

**Before the United States Senate
Committee on Environment and Public Works
Subcommittee on Superfund and Environmental Health**

**Oversight Hearing on the Federal Superfund Program's
Activities to Protect Public Health**

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TESTIMONY OF BRADLEY M. CAMPBELL

Madam Chairman and Members of the Subcommittee, I am pleased to appear before you this morning to testify on the Superfund program's capacity to protect public health. I am Bradley M. Campbell, currently an environmental attorney and consultant and president of Bradley M. Campbell LLC and Minotaur Consulting LLC.

My testimony today is informed by more than eighteen years of work with the Superfund program spanning the administrations of three Presidents. As an attorney with the United States Department of Justice from 1990 to 1995, I tried or participated in many of the seminal liability cases under statute, and also served as the Department's lead attorney for Superfund reauthorization and reform during the 103d Congress. As Associate Director of the White House Council on Environmental Quality (CEQ), I helped coordinate the Clinton Administration's positions on Superfund and brownfield legislation during the 104th Congress. While at CEQ, I also worked directly with the Environmental Protection Agency to develop and implement the Clinton Administration's Superfund reform and brownfields initiatives.

In 1999, President William Jefferson Clinton appointed me Regional Administrator of EPA's Region 3, where I was responsible for oversight and implementation of the Superfund program in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. I served as regional administrator until the change of administration in 2001.

In 2002, I was nominated by the Governor of New Jersey and confirmed by the New Jersey Senate as Commissioner of New Jersey's Department of Environmental Protection, a position in which I served for four years ending in January 2006. In this role, I was responsible for protection of human health and the environment in a state that has more sites in Superfund's National Priority List (NPL) than any other.

Currently, I am in private practice as an attorney and consultant, where I continue to interact with the program on behalf of municipalities, responsible parties, and environmental and community organizations.

In these varied roles, I have seen firsthand how important the Superfund program can be in protecting communities from toxic threats, in returning contaminated sites to productive use, and in renewing the economy and fabric of communities. I also have understood, through the work of Members of this Committee and the testimony of those who live near Superfund sites, many distinct failures of the program throughout its history.

Superfund Today: Three Agency Failings

1. Overview

There has been a common thread in both Superfund's successes and its failures. Simply put, this is a program that is highly sensitive to EPA's agency leadership on cleanup pace, to levels of funding, and to the program's enforcement emphasis.

In the first years of the Superfund program, Congress responded directly to program failures of leadership, funding, and enforcement in the Superfund Amendments and Reauthorization Act of 1986. Four years later, Administrator William K. Reilly initiated the "90-day review," which resulted in additional reforms and the start of an

“enforcement first” policy that accounted for the first significant increase in the pace of remedial work under the program.

When the 103d Congress failed to enact President Clinton’s broadly supported proposals for Superfund reauthorization and reform legislation, Administrator Carol Browner implemented a sweeping set of management and policy reforms to address the broad range of challenges identified during the legislative process. This second wave of reform included, among other achievements, EPA’s highly successful Brownfields Program.

While the number and scope of these reforms are beyond the scope of this testimony, they can be fairly described in the mantra that all of us working on those reforms heard and repeated often: Superfund cleanups had to be faster, cheaper, and fairer. The success of the effort was easy to document, however, in the sustained increase in the pace of Superfund cleanups that resulted

Unfortunately, over the last six and a half years, the program has suffered from the current administration’s approach to management, funding, and enforcement.

- **Pace of Cleanup:** EPA has effectively abandoned any management focus on maintaining a reasonable pace of cleanup completion. By EPA’s own statistics, the pace of cleanup progress has been cut roughly in half as measured by construction completions. While the use of this program measure has had its critics, the agency’s failure to manage the program to maintain the pace of cleanup is documented by other measures as well.
- **Funding:** Closely linked to the pace of cleanup is the level of funding. Over the past six years, shortfalls in funding at sites where remedial work is ready to start have been more numerous and more pronounced. As a consequence, bureaucratic delay in the cleanup process has been encouraged, or has been used as a veil to obscure funding shortfalls.

- **Loss of enforcement ethic:** In the absence of clear and transparent goals for cleanup completion, and in the absence of funding for the agency to assume the lead for cleanups when responsible site polluters are uncooperative, EPA has been far less willing to use the powerful enforcement tools the statute confers on the agency, and less willing to compel responsible polluters to perform more thorough or more comprehensive cleanups.

