Summary of Comments Received during the 60-day Public Comment Period on Green Building Certification Systems Review

Section 436 of the **Energy Independence and Security Act of 2007** (**EISA**) requires the Director of the General Services Administration's (GSA's) Office of Federal High-Performance Green Buildings to evaluate green building certification systems every 5 years to identify a system and certification level most likely to encourage a comprehensive, environmentally sound approach to the green certification of federal buildings. GSA recommends to the Secretary of Energy the green building certification system(s) most appropriate for federal government use. Section 433 of EISA requires the Secretary of Energy to consult with the Secretary of Defense and the Administrator of GSA and to formally identify certification systems appropriate for use in the federal sector.

Recognizing the profound interest both in and out of the federal sector in the review process for green building certification systems, GSA asked the Department of Energy and the Department of Defense to co-chair an ad-hoc interagency discussion group to address issues about building performance requirements; the applicability of the American Society of Heating, Refrigerating, and Air Conditioning (ASHRAE) Standard 189.1; and the use of green building certification systems. The Interagency Ad-hoc Discussion Group met several times and in addition held two open public listening sessions in June and July of 2012 that sought public input on how GSA could carry out its responsibilities under EISA. GSA published a request for information in the *Federal Register* on February 5, 2013 seeking public comments on "how the federal government can best use certification systems to measure the design and performance of the federal government's new construction and major modernization projects." The *Federal Register* notice included four key findings from the Interagency Ad-hoc Discussion Group, and the public was invited to comment on those four key findings during a 60-day period. GSA's formal recommendation to the Secretary derives from the input received during the 60-day comment period along with the Interagency Ad-hoc Discussion Group's findings and the public comments solicited during the two aforementioned sessions in the summer of 2012. All of the input received during the 60-day public comment period can be found at the Regulations.gov website. To view the comments, please visit the docket.

GSA analyzed all of the comments and keyed them based on their relevance to the Interagency Ad-hoc Discussion Group's key findings and on the comments' relevance to green building certification systems in general. GSA further keyed comments not specifically related to the four findings if those comments were aligned with common stakeholder themes or concerns. (For a summary of these themes, see the section "Beyond the Four Findings" later in this Executive Summary).

Results Overview

GSA received responses from 168 people or organizations—a total of 411 comments and suggestions. GSA received comments from various industry stakeholder groups such as the construction industry (including supporting industries), architectural and engineering firms, and union and trade associations. GSA also received comments from other types of commercial businesses, several nonprofit and environmental groups, academic institutions, owners of green building certification systems, and people of non-identified affiliation. In addition, GSA received comments from federal, state, and local government entities.

Figure 1 breaks down the number of received comments according to the various groups that submitted comments, and Figure 2 shows how many of these comments were specifically

related to each of the Interagency Ad-hoc Discussion Group's four key findings (with a fifth category, "Other," for comments unrelated to specific findings).

