Shades Of GREEN

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Changes in LEED 3.0 for New Construction

Green building standards are becoming more important than ever to the construction industry. Federal, state and local governments continue to adopt, impose or encourage compliance with various green building standards over time. The result is a growing demand for contractors that know and understand various green building standards.

The premier standards, the Leadership in Energy and Environmental Design (LEED) rating systems developed by the U.S. Green Building Council (USGBC), have changed substantially. Effective June 27, 2009, all projects registering for LEED certification needed to register under "LEED v3" or LEED 2009. The changes represent a significant overhaul with an updated mission statement. The overhaul is an effort to rationalize and integrate the LEED rating systems into a more cohesive unit. LEED 2009 places more focus on the human impact on the environment, such as energy efficiency and the reduction of carbon emissions, centering primarily around three key concepts: credit alignment and harmonization, credit weighting and regionalization.

Credit Alignment and Harmonization

LEED 2009 synchronizes the various rating systems through a redistribution of the points to a total of 100, with an available 10 bonus points. Prior to this synchronization each of the LEED rating systems had varying point scales and credits.

Table 1: Point allocation comparison, LEED NC 2.2 and LEED for New Construction 2009

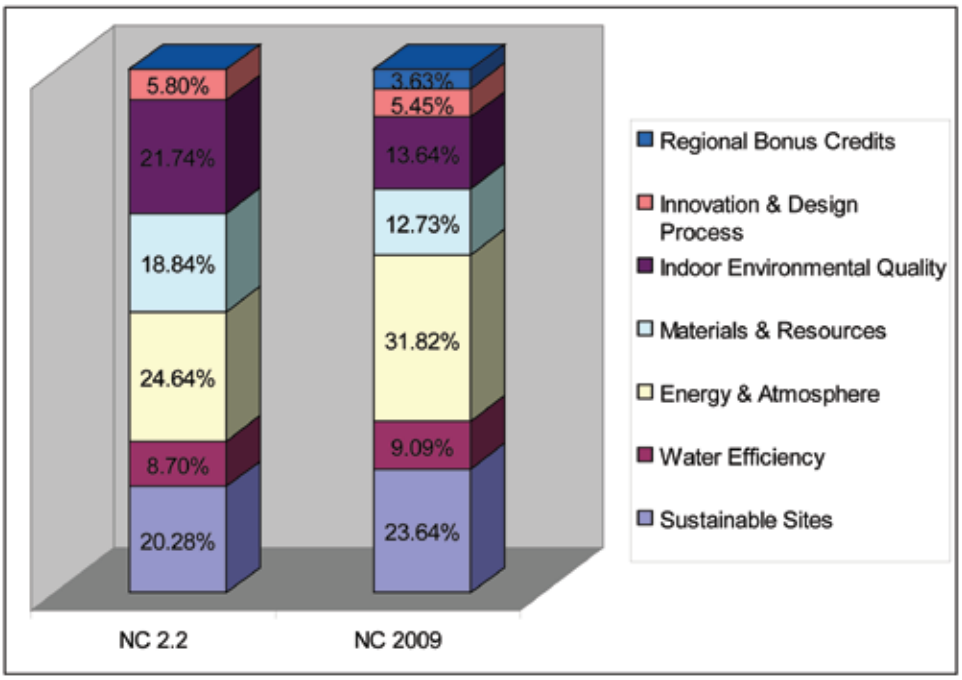
Topic	Points 2.2	Points 2009
Sustainable Sites	14	26
Water Efficiency	6	10
Energy & Atmosphere	17	35
Materials & Resources	13	14
Indoor Environmental Quality	15	15
Innovation & Design Process	4	6
Bonus Points	-	4
Total	**69**	**110**

LEED 2009 brings other changes with regard to Credit Interpretation Rulings (CIRs). The existing database of CIRs has now been deleted with the hope that additional guidance will be provided at the onset to avoid the need for interpretative rulings from the certifying body. Nonetheless, a new CIR process has been implemented with the launch of LEED 2009. There are unresolved questions as to whether applicants will have the same access to CIRs from other projects to guide their efforts as they had before.

Credit Weighting

A comparison of LEED 2009 with LEED NC 2.2 demonstrates significant changes in the importance of the topics covered by certification. The relative redistribution of credits reflects the consensus within USGBC that more weight, thus more credits, should be focused on mitigation of the negative impacts of construction. This redistribution has therefore resulted in a greater number of points allocated towards addressing issues such as carbon footprints, efficient water and energy usage and the provision of alternative transportation options for workforces.

Figure 1: Breakdown comparison of topics in the LEED for New Construction Rating System (by percentage)



A greater importance is being placed on sustainable sites, water efficiency and energy and atmosphere. For example, for LEED for new construction, the total number of points allocated to the sustainable sites category has increased from 14 to 26. A greater number of points are now focused on credit two, development density and community connectivity and credit four, alternative transportation. While the methodology for compliance with these credits remains largely the same, the increased number of points available for them is evidence of the USGBC's restated philosophy.

In water efficiency, a new prerequisite requires each LEED project to reduce water use by at least 20 percent. Under LEED NC 2.2, a 20 percent reduction would have earned a credit point; other credits in this category now receive two points rather than one point. Finally, the threshold for attaining credit three, water use reduction, has increased by 10 percent compared to the previous version.

In energy and atmosphere, the points allocated to credit one, optimize energy performance, expanded from a maximum of 10 points to a maximum of 19 points. Similarly, the available points for compliance with all of the remaining credits in the category have been increased. The updated rating system clearly rewards those developers and owners who are committed and willing to invest in building modeling and water and energy efficient systems.

Regionalization

One of the more significant changes is regionalization. Through a listing of credits developed by the USGBC in collaboration with internal chapters and the LEED Steering committee, projects located in defined regions may now earn additional points for compliance with credits that are significant in their given geographical area; six credits per rating system have been identified that are of particular importance to a given region. Regional priority credits are each worth one point and a total of four regional priority credits are available per project.

Legal Framework

Compared to the evolving LEED standards, the legal framework surrounding green building is still in its infancy. At its most basic, an understanding of the relevant LEED rating system and the project certification process is key. Increasing numbers of land use and building permit requirements, construction contracts and leases containing provisions guaranteeing or requiring achievement of a green standard. These requirements can be at the owner, developer or tenant level and are sometimes agreed to in exchange for zoning concessions, bonus density or even simple permit issuance.

For contractors engaged in green building, serious attention and care to contracts is paramount. Attention to detail in project execution is equally critical as a failure to meet a required certification could translate to a tenant refusing to occupy, a building official refusing to issue a permit or a significant bond being seized; these first tier impacts may pale in comparison to the overlays of construction delays, acceleration expenses, redesign and retrofit costs and consequential damages. The best protection for contractors is thorough immersion into required standards, specifications and requirements. Teams need to stay educated and up-to-date on the changing standards in order to avoid facing the downside of legal exposure.

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