

BUILDING AND CONSTRUCTION SECTOR

The North American Industry Classification System classifies the buildings and construction sector into three primary establishments:

1. Entities engaged in the construction of buildings and engineering projects;
2. Entities involved in the preparation of sites for new construction; and
3. Entities that subdivide land for sale and building sites.

These establishments perform activities ranging from the construction of public and private buildings and infrastructure to alterations, maintenance and repairs.

According to U.S. Census Bureau statistics, nearly 730,000 construction companies operated in the U.S. in 2015. 211,956 of these companies were in the construction of buildings subsector. 39,439 companies were in the heavy and civil engineering construction subsector. 477,950 operated in the specialty trade contractors subsector. As a whole, American construction companies employed over 7.3 million workers and generated over \$1.7 trillion in annual revenue.

Environmental Laws and Regulations Impacting the Buildings and Construction Industry

Construction companies are subject to complex environmental laws at the local, state and federal levels. From site preparation to the demolition, the industry must take action to comply with environmental laws. Developers and operators must carefully identify potential onsite or offsite contamination sources that may impact construction or operations. For instance, offsite migration of contamination through underlying aquifers may become a source of soil vapor gas. This gas can infiltrate a building and cause unpermitted levels of indoor air emissions that impact the health of occupants. Emissions mitigation can occur before, during, or after construction. The responsible parties may be pursued for payment of the costs. In addition, a site may be adjacent to, or contain, a wetland or endangered species habitat. These situations require advance assessment, notification,

permitting and mitigation prior to construction. In some cases, the location may not be feasible at all because of environmental issues.

Throughout the construction process, the operator at the site must obtain and comply with all permits for construction, including NPDES construction permits, and use best management practices to reduce storm water run-off. Moreover, once construction is complete and a building is operating, indoor air emissions could impact the health of the occupants and may require mitigation or collaboration with government agencies.

When demolition activities come into play if a building contains lead, PCBs, or asbestos, or if the building contains hazardous materials or releases that require remediation, particular attention must be given to environmental laws and regulations.

Comprehensive Guidance in Environmental Matters Affecting the Construction Industry

Bick Law has experience representing developers, owners, general contractors, subcontractors, engineers, architects and other entities operating throughout the construction industry. Our firm works with industry clients to ensure their activities are in compliance with environmental laws and regulations. We regularly guide clients through local, state and regional permitting requirements and litigate permit denials when an appropriate resolution cannot be reached with responsible government agencies.

Bick Law also represents our construction and building industry clients in connection with state and federal investigations and government enforcement actions. We understand the nuances of the law and are familiar with how the various agencies conduct investigations and prosecute environmental contamination claims. Our environmental lawyers are seasoned trial attorneys who vigorously advocate for the rights of clients in state and federal courts, including the appellate level. We also regularly counsel clients in connection with commercial transactions, offering a keen eye on contract provisions that may give rise to potential environmental concerns and liability.