

Memorandum of Ex Parte Communications

To: Christopher Calamita, Deputy Assistant General Counsel for Energy Efficiency, U.S. Department of Energy

From: Justin Koscher, Center for Environmental Innovation in Roofing, on behalf of the American High-Performance Buildings Coalition

Date: September 16, 2013

Re: Meeting of American High-Performance Buildings Coalition/Department of Energy, Office of Energy Efficiency and Renewable Energy
Federal Green Building Certification System Review
Monday, August 19, 2013

This memorandum is intended to provide a summary of a meeting between the American High-Performance Buildings Coalition (AHPBC), a coalition of industry organizations committed to promoting performance-based energy efficiency and sustainable building standards developed through true, consensus-based processes, and the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy (EERE) that took place on Monday, August 19, 2013. The meeting was organized at the request of AHPBC to discuss the ongoing federal green building certification system review process and rulemaking. A list of meeting attendees is provided below.

AHPBC opened the meeting with an introduction to the coalition, its members, mission and objectives. AHPBC noted that it had met with the General Services Administration's Office of Federal High Performance Green Buildings (GSA) to discuss the agency's recommendation to the Secretary of Energy on the federal government's use of green building certification systems.

In their comments to EERE, AHPBC representatives discussed the importance of using full consensus processes when developing green building certification systems for federal use. Full consensus processes, in conformance with full ANSI or ISO-type standards, ensure that rating systems are developed with input from all interested stakeholders, require system developers to address all stakeholder comments and objections in an open and transparent process, and ensure an equitable voting process. To the extent that green building rating systems currently under review by EERE are not developed through full consensus process, AHPBC requested EERE encourage those system or standards developers to address key deficiencies within their development procedures. AHPBC representatives also shared practical, negative consequences on the construction or design of federal energy efficient buildings that can be caused by deficiencies in the development process of a particular rating system or standard.

EERE representatives provided a status update on the current rulemaking process related to sustainable design principles and green building rating systems for Federal buildings. EERE referred AHPBC to the May 28, 2010 proposed rule for *Energy Efficiency and Sustainable Design Standards for New Federal Buildings* (75 Federal Register 2993). The proposed rule is at

the Department of Energy desk at the Office of Management and Budget. EERE indicated that AHPBC can contact the Energy desk to schedule a meeting. When asked whether the proposed rule will be subject to further public comment, EERE responded that the document currently under review is a final rule. EERE further explained that generally, at this stage of the rulemaking process further comment would not be sought unless there was consideration of provisions outside the scope of the rule as proposed. EERE indicated that as permitted based on the timing of issuance, the current rulemaking effort would take recommendation(s) of the GSA Administrator into consideration once issued by GSA. EERE did indicate that the rule as proposed did not specify a specific green building rating system for use within the federal sector.

EERE clarified that the recommendation regarding green building rating systems made by GSA's Green Building Advisory Committee on May 1, 2013, was only a recommendation to GSA and was not a recommendation to the Department of Energy.

AHPBC encouraged future reviews of green building rating systems to conduct a more stringent review of the development procedures employed by system developers. EERE responded that concerns with the manner in which the green building system review is conducted should be directed to GSA. EERE and the Department of Energy are not directly involved in the contracting for, or the completion of, the green building system review used by GSA.

AHPBC encouraged EERE to use the coalition as a resource for expert information on consensus processes or other matters related to green building certification systems as EERE continues its rulemaking process.

Meeting Participants:

- Christopher Calamita, Deputy Assistant General Counsel for Energy Efficiency (EERE)
- Daniel Gore, Federal Energy Management Program (EERE)
- Sarah Jensen, Federal Energy Management Program (EERE)
- Steve Harms, Sika-Sarnafil (AHPBC)
- Melissa Hockstad, SPI: The Plastics Industry Trade Association (AHPBC)
- Justin Koscher, Center for Environmental Innovation in Roofing (AHPBC)
- Tim Serie, American Coatings Association (AHPBC)

Kind regards,



Justin Koscher
Center for Environmental Innovation in Roofing
On behalf of the American High-Performance Buildings Coalition