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GREEN BUILDING

— IN CONNECTICUT —

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A ROUNDTABLE DISCUSSION OF THE RAPIDLY CHANGING
PRACTICE AREAS, INDUSTRIES, AND BEST PRACTICES



A Special Advertising Section of the Connecticut Law Tribune

GOING GREEN

Imagine a world where buildings are not only environmentally friendly, but create an economic benefit for their owners. Imagine workplaces that are sought out by recruits, reduce employee absenteeism, and promote companies as being on the cutting edge.

This is no fantasy world. Throughout Connecticut and the rest of the country, there is a trend toward “green” buildings and other environmentally friendly development. While developers, engineers and government are at the forefront, law firms’ environmental and real estate practices are often involved in pulling together the elements required to plan and complete a successful project.

The *Connecticut Law Tribune* and *ctlawtribune.com* are pleased to present *Building Green in Connecticut: A Roundtable Discussion*, focusing on green development and related business trends. The session was held April 29 at the offices of Wiggin and Dana in New Haven.

The six-member panel included four attorneys: Lee Hoffman of Pullman & Comley in Hartford; Gary O’Connor of Pepe & Hazard in Hartford; Barry Trilling of Wiggin and Dana’s Stamford office; and Mark Zimmerman, of Updike, Kelly & Spellacy in Hartford.

Also on the panel was Kent Schwendy, an engineer with Fuss & O’Neill, a national civil and environmental consulting firm with offices in Manchester and Trumbull; and Wayne Cobleigh, of GZA GeoEnvironmental Inc., a national consulting firm with Connecticut offices in Bloomfield and Fairfield.

The moderator was Joel Gordes, an independent energy consultant whose firm is called Environmental Energy Solutions. Alex Del Vecchio Court Reporting Services, which has offices

in Harford, Madison, New Haven and Stamford, provided transcriptions services.

The panelists traded ideas for about 90 minutes, with the focus on the Leadership in Energy and Environmental Design (LEED) rating system for buildings, which was launched in 2000. With LEED, buildings earn points depending on how many green features – ranging from enhanced energy conservation to recycled material use to rehabilitation of contaminated sites (called brownfields) — are included in design and construction. There is a basic certification level, but additional features can earn ratings of silver, gold, or platinum. Buildings must be certified by the U.S. Green Building Council, which this month approved preliminary guidelines for upgraded LEED standards for 2009.

The panelists also ventured into private sector and governmental initiatives. They made reference to the idea of a national carbon tax, which would be collected from households and businesses based on fossil fuel use. They also spoke of a federal proposal to create a cap and trade system to reduce greenhouse gas emissions. Individual companies would be assigned emission limits for certain pollutants. Those that needed to increase emissions would have to buy credits from those who pollute less.

The text of the panelists’ comments, edited for clarity and brevity, follows. The views expressed are those of the roundtable participants and not necessarily those of the firms or companies. Interested in listening to this event? Visit our web site and click on the podcast icon for the audio version.

**Jeff Forte, Esq. | Publisher
Connecticut Law Tribune
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MR. GORDES: Good morning. The *Connecticut Law Tribune* has the pleasure of hosting this morning’s roundtable on green building in Connecticut. Joining me today are Mark Zimmermann, Barry Trilling, Kent Schwendy, Gary O’Connor, Lee Hoffman and Wayne Cobleigh.

The first question I have for this panel is: What is your background and how did you and your firm or company become involved in environmental and green building issues? I’m going to start in reverse alphabetical order with Mark Zimmermann.

MR. ZIMMERMANN: I’ve been involved with environmental issues for close to 25 years now. As for my firm, a number of things led to our involvement with the environmental issues and green buildings. First of all, I think it’s been kind of a natural progression from a lot of the brownfield issues that we’ve been dealing with in recent years. You combine that with the fact that our firm’s active environmental practice. We also have very strong real estate, land use and construction practice groups. We have a number of lawyers who practice exclusively in construction law

representing architects, engineers and contractors. The combination of these practice areas has evolved into a team approach at Updike Kelly for dealing with many of the green issues.

MR. GORDES: Great. And Wayne, how about yourself?

MR. COBLEIGH: I’ve been in the environmental consulting business in Connecticut for over 25 years, and so I saw the evolution of environmental regulations and energy conservation issues, from pollution control to reuse of contaminated properties to deregulation of energy in Connecticut. GZA GeoEnvironmental Inc. has always had a practice in the energy field, so we’ve kind of combined our thinking of land development and land reuse and energy and put them together so that our practice is reflecting where the market is now. Clients need to save money on energy. They need to reuse land. There is less “greenfield” land available to be developed on a predictable schedule at a reasonable cost.

MR. GORDES: Kent, how about yourself?

MR. SCHWENDY: Fuss & O'Neill has always been involved in the energy and environmental markets. It's one of the things that attracted me to the firm 12 years ago. As the company has grown more towards those facets of engineering, I've grown to specialize more and more on the sustainable site side as part of the overall team. We see the convergence of the brownfield redevelopment market, new urbanism or other types of mixed-use redevelopment, the green and sustainability movements and the energy markets. So that's been our continued focus as a company and mine in particular.

a local utility, thus creating emissions reduction credits it could bank or sell under the Kyoto Protocol. Although the work involved some land use issues, our services primarily turned on the business transaction and we realized, that yes, land use, energy and environment are all elements of what is green and what makes up sustainable development and climate change. Assisting this client showed that we already possessed the skills and had practical experience in this area: we had been performing similar services for years, combining regulation-driven environmental technology with land development, business formation, tax breaks, and exploitation of government support programs. The largest part of our green practice thus deals with advising businesses on how they can react to new legislation and regulations and how they can commercialize technology.

THE REALITY IS, FOR WHATEVER REASON, THERE IS NOW A PERFECT STORM OF EVENTS. MAYBE IT'S CENTERED ON A \$100 BARREL OF OIL, I DON'T KNOW. BUT YOU CAN NO LONGER PRACTICE IN EITHER THE ENERGY SECTOR OR THE ENVIRONMENTAL SECTOR WITHOUT HAVING THESE ISSUES RIGHT AT THE FRONT OF YOUR BRAIN.

— **LEE HOFFMAN**



MR. GORDES: Gary O'Connor, how about yourself?

MR. O'CONNOR: Well, I've taken a little different path than some of my colleagues here. I didn't start out as an environmental lawyer. In fact, I represented large developers, businesses, regional economic developmental agencies and municipalities. It became clear to me that the best opportunities for development in Connecticut involved the redevelopment of our urban centers, which already had the necessary infrastructure. However, any reuse of these properties involved a wide range of environmental issues. As a result, I became involved with brownfield issues, smart growth and green development. Also our clients have realized that there's a new environmentally friendly culture out there, where conservation is important, not only as a societal good, but also as an economic necessity. The lawyers at Pepe & Hazard have, always been strong in the areas of construction law, environmental law and real estate law. These established practice areas compliment the new practice area of green building and green development.

