

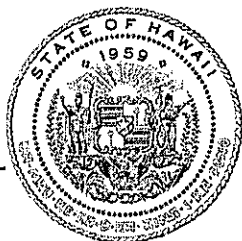
SB 3048

Measure Title: RELATING TO LEED CERTIFICATION.

Report Title: Public Buildings, Facilities, and Schools; LEED Certification

Description: Requires state departments with responsibilities for the design and construction of public buildings, facilities, and schools to design and construct such facilities to obtain LEED certification for all newly-constructed facilities and to obtain LEED certification for such facilities.

REVISED



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEES ON ENERGY AND ENVIRONMENT
AND
ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING**

Wednesday, February 5, 2014
2:50 p.m.
State Capitol, Conference Room 016

in consideration of
SB 3048
RELATING TO LEED CERTIFICATION.

Chairs Gabbard and Dela Cruz, Vice-Chairs Ruderman and Slom, and Members of the Committees.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the intent of SB 3048, which would direct state departments to design and construct public buildings, facilities, and schools to obtain LEED certification and to obtain LEED certification for such facilities. Various agencies are striving to implement the goals set forth and are challenged with limited resources.

Under our statewide Lead by Example program for state agencies, DBEDT has provided technical assistance and training to state personnel on Leadership in Energy and Environmental Design (LEED), LEED certification for state facilities and buildings, and procurement information to promote purchase of environmentally preferable products. Since baseline year 2005, the LBE program has seen a 5.7% kWh decrease (or -38M kWh). We will continue to provide assistance.

DBEDT defers to the appropriate State and County agencies to assess the fiscal impact of this measure.

Thank you for the opportunity to provide these comments.

NEIL ABERCROMBIE
GOVERNOR



Dean H. Seki
Comptroller

Maria E. Zielinski
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
DEAN H. SEKI, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEES
ON
ENERGY AND ENVIRONMENT
AND
ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING
ON
February 5, 2014

S.B. 3048

RELATING TO LEED CERTIFICATION

Chairs Gabbard, Dela Cruz, and members of the Committees, thank you for the opportunity to submit written testimony on S.B. 3048.

The Department of Accounting and General Services (DAGS) supports the intent of S.B. 3048 with the following reservations:

1. DAGS anticipates that mandating LEED certification for the design and construction of new facility projects will increase the overall project costs by up to 10% over “non-LEED” certified design and construction projects and therefore, adequate upfront project funding will need to be appropriated for that purpose. Otherwise, achieving LEED certification will be at the expense of designing and constructing a new facility that is smaller than what actually might be needed; and

2. In addition to the LEED certification process, which is done through a “private - for profit” organization, there are other metrics (such as “Green Globes” system) that could also be used to evaluate energy efficiency/energy conservation considerations during design and construction of a new facility.

Thank you for the opportunity to submit written testimony on this matter.

NEIL ABERCROMBIE
GOVERNOR



Testimony of
GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
RANDY GRUNE
AUDREY HIDANO
JADINE URASAKI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 5, 2014
2:50 p.m.
State Capitol, Room 016

S.B. 3048
RELATING TO LEED CERTIFICATION

Senate Committee(s) on Energy and Environment &
Economic Development, Government Operations, and Housing

The Department of Transportation (DOT) **supports** the intent of this bill, however to require state departments to ensure that all newly-constructed public buildings and facilities obtain Leadership in Energy and Environmental Design (LEED) certification would be difficult to implement.

Section 196-9(b)(1), Hawaii Revised Statutes, already directs state agencies, to the extent possible, to design and construct buildings to meet the LEED silver or two green globes rating system or another comparable state-approved, nationally recognized, and consensus-based guideline, standard, or system. The DOT, has strived to comply with the LEED silver rating where possible. Although LEED certification is a lower standard than LEED silver, by requiring formal LEED certification will force state agencies to expend additional time and money on new construction projects and consequently, delay project delivery.

Thank you for the opportunity to provide testimony.

