

Center for Health, Environment and Justice



25th Anniversary of Superfund, America's Safety Net in Crisis

*American Taxpayers Shoulder the Burden
As Polluter Pays Fees Eliminated*

150 South Washington St. Falls Church, VA 22046
703-237-2249 * chej@chej.org * www.chej.org

Center for Health, Environment & Justice

Authors: Anne Rabe and Stephen Lester, Center for Health, Environment & Justice with assistance from Micah Davis, Michelle Hershman and Ellie Leonard

Research Interns: Micah Davis, Michelle Hershman and Ellie Leonard

Editorial Direction: Lois Marie Gibbs, Executive Director, CHEJ

Editing: Stephen Lester and Maryll Kleibrink, CHEJ

Layout and Design: Barbara Sullivan, CHEJ

The **Center for Health, Environment & Justice** was founded in 1981 by Lois Gibbs, the community leader at Love Canal. CHEJ empowers local groups to be active, ongoing, democratic forces working to protect people and the environment from health-threatening contaminants from Superfund sites and other sources. We provide one-on-one organizing and technical assistance, and coordinate nationwide issue-focused campaigns that strengthen and broaden the movement.



www.chej.org
www.besafenet.com

**P.O. Box 6806
Falls Church, Virginia 22040
703-237-2249**

America's Safety Net in Crisis

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Acknowledgements

The authors of this report wish to gratefully acknowledge all those who contributed by providing information and reviewing report drafts. Without them, it would not have been as comprehensive or as useful a document.

The release of this report is sponsored by the BE SAFE Campaign, a nationwide initiative of the Center for Health, Environment & Justice (CHEJ) to build support for the precautionary approach to prevent pollution and environmental destruction before it happens. The impetus for the report is to commemorate the 25th anniversary of Superfund and assess the status of the Superfund program at this critical juncture. For over two decades, CHEJ has led national initiatives to improve the Federal Superfund program and worked with community groups at many Superfund sites.

CHEJ greatly appreciates the support of the Bauman Foundation, CS Fund, Marisla Foundation, Mitchell Kapor Foundation, Park Foundation, Patagonia, Inc., Turner Foundation and Underdog Fund of the Tides Foundation.

Over 45 community and environmental group leaders provided detailed information on their Superfund site for the Superfund Site Profiles. Their survey data and interviews provided a wealth of information, which substantially strengthened the final publication. We thank the following people for their efforts and assistance:

Curt Andersen, Clean Water Action Council; Linda Baker, Pollution Posse; Mike Baker, Coalition Opposed to PCB Ash in Monroe County; Shirley Baker, Community Against Pollution; Chris Borello, Concerned Citizens of Lake Township; Doris Bradshaw, The Defense Depot of Memphis Tennessee; Lucille Campbell, Neodesha Environmental Awareness Team; Jack Cole, Citizens to Restore Bear Butte Creek; Henry Curtis, Life of the Land; Donna Cuthbert, Alliance for a Clean Environment; Gregory Ferguson; Vickie Freese, Clean Water Now; Lois Gibbs, CHEJ; Sharon Golgan; Tim Gray, Housatonic River Initiative; Kathleen Hadley, Clark Fork River TAG Committee; National Center for Appropriate Technology; Jodie Hayes, Pickens County for a Clean Environment; Priscilla Jenkins; Rebecca Jim and Earl Hatley, L.E.A.D.; Teri Johnson and Pam Swift, Children for a Safe Environment; Ken Klco and Ignacio Rodriguez, Summitville TAG; Charlotte Keys, Jesus People Against Pollution; Norma Landicho, Coalition for Safe Redevelopment of Avtex;; Rhett Lawrence , Oregon State Public Interest Research Group; Marilyn Leistner; Ed Lorenz, Pine River Superfund Citizen Task Force; Eugenia Marks, Woonasquatucket River Watershed Council; Barbara Miller, Silver Valley Community Resource Center; Pam Miller, Alaska Community Action on Toxics; Alan Muller, Green Delaware; Penny Newman, Center for Community Action and Environmental Justice; Daniel Parshley, Glynn Environmental Coalition; Jennifer Pereira, Woonasquatucket River Watershed Council; James Presley, Friends United for a Safe Environment; Roberto Rabin, Comité Pro Rescate y Desarrollo de Vieques; Kathy and Richard Rodriguez; Florence Robinson, Baton Rouge Environmental Association; Leslie Ann Rose; Citizens for a Healthy Bay; Mary Rosso, Matyland Waste Coalition; Brian Shields, Amigos Bravos; Mary Sharon, Pollution Extermination Group, Inc.; Robert Shimek, Indigenous Environmental Network; Robert Spiegel, Edison Wetlands Association; Brian Stern, New Hampshire TAG Force; Hope Taylor-Guevara, Clean Water for NC; Lynda Wageman, Water Quality Environmental Council; Bob Walker, Elizabeth Mine Study Group; Ivan Weber, Weber Sustainability Consulting; Margaret Williams Citizens Against Toxic Exposures; Corinne Whitehead, The Coalition for Health Concern; and Kathy Wine, River Action.

We are thankful for the information and input provided by Alex Fidis and Meghan Purvis of U.S. Public Interest Research Group.

We owe special thanks to Lois Gibbs for vision and inspiration; and to Barbara Sullivan, Micah Davis, Michelle Hershman and Ellie Leonard for outreach to community leaders and substantial assistance.

The conclusions and recommendations in this report are those of the authors and do not necessarily reflect the views or opinions of the funders, reviewers or information providers. The authors retain full responsibility for the content of the report.