2. Pace of Cleanup

Through a combination of Administrator Browner's program reforms, imposition of clear management goals, and the full funding of the Superfund through the Superfund tax, EPA achieved a remarkable pace of 85 or more construction completions each year in the four years ending in fiscal year 2000. In the preceding four years, as a consequence of Administrator Reilly's "enforcement first" program and Administrator Browner's early leadership, the annual number of construction completions averaged more than 65.

By contrast, in the four years ending in 2006, the current administration has achieved construction completion at 41 or fewer sites each year.¹

This decline in program efficacy was as sudden as it has been stunning in magnitude. In response, EPA leaders and others have suggested that the decline in construction completions is attributable to the fact that remedial remaining NPL sites cleanups are larger and more complex than those in preceding years.

¹ Source: EPA 2007. *See also* Katherine N. Probst and Diane Sherman, *Success for Superfund: A New Approach for Keeping Score* (Resources for the Future, 2004) (Probst & Sherman) at 2 ("the number of new construction complete sites has decreased quite dramatically in the new millennium").

This explanation is deficient for a number of reasons. First, the composition of the NPL did not change overnight in 2000, but the pace of cleanup and the agency leadership clearly did.

Second, some of EPA's most ambitious and complex site cleanups, such as the Hooker Chemical or Love Canal site, were among the sites at which the agency achieved construction completion and, in the case of Love Canal, deletion from the NPL.

Third, any change in the complexity or scale of cleanup challenges at sites where communities still await construction completion is offset by EPA's increasing reliance on institutional or engineering controls in lieu of permanent remedies, compared to earlier phases of the program. Institutional controls typically reduce both the cost and time required for major cleanups to achieve construction completion. While EPA's dependence on institutional controls gives rise to serious concerns about the reliability of Superfund remedies and long-term protection for affected communities,² it is beyond dispute that the expanded use of institutional controls enables EPA to maintain the pace of cleanup even if, as current agency leaders assert, remaining cleanup challenges are more complex or larger in scale.

Fourth, as some of the examples in the second half of my testimony help illustrate, many of the cleanups that await completion are utterly commonplace in nature, presenting no unusual challenges of complexity or scale.

I acknowledge that "construction complete" is an imperfect measure of program success in protecting public health, as some of the programs most trenchant analysts have noted.³ Yet whatever the limitations of "construction complete" as a program measure, it is the only readily available and transparent indicator of program success. It remains the measure that the current administration itself holds out as an appropriate measure of

² See John Pendergrass and Katherine N. Probst, *Estimating the Cost of Engineering Controls* (Environmental Law Institute and Resources for the Future 2005).

³ Probst & Sherman 6-9.

success, and so it should remain among the standards by which the performance of the agency leadership is judged.

Moreover, other significant indicators of program efficacy reinforce this measure. In New Jersey, for example, more than half of the sites that lack construction completion have uncontrolled human exposure pathways or uncontrolled groundwater migration, risks that are almost always eliminated by construction completion. While there is no longitudinal data to determine how this figure has changed over time, it tends to reinforce the virtue of using “construction complete” as a milestone of program efficacy.

These broad observations about the changed pace of the program are borne out by the very different approaches to the program that I experienced first as an EPA Regional Administrator in 199-2001 and that I experienced later as DEP Commissioner from 2002-2006 in New Jersey, the state with more Superfund NPL sites (140) than any other.

During my tenure as an EPA regional administrator, EPA’s national Superfund program goals were clearly communicated by the agency’s national leadership and incorporated in regional and site-specific management of the program. These goals also were reflected in our cooperative work with our state counterparts. As a consequence, everyone at EPA from headquarters to the field learned to focus on resolving impediments to cleanup and, where consistent with public health protection, to accelerate the pace of cleanup.

When I became DEP commissioner in 2002, it was apparent in working with the Superfund program that EPA had little or no agency initiative or senior management emphasis on maintaining or improving the pace of cleanup. New Jersey’s requests for EPA to step up the pace at particular sites were generally unproductive. Conversely, EPA rarely requested state action to hasten cleanup progress or accelerate construction completion, requests I made often during my own tenure at EPA.

3. Funding Shortfalls

The pace of cleanup is closely tied to the availability of funding. There has been long recognition due to EPA's success in the late 1990s at achieving a construction completion rate of 85 or better that the Superfund would have to be replenished and funding expanded. This was reflected both in President Clinton's repeated calls to reinstate Superfund taxes, and in budget proposals that included significant expansion of program funding to meet the accelerated pace of cleanup.

