Springfield, our brownfields coalition was awarded grants to conduct scientifically based assessments of vacant urban and rural sites to determine if and to what extent contamination existed. During the grant period, we funded 54 environmental assessments, and developed 4 cleanup plans covering 37 brownfield sites in the region. Here are a few examples of this work.

First, one of the largest sites is on Eugene's downtown riverfront, a 17-acre redevelopment site which lies along the Willamette River and is walking distance to our downtown and the University of Oregon campus. We used the EPA grant to test for contamination throughout this former industrial site. Now remediated, the site is being transformed to include a new, world-class park, infrastructure for market-rate and affordable housing, and commercial devel-

opment. In July 2022, it will host our riverfront festival, as part of the Oregon22 world track and field championships.

Second, our first EPA grant came on the heels of the great recession and kicked off a multiparty effort to redevelop a group of surface parking lots in our downtown. The area is now home to a new five-story affordable housing complex, a market-rate apartment building, a hotel, and commercial retail and office space. It provides housing within walking distance to services, primary employment centers, and transit.

Lastly, we used assessment grant funds to redevelop a former auto repair shop into the University of Oregon's Innovation Hub, a space that anchors the region's entrepreneurial ecosystem.

Funds also supported the redevelopment of a 60-year-old parking garage into a new pavilion under construction right now that will be a permanent and all-weather home for our farmers market, providing economic support to small farmers across the region.

The Brownfields Assessment Program is a valuable Federal tool because it is focused, well-managed, with clear expectations and straightforward objectives.

As a member of the Climate Mayors Steering Committee, a member of Mayors and CEOs for U.S. Housing Investment, and a newly appointed member of the EPA's Local Government Advisory Committee, I believe this program helps cities meet three critical objectives: to reduce greenhouse gas emissions through incentivizing reuse of urban sites; to advance housing equity by creating an opportunity to redevelop derelict properties; and to support environmental justice efforts by remediating polluted sites that disproportionately impact neighborhoods that are home to low-income residents and communities of color.

In a bipartisan world, the Brownfields Assessment Grant Program has broad support from both conservative and progressive voices. That said, I must add that, while the infusion of brownfields funding in the infrastructure bill will make a big impact, the communities needing this investment still exceed the grant availability.

Additionally, assessment funds are only the first step. Contaminated sites also need remediation funding before they can be redeveloped. With that in mind, I ask this committee to engage the Biden administration and EPA leadership to increase the number and size of both assessment and remediation grants to local governments as soon as possible.

And finally, I would be remiss if I did not also mention the extraordinary support that EPA staff has always provided with this program. Our region 10 contacts and staff at the national headquarters have always ensured that local governments are informed, supported, and kept engaged on the program opportunities and implementation.

Thank you for allowing me time to share Eugene's experience, and thank you for your service to our great Nation.

[Ms. Vinis' prepared statement follows:]

Prepared Statement of Hon. Lucy Vinis, Mayor, Eugene, Oregon

Good morning, Chairman DeFazio and members of the Committee. I am Lucy Vinis, the Mayor of Eugene, Oregon and am here with you today to testify about Eugene's experience with the Environmental Protection Agency's Brownfields Assessment grant program.

As you know, the Brownfields Assessment grant program provides funding for local communities to assess contaminated properties with the end goal to put these sites back into productive use. It is a critical resource for local governments to address sites with unknown contamination levels, and the City of Eugene and our regional partners were grateful that the Infrastructure Investment and Jobs Act (IIJA) law included $1.5 billion in new Brownfields funding to help address the backlog of important projects.

Eugene had the privilege of receiving EPA funding in 2012 and 2017, to implement the assessment program. In partnership with Lane County and our neighbor to the east, the City of Springfield, our Brownfields Coalition was awarded grant funds to address properties throughout the region on both urban and rural sites.

During the grant period, we funded 54 environmental assessments and developed 4 clean-up plans covering 37 brownfield sites in the region. Many of our sites had sat vacant and underused for years, resulting in a fear of unknown clean-up costs and leading potential developers to assume the site had problems that it may not actually have. With our EPA grant, we conducted scientifically based assessments to determine if contamination existed and if so, to what extent.

To add insight into those numbers, let me provide a few examples of redevelopment sites that Eugene has benefited from.

1. One of the largest sites is on Eugene's Downtown Riverfront, a 17-acre redevelopment site which lies along the Willamette River and is in walking distance to our downtown and the University of Oregon campus. We used the EPA grant to test for contamination throughout the former industrial site that had been in use since the late 19th century. The site has since been remediated and is being transformed, complete with a new world class park, new infrastructure for market rate and affordable housing, and new commercial development. We will host our Riverfront Festival on the site as part of the Oregon 22—the world track and field championships this coming July. By reusing a contaminated property, we are advancing our community vision for compact transit-oriented development that is climate friendly and accessible for all of the community.
2. Our first EPA grant came on the heels of the great recession and kicked off a multi-party effort to redevelop a group of parcels in our downtown that had been a surface parking lots for many years. The once-underused properties in the center of town are now a vibrant mix of housing and commercial activity. There is a new 5-story affordable housing complex, a market-rate apartment building, a hotel, and a commercial building with a mix of offices and retail. The area is vibrant, full of locals and visitors. The new housing has helped to address our housing deficit, and the residents live in walking distances to services, primary employment centers, and transit.
3. Lastly, we used assessment grant funds to redevelop a former auto repair shop into the University of Oregon's Innovation Hub, a space that anchors the region's entrepreneurial ecosystem. Funds also supported the redevelopment of a 60-year-old parking garage into a new pavilion under construction right now, that will be a permanent and all-weather home for our Farmers Market, providing economic support to small farmers across the region.

These examples of successful projects underpin the real value of this program. It is an exceptional federal tool because it is focused and well managed with clear expectations and straightforward objectives. The program helps cities be more fiscally sound, through redevelopment of existing, underused sites and reduces pressure for cities to grow out. And as you know within this committee's charge, transportation and infrastructure investments are costly and tend to increase a community's greenhouse gas emissions, while also not addressing the core elements of housing affordability and access to services.

Which leads me to share my thought on why this Brownfields Assessment Grant Program supports climate and equity. As a member of the Climate Mayor's Steering Committee, a member of Mayors and CEO's for Housing Investment, and a newly appointed member of the EPA's Local Government Advisory Committee, I believe this program provides cities the means to reduce greenhouse gas emissions through incentivizing reuse of urban sites (build up, not out). It advances housing equity by providing public and private developers the means to address derelict properties and reduces the stigma for redevelopment within underserved communities. It is a tool

that supports environmental justice efforts where polluted sites can be addressed to the benefit of the neighbors, which disproportionally are low income and communities of color.

In a bipartisan world, the Brownfields Assessment grant program has broad support from conservative and progressive voices. This is an effective tool. While the infusion of Brownfields funding in the Infrastructure Bill will make a big impact, there are always more communities seeking a grant than there are grant funds available. Additionally, assessment funds are a great initial support, but to move a contaminated site to productive use requires remediation funding.

To better support cities in our efforts to transform contaminated sites and keep the cost of redevelopment low, thereby allowing for more types of projects that are accessible by low income populations; I ask this Committee to engage the Biden Administration and EPA Leadership to increase the number and size of both the assessment and the remediation grants to local governments as soon as possible.

Thank you for allowing me the time to share Eugene's experience and place into context the value of the Brownfields Assessment grant program. I would be remiss if I did not also mention the extraordinary support that EPA staff has always provided within this program. Our Region 10 contacts and staff at the national headquarters have always ensured that local governments are informed, supported, and kept engaged on the program opportunities and implementation.

Thank you for your service to our great country.

Mrs. NAPOLITANO. Thank you, Ms. Vinis. It is a very welcome report that you have given, and we will now proceed to Mr. Goldstein.

You may proceed, sir.

Mr. GOLDSTEIN. Thank you. Good morning, Madam Chair and subcommittee members. My name is Michael Goldstein. I am the managing partner of the Goldstein Environmental Law Firm, a principal in the environmental redevelopment venture Goldstein Kite Environmental, a charter member and former president of the Florida Brownfields Association, and chair of the National Brownfield Coalition's Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee. It is an honor to be here today, providing testimony, and the coalition thanks you for the opportunity.

My remarks today are presented in my capacity as a representative of the coalition, and informed by three decades of experience assisting businesses, local governments, and community stakeholders reuse contaminated sites. Much of this work occurs in communities of color disproportionately burdened by human health risks, financial disinvestment, failing infrastructure, inequitable access to medical facilities and fresh produce providers, and the crush of economic gentrification and climate gentrification.

In a letter sent to the Nation's Governors this past Thursday and referring to the bipartisan Infrastructure Investment and Jobs Act, the EPA Administrator stated, "the law's investment in water is nothing short of transformational." We concur, and we are grateful for the $1.5 billion investment in EPA's Brownfields Program.

The money will be catalytic, and the delivery vehicle for much of the remediation that occurs over the most impaired water resources and the most disproportionately impacted neighborhoods across the land. EPA currently estimates, as we have heard, that every dollar it spends on brownfields revitalization leverages $20.13 in additional spending. Accordingly, Congress' commitment to brownfields should inject over $30 billion into the country's portfolio of impaired, underutilized properties.

As impressive as this outcome is, our lived and professional experience tells us that the need in communities across the country is greater still, likely by at least two-thirds. So, we encourage an even higher magnitude of investment in brownfields funding at the community level through EPA's competitive grant process, especially insofar as such grants can be targeted to accelerate restoration of drinking and surface water for consumption, irrigation, and recreation.

We are broadly supportive of the administration's Justice40 initiative, which we believe will and should direct the windfall of Federal resources to overburdened and marginalized communities. We encourage swift completion of the applicable regulations and commencement of funding at the earliest practical time.

We also ask this committee to focus the executive agencies under its oversight to place an emphasis on concentrating resources on impaired sites that drain economic opportunity from neighborhoods, and acutely impair water resources and water infrastructure with lead, PFAS, and other contaminants of concern giving rise to cancer risk and developmental impairment.

For over 15 years, the coalition has advocated for reauthorization of the brownfields redevelopment tax incentive, which allows parties conducting voluntary cleanup on sites subject to redevelopment to deduct corresponding costs in the year they were incurred. Accordingly, we offer our unqualified support for H.R. 4427, the Brownfields Redevelopment Tax Incentive Reauthorization Act. This legislation of history as a guide will likely result in a massive public investment in the remediation of water resources, and the enhancement of water infrastructure.

There is a unique opportunity to utilize current and future increased investment in brownfield cleanup and reuse to increase training and funding opportunities in the new green economy for the unemployed and underemployed. We encourage the subcommittee to consider a major increase in resources for such environmental workforce training programs and future legislation, especially as such training can provide the many tens of thousands of new workers across the country who will be needed to improve the Nation's water quality and water delivery infrastructure, and impaired sites undergoing remediation and redevelopment.

The coalition would like to see the U.S. Army Corps of Engineers, with its vast expertise and experience in Civil Works projects involving remediation, take a much more active role in the Federal brownfields partnership. This subcommittee should undertake an analysis of this technical and funding support that the Corps can provide directly to developers and local governments in need of such assessment when tackling brownfield projects that will result in remediation of water resources and/or enhancement of water infrastructure.

We also encourage the committee to explore ways in which the Corps can be directed to develop, with broad stakeholder input, a meaningful brownfields action agenda patterned on such long-range plans issued previously by U.S. EPA.

Finally, the coalition strongly affirms that a cornerstone of creating equity for those living in environmentally overburdened and economically disinvested communities is access to affordable hous-

ing. Additional targeted funding for such use should be among the highest of Congress' concerns, as it often involves remediation of water resources and enhancement of water infrastructure.

To this end, the subcommittee should consider legislation that would increase the 4 percent and 9 percent low-income housing tax credit to 6 percent and 12 percent, and create a one-time, low-income housing tax credit in the amount of 80 percent of the cost of land acquisition to develop affordable housing on brownfield sites requiring remediation of water resources.

Thank you very much.

[Mr. Goldstein's prepared statement follows:]

Prepared Statement of Michael R. Goldstein, Esq., Chairman, Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee, National Brownfields Coalition

Good morning, Mr. Chairman. My name is Michael Goldstein. I'm the Managing Partner of The Goldstein Environmental Law Firm, a principal in the environmental redevelopment venture, Goldstein Kite Environmental, founder of The Goldstein Brownfields Foundation, a charter member and the first president of the Florida Brownfields Association, former Chairman of the Miami-Dade County Brownfields Task Force, and Steering Committee Member of the National Brownfields Coalition and Chair of its Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee. The National Brownfields Coalition is a nonpartisan alliance of public interest organizations, academics, as well as public and private sector professionals who raise awareness about, as well as develop and advocate for policies and practices that support the remediation and redevelopment of brownfields nationwide. The Coalition is jointly managed by Smart Growth America and the Center for Creative Land Recycling. We advocate for protecting public and environmental health sustainably and equitably, by removing or containing contaminants in the estimated 400,000 to 600,000 brownfields sites across our great country. By working across sectors and fields, practitioners and advocates are able to better confront environmental contaminants and return these lands to productive use.

It is a singular privilege and honor to be here today providing testimony to the House Subcommittee on Water Resources and Environment on the key national polity issue "Promoting Economic and Community Redevelopment and Environmental Justice in the Revitalization and Reuse of Contaminated Properties." The National Brownfields Coalition thanks you for the opportunity.

My remarks today are presented in my capacity as a representative of the National Brownfields Coalition and informed by three decades of experience assisting businesses, local government, and community stakeholders remediate, redevelop, and reuse contaminated sites. Much of this work—difficult, challenging work—occurs in communities of color disproportionately burdened by human health risk, financial disinvestment, failing infrastructure, inequitable access to medical facilities and fresh produce providers, and the crush of economic gentrification and climate gentrification.

In a letter sent to the nation's governors this past Thursday and referring to H.R. 3684, the bipartisan Infrastructure Investment and Jobs Act ("IIJA"), EPA Administrator Michael Regan stated, the "law's investment in water is nothing short of transformational." The National Brownfield Coalition concurs. And we are grateful for the $1.5 billion investment in US EPA's Brownfields Program over a five-year period beginning in 2022 as a result of that legislation. We believe that this money will be catalytic and the delivery vehicle for much of the remediation that occurs of the most impaired water resources in the most disproportionately impacted neighborhoods across the land, urban and rural. EPA currently estimates every dollar it expends on brownfield revitalization leverages $20.13 in additional spending. Accordingly, Congress' commitment to Brownfields in the IIJA should inject $30,195,00,000.00 into the country's portfolio of impaired, underutilized properties. As impressive as this outcome is, our lived and professional experience tells us that the need in communities across the County is greater still. So we encourage an even higher level of investment in Brownfields funding at the community level through EPA's competitive grant process, especially in so far as such grants can be targeted

to accelerate restoration of drinking water and surface water resources for consumption, irrigation, and recreation.

The National Brownfields Coalition is broadly supportive of the Administrations' Justice 40 initiative, which we believe will and should direct a windfall of federal resources to overburdened and marginalized communities. We encourage swift completion of the applicable regulations and commencement of funding at the earliest practical time. We also ask this Committee to focus the executive agencies under its oversight to place an emphasis on focusing resources on impaired sites that drain economic opportunity from neighborhoods and acutely impair water sources and water infrastructure with lead, PFAS, and other contaminants of concern giving rising to cancer risk and developmental concerns.

For over 15 years, the National Brownfields Coalition has advocated for reauthorization of the Brownfields Redevelopment Tax incentives, which allows parties conducting voluntary cleanup on sites subject to redevelopment to deduct corresponding costs in the year they were incurred. Accordingly, we offer our unqualified support for HR 4427, the Brownfields Redevelopment Tax Incentive Reauthorization Act of 2021. This legislation, if history is a guide, will likely result in massive public investment in the remediation of water sources and enhancement of water infrastructure.

There is a unique opportunity to utilize current and future increased investment in brownfield cleanup and reuse to increase training and funding opportunities in the new green economy to the unemployed and underemployed. We encourage the Committee to consider a major increase in resources for such environmental workforce training programs in future legislation, especially as such training can provide the thousands of new workers across the country who will be needed to improve the nation's water quality and water delivery infrastructure at impaired sites undergoing remediation, redevelopment and revitalization.

