



Executive Order 13287, “Preserve America” Section 3 Report

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**U.S. Department of Health and Human Services
Executive Order 13287, Section 3 Report on Historic Properties**

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EXECUTIVE SUMMARY

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The United States Department of Health and Human Services (HHS) manages or leases properties that are widely dispersed geographically throughout the United States. These facilities range from a single structure, to research campus settings, archeological sites, historic properties of traditional, cultural, and religious significance to Indian tribes and Native Hawaiians, and a working mine. For the purpose of this report, four of the HHS operating divisions (OPDIVs) were required to submit data since they have facilities management responsibilities that could involve historic resources.

HHS also leases significant amounts of space in partnership with the General Services Administration (GSA). The GSA leased space is addressed under GSA's annual Section 3 Report submission.

In July 2002, the position of Deputy Assistant Secretary for Facilities Management and Policy was established to develop and provide coordinated facility management direction and policy guidance. Historic preservation efforts are an important part of the charter of the Office for Facilities Management and Policy (OFMP). Several of the OPDIVs have well-developed historic preservation programs and experienced staffs that have strong relationships with local historic preservation authorities/interest groups and State Historic Preservation Officers. Based on OPDIVs responses to previous Executive Order 13287 input, our agency-wide program was enhanced and expanded to meet all aspects of the National Historic Preservation Act and the EO.

While the attached initial consolidated triennial report, in compliance with Executive Order 13287 *Preserve America*, offers a synopsis of the Department's historic assets, efforts, and progress, the detailed reports from each of the four reporting components are attached for review.

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“Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary”

Executive Order 13287

INTRODUCTION

This is the third triennial report submission by the U.S. Department of Health and Human Services (HHS) to comply with Executive Order 13287, *Preserve America*. EO 13287 includes a number of actions to encourage better accountability for the use of federally owned historic properties, as defined in the National Historic Preservation Act of 1966, as amended (NHPA).

Over this reporting period, HHS worked diligently to collect, analyze, and update the Department’s information concerning our historic preservation efforts and assets to include in this submission.

BACKGROUND

For the purpose of this report, four of the HHS operating divisions (OPDIVs) were required to submit documentation due to having facilities management responsibilities that could involve historic resources. These OPDIVs manage or lease varying properties that range from research campus settings to numerous facilities disbursed throughout the United States. The relative (to this report) property managing groups within HHS are:

- The National Institutes of Health (NIH), which operates and maintains NIH’s Bethesda, MD, campus and a number of additional sites in several states.
- The Indian Health Service (IHS) operates medical clinics and hospitals around the United States including Alaska and Hawaii.
- The Food and Drug Administration (FDA), headquartered in Rockville, MD, with laboratories and field offices throughout the United States and Puerto Rico.
- The Centers for Disease Control and Prevention (CDC) in charge of facilities mainly concentrated in Atlanta, GA.

The position of the Deputy Assistant Secretary for Facilities Management and Policy, located at the headquarters of the U.S. Department of Health and Human Services, was established in July 2002. A major responsibility of the office is to develop and provide coordinated facility management direction and policy guidance for use throughout HHS. The Historic Preservation Program is part of this effort and HHS has focused resources and attention toward improving both the Department level and OPDIV level management of historic resources to ensure compliance with executive orders and regulations.

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REPORT ORGANIZATION

Four of the eleven HHS OPDIVs provided Section 3 Reports detailing their programs to HHS Headquarters. The OPDIV known as the Office of the Secretary manages one GSA-owned building that is not on or currently eligible for the National Register of Historic Places. However, management is very aware of their historic preservation responsibilities concerning the property and its possible inclusion at a later date. The Program Support Center (PSC) also manages real property; however, these are leased properties through GSA.

This report is a consolidated summary of responses to twelve major questions. The detailed responses from the four OPDIVs are attached as appendices to this report.

HHS Responses to the 12 Major Questions in the Section 3 Report

1. What types of historic properties does your agency own or manage and how is this information collected and maintained?

HHS historic properties range from a single structure, to research campus settings, archeological sites, historic properties of traditional, cultural, and religious significance to Indian tribes and Native Hawaiians, and a working mine.

The OPDIVs collect information concerning historic properties in accordance with processes outlined by the Department of the Interior for historic property evaluation and identification and as specified in Section 110 of the NHPA. Each OPDIV, in coordination with and concurrence of the appropriate State Historic Preservation Officer (SHPO) and/or the Tribal Historic Preservation Officer (THPO), determines if a property is eligible for listing in the National Register of Historic Places (NRHP) using the National Registration Criteria in accordance with the Secretary of the Interior's Standards for Evaluation.

