

The Story of Brownfields: A Story in Five Parts



By Anita Nager

brownfield |'brɒnˌfiːld|

adjective [attrib.]

(of an urban site for potential building development) having had previous development on it. Compare with **greenfield**.

noun

a former industrial or commercial site where future use is affected by real or perceived environmental contamination.¹

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By the mid-1990s, New York state was home to more than 20,000 vacant or underutilized brownfields—an estimated 6,000 of them located in the five boroughs of New York City. These orphaned properties, contaminated with chemicals from their former uses (such as old gas stations, factories, and dry cleaners) were omnipresent eyesores, environmental health hazards, and impediments to economic revitalization. A bird's eye view would show these sites clustered in New York's marginalized, left-behind urban neighborhoods, with little hope of return to productive reuse. New York state, generally a leader in environmental and economic development policy, was one of a handful of industrial states, and the only state in the northeast, without a comprehensive program for brownfield remediation and redevelopment.

This is a story of how one foundation, the Rockefeller Brothers Fund (RBF), found its way to, and stayed a 14-year course on, a thorny public policy issue in the crosshairs of environmental protection and equity, community revitalization, and sustainability. This report is not a cost-benefit analysis, a formal evaluation with pre- and post-metrics, nor an assessment of the effectiveness of individual grants. It is an overview of a body of work, with the benefit of hindsight, and presents a narrative of the Fund's choices, against a timeline of activities of its grantees and the public agencies they sought to influence (See Appendix I: Brownfield Grantmaking Timeline on page 15).

The research for this paper included:

- interviewing individuals comprised of public officials from city, state, and federal agencies; leaders of mainstream environmental and environmental justice organizations; colleague funders and affinity groups; nonprofit and private developers; and RBF staff and grantees (See Appendix II: Interviewees on page 19);
- reviewing RBF grant files, board presentations, and the Council on Foundations Paul Ylvisaker Award materials; and
- researching *The New York Times* (1998 to present) and websites of the New York State Department of Environmental Conservation, New York City Office of Environmental Remediation, and U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response.

¹ Oxford Dictionary: <http://oxforddictionaries.com/definition/brownfield?region=us>.

The story gleaned from the sources cited above describes targeted investments in effective organizations and their leaders at critical windows of opportunity, the fits and starts, and the outcomes of public policy grantmaking. Stephen Heintz, president of the Rockefeller Brothers Fund, refers to these investments as “the tiny needles of acupuncture philanthropy. The resources of the public and private sectors dwarf the dollars of philanthropy. Our tiny needles are inserted to find the sweet spot that triggers change in the mega sectors.”

Without giving away the ending, when measured against Mr. Heintz’s criteria, the story that follows is a good one—sweet spots, warts, and all—and a tale that may hold lessons for future RBF activities in sustainable development and beyond.

Part One: First There Were TOADs

“In the ‘80s, we were working on neighborhood planning with groups in Melrose in the South Bronx, in Sunset Park [Brooklyn], and Williamsburg [Brooklyn]; and we would see all of these areas x’ed out because of environmental pollution. We knew that we couldn’t plant vegetables and build playgrounds on these sites. No one used the word brownfield. We called them TOADs, Temporarily Obsolete Areas for Development.”

—Ron Shiffman, professor of urban planning, Pratt Institute, and founder of the Pratt Institute Center for Community and Environmental Development

Ben Rodriguez-Cubeñas, RBF’s New York City program director, would be the first to say that the Rockefeller Brothers Fund backed into its 14-year public policy journey on brownfields. The engagement did not emerge from intentional public policy or environmental goals related to brownfields. Rather, it grew organically out of the community development grantmaking of the New York City program.

By the mid-1990s, the RBF was deeply engaged in local planning, affordable housing development, and neighborhood revitalization efforts, including parks and open spaces. Although the wholesale abandonment of housing of the ‘70s had been staunch and community developers were bringing hope and real change to neighborhoods, local efforts were being held back because of the predominance of abandoned, contaminated properties, the TOADs as Ron Shiffman called them. For example:

- The New York City Housing Partnership whose innovative, public-private development model had created ownership opportunities for thousands of New Yorkers found its construction efforts stymied by the uncertainties and liabilities of cleanup standards. (Jody Kass of the New York City Housing Partnership said, “We were having banks leave our developers at the altar when contamination was found on a property and they could not get a clear answer about whose responsibility it was to clean it up.”)
- Environmental justice organizations were placed in a position of simply opposing uses that produced toxic pollution, rather than promoting higher uses and community amenities. They began to realize that New York City government viewed these brownfields as opportunities to site facilities the community did not want: incinerators, waste transfer stations, bus depots.
- Community plans mandated by the city charter, known as 197-a plans, began to move beyond a site-by-site analysis to long-term community visioning, but marginalized communities had large swaths of contaminated property, particularly at the water’s edge, and there were no resources or incentives to reclaim these lands for community priorities.

New York Governor George Pataki, a strong proponent of land conservation and the preservation of greenfields, viewed the reclamation of brownfields as a hedge against sprawl and a way to restore neighborhoods, parks, and open spaces in the urban core. He had included a \$200 million set-aside for municipalities to use for brownfield cleanup in New York's successful 1996 Clean Water/Clean Air Bond Act, but there was no statutory authority, nor were there incentives for voluntary cleanup by private



A brownfield site in Brooklyn. Photo courtesy of Hydro Tech Environmental, Corp.

developers. The brownfield dollars of the Bond Act, which also required a hefty 30 percent contribution from cash-strapped municipalities, were left unspent, leaving communities without critical resources for brownfield cleanup and redevelopment.