The National Brownfields Coalition strongly affirms that a cornerstone of creating equity for those living in environmentally overburdened and economically disinvested communities is access to affordable housing. Additional targeted funding for acquisition, remediation, and reuse of contaminated sites for affordable, workforce, and attainable housing should be among the highest of Congress' concerns as such development often involves remediation of water sources and enhancement of water infrastructure. To this end, this Committee should consideration of legislation that would accomplish the following:

- increase the 4% and 9% Low Income Housing Tax Credit ("LIHTC") under § 42 of the IRS Code to 6% and 12% for affordable housing built on brownfield sites requiring remediation of water resources and/or enhancement of water infrastructure,
- provide for a Stepped Up Basis under § 42 of the IRS Code of between 130% to 150% for affordable housing built on brownfield sites requiring remediation of water resources and/or enhancement of water infrastructure depending on their location outside of or within Difficult Development Area and Geographic Areas of Opportunity zones;
- enact a new, one-time LIHTC in the amount of 80% of cost of the land acquisition to develop affordable housing built on a brownfield site requiring remediation of water resources and/or enhancement of water infrastructure; and
- pass an enhanced tax incentive (e.g., a further stepped-up basis either to current cap with shorter hold time or up to 20% or 25% with same hold time) for redevelopment of brownfield sites for affordable housing in Opportunity Zones located in EJ communities requiring remediation of water resources and/or enhancement of water infrastructure.

Finally, the National Brownfields Coalition would like to see the U.S. Army Corps of Engineers ("ACOE"), with its vast expertise and experience in civil works projects involving remediation, take a much more active role in the Federal Brownfields Partnership. This Committee should undertake an analysis of the technical and funding support that the ACOE can provide directly to developers and local governments in need of such assistance when tacking brownfield projects that will result in remediation of water resources and/or enhancement of water infrastructure. We also encourage the Committee to explore ways in which the ACOE can be directed to develop, with broad stakeholder input, a meaningful Brownfields Action Agenda patterned on such long-range plans previously issued by US EPA.

The National Brownfields Coalition thanks the Committee for its consideration of these remarks.

Mrs. NAPOLITANO. Thank you, Mr. Goldstein, for your testimony, and we will now proceed to Ms. Bodine.

You may proceed.

Ms. BODINE. Thank you, Chair Napolitano and Chair DeFazio, Ranking Member Rouzer, and members of the subcommittee, for the opportunity to testify before you today on promoting economic and community redevelopment and environmental justice in the revitalization and reuse of contaminated properties.

I am currently a partner with Earth & Water Law. I previously worked on the Superfund and Brownfields Programs, both as staff of this subcommittee, and as staff of the Senate Environment and Public Works Committee.

I also have previously served at EPA, in what is now the Office of Land and Emergency Management, as well as the Office of Enforcement and Compliance Assurance, both of which offices have significant roles in implementing these programs.

I am here in my personal capacity. So, my goal today is to help the subcommittee understand EPA Superfund and Brownfields Programs. Now, my written testimony goes into detail about how both of these programs have been tremendously successful in helping communities adversely affected by contamination. But I just want to use my time to highlight a few points.

First, from an EPA perspective, it is always preferable to use other people's money to secure cleanups. That leaves EPA's dollars for orphan sites. And EPA has authorities. They can encourage people to clean up property by using the incentives and seed money provided in the Brownfields Program. EPA can force cleanups, using the liability provisions of the Superfund statute. And then, finally, EPA can facilitate cleanups through the settlement agreements, the prospective purchaser agreements with redevelopers at both brownfields and Superfund sites. These agreements provide liability protection.

Remember, brownfield sites are, by definition, sites that pose less of a risk than your Superfund national priority sites. And by definition, these are sites that are not required to be cleaned up under other EPA programs like RCRA corrective action. That means the Brownfields Program doesn't use liability or regulation to get cleanups, it uses incentives. And without private investment, those cleanups wouldn't happen.

EPA does not select brownfield remedies, and cleanups at brownfield sites are governed by State law. EPA's grant agreements include requirements that cleanups be protective of human health and environment, comply with all State and Federal laws, and meet Superfund standards, where relevant and appropriate.

In contrast, the Superfund Program is federally directed. At the national priority sites, EPA decides which sites are cleaned up, and what the remedies should be. And EPA, at the NPL sites, has authority to use Federal dollars to do the cleanups, whether or not there is a private party involved.

However, just like brownfields, EPA doesn't control land use at any redevelopment of a property, whether it is brownfields, whether it is Superfund. That is a local government decision. People like Mayor Vinis and other local government officials are the ones who make those decisions.

Now, both brownfields and Superfund are very sensitive to environmental justice issues. If you look at EPA's grant criteria for

brownfields, their criteria include factors like whether the grant will identify and reduce threats to children, pregnant women, minority or low-income communities, or other sensitive populations; the extent to which the grant provides for involvement of the local community in making decisions about the cleanup and the future use of the property; and then, of course, whether or not there are disproportionately high adverse effects related to exposure to hazardous substances.

Both the Brownfields Program and the Superfund Program have authorities and have tools to help community members be involved. They have grants that go to local community groups, and then they have a contract that provides independent technical assistance to local community groups.

As may be obvious, when sites are cleaned up, property values do increase, and I cite studies in my written testimony. Both programs also lead to jobs and tax revenues. Chair DeFazio cited some very impressive statistics about the leveraging that the Brownfields Program provides. And so, I am not going to repeat the studies that are in my written testimony.

I want to conclude by reiterating that these programs are well designed to encourage private investment. If you are looking at changes, please don't lose sight of that; don't make changes that will then drive away private investment, and then you won't have those impressive leveraging statistics that Chair DeFazio quoted.

I would submit that both programs are doing an excellent job right now of securing health and economic benefits to local communities. Thank you.

[Ms. Bodine's prepared statement follows:]

Prepared Statement of Susan Parker Bodine [1], Esq., Partner, Earth & Water Law LLC

Chairman Napolitano, Ranking Member Rouzer, and members of the Subcommittee, thank you for the invitation to testify today on promoting economic and community redevelopment and environmental justice in the revitalization and reuse of contaminated properties. I am currently a partner with the firm Earth & Water Law. I previously worked on Superfund and Brownfields legislation while serving on the staff of the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee. I also previously implemented these programs while serving as an Assistant Administrator of two different EPA offices, the Office of Solid Waste and Emergency Response and the Office of Enforcement and Compliance Assurance.

My goal today is to help the Subcommittee understand EPA's Superfund and Brownfields programs. As I will discuss, both of these programs have been tremendously successful in helping communities adversely affected by contamination.

EPA'S BROWNFIELDS PROGRAM

Congress authorized EPA's brownfields program in January 2002 in title II of the Small Business Liability Relief and Brownfields Revitalization Act (P.L. 107–118). That law authorizes funding for environmental assessment and cleanup on property "the expansion, redevelopment, or reuse of which may be complicated by the pres-

[1] Former Senior Counsel and Subcommittee Staff Director, House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment; former Assistant Administrator, U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response (now Office of Land and Emergency Management); former Chief Counsel, Senate Committee on Environment and Public Works; former Assistant Administrator, U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance. This testimony is on behalf of myself, not any organization.

ence or potential presence of a hazardous substance, pollutant, or contaminant." It also authorizes funding for property that otherwise meets the definition of "brownfield" and is contaminated with controlled substances, petroleum or petroleum products, or is mine-scarred land. As amended by the 2018 Brownfields Utilization, Investment, and Local Development (BUILD) Act (Division N of P.L. 115–114) both governmental and nonprofit entities are eligible for funding. Brownfields grants provide "seed money" that can leverage other investment. According to EPA's Justification of Appropriations Estimates for Fiscal Year 2022 (relying on EPA's ACRES database), as of April 2021, brownfields grants have led to more than 142,000 acres of idle land made ready for productive use and more than 176,800 jobs and have leveraged $34.5 billion in private investment.

Brownfields grants can be used for programs to inventory, characterize, assess, and conduct planning related to one or more brownfield sites or for the remediation of contaminated property. A grant recipient may use up to 5 percent of the grant for administrative costs. In addition, a local government that receives a brownfields grant can use up to 10 percent of those funds to monitor the health of populations and to monitor and enforce institutional controls. The BUILD Act raised the cap on some individual grants.[2]

Congress has established ranking criteria for EPA to evaluate grant applications. Those criteria include both potential to stimulate additional investment[3] and economic development as well as criteria directly related to environmental justice, including the extent to which the grant would address or facilitate the:

- reduction of threats to human health and the environment, including threats in areas in which there is a greater-than-normal incidence of diseases or conditions;
- the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community; and
- the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.[4]

EPA's Brownfields program funds job training cooperative agreements to allow members of the community gain jobs associated with grant funded activities. EPA also funds a contract for the Technical Assistance to Brownfields Communities Program. This contract pays for independent sources of technical assistance for communities, at no cost to them. It helps low-income, underserved, rural, and small communities address their brownfields.

Grants awarded by EPA's Brownfields Program provide communities across the country with an opportunity to transform contaminated sites into community assets. For example, Brownfields Program grants have been shown to increase local tax revenue and residential property values. According to EPA's 2020 Year in Review, a study of 48 brownfields sites found that an estimated $29 million to $97 million in additional local tax revenue was generated in a single year after cleanup. This is two to seven times more than the $12.4 million EPA contributed to the cleanup of these sites. Another study found that property values of homes near revitalized brownfields sites increased between 5 percent and 15 percent following cleanup.

The success of the Brownfields program is in large part because it is locally driven. EPA does not select remedies, does not control land use, and provides only seed money that can be leveraged with other funding sources. EPA's grant funds can only be used for the purposes authorized by Congress. There is no limitation on the use of other funds leveraged by EPA's investment.

EPA'S SUPERFUND PROGRAM

Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) in 1980. The Act authorized federal agencies to respond to releases of hazardous substances. This authority was supported by taxes levied on chemicals, petroleum and corporate environmental income, a

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[2] Grants for site assessment are now authorized up to $500,000 for community wide grants ($2 million if a state or tribe) and up to $350,000 for individual sites. Grants for site remediation can be up to $650,000. New (BUILD Act) multi-purpose (planning, assessment, and remediation) grants are authorized up to $1 million.

[3] According to EPA's grant guidelines: "Leveraging may be met by funding from another federal grant, from an applicant's own resources, or resources from other third-party sources. This form of leveraging should not be included in the budget and the costs need not be eligible and allowable project costs under the EPA assistance agreement."

[4] CERCLA 104(k)(6)(C).

trust fund to receive those tax dollars (subject to appropriation), rules for how those funds could be spent, rules for selecting remedies, and an extensive liability system.

The 1986 Superfund Amendments and Reauthorization Act added remedy selection rules related to compliance with applicable and relevant and appropriate state standards as well as requirements for increased state and local involvement in remedy selection. For example, the 1986 amendments added section 117 to CERCLA, setting out requirements for public participation in remedy selection and authorizing technical assistance grants to help community groups obtain technical assistance to help them participate in remedy selection and other Superfund site processes. EPA calls these Community Assistance Groups or "CAGs".

Superfund is one of only a handful of EPA programs that is carried out federally—states cannot be authorized or delegated to carry it out. That means EPA decides which sites get funding and selects the remedies. While EPA does not decide land use, it does take reasonably anticipated future land use into account when selecting remedies. Community groups have input into this process. In addition to the technical assistance grants for community groups EPA also funds a contract for the Technical Assistance Services for Communities Program. Like the Brownfields technical services program this contract provides independent technical assistance for communities to understand and participate in the Superfund process. EPA also uses this contract to fund the Superfund Job Training Initiative to provide free cleanup related training and employment opportunities for people living in communities affected by Superfund sites. Many of these are Environmental Justice communities. Nationally, about 400 of people have received training. For example, in 2020, 20 people living near the San Gabriel Superfund Site in La Puente and Industry, California, graduated from this training program. Eighty percent of trainees have been placed into cleanup related jobs upon completion of their training.

Like the Brownfields program, Superfund monies may only be spent for authorized purposes, i.e., responding to a release of a hazardous substance through removal and remedial actions. Superfund dollars cannot be used for "betterments." For example, Superfund dollars cannot provide upgraded housing or infrastructure. Superfund cannot improve property beyond what is needed to address hazardous substance exposures to bring it to a higher and better use.

Superfund's liability provisions were amended in title I of the 2002 Small Business Liability Relief and Brownfields Revitalization Act (P.L. 107–118). These amendments were intended to liability protections for bona fide prospective purchasers, contiguous property owners, and innocent landowners. The liability protections for municipalities were clarified in the 2018 BUILD Act.

The Superfund program has always been funded though annual appropriations and so competes with other programs for federal dollars. Most of the annual Superfund appropriations are used to fund EPA staff. The majority of the dollars used for actual cleanup comes from private parties who are responsible for cleanup costs under CERCLA's liability provisions. According to the 2020 Superfund Accomplishments Report, through 2020 private parties have funded over $46.3 billion in cleanups. EPA has recently established policies to speed up negotiations with responsible parties, to accelerate the benefits of cleanup. EPA also has taken steps to speed up the resolution of disputes with other federal agencies at federal facility sites.

The Superfund taxes expired at the end of 1995, but the chemical excise taxes were reinstated recently in the Infrastructure Investment and Jobs Act (the Bipartisan Infrastructure Bill or "BIB"). Significantly, the BIB also included a provision that directly appropriated all taxes deposited into the Superfund Trust Fund. Before the BIB, any Superfund taxes that were collected were appropriated into the Superfund Trust Fund but were not necessarily appropriated out of the Fund and made available to EPA. As the Superfund Trust Fund is part of the Unified Federal Budget Superfund taxes could offset any federal spending. That changed with the BIB. Under the BIB, going forward every tax dollar collected is automatically appropriated both into and out of the Superfund Trust Fund and is made available to the EPA Superfund program to be used for the purposes authorized in CERCLA. Those taxes can no longer offset other spending (including the spending authorized in the Build Back Better (BBB) bill).[5]

Like the Brownfields program, the Superfund program provides economic as well as public health benefits. A 2013 study conducted by researchers at Duke University and the University of Pittsburgh found that residential property values within three miles of Superfund sites increased between 18.7 and 24.4 percent when sites were

[5] The CBO score for the BBB counted the proposed reinstatement of the petroleum Superfund taxes as an offset for the spending proposed in that bill because the score was prepared before the BIB became law.

cleaned up and deleted from the NPL.[6] According to EPA's 2020 Superfund Accomplishments Report, in 2020, EPA collected economic data on 632 Superfund sites that had been redeveloped. At those sites there are 9,900 businesses operating that employ 227,000 people who have earned $16.3 billion in income.

EPA also encourages private investment in cleanups by providing either "comfort letters" or "prospective purchaser agreements" to new owners who are afraid of incurring liability if they get involved in the cleanup and redevelopment of contaminated property. For example, at the Conroe Creosoting Superfund Site in Conroe, Texas, EPA entered into a prospective purchaser agreement that paved the way for the cleanup of the property and its redevelopment into a Home Depot distribution center that will create hundreds of construction jobs and at least 50 direct permanent jobs, adding more than $80 million into the local economy.

In San Jose, California, two former asbestos containing landfills have been turned into an office park, trails, and open space, providing economic, recreational, and social benefits to the community. In April 2019, the corporate headquarters of Hewlett Packard Enterprise opened on the property, employing over 1,000 people. The new facility includes sports fields, a gym, cafeteria, and an open roof-top area.

In Medley, Florida, the former Pepper Steel & Alloy Site was vacant for 20 years, even after it was cleaned up. EPA worked with a local company on an agreement to address liability concerns. Several companies have now purchased site parcels for redevelopment including a custom boat manufacturing and sales facility that added 100 jobs in the community.

In St. Louis, the Carter Carburetor Superfund site was contaminated with PCBs and TCE. Located next to a Boys and Girls Club, the site was the subject of significant community concern about potential exposures to area children and residents. Now the site's remedy is complete and the property will be transferred to the Boys & Girls Clubs of Greater St. Louis which will facilitate the development of a golf training facility for youth on the property by a local nonprofit. EPA also is helping the City of St. Louis Land Reutilization Authority restore pollinator and bird habitat on part of the site.

Additional Examples of Locally Driven Remediation and Revitalization

In 2020, Region 1 launched a new initiative to support remediation and reuse of historic mills. Leveraging Brownfields funds, Opportunity Zone incentives, Superfund removal program assistance, and other technical assistance programs, historic mills around the region are being rebuilt to provide new housing, jobs, and industries. In Biddeford, Maine, reuse of historic mills saw $10 million in EPA funds generate over $224 million in private investment.

In Portland, Maine, EPA Brownfields grants facilitated a series of successful waterfront revitalization projects. At Thompson's Point, a former railyard, $1.8 million in Brownfields funds leveraged over $30 million in additional private investments in redevelopment, opening the door for several new enterprises and providing the community with an ideal new location for the Children's Museum and Theatre of Maine. In 2020, EPA joined the Maine Port Authority to tour the site of a planned new cold storage and seafood processing facility where a former manufactured gas plant had operated for several decades.

The City of Orlando, Florida partnered with federal, state, and local stakeholders at the former Naval Training Center (NTC) Orlando. Having served as an Army and Navy air training facility since the 1940s, this 2,000-acre site closed in 1999 under the Base Realignment and Closure program. The team's efforts in promoting public and private investments resulted in a renewed area consisting of a mixed-use, master-planned community, industrial facility, and recreational spaces. Due to collaborative efforts, the former NTC Orlando site has become an economic asset to the City of Orlando and the partnership between agencies was awarded an EPA 2020 National Federal Facility Excellence in Site Reuse Award.

