

Hearing to revise Superfund implementation for first time since enactment

July 13, 2016

The Environment and the Economy Subcommittee of the House Energy and Commerce Committee held a hearing to examine implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund. Through CERCLA, the Environmental Protection Agency (EPA) is responsible for the cleanup of hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment.

In its 36 year history, CERCLA has not been refined to improve clean up efficiency and cost-effectiveness. As a result, the number of annually completed projects has declined since 1999, while the number of annual sites designated for the program has increased. Democratic representatives voiced concern that EPA lacks the funding needed for many of the sites. Ranking Member Paul Tonko (D-NY) called for reauthorization of the “polluter pays” tax that expired in 1995, which required the chemical and oil industries to support a trust fund for cleaning up spills. Two companion bills to restore the tax were introduced last year, H.R. 2783 and S. 2400, but neither has made progress. Robert Spiegel, executive director of the Edison Wetlands Association, warned that without the tax, companies will continue polluting unabated.

Republicans cited mismanagement at EPA as the root of the problem. Chairman John Skinkus (R-IL) stated that more authority should be given to states and local governments for clean up measures and suggested that current federal processes impede timely and efficient cleanups. Marianne Horinko, President of the Horinko Group, an environmental consulting firm, echoed these concerns, stating that states have developed adequate clean up plans.

Many questions were directed at Mathy Stanislaus, EPA’s Office of Land and Emergency Management (OLEM) Assistant Administrator. Stanislaus acknowledged that the program suffers from a “lack of full funding” and “decades of mismanagement,” and that “there’s more we [EPA] can do for” the states.

Chairman Skinkus concluded the hearing by optimistically comparing it to the early stages of the reform of another bill that regulates chemicals, the Toxic Substances Control Act (TSCA). The Subcommittee’s efforts led to passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, TSCA’s first update since being enacted in 1976.

Sources: Congress.gov, E&E Daily, Edison Wetlands Group, Environmental Protection Agency, Horinko Group, House Environment and the Economy Subcommittee

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