In the spring of 1998, seeking to learn more about what other jurisdictions were doing to reclaim brownfields, Mr. Rodriguez-Cubeñas participated in a funder briefing convened in San Francisco by the James Irvine Foundation and the Heinz Endowments. Both foundations were supporting public-private brownfield partnerships in California and Pittsburgh. At the briefing, Mr. Rodriguez-Cubeñas was joined by two New York funder colleagues, Penny Fujiko Willgerodt, formerly

of the Mertz Gilmore Foundation (then known as the Joyce Mertz Gilmore Foundation), and Anita Nager, then with The New York Community Trust. The other New Yorker in attendance was Jody Kass, of the New York City Housing Partnership.

The Irvine conference was an eye-opening experience for the four New Yorkers. They toured reclaimed brownfields in the Bay Area, met innovators in other states and countries, and learned that every industrial state, except New York, had laws encouraging cleanup and reuse.

With progress stalled since the 1996 Bond Act—and stakeholders in the environmental community in disagreement about remedies to brownfield cleanup—the New Yorkers caucused in the hallway and agreed that bringing stakeholders together to air differences, arrive at consensus, and move a workable agenda forward was a critical first step. The funders agreed that the Rockefeller Brother Fund's Pocantico Center would be the location for the convening, and that Ms. Kass would provide ideal staff support to plan the gathering. The Rockefeller Brothers Fund, Mertz Gilmore Foundation, and The New York Community Trust would advise on participants, co-sign an invitation, and make grants to the New York City Housing Partnership to support Ms. Kass's time and to New York University to pay for a professional facilitator, Allen Zerkin, coordinator of the university's program on conflict resolution and mediation.

Part Two: Make No Little Plans

The Pocantico Roundtable for Consensus on Brownfields

"The foundations brought people to the table who would not have been at the table...they created a bridge between [mainstream] environmental [organizations] and environmental justice [organizations], and between community developers and private real estate developers."

—Jim Tripp, General Counsel, Environmental Defense Fund

"If you're not at the table, you are probably on the menu."

—Eddie Bautista, Executive Director, New York City Environmental Justice Alliance

In December 1998, people representing the business sector, community-based organizations, environmental justice groups, and environmental organizations met at The Pocantico Center and committed themselves to participating as full members of the Pocantico Roundtable for Consensus on Brownfields. Since the process was to be operated under a decision-making rule that sought unanimity, accepting this meant making a significant commitment to participating and being invested with considerable power. In addition, four governmental agencies agreed to be nonvoting ex officio members (See Appendix III: Pocantico Roundtable Members on page 21).

Several of those interviewed for this story offered reflections on the Pocantico meeting and universally credit the funders for getting stakeholders to the table and creating a neutral setting where all positions could be expressed in the quest for common ground. In particular, the funders were recognized for bringing neighborhood voices to the fore.

Extensive planning and conversations with stakeholders preceded the meeting and helping to structure an agenda and identify sticking points. Early on, a rift was exposed between traditional environmental concerns for uniform cleanup standards regardless of intended reuse and environmental justice concerns about the real, and seemingly permanent, contamination of their neighborhoods. Mathy Stanislaus, then the chair of the New York City Environmental Justice Alliance, emerged as the voice for an environmental justice caucus and summed up the conundrum: "Why should lower income and people of color have to live in neighborhoods with ongoing exposure from contaminated properties or reuses that did not benefit them, and no other community wanted, such as waste transfer stations? You (the environmental community) failed to protect us by not including local community voices in developing solutions that served local community interests."

Val Washington, then executive director of Environmental Advocates of New York, the state's largest membership-based environmental advocacy organization, referred to the resulting division in the environmental community as a conflict between the "purists" and the "pragmatists." She added, "Many of the purists were influenced by their experience with the challenges of Superfund sites - large-scale, heavy industrial, highly contaminated sites where the responsible parties were viewed as polluters. There were different problems and a need for different solutions for most smaller, urban sites, where contamination could be from historic fill, defunct repair shops or mom-and-pop enterprises with no "deep pockets" to fund cleanups."

Jim Tripp, of the Environmental Defense Fund, also referenced this division, and came to understand the position of the pragmatists: allowing contaminated sites to remain in neighborhoods until more effective cleanup technology was developed was not satisfactory. "Ultimately we were talking about health, and if we did not provide incentives for cleanup, these brownfields would remain fallow and hazardous."

Participants left the December meeting with a work plan and commitment to addressing issues identified, among them: groundwater and soil standards, liability, financing, community engagement, and area-wide planning.

In February 1999, participants again reconvened at The Pocantico Center to iron out essential differences. Ms. Willgerodt, formerly of the Mertz Gilmore Foundation, recalled facilitators leading trust-building exercises because while the December meeting was civil, "people took their gloves off" during

the second convening at The Pocantico Center. Participants worked past the scheduled departure time and Pocantico staff ordered pizza to allow participants more time together.

Roundtable participants had decided in advance that no final report would be issued unless all 25 of its members agreed with every recommendation. Unable to achieve complete unanimity, particularly around the issue of cleanup standards for brownfield reclamation, the Pocantico Roundtable for Consensus on Brownfields was formally dissolved on May 18, 1999. All of those interviewed agreed that the roundtable had promoted trust and dialogue, and provided technical resources that helped the group move toward resolution of complex issues that had divided environmental, community, and business interests for years. Most agreed that the roundtable led to innovative policy proposals, which would not have been reached in any other way, including the following:

- **Use-based cleanup standards** to ensure, for example, that a site proposed for a warehouse would not have to meet the same cleanup standards as a daycare center.
- **Incentives and liability limitations for voluntary clean up** by municipalities and private developers, with more robust incentives if the project were located within an area designated as high need and was a community priority.
- **Technical assistance and capacity building** to fully engage communities in brownfield disposition.
- **Moving beyond a site-by-site to an area-wide approach** to effectively address public health and economic revitalization needs. This important empowerment principle is now embodied in state and city law.

The above principles were also influenced by a parallel effort. In 1998, with funding from the German Marshall Fund, Ron Shiffman began leading study tours in Germany's Ruhr Valley where 10 years of public investment had begun to transform the brownfields of an industrial past into a green and healthy future. Environmental justice activists and funders who participated in these tours returned to New York with a new vision for New York's neglected neighborhood spaces, a vision that informed the thinking of Pocantico participants.

