

Federal Brownfields Program: Background and Issues for Congress

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The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; 42 U.S.C. §§9601 et seq.) provides the federal framework for the cleanup of contaminated sites for which the federal government is liable for cleanup and nonfederal sites elevated for federal attention. This framework includes the authorization of the federal Brownfields program, which provides grant assistance to state, local, and tribal governmental entities, and certain nonprofit organizations and community development entities, for the assessment and cleanup of potentially contaminated sites. CERCLA defines a *brownfield site* as a “real property at which expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.” The Brownfields program is the principal federal program for providing grants for the assessment and remediation of environmental contamination on nonfederal lands where the federal government was not responsible for the contamination.

Established as a pilot initiative by the U.S. Environmental Protection Agency (EPA) in 1993, the federal Brownfields program was codified by Title II of the Small Business Liability Relief and Brownfields Revitalization Act of 2002 (P.L. 107-118). The Brownfields Utilization, Investment, and Local Development Act of 2018 (BUILD Act; P.L. 115-141, Division N) amended CERCLA to change various programmatic elements of the Brownfields program and reauthorized appropriations for the program from FY2019 through FY2023. Although the authorization for the Brownfields program expired at the end of FY2023, Congress has continued to appropriate funding for it.

Congress provides annual appropriations for the federal Brownfields program for two types of grants: (1) those that EPA awards on a competitive basis for the assessment and cleanup of eligible brownfield sites and (2) those that are noncompetitively awarded on a formula basis to assist states and Indian tribes in carrying out their own cleanup programs. Although the term *brownfield* has become somewhat synonymous in common usage with any potentially contaminated site, only certain types of sites that fall within the CERCLA statutory definition are eligible for federal Brownfields grants authorized under CERCLA. In general, Brownfields grant eligibility is limited to state, local, and tribal governments and nonprofit organizations.

Between FY2002 and the enactment of the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), Congress annually appropriated between \$153.3 million and \$173.40 million per fiscal year for the Brownfields program, including funding for both types of grants and administrative expenses for EPA to carry out the program. Supplemental appropriations of \$100.0 million were provided in FY2009 by the American Recovery and Reinvestment Act of 2009 (ARRA; P.L. 111-5) for the Brownfields program. IIJA also provided supplemental appropriations of \$1.5 billion over five years for the Brownfields program. According to EPA, the cumulative number of Brownfields properties assessed, cleaned up, and made ready for anticipated reuse through April 1, 2026, were 42,999; 3,063; and 13,025, respectively.

Three bills have been introduced in the 119th Congress that would reauthorize the Brownfields grant authorization of appropriations (H.R. 6432, H.R. 8739, and S. 347). In a similar manner to what was done with the enactment of the BUILD Act in 2018, Congress may consider programmatic changes to the Brownfields program as part of reauthorization legislation. Congress has held multiple hearings on the Brownfields program in the 119th Congress to discuss these issues and consider other legislative proposals. Additionally, Congress may consider other issues associated with the Brownfields program, including adequacy of past funding levels and future funding necessary to achieve program objectives, policies to estimate future funding needs, and additional options for oversight.

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Introduction

The federal Brownfields program provides grant assistance to state, local, and tribal governments and nonprofit organizations for the assessment and remediation of potentially contaminated sites that largely are not addressed under other federal remediation programs or authorities.¹ These sites are abandoned, idled, or underutilized properties with known or suspected contamination perceived as a deterrent to redevelopment by prospective purchasers who may be hesitant about becoming liable for remediation once acquiring ownership. The Brownfields program is administered by the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; 42 U.S.C. §§9601 et seq.). In 2018, Congress reauthorized appropriations for the Brownfields program through FY2023 and amended CERCLA to change various elements of the program. Although the program's authorization has expired, Congress has continued to fund it through annual appropriations bills.

Some Members of Congress have expressed ongoing interest in the implementation and outcomes of the Brownfields program.² Whether and how to reauthorize the program and whether appropriations levels are adequate to meet the program's objectives are the subjects of debate in Congress.³ Congress is also considering oversight options to ensure the effective use of federal resources dedicated to the Brownfields program.

This report provides background on the Brownfields program, including a review of legislation that codified the federal program, subsequent amendments, and related legislation. Additionally, it discusses details on the types of Brownfields grants available under the program, site and applicant eligibility, and other aspects of the program. The report also provides a history of Brownfields appropriations and recent budget proposals. It discusses program implementation, with a focus on site assessment and cleanup metrics. Finally, the report concludes with a discussion of policy issues for Congress.

Brownfields Program Background

The EPA Superfund program, authorized under CERCLA, is the principal federal program that addresses the cleanup of nonfederal sites, elevated for federal attention, under cost-sharing agreements with the states. The federal role in the cleanup of contaminated sites has focused primarily on federal facilities and federal public lands for which the federal government is liable for the cleanup, and nonfederal sites elevated for federal attention. States are primarily

¹ For information on implementation of the Brownfields program, see U.S. Environmental Protection Agency (EPA), "Brownfields and Land Revitalization," last updated June 24, 2026, <http://www.epa.gov/brownfields>. A searchable database of competitive grant awards to individual recipients by fiscal year also is available on EPA's website; see EPA, "Brownfields and Land Revitalization Grant Fact Sheet Search," <https://java.epa.gov/acrespub/gfs/>.

² See, for example, U.S. Senate Committee on Environment and Public Works, "EPW Committee Unanimously Passes Brownfields, Recycling Legislation," press release, February 5, 2025, <https://www.epw.senate.gov/public/index.cfm/2025/2/epw-committee-unanimously-passes-brownfields-recycling-legislation>:

"Our bill streamlines the application process to level the playing field. The legislation also modernizes the [Brownfields] program's grant amounts to match current construction costs and project sizes, aligning them with the reality of doing business today," Chairman Capito said. "Cleaning up brownfield sites can be costly and burden our local communities," Senator Blunt Rochester said. "The *Brownfield Reauthorization Act* will help us reduce environmental hazards, spur economic development, and support the health and safety of our people."

³ For example, see U.S. Congress, House Energy and Commerce Committee, Environment Subcommittee, *Ready for Reuse: Legislative Proposals to Unleash the Potential of America's Brownfield Sites*, 119th Cong., 2nd sess., March 4, 2026.

responsible for addressing cleanup at other nonfederal sites across the United States. Many states have developed their own cleanup programs and funding sources.⁴ CERCLA gives substantial deference to states in determining whether the cleanup of a nonfederal site is elevated for federal attention. Sites elevated for federal attention tend to be higher risk, larger, or more complex sites at which federal assistance is desired to augment state resources. While CERCLA generally addresses the cleanup of hazardous substances, other federal programs may address other types of substances.

Using the general response authorities of CERCLA, EPA established a pilot initiative in 1993 under the Superfund program to assist communities with the cleanup of certain lower-risk sites to encourage or facilitate economic redevelopment or reuse.⁵ EPA referred to these properties as *brownfields* to distinguish them from higher-risk sites that had been designated on the National Priorities List (NPL) for priority attention under the Superfund program and to distinguish them from other sites where federal response actions also were taken under the Superfund program to address emergency conditions.

Prior to 2002 amendments to CERCLA (discussed in greater detail below), EPA used Superfund appropriations to provide federal assistance to communities to aid them in financing the cleanup of brownfield sites.⁶ Although there was relatively broad support within Congress for this assistance, some contended the use of Superfund monies to clean up these sites diverted federal resources from higher-priority sites where risks to human health and the environment were generally greater. In the annual appropriations process, Congress continued to set aside funds each fiscal year for brownfields assistance within the Superfund account until FY2002.⁷ Congress then explicitly amended CERCLA to authorize separate appropriations in the 107th Congress by enacting the Small Business Liability Relief and Brownfields Revitalization Act of 2002, discussed in the next section. These amounts, which were from annual Superfund appropriations, accounted for less than 10% of annual Superfund appropriations during the pilot initiative.⁸

⁴ States also play a critical role in overseeing the cleanup of federal facilities administered and funded by federal agencies.

⁵ There are no statutory or regulatory definitions for a relatively “lower risk” or “low-level contamination” site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This type of language has been used in various instances in the legislative history associated with the 2002 amendments to CERCLA. For example, in the Senate report accompanying P.L. 107-118, one group of Senators provided the following additional view:

The bill includes important provisions specifying that only sites with low level contamination are eligible for inclusion under this bill. Ineligible sites include those that are listed on the National Priorities List or sites that have undergone a preliminary assessment and site investigation and have received a “pre-score” under EPA’s site evaluation process that would indicate that the site could qualify for inclusion on the National Priorities List. This distinction between high-level and low-level contamination is vital to ensure that liability relief and limitations on EPA enforcement are in no way granted to “Superfund-caliber” sites.

See U.S. Congress, Senate Environment and Public Works Committee, *Brownfields Revitalization and Environmental Restoration Act of 2001*, committee print, 107th Cong., March 2001, S.Rept. 107-2, p. 26.

⁶ For more information about the types of federal assistance during this time, see U.S. Government Accountability Office (GAO), *Brownfields, Information on the Programs of EPA and Selected States*, GAO-01-52, December 2000; and GAO, *Superfund, EPA’s Use of Funds for Brownfield Revitalization*, GAO/RCED-98-87, March 1998, <https://www.gao.gov/assets/rced-98-87.pdf>.

⁷ According to GAO, funding for brownfields as received through Superfund appropriations between 1993 and 2002 totaled approximately \$506 million (in nominal dollars). See Enclosure I in GAO, *Hazardous Waste Programs: Information on Appropriations and Expenditures for Superfund, Brownfields, and Related Programs*, GAO-05-746R, June 2005, <https://www.gao.gov/assets/gao-05-746r.pdf>.

⁸ See GAO, *Hazardous Waste Programs*, GAO-05-746R.

Brownfields Program Legislation

Beginning with the 2002 CERCLA amendments, Congress enacted legislation related to a dedicated federal Brownfields program. Subsequent statutes include the Brownfields Utilization, Investment, and Local Development Act of 2018 (BUILD Act) and the Infrastructure Investment and Jobs Act (IIJA) of 2021.

