

**TESTIMONY OF  
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U.S. ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE  
SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY  
COMMITTEE ON ENERGY AND COMMERCE  
U.S. HOUSE OF REPRESENTATIVES**

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Good morning Chairman Shimkus, Ranking Member Tonko, and Members of the Subcommittee. I am Mathy Stanislaus, Assistant Administrator for the U.S. Environmental Protection Agency's (EPA) Office of Land and Emergency Management (OLEM) that is responsible for the EPA's Brownfields program. Thank you for the opportunity to appear today to discuss the status of the Brownfields program.

Brownfields sites are in the heart of America's downtowns and existing/former economic centers and reclaiming these vacant or underutilized properties and repurposing brownfields is at the core of the EPA's community economic revitalization efforts through the Brownfields program. Repurposing land can be the impetus for spurring community revitalization.

We know the damage that abandoned, blighted, properties can do to a community, and the opportunities these properties present when local, state, or federal partners can provide seed money to leverage other private or public sector funding. That is why our Brownfields program can help be a catalyst for redevelopment and revitalization and hinges on the success of key partners working together to implement the vision of local communities. On average, approximately \$18 in private and public funding is leveraged for every grant dollar expended by the EPA's Brownfields program.

By awarding brownfields grants, the EPA is making investments in communities so that they can realize their visions for environmental health, economic growth, help support job creation and advance social goals. In reviewing proposals and awarding grants, the EPA has found that brownfields come in a range of sizes and types. Brownfields range from large industrial sites to small properties such as dry cleaners, vacant lots and gas stations. They represent the faded economic vibrancy of a community, and are often associated with social issues of high unemployment, and crime. They also represent future opportunities to revitalize the area to bring jobs, affordable housing, recreational space and other vibrant activity back to the community. Most importantly the success of the brownfields program is that it's driven by local leaders identifying a vision, and establishing local partnerships for success with the federal government resources providing critical early resources for communities to advance their vision.

These sites are hidden assets, but assets nonetheless, because of their advantages such as proximity to transportation, and other infrastructure, we are also now investing in some of the communities identified in the President's Investing in Manufacturing Communities Partnership (IMCP) initiative. The IMCP is an Administration-wide initiative that will accelerate the resurgence of manufacturing and help communities cultivate an environment for businesses to create well-paying manufacturing jobs in cities across the country. The EPA is involved in the IMCP initiative because many of these sites have past industrial uses, have access to a ready workforce that through training can participate in the cleanup, have redeveloped end uses, and are located near established universities and R&D centers. These brownfields sites are uniquely situated to attract new manufacturing activities.

The EPA's land cleanup programs help protect public health and the environment and tracks information on more than 541,000 sites, almost 23 million acres. Using census data, the EPA found that approximately 104 million people live within three miles of a Brownfield site that received EPA funding, roughly 33% of the U.S. population. This includes 35% of all children in the U.S. under the age of five. While there is no single way to characterize communities located near our sites, this population

is more minority, low income, linguistically isolated, and less likely to have a high school education than the U.S. population as a whole. As a result, these communities may have fewer resources with which to address concerns about their health and environment. Preliminary analysis of the data near 48 brownfield sites shows that an estimated \$29 to \$73 million in additional tax revenue was generated for local governments in a single year after cleanup. This is two to six times more than the \$12.4 million the EPA contributed to the cleanup of those brownfields.

The EPA Brownfields program provides direct funding to communities, states, tribes and nonprofits for brownfields assessment, cleanup, revolving loans, research, technical assistance, area-wide planning, and environmental job training. The unmet need for brownfields funding for local communities to address abandoned, underutilized, and contaminated sites continues to rise. This demand for brownfields funding far exceeds Brownfields program funding levels and is exacerbated by increasing assessment and cleanup costs. The EPA is currently only able to fund approximately one quarter to one third of the competitive grant applications we receive. The program estimates that over the past five years, an additional 1,767 requests for viable projects scored highly, but were not selected because of limited funding. If the EPA had the funding to select, and the resources to manage, the additional 1,767 high scoring proposals, the grants would have leveraged an estimated additional 50,633 jobs and over \$12 billion of public and private funding.