By way of example, the following summary characterizes the range and diversity of historic/potential historic properties owned or managed by HHS. A more detailed discussion is contained in each OPDIV appendix attached hereto.

➤ CDC manages an inventory of historic properties as follows:

- Two properties are listed on the National Register.
 - Experimental Mine, U. S. Bureau of Mines, Allegheny, PA, 1974-10-18. A Cultural Resources Assessment was conducted on the CDC/NIOSH campus in 2006. The PHPO agreed with a recommendation to expand the Experimental Mine National Register Boundary to include the adjacent Safety Research Coal. The Experimental Mine Boundary revision to the listing was submitted to the SHPO for consideration and execution; a revision to the listing is anticipated in the fall of 2011.
 - Atlas E Missile Site 9, Reardan, WA. The Cultural Resources Assessment of the CDC/NIOSH Reardan campus, finalized in November 2007, identified an Atlas E missile launch site as eligible to the NRHP under Criterion G for its role in the Cold War; the State of Washington Department of Archaeology and Historic Preservation concurred with the findings and assessment. The Atlas E Missile Site 9, Reardan, WA was listed in the National Register of Historic Places in September 2009.

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- Three properties are considered eligible for listing in the National Register of Historic Places (NRHP) as a result of research and consensus with various SHPOs. These properties include:
 - The Robert A. Taft Laboratory, Cincinnati, Ohio, originally known as the Sanitary Engineering Center, is recommended eligible to the NRHP under Criterion A at the national level of significance in the areas of engineering and science for its role as a flagship U. S. Public Health Service (HPS) environmental research laboratory, and under Criterion G for exceptional significance as a research facility that was instrumental in creating modern environmental regulations in the United States. Formal nomination was not pursued as the building remains under consideration for sale. The OHPO recommended that GSA place historic preservation covenants on the deed to the property at the time of sale.
 - Mine Roof Simulator Test Facility - Pittsburgh Research Campus, an innovative and one-of-a-kind equipment developed to test mine roof strengths and further mine safety. Due to its uniqueness and the research that has been accomplished to date, it was recommended as eligible to the NRHP as an object under Criterion G for exceptional significance and the PHPO has concurred. The nomination has been submitted to the SHPO for consideration and execution; listing is anticipated in the fall of 2011.
 - Atlanta Roybal Campus Buildings, 1-East, 1-Main, 1-South, 3, 6, and 10 – The Cultural Resources Assessment of the CDC’s Atlanta campuses, finalized in August 2009, identified the six referenced buildings as recommended NRHP eligible under Criteria A and C for their association with the establishment of the CDC and its formative years; GA SHPO concurred with the findings and assessment. A Memorandum of Agreement was developed and executed, in October 2008, to establish appropriate mitigation for the loss of the buildings which will be removed to accommodate new construction. The Advisory Council for Historic Preservation was invited to participate in the consultation process but declined. Buildings 3, 6, and 1-South were removed in December 2010; Buildings 1-East and 1-Main are scheduled to be removed in early 2012.
- FDA manages one historic property and one potentially eligible property as described below:
 - The FDA’s Gulf Coast Seafood Laboratory Site (4.2 acres) is within a larger 18-acre site that is a National Register listed property because of its potential to yield significant information about prehistoric subsistence and settlement patterns. The existing nomination also specifically lists the early colonial period with the period of significance for the site (1500 to 1749), addressing potential Native American occupation during the early French colonial period. Other potential resources documented at present but not addressed by the existing National Register nomination include structural features from the nineteenth century. Additional resources potentially present but not previously documented in the study area include both Native American and historic period burials.

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- Another property in the FDA owned inventory, the San Juan District Office, is considered potentially eligible for listing in the NRHP. A 2003 Section 106 review regarding the property, the Puerto Rico SHPO determined it to be “eligible for inclusion in the NRHP.”
- NIH has the following types of historic properties: historic districts and buildings located in Bethesda, Maryland, and Hamilton, Montana; and archaeologically sensitive areas in Bethesda and Poolesville, Maryland. 22 properties are considered eligible for listing in the NRHP as a result of research and consensus with the SHPOs.
- IHS manages an inventory of historic properties located in a historic district or included with a national landmark as follows:
 - Mt. Edgecombe IHS Hospital, Sitka, AK (12 buildings).
 - PHS Institutional Support Facility, Fort Washakie, WY (one building).
 - PHS Institutional Support Facility, Poplar, MT (three buildings).
 - PHS Indian Hospital, Winterhaven, CA (one building).