We also have a very flourishing intellectual property practice where we're working on things like carbon sequestration and increasing the efficiency on traditional mechanisms that clean the environment. We have one client that is capturing the energy that's produced in gymnasiums and health clubs and putting those to use. This is among the creative ways we are helping clients get off the traditional energy grid. So it's a tremendously diverse practice and I find I'm learning a whole lot.

MR. GORDES: Where do you see green building in Connecticut going? Where are we? Where do you think we're heading? Is it something that's really vibrant now, or is it in its beginning stages?

MR. GORDES: Lee Hoffman, how about yourself?

MR. HOFFMAN: I've come at this from a slightly different perspective because at Pullman & Comley I have a foot in the environmental camp and also in the energy camp. But I was really brought into this more by our clients than anything else, oddly enough.

I first got involved with Alcoa back in the mid-'90s. They had sustainability as a corporate value long before it became *de regur*. Paul O'Neill, the former CEO of Alcoa, wanted to get his hands around climate change as quickly as possible. They redesigned the Alcoa building [in Pittsburgh] to be a much more sustainable design. If you compare the old building and the new building that came about in about the year 2000, you'd see a wholesale change in all of that. But those were all aspirational goals. There were no requirements.

A couple years later, an energy company client gets sued by, of all people, the Presbyterian Church because they're not adequately reporting greenhouse gas emissions and they're not really incorporating their footprint. Now, the suit failed, but that caused the company to really rethink how it defined sustainability, how it was defining its goals and caused a wholesale shift that is now fast-forwarded to things becoming more and more legally required.

And so it's been a very organic path for me getting here and for my firm getting here. But the reality is, for whatever reason, there is now a perfect storm of events. Maybe it's centered on a \$100 barrel of oil, I don't know. But you can no longer practice in either the energy sector or the environmental sector without having these issues right at the front of your brain.

MR. GORDES: Let's go to Barry Trilling.

MR. TRILLING: I've been practicing environmental law since the 1970s. As a U.S. Justice Department lawyer in 1978, I led the investigation and litigation of the hazardous waste disaster at New York State's infamous Love Canal. As Lee said, we've been pushed into this from the client side. Here at Wiggin and Dana we woke up to the realization that we already had a climate change and sustainable development practice when a client asked us to help it create a business to take advantage of carbon emission trading. This business would convert landfill gas in a Latin American country to clean energy and sell it to

MR. COBLEIGH: I see it right now as a niche market. It is an emerging market in that it's been subsidized by government incentives and a means to stand out in the market. For example, the University of Connecticut has taken on building the first LEED Silver-rated NCAA facility in the country. *[Editor's note: It's an indoor football training center with strength and conditioning facilities for other athletes.]* Now, they did that really as an experiment. They probably figured that if they were going to get benefactors to [pay for construction of] the building, maybe they should take it to the next level and go for LEED certification. They were pioneers. They went with a Connecticut based architectural and design team that had LEED Accredited Professionals in the group. I think the leader of that project at the University would likely admit that if they were in private industry, they may not have gone for the premiums associated with designing and building that facility to a LEED certification. But they did it because there was community interest, and it was in the interest of the students at the university and they pulled it off.



THEN THERE'S THE GENERAL PUBLIC. THIS IS NOT THE FAD OF THE 1970s. PEOPLE WANT TO CHOOSE ENVIRONMENTALLY RESPONSIBLE PRODUCTS AND THAT INCLUDES BUILDINGS. SO I THINK MOST BUSINESSES AND DEVELOPERS WILL FIND THAT IT'S A MAJOR MARKETING ADVANTAGE TO GET INVOLVED, IN GREEN DEVELOPMENT.

— GARY O'CONNOR

This project, the Burton Family Football Complex & Mark R. Shenkman Training Center just won a Green Building Award from the Real Estate Exchange, so it's been recognized. But I still see out there in the marketplace a lot of skepticism on should we pay the premium for what is considered a score-keeping method, a LEED certification, or should we just do the right thing and then know that we built a building with clean indoor air quality and good environmental air policies?

So I think part of the market is still kind of confused. They don't know if they should go to the next level or not. But there's always a few leaders in these kind of markets and some side liners. There are firms that just want to do it to be recognized for doing it, and I think that's what we've seen in our business.

MR. SCHWENDY: I think there is a growing awareness, too. UConn is an excellent example because several years before, when the football stadium at Rentschler Field was constructed [from 2001 to 2003], there was discussion then about pursuing LEED-certification. But at the time there was not a strong feeling among the students or the faculty that it was something that needed to be done. But in the few years in between [Rentschler and the training facility], the expectations started to change. I think we see that in communities throughout Connecticut. People think they want to do LEED or other sustainable things, but they're still learning about it.

MR. GORDES: Barry Trilling.

MR. TRILLING: If we're talking about just green buildings in this question, the choice has been made by the legislature about where we're going. Any public building, school buildings in particular, for which the construction costs exceed \$5 million or the renovation costs exceed \$2 million will have to meet the LEED Silver standard by either 2009 or 2010, depending on the nature of construction.

In addition, the law enacted by the General Assembly last year, Section 78 of Public Act 07-242 also had provisions which made it applicable to commercial buildings in a very blunderbuss approach. Those of us who represent commercial and industrial real estate and developers think was a big mistake and we're trying to rectify that.

I think the real estate industry and developers recognize that going for the LEED standard is not just unavoidable, it's desirable. The market is driving it for large buildings. You can't build an A-rated building in New York City without it being green, and green means LEED. It's hard to do it on rehab buildings. It's just very, very difficult to bring [older] buildings up to a LEED standard. But the market is driving it.

While the real estate industry is opposed to legislation that mandates use of the LEED standard, it supports the idea of building to energy efficient standards. It turns out that now we have some record on building green buildings and you do get your payback in a relatively short period of time.

MR. O'CONNOR: Even though we're in the infancy stages, I think the whole green building development initiative is taking off. I think there's been a convergence of factors that are making this happen and that the whole green movement is going to increase exponentially. Businessmen are no longer looking at green development as some unrealistic initiative pushed by environmental zealots, but rather as something very important to their long-term financial health. For example, they realize that the construction of a green building, that saves substantial amounts on energy costs and increases worker productivity through a healthier work environment is an important business consideration now.

Business owners now can do the numbers and see that their investment in constructing a green building is going to get paid back in just a relatively short number of years through energy savings and productivity benefits. So that's obviously one of the drivers. It's on everyone's agenda, including that of the public sector. I think government realizes that it's important not only in terms of global warming but in terms of energy conservation. So that's another driver. Then there's the general public. This is not the fad of the 1970s. People want to choose environmentally responsible products and that includes buildings.