### **Brownfields Program Accomplishments**

Reclaiming and repurposing brownfield sites can form the foundation for community revitalization. Achieving this opportunity is premised on partnerships between the public and private sector, with the EPA's critical early resources providing certainty and leveraging funding from other government agencies and the private sector to achieve positive economic, environmental and social outcomes. More than 113,000 jobs have been leveraged and \$21.6 billion in cleanup and redevelopment has been leveraged through brownfields project funding since the inception of the Brownfields program. In FY

2016, Brownfields program grantees are projected to assess more than 1,400 properties, clean up more than 130 properties, leverage more than \$1.1 billion in cleanup and redevelopment funding, and help create at least 7,000 cleanup and redevelopment jobs in communities that typically have unemployment rates higher than the national average. Additionally, the EPA's research has shown that redeveloping a brownfields site rather than a greenfield site has significant environmental benefits, including reducing vehicle miles traveled and related emissions by 32 to 57 percent, and reducing stormwater runoff by an estimated 47 to 62 percent.

### **Small and Rural Communities**

Our data show that our funding and technical assistance is reaching many small and rural communities. In FY 2015 alone, 56 percent of the EPA assessment and cleanup grant funding went to small and mid-size communities of 100,000 population or less, and approximately 24 percent went to smaller communities of 20,000 population or less. The distribution of funding in FY 2015 was consistent with what we have been seeing over the past six years, with over half of the funding going to communities of 100,000 or less and about one quarter going to communities of populations less than 20,000.

In addition, the average grant award success rate of communities with populations less than 1,000 was 34 percent and for communities with populations under 10,000 it averaged 30 percent which compares favorably to our overall average success rate of 28 percent for all communities that enter our grant competition. Additionally, our Technical Assistance to Brownfields Communities (TAB) grantees have provided technical assistance to hundreds of small and rural communities.

### **Brownfields Grants**

#### *Area-Wide Planning Grants*

The EPA's Area-Wide Planning Grant Program is a relatively recent innovation that emerged from economically distressed communities and at its heart is a strategy for inclusive economic development

with the provision of critical needed resources to develop a viable plan to turn around their communities. These critical resources enable communities to conduct inclusive research on community redevelopment priorities, study the degree to which the market can support those priorities, assess infrastructure needs that will help to reverse decline and decay, and propose feasible brownfields cleanup and reuse strategies that tie directly to meeting community needs. A key factor in the emergence of this tool is a community's desire to have a direct stake in the redevelopment strategies so they can benefit from the redevelopment and avoid displacement of long term residents and existing businesses.

Through our Brownfields Area-Wide Planning Grant Program, the EPA is enabling communities to identify cleanup and reuse scenarios for the high priority brownfields sites within their neighborhood (or downtown, waterfront, commercial or industrial corridor, etc.) and use these sites as catalysts to drive larger community revitalization efforts. These grants result in the development of area-wide plans that include broad community involvement including stakeholder and partnership engagement, brownfields and market-based economic and feasibility analyses, evaluations of existing environmental conditions and infrastructure, coordination with other local or regional community planning efforts, and financial strategies needed to generate new economic vibrancy in areas characterized by abandoned and underutilized brownfields properties.

The program also helps communities identify resources they can access (or need to access) to help implement the projects identified in the plans, and to attract the public and private sector investments needed to help with cleanup and area revitalization, in a more systematic and resource-effective manner. The EPA has completed three rounds of grants since we initiated the program in 2010, and we expect to open the next grant round in May of this year. Information provided by grantees so far, indicate the \$12 million in EPA grant investments has helped to leverage at least \$354 million in other public and private sector funding - plus additional EPA brownfields assessment and cleanup resources - all of which is helping communities achieve the revitalization goals identified in their area-wide plans.

To foster the implementation of these plans, the EPA has partnered with other agencies such as Housing and Urban Development (HUD) and Department of Transportation (DOT) to take a one government approach to redevelopment implementation resources. Specifically, we have advanced the “preference and priority” concept, under which federal funding to communities is more strategically delivered to benefit communities that have taken the time and effort to inclusively plan for what is wanted and needed by their residents. The approach can help address important issues of equity by ensuring that disadvantaged and small and rural communities get a fair chance to receive critically needed resources. The concept, if implemented properly, rewards those communities that authentically engage citizens through a process that considers the various and competing needs of everyone. The concept also maximizes the benefits to communities by ensuring that resources are layered to spur real revitalization. This essentially would deliver federal economic development resources based on a local community’s vision, built on strong local partnerships, and an inclusive local engagement process. In effect the concept of preference and priority begins to address the siloed funding of community development funding by linking implementation resources based on a holistic community based plan, rather that funding be based strictly on program criteria.

