Maximizing Opportunities for Redeveloping Brownfield Sites/Assessing the Potential for New American Innovation: U.S. House of Representatives Committee on Energy & Commerce Hearing

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

03/17/2025

The Subcommittee on Environment of the United States House of Representatives Committee on Energy & Commerce held a March 11th hearing entitled:

Maximizing Opportunities for Redeveloping Brownfields Sites: Assessing the Potential for New American Innovation ("Hearing").

The stated purpose of the Hearing was to examine the United States Environmental Protection Agency ("EPA") Brownfield Program and explore how:

…legacy sites can be used to support the development of critical infrastructure that will be vital to maintaining America's competitive advantage.

The Subcommittee Chairman stated that the Hearing was an opportunity to examine the implementation of EPA's Brownfield Program and:

…the work that needs to be done to clean up those sites for redevelopment, especially in emerging industries like data centers, semiconductor manufacturing, and AI infrastructure.

The federal government (i.e., EPA) and many states (including Arkansas) have statutes, regulations, and policies that are intended to address "Brownfields". Brownfields are often referred to as property (improved and unimproved), the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, or contaminants.

Incentive provisions, funding programs, liability exemptions, and action/cleanup standards have been utilized for a number of years to attempt to reduce the barriers for reuse or redevelopment of Brownfield properties. The goal of Brownfield programs is to encourage redevelopment and investment in such properties to increase the local taxbase, facilitate job growth, utilize existing infrastructure, encourage infield use, and take pressure off greenspace.

In preparation for the March 11 Hearing, the Committee Majority Staff prepared a Memorandum that addressed:

- Overview of the EPA's Brownfield Program.
- Statutory history.
- Small business liability relief in Brownfields Revitalization Act.
- Brownfields Utilization, Investment, and Local Development Act.
- Infrastructure Investment and Jobs Act.
- Brownfield sites and emerging infrastructure.
- Previous Committee activity.
- Senate activity.

The Hearing was intended to provide discussion of the following questions:

- What concerns or issues should Congress address when reauthorizing this program?
- What improvements can be made to the EPA's Brownfields Program?
- How can funding recipients maximize the value of brownfields sites, and what challenges do they face in making the best use of these sites?
- What innovative uses exist for brownfields sites?
- How can the EPA's Brownfields Program support efforts to develop and site infrastructure crucial to the modern economy?

Witnesses at the Hearing included:

- Hon. James L. Connaughton, Chief Executive Officer, JLC Strategies, LLC.
- J. Christian Bollwage, Mayor of Elizabeth, New Jersey, Chair, U.S. Conference of Mayors Brownfields Task Force.
- Duane Miller, Executive Director, LENOWISCO Planning District Commission.

A copy of the Majority Memorandum and a link to the Hearing can be found here.