In Austin, Texas, a property was evaluated using an EPA Brownfields site assessment that cleared the way for the property to be donated for a Salvation Army shelter for Women and Children in Austin, Texas.

In Tulsa, Oklahoma, the Evans-Fintube site was contaminated with asbestos, PCBs, and lead. It is currently owned by the Tulsa Redevelopment Authority. After the City of Tulsa received an area-wide planning Brownfields grant from EPA, redevelopment is finally occurring on this property through about $23 million in private investment.

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[6] Shanti Gamper-Rabindran and Christopher Timmons. 2013. "Does cleanup of hazardous waste sites raise housing values? Evidence of spatially localized benefits," Journal of Environmental Economics and Management 65(3): 345–360.

In Des Moines, Iowa, EPA recently negotiated a settlement agreement among the liable parties and the City of Des Moines under which the City will take ownership of the now cleaned up Dico site (also known as the Des Moines TCE Superfund Site) and direct its reuse.

EPA's Region 8 focuses many of its targeted brownfields assessment on tribal lands. The assessments cleared the way for non-profit organizations to develop affordable housing and food banks, and new community gardens, including urban gardens in the Denver area and a vegetable garden at a tribal assisted living facility. EPA Region 8 also focuses its cleanup grants on tribal lands. In June 2020, the Standing Rock Sioux Tribe completed the cleanup of asbestos and mold contamination at the Old Sitting Bull College in Fort Yates, North Dakota. The tribe used a $200,000 EPA Brownfields grant to pay for the cleanup. The tribe will safely demolish the building to make way for redevelopment.

Mrs. NAPOLITANO. Thank you, Ms. Bodine. It is nice to see you, and we will now proceed to Dr. Wilson.

You may proceed.

Mr. WILSON. Thank you to the chairs and esteemed members of this committee for this opportunity to provide testimony.

My name is Dr. Sacoby Wilson. I am an associate professor at the University of Maryland School of Public Health. I direct the Center for Community Engagement, Environmental Justice, and Health. I am also a former member of the National Environmental Justice Advisory Council, but I am still a cochair of the Justice40 Work Group, and I have some comments related to Justice40 as part of this testimony. And I am also a new member of EPA's Science Advisory Board. I am here providing testimony in my role as associate professor.

As has been already stated, when you think about issues of environmental justice, we are talking about how some communities, due to race, ethnicity, income, class, and geography may be overburdened by unhealthy land use and environmental hazards. In this case, we are talking about brownfields and Superfund sites. And so, in my testimony I want to, for those of you that you have access to the testimony, I just want to highlight a document that is in a link in my testimony about the brownfields distribution in this country, based on race and ethnicity, based on percentage of people of color, and based on per capita income.

If you look at census block groups with EPA-funded brownfield properties, the poverty rate is 21.7 percent—this is from 2019—compared to the poverty rate at the census block group level across the country being 14.9 percent. If you look at the percent of people of color in those census block groups that have the EPA-funded brownfield property, that is 41 percent, compared to census block groups nationwide of 38 percent. If you look at per capita income in those block groups where you have a EPA-funded brownfield property, the per capita income is $26,642—again, that is in 2019—compared to nonbrownfield census block groups of $38,712.

So, you see disparities in the distribution of these properties. If you look at the characteristics of brownfield sites, when you look at the population around 0.5 miles and 1 mile around these brownfield sites, what you see, it is more people of color. You see more low-income folks, you see more linguistically isolated, and you see people less likely to have a high school education.

And so, when you think about the distribution of facilities, it is also potential—some of these brownfields may have contamination that could impact human health. In one study in Baltimore, they

found that, in areas near brownfield zones, there were higher mortality rates due to cancer, lung cancer, respiratory disease, major causes of health disparities, influenza, and pneumonia. That may not be due to the brownfield itself, but it is due to the cumulative burden of hazards that may be in those neighborhoods that are hosting brownfields. So, you have to take into account the cumulative impacts of other uses that create exposure conditions that lead to exposure disparities, and conditions that lead to health disparities.

And there have been studies that have shown differential burden of brownfields based on race, ethnicity, and income. One study by Adam and Keeler, which is in my testimony, found that brownfields were much likely to be located in people of color communities and especially poor communities than in higher SES locations. What is important to note here, they also said that, when you look at the initial assessment and planning phases in the cleanup process, you see that, in communities of color, the process was slower to clean up, compared to noncommunities of color that hosted brownfields. So, I just wanted to put those points out there.

Now, to transition to my role as a member of NEJAC, I think it is very important for us to use screening tools like U.S. EPA EJScreen, the new Justice40 tool that has been built, to make sure that we are identifying, prioritizing, and microtargeting communities who have the most need of these investments.

So, we want to make sure that we look at the issues of cumulative impacts, and we look at the issues of differential access to health-promoting infrastructure, whether it be food infrastructure, or whether it be housing infrastructure. And to do that well, we need to be using the best available screening tools, we need to be able to map these communities, and then make sure that investments are getting to these communities, and having guardrails to make sure those who have been disinvested and left behind actually are able to get access to the resources, and the access to job opportunities, and the access to economic opportunity structures which other members of this panel will talk about next.

So, I will pass the mic. Thank you.

[Mr. Wilson's prepared statement follows:]

Prepared Statement of Sacoby Wilson, M.S., Ph.D., Associate Professor, Maryland Institute for Applied Environmental Health, School of Public Health, University of Maryland, and Director, Center for Community Engagement, Environmental Justice, and Health

The U.S. Environmental Protection Agency (USEPA) defines a brownfield as "a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant." Brownfield sites include abandoned industrial facilities, warehouses, and other commercial properties such as former gas stations and dry-cleaning establishments. The USEPA estimates that more than 450,000 brownfields exist in communities across the US. While most brownfields are located in depressed rural and urban neighborhoods, some studies have documented the presence of brownfields in suburban areas as well.

Litt and Burke (2002) categorized brownfields into three zones, based off of hazard potential, and examined population health within each zone in Southwest Baltimore. They found that communities living in the most hazardous brownfields zone, when compared with communities living in the least hazardous brownfields zones, experienced statistically higher mortality rates due to cancer (27% excess), lung can-

cer (33% excess), respiratory disease (39% excess), and the major causes (index of liver, diabetes, stroke, COPD, heart diseases, cancer, injury, and influenza and pneumonia; 20% excess).

Few studies have examined racial and socioeconomic disparities near brownfield sites. For example, McCarthy found that brownfield sites in Milwaukee, Wisconsin are generally concentrated in census tracts with higher percentages of African-American, Hispanic, and low-income populations, than compared to the city average. Another study assessed racial and socioeconomic disparities at brownfield locations in the Detroit region and found that brownfields were disproportionately located in poor neighborhoods and communities of color. Adam and Keeler (2012) found that brownfields were much more likely to be located in people of color communities and especially poor communities than in higher SES locations. Adam and Keeler also found that sites located in communities with larger proportions of people of color move through the initial assessment and planning phases of the cleanup process more slowly than their counterparts in other neighborhoods, even while sites located in comparatively poorer areas progressed more quickly. Thus, while the collocation of environmental disamenities and lower socioeconomic status populations seems to be a factor of both race and poverty, the inequitable remediation of these disamenities appears to based on race, not on poverty. There appear to be environmental justice and equity issues in both burden and remediation—communities are not going green together. This differential cleanup and greening could lead to gentrification, the displacement of residents who live near facilities, particularly vulnerable residents.

Before remediation efforts, brownfields may damage their host communities by polluting the local environment, making the host area appear dangerous, and hosting illegal activities such as dumping and drug sales. Several studies, for example, have shown the presence of heavy metals in brownfield sites. Health threats associated with urban pollution are exacerbated for people living near contaminated parcels, such as brownfields, but there are various health consequences to urban residents exposed to contaminants found at brownfields. These health complications include cardiovascular risk, low-level lead exposure, pulmonary risk, perinatal and infant mortality, low birth weight, and noise pollution. The remediation of brownfields can address public health threats posed by hazardous and toxic contamination. These threats can be circulated through various exposure to and from drinking water, ingestion (soil issues), inhalation (air quality issues), dermal (absorption issues), breast milk (prenatal and postnatal issues), and human activity (produce use and residential issues). The cleanup and redevelopment of brownfields are issues that will affect the poor, working-class individuals, and communities of color. The prospects of cleanup and redevelopment may have economic benefits. However, expedited cleanup and redevelopment may come at the community's expense—environmental, social, economic, and public health harm—given the environmental unknowns of brownfields and the sensitive populations living in affected areas.

1.2. Action Steps

Maantay and Maroko (2018) provide recommendations for preventing or at least minimizing the impacts of environmental gentrification. Above all, greening efforts and urban sustainability initiatives need to incorporate social equity goals as a major component of any project. Government needs to significantly contribute to the effort towards social equity by instituting and implementing policies that stabilize communities and prevent rapid gentrification, by means of affordability protections for residents and businesses; anti-gentrification rental controls; accommodations within zoning ordinances to prevent new development inappropriate to the existing context of the neighborhood and encourage conscious restorations and rehabilitating of existing older housing stock, and financial incentives for homeowners and landlords to do so, with built-in protections for existing residents; mixed use zoning and human-scaled buildings; smaller development projects at scattered sites rather than large mega-projects; new housing types geared toward existing populations of families (larger dwelling units, fewer studios and one bedrooms); limited equity "co-operative" housing; incorporating "nature" more seriously into all urban planning.

Recommendations from Wilson, Mujahid, and Hutson (2008):

- Public health, urban planning, and environmental law must work together to understand how zoning reform can be used to decrease inequitable development, metropolitan fragmentation, and health disparities in urban environments.

- Following the model of economic development zones, communities that are overburdened by unhealthy land uses should have the opportunity to create healthy community zones that place limits on the number of noxious land uses and pathogenic, health-restricting facilities.
- Region-wide focused organizations such as metropolitan transportation organizations (MTOs) or association of governments (e.g., Association of Bay Area Governments) should focus on better regional governance and coordination of social services, development, infrastructure, transportation, housing, and protection of open space.
- Pass land bank legislation similar to that passed in the State of Michigan in 1999 that led to the establishment of the Genesee County Land Bank (GCLB) to stabilize neighborhoods and revitalize the City of Flint and surrounding areas.
- Development of Environmental Preservation Districts (EPDs) that would be modeled on historic districts created through the Federal Historic Preservation Act. These districts will help empower communities to have more control of land use, zoning and planning initiatives in the Environmental Preservation Districts.
- Green planning and zoning should be implemented in underserved urban neighborhoods. There are many examples of green zoning and planning initiatives in places like Boulder, Chicago, Portland, and Seattle to name a few. The greening process should go beyond buildings and include open space, public transit, and support of urban agriculture and farmers' markets, and green jobs.
- Smart growth and new urbanism for all, not just advantaged populations. Social justice and equity have to be at the core of all "smart growth" and "new urbanism" projects.
- Cities should expand the use of conditional use permits (CUPs) as the foundation for local "healthy zoning" initiatives (e.g., Los Angeles' use of CUPs to control alcohol outlets).

Resources

supporting-ej-through-brownfields-10-13-21-508-compliant.pdf (epa.gov)
[https://www.epa.gov/system/files/documents/2021-10/supporting-ej-through-brownfields-10-13-21-508-compliant.pdf]

Uncovering the historic environmental hazards of urban brownfields / SpringerLink
[https://link.springer.com/article/10.1093/jurban/79.4.464]

How Planning and Zoning Contribute to Inequitable Development, Neighborhood Health, and Environmental Injustice (liebertpub.com)
[https://www.liebertpub.com/doi/pdfplus/10.1089/env.2008.0506?casa__token=c30SiJVTEGIAAAAA:-ZrnxRKkmM7__p0hREPihlp97yNX3iF855NCnm8BkQ4__1cKA1aBFAguJYMkODuLR931VbcJBjbRGIPg]

Superfund Remediation and Redevelopment for Environmental Justice Communities May 2021 Report (epa.gov)
[https://www.epa.gov/sites/default/files/2021-06/documents/superfund__remediation__and__redevelopment__for__environmental__justice__communities__may__2021__report.pdf]

IJERPH / Free Full-Text / Brownfields to Greenfields: Environmental Justice Versus Environmental Gentrification (mdpi.com)
[https://www.mdpi.com/1660-4601/15/10/2233]

Proximity of Urban Farms to Hazards With and Without Heavy Metal Contamination in Baltimore, Maryland / Environmental Justice (liebertpub.com)
[https://www.liebertpub.com/doi/full/10.1089/env.2020.0036?casa__token=p4DK36NqVecAAAAA:GpPJZazg1aOUhYbo-sV-gP2dA2EDbx9KQQ2ssi50qf37LjYkpn9ab6iYNNM5Fqozl5qC-Qtmc8mofA]

Proximity of Urban Farms to Contaminated Sites in Baltimore, Maryland (uwpress.org)
[http://lj.uwpress.org/content/40/1/17.short?casa__token=iQaqxyI__CegAAAAA:Imzxk9Fg85NLHbVKt7O0gFi84bavOdNgcQaV__dCU85FVBwcpRghd7stqRkpx5U8zg3-otdmb]

Combating Environmental Injustice: Environmental Benefit Districts (EBDs) as a Solution to Create Just, Equitable, and Sustainable Communities / by CEEJH Center / Medium
[https://ceejh.medium.com/combating-environmental-injustice-environmental-benefit-districts-ebds-as-a-solution-to-create-a90b400cb886]

Going green together? Brownfield remediation and environmental justice / SpringerLink
[https://link.springer.com/article/10.1007/s11077-012-9155-9]

luskin-justice40-final-web-1.pdf (ucla.edu)
[https://innovation.luskin.ucla.edu/wp-content/uploads/2021/10/luskin-justice40-final-web-1.pdf]

Mrs. NAPOLITANO. Thank you for your testimony, Dr. Wilson. I would be interested to know if you have made studies after remediation, how that has changed the tone of the community.

Mr. Shabazz, you may proceed.

Mr. SHABAZZ. Thank you, Madam Chair, Ranking Member Rouzer, Committee Chair DeFazio, all the committee members, fellow panelists. Thank you for this opportunity to present today, and it is my pleasure.

My name is Jerome Shabazz. I am the founder and executive director of JASTECH Development Services, Inc., a not-for-profit organization in Philadelphia, and the Overbrook Environmental Education Center. I am also privileged to serve on the EPA's National Environmental Justice Advisory Council, as with Dr. Wilson; the Pennsylvania Department of Environmental Protection's Citizen Advisory Council; Pennsylvania Department of Environmental Protection's Environmental Justice Advisory Board; and the municipal Environmental Justice Advisory Commission here, in Philadelphia.

The purpose of my testimony today is twofold: one, to share with this committee some of my organization's success with collaborative community partnerships that improved infrastructure and health at the neighborhood level; and two, the ideas of what is needed to promote an equitable and sustainable system for continued infrastructure and economic improvement, particularly in the most vulnerable communities of our Nation.

Since our organization's founding in 1997, our mission was clear: to promote environmental and climate justice, use environmental resources as a means to improve public health, establish green career options, and sponsor programs that promote and conserve the built and natural environments where our constituents live, work, and play.

In 2002, JASTECH applied for and received technical support from the EPA to establish the Overbrook Environmental Education Center. This is a neighborhood-based center that is committed to removing barriers to public access of information to advance the quality of life for residents living in urban settings.

Our work was guided by three primary principles of service: one, environmental stewardship; nonformal education for all ages; and three, the removal of derogatory impacts in the community regarding health. We work with a variety of stakeholders. The community that we work in is roughly 43,172 residents, 95 percent of them African American.

Reporting tells us that this Overbrook neighborhood that we work ranks 38 out of the 46 neighborhoods in Philadelphia. This neighborhood has derogatory impacts that can be identified in the health of our citizens.

The other factors that we are really concerned about in this community—the University of Pennsylvania's Center of Excellence in Environmental Toxicology indicated that aging housing stock, dete-

riorating infrastructure, and brownfields also pose an ongoing environmental health hazard for this Philadelphia community.

The adverse health impacts facing Overbrook and other West Philadelphia neighborhoods include asthma, lead poisoning, and chemical exposure from former industrial sites. The asthma rate in Philadelphia is two to three times higher than any other county in Pennsylvania. Even the EPA's EJScreen tool for regional environmental indicators indicate that this particular community has higher than average percentiles across the city.

One of the primary points that I really wanted to address is how the aspects of the work that we are doing is not just impacting environment, but it is impacting people. The properties that we are working on, in terms of remediation, are adjacent to 61 residential properties where approximately 183 people coexist with this degradation, blight, and decay, and they have been doing this for over 50 years.

So, imagine a child that smelled, breathed, and witnessed blight, and how these conditions shape their perspective on life and community. Think about the life cycle of that person, that young person who grew up with their whole world view and sense of community being associated with trash and blight, pollution, and debris.

