

Tri-Valley CAREs

Communities Against a Radioactive Environment

2582 Old First Street, Livermore, CA 94551 • (925) 443-7148 • www.trivalleycares.org



*Peace Justice Environment
since 1983*

December 11, 2010

Leah Russin and Byron Brown
Senator Dianne Feinstein
331 Hart Senate Office Bldg.
Washington, DC 20510

Dear Senator Feinstein:

This December marks the 30th anniversary of the Superfund program. I invite you to celebrate this important birthday with the Livermore, CA-based Tri-Valley CAREs and its members.

The enclosed gift card symbolically represents a birthday cupcake (which would be a bit messy to mail). And, the present we are asking you to give the Superfund program this year is the gift of adequate funding to achieve cleanup of toxic Superfund sites in CA, including at the Lawrence Livermore National Laboratory Main Site in Livermore and its Site 300 high explosives testing range near Tracy.

We ask you to give Superfund a gift by taking these 2 actions:

1. Reinstating “polluter pays” fees for the financially ailing toxic site cleanup program. One of the fees, the Corporate Environmental Income Tax, paid by companies with \$2 million or more in profits was \$12 on every \$10,000 in profits – or the price of a few birthday cupcakes. And,
2. Ensuring that Congress appropriates sufficient funding to clean up Department of Energy Superfund sites like CA's Livermore Lab Main Site and Site 300. At these two, and at other government-owned Superfund cleanup locations, the cleanup is paid for through annual agency budget requests and subsequent congressional appropriations.

Thirty years ago this December, President Jimmy Carter signed the law that created the federal Superfund. It is disappointing that, three decades later, hundreds of communities across the country are still impacted by Superfund sites, in part due to a slow rate of cleanup resulting from a woefully underfunded program ill-prepared to these address toxic tragedies.

Still, there is good news to report. Hundreds of toxic sites have been cleaned up under this program. These Superfund victories have revitalized neighborhoods and prevented drinking water supplies from contamination by dangerous pollutants. However, the fund has been hit hard by a lack of fees collected from polluters resulting in many communities threatened by toxic sites as they await their turn on the lengthy cleanup list.

Now, it is time for Congress to take the burden off taxpayers who are paying needlessly for privately owned Superfund cleanups today. Reportedly, the chemical industry is banking a 200% increase in profits this year. (Source: *Chemical Week*, October 8, 2010, http://www.chemweek.com/sections/viewpoint/Profit-Recovery_30061.html)

We need to reduce government spending and reinstate polluter pays fees in 2011. It is time for Congress to give Superfund the much-needed gift of reliable, adequate funding for its 30th birthday to protect American communities. Moreover, we need to prioritize cleanup at federally-owned sites like the Livermore Lab Main Site and Site 300, boosting cleanup funds and reducing funds for pollution-causing, proliferation provocative activities, such as the further development of nuclear weapons.

Community and environmental organizations around the country, including CA-based Tri-Valley CAREs, are delivering birthday cupcakes and letters this month to remind policymakers that taxpayers should not foot the bill to clean up abandoned, privately owned toxic waste sites and to urge reinstatement of the “polluter pays” fees to replenish Superfund.

As you know, the Superfund chemical feedstock, crude oil and corporate income taxes expired in 1995 and taxpayers are now shouldering the costs of cleaning up abandoned toxic waste sites with over \$1 billion in annual appropriations.

As the 30th birthday of Superfund rolls by this December, the once-robust Superfund toxic cleanup fund is weakest when needed most, according to government reports. For 15 years, the government imposed fees on companies that went into a trust fund to clean up the worst toxic sites in the country. When the aforementioned fees expired in 1995, Congress did not renew them, and the fund ran out of money in 2003. Since then, the federal government has appropriated public dollars every year. But the budget is too small and this has greatly slowed the rate of site cleanups.

A 2010 report by the US Government Accountability Office (GAO) found the program completed clean ups at 19 sites last year, compared with 89 in 1999. GAO also found that at over 60 percent of 239 Superfund sites with “unacceptable or unknown human exposure,” all or more than half of the cleanup work remains to be done due to insufficient funding.

And it will only get worse. EPA estimates that costs will rise to around \$681 million each year through 2014, which greatly exceeds the previous annual costs of \$220 to \$267 million (2000 to 2009). In addition, EPA estimates that about 25 sites per year will be added to Superfund in the next 5 years, higher than the past average of 16 sites per year.

(Source: *Superfund: EPA's Estimated Costs to Remediate Existing Sites Exceed Current Funding Levels*, 5/2010, GAO 10-380 <http://www.gao.gov/products/GAO-10-380>)

For all of these reasons and more, on this occasion of Superfund's 30th birthday, we urge you to support legislation to reinstate polluter pays fees and, additionally, to ensure adequate appropriations for Superfund sites owned by the federal government.

Supported by President Barack Obama, three bills are pending that would reinstate the industry fees (NJ Senator Frank Lautenberg's S. 3164; OR Representative Earl Blumenauer's HR 564; and NJ Representative Frank Pallone's H.R. 832). We urge you to support these, or similar, legislative initiatives.

We believe this is the fairest and most equitable way to finance the program and get Superfund back on track cleaning up hundreds of dangerous toxic dumps and other leaking toxic sites.

Please Tri-Valley CAREs know if you will support the reinstatement of polluter pays fees for the federal Superfund program and call for adequate cleanup budgets for Department of Energy and other government owned sites. And, please do not hesitate to call on us to help your office accomplish this major task.

Our group's 5,600 members, most of whom live and work near (or at) the Livermore Lab Main Site and its Site 300, stand ready to help.

Sincerely,

Marylia Kelley
Executive Director,
Tri-Valley CAREs