Figure 1. General Types of Organizations That Submitted Comments

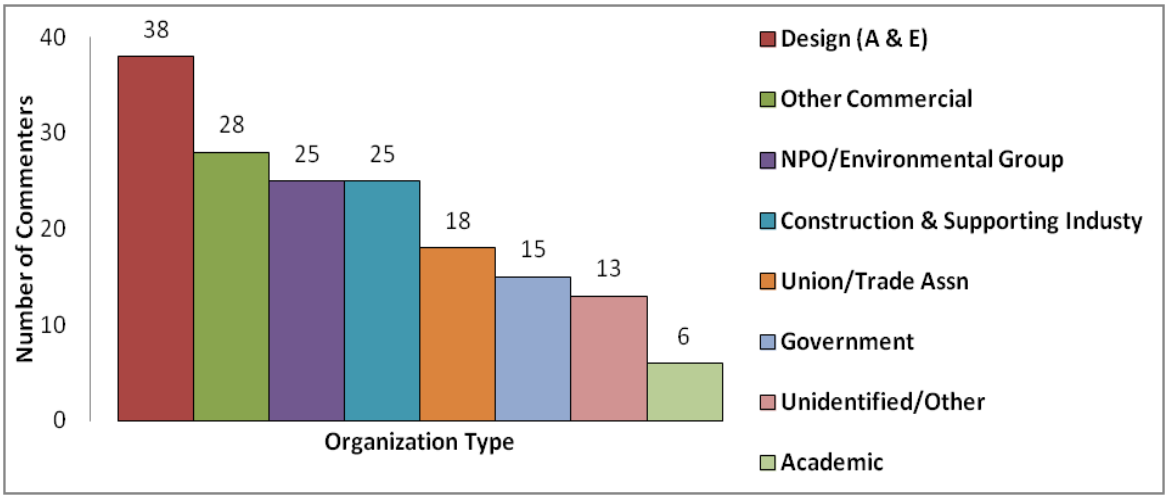
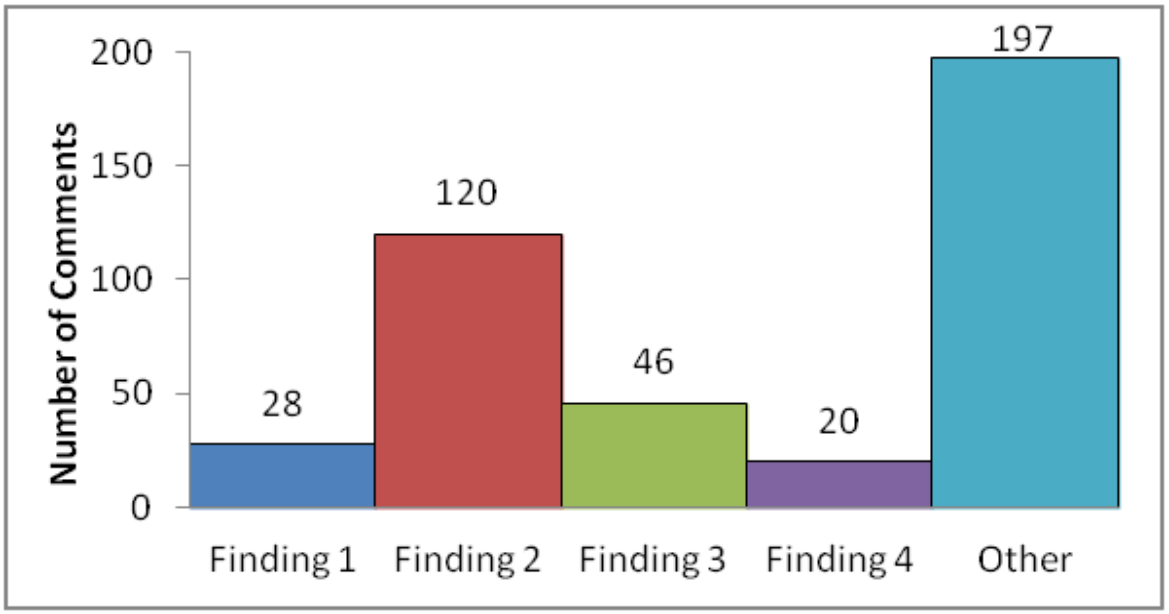


Figure 2. Comments Related to the Interagency Ad-hoc Discussion Group's Four Findings



Finding 1:

Use of green building certification systems, when properly aligned with government requirements, saves government resources and the costs to develop its own set of standards and furthers the policy of reliance on private sector to supply goods and services.

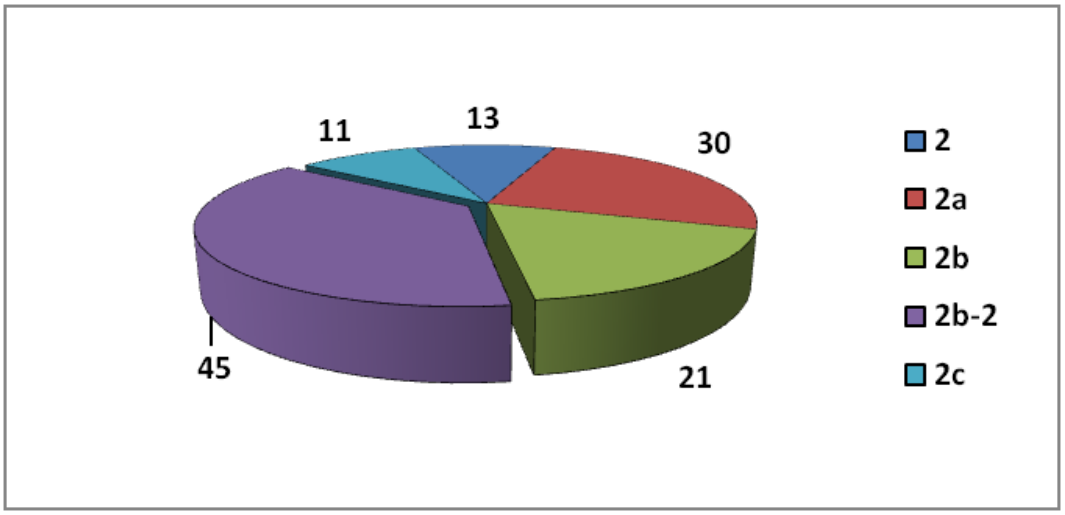
Respondents generally agreed with the statement, “Independent rating systems have a competitive advantage over any system the government could develop.” However, some comments raised concerns about selecting any one certification system if it did not completely align with the government’s requirements. Several comments also suggested alternative certification systems and methods. (See Finding 2-b-2 for some of the alternative standards mentioned.)

