

Threats to Cleaning Up the Nation's Worst Toxic Sites

Since 1980, the federal "Superfund" program has been cleaning up the Nation's most contaminated land and water and responding to environmental emergencies, oil spills and natural disasters. The enabling law is the Comprehensive Environmental Response, Compensation, and Liability Act – otherwise known as CERCLA or Superfund. It authorizes EPA to implement the Act in all 50 states and U.S. territories.

Why is Superfund needed?

The legacy of past mismanagement of chemical wastes and the continuing danger of spills of dangerous chemicals pose serious health and environmental harm. More than 53 million people live within three miles of a Superfund site, roughly 17 percent of the U.S. population, including 18 percent of all children under the age of five. Exposures to toxic chemicals are associated with increased birth defects and cancer death rates. Contamination of our natural resources has been substantial and enduring.

- EPA's Superfund program identifies the worst contaminated sites ([1,341](#) in 2017) and either cleans up the sites or directs the polluters to do so, with the aim of returning the land to productive use.
- In the aftermath of a hurricane, a terrorist attack or the wildfires that have burned across California, you'll find EPA's highly trained teams of emergency personnel on-the-ground working closely with federal, state and local first responders. They monitor the air, take samples of potentially contaminated water and soil, identify threats to drinking water supplies, assess wastewater treatment facilities, evaluate hazardous waste sites, collect containers of hazardous debris and assist in the proper disposal of household hazardous waste.

How does the Superfund program achieve results?

Cleaning up sites contaminated by hazardous waste is not an easy task. EPA assigns teams of scientists and investigators to determine the best course of action.

- They begin with a preliminary investigation and assessment to determine if site contamination is risky for people and the environment and whether the dangers should be addressed immediately. The site might then be added to the National Priorities List of the country's most contaminated hazardous waste sites and scheduled for cleanup. At the same time, investigators identify the parties responsible for the contamination.
- Sites on the National Priorities List proceed to the Remedial Investigation/Feasibility Study phase of the cleanup process during which the type and extent of the contamination is evaluated, potential threats to health and the environment are assessed and the feasibility and cost of cleanup options are identified.
- EPA then proposes a cleanup plan and, after public input, finalizes the plan in a Record of Decision. The cleanup will proceed in multiple phases depending on the type of contamination that must be addressed – air, water, soil or sediment or a mixture – the extent of the contamination and the treatment or disposal options selected.

How could budget cuts and administrative changes to the Superfund program affect public health and the environment?

Protections are at risk when budgets are cut or fail to keep up with inflation. They are also threatened by "administrative reforms" to EPA procedures. These changes can be made unilaterally by the Trump/Pruitt Administration to benefit polluters by reducing their cleanup responsibilities and costs. In September 2017, EPN [commented](#) on recommendations from the Superfund Task Force on ways to realign incentives to "promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country." Potential impacts:

- **Fewer contaminated sites would be discovered, assessed and cleaned up**, resulting in unacceptable health and environmental risks. In addition, EPA's ability to respond to toxic emergencies would be jeopardized,

such as in the aftermath of hurricanes and fires.

- **Insufficient funds impact communities**, including 12 where EPA mandated cleanups in 2016 but did not have sufficient funds for cleanups that year. Moreover, sufficient funds were not available for new Superfund sites identified for cleanup in 2017.
- **Taxpayers will continue to foot the bill for bankrupt polluters** if Congress fails to [reinstate the industry tax](#), which expired in 1996. This tax, originally passed with bipartisan support, created the “Super Fund” which has long-since been depleted.
- **It is penny-wise and pound-foolish** to shorten the investigation into the nature and extent of contamination, which would likely necessitate more investigations and time delays at the design phase.
- **Decision-making may become politicized** by the EPA Administrator’s intention to be directly involved in remedy selection at large sites and to focus weekly on [10 high-priority sites](#). It is also impractical and technically questionable.
- **EPA could move toward less effective cleanup methods**, or use passive remedies as precedents for less proactive and timely cleanups at other sites. There is also an overall risk that cleanup criteria would be weakened.
- **Less protection and less permanence** could result from an emphasis on “removal actions,” which address short-term problems at sites over longer-term cleanups.
- **Reuse could be jeopardized** by “streamlining” and adoption of less stringent cleanup levels, making it more difficult for sites to be used for residential rather than industrial purposes.

Successes of the Superfund Program

According to [National Geographic](#), *"That these contaminated places are no longer the focus of national attention is in part due to a rarely cited phenomenon: governmental competence."*

- **From Blight to Productive Reuse** - For over 50 years, the West Dallas area was home to a major lead smelter, RSR Corp., whose wastes contaminated soil, sediment and groundwater. Wind carried lead dust into nearby parks, schools and disadvantaged neighborhoods. After the smelter’s closure in 1984, EPA investigated nearly 7,000 residences and cleaned up the yards of over 400 properties. This cleanup contributed to reduced blood-lead levels in area children. If left unaddressed, elevated blood-lead levels may result in irreversible neurological deficits, such as lowered intelligence and attention-related behavioral problems. In addition, the Superfund site and surrounding area now provide residents with new housing options and schools. The West Dallas site is just one example of how Superfund protects health with awareness of environmental justice and helps communities reclaim and reuse formerly contaminated land.
- **Polluters Pay to Protect Communities** - By placing the burden of cleanup on polluters, Superfund saves taxpayers money while protecting the environment. For every one dollar EPA spends on such activities, approximately eight dollars is gained in polluter cleanup commitments and cost reimbursement. A 2006 enforcement agreement with General Electric resulted in a \$2.7 billion cleanup of contaminated sediment and 300,000 pounds of polychlorinated biphenyls (PCBs) being removed from the Hudson River riverbed. The dredging of the Hudson River PCB Superfund Site was completed in October 2015.

For Further information

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