

# Pinpointing the Best Stringency Level for a Green Construction Code

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In my [last post](#) I gave a very simple answer to the question, "How stringent should a first-ever model green construction code be?" In sum, the answer is that it should be above current code (but not too far), fully recognizing that these decisions will be the result of important community discussions (like this very in-depth and continually evolving conversation in [New York City](#)).

But before you consider dropping everything to start from scratch, remember that's where we started. Without a national model, fragmentation and regulatory dissonance will only grow. If you're a developer or building owner who builds or manages real estate in more than one jurisdiction, you're already familiar with how challenging it is to comply with a different set of rules nearly everywhere you go. The International Green Construction Code and the Standard 189.1 compliance option are working together to offer uniformity, consistency and a focused forum for deliberation of what to leave in, what to leave out, and... how stringent it should all be.

The so-called "floor" is today's minimum acceptable safety codes and standards that draw a line between legal and illegal building design and construction. You can trace all the way back to the federalism vs. anti-federalism debates of the late 1780s to explain why a simple one-size-fits-all "floor" does not exist in this country<sup>1</sup> – neither in theory nor application – but the International Code Council's I-Codes may provide the best-available starting point. No matter the threshold, there isn't much about a regulatory line in the sand that galvanizes excitement about moving above and beyond, so that's where beyond-code green building rating systems come in.

If you map the current technical content, its trajectory and the development schedule of beyond-code rating systems like LEED, [Energy Star](#) and the [Living Building Challenge](#), you'll get a sense for where "the ceiling" is. The so-called "ceiling" is today's upper limits of what the building community is striving to build for the reward of a beyond-code label, like a LEED plaque. Naturally a LEED Platinum label describes a more vaulted ceiling than a LEED-certified label. Even still, you get the idea that beyond the "push" of minimum regulation, rating systems are pulling building practices and technologies into a space beyond the base codes, but at a level at which most firms can participate and compete.

Map all of these points and graphs against increased demand for minimum code protections as well as geographic, climate and ideological diversity and you've pretty much got your answer of where – on the stringency continuum – this next generation of regulatory minimums should be. But there's more.

Take a very close look at green building rating systems and credit-by-credit compliance to determine achievable thresholds, methods and technologies that have been tried-and-tested enough to be code worthy, and plot those on this same graph. If the data tells us that certain measures in rating systems are commonly avoided or that compliance has been somewhat challenging, it would be difficult to argue that these measures are "street-ready" for codes that will serve as a new mandatory minimum for all buildings. If compliance with rating systems looks good and cost-effectiveness is a no-brainer, let's put it in code language and get it out there.

But relinquishing even simple ideas and credits from rating systems to codes without an understanding of what compliance will look like through the codes may not be in anyone's best interest. As jurisdictions begin implementing first-generation green building codes and standards we'll have a better idea of what ideas that LEED pioneered can be left to code enforcement alone.

USGBC is currently working on parts of this analysis that will help to inform these types of decisions. Through the emerging [Green Building Information Gateway](#) we expect to unlock the potential for data- and outcome-based decision making, resulting in a smarter LEED, better codes, and a better informed building industry.

<sup>1</sup>Here's a topic better suited for another day: if a [2009 McKinsey report](#) tells us that 23% of the potential energy efficiency savings is available through the effective application of energy codes and standards, it seems a bit ludicrous that state and local jurisdictions have almost absolute authority to effectively direct a major piece of our national energy policy – let alone the consequences to owners and tenants of inefficient buildings.

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