America's Safety Net in Crisis

Executive Summary

Twenty-five years ago, Congress responded to the Love Canal toxic disaster by creating the Superfund program to ensure the nation's worst toxic waste dumps are cleaned up.

Since 1980, the Environmental Protection Agency (EPA) has facilitated the clean up of 936 Superfund sites.¹ Emergency actions and site cleanups have protected hundreds of communities and their drinking water supplies. Over the last 25 years, polluters have funded remediation at approximately 70 percent of the sites and EPA has secured over \$22 billion in cleanup commitments and cost recoveries from polluters.² Yet, much remains to be done. One in every four Americans still lives within four miles of a Superfund toxic waste site.³ EPA has identified 44,000 potentially hazardous waste sites and continues to discover about 500 additional sites each year.⁴ Currently, over 1,200 of the most dangerous toxic sites in the country are on Superfund, poisoning our water, air and land with chemicals that can cause cancer, birth defects and other health problems.⁵

Superfund makes polluters pay to clean up their toxic sites. It also assessed "polluter pays fees" to fill Superfund's Trust Fund to finance cleanups when responsible companies could not be found. The program is based on the principle that polluters - not taxpayers - should pay to clean up toxic waste sites. It embodies the old adage, "if you make a mess, you clean it up." In 1995, Superfund's polluter pays fees expired and Congress has failed to reinstate them. The Superfund Trust Fund did not immediately suffer because it had accumulated a surplus of \$3.8 billion by 1996.⁶ But on October 1, 2003, the Trust Fund spent all the industry fees and American taxpayers came to bear the full weight of cleaning up abandoned hazardous waste sites.

The Bush Administration is the first and only administration to oppose the polluter pays principle. Since it has opposed the reinstatement of fees, Superfund's Trust Fund is now in its second year of being totally dependent on taxpayer funds, which compete every year with other important environmental programs.

Data provided by U.S. Public Interest Research Group (PIRG) shows that in 1995 taxpayers paid only 18% of the Superfund, or \$300 million, when there was a total of \$3.6 billion in the Trust Fund largely from polluter pays fees.⁷ In 2005, American taxpayers gave about \$1.2 billion dollars, an increase of approximately 300%. And "large polluting corporations enjoy a \$4 million per day tax break as long as the Superfund polluter pays fees are not reinstated," said Alex Fidis of U.S. PIRG (See Appendix A).



Lois Gibbs, President Carter and policymakers at the signing of the Superfund law in 1980.

This successful program has been severely damaged by a decrease in funding. According to a General Accounting Office 2005 report, in constant 2004 dollars the *total funding for Superfund decreased* from about \$1.8 billion in 1993 to about \$1.2 billion in 2005.⁸

This decrease in dollars into Superfund has led to a dramatic reduction in the number of sites cleaned up. From 1997 to 2000, EPA averaged 87 completed cleanups a year. In 2002, the number of sites cleaned up dropped drastically to 42 sites. In 2003 and 2004, EPA only completed cleanups at 40 sites. Under the Bush Administration, there has been more than a 50% decrease in the pace of site cleanups from the late 1990's. Now in Fiscal Year 2005, EPA has only completed cleanup construction at 16 sites - a radical reduction of approximately 80% from 1997 (as of 9/15/05).⁹

Lois Gibbs, Executive Director of the Center for Health, Environment & Justice, said,

"Congress should restore the hazardous waste fees on polluting industries and reject all efforts to roll back Superfund. The core principle of the Superfund program is that polluters, not taxpayers, should pay to clean up these deadly toxic waste sites. In addition to providing funding for the cleanups, the polluter pays principle creates a powerful disincentive against the reckless dumping of toxic wastes."

America's Safety Net in Crisis

Penny Newman, Executive Director of Center for Community Action & Environmental Justice, said,

“The lack of funds in Superfund due to the industry fees not being reauthorized has created a program that’s totally impotent. It’s disingenuous to pretend a program exists without the funding to address the problems that are still out there. Sites that should be on the NPL are not, simply because the agency doesn’t want to expand the list.”

The Superfund site slowdown has resulted in increased toxic exposures and health threats to communities across America. Stable and equitable funding is long overdue for this critically important pollution prevention program. Last year, cleanups came to a halt at more than a dozen sites due to a lack of funds. Now, with the tragic toxic pollution in Louisiana and Mississippi from Hurricane Katrina needing a cleanup, Superfund is at its weakest when it is needed most.

Superfund was founded on the principle that those companies most closely associated with creating toxic waste sites and generating hazardous waste should bear the cost of cleaning them up. American taxpayers are unfairly bearing this burden. It is essential that polluter pays fees are reinstated to replenish the ailing Superfund and get it back on the cleanup track.

This 25th anniversary report provides an overview of Superfund, its financial history and current fiscal crisis. It also features *Superfund 25th Anniversary Site Profiles* for all of the 50 states based on interviews with community leaders across the nation. These profiles put a human face on Superfund and describe the successes and persistent problems of this important public health protection program.

“Superfund plays a vital role in the cleanup process of hazardous waste sites across the nation. We can thank Superfund and TAG for our progress to date and will need it in the future to ensure that the site is no longer a threat to our community.”

*Donna Cuthbert
Alliance For A Clean Environment
Pennsylvania*

“Superfund did eventually protect residents from further exposure by buying out the residents and relocating them. Without Federal Superfund, a difficult matter would have been made more difficult. But even with Superfund, it was a major task to get EPA to move along, and that came only with Congressional help and pressure.”