So I think most businesses and developers will find that it's a major marketing advantage to get involved in green development. I think we still have some pushback from some small builders with smaller residential developments. The initial cost of building green may appear too high relative to the increase in the sales price they can attain for a green condominium unit or single family house. In some areas of the State, the initial affordability of the house may still outweigh the long-term energy savings in the consumer's mind.

But I have clients now in Fairfield County who are building relatively small green residential projects, and they believe that the extra cost is worth it because it differentiates them from others in the market. It may be that the initial affordability

factor is not as big a concern in the more affluent areas of Fairfield County. In the long term, as the relative cost of building green goes down, small builders throughout the State will jump on board.

MR. HOFFMAN: I think that the green building is here to stay. I think it's already been established. It's got the beachhead. But I analogize this to the mid- to late-'80s when we first had desktop computers. There was a time when people would say, "What on Earth would I use a computer for?" And eventually people got desktop computers. They got Wangs and TRS-80s and Apples and Macintoshes and IBMs. What happened was eventually the business community all settled on a standard, and it was a painful transition for a couple of years, but eventually everything was running on a PC Windows-based platform, 90 percent of it. I apologize to any Mac users in the room. And that's where we've gone, at least in America.

What we have here with green building standards... is something akin to that. We tend to conflate the two issues in Connecticut because what we've done is we've said green building is good. LEED is the most recognized standard; therefore, we will legislatively mandate that LEED is what we're going to use in Connecticut. That really shuts down a lot of the creativity of the marketplace.

You look at what Wal-Mart is doing with green building design, and some of it goes way beyond LEED. But Wal-Mart will never get LEED certification so long as [compact fluorescent lamps] are required because the CFL lighting makes their products look off color. And so they'll never get LEED certification, despite the fact that they're exceedingly green in other elements of building design.

Other businesses have certain issues with LEED certification. It's not one-size-fits-all, and it was never meant to be. It was meant to be an aspirational standard, not a regulatory standard. But now Connecticut has essentially fit the round peg into the square hole.

MR. GORDES: Can you elaborate on this idea that the legislature is starting to legislate certain voluntary standards into law. Do you believe that that is a dangerous practice, a good practice, a neutral practice?

MR. ZIMMERMANN: I think it does have the potential to be dangerous. LEED was not originally intended to serve as a law or a legal standard. One of the biggest potential concerns is that LEED is a design standard. It's not a product standard. So you've got a lot of advertising issues and companies that represent a particular product as being consistent with LEED where it's not necessarily designed to be that way.

I think the other problem you have with LEED is the after-the-fact certification that you receive. You can't obtain it up front. So when you design your building and you're going through those early stages, you really don't know for sure if you're going to get your LEED certification, which can create some problems from a legal perspective. I mean, there's a lot of potential there for litigation.

MR. GORDES: What do you see on the litigation? What form might that take?

MR. ZIMMERMANN: An example might be an architect that's designed a building and has given some sort of representation that it's going to be LEED certified. What if it doesn't? You've got all kinds of potential legal issues there in terms of the architect's and contractor's role in that process - representations that might have been made, expectations that were created. I think the big issue is communication. You've got to know right up front what it is you're providing. And I think it can be very difficult for someone to come in and say, "I'm going to get you a LEED certification for this project."

I've heard that they're actually working on ways where you can actually [create] a design and get your LEED certification in advance, which should help a lot.

MR. SCHWENDY: They have that now. You still have to provide all the information though. So you still have to be pretty much done with the design, it just doesn't have to be built. It's called a pre-certification program. I believe it only applies to one of the LEED rating systems, and I think that's an important point; that LEED started as a single-rating system for commercial or multifamily residential [structures] of greater than three stories. And it's expanded into other specialties.

The one that I hold the most hope for is LEED ND, neighborhood development, which goes beyond the building and looks at all aspects of sustainability, of walkability, of community sense of place and economic conditions. That I think is a movement in the right direction. I have the same concerns though about legislating compliance with LEED when, as a designer, I see LEED as being just good design practice. Unfortunately, can't always do all of the things. I don't think [legislation] recognizes the vast differences that we face on different sites and the different conditions and in certain specialties, health care, for example. So I think that it was too early to pick a program and say this is what everyone must do.

MR. TRILLING: I don't like the idea of legislating LEED standards. But there's going to be legislation, and we're butting our heads against the wall if we think there's not going to be. And what we can do as an industry is to try and make that legislation the best it can possibly be.

LEED goes beyond questions of energy conservation. LEED goes to lifestyle. LEED goes to more livable workplaces. The legislation that mandated the LEED standards was an energy law, notwithstanding that the LEED ratings have to do with many non-energy related concerns, such as making a building more livable that have nothing to do with energy. These should have had no place in energy legislation.

For relevant purposes of the new Connecticut legislation, the U.S. Green Building

Council has recognized LEED standards for new buildings—that is completed structures ready to occupy; existing buildings, meaning renovations; core-and-shell, which goes to those projects where the developer has responsibility only for the outside structure and leaving it to the owner of the building to fill in the tenant improvements; and a separate category for commercial interiors. The new statute refers only to new building and renovation. So the developer who is building core and shell is faced with a problem: How do I meet a standard that doesn't apply to my construction? Am I not going to have the ability to get a certificate of occupancy because I don't meet a new building standard? What's that going to do to my construction financing? Our job is to educate the legislators.

Lee and I, for example, were up in Hartford a couple of weeks ago trying to express our concerns on behalf of the National Association of Industrial and Office Properties, an organization that we both belong to. And the legislators were receptive, particularly when we said we're not against energy efficiency and making nice places for people to work.

MR. HOFFMAN: But I think that there are two problems here. One is that what happens now if you build a building in good faith and it doesn't make LEED Silver? Unless you can get it pre-approved, which adds lead time on the project, you're not going to know whether or not you're LEED-certified ahead of time. If you're in a build, build, build kind of a mode, what's the state going to do with a very green building that isn't quite LEED Silver? That problem for me hasn't been resolved adequately at all.

And I think that the second thing to take a look at in Connecticut is all the contaminated sites. We probably lead the country on a per-capita basis in terms of brownfield sites. If you're going to start requiring LEED Silver certification, I'm going to bet dollars to doughnuts that my developer clients would rather do new construction in a greenfield area, which runs very much afoul of the governor's responsible growth initiative, because it's easier to do LEED on pure virgin new construction than it is to do on a rehab or a retrofit.

Brownfield redevelopment is all rehab and retrofit. That's an issue to get into at some point, whether or not land recycling, i.e., cleaning up contaminated property, is really adequately reflected in the green building standards.

