

Other Committee Accomplishments

Construction Site Dust. Heeding NAHB's comments and public testimony that the dust from home construction sites is no different from that thrown up by a windstorm or a farmer's tractor, in September 2006 EPA announced it would drop its proposed daily standards for coarse particulate matter, noting that the compliance costs would far outweigh the benefits. Based on 2004 building permit totals in the most affected regions, the proposal would have hiked compliance costs for those 230,000 homes by at least \$5.75 billion per year.

Lead-Based Paint. In January 2006, EPA issued a proposal to require remodelers who disturb lead-based paint to use specific work practices and reduce concentrations of lead in homes after the work is done. Knowing that the agency had no defensible data, NAHB undertook extensive research on the levels of lead dust created by remodeling projects. It was the most comprehensive study of work practices ever conducted. The results suggest that in most cases, remodeling does not create lead hazards and that in fact, professional remodeling generally improves the levels of lead found in a home. While the battle over the renovation and remodeling rule is not yet over, important strides made in 2006 demonstrate the power of collaboration and facts, and could result in significant savings for the remodeling industry.

All Appropriate Inquiry. In November 2006, EPA's new "due diligence" standard for real estate transactions took effect, stipulating that those who purchase property — including potential brownfield sites — can be protected from federal liability for prior contamination if they perform a thorough property investigation known as "all appropriate inquiry" before taking title. The successful culmination of years of NAHB efforts to provide protections for companies that might otherwise abandon or refuse to develop infill property in prime locations, the rule spells out exactly what steps must be taken to complete the investigation, as well as the minimum qualifications for consultants who perform those steps. With the adoption of this rule, builders and developers now have crucial legal certainty in transactions involving both tainted and untainted properties.

Cooperative Conservation. In mid-2006, Secretary of the Interior Dirk Kempthorne asked NAHB members to speak up at a series of 24 "listening sessions" to help federal agencies better collaborate with state and local leaders, nonprofit groups and the regulated community. Recognizing that these sessions presented an important opportunity to urge reform of cumbersome environmental regulations, NAHB rallied the membership to ensure strong and significant participation and was the only organization represented at all 24 sessions. More than 150 builders offered workable solutions to help reform the Endangered Species Act, the wetlands permitting process and federal storm water regulations, while bolstering our relationship with Administration leaders.

Ordinance Reviews. State and local regulators invite comments when new rules are proposed, but the complexity of the issues can make the review of a proposal a daunting task. In 2006 alone, NAHB responded to requests for assistance from HBAs in 17 states, which resulted in the formal preparation of over 25 written comment letters for submittal to regulatory agencies. NAHB provides meaningful answers from a national perspective to help home builders address the many facets involved in the regulatory process in a more effective manner, resulting in positive outcomes for home builders faced with unreasonable and unsupportable regulations.

Training and Publications. In 2006, NAHB updated *Storm Water Permitting: A Guide for Builders and Developers*, available from BuilderBooks.com, and developed the *Model EMS for Residential Construction Companies: Manual and User's Guide*, a comprehensive, easy-to-use Environmental Management System to help home builders comply with Corps and EPA regulations. NAHB staff also conducted storm water compliance assistance training and spoke about environmental issues at numerous seminars around the country.

ENVIRONMENTAL SAVINGS. The National Association of Home Builders saved the following resources by using Neenah Environment, made with 100% post-consumer waste and processed chlorine free.

trees grown	water gallons	energy thousand BTUs	solid waste pounds	water-bourne waste pounds	atmospheric emissions pounds
6	1,070	1,451	114	7	220

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NAHB
NATIONAL ASSOCIATION
OF HOME BUILDERS

NAHB's words and actions have the weight and force of the entire home building industry behind them and won't be easily dismissed. Your membership and your participation in NAHB mean that your voice has the strength of 235,000 companies. Your support of the work of the NAHB Environmental Issues Committee helps to assure a positive business climate for all these companies — within a framework of positive environmental stewardship.

STEWARDSHIP



The NAHB
Environmental Issues Committee
AT WORK

STEWARDSHIP

Clean Water

The NAHB Environmental Issues Committee at Work

The National Association of Home Builders represents more than 235,000 members as the voice of the housing industry, affiliated with more than 800 state and local home builders associations around the country. The work of NAHB's Environmental Issues Committee is central to the mission of the association. As a recognized leader in pursuing environmental reform, NAHB advances member interests through all available channels, including direct interaction with policymakers at the federal, state and local levels, analytical expertise and data, litigation, and legislative efforts.

