

NLBMDA COMMENTS TO LEED ROUND 2 BENCHMARKS

GOVERNANCE

1: For this section, do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

To enhance the use of lumber products derived from forest certification schemes appropriate to the U.S. and Canada, NLBMDA believes that the Forest Certification Benchmarks for Governance should be informed by realities of the North American market place, governmental regimes applicable to land use and environmental protection, developed jurisprudence of private land ownership, and constitutionally protected rights to petition a democratically elected government. By effectively denying recognition of SFI, CSA, Tree Farm and PEFC, the LEED wood credit is rendered meaningless in most local building markets in North America. In a matured market driven economy with numerous players in the supply chain of lumber products, supply and demand will not reach any equilibrium without sufficient sources of LEED recognized lumber from the other exemplary forest certification schemes.

2: For this section, do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

There are proposed 6 prerequisites and 8 credits under the Forest Certification Benchmarks for Governance. NLBMDA believes that the prerequisites should not be so narrowly drawn that only FSC will qualify as a LEED recognized forest certification scheme. The merits of the various competing proprietary forest certification schemes should not be determined in this fashion, and given the complexity of the proposed point system for the single LEED wood credit, more emphasis could be placed on credits and less on prerequisites. In most instances, concerns that USGBC may have relative to the nuances and details of the policies and procedures of competing forest certification schemes could be addressed through the use of credits, rather than prerequisites. NLBMDA believes that the prerequisites should rely in most cases on broad benchmarks established by well-recognized standard setting bodies, such as ISO and ANSI, operating under well-defined consensus standards, for purposes of confirming such general concepts as balance, public input, transparency, openness, continual improvement and compliance with international norms. Given the importance of these general concepts, USGBC can rely on those regimes accepted and endorsed by private and public sector entities, and NLBMDA believes that their legitimacy will be enhanced by purely objective, unbiased application of these independent standard setting bodies.

NLBMDA recommends the following:

Gp1 should reflect the nature of the democratic and transparent systems of government in North America and the legal parameters applicable to the governance of independent

organizations. The same point is applicable to Gp3, which seems to anticipate the use of public funds in a manner inconsistent with legal regimes applicable in the U.S. and Canada. NLBMDA supports the comments of SFI on these two points.

STANDARDS SUBSTANCE

1: For this section, do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

To enhance the use of lumber products derived from forest certification schemes appropriate to North America, NLBMDA believes that the Forest Certification Benchmarks for Standards Substance should be informed by realities of the North American market place, governmental regimes applicable to land use and environmental protection, the well-developed jurisprudence of private land ownership, and constitutionally protected rights to petition a democratically elected government. By effectively denying recognition of SFI, CSA, Tree Farm and PEFC, the LEED wood credit is rendered meaningless in most local building markets in North America. In a matured market driven economy with numerous players in the supply chain of lumber products, supply and demand will not reach any equilibrium without sufficient sources of LEED recognized lumber from the other exemplary forest certification schemes.

2: For this section, do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

There are proposed 28 prerequisites and 20 credits under the Forest Certification Benchmarks for Standards Substance. NLBMDA believes that the prerequisites should not be so narrowly drawn that only FSC will qualify as a LEED recognized forest certification scheme. The merits of the various competing proprietary forest certification schemes should not be determined in this fashion, and given the complexity of the proposed point system for the single LEED wood credit, more emphasis could be placed on credits and less on prerequisites. In most instances, concerns that USGBC may have relative to the nuances and details of the policies and procedures of competing forest certification schemes could be addressed through the use of credits, rather than prerequisites. For these reasons, NLBMDA believes that the prerequisites should not be used to address nuanced or detailed areas best left to the competencies and expertise known best by competing forest certification schemes. As proposed, the prerequisites leave little room for continual improvement of certification schemes making legitimate efforts to achieve market usability and acceptance and do little to promote objective debate among experts in the field of forest certification. Prerequisites are more appropriately focused on broad benchmarks established by well-recognized international regimes such as the Montreal Protocol for purposes of benchmarks for the 7 sustainable forest management themes and their various key issues. In particular, program prerequisites should refrain from such specificity that it becomes a de facto endorsement of one forest certification scheme over competing ones; rather, program prerequisites

should benchmark to non-proprietary themes and be compatible with region-specific realities of landownership, democratic institutions, and market place drivers. NLBMDA believes that reliance on objective, unbiased regimes, developed and implemented independently of the development of these themes and the LEED wood credit, will enhance the legitimacy of these themes and value proposition of the wood credit by the market place.

NLBMDA recommends the following:

Sp1 should reflect the competing public policy decisions that our democratically operated local, state, and federal systems avail to the general public, and in particular, not deny timber that is harvested from stands destined for a different land use. This material can be made available to local markets, reducing the overall environmental impact of transportation and using resources in a responsible, practical manner. Likewise, Sp6 should be modified to reflect the realities of land use planning in North American. Local markets for certified wood would benefit from plantations that are often more productive and contribute more substantially to the local carbon canopy. For these reasons, NLBMDA supports the recommendations of SFI on these two points.

