**Statement of William N. Hall**

**for the Resilient Floor Covering Institute (RFCI)**

**at the**

**Green Building Advisory Committee**

**Meeting Regarding**

**Green Building Certification System**

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Good afternoon. My name is Bill Hall and I’m counsel for the Resilient Floor Covering Institute (RFCI). RFCI is the trade association representing manufacturers of vinyl, rubber, and linoleum flooring products and suppliers of raw materials for the North American market.

RFCI has long been a strong advocate of green product selection and sustainable building practices based on life-cycle assessment (LCA), sound science, and risk assessment. It is a member of the American High Performance Building Coalition which advocates the use of ANSI and ISO-based consensus green building rating systems that are data driven, supported by science, and performance based.

Today I focus on whether the green building rating systems being considered by GSA for recommendation to DOE are consensus-based and use a transparent approach in their development, as required by the Energy Independence and Security Act (EISA) and the National Technology Transfer and Advancement Act. These criteria are fundamental to ensure that all interested parties have a fair opportunity to participate and comment, that their concerns are fairly and legitimately considered in a balanced way, and that fundamental fairness and due process are the cornerstones of any recommended green building rating system.

As explained by OMB, the essential elements of a consensus and transparent standard are: (1) openness; (2) balance of interests; (3) due process; (4) an appeals process; and (5) consensus where there is general agreement among interested parties and a process to resolve objections after fair consideration, deposition, and explanation.

Of the three certification systems reviewed by GSA, Green Globes clearly meets these fundamental requirements because it was developed using the ANSI-accredited standard-setting process. On the other hand, the Living Building Challenge (LBC) admittedly does not employ “a consensus-based process” and does not address at all several of the “transparency and consensus related review criteria”. Thus, GSA should recommend Green Globes but not LBC.

Regarding LEED, we urge GSA to revisit whether LEED actually meets the federal and ANSI criteria for a consensus and transparent standard. Based on our extensive experience in dealing with the development of LEED rating systems, we strongly disagree with the conclusions of GSA’s contractor that LEED currently meets these requirements.

First, the LEED Committee structure lacks a “balance of interests” approach that fairly balances representation of consumers, users, producers, and general and governmental interests at each critical step in the process, particularly when considering material avoidance credits for PVC and phthalates. For example, the Technical Advisory Groups developing material avoidance credits do not have a balance of interest requirement so that building manufacturers are not represented or underrepresented at this crucial juncture. Likewise, the LEED Steering Committee, which must approve rating system changes, is limited to only architects, green building consultants, and USGBC staff members, but not building product manufacturer representatives. Merely requiring that a balance of interests occur at the full membership voting stage does not cure this lack of representation defect at the committee level because the membership vote is an “up or down” on the entire standard without an opportunity to vote on specific provisions.

Second, while USGBC has apparently received 23,000 comments on the LEED update, the question is not how many comments are received, but what does USGBC do with those comments? USGBC does not have a systematic process for reviewing and resolving thousands of detailed comments that adequately considers and responds to them. For example, there is no procedure to determine whether comments are “persuasive” or “non-persuasive” or to resolve the persuasive objections by making appropriate changes to the draft. From personal experience, LEED uses simplistic and rote responses to the most complex and sophisticated comments on PVC material avoidance issues that do not begin to adequately address the substance of the comments.

Third, without adequate explanation, USGBC has ignored the results of its comprehensive five year PVC study and continues to consider the “blunt instrument” of material avoidance credits which can steer building owners to using less studied and more problematic alternative products.

Fourth, USGBC has failed to consistently use its pilot credit program to test controversial credits such as material avoidance credits for PVC products before considering them for permanent adoption. The ramifications of material avoidance credits are severe and, at the very least, these credits need to be fully vetted through a pilot program before being considered “for prime time” and permanent adoption.

Overall, USGBC needs to materially improve its decision-making process to avoid “close-door” decisions based on narrow interests in order for LEED to qualify as a “consensus and transparent” voluntary standard.

Regarding the findings and recommendations of the Ad Hoc Discussion Group, we have two recommendations. First, GSA should issue guidance identifying which credits in a qualifying system are incompatible with federal requirements and thus should not be used by federal agencies. A credit for not using vinyl building products, including vinyl flooring, is contrary to OMB Circular A 119 because it would exclude “safer” and “less expensive products” that would “adversely affect trade, commerce, health or safety.” This is particularly true for vinyl composition tile where the BEES LCA developed by the National Institute for Standards and Technology found that VCT has lower environmental and health impacts than 12 flooring alternatives, including linoleum, ceramic tile with recycled glass, and other non-vinyl flooring products.

Likewise, GSA should not recommend that new versions of approved rating systems be automatically adopted by federal agencies. Instead, any new version of a rating system should be carefully evaluated, with the assistance of public comment, before a formal decision is made to adopt the new version or continue using the prior version because it meets the requisite statutory criteria.

Thank you for consideration of RFCI’s comments.