NAHB's expert staff regularly conducts critical analyses of proposed rules, scientific reports, and technical materials to support housing policy positions and reinforce the association's role as a major player by expanding and building research capabilities. As the primary source of information and expertise for the industry, NAHB also provides technical and compliance assistance and educational services to its members.

Working with NAHB's environmental staff specialists and other relevant NAHB committees, the Environmental Issues Committee has achieved remarkable success in 2006. Here are some of the issues it faced and what it did to help achieve needed environmental balance.

Wetlands. NAHB is helping to resolve the many issues that remain in the wake of the recent Supreme Court decision regarding federal Clean Water Act jurisdiction and related permits. The ongoing confusion stemming from the lack of regulatory clarity has turned development plans on their heads in many parts of the country. In November, NAHB gathered the views of environmental experts from across the country to craft well-supported arguments for how jurisdiction may be consistently determined and thereby help NAHB members get on with their daily business. NAHB has also convened meetings with state and local home builder associations and their corresponding regional Army Corps of Engineers offices to discuss the onerous, conflicting, and confusing regulations and permitting delays our members face every day. Progress is slow, but measurable.

Water Quality. The Clean Water Act requires EPA to develop, and the states to adopt, standards to protect our waterways from pollutants, including the sediment found in storm water discharges from construction sites. Uncertain about the impact of sediment on aquatic habitats, NAHB compiled and analyzed 20 years' worth of reports to create an important resource for making decisions regarding habitat protection, such as water quality standards for sediment and turbidity.

Storm Water Permitting. With NAHB encouragement, EPA moved to eliminate duplicative storm water permit requirements in 2006, encouraging regional offices to accept local qualifying programs, or local authorities' approved erosion and sediment control plans instead of requiring unnecessary, additional documentation. After all, builders and developers already must supply detailed storm water management information to their cities, counties and other local jurisdictions. Depending on the size of the lot and complexity of the project, they spend up to \$7,000 per home complying with federal storm water permitting regulations.

BMPs. Construction site operators must control storm water discharge using best management practices, or BMPs, but have little knowledge about the various methods' effectiveness. NAHB researched the pollutant-removal capability of various BMPs, identified significant gaps in knowledge and then provided quantitative information to help inform decisions. The research has been used widely by state and local HBAs to ensure the adoption of workable solutions.

Storm Water Legislation. In collaboration with the Federal Government Affairs Committee, a bill to reform current practice and compel EPA to revise its policies was introduced in the House of Representatives in June and in the Senate in December. The "Storm Water Enforcement and Permitting Act" would eliminate permit redundancies, allow builders a one-time chance to correct certain permit deficiencies, allow authorized states to assume the lead enforcement role for storm water permits and would develop a program to increase awareness of regulatory requirements by residential construction site managers. While progress stalled in this election-year session, NAHB's work toward the bill's introduction serves as a marker for the 110th Congress in 2007.

Endangered Species

Cost and Common Sense. Lacking basic information on species' needs and bowing to pressure from the courts, federal agencies increasingly have designated broad, rather than essential, areas of land to protect the 1,300 plants and animals listed under the Endangered Species Act. To stem this overreach, NAHB developed a process for the agencies to follow when setting aside areas to protect, which includes the rigorous economic analysis required by the Act. NAHB's advocacy efforts have led to a reduction of as much as 80 percent of critical habitat for certain species, saving private landowners hundreds of millions of dollars in decreased property values and federal regulatory costs. NAHB also worked to encourage Congress to reform the Act and was a major player in a special working group convened by the Keystone Center for Science and Public Policy, where the association helped to build consensus on ways to balance species conservation with landowner interests and economic development. The results of the Keystone effort will lay the groundwork for any policy reforms in 2007.

Bald Eagles and Pygmy Owls. A proposal to remove the bald eagle from the endangered species list made the bird one of the few clear ESA successes and was a testament to home builders' ongoing efforts to preserve eagle habitats when designing communities. With Environmental Defense, an unlikely ally, NAHB co-wrote an editorial published in the *Chicago Sun-Times* applauding the successful delisting. Meanwhile, NAHB continued to advocate for the delisting of the pygmy owl and reduction of its critical habitat. Officials found 18 pygmy owls in Arizona in 2002, prompting the government to set aside 1.2 million acres. NAHB economists found that if the proposed habitat designation were to go into effect, construction of new homes would fall significantly. Meanwhile, the local economy would shrink by \$545 million over 10 years. In the first year alone, 705 jobs would be lost — a total that would grow to about 2,750 jobs over 10 years. NAHB's efforts reduced the costs and delays imposed on residential land developers and helped ensure that limited government resources would be directed toward species that actually require protection.