During my tenure as a Regional Administrator, I never had to delay or defer cleanup actions because funding was unavailable. During my later tenure as DEP Commissioner, EPA repeatedly told me that cleanup would be delayed because of funding shortfalls. In addition, there were numerous occasions in which proposed remedies were rejected for trivial or pretextual reasons because funding was not available to proceed with cleanup. In one case, EPA staff shared with me internal emails in which they were directed to find a technical basis to reject a remedy because funding was not available. In other cases, the message was less explicit but no less clear, as some of the examples in the second half of my testimony illustrate.

4. Diminished Enforcement

Even with clear management goals for cleanup pace and adequate funding, the pace of the Superfund program depends vitally on strong enforcement.

This principle was embedded in EPA policy as "enforcement first" during the tenure of Administrator Reilly, and this policy shift transformed the program from one in which approximately two-thirds of cleanups were led by EPA using Superfund resources, to one in which responsible polluters took the lead in funding and performing cleanup at two thirds of NPL sites.

With responsible parties in the lead at the majority of NPL sites, use of enforcement tools is essential to maintaining the pace and quality of cleanup. EPA must be willing to use its unilateral order authority to compel responsible polluters to perform protective and expeditious cleanups, and must be prepared to use the threat of treble damages if EPA must assume control of the cleanup in place of the responsible party.

EPA's willingness to use its enforcement tools is critical not merely for completing cleanups, but also to compelling interim measures to control hazardous substances and to cut off pathways to human exposure. My experience in dealing with EPA as New Jersey's DEP Commissioner was that EPA's willingness to use the enforcement tools Congress has given the agency has waned significantly over the past six years. At several New Jersey NPL sites, I had to threaten enforcement action under state law in order to prompt responsible parties to enter a consent order with EPA to implement interim measures to stop ongoing pollution to ground and surface waters.

Of course, the agency's enforcement posture in the cleanup context is difficult to quantify and generally opaque to the public. My experience, both as New Jersey DEP Commissioner and subsequently as a private attorney, as the examples in the second part of my testimony suggest, has been that the current EPA leadership is rarely willing to order responsible parties to perform remedial activities at an accelerated pace or to order remedies that are more protective than those that the responsible polluters are willing to perform.

Of course, these three failings of the current program are closely related. In the absence of clear management oversight to maintain or accelerate the pace of cleanup, there is little institutional incentive at EPA to take aggressive enforcement action. When funding is short, the resources to support potential enforcement litigation are more limited, the ability to resolve enforcement disputes through the use of mixed public and private funding is eliminated, and the credibility of EPA's most potent threat, that of taking over

the disputed cleanup and asserting treble damage liability against the responsible polluter, is greatly diminished.

Superfund Today: The Experience on the Ground

The combination of management failure, funding shortfalls, and diminished enforcement now manifest in EPA's administration of the Superfund program are not abstract failures to meet bureaucratic program measures. Rather, they are failures that have direct and grave implications for public health in our communities, for economic growth and renewal in communities saddled with contaminated sites, and for the quality of life in communities that already have waited far too long for Superfund's promise of protective cleanups.

Moreover, there is a "downstream" effect of these failures on hundreds of sites beyond those on the NPL. For years, state agencies like New Jersey had enormous leverage to compel prompt cleanup at NPL-caliber sites because responsible polluters sought to avoid the greater cost, public attention, and stigma associated with NPL listing and remediation under federal requirements of the National Contingency Plan (NCP). As the federal program has become less focused on cleanup completion, hampered by funding shortfalls, and less willing to use enforcement tools, the potential for listing on the NPL is no longer a strong driver for responsible polluters to complete protective cleanups under state law.

The following examples, drawn from my experience over the past six years, should highlight how the broad program trends outlined in the first part of my testimony directly and adversely impact New Jersey's communities.

1. Passaic River Dioxin (Diamond Alkali)

Nearly 27 years after the passage of Superfund, and more than 23 years after site listing on the NPL, dioxin deliberately and unlawfully dumped in the Passaic River from the Diamond Alkali site in Newark, New Jersey continues to spread down the river and throughout the Newark Bay estuary. With each tide, the dioxin spreads further throughout the system. With each tide, and with each year of sediment, the cleanup challenge becomes more difficult and more expensive. To date, EPA has proposed no interim or final action to address the dioxin contamination in the river.