For example, the Ironbound Community Corporation (ICC) in Newark, New Jersey worked closely with the members of the East Ferry Street neighborhood to plan for the complete transformation of four co-located brownfields sites that together comprised a large superblock industrial barrier which disconnected the Ironbound community. The brownfields area-wide plan was used to develop feasible reuses for these catalyst sites which reflect the neighborhood priorities for more greening and growing, recreation space and markets that provide goods and services. With ICC leading the process and working hand-in-hand with the community and City, the East Ferry Street neighborhood now has new community garden spaces, an open-air market (including farmer’s market) and will soon have improved recreation opportunities including volleyball and basketball courts. As this area is now seen as a center

of new investment, one of the brownfield sites will soon become a large enclosed vertical garden and global headquarters property, with ICC handling job recruitment, certification, and training so that up to 78 jobs will be provided to locals. A variety of resources are being leveraged to support ICC's brownfields area-wide planning goals, including significant private funds, state economic development funds, a U.S. Department of Agriculture Farmer's Market Promotion Program grant, HUD Community Development Block Grant funds (provided via the City); two EPA environmental justice small grants and two EPA targeted brownfields assessments.

In Toledo, Ohio, the City is addressing challenges associated with the multiple brownfields sites located within the Overland Industrial Park and Cherry Street Legacy neighborhoods, including high poverty and unemployment rates, a high percentage of vacant parcels, limited access to healthy food and services, and difficult transportation access due to an outdated street layout. Through their brownfields area-wide planning process, the City of Toledo worked with local residents, community organizations, private sector entities, foundations, and non-profits organizations to develop a strategy to rebuild an impoverished and neglected area into one that is vibrant and vital. This effort has already resulted in the leveraging of new support from the Funder's Network Partners for Places initiatives, Vista volunteers from the Corporation for National and Community Service, the U.S. Forest Service, Groundworks USA, and brownfields assessment support from the State of Ohio. It has also created the excitement and momentum that can help drive the project forward in creating a revitalized area with a mix of industrial, commercial, and live/work spaces.

By working closely with grantees, we have identified several cross-project themes that help grantees develop successful brownfields area-wide planning projects. Most notably, the strongest projects have well-managed and innovative community involvement opportunities throughout the project, well-maintained partnerships, feasible cleanup and redevelopment scenarios, clear priorities and strategies

developed for plan implementation, and a focus on maximizing investments and leveraging. We encourage our current grantees to incorporate these and other key lessons learned from past projects.

### Assessment Grants

Assessment grants provide funding to inventory, characterize, and assess properties; develop cleanup plans; and conduct community involvement activities related to brownfields. Assessment grants have the effect of being a financial risk management tool by identifying a management strategy for environmental conditions. The environmental site assessment is a key redevelopment tool that provides the information that communities need to jump-start economic development and reuse. Such information is critical in financial underwriting and generally providing cost assurance as a predicate to additional funds necessary to cleanup and redevelop these projects. Grantees have reported to the EPA that brownfields assessment grants have led to the cleanup of more than 1,391 properties, and another 6,373 sites were found not to require cleanup. Data provided by the EPA-funded site assessments indicates that about 27 percent of the properties assessed show little or no contamination, thus making these sites available for development and reuse after a relatively small public investment. Since the program's inception, the EPA has awarded 2,466 assessment grants to small and large communities, usually for \$200,000 each, for a total of \$589.2 million.

