**Contaminated Lands Legislation PASSES at the State and Federal Levels**

By ANVCA Staff

[Senate Bill 202](http://www.legis.state.ak.us/PDF/30/Bills/SB0202Z.PDF) officially passed the Alaska State Legislature on April 27, 2018. This bill amends Alaska Statute 46.03.822 to explicitly identify responsible parties for contamination around the state of Alaska. It holds fiscally responsible the following: those in control of contaminants at the time they are released to the environment; owners of facilities that release contaminants into the environment; past owners of facilities where incidence of contaminant release occurred; contractors and individuals who transport contaminants to a destination and release said contaminants into the environment. Of interest to village corporations is the specific provision lifting legal liability for contamination that is currently present on Alaska Native Corporation (ANC) lands, on the grounds that they can prove that they were not the original releasers of the contaminants and that they did not contribute to the contamination in a substantial form.

We want to sincerely thank Senator Lyman Hoffman (D-Bethel) for sponsoring and carrying this legislation through both sides of the Legislature, as well as Representative Charisse Millett (R-Anchorage-25) for authoring House Bill 367, helping gain momentum in the House, and for carrying Senate Bill 202. We also want to thank the countless legislators who have co-sponsored the legislation.

Also of interest to ANCs is the passage of similar language in the [Consolidated Appropriations Act of 2018, H.R. 1625.](https://www.congress.gov/bill/115th-congress/house-bill/1625/text) Division N, Section 3 of the Act, which was signed into law by President Trump, contains language that lifts liability from ANCs, which allows ANCs to access important sources of Brownsfields funding for contamination mitigation. We also want to thank the countless individuals who have worked to help us address this issue at the federal level.

This is a huge step forward for ANCs seeking environmental mitigation due to the release of chemicals. For so long, ANCs were unable to access necessary governmental Brownsfields funding under the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (CERCLA), due to their status as “potentially responsible parties.” Now, as long as an ANC is able to prove that they are indeed not responsible for contamination, they have the capability to access these Brownsfield funds.

ANVCA, as the organization that has been working on this issue since 2012, is grateful to the team of Members, Partners, and legislators that have worked tirelessly in the trenches with us to get this legislation passed, from the participants of our D.C. and Juneau Fly-Ins, to members of our Congressional delegation and State Legislature. We also thank Sarah Lukin, board member of Afognak Native Corporation, for her early leadership and coordination on this issue.

Overseeing the passage of this legislation has been the pleasure of ANVCA, who worked with many Member corporations to see it to completion. However, as there are many more things to be done to mitigate contamination, ANVCA has established other policy priorities to pursue in order to see this work through to the end, including but not limited to: pushing for mitigation credits; ensuring that ANCs become preferred contractors in site cleanup; and advance an interagency working group to oversee cleanup progress.

**These are just a few of the policy priorities that we will tackle on our D.C. Legislative Fly-In in September 2018 – if you’d like to join, stay tuned for details and registration!**