*James Presley
Friends United for a Safe Environment
Texas*

“Superfund lack of funding and budget cuts have limited progress at sites and significantly drawn out the time it has taken to get a remedy. Superfund is the only way to clean up the most hazardous of sites.”

*Mike Baker
Coalition Opposed to PCB Ash in Monroe County
Indiana*

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History of Superfund

The Superfund program was created in 1980 in response to serious toxic waste dump threats around the country, such as the infamous Love Canal site in Niagara Falls, NY and the Stringfellow Acid Pits site in Riverside, CA.

In the late 1970's Love Canal residents discovered their homes had been contaminated by over 21,000 tons of toxic waste dumped in the 1940s and 1950s by Hooker Chemical. People suffered from miscarriages, birth defects, cancer and respiratory ailments. Lois Gibbs and others started the Love Canal Homeowners Association and successfully organized for relocation and a cleanup. From 1978 to 1980, over 900 families were relocated away from the leaking toxic dump. Gibbs, CHEJ Executive Director, said, "The plight of citizens at Love Canal outraged the American public and led to the passage of the Superfund law to find and clean up the nation's worst toxic dumps.

A heavy rain hit the Glen Avon community in the late 1970s flooding streets and homes, and kids, excited by the heavy rain, played in the puddles. Then the truth came out. The rainwater included more than one million gallons of liquid hazardous waste the state had released from the Stringfellow Acid Pits toxic waste site in an effort to relieve pressure against a main storage dam. Decades later, the cleanup is still ongoing at this Superfund site says local activist, Penny Newman, Executive Director of the Center for Community Action and Environmental Justice (CCA EJ).

Love Canal Site, Niagara Falls, NY



Communities harmed by leaking hazardous dumps found there was no local, state or federal government program to compel polluters to clean up sites, and provide funds for emergency actions. The national media attention on the problems at Love Canal, Stringfellow and other polluted sites underscored the need for a federal law to provide a 'superfund' for cleaning up hazardous waste sites. ¹⁰

On December 11, 1980, in response to public outrage over a national toxic waste crisis, President Jimmy Carter signed the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA or the Federal Superfund law). Congress created Superfund so EPA could clean up toxic dumps when polluters refused to take action, went bankrupt or could not be found. ¹¹

"On December 23, 1982, residents received what they now call their 'Christmas message.' People were told, 'If you are in town it is advisable for you to leave and if you are out of town, do not go back.' Tests had revealed high levels of dioxin in the soil."

Marilyn Leistner
Times Beach Superfund Site
Missouri

"The most emotional issues were babies born like mutants, cervical cancers in young woman and kids with epilepsy. One of the reasons no one knew about the problems was because you don't talk to your neighbors about how your kid is in the slow class. But everyone's kid is in the slow class."

Linda Baker
Pollution Posse
Wyoming

"It is alarming how many people have or have died of cancer... As a result of the pollution, water lines are eaten away in many sections and sewer lines have been damaged."

Lucille Campbell
Neodesha Environmental Awareness Team
Kansas

Superfund Safety Net in Crisis

How Superfund Works

Administered by the federal Environmental Protection Agency (EPA) in cooperation with states and tribal governments, Superfund provides broad authority for the government to respond to chemical emergencies, such as toxic spills and fires, and to clean up sites. Chemical spills and toxic dumps were causing loss of life, direct threats to human health, massive fish kills, wildlife destruction, air pollution, and contaminating drinking water supplies.¹²

The CERCLA Superfund law directed EPA to respond to any releases of hazardous substances into the environment and any toxic releases that pose an imminent and substantial danger to public health (or a substantial threat of a release). EPA can do emergency removal actions to immediately contain or remove toxic wastes at a site or comprehensive remedial actions to fully clean up a site.

To pay for these cleanups the CERCLA law created a Trust Fund of approximately \$1.6 billion for site cleanups where a polluter cannot be located, or is bankrupt or refuses to take action.¹³ The Superfund Trust Fund was financed from various taxes and court awards from polluters responsible for hazardous releases. The financing enabled EPA to prevent future toxic disasters by quickly responding to toxic releases and then recovering expenses from the polluter. Under the U.S. common law, polluter liability must be determined before any action can be taken. The advantage of Superfund was that it provided EPA with the money to address a health-threatening toxic waste dump first and recover costs from the polluter later.

Superfund was founded on the principle that those companies most closely associated with creating toxic waste sites and generating hazardous waste should bear the financial burden of cleaning them up. The Superfund Trust Fund monies have been used to clean up 30 percent of the sites, as well as fund enforcement, oversight and other EPA program activities. Approximately 70 percent of Superfund sites are cleaned up by the companies responsible for the pollution.¹⁴

EPA has three basic options to facilitate a Superfund site cleanup: 1) conduct the cleanup itself and then seek to recover costs from the polluter(s); 2) compel the polluter to fund the cleanup through judicial or administrative proceedings; and 3) reach a settlement agreement with the polluter that requires them to pay for the cleanup.¹⁵

In 1986, Congress upgraded the Superfund program by approving the Superfund Amendments and Reauthorization Act (SARA) to strengthen the CERCLA law and increase the Trust Fund to \$8.5 billion. The SARA law made the goal of permanent site cleanups a priority, expanded agency investigations into human

B.F. Goodrich/Airoc Site, Calvert City, KY



health problems from toxic exposures, and encouraged greater citizen participation in the site decision-making process by providing Technical Assistance Grants (TAGs) to some community groups at Superfund sites.¹⁶

