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THE AMERICAN INSTITUTE OF ARCHITECTS

STATEMENT OF
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"Brownfields Reauthorization"

United States House of Representatives
Committee on Transportation and Infrastructure

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Madam Chairman, Members of the Subcommittee — good afternoon. I am Jerome Leslie Eben, AIA, an architect and planner from New Jersey and immediate past president of AIA New Jersey, the New Jersey component of the American Institute of Architects (AIA). The AIA is the professional society representing more than 82,000 licensed architects across the country. We are leaders in our communities and play a major role in strengthening America's economic vitality. AIA members work to promote a better quality of life for all Americans through good design.

I would like to first commend the committee for holding this hearing today on a topic that is of vital concern to both architects and our political leaders of urban and suburban communities across America, brownfields. My state of New Jersey is home to at least 20,000 contaminated sites, the majority of which qualify as brownfields. Essex County, where I was born, where I live, and where I work, has over 1,000 brownfields. Essex County is home to Newark, America's third city (settled in 1666) and one of the most economically challenged cities in America. It has nearly 500 certified brownfields, and probably hundreds more which sit unoccupied, contributing to Newark's blight.[1]

Bringing these contaminated industrial sites back to life through brownfields redevelopment is imperative to restoring American cities like Newark. Thus I welcome the opportunity to speak before the subcommittee today as your efforts to reauthorize the Environmental Protection Agency's brownfields program are critical to restoring countless cities and communities nationwide.

Architects throughout the nation understand the enormous significance of redeveloping these contaminated sites. As the AIA is committed to the planning, design and construction of vital, healthy communities, we are understandably concerned that brownfield sites blight neighborhoods in need of revitalization. Due to the unknown level of contaminants below ground, developers are often hesitant to take the chance of developing a brownfields site. The contamination is thus responsible for stymieing redevelopment, and limiting economic investment and job creation.

Architects view brownfields redevelopment legislation as an opportunity to redesign and enhance America's communities. As the subcommittee is obviously aware, redeveloping a brownfields site will have profound effects on the community. Transforming brownfields into mixed uses, including parks, shopping areas, affordable housing, and office buildings, can literally bring a community back to life. It increases the local tax base, creates jobs, revitalizes neighborhoods, and extends environmental protection for all citizens. The benefits of brownfields redevelopment can be seen throughout the community for years to come. It is not only an investment in a parcel of land; it is an investment in our communities, and in our people.

The AIA has long supported Congressional efforts to facilitate brownfield cleanup and redevelopment. In 2002, we strongly supported the Brownfields Act (PL 107-118), which encouraged the reuse of brownfield sites by, among other provisions, limiting and/or exempting current owners and prospective purchasers of brownfield sites from liability. This Act sparked a nationwide effort to redevelop forgotten buildings in the heart of America's cities. However, as this Committee, the AIA, and the EPA know, there are still hundreds of thousands of brownfield

sites that sit vacant or underused. Therefore the federal brownfields law must be updated to better provide communities with the necessary tools and resources to cleanup and redevelop these sites. Without this, the communities that house these sites will continue to deteriorate, causing the local residents to suffer.

The Environmental Protection Agency estimates that 400,000 to 1 million brownfield sites exist nationwide.[2] Each year, the EPA is flooded with requests from local, state, and tribal governments for assessment, cleanup, and revolving loan grants to begin the process of revitalizing these sites/buildings. At current funding levels, it is impossible for the EPA to fulfill even a fraction of the grant requests. Thus in order for the federal government to truly help facilitate the cleanup of our most downtrodden communities, the AIA believes that Congress should increase the overall funding level for the EPA's brownfields program.

Redeveloping brownfield sites produce undeniable economic benefits, demonstrating that intelligent federal spending on brownfields will provide needed economic investment for cities and communities nationwide. Since 1995, the EPA reports that it has invested nearly $800 million for the assessment and cleanup of brownfields, leveraging nearly $9 billion in environmental cleanup and revitalization dollars.[3] These varying federal, state, local, and private investments have resulted in the creation of nearly 40,000 jobs.[4] The message is clear- investing in brownfields will boost the economic vitality of our cities and communities, create jobs, and stimulate the U.S. economy. At a time when Congress is exploring ways to stimulate the economy, particularly in the housing and real estate sectors, investing in brownfields remediation

should be an important priority. Therefore we strongly urge the Committee to increase the funding levels for the program in any brownfields reauthorization legislation.