MR. COBLEIGH: I think I can add to that. It's not. You get one point for getting a LEED certified building on a brownfield. So at the EPA's Brownfields 2008 conference, I'm going to lead a panel to try to work through that issue and see why we get more points for recycling furniture than you do for recycling land. We're hoping that we can go to the U.S. Green Building Council and say, "Look, we've thought about this. You really have to start thinking about revising your scorekeeping, especially for infill development in areas like Connecticut that are not adequately rewarded by LEED points when taking on the risks of a brownfield."

MR. HOFFMAN: I'm on the planning committee for Brownfields 2008. I'm also on the planning committee for the National Brownfield's 2009 project. The whole focus of both of those conferences is incorporating brownfields into a sustainable path. But the problem is the Green Building Council is pretty adamant that they want to focus on building design and not brownfield redevelopment. And I understand that and I respect that. But in Connecticut that's just not enough given the problems that we're facing.

MR. SCHWENDY: LEED ND, again, neighborhood development, which is still only a pilot program was developed with the participation of EPA and does begin to better address some of the brownfield issues. But it's still not enough of a focus, in my opinion.

MR. GORDES: I'm hearing certain things. One of these comes back to this idea that the legislature is doing certain things and there may be unintended consequences. So the question is: What possible unintended consequences do you see, either litigation or other types of things, that could result from the legislature possibly going a little bit too far in one direction or the other?

MR. COBLEIGH: I can start that off by comparing back in the '80s when site remediation in the state was an uncertain prospect; there was not a clear standard.



WHAT I'VE HEARD IS DEVELOPERS WILL TAKE ON THE PREMIUM OF GREEN BUILDING IF THEY CAN SEE A RETURN ON INVESTMENT, IF THEY CAN SEE THAT THEY'RE EITHER GOING TO GET IMPROVED FINANCING CONDITIONS OR THEY'RE GOING TO GET IMPROVED INCOME AT THE END OF THE LINE. THEY HAVE TO HAVE A FINANCIAL REASON TO GO BACK TO THEIR SHAREHOLDERS AND SAY THIS MAKES SENSE.

— **WAYNE COBLEIGH**

And there was a fear among responsible parties that if they started a clean-up they would potentially run into changing regulations and changing requirements after they'd already made the commitment. That's the same market concern that could play out in LEED certification, or in green building, that it's like trying to hit a moving target.

You begin the process believing you have a chance of attaining a possible outcome and then halfway through the process...You know, the design and construction process, with financing, can take two to three years. What if one and a half years into that process the [LEED] scorekeeping changes or the financing changes?

What I've heard is developers will take on the premium of green building if they can see a return on investment, if they can see that they're either going to get improved financing conditions or they're going to get improved income at the end of the line. They have to have a financial reason to go back to their shareholders and say this makes sense. And I think in all of the publicity I've seen about green building over the last six months, the one thing I haven't seen is, how do you prove to shareholders that this process is going to maximize shareholder wealth?

MR. GORDES: Let me ask you a question back then on something like that.

Steven Winter, who was president of the U.S. Green Building Council when LEED was put into operation, suggested to a Connecticut Speaker of the House that one way to help the developer is to say if you're doing a LEED building, it goes to the top of the stacks of paper for inspections and for all these sorts of things. Now, that could be a real savings in money. Do you think actions like that, short of legislation, could help done at the local level?

MR. COBLEIGH: I think those types of incentives could work. I think tax incentives could help, too, where the legislature says we will change the tax rate on this building because you are going above and beyond the standard of care necessary to build a building now and you're going to create something that lowers [environmental] impact and energy use. Right now, there's really not a clear tax incentive package to green building. You have to go state by state, county by county, municipality by municipality.

MR. TRILLING: We do have legislation pending in Connecticut that would provide tax credit to buildings that meet the LEED standard. That's a real step forward. The suggestion that you referred to from the former president of the U.S. Green Building Council has become reality in a number of municipalities across the country; and they are expediting the permitting process, allowing greater density, and allowing building at greater height, all as rewards for building green. Those are all positive developments.

In terms of unintended consequences, I think Lee hit the nail on the head when he talked about the effect of imposing the LEED silver standard on alterations [to

existing buildings], that their effect on Brownfields development in this state could be devastating.

Also the legislation may be counterproductive to the construction of transit-oriented development, another important aspect of urban redevelopment. Where we have trains running and buses running, we're talking primarily about rehab. If you make it undesirable for people to rehab, you're creating a disincentive for the use of public transit.

MR. O'CONNOR: I think the legislature should provide certain tax incentives and administrative incentives and avoid unnecessary regulation.

MR. GORDES: What type of tax credits, property tax credits?

MR. O'CONNOR: It would be a corporate tax credit, which is assignable. In this way, even a limited liability company or an individual can take advantage of the tax credits by assigning them at a small discount. There is a developing market for these tax credits. These credit programs provide important incentives to the business sector. I also think the legislature really needs to be committed to a comprehensive responsible growth program, which includes brownfields remediation. And they have to look at what some of the existing building code standards/requirements and land

use regulations may do to discourage smart growth. Do they incentivize people to build outside our urban cores?

If you build a green building 20 miles from the population base, there's a lot of energy expended to go to and from that building, so we've defeated our whole goal. The transportation energy expenditure may be greater than the building energy savings. We need to put more emphasis on building transit villages in currently developed areas and reforming our land use structure to allow for concentrated mixed-use developments. That's where we can do a lot in terms of conservation and the reduction of our carbon emissions. We're talking green development and that means being smart about our choices, including where we locate our projects.

MR. HOFFMAN: The concern that I have in the short term is that one of the unintended consequences of [Connecticut] being on the leading edge of green building design is that we will see an expansion of Springfield, Mass., and we will see an expansion of Westchester County, N.Y., because they are immediately adjacent to Fairfield County and Hartford County, Connecticut. Developers, when having a choice of where to build, even if they're going to build a huge green office building or what have you, are they going to build in Westchester County or are they going to build in Fairfield County?

Well, if I build in Westchester County, I don't have to meet LEED Silver. I can just be green. I've got incentives to be green. I can prove to my shareholders that green is good but I can't necessarily prove to them that LEED Silver is good. I'll build in Westchester. If we keep up this way in the short term until those states catch up with us, I think one of the unintended consequences is we'll be bolstering the economies in Massachusetts and New York.

MR. ZIMMERMANN: It is an evolving process. I guess that's good and bad. It's good in the sense that there are a lot of communities and states out there that are providing tax credits and other incentives. The down side is you potentially have get all these different interest groups going off in different directions. I think the real challenge is that you've really got to make sure that all those different directions are coordinated and aren't creating these unintended consequences, such as situations where the green effort is inconsistent with the brownfield initiative.

MR. GORDES: Last night in the legislature, they did pass what they believe to be an omnibus type of forward-looking climate change bill. And it looks like at some point within the next four or five years, no matter who gets elected at the national level, we're probably going to have something that's going to take place on carbon mitigation, whether it's an outright tax or whether it's a cap-and-trade system. And my question is: What's your preference on those? How do you see this integrating into Connecticut building? How do we best accomplish this?