In many communities, the EPA's brownfields assessment and cleanup programs address critical site preparation needs that have made the EPA program the first step in the economic redevelopment process. For example, in November 2015, a groundbreaking ceremony was held in Pittsburgh to initiate construction of the Foundry at 41st, a \$35 million residential development that will turn part of a former 19th-century foundry into a place featuring 182 apartments, an outdoor pool, a rooftop terrace, a dog park and a public park along Willow Street in Lawrenceville, the East End neighborhood of the City. The property was previously used to manufacture and service mill equipment. The site was assessed using EPA brownfields assessment funding which paved the way for the eventual cleanup and



redevelopment of the site. The centerpiece of the project is Bay 4, the hulking remnant of the former mill building, a football field in length, which will be used for community public space.

Likewise, EPA assessment, cleanup and revolving loan fund grant funding were a critical part of the City of Brea, CA's Rails-To-Trails project. The City of Brea, California's Rails-to-Trails project will transform an abandoned Union Pacific railroad corridor and other city properties into a multiuse trail using assessment and cleanup funds. The Tracks at Brea will consist of a 4.5-mile east-west route across the city featuring a two-way paved bicycle trail and a separate pedestrian path. Comprising about 50 acres of linear open space, the project will create a significant public amenity within an urban corridor previously lacking in recreational and open spaces. The long-term goal is to connect the Tracks to pedestrian and bicycle infrastructure in neighboring cities. The EPA has awarded \$2.7 million toward the project, including brownfields assessment (\$200,000), cleanup grants (\$800,000) and revolving loan funds (\$1.7 million) to address environmental challenges. The city also received more than \$7.6 million in funds from various federal and state agencies for the project. Construction is underway in several segments, and the entire project is expected to be completed in 2016-2017.

Additional examples include Van Buren County, Michigan that used funding from three EPA brownfields assessment grants (\$600,000) to conduct 29 Phase I Environmental Site Assessments, 19 Phase II Environmental Site Assessments, and 19 Supplemental Assessments. This resulted in making 25 properties (136 acres) ready for reuse, leveraging 51 jobs and leveraging nearly \$3.2 million in redevelopment. The most notable achievement was leveraging a Meijer Superstore in South Haven which created local jobs and brought in \$2 million of private investment. Similarly, the Indiana 15 Regional Planning Commission has used two EPA assessment grants (\$400,000) to complete 28 Phase I ESAs, 25 Phase II ESAs, five supplemental assessments and made three properties (2.17 acres) ready for reuse, leveraging \$1,278,450 in private funds. Danville, Illinois, a small community in Illinois (population 33,000) also used a \$400,000 EPA assessment grant to complete 17 Phase I ESAs, eight

Phase II ESAs, and three supplemental assessments making two properties (1.33 acres) ready for reuse, leveraged 11 jobs and \$220,000 in redevelopment.

In Homestead Borough, Pennsylvania, the Voodoo Brewing Company recently announced that it will open a new craft beer brew pub on a brownfield site. Funds from an EPA brownfields assessment grant were used for Phase I environmental assessments to evaluate environmental concerns at several properties, including the Borough's former municipal building and adjacent properties. Voodoo Brewing purchased, renovated and redeveloped the land and buildings of the former municipal building. The environmental assessments were funded through a \$600,000 Brownfields Coalition Assessment Grant awarded to the Turtle Creek Valley Council of Governments. Since award of the grant, Turtle Creek has assessed more than 12 Brownfields properties in the coalition area, which includes 42 municipalities in southeastern Allegheny County and a portion of Westmoreland County in southwestern Pennsylvania. These and other communities across the country have made significant progress in assessing and cleaning up their brownfield properties, but continue to need additional brownfield assessment funding due to the number of brownfields sites in their communities.

### *Cleanup Grants*

The EPA awards direct cleanup grants of up to \$200,000 per site to public and nonprofit property owners to carry out cleanup activities at brownfields sites. Since passage of the Brownfields Law, the EPA has awarded 1,128 cleanup grants totaling \$214.9 million. In Fairborn, Ohio, a former cement plant was reborn as a training venue where emergency first responders build their skills. Funding for the site remediation came from a \$200,000 Brownfields cleanup grant, \$1 million from Wright State University and \$2.8 million from the Clean Ohio Fund. After two years of cleanup and revitalization, the property is the home office for the National Center for Medical Readiness, along with a tactical training facility managed by Wright State University. It is the first-ever research and training facility focused on the medicine of emergency disaster response. The project is poised to deliver a variety of benefits for the

region. Due to the property's location on a state highway and close to downtown, the city expects the site to become a viable economic driver. Already, 16 permanent jobs have been created and more are expected as the university brings in additional staff to do the training.