Two-thirds of the Pocantico Roundtable members immediately reconstituted themselves as the Brownfield Coalition. Staffed by Jody Kass, the Brownfield Coalition worked to advance the consensus-based solutions that grew out of the Pocantico Roundtable process. Like many advocacy and public education efforts, the Brownfield Coalition never incorporated, and did not receive foundation support directly. Funders, including the Rockefeller Brothers Fund, made grants to nonprofit organizations providing staff support and leadership. The groups included: the New York City Housing Partnership, Pratt Institute Center for Community and Environmental Development, the New York City Environmental Justice Alliance, New York Lawyers for the Public Interest, Environmental Defense Fund, and several community-based organizations including Nos Quedamos and Youth Ministries for Peace and Justice in the South Bronx and El Puente in Williamsburg, Brooklyn (See Appendix IV: RBF Brownfield Grants on page 22).

The Brownfield Coalition refined its proposals, expanded its base, and educated the media, public, and policymakers about the need for a brownfield program that would ensure that cleanups benefited poor and low-income neighborhoods. They issued a detailed report of policy recommendations on June 3, 1999.

In 2001, Ms. Kass and others recognized that the Brownfield Coalition, which had grown to include more than 100 organizations, needed a base of operations that could function independently of the New

York City Housing Partnership. With the support of the RBF and other New York funders, in 2001 she and Mr. Stanislaus formed New Partners for Community Revitalization (NPCR) as a project of the Pratt Institute Center for Community and Environmental Development. NPCR received separate 501(c)(3) designation in 2004.

Between 1999 and 2003, the Brownfield Coalition and NPCR refined their policy proposals, secured support from upstate and downstate leaders, and educated policymakers about the need for a brownfield cleanup program that targeted the most vulnerable communities and fully engaged them in the planning process to restore these areas to economic and environmental health. Along the way, the RBF and its partner funders provided support to groups that educated policymakers and aided in policy development. They developed opportunities to share information among grantees about the process and encouraged the development of joint strategies among groups. Alongside this grant support, the foundations continued to provide meeting space and expert facilitators when needed.

Although state progress was elusive, there was a federal victory along the way. The federal Small Business Liability Relief and Brownfield Revitalization Act of 2002 provided relief from liability for contaminated property purchasers as well as a series of grants for assessment, cleanup, job training, and technical assistance.

At the end of the 2003 legislative season, with the bipartisan leadership of two Long Island-based legislators, Democratic Assemblyman Tom DiNapoli and Republican Senator Carl Marcellino, both houses of New York state passed legislation creating two distinct brownfield programs: the Brownfield Cleanup Program (BCP), which is noteworthy for its use-based cleanup standards and tax incentives to promote cleanup; and the Brownfield Opportunity Areas (BOA) program, which is significant for its area-wide approach and support and engagement of affected communities. On October 7, 2003, Governor Pataki signed into law the New York state Brownfield Reform Act. The act stipulates the following:

- Establish a statutory Brownfield Cleanup Program with prescribed procedures and timetables and a release of liability at the conclusion of the cleanup.
- Encourage private investment through tax credits and a predictable process for cleanup and redevelopment (See Appendix V: New York State Brownfield Tax Credits on page 24).
- Create four cleanup tracks, permitting applicants to choose different levels of cleanup based on the extent of contamination and the type of use for the property anticipated. For example, a developer could choose a less onerous cleanup by proposing that the site be capped with asphalt for a commercial development. This would ensure that human health is protected while reducing the costs of cleanup.
- Make Brownfield Opportunity Area grants available to municipalities and community-based organizations to plan for the redevelopment of brownfields within targeted, high-need urban areas. Planning and site-assessment grants were included.
- Provide technical assistance grants to community-based organizations to assist in evaluation of site contamination data.

This landmark legislation was touted as one of the most significant environmental laws passed in New York state in two decades, and the strongest and most comprehensive program of its kind in the country.

A joint press release announcing passage of the New York state Brownfield Reform Act was signed by organizations representing the “purists” and the “pragmatists,” including some who had opted not to join

the Brownfield Coalition. Many view this coming together as an affirmation of the power of the Pocantico consensus-building process to forge relationships that allowed advocates to go beyond differences and envision (and lend their support to) a big picture win.

After the passage of the New York state Brownfield Reform Act, the Rockefeller Brothers Fund focused on the following:

- monitoring and disseminating information on the state’s policymaking process;
- supporting outreach and technical assistance to prepare community groups to participate in policymaking; and
- providing technical and financial resources so that community groups had the capacity to form partnerships with government agencies and developers.

Fund support to the Greater Jamaica Development Corporation (GJDC) illustrates the value of the third prong of its strategy. GJDC is one of the city’s oldest community economic development organizations. Established in 1967 and still led by its original executive director, Carlisle Towery, GJDC was a natural candidate for BOA designation and a prime example of early Fund support to facilitate the participation of community groups in the area-wide planning process.



AirTrain Station in Jamaica, Queens. Photo courtesy of GJDC.

GJDC focused on a 40-acre swath of nearly 70 underutilized brownfield sites along the new AirTrain corridor linking John F. Kennedy Airport and the Metropolitan Transit Authority’s Jamaica Station. The upfront costs to put together the BOA prenomination submission, negotiate the budget, and create the contract were cumbersome. Support from the RBF at a strategic point enabled GJDC to engage community input, analyze market potential for priority sites, encourage the development and implementation of a marketing plan to advance priority sites, and foster transit-oriented development along the corridor. GJDC is nearing completion of the third phase of this project—developing design guidelines, conducting feasibility analyses for specific sites, and creating incentive and marketing programs to attract desired land uses and restore the economic vitality of this regional center.

