

NATIONAL BROWNFIELDS COALITION



Good morning, Mr. Chairman. My name is Michael Goldstein. I'm the Managing Partner of The Goldstein Environmental Law Firm, a principal in the environmental redevelopment venture Goldstein Kite Environmental, founder of The Goldstein Brownfields Foundation, a charter member and the first president of the Florida Brownfields Association, former Chairman of the Miami-Dade County Brownfields Task Force, and Steering Committee Member the National Brownfields Coalition and Chair of its Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee. The National Brownfields Coalition is a non-partisan alliance of public interest organizations, academics, as well as public and private sector professionals who raise awareness about, as well as develop and advocate for policies and practices that support the remediation and redevelopment of, brownfields nationwide. The Coalition is jointly managed by Smart Growth America and the Center for Creative Land Recycling.

It is a singular privilege and honor to be here today providing testimony to the House Subcommittee on Water Resources and Environment on the key national policy issue "Promoting Economic and Community Redevelopment and Environmental Justice in the Revitalization and Reuse of Contaminated Properties." The National Brownfields Coalition thanks you for the opportunity.

My remarks today are presented in my capacity as a representative of the National Brownfields Coalition and informed by three decades of experience assisting businesses, local governments, and community stakeholders remediate, redevelop, and reuse contaminated sites. Much of this work - difficult, challenging work - occurs in communities of color disproportionately burdened by human health risk, financial disinvestment, failing infrastructure, inequitable access to medical facilities and fresh produce providers, and the crush of economic gentrification and climate gentrification.

In a letter sent to the nation's governors this past Thursday and referring to H.R. 3684, the bipartisan Infrastructure Investment and Jobs Act ("IIJA"), EPA Administrator Michael Regan stated, the "law's investment in water is nothing short of transformational." The National Brownfields Coalition concurs. And we are grateful for the \$1.5 billion investment in US EPA's Brownfields Program over a five-year period beginning in 2022 as a result of that legislation. We believe that this money will be catalytic and the delivery vehicle for much of the remediation that occurs of the most impaired water resources in the most disproportionately impacted neighborhoods across the land - urban, suburban, and rural. EPA currently estimates every dollar it expends on brownfield revitalization leverages \$20.13 in additional spending. Accordingly, Congress' commitment to Brownfields in the IIJA should inject \$30,195,000,000.00 into the country's portfolio of impaired, underutilized properties. As

impressive as this outcome is, our lived and professional experience tells us that the need in communities across the County is greater still. So we encourage an even higher level of investment in Brownfields funding at the community level through EPA's competitive grant process, by up to two-thirds, especially in so far as such grants can be targeted to accelerate restoration of drinking water and surface water resources for consumption, irrigation, and recreation.

The National Brownfields Coalition is broadly supportive of the Administration's Justice 40 initiative, which we believe will and should direct a windfall of federal resources to overburdened and marginalized communities. We encourage swift completion of the applicable regulations and commencement of funding at the earliest practical time. We also ask this Committee to focus the executive agencies under its oversight to place an emphasis on concentrating resources on impaired sites that drain economic opportunity from neighborhoods and acutely impair water resources and water infrastructure with lead, PFAS, and other contaminants of concern giving rising to cancer risk and developmental threats.

For over 15 years, the National Brownfields Coalition has advocated for reauthorization of the Brownfields Redevelopment Tax Incentive, which allows parties conducting voluntary cleanup on sites subject to redevelopment to deduct corresponding costs in the year they were incurred. Accordingly, we offer our unqualified support for HR 4427, the Brownfields Redevelopment Tax Incentive Reauthorization Act of 2021. This legislation, if history is a guide, will likely result in massive public investment in the remediation of water resources and enhancement of water infrastructure.

There is a unique opportunity to utilize current and future increased investment in brownfield cleanup and reuse to expand training and funding opportunities in the new green economy for the unemployed and underemployed. We encourage the Committee to consider a major increase in resources for such environmental workforce training programs in future legislation, especially as such training can provide the thousands of new workers across the country who will be needed to improve the nation's water quality and water delivery infrastructure at impaired sites undergoing remediation, redevelopment and revitalization.

The National Brownfields Coalition strongly affirms that a cornerstone of creating equity for those living in environmentally overburdened and economically disinvested communities is access to affordable housing. Additional targeted funding for acquisition, remediation, and reuse of contaminated sites for affordable, workforce, and attainable housing should be among the highest of Congress' concerns as such development often involves remediation of water resources and enhancement of water infrastructure. To this end, this Committee should consideration of legislation that would accomplish the following:

- increase the 4% and 9% Low Income Housing Tax Credit ("LIHTC") under § 42 of the IRS Code to 6% and 12% for affordable housing built on brownfield sites requiring remediation of water resources and/or enhancement of water infrastructure,
- provide for a Stepped Up Basis under § 42 of the IRS Code of between 130% to 150% for affordable housing built on brownfield sites requiring remediation of water resources and/or



enhancement of water infrastructure depending on their location outside of or within Difficult Development Area and Geographic Areas of Opportunity zones;

- enact a new, one-time LIHTC in the amount of 80% of cost of the land acquisition to develop affordable housing built on a brownfield site requiring remediation of water resources and/or enhancement of water infrastructure; and
- pass an enhanced tax incentive (e.g., a further stepped-up basis either to current cap with shorter hold time or up to 20% or 25% with same hold time) for redevelopment of brownfield sites for affordable housing in Opportunity Zones located in EJ communities requiring remediation of water resources and/or enhancement of water infrastructure.

The National Brownfields Coalition would like to see the U.S Army Corps of Engineers (“ACOE”), with its vast expertise and experience in civil works projects involving remediation, take a much more active role in the Federal Brownfields Partnership. This Committee should undertake an analysis of the technical and funding support that the ACOE can provide directly to developers and local governments in need of such assistance when tackling brownfield projects that will result in remediation of water resources and/or enhancement of water infrastructure. We also encourage the Committee to explore ways in which the ACOE can be directed to develop, with broad stakeholder input, a meaningful Brownfields Action Agenda, patterned on such long-range plans issued by US EPA.

The National Brownfields Coalition thanks the Committee for its consideration of these remarks.

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Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee
National Brownfields Coalition
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