Small Business Liability Relief and Brownfields Revitalization Act of 2002

In the 107th Congress, Title II of the Small Business Liability Relief and Brownfields Revitalization Act of 2002 (P.L. 107-118) amended CERCLA to authorize EPA to administer a dedicated Brownfields grant program separately from the Superfund program. P.L. 107-118 authorized appropriations of \$250 million annually from FY2002 through FY2006 for the Brownfields program.⁹

P.L. 107-118 authorized a dedicated program similar in overall purpose to the EPA pilot initiative under the Superfund program but also authorized grants for the assessment and cleanup of petroleum contamination. CERCLA does not apply to the cleanup of releases of petroleum,¹⁰ but instead focuses on the release or threatened release of hazardous substances that include several hundred designated toxic chemicals and radionuclides.¹¹

P.L. 107-118 authorized EPA to award two types of grants under the Brownfields program. Subject to the availability of appropriations, EPA may award grants on (1) a competitive basis for the assessment and cleanup of eligible brownfield sites to state, local, and tribal governmental entities (and to nonprofit organizations in certain circumstances) and (2) a formula basis to assist states and Indian tribes in carrying out their own cleanup programs. Eligibility for these grants is discussed in “Types of Brownfields Grants.”

Brownfields Utilization, Investment, and Local Development Act of 2018

In 2018, the BUILD Act (P.L. 115-141, Division N) amended CERCLA to change various programmatic elements of the Brownfields program and reauthorize appropriations for the program, at previous amounts, from FY2019 through FY2023.¹² Changes that the BUILD Act made to the Brownfields program include

⁹ According to GAO, the highest annual funding level for the Brownfields pilot initiative was \$95 million in 2002. See Enclosure I in GAO, *Hazardous Waste Programs*, GAO-05-746R.

¹⁰ The CERCLA definitions of *hazardous substances* and *pollutant or contaminant* exclude petroleum for purposes of response actions. See 42 U.S.C. §9601(14) and 42 U.S.C. §9601(33).

¹¹ The list of hazardous substances designated under CERCLA is promulgated in federal regulation at 40 C.F.R. §302.4. CERCLA Section 104(a) (42 U.S.C. §9604) also authorizes federal actions to respond to releases or threatened releases of pollutants or contaminants that are not otherwise designated as hazardous substances, but that may present an imminent and substantial danger to public health or welfare. CERCLA Section 107(a) (42 U.S.C. §9607(a)) establishes liability for releases of hazardous substances but does not explicitly reference liability for releases of pollutants or contaminants.

¹² The BUILD Act was enacted as part of the Consolidated Appropriations Act, 2018, P.L. 115-141, Division N.

- no longer limiting Brownfields eligibility for sites contaminated by petroleum or petroleum products and instead providing eligibility to “relatively low risk” petroleum sites;
- expanding the eligibility for Brownfields competitive grants to governmental entities that acquired the property prior to January 11, 2002, even if the entity does not qualify as a *bona fide prospective purchaser*;¹³
- expanding the eligibility for Brownfields competitive grants to certain nonprofit organizations, limited liability corporations and partnerships composed entirely of such nonprofit organizations, and qualified community development entities;
- increasing the dollar amount limitation for a site-specific remediation grant from \$200,000 to \$500,000, including the potential to receive a grant up to \$650,000 based on a waiver for the anticipated level of contamination, size, or ownership status of the site;
- explicitly authorizing multipurpose grants that combine funding for both the site-specific assessment and remediation into one grant;
- allowing a Brownfields grant recipient to use up to 5% of the funds to pay for administrative costs of a response action;
- authorizing EPA to consider waterfront development, renewable electricity projects, and energy efficiency improvement projects as land uses for prioritizing site assessment and remediation grants; and
- authorizing state and tribal formula grants to fund training, research, and technical assistance for developing inventories of brownfield sites, site assessments, site remediation, community involvement, or site preparation for small communities (15,000 people or fewer), Indian tribes, rural areas, and disadvantaged areas (communities with an annual median household income less than 80% of the statewide annual median household income).

Infrastructure Investment and Jobs Act

In 2021, IIJA provided emergency supplemental appropriations totaling \$1.5 billion over a five-year period for the Brownfields program. Of that amount, \$1.2 billion was provided for competitive grants and \$300.0 million for state and tribal formula grants, in equal amounts annually over a five-year period from FY2022 through FY2026. For up to half of the total funding for competitive grants under the IIJA (\$600.0 million), Congress increased the maximum amounts for an individual grant award for site assessment and characterization (\$10.0 million per grant), remediation (\$5.0 million), revolving loan funds (RLFs) (\$10.0 million), multipurpose grants (\$10.0 million), and job training (\$1.0 million).

Out of these emergency supplemental appropriations, up to 3% of the total funding could be used for salaries, expenses, and administrative costs, and 0.5% of the funding was to be transferred to the EPA Office of Inspector General (OIG) for oversight of the total funding. IIJA also directed EPA to submit an annual report to Congress on the status of funded projects.

¹³ 42 U.S.C. §9601(40).

Types of Brownfields Grants

CERCLA authorizes EPA to award Brownfields grants on a competitive basis to various entities and on a formula basis to assist states and Indian tribes in establishing or enhancing their own programs.

Competitive Grants

CERCLA Section 104(k) authorizes EPA to award grants on a competitive basis for the characterization, assessment, and remediation of eligible brownfield sites; job training for remediation workers; related research and technical assistance; and site planning.¹⁴ Section 104(k)(7)(B) restricts the use of available funds for job training, research, and technical assistance grants to a maximum of 15% of the annual appropriations, reserving the bulk of the funds for site characterization, assessment, and remediation.¹⁵ Section 104(k)(5)(D) authorizes the use of a portion of a site characterization, assessment, or remediation grant to purchase private insurance.¹⁶ As a practical matter, such insurance can be a critical factor in completing a project, if the site costs were to exceed the amount of the grant and the recipient were required to assume responsibility for the difference. Section 104(k)(5)(E) allows a recipient of a Brownfields grant to use up to 5% of the funds to pay for administrative costs of a response action funded under CERCLA Section 104(k).¹⁷ For this purpose, administrative costs are defined to exclude the “investigation and identification of the extent of contamination, design and performance of the response action, or monitoring of a natural resource.”¹⁸

Section 104(k)(10) establishes several conditions for receiving a Brownfields grant, or a grant or loan issued from an RLF¹⁹ capitalized with a Brownfields grant.²⁰ The recipient must agree to meet all relevant and appropriate cleanup requirements of CERCLA regulations under the National Contingency Plan,²¹ comply with all applicable federal and state laws, and ensure that the cleanup protects human health and the environment.

Eligible Entities

Section 104(k)(1) identifies the following entities that generally are eligible to apply for competitive Brownfields grants:

- state and local governments;
- Indian tribes;²²

¹⁴ 42 U.S.C. §9604(k).

¹⁵ 42 U.S.C. §9604(k)(7)(B).

¹⁶ 42 U.S.C. §9604(k)(5)(D). For more information about environmental insurance, see EPA, *Environmental Insurance Helps Ensure Redevelopment*, July 2003, <https://19january2021snapshot.epa.gov/sites/static/files/2015-09/documents/insurance.pdf>.

¹⁷ 42 U.S.C. §9604(k)(5)(E).

¹⁸ 42 U.S.C. §9604(k)(5)(E)(ii).

¹⁹ For more information, see the section below entitled “Revolving Loan Funds (RLFs).”

²⁰ 42 U.S.C. §9604(k)(10).

²¹ The National Contingency Plan (NCP) refers to the National Oil and Hazardous Substances Pollution Contingency Plan, codified in federal regulation at 40 C.F.R. Part 300. For a discussion of the NCP, see CRS Report R43251, *Oil and Chemical Spills: Federal Emergency Response Framework*, by David M. Bearden and Jonathan L. Ramseur.

²² In Alaska, tribal eligibility is extended specifically to the Alaska Native Regional Corporation and Alaska Native (continued...)

- redevelopment agencies chartered or otherwise sanctioned by a state government;
- land clearance authorities or other “quasi-governmental” entities operating under the supervision and control, or as an agent, of a local government;
- 501(c)(3) nonprofit organizations;
- limited liability corporations and partnerships composed entirely of nonprofit organizations defined in Section 501(c)(3); and
- qualified community development entities defined in Section 45D(c)(1) of the Internal Revenue Code.²³

Ineligibility of Liable Parties

Another critical factor in determining eligibility for a Brownfields grant is the liability status of the applicant. Section 104(k)(5)(B) prohibits the use of a Brownfields grant, or a grant or loan issued from an RLF capitalized with a Brownfields grant, for certain costs to ensure that the funds are not used to defray costs for which the recipient is to be held responsible.²⁴

Section 107(a) establishes categories of *potentially responsible parties* (PRPs) who can be held liable for cleanup costs.²⁵ These parties may include past and current owners and operators of a site, persons who arranged for disposal of hazardous substances at a site (often referred to as *generators of wastes*), and persons who transported hazardous substances and selected the site for disposal. The statutory prohibition on awarding Brownfields grants to liable parties is consistent with CERCLA in holding liable parties responsible for the costs of cleanup, to minimize the burden of these costs on the federal taxpayer who had no direct connection with the site.

Additionally, grants or loans may not be used for

- payment of a fine or penalty (e.g., for violation of a cleanup requirement);
- payment of a matching funds requirement;
- cost of compliance with any federal law, but excluding laws applicable to cleanup necessary to carry out the project; or
- response costs for which the recipient is potentially liable under CERCLA.²⁶

The *bona fide prospective purchaser* exemption is designed to work in tandem with the Brownfields program to facilitate the redevelopment or reuse of potentially contaminated sites that developers may be hesitant to acquire otherwise. The criteria to qualify for this exemption from liability are specified in the definition of a *bona fide prospective purchaser* in Section 101(40) of CERCLA.²⁷ To qualify for the exemption, a purchaser must have acquired the property after January 11, 2002 (the date of enactment of P.L. 107-118); conducted “all appropriate inquiries” into the prior uses of the property before acquisition to determine whether contamination may be present; and taken “reasonable steps” after acquisition to stop or prevent

Village Corporation as defined in the Alaska Native Claims Settlement Act (43 U.S.C. §1601 et seq.). The Metlakatla Indian Community also is specifically authorized in the statute as being eligible for these grants.

²³ 26 U.S.C. §45D(c)(1).

²⁴ 42 U.S.C. §9604(k)(5)(B).

²⁵ 42 U.S.C. §9607(a).

