



Developing Green Regulation and the Potential Impact on the Sports Industry

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Introduction



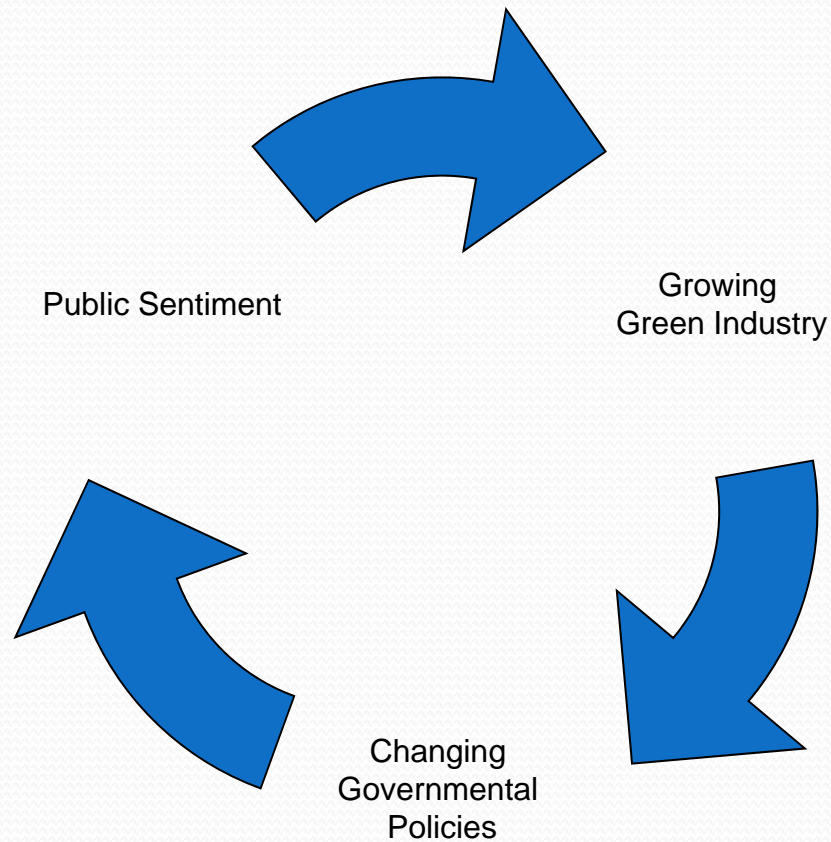
Overview/Goals

- 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





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?