One of the factors that we want to talk about as a potential solution to all these issues is establishing community capacity-building centers that can enable us to process and demonstrate what a multilevel community support system would look like around brownfields, to go to this idea from brownfields to greenfields, and to utilize this whole idea of knowledge building and capacity building and communities to do so.

It is an important aspect of our work to go beyond just the physical sense of eliminating properties and also work on the [inaudible] development of communities' development around this work, their capacity to apply for resources, their capacity to apply for grants, their capacity to understand and assess the issues that are affecting their neighborhoods.

I want to look at this work and talk about brownfields at a neighborhood level in a way that we are able to access all of our community members throughout the United States. Thank you.

[Mr. Shabazz's prepared statement follows:]

Prepared Statement of Jerome Shabazz, Founder and Executive Director, Overbrook Environmental Education Center and JASTECH Development Services, Inc.

Good morning Chairman (Peter A.) DeFazio, and distinguished members of the Committee on Transportation and Infrastructure. It is my honor and pleasure to present testimony at today's Subcommittee on Water Resources and Environment for "Promoting Economic and Community Redevelopment and Environmental Justice in Revitalization and Reuse of Contaminated Properties."

My name is Jerome Shabazz, and I am the founder and Executive Director of JASTECH Development Services, Inc, (JASTECH) and the Overbrook Environmental Education Center (Overbrook Center). I am also privileged to serve on the EPA's—National Environmental Justice Advisory Board, the PA Department of Environmental Protection's—Citizen's Advisory Council (CAC) and, the PA DEP's Environmental Justice Advisory Board (EJAB). (*JASTECH is an acronym for Juveniles Active in Science, Technology and Health*).

The purpose of my testimony today is two-fold: 1) to share with this committee some of my organization's success with collaborative community partnerships that

improved infrastructure and health at the neighborhood-level, and 2) to discuss our ideas on what's needed to promote an equitable and sustainable system for continued infrastructure and economic improvement—particularly in our most vulnerable communities.

Since our organization's founding in 1997, the mission was clear—*promote environment and climate Justice; use environmental resources as a means to improve public health; establish green career options; and sponsor programs that protect and conserve the built & natural environments where our constituents live, work, and play*. In 2002, JASTECH applied for and received technical support from the EPA to help establish the Overbrook Environmental Education Center (Overbrook Center). The Overbrook Center is a neighborhood-based center committed to removing barriers to public access of information to advance the quality-of-life for residences living in this urban setting. Our work was guided by three primary areas of service: (1) environmental stewardship, (2) non-formal environmental education (for all ages), and (3) the removal of derogatory impacts on community health. We were also committed to serious collaborative partnerships with government, academia, nonprofits, citizen scientist and others, to secure resources for the neighborhood and to promote environmentally friendly behaviors that reduce pollution and contamination of our local waterways, land, and air.

Our mission began to materialize though public outreach and education efforts in the Overbrook community—in 2002, we embedded in the local life-science class at Overbrook High School at 59th and Lancaster in West Philadelphia. Working with the school's principal Yvonne Jones, we created project-based learning opportunities for students to "learn-by-doing" and encouraged them to take inventory of their neighborhood's environmental systems. This helps students to visualize strategies for the future. We also engaged their parents in environmental safety and awareness sessions, on topics such as green stormwater infrastructure (GSI), lead safety awareness and combined sewer overflows (CSO). Overbrook High school is locally known for its famous alumni such as, *basketball great, Wilt Chamberlain; Actor Will Smith; and Astronaut Guion "Guy" Bluford*.

The Overbrook neighborhood has a population of roughly 43,172 people, and its geography is an important part of this commentary—Overbrook is located in an environmental justice neighborhood in Philadelphia, Pennsylvania. The City of Philadelphia with a population of 1.5 million people, produced the *Health of Philadelphia Neighborhoods 2019* report, and ranks the Overbrook area as 38 out of 46 in terms of negative health outcomes in neighborhoods. An estimated 45% of residents have been diagnosed with hypertension, 43% have adult obesity, and 18% have diabetes. Hypertension, obesity, and diabetes are diseases that can be managed and prevented through diet and exercise. Greater than normal incidence of disease and adverse health conditions are identified in this community. According to the University of Pennsylvania's Center of Excellence in Environmental Toxicology, the '*aging housing stock, deteriorating infrastructure, and brownfields* also pose ongoing environmental health hazards in West Philadelphia [1]. The adverse health impacts facing Overbrook and other West Philadelphia neighborhoods include asthma, lead poisoning, and chemical exposure from former industrial sites. Asthma rates in Philadelphia are 2–3 times higher than other counties in the Commonwealth of Pennsylvania.

In Overbrook, 14% of residents have asthma, a rate that is significantly higher than 11% for Philadelphia. Cancer incidence and death rates for Pennsylvania are greater than the national averages, and the rate of cancer incidence among West Philadelphia residents is 5.6%, slightly higher than Philadelphia's average rate of 4.9%. Over 89% of homes in Overbrook were built before 1978, the lead risk exposure is in the mid-to-high lead levels [2]. In this area data shows that *4.7–6.8% of all children's blood lead levels* (BLL) was higher than the Center Disease Control (CDC) designated "reference level" of > 5 μg/dL (Milgram per deciliter). Many of our health challenges are exacerbated in Overbrook by poor access to fresh food produce, programming that promotes healthy nutrition and safe open green space for physical activity.

Even the EPA's EJ Screen tool's, *regional environmental indicators* in air quality (PM 2.5), Ozone, NATA Diezel PM, NATA Cancer Risk, NATA Respiratory HI, Traffic Proximity, Lead Paint Indicator, and Superfund Proximity are at or above 75 population percentiles for this community. Overbrook is a disproportionately impacted, low income, high poverty neighborhood. The median income of $37,768 is lower than Philadelphia's median income of $43,744. The unemployment rate (before the COVID–19 situation) for Overbrook (16.5%) was over double that for Phila-

[1] http://ceet.upenn.edu/target-communities/target-communities-west-philadelphia/
[2] http://media.inquirer.com/storage/special__projects/Philadelphia__lead__risk__map.html

delphia (7.7%). We expect the rate of unemployment has been strained even more through the COVID–19 situation. It is worth highlighting that a significant portion (31%) of the households in Overbrook have limited digital access which makes it difficult to access resources or search for employment. Over 26% of Overbrook residents must commute over an hour to work because of the limited employment opportunities available locally. *All of these health indicators are threats to sensitive populations and are in many ways reflective of conditions in the region*.

According to The Pew Charitable Trusts, "2021 State of the City" report, Philadelphia is one of the "poorest" largest cities in the U.S., with *23.3 percent of our residents living in poverty*, we're only surpassed by Detroit, Michigan with 37.9% of its residents living in poverty.

SOCIAL-ECONOMIC CONDITIONS WERE NOT ALWAYS THE COMMUNITIES' PROBLEM . . .

Historically, Overbrook was a vibrant community. In the 1940's, the Overbrook neighborhood in the West District of Philadelphia was a bustling industrial and residential community. Situated close to the Pennsylvania's Railroad's 'Main Line' trains, the neighborhood appealed to middle class families who wanted easy access to Center City Philadelphia, but did not want to live there. Lancaster Avenue, the commercial corridor running through the neighborhood, was part of the Lincoln Highway (Route #30) and is one of Philadelphia's 165 state highways. This route was the first highway in the country and ran east to west from New York to San Francisco, passing through Philadelphia. The transportation options made Overbrook an ideal neighborhood for housing and commercial developments. Over time, the neighborhood became more racially diverse as African American families settled in West Philadelphia (963 acres total) during the Great Migration (1916–1970). Overbrook is a mixed-use zoned area where residential homes coexist with aging industrial infrastructure.

However, by the 1970's things started to change as the economy took a downturn. Textile, metal manufacturing, and electronic production factories in Philadelphia started to shut down, taking with them much needed jobs. Unemployment and poverty increased. Those who were able, moved to the suburbs in search of new employment opportunities. African American residents were unable to do the same because of discriminatory housing and employment practices [3]. As factories shut down, stores closed, and buildings became desolate, the Overbrook neighborhood, like other neighborhoods in West Philadelphia, saw the rates of poverty and unemployment increase during this time. There is a 10-block stretch on Lancaster Avenue which has the largest sector of industrialized zoning (60%) in West Philadelphia. The neighborhoods have yet to recover from economic collapse. In the 1980's, Lancaster Avenue was the commercial corridor address for retail shopping and a grocery store that was a hub for families in Overbrook and adjoining neighborhoods. The grocery store (an A&P supermarket) closed down in the 1980s and since then, there has not been another grocery store serving this community. The absence of grocery stores in the community has made this area a food desert where less than 5% of households are within a half mile from grocery stores. The Overbrook community is to this day battling to overcome the state of historic and systemic decay—due to bad policies and in some cases outright racism and injustice that set the stage for the decay of this community.

On top of these historic burdens, COVID–19 ravaged the city in other ways as well. According to The Pew foundation's—2021 State of the City report, drug overdose deaths, already historically high, rose to record levels, with approximately 1,200 Philadelphians dying, up from 1,150 in 2019. Over 500 homicides were reported for the year, the most since 1990 and a 40% increase over the already high 2019 numbers. Experts attributed these trends, seen in varying degrees in other cities, at least in part to the social disruption and despair that 2020 brought: One factor appears clear, much of the violence the city reported was *concentrated in neighborhoods with high rates of pandemic-related deaths and job losses*. Unemployment more than tripled from 5.9% in February to 18% in June, averaging 12.2% for the year.

Our discussion today is about 5 points:

- Community-level Economics,
- Community Redevelopment,
- Environmental Justice
- Revitalization
- The Reuse of Contaminated Properties.

[3] https://philadelphiaencyclopedia.org/archive/african-american-migration/

HOW DID WE MAKE A DIFFERENCE

Our inspiration came from a student at Overbrook High School—*She asked, "Mr. Shabazz, why is there so much more trash and decay in my neighborhood?"—I answered, "we may have to become the solution that we seek—If you want to make a difference, we're here to help!"*—that was 16 years ago. With technical support from the EPA 15 years ago and a 2021 Brownfields Cleanup grant, the Overbrook Center is positioned to cleanup and repurpose 2 acres of brownfields on the Lancaster Avenue commercial corridor in West Philadelphia, three blocks from Overbrook High.

However, the bigger point here is that—these properties are fence-lined and adjacent to 61 residential properties, where approximately 183 people had to coexist with this degradation, blight, and decay for over 50 years! Imagine the child who smelled, breathed, and witnessed this blight—how did these conditions shape their perspective on life and community? Think of the life cycle of a person, a young person who grew up with their whole sense of what's normal and acceptable as trash and noise-pollution, dust, and discarded waste in their back yard. This is a 'Fence-Line' community where only a fence divides neighbors from the hazard, and their worldview is one that co-exists with—not manages, pollution and waste.

The two parcels that we're cleaning are located on the 6100 block of Lancaster Avenue. *One parcel* is a 1-acre property frontage that runs along Lancaster Avenue in a mixed-use area. The lot is rectangular and consists of a vacant building and fenced-in yard. A wooded area exists within the southwest fence line of the property, and there is a partially paved area within the lot. There were 3 buildings on the site: the largest was previously occupied by the A&P supermarket, and more recently, the Philadelphia Building Supply Company, which operated a building supply business providing items such as gravel, sand, stone, concrete, brick, and other building supplies. Our environmental assessments for this parcel determined the presence of arsenic, lead, cadmium, chromium, copper, thallium, and vanadium associated with the building materials. Arsenic and lead were found in a storm gate, iron and lead in the heating oil tank area, and lead in the wooded area. Exposure to lead can cause anemia, neuropathy, chronic renal disease, reproductive impairment, and slow growth or development in children. Arsenic exposure can cause dermatitis, skin cancer, and lung cancer[4]. Evaluators have concluded that contaminants represent potential threats to human health related to the future use of this site.

The second parcel is commercial real estate in a mixed-use neighborhood. A vacant single-story garage exists on the property, and a large concrete slab. The lot was previously a filling station, motorcycle repair facility, auto repair shop and auto storage facility. The environmental assessment for this parcel concluded the presence of semi-volatile organic hydrocarbon-related compounds (SVOCs) in soil samples. We know that SVOC exposure can cause cancer and reproductive disorders, nervous system damage, and immune system disruption. Removal of contaminants is necessary to accommodate an urban farm and stormwater plan. Expansion, redevelopment, or reuse of the properties may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminants. These vacant buildings are an illustrative example of disinvestment in the community.

Gradual progress is not always cost prohibitive—For less than a $500,000 investment, JASTECH has leveraged twice those resources to remove 30 tons of debris, installed a stormwater bioretention system that collects 70% of its stormwater on-site, installed an orchard and two high tunnel greenhouses.

The Overbrook section is seven blocks west of the Philadelphia Federal Opportunity Zone (PFOZ). Philadelphia has 82 of the 8,700 census tracts around the country designated as Opportunity Zones, and this cleanup project will support the city's Opportunity Zone goals to encourage dense mixed-use, mixed-income development, enhance the pedestrian environment on commercial corridors, and create a greater sense of place. The Overbrook Center's plan to establish an urban farm and fresh food market, will increase food access in West Philadelphia, and ultimately improve health outcomes for residents of Overbrook and the entire West Philadelphia district (including the West Philadelphia Opportunity Zone). The planned Farm, Center and Market will improve the pedestrian environment and nurture a positive sense of place for the community.

Today, our Overbrook Center is primed to expand its services to the community and support its mission even further through a radical remediation and redevelopment project using these neighboring brownfield sites. The US EPA defines a brownfield as a property, where the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance,

[4] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1274229/

pollutant, or contaminant. It is estimated that there are more than 450,000 brownfields in the U.S. These longstanding brownfields in West Philadelphia, are just a small example of community redevelopment opportunity to clean-up and reinvest in properties that will increase local tax bases, facilitate job growth, utilize existing infrastructure, take development pressures off of undeveloped open land, and both improve and protect the environment, once remediated.

Our planned improvements will stimulate economic development in Overbrook, and the Opportunity Zone, through job creation and workforce development. Workers are needed to staff the urban farm, training center and fresh-food market. The approach to workforce development that will be employed, will focus on creating career pathways, recruiting, and hiring locally, providing training, and coaching to support professional growth for employees. Residents and businesses in and around the district will benefit from the economic growth and workforce development outcomes of this project. The opportunity zone will benefit from increased customer traffic and an increased tax base with rising employment.

The Overbrook Center has already leveraged existing resources and has secured a Master Plan for the site redevelopment. The first phase of the project called the "Overbrook Farmacy", began this past summer with preliminary Blight Clean-up along Lancaster Avenue. This is an initiative supported by the Natures Conservancy and the PA Department of Community and Economic Development. These sites reimagined by Viridian Landscape Studio, Meliora Design Engineers, SMP Architects and Cloud Gehshan Design, will be transformed into ecologically stable and healthy "Greenfields".

The existing building, a former garage, on the second parcel will be remediated and reused as a workshop for storing farming materials, processing fresh produce, and conducting training and demonstrations for the community. To incorporate energy efficiency, the high tunnel-greenhouse in the urban farm will use a solar-powered generator for lighting and irrigation pumps. The entire 2-acre campus will be transformed into a green-space that: increases access to healthy food; nature-play; multigenerational climate and environmental education; workforce development and employment—all the while improving individual and environmental health outcomes for residents of this Overbook community. Our Philly style "Green New Deal", underscores how much sustainability can inform tangible solutions to issues plaguing this community and others like it across Philadelphia.

COLLECTIVE LEARNING THROUGH DEMONSTRATION AND MITIGATION

These brownfields in Overbrook will also become a beacon of what Green Stormwater Infrastructure (GSI) best practices and intentional sustainable planning can achieve. The Overbrook Farmacy project will include the "Nature Works Building", that will feature a green roof garden, creative training space, and will also be home to a "Climate Monitoring Lab" and "Science Shop" that will provide opportunities for involvement in community-based science. Complimenting this, will be an "Underground Utility Infrastructure" interpretive exhibit that educate on the community's water systems, the Delaware and Schuylkill River Watersheds, and stormwater inlets that show how litter and non-point source pollution (NPS) affects our waterways. This is to bring attention to infrastructure and utilities beneath our feet, that typically go unrecognized. The building will be encompassed by outdoor classrooms and green recreational spaces. Each component serves as an interactive approach to inform environmental issues, while offering solutions and restoring connections to nature. It's not all just aesthetics here, the physical site demonstrates what it's like to have a living, functioning example of what climate mitigation and environmental justice looks like in your community. Particularly when it's influenced, by the people . . . for the people.

WHAT'S IN STORE

This Overbrook Farmacy project will expand the Overbrook Center's physical and organizational capacity to respond to community and climate needs in a variety of ways: Play + Learn + Grow. Our goal is to provide the necessary interventions that address the intersectional issues plaguing the Overbrook community and local environment, using this sustainability focused "Third Place", as a model of sustainable community design. There are many moving parts to the project that will come together to address current community needs and the future impacts that climate change will have on Philadelphia, specifically in vulnerable communities like Overbrook.