²⁶ 42 U.S.C. §9607(a).

²⁷ 42 U.S.C. §9601(40).

further release of contamination, prevent or limit exposure to the contamination, and satisfy certain other conditions to maintain an exemption from liability.²⁸

As noted previously, the BUILD Act provided for public entities (i.e., state or local governments, local redevelopment authorities, or Indian tribes) that voluntarily acquired a contaminated property for development prior to January 11, 2002, to be eligible to receive a Brownfields grant, as long as they were not responsible for the release of a hazardous substance at the property.²⁹ States and local governments that acquire a property *involuntarily* as a result of bankruptcy, tax delinquency, abandonment, or other circumstances (regardless of the date on which the property was acquired) generally are exempt from owner (and operator) liability under CERCLA if the state or local government did not cause or contribute to the contamination. This exclusion is provided in the definition of the term *owner and operator* in Section 101(20)(D) of CERCLA.³⁰ Accordingly, state and local governments that involuntarily acquire properties with hazardous substance contamination under these conditions generally are not barred from Brownfields grant eligibility in existing law, regardless of the date of the acquisition of the property.

Eligibility of Sites

A site must possess certain characteristics to be eligible for a Brownfields grant. CERCLA Section 101(39), as amended, defines the term *brownfield site* to identify the types of eligible sites for Brownfields grants.³¹ Although the term *brownfield* has become somewhat synonymous in common usage with any potentially contaminated site, only certain types of sites that fall within this CERCLA statutory definition are eligible for federal Brownfields grants authorized under CERCLA. Section 101(39)(A) generally defines eligible brownfield sites as “real property at which expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”³² Section 101(39)(D) also authorizes the eligibility of sites contaminated by controlled substances (e.g., methamphetamine labs) and mine-scarred lands.³³

The definition of a brownfield site also includes properties contaminated with petroleum that are not addressed under CERCLA because of the exclusion of petroleum from the definitions of *hazardous substance* in Section 101(14)³⁴ and pollutant or contaminant in Section 101(33).³⁵ Section 101(39)(D) provides Brownfields grant eligibility at petroleum sites if there is no viable responsible party and the site is not being addressed under any other federal law to remediate petroleum contamination.³⁶

Section 101(39)(B) also generally excludes an otherwise eligible site under Section 101(39)(A) if the site already is addressed under the Superfund program or other related federal cleanup programs or authorities, including federal authorities delegated to the states under various

²⁸ For further discussion of these criteria, see the section on “Bona Fide Prospective Purchasers and Innocent Landowners” in CRS Report R48630, *Federal Environmental Remediation Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)*, a.k.a. “the Superfund Law”, by Lance N. Larson.

²⁹ 42 U.S.C. §9604(2)(C) and (3)(E).

³⁰ 42 U.S.C. §9601(20)(D).

³¹ 42 U.S.C. §9601(39).

³² 42 U.S.C. §9601(39)(A).

³³ 42 U.S.C. §9601(39)(D).

³⁴ 42 U.S.C. §9601(14).

³⁵ 42 U.S.C. §9601(33).

³⁶ 42 U.S.C. §9601(39)(D)(II).

statutes.³⁷ These exclusions generally are intended to avoid potential overlap or duplication of cleanup resources. In certain circumstances, Section 101(39)(C) does authorize EPA to allow certain types of sites that are otherwise excluded from eligibility to compete for Brownfields grants, subject to a site-by-site determination. To allow an exception for Brownfields grant eligibility in such instances, EPA must determine that the financial assistance “will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.”³⁸

Table 1 identifies each category of site that generally is excluded from federal Brownfields grant eligibility under Section 101(39)(B), and those categories for which EPA may allow exceptions on a site-by-site basis under the criteria specified in Section 101(39)(C) noted above.

Table 1. Statutory Exclusions and Exceptions for EPA Brownfields Grant Eligibility

Type of Site	Scope of Exclusion
Sites subject to a planned or ongoing Superfund removal action	Generally excluded, but subject to exceptions on a site-by-site basis
Sites listed or proposed for listing on the National Priorities List for Superfund remedial action	Excluded with no exceptions
Sites subject to a Superfund cleanup enforcement order or cleanup settlement with potentially responsible parties	Excluded with no exceptions
Sites subject to an enforcement order or permit issued under the Solid Waste Disposal Act, Toxic Substances Control Act, Clean Water Act, or Safe Drinking Water Act	Generally excluded, but subject to exceptions on a site-by-site basis
Sites subject to a corrective action permit or order issued under Subtitle C of the Solid Waste Disposal Act	Generally excluded, but subject to exceptions on a site-by-site basis
Land disposal units subject to closure requirements under Subtitle C of the Solid Waste Disposal Act	Generally excluded, but subject to exceptions on a site-by-site basis
Sites subject to the jurisdiction, custody, or control of a federal department or agency (except for land held in trust by the United States for an Indian tribe)	Excluded with no exceptions
Sites subject to remediation of polychlorinated biphenyls (PCBs) under the Toxic Substances Control Act	Generally excluded, but subject to exceptions on a site-by-site basis
Sites subject to cleanup of petroleum contamination financed from the Leaking Underground Storage Tank Trust Fund under Subtitle I of the Solid Waste Disposal Act	Generally excluded, but subject to exceptions on a site-by-site basis

Source: Prepared by the Congressional Research Service based on categories of eligibility for EPA Brownfields grants, as specified in the statutory definition of the term *brownfield site* in Section 101(39) of CERCLA (42 U.S.C. §9601(39)).

Ranking Criteria for Awarding Grants

CERCLA Section 104(k)(6)(C) directs EPA to establish a system for ranking grant applications using the following criteria:

³⁷ 42 U.S.C. §9601(39)(B).

³⁸ 42 U.S.C. §9601(39)(C).

- the extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subsequent reuse, of an area in which brownfield sites are located;
- the potential of the proposed project or the development plan associated with the brownfield site to stimulate economic development upon completion of the cleanup activities;
- the extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment, including threats in which there is a greater-than-normal incidence of diseases or conditions that may be associated with exposure to hazardous substances, pollutants, or contaminants;
- the extent to which a grant would facilitate the use or reuse of existing infrastructure;
- the extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;
- the extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the site because of the small population or low income of the community;
- the extent to which the applicant is eligible for funding from other sources;
- the extent to which a grant will further the fair distribution of funding between urban and nonurban areas;
- the extent to which the grant provides for involvement of the local community in the process of making decisions relating to cleanup and future use of a brownfield site; and
- the extent to which a grant would address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.

The BUILD Act amended CERCLA to add waterfront development, renewable electricity projects, and energy efficiency improvement projects to the ranking criteria for prioritizing site assessment and remediation grants under the Brownfields program.³⁹ Specifically, a *waterfront brownfield site* means a site located “adjacent to a body of water or federally designated flood plain.” Additionally, renewable electricity is limited to wind, solar, or geothermal energy sources, and energy efficiency improvement projects include projects for a combined heat and power system or a district energy system. The BUILD Act did not authorize any federal funding to invest in or actually build site infrastructure or other redevelopment to support these land uses.

Types of Competitive Grants

Site Characterization and Assessment Grants

Site characterization and assessment grants are generally limited to \$200,000 each, but EPA is authorized to increase the grant up to \$350,000 based on the anticipated level of contamination,

³⁹ 42 U.S.C. §9604(k)(6)(C)(xi) and (xii).

size of the site, or status of ownership.⁴⁰ Site characterization and assessment grants are not subject to matching funds requirements.

A portion of the funding made available by IIJA for brownfield site characterization and assessment grants is not subject to the statutory grant limit described above, but rather a limit of \$10.0 million per grant. Congress provided IIJA Brownfields grant funding from FY2022 to FY2026. Since the enactment of IIJA, EPA has offered three types of assessment grants:⁴¹

1. community-wide assessment grants, which are limited to \$500,000 per grant;
2. assessment coalition grants, which are limited to \$1.2 million per grant for coalitions led by a state, local, or tribal government entity; and
3. community-wide assessment grants for states and tribes, which are limited to \$2.0 million per grant and are only available to states and tribes.

Community-wide assessment grants for states and tribes are funded by IIJA, so site characterization and assessment activities at eligible sites may exceed \$200,000 per grant. EPA has limited community-wide assessment grants for states and tribes to \$2.0 million per grant. Recipients of community-wide assessment grants are required to assess a minimum of 10 brownfield sites.

Cleanup Grants

Cleanup (i.e., remediation) grants for individual sites are limited to \$500,000 each, but EPA is authorized to increase the grant up to \$650,000 subject to a waiver based on the anticipated level of contamination, size, or ownership status of the site.⁴² In addition to applicant and site eligibility requirements,⁴³ an ASTM E1903-19⁴⁴ or equivalent Phase II environmental site assessment report is required prior to application submission. The requirement is to perform an initial assessment first to confirm whether remediation, and the funds provided for remediation, are in fact warranted.

Recipients of a site remediation grant must provide at least 20% in matching funds as a condition to receive the grant, unless EPA determines that the matching share would place an undue hardship on the recipient. The matching share may be in the form of labor, material, or services as long as nonfederal funds finance these contributions. A portion of the funding made available by IIJA for Brownfields remediation grants is not subject to the statutory limit described above, but

⁴⁰ 42 U.S.C. §9604(k)(5)(A)(i).

⁴¹ For more information, see EPA, *EPA Brownfields Assessment Grants: Interested in Applying for Funding?*, EPA-560-F-22-309, August 2022, https://www.epa.gov/system/files/documents/2022-08/Program%20Overview_Assessment.pdf. Also, see entry for “Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Cooperative Agreements” on the System for Award Management (SAM.gov) website at <https://sam.gov/fal/2eb0a1da098341fba22519631b14c82f/view>. The associated Catalog of Federal Domestic Assistance listing number for this program is 66.818.

⁴² 42 U.S.C. §9604(k)(3)(A). For more information, see EPA, *EPA Brownfields Cleanup Grants: Interested in Applying for Funding?*, EPA-560-F-22-304, August 2022, https://www.epa.gov/system/files/documents/2022-08/Program%20Overview_Cleanup.pdf. Also, see entry for “Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Cooperative Agreements” on the System for Award Management (SAM.gov) website.