USGBC should also modify Sp20, which appears to assume that our constitutionally protected right to fair compensation is insufficient a protection for land owners. The jurisprudence in the United States is well established relative to the use of the power of eminent domain to further the cause of the general health, safety and welfare of the general public. Likewise, Sp22 should be modified, as it fails to acknowledge a legal system whose property rights and rights to privacy are founded in the Constitution.

CHAIN OF CUSTODY AND LABELING

1: For this section, do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

To enhance the use of lumber products derived from forest certification schemes appropriate to North America, NLBMDA believes that the Forest Certification Benchmarks for Standards Substance should be informed by realities of the North American market place, governmental regimes applicable to land use and environmental protection, developed jurisprudence of private land ownership, and constitutionally protected rights to petition a democratically elected government. By effectively denying recognition of SFI, CSA, Tree Farm and PEFC, the LEED wood credit is rendered meaningless in most local building markets in North America. In a matured market driven economy with numerous players in the supply chain of lumber products, supply and demand will not reach any equilibrium without sufficient sources of LEED recognized lumber from the other exemplary forest certification schemes.

To enhance the market usability of LEED recognized forest certification schemes and to promote the availability in general commerce of lumber products derived from LEED

recognized forest certification schemes, NLBMDA believes that on-product labels identifying the LEED recognized forest certification scheme should serve as a verification of any chain of custody requirements for the lumber product that is derived from the raw material of a LEED recognized forest certification scheme.

There are proposed 4 prerequisites and 1 credit under the Forest Certification Benchmarks for Chain of Custody and Labeling. The prerequisites and credits should be expanded regarding dimension lumber products, to allow an on-product label identifying the LEED recognized forest certification scheme and the producing mill to serve as sufficient chain of custody verification once the product has been produced at the mill. The label that certifies that the product is derived from the raw material of a LEED recognized forest certification scheme would be permanently marked by the producing mill on the face or side of each piece of dimension lumber. This special recognition of dimension lumber is justified by its being the core element of all wood frame construction, and a significant portion of wood products used in all buildings.

The current processes for documenting the chain-of-custody of dimension lumber in the supply chain (after production, from the mill to the construction site) are constraining the supply of certified wood products. There are more than 6,000 suppliers in the U.S. capable of supplying permanently labeled dimension lumber, but only a small fraction of them are chain-of-custody certificate holders of any forest certification scheme. The potential for certified wood to flow through the construction supply chain would increase multi-fold if this suggestion were accepted.

A permanent on-product label should identify the forest certification scheme and specific producing mill on a face or side of each piece of dimension lumber. Such a label would make LEED verification much simpler and less subject to false claims than the chain-of-custody documentation paper trail.

2: For this section, do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

NLBMDA recommends the following:

Create a new Chain of Custody and Labeling prerequisite, “Use of on-product labels to meet chain-of-custody requirements,” to read:

“Procedures for dimension lumber shall require a permanent, on-product label identifying the forest certification scheme and the producing mill and shall allow the on-product label to serve as chain-of-custody documentation in commerce.”

Create a new benchmark and credit number (Cc2) for “Types of product labels for dimension lumber”:

“1) Permanent label shall identify the forest certification scheme and producing mill on a face or side of each piece of dimension lumber. 2) Mixing of dimension lumber from various LEED recognized certification schemes shall be accepted.”

ACCREDITATION AND CERTIFICATION PROCESS

1: For this section, do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

To enhance the use of lumber products derived from forest certification schemes appropriate to North America, NLBMDA believes that the Forest Certification Benchmarks for Accreditation and Certification Process should be informed by realities of the North American market place, governmental regimes applicable to land use and environmental protection, developed jurisprudence of private land ownership, and constitutionally protected rights to petition a democratically elected government. By effectively denying recognition of SFI, CSA, Tree Farm and PEFC, the LEED wood credit is rendered meaningless in most local building markets in North America. In a matured market driven economy with numerous players in the supply chain of lumber products, supply and demand will not reach any equilibrium without sufficient sources of LEED recognized lumber from the other exemplary forest certification schemes.

2: For this section, do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

There are proposed 10 prerequisites and 4 credits under the Forest Certification Benchmarks for Accreditation and Certification Process. The prerequisites should not be so narrowly drawn that only FSC will qualify as a LEED recognized forest certification scheme. The merits of the various competing proprietary forest certification schemes should not be determined in this fashion, and given the complexity of the proposed point system for the single LEED wood credit, more emphasis could be placed on credits and less on prerequisites. In most instances, concerns that USGBC may have relative to the nuances and details of the policies and procedures of competing forest certification schemes could be addressed through the use of credits, rather than prerequisites. And in the case of the Benchmarks for Accreditation and Certification, there are well recognized regimes, requiring transparency in governance, consensus building, as well as metrics, relative to accreditation of programs or certification of individuals or entities. NLBMDA believes that the prerequisites should rely in most cases on broad benchmarks established by well-recognized standard setting bodies, such as ISO and ANSI for purposes of

confirming such general concepts as balance, public input, transparency, openness, continual improvement and compliance with international norms.

NLBMDA recommends that the prerequisites for accreditation and certification reference ISO and if appropriate ANSI standards. Any concerns USGBC may have relative to the standards of these organizations could be addressed with the use of credits.