The primary objective of this work is to eliminate contamination and exposure to environmental harm that this community is regularly exposed to. The second objective is to redesign this site to function with a healthy intersectional integrity that

compliments Environment + Public Health + Community. An intentional and critical dynamic of our work purports that "*by repurposing how the former brownfield sites are being used, we are essentially, re-purposing the quality of people's lives*." In a time where climate anxiety is at an all-time high, using sustainability to inform solutions to these community issues will prove to be not just promising but materially effective, an empowering development for residents of this community to bear witness to its success.

As part of this multi-acre site, at least 50% will remain open space. The 'nature-play area' will be a sensory rich green space built-up, in a restored woodland, with native plants, and a playground integrated into the landscape. It will also act as a 'cooling center' and provide splash grounds for residents to cool off in, during the summer's increasingly brutal heat. The recreational aspect of our design pays serious attention to cultivating individual well-being, behavior, and community health. The Overbrook Center design supports recreation as re-creation, relaxation, and improved behavior health. This is especially beneficial for communities like Overbrook. The International Journal of Environmental Research and Public Health (2021) suggests that increased access to green spaces and recreation has the potential to reduce violent crimes and gun violence, two crises the city has been grappling with. This type of resilience hub has real potential to be adapted to create similar oasis across our city and country—community by community. The Overbrook Center understands that by providing a community with the resources and infrastructure it needs to empower itself, and improve its public health internally, it provides the social stability, and opportunity to effect corrosive intersectional issues for transforming itself.

CULTIVATING COMMUNITY HEALTH FROM THE INSIDE OUT

Our learning outcomes in this process, has demonstrated the need for multi-levels of community support. As we review our internal process in transforming the Overbrook Community from a community of "Brownfields" to "Greenfields", we know that there was a tremendous amount of talent and support that enabled our work to succeed. We've learned that the concept of knowledge infrastructure touches on a significant point about the need for environmental knowledge and "*Community Capacity-Building Centers*". One of the concepts that we are attempting to convey is the importance of creating new forms of knowledge infrastructure, defined as the networks of people (policy makers, researchers, industry representatives, community members, community leaders), who shape how decisions are made about environmental problems, so that these networks recognize and address power dynamics across different places and stakeholders. Especially in the case of regional or global environmental problems, it will be important to create knowledge infrastructures, that ensure that local communities don't lose interest or feel disconnected from the intersectional concerns related to Environment + Public Health + Community. Building knowledge infrastructures to delineate the values, relationships, and power dynamics among different actors that produce knowledge is essential.

One example that comes to mind in the context of brownfields redevelopment is the question of who has a say in how brownfields are redeveloped, and who benefits from their redevelopment. For instance, is the process of brownfield redevelopment based on a comprehensive neighborhood development plan that is community driven, versus a more site-by-site initiative led by developer interests (recognizing that there are many other types of scenarios in between these two as well). Non-profit and community-based organizations are also very challenged to participate in planning efforts, even when the planning effort is directly aligned with the mission and interests of their organization. Non-profit funding is often very limited, and often depends on grant funding tied to specific programmatic activities, and reporting metrics that may not anticipate the specific challenges related to planning efforts under consideration. Non-profits are often expected to be the go-to organizations for community input across many local planning efforts, without being compensated for their expertise or time. In these cases, there needs to be an Equity Resource Partner, who can consider longer-term financial support over the life of the project, so non-profits can officially prioritize the effort among all the other demands on their staff time. Scope-based support will allow the non-profit to participate more deeply by taking the time to fully research the topics, build cross-sector relationships during the process, and conduct education and capacity building among their constituency.

The *Community Capacity-Building Center* concept has the ability to accommodate a range of structure mechanisms that provide equity supports, enabling community members and non-profits to engage in the planning and redevelopment process. Communities living near brownfields or industry centers, can suffer dispropor-

tionate environmental and health impacts from their geography, proximity to transportation, and related industrial operations. Disproportionate impacts on near-brownfields, or post-industrial communities are often the result of long-term policy and land use siting decisions across various levels of decision-making that placed some communities directly in harms-way. Without interventions or support, environmental impacts could be *negative* by adding to long-term cumulative burdens, or *positive* by providing benefits to the community that reduce or mitigate negative impacts and improve overall quality of life. Many vulnerable communities, despite being interested and motivated to engage with their area non-profits are often excluded and challenged to participate due to lack of resources and capacity to support their effective engagement.

Mrs. NAPOLITANO. Thank you very much, Mr. Shabazz. That was excellent testimony.

Mr. Lopez, you may proceed.

Mr. LOPEZ. Thank you, Chair Napolitano, for the invitation to share with you all today.

I am participating in this subcommittee hearing virtually from the ancestral homelands of the Tongva, Kizh, Gabrieleño, specifically the community of East Los Angeles.

I also want to acknowledge my grandfather, Ricardo Jesus Gutierrez, who helped lay the groundwork with the Mothers of East L.A. Santa Isabel, that makes me qualified to speak before you today. He passed just a week ago.

I appreciate the opportunity to speak from the perspective of the experiences of our communities when it comes to the revitalization and reuse of contaminated lands, with a focus on threats, opportunities, and the importance of engaging communities.

My name is mark! Lopez, and I am a member of East Yard Communities for Environmental Justice. I also currently serve as the Eastside community organizer and special projects coordinator.

East Yard is a movement based in the communities of the Eastside, Southeast Los Angeles, Long Beach, and surrounding communities. We focus on building well-informed and well-equipped self-advocates for the self-determination of our communities. We recognize that many of the harms our communities have historically faced and continue to deal with are because of the planning of public agencies and private entities without our consent or involvement, intentionally and unintentionally.

It is important to understand that toxic cleanup can actually reproduce harm. Federal investment in the cleanup of contaminated sites isn't the end of the story for our communities. While this type of reinvestment has the potential to boost economic opportunity and community cohesion, it can also just reopen real estate for the development of new toxic facilities. Seaport and inland port communities across the country are especially vulnerable, given the takeover of our communities by large-scale warehousing.

Job-dense career hubs have been transformed into indoor parking lots, with low-wage temporary work, driving up real estate costs, while robbing our communities of economic opportunity, and contaminating us with thousands of toxic truck trips a day. In some cases, we have even had to fight off "lowest hanging fruit" projects that threaten to recontaminate cleaned up sites, in order to ensure the development of community assets are prioritized.

In some cases, cleaning up contaminated sites can lead to whole new problems. High amounts of public investment without commu-

nity protections can result in the displacement of existing communities, both residents and the local businesses they sustain. Private investment typically follows public investment to exploit the revitalization intended for existing communities, but instead only prioritizes profit at the cost of community cohesion. This is why many have called for "better neighborhoods, same neighbors."

Through the Lower L.A. River Revitalization Plan, a 21-mile stretch of communities riddled with contaminated sites identified by U.S. EPA region 9, we have been able to develop the Community Stabilization Toolkit, which includes community benefits agreements, inclusionary housing policies, locally owned business support, no-net-loss housing policies, rent control ordinances, community land trusts, and workforce development.

Federal funding requirements can make these community stability programs and policies a requirement for funding, or, at the very least, include them in scoring criteria for funding applications in order to contribute to community stability, instead of threatening it.

And to drill down on local targeted hire and workforce development, we cannot underestimate the value of people cleaning up contaminated sites in their own neighborhoods. For one, this is a direct monetary investment in the community through targeted hire of local residents who are impacted by toxic contamination, as well as an investment in the economic future of communities through workforce development.

There is an opportunity here to utilize the historical harms in communities to generate careers for those most impacted and infuse dollars directly into communities immediately. This is what we have seen with the Exide cleanup in my community. Not only has the State's Workforce for Environmental Restoration in Communities program trained and certified community members to, literally, remove poison from our communities, shovel by shovel, but these workers have taken extra responsibility to call out the behavior of bad actors amongst contractors, who seek to cut corners to maximize profit, or operate with a culture of racism, sexism, and sexual harassment.

And all of this is possible through community partnership. Local jurisdictions have limited capacity and authority. The rail yards between Exide and our homes remain contaminated beyond the reach of the State agency because of Federal jurisdiction, which means, every time the wind blows, our community is threatened.

We also face limited vision and followthrough of local jurisdictions because of turnover of staff and elected officials. Meanwhile, the memory of our communities allows us to look into the past before freeways cut up and displaced our communities, railroads changed the character of our neighborhoods, and toxic facilities poisoned generations of our families. We have had to build up and defend our communities, fill gaps, and build bridges between agencies, because we are committed to fighting for life. Thank you.

[Mr. Lopez's prepared statement follows:]

Prepared Statement of mark! Lopez, Eastside Community Organizer and Special Projects Coordinator, East Yard Communities for Environmental Justice

Thank you Chair Napolitano for the invitation to share with you all today. I am participating in this Subcommittee hearing virtually from the ancestral homelands of the Tongva, Kizh, Gabrieleño, specifically the community of East Los Angeles. I also want to acknowledge my grandfather, Ricardo Jesus Gutierrez, who helped lay the groundwork with the Mothers of East LA Santa Isabel, that makes me qualified to speak before you today. He passed a week ago. I appreciate the opportunity to speak from the perspective of the experiences of our communities when it comes to the revitalization and reuse of contaminated lands with a focus on threats, opportunities and the importance of engaging communities.

My name is mark! Lopez and I am a member of East Yard Communities for Environmental Justice. I also currently serve as the Eastside Community Organizer and Special Projects Coordinator. East Yard is a movement based in the communities of the Eastside, Southeast Los Angeles, Long Beach and surrounding communities. We focus on building well informed and well-equipped self-advocates for the self determination of our communities. We recognize that many of the harms our communities have historically faced and continue to deal with are because of the planning of public agencies and private entities without our consent or involvement, intentionally and unintentionally.

TOXIC CLEANUP REPRODUCING HARM?

Federal investment in the cleanup of contaminated sites isn't the end of the story for our communities. While this type of reinvestment has the potential to boost economic opportunity and community cohesion, it can also just reopen real estate for the development of new toxic facilities.

In sea port and inland port communities across the country we have witnessed over the last decade as warehouses occupy large areas of commercial and industrial zoned property. What were once job dense career employment hubs have transformed into what are essentially indoor parking lots with low rates of labor for the area they occupy, and typically provide low wage temporary jobs. These types of developments rob our communities of economic opportunity, and on top of that subject us to tens of thousands of toxic truck trips daily, concentrating truck emissions in our communities and in our lungs.

In some cases, when public dollars are used to clean up toxic sites but there is a lack of public agency follow through, our communities are threatened with losing a potential community asset in favor of the "lowest hanging fruit," which is typically not in the interest of community health and well-being. In one instance in the City of Maywood, after over a decade of cleanup and groundwater monitoring to ensure the threat of toxic exposure was appropriately addressed, the community was shocked to find that what was intended to become public park land in one of the most park poor areas of Los Angeles County was instead going to become a private parking lot for a business down the street. After millions of dollars of public investment, the plan was now to lay down blacktop asphalt and subject the newly cleaned up site to leaking motor vehicle fluids that would threaten to recontaminate the land. It required community intervention to pause the development and return to the original plan, which now includes grass fields, trees, benches, gazebos and BBQ grills adjacent to the LA River.

With federal dollars going to clean up contaminated sites, we must ask, what is the purpose? To reduce harm? To prevent further harm? To address historical harm? For our communities, if a new development isn't providing a solution to an existing problem it is most likely contributing to an existing problem.

COMMUNITY STABILITY

In some cases, cleaning up contaminated sites can lead to whole new problems. High amounts of public investment without community protections can result in the displacement of existing communities, both residents and the local businesses they sustain. Private investment typically follows public investment to exploit the revitalization intended for existing communities, but instead only prioritize profit at the cost of community cohesion. This is why many have called for "better neighborhoods, same neighbors."

Through the Lower LA River Revitalization Plan, initiated by California State Bill 530, over a dozen jurisdictions and community members met for two years to create a vision for the redevelopment of the last 21 miles of the LA River. This is an area plagued with economic divestment and legacies of industrial contamination, as was

studied through the US EPA Region 9's Targeted Brownfields Assessment of the I–710 corridor which parallels the Lower LA River.[1] In the Lower LA River Revitalization Plan we recognized the threat to community stability that future investment can cause. Because of this, we identified multiple policies and programs that will help contribute to community stability ahead of the redevelopment. The Community Stabilization Toolkit[2] includes:

- Community benefits agreements
- Inclusionary housing policies
- Locally owned business support
- No net loss housing policies
- Rent control ordinances
- Community land trusts
- Workforce development

With federal funding, there is an opportunity to ensure some of these community stabilization tools are requirements, and others where the scoring criteria for funding applications can award points to applicants where these programs and policies are in effect or will be activated in the future development of contaminated sites cleaned up with federal dollars. In this way, cleaning up contaminated sites can contribute to community stability, instead of threatening it.

Local/Targeted Hire and Workforce Development

We cannot underestimate the value of people cleaning up contaminated sites in their own neighborhoods. For one, this is a direct monetary investment in the community through targeted hire of local residents who are impacted by the toxic contamination, as well as an investment in the economic future of communities through workforce development. There is an opportunity here to utilize the historical harms in communities to generate careers for those most impacted and infuse dollars directly into the communities immediately.

Here in my community, this is what we pushed for, contributed to and have witnessed with the Exide lead smelter clean up. The Exide plant in Vernon contaminated over 10,000 residential properties in East LA and Southeast LA. The cleanup will exceed $1 billion, and along with lead being removed from the soil at our homes, we are seeing our own neighbors do the work with pride and joy. The California Department of Toxic Substances Control (DTSC) developed the Workforce for Environmental Restoration in Communities (WERC) program.[3] This workforce development program has trained and certified impacted community members who are now in the field 5 or 6 days a week literally removing poison from our communities shovel by shovel. Residents cleaning up their own neighborhoods carry a special sense of responsibility to do the job and do it right. This is has helped with holding contractors accountable who have attempted to cut corners to maximize profits. Local cleanup workers have also contributed to addressing the hostility of racism and sexism prevalent in construction culture. It isn't perfect, but this is where the importance of community partnership also plays a role.

Community Partnership

Often when cleaning up contaminated sites, it will be the case that communities have been aware of the site, studied the impacts of the site, raised the visibility of the site, and even advocated for the cleanup. Even if this isn't the case, it is essential to develop partnerships with communities. In my experience, local jurisdictions have limited capacity, being under resourced and under staffed. Local jurisdictions also tend to experience more turnover of staff and elected officials. Local jurisdictions often have limited power, as is the example with Exide, where over 3,000 homes have already been cleaned up, but the two giant railyards between the Exide site and our neighborhoods have yet to be tested because they fall under federal jurisdiction. This means every time the wind blows we fear toxic Exide dust deposited on the rail yards is blowing in our front doors.

Regardless, community groups tend to have a longer-term vision and longer-term commitment than a local jurisdiction could possibly have. For the Exide site for example, I was the third generation in my family fighting for the facility to close, and I know my daughters will have to carry the responsibility to ensure the full cleanup of our communities. Our communities can look back to the time before the freeways displaced our homes and cut up our neighborhoods, before the railyards transformed

[1] https://19january2017snapshot.epa.gov/www3/region9/waste/ust/710corridor/index.html
[2] https://lowerlariver.org/wp-content/uploads/2018/02/Community-Stabilization-Toolkit.pdf
[3] https://dtsc.ca.gov/workforce-for-environmental-restoration-in-communities-werc/

the character of our communities, and before the toxic facilities poisoned us. This means our communities can look into the future, when these problems no longer exist. Our communities don't exist in a vacuum or in silos in the ways many public agencies do, which means we are often building bridges and making connections between public agencies to fill gaps and maximize impact. We are here for the long run and look to federal cleanup dollar to address historical harm without creating future harm. You can count on us because we are FIGHTING FOR LIFE!

Mrs. NAPOLITANO. Thank you, Mr. Lopez, for your insightful testimony. And our condolences to you for your loss of your grandfather.

And Mr. Goldstein, I also share condolences on your recent loss of a family member.

Now we will move on to Member questions. Each Member will be recognized for 5 minutes. If there are additional questions, we may—not sure—have additional rounds, as necessary. I recognize Mr. Rouzer.

I will let you go before me.

Mr. ROUZER. Thank you, Madam Chair.

Ms. Bodine, let me start with you. So, what balance between Federal, State, and local government roles do you see as being most effective in the redevelopment of brownfields or other contaminated sites?

And along those lines, what can State and local governments do that the Federal Government may not be so well equipped to do?

Ms. BODINE. Thank you, Congressman Rouzer, for that question.

When we are talking about the Brownfields Program, as I pointed out earlier, you are talking about sites that are not the national priority sites, and so they are being cleaned up under State programs. The cleanup standards are under State programs. And, as is always true, the local governments control land use, they control what the redevelopment is.