The toxic threat presented by this site has not been cured by fish advisories, even though DEP took the lead in posting more effective warning signs, and in funding extensive outreach to communities to make them aware of dioxin risks. Scores of New Jerseyans, predominantly in non-English-speaking communities, continue to take the crabs as subsistence, failing either to understand or to heed warnings in multiple languages. On the New York side of the estuary, no warnings or take prohibitions are posted at all. Levels of dioxin in blue claw crabs are such that one could only safely eat one crab in 20 years. In a risk estimate developed at DEP and reviewed by EPA, cancer risks for those taking the crabs for consumption were estimated to exceed one hundred percent, meaning the exposed populations were at risk of multiple cancers over their lifetime. Prior to my start at DEP, neither EPA nor DEP made any significant effort to publicize these risks or to compel the responsible companies to address the dioxin contamination.

For decades, EPA's pattern had been to do years of studies, take years to review the studies, and then order additional rounds of studies on the basis that newer data was needed, never asking more than the responsible polluter was willing to do

Early in my tenure as Commissioner of DEP, I joined with EPA and other federal agencies in a "Passaic River Restoration Initiative" or PRRI, authorized by Congress with the stated intention of accelerating remedial work on the river. In the context of that

initiative, New Jersey repeatedly urged EPA to accelerate the development of remedial options, to no avail. EPA consistently interposed the need for more study, and cited the failure to fund the legislative initiative as an additional cause of delay.

I then personally met with the leading regional scientists who had studied the contamination. They presented a clear and strong consensus that the data needed for a remedial decision was available and delay for further study would only allow the extent of contamination to expand. When I renewed my press for early action to address the contamination, EPA circulated a revised draft schedule promising a remedial decision in 2013 and remedial action in 2015.

New Jersey then made clear to EPA that we intended to issue our own order under state authority requiring the principal responsible party to develop, design and engineer an appropriate remedial measure to reduce dioxin loadings within a year, making clear that our decided preference was for EPA to act or for EPA and the state to develop an order together. Again, EPA refused, even as they asserted that their own intention was to develop remedial options within a year.

Throughout the process, EPA cited the lack of funding available to proceed with the process if a major dispute were to arise with the responsible parties, and exhibited a steadfast unwillingness to use its enforcement tools to compel the responsible parties to design remedial measures within a reasonable time frame.

Only after New Jersey issued its independent order, retained outside counsel to enforce the order, and committed its own funds to the design of a remedy, did EPA finally begin to pursue a reasonable schedule for the cleanup they had neglected for nearly thirty years. Happily, Governor Jon Corzine took office and expanded the funding for this effort under my able successor, Commissioner Lisa Jackson.

But the pattern of delay has not ended. Just recently, EPA once again postponed long-overdue remedial action on the river by deferring, until next spring, a review of its remedial options by the agency's remedy review board. The dioxin will spread further, remedial options will be made more expensive by another year of sedimentation, the day when fish and shellfish will be healthy to eat will recede further into the future. And, most tragically, the health of scores of New Jerseyans will remain at great risk for years to come.

2. **Ringwood Mines**

For years, the Ford Motor Company dumped paint sludge from its manufacturing operations in old mine shafts and uncontrolled dump sites in Ringwood, New Jersey, leaving waste bearing lead and other toxins over more than 500 acres in the small Borough of Ringwood. The population of Ringwood numbers 13,000, and still fewer -- less than a hundred -- live in the immediate vicinity of the waste, but runoff from the sites migrates to the Wanaque Reservoir, which serves more than 2 million New Jersey residents.

Ringwood and the predominantly low-income families living near the waste had long complained about the adequacy of Ford's cleanup effort, but EPA and DEP ignored these complaints for years.⁴ As a result of effective advocacy by the Borough and local residents, and a superb investigative series by the Bergen Record newspaper, the community called my attention to the failures of the cleanup at the site. New Jersey DEP undertook a renewed investigation, and found enormous volumes of paint waste left in plain sight, adjacent to and inside the yards of local families, where toxic exposure has been a fact of life for these residents for decades.

⁴ I must note my disagreement with the recent conclusion, by EPA's Inspector General, that the past failures had nothing to do with the minority and low-income composition of the community.