⁴³ For example, see EPA, *FY26 Guidelines For Brownfield Cleanup Grants*, Funding Opportunity Number EPA-I-OLEM-OBLR-25-07, <https://files.simpler.grants.gov/opportunities/e0217543-899c-48bd-89d6-4c8944ce7e97/attachments/1319fa29-c740-425e-88de-7414700bc909/EPA-I-OLEM-OBLR-25-07.pdf>.

⁴⁴ ASTM International, *Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process*, ASTM E1903-19, updated January 8, 2020, <https://store.astm.org/e1903-19.html>.

rather a limit of \$5.0 million per grant. Additionally, grants awarded by such funding are not subject to the cost share requirement described above.

Multipurpose Grants

EPA may award multipurpose Brownfields grants that combine a site assessment, remediation, and planning grant into one grant for purposes of efficiency, if contamination at a site likely warrants remediation.⁴⁵ The objective of this provision is similar to a pilot initiative that EPA established in FY2012 to combine funding for both assessment and remediation at individual sites.⁴⁶ The BUILD Act provided explicit statutory authority for this practice and established the statutory criteria that would govern the conditions under which EPA may combine funding for these purposes into one consolidated grant.

The total funding for multipurpose grants is limited to 15% of the annual appropriations for activities authorized in Section 104(k).⁴⁷ Additionally, the maximum amount of each multipurpose grant is capped at \$1 million per site. Recipients of multipurpose grants are required to fully expend the funds within five years from the date the grant was disbursed. A portion of the funding made available by IIJA for Brownfields multipurpose grants is not subject to the statutory limit described above but rather is subject to a limit of \$10 million per grant. EPA generally has not awarded multipurpose grants using IIJA funding.

Revolving Loan Funds (RLFs)

RLF Brownfields grants allow recipients to capitalize an RLF that provides loans and subgrants intended to finance the remediation of multiple sites.⁴⁸ The recipient of the grant may issue loans and subgrants to eligible entities who are not liable under CERCLA. Section 104(k)(5)(A)(ii) limits all remediation grants to capitalize RLFs to \$1 million each, without exceptions.⁴⁹ The limit for capitalization grants is higher because RLFs are intended to finance the remediation of multiple sites. EPA may award additional grants to capitalize the same RLF in subsequent fiscal years based on the number of sites and communities served, effectiveness of the RLF in enhancing remediation, demand for annual grant funds, and other similar factors that EPA may consider. Recipients of a remediation RLF capitalization grant must provide at least 20% in matching funds as a condition to receive the grant, unless EPA determines that the matching share

⁴⁵ 42 U.S.C. §9604(k)(4). For more information, see EPA, *EPA Brownfields Multipurpose Grants: Interested in Applying for Funding?*, EPA-560-F-22-303, August 2022, https://www.epa.gov/system/files/documents/2022-08/Program%20Overview_MP.pdf. Also, see entry for “Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Cooperative Agreements” on the System for Award Management (SAM.gov) website.

⁴⁶ Prior to the BUILD Act, combining funding for these purposes into a single site-specific grant was neither explicitly authorized nor prohibited. For information on this initiative, see EPA, *FY2012 Guidelines for Brownfields Multipurpose Pilot Grants: Request for Proposals*, <https://archive.epa.gov/region03/ebytes/web/pdf/epa-oswer-oblr-12-01.pdf>.

⁴⁷ Under its pilot initiative, EPA specified a three-year limitation on the expenditure of multipurpose grant funds and limited the funding for all multipurpose grants in FY2012 to \$5.5 million (5.8% of the \$94.8 million appropriation for Section 104(k) grants).

⁴⁸ See EPA, *Brownfields Revolving Loan Fund RLF Grants*, updated May 2026, <https://www.epa.gov/brownfields/brownfields-revolving-loan-fund-rlf-grants>.

⁴⁹ 42 U.S.C. §9604(k)(5)(A)(ii). For more information, see EPA, “Brownfields Revolving Loan Fund RLF Grants,” updated May 10, 2024, <https://www.epa.gov/brownfields/brownfields-revolving-loan-fund-rlf-grants>; and EPA, *EPA Brownfields Revolving Loan Fund Grants: Interested in Applying for Funding?*, EPA-560-F-22-305, August 2022, https://www.epa.gov/system/files/documents/2022-08/Program%20Overview_RLF.pdf. Also, see entry for “Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Cooperative Agreements” on the System for Award Management (SAM.gov) website.

would place an undue hardship on the recipient.⁵⁰ A portion of the funding made available by IIJA for Brownfields grants to capitalize RLFs is not subject to the statutory limit described above, but rather a limit of \$10 million per grant.

Job Training Grants

According to EPA, Brownfields job training grants provide funding for “trainings to unemployed and under-employed residents from communities impacted by brownfields” in various aspects related to sustainable cleanup and reuse, chemical safety, and waste management.⁵¹ Prior to the enactment of IIJA, EPA limited Brownfields job training grants to \$200,000 per grant. Due to the availability of IIJA funding for the Brownfields program, EPA raised this limit to \$500,000 per training grant. IIJA limits a portion of Brownfields job training grants to \$1.0 million per grant.

Technical Assistance Grants

Under CERCLA Section 104(k)(7), EPA offers different types of Brownfields technical assistance grants, including

- Technical Assistance to Brownfields Communities grants;
- Training, Research, and Technical Assistance grants;
- Technical Assistance to Tribal Nations and Entities Addressing Brownfields grants; and
- Technical Assistance to Existing and Potential Revolving Loan Funds grants.⁵²

EPA provides Technical Assistance to Brownfields Communities grants based on geographic areas associated with 10 EPA regions.⁵³ Additionally, one such grant is intended to cover technical assistance activities that cross all regions and that are not regional or state-specific in nature. EPA Training, Research, and Technical Assistance grants generally are focused on topical areas (rather than regional concerns), such as technical assistance to nonprofits, land banking strategies, and antidisplacement strategies (i.e., gentrification).⁵⁴

⁵⁰ See EPA, *Fiscal Year 2026 Frequently Asked Questions for Brownfield Multipurpose, Assessment, RLF, and Cleanup (MARC) Grants*, November 20, 2025, https://www.epa.gov/system/files/documents/2025-11/fy26-faqs_11-20-25.pdf.

⁵¹ For more information, see EPA, “Brownfields Job Training Grants,” updated March 6, 2026, <https://www.epa.gov/brownfields/brownfields-job-training-grants>; and EPA, *EPA Brownfields Job Training Grants: Interested in Applying for Funding?*, EPA-560-F-22-302, August 2022, https://www.epa.gov/system/files/documents/2025-03/brownfields-job-training-grant-help-sheet_fy26_508-compliant_final.pdf. Also, see entry for “Brownfields Job Training Cooperative Agreements” on the System for Award Management (SAM.gov) website.

⁵² For more information, see EPA, “Brownfields: Technical Assistance,” updated April 8, 2026, <https://www.epa.gov/brownfields/technical-assistance>. Also, see entry for “Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements” on the System for Award Management (SAM.gov) website.

⁵³ For more information, see “Technical Assistance to Brownfields Communities” at EPA, “Technical Assistance,” updated April 8, 2026, https://www.epa.gov/brownfields/technical-assistance#Technical_Assistance.

⁵⁴ For more information, see “Nationwide Brownfields Technical Assistance Providers” at EPA, “Technical Assistance,” updated April 8, 2026, <https://www.epa.gov/brownfields/technical-assistance#Nationwide>.

State and Tribal Formula Grants

CERCLA Section 128(a) authorizes EPA to award grants on a formula basis to assist states and Indian tribes in establishing or enhancing their own cleanup programs.⁵⁵ States and tribes may use these grants to augment their own resources for the assessment and remediation of brownfields to facilitate redevelopment or reuse. These grants provide funding for similar activities as competitive grants authorized in Section 104(k). In addition, a state or tribe may use a Section 128(a) grant to purchase insurance or to develop other risk, indemnity, or insurance mechanisms to finance remediation under its program, similar to the availability of competitive grants for the purchase of insurance. There are no matching funds requirements for these uses of Section 128(a) grants.

A state or tribe also may use a Section 128(a) grant to capitalize an RLF to finance the remediation of multiple brownfield sites, similar to RLFs capitalized with competitive Brownfields grants. Section 128(a) capitalization grants are subject to the same 20% matching funds requirements as Section 104(k) capitalization grants.

Although Section 128(a) grants are awarded on a formula basis, states and tribes still must meet the eligibility criteria to apply for this assistance. A state or tribe may demonstrate eligibility in at least one of two ways outlined in Section 128(a)(1)(A).⁵⁶ First, a state or tribe may demonstrate eligibility by incorporating four specific elements into its cleanup program, or by taking “reasonable steps” to incorporate these elements:

1. a “timely” survey and inventory of brownfield sites;
2. oversight and enforcement authorities, mechanisms, or other resources to ensure that site cleanups are carried out, including long-term operation, maintenance, and monitoring;
3. mechanisms and resources to provide “meaningful” opportunities for public participation; and
4. mechanisms for approval of site cleanup plans, and verification and certification when cleanup is complete.

Second, a state or tribe may enter into a Voluntary Cleanup Program Memorandum of Agreement with EPA to demonstrate eligibility for a Section 128(a) grant. These agreements coordinate the respective EPA and state roles in the cleanup of sites located in those states.

The formula for allocating annual appropriations for Section 128(a) grants among eligible state and tribal applicants is not specified in statute. EPA develops the formula each fiscal year based on the total funds available, the number of eligible states and tribes that apply, the demonstrated need outlined in each application (i.e., the proposed amount and justification of need), and the funding priorities that EPA may establish within its discretion for a particular fiscal year.

Although all eligible states and tribes that apply for a Section 128(a) grant in a fiscal year would receive at least some of the funds (as the grant awards are not competitive), the formula that EPA develops for that fiscal year would determine the specific amount that an eligible state or tribe

⁵⁵ 42 U.S.C. §9628(a). For more information, see EPA, “State and Tribal Response Program,” updated September 30, 2025, <https://www.epa.gov/brownfields/state-and-tribal-response-program>; and the entry for “State and Tribal Response Program Grants” on the System for Award Management (SAM.gov) website at <https://sam.gov/fal/b3f3e6716750452c869735e34c2ba5fc/view>. The associated Catalog of Federal Domestic Assistance listing number for this program is 66.817.

