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January 25, 2021

Chair Maggie McIntosh  
Chair, Appropriations Committee  
Room 121 House Office Building  
Annapolis, MD 21401

Subject: HB0086 Testimony and Support for FSi Engineers

Dear Chair McIntosh and the members of the Appropriations Committee,

Thank you for the opportunity to provide you with my testimony for the amendment to House Bill 0086 on State K-12 school construction and the Maryland High Performance Green Building Program. This bill, as amended, will significantly strengthen green building in Maryland and will ensure healthy public schools for all students.

I am a past Chair of the Board for the Maryland Chapter of the US Green Building Council, Chair of the AIA Baltimore Committee on the Environment, and I have long attended the Maryland Green Building Council meetings that are open to the public. I am a Principal at FSi, with 37 employees—we are mechanical engineers with a strong focus in green and net zero building. This bill was developed in coalition with AIA Baltimore, AIA Maryland, USGBC Maryland, and USGBC National.

In 2019, a last-minute change was inserted into the 21<sup>st</sup> Century Schools Act (HB1783 in 2019) requiring schools to follow a LEED Silver Guideline without requiring certification, small in wording, but very large on impact. In effect, this saves approximately \$0.10 per square foot, on typical project costs of approximately \$200 per square foot. For this miniscule project cost, the USGBC conducts a full third-party review of all features of the building, ensuring safe, healthy, and efficient schools and public buildings. This small wording change in the law put the Maryland Green Building Council into turmoil as they attempted to develop guidelines in conjunction with the Interagency School Commission for all K-12 schools. Revised guidelines which, 2 years later, are still not released on the Green Building Council Website. The new law was more restrictive than the original High Performance Green Building Program. In the new law, only LEED Building, without certification, was allowed for K-12 schools. The original High Performance Green Building Program allowed LEED as one option among many, including Green Globes or the code supplement IgCC. IgCC would allow compliance without any third-party certification.

As a portion of the program appendix drafting for K-12 schools, we heard from several in the green building community that school districts were skirting the intent of the 2008 High Performance Building Bill (2007 House Bill 942), by achieving a small amount of funding from



other sources, thereby counting as not “fully funded” under the High Performance Green Building Program.

House Bill 0086 as amended by Senator Hettleman and sponsored by Delegate Forbes is a significant step in the right direction. It requires any state project with more than 25% funding to use the High Performance Green Building Program as developed by the Maryland Green Building Council. This allows flexibility and also achieves significantly more efficient and healthy buildings than a code minimum requirement. This Bill requires K-12 schools to follow the High Performance Green Building Program, as was already required prior to 2019, and as is required for any other State funded college, community college, or DGS building.

There are numerous studies and whitepapers that I can provide on cognitive performance, health, energy savings, and water savings in green buildings. In our new era of COVID-19 awareness, the simple indoor air quality improvements that are championed by LEED, IgCC, and Green Globes are just common sense. I can also provide studies showing that over a 20- or 25-year life cycle (for schools and public buildings that typically last >50 years), Green Building more than pays for any first cost increase with significant operational savings. With current energy spending for DGS buildings over \$600,000 per day, the fiscally responsible path is to require all state funded buildings using a majority of state funds to follow the High Performance Green Building Program.

House Bill 0086 sponsored by Delegate Forbes is a necessary step to continue to ensure healthy and high performing buildings in the state of Maryland, and to ensure that the schools we build under the 21<sup>st</sup> Century Schools Act are the best buildings possible for student performance and health. I look forward to seeing passage of this bill.

FSi Engineers

A handwritten signature in blue ink, appearing to read 'Ben Roush', written in a cursive style.

Ben Roush, PE, FPE, LEED AP BD+C, ASHRAE BEMP and BEAP, Certified Commissioning Professional

Principal