

HR 2869

Small Business Liability Relief and Brownfields Revitalization Act

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Environmental Protection

Introduced: Sep 10, 2001

Current Status: Became Public Law No: 107-118.

Latest Action: Became Public Law No: 107-118. (Jan 11, 2002)

Law: 107-118 (Enacted Jan 11, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/2869>

Sponsor

Name: Rep. Gillmor, Paul E. [R-OH-5]

Party: Republican • State: OH • Chamber: House

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boehlert, Sherwood [R-NY-23]	R · NY		Sep 10, 2001
Rep. Dingell, John D. [D-MI-16]	D · MI		Sep 10, 2001
Rep. Green, Gene [D-TX-29]	D · TX		Sep 10, 2001
Rep. Pallone, Frank, Jr. [D-NJ-6]	D · NJ		Sep 10, 2001
Rep. Shimkus, John [R-IL-20]	R · IL		Sep 10, 2001
Rep. Tauzin, W. J. (Billy) [R-LA-3]	R · LA		Sep 10, 2001
Rep. Towns, Edolphus [D-NY-10]	D · NY		Sep 10, 2001
Rep. Sawyer, Tom [D-OH-14]	D · OH		Sep 12, 2001
Rep. Carson, Julia [D-IN-10]	D · IN		Dec 5, 2001

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Sep 17, 2001
Transportation and Infrastructure Committee	House	Referred to	Sep 11, 2001

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
107 S 350	Related bill	Jun 28, 2001: Subcommittee Hearings Held.
107 S 1064	Related bill	Jun 19, 2001: Read twice and referred to the Committee on Environment and Public Works.
107 HR 1831	Related bill	Jun 13, 2001: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.

Small Business Liability Relief and Brownfields Revitalization Act - **Title I: Small Business Liability Protection** - Small Business Liability Protection Act - Amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) to provide (with exceptions) that persons shall be liable for response costs at a National Priorities List (NPL) facility as non-owners or operators only if the total of material containing a hazardous substance that the business arranged for disposal, transport, or treatment of, or accepted for transport, was greater than 110 gallons of liquid material or 200 pounds of solid material. Applies this exemption only to activities taking place before April 1, 2001.

Exempts a person from liability for response costs (with exceptions) at a NPL facility for municipal solid waste (MSW) as a non-owner or operator if the person is an owner, operator, or lessee of residential property from which all of the person's MSW was generated, or a certain small business or small charitable tax-exempt organization that generated all its MSW, with respect to the facility concerned.

Makes nongovernmental entities that commence a contribution action liable to the defendant for all reasonable costs of defending the action if the defendant is not liable based on the above-described exemptions.

Adds to the list of parties eligible for de minimis final settlements certain persons and businesses that demonstrate an inability or limited ability to pay response costs.

Revises conditions of eligibility for such settlements for de minimis parties, including waiver of all claims that the party may have against other potentially responsible parties for response costs incurred with respect to the facility, unless the President determines that requiring a waiver would be unjust.

Title II: Brownfields Revitalization and Environmental Restoration - Brownfields Revitalization and Environmental Restoration Act of 2001 - **Subtitle A: Brownfields Revitalization Funding** - Amends CERCLA to provide for grants to eligible entities (including local government units, redevelopment agencies, States, and Indian tribes) for inventorying, characterizing, assessing, remediating, and conducting planning related to brownfield sites. Defines a "brownfield site," with exceptions, as real property, the expansion, redevelopment, or reuse of which is complicated by the presence or potential presence of a hazardous substance or pollutant. Includes within such definition a site that is: (1) contaminated by a controlled substance; (2) contaminated by petroleum or a petroleum product excluded from the CERCLA definition of "hazardous substance" which is determined to be of relatively low risk, that is a site for which there is no viable responsible party and which will be cleaned up by a person not potentially liable, and that is not subject to a specified order under the Solid Waste Disposal Act; or (3) mine-scarred land. Authorizes appropriations. Requires at least 25 percent of such funding to be used for petroleum-contaminated sites.