Sources of information concerning historic/potentially historic properties are reports completed because of previous activities at the site or studies intended to establish the properties potential eligibility for the National Register. Information that is or will be available as more data is collected includes:

- | | |
|--|------------------------------|
| ▪ Asset Age | ▪ Cultural Significance |
| ▪ Determination of Potential Eligibility | ▪ Architectural Significance |
| ▪ Significant Historic Event Occurrence | ▪ Archeological Significance |
| ▪ Whether in a Historic District | ▪ Submission of Information |
| | ▪ Historic Status |

Copies of the studies are filed and maintained in both electronic and hard copy format. Historic/potentially historic properties are tracked individually rather than as a percentage of total real property holdings.

GSA is responsible for determining the eligibility of HHS occupied properties leased through GSA.

2. How would you characterize the distribution and general condition of these properties?

HHS manages or leases properties that are widely dispersed geographically throughout the United States and Puerto Rico. Many properties are highly specialized and are fully functional in

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support of the OPDIVs mission. In general, the properties with high usage are in the best condition due to both criticality of need and visibility.

For example, the historic property managed by CDC is a highly specialized underground experimental/test mine that is still in active use. The historic property has been conserved as an educational feature at the CDC's Pittsburgh Research Center (PRC). Concerning usage, PRC has developed a unique outreach effort to make CDC's only known National Register asset available to the public as part of a mine safety and educational program. For one week per month each school year, tours of the Experimental Mine (1910) are conducted for schoolchildren and college students.

The distribution of historic or potentially eligible historic properties owned or managed by FDA is limited to two locations. The condition of the San Juan District Office is such that the interiors have been modified from the buildings' original purpose, but the exteriors of the buildings remain largely intact. The Dauphin Island, Alabama, property represents an unexcavated archaeological resource.

On a scale of 1 to 10, with 10 being excellent, the condition of historic/potentially historic properties are rated 7.5.

3. What reporting mechanisms and systems are used by your agency for carrying out its resource management responsibilities?

Asset condition and performance are evaluated periodically through the Facility Condition Assessment (FCA) protocol developed by HHS and its OPDIVs in conformance with Federal Real Property Council (FRPC) guidance. The asset condition and performance data developed during the FCA will be stored, evaluated, and reported on, as specified in the departmental guidance regarding Real Property Asset Management Plans (RAMP). In addition to the RAMP, HHS will report on historic preservation resource management responsibilities through the EO 13287 Sec. 3 Report.

When we identify potentially eligible historic properties in our inventory, we will consult with the SHPO/THPO with regard to these properties. As part of our RAMP responsibilities, the status of these resources will be examined periodically and reported in our triennial report.

4. Does your agency coordinate its data gathering for historic properties under its ownership or control with required Federal audit, accounting, and financial management reporting?

Each OPDIV prepares their financial statement as part of the HHS rollup under the CFO Act, "Government Auditing Standards," OMB Bulletins, and "Audit Requirements for Federal Financial Statements," for the applicable fiscal year.

As part of the HHS financial statement required under the CFO Act, a listing is maintained of all HHS Real Property Capital Assets that provides the cost of the asset and its depreciated value.

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As the capital assets are improved, the listing is modified to reflect the value of the improvement and the depreciated value of the improvement.

5. How is your agency fulfilling its historic preservation program responsibilities under Section 106 of NHPA?

- Each OPDIV has an established historic preservation program that follows the Secretary of Interior's Standards and Guidelines for Federal Agency Historic Preservation programs and HHS Historic and Archeological Preservation Policy as described in:
HHS Facilities Program Manual Volume 1 Section 3-3, and Volume 2 Section 3-4.
http://www.hhs.gov/asa/ofmp/about/section_3-3_historic_and_archeological_vol_1.pdf
http://www.hhs.gov/asa/ofmp/about/section_3-4_vol_2.pdf
- OPDIVs designate qualified Federal Preservation Coordinators who are charged with oversight and compliance to the statutory requirements of Section 106 in consultation with the HHS Federal Preservation Officer.
- All OPDIV project planning and programming includes full analysis and consideration of adverse affects to cultural/historic resources as a critical element to the process including cultural resource assessments, surveys and consultation with the THPOs/SHPOs and memorandums of agreement when proposed action is an undertaking as defined in section §800.16(y).

