



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 8, 2014
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2279 - Reducing Excessive Deadline Obligations Act

(Rep. Gardner, R-CO)

The Administration strongly opposes H.R. 2279 because it would make a number of problematic changes to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which could delay remediation of national priority cleanup projects with the most urgent human health and safety risks. CERCLA's existing Federal/State partnership provisions have been the cornerstone in developing strategies to address the releases of hazardous substances and to remediate contaminated sites across the country.

H.R. 2279 would unnecessarily increase the potential for litigation between the Federal government and the States, negatively impacting the timeliness and number of cleanups. Specifically, the bill would expand the waiver of sovereign immunity to all current or former Federal facilities as well as those listed on the National Priorities List, and would require Federal agencies to comply with State-imposed remediation requirements irrespective of land use plans, site ownership, or national funding prioritizations. It also would allow a State to seek injunctive relief, civil penalties, and the imposition of sanctions for "enforcement of any injunctive relief" against the United States. The Administration already works closely with the States to ensure that remedial goals for the protection of public health are met and that the States' preferences and requirements are taken into account.

Federal agencies often face significant challenges in attempting to carry out response actions due to lack of funding. Thus, agencies have developed prioritization approaches to identify the highest risk sites for immediate action in a "worst first" approach to cleanup. H.R. 2279 may impact this prioritization if Federal agencies face litigation and the imposition of civil penalties on lower risk sites, ultimately reducing the funds available for on-going and future remediation efforts.

In the context of CERCLA cleanups, the bill would allow States to impose restrictions on federally-owned lands that could interfere with current and future uses of those properties. This would effectively allow States to control the land use of Federal sites, including Department of Defense installations, Department of Energy laboratories, and Federal land management agency properties, significantly impairing the use of those facilities for mission-specific functions and potentially disrupting land transfer negotiations.

The bill would disrupt on-going reform efforts being undertaken by Federal regulators to ensure the sufficiency of appropriate financial assurance requirements needed to cover the cleanup of hazardous substance releases. The bill's requirements could result in significant site cleanup delays, endangering public health and the environment.

For the reasons stated above, the President's senior advisors would recommend he veto this bill.

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