Based on this experience, GJDC, in collaboration with New Partners for Community Revitalization, worked to secure an important change in the BOA program—moving the program out of the Department of Environmental Conservation to the Department of State, where approval processes have been less burdensome and more flexible. The BOA program now offers a planning framework that can be tailored to address the specific needs of communities across the state, from small hamlets to urban areas in the largest cities. Communities are producing community-driven, area-wide revitalization strategies to identify and redevelop strategic sites and achieve community revitalization.

Part Three: It Ain’t Over, Even When It’s Over

“Advocates were speaking in poetry, but the devil is in the details.”

- Laura Haight, Senior Environmental Associate, New York Public Interest Research Group

In 2004, the Rockefeller Brothers Fund was awarded the Council on Foundations's Paul Ylvisaker Award for Public Policy Engagement, recognizing its leadership on New York state brownfield policy. After six years of engagement, a major policy victory for communities and the environment, and the recognition of its peers with the Ylvisaker Award, the Rockefeller Brothers Fund could have exited the field.

Leveraging State Money

Over a 14-year time span (1998 to 2012) the Rockefeller Brothers Fund has awarded \$2.2 million in grants to advance brownfield policy and ensure that maximum benefits accrue to disadvantaged communities. In total, an estimated \$5 million from 16 foundations was invested in New York brownfield advocacy, technical assistance, and organizing over a 14-year span.

There are three categories of New York state investment: brownfield tax credits; Environmental Restoration Program (ERP) grants, which were finally allocated to municipalities from the 1996 Clean Water/Clean Air Bond Act; and the Brownfield Opportunity Areas (BOA) for planning grants to community groups, community-planning boards, and municipalities. Results from each category include:

- About \$750 million has been spent on Brownfield Cleanup Program tax credits. Approximately 100 remediation and construction projects (37 of these in New York City) are in varying stages of development.
- The ERP was a fixed sum of \$200 million, of which \$180 million has been allocated to 200 municipalities projects throughout the state. The 2003 legislation reduced the contribution required of municipalities from 30 percent to 10 percent, allowing the program to take off. The fund was quickly committed—with a huge demand still outstanding.
- Nearly two years after it was enacted, BOA awarded its first grants in 2005. Dysfunction in Albany would mean another three-year delay before the next round of grants was approved. Grants were awarded in 2005, 2008, 2009, 2010, and 2012. In total, the BOA program awarded 164 planning grants to 120 communities totaling more than \$35.8 million.

Thus, in the aggregate, New York state has invested \$965.8 million, nearly 80 percent of this sum in tax credits to provide incentives to private developers. As impressive as these numbers are, the real multiplier effect will emerge from additional private sector investment, in permanent and temporary construction jobs, properties returned to productive community and commercial use, and enhanced neighborhood quality of life. Those numbers are not yet available.

But the devil is always in the details, and advocates made an effective case that vigilance would be needed in the drafting of rules and guidance, and the infrastructure needed to implement the new law. Moreover, if the hard-won BOA program were to truly serve low-income communities, advocates would need to be at the negotiating tables during implementation. Community groups also would need to be prepared to take advantage of new programs.

The RBF stayed the course. Over the next several years (2004 to the present) the Fund continued to support the work of New Partners for Community Revitalization, whose agenda shifted to implementation, monitoring, and providing technical support to community groups participating in the BOA Program and community developers seeking to redevelop sites in BOA areas (more than 120 in the state, and 20 in the five boroughs.)

Part Four: New York, New York

“Brownfields to the city meant: This is where we will put the uses that no one else wants.”

—Eddie Bautista, Executive Director, New York City Environmental Justice Alliance



A brownfield site in Bronx. Photo courtesy of the Mayor's Office of Environmental Remediation.

Prior to 2001, the Brownfield Coalition focused its efforts on state policy change, but with nearly one-third of the state's brownfields located in New York City, and with progress delayed at the state level, the Coalition began to think about a proactive, community-friendly brownfield policy for New York City.

Environmental justice advocate Eddie Bautista, then with New York Lawyers for the Public Interest, and Mr. Stanislaus, then chairing the New York City Environmental Justice Alliance, had a long history of helping community groups oppose noxious uses on brownfield sites. They understood that there needed to be an alternative to site-by-site opposition.

In 2002, a new mayoral administration under Michael Bloomberg presented an opportunity to think differently. Ms. Kass and Mr. Stanislaus, co-leading New Partners for Community Revitalization, were ready with a blueprint for a municipal brownfield reclamation program modeled on the principles that had been developed at Pocantico and now were being advanced in Albany. They presented it to Deputy Mayor Doctoroff on day one. The plan languished as the Bloomberg administration pursued its first priority, a high-profile development agenda including the West Side Stadium and competing for the 2012 Olympic Games.

In 2006, the Bloomberg administration refocused its development lens on a plan for sustainability, now known as PlaNYC. The plan in its early stages did not have a brownfield component. When environmental justice advocate Eddie Bautista became the mayor's director of legislative affairs, he was able to reposition the brownfield blueprint as a key chapter of Mayor Bloomberg's sustainability plan. By May 2009, Mayor Bloomberg had signed into law the New York City Brownfield and Community Revitalization Act codifying the program as part of PlaNYC, the city's sustainability plan. It gives environmental justice communities priority in receiving financial and technical assistance if they are participating in the state's BOA program. From this act, grew the New York City Brownfield Cleanup Program, which provides municipal oversight in brownfield cleanup (See box on the following page for more information).



Redevelopment of the brownfield site in Brooklyn led to a LEED silver-certified building with affordable housing and retail space. Photo courtesy of the Mayor's Office of Environmental Remediation.

Leveraging City Money

In response to the brownfield problem, the city created the New York City Brownfield Cleanup Program (NYC BCP) operated by the Mayor's Office of Environmental Remediation (OER). The first municipal cleanup program in the nation, NYC BCP's goal is to "help land owners and community and private developers" clean up contaminated property and facilitate redevelopment. It uses state use-based standards for cleanup; and provides priority for environmental justice communities in technical assistance programs. All of these elements come directly from principles forged at The Pocantico Center in 1999.

