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Recommended Citation

Park, Eunjung. "The U.S. Federal Green Building Policy." *Sustainable Development Law & Policy*, Fall 2007, 71.

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THE U.S. FEDERAL GREEN BUILDING POLICY

by Eunjung Park*

On January 24th, 2007, President George W. Bush signed Executive Order 13,423, “Strengthening Federal Environmental, Energy, and Transportation Management.”¹ The Executive Order requires federal agencies to meet the standards of green buildings, and “lead by example” in promoting green buildings in the United States.² The U.S. federal government, however, seems to have been “led by examples” of the states, industry, and the consumers.

In 2005, the State of Washington became the first state to adopt legislation requiring all state-funded buildings over 5,000 square feet to obtain the silver standard required by the Leadership Energy and Environmental Design (“LEED”) Green Building Rating System. LEED is the nationally accepted certificate for the design, construction, and operation of high performance green buildings. Many other states and cities have adopted similar legislation to require or encourage state-funded buildings to meet green building standards.³

In 2006, Washington D.C. became the first major U.S. city to require LEED compliance for private projects with D.C.’s Green Building Act of 2006.⁴

Despite LEED’s growth, the standard is not without its limitations. One current limitation is the LEED program’s inability to address whether the building is located in sustainable surroundings in rating the building. This phenomenon of having green buildings in an unsustainable context is called “green sprawl.”⁵ Green sprawl permits individual buildings to be certified as green buildings, yet overlooks the adjacent development pattern. In order to address the problem, the American Society of Landscape Architects recently announced its development of the Sustainable Sites Initiative, which will measure the sustainability of designed landscapes of public, commercial and residential projects. The U.S. Green Building Council is supporting the project and plans to incorporate the Sustainable Sites metrics into its LEED system.⁶

Given that many states are already enforcing green building requirements for federal and private buildings, the federal policy should take an affirmative step to require every state to adopt building standards for federal buildings. Also, the federal policy should equally promote certification programs other than the LEED, such as the Green Globe, for the purpose of fair competition. For example, even though Energy Star does not provide

certification system that encompasses all aspects of green buildings, Energy Star should be utilized to strengthen the energy conservation factor of green buildings.

The High Performance Buildings Act of 2007, introduced in February 2007, is yet to be passed.⁷ The Act would be one step forward for the federal green building policy, as it would create the Office of High Performance Green Buildings and require the Office to identify federal facility procedures that inhibit existing and new federal facilities from becoming green by meeting the LEED standard. Along with improving certification programs and technology, the federal government’s “lead by example” approach should be reinforced by affirmative implementation of green building policies and effective use of green certification programs.



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Endnotes:

¹ Exec. Order No. 13,423, 72 Fed. Reg. 3919, 3923 (Jan. 26, 2007).

² Executive Order 13,423, *id.*

³ Alex Frangos, *Green Building Practices Are Required by States*, WALL STREET J. ONLINE (June 1, 2005), available at <http://www.realestatejournal.com/propertyreport/architecture/20050601-frangos.html?refresh=on> (last visited Nov. 27, 2007); John Ritter, *Building ‘green’ reaches a new level*, USA TODAY ONLINE (July 26, 2006), available at http://www.usatoday.com/news/nation/2006-07-26-green-construction_x.htm (last visited Nov. 27, 2007).

⁴ Emily A. Jones, *Washington, D.C. Enacts Green building Requirements for Private Projects*, Apr. 16, 2007, available at http://www.constructionweblinks.com/Resources/Industry_Reports__Newsletters/Apr_16_2007/wash.html (last visited Nov. 27, 2007)

⁵ Shari Shapiro, *Losing the Forest to Save a Few Trees: The Problems Behind Green Sprawl*, Sept. 6, 2007, available at http://greenerbuildings.com/news_detail.cfm?NewsID=35868 (last visited Nov. 27, 2007).

⁶ Sustainable Sites, Dexigner website, <http://www.dexigner.com/architecture/news-g12298.html>.

⁷ High-Performance Green Buildings Act of 2007, S. 506, 110th Cong. (1st Sess. 2007).

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