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U.S. ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT, MANUFACTURING & CRITICAL MATERIALS
COMMITTEE ON ENERGY & COMMERCE
U.S. HOUSE OF REPRESENTATIVES**

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Good morning, Chair Johnson, Ranking Member Tonko, Chair Rogers, Ranking Member Pallone, and Members of the Subcommittee. I am Barry Breen, Principal Deputy Assistant Administrator for the U.S. Environmental Protection Agency's (EPA) Office of Land and Emergency Management (OLEM). Thank you for the opportunity to appear today to discuss revitalization of our communities through the reauthorization of EPA's Brownfields Program. EPA appreciates the leadership this Subcommittee has shown by helping to establish the Brownfields Program into law in 1995. Moreover, we appreciate the Subcommittee's continuing leadership in ongoing support over many years as the program has pursued its mission.

I look forward to discussing with you today ways to further strengthen EPA's Brownfields Program and the work in communities to enhance and advance contaminated land cleanups, environmental workforce development, and to provide a more resilient landscape for the American people in a changing environment.

EPA's Cleanup Programs Bring Results to Communities

EPA works with states, tribes, local governments, and other federal agencies to bring positive outcomes to communities facing challenges from contamination of the lands where they live, work, and play. EPA's land cleanup and revitalization programs, including the Superfund and Brownfields

Programs, are important to the economic well-being of communities. That includes responding to environmental emergencies while equipping the public with critical risk information, so that people can make informed decisions to best protect their health and the health of their families. And on that note, Mr. Chair, to you and all, we wanted to take a moment to let you know that we in EPA continue to stand with you, and other federal, state, and local partners as we work together to support the community impacted by the tragic train derailment in East Palestine, Ohio.

EPA's oversight of the cleanup and reuse of contaminated lands plays an important role in economic revitalization as municipalities across the country frequently struggle with how to safely address properties blighted by environmental conditions. EPA's RE-Powering America's Land Initiative encourages renewable energy development on current and formerly contaminated lands and works across the country to stimulate community interest in renewable energy opportunities.

EPA's Brownfields Program has a proven record of supporting small and rural communities, frequently providing the seed money that encourages land reuse and attracts additional investment. In awarding Brownfields Grants, EPA is making investments in communities so that they can realize their visions for environmental health, economic growth, workforce development and job creation, and advancing social goals. The reach of Brownfields Program investments is extensive. EPA data indicates that approximately 160 million people (roughly 48% of the U.S. population) live within three miles of a brownfield site that received EPA funding, including 49% of all children in the United States. under the age of five.¹ The Program awards grants to small and rural communities at the same rate as applicants from large urban areas. Of the 267 Brownfields Grants selected in Fiscal Year (FY) 2023, 72%, or 192 grants, will serve communities with populations of less than 50,000, and 44%, or

¹ U.S. EPA, Office of Land and Emergency Management 2023. Data collected includes: (1) Brownfield site information from ACRES as of the end of FY 2022; and (2) population data from the 2017-2021 American Community Survey.

118 grants, will serve even smaller communities with a population of less than 10,000. In FY 2023, 62% of applications from communities with a population of less than 10,000 were selected to receive a Brownfields Grant.

The Brownfields Program is an excellent example of how EPA successfully leverages economic investments in communities. Through FY 2022, on average, \$19.78 was leveraged for each EPA Brownfields dollar invested. Additionally, 10.6 jobs were leveraged per \$100,000 of EPA Brownfields Program funds expended on assessment, cleanup, and revolving loan fund cooperative agreements (over the lifetime of the program). As of the end of August 2023, the Brownfields Program has leveraged more than \$38.5 Billion. With the \$1.5 Billion² in supplemental funding through the Bipartisan Infrastructure Law (BIL), EPA is building upon the success of the Brownfields Program to leverage more dollars and reach many more communities in need.