In Luzerne, Pennsylvania, the EPA has been working with the Earth Conservancy as they work on parcel by parcel recovery of coal mines and coal storage areas among the 16,500 acres acquired from the bankrupt estate of the Blue Coal Company in the mid-1990s. Since 2003, Earth Conservancy has received 12 EPA cleanup grants totaling \$2.4 million which coupled with other investments has leveraged \$42.8 million in mine waste recovery and acid mine drainage controls and treatment that has helped reclaim nearly 2,000 acres. This has resulted in creation of green space and recreational trail and road development as well as commercial, industrial and residential redevelopment that includes a college dormitory and the return of some land to agriculture and farming.

These examples help demonstrate the model for successful brownfields cleanup projects-the EPA resources being part of the overall cleanup and redevelopment that not only maximizes limited federal resources to as many communities as possible but also incentivizes the public partnerships that are the anchor to a successful brownfields project.

The EPA cleanup grants allow us to deliver resources to a wide-range of projects across many communities. At \$200,000 per cleanup grant, the EPA often provides the first dollar that leverages other public and private funding. The current program's success depends in large part on the ability of local communities to determine the best uses for brownfields sites based on their community engagement, their economic and infrastructure circumstances and other factors deemed important to advance a successful project. The grants are awarded based upon the strength of an applicant's response to statutory requirements, program criteria, and other factors. This has led to a broad range of successful projects from housing, manufacturing, clean energy, and recreational projects in both inland and

waterfront sites. Our experience implementing the Brownfields program indicates that community decision-making regarding local property reuse and development has the greatest chance of community support and success.

### Revolving Loan Fund Grants

The Brownfields Program also supports property cleanup with grants to states and local governments to capitalize revolving loan funds. The Brownfields Revolving Loan Fund (RLF) grants provide the capital to make low or no interest loans and sub-grants to finance brownfields cleanup. Since passage of the 2002 Brownfields Law, the EPA has awarded 330 RLF grants totaling \$320.2 million. A Brownfields Revolving Loan Fund grantee, Downriver Community Conference (DCC), made a \$2.2 million loan to a developer to clean up a former industrial waste landfill at the Port of Monroe, Michigan. The site is now home to a fully operational green energy manufacturer. The company is a full-service fabricator and supplier of industrial scale wind turbine towers. The company has worked with the local community college to develop a specialized training curriculum for high-end welders that are required for its workforce.

Another example of how a modest investment of EPA assessment and RLF funding has made a big economic difference is in Newport, Oregon. The Port of Newport's terminal was assessed and cleaned up using a \$200,000 EPA assessment grant and \$1,793,151 of EPA revolving loan funds provided by a loan from the Oregon Business Development Department and now is completely rehabilitated. The new terminal was constructed in the same place, but covering a smaller footprint than the original Port. The new, award-winning terminal provides a modern cargo dock for commercial import/export and more accessible offices and buildings. The project has already leveraged \$23.4 million in redevelopment.

Not only are loans important, but also the ability of RLFs to provide sub-grants for worthy community projects. For example, the Redevelopment Authority of the County of Washington, Pennsylvania

provided a \$100,000 sub-grant to Tri-County Patriots for Independent Living, Inc. (TRIPIL) for remediation of asbestos-containing materials at the former YWCA building in Washington, Pennsylvania. The sub-grant was provided through the Redevelopment Authority's Brownfields RLF Grant. The former YWCA building is a 27,000 sq. ft. three-level stone masonry structure in the classic Elizabethan Revival style. The project was conducted in close consultation with the Pennsylvania State Historic Office to ensure that the remediation work did not impact the building's historic resources. The site is intended to be the future home of TRIPIL's offices and their Southwestern Pennsylvania Disability Services/Training Community Center. The renovated building and a new addition will include three stories which will incorporate the existing façade and performance area to preserve the historic features of the structure.

