

## The U.S. Green Building Council Introduces LEED 2009

In order to remain relevant in a rapidly changing market, the U.S. Green Building Council (USGBC)<sup>1</sup> has introduced sweeping revisions to its suite of Leadership in Energy and Environmental Design (LEED<sup>®</sup>) Rating Systems. The LEED Green Building Rating Systems<sup>TM</sup> enjoy tremendous success as a tool to promote sustainable design and green building technologies. As of May 1, 2008, 3.5+ billion square feet of green building projects (10,000+ individual projects) have registered for LEED certification and dozens more are signing up daily.

In 2008, the USGBC introduced LEED version 3.0, which has since adopted the designation of LEED 2009. The task of refining LEED was undertaken in an effort to align and rationalize the various LEED Rating Systems. On November 14, 2008 LEED 2009 successfully passed the member ballot.

There are presently six LEED Rating Systems that the USGBC has adopted: LEED for New Construction, LEED for Existing Buildings: Operations & Maintenance, LEED for Commercial Interiors, LEED for Core & Shell, LEED for Homes, and LEED for Schools. In addition to these six, there are several other rating systems which are currently in either the pilot phase or public comment stage. They are LEED for Neighborhood Development (first public comment closed), LEED for Retail: New Construction (open for member ballot), LEED for Retail: Commercial Interiors (open for member ballot), and LEED for Healthcare (first public comment closed).

The USGBC initially launched the LEED Rating Systems as a means to encourage the adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria. The third-party certification program has become the nationally accepted standard for the design, construction, and operation of high performance green buildings. Under the various rating systems, projects earn points for satisfying certain thresholds designed to address specific environmental impacts during the design, construction, and operation of a project. Each LEED Rating System is separated into six categories of human and environmental health: (1) sustainable site development, (2) water efficiency, (3) energy efficiency, (4) materials and resources, (5) indoor air quality, and (6) innovation and design. LEED certification is available in four progressive levels based upon the number of points awarded: certified, silver, gold, and platinum.

### **LEED 2009**

LEED 2009 is a refinement of the existing LEED Rating Systems. At its core, LEED 2009 is aimed at aligning and rationalizing the various rating systems. While the modification to LEED is focused on improving energy efficiency, reducing carbon emissions, and addressing human and environmental impacts, the predominant changes to the rating systems focus on three key components: (1) LEED credit alignment and harmonization, (2) environmental/human impact credit weighting, and (3) regionalization.

#### (1) Credit Alignment

LEED 2009 reorganizes the existing LEED Rating Systems in order to synchronize the development and deployment of new LEED Rating Systems. The USGBC has redistributed the points for all the rating systems and arrayed them on a 100 point scale, with 10 bonus points. Prior to LEED 2009, the point scales and credit varied among the different rating systems. The resulting credit structure for LEED 2009 is a consolidated

<sup>&</sup>lt;sup>1</sup> The United States Green Building Council is a Washington, D.C. based nonprofit coalition of building industry leaders, founded in 1993, dedicated to expanding sustainable business practices.

update of the existing LEED Rating Systems such that many of the credits are congruent across all of the rating systems. In light of this enhancement, it is no longer necessary to pilot entire rating systems in the future. In addition to the alignment, a scrub of all existing rulings on Credit Interpretation Requests (CIRs)<sup>2</sup> was conducted and clarifying language has been incorporated into the credits and prerequisites.

### (2) Environmental/Human Impact Credit Weighting

The re-weighting of the point allocation of LEED credits was included in LEED 2009 as a means to evaluate the environmental and human benefit of each LEED credit. The general philosophy is to redistribute the points available in LEED so that a given credit's point value more accurately reflects its potential to either mitigate negative environmental or human impacts of a building or promote the positive impacts for the same. Prior to LEED 2009, the LEED Rating Systems did not utilize a consistent framework for allocating point values to credits. Under LEED 2009, a large portion of the points are aimed at addressing issues related to a building's carbon footprint, indoor air quality, fossil fuel depletion and water use.

# (3) Regionalization

Arguably the most widely anticipated change that LEED 2009 introduces is the new regionalization component. Incentives will be provided through LEED Innovation and Design bonus points that will add value to those credits that are considered to be most important for defined regions. Project teams seeking to earn bonus points for the regional issues may select these points from a list of eligible credits driven by regional councils, USGBC Chapters, and the LEED Steering Committee.

While one could find shortcomings in the details of LEED 2009, it is a strong indication on the part of the USGBC of its commitment to making LEED more dynamic and practical in its application. The USGBC, through LEED 2009, recognizes that for LEED to be effective, it must continue to grow and evolve to keep up with the market demand and the social and environmental obligations.

The complete draft of LEED 2009 can be accessed at the USGBC's website (<a href="www.usgbc.org">www.usgbc.org</a>). Anyone who currently has a project in the planning stages should review it.

www.wtplaw.com

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<sup>&</sup>lt;sup>2</sup> The CIR and ruling process was established as a means for project applicants to obtain guidance from the USGBC on how a particular LEED credit applies to their project and vice versa. Project applicants seeking this guidance are able to utilize LEED Online to find guidelines, search existing CIR rulings or submit a new CIR.