A few comments disagreed with Finding 1, suggesting that the government instead create its own system for ensuring full alignment with all federal building requirements.

Finding 2:

If pursuing a certification, an Agency should select the green building certification system that best suits its mission and portfolio needs. (See Figure 3 for a breakdown of comments keyed under the subcategories of Finding 2.)

Figure 3. Number of Comments Relevant to Subcategories under Finding 2



2: Agencies should select the certification system that best suits its needs. 2a: Develop guidance that identifies specific credits/points that all agencies should focus on when seeking certification. 2b: Agencies should be encouraged to use only one system at the agency or service level. 2b-2: Input on other tools that should be used in lieu of or in addition to green building certification systems. 2c: Systems are flexible enough to develop applications to all building types.

While most responses to the first statement of Finding 2 agreed that it was logical for GSA to recommend a third-party certification system, there were mixed opinions about identifying any one system. Many comments suggested allowing individual agencies to choose the system that best fits a particular building type. There were additional suggestions such as selecting a system based on its alignment with federal requirements and identifying ways to address gaps, or the government creating its own certification system to ensure full compliance with all federal green building requirements.

Finding 2a:

At the national level, guidance should be developed that identifies specific credits/points that all agencies should focus on when seeking certification. These points/credits should be aligned with Federal requirements and considered as "prerequisites" for Federal building certification.

The majority of respondents disagreed with establishing specific credits or points as prerequisites when using a particular system, and instead favored giving agencies flexibility in choosing the credits they want to pursue. Most respondents encouraged the development of innovative approaches using performance objectives instead of matching or exceeding defined prerequisite levels. Those respondents supporting the use of prerequisites suggested creating objective prerequisites based on building performance and not on specific credits in an existing certification system. There were a few suggestions on what kinds of measures performance objectives could include: energy and water reduction, product life-cycle assessments (LCAs), renewable energy, and low volatile organic compound–emitting materials to improve indoor environmental quality.

Finding 2b:

For internal consistency and efficient use of resources, agencies should be encouraged to use only one system at the agency or service level. Effective use of these systems requires a high degree of familiarity with each system as well as the system's application to different buildings and types. Decisions to use multiple systems within one agency should be based on a finding that the organizational structure supports effective use of training resources, and meets portfolio needs considering broad classes of building and use types.

The majority of respondents disagreed with the one-system approach at the agency level, instead favoring an emphasis on greater flexibility to meet agency needs. One particular comment summed up the public input to this finding: "It is unnecessarily restrictive and costly to require an individual federal agency to adopt and use only one rating system given the number of different types of buildings in any agency's portfolio. The federal government, like other users of green building certification systems, benefits most when robust competition among rating and certification systems leads to improved building performance." Several respondents added that the resulting competition would drive the evolution of systems to meet market needs and would likely result in cost reductions over time.

Respondents supporting the one-system approach agreed with its rationale in Finding 2b: that using multiple systems at the agency level would require additional resources to implement effectively.

Finding 2b-2:

GSA is requesting input on other tools that should be used in lieu of or in addition to green building certification systems.

