

MAX BAUCUS, MONTANA
THOMAS R. CARPER, DELAWARE
FRANK R. LAUTENBERG, NEW JERSEY
BENJAMIN L. CARDIN, MARYLAND
BERNARD SANDERS, VERMONT
SHELDON WHITEHOUSE, RHODE ISLAND
TOM UDALL, NEW MEXICO
JEFF MERKLEY, OREGON
KIRSTEN GILLIBRAND, NEW YORK

JAMES M. INHOFE, OKLAHOMA
DAVID VITTER, LOUISIANA
JOHN BARRASSO, WYOMING
JEFF SESSIONS, ALABAMA
MIKE CRAPO, IDAHO
LAMAR ALEXANDER, TENNESSEE
MIKE JOHANNIS, NEBRASKA
JOHN BOOZMAN, ARKANSAS

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, MAJORITY STAFF DIRECTOR
RUTH VAN MARK, MINORITY STAFF DIRECTOR

December 15, 2011

The Honorable Martha N. Johnson
Administrator
U.S. General Services Administration
1800 F Street NW
Washington, DC 20405

Dear Administrator Johnson:

We have recently learned that the General Services Administration may recommend the use of the Living Building Challenge (LBC) by the Department of Energy in its green building guidelines for federal agencies. The LBC is deeply flawed and unsuitable as part of any credible federal green building program. Worse, it places unnecessary restrictions on building and construction at the worst possible time, putting jobs at risk and further burdening the struggling construction sector. We urge you to remove it from further consideration immediately.

GSA's current Green Building Certification System Review requires the GSA Director of the Office of Federal High-Performance Green Buildings to identify green building certification systems "most likely to encourage a comprehensive and environmentally sound approach to ratification of green buildings" in the Federal sector. As part of its review, GSA is reported to have applied screening criteria to green building certification systems and, as indicated in a November 9 public meeting, three systems survive those criteria: LEED®, Green Globes™ US, and Living Building Challenge.

LBC should be removed from further consideration for several reasons. First, it was not developed in an open consensus process. To qualify for federal agency use, LBC must have been developed as a voluntary consensus system based on principles and in a manner consistent with the Office of Management and Budget Circular Number A-119 (revised February 10, 1998). LBC was not so developed. The LBC development process failed to solicit and consider input from a wide range of stakeholders, and it includes a list of prohibited products and materials, where inclusion on the list is tantamount to a ban on use in the building; this list was apparently prepared in connection with a single advocacy organization and without broad stakeholder input.

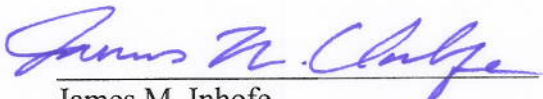
The LBC lacks a technical or scientific basis. Instead, showcases a material deselection approach in which pre-determined outcomes are injected into the system, regardless of whether the outcome is supported by technical, performance or other actual data. This approach is completely inappropriate for a green building rating system, which must consider building

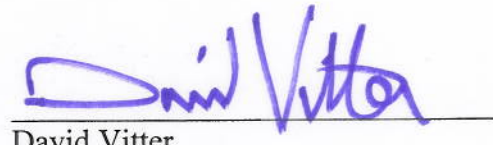
performance as the ultimate measure of credibility and utility. Some materials on the “Red List,” for example, deliver key benefits to energy efficiency and other performance metrics in a building – benefits that are central to the very mission of GSA’s Office of Federal High-Performance Green Buildings to “minimize the Federal footprint through efficient use of energy, water, and resources.”

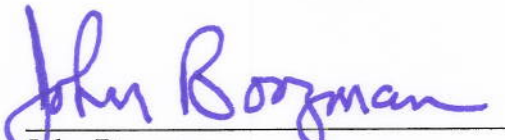
The LBC is at best an experimental program unsuitable for widespread use or adoption. Green building certification systems are competing standards. The ability of a standard to deliver value is ultimately measured by its success in the marketplace, which includes understanding how widely the standard is used. At present, thousands of buildings are now LEED certified and hundreds are Green Globes certified. LBC’s website lists only 3 buildings as having been certified as of June 2009. None of these are federal buildings. And of these three, only one is reported to have “achieved all of the “petals” (categories) of the metaphorical Living Building “flower” except for energy and materials.”

We look forward to your response.

Sincerely,


James M. Inhofe


David Vitter


John Boozman