In response to the EPA Memorandum and Superfund Task Force:

We, the communities who have lived under the shadow of toxic contamination in our homes, workplaces, and schools, have formed the People’s Task Force to respond to Administrator Pruitt’s EPA Memorandum and Superfund Task Force, and voice our recommendations on the future of Superfund, based on our years of on-the-ground experience. The focus of Superfund cleanup must place public health as a priority, when weighed against private interests and money.

The memorandum, in line with its focus on streamlining the cleanup process, proposes reducing administrative and overhead costs. Such spending primarily funds two things: enforcement and community involvement. We strongly caution that these are not corners to be cut -- without proper oversight and public accountability, the Superfund would lose much of its remaining efficacy. Placing faith in responsible parties’ remediation ignores that they have a vested interest in finishing as quickly and cheaply as possible, threatening the health of local communities.

Recommendations:

- There are already indications that polluting companies have changed their cleanup responses due to a perception that oversight will decrease under Administrator Pruitt. Devon Energy, which previously donated thousands to Pruitt, former Attorney General of Oklahoma, has recently backed off from settlement plans. According to the New York Times, Devon Energy “had been prepared to install a sophisticated system to detect and reduce leaks of dangerous gases” for one of its gas plants, and “had also discussed paying a six-figure penalty to settle claims by the Obama administration that it was illegally emitting 80 tons each year of hazardous chemicals, like benzene, a known carcinogen.” Since Pruitt’s appointment, however, they now refuse to install emissions controls and are “re-evaluating their settlement posture.”

- We are concerned over industry representatives calling for the development of exit strategies, usually including the removal of a site from the National Priority List (NPL). This may not sound
initially worrying, however, they simultaneously push for cleanup strategies that merely manage or contain toxic hazards, as opposed to complete removal or other permanent remedies (which are required by law to be considered under the Superfund Amendments and Reauthorization Act of 1986). When ‘bandaid’ methods are employed at NPL sites, or in situations where permanent treatment technologies do not exist, exit strategies will not be possible, as the sites require continual maintenance and monitoring. This is evident through the history of the Superfund: only 30% of the sites where construction is completed have been removed from the NPL, as the rest require long-term management. Thus, these two goals for which industry advocates are incompatible. If Responsible Parties want their sites to be delisted from the NPL, they must either pursue complete cleanup or accept the necessary continual oversight to ensure that toxic hazards are under control.

● The expansion of the Superfund Alternatives program, in which the responsible parties agree to cleanup a site and avoid being listed on the National Priority List, provides benefits to the polluter while hampering citizen participation that is provided for under the Superfund program. In particular, Technical Assistance Grants (when provided) are awarded by the responsible corporation rather than EPA, a neutral entity. The alternative approach came about primarily because responsible parties did not want their site added to the Superfund list because of the stigma it creates. Not only does this approach allow companies to avoid the perceived stigma associated with an NPL site, but it also allows companies to avoid listing an NPL site as a liability in its financial papers. This can have a significant impact, especially if the company is to be sold. This backroom cleanup alternative further raises our concern over decreased community involvement and the lack of sufficient EPA oversight.

● The directive on stakeholder relations gives no mention of the primary stakeholders under the Superfund program - the communities whose lives and well-being are continually threatened. These communities have the right to information and input on these decisions upon which their health and welfare hinges. Economic development, while important to community revitalization, can never supersede public health.
  ○ Community Involvement Plans (CIP) must be drafted, finalized, and implemented.
  ○ Community Advisory Committees (CAC) must include real community members who live and work around Superfund sites, not just local government representatives. Local
knowledge offers indispensable on-the-ground insight and perspective, and we strongly support all stakeholders at the discussion table early in the process.

- EPA transparency is critical to improving agency-stakeholder relations. Cleanup goals must be set in an explicit and interactive manner, beginning with the disclosure of all site information as soon as it is available.

- The health studies performed at Superfund sites are inadequate, often resulting in findings that are inconclusive and short-sighted. Exposure to environmental pollution must receive the same type of government response as infectious diseases or mass cases of food contamination, including a timely response. Objective, independent, thorough, long-term studies of residents’ health conditions are crucial to determining appropriate cleanup strategies and monitoring response efficacy.

- We must reinstate the Polluter’s Pay Tax if we are truly committed, as Administrator Scott Pruitt claims, to restoring Superfund cleanups “to their rightful place at the center of the agency’s core mission.” Most importantly, private investment and “alternative funding mechanisms” can’t come close to compensating for the Superfund budget cuts and the high volume of abandoned sites.

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1 https://www.epa.gov/newsreleases/epa-announces-superfund-task-force
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