EPA's Office of Superfund Remediation Technology Innovation oversees management of the program. The agency created three mechanisms to establish cleanup standards and procedures. The National Contingency Plan (NCP) provides procedures to be followed by EPA, the states and polluting companies when selecting and conducting emergency removals and site cleanups. The Hazard Ranking System (HRS) is a numerically based screening system that evaluates and scores the environmental and health hazards of each site. The National Priorities List (NPL) identifies all the Federal Superfund sites that are national priorities and will undergo investigations and cleanups, funded either by the polluter or the Trust Fund. (The HRS score is the primary method for determining whether a site is placed on the NPL.)¹⁷

The goal of Superfund is to clean up the worst toxic waste sites in the nation and states often nominate a site for inclusion in the NPL. A few years after Superfund was created, a number of states found that hundreds of toxic sites were not being placed on the NPL since they did not meet EPA's "worst sites" HRS score. States, such as California and New York, created State Superfund programs often with similar hazardous waste fees to fund the clean up of these sites or created Brownfield site programs. For instance, New York recently refinanced its State Superfund and created a Brownfield site program to facilitate the cleanup of thousands of contaminated properties.

Superfund's Financial Foundation

When Congress enacted the Superfund law it established a series of fees for industries that use hazardous substances. Superfund is based on the national principle that polluters, not taxpayers, should pay to clean up toxic waste sites. It embodies the old adage, "if you make a mess, you clean it up." These fees funded the Superfund Trust Fund without financially burdening regular taxpayers.

There were four fees, three of which were excise taxes on chemicals and petroleum, and one of which was a special income tax on corporations. The fees were reinstated in 1986 and 1992. Unfortunately, Congress failed to reauthorize them in 1995 and they were eliminated on December 31, 1995. ¹⁸

The four fees generated about \$1.6 billion annually, which was allocated to the Superfund Trust Fund. The fund was used to pay for the cleanup of hazardous waste sites when the "responsible party" (RP) or polluter was bankrupt, unwilling to pay or could not be identified, as well as to pay for EPA's administrative and legal expenses in running the program. Other monetary sources aided the fund, such as general revenues from annual Congressional appropriations and cost recoveries from polluters liable for site cleanups. ¹⁹

Superfund Fees

The four fees were the financial backbone of the Superfund for more than 20 years. They included assessments on crude oil, chemical feedstock, imported chemical derivatives and a corporate environmental income tax.

Crude Oil Tax: This was a tax of 9.7 cents per barrel (or 23 cents per gallon) on domestic refineries on the amount of crude oil they bought, and on importers on the amount of refined petroleum products they imported into the U.S. This tax was the single largest revenue for the Superfund. ²⁰

Chemical Feedstock Tax: This was a tax on 42 toxic chemicals associated with dangerous substances at Superfund sites. It created a financial disincentive to use the chemicals, resulting in industry waste reduction. The manufacturer, producer or importer imposed it on the sale of a listed chemical. The tax ranged from \$0.22 per ton to \$4.87 per ton, based on the chemical, except for xylene that was taxed at \$10.13 a ton. ²¹

Imported Chemical Derivatives Tax: This tax was a complement to the feedstocks tax to ensure companies did not escape from paying the tax by importing chemicals that were produced

overseas. It taxed 113 imported chemical substances containing or using any of the 42 chemicals listed in the feedstocks tax. ²²

Corporate Environmental Income Tax: This tax was on the profits of large corporations at a rate of 0.12 percent on taxable profits in excess of \$2 million (or \$12 per \$10,000). Corporations in the manufacturing industrial sector (such as chemical and petroleum products) and mining sector would pay about 41% of this tax, and these same sectors are responsible for approximately 43% of all Superfund sites. ²³

The Clinton Administration proposed Superfund reauthorization in 1995, as well as two new environmental taxes on property and insurance companies. ²⁴ Unfortunately, under both Presidents Clinton and Bush, the Superfund has not been refinanced with polluter pays fees.

Tar Creek Site, Ottawa County, OK



"The fund has been the only mechanism that has made a difference. Reinstating polluter pay taxes will keep the progress alive and help kick the Superfund program back into gear."

Rebecca Jim and Earl Hatley
Local Environmental Action Demanded (L.E.A.D.)

Refinancing Superfund

On December 31, 1995, the Superfund tax authority law that collected hazardous waste fees and assessments expired. Ever since, Congress has unsuccessfully attempted to reinstate these fees to replenish Superfund. Two years ago on October 1, 2003 the Superfund Trust Fund ran out of funds from the "polluter pays" fees and the entire financial burden fell to U.S. taxpayers. So, for two years, Congress has annually appropriated approximately \$1.2 billion of general revenues (taxpayer money) to the Trust Fund. (See Appendix C)

Except for President George W. Bush, the Superfund polluter pays fees have benefited from broad bipartisan presidential support. President Jimmy Carter signed the 1980 original law and President Ronald Reagan signed the 1986 law to expand the fees. In 1990, President George H.W. Bush signed a law renewing the fees. ²⁵

When the polluter pays fees were eliminated in 1995 and Congress did not take action to reauthorize them, President Bill Clinton proposed fee renewals every year to no avail. The Superfund Trust Fund did not immediately suffer because it had accumulated a surplus of \$3.8 billion by 1996. ²⁶

Numerous bills have been introduced to refinance Superfund but none have passed. In 2003, Representative Frank Pallone, Jr. (D-NJ), introduced legislation to reinstate a Superfund tax that would ensure polluters pay for all cleanups rather than taxpayers. That same year, Senators Barbara Boxer (D-CA) and Lincoln Chafee (R-RI) introduced a bill with 24 co-sponsors to reinstate Superfund's polluter pays fees and shift the burden of paying for cleanups back to the polluting industries. In 2004, Senator Frank Lautenberg (D-NJ) offered an amendment on the polluter pays fees to the budget. While 44 Senators voted for it, 52 voted against it and it was defeated.

