

Future Problem Solving Program
2001-02 – State Bowl
Middle/Senior Division Future Scene – Environmental Law

As you approach Montreal, your attention is directed to the “Smart Arch,” a complex of multi-family dwellings on a five-acre site. The complex of moderately-priced homes feature the latest technologies, home offices equipped with video conferencing and student study forums with holographic tutoring. Each community green space is shared by six dwellings. The next stop on our virtual tour is Chicago’s long-admired lakefront park system complete with the latest in x-sports venues, water games and award winning floral gardens. The final stop on our tour is a bleak, abandoned and burned out warehouse that looks like it belongs in an old laser movie. In reality, the site could easily have been the Smart Arch or Chicago’s lakefront park just a few years ago. The greening of abandoned lands brought opportunity and urban vitality to Montreal and Chicago. Montreal’s Smart Arch is located on an abandoned factory site; the lakefront park is the site of Chicago’s former tannery district.

The desolate brownfield remains frozen on the screen. Avery Shaw, the spokesperson for the North American Environmental Association (NAEA), begins her presentation.

“Past environmental policy-making has tended to react to existing environmental problems once they have emerged. Today in 2022 there is an ever-shrinking inventory of pristine land. Not enough ‘new’ land exists in our urban areas and suburbs to provide for open space and development. For forty years, there has been a lack of effort among the public and the decision-makers to bring about the changes needed to preserve the environment. Further encroachment on agricultural areas in North America – Canada, the United States and Mexico – impact our ability to produce sufficient food to feed the population of North America.

“There are an estimated 600,000 brownfield sites in North America. A brownfield is an abandoned, idled or underused property where expansion or redevelopment is complicated by real or perceived contamination. Brownfield sites include abandoned factories and other industrial facilities, gasoline stations, oil storage facilities, dry cleaning stores and businesses that dealt with polluting substances. Economic activities once thrived on these properties but they have fallen into disuse and disrepair and now lay idle. Left unclaimed, they cast a shadow over thousands of cities and towns across North America. If restored, they can revitalize neglected neighborhoods.

“Brownfield redevelopment requires thinking in a different way about environmental policies. Few laws exist that adequately address brownfield development. Given how far we have come in damaging the global environment, efforts have to focus on environmental restoration. Each of the estimated 600,000 brownfields in North America is a missed opportunity.

“It is a lot more difficult to redevelop environmentally impaired real estate than anyone ever imagined. These sites remain unloved and unused due to the responsibility cleanup entails.

“Successful brownfields developers recognize environmental expertise is not enough. Developing environmentally impaired real estate generally takes more time. Early developers learned the hard way as community and political scrutiny, heightened by environmental issues, delayed their development projects. Brownfield developers also face additional delays due to the time needed for environmental agency approvals. Local governments need to understand one of the most important incentives they may provide is predictability and speed in land use decision making.”

Avery Shaw concludes. “This is your future, the environment in which you will live. There are many issues in brownfield development. As problem solvers, your team has been selected to work with the North American Environmental Association in developing policy for brownfields. You are asked to examine the challenges faced in brownfield development and recommend an action plan.”