As noted above, it will be nearly impossible to provide the EPA with the necessary resources to improve even a majority of our nation's brownfields. That is why we feel it is beneficial to explore other options to finance brownfield redevelopment. One such strategy would be to provide businesses with a tax credit for undertaking the redevelopment of brownfield sites. During the first session of the 110th Congress, Representatives Stephanie Tubbs Jones (D-OH) and Mike Turner (R-OH) introduced H.R. 3080, legislation that would provide a business tax credit for 50 percent of the expenditures for the abatement or control of hazardous substances, the demolition of structures on brownfield sites, and the reconstruction of utilities at brownfield sites. The AIA strongly supports this legislation, and while recognizing that this Committee does not have jurisdiction over this particular bill, we encourage the members of this committee to work with other committees to explore a variety of strategies to facilitate the redevelopment of our nation's brownfields.

It is clear that more brownfields exist than can be redeveloped. Each year, the EPA is faced with the difficult task of choosing which projects to provide grant monies and which projects to exclude. The AIA generally supports the EPA's criteria for ranking grant applications in determining which projects will receive grant funding. However given the extensive competition among applicants for limited grant funding, we feel that including additional project qualifications to the program's grant making criteria would direct funding to the best possible projects.

One such condition is energy efficiency; the AIA believes that energy efficiency and green building standards should be a factor in determining which grant applicant receives funding. As most brownfield redevelopment projects will require a major renovation of buildings on site, (and in most cases, new buildings all together), it makes sense that these buildings be designed in an intelligent, energy-efficient way.

Architects and builders across the country are utilizing the most modern design techniques, materials, and building systems to achieve significant energy savings in new and renovated buildings. Energy efficient (or green) buildings offer countless benefits to their inhabitants. One such benefit, reduced energy use, will lessen monthly utility bills for businesses and residents. And given that many brownfields are located in low-income areas, reduced energy costs for future building occupants should be a factor in determining which projects receive grant monies.

Furthermore, aside from the economic and community restoration benefits of brownfields redevelopment, reclaiming contaminated sites helps improve the natural environment. Once the brownfield site is cleaned up, it is counterproductive to then build an energy-guzzling building on that very same site, especially when the costs of building green are often negligible.[5] Thus we strongly believe that brownfield redevelopment projects that will result in energy efficient green buildings should be given preference as the EPA chooses which projects to finance.

When this committee attempted to reauthorize the brownfields law during the 109th Congress, the Committee included language requiring the EPA to include the use of green standards and energy efficiency as criteria in grant making. We urge the Committee to once again go this route and make sure that our nation's brownfields are redeveloped in the smartest, most energy efficient way possible.

America's architects are committed to designing healthy communities. In order to redevelop some of the most economically depressed neighborhoods, the federal governments' brownfields program must be expanded as this will facilitate the cleanup of blighted areas across America. The AIA strongly supports the Committee's efforts to improve the brownfield program and I welcome any questions the subcommittee may have. Thank you.

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[1] New Jersey Department of Environmental Protection (http://www.nj.gov/dep/srp/kcs-nj/essex/).

[2] U.S. Environmental Protection Agency, Brownfields and Land Redevelopment (http://www.epa.gov/swerosps/bf/about.htm).

[3] CRS Report RS22515, *Brownfields Issue in the 110th Congress* by Mark Reisch.

[4] House Report 109-608, *Brownfields Revitalization Activities and State Response Programs,* House Committee on Transportation and Infrastructure, July, 2006.

[5] http://www.davislangdon.com/USA/Research/ResearchFinder/2007-The-Cost-of-Green-Revisited/
The Cost of Green Revisited, by Lisa Fay Matthiessen and Peter Morris, 2007.