⁵⁶ 42 U.S.C. §9628(a)(1)(A).

would receive based on the total funds available that year.⁵⁷ Eligible states and tribes therefore may not necessarily receive the same proportion of available funds each fiscal year, as they would under some formula grant programs that allocate funds based on fixed percentages, such as Clean Water State Revolving Fund capitalization grants under the Clean Water Act.⁵⁸

As added by the BUILD Act, CERCLA Section 128(a)(1)(B)(iii) authorizes EPA to provide or fund training, research, and technical assistance for developing inventories of brownfield sites, site assessments, site remediation, community involvement, or site preparation for small communities (15,000 people or fewer), Indian tribes, rural areas, and disadvantaged areas (communities with an annual median household income less than 80% of the statewide annual median household income).⁵⁹ Each of this type of grant is limited to \$20,000.

History of Brownfields Appropriations

This section provides a history of annual appropriations for the federal Brownfields program beginning in the early years of the pilot initiative in FY1993 through FY2002 and continuing as a codified program in CERCLA from FY2003 through FY2026. In addition, this section provides the President's FY2027 budget request for the Brownfields program.

As noted previously, Congress initially allocated funding for EPA Brownfields grants within the Superfund account as a pilot initiative that EPA developed using the general response authorities of CERCLA. Subsequent to the enactment of dedicated program authorities in P.L. 107-118, Congress has appropriated separate funding for Brownfields grants within the State and Tribal Assistance Grants (STAG) account of EPA, and for EPA's administration of the program within the Environmental Programs and Management (EPM) account. In annual appropriations bills, Brownfields competitive grants have been funded within the STAG account as Brownfields "project" grants, and the state and tribal formula grants have been funded within that account as Brownfields "categorical" grants. Congress has appropriated funding for EPA within the Interior, Environment, and Related Agencies annual appropriations bill since FY2006.

Figure 1 shows trends in annual appropriations from FY1993 to FY2026, including nominal requested and enacted appropriations amounts broken out by competitive grants, state and tribal formula grants, and administrative expenses by year. In the early years of the Brownfields initiative from FY1993 through FY2002, annual appropriations ranged from \$0.2 million for FY1993 to \$95.0 million for FY2002.

From FY2003 to FY2021, nominal total Brownfields appropriations (except in FY2009) ranged between \$153.3 million (FY2015-FY2018) and \$173.4 million (FY2010). For FY2009, the American Recovery and Reinvestment Act (ARRA; P.L. 111-5) provided \$100.0 million in supplemental appropriations, in addition to annual appropriations, within the STAG account for EPA Brownfields competitive project grants. In that year, nominal total appropriations were \$270 million. From FY2003 to the enactment of the BUILD Act, Congress continued to fund the Brownfields program without renewing the authorization of appropriations. In addition to annual

⁵⁷ For EPA guidance and additional information on Brownfields formula grants for State and Tribal Response Programs, see EPA, "State and Tribal Response Program," updated September 30, 2025, <https://www.epa.gov/brownfields/state-and-tribal-response-program-grants>.

⁵⁸ 33 U.S.C. §1383.

⁵⁹ 42 U.S.C. §9628(a)(1)(B)(iii).

appropriations, the American Rescue Plan Act of 2021 provided emergency supplemental appropriations of \$5.0 million for the Brownfields program.⁶⁰

Beginning in FY2022, the IIJA provided emergency supplemental appropriations totaling \$1.5 billion over a five-year period for the Brownfields program.⁶¹ Of the amount provided in IIJA, a total of \$1.2 billion is to be allocated for the competitive grants authorized in Section 104(k) of CERCLA, and \$300.0 million is to be allocated for state and tribal response program grants allocated on a formula basis authorized in Section 128(a) of CERCLA. These amounts are appropriated equally from FY2022 through FY2026, providing \$240.0 million for competitive grants and \$60 million for formula grants each fiscal year.

Of the \$600.0 million out of the \$1.2 billion in emergency supplemental appropriations, the IIJA also increased the maximum allowable amounts for individual competitive grants funded. The IIJA did not otherwise amend CERCLA to increase these amounts for individual competitive grants funded with annual appropriations. Presumably, the other \$600.0 million in emergency supplemental appropriations are subject to the maximum allowable amounts for individual grant awards specified in CERCLA.

For FY2026, enacted amounts for the Brownfields program were \$98.0 million for competitive grants, \$46.3 million for state and tribal formula grants, and \$25.7 million for administrative expenses.⁶² On top of these amounts, IIJA supplemental appropriations for the Brownfields program for FY2026 were \$240 million for competitive grants and \$60 million for state and tribal formula grants. Taken together, FY2026 regular and supplemental enacted amounts totaled \$338.0 million for competitive grants and \$106.3 million for formula grants. Including appropriations for administrative expenses, total FY2026 funding for the Brownfields program was \$470.0 million. Enacted appropriations for the Brownfields program have been less than the authorized levels, with the exception of supplemental appropriations for FY2009 in the ARRA (P.L. 111-5) and for FY2022 in the IIJA (P.L. 117-58).

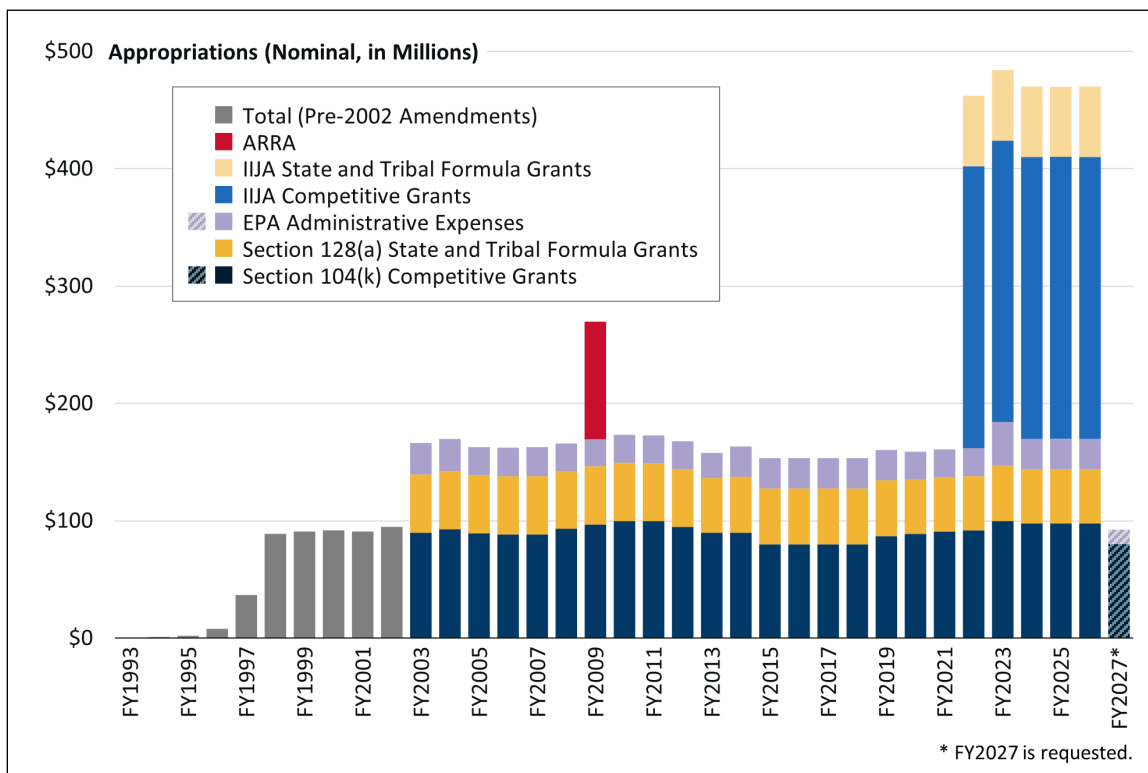
For FY2027, EPA requested \$80 million for competitive grants, \$0 for state and tribal formula grants, and \$12.5 million for administrative expenses. In **Figure 1**, FY2027 requested amounts are illustrated as dashed bars.

⁶⁰ P.L. 117-2, Title VI, §6002. The funding provided under P.L. 117-2 is treated as mandatory spending and not as an emergency supplemental appropriation for discretionary spending. The funding authorized in P.L. 117-2 therefore is not included in **Figure 1** of this report, which provides a history of EPA appropriations for discretionary spending. See Congressional Budget Office (CBO), *Estimated Budgetary Effects of H.R. 1319, American Rescue Plan Act of 2021*, March 10, 2021, <https://www.cbo.gov/publication/57056>.

⁶¹ P.L. 117-58, Division J, Title VI.

⁶² U.S. Congress, Senate Appropriations Committee, *Joint Explanatory Statement, Division C—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2026*, 119th Cong., 2nd sess., January 2026, <https://rules.house.gov/sites/evo-subsites/rules.house.gov/files/documents/division-c-interior-environment.pdf>. See the amounts in the tables for Section 104(k) at p. 157 of the PDF, Section 128(a) at p. 158 of the PDF, and administrative expenses at p. 152 of the PDF. FY2027 competitive grants and administrative expenses are requested amounts (dashed bars).

Figure I. Appropriations for EPA Brownfields Grants, by Type of Grant and EPA Administrative Expenses, FY1993 to FY2026 Enacted and the President's FY2027 Request
(in millions of nominal dollars)



Source: Prepared by the Congressional Research Service based on funding levels presented in House, Senate, or conference committee reports accompanying the annual appropriations bills that fund EPA, other acts providing supplemental appropriations, and EPA annual congressional budget justifications. Amounts reflect applicable rescissions and supplemental appropriations and include discretionary spending. FY2027 competitive grants and administrative expenses are requested amounts (dashed bars).

Notes: For FY2009, the American Recovery and Reinvestment Act of 2009 (ARRA; P.L. 111-5) provided \$100.0 million in supplemental appropriations within the State and Tribal Assistance Grants account for EPA Brownfields competitive project grants. No supplemental appropriations were provided for state and tribal formula grants.

For FY2022, the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58) provided \$1.2 billion over a five-year period in supplemental appropriations within the State and Tribal Assistance Grants account for EPA Brownfields competitive project grants. Additionally, P.L. 117-58 provided \$300 million over a five-year period in supplemental appropriations for state and tribal formula grants.

For each fiscal year from FY2022 through FY2026, IIJA appropriations provided \$240 million for competitive grants and \$60 million for state and tribal formula grants. FY2026 was the last year of funding provided by the IIJA.