OER, which supports community-based organizations participating in the state's BOA program, has as its goal the cleanup of 7,000 acres of contaminated brownfield properties by 2030 (See Appendix VI: NYC Brownfield Cleanup Program Sites on page 25).

After one year of operation of the NYC BCP, the city's Office of Environmental Remediation awarded or earmarked 45 grants to cleanup projects totaling \$3.4 million, including 70 percent in historically disadvantaged neighborhoods and matching grants to eight BOA organizations.

- 75 units of affordable housing on the site of a South Bronx gas station;
- an art museum, mixed retail development, and 70 units of special needs housing in Washington Heights; and
- a small industrial site in Williamsburg, Brooklyn that will be redeveloped to house a new prototyping and design facility for auto racing engines and will employ highly skilled workers.

Part Five: Start Spreading the Word

"Other cities and states now look to New York for ideas and inspiration. These are ideas based in the reality of brownfield reclamation, and not delusional optimism."

—Kris Smith, Funders Network for Smart Growth and Livable Communities

The guiding principles behind New York's brownfield program have found their way into other jurisdictions. Among the states that have borrowed liberally from New York are Ohio, New Jersey, and Pennsylvania. Baltimore, Chicago, New Orleans, Trenton, and Cleveland are adapting pieces of New York City's program.

By far, the most powerful agent of replication is found in the person of Mr. Stanislaus, appointed by President Obama in 2009 to head the EPA's Office of Solid Waste and Emergency Response, the federal office responsible for brownfield programs. Through Mr. Stanislaus, the New York program, with its emphasis on true engagement of impacted communities and area-wide as opposed to site-by-site focus, has become the template for national brownfield policy. Through a request for proposal process, 23 neighborhoods throughout the country have been selected to participate in an EPA pilot project employing these principles in the reclamation of brownfields.

According to Mr. Stanislaus, the Pocantico Roundtable process "played a significant role in my getting this job. I learned a lot from the process beyond the substance of the work. I learned about opposition and the process of dialogue. When you are a „soldier," it is hard to get to the table of the generals. I began to work with and develop relationships with folks in state and city government and developed a public profile. I learned that there is a place for different kinds of strategies."

In May 2012, the EPA announced that \$69.3 million in new brownfield grants would be made available “to provide communities with funding necessary to assess, clean, and redevelop contaminated properties; boost local economies; and create jobs while protecting public health.” The 245 grantees include tribes and communities in 39 states across the country, including New York. New York City was the recipient of a \$650,000 grant to capitalize a revolving loan fund from which the city will provide loans and grants to support cleanup activities. Grant funds also will be used to market the program, oversee fund management activities, and provide technical support for implementation.

Lessons Learned

The story of brownfields has produced a number of lessons learned for the RBF and others. These lessons include:

Patience, patience, patience.

Complex multi-sector environmental problems are not solved in the typical foundation timeframe. There were many points when the RBF could have exited this area of grantmaking. However, public policy grantmaking takes time, as was evidenced in this 14-year process and it was not over even when it was over.

Use all the tools in the foundation tool box.

The Rockefeller Brothers Fund took on three roles: investor, convener, and validator. Even before it made a grant, it made The Pocantico Center available, not once, but twice. High-level participants came to the table and stayed at the table because the funders asked them to be there. The Rockefeller name has cachet in the corporate and public sectors.

Don't go at it alone.

The RBF partnered with other funders on this work from the outset, sharing the risks and the rewards. Funders were able to informally distribute support of the pieces of the work to which they had an affinity or targeted strategy. For example, in the early days of the work, the Mertz Gilmore Foundation was supporting small environmental justice groups who were close to the ground, organizing local residents. The New York Community Trust, as a public charity, was able to make grants in support of lobbying, an essential component of the strategy. Early investments also set the stage for grants from national funders such as the Ford, Garfield, and Surdna foundations.

Support the active engagement of grassroots organizations and organizations led by people of color in public policy work and fund them directly.

The diversity of voices and communities represented over the course of this process could only be sustained with philanthropic resources. Ultimately, brownfield victories were achieved through championing grassroots groups and building relationships with elected officials throughout the city and state. Philanthropy must recognize that inclusion and diversity are not only fair, but also essential to winning.

Identify and elevate grassroots leadership.

Throughout this story, there are many examples of community leaders who were able to develop skills and build relationships that propelled them from outsider to insider roles, and sometimes back again. Mathy Stanislaus, Eddie Bautista, and Val Washington were able to transfer their leadership from the nonprofit advocacy world to the public sector and advance a brownfield agenda from inside USEPA, City Hall, and Albany's Department of Environmental Conservation respectively. Jody Kass, director of New Partners for Community Revitalization, has become an inside and outside asset.

Level the playing field.

The RBF helped to build the capacity of community groups with technical, scientific, and legal resources. Grants to organizations such as New Partners for Community Revitalization, Pratt Center, New York Lawyers for the Public Interest and Environmental Defense Fund brought targeted technical assistance to the field.

Identify issues and strategies that can break through political, and partisan, gridlock, particularly on environmental issues.

Brownfield policies have had bipartisan support at municipal, state and federal levels. When environmental issues are reframed as issues of public health and economic health, unusual alliances can form and secure needed support across the aisle.

Think globally, act locally. Act globally, think locally.

New York borrowed liberally from the experience of other cities in Western Europe, particularly Germany, in the shaping of the brownfield agenda. The lessons from New York are now ready for export and the Rockefeller Brothers Fund is well positioned to facilitate.

Step back, take stock, and celebrate.

Some Conclusions and a Chapter Yet to Be Written

The process set in motion 14 years ago has resulted in robust and well-funded brownfield programs in New York state and New York City; and a federal program that seeks to replicate the best elements of New York's work. The intention of all of these programs is to engage historically disadvantaged communities in planning for their futures and to ensure that public dollars are targeted to projects that would not be feasible without government support and used to fill the financial gap to make remediation happen. What can our story offer on program progress and outcomes? There is some good news and other more cautionary news.