EPA's role is to provide seed money. And, you know, the statistics that Chair DeFazio quoted are incredibly impressive about how successful that seed money has been, and then encouraging private investment.

And I have to say Dr. Wilson cited some very impressive statistics that came from an EPA summary from September of this year that points out that EPA's Brownfields Program which—Mayor Vinis lauded the staff, and I would echo that, the staff there are fantastic—they are already directing the grants to areas with high poverty rates, high minority populations, low per-capita income. So, the statistics that he cited were the ones where EPA funded communities. So, you see that direction, because that is, as part of the grant guidelines, which Congress sets, the grant criteria. Those are all considerations.

What is important is for EPA to provide the tools, like the job training tools that Mr. Lopez talked about, and the community participation tools that I talked about with the various community assistance grants that are provided. But EPA doesn't make the decisions. They provide all of these tools in the brownfields arena, and then it lets the local governments make the decisions, it lets the private investors come in.

Mr. ROUZER. In talking about grants, kind of along those lines, but a different form, tax credits in the Jobs Act, I am thinking

about the tax reform from a couple of years ago, Senator Tim Scott had legislation that was included in that, basically, tax credits for opportunity zones for those who invested in very low, economically distressed areas.

Has there been any overlap or are tax credits a good leveraging tool, as well as grants, for private investment?

I was just curious about your thoughts on that.

Ms. BODINE. Yes, there has been some—EPA has reported some very high successes of, essentially, marrying up the brownfield grants, and having them in areas where there are also the opportunity zone tax credits, which are, of course, based on low income, and that has been extremely effective, as EPA reported, I think, in their end-of-year report last year, that marrying up those two programs together has resulted in very high investment.

Mr. ROUZER. Good to know.

Mr. Shabazz, based on your experiences in your respective communities, how can investors be better incentivized to go into lower income and other underserved communities and invest in those areas? We have touched on that a little bit, but I want to get your thoughts.

Mr. SHABAZZ. Well, we talked a little bit about the tax credits. We always see these opportunity zone experiences that incentivize developers to come into the process. But I think what we are looking for is, from a community base, is a more collaborative experience, where an investor would embody themselves within a community in such a way that it is not just a one-and-done experience. I think there needs to be some kind of incentive, fiscal incentives, where infrastructure within neighborhoods at a neighborhood level is realized by way of the investment.

So, our objective is to create these collaborative partnerships, where there is a fiscal agent that is incentivized to participate within the process at a brownfields, but doesn't necessarily walk away from the experience, but allows an infrastructural experience to stay behind, so that the communities can continue to grow, grow their own capacity. I think capacity building is a major part of that experience.

Mr. ROUZER. My time is expired, Madam Chair, or about to in 6 seconds, so I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Rouzer, and I have a question for all witnesses.

The Bipartisan Infrastructure Law appropriated $1.5 billion, so that should take care of some of the needs of most of the areas that need contamination remediation, although it is not enough, as my colleague and I were talking. We will always ask for more, because there are so many areas that need cleanup. But will it help address the backlog of critical assessment, and cleanup work, and speed up protecting human health and the environment?

But how can we assure that the remediated properties are helpful, beneficial to the community and minorities, and don't create gentrification?

Anybody.

Ms. VINIS. I am happy to jump in. To begin with, I think we definitely have a list of projects that we would continue to invest in

with this additional money, so it does help us move forward on our plans.

We have, as many cities do—well, what we have is a former State highway that has become part of the city now, but it is an uncomfortable mix of industrial and residential. It has a brownfield. It could use investments, so we use it in that way.

We have also in our brownfields work in the developments that I cited—I cited two of them—our city council, by policy, established sites for affordable housing. So, we are focusing on using these development opportunities to help get ahead a little bit of our housing crunch, and particularly providing more affordable housing for our community.

And one of those sites was—we are redeveloping for a farmers market—we are in an agricultural breadbasket. It is really important that we support our local farmers with a year-round market. So, we have been very directed, and I think that is the value of having these partnerships, where EPA provides these funds. But, as Susan Bodine has pointed out, we have the capacity locally to create those zoning requirements and those policy directives to ensure that——

Mrs. NAPOLITANO. That is when you have a great city council.

Ms. VINIS. We do have a great city council.

Mrs. NAPOLITANO. Anybody else?

Mr. WILSON. Can I chime in? Yes, really important points there.

So, I think, when we look at bringing in—I think public health and equity have to be really kind of key tenets that we follow in doing this work.

And so, there is this whole issue of the food, energy, water nexus, and what I mean by that is, how do we build an infrastructure to move from unjust infrastructure to a just infrastructure?

We talked about affordable housing, right? We have issues in many of our communities because—you think about the brownfields, and the builtscape, impervious surfaces. We think about the issue of climate change. It is an issue of heat islands, plus the issue of runoff, stormwater runoff. Bringing in systems where we are actually using the brownfields and other hardscape to create new community ecosystems, where you provide greater access to food and housing, reduce the urban heat island issue, which would reduce heat morbidity and heat mortality for many of our cities, and also, you deal with the stormwater issue. I think you have to have a combination of looking at these kinds of urban sustainability initiatives.

And then zoning really matters. Zoning matters. California passed SB 1000 a few years back to make sure that environmental justice principles were in the comprehensive plans. We have to have some better engagement with our local authorities around zoning and put in green zoning. And really, a big part of this work, when we do all this investment in communities, if we are not addressing expulsion, if we are not addressing green gentrification, we are not doing our job. And that is a huge part of the work that we have to think about in the planning process.

As Jerome said, that is why we have to have more meaningful involvement and engagement, and authenticate other communities——

Mrs. NAPOLITANO. But you have got to educate the communities first——

Mr. WILSON. Yes.

Mrs. NAPOLITANO [continuing]. To be involved, and how to get involved, and that is something that we don't do.

Mr. WILSON. Exactly. I will pass the mic, but the community engagement part is really important, to make sure you have antigentrification in the beginning of the process. And it can't be at the back. It has to be at the front end. Thank you.

Mr. GOLDSTEIN. Madam Chair, this is Michael Goldstein. First of all, I would like to endorse and affirm the comments made by the mayor and by Dr. Wilson. They are right on point.

I would like to offer a friendly amendment in this regard. The overriding concern, the abiding concern that we always have in the brownfields context with expulsion, with gentrification can be addressed, or can start to be addressed through the doubling down of the brownfields lifeblood, which is funneling limited public-sector economic incentives to the private sector.

In State of Florida, the State puts its thumb on the scale for affordable housing by providing an increased corporate income sales tax credit tied to cleanup, as well as a sales tax refund in construction materials for affordable housing.

So, what I would suggest is that this subcommittee consider taking a look at the existing financial incentives, and new financial incentives, such as, perhaps, a Federal brownfields loan guarantee program, enhanced opportunity zone incentives, enhanced affordable housing, low-income housing tax credit incentives, as I suggested in my testimony, and tying those new incentives and enhanced existing incentives to a greater sense of responsibility and equity——

Mrs. NAPOLITANO. Mr. Goldstein, my time is up.

Mr. GOLDSTEIN [continuing]. By developers.

Mrs. NAPOLITANO. Would you mind very much submitting it to the committee?

Mr. GOLDSTEIN. I am sorry?

Mrs. NAPOLITANO. Would you mind submitting that suggestion to the committee?

Mr. GOLDSTEIN. Absolutely.

Mrs. NAPOLITANO. Thank you, sir.

Mr. GOLDSTEIN. And, Madam Chair, if I may, in the last 30 seconds, specifically tying these enhanced incentives and new incentives to, as Dr. Wilson pointed out and the mayor pointed out, an increase in affordable housing, perhaps also in microlending, in job workshops, in preservation of cultural resources in the U.S.——

Mrs. NAPOLITANO. Thank you, sir.

Mr. GOLDSTEIN [continuing]. And the creation—and—thank you, ma'am.

Mrs. NAPOLITANO. Thank you very much. I am sorry, but my time ran way over.

Mr. Mast, you are on, please.

Mr. MAST. Thank you, Chairwoman, I appreciate it. And I want to speak directly to Ms. Bodine.

It is good to see you again. I know we had the opportunity to speak recently, and I just was amazed with your depth of knowl-

edge about a host of issues, given your background in the work that you have done. It raised, as I was preparing for this hearing, several questions about the Superfund Program and brownfields, and how they could relate to an environmental issue in the State of Florida.

And as many on this committee have heard me deal with constantly, I know that you have done a lot of work on Everglades restoration and Lake Okeechobee during your time working in Congress. And, as you are aware, Lake Okeechobee is an ecological disaster. Its water is too toxic to be sent into the Everglades. We know that there are tons and tons, layers of muck and fertilizer that are just sitting on the bottom of Lake Okeechobee and its canals out of there. These nutrients, they fuel, very literally, toxic algal blooms that are extremely toxic.

And then you layer on top of those layers of fertilizer and toxic algal blooms another issue, and that is—let's take Roundup as one of the largest lawsuits in history, in our country, the Roundup lawsuit, and, literally, tens of thousands of gallons of glyphosate, or Roundup, are sprayed year after year after year into these waterways of Lake Okeechobee.

And so, it is in that I want to say, what are the criteria for chemicals and hazardous substances being put on the EPA's list of hundreds of chemicals?

And where do you see those issues with Lake Okeechobee playing into this?

Ms. BODINE. Thank you, Congressman. You are asking me a FIFRA question, which, obviously, regulates pesticide products. There has been a lot of back-and-forth, I think, on glyphosate, and I am not necessarily up to speed on exactly where that is, where the registration of that is.

But as you were speaking, I was thinking about something that hadn't ever occurred to me before, which is, is there an overlay between the issues with Lake Okeechobee and, of course, with the Northern Estuaries, and is there an opportunity with, perhaps the Brownfields Program, to lend assistance to that?

And that is something I would have to think about and get back to you for the record. But there may be, because, of course, those are hazardous substances, they are released, they are causing environmental exposures and contamination. And so, based on that, I would think that, yes, that would be eligible.

And certainly, as I pointed out in my testimony, those programs provide an enormous number of tools to local governments, as well as to local community groups, to participate in processes and to understand. So, the technical assistance and technical expertise that they provide can be huge assets, as well, to help people engage with the agencies on a suite of issues.

So, I would ask that I get back to you for the record on the more substantive response.

Mr. MAST. Yes, I know you will. Obviously, you have not been bashful about speaking to folks, which is greatly appreciated. And so, in that, I think it is an interesting way to frame this conversation, when you consider the Corps of Engineers releasing toxic waters over 100 times greater than what the EPA said is too toxic for humans to come in contact with, essentially doubling down on

creating a new brownfield year after year after year, a new Superfund site, year after year after year. And so, in that I would appreciate anything further you have on that.

For any of our other witnesses here, there is still a minute remaining of my time. If you have a comment, I am certainly happy to hear it, and I will give—if anybody wants to pipe in.

And if not, I will yield back at that point. Are there any other comments on this?

I will take that as a no and, Madam Chair, I will yield my time back.

Mrs. NAPOLITANO. Thank you, Mr. Mast, for your comments.

And Ms. Johnson of Texas, you may proceed.

Ms. JOHNSON OF TEXAS. Thank you very much, Madam Chair. And thank you also to the ranking member for holding today's hearing on the efforts to address brownfields and other contaminated properties.

I would like to begin by giving a big shout out to recognize our chair, Mr. Peter DeFazio, whom I have had the honor to work with throughout my 30 years in Congress on this committee, and his leadership has been tremendous, and we wish him well with the future. I look forward to working with him another year.

In my congressional district in Dallas, I worked diligently to obtain funding for a brownfield redevelopment project known as Victory Park in the downtown area. It was transformed from the Brownfields Program from an industrial wasteland populated by an old paint factory in a meatpacking area, and now is a multibillion-dollar, mixed-use development that offers retail shops, restaurants, office space, residential units, hotels, and entertainment venues, including the American Airlines Center, which is the home of the Dallas Mavericks and Dallas Stars.

Victory Park, which serves today as a national model, is a perfect example of a successful brownfields project, where a decaying area has been converted into a vibrant economic and cultural center that produces employment and productivity in this depressed area.

So, I would like to ask all of the witnesses, what do each of you believe is the number-one action item this committee and the Congress can do to replicate successful brownfield projects like the Victory Park in cities across the Nation?

Mr. WILSON. I will jump in really quick, just to respond really quickly. I think there are opportunities to work, I think, through the National Association of Mayors, and then potentially the National Black Mayors Association, to engage with them to see how we can take that model that you just talked about—I looked it up online—and basically, have direct investments into those brownfields. So, we can prioritize brownfields in those cities, work with the mayors. Mayors can work with the State agencies and State governments to replicate what is done.

I will add another example to what you said. Harold Mitchell's work with ReGenesis in Spartanburg is another example of a community with brownfields and Superfund sites. They now have $300 million of investments with affordable housing, green housing, health centers, job development.

So, I think, working through the mayors association, I think, is probably the first place to start, to make sure that they understand

these resources are available through the infrastructure, Build Back Better, Justice40, and have a suite of funding that can go into those communities to replicate a Victory Park.

Ms. JOHNSON OF TEXAS. Well, thank you.

Mayor Vinis, do you have any comment?

Ms. VINIS. I second Dr. Wilson's comments. I think he is exactly right, reaching out to mayors.

I will also say I am new to the EPA's Local Government Advisory Committee, and that is a very effective committee for reaching directly to cities, and hearing what we need in order to implement in sharing those models. So that system already exists, and we can make the best use of it we can.

Ms. JOHNSON OF TEXAS. Yes.

Ms. BODINE. If I might make a suggestion, Congresswoman, so we have heard, both from Dr. Wilson, and from Mr. Goldstein, and from the mayor about success stories and the tools that the local government employed to achieve those successes. So not all of those are within the purview of Congress.

But the committee could take on the gathering of that information. What tools have been deployed at these various areas, including Victory Park, that led to the success? And then share that information, not only with the U.S. Conference of Mayors, but also with the Local Government Advisory Committee, as saying, "There are some great tools out there that you control, and here are some suggestions."

Mr. SHABAZZ. Madam Congresswoman, I would like to add also, in addition to supporting everything that Dr. Wilson mentioned, that the regional offices of the EPA can do a better job of formulating more extensive goals and objectives when working with local communities.

The same way we have the Federal FACAs, there needs to be regional goals and objectives for collaborating and fulfilling the mission and objectives of communities. They have more regional-based relationships, and I think they should be more active, and held more accountable to fulfilling the overall goals of the Agency.

Ms. JOHNSON OF TEXAS. Well, thank you very much. My time has expired.

Thank you very much, Madam Chair.

Mrs. NAPOLITANO. Thank you, Ms. Johnson.

Mr. LaMalfa, you may proceed.

Mr. LAMALFA. Thank you, Madam Chair.

For Ms. Bodine, a couple of thoughts here. And so, when we are talking about brownfields and Superfund revitalization, et cetera—and we have heard several comments during the testimony here on local involvement—why is that key?

What issues do you run into if you don't have local involvement, and it is done by outsiders?

And what would be the best way to improve that situation, so that you are getting that local input?

Certainly, me, being from a rural area, we find a lot of situations, whether it is fire suppression, or cleanup, et cetera, a lot more local input would be, I think, seemingly helpful.

Please emphasize your thoughts on that.

Ms. BODINE. Sure. Thank you, Congressman.

I agree completely that local involvement is incredibly important. It helps protect human health and environment, because you understand the exposures. And that is why it is also tremendously important in the Superfund Program. You are selecting the remedies in Superfund. EPA does that.

But in the brownfields arena, it is tremendously important, as well. And it is one of the criteria that EPA uses to decide where to give the grants. And that is the extent to which the grant applicant is ensuring that there is local involvement in both the reuse decisions and the cleanup decisions.

And so, I mean, there is a recognition, of course——

Mr. LAMALFA. Well, does it help shape the direction of what is going to go back in there?

Let's say now—I guess that is what I am drilling down to, is the locals probably maybe aren't worried so much about exactly how the cleanup is done, other than it gets done, but maybe it has to do with what is going to go in there.

Like in my area, you have mining, you have timber, wood mills, and you have areas that may be treated timber and treated lumber into different finished products, and had some brownfield experience because of that.

So, is the local input—need bigger sway on what is going to go back in there?

We have heard a lot of ideas about——

Ms. BODINE. I can——

Mr. LAMALFA [continuing]. What needs to happen in these areas, what—please.

Ms. BODINE. Sure.

Mr. LAMALFA. What would that look like in a rural aspect?

Ms. BODINE. What EPA can do, and has authority to do, and is within the purview of this committee's jurisdiction, is to provide the tools for that involvement.

What EPA cannot do is control land use. That is not a Federal function, that is not an authority under any of these statutes. EPA doesn't control land use.

But providing that local involvement, the ability for the local communities to participate, is key, so that their voices are heard. But EPA can't come in and swoop down and say, "This is what you are going to do with your land."

Mr. LAMALFA. Well, OK, that sounds correct, or what people would want.