The FY2027 President's budget did not request funding for state and tribal formula grants.

Although the EPA Brownfields program is the principal federal program dedicated exclusively to the assessment and remediation of eligible sites, numerous federal departments and agencies administer other programs that may provide financial or technical assistance to facilitate the redevelopment or reuse of such properties. Related programs of other federal departments and agencies generally serve broader purposes under which brownfield redevelopment or reuse may be among the range of eligible activities, such as Small Business Administration loans or Community Development Block Grants administered by the Department of Housing and Urban

Development. EPA has developed a compendium of such programs in the *Brownfields Federal Programs Guide* that is intended to identify potential sources of federal funds that may be used to facilitate the redevelopment or reuse of brownfields.⁶³ The type of assistance offered and the criteria for eligibility vary widely among these programs. Federal assistance under any one program, therefore, may not necessarily be available at certain sites or may be limited to certain categories of public or private entities. The availability of federal assistance under any one program would depend on the respective eligibility requirements, the availability of appropriations, and the relative merit of the project if available funds are awarded on a competitive basis, or potentially other criteria if awarded on a formula basis.

Site Assessment and Cleanup Metrics

EPA has developed several metrics to characterize and track the implementation of the federal Brownfields program. Some of these metrics include the number of eligible sites that are assessed,⁶⁴ cleaned up (i.e., remediated),⁶⁵ and made ready for anticipated reuse using federal resources.⁶⁶ Additional metrics track the number of acres that are ready for reuse. Some other metrics are based on certain economic data in terms of the numbers of jobs and nonfederal dollars “leveraged”⁶⁷ among individual sites affected by the federal Brownfields program. Cumulative data through April 1, 2026,⁶⁸ for each of these metrics reported by EPA are summarized below.⁶⁹

- Number of brownfield properties assessed: 42,999
- Number of brownfield properties cleaned up: 3,063
- Number of brownfield properties made ready for anticipated reuse: 13,025
- Acres of brownfield properties made ready for reuse: 186,869
- Number of jobs leveraged: 228,917

⁶³ EPA, *2025 Brownfields Federal Programs Guide*, June 2025, https://www.epa.gov/system/files/documents/2025-07/2025-bf-federal-programs-guide-6-30-25_508-compliant_2.pdf.

⁶⁴ EPA, *Fiscal Year 2025 Justification of Appropriation Estimates for the Committee on Appropriations*, EPA-190-R-24-002, March 2024, pp. 1134-1135 (pp. 1135-1136 of the PDF), <https://www.epa.gov/system/files/documents/2024-03/fy-2025-congressional-justification-all-tabs.pdf>. EPA states that “the number of properties that have been environmentally assessed for the first time using EPA brownfields funding, as reported by cooperative agreement recipients.”

⁶⁵ EPA, *Fiscal Year 2025 Justification of Appropriation Estimates for the Committee on Appropriations*, EPA-190-R-24-002, pp. 1134-1135 (pp. 1135-1136 of the PDF). EPA states: “This measure tracks the number of properties that have been cleaned up to a regulatory risk-based standard using EPA brownfields funding, as reported by cooperative agreement recipients into the Assessment, Cleanup and Redevelopment Exchange System (ACRES) database. Cleaning up contaminated land reduces the environmental and health effects of exposure to contamination in communities, especially overburdened communities, and contributes toward the Administration’s Justice40 goal.”

⁶⁶ EPA, *Fiscal Year 2025 Justification of Appropriation Estimates for the Committee on Appropriations*, EPA-190-R-24-002, pp. 1134-1135 (pp. 1135-1136 of the PDF). EPA states: “This measure tracks the number of properties/sites benefiting from EPA brownfields funding that have been assessed and determined not to require cleanup, or where cleanup has been completed and institutional controls are in place if required, as reported by cooperative agreement recipients. This activity results in additional sites available for productive reuse.”

⁶⁷ According to EPA, “Leveraging is the use of existing resources or funding to attract additional resources or funding.” See EPA, *Setting the Stage for Leveraging Resources for Brownfields Revitalization*, https://19january2021snapshot.epa.gov/sites/static/files/2016-04/documents/final_leveraging_guide_document_4-19-16.pdf.

⁶⁸ The EPA Assessment, Cleanup and Redevelopment Exchange System (ACRES) database includes Brownfields information from 1994 to 2026.

⁶⁹ EPA, “Brownfields: Accomplishments,” April 1, 2026, <https://www.epa.gov/brownfields/accomplishments>.

- Number of nonfederal dollars leveraged: \$45 billion

EPA also reported the following performance metrics for FY2025 for the following:⁷⁰

- Number of brownfield properties assessed: 2,197
- Number of brownfield properties cleaned up: 224
- Number of brownfield properties made ready for anticipated reuse: 782

EPA reports additional performance metrics tracked by states and tribes that receive Brownfields formula grants to help support their own programs:⁷¹

- Enrolled over 33,229 properties annually (on average)
- Completed more than 232,228 cleanups
- Made over 3,891,801 acres ready for reuse

EPA has evaluated various potential benefits associated with the assessment and remediation of brownfield properties, including a study issued in 2020 by the EPA Office of Brownfields and Land Revitalization that examined environmental benefits from brownfield redevelopment, such as reductions in impervious surface and transportation-related air emissions.⁷²

The EPA OIG has issued a series of reports that have examined various facets of the implementation of the Brownfields program over the past two decades.⁷³ Many of these reports focused on the earlier years of implementation following the 2002 amendments to CERCLA that authorized the Brownfields program separately from the Superfund program. EPA OIG reports on the Brownfields program have focused on the management of Brownfields RLFs, including a report issued in 2017 that outlined 23 recommendations for improving the management of these funds⁷⁴ and a follow-up report issued in 2022 on the status of EPA corrective actions based on these OIG recommendations.⁷⁵

Issues for Congress

In the 119th Congress, congressional activities related to the Brownfields program have included the introduction of reauthorization legislation, congressional hearings,⁷⁶ the consideration of

⁷⁰ EPA, *Fiscal Year 2027; Justification of Appropriation Estimates for the Committee on Appropriations*, April 2026, p. 551, <https://www.epa.gov/system/files/documents/2026-04/epa-fy27-congressional-justification.pdf>.

⁷¹ EPA, “Brownfields: Accomplishments,” April 1, 2026, <https://www.epa.gov/brownfields/accomplishments>.

⁷² EPA, *Environmental Benefits of Brownfields Redevelopment—A Nationwide Assessment*, May 2020, <https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P10110R0.txt>.

⁷³ For access to these reports, see EPA Office of Inspector General (OIG), “OIG Reports,” <https://www.epaoig.gov/reports>, searchable by keyword using “brownfields.”

⁷⁴ EPA OIG, *Improved Management of the Brownfields Revolving Loan Fund Program Is Required to Maximize Cleanups*, Report No. 17-P-0368, August 23, 2017, https://www.epa.gov/sites/default/files/2017-08/documents/_epaoig_20170823-17-p-0368.pdf.

⁷⁵ EPA OIG, *Brownfields Program-Income Monitoring Deficiencies Persist Because the EPA Did Not Complete All Certified Corrective Actions*, Report No. 22-P-0033, March 31, 2022, https://www.epa.gov/system/files/documents/2022-04/_epaoig_20220331-22-p-0033.pdf.

⁷⁶ U.S. Congress, House Energy and Commerce Committee, Environment Subcommittee, *Maximizing Opportunities for Redeveloping Brownfields Sites: Assessing the Potential for New American Innovation*, 119th Cong., 1st sess., March 11, 2025.

U.S. Congress, House Transportation and Infrastructure Committee, Water Resources and Environment Subcommittee, *Cleaning Up the Past, Building the Future*, 119th Cong., 1st sess., May 7, 2025.

(continued...)

legislative proposals, and the introduction of tax and other financial incentive legislation.⁷⁷ If Congress seeks changes to the Brownfields program or its implementation, Congress may consider enacting policies proposed in these bills or related policies yet to be proposed. Additionally, Congress may consider the adequacy of appropriations to carry out the Brownfields program's overall objectives. As with any policy considerations, Congress could choose to maintain the status quo. Key issues are discussed in the following sections.

Reauthorizing Legislation in the 119th Congress

The authorization of appropriations for the Brownfields program expired at the end of FY2023. The program authorities do not have a sunset date, and Congress has continued to appropriate funding to implement the Brownfields program since that time. In considering whether and how to reauthorize the Brownfields grants, Congress may consider assessing whether funds going toward the Brownfields grants have achieved the intended purpose of the program.

In the 119th Congress, the Brownfields Reauthorization Act of 2025 (S. 347) would reauthorize both the competitive grants under CERCLA Section 104(k) and the state and tribal grants under CERCLA Section 128(a) through FY2030. On February 5, 2025, the Senate Committee on Environment and Public Works reported S. 347 out of committee. If enacted, funding for Brownfields grants under the bill would be subject to the enactment of annual appropriations. S. 347 would also add 501(c)(6) nonprofit organizations and Alaskan native tribes as eligible entities to receive Brownfields competitive grants. In addition, S. 347 would eliminate the existing 5% cap that Brownfields competitive grant recipients may use toward administrative costs and reduce the cost-share requirements for such grants from 20% to 10%. Eligible entities located in a small community or disadvantaged area would be exempt from cost-share requirements. S. 347 would also direct EPA to submit a report to Congress that evaluates the Brownfields application process and update its guidance to “reduce complexity of the application process while ensuring competitive integrity.”

For state and tribal grants under CERCLA Section 128(a), S. 347 would increase the maximum grant amount that EPA may award a recipient from \$500,000 to \$1.0 million for each remediated site. Whereas the authorization level for competitive grants would remain the same at \$200 million annually between FY2025 and FY2030, S. 347 would increase the authorization level for state and tribal grants by \$5.0 million per year from \$50.0 million authorized in FY2025 to \$75 million authorized in FY2030. On February 25, 2025, the Congressional Budget Office (CBO) issued a cost estimate for S. 347 as reported.⁷⁸

In the House, the Brownfields Reauthorization Act of 2025 (H.R. 6432) would also reauthorize both the competitive grants under CERCLA Section 104(k) and the state and tribal grants under CERCLA Section 128(a) through FY2030. For grants under CERCLA Section 104(k), like S. 347, H.R. 6432 would increase the maximum grant amount that EPA may award a recipient from \$500,000 to \$1.0 million for each remediated site. That bill also would increase the authorization level for competitive grants to \$250 million. Unlike S. 347, H.R. 6432 would not increase the authorization level for Section 128(a) grants.