The Brownfields Program fosters a community-driven approach that, as of August 2023, has contributed to more than 10,500 properties made ready for productive use and has leveraged over 260,000 jobs. In a study examining the experiences of brownfield properties, cleanups led to increased tax revenues for local governments. Analysis of the data near 48 brownfield sites shows that an estimated \$29 to \$97 Million in additional tax revenue was generated for local governments in a single year after cleanup. This is two to seven times greater than the \$12.4 Million EPA contributed to the cleanup of those brownfield sites.³

² \$300 Million annually from FY22-FY26.

³ Sullivan, K. A. 2017. Brownfields Remediation: Impact on Local Residential Property Tax Revenue. *Journal of Environmental Assessment Policy and Management*, 19(3): 1-20.

A 2020 study⁴ completed for EPA looked at the environmental benefits that accrue when brownfield sites are used for redevelopment. The study found that when housing and job growth is accommodated by redeveloping existing brownfield sites, the expansion of paved impervious surfaces and average vehicle miles traveled (VMT) per capita/per job are reduced, as compared to the same amount of growth on previously undeveloped sites. 11-13% of the jobs and housing growth expected between 2013-2030 could be supported on brownfield sites. Redeveloping brownfield sites can potentially reduce the amount of impervious surface expansion by 73-80% and reduce residential VMT resulting from new growth by 25-33%. These reductions produce important environmental benefits, including improved water quality associated with reduced runoff from stormwater and nonpoint pollutant sources, and improved air quality associated with reduced greenhouse gas emissions from vehicle travel.

EPA Brownfields Grant funding also supports environmental training and redevelopment projects for residents of brownfield-impacted communities. For example, and of potential interest to Members of the Subcommittee, our data show that in Washington's 5th District, a 2019 Brownfields Assessment Grant resulted in 5 properties being returned to productive reuse, 87 jobs leveraged, and an additional \$82 Million leveraged for redevelopment. This 214 Riverside Project, located in an underserved community, turned a brownfield site into 139 new one- and two-bedroom housing units, as well as abundant parking and amenities. Additionally, California's 44th District received FY 2018 and FY 2020 Brownfields Job Training Grants, which funded the training and placement of approximately 100 individuals in environmental jobs with an average starting wage of \$17.28. We would be happy to provide similar updates upon request.

⁴[2020 Environmental Benefits of Brownfields Redevelopment— A Nationwide Assessment.](#)

Technical Assistance and Community Support by EPA's Brownfields Program

Since its inception, EPA's Brownfields Program has provided support directly to grant applicants, including rural and small communities that may be disproportionately impacted by legacy contamination. EPA's existing authorities allow EPA to provide staff and contractor technical support resources directly to communities to assist them in understanding and addressing brownfields challenges. Technical Assistance to Brownfields (TAB) providers deliver technical assistance to communities and stakeholders around the country to help address issues related to brownfield sites, and to increase their understanding of and involvement in brownfield site cleanup, revitalization, and reuse. EPA also provides experienced technical assistance providers to assist brownfields communities with such critical issues as preventing gentrification and displacement and building partnerships with land banks. In FY 2023 alone, TAB Grantees provided technical assistance to more than 344 different communities.

Additionally, under EPA's Targeted Brownfields Assistance program, the Brownfields Program provides direct contractor support to communities to conduct environmental assessments and due diligence activities on behalf of eligible entities, including evaluation of cleanup options and community engagement and outreach. EPA contractors are also available to support communities in their specific brownfield site redevelopment planning and design activities. In addition, the robust Brownfields Revitalization Toolkit provides essential resources to help empower communities by identifying and eliminating barriers to contaminated property redevelopment. Recently, EPA announced Technical Assistance to Tribal Nations and Entities Addressing Brownfields,

a new \$4 Million funding opportunity for an experienced non-profit to provide technical assistance to Tribal governments and entities, in order to increase the capacity of Tribal Nations to build sustainable Brownfield programs and strengthen their capacity to manage successful brownfields reuse.