> Respondents suggested most frequently the following additional consensus-based standards: ASHRAE Standard 189.1-2011; the International Code Council's 2012 International Green Construction Code (IgCC); the National Association of Home Builder's National Green Building Standard (ICC-700 2012); the Green Building Initiative's Guiding Principles Compliance Assessment Program; and several international green building certification systems.
>
> There were a few respondents asking that GSA consider additional standards for individual building system components and operations, such as green cleaning, plumbing, roofing, and landscaping standards.

Finding 2c:

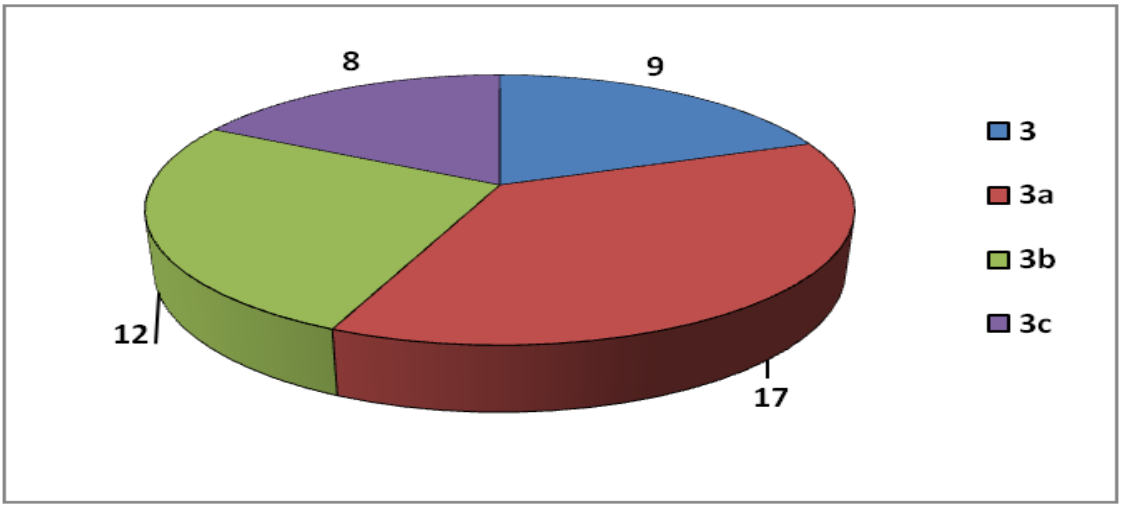
Federal experience with green building certification systems has demonstrated that the systems are flexible enough to develop applications to all building types if Federal agencies have the right direction about how to use the systems, and that this direction should apply to all buildings, including special building types and building types/uses representing relatively small segments in the Federal portfolio.

> Responses generally agreed with this finding, but some comments questioned the applicability of current certification systems to historic buildings and onsite infrastructure such as roadways and bridges. Several respondents suggested establishing a subcommittee comprising agencies with atypical building portfolios, to determine appropriate applications of a certification system.

Finding 3

The federal Sector should formalize a process to maintain currency with the evolution of green building certification systems and underlying standards. (See Figure 4 for a breakdown of comments keyed under the subcategories of Finding 3.)

Figure 4. Number of Comments Relevant to Subcategories under Finding 3



3: Formalize a federal process for maintaining currency with evolving certification systems. 3a: Adopt the newest version of any standard or green building certification system within a year after it is finalized; 3b: Federal real property portfolio holders and resource agencies should convene to review updates to green building certification systems; 3c: GSA's Office of Federal High-Performance Green Buildings should track the evolution of green building certification systems and standards**.**

The majority of respondents agreed that the federal government should adopt a revised green building certification system after some level of review and discussion. One respondent wrote, "Market transformation in the construction industry means that new technologies are rapidly appearing to assist the federal government in its goals to achieve environmental stewardship in its building portfolio. Agencies should take advantage. Agencies should also convene to review and track any updated green building certification systems and changes to standards critical to building performance."

Finding 3a:

The Federal sector should maintain currency in the use of any green building rating system and automatically adopt the newest version of any standard or green building certification system within one year after it is finalized, unless there is an overt decision not to adopt the latest version.