MR. TRILLING: Did RB 5600 pass last night?

MR. GORDES: In the House. [Editor's note: The bill later passed the Senate to reduce the price of electricity, introduces incentives for conservation and requires monitoring and reporting of greenhouse gas emissions. The greenhouse gas reduction targets in the legislation are 10 percent below 1990 levels by 2020 and 80 percent below 2001 levels by 2050.]

MR. TRILLING: The good news about that legislation is that it would repeal the mandatory standard for commercial buildings to meet LEED Silver. [Note: The version passed by the Senate and signed by the Governor deleted the language from the House bill that repealed the mandatory LEED silver standard for commercial buildings.] The bad news is that it creates a huge bureaucratic system that's going to be very, very difficult to work through. When we combine that with what's going to happen on the federal level with Lieberman-Warner [a federal bill that would regulate greenhouse emissions], we're going to be faced with cap and trade, whether we like it or not. I think we can make the best of it, particularly if it's applied beyond the utility area and allows the real estate industry, for one, to be able to use the energy efficiencies that it adopts to create credits that it can bank and sell and, therefore, increase their profitability.

solution was to make taller stacks, which is what led to acid rain. Nobody expected that they were causing that problem, but they didn't take the time to actually check the science before they implemented a solution. I think we have to do the same thing here. We have to work in the right direction, but I think we have to be careful not damaging something else by trying to mandate too far too fast.

MR. GORDES: One of the things I will point out as being an energy consultant myself is in looking at a carbon mitigation strategy, if you go in and you do all the low-hanging fruit first, it's very difficult to go back to the same structure and then go deep and broad to get a comprehensive type of thing because you've taken care of all the easy stuff. So the question is: Shouldn't we maybe be going in deep and broad and comprehensive rather than just low-hanging at this point if we're looking and staring at a carbon tax or a cap and trade?

MR. COBLEIGH: The burden is already heavy on owners of land and owners of businesses to comply with just the environmental laws that are already on the books. When you think about the cost of going for a land use permit in Connecticut for an uncertain development, all of those laws that you already have on the table, now we're talking about adding additional layers. At some point the incentives, no matter how

THERE CAN BE THE DANGER, OF UNINTENDED CONSEQUENCES, LIKE WHEN PEOPLE WERE DYING FROM THE EMISSIONS FROM FACTORIES AND THEY DECIDED THE SOLUTION WAS TO MAKE TALLER STACKS, WHICH IS WHAT LED TO ACID RAIN. NOBODY EXPECTED THAT THEY WERE CAUSING THAT PROBLEM, BUT THEY DIDN'T TAKE THE TIME TO ACTUALLY CHECK THE SCIENCE BEFORE THEY HAD A SOLUTION.

— KENT SCHWENDY



MR. GORDES: Other thoughts on the cap and trade or tax or anything else of how that might enter in?

MR. HOFFMAN: I think one of the things that we have to do is we have to get to the low-hanging fruit. *Time* magazine's cover for this week was the soldiers on Iwo Jima raising a giant redwood instead of the flag and saying, "How Can America Win the War on Global Warming?" And one of the things that the article pointed out was that 40 to 50 percent of the necessary carbon reductions we could get through fairly painless conservation measures personally. For example, if every household in the country had a digital photo frame, that's five power plants' worth of power that's being used for tchotchke that nobody's really looking at 24/7. We can avoid that.

Nobody's asking anybody to bike to work. Nobody's asking to take a train and then walk 10 blocks to work. We need to make those [environmentally responsible] decisions as easy for people as possible and the way to make it easy is to economically incentivize them to do it.

MR. SCHWENDY: I think the focus on those low-hanging fruit, as you put it, is important because on the fringes I don't think the science is sufficiently developed to know what the best answer is. And there can be the danger, of unintended consequences like when people were dying from the emissions from factories and they decided the

many you throw out at them, are overshadowed by the disincentives that make it hard for developers to predict whether they will come out of this process with the result they want, the return on investment.

So I would suggest that in the effort to set up some type of carbon-based economy, that we take some of the other layers of complexity off the table at the same time. Go back and look at some of these things that are not working and say if we take some of that off, now we can put in some of the things that are going to create an increased cost burden to the regulated community. You should do it as a holistic thing. All those environmental problems are related; that is, the fact that we have water quality, air quality, quality of life issues, they all converge in this field. And the people who are paying for it are the business owners and the land developers. You can't put so much of a burden on them that they have a disincentive to act.

MR. TRILLING: Let me refer back to something else which I think is useful as well in response to your question about lower hanging fruit versus trying to go after the whole tree, to paraphrase what you're asking. Your question presupposes, I think, the search for a short-term remedy. And if we look for short-term remedies, we're going to look for low-hanging fruit.

We've got a much bigger problem here, a much bigger and longstanding issue. I think back to Earth Day in 1970 and even before that to the beginning of the

environmental movement in the 1960s. There were a lot of Chicken Littles spouting, “The sky is falling, the sky is falling.” And I’m not criticizing them because without those people feeling panic, we wouldn’t have made the environmental progress that we’ve made today.

I think we are very much in the same position with regard to climate change and global warming today. We’re reacting both to the alarmists who are going to push us forward and to those of us who are trying to make society livable and affordable at the same time.

We have to realize that we’re in this for the long term. We’ve talked a lot about what government can do. We’re referring to what business can do. Business is a great driver because business can eventually change the culture.

For example, you have Wal-Mart, which is not only changing its own buildings, it’s putting pressure on all its suppliers. And as between-equals of product and price, Wal-Mart is going to give preferential treatment to the greener supplier. I understand that GE, DuPont, other companies are pursuing a similar agenda.

This eventually has a cultural effect. People are buying the [Toyota] Prius in droves.



I BELIEVE THIS WHOLE GREEN INITIATIVE HAS BEEN DRIVEN BY BASICALLY THREE FACTORS. YOU’VE GOT THE PUBLIC PRESSURE. YOU’VE GOT GOVERNMENT INITIATIVES. AND YOU’VE GOT THE COMPANY FINANCIAL BOTTOM LINE. LET’S FACE IT, BUSINESS IS NOT GOING TO GO GREEN IF IT CANNOT BE MADE PROFITABLE.

— MARK ZIMMERMAN

We’re judging people’s character by their level of greenness. We’re going to see these changes. I’m a lot less pessimistic about this because I think in the long run people do change.

MR. GORDES: What changes have we seen that are substantive and long lasting? As was pointed out, a climate change initiative is going to be a long-lasting type of endeavor, probably 50 years to be able to just stabilize emissions. So in what ways are businesses stepping up to the plate to make that happen?

