



Maryland Legislation Enables Broader Fundamental Protections through Green Building Code

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When Governor Martin O'Malley signed [MD HB 972](#) into law today, Maryland took a critical step toward completing the backbone of the [green building policy puzzle](#). Put simply, Maryland now has three critical policy levers working in tandem (note the [LEED and Green Building Codes](#) policy brief): *leadership by example* commitments to building beyond code to greener building standards (existing in Maryland), *incentives* for beyond-code green building leadership (a patchwork exists in Maryland), and *improved code minimums* for all (new in this law).

This act makes Maryland the [first state in the nation](#) to enable the adoption of the International Green Construction Code (IGCC) by all local governments across the state – the first state in the nation to really get it right¹ – and the [second state in the nation](#) to enable a framework for statewide adoption of green building codes.

This victory is a testament to the sophistication and active engagement of USGBC's green building community in the Old Line State – largely coordinated by [USGBC's Maryland Chapter](#). But even so, the majority of our community's [agenda in Annapolis](#) did not survive the legislature amidst this year's challenging political winds. Significant losses included sensible policy initiatives with broad support, such as the expansion of the State's existing High Performance Buildings Act to include state-funded buildings greater than 100,000 sq. ft. and also building energy disclosure for certain commercial buildings.

Maryland's code adoption is not a mandate from on high, but instead an endorsement and a strong nudge for both the Maryland Department of Housing and Community Development (MDHCD) and local jurisdictions to strongly consider mandatory adoption of the code (note that the enactment date of March 2012 targets the launch of the fully-vetted 2012 version of the IGCC). The nature of this policy outcome is significant, given that town halls and county commissions were the first public forums for green building policymaking. Sustainability planning has always been a local conversation, and few states are better positioned to have a healthy dialog based on experience and results than Maryland.

Governor O'Malley's leadership on green building makes us proud to have him in Washington, DC tomorrow to keynote the closing session at USGBC's Government Summit. The [Government Summit](#) is the green building community's premiere forum for the implementation of the myriad government green building programs that have catalyzed the market uptake of green building technologies, materials and methods.

So in this next phase of consideration, what can we say about green building codes and the value they bring to the regulatory fabric of a state or local jurisdiction?

Fire safety, structural safety and fundamental access to sanitary conditions are comprehensively addressed in the scope of the codes (fire codes, building codes, electrical codes, plumbing & mechanical codes, etc. and the many standards on which they each rely). Even building energy efficiency is an area that is being increasingly addressed in the codes, and a lot of research and publications are being developed by the National Labs to [improve energy code compliance](#).

Of course, as I mentioned in an [earlier post](#), green building rating systems such as LEED pull much of this conversation along and continue to raise the bar for realizing building efficiency potential (for both new and existing buildings), as my colleague Lane Burt points out in his [recent entry](#). USGBC's next phase of work includes stepping farther still as our community of experts [revises and improves LEED's next version](#).

Green building policy introduces a broader scope of building-related activities that deserves attention beyond the altogether important increases in stringency of existing activities that are being regulated (note that even [building energy codes are certainly not yet universal](#)). New categories of risk introduce a deeper dimension of protections to human and environmental health.

Green building codes offer a means for state and local governments to introduce these fundamental protections and empower local building/planning/zoning departments as a critical force in tapping the potential of the built environment to help us achieve a safer, healthier, more efficient and environmentally responsible world. For more information on USGBC's work on codes and standards, see USGBC's [white paper and policy briefs](#) on LEED and the codes.

¹ - Note: The State of Rhode Island's 2010 [reference to the IGCC](#), while an important recognition for the document as a tool for state policymaking, confuses the role of rating systems and codes. USGBC supports the mandatory adoption of the code for all buildings in a jurisdiction alongside complementary beyond-code leadership initiatives for government buildings (benchmarking with rating systems like LEED) and private sector incentive programs (also based on rating systems like LEED). USGBC explores this in a policy brief, entitled [LEED and Green Building Codes](#). Thus, as has always been the case with codes and regulations, all buildings are subject to minimum code requirements, and as a complement, voluntary, beyond-code leadership is recognized through third-party verified green building rating systems. There are a handful of other instances of this "adopting code as voluntary" oxymoron that I will explore in a later post.



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