The majority of respondents agreed that the federal government should stay up-to-date on the evolution of rating systems; however, some respondents expressed concern that adoption of a new version of a system within a year would not allow it to be thoroughly reviewed. Many respondents wanted GSA to perform as rigorous a level of evaluation as that with the current, statutorily required 5-year review, including opportunities for public comment. One responder wrote, "EISA's requirements with respect to system use outline a five year review cycle in Section 436(h). The systems identified by GSA must be based on that five year review. The five year review cycle contains the essential requirements that the identified systems must meet, including the public comment and consensus requirements… [N]othing in the statute precludes GSA from conducting more frequent review of certification systems… Reviews should specifically seek out and consider views of competing certification systems, as well as other private standard developers responsible for green building codes and standards." Other comments suggested that GSA would violate the Administrative Procedure Act (APA) of 1946 by not allowing the public to provide input to more frequent reviews of revised green building certification systems.

A couple of comments did support immediate adoption of updates to green building certification systems due to the rigorous internal revision and update processes that certification systems typically undergo.

Finding 3b:

Representatives from major Federal real property portfolio holders and resource agencies should convene to review any updated green building certification systems and changes to standards critical to building performance in a process similar to the current EISA 436(h) interagency review.

Most comments relevant to this finding expressed support for this approach. Several respondents suggested expanding the review process to include more federal agencies with unique building portfolios as well as including private-sector representatives. Some

respondents felt that the federal government should be proactive and take the lead in formulating new codes and standards to see that core principles are met.

Finding 3c:

GSA's Office of Federal High-Performance Green Buildings should track the evolution of green building certification systems and standards, and work with the Departments of Energy and Defense, and other agencies as appropriate, to review changes and propose any necessary Federal response.

Most respondents agreed with this approach. One comment noted that the Office of Federal High-Performance Green Buildings is "well equipped to play this role for the federal government. In addition, if GSA, DOE and DOD, the agencies with the most experience… are able to be the experts in this area, they enable the other agencies to achieve sustainable buildings without needing to become experts in the world of green building."

Finding 4:

Green building certification systems currently serve as a bridge both in supporting the transformation to high-performance within the Federal portfolio, and in harmonizing Federal green building activities with the private sector. The Federal government should strategically engage with green building certification system owners to develop better alignment with Federal agency needs while continuing the Federal government's role in market leadership. Strategically engaging to develop better alignment with Federal agency needs could include improving performance metrics and methodologies; addressing fundamental improvements in content such as life cycle impacts and human health and productivity needs; and increasing government efficiency by reducing duplication in documentation for conformity assurance.

All respondents agreed that the government should engage with owners of green building certification systems to better align existing systems with federal requirements. Most respondents recognized the government's influence in the market and thought that its focus on public-sector buildings would drive positive change in the private market. One respondent noted, "The federal government can play a strong role in the green building market transformation so that the U.S. can continue to be competitive globally."

There were a few suggestions on how the government could most effectively engage owners of green building certification systems. These comments stressed that the process should be consensus driven and should not outweigh the needs of private industry, and that the government should engage equally with all system owners and not solely with particular systems.

There were a couple of comments focused on a proposed enhancement that could "improve that system's applicability to historic buildings [demonstrating] the potential for positive change."

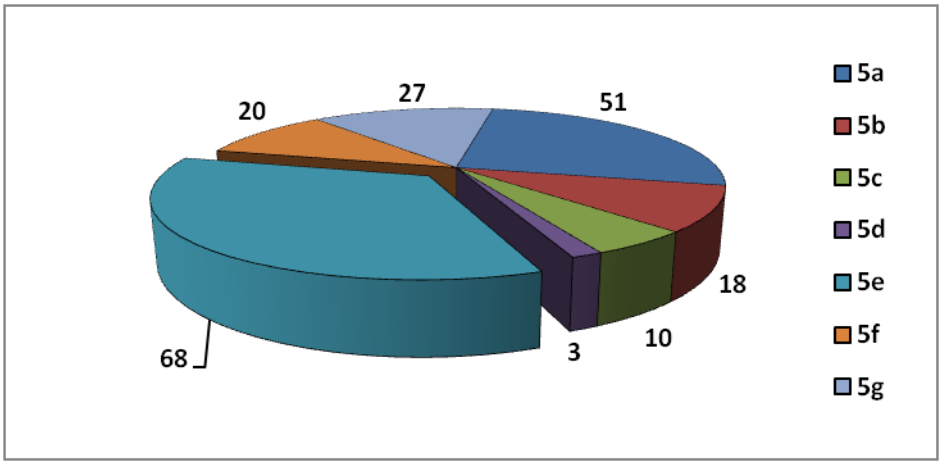
Beyond the Four Findings

GSA received additional comments that were not specifically directed at the four findings of the Interagency Ad-hoc Discussion Group, yet addressed common themes. These additional comments are grouped here into "Category 5" and organized by these subcategories and themes:

- 5a—Competing stakeholder interests in Green Globes vs. U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)
- 5b—View that the use of LEED discriminates against domestic wood products
- 5c—Product treatment within green building certification systems
- 5d—LEED and "chemicals of concern"
- 5e—Other comments related to green building certification systems
- 5f—Implementation and resource requirements
- 5g—Consensus-based development of green building certification systems.

Figure 5 breaks down the number of comments received that relate to each of these common themes.

Figure 5. Number of Comments Received That Align with Additional Common Themes



5a) Competing stakeholder interests in Green Globes vs. LEED

Both of these green building certification systems have loyal stakeholders who view their "system" as the best. The majority of comments supported use of the U.S. Green Building Council's LEED rating system.

5b) View that the use of LEED discriminates against domestic wood products

In the Materials and Resources category in LEED, there is an optional credit for sustainable sourcing for wood that is certified by the Forest Stewardship Council (FSC). However, LEED does not recognize two other wood and wood-product certification organizations used in the U.S. to certify forest products: the Sustainable Forestry Initiative (SFI) or the American Tree Farm System (ATSF). Respondents argued that using LEED limits commerce in building markets and deprives businesses of new customers because LEED only recognizes FSC-certified wood products for the purposes of earning a credit.

5c) Product treatment within green building certification systems

Industries and stakeholders have taken positions based on how green building certification systems treat their respective products. Some industries consider that certain green building certification systems discriminate against the use of certain building materials, components, and products. Other stakeholders are concerned that industry-developed rating systems are not based on sound environmental science. Most responses addressed specific products and materials such as roof systems, geothermal

heat pumps, and the use of natural gas, wood, and vinyl. Other comments suggested that LCAs should be used to evaluate the environmental impacts of materials and that certification systems should favor the use of green materials and products that promote the U.S. economy.

5d) LEED and "chemicals of concern"

An earlier proposed update to LEED v4 included a credit to encourage a shift toward the use of building products that do not include “chemicals of concern.” There were several comments in support of this proposed material ingredients credit in LEED, citing the credit’s purpose to improve the general understanding of building materials and associated health hazards. There were other responses, however, that expressed concern about the proposed credit, citing what they considered to be questionable science behind the reasoning for prohibiting the use of certain chemicals. Similarly, some comments raised the Living Building Challenge’s (LBC’s) use of a “Red List” to dissuade the use of certain products; these respondents maintained that these lists were subjectively created and were not based on scientific fact.

5e) Other comments related to green building certification systems

This subcategory captures a broad range of comments that were not specifically tied to a finding or one of the broader themes (5a–5d, 5f, 5g). These responses included suggestions for improving GSA’s review of certifications systems: include LCAs and return on investment analyses when evaluating systems, and evaluate systems based on how they deal with climate change mitigation and adaptation. In addition, some respondents requested that GSA hold another public comment period before submitting its final recommendations to the Department of Energy.

This subcategory also captures comments pertaining to specific building product and chemical endorsements.

5f) Green building certification system implementation and resource requirements

This subcategory captures comments about the process and resource requirements of pursuing a certification system. Many respondents favored one system over another based on such factors as the costs and administrative burden to achieve certifications; the challenges in—or ease of—compiling and submitting project documentation; the online and in-person support and resources available to assist in project certifications; and how certification systems evaluate projects to ensure that requirements are met.

5g) Consensus-based development of green building certification systems

This subcategory captures comments about the consensus-based development of green building certification systems. Respondents were strongly opposed to systems that do not use transparent, consensus-based, and accredited processes such as those developed by the American National Standards Institute (ANSI) or the International Organization for Standardization (ISO) to prepare certification systems. Specifically, many respondents questioned why LEED and the LBC are considered part of the review since neither organization is ANSI-certified. Other respondents averred that LEED and LBC, because they are not ANSI-certified, do not meet the federal consensus requirements listed in the Office of Management and Budget’s Circular No. A-119 and in the National Technology Transfer and Advancement Act.