6. How is your agency fulfilling its historic preservation program responsibilities under Section 110 of NHPA?

A rigorous project planning and programming process that includes full consideration of effects on cultural/historic resources as part of the NEPA process is in place agency wide. Section 110 requirements are typically addressed in conjunction with a NEPA action; thus, historic property information is disseminated to a wide audience of interested parties for comment and potential impacts on resources. This is highly effective for taking into account how our mission, budget, staffing, property management policies, education, and outreach affect historic properties. As properties near 50 years of age an evaluation of the property by a historic preservation specialist will be conducted. The OPDIV Federal Preservation Coordinator, in coordination with the THPO/SHPO, will determine if a property should be nominated for listing in the National Register for Historic Places based on National Registration Criteria in accordance with 36 CFR §800, as well as with Section 110 of the NHPA.

HHS uses GSA to execute most leased space projects, and relies significantly on GSA for Section 110 implementation regulations and procedures.

The HHS Historic Preservation Program is very effective, and balances the varied missions of our OPDIVs with national and local historic preservation interests. The HHS Federal Historic Preservation Officer conducts extensive reviews with the State Historic Preservation Officers,

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Tribal Historic Preservation Officers, and the Advisory Council, to ensure that HHS historic facilities are not adversely affected by programmed construction or development.

7. How is your agency complying with Section 111 of NHPA when historic properties are transferred, leased, or sold?

OPDIVS do not have unilateral authority to transfer, out-lease, or sell their historic properties. If an opportunity arises where use of this authority would be considered advantageous, the OPDIVs will contact HHS OFMP for review, legal counsel, direction, and approval.

If the alternative to transfer, lease, or sell a property utilizing the authorities provided under Section 111 is considered as feasible for a historic property, then the option would be thoroughly coordinated with the HHS Federal Preservation Officer and Deputy Assistant Secretary, OFMP.

8. If your agency does not currently have a historic preservation program or procedures for complying with Sections 110 and 111, what future actions will be taken to meet these statutory requirements?

HHS does have a historic preservation program and procedures for complying with Sections 110 and 111. However, continuous efforts are necessary and underway to improve the agency's program. Historic preservation programs at the OPDIV level continue to be reviewed over the course of each past year. Progress continues to be made in the status of property evaluations, program awareness, visibility, and information management.

Progress continues in the following areas to improve the existing program to ensure a more efficient, effective and integrated preservation program:

- Completing baseline inventories of potentially historic buildings that are under direct lease or where GSA has delegated operating authority.
- Prioritizing properties for nomination to the NRHP. Initiating consultations with the THPO/SHPO for buildings and sites either on or potentially eligible for the Register.
- Integrating preservation into all real property planning and real property systems for asset tracking.
- Establishing a reliable system for tracking the historic status of all real property.
- Establishing MOAs/Programmatic Agreements as applicable.
- Improving written policies and guidelines outlining procedures and responsibilities.
- Improving staff awareness training in Section 110 requirements.
- Incorporating improvements in the procedures for oversight and management of federal grants programs with respect to protection of historic/archeological resources.

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9. What issues regarding your agency’s mission, internal policies, location of its inventory of historic properties, or use of such properties could potentially hinder the agency’s ability to contribute to community economic development initiatives.

HHS OPDIVs occupy a significant amount of biological and enviro/chemical laboratory space, constructed specifically for research programs. This type of space is not typically well suited for historic property reuse. In addition, labs are subject to stringent security requirements that are best met in controlled secure campuses. The use or reuse by the public is in conflict with the purpose of the space in order to contain potentially hazardous materials in a safe and healthful manner.

IHS’s mission is to provide healthcare to American Indians/Alaskan Natives in remote areas of the country where no other facilities exist. Some of these areas are only accessible by airplane or helicopter, thus they are not viable for economic development. Additionally, many IHS facilities are eventually transferred to the respective Tribe or the Bureau of Indian Affairs (BIA).

10. Does your agency have programs and policies that help it to identify historic preservation opportunities and promote preservation through partnerships?

The majority of HHS owned properties do not have significant opportunities for the use of assets in economic development and heritage tourism. However, agency-wide stakeholders are involved through compliance with NEPA and the consultation process prescribed under 36 CFR §800 and Section 106 of the NHPA.

