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Statement of James M. Inhofe

Hearing: Full and Subcommittee on Superfund, Toxics and Environmental Health joint hearing entitled, "Oversight Hearing on the Brownfields Program – Cleaning Up and Rebuilding Communities."

Wednesday, October 19, 2011

Madam Chairman, thank you and Superfund Subcommittee Chairman Lautenberg for calling today's hearing. I think this is a good point in time to evaluate the Brownfields program.

Despite what many believe, I agree that EPA does, on occasion, do good work. The Brownfields program is an example of a program that EPA administers which does increase economic opportunities. But there are many more opportunities for improvement. I am pleased with the liability reforms that we passed with the 2002 Small Business Liability Relief and Brownfields Revitalization Act.

However, more needs to be done on the liability front. For example, under current law, if a city or municipality has acquired a Brownfields property prior to 2002, they are ineligible to apply for a Brownfields grant unless they have performed "all appropriate inquiry." This means that properties that a city has acquired through no action of their own, prior to 2002, are ineligible to apply to the Brownfields program unless they are able to prove that they have provided "all appropriate inquiry" into the previous owner's use of the property. The end result is that a number of these properties sit stagnant and vacant because cities are unable to demonstrate that they have performed "all appropriate inquiries" and thus they are unable to apply to the Brownfields program.

We should allow these cities and local governments to be eligible to apply to the Brownfields program and not require them to prove that they performed "all appropriate inquiry," provided that they did not cause or contribute to the contamination. By providing this liability relief, we would bring a number of these vacant and stagnant properties into meaningful use. This in turn would create much-needed local jobs and provide a new stream of potential revenue for local governments who already are short on revenues.

Given our current economic situation, this is not the time to push for an authorization increase for the Brownfields program. We need to do more with less. One example would be to decrease the amount of funding that goes towards administrative costs and redirect those funds to be spent on the ground.

Although EPA has made a conscious effort towards balancing rural and urban needs with the Brownfields program, smaller communities and very rural areas still need better access to this program. This is an area I would like to work on improving.

Finally, I would to extend a warm welcome to Mick Cornett, Mayor of Oklahoma City. He has a great story to tell on how the Brownfield program can and does good work. Oklahoma City has been particularly successful in using the Brownfields program to improve their community and increase economic opportunities for its citizens.

I am not the only one impressed with the Mayor's work: He was recently awarded U.S. EPA's Phoenix Award for Oklahoma City's work with the Dell Center project, a former landfill that has since been revitalized and now employs a number of Oklahomans.

Also, welcome to Aaron Scheff, Brownfields Program Manager for the Idaho Department of Environmental Quality. He will provide a much needed rural perspective.