Can you emphasize a little more on the rural angle again—industries, years ago, did things probably incorrectly, the way we see them now, but, with this knowledge of how to do things much more cleanly going forward, whether it is wood treatment, or just processing timber and lumber, or the type of mining we are going to need for the materials for more and more electrification, things like that, what can we be doing better to take these old sites and make them—not scare everybody to death that we are going to start operating in the same old way, but turn these sites back into something modernized, so you can produce these products, going forward?

Ms. BODINE. Yes. The cleanup needs to be protective, to your point, and it needs to comply with Federal and State laws. And that is all a given, whether it is Superfund or brownfields.

Mr. LAMALFA. Right.

Ms. BODINE. And then, exactly what the activities on the land are going to be are going to be decided at the local level. But——

Mr. LAMALFA. Do you find that if you are——

Ms. BODINE [continuing]. As I pointed out earlier——

Mr. LAMALFA. Do you find, if you are reclaiming these old lands, there might be an easier process to have this industry where it used to be, whereas, we know it is tough, opening any kind of new milling facility, or related, in a new area.

Ms. BODINE. Right.

Mr. LAMALFA. Is that a better incentive to revamp the old ones into a renewed industry?

Ms. BODINE. In fact, that is another criteria for the brownfields grants, is the extent to which the grant applicant wants to reuse existing infrastructure. That is the whole greenfields versus brownfields issue. It is important.

And, as I think one of the witnesses talked about, it helps with the climate change issues. You are not out there getting into greenfields, you are reusing what is already there. And so that is a consideration, as well. These are——

Mr. LAMALFA. OK, real quickly, too—I am sorry on this time limit here.

Ms. BODINE. Sure.

Mr. LAMALFA. Does that then qualify as gentrification or expulsion, if you are taking an area that has had little value, and revaluing it and something, and now that might affect super-low-rent areas? Is that now turning into a gentrification issue?

Ms. BODINE. I have read people call that gentrification. I do think, though, that, when you are talking about bringing jobs back into a community, that that is a good thing, and that you are——

Mr. LAMALFA. Yes.

Ms. BODINE. You are increasing the tax base to the community. That is a good thing.

Mr. LAMALFA. Yes, yes. OK, thank you for that. I am sorry, these 5 minutes go by so fast. I appreciate it.

Mrs. NAPOLITANO. Thank you, Mr. LaMalfa, for your testimony.

And Mr. Bourdeaux, you are recognized.

Ms. BOURDEAUX. Thank you, Chairwoman Napolitano and Ranking Member Rouzer, for holding today's hearing.

Since coming to Congress, I have advocated for policies that reinvest in infrastructure and maximize existing programs, while also being good stewards of Americans' tax dollars.

It is clear from today's testimony that the EPA's Superfund and Brownfields Program have proven to be very important tools for localities to revitalize and redevelop their communities.

Studies have shown that shopping malls can be successfully repurposed and revitalized to become drivers of growth and revenue in their community, so a slightly different issue, but one that is very, very important in my community. Earlier this year, I introduced the Grayfield Redevelopment and Economic Advancement Through Effective Repurposing, or the GREATER Revitalization of

Shopping Centers Act, which builds on a proven model of grant subsidies, in conjunction with section 108 loan guarantees to incentivize public and private investment in abandoned and underutilized shopping malls. So, while this is not directly about Superfunds or brownfields, the principle is really quite similar. And the idea is that, by investing Federal dollars in our communities, the seed money can drive additional private investment in economic growth and development.

Along those lines, Mayor Vinis, if you can, speak a bit about how the Federal investments in your community through the EPA grants have helped revitalize parts of Eugene, and talk a bit about some of the different financing tools that are available to partner and work with the Federal funds in order to promote this kind of redevelopment.

Ms. VINIS. Thank you so much for that question, and I am knowledgeable about part of this, and probably not the expert on other parts of it, so I will answer where I can.

We have used these EPA grants. I gave three examples, and all three—I mean, this former industrial site that we are redeveloping that will be a park, and affordable housing, market-rate housing, and a hotel, and restaurant space, it has been an industrial site since the late 19th century and hasn't been redeveloped, really, because of the anxiety of potential investors.

It has given us an opportunity to actually connect our downtown to the river for the first time in a way that is accessible by walking, by biking, and just visually accessible.

It is also enabling us to build a neighborhood next to our downtown, which is—part of our way of being able to create a more thriving downtown is to have more people living there, and shopping there, and, especially as we have come through the pandemic and seen the impact. So, that is profoundly important.

And I also had mentioned the farmers market, wanting to support our local farmers being able to sell their products year-round to create more stability, and they provided valuable food—again, outdoor market, through the pandemic.

These redevelopments are critically important. And I think, as we look—and I think those partnerships, this sort of intersection between what we do in terms of developing unused and contaminated land, and being able to build affordable housing, that kind of relationship with HUD, and with HUD dollars is valuable.

Michael Goldstein's comments about increasing the capacity to invest in housing is really a key issue for us, in terms of being able to provide more supports.

I am not the person to answer the question on a lot of other specific financing tools, so I will defer that to the people on my city staff, who know what tools they have used, and how they have been the most effective.

Ms. BOURDEAUX. OK, thank you. And I just—yes, when I have worked in these projects in Georgia, there are tax allocation districts, or tax increment financing that could be used, community improvement districts. There are different partnerships with the local level. So, I am curious about how these deals are put together.

Just briefly in the remaining time, Mr. Shabazz, can you talk a little bit about how the Federal investment helped revitalize your community, as well?

Mr. SHABAZZ. What is interesting, Representative, is that the 2018 BUILD Act was implemented in 2019. It was only from that time that nonprofits were able to actually receive funding from EPA to do cleanup grants. And so, it hasn't been a long time that nonprofits have had the ability to seek direct funding from the EPA, in which—it reflects just a lack of capacity that many organizations have to do so.

We have been able to benefit and leverage our EPA funding to attract more statewide funding around infrastructural development, around community development.

We are fortunate enough to be on a commercial corridor, and that commercial corridor enables us to attract very specific, targeted resources that are on the State level, designed to do redevelopment work, and increase revenue and job opportunities in the neighborhoods.

The other factor is, too, is that, with WHEJAC, the White House Environmental Justice Advisory Council, it should be this interagency approach.

Ms. BOURDEAUX. Oh, I am sorry, my time has expired.

Mr. SHABAZZ. Thank you.

Ms. BOURDEAUX. Sorry about that. My time has expired. Thank you so much for talking about that, and I yield back.

Mrs. NAPOLITANO. That is no problem. Thank you, Ms. Bordeaux.

Ms. Norton?

[No response.]

Mrs. NAPOLITANO. Ms. Norton?

[No response.]

Mrs. NAPOLITANO. We will go forward to Mr. Stanton.

[No response.]

Mrs. NAPOLITANO. Mr. Lowenthal?

Mr. LOWENTHAL. Thank you, Madam Chair. My question is for Mr. Lopez, who, I am proud to say, provides important work to my community, and in my district, and especially in Long Beach.

I want to reiterate what you have said, and how people who have been exposed to contaminated sites deserve a clean and safe environment. But they also deserve to benefit from the cleanup, to make up for the harms that they have suffered. And you have touched upon this, Mr. Lopez, in your testimony.

But there are two parts, two things I would like you to—just to elaborate. Can you elaborate on your Community Stabilization Toolkit? Let us know a little bit more about that toolkit.

And the second part of that question is how can we, here in Washington, work with you to make sure that frontline communities receive the full benefits of community redevelopment funds?

So, my first one is talk to us about that more, about the Community Stabilization Toolkit.

Mr. LOPEZ. Thank you, Representative Lowenthal. When we came together for the Lower L.A. River Revitalization Plan, we are talking about maybe a dozen local jurisdictions, plus an array of other agency and nonprofit leaders to really envision a revitalization of this 21-mile stretch and corridor.

And I think, in that process, it really allowed us to consider multiple perspectives about, essentially, unintended consequences.

We want to do what is best. And how do we ensure that we do that without creating gaps for our community members to fall through, to be excluded from, or be essentially subjected to displacement.

And so that is where we came up with the toolkit, because what we found was, there really isn't one silver-bullet solution to ensuring community stability. We actually need an array of programs and policies that fit together to create this, essentially, infrastructure, policywise and programmatically, to ensure that community members are directly benefiting, and aren't being harmed in the process.

And what you see here, really, is, as was mentioned before, something that really—because the land use authority does lie with the local jurisdiction, I think the opportunity that you all have at the Federal level is when it comes to funding.

The opportunity to make some of these programs and policies requirements, or, again, at the very least, part of the scoring criteria that, essentially, could nudge or encourage local jurisdictions to activate these policies and programs in order to be more competitive for Federal funding is the approach that you all can take.

And I think, as far as engaging local communities, the reality is a lot of these contaminated sites are things that communities have been fighting against already.

In many cases, they are brownfields because the former toxic companies are something that community members were aware of, that community members were working inside of, and so will have the best perspectives on what the impacts are, and what the solutions are.

And I think, whether we are talking about an urban context, or a rural context, where there may not be as much community infrastructure, I think when you look at those who are most directly connected to the issues, you are going to find some of the most sensible solutions for how to move forward.

And I think that is how you ensure that, because when you encourage and you support community involvement, you are supporting a constituency that is going to stay engaged until beyond the execution of the actual cleanup, and whatever comes in the future. Folks are invested all the way through.

Mr. LOWENTHAL. I just have a few seconds left, basically. And I think you have touched on it, but I just want to make sure you feel like you have fully answered it.

How do we partner together, the Federal Government and frontline communities? What is the best way for us? You mentioned the funding, but what else?

Mr. LOPEZ. [Audio malfunction] . . . looking to the regions across the country to identify who is already active, but also to support communities where, maybe again, there isn't existing nonprofit infrastructure, in order to ensure that community members have a voice in this.

And so, sometimes that is looking at communities who maybe are new to cleanup of environmental sites, but maybe who have a history and legacy of fighting contaminators in our communities is

where you are going to open up a lane, a new lane for a new constituency to really infuse energy and innovation into this area.

Mr. LOWENTHAL. Thank you.

And, Madam Chair, I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Lowenthal. I appreciate your participation.

Mr. Stanton, you are on. You may proceed.

Mr. STANTON. Madam Chair, thank you very much. Thank you for holding this important hearing. I want to say thank you to all of our witnesses today. This has been a very informative hearing.

The Bipartisan Infrastructure Law makes historic investments that will accelerate the pace of Superfund and brownfield cleanup projects across our country.

In addition, the law waives cost-sharing requirements for both of these programs, which will help States, Tribal communities, and localities advance projects without worrying about having to come to the table with resources, when budgets are already stretched so thin at the local level.

My State of Arizona has nine Superfund sites on the National Priorities List, which means the Environmental Protection Agency has deemed these sites as posing the greatest threat to public health and to our environment.

Yet one of the challenges I have heard from stakeholders in my State is the lack of staff at EPA to move these projects forward. Region 9, which includes Arizona, has had many staff and highly technical roles retire or depart the Agency for other opportunities. As a result, the remediation project managers are now carrying double, sometimes triple the workload of Superfund sites that they were just a few years ago. Unfortunately, this is causing delays in the reviews of technical work and, ultimately, implementation of remedies at these critical sites.

In order to get these infrastructure investments working as quickly as possible, it is important that the EPA is fully staffed at all levels.

In addition, I believe the resources provided under the law should be prioritized for cleanup of contaminated groundwater in the Southwest. Groundwater is a critical resource. And as the mega-drought in the Southwest persists, it is essential that we focus cleaning up groundwater supplies to help our communities weather these challenges. Cleaning this groundwater not only helps us secure our water future, it—and perhaps most importantly—helps us better protect public health.

So, I have questions for Mayor Vinis.

Mayor Vinis, multipurpose grants under the Brownfields Program are essential in assisting local governments respond effectively and quickly to redevelopment needs. The Bipartisan Infrastructure Law increases the per-grant amount substantially, up to $10 million. Based upon experiences in your community, how do you think this change will benefit the program and the ability of local governments to address brownfield sites in your communities?

Ms. VINIS. Thank you so much. I guess I could say it very briefly, and say, “More is always better.”

[Laughter.]

Ms. VINIS. In our local context, we are looking to have as much—we do have a backlog. We have sites that we wish to address. We have multiple goals that we are trying to accomplish with these brownfields grants, in order to both create some job opportunities, to create housing that we need, to create an opportunity for commercial centers, the sites that we still need to work on, our sites in which we want to see more retail and commercial action, as well as housing.

So, those multipurpose grants enable us to sort of tie those together. We are looking at climate goals and clean air issues also in those neighborhoods. So that, the intersection, and then of meeting our lower income communities, communities of color who have been disproportionately impacted and underserved.

So, that capacity at a local level, to be able to knit all those goals together with a grant, are incredibly valuable to us.

Mr. STANTON. That is great. Thank you, Mayor, very much.

Mr. Goldstein, the Bipartisan Infrastructure Law waives the cost-share for grants under the Brownfields Program. From your perspective, how important is the cost-share waiver for helping to advance brownfields cleanup, particularly in Tribal and other underserved communities?

Mr. GOLDSTEIN. Well, underserved communities, Congressman, typically have barriers to accessing any types of capital, any amounts of capital. So, waiving of the cost-share is super critical. It is almost existential for not-for-profits, and for rural communities, and certainly for Tribal nations.

Getting back, Congressman, to the question you posed to the mayor, the higher caps on brownfield grants is wonderful for those who receive the grants. Of course, that means that there is less money to go around, which is why you have heard a couple of times from the witnesses that the magnitude of the grant program should be increased, overall.

What I would like to suggest is that the easiest way to diminish the workload on EPA is to facilitate the transition of Superfund sites into the private sector by creating additional incentives to encourage public-sector investment in the acquisition of Superfund sites, so that the cleanup, the redevelopment, the reuse devolves to the private sector and the local government through the land use oversight process. And at the same time, that allows EPA to step back and concentrate on other priorities.

So, increase grant funding overall, in addition to the caps, that is number one. Number two, create new economic incentive programs to attract more private-sector investment, because private-sector dollars follow public-sector dollars. And then create an even more streamlined regulatory process to allow the oversight of Superfund cleanups to be deferred to State environmental agencies and local environmental agencies.

Mr. STANTON. Thank you very much. Excellent answer. I yield back.

Mrs. NAPOLITANO. Thank you very much, Mr. Stanton.

Mr. Huffman, you may proceed.

Mr. HUFFMAN. Thank you very much, Madam Chair, for convening this hearing. I want to thank our witnesses for their perspectives on the relative success of these cleanup projects, and how

we can help frontline communities not just ensure that they are safe from toxic contamination, but also make sure that properties are redeveloped to provide lasting and good-paying jobs that support communities who have been burdened by these toxic legacies.

I represent something of a success story, to the extent that we can use the word "success" when we are talking about a Superfund site that generated emergency cleanup costs five times higher than original estimates, with the original responsible corporate polluter managing to pass the bill onto taxpayers and the local community.

But nonetheless, there is a measure of success in what we have done at the 72-acre Samoa Pulp Mill in Humboldt County. The cleanup of caustic liquors at this site was successful.

And we certainly remain aware that we do need to monitor and address longer term subsurface contamination threats. But, due to the location of this facility, a commercially vibrant harbor, many companies were eager to move into the location, and more could be on the way. So, it is a qualified success, thanks to the $15 million investment we received from the EPA to clean up this site.

I realize, though, that many other communities are not so lucky. We know that, with many polluting sites, including landfills, toxic dumps, we are talking about low-income communities that, for the very reason they often don't have the political voice to push back against these projects, it is hard for them to come forward and achieve cleanup and remediation, even with Federal assistance. They remain derelict properties, concentrated in areas of poverty that are challenging for attracting new commercial development.

So, Mr. Shabazz, I appreciate your testimony, sharing with the committee what you and others are doing in collaboration and partnerships to ensure that these sites are cleaned up in an equitable, sustainable fashion that works for communities who have been hardest hit by this pollution.

You talk about the public health challenges of Overbrook in West Philadelphia, as well as other challenges like limited digital access.

I wonder if you could just speak a little more on how your work and the work of others have contributed not just to cleaning up pollution, but stimulating economic development through job creation, workforce development, and public health improvements.

Mr. SHABAZZ. Thank you very much, Representative Huffman.

The issue that we are constantly talking about in this discussion is that there is a lack of capacity in the frontline communities, and we need to be very intentional around creating infrastructure to help neighbors and community members and frontline communities, fence-line communities to have the capacity not only to understand the issues, but to be able to see how it matters with their participation in the issue, and then, most importantly, what the outcomes look like for sustainable development within communities.

From that perspective, it enables us to be able to do a better job with planning around job opportunities and potential infrastructural developments that would benefit the lives of the community members that these brownfield sites are residing within. Nonprofits are often expected to be the go-to organizations for community input across local planning efforts, without being compensated for their expertise and time.