Despite some improvements in the functioning of the state programs, the application and approval/payment process remains sluggish and frustrating. Multiple approval processes and the usual gridlock in Albany around release of grant funds has made it difficult for nonprofit organizations in Brownfield Opportunity Areas and private developers who are seeking tax credits for their projects to participate. In addition, the BOA program is dependent on annual appropriations. Assessment of the program's achievements, and ongoing advocacy, will be needed to ensure its future.

More worrisome are recent analyses indicating that state tax credits are being assigned to projects that could have been completed without this incentive. Projects in BOAs and those that are part of comprehensive community plans should receive priority for public funds. The New York City program, informed by the challenges experienced in the state program, is off to an excellent start and appears to

be attracting applicants by offering direct grants, and without offering tax credits. An objective comparison of the state and city programs is needed.

Federal brownfield initiatives spearheaded by the USEPA have already won awards and White House attention in the two-and-a-half year tenure of Mr. Stanislaus. The area-wide, community-planning approach has been incorporated within EPA's grant guidelines and is a key part of the Obama Administration's Partnership for Sustainable Communities, an interagency funding program including the EPA, the Department of Transportation, Housing and Urban Development, and the Economic Development Administration.

Mr. Stanislaus has plans to expand the brownfield program and seeks to influence the direction of the Revitalizing Auto Communities Environmental Response (RACER) Trust, created by a bankruptcy court judge to sell off former General Motors assets. The trust owns 66 buildings totaling 44 million square feet of space in 14 states (including New York) with \$830 million in Troubled Assets Relief Program funds set aside to assist in cleanup.

New Partners for Community Revitalization continues to play an essential role in monitoring and improving the functioning of these public programs. Unfortunately, its own funding has shrunk and although it has been seeking to diversify its income through memberships, sponsorships, and earned income, its future is uncertain. It is now pursuing opportunities to affiliate with other institutions, such as universities and national intermediaries, to allow it to continue its public policy work and at the same time, prepare a new generation for jobs and careers in a growth industry.

The ultimate measure of success goes beyond policies changes or even dollars spent. Success will be seen in the reclamation of swaths of brownfields for affordable housing, parks and open spaces, neighborhood economic development, and jobs. Current planning, predevelopment, and construction should begin to yield real world outcomes, but there is not enough data yet for this documentation. The concluding chapter of this story awaits.

PIVOTAL PLACE: NEW YORK CITY

Author Biography

Anita Nager

Anita Nager was the last executive director of the Beldon Fund, an intentional spend-out foundation, dedicated to building and sustaining a national pro-environment consensus, and served for seven years as its director of programs. Ms. Nager guided the final spend out, communication of lessons learned, and the conclusion of operations. When the Beldon Fund closed its doors in May 2009, it had allocated more than \$120 million in grants and foundation-directed projects.

Prior to Beldon, Ms. Nager was a senior program officer for Community Development and the Environment at The New York Community Trust where she led local funding collaboratives in neighborhood revitalization, brownfield reclamation, and transportation, and designed a grantmaking strategy for a \$100 million fund focused on national environmental issues.

Ms. Nager is a trustee of the Hudson River and Jenifer Altman foundations, and a founder and steering committee member of the Health and Environmental Funders Network. A former board chair of Philanthropy New York, Ms. Nager also is a past board member of the Neighborhood Funders Group and the Environmental Grantmakers Association.

Currently, Ms. Nager advises foundations and individual donors on environmental giving with a special emphasis on environmental health philanthropy, strategy development and assessment, and spending out.

APPENDIX I: BROWNFIELDS GRANTMAKING TIMELINE

New Grantmaking

The RBF begins grantmaking to support community planning and revitalization in economically disadvantaged neighborhoods.

Pocantico Roundtables

Stakeholders convene for the first of two meetings at The Pocantico Center to advance brownfield remediation efforts in New York.



Brownfield Coalition

Forms to advance the consensus-based solutions that grew out of the Pocantico Roundtables.

1996

1997

1998

1999

New York authorizes Clean Water/Clean Air Bond Act with \$200 million allocated for municipal brownfield reclamation, but no statutory authority or incentives for voluntary cleanups by developers.



Multiple efforts are made to introduce brownfield legislation. (1999–2003)



RBF Engagement



New York Context



New Partners for Community Revitalization (NPCR)

The RBF provides funding for NPCR, initially a project of the Pratt Center. NPCR becomes an independent 501(c)(3) in 2004.



Federal Small Business Liability Relief and Brownfield Revitalization Act provides relief from liability for contaminated property purchasers as well as a series of grants for assessment, cleanup, job training, and technical assistance.

New York passes legislation to create two distinct brownfield programs: the Brownfield Cleanup Program and the Brownfield Opportunity Areas Program.



RBF Engagement



New York Context

Public Education Grants

The RBF makes a series of grants to ensure that the new state programs would benefit historically disadvantaged neighborhoods and prepare community groups to take advantage of the programs. (2004–2005)

Brownfield Grants

The RBF makes a series of grants to assist in the monitoring and implementation of the Brownfield Cleanup Program and the Brownfield Opportunity Areas Program. (2006–2009)



First round of Brownfield Opportunity Area grants (53, \$7.63 million) approved. There were no grants between 2006–2008.

New York adopts the regulations for implementation of the Brownfield Cleanup Program.

New York City releases PlaNYC, a sustainability plan for the city. Brownfield reclamation is included in the plan.



RBF Engagement



New York Context



Brownfield Project: Retail and affordable housing units are occupied in this LEED silver certified building. Photo courtesy of the Mayor's Office of Environmental Remediation

Technical Assistance Grants
 The RBF makes a series of grants to provide technical assistance on remediation efforts. (2010–2011)



New York City creates the Office of Environmental Remediation with the goal of cleaning up all contaminated land in the city. The following year, Mayor Bloomberg signs into law the Brownfield Community and Revitalization Act.

