

## OPINION

## IMPROVING POLLUTED LAND GOOD FOR PUBLIC

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So much of the political conversation seems to revolve around compromise. Who is willing to do it and who isn't? Compromise requires shared goals, and right now our politics are more focused on what goals we don't share than those we do. Recently, the policies of the state of California took a backward step when tools that were available to the public for helping with the redevelopment of contaminated property were taken off the shelf. Like Pogo famously noted, "We have met the enemy and they is us." There is so much public benefit in the redevelopment of these urban lands that our Legislature should look to what can be done to help — and I believe they would find that they wouldn't even require much in the way of compromise.

The redevelopment of these lands — now called "brownfields" — results in the elimination of health and environmental threats in a neighborhood, finds new use for unused lands, and creates jobs and profits along the way. There is something in brownfields for everybody. It was once the subject of a near unanimous Senate — and when has that last happened? It was the first thing Congress did after 9/11. After the horror of that event in 2001, it became more and more important to show the world that America was still at work. The leaders of Congress had to find an issue that both sides of the aisle could embrace fervently. It had to be an issue that reflected American values, our entrepreneurial spirit and our can-do attitude, and symbolically showing the nation with our arms linked so the world could see we had picked ourselves up, dusted ourselves off and were ready to go back to work. What came out of that need for unanimity was the federal "Brownfield" act. It was the law that amended the Superfund law (for the first time in over 15 politically bloody years of effort) to encourage businesses to take a risk on the purchase and redevelopment of contaminated urban properties.

As is so often (and frustratingly) true of government action, the law was passed and Congress went on to other things. But brownfields, this potentially unifying issue that can bring diverse interests together, are in need of some new policies if we are to avoid shooting ourselves in our collective foot here in California. Brownfields, properties which are

contaminated — are very much a continuing problem for our communities. Pro-brownfield policies result in a cleaner environment, an economic job-producing engine and more fairness in a world where environmental justice has been sometimes scarce. Brownfield redevelopment can accomplish much, and often at little cost to the government. Although government investment in brownfield redevelopment activities is sometimes needed for projects where the profit is marginal, there are things which government could do that would cost absolutely nothing. The idea that Congress first proposed in 2001 was that if you didn't cause the problem, and if you acted in an educated and careful way, you could buy contaminated real estate and not step into the tar-baby of liability that federal law would otherwise create. This was a good idea, but implementation of the concept has been spotty. Clearer law, based on sound policy, is sorely needed.

Our state took a shot at replicating Congressional action to encourage more brownfield projects when the Legislature passed the California Land Reuse and Revitalization Act of 2004, but it was an imperfect solution. We should not let it rest. Brownfield redevelopment can positively affect many segments of society, from both sides of the aisle, from up and down the socio-economic spectrum. In a state still reeling from the effects of the worst recession since the Great Depression, where job growth and the restoration of good jobs is among the highest concerns to the greatest number of California communities, it is folly to ignore the low hanging fruit that we can harvest from the brownfield tree. Brownfield redevelopment in California is nearing a nadir. The laws and regulations are obsolete and inadequate to support the policy goals needed by our state. Our regulators are condemned to use tools that are awkward, ineffective, and were compromised from the beginning. We need to free the state and local government so it can help us help ourselves. In light of the recent decision to eliminate redevelopment agencies, there is an imperative for new action by our legislators to keep this effort alive, and act in a way that should require no compromise.

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