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SB 326 Will "Restrict our Collective Ability to Create Healthier, More Energy Efficient Buildings" - Constituent Letter to AL Sen. Whatley

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Alabama State Capitol. Photo credit: TranceMist, Flickr

We love seeing positive support for the benefits of LEED at the national, state and local levels. Here's a recent example in Alabama:

The Honorable Tom Whatley Room 733
State House
11 South Union Street Montgomery, Alabama 36130
RE: SB 326

Dear Senator Whatley,

We have been made aware of SB 326, which states in part that "no building certification can be used in Alabama that discriminates against recognized certification systems." Because LEED is an important component of our work as employees at Auburn University, we are writing to you from the perspective of how this bill will impact our work. We are writing as private citizens, and our views are not and are not intended to be representative of Auburn University, which as an institution has taken no position on this bill. However, we can state that our views are shared by many who care about designing, building, and operating healthy, highly efficient, and cost effective buildings.

In a nutshell, we are convinced that you have been told a compelling but fraudulent story that is being perpetrated as justification for this bill. To make the case, we will address two points: first, we strongly challenge the claim that LEED's certification requirements harm the Alabama forest products industry, and second, our deep concern about the negative impact this bill would have on institutions across Alabama that rely on the LEED certification process to inform and verify healthy, high-efficiency building projects, should SB326 become law.

First, regarding the legitimacy of the rationale behind this bill: There is no evidence to support the claim that because LEED (Leadership in Energy and Environmental Design) does not recognize the forest products industry's certification system, the Sustainable Forestry Initiative (SFI), that the forest product industry in Alabama has been harmed. In fact, we urge you to ask the bill's advocates (and original crafters) for evidence of a single verified and independently verifiable case where a forest products industry business in Alabama has been harmed because LEED does not recognize SFI. None of our colleagues are aware of one single case and we do not believe a case can be provided. Should you find such a case, we would like to be made aware of it.

We know SFI claims to be independent and third party, but in fact it is a creation of the forest products industry and as a policy LEED recognizes only truly independent, third party certification regardless of the type of material, wood or otherwise.

There is also no evidence to support the claim that LEED discriminates against wood. You will find no verified and verifiable case where this is true. In fact, LEED gives more credit for locally-sourced wood than it does for certified wood. In the Materials and Resources category LEED 2009 gives 1-2 points for Regional Materials (1 point if 10%, 2 points if 20% of all materials are regional in origin) regardless of certification. In new construction LEED does give credit (one point out of 14 in the Materials and Resources category) for sustainably certified wood that is Forest Stewardship Council (FSC) certified.

And that's the other issue: we are going to create havoc for building professionals and institutions like Auburn University over one LEED point that turns out to be a non-issue in practice?

SB 326 strikes us as a brutal response by the forest products industry to a very small issue. LEED encourages and rewards the use of local wood, regardless of certification. From a broader perspective of the entire LEED certification process, the forest product certification credit is small indeed. We feel it would be catastrophic to take this very useful and important certification tool out of our hands. The way the bill is written it seems to preclude even registering buildings with LEED and gaining access to extensive and cutting edge guidance materials that enable the development of the buildings that save money and resources throughout the life of the structure. A very practical result of this is increased costs for state institutions that would otherwise save significant sums by building LEED certified buildings.

Now to our second point, that this bill would do significant harm to institutions across Alabama. In particular, our experience at Auburn informs our understanding of educational institutions. For any institution desiring to design, build, operate, and promote cutting edge, resource-efficient and healthy buildings, SB 326 will negatively impact their reputation, operations, and educational programming. Again, we want to stress that these are our personal views, and should not be interpreted as speaking for Auburn University.

LEED is very important. It is the industry standard globally for green building certification, and virtually the only one used in the United States. Auburn University is a seven-year member of the U.S. Green Building Council (USGBC) which developed and administers the LEED program. We have several LEED certified buildings on campus and several more under construction and planned. Auburn University is on record and known by USGBC and our peers to support LEED. We are using LEED to guide the evolution of our building design standards.

Hundreds of universities around the country utilize LEED standards to plan, construct, and operate their new and renovated buildings, and to provide the important third party certification to verify that the buildings we want to and say we are building are actually the buildings that come out of the process. Third party LEED certification is just as important as Board Certification is to surgeons, and diplomas are to high school and college graduates.

In theory (but not in practice if institutions are prevented from even registering buildings with LEED) state-funded organizations could build according to LEED standards even if certification was impossible, but that is like saying a student could take all the classes necessary for a diploma but not be allowed to acquire a diploma to verify that he or she has in fact completed educational requirements for a degree.

Furthermore, healthy and efficient buildings have become a very significant imperative for businesses, governments, and especially higher education across the United States, and Auburn has made a strong commitment to this approach. The numbers of LEED certified buildings on campuses has become a statement and benchmark for a university's commitment to best practices. It has become a recruiting point and a deciding factor for prospective faculty and students on many campuses.

There is one more point we would like you to consider. LEED represents the cutting edge industry standard. Many faculty and staff members have made significant effort to become LEED accredited. LEED has become an important component of the work of university staff, and in the teaching, research, and outreach of university faculty at Auburn and elsewhere. The same thing is true for students. Preparation classes for LEED accreditation are offered on campuses to students. Students can become LEED accredited and thus are highly marketable in the emerging green economy. In our view SB 326 could negate the value of their LEED accreditation in Alabama, and degrade their marketability and educational investment.

In conclusion, we thank you for taking the time to consider the ideas shared in this lengthy letter, and we urge you to reconsider the wisdom of sponsoring and advocating for this bill. It's passage may satisfy an important constituent, but its impact will likely be felt in a negative way across a much broader spectrum of the many educational and professional communities that are deeply invested in LEED, and it will likely restrict our collective ability to create healthier, more energy efficient buildings which clearly result from the LEED certification process. We would be happy to meet with you and other bill co-sponsors to further explore these issues.

Respectfully,

Michael D. Kensler
Lisa A. Kensler

Letter to Sen. Whatley

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Kathleen Snodgrass

Project Leader, USDA Forest Service

Hooray for Michael and Lisa. I was recently asked for background info for a congressional inquiry in the same vein as SB 326, and my response was very similar to the Kenslers'. This seems to be happening everywhere - the Forest Products industry is apparently very persuasive, and for no particularly good reason that I can tell other than possibly to replace LEED with Green Globes. Not too sure what that would gain them.

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