New York City launches the Local Brownfield Cleanup Program (LBCP). It is the first municipal program of its kind in the country.



Environmental Protection Agency formally recognizes LBCP, opening the door for the city to use federal brownfield dollars.

APPENDIX II: Interviewees

Eddie Bautista
Executive Director
New York City Environmental Justice Alliance
(former Director, Community Planning for New York Lawyers for the Public Interest and
Director, Mayor's Office of Legislative Affairs)

Elizabeth Campbell
Vice President for Programs
Rockefeller Brothers Fund

Penny Fujiko Willgerodt
President
Prospect Hill Foundation
(former program officer Mertz Gilmore Foundation; vice president, Rockefeller Philanthropic
Advisors)

Laura Haight
Senior Environmental Associate
New York Public Interest Research Group (NYPIRG)

Stephen Heintz
President
Rockefeller Brothers Fund

Patricia Jenny
Program Director, Community Development and the Environment
The New York Community Trust

Jody Kass
Executive Director and Co-Founder
New Partners for Community Revitalization
(former Vice President, New York City Housing Partnership)

Michelle Neugebauer
Executive Director
Cypress Hills Local Development Corporation

Ben Rodriguez-Cubeñas
Program Director, Pivotal Place: New York City
Rockefeller Brothers Fund

Ron Shiffman
Professor, Programs for Sustainable Planning and Development
Pratt Institute;
Director Emeritus
Pratt Center for Community Development

Kristopher Smith

Director of Leadership Development
The Funders' Network for Smart Growth and Livable Communities

Mathy Stanislaus
Assistant Administrator
United States Environmental Protection Agency Office of Solid Waste and Emergency
Response
(former Chair, New York City Environmental Justice Alliance and Co-Director, New Partners
for Community Revitalization)

Carlyle Towery
Executive Director
Greater Jamaica Development Corporation

Jim Tripp
Senior Counsel
Environmental Defense Fund

Dan Walsh
Director
New York City Office of Environmental Remediation

Val Washington
Of Counsel
Allen and Desnoyers, LLP
(former Executive Director, Environmental Advocates of New York; Deputy Commissioner,
divisions of Solid and Hazardous Materials, Environmental Remediation and Mineral
Resources)

Richard Werber
Director, Business Services Group
Greater Jamaica Development Corporation

APPENDIX III: Pocantico Roundtable for Consensus on Brownfields Members

1. Steven Ancona, Aqua Terra Environmental Services
2. Annette Barbaccia, New York City Mayor's Office
3. Joan Bartolomeo, Brooklyn Economic Development Corporation
4. Paul J. Elston, New York League of Conservation Voters
5. Yolanda Garcia, Nos Quedamos
6. Donna Giliberto, New York State Conference of Mayors
7. Andrew Goldberg and Mike Livermore, New York Public Interest Research Group
8. Mark Gregor, City of Rochester
9. Barry Hersh, Dames & Moore/Brookhill
10. Mark A. Izeman, Natural Resources Defense Council
11. Jody Kass, New York City Housing Partnership
12. David King, Niagara Mohawk Power Corporation
13. Aaron Mair, Arbor Hill Environmental Justice Corporation
14. Robert Murphy, Esq., O'Connor, Gacioch, Pope & Tate, LLP
15. Ken Pokalsky, Business Council of New York State, Inc.
16. Anne Rabe, Citizens' Environmental Coalition
17. Ira Rubenstein, Environmental Business Association of NYS, Inc.
18. Elizabeth Gunther Sanderson, New York Bankers Association
19. Linda Shaw, Esq., Knauft, Craig, Koegel & Shaw, LLP
20. Peggy Shepard, West Harlem Environmental Action
21. Ron Shiffman and Joan Byron, Pratt Institute Center for Community and Environmental Development
22. Mathy Stanislaus, Minority Environmental Lawyers Association
23. Carol Trezza, Real Estate Board of New York
24. Jim Tripp, Esq., Environmental Defense Fund
25. Val Washington, Environmental Advocates
26. Marjorie Buckholtz, United States Environmental Protection Agency, ex officio, non-voting*
27. Tria Goodman Case, Empire State Development, ex officio, non-voting *
28. Erin Crotty, New York State Department of Environmental Conservation, ex officio, non-voting*
29. Ronald Tramontano, New York State Department of Health, ex officio, non-voting*

* The New York state and federal representatives are ex-officio and were not members of the Roundtable for the purposes of determining a consensus.

APPENDIX IV: RBF Brownfields Grants

Organization	Purpose	Appropriation Type	Amount
Citizens' Environmental Coalition, Inc.	To its Brownfields Assistance Program. <i>Approved: 3/23/2005</i> <i>End: 3/23/2006</i>	Grant Delegated Authority	\$25,000
Environmental Advocates of New York, Inc.	For its Regulatory Watch project. <i>Approved: 6/9/2004</i> <i>End: 6/9/2006</i>	Grant Board Approved	\$100,000
Environmental Advocates of New York, Inc.	For the Brownfields Regulatory Watch program. <i>Approved: 1/3/2007</i> <i>End: 1/3/2008</i>	Grant Delegated Authority	\$50,000
Environmental Advocates of New York, Inc.	Towards the New York Brownfields Initiative: A Coalition Approach. <i>Approved: 3/9/2000</i> <i>End: 3/9/2001</i>	Grant Delegated Authority	\$25,000
Environmental Advocates of New York, Inc.	To its Brownfields Regulatory Watch program. <i>Approved: 10/11/2001</i> <i>End: 10/11/2003</i>	Grant Board Approved	\$120,000
Environmental Defense Fund, Incorporated	Toward its Urban Brownfields Reclamation and Neighborhood Revitalization Project. <i>Approved: 3/4/1999</i> <i>End: 3/4/2000</i>	Grant Board Approved	\$100,000
Greater Jamaica Development Corporation	To develop the Neighborhood Brownfields Pilot-Reclaiming Jamaica's Brownfields. <i>Approved: 10/10/2002</i> <i>End: 10/10/2004</i>	Grant Board Approved	\$125,000
Housing Partnership Development Corporation	Toward preparation for a summit meeting of the Pocantico Roundtable for Consensus on Brownfields in December 1998, at The Pocantico Conference Center of the Rockefeller Brothers Fund. <i>Approved: 10/16/1998</i> <i>End: 10/16/1999</i>	Grant Delegated Authority	\$25,000
Housing Partnership Development Corporation	Toward the Community Brownfields Analysis phase of the Redevelopment of Contaminated Land Advocacy and Implementation initiative. <i>Approved: 3/4/1999</i> <i>End: 3/4/2000</i>	Grant Board Approved	\$200,000
New Partners for Community Revitalization, Inc.	For its NY Metro Brownfields Redevelopment Fund Program. <i>Approved: 6/15/2006</i> <i>End: 6/15/2008</i>	Grant Board Approved	\$100,000