The Center for Health, Environment & Justice, U.S. PIRG, Sierra Club, National Environmental Trust Fund and hundreds of state and local environmental and community groups have waged a campaign to refinance Superfund over the years. Lois Gibbs, CHEJ Executive Director, said,

"Congress should restore the hazardous waste fees on polluting industries and reject all efforts to roll back Superfund. The core principle of the Superfund program is that polluters, not taxpayers, should pay to clean up these deadly toxic waste sites. In addition to providing funding for the cleanups, the polluter pays principle creates a powerful disincentive against the reckless dumping of toxic wastes."

Penny Newman, Executive Director of CCAEJ in California said,

"The lack of funds in Superfund due to the industry fees not being reauthorized has created a program that's totally impotent. It's disingenuous to pretend a program exists without the funding to address the problems that are still out there. Sites that should be on the NPL are not, simply because the agency doesn't want to expand the list."

This year groups in almost every state in the country are joining in a national action in support of reinstating polluter pay fees. For the *Superfund Polluter Pay Action* people are delivering buckets of chicken to many of the 52 U.S. Senators who voted against the Superfund polluter pay principle in the past. Why? The action is intended to simplify and clarify one of the Superfund fee costs and the issue of fairness. If the Corporate Environmental Income fee was reinstated it would be paid by corporations with a minimum of 2 million dollars in taxable profits. They would pay a \$12 tax on every \$10,000 in profits - the price of a large bucket of chicken. Taxpayers - most make less than one million and some less than \$10,000 - now shoulder the entire costs. The fairest Superfund fee is the corporate fee - let the wealthy corporations shoulder the costs as they can better afford the cost of a bucket of chicken (\$12) for every \$10,000 in profits.

The Bush administration has consistently failed to support reinstatement of the polluter pays fees thus forcing American taxpayers to pay the bill. Now taxpayers - not polluters - are unfairly bearing the full burden of paying for abandoned Superfund site cleanups. The Bush Administration is the first and only administration to oppose the polluter pays principle.

Mt. Dioxin Site, Pensacola, FL



Funding Shortfall

At one time, Superfund had the funds to pay up front for a site cleanup when polluting companies refused, after which they would file cost-recovery actions against the polluter to obtain the money taken from the fund.

One problem with Superfund has been lengthy negotiations between the EPA and a polluter that can sometimes last for years. The EPA has often not given a company a hard deadline, after which time, if the cleanup is not committed, Superfund money will be used and EPA will sue the company for cost recovery. However, faced with the threat of a cost recovery action the agency has been successful in obtaining agreements with polluters to fund site cleanups at a rate of 70 percent of sites overall. Now the problem of recalcitrant polluters has escalated because of the funding shortfall. Companies realize that EPA often does not have the funds to threaten them with a Superfund cleanup, thus greatly weakening their enforcement powers.

The first time EPA admitted Superfund had a funding shortfall was in June of 2002, when the EPA Inspector General reported a \$225 million dollar funding shortfall. EPA then "scrambled to de-obligate and re-certify unexpended prior year funds."²⁷ By the end of 2002, the shortfall was down to \$114.8 million. EPA then reportedly "embarked on a communication strategy to downplay the seriousness of the cleanup funding shortfall."²⁸ The Inspector General's 2004 report on the funding shortfall of 2003 showed even greater numbers: \$174.9 million dollars.

The EPA Inspector General found four areas of serious funding shortfalls: (1) new start construction (cleanup) projects; (2) inadequately funded ongoing projects; (3) inadequately funded removal projects; and (4) inadequately funded pipeline projects.²⁹ He further observed the following:

*"When funding is not sufficient, construction at National Priority List (NPL) sites cannot begin; cleanups are performed in less than an optimal manner; and/or activities are stretched over longer periods of time. As a result, total project costs may increase and actions needed to fully address the human health and environment risk posed by the contaminants are delayed."*³⁰

The funding shortfall for 2004 was \$263.1 million dollars. A growing number of Senators and Members of Congress, such as Representative John D. Dingell, have protested EPA's lack of action. Dingell notes that, "Instead of making an all out effort to educate the public and the Congress about the serious funding shortfall, EPA has instead adopted communications strategies to minimize and downplay the problem".³¹

"Superfund cuts were detrimental locally and had broader implications. We observed an institutional failure from the EPA onsite project managers... and up to regional administrators as demonstrated by continual siding with polluters, instead of protecting public health and the environment."

Robert Spiegel
Edison Wetlands Association
New Jersey

EPA has not aggressively advocated for a resolution of the biggest problem facing Superfund - a total loss of steady industry fees to support the Trust Fund - which can be solved simply by reauthorizing the reasonable fees.

Without polluter pays fees, there is simply not enough money, and U.S. taxpayers are unfairly burdened with paying for 100% of Superfund expenses at abandoned sites. At the same time, toxic waste sites continue to be discovered. And, a growing number of sites on the NPL are languishing and causing ongoing health threats as EPA has dramatically reduced its cleanup timetable.

More than 1,600 sites have been investigated and/or cleaned up since Superfund's 1980 enactment. Yet, this successful program has been severely damaged by a decrease in funding throughout the past decade. According to a General Accounting Office 2005 report, in constant 2004 dollars *the total funding for Superfund decreased* from about \$1.8 billion in 1993, largely from polluter pays fees, to about \$1.2 billion in 2005, all of which is funded by taxpayers.³²

Currently, the federal government must take money from regular taxpayers that should go to fund other programs. Superfund now competes with drinking water, air pollution and other important environmental programs, for limited funding. During an era of budget deficits, Superfund ends up getting less money.