In response to stakeholder interest to combine assessment and cleanup resources, in 2012, the EPA piloted a multipurpose grant. These nine pilots are in the final year of their grant period and while a full analysis has not been completed, the pilot indicates that the more successful multipurpose grant recipients were those that had multiple areas of a brownfield site that needed assessment and cleanup funds simultaneously, such that timing did not become an impediment. The EPA is taking these lessons learned and is exploring other multipurpose options, such as assessment and RLFs and assessment and technical assistance funds.

#### *Environmental Workforce Development and Job Training Grants*

As communities clean up brownfields and other contaminated sites, they need a trained workforce with environmental cleanup skills. The EPA's environmental workforce development and job training (EWDJT) grants provide funding to recruit, train, and place local unemployed or underemployed residents of brownfields-affected communities with the skills and certifications needed to secure full-time environmental employment in their communities, including placing graduates in brownfields assessment and cleanup projects and in the larger environmental field.

EWDJT grants form the basis of effective partnerships with local businesses that directly impact local economies. Grant funds are provided to applicants that obtain commitments from employers to hire graduates from their programs. Local businesses provide input into the development of training curricula and in turn hire graduates to work with their businesses performing environmental remediation in their communities. Graduates of the EWDJT program are placed in local jobs conducting site assessments, brownfields and Superfund cleanup, wastewater treatment facility operations, underground storage tank removals, mold and asbestos removal, oil spill cleanup and emergency response, and other environmental services related jobs. To date, the EPA has funded 256 job training grants.

Approximately 14,700 individuals have completed training, of which, approximately 10,600 have obtained employment in the environmental field with an average starting hourly wage of \$14.34. This equates to a cumulative placement rate of approximately 72% since the program was created in 1998.

Opportunity Advancement Innovation, Inc. (OAI, Inc.) in Chicago, Illinois, has trained more than 360 unemployed residents, and of those, 325 were placed in full-time employment in the environmental field, including brownfields assessment and cleanup work. OAI, Inc. recruits and trains individuals from underserved populations, including formerly incarcerated individuals, minorities, and veterans. Working closely with their partner, Greencorps Chicago, OAI, Inc. trains graduates in environmental health and safety, ecological restoration, and green infrastructure installation. Graduates of the program have gone on to work for local contractors and environmental firms involved in environmental remediation, mixed industrial and commercial corridor revitalization, and green space restoration.

Several other EWDJT grantees throughout the country are supporting entrepreneurial development in conjunction with the EPA funded environmental training, fostering growth of the environmental industry and helping to address unemployment in America's most economically distressed and blighted communities. Graduates of the program have also participated in the response and cleanup associated

with the BP Oil Spill along the Gulf Coast, the World Trade Center site in New York City, and Hurricanes Katrina, Rita, and Sandy.

### Targeted Brownfields Assessment

In addition to its grant programs, the EPA conducts Targeted Brownfields Assessments (TBAs) through contracts with small and large businesses and interagency agreements with our federal partners. The assessment services are delivered directly to communities and tribes through the EPA contracts, enabling small and rural communities to address sites when they lack the resources or capacity to successfully compete for brownfields competitive grants. These single property assessments help communities on a direct basis, especially small and rural communities. The EPA has allocated more than \$68 million for TBA support in fiscal years 2003 through 2015. To date, the EPA has conducted TBAs at more than 2,400 properties.

An example of the valuable role that TBAs play in the redevelopment of brownfields is the Owensboro Riverfront project. The Owensboro Riverfront project in Kentucky is an ambitious revival of the parks and public areas sitting on the Ohio River. Both federal and state TBA monies were used to perform preliminary assessments on properties in and around the riverfront. It is now home to a new convention center, several new hotels and public areas that host community events.

### **Technical Assistance**

An important aspect of the Brownfields program is providing technical assistance to communities that may not have the capacity to successfully compete for a brownfields grant. Our technical assistance providers are extremely successful in providing workshops and one-on-one assistance to all brownfields communities, with a special focus on small and rural communities. For example, Technical Assistance to Brownfields (TAB) Communities grants support technical assistance providers in every region of the country who work with communities to help them increase their understanding and involvement in

brownfields cleanup and revitalization, help to move brownfields sites forward in the process of cleanup and reuse, and identify and assist in preparing applications for funding resources. The TAB grantees serve as an independent resource assisting communities with community involvement, better understanding the health impacts of brownfields sites, science and technology relating to brownfields site assessment, remediation, and site preparation activities, brownfields finance questions, information on integrated approaches to brownfields cleanup and redevelopment, facilitating stakeholder involvement, understanding and complying with state brownfields and voluntary cleanup program requirements, and facilitating redevelopment activities.