MR. HOFFMAN: The changes are all around us. Everybody remembers that underarm deodorant and antiperspirant used to come in a box. You’d throw away the box and you’d use the product. There’s no valid reason for the box. All of the marketing and packaging that is on the box is also on the stick of deodorant. Wal-Mart, for reasons of shelf space, wanted to get rid of the box. And I don’t know how many tons of cardboard Wal-Mart has saved as a result of demanding that its suppliers get rid of the box. Wal-Mart, by the way, sells one-third of the nation’s underarm deodorant. So Procter & Gamble is forced with two choices. Either it gets rid of the box for one-third of its product and sells two-third of its product elsewhere, or it just gets rid of the box altogether.

[Compact discs] used to be ubiquitous with cardboard boxes that did nothing more than deter theft out of record stores. And they got rid of the boxes saving thousands and thousands of tons of cardboard. I think the changes, although they’re incremental, are there and you just have to look at it.

Staples is doing something truly innovative on its rooftops. Staples wants to put solar on all of its rooftops, now, to use in the Staples stores or to sell back to the grid. The problem is the solar panels will take three to five years to get a return on the investment with the electricity and Staples has a hard-and-fast rule, no capital improvements unless you’ve got a two-year window in which to recoup your rate of return. What to do? They entered into a third-party agreement with [electric company] SunEdison, where Staples leases the roof space to SunEdison. They get the electricity at a discount. SunEdison, because it can take advantage of tax breaks and longer time horizons that Staples can’t, gets a better rate of return than Staples would. And so everybody wins.

And I think that what you’re going to see is business is willing to do the right thing if it’s cost neutral. There are all kinds of examples of third-party clever individuals who are coming up with ways for business to get greener without business having to sacrifice its customer relations or its products or whatever. And I think that’s all going to be springing up.

MR. ZIMMERMANN: A lot of this, I think, revolves around education. It’s in educating the public. It’s educating investors. It’s educating manufacturers, the companies, as well as state and local governmental agencies. I believe this whole green initiative has been driven by basically three factors. You’ve got the public pressure. You’ve got government initiatives. And you’ve got the company financial bottom line. Let’s face it, business is not going to go green if it cannot be made profitable. As we get more involved, educated and invested with global warming issues, people become more educated – combine that with ever increasing energy costs and you have people

are looking for more and more ways to affect their bottom line. Consequently, I think we will see more and more pressure on both the private and public sectors to become even more green and environmentally conscious.

MR. SCHWENDY: I think there’s a fourth factor, too, that’s been very important in the last few years and that’s accessibility. Even for the people who understood and wanted to do something, it was very difficult to find products that met that criteria. And as the movement grows, I think there are more and more choices that people can make. Those products or services are available now and they weren’t, say, five years ago.

MR. O’CONNOR: Just to bring your question full circle, I think there has been a significant change in the attitude of business towards green development and the environment. It started with, I guess, the recognition that, as a society, we could no longer abuse our air, rivers and land. There were limited natural resources and it was important to shepherd them correctly. There was also some push by government.

But I think overall, businesses recognized that our natural resources were important assets, which could no longer be an afterthought in business considerations.

So from there we’ve evolved further, and I think that it’s gone from that kind of general welfare recognition to a dollars and cents consideration. Doing the right thing is no longer inconsistent with a solid bottom line. When you have high energy costs, building green makes sense. The return on investment is now only a few years. So it makes sense. It’s also great for the corporate image. Everybody’s looking for that competitive edge. Well, if a corporation is out in the forefront of the green movement, it has that competitive edge now. So I think the cultural change has merged with the bottom line. And so I think that that bodes well for the future of the whole green development movement.

MR. GORDES: We’re looking at a lot of different products going into green buildings and such. And the question: How do you know a product is truly green? Everybody is stamping the word “green” on their product. It’s almost sickening to see it.

MR. SCHWENDY: Well, there are several web sites available that are run by someone other than the manufacturing companies that actually test and evaluate the criteria and rate things based on how green they are -- how much transportation is involved, energy costs, volatile emissions, all sorts of things of that nature.

If we go back a few years, the first LEED certified building in Connecticut was the Mark Twain Visitors Center in Hartford. We worked on that project, and for any product that you were looking at to try to meet the [LEED] criteria, there was usually one choice. So you had to either accept the fact that it was going to cost more, or you had to accept the fact that you couldn’t get certain points.

I’m working on probably a dozen projects now that are pursuing LEED certification and it’s completely different. There are materials available. There’s a web site, for example, called coolroofs.com. You can go to Cool Roofs and you can check whether or not the roof manufacturers actually meet the criteria for the reflectance and thermal gain.

Most people can go to those websites, can do that research and can look at what’s important to them. Is energy the most important thing? Are emissions of volatile organics the most important thing? Until several years ago, you couldn’t do your own research unless you were with an academic institution. Now you can.

MR. TRILLING: The question of verification goes way, way beyond green products. Were there only a mechanism for verification of [greenhouse gas] emission credits. It is one of the largest problems in getting a cap-and-trade system to be workable. The European system almost fell apart because many of the credits that were claimed proved to be false. Falling apart may be too strong a word, but it was certainly threatened by the banking and trading of credits that were fraudulent, that were not true emission savings.

We have some mechanisms now to verify credits -- the Chicago Commodity Exchange, among others, has a certification system. But until we have a way to verify that what we’re buying and selling, whether it’s a product or a credit, we’re not going to have the trust that we need to make the system commercially viable. And our system depends on trust.

MR. GORDES: Some time ago, Franklin Nutter, who is head of the Reinsurance Association of America, gave a stirring speech on climate change and said the insurance industry could step up to the bat to do things like verification of the carbon prints. Do you see that as a role?

MR. ZIMMERMANN: I think what you'll see with the insurance industry is kind of similar to what we saw 10 or 15 years ago with environmental insurance and waste site clean-ups. When the environmental insurance products first came up out, they were prohibitively expensive and the coverage was quite suspect. The value-added was very questionable. As time's gone on, and the industry has become more educated on the issues, we've seen those products become much more financially reasonable and usable in the project setting. If insurance is going to have a role with the [carbon] credits, I think it's probably going to take a while to evolve before it really makes some sense.

MR. COBLEIGH: And I think from an engineering perspective, insurance is a product we rely on for our professional practice. If there are risks associated with specifying [green] products that do not perform fall under the service platform of the architect or engineer, they're going to be counting on the insurance company that backs them up to enforce and police and defend those types of claims. So you see a role for the insurance industry.