U.S. Congress, House Energy and Commerce Committee, Environment Subcommittee, *Ready for Reuse: Legislative Proposals to Unleash the Potential of America's Brownfields Sites*, 119th Cong., 2nd sess., March 4, 2026.

⁷⁷ Other bills in the 119th Congress may use the definition of a *brownfield site* for other purposes. These bills are outside the scope of this report and not discussed here.

⁷⁸ CBO, *Cost Estimate for S. 347, Brownfields Reauthorization Act of 2025, As Reported by the Senate Committee on Environment and Public Works on February 5, 2025*, February 25, 2025, <https://www.cbo.gov/system/files/2025-02/s347.pdf>.

Additionally, in the House, the Brownfields Revitalization for a Better Tomorrow Act (H.R. 8739) would reauthorize both the competitive grants under CERCLA Section 104(k) and the state and tribal grants under CERCLA Section 128(a) from FY2027 through FY2031. That bill also would decrease the authorization level for competitive grants from \$200.0 million to \$123.5 million and would decrease the authorization level for Section 128(a) grants from \$50.0 million to \$46.25 million. Other provisions in that bill would increase the maximum grant amount that EPA may award a recipient from \$500,000 to \$1.0 million for each remediated site and up to \$2.0 million for multipurpose grants. In addition, the bill would authorize grant recipients to use up to 10% of their grant or loan for “demolition activities as needed to carry out the purpose for which the grant or loan was provided.” Furthermore, the bill would add ranking criteria, require EPA OIG audits or reviews within two years of enactment and every two years thereafter, and require EPA to complete and submit multiple reports to Congress on activities related to the program, among other provisions.

All three bills would increase the maximum grant amount for certain Section 104(k) competitive grants. How these changes would alter the total number of grants would be uncertain, as EPA has discretion over the number of grants and amounts awarded per grant.

Broadly speaking, it remains a policy consideration for Congress as to whether the program is—or should be—providing relatively less funding to more sites or relatively higher funding to fewer sites. One potential issue with increasing the maximum grant amount, and potentially decreasing the number of annual grants, is that it would increase competitiveness of being awarded a grant. This could favor applicants with more developed institutional capacity to compete for Brownfields grant resources compared to entities with fewer resources. On the other hand, to the extent a relatively lower-resourced community would be awarded a higher grant amount, it could provide extra financial resources for a project where funding and partners may be limited. Congress could consider policy options to balance these potential trade-offs through modifications or expansion of the current statutory requirements for EPA grant assessment criteria.⁷⁹

Other Legislative Proposals

In the 119th Congress, the House Committee on Energy and Commerce, Subcommittee on Environment held a hearing on March 4, 2026, to discuss and consider four legislative proposals related to the Brownfields program.⁸⁰ The provisions in these proposals vary in scope and objectives. Some of the debates around these proposals have focused on the inclusion of the concept of a *Nationally Significant Infrastructure Facility*. Three of those proposals would amend CERCLA to define the term *Nationally Significant Infrastructure Facility* as facilities for⁸¹

- the fabrication, assembly, production, or research and development of semiconductors, materials to manufacture semiconductors, or semiconductor manufacturing equipment;

⁷⁹ 42 U.S.C. §9604(k)(6)(C)(vii).

⁸⁰ The four proposals were (1) Brownfields Revitalization for a Better Tomorrow Act, (2) Brownfields Infrastructure Finance and Innovation Act, (3) Brownfields Inventory and Permitting Efficiency Act, and (4) Brownfields Reauthorization for an Affordable and Revitalized America Act. These legislative proposals did not have bill numbers. See U.S. Congress, House Energy and Commerce Committee, Environment Subcommittee, *Ready for Reuse: Legislative Proposals to Unleash the Potential of America’s Brownfields Sites*, 119th Cong., 2nd sess., March 4, 2026.

⁸¹ See U.S. Congress, House Energy and Commerce Committee, Energy Subcommittee, *H.R. _____, the Brownfields Revitalization for a Better Tomorrow Act*, 119th Cong., 2nd sess., <https://democrats-energycommerce.house.gov/committee-activity/hearings/hearing-ready-reuse-legislative-proposals-unleash-potential-americas>.

- the extraction, recovery, refining, or processing of critical minerals or rare earth elements;
- artificial Intelligence, including data centers and other infrastructure that supports artificial intelligence; and
- energy generation.

Proponents of this concept may argue these proposals would aim to utilize potential brownfield sites as an opportunity to encourage the construction of Nationally Significant Infrastructure Facilities on lands that may have been affected by previous activities, while minimizing the development impacts to relatively undisturbed land.⁸² Some Members of the subcommittee expressed concerns that the inclusion of this concept may expand the Brownfields program to private entities, potentially limiting federal resources for communities.⁸³

Adequacy of Funding

Congress may consider the adequacy of past funding levels and future funding necessary to achieve program objectives. As discussed in the following sections, Congress may choose to implement other policy options to evaluate funding needs and program oversight, which may additionally inform decisions about funding.

The President's FY2027 congressional budget justification requested \$80.0 million for Brownfields Section 104(k) grants, \$0 for Section 128(a) grants, and \$12.5 million for administrative expenses.⁸⁴ These amounts were similar to the amounts requested in the President's FY2026 congressional budget justification. Congress appropriated higher amounts than requested for FY2026 by the Trump Administration, which were \$98 million for Section 104(k) grants, \$46.3 million for Section 128(a) grants, and \$25.7 million for administrative expenses.⁸⁵ In the FY2027 congressional budget justification, EPA stated that its proposal that Congress not provide funding for Section 128(a) grants was consistent with the Administration's priorities, "including promoting cooperative federalism by returning the responsibility of funding local brownfields programs to state and local entities."⁸⁶ While Congress appropriated higher amounts than EPA's FY2026 requested amounts, funding levels for FY2027 and subsequent fiscal years remain an issue for Congress.

⁸² See U.S. Congress, U.S. Congress, House Energy and Commerce Committee, Environment Subcommittee, *Ready for Reuse: Legislative Proposals to Unleash the Potential of America's Brownfields Sites*, Chairman Gary Palmer, opening statement, 119th Cong., 2nd sess., March 4, 2026.

⁸³ See U.S. Congress, House Energy and Commerce Committee, Environment Subcommittee, *Opening Statement as Prepared for Delivery of Full Committee Ranking Member Frank Pallone, Jr.*, hearing on "Ready for Reuse: Legislative Proposals to Unleash the Potential of America's Brownfield Sites," 119th Cong., 2nd sess., March 4, 2026. Also see U.S. Congress, House Energy and Commerce Committee, Environment Subcommittee, *Opening Statement as Prepared for Delivery of Subcommittee on Environment Ranking Member Paul Tonko*, hearing on "Ready for Reuse: Legislative Proposals to Unleash the Potential of America's Brownfield Sites," 119th Cong., 2nd sess., March 4, 2026.

⁸⁴ EPA, *Fiscal Year 2027; Justification of Appropriation Estimates for the Committee on Appropriations*, April 2026, <https://www.epa.gov/system/files/documents/2026-04/epa-fy27-congressional-justification.pdf>.

⁸⁵ U.S. Congress, Senate Appropriations Committee, *Joint Explanatory Statement, Division C—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2026*, 119th Cong., 2nd sess., January 2026, https://www.appropriations.senate.gov/imo/media/doc/fy26_int_jes.pdf. See the amounts in the tables for Section 104(k) at p. 157 of the PDF, Section 128(a) at p. 158 of the PDF, and administrative expenses at p. 152 of the PDF.

⁸⁶ EPA, *Fiscal Year 2027; Justification of Appropriation Estimates for the Committee on Appropriations*, April 2026, p. 512, <https://www.epa.gov/system/files/documents/2026-04/epa-fy27-congressional-justification.pdf>.

The Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026 (P.L. 119-74)⁸⁷ provided new requirements for Section 104(k) grants in the bill language requiring that of the \$98 million appropriated, “at least 10 percent shall be allocated to persistent poverty counties.” P.L. 119-74 defined *persistent poverty counties* as any county that “has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1993 Small Area Income and Poverty Estimates, the 2000 decennial census, and the most recent Small Area Income and Poverty Estimates, or any territory or possession of the United States.”

Additionally, or alternatively, Congress could consider other financial mechanisms to assist eligible entities with addressing brownfield sites. In prior years, certain tax incentives under the Internal Revenue Code were available as a form of financial assistance to encourage the cleanup and redevelopment or reuse of brownfield sites.⁸⁸ Despite the expiration of these tax incentives, federal taxpayers generally may deduct their environmental remediation costs as a trade or business expense under Section 162 of the Internal Revenue Code under certain conditions.⁸⁹ There have been multiple bills introduced in the 119th Congress with similar scope and purpose that would reauthorize certain Brownfields tax credits, including the Brownfield Revitalization and Remediation Act (H.R. 5472) and the Brownfields Redevelopment Tax Incentive Reauthorization Act of 2025 (H.R. 815). Additionally, the Economic Opportunity for Distressed Communities Act (H.R. 2292) would establish special rules for capital gains invested in brownfield sites.

Potential Number of Brownfield Sites

The question of the total number of sites that may be eligible for Brownfields funding has been an issue. As discussed further below, while some estimates of the total number of brownfield sites have been reported, the determination of site and applicant eligibility is dependent on site-specific factors. The evaluation to establish a nationwide site inventory or needs estimate may be useful to set policy and funding goals. Yet, developing such an inventory or needs estimate reliably may be challenging and subject to uncertain underlying assumptions.

A nationwide comprehensive inventory is not available to identify all sites that may qualify as a *brownfield site* as defined in Section 101(39) of CERCLA, nor is it available to identify a subset of sites under any of the particular paragraphs in that definition. As discussed in the previous section “Eligibility of Sites,” a site must meet certain statutory criteria to be eligible for a Brownfields grant. EPA maintains an inventory of brownfield sites for which the agency has awarded Brownfields grants under CERCLA, through its Assessment, Cleanup and Redevelopment Exchange System (ACRES) database⁹⁰ and an interactive mapping tool.⁹¹ An inventory is not available to identify the broader universe of all sites that may qualify for the definition of a *brownfield* in Section 101(39) of CERCLA.