"The EPA will never admit that they don't have enough money. And they always want to do things as cheap as possible."

Alan Muller, Delaware City,
Delaware

America's Safety Net in Crisis

Weakened Trust Fund

The money from industry fees, which largely supported the Superfund Trust Fund for so many years, is gone. And the Bush Administration has abandoned the polluter pays fees, undermining the important principle and foundation of the Superfund program. The costs for cleaning up neglected toxic waste sites have fallen to American taxpayers. When Superfund's Trust Fund used up all the industry fee money on October 1, 2003 it meant taxpayers - instead of polluting companies - would be paying the bill for all toxic cleanups at abandoned sites. (See Appendix C.)

From 1995 to 2005, Congress failed to renew the fees. As the Trust Fund account decreased, the burden on taxpayers increased finally reaching 100% when the Fund used up all the industry fee money in 2003. For the last two years, the Superfund Trust Fund has been totally dependent on annual Congressional appropriations (taxpayer money). The Bush Administration is the first since the program began not to support the polluter pays principle.

Data provided by U.S. PIRG shows that in 1995 taxpayers paid only 18% of the Superfund, or \$300 million, when there was a total of \$3.6 billion in the Trust Fund largely from polluter pays fees.³³ In 2005, American taxpayers gave about \$1.2 billion dollars, an increase of approximately 300%. And "large polluting corporations enjoy a \$4 million per day tax break as long as the Superfund polluter pays fees are not reinstated," said Alex Fidis of U.S. PIRG (See Appendix A).

Superfund Slowdown

This decrease in dollars into Superfund has led to a dramatic reduction in the number of sites cleaned up. From 1997 to 2000, EPA averaged 87 completed cleanups a year.³⁴ In 2002, the number of sites cleaned up dropped drastically to 42 sites. In 2003 and 2004, EPA only completed cleanups at 40 sites. Under the Bush Administration, there has been more than a 50% decrease in the pace of site cleanups from the late 1990's. Also in 2004, at least 19 sites that were ready for construction cleanup were denied action and not funded.³⁵ Now in Fiscal Year 2005, EPA has only completed cleanup construction at 16 sites - a radical reduction of approximately 80% from 1997 (as of 9/15/05).

People living near Superfund sites across the country can attest to the increasingly slow site cleanups. A number of sites, as described in the *Superfund Site Profiles*, are in a 'holding pattern' and have been kept on the NPL with no action for years. EPA claims the slowdown is because the purchasing power of Superfund dollars has shrunk as the problem sites have become more complex and costly to clean. Yet, the type of Superfund sites has not changed so dramatically in the past four years to result in more than a 50 percent reduction in cleanups. Instead, the Superfund slowdown is the result of an ailing underfunded program.

Compounding the Superfund slowdown problem is the addition of new sites every year. In past surveys EPA has identified 44,000 potentially hazardous waste sites and continues to discover about 500 additional sites each year.³⁶

Securing Superfund's Future

Over 1,200 Superfund toxic waste sites poison our drinking water, land and air with chemicals that cause cancer, birth defects and other health problems. Fifty-one of these toxic sites are featured in the *Superfund Site Profiles*, one for every state in the country, and Puerto Rico. (See next section.) Decreased funding and the Superfund slowdown have resulted in increased toxic exposures and health threats to communities across America. Stable and equitable funding is long overdue for this critically important pollution prevention program.

Superfund was founded on the principle that those companies most closely associated with creating toxic waste sites and generating hazardous waste should bear the financial burden of cleaning them up. American taxpayers are unfairly bearing the full burden of paying for abandoned Superfund site cleanups. It is essential that polluter pays fees are reinstated to replenish the ailing Superfund and get it back on the cleanup track.

We can solve the Superfund slowdown and prevent toxic dumps from poisoning our communities by reinstating the stable funding source of polluter pays fees.

"The process is definitely slow, and Molycorp, the responsible party, is doing all of its own investigation with little independent oversight from EPA. Refinancing Superfund with polluter pay taxes would absolutely speed up the process. But until then, Amigos Bravos is on their own."

**Brian Shields
Amigos Bravos
New Mexico**

"While Superfund is helpful there are major gaps in helping communities near these NPL sites. Testing and meetings take a long time; it goes on and on and takes years to finalize. Communities are really frustrated."

**Mary Rosso
Maryland Waste Coalition
Maryland**

America's Safety Net in Crisis

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America's Safety Net in Crisis

Glossary

ATSDR - Agency for Toxic Substances & Disease Registry. A federal health agency which is required to conduct health investigations at some Superfund sites.

CAG - A Community Advisory Group is made up of representatives of diverse community interests. Its purpose is to provide a public forum for community members to present and discuss their needs and concerns related to the Superfund decision-making process.

CCL - Construction Completion List EPA has developed a construction completion list to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities.

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.

CWA - Clean Water Act incorporates those substances listed as hazardous water pollutants under section 311 (b)(4) of the Clean Water Act (CWA) as CERCLA hazardous substances.

DOD - The Department of Defense service branches which includes the Army, Navy, and Air Force, are each responsible for environmental restoration of sites under their control.

EPA - Environmental Protection Agency was established as an independent agency on December 2, 1970 during President Nixon's term in office. The mission of the EPA is to protect human health and to safeguard the natural environment, air, water, and land, upon which life depends.

