

**Testimony of Elizabeth Echols, Director  
U.S. Green Building Council, Northern California  
Before State Senate Committee on Transportation and Housing  
February 23, 2010**

- Elizabeth Echols, Director, U.S Green Building Council, Northern California presenting this statement on behalf of USGBC National and the eight California chapters of USGBC. With me are Jeremy Sigmon from USGBC National and John Zinner from the USGBC LA chapter.
- Chairman Lowenthal and members of the Committee, thank you for the opportunity to participate in this hearing today and for your interest in green building.
- USGBC is a national non-profit representing nearly 20,000 corporate members – architects, engineers, entrepreneurs and builders committed to a prosperous and sustainable future through cost-efficient and energy-saving green buildings.
- I want to first acknowledge and thank the staff of the Building Standards Commission (BSC), the Department of Housing and Community Development (HCD), and the other state agencies that put countless hours into developing the state's Green Building Standards Code.
- USGBC and its California chapters has been an active participant in the code development process. We participated in the working group meetings, provided eight sets of written comments, gave testimony at the Code Advisory Committee meeting and at the Commission hearing, and met with BSC, HCD, and other Administration staff.
- While not all of the recommendations from USGBC National or the California Chapters were adopted, we remain in support of the goals of the CALGreen standard and welcome the opportunity to work with the BSC, HCD and others during this critical implementation stage as well as any further updates and developments to the code.
- CALGreen is an important step in raising the floor on green building standards. The establishment of a higher mandatory minimum also will make it significantly easier to continue to raise the bar on LEED.
- As a voluntary program conceived by more than 2000 volunteer industry experts across every sector of the industry, LEED set, and then continued to raise the bar on how we should design, construct and operate buildings that are more energy and water efficient, more resource sensitive and overall healthier for those who occupy them.
- LEED's rigor, its third party certification protocol and its professional credentialing program have all contributed to turning green building from an idea into a business practice for companies and organizations that want to save energy, save water, save money, and at the same time demonstrate their environmental leadership.
- But raising the ceiling was just the first step. We knew early on we needed to also find a way to raise the floor which CALGreen has done. USGBC has a long history of working

to improve building codes because of the important role that they play in achieving the market transformation that our mission demands.

- The USGBC also worked closely with ASHRAE and IESNA to create the code-intended Standard 189.1.2009 which was launched at ASHRAE's annual meeting two weeks ago. In addition, we're continuing to work with ICC on the International Green Construction Code and on landmark municipal code improvements.
- California is to be commended for being the first state in the country to adopt a statewide green building code. This is an important step forward, and we look forward to working with you and the Administration to improve and refine the code and its implementation.
- As you know, we have been on the record with concerns about how the tiers will be effectively used and implemented. These concerns have been well documented in letters from USGBC National and the California chapters over the past year so I will summarize only our main concern here: Attainment of the Tier I and Tier II criteria may be erroneously viewed as an assurance that the project has met a set of very meaningful certification procedures substantiating additional environmental standards.
- In addition, the code will need to be implemented with an adequate verification mechanism for the tier structure. Today local building officials have the expertise and experience to address health and safety related matters as well as the provisions of Title 24. We will all need to work together to ensure these same officials get the training and tools necessary to undertake their new responsibilities under CALGreen. Needless to say, we believe that will be very challenging, particularly in the current economic climate.
- Clear, standardized definitions and protocols are needed. Otherwise, some measures could be interpreted differently by the various localities that adopt them undermining the state's goal of providing authoritative guidance for cities that want to go above state minimum.
- Detailed compliance guidance providing standards and protocols to substantiate the performance claims for the local officials that will be charged with enforcing the code could help to alleviate these concerns. We have offered, through *USGBC National*, to *provide technical expertise to assist in implementation as the BSC sees fit*.
- In addition to the point above, during implementation our priorities remain to ensure that:
  - *Buildings not be labeled as "CALGreen" or "Green" simply because they meet the minimum legal requirements of the state of California.*
  - *CALGreen and the tiers become a program that allows voluntary independently certified green building standards to play a distinct, but complementary role to continue to drive innovation and the transformation of the built environment.*
  - And;
  - *Cities and counties continue to have the ability to adopt ordinances that best meet their local needs so long as they submit the required findings.*
- *On this last point*, we have heard from local officials that there is confusion as to what CALGreen means for cities that have already adopted more stringent requirements or are planning to. As part of BSC's educational and outreach efforts to cities, it would be

helpful to clarify that localities can still choose more stringent standards when they decide they are best suited to their needs.

- We recognize that the code will continue to evolve, and we look forward to working with BSC and HCD staff to improve the code in its future iterations.
- Toward that end, we recommend that the development of future green building standards start with a clearer definition of a green building standard, criteria that specifically address environmental impact, and minimum thresholds tied to the long term policy goals of the state.
- We also urge the BSC to adopt the process revisions previously included in the final draft of CALGreen. This language will ensure that the state agencies such as CEC, ARB, and the Department of Water Resources, all of which are charged with protecting California's environment and public health, continue to have the opportunity to share their relevant expertise when future green building standards are under development. It also will encourage the participation of environmental advocacy groups, local government, and industry stakeholders in the process.
- Today our common priority should be on appropriate and rigorous implementation of the code. To that end, we remain committed to ensuring the high environmental goals of CALGreen are advanced as quickly and as responsibly as possible.
- Thanks again for your time. I am happy to answer any questions.