I attended a conference recently in Connecticut where a panel of attorneys was addressing whether the implied promise of a LEED certification acts as a new standard of care. And I think we are all confident with the environmental practice and engineering practice of what the current standard of care is, but we've had legislation in the state before that's been troublesome for professional liability where, you know, the legislature says you will now design schools to the best standard of practice available, and we don't know what the "best" is. So whenever some movement starts to change in the standard of care, we have to be aware of it to say can we defend ourselves as practicing in that standard. And if LEED is designed to be an evolutionary process, that will cause us to have to monitor those changes on the side of LEED always staying at the level of practice that's expected. I think it's going to play out in the public school market in Connecticut. That's where the challenges have been for the architects, but it could go into the commercial markets as well.

MR. ZIMMERMANN: We represent a lot of architects, engineers and contractors. And a lot of insurance companies are actually sending out bulletins and information to their policyholders advising them on what they need to worry about in terms of LEED and green buildings and the issue raised with respect to standard of care. So they're going through the process of proactively trying to educate their policyholders.

MR. GORDES: Let's say we go into a full-blown type of recession. What do you see this doing to the green endeavors that we're undertaking: green buildings, green products, all these things? Have any or each of you seen any type of reaction to this already?

MR. O'CONNOR: I asked a couple of my clients that question, especially the builders out there doing small developments. They said that in a recessionary environment, going green will not allow them to increase the sales price of homes. We're going to have downward price pressures because of the recession. But they said that a green building will differentiate their project from others, and to that extent they think it's a positive. They can sell more of their units or houses because they are green. They may not get more money per house. It's more damage control in a bad economy. That was their position.

I suppose if you're in a housing market in an area where the profit margin is very small, that may be a different consideration. Maybe in those lower end markets, the recession may be just enough to make a developer say, "You know, I have to reconsider going green."

MR. HOFFMAN: I'm involved a major piece of project financing right now where it was a green project and as a result of financing, it has become even greener. The lenders were putting pressure on the company because what the lenders saw was for spending a few million here now, when the recession is over, you will be at such a competitive advantage as compared to other similar projects. We are almost guaranteed a better rate of return and we are almost guaranteed that you're going to pay off the loan more quickly if you're greener now.

And I think that in a recession, if you have money and you can spend it and invest it, you're better off because you're more likely to put your foot on the throat of your competitor who's just struggling now. That's exactly what the banks have essentially told us: You could be even greener if we gave you more financing. So here's more financing. Go be greener. You will make more money in the long term and we will all benefit.

MR. COBLEIGH: I don't think we know where energy prices are going; how high is high with what we see in petroleum just in the past year? So lenders are looking at this as risk. Every building project has an energy component to it, and the fact that they can hedge some of that risk by saying that the product built will have an appeal for tenants, they're kind of offsetting that energy uncertainty and price.

MR. GORDES: Let me ask more of a personal question from each of you: What has been the most difficult issue you've confronted on a green building project, be it either engineering or legal?

MR. COBLEIGH: I could start with a project where the land chosen for the building was historically a wetland that was filled in before there was ever a Wetlands Protection Act. So the suitability of foundation design on that building was unacceptable. The LEED process actually allowed us to get credit for removing the unsuitable organic peat that was left behind from the former wetland and restoring another wetland on the property. At least in this specific instance, what could have been a problem actually turned into something that was a benefit.

MR. SCHWENDY: I'll give an example on the negative side. I won't mention the specific project or the town it was in, but a project that was designed with very high standards for sustainability and sustainable site design contradicted the town's public improvement standards, the zoning regulations, just about every aspect of their regulations and bylaws. And you get into that situation a lot in Connecticut, because there are so many different regulatory bodies. And there are several times that we've had projects where we've had to change, for example, taking out sheet flow and a bio-filtration system that's much more sustainable and putting in curbs and having to put in a piped storm drain systems because that's what the public improvement standard requires. And that's unfortunate, when you can't do the right thing because the regulations haven't caught up.

MR. O'CONNOR: One of the biggest difficulties I've encountered involves local land use laws and land use officials, especially in the design phase. For instance in designing a green development, you need to reduce the setback distances of buildings from the property boundaries. That's a problem. Most zoning regulations require significant setback distances. In order for a developer to pursue his or her green design, the developer must apply to the local zoning board for a variance to the setback regulations. This is a costly, time-consuming and often futile endeavor. Likewise, a developer may want to have higher concentrations of dwelling units on a lot to make his or her development more walkable and less dependent on cars; that's a problem. Even green design features such as smaller driveway widths with less impervious materials create difficulties. Even though the Inland Wetlands Commission may encourage it, the fire marshal or the traffic engineer may have a problem. So there's a lot of internal inconsistency among the land use officials themselves.

MR. HOFFMAN: One of the problems that I've run across is there are manufacturers now of parking lot lighting that is solar. Just charge it up during the day, and then at night your lights will shine. Unfortunately, the amount of lumens generated by the solar lights is not sufficient to meet the insurance codes for a properly lit parking lot. And so you can't even broach that topic on new construction because you can't get the insurance for the end use.

MR. ZIMMERMANN: I'd say the problem we run across the most, generally speaking, is managing expectations in the project setting. Being green, sustainable, healthier and energy efficient can mean a lot of different things to different people and those terms get thrown around rather loosely. From a legal standpoint, depending on who you're representing, you need to carefully define the expectations, what it is you want. The representation might be different for an architect, a developer, an owner or a contractor. And I think the challenges with drafting contractual documents is actually defining what it is that you're either providing or you're getting in terms of energy efficiency, greenness, whatever it might be.

MR. COBLEIGH: We get called on sometimes to monitor and enforce indoor air quality during construction projects, and construction specifications were not drafted at the bidding stage with the end goal in mind that an indoor air quality consultant would be out there monitoring construction practices that contribute to dust or unhealthy air. I think schools in Connecticut have done a good job with maintenance of air quality in existing buildings. But the whole practice of renovating schools and renovating buildings, that's kind of an emerging field of practice for the protection of indoor air quality. And as a company going in there and acting somewhat like the air quality police, we put ourselves in kind of a risk management role. Our concern is, well now how are we going to prevent something from going wrong the day we're not there on-site? So it's a concern for our company.



I HAVE HEARD FROM LAND USE LAWYERS THAT THEY ARE TROUBLED BY DEALING WITH A PATCHWORK OF DIFFERENT REQUIREMENTS FROM DIFFERENT AUTHORITIES. I HAVE THE IMPRESSION THAT LOCAL LAND USE OFFICIALS USE GREEN REQUIREMENTS AS PART OF THEIR MENU OF WHAT THEY'RE TRYING TO DEMAND FROM THE DEVELOPER — [THE OFFICIALS] GET A LITTLE GREEN SPACE AND GIVE A LITTLE PARKING SPACE.

— BARRY TRILLING

MR. TRILLING: Although I have had no bad experiences of my own, I have heard from land use lawyers that they are troubled by dealing with a patchwork of different requirements from different authorities. I have the impression that local land use officials use green requirements as part of their menu of what they're trying to demand from the developer — [the officials] get a little green space and give a little parking space. So it's part of that mix.