ER - The Emergency Response program coordinates and implements a wide range of activities to ensure that adequate and timely response measures are taken in communities affected by hazardous substances and oil releases where state and local first responder capabilities have been exceeded or where additional support is needed.

HRS - Hazard Ranking System is the principal mechanism EPA uses to place waste sites on the NPL. It is a numerically based screening system that uses information from initial, limited investigations (the preliminary assessment and the site inspection) to assess the relative potential of sites to pose a threat to human health or the environment.

NPL - The National Priorities List is a list of sites that have contaminated groundwater and have an approved Hazard Ranking Score. These are eligible for superfund money. The NPL primarily serves as an information and management tool.

OSRTI - Office of Superfund Remediation and Technology Innovation manages the Superfund program, created to protect citizens from the dangers posed by abandoned or uncontrolled hazardous waste sites.

PA/SI - Preliminary Assessment / Site Inspection is used by EPA to evaluate the potential for a release of hazardous substances from a site.

PRP - Potentially Responsible Parties, under the Superfund law, are expected to conduct or pay for the cleanup. The Superfund enforcement program identifies the PRPs at the site; negotiates with PRPs to do the cleanup; and recovers from PRPs the costs spent by EPA at Superfund cleanups.

RI/FS - A Remedial Investigation/Feasibility Study is done when a site is listed on the NPL. The RI serves as the mechanism for collecting data, while the FS is the mechanism for the development, screening, and detailed evaluation of alternative remedial actions.

ROD - The Record of Decision is a public document that explains which cleanup alternatives will be used to clean up a Superfund site. The ROD for sites listed on the NPL is created from information generated during the RI/FS.

SARA - Superfund Amendments and Reauthorization Act amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) on October 17, 1986. SARA reflected EPA's experience in administering the complex Superfund program during its first six years and made several important changes and additions to the program.

TAG - Technical Assistance Grant provides money for activities that help communities participate in decision-making at eligible Superfund sites. An initial grant of up to \$50,000 is available for any Superfund site that is on the National Priorities List (NPL) or proposed for listing on the NPL and where a response action has begun.

APPENDIX A

U.S. PIRG State-by-State Taxpayer Impact Chart

State	Sites in State	1995 Cost to State	2004 Cost to State	2005 Cost to State	2006 Estimated Costs to State
Alaska	1	\$519,091	\$1,958,091	\$1,960,283	\$1,973,323
Alabama	10	\$2,937,642	\$11,081,237	\$11,093,640	\$11,167,439
Arkansas	10	\$3,269,223	\$12,332,009	\$12,345,811	\$12,427,940
Arizona	7	\$4,026,867	\$15,189,960	\$15,206,961	\$15,308,123
California	69	\$37,803,279	\$142,599,755	\$142,759,356	\$143,709,045
Colorado	13	\$5,507,045	\$20,773,417	\$20,796,667	\$20,935,014
Connecticut	14	\$6,658,704	\$25,117,650	\$25,145,763	\$25,313,042
Delaware	13	\$1,771,740	\$6,683,275	\$6,690,755	\$6,735,264
Florida	44	\$14,979,132	\$56,503,578	\$56,566,818	\$56,943,122
Georgia	12	\$9,387,406	\$35,410,731	\$35,450,363	\$35,686,193
Hawaii	1	\$1,333,788	\$5,031,252	\$5,036,883	\$5,070,390
Iowa	11	\$2,310,651	\$8,716,130	\$8,725,885	\$8,783,933
Idaho	4	\$1,029,500	\$3,883,433	\$3,887,779	\$3,913,642
Illinois	37	\$17,235,098	\$65,013,428	\$65,086,192	\$65,519,170
Indiana	29	\$5,114,832	\$19,293,929	\$19,315,524	\$19,444,018
Kansas	9	\$2,525,824	\$9,527,794	\$9,538,458	\$9,601,911
Kentucky	13	\$2,782,863	\$10,497,387	\$10,509,136	\$10,579,046
Louisiana	11	\$3,231,805	\$12,190,863	\$12,204,507	\$12,285,696
Massachusetts	24	\$9,383,632	\$35,396,498	\$35,436,115	\$35,671,849
Maryland	8	\$6,497,272	\$24,508,705	\$24,536,136	\$24,699,359
Maine	9	\$871,748	\$3,288,367	\$3,292,048	\$3,313,948
Michigan	66	\$10,127,942	\$38,204,147	\$38,246,906	\$38,501,339
Minnesota	22	\$9,226,045	\$34,802,055	\$34,841,007	\$35,072,782
Missouri	23	\$6,089,428	\$22,970,257	\$22,995,965	\$23,148,943
Mississippi	3	\$1,422,225	\$5,364,851	\$5,370,856	\$5,406,585
Montana	14	\$497,946	\$1,878,330	\$1,880,433	\$1,892,942
North Carolina	28	\$8,576,407	\$32,351,520	\$32,387,729	\$32,603,184
North Dakota	0	\$448,857	\$1,693,158	\$1,695,052	\$1,706,328
Nebraska	10	\$2,286,745	\$8,625,951	\$8,635,606	\$8,693,053
New Hampshire	18	\$1,141,311	\$4,305,199	\$4,310,018	\$4,338,690
New Jersey	105	\$14,471,397	\$54,588,327	\$54,649,423	\$55,012,972
New Mexico	11	\$961,304	\$3,626,187	\$3,630,246	\$3,654,396
Nevada	1	\$2,112,144	\$7,967,332	\$7,976,250	\$8,029,311
New York	85	\$27,319,735	\$103,054,222	\$103,169,563	\$103,855,886
Ohio	27	\$13,958,476	\$52,653,510	\$52,712,440	\$53,063,104
Oklahoma	9	\$3,244,196	\$12,237,604	\$12,251,299	\$12,332,799
Oregon	9	\$2,999,753	\$11,315,527	\$11,328,192	\$11,403,551
Pennsylvania	87	\$13,956,484	\$52,645,995	\$52,704,917	\$53,055,531
Rhode Island	10	\$1,357,631	\$5,121,193	\$5,126,925	\$5,161,031
South Carolina	24	\$2,439,987	\$9,204,006	\$9,214,307	\$9,275,604
South Dakota	1	\$523,335	\$1,974,100	\$1,976,308	\$1,989,456
Tennessee	10	\$5,847,255	\$22,056,740	\$22,081,426	\$22,228,320
Texas	38	\$24,260,040	\$91,512,587	\$91,615,010	\$92,224,468
Utah	10	\$1,524,261	\$5,749,749	\$5,756,182	\$5,794,475
Virginia	19	\$7,470,138	\$28,178,502	\$28,210,040	\$28,397,705
Vermont	11	\$489,255	\$1,845,546	\$1,847,612	\$1,859,903
Washington	33	\$6,699,780	\$25,272,595	\$25,300,880	\$25,469,191
Wisconsin	38	\$5,515,018	\$20,803,493	\$20,826,777	\$20,965,325
West Virginia	7	\$830,390	\$3,132,356	\$3,135,861	\$3,156,724
Wyoming	1	\$466,162	\$1,758,433	\$1,760,402	\$1,772,112
DC	0	\$2,690,015	\$10,147,147	\$10,158,504	\$10,226,082
Other areas	12	\$1,869,196	\$7,050,892	\$7,058,784	\$7,105,741
Totals	1,081	\$320,000,000	\$1,207,089,000	\$1,208,440,000	\$1,216,479,000