The regulatory failure at both the federal and state levels that allowed this site to be delisted from the NPL is a tragedy of terrible proportions, and one not attributable to the current program. I credit EPA and its Regional Administrator, Alan Steinberg, for responding to our calls to visit the site, for promptly recognizing that this site should be re-listed on the NPL, and for requiring Ford to initiate a new and more comprehensive cleanup.

Yet even in the aftermath of extraordinary agency failure, and EPA's recognition of the programmatic failure that left a distressed community at risk for years after the site was deleted from the NPL, the cleanup process at Ringwood is hampered in this second cleanup by funding shortfalls and lax enforcement.

Despite the earlier failure to give the community an adequate voice in the cleanup, EPA from the outset refused our request for technical assistance grants that would enable to community effectively to participate in the cleanup. Despite Ford's clear responsibility for the site and its earlier failures to perform an adequate cleanup, EPA has repeatedly sided with Ford and against the citizens and the Borough in the cleanup process.

For example, both the community and current DEP Commissioner Lisa Jackson have asked for seismic studies to determine the impact of the waste and the cleanup process on local ground stability, because local residences have been plagued with sinkholes in the area of the contamination. Rather than compel Ford to perform this needed work, EPA sided with Ford and against DEP and the community in deeming the work unnecessary.

When Ford responded to the re-listing of the site by asserting liability against the tiny Borough that had helped bring the egregious failures by Ford and EPA to light, EPA again sided with Ford, and to this day has failed to enter a settlement that would appropriately limit the Borough's exposure to hostile litigation by Ford.

Here as elsewhere, EPA has demonstrated little willingness to compel more cleanup work than the responsible polluter is willing to offer its taxpayers, has been unwilling to use its enforcement tools to ensure complete cleanup or to protect the Borough, and has not provided or required Ford to provide the funding needed for the community to participate fully in the cleanup.

The long-suffering Borough of Ringwood and its residents, it appears, will suffer still longer.

3. Imperial Oil

The Imperial Oil/Champion Chemical site encompasses fifteen acres surrounded by residential neighborhoods in Monmouth County, New Jersey. Past operations at the site included waste oil reprocessing and agricultural chemical production, and the legacy of those operations include waste oil, PCBs, and arsenic contamination. This contamination has extended off site and into a nearby creek. While there has been some removal of contaminated soils from areas outside the fenced-in boundary of the site, the remediation of the on-site contamination at the site of the former Imperial Oil facility has been continually postponed due to lack of funding. EPA has relied primarily on a fence to protect the local community and curious children from on-site contamination at the facility.

The impact of funding shortfalls in the Superfund program has been especially apparent in EPA's management of the third phase or "operable unit" of the cleanup (Operable Unit 3 (OU3)). The Record of Decision (ROD) for OU3, which finally determines the cleanup plan, was signed in 1999. New Jersey DEP assumed the lead for the design and engineering of OU3, and this work was substantially completed in 2001.

From 2002 onward, EPA continually rejected completed design work for OU3 on trivial or pretextual grounds, while making clear the funding was unavailable for the site even if

EPA were to approve the designs. EPA staff inadvertently forwarded to DEP staff internal correspondence in which EPA technical staff were directed to find a technical basis to reject DEP's OU3 design, because funding would not be available for some time. Over time, New Jersey's complaint over this impasse and the funding shortfall became more vocal, joined by members of New Jersey's congressional delegation.

In 2006, EPA simply took over the lead for the site. Notably, but not credibly, the agency reports on its website that it is still "designing" the relatively straightforward excavation remedy provided by OU3.

This is a site that is entirely dependent on adequate funding by the Superfund program, the responsible parties being largely insolvent or defunct. While EPA's public descriptions of the site suggest that it has taken the last eight years for two different agencies to design and agree to a remedy for a simple soil excavation, the reality is that the cleanup delays are attributable to inadequate funding and failure to manage for construction completion

4. Roebing Steel

Another site where cleanup depends entirely on program funding and has been delayed repeatedly is the sprawling Roebing Steel site, encompassing five hundred acres along the Delaware River in Florence Township, New Jersey. All of the funding available from the responsible party was recovered in a Chapter 11 bankruptcy proceeding in 1992.

The site is at the heart of the Township's plans for economic redevelopment, a fact highlighted by EPA's award of a \$100,000 planning grant for reuse of the site and its stated willingness to enter a prospective purchaser agreement (PPA) with potential redevelopers. But neither the modest planning grant nor a PPA can overcome the principal obstacle to redevelopment of the site: protracted delays in EPA's cleanup of the site.