MR. GORDES: What is your vision for a green Connecticut ten years from now and where do you see your place in that?

MR. COBLEIGH: Well, I'd like for my children, who are hopefully going to be inhabitants of the state and not go work somewhere else, a sustainable business environment in Connecticut. There has to be affordable electricity and there has to be some concern that we are actually in control, as best we can be, of environmental protection. And the state has always been looked at as one of those states [where the philosophy is], how much can you regulate the environment? How much can you regulate business practice? Unfortunately, it's acted as a disincentive for revitalizing brownfields and attracting new businesses for economic growth. What we really need to do is reinvent ourselves and go back to these urban centers that need attention and make them viable again.

We have talked about brownfield redevelopment in this state for 20 years. We've got

some success stories, but there's still a lot more work to be done. And it all comes down to you have to wrestle with that liability that somebody has to take responsibility for it. I would like to see that liability issue addressed. There are divergent views from the trial attorneys, from the regulating communities, the developers. You can't keep pushing that risk around. Sooner or later we all have to share it because if we don't address that, then we're not going to see the redevelopment or sustainable development.

MR. HOFFMAN: To get to a better place than we are now, we need to have an honest and focused debate on the issues. And what I mean by "honest" is there are people who are still debating the science around global warming and whether or not there's really going to be climate change. And I understand that that may actually be a valid scientific debate, but the reality is we've moved beyond that and we've made a policy decision in this country that, regardless of how the science comes out, we can't wait to figure it out because if we get it wrong, the consequences are too dire. So we need to put in some insurance now against the pro-global warming advocates being right and that insurance means we've got to reduce global emissions.

By the same token, we also need to stop lying to ourselves that this isn't going to have a significant impact on the economy, at least in the short term. There are advocates of the Regional Greenhouse Gas Initiative that's going into effect in Connecticut who are saying that it won't raise energy prices and that's preposterous. The reality is, in the short term, the generators are going to have to go out and buy credits on an auction

basis and energy costs are going to go up at least in the short term. With efficiencies in the long term, maybe we get there. But short term, we're all going to feel it.

As for vision, there's a whole generation out there who sees a very simple solution to this, which is to simply stop using petroleum. My daughter, she's 6, overhears comments that I make to my wife and to friends about these things. And she simply asks me the question, "Well, why do cars have to run on gas? Why can't we make them run on water?" And the reply is, "Well, there are a whole bunch of engineering problems with that one." And her answer is, "Well, I'll just fix it, Daddy." And I think that her optimism and faith in technology will be well-founded. While I don't think that my daughter will ever invent a car that runs on water, I do believe that the technology will be there in the short and intermediate term to fundamentally change the petroleum economy. And while we'll be doing it in fits and starts, I think in the long run we'll all be better off for it.

MR. SCHWENDY: As an engineer, I'm not generally given to optimism. But the pragmatic side of me sees that there is evidence of real change, that sustainability is growing in awareness and accessibility and desirability. And I think we go back to what is the definition of sustainability and the concept that we need to meet our needs today without negatively impacting future peoples' ability to meet their needs. And in 10 years, will we be there? I doubt it, because we've got a long way to go. But I don't think we're never going to get there. I think there is a growing movement, and I think the

fact that the generation that's growing up now sees it as a possibility is enough to make me maybe a little optimistic, even as an engineer.

MR. ZIMMERMANN:

I mentioned before that I think this whole green movement has evolved from three primary factors: public pressure, government initiatives and the financial bottom line. I think the first and third factors, public pressure and the bottom line, are the key. I think public pressure, particularly as energy costs and more information becomes available on global warming, will help this initiative.

Also as time goes on, it will become more economically feasible for companies to enact green initiatives and have it make sense economically.

But I worry about the government part. There's no question that Connecticut is generally viewed as being a very, very expensive state to do business in, and I worry that they're going to get involved in this to the extent that it's going to get worse and that concerns me. We've made a lot of progress over the last few years on the green initiative, but I think it's primarily public pressure and the economics that will drive these issues in the most sensible fashion.

MR. O'CONNOR: In the future, I hope to live in a state where we've had measured progress that balances the needs of the environment with economic and business realities. I think you've heard it loud and clear, here today. There's deep concern that our legislators and regulators don't go off half-baked in adopting ill-conceived green legislation and regulations, because it will have irreparable consequences on our business community. I really do believe that we're hemorrhaging jobs. So we really need to take into consideration the needs of our business community.

Now, with that being said, I don't think that economic development and green development are mutually exclusive. I think there are a lot of areas where they are compatible and complementary in the long term. Energy savings, shorter commutes, increased worker productivity, sustainable communities and available natural resources are common goals which will enhance economic development, protect our natural resources and improve our quality of life. In 10 years, I envision a State with a bona fide and fully implemented responsible growth plan where emphasis is placed on creating sustainable green communities including transit villages. I envision a State where businesses and residential communities are being located in areas that already have existing infrastructure, proximity to highways and rail systems and are housed in self-sustaining green buildings. I envision the rebirth of vibrant mixed use communities where we are no longer so dependent on automobiles. If we create this smart growth environment, we will go a long way to reducing our greenhouse gas emissions.

MR. TRILLING: A couple of weeks ago I had lunch with a couple of civic officials from one of our larger cities, and we were talking about the effects of climate change on municipal policy. That was a very depressing discussion because these folks were convinced by the scientific evidence they'd seen was that much of what's happened already is irreversible and that water levels in the Sound are going to rise at least 2 inches, and that may wipe out the municipal sewage systems in several cities. How do you confront that? What does that mean? That means massive multibillion dollar effort to save these cities. There are a lot of reasons to be negative.

But at the same time, we have it in ourselves and in our system to address impossible questions.

When the Russians launched Sputnik in 1957, our reaction was a national effort to catch up. And in 1960, President Kennedy said we're going to put a man on the moon in 10 years and we did it. But it took the cooperation of government, business and society as a whole. It took a recognition that we had to stand back from self-interest.

In Connecticut today, that means adopting some form of regionalism; that means recognizing that the home rule system under which we've governed ourselves for more than 200 years may need some tweaking in order to address questions like brownfields and global warming. It means that we have to recognize the government has a place in creating the solution, not creating more of a problem by onerous one-size-fits-all regulations, but by providing methods to get business moving forward and providing incentives.



One thing we didn't mention, for example, was giving a tax break to tenants who move into green buildings. Give them the incentives. Work on the demand side to encourage the market to purchase green structures.. Use the capitalist system, the free enterprise system to help address these problems. Give incentives to industry to devise a system that's going to save these cities. I think we have it within us, but we have to undertake a huge educational job to make this happen. In the long run, I choose to be an optimist.

MR. GORDES: Anybody?

MR. COBLEIGH: Let's end on a note like that.