And so, what happens is that the nonprofits and the frontline communities don't have the resources to engage in the charrettes, don't have the opportunity to engage in the true planning process. But if they were able to do so, what it would do is to create this sort of knowledge capacity experience that talks about what the needs are, moving forward.

And then we can include from the brownfields to greenfields experiences, where we can identify some of the issues relative to climate, to water mitigation, to heat mitigation, the heat island effects. That only happens when community members are involved, and the economic developments are clear. In communities that are not wealthy communities, they need to have the opportunity to grow and learn.

What we have been doing with Overbrook is taking our brownfields experience to the community in such a way where they can learn about it. We have created opportunities and jobs around the EPA's RRP program, where the contractors learn about the mitigation of lead and other kinds of toxic commodities. The issue is making sure we have the capacity for communities to get involved.

Mr. HUFFMAN. I appreciate that, Mr. Shabazz. Thanks very much.

And I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Huffman, for asking those very important questions of the witnesses.

Mr. Carbajal, you are recognized.

Mr. CARBAJAL. Thank you very much, Madam Chair, and thank you to all the witnesses that are here today.

There are several success stories of brownfields being cleaned up, and turning from toxic, unsafe pieces of land into something that serves the local community.

The Infrastructure Investment and Jobs Act authorizes $1.5 billion, as was said earlier, for brownfield cleanups. These funds give communities the opportunities to improve their quality of life by reducing health risks and expanding economic opportunity.

Mr. Lopez, you talk about the benefits of having the affected communities be actively involved in the cleanups and utilizing a local workforce to invest directly in the economic future of area communities. Can you elaborate how a local workforce was recruited in the situation that you have discussed?

Mr. LOPEZ. Yes, thank you, Representative Carbajal.

In our case, essentially, the State agency was able to partner with a local trade school. This is an area that our community members already look towards in order to receive the training and certification to be able to seek better employment opportunities.

And so, resources were dedicated to develop a pilot program at the trade school—L.A. Trade Tech is the name of the school—and trained cohorts of community members, essentially, to be able to learn and understand the work; again, be trained; and most importantly, be certified to do the work, because we are talking about handling of hazardous substances, and sometimes paying for this type of certificate becomes a barrier to lower income communities being able to access these future employment opportunities. And

so, what this did is it created a base for community members to be able to enter this employment.

The way most people found out about it was from those of us who had been fighting to shut down this bad actor for years and generations. And so, it was community members who were already aware of this toxic polluter. In some cases, it was the very people whose homes needed to be cleaned up, because lead had been contaminating their homes for decades.

These are, again, folks who are directly impacted by the contamination, who now have prevailing wages, sometimes double what they were previously making in other employment opportunities. And it really just changes the trajectory of families in our communities, when we are able to access these types of employment opportunities.

Mr. CARBAJAL. Thank you very much. It has been well documented that lower income communities and racial minorities are disproportionately exposed to environmental harm. There are concerns that development of brownfields can do unintended harm by displacing the people who live there, as well.

Dr. Wilson, what steps do you think the EPA should take to prevent residents from being displaced?

Mr. WILSON. Oh, thank you for that question, Representative. I have been waiting to talk. I wanted to say something, thanks for that.

What is really interesting is, as I said earlier, antigentrification has to be part of the process. And I think, when you look at this, redevelopment, as Jerome has said, it has to be community-driven, everyone. We need to change the ecosystem of redevelopment. We have to change the ecosystem of "revitalization." And sometimes that word is problematic, because sometimes, people are never vitalized.

What do we get in the system of Build Back Better? We want Build Them Back Better, Better, if that makes sense, you all.

So, when you are talking about gentrification, bringing the smart growth principles, having social equity—President Biden has two racial equity Executive orders. Taking the language in the Executive orders and making sure you have social equity in the redevelopment, rebalancing process, and requiring that—whether it be through economic empowerment zones, opportunity zones, TIFs—having some additional guardrails to make sure you don't displace.

As Mr. Lopez said—I think he said you want to make sure you build a neighborhood better, but with the same people, right? So how do you do that? You have to have extra guardrails.

I would just say really quickly that, if you look at Executive Order 14008, the whole Justice40 initiative, 40 percent of benefits should go to disadvantaged communities. What we are saying when we use that principle: 40 percent of these dollars, the investments and benefits—ecological, economic, environmental, health benefits—should go to communities that have been dumped on and left behind.

So, you have got to have guardrails. And it needs to be community-driven, equity boards, planning boards, et cetera.

I will stop there. Thank you for the question.

Mr. CARBAJAL. Thank you very much.

I am out of time, Madam Chair. I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Carbajal.

Ms. Norton, you are recognized.

[Pause.]

Mrs. NAPOLITANO. Ms. Norton, you are muted.

Ms. NORTON. Yes. Can you hear me now? Can you hear me now?

Mrs. NAPOLITANO. Yes, ma'am.

Ms. NORTON. My first question is for Mayor Lucy Vinis.

As the only Representative for the District of Columbia, I work closely with our mayor of the District on infrastructure priorities. That makes me especially interested in hearing your perspective, as a city mayor.

Based on the accomplishments of the Brownfields Program in your city of Eugene, Oregon, can you explain how cities can best leverage partnerships among Federal and local governments, private-sector stakeholders, and local residents to help their communities take advantage of the Brownfields Program?

Ms. VINIS. Thank you so very much for that question, and I will just say I am a former resident of Washington, DC, before I moved to Eugene, so I have a great appreciation for the city and your longtime leadership there.

I neglected to mention in an earlier question that two of our brownfield projects are within our downtown urban renewal district. We have used tax increment financing to leverage those activities.

And I will also say that the riverfront development that I have mentioned is actually connected to the Franklin Boulevard transit corridor, which also received funding through this infrastructure bill to be a multimodal corridor.

We are looking at creating a landscape in which we have active transportation, we have transit investments, we are investing in affordable housing, and we are creating a landscape with both these urban renewal districts that invites private investment, that creates a landscape that is attractive to that private investment.

And, of course, we all know that improving the brownfields creates a kind of a known quality of land, so that encourages people to invest.

And I think that sort of public commitment to this array of transportation, housing, and the quality of that land, we have invested in that, our downtown urban renewal district, also in broadband. So, we are trying to create a landscape that invites development, and that has happened for us. One of these brownfields that was former parking lots is the largest private development we have ever had in the city of Eugene.

Ms. NORTON. That is something for all of us to learn from. Thank you for that response.

Dr. Wilson, you used a term I hadn't heard before, "environmental gentrification," in your testimony. You used it to describe racial and economic disparities that have been documented near brownfield sites, as well as the inequitable remediation of these sites.

Many of us are now familiar with the idea of gentrification, but less attention is paid on how that idea applies to the cause of environmental justice, which is why this hearing is so important. Can

you explain what characteristics of traditional gentrification are present in environmental gentrification, and how, if at all, environmental gentrification is different?

Mr. WILSON. Thanks for that question. I think it is a great question.

So, you think about gentrification, and when you have development that occurs where property values go up, you may have a high population of renters. Rents go up. And so, what you have is a process of explosive zoning, planning, and development.

When you had the waterfront redevelopment, we added new boutique shops, and new malls that were built. You may have some land displacement of folks. You may also have—this is a very important point—small business displacement as well. You don't want to forget about the small business displacement.

It is just not when you have a residential displacement. You can have a component of small business displacement, as well. When we had this process of revitalizing and redeveloping of brownfields to grayfields, or brownfields to greenfields, and with the population who lived there, those activities, who host those brownfields, who host those Superfund sites are not able to really be engaged in the process. And then, as I said before, they get priced out and pushed out.

So, we have to have antigentrification measures in place in advance of any planning of brownfield redevelopment project, any planning of a Superfund project, any plans, when we are doing community development, we have to have that in place.

Think about DC. Look at, obviously, your neighborhood. Look what has happened to the Brentwood neighborhood and Wards 7 and 8. Look at the Buzzard Point community. Look in Prince George's County. We have things that are happening.

I live in Prince George's County, Maryland, where we want to make sure that, as we green communities, we don't price out and push out the folks who were left behind because they had toxic hazards there, or didn't have affordable housing, or they had a contaminated Anacostia River. Or they may have lack of access to food infrastructure.

I could go on and on. But thank you for the question. I will pass the mic back.

Ms. NORTON. Thank you very much.

I yield back.

Mrs. NAPOLITANO. Thank you, Ms. Norton, I appreciate that.

Mr. Rouzer, do you have any further comments, sir?

Mr. ROUZER. Thank you, Madam Chair. Actually, I didn't initially think that I had anything further I wanted to ask, but I do have this thought that has hit me here, towards the end.

One is, how do you define success? I am not coming at this from an adversarial perspective. We have got programs that seem to work pretty well. There is a lot of added investment that is being made, which is good.

I am just curious, from the panelists, across the board, whoever may want to respond, how exactly do we define success in the construct of these programs?

And then, in terms of the greater social aspect that is trying to be achieved here?

Mr. SHABAZZ. Representative, this is Jerome Shabazz, if I could tell you——

Mr. ROUZER. Sure.

Mr. SHABAZZ [continuing]. A brief story of a gentleman who was in a wheelchair when we started doing some of our cleanup work.

He came to the back of his door, and started clapping, and we had no idea why this gentleman was clapping, and we walked over to him and asked him, "Why are you clapping?"

He said, "For 50 years I have been watching this contamination, and I thought no one would help. I thought no one cared enough to make a difference."

And so, success for us is for this gentleman, not only himself, but for his family and for his children, to no longer have to coexist with contamination, waste, and hazards that are derogatory to their health and to their quality of life and, most importantly, their world view. His children, his grandchildren grew up with dust and deterioration, and this kind of blight that shaped their sense of what community is all about.

Our idea, ultimately, for us as an organization, is to make sure that we can help restore the dignity of people's lives, so that they can have a very viable and reliable future, in coordination with their Government, and they should expect to be able to live in peace, and to live in a healthy environment.

And so, I think the success of these programs is not only that outsider developers can come in and establish a more viable, economically viable use of lands, but so that the indigenous community members can do so themselves.

There are five tracks that are close to the properties that we have developed on Lancaster Avenue in Philadelphia, where, if they were redeveloped, it would represent 13 acres of land, 13 acres of land that is adjacent to properties that would not even compare in measurement. And those people would be displaced, outplaced, and outsourced if they didn't have any kind of viable way to coordinate and be a part of the developmental process in these brownfields.

So, I think, for us, the success is allowing people to live in dignity, to be a part of the process, and to be able to grow in place, and not have to be forced out just to be able to stay healthy and clean.

Mr. ROUZER. Ms. Bodine, do you have any thoughts on the matter?

[Pause.]

Ms. BODINE. Yes, sorry. In the Superfund Program, success is the success in protecting human health and the environment by addressing the hazardous substances. So, it is removing or cutting off exposure to hazardous substances. That makes sites ready and available for reuse, and the reuse can be anything from butterfly gardens to playgrounds to industrial redevelopment.

In brownfields, it is different. The success—statistics that we have heard a couple of times here, including from Chair DeFazio—the success is really in providing enough Federal seed money to leverage the private investment. I think the stats were something like every dollar of brownfields money results in $20 in private investment.

EPA looks at that as a success, as well as the jobs. And, of course, the criteria for giving those grants includes the issues that we have talked about today, like local participation.

And then, of course, the point—EPA, it has authorities that allow them to bring home some of those benefits from cleanup, like providing the job training, that is both in the Superfund Program and the Brownfields Program, so that locals can get, like, the HAZWOPER certification that one of the witnesses talked about, so they can get the jobs.

So, all of that—jobs, the number of jobs is success, both the new jobs and the cleanup jobs. The leveraging is a success. And then, of course, eliminating the exposure to hazardous substances is the success.

Mr. ROUZER. Thank you.

Anybody else have a thought or two?

Mr. GOLDSTEIN. Yes, this is Michael Goldstein. I would like to affirm and amplify the comments of the prior witnesses by saying this: success can be measured emotionally and narratively in the way previously described, but also numerically. And both are equally important to demonstrate to the private sector that these types of challenging projects are investmentworthy.

You can look at reduction in chemical types, and chemical concentrations, as Ms. Bodine suggested; the additional number of new permanent jobs and temporary jobs for construction; increase in property values; the number of projects surrounding the subject property where redevelopment has occurred; the nature and number and types of collaborative partnerships that occur between local stakeholders, local governments, and private developers. We can go on. EPA does a wonderful job at tracking these metrics to demonstrate a very meaningful return on investment to the public and the public treasury.

And if there is one last parting observation I would make, it is that EPA is doing a spectacular job, a sublime job, in discharging both its responsibility and obligation as someone who wields the construction hammer and the sheriff's badge. They are balancing their enforcement obligation with their redevelopment ethic in a way that is effective, and innovative, and reassuring, and inspiring. And I think that is worthy of being recognized, too.

Mr. ROUZER. Madam Chair, I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Rouzer. That was very interesting.

Just the same, I would like to ask Mr. Lopez an important point.

When redevelopment does happen on contaminated sites, the community should have a say in the redevelopment, so that it is not another polluting facility and creating jobs that are still polluting. Can you explain further your concern?

And if anybody wants to join in, how local coordination and buy-in can result in successful cleanup efforts, especially in training, I like the idea of having training classes for the local community to participate.

And Mr. Lopez, I like all your points on the Community Stabilization Toolkit.

Mr. LOPEZ. Thank you, Chair Napolitano. Here, in the Los Angeles area, and I think in most port communities across the coun-

try—again, inland ports and also seaports—what we are seeing is large areas of commercial and industrial land being purchased and utilized specifically for warehousing.

What this does at the local level, it essentially displaces career opportunities for temp jobs that pay low wages. And because they carry such a large footprint, that is what prevents future development of other types of industries that can provide careers for our community members.

Additionally, because we are looking at what are primarily diesel trucks that are servicing these facilities, the pollution that community members are exposed to comes with a greater health risk.

And I think, additionally, when we are looking at this process and kind of connecting to the green gentrification that was mentioned earlier, it is kind of a slap in the face for communities who have had to deal with these issues, often be the advocates to resolve these issues, and then not be able to get the benefits.

And so, that is what we are experiencing here, in our communities, and I think that is where, when we measure success, I think there are lots of metrics. But at the end of the day, success is defined by communities, because it is experienced by communities.

When we look at——

Mrs. NAPOLITANO. I am sorry, but sometimes the community cannot speak for itself, because they are not able to, because of language difficulties. How do we overcome that?

Mr. LOPEZ. Yes, that is a huge issue, but that is where, when we have a representative, when we have staff of agencies that come from experiences from these communities—and, of course, language access is always a priority for us—and when we have existing community infrastructure to support each other in cases where agencies have gaps, is where we have seen the most success to be able to bring all constituents to the table to have an investment and a say in what moves forward.

Mrs. NAPOLITANO. Very good. Well, and also companies who decide to go bankrupt to avoid financial responsibility, what changes do we need to make to make sure they are held responsible?

Mr. LOPEZ. Yes. I think, in this case, unfortunately, bankruptcy court really privileges corporate entities at a disadvantage to our communities and taxpayers, who often have to come in and, essentially, pay the way.

And so I think what is really needed is earlier action from Federal, State, and local agencies, who have the authorities around contaminating facilities, whether it is air, water, or land, toxics, to ensure compliance upfront to ensure that these don't become legacy issues in our communities, but then to create action, while the companies are still fully operating, to ensure that this isn't an issue that we are dealing with 30, 40, 50 years down the line, once a company has been able to restructure and sever its liabilities, which, essentially, is contamination in our communities.

Mrs. NAPOLITANO. Thank you very much.

Does anybody else have any comment?

If not, then I thank all the witnesses for all their participation, and Members of Congress who were with us.

And I ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided an-

swers to any questions that may be submitted to them in writing, and unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in the record of today's hearing.

And without objection, so ordered.

I am very grateful to all the witnesses and to the Members for their participation today. I think it was quite a hearing, dealing with one of the blights in our areas.

If no other Members have anything to add, the subcommittee stands adjourned. And thank you very much, again.

[Whereupon, at 12:08 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure

Thank you, Chair Napolitano, and thank you to our witnesses for being here today.

The EPA estimates there are hundreds of thousands of Brownfield sites in the United States, ranging from abandoned warehouses, gas stations, inactive factories, and salvage yards.

These properties can be a waste of space—literally. That is why Congress created the Brownfields Land and Revitalization Program in 2001.

Through this program, we have seen the revitalization of entire neighborhoods as Brownfields properties have been cleaned up and redeveloped for commercial and residential use, as well as recreational and educational facilities.

As a result, the program has spurred job creation, increased tax revenues for municipalities, and generated higher property values for landowners in the surrounding area.

Over the last twenty years, the Brownfields program has been very successful and is incredibly popular. I look forward to hearing an update on the impact it has had on neighborhoods across the country.

Likewise, I am interested in hearing more about any experience our witnesses have had with EPA's Superfund program.

Thank you, Chair Napolitano. I yield back.

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