Despite repeated requests by DEP and the Mayor of Florence to EPA to fully fund cleanup at the site, remedial activity at the site went into an extended hiatus throughout my four years as commissioner. EPA staff privately attributed the hiatus to funding shortfalls, whereas EPA's public summaries of cleanup progress suggest that delays are due to design of the relatively straightforward remedial action selected for the site. Here again the remedy "design" process serves as a veil to obscure the agency's current failures of management and funding. Here again, the remedy still-to-be funded is a simple excavation, presenting no unusual complexity.

As at Imperial Oil and Cornell-Dubilier (discussed below), the relatively uncomplicated nature of the remedial work that remains to be funded belies EPA's claims that construction completions have slowed due to the nature of the remedy rather than management failure or funding shortfalls.

EPA's own portrayal of the site on its web pages illustrates starkly the extent of delay. The third remedial action selected for the site was completed in 1994. EPA currently projects that design, not construction, of the fourth remedial action will be completed in the fall of 2007 – thirteen years later. While other work, including a revetment along the river, has been completed in the interim, little or no work occurred for more than five years.

Given this pattern of funding shortfalls and cleanup delays over the past six years, the Township of Florence can have no optimism as to whether and when the site will be available for redevelopment and returned to productive use. Prospective purchasers have little or no reason to choose redevelopment of this site over available greenfield sites. And the site continues to be a source of toxic loadings to the adjacent Delaware River.

5. **Berry's Creek/Universal Oil Products**

As the Passaic River example illustrates, the failures of management, funding, and enforcement that mark the current Superfund program appear especially pronounced at contaminated sediment sites, even where (as on the Passaic) the contamination at issue is primarily attributable to a single polluter. Current program failures at these sites adversely affect not only surrounding human and natural communities, but also hamper the good-faith efforts of responsible companies to complete their cleanup work and resolve their liability.

The Berry's Creek Superfund provides a New Jersey example of this problem. At this site, remedial actions for the land portion of the site progressed, but the cleanup process for the mercury contamination of marsh and river sediments has languished for years. At this site, one of the responsible parties repeatedly sought to accelerate the pace of remedial investigation and feasibility studies, but found that after many years EPA had done little more than have the responsible party fund a literature search.

In response, the responsible party took the unusual step of asking New Jersey DEP to assume the lead for the cleanup and undertake an accelerated remedial effort. While New Jersey DEP's own program for hazardous site cleanup already was overburdened, the good faith of the company in making this overture persuaded me to make the request of EPA, either to have the state take over the lead or to jointly develop an accelerated approach with EPA. EPA flatly rejected this request, but the fact of the request demonstrates the level of frustration with the current program pace even among responsible parties.

EPA did finally begin remedial investigation of the marsh and creek in 2005, but there is little prospect of a remedial decision in this decade if current program approaches continue.

5. **Cornell-Dubilier**

The severity of Superfund funding shortfalls is further illustrated by the fact that even sites with ongoing human and ecological suffer long delays in the queue for funding.

Located in South Plainfield New Jersey, the Cornell-Dubilier Electronics site has more than 540 residents living within one quarter of a mile of the site, and the site includes direct surface water connections to ecologically sensitive tributaries of the Bound Brook.

EPA has undertaken numerous emergency response and remedial actions at the site, but funding shortfalls have delayed a number of major remedial actions called for by the record of decision signed in 2004. In particular, there is an open and uncontrolled dump of capacitors that comprises, by EPA's own description, the most contaminated portion of the site.

This phase of the cleanup should have proceeded no later than 2005, but due to funding constraints and the cleanup of the capacitor disposal area is not projected by EPA to take place until later this year. In addition, expanded cleanup of commercial and residential areas has progressed at an unduly slow pace – by all accounts because of inadequate funding.

In the interim, both the public and sensitive natural resources are being exposed to PCBs, heavy metals, and toxic organic compounds.

Conclusion

Both broad statistics and the experience of states on the ground are consistent: the Superfund program has lost its focus on completing cleanup work, is hamstrung by

funding shortfalls, and is unwilling to make full use of the enforcement tools Congress as given the agency.

The consequences for public health and the economy of affected communities in New Jersey are profound. So too, are the consequences for New Jersey DEP, already managing far more hazardous sites than its resources permit.

I am grateful to the subcommittee for focusing its attention on this ita public health and environmental challenge.

Respectfully submitted:

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