A noteworthy exception – CDC’s PRC has developed a unique outreach effort to make CDC’s only National Register asset available to the public as part of a mine safety and educational program involving tours of the Experimental Mine (1910) for schoolchildren and college students.

Because of security requirements required for safeguarding operations and research, HHS and its OPDIVs do not actively pursue partnerships in this area since almost all their facilities are in full use in support of the agency’s missions.

11. How would your agency characterize its overall progress in meeting its property management and stewardship responsibilities since filing its last Executive Order 13287, Section 3, Report?

Since filing its last Section 3 Report, HHS has continued to improve their management of historic properties. Significant changes, accomplishments, and program progress include:

- The continued review and evaluation of owned and managed properties, assessing the real property inventory for historic and archeological significance.

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- Maintaining an up to date Facility Condition Survey and Assessment that tracks real property through a Facility Condition Index which identifies outstanding needs for operations and maintenance for repair and improvement.
- Establishing a real property database that tracks the historic status of owned buildings.
- Ensuring that appropriate historic preservation-related O&M and preservation/conservation plans for historic properties are developed and integrated into the Asset Business Plan (ABP).
- Strengthening the procedures for managing grant funded projects to ensure compliance with historic preservation requirements for federally assisted undertakings.
- Continuing education of Federal Preservation Coordinators through the Advisory Council on Historic Preservation's training courses, agency sponsored training, and on-the-job training.
- Incorporating *Historic Preservation* as a performance element in performance plans to increase awareness and accountability.
- Prioritizing the list of eligible properties for nomination to the National Register of Historic Places (NRHP).

12. Describe your agency's sustainability goals in accordance with EO 13514 and how these goals are being met, taking stewardship of historic properties into account.

HHS policy (HHS Facilities Program Manual, Volume 1, Section 3-3) mandates the requirements set forth in the National Historic Preservation Act (NHPA) and Executive Order 13287, Preserve America. HHS applies these regulations to all federal undertakings including construction, renovation, repair, grant and leasing programs. In addition, the HHS policy provides guidance on real property disposal (HHS Facilities Program Manual, Volume 2, Section 5-1), http://www.hhs.gov/asa/ofmp/about/section_5-4_vol_2.pdf which includes adaptive reuse and the evaluation of disposal properties for HHS reuse.

The HHS Sustainable Buildings Plan

<http://www.hhs.gov/asa/ofmp/about/Sustainable%20Buildings%20Plan%202011a.pdf> requires OPDIVs to ensure that rehabilitation of federally owned historic buildings utilizes best practices and technologies to promote long-term viability. Rehabilitation work shall be in accordance with HHS Program Manual Volume I, Section 3-3. EO 13287 Preserve America and Section 110 of the National Historic Preservation Act (NHPA) also direct agencies to give some preference for locating in historic buildings and districts. This language is compatible with those directives and would be closely integrated with those policies in the Federal Management Regulations (FMR).

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In addition, HHS policy provides guidance on real property disposal (HHS Facilities Program Manual, Volume 2 Sections 5-1 & 5-4), http://www.hhs.gov/asa/ofmp/about/section_5-1_vol_2.pdf & http://www.hhs.gov/asa/ofmp/about/section_5-4_vol_2.pdf, which includes adaptive reuse and the evaluation of disposal properties for HHS reuse. HHS integrates the *Guiding Principles* into historic properties where possible, provided the modifications meet the Secretary of Interior's Standards for the Treatment of Historic Properties (and Rehabilitation), 36 CFR 68 and 36 CFR 67 respectively.

One commonly utilized process for integrating sustainability into historic buildings is by retrofitting facilities with more efficient equipment in a manner that does not alter the historic nature of the facility.

Some recent examples would be:

- Lighting retrofit of Hubert H. Humphrey Building.
- Renovation of Building 3 at the NIH Bethesda Campus.
- Replacing worn electrical switchgear, installing an air conditioning unit for critical IT equipment, and installing water and electric meters in the main laboratory building at Dauphin island
- Roof and door replacement at San Juan.
- Roof replacement, continued repair of the site electrical infrastructure, replacing a second boiler with one that is more reliable and energy efficient, replacing building HVAC systems, installing an emergency generator, renovating animal research space, repairing fire alarm systems, and installing steam condensate and natural gas meters at Jefferson, AR.
- Water use efficiency and management projects at San Juan, Dauphin Island and Jefferson, AR which replaced aged, inefficient plumbing equipment and fixtures.