NEIL ABERCROMBIE
GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/05/2014

Committee: Senate Energy and
Environment/Senate Economic Development,
Government Operations and Housing

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 3048 RELATING TO LEED CERTIFICATION.

Purpose of Bill: Requires state departments with responsibilities for the design and construction of public buildings, facilities, and schools to design and construct such facilities to obtain LEED certification for all newly-constructed facilities and to obtain LEED certification for such facilities.

Department's Position:

The Department of Education does not support this bill. The DOE appreciates the intent of the bill, however the proposed legislation is not necessary.

In 2006, Act 96 revised Chapter 196 of the Hawaii Revised Statutes by adding section 196-9 which includes the requirement for all state facilities to meet LEED certification" or another comparable state-approved, nationally recognized, and consensus-based guideline, standard, or system..."

In 2011-12 the DOE worked with the national Collaborative for High Performance Schools (CHPS) organization to develop its own state standard known as HI-CHPS.

HI-CHPS addresses the uniqueness of Hawaii's tropical climate, island state and specifically addresses the needs of schools - concentrating on requirements to provide high performing indoor learning environments and then the energy efficiency of the building whereas the LEED systems was developed for all building types and is only slightly modified for school facilities.

Currently the DOE has various projects under design following HI-CHPS standards.

Thank you for this opportunity to provide testimony on this bill.



January 29, 2014

To: Senator Mike Gabbard, Chair
Members, Senate Committee on Energy and Environment

From: Tim Shestek, Senior Director
State Affairs

RE: **SB 3048 – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose SB 3048, legislation that would require all newly constructed public buildings, facilities, and schools to obtain LEED certification.

ACC supports the construction of buildings that save energy, use materials that promote resource conservation and offer employees a safe and healthy working environment. Building green is a complex undertaking that requires a fair, open, and science-based evaluation process that allows all materials and products to compete on a level playing field. Many "green building" tools are available to architects, policymakers and others that combine life-cycle costs and assessment data to discern environmental and economic tradeoffs, allow for a fair comparison of products and rely on standards developed by consensus-based groups.

Our concern is that the legislation exclusively references only the LEED system. In our view, this language unfairly promotes one green building tool at the expense of other, perhaps more appropriate tools that could be available to meet local needs.

The latest version of LEED, called "LEED v4," includes new provisions that discourage the use of certain products and materials without a scientific basis for doing so. These new provisions were developed without input from experts in chemical safety and without regard to the availability, safety or effectiveness of alternatives. No evidence has been provided to show that avoiding these materials and products will result in improved energy efficiency, better building performance or occupant health benefits.

Many of the products that LEED v4 seeks to eliminate actually enable the very efficiency enhancements, environmental performance and sustainability improvements that LEED purports to promote. For instance, plastic foam insulation, ENERGY STAR vinyl windows, and reflective roofing are discouraged for use in LEED v4. LEED v4 could result in higher costs to consumers and governments by discouraging the use of proven, cost-effective building products made in the U.S., in favor of untested, less effective and more expensive replacement products.

Other "green building" tools are available in the market place, such as the Green Globes environmental assessment and rating system for the commercial sector. Green Globes is a product of the Green Building Initiative (GBI), whose mission is to "promote practical green building approaches to energy efficient and environmentally sustainable building practices commonly referred to as "green building." GBI is focused on ensuring the availability of credible and practical green building approaches within the residential and commercial construction industries." Green Globes is a performance based, material neutral, affordable, and is "life-cycle" oriented.

In addition, the current statewide statute pertaining to green building construction for state facilities references both LEED and Green Globes. Hawaii Revised Statutes (HRS) section 196-9 reads in part:



[§196-9] Energy efficiency and environmental standards for state facilities, motor vehicles, and transportation fuel. (a) Each agency is directed to implement, to the extent possible, the following goals during planning and budget preparation and program implementation.

