Developing Green Regulation and the Potential Impact on the Sports Industry

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Introduction
Overview/Goals

- Defining Green/Sustainability
- Identifying Representational Challenges For Sports Attorneys Related to Green
- Reviewing Impact of Green on Seven Key Segments of the Sports Industry
  - Current
  - Looking Ahead
Defining Green/Sustainability
The Current Green Cycle

- Public Sentiment
- Growing Green Industry
- Changing Governmental Policies
Societal Changes

- Changing Public Sentiment
  - Developing Desire for Green Among Consumers
- Changing Governmental Policies
  - Federal, State & Local Requirements
  - Green Incentives
Growing Green Industry I

- Operations/Devices
  - Recycling
  - Equipment
- Energy Options
  - Reducing Usage
  - Renewables
  - On-Site Creation
Growing Green Industry II

- Marketing
  - Specialized Techniques/Promotions
  - Specialized Firms
- Architecture
  - Changing Industry
  - Changing Approaches
    - Structure
    - Landscaping
- Certification Systems
Growing Green Industry III

- Food
- Travel/Tourism
- Ownership Structures/Corporate Governance
General Terminology/Issues

- Common Descriptors
- Key Problems:
  - Lack of Clear Terminology in Most Areas of Practice/Industry
    - What does “Going Green” or Developing a “Sustainable Operation” Really Mean?
  - Evolution of Terminology
  - Evolution of Approaches
Recent Sports Industry Examples

- State College Spikes
- Long Island Ducks
- Seattle Storm
- Houston Astros
- Washington Nationals
- Philadelphia Eagles
- Minnesota Twins
Green in the Sports Industry

- Faces Same Issues as General Industry
  - No True Consistency/Clarity
    - Terminology
    - Definitions
    - Approaches
Representational Challenges
Challenge #1: Research

- Issues:
  - How?
  - Where?
  - Scope?
Challenge #2: Client Interaction & Education

- Issues:
  - Speaking the Same Language
  - Identifying & Satisfying Client Goals
    - What Do They Want to Do?
    - Why Do They Want to Do It?
Sports Industry Segment Review
Key Segments

- Facility
  - Operations
  - Financing
  - Design & Construction
  - Leases
- Sponsorships & Promotions
- Ownership & Team Operations
- Certification
Facility Operations
Current Developments

- Operations
  - Recycling
  - Waste Removal
  - Food Issues
- Equipment
- Energy
  - Conservation
  - Generation
Current Issues

- Operational Mandates
  - Recycling
- Equipment Mandates
- Energy Mandates
- Food Issues
- Zoning Issues
Going Forward...

- Imposition of Additional Mandates
- Energy Generation Issues
- Zoning Issues
- Food-Related Issues
Facility Financing
Current Issues & Developments

- Availability of Grants/Financing Mechanisms Related to Green
- Mandates/Requests Related to Green Development
  - Target Field Legislation
Going Forward...

- Target Field-Style Legislation
- Grants/Financing Incentives
- Cost/Capital Issues
  - Capital v. Operating Costs Issue
Facility Design & Construction
Current Developments

- Move to Green Architecture
  - Industry
    - Boutique Firms
    - Special Divisions
  - Design
    - Landscaping
    - Architecture
    - Equipment
- Move to Green Construction
  - Supplies
- Certification Issues
Current Issues

- Facility Certification Mandates/Requests
  - Systems
  - Key Issues
    - Required?
    - System?
- Construction Mandates/Requests
  - Supply Issues
Going Forward...

- Certification Issues
  - Mandates
- Changing Technology & Approaches
- Development Issues
  - Site/Location Issues
  - Fan Transportation
  - Size
Facility Leases
Current Issues & Developments

- Nothing Major to Date
Going Forward...

- Green Operating Requirements
  - Facility
    - Concessions
    - Promotions
  - Team
- Mandated Green Improvements
  - General Mandates
    - Facility
      - NFL-Style Clauses
  - Key Items to Watch
    - Definitions
    - Triggers
Going Forward II...

- Addressing Revenue Issues
  - Energy Generation
  - Recycling
  - Parking/Public Transportation
Sponsorships & Promotions
Marketing & Promotion Developments

- **Giveaways**
  - Grocery/Tote Bags
  - Tree Saplings
  - CFLs
  - Team Apparel Made From Recycled Material

- **Promotions**
  - Green-Themed Game Activities
  - Green/Sustainable-Themed Nights/Weekends
  - Green Fireworks
  - Green Uniforms/Apparel
  - Organic/Locally-Grown Food Items
  - Day Games
Marketing & Promotion Developments

- Advocacy Events
  - School/Day Camp Days
  - Free/Reduced Cost Parking for Hybrids/Electric Cars
  - Educational Programs/Announcements
  - Giving Out Energy Conservation Kits
  - Community Service Days
  - Volunteer Recycling Teams
  - Kids Green Teams
Marketing & Promotion Developments

- Green Sponsor Rosters
  - Seattle Storm
  - Long Island Ducks
  - Philips Arena
- Green Sponsors
  - Minnesota Twins
  - St. Louis Cardinals
  - Bowling Green Hot Rods
Current Issues

- Standard Promotion/Sponsor Concerns
- Waivers
  - Community Service Activities
  - Volunteer Recycling Teams
Going Forward...

- Future of Promotions
- Potential for More Green Sponsorships/Partnerships
- Potential for Nuisance Lawsuits?
Team Ownership & Operations
Current Issues & Developments

- Ownership/Governance
  - Status of General Corporate Law
  - Benefit Corporation Concept
- Operations
  - Hiring Sustainability Personnel
  - Sustainable Merchandise
Going Forward...

- Corporations/Governance
  - General Corporate Law Issues
  - Mission Statements
  - Changing Tax Law
  - Benefit Corporation Concepts
- Team Operations
  - Travel Issues
  - Sustainability Personnel
Certification
Current Issues & Developments

- Facilities
  - Third-Party Programs
    - LEED
    - Green Globes
  - Governmental Programs
- Governance
  - Third-Party Programs
    - B Corps.
  - Governmental Programs
Going Forward...

- Governmental Regulation Potential
- Development of Overall Certification/Rating Systems
- Development of Sport-Specific Certification/Rating Systems
Conclusion
Overall

- More Focus on Broader “Sustainability” Issues
  - Team Governance & Operation Issues
  - Less Facility-Focused
- Potential for More Legislation/Reporting
- Certification/Rating System Changes Going Forward
  - New Sports System?
    - Facility
    - Overall
Overall

• Implementation of Green/Sustainability Will Continue to Pose Challenges for Sports Attorneys/Team Execs
  • Definitional
  • Research
  • Evolution of Entire Concept
    • Evolution v. Revolution?