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Lawyer Believes Environmentalism, Capitalism Can Coexist

By Ashley Wilkins

BARRY J. TRILLING SEES POTENTIAL WHERE others may see only pollution.

Trilling, an environmental lawyer and a leader in brownfields development, is a partner in the Stamford-based law firm Wiggin & Dana where he works in the Real Estate, Environmental and Land Use Department. Recently, he was appointed to the National Urban Redevelopment Forum of the 10,000-member National Association of Industrial and Office Properties. The forum is limited to principal members who are actively involved in redevelopment projects in urban areas and older communities with the possible involvement of brownfields.

Trilling began his career as an assistant U.S. attorney in Los Angeles, but was transferred in June of 1978 to the U.S. Justice Department's headquarters in Washington, D.C. He landed in the nation's capital during the end of the Carter administration, a time when the Justice Department and the U.S. Environmental Protection Agency began "a campaign of sorts to focus on abandoned contaminated properties," Trilling said. He had primary responsibility for the Northeast, meaning that the infamous "Love Canal" hazardous waste site in Niagra Falls, N.Y., fell under his jurisdiction.

"I went from handling small to moderate-sized environmental cases to one of the greatest environmental issues in the country," said Trilling. He supervised the federal government's team of lawyers, committing himself to the Love Canal crisis until 1981, when he realized he did not want to "spend [his] lifetime on one case" - a wise decision, considering the case finally ended in 1998.

Trilling resigned from the Justice Department and opened a private practice where he began handling smaller cases. Throughout his career he has handled "close to 100 commercial transactions - buying, selling, borrowing, lend-



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ing, reporting, from steel mills to abandoned mines," says Trilling.

He spent a great deal of time in Pennsylvania helping to clean up contaminated or otherwise environmentally unfit areas for redevelopment. It was there, over coffee with friends, that he realized that much more action was needed. During discussions with fellow environmentalists Dewitt Peart, executive director of the Pittsburgh Regional Development Consortium, and Dr. Deb Lange of the Brownfields Center at Pittsburgh-based Carnegie Mellon University, the idea of forming an arena in which people could discuss issues of environmentally sound redevelopment was born.

"We realized we were not the sole reposito-

ries of wisdom," said Trilling. They founded the Western Pennsylvania Brownfields Forum in early 2001.

Trilling sees that forum as a place to bring "a lot of people together to let their hair down and talk about what's on their mind." Since the first 12-member meeting in April 2001, the group has met quarterly and now has a membership of over 40 people. Among other accomplishments, they recently helped to recognize the presence of subsurface mines in downtown Pittsburgh, a major factor inhibiting development in the inner city and a problem now on its way to remedy thanks to the forum's efforts.

It has been "a terrific experience," says Trilling, "and an example for communities around the country to get their heads and hands around these issues."

Trilling recently served as chairman of the Environmental Subcommittee of NAIOP's Public Affairs Committee and is a member of the association's Associates National Forum. Most recently he represented NAIOP as one of the 25 members of the Federal Advisory Committee Act board appointed by the EPA "to negotiate rules that provide standards for environmental diligence for commercial development transactions," said Trilling, who has not forgotten the environmental devastation he saw during his career beginnings. "If something like that was in place before Love Canal, there would never have been a disaster."

'Coming Together'

"All real estate is local," says Trilling, and Connecticut proves to be a setting rife with possibility. "We have the wonderful potential of working with a post-industrial landscape to put properties back to work."

But along with local commerce comes local challenges. Trilling feels as though he is working within a "balkanized context. There are lots

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of municipalities doing a lot of different things ... It's like trying to navigate a road that has so many twists, turns and dead ends that delay gets involved in the process," he said. That is not necessarily due to resistance to redevelopment "so much as a lot of people with great intentions not getting together and straightening out the road."

In terms of redevelopment of brownfields, Trilling has enduring hope of smoothing out the kinks and emerging as an environmental leader. "We have the desire and recognition of opportunity," he said. "With effort we can be as active as our neighbors in Massachusetts and New Jersey and even more so than New York."

Wiggin & Dana boasts a Smart Growth and Development Practice Group, which strives to

find an environmentally sound balance between economic development and objectionable sprawl. Trilling is working within that group to combat the polarized arguments of development – the zero-growth people vs. the completely unrestrained capitalists. "We recognize a way to make money and help the environment," he said.

Trilling also is on the board of directors of the Pennsylvania Environmental Council, active with the Western Pennsylvania Brownfields Forum and a member of the Urban Land Institute.

His practice and his involvement in outside organizations combine to help surmount what he sees as the biggest opposition to redevelopment today – the notion that environmentalism

and enterprise are dueling concepts. "There is nothing inconsistent about good environmentalism and good capitalism," he said. "It's a matter of coming together and recognizing the mutuality of interests. Times have changed and we can make money and protect the world."

Trilling is holding onto those future goals, committed to helping the environment, to helping people and to helping business. "With this kind of work you deal with a problem that others have given up on – properties with environmental contamination whose tax base is hurting because there is no business to help it. But, cleaning up the property is the icing on the cake," he said. "The nice part is putting people back to work, giving them a tax base, turning it around and giving them hope." ■

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