

**Statement of Senator Barbara Boxer
Environment and Public Works Committee
Oversight Hearing on the Superfund Program
June 15, 2006**

Mr. Chairman, I appreciate your agreement as well as that of the Chairman of our full Committee to hold this critically needed oversight hearing on the state of the Superfund program. I conducted the last oversight hearing as Chairman of this sub-committee more than 4 years ago and oversight of the EPA Superfund program is long overdue.

The Superfund program should first and foremost be about protecting health and safety of communities, including children who are the most vulnerable to exposure to toxic waste. I have long cared a great deal about the threat posed by Superfund sites in my State. California has the distinction of being second in the nation in the number of Superfund sites with 94, tied with Pennsylvania and only exceeded by our friends in New Jersey. People who live near these sites have a right to know exactly what is in the Superfund site next door and what measures are being taken to protect them from the risks associated with these highly toxic sites.

I am sorry to report that clear answers have not been forthcoming from the EPA about the state of the Superfund program. It has only been with extraordinary effort using every tool at my disposal that I have been able to piece together information about the program and the nature of the threats posed by Superfund sites that for years have been under-funded. I held up the current Assistant Administrator's confirmation to attempt to gain access to information on sites where human exposure is not under control. I asked for funding shortfall information and honest answers about the risks posed by these sites.

To date, I have received only partial answers to my questions from the EPA-- but what I have learned has made it clear that we must quickly get to the bottom of what is going on in this program. I am especially concerned about the sites where human exposure is not under control. I learned there were 149 of these sites when I made my request. Today there are 139 according to EPA's website.

Sites where human exposure is not under control can have pathways of exposure that directly affect children. Residential backyards, parks, playgrounds or areas where children have easy access have arsenic, or lead or other contaminants according to EPA documents. I understand that each site has its own story. Some are surely worse than others. Some have documented high levels of lead in children's blood like Omaha lead in Nebraska or Bunker Hill in Idaho. One thing is clear. EPA should have an open door policy when it comes to information on the status of these sites. People have a right to know if their children are safe. If there is a threat, there is a fundamental right to know so those affected can act.

EPA's closed door approach to Superfund site information is unacceptable. We share many values in this country. One of the most central is the value we place on the health and safety of our children. It is totally unacceptable for EPA to say that members of a community or Members of Congress cannot know what is going on at these sites in terms of risk and funding.

What EPA plans to do or not do for a site should not be a secret. The limited need to protect enforcement information is no excuse for keeping families in the dark about the future of their community.

It is really stunning to see the casual way EPA treats the public's right to know. Many of the documents I have asked for at these sites, especially those relating to timing of cleanup, funding shortfalls and related risks are stamped "PRIVILEGED" across the whole page in bright red ink. The vast majority of the documents EPA provided in response to my questions were marked this way on every page; they were given to Senator Inhofe and EPA asked that our access be limited. They talked about not allowing us to review these documents without supervision. This program is set up and paid for by the people. To shut the people out and keep them in the dark in this way is unconscionable. This is not a national security issue. It must change. It must change quickly.

The Superfund fee has long expired and polluters have been let off the hook as a result. The funding levels for this program in constant dollars have dropped by more than a third. It should be no surprise that a program that has been shortchanged like this cannot meet its obligations to communities. I have a bill to restore the polluter fee and that would be an important step. I also applaud Senator Cantwell's efforts in her bill to force EPA to put together a financial assurance program for polluting companies.

Why should Superfund information be kept a secret? What's the motivation? One thing is clear. If the public knew just how long the EPA planned to take to cleanup the site next door—there would be an outcry. The Administration does not want to shift priorities, that is clear. So, to prevent that outcry people are left in the dark. This needs to change. I plan to work with my colleagues in an effort to make sure that EPA has transparency and respects the public's right to know.