(b) With regard to buildings and facilities, each agency shall:

- (1) Design and construct buildings meeting the Leadership in Energy and Environmental Design silver or two green globes rating system or another comparable state-approved, nationally recognized, and consensus-based guideline, standard, or system, except when the guideline, standard, or system interferes or conflicts with the use of the building or facility as an emergency shelter;

SB 3048 designates LEED as the only practical option to achieve greater energy efficiency and increased environmental responsibility. However, there are a suite of tools beyond LEED, including green building rating systems and stand-alone standards that would provide greater flexibility in the design and construction of public buildings, facilities and schools.

For the above stated reasons, ACC opposes SB 3048. Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me or ACC's Hawai'i based representatives Red Morris and/or John Radcliffe at 808-531-4551.



The Senate
The Twenty Seventh Legislature
Committees on Energy and Environment and
Economic Development, Government Operations and Housing
February 5, 2014, 2:50 p.m.
Room 016

Statement of the Hawaii Regional Council of Carpenters on
SB 3048, Relating to LEED Certification

HRS 196-9(b) states:

“(b) With regard to buildings and facilities, each agency shall:

- (1) Design and construct buildings meeting the **Leadership in Energy and Environmental Design silver or two green globes rating system or another comparable state-approved, nationally recognized and consensus-based guideline, standard, or system**, except when the guideline standard or system interferes with the use of the building or facility as an emergency shelter;” (emphasis added)

SB 3048 may be redundant. If it is not, the language above should be utilized in the Bill, and wherever green building standards are in statute:

- To be consistent.
- LEED is a private organization. The State should not be tied by statute to one private organization that may independently change its guidelines or standards, fees, orientation, etc., or where an alternative system emerges.
- Utilization of LEED is not prohibited by the above language. LEED has promoted itself best, and has been utilized since 2006 when the above, flexible, language has been in statute.

Thank you for considering our comments.

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Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

February 5, 2014

TO: HONORABLE MIKE GABBARD, CHAIR, HONORABLE RUSSELL RUDERMAN,
VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON ENERGY AND
ENVIRONMENT

HONORABLE DONOVAN DELA CRUZ, CHAIR, HONORABLE SAM SLOM, VICE
CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON ECONOMIC
DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING

SUBJECT: **COMMENTS REGARDING S.B. 3048, RELATING TO LEED CERTIFICATION.**
Requires state departments with responsibilities for the design and construction of
public buildings, facilities, and schools to design and construct such facilities to
obtain LEED certification for all newly-constructed facilities and to obtain LEED
certification for such facilities.

HEARING

DATE: Wednesday, February 5, 2014
TIME: 2:50 p.m.
PLACE: Conference Room 016

Dear Chairs Gabbard and Dela Cruz, Vice Chairs Ruderman, Slom and Members of the
Committees,

The General Contractors Association of Hawaii (GCA) is an organization comprised of over
approximately hundred (600) general contractors, subcontractors, and construction related firms.
The GCA was established in 1932 and is the largest construction association in the State of
Hawaii. The mission is to represent its members in all matters related to the construction
industry, while improving the quality of construction and protecting the public interest.

S.B. 3048 is proposing to mandate that eligible state departments design and construct facilities
solely limited to Leadership in Energy and Environmental Design (LEED) certification for all
newly-constructed facilities.

S.B. 3048 **is not necessary** to insure that the construction of new and renovated state building
and facilities are energy efficient and use environmentally preferred products, including recycled
content materials. The GCA supports the design and construction of state facilities that utilize
water, energy and materials in a manner that is most efficient and environmentally friendly.
However, we believe that Section 196-9, HRS, already directs the state agencies responsible for
construction of state capital improvements to meet LEED certification standards or other
nationally recognized guidelines or systems.

If all state agencies responsible for the construction of state building and facilities follow the directive outline in Section 196-9, the requirement to obtain LEED certification should be met without further legislation. Furthermore, Section 196-9, HRS allows state agencies to consider other green development guidelines and does not limit such to LEED only.

We believe that passage of S.B. 3048 is not necessary and we respectfully recommend deferral of this measure.

Thank you for the opportunity to present our views on this measure.