On average, TAB grantees spend over half of their effort providing direct, site-specific technical assistance to communities that ultimately contributes to cleanup and redevelopment. It is important to note that even the general brownfields information provided by TAB trainings, workshops and seminars can have a ripple effect that often leads to cleanup and redevelopment. We have cities tell us that it was attending one of the TAB grantee sessions that got their brownfields program started. In the past five years, the TAB Program has provided technical assistance to several thousand communities across the country.

### **Cross-Agency Partnerships**

For nearly seven years, the Brownfields program has participated alongside fellow EPA offices, the Department of Housing and Urban Development (HUD) and the Department of Transportation (DOT) in the Partnership for Sustainable Communities. Together, our joint efforts help to ensure that federal investments, policies, and actions support development in an efficient and sustainable manner, ensuring that each agencies' policies, programs, and funding consider affordable housing, transportation, and environmental protection. Through the Partnership, the Brownfields program is able to identify key opportunities for cross-agency coordination and alignment of funding, and to strengthen our knowledge of other federal agency programs, which helps us to better assist the communities we work with. We



know that each federal investment can be maximized when the local planning, infrastructure, facilities, and services are coordinated and leveraged to meet multiple economic, environmental, and community objectives.

For example, investing in public transit can lower household transportation costs, provide better access to more job opportunities, reduce greenhouse gas emissions and air pollution, decrease traffic congestion, encourage healthy walking and bicycling, and spur development of new homes and amenities around transit stations. Investing in brownfields near transit brings new sites into productive use, and can increase the use of transit. This effort maximizes the impact of millions of dollars in federal resources for transit, housing and brownfields by aligning priorities in a collaborative approach that benefits the communities in need of assistance.

As I mentioned before in my testimony, the Administration has undertaken the IMCP, that designated its first areas in May, 2014. This initiative supports communities to develop integrated, long-term economic development strategies to take advantage of emerging manufacturing investment opportunities stemming from re-shoring and expanding economic activity. IMCP involves a dozen federal agencies, ranging from Commerce and DOT to USDA and DOL. The EPA plays a lead role in IMCP's design and initial implementation. Of the 24 community consortia designated to date, more than half have identified an environmental component as integral to their future manufacturing success - about half of the designated IMCP communities are considering a focus on brownfields as a location for new facilities.

The EPA strongly supports new manufacturing investment consistent with other goals related to brownfield reuse and sustainability. It makes the most sense to promote new manufacturing in areas which have been used for industrial purposes before, thus green space is saved; infrastructure (and sometimes structures) can be reused, typically at lower cost than new installations; and jobs are created in proximity to people and supportive services. But reusing property almost always triggers an

assessment to determine what legacy from past uses might remain, and how it can be addressed to minimize future liabilities - in other words, an environmental overlay on the economic redevelopment process. As we have experienced during the years implementing the Brownfield program, developers, investors, and lenders often will not consider previously used properties unless they are comfortable that risk can be defined and managed and this includes environmental risk.

Over the past decade, many manufacturing projects have been kick-started with EPA brownfield resources, and continued through to completion with other federal resources - with the most common programs leveraged being HUD's Community Development Block Grants, EDA's public works grants, DOT TIGER grants, and USDA rural development grants and loans. Federal agencies involved in community economic development, including the EPA and its Brownfields program, have worked and will continue to work through the IMCP process to enhance the ability of communities to promote manufacturing.

### **State and Tribal Programs**

Under the Brownfields Law, the EPA provides non-competitive grant assistance to build capacity and establish state and tribal response programs so that brownfields sites in communities can be cleaned up and reused. States and tribes are at the forefront of brownfields cleanup and reuse. The majority of brownfields cleanups are overseen by state response programs. Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides grant assistance to states and tribes to build capacity and strengthen state and tribal environmental response programs. State and tribal programs have proven to be effective partners by using this grant funding to address site assessments and cleanups. Since 2006, CERCLA 128(a) grantees reported that an average of more than 37,800 properties were enrolled in state and tribal response programs and more than 1,228,000 acres were made ready for reuse. Additionally, since 2006, state and tribal response programs provided technical assistance at more than 40,300 properties.

