



Why America Still Needs the Superfund Program Run by the Environmental Protection Agency

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To the average observer fifty years ago, Love Canal was an ordinary American neighborhood just east of Niagara Falls. Children played in ample green spaces, parents sent their kids to a newly-built school, and working-class families settled into their piece of suburbia. Gradually, however, noxious smells, mysterious oozing liquids, and dying vegetation indicated that something was awry. In 1978, the culprit was identified – thousands of tons of hazardous chemicals packed into 55-gallon drums buried beneath the community by the Hooker Chemical Company, which had previously owned the parcel and used it as a dump.

Residents reacted by mobilizing and demanding intervention by the state and federal governments. Spurred by these motivated citizens protesting a clear public health crisis — one of many threats from such toxic sites nationwide — Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act in 1980 to create the so-called Superfund. This program was designed to simultaneously remediate the damage already done at sites like Love Canal and deter the sort of corporate behaviors that might produce such hazardous locations in the first place.

The Superfund Record

The 1980 Superfund legislation tasked the Environmental Protection Agency with creating a National Priorities List of the most concerning toxic sites across the country based on their threat to public health. A Hazardous Substance Superfund Trust Fund was set up, with financial and human resources to clean-up priority hazardous locations. This trust fund was designed to draw resources from a newly established tax on likely polluters in industries like oil and gas; and the new law also created a liability framework for determining financial responsibility for abandoned sites. The burden was designed to fall on companies previously engaged with the toxic sites in question, even if they were not directly responsible for founding the location. This approach simultaneously provided non-governmental resources for environmental remediation and clearly signaled to potential polluters that they would be held responsible for reckless behavior. Since the Superfund's inception, the Environmental Protection Agency has placed more than 1,000 sites on their National Priorities List to be cleaned up, and it has deterred pollution at countless other sites.

The public is served by Superfund efforts in several ways:

- **Public health benefits.** Abandoned mines, factories, dumps, and industrial facilities present significant danger to people living in nearby communities. Locals run the risk of coming into direct contact with lead and other heavy metals, dioxins, radiation, and carcinogens present at the sites. Furthermore, hazardous substances can spread more widely via contaminated groundwater or polluted air currents; and they can be dispersed by extreme weather events like hurricanes and floods. Isolating toxins and

removing them from the environment prevents cancer, birth defects, and human suffering – not just in specific sites but in surrounding areas as well.

- **Gains in environmental justice.** The seminal 1987 report by the United Church of Christ on *Toxic Wastes and Race in the United States* noted that “three out of every five Black and Hispanic Americans live” in a community plagued with toxic waste sites. Superfund cleanups can prioritize communities that are primarily composed of economic, racial, and social minorities and narrow societal gaps regardless of the original causes of pollution.
- **Long-term economic returns.** Environmental remediation can improve property values and spur community redevelopment, thus counteracting many of the short-term costs of such undertakings.

Recommended Reforms

All in all, the case for Superfund is clear and engages a wide set of values, giving this program the potential to garner the support of decision makers from diverse political backgrounds. Congressional leaders should continue the program, while adopting the following specific reforms to maximize returns and ensure follow-through on promises:

- **Revive the Superfund Polluter Pays Restoration Act of 2017.** In 1995, the Fund’s taxation authority expired, creating shortages that have not been solved. The 2017 proposal would reinstate the pre-1995 excise tax on polluting industries and set up a system outside annual appropriations to ensure adequate resources when the polluting parties cannot be found.
- **Expand Superfund staffing.** A 2017 audit by the Environmental Protection Agency’s Inspector General found that programmatic delays were primarily due to a lack of human resources and recommended the hiring of additional qualified individuals.
- **Continue to prioritize ending health hazards over perfect remediation.** Ideally, all sites would be completely remediated and redeveloped, but the program can be most cost effective and best protect the public if it sets a priority on removing health threats.
- **Increase transparency about site selection and the cleanup process.** Administrative accountability should be enhanced to prevent undue industry influence, bolster credibility, and keep environmental justice in the public eye.
- **Seek assistance from academic researchers** to ensure that sites placed on the National Priorities List reflect the most hazardous sites and those most important to minority and low-income communities.

The Superfund effort at Love Canal was just one example of the steps America can and must take to correct for the pollution costs associated with industrialization and economic development. With a few improvements, the Fund can continue to protect communities from such hazardous sites nationwide.