APPENDIX IV: RBF Brownfields Grants

Organization	Purpose	Appropriation Type	Amount
New Partners for Community Revitalization, Inc.	For New Partners for Community Revitalization Strategic Planning Retreat, held October 25-26, 2007. <i>Approved: 5/18/2007</i> <i>End: 5/18/2008</i>	Pocantico Conference	\$4,480
New Partners for Community Revitalization, Inc.	For its New York City brownfield redevelopment program. <i>Approved: 1/15/2009</i> <i>End: 1/15/2010</i>	Grant Delegated Authority	\$100,000
New Partners for Community Revitalization, Inc.	For its New York City brownfields redevelopment program. <i>Approved: 9/16/2010</i> <i>End: 9/16/2012</i>	Grant Executive Committee	\$330,000
New York City Environmental Justice Alliance, Inc.	For its Brownfields Advocacy and Technical Support project. <i>Approved: 6/9/2004</i> <i>End: 6/9/2006</i>	Grant Board Approved	\$100,000
New York City Environmental Justice Alliance, Inc.	To its Brownfields Advocacy and Technical Support Program. <i>Approved: 10/11/2001</i> <i>End: 10/11/2003</i>	Grant Board Approved	\$100,000
Pratt Institute	To its New Partners for Community Revitalization brownfields initiative. <i>Approved: 3/13/2003</i> <i>End: 3/13/2004</i>	Grant Board Approved	\$100,000
Pratt Institute	For its New Partners for Community Revitalization project. <i>Approved: 6/9/2004</i> <i>End: 6/9/2006</i>	Grant Board Approved	\$250,000
The Mayor's Fund to Advance New York City	For a community education initiative on New York City brownfields. <i>Approved: 2/4/2011</i> <i>End: 2/4/2012</i>	Grant Delegated Authority	\$50,000
West Harlem Environmental Action, Inc.	For its Trash to Treasure project. <i>Approved: 3/10/2011</i> <i>End: 3/10/2012</i>	Grant Board Approved	\$75,000
Youth Ministries for Peace & Justice, Inc.	For its new Center for Community Development and Planning. <i>Approved: 12/15/2005</i> <i>End: 12/15/2007</i>	Grant Board Approved	\$250,000
Grand Total			\$2,229,480

APPENDIX V: New York State Brownfield Tax Credits: Incentives (or Boondoggles) for Private Developers

A tax credit reduces the amount of tax for which one is liable. Unlike a deduction, which reduces the amount of income subject to tax, a tax credit directly reduces tax liability and is usually more valuable than a tax deduction of the same dollar amount. Most tax credits are nonrefundable, that is, they can reduce tax liability to zero but not below. Refundable tax credits can reduce tax liability below zero and make it possible to receive a cash refund.

The New York State Brownfield Law of 2003 offered refundable redevelopment tax credits to reimburse developers for between 10 and 22 percent of the total cost of the cleanup and development of a project site. The percentage of reimbursement varies with the level of cleanup; whether the developer is an individual or a business; and whether the site is in a designated Brownfield Opportunity Areas (BOA), an area delineated by high unemployment and poverty rates.

For example, a developer that spends \$100 million to clean up and redevelop a large brownfield in an environmental zone could receive back \$22 million from New York state in the form of tax write-offs and direct grants through the Redevelopment Tax Credit.

Until the law was amended in 2008, there was no cap or limit on maximum reimbursement.

The amendments now cap the tax credit amount to the lesser of \$35 million or three times the cost of the cleanup and other site preparation costs (in the case of nonmanufacturing properties) or \$45 million or six times the cost of the cleanup and other site preparation costs (in the case of manufacturing projects). It also modestly increased incentives for properties in BOAs, although not as much as advocates had proposed.

Despite these amendments, the tax credit program needs additional restructuring. Recent analyses by two Rockefeller Brothers Fund grantees, New Partners for Community Revitalization and Environmental Advocates, reveal that generous subsidies continue to be awarded regardless of need, and the original economic and environmental revitalization goals of the state program have not been met. Since 2003, only 39 brownfield cleanups have been completed in New York City, a small fraction benefiting projects and communities that truly need the funds. Nearly half of the projects claiming tax credits were located in neighborhoods with less than four percent unemployment, according to a 2010 Environmental Advocates analysis. Moreover, New Partners for Community Revitalization argues that the tax credit program is unsustainable, placing a limitless liability on the state coffers, without delivering intended public benefit.

The tax credit program will expire on March 31, 2015. Given the time required for regulatory signoff, projects must be in the development pipeline in the next year or so to qualify for brownfield tax credits. The immediate impact of the sunset creates an opportunity to rethink these financial incentives. Additional monitoring, vigilance, and advocacy will be needed to set the tax credit program on an equitable, effective, and sustainable course.



NYC Brownfield Cleanup Program Sites