Subtitle B: Brownfields Liability Clarifications - Exempts from liability under CERCLA certain owners of real property contiguous to property on which there has been a hazardous substance release or threatened release that is not owned by such persons.

(Sec. 222) Absolves from liability for response actions bona fide prospective purchasers to the extent liability at a facility for a release or threat thereof is based solely on ownership or operation of a facility. Gives a lien upon a facility to the United States for unrecovered response costs in any case for which the owner is not liable by reason of this section and the facility's fair market value has increased above that which existed before the action was taken.

(Sec. 223) Deems a person, with respect to defenses to liability of an owner of after-acquired property, to have undertaken appropriate inquiry into the property's previous ownership and uses if the person demonstrates that inquiries

were undertaken in accordance with specified requirements (for property purchased after May 31, 1997, compliance with an American Society for Testing and Materials standard until standards are issued by the Administrator of the Environmental Protection Agency). Deems the appropriate inquiry requirements to be satisfied by a facility inspection and title search that reveal no basis for further investigation in the case of property for residential or similar use purchased by a nongovernmental or noncommercial entity.

Subtitle C: State Response Programs -Adds CERCLA provisions authorizing the Administrator to award grants to States or Indian tribes to establish or enhance response programs comprised of elements including survey and inventory of brownfield sites, public participation opportunities, oversight and enforcement authorities, and certification mechanisms. Authorizes appropriations.

Restricts authority to take enforcement actions under CERCLA in cases of hazardous substance releases addressed by a State response plan. Authorizes the President to bring enforcement actions in certain instances, including cases where a State requests assistance, there is migration of contamination across State lines or onto Federal property, or there is an imminent and substantial endangerment to public health or welfare or the environment and additional response actions are likely to be necessary.

Makes restrictions on the President's authority to take such actions applicable only at sites in States that maintain, update at least annually, and make publicly available a record of sites at which response actions have been completed in the previous year and are planned to be addressed under the State response program in the upcoming year. Applies enforcement action requirements only to response actions conducted after February 15, 2001.

(Sec. 232) Requires the President to defer final listing of an eligible response site on the National Priorities List if the State is conducting a response action in compliance with a State response program that will provide long-term health and environmental protection or is actively pursuing an agreement to perform such an action with a capable person. Requires reasonable progress toward completion of actions for deferral of listing. Permits the President to decline to defer, or discontinue a deferral if: (1) deferral would be inappropriate because the State, as an owner, operator, or significant contributor is a potentially responsible party; (2) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or (3) the other conditions under this section for deferral are no longer being met.

Actions Timeline

- **Jan 11, 2002:** Signed by President.
- **Jan 11, 2002:** Signed by President.
- **Jan 11, 2002:** Became Public Law No: 107-118.
- **Jan 11, 2002:** Became Public Law No: 107-118.
- **Jan 7, 2002:** Presented to President.
- **Jan 7, 2002:** Presented to President.
- **Dec 21, 2001:** Message on Senate action sent to the House.
- **Dec 20, 2001:** Mr. Gillmor moved to suspend the rules and pass the bill, as amended.
- **Dec 20, 2001:** Considered under suspension of the rules. (consideration: CR 12/19/2001 H10892-10904)
- **Dec 20, 2001:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2869.
- **Dec 20, 2001:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR 12/19/2001 H10893-10899)
- **Dec 20, 2001:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR 12/19/2001 H10893-10899)
- **Dec 20, 2001:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 20, 2001:** Passed/agreed to in Senate: Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent.(consideration: CR S14063-14064)
- **Dec 20, 2001:** Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent. (consideration: CR S14063-14064)
- **Sep 17, 2001:** Referred to the Subcommittee on Environment and Hazardous Materials.
- **Sep 11, 2001:** Referred to the Subcommittee on Water Resources and Environment.
- **Sep 10, 2001:** Introduced in House
- **Sep 10, 2001:** Introduced in House
- **Sep 10, 2001:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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