

S 452

CAPA

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Environmental Protection

Introduced: Jan 31, 2007

Current Status: Read twice and referred to the Committee on Environment and Public Works.

Latest Action: Read twice and referred to the Committee on Environment and Public Works. (Jan 31, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/452>

Sponsor

Name: Sen. Cantwell, Maria [D-WA]

Party: Democratic • State: WA • Chamber: Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boxer, Barbara [D-CA]	D · CA		Jan 31, 2007
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Jan 31, 2007

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Referred To	Jan 31, 2007

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

No related bills are listed.

Cleanup Assurance and Polluter Accountability Act of 2007 or CAPA - Directs the Environmental Protection Agency (EPA) to: (1) finalize regulations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) that require facilities to establish and maintain evidence of financial responsibility for the risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances; (2) publish proposed financial assurance rules for classes of facilities that present the highest risk associated with such substances; and (3) annually promulgate financial assurance rules for additional classes of facilities, giving highest priority to classes that may contain sites at which unreimbursed response costs are at least \$12,000.

Requires facilities subject to financial assurance requirements to submit to the EPA: (1) a notification of filings for bankruptcy protection; (2) an estimate of environmental impacts resulting from their activities; and (3) a description of their corporate relationships. Requires the EPA to give priority to the development of requirements for facilities or industries whose prior actions indicate a high risk of default on environmental liabilities.

Directs the EPA to require that each affected person: (1) enter a financial assurance agreement that reflects the hazardous substances risk; and (2) provide financial assurances to cover potential response costs and damages. Sets forth factors for the EPA to consider in determining whether to accept financial assurances.

Requires the EPA to: (1) make full use of administrative offsets and liens on assets for enforcement purposes; and (2) issue guidance for enforcement of requirements for use of such offsets and liens.

Authorizes a trustee in bankruptcy proceedings to avoid any transfer of a debtor's interest in an asset made during the 10 years before the bankruptcy petition is filed, if: (1) the debtor had environmental liability under CERCLA; and (2) the debtor made such transfer with intent to hinder, delay, or defraud any person with respect to such liability.

Requires the EPA to report methods to strengthen the government's ability to secure assets needed to pay for response costs at sites contaminated with hazardous substances. Requires the National Bankruptcy Review Commission to evaluate the interaction between bankruptcy and CERCLA and to provide recommendations for action.

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## **Actions Timeline**

- **Jan 31, 2007:** Introduced in Senate
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