⁸⁷ P.L. 119-74.

⁸⁸ For example, Section 941(a) of the Taxpayer Relief Act of 1997 (P.L. 105-34, Title IX, Subtitle E; 26 U.S.C. §198) allowed a taxpayer to fully deduct the costs of cleaning up a brownfield property in the year the costs were incurred. Section 745 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312, Title VII, Subtitle C) extended this brownfield cleanup tax incentive through December 31, 2011. Since the 113th Congress, some legislation has been introduced that would reauthorize this tax incentive; none has been enacted to date.

⁸⁹ 26 U.S.C. §162.

⁹⁰ EPA, *Brownfields Grant Fact Sheet Search*, <https://java.epa.gov/acrespub/gfs/>.

⁹¹ EPA, *Cleanups in My Community*, <https://www.epa.gov/cleanups/cleanups-my-community>.

In the legislative history of the 2002 amendments to CERCLA,⁹² which authorized the Brownfields program separately from the Superfund program, the Senate Committee on Environment and Public Works expressed its intent that the federal role in the remediation of brownfield sites on nonfederal lands would be relatively smaller than the roles of states under their respective laws.⁹³ In its report on the Senate version of this legislation prior to enactment, the committee cited an estimate at that time from the U.S. Conference of Mayors and others of potentially 450,000 brownfield sites in the United States.⁹⁴

To ensure a Brownfields grant application meets the statutory criteria at Section 101(39) (as described above), EPA assesses the eligibility of a site for a Brownfields grant on a site-specific basis. To attempt to develop a comprehensive nationwide inventory of the total number of potential brownfield sites, the agency would be required to examine each site and whether it meets the eligible statutory criteria. Such an effort could face multiple implementation issues such as how the agency would establish the boundaries of a potential brownfield site, site ownership, and information to ensure the applicant is not liable for contamination. Without such site-specific eligibility information, the information obtained from an evaluation could be unreliable. Thus, the question of how much federal funding would be required to address each potential brownfield site might not be feasible to determine under the current definition, as the exact number of potential brownfield sites may not be possible to ascertain.

On the other hand, Congress could consider a policy approach that relies upon information and surveys from states, tribes, and local governments to estimate total funding needs. As one example of a similar approach, Congress authorized the federal onshore orphaned oil and gas wells program with the enactment of the IIJA (P.L. 117-58) in the 117th Congress.⁹⁵ Prior to federal and state regulations, many oil and gas wells were “orphaned,” or left unreclaimed. There continues to be uncertainty regarding the total inventory, location, and status of those wells. Under the requirements in the IIJA, the Department of the Interior distributed initial grants to eligible states to support administrative actions necessary to assess and update the inventory of their orphan well sites, prepare applications for obtaining formula and performance grants, and carry out the activities under those grants. As part of a state’s application to be eligible for formula grant funding, Congress defined factors to be used to determine the relative distribution of funding. Those factors included the job losses in the oil and gas industry in the state between March 1, 2020, and November 15, 2021; the number of documented orphaned wells within the state; and the projected costs to plug and reclaim the well, adjacent land, and related infrastructure.⁹⁶

As part of the eligibility requirements to receive Section 128(a) formula grants, Congress requires state and tribal response programs to implement a “[t]imely survey and inventory of brownfield sites in the State.”⁹⁷ To meet this requirement, EPA does not require states and tribes to provide a list of brownfield sites, but states and tribes “must develop and/or maintain a system or process that can provide a reasonable estimate of the number, likely location, and general characteristics

⁹² P.L. 107-118.

⁹³ U.S. Congress, Senate Committee on Environment and Public Works, *Brownfields Revitalization and Environmental Restoration Act of 2001*, S.Rept. 107-2, 107th Cong., 1st sess., March 2001, p. 3.

⁹⁴ U.S. Congress, Senate Committee on Environment and Public Works, *Brownfields Revitalization and Environmental Restoration Act of 2001*, S.Rept. 107-2, 107th Cong., 1st sess., March 2001, p. 1.

⁹⁵ P.L. 117-58.

⁹⁶ 42 U.S.C. §15907(c)(4)(A)(iii).

⁹⁷ 42 U.S.C. §9628(a)(2)(A).

of brownfield sites within their state or Tribal lands.”⁹⁸ EPA provides options for state and tribal brownfields programs to meet this requirement. Whether these surveys could be aggregated to provide a reasonable nationwide estimate of the number of sites eligible for funding from the federal Brownfields program would depend on the degree and specificity of those “inventories” and whether any site-specific property could meet Brownfields eligibility requirements.

Congress may consider policies to estimate the total number of potential brownfield sites or funding needs. Based on such an estimate, Congress could adjust annual appropriations, application criteria, or reporting requirements. One drawback of this approach could be incentivizing an overestimation of the number of potential brownfield sites to reflect a higher relative need. To address this potential drawback, Congress could consider setting requirements to ensure standardization and accuracy of the data. Additionally, the frequency of those brownfield assessments could be defined by Congress to update information about potential brownfield sites as the program is implemented. Furthermore, Congress could consider additional oversight requirements to standardize reporting requirements, providing additional resources for oversight, and directing the Government Accountability Office (GAO) to assess the reliability of brownfield site estimates.

Alternatively, Congress could consider estimating the total amount of Brownfields funding needs by evaluating the number of eligible competitive grant applications submitted annually compared to the actual number of grant applications that are funded.⁹⁹ The difference between these two numbers may be used to gauge the number of sites that requested but did not receive federal funding in a given year. One potential shortcoming with this approach is that it might identify only unfunded submitted applications, and not every potential brownfield site. Additionally, some might argue this approach might overlook lower-income communities or applicants that might not have the resources or capacity to submit a Brownfields grant application compared to more established or better-financed eligible entities. To address this, Congress could consider providing EPA additional resources to enhance outreach and communication to certain communities that might have limited capacity and resources to submit an application.

Performance Metrics and Oversight

Congress could consider oversight options to assess whether funds going toward the Brownfields program have achieved the intended purposes of site remediation and economic redevelopment on sites where expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. In addition to ensuring appropriate use of federal financial resources, additional oversight might inform the adequacy of annual appropriations or options to modify program direction and objectives.

⁹⁸ EPA, *FY26 Funding Guidance for CERCLA Section 128(a) State and Tribal Response Programs*, 2025, <https://www.epa.gov/system/files/documents/2025-09/fy26-128a-guidance.pdf>. “EPA recognizes the varied scope of state and Tribal response programs and will not require states and Tribal Nations to develop a ‘list’ of brownfield sites. However, at a minimum, the state or Tribal Nation must develop and/or maintain a system or process that can provide a reasonable estimate of the number, likely location, and general characteristics of brownfield sites within their state or Tribal lands.”

⁹⁹ EPA provides the number of estimated awards for different grant types as part of its grant solicitation. EPA, *Multipurpose, Assessment, RLF, and Cleanup Grant Application Resources*, updated May 2026, <https://www.epa.gov/brownfields/marc-grant-application-resources>.

EPA provides information about program performance metrics in its annual congressional budget justification and on public websites.¹⁰⁰ The extent to which the type and degree of information is adequate could be a policy consideration for Congress. According to EPA's FY2027 congressional budget justification, EPA relied upon data entered into EPA's ACRES database to estimate that "184,075 acres of idle land made ready for productive use and over 228,305 jobs and \$44 billion leveraged" as of January 2026.¹⁰¹ Additionally, EPA's FY2027 congressional budget justification suggested that for FY2025, the program was "Above Target," as the reported targeted and actual numbers of brownfield properties cleaned up that year were 150 and 224, respectively. For FY2027, EPA stated the target number of brownfield properties to be cleaned up was also 150. EPA did not state the rationale for these annual target numbers in that justification but did note that the target number of brownfield sites cleaned up decreased from 160 in FY2024 to 150 in FY2025 and beyond, due to "an increase in project complexity, which lengthens the time required to complete potential cleanups."¹⁰²

A July 2025 EPA OIG report did not make recommendations on the Brownfields program but identified two areas that may warrant further attention.¹⁰³ First, it mentioned that data inaccuracies in EPA's Grants Research Information Portal (GRIP) database could limit EPA staff's ability to accurately monitor awarded grants.¹⁰⁴ OIG reported that using GRIP in tandem with ACRES could lead to a more accurate assessment of grant information. Second, OIG identified that funding provided by the IIJA may pose challenges for EPA to monitor grant performance, since the increase in grant funding outpaced the increase in regional staff who oversee the grants. In FY2023, due to the additional funding provided by the IIJA, Brownfields grant funding allocations increased by 200%, while EPA regional staff full-time-equivalents overseeing those grants increased by 44%. Furthermore, OIG stated that the number of grants overseen by EPA could remain elevated for several more years and noted that "the program anticipates peaking at approximately 1,500 grants annually around FY 2027, and the program anticipates returning to traditional levels around FY 2031." To the extent that this could pose an oversight issue, Congress could consider additional audits of the program to better understand potential staffing limitations. Based on the outcome, Congress could consider providing additional administrative expenses through annual appropriations or other funding sources.

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¹⁰⁰ EPA, *Accomplishments*, <https://www.epa.gov/brownfields/accomplishments>.

¹⁰¹ EPA, *Fiscal Year 2027; Justification of Appropriation Estimates for the Committee on Appropriations*, April 2026, <https://www.epa.gov/system/files/documents/2026-04/epa-fy27-congressional-justification.pdf>.

¹⁰² EPA, *Fiscal Year 2027; Justification of Appropriation Estimates for the Committee on Appropriations*, April 2026, p. 632, <https://www.epa.gov/system/files/documents/2026-04/epa-fy27-congressional-justification.pdf>.

¹⁰³ EPA OIG, *Audit of the EPA's Brownfields Program Management and Funding Allocations*, Report No. 25-P-0043, July 2025, https://www.epa.gov/sites/default/files/oig/documents/_epaoig_20250723-25-p-0043_cert.pdf.

¹⁰⁴ According to the previously cited EPA OIG report, the GRIP database is an "internal database, managed by the EPA Office of Grants and Debarment, [that] captures grant information for all types of EPA grants. The EPA told us that grants captured in GRIP have been officially awarded."

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