Source * US Public Interest Research Group
Washington, DC

APPENDIX B

Summary of NPL Sites in Each State

State	Final NPL Sites	Deleted Sites	Partially Deleted Sites	Proposed NPL Sites	Total Sites
Alabama	13	1	0	2	16
Alaska	6	2	0	0	8
Arizona	8	2	1	0	11
Arkansas	10	5	0	0	15
California	92	10	1	3	106
Colorado	13	3	3	3	22
Connecticut	15	2	0	1	18
Delaware	14	6	0	0	20
D.C.	1	0	0	0	1
Florida	49	20	1	1	71
Georgia	14	3	0	2	19
Hawaii	2	1	1	0	4
Idaho	6	3	0	3	12
Illinois	41	2	0	5	48
Indiana	29	8	0	1	38
Iowa	12	9	0	1	22
Kansas	10	5	0	2	17
Kentucky	14	6	0	0	20
Louisiana	12	7	1	3	23
Maine	12	2	0	0	14
Maryland	16	4	1	1	22
Massachusetts	31	3	0	1	35
Michigan	65	15	2	2	84
Minnesota	24	21	2	0	47
Mississippi	3	3	0	2	8
Missouri	26	5	0	0	31
Montana	14	0	0	1	15
Nebraska	11	0	0	2	13
Nevada	1	0	0	0	1
New Hampshire	19	0	0	2	21
New Jersey	109	23	4	2	138
New Mexico	10	4	2	1	17
New York	89	20	0	1	110
North Carolina	26	1	4	1	32
North Dakota	0	2	0	0	2
Ohio	29	7	1	7	44
Oklahoma	10	3	0	1	14
Oregon	11	4	0	0	15
Pennsylvania	91	25	3	3	122
Puerto Rico	13	4	0	1	18
Rhode Island	11	1	1	0	13
South Carolina	24	3	2	0	29
South Dakota	2	2	0	0	4
Tennessee	13	6	0	1	20
Texas	40	7	2	3	52
Utah	11	4	3	4	22
Vermont	11	2	0	0	13
Virginia	29	3	1	0	33
Washington	43	16	4	0	63
West Virginia	8	2	1	0	11
Wisconsin	38	5	0	1	44
Wyoming	2	1	0	0	3
TOTAL**	1203	293	41	64	1601

**All these figures were last updated in Oct-December 2004. Source: EPA

APPENDIX C

Superfund Budget History

Dollars in Millions

Fiscal Year	Superfund Appropriation	Trust Fund Share	General Revenues Share
1981	\$68	\$68	\$0
1982	\$190	\$190	\$0
1983	\$210	\$210	\$0
1984	\$410	\$410	\$0
1985	\$620	\$620	\$0
1986	\$261	\$261	\$0
1987	\$1,411	\$861	\$550
1988	\$1,128	\$889	\$239
1989	\$1,410	\$1,260	\$150
1990	\$1,575	\$1,575	\$0
1991	\$1,616	\$755	\$861
1992	\$1,615	\$1,381	\$234
1993	\$1,573	\$1,323	\$250
1994	\$1,497	\$1,247	\$250
1995	\$1,354	\$1,104	\$250
1996	\$1,313	\$1,063	\$250
1997	\$1,394	\$1,144	\$250
1998	\$1,500	\$1,250	\$250
1999	\$1,500	\$1,175	\$325
2000	\$1,400	\$700	\$700
2001	\$1,270	\$636	\$634
2002	\$1,270	\$635	\$635
2003	\$1,265	\$633	\$633
2004	\$1,258	—	\$1,258
2005	\$1,247	—	\$1,247

Source: EPA, OCFO