



THE UNITED STATES  
CONFERENCE OF MAYORS



March 4, 2026

The Honorable Brett Guthrie  
Chair, Energy & Commerce  
2434 Rayburn House Office Building  
Washington, DC 20515

The Honorable Frank Pallone  
Ranking Member, Energy & Commerce  
2107 Rayburn House Office Building  
Washington, DC 20515

The Honorable Gary Palmer  
Chair, Environment Subcommittee  
170 Cannon House Office Building  
Washington, DC 20515

The Honorable Paul Tonko  
Ranking Member, Environment Subcommittee  
2269 Rayburn House Office Building  
Washington, DC 20515

**Subject: House Committee on Energy and Commerce, Subcommittee on Environment hearing titled, *Ready for Reuse: Legislative Proposals to Unleash the Potential of America's Brownfields Sites***

Dear Chairman Guthrie, Ranking Member Pallone, Chairman Palmer, and Ranking Member Tonko:

On behalf of the U.S. Conference of Mayors (USCM), the National League of Cities (NLC), and the National Association of Counties (NACo), we would like to take this opportunity to thank you for acknowledging the importance of reauthorizing the Brownfields Utilization, Investment, and Local Redevelopment (BUILD) Act (P.L. 115-141). We respectfully submit this letter to the March 4 Subcommittee on Environment Hearing Record.

As you know, local leaders play an essential role in identifying, assessing, remediating, and redeveloping brownfields sites from unproductive parcels of land into projects that better the community. Brownfields redevelopment can play an integral role in a community's revitalization plan, and our organizations have been working for more than three decades on making these sites easier to assess and redevelop.

We want to stress that the BUILD Act, which President Trump signed into law in 2018, included most of the much-needed changes that local leaders sought to improve the brownfields law. As mentioned in our testimony before this committee last year, we are seeking minor changes to the law, including an increase in authorization, an increase in the cap for some grant programs, more flexibility for multi-purpose grants, an increase in the cap for administrative costs and the ability to reapply for grants. We stand by this request.

Your committee has taken the time to draft additional ideas for improving the U.S. Environmental Protection Agency (EPA) Brownfields program and below are some brief comments we have regarding these drafts. We welcome the opportunity in the near future to meet with you and your staff to further discuss these proposals.

## **Local Government Concerns with Draft Legislation**

We are concerned about and are strongly opposed to several provisions included in the draft bills before the Subcommittee:

### **1. Private Sector Companies Becoming Eligible Entities**

Our organizations originally approached Congress and the EPA in the 1990s regarding the problem of brownfields in communities—where the private sector had abandoned or underutilized sites and were also unwilling to take on the challenge of these properties and commit any of their own resources toward clean up or redevelopment. For three decades, private-sector developers have worked in conjunction with local governments to assess and redevelop these sites.

The “Brownfields Revitalization for a Better Tomorrow Act” would change the definition of an eligible grant recipient to include “a private, for-profit limited liability corporation.”

This addition is not necessary nor is it a good idea to allow for-profit companies to become eligible for funding through the Brownfields Program. First, there currently is not enough money appropriated, including at levels under the Infrastructure Investment and Jobs Act (IIJA), to fund the current number of grant applications. Second, the private sector can already take advantage of money from the Revolving Loan Funds that are provided by local governments or the states. Third, when our organizations first approached Congress about the creation of the Brownfields Program back in the 1990s, there was initially a lot of push back from environmentalists who were worried that private sector companies that were responsible for the contamination would be given money to clean up their own mess. Limiting the funding to local governments that did not cause or contribute to the contamination provided reassurance to the environmental community. Fourth, we believe it would be difficult for EPA to monitor and ensure that private sector applicants were not also responsible for the contamination. Finally, we believe Congress could help the private-sector more effectively by reinstating the Brownfields Tax Deduction, which allows the private sector to take a tax deduction for the costs of the cleanup in just one year as opposed to being amortized over a number of years.

### **2. Nationally Significant Infrastructure Facilities and Exemption from NEPA Provisions**

The “Brownfields Revitalization for a Better Tomorrow Act” proposes a new definition and priority ranking for “nationally significant infrastructure facilities” including semiconductor manufacturing, critical mineral mining, artificial intelligence and data centers, and energy generation.

Furthermore, the proposed “Brownfields Inventory and Permitting Efficiency Act,” would exempt these heavy industrial infrastructure sites from permitting requirements under the National Environmental Policy Act (NEPA). Such “nationally significant infrastructure” sites would be deemed to not be considered a “major federal action” requiring NEPA review for any federal funding, permits, special use authorizations, certifications, or other approvals from EPA or any federal agency.

We are concerned these provisions could result in data center or other types of development in a community without the support from local leaders or residents - especially if private entities are eligible for Brownfields grants and if NEPA requirements are waived. Data centers and other types of developments are already an allowable use for Brownfield redevelopment. Furthermore, EPA recently issued information for communities on reuse considerations for data centers on

brownfield sites. We believe this information is sufficient to help local leaders evaluate whether a brownfield site can be redeveloped into a data center or other project, without amending the statute to include a specific reference to data centers or other types of projects under the defined “nationally significant infrastructure facilities.”