Similarly, tribal response programs are taking an active role in the cleanup and reuse of contaminated property on tribal lands. Tribes are developing and enhancing their response programs to address environmental issues on tribal lands. Through brownfields grant assistance, tribes are creating self-sufficient organizations for environmental protection. Tribal response programs conduct assessments, create cleanup standards, and educate their communities about the value and possibilities of brownfields clean up and reuse. The development of state and tribal programs is essential to help ensure the successful implementation of the national brownfields program. Providing financial assistance to states and tribes increases their capacity to meet brownfields cleanup and reuse challenges. In fiscal year 2016, the EPA received \$54 million in requests for cleanup programs from states, tribes, and U.S. Territories. However, requests for funding were limited to no more than \$1 million so this is not fully representative of the state and tribal response program funding needs. A majority of brownfields cleanups across the country are being conducted under the supervision of these programs. These funds complement state funds to help administer their programs.

The EPA awards funds to states and tribes through a national allocation process. The funding allocation takes into consideration the proposed activities that help ensure effective planning and development of response and voluntary cleanup programs, activities that provide the public with access to information on site cleanups, create an environment for meaningful public participation, and the remaining balance of funds available to the grantee from prior years' grant awards. The EPA has reemphasized the importance of these resources being used for capacity building of state and tribal programs. States and tribes use the grant funding for a variety of activities. For some, the funding provides an opportunity to create new response programs to address contaminated properties, while for others it allows them to enhance existing programs. Other states, such as Colorado, use the funds to support cleanup revolving loan funds, while some states, such as Pennsylvania and Kentucky, provide support for communities to address brownfields. Many, such as Texas and Ohio use a portion of the funds to conduct site specific

activities, such as the assessment and cleanup of brownfields sites. States' programs provide oversight of cleanups enrolled in their cleanup programs, such as New York, which provided oversight in the City of Albany as they completed an important phase of its South End Revitalization Project. Since fiscal year 2003, states and tribes have reported the completion of more than 2,700 site assessments on brownfields properties.

### **Liability Protection**

A critical element of the Brownfields Law is the statutory liability protections and clarifications under CERCLA for certain landowners who are not responsible for prior contamination at brownfields properties. The Brownfields Law clarified the landowner liability protection of bona fide prospective purchasers, innocent landowners and contiguous property owners under CERCLA. These self-implementing protections increase comfort and certainty for prospective purchasers and provide incentives for redeveloping brownfields.

To qualify for liability protection, property owners must satisfy certain statutory requirements. For example, prior to acquiring a property, purchasers must meet environmental due diligence requirements by undertaking "all appropriate inquiries" into the previous uses and condition of the property. In collaboration with a wide range of stakeholders, the EPA developed a regulation establishing standards for conducting "all appropriate inquiries." The final rule was issued in November 2005 and went into effect in November 2006. To further increase comfort and certainty and advance brownfields cleanup and redevelopment, the EPA has issued guidance and enforcement discretion policies clarifying the steps that prospective purchasers, including local governments, can take to qualify for these liability protections.

## **Brownfields Reauthorization**

The EPA supports reauthorizing the Brownfields program consistent with the 2002 Brownfields Law, with technical corrections included as part of the process. The EPA is ready to work with Congress and stakeholders on reauthorization efforts. It is important that any reauthorization effort be developed to avoid unintended consequences that would adversely affect the successful implementation of the Brownfields program.

## **Conclusion**

The EPA's Brownfields program serves as an innovative approach to environmental protection, supporting environmental cleanup, reducing neighborhood blight, preserving greenspace, leveraging private investment, leveraging jobs in cleanup and redevelopment activities, and promoting community revitalization. Our continued success will require collaboration among all levels of government, the private sector, and nongovernmental organizations. The EPA will continue to implement the Brownfields program to protect human health and the environment, enhance public participation in local decision making, help support safe and sustainable communities through public and private partnerships, and demonstrate that environmental cleanup can be accomplished in a way that promotes economic redevelopment.