EPA provides for input from state, tribal, and local governments, within our grant selection process and while considering the effects of our decisions on communities. There is an existing, well-established system in place for local governments to provide EPA with their views on applications that are selected for Brownfields Grant funding, via the “Intergovernmental Review Process” implemented in 40 CFR Part 29 and is based on Executive Order 12372, section 401 of the Inter-governmental Cooperation Act, and section 204 of the Demonstration Cities and Metropolitan Development Act.⁵

Brownfields Program Investments

In FY 2024, EPA will review, select, and award an estimated 300 new Brownfields Program cooperative agreements, which will lead to an investment of approximately \$2.21 Billion and the leveraging of 11,300 jobs. EPA requests approximately \$177.94 Million in FY 2024 for these programs, as well as other Brownfields Program elements that provide technical assistance, develop innovative approaches to land reuse, and track the ongoing accomplishments of states, tribes, and local communities.

The \$1.5 Billion BIL investments position EPA to scale up community-led brownfield revitalization from FY 2022 through FY 2026. These investments include \$1.2 Billion in direct grants and technical assistance, as well as an additional \$300 million to support State and Tribal Response programs that

⁵ 40 CFR Part 29.

provide necessary funds to states, territories, and over 100 tribes in order to grow their Brownfields programs and provide oversight of brownfield site assessment and cleanup activities.

There are currently more than 1,100 open cooperative agreements across the country managed by Brownfields Program regional staff. It is estimated that EPA's Brownfields Program will have approximately 2,700 open cooperative agreements to manage by FY 2027. This remarkable increase in support for a large number of brownfield communities is resulting in the Brownfields Program's need for increased staffing resources in our regional offices. EPA requested additional appropriated resources for FY 2024 to sustain and responsibly manage the unprecedented infrastructure investments slated for the Program.

“Revitalization Through Brownfields Act of 2023”

EPA appreciates the importance and attention the Energy and Commerce Committee provides to the Brownfields Program, as evidenced by the proposed changes to the Program's authorizing legislation under the “Brownfields Extension Act of 2023.” EPA recognizes the concerns raised by stakeholders regarding the challenges faced by the many small and rural communities that have not yet received funding under the Brownfields Program. EPA is supportive of providing further technical assistance to small and rural communities, which represent a significant percentage of the annual applicant pool for Brownfields Grants and are a significant percentage of successful applicants each year.

EPA, however, has concerns regarding the administrability of a Brownfields Program that would add a requirement for local or regional government concurrence prior to EPA issuing grant awards. EPA's grant selection and award process and the Intergovernmental Review Process already allow for local government input. The Agency believes that it would be difficult to determine the appropriate local entity or entities to solicit for concurrence because there may be multiple local government entities with similar and possibly competing interests. Further, EPA believes that this provision may cause

burdensome delays as it is a significant departure from how the Agency has successfully implemented the Brownfields Program for more than twenty years.

The draft language also includes a provision that would make private, for-profit LLCs eligible for Brownfields Program cleanup and assessment grants. EPA notes that this provision has the potential to fundamentally alter the Brownfields Program by allowing for-profit organizations the opportunity to compete for and receive Brownfields Grant funding. This substantial change may have the unintended consequence of making one of the Brownfields Program's funding opportunities – the Revolving Loan Fund (RLF) Program – unattractive to private LLCs. Currently, LLCs are only eligible to receive RLF loans, and they represent a critical component of a robust and active RLF program in communities across the country. RLFs are a critical source of cleanup funding for small, rural, and low-capacity communities.

EPA appreciates the Subcommittee's support of EPA's Brownfields Program and the benefits it provides to communities around the country. Protecting human health and the environment by accelerating cleanup and reuse activities remains a top priority for EPA. Brownfields Grants empower communities to address the environmental and social issues associated with contaminated land and strengthen their resiliency in the face of a changing climate. BIL investments, along with the President's FY 2024 EPA budget, will allow EPA to continue to protect human health and the environment while promoting economic development and job creation and returning land back to American communities. Thank you for your time today and I look forward to answering your questions.