### **3. Creation of a BIFIA Fund**

While our organizations have generally been supportive of larger infrastructure loan programs such as TIFIA and WIFIA, we oppose the creation of a BIFIA loan program that uses existing Brownfields grant funds for a new loan program that gives preferential treatment for certain types of industrial companies such as semi-conductor manufacturing, data centers, processing critical materials, and energy production.

While there is a critical need for large-scale investment, currently there simply is not enough money in the Brownfields program to finance such an effort without taking away resources for other valuable projects. Secondly, we are not supportive of “tipping the scale” in favor of these particular types of projects while other, just as worth-while projects, are put at a disadvantage. The beauty of the brownfields program is that it is flexible enough to support all types of projects that a community decides would work for them. Furthermore, a Brownfields Revolving Loan Fund grant program already exists that communities utilize. If Congress wants to further explore creating a BIFIA program, we suggest that it is funded separately from the existing Brownfield funds and that Committee members and staff consult with local governments and other beneficiaries to determine the most useful way of designing such a tool.

### **Local Government Priorities for Brownfields Reauthorization**

As previously mentioned, we were very pleased with the BUILD Act and would like to request either a clean reauthorization bill or to make the following modifications:

#### **1. Higher overall authorization levels, as well as higher per-grant amounts that were included in IIJA, especially for the cleanup and multi-purpose grants.**

We have regularly asked Congress for higher authorization and appropriation levels and we were thrilled that the IIJA delivered on both of these requests. We believe this money will be well utilized and justifies higher authorization and appropriation levels longer term. We respectfully ask that higher authorization levels be included in this new authorization bill. There are an estimated 400,000-600,000 brownfield sites in the United States but EPA can only fund a small portion of the grant applications it receives. We strongly urge Congress to go beyond traditional funding levels and provide the same funding levels that were included in the IIJA, as well as increase the per-grant maximum cap for assessment, cleanup and multi-purpose grants.

#### **2. EPA has a more restrictive view of the purpose and targeted area regarding multi-purpose grants than we originally envisioned and we urge Congress to direct EPA to expand its application.**

We are pleased that Congress established a multi-purpose grant in the last authorization bill. However, EPA seems to have a more restrictive view of the uses of multi-purpose grants than we originally envisioned. We were hoping that a city would NOT have to identify exactly how they would spend the money or identify a particular neighborhood or site for where the money would be spent, but rather be able to use it more broadly, potentially even community-wide for any

eligible brownfields' activity. The intention of the multi-purpose grant was to provide the resources for assessments or cleanups as needed for multiple properties within a jurisdiction based on the needs of the community and market forces. Of course, the money would only be spent on eligible brownfield activities and a grantee would need to report how and where the money was spent. We respectfully ask Congress to direct EPA to expand its definition of the way a multi-purpose grant can be utilized.

**3. Increase the administrative cost allowance**

The 2018 reauthorization allowed Brownfield grant recipients to use up to five percent of grant funding for administrative costs, such as rent, utilities, and other costs necessary to carry out a brownfields project. This was an important improvement to the original law, which prohibited use for administrative costs entirely. This change is particularly important for small and rural communities that previously may not have even applied for grants due to the cost burdens associated with accepting a federal grant. We ask the committee to strike the cap to further support small and rural communities.

**4. Ability to apply for an additional cleanup grant for a specific property, even if a community has already received a cleanup grant, and the ability to apply for an assessment grant after a community has received a cleanup grant for a specific property.**

Some brownfield sites need additional support for revitalization and redevelopment, but EPA tends not to fund more than one cleanup grant on a property or allow for an assessment grant after a cleanup grant has been awarded. However, both of these additional flexibilities would assist with brownfields sites that are more complex than initially thought by the community. For example, if a community has done some cleanup but then discovers there are other concerns or contaminants an additional assessment may be needed; or if a community is doing a cleanup and realizes there is more work to do additional clean up funds may be needed.

Thank you for your leadership on and prioritization of Brownfields reauthorization this year. The Brownfields program is an economic development program for communities, and with minor changes to existing law, local leaders will continue to be able to access federal funding to redevelop and revitalize abandoned or contaminated land into productive reuse. Again, we welcome the opportunity to meet with you, committee members, and your staff to further discuss this important reauthorization effort. If you have any questions, don't hesitate to reach out: Judy Sheahan (USCM) at 202-355-8540 or [jsheahan@usmayors.org](mailto:jsheahan@usmayors.org); Carolyn Berndt (NLC) at 202-626-3101 or [Berndt@nlc.org](mailto:Berndt@nlc.org); or Charlotte Mitchell Duyshart (NACo) at 202-661-8826 or [cmitchell@naco.org](mailto:cmitchell@naco.org).

Sincerely,



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CC: Members of the House Energy and Commerce Committee