



FOUNDERS

David Gottfried
Michael Italiano
S. Richard Fedrizzi

- 2101 L St. NW
Suite 600
Washington, DC 20037
- 202-828-7422
- usgbc.org

February 18, 2022

Chairperson Maggie McIntosh
Appropriations Committee
House Office Building, Room 121
6 Bladen St., Annapolis, MD 21401
Submitted via MyMGA

RE: U.S. Green Building Council Support for HB 1165

Dear Chairperson McIntosh and Members of the Appropriations Committee:

On behalf of the U.S. Green Building Council (USGBC), a nonprofit organization with nearly 9,000 member companies nationwide, and our strong community in Maryland, the below are our comments in support of HB 1165. USGBC has also testified in support of the companion bill, SB 588.

About USGBC

USGBC is a nonprofit organization dedicated to transforming the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy, and prosperous world. Best known for the successful Leadership in Energy & Environmental Design (LEED) green building certification system, we leverage our education, credentials, events, communications, and policy advocacy activities to support the public and private sectors in advancing high-performance, cost-effective, buildings that save energy, water and money.

A core area of our work is green schools, public schools that are well designed and constructed to facilitate learning, health and wellness, and decrease operating budgets through reduced utility costs. Green schools also protect student and teacher health by ensuring a clean and healthy indoor environment in the school, as well as providing programs and services for good nutrition and physical activity.

Why HB 1165 is Needed

Historically Maryland has long been a leader in green schools. However, unfortunately a phrase added to a complex bill in 2018 threatens Maryland's green schools' leadership. Prior to this change, state-funded public schools in Maryland fell under the state green building program,

and were required to achieve and obtain green building certification, with several options available, or meet the adopted version of the IgCC code. The enactment of the 21st Century Schools Act however, required the Maryland Green Building Council, a state entity, to establish green school guidelines achieving the equivalent of, but without, certification; thus school projects are being built without the benefit of green school verification processes.

The guidelines established by the Maryland Green Building Council in October 2019 are not equivalent to achieving LEED certification. The only requirement in the Guidelines is for an architect or engineer to note that the project meets one of the previous compliance paths. This removes any accountability or verification that the school will be built as a leadership standard high performing school.

Independent-third party verification is a crucial step in building high performing schools. Certification provides valuable transparency and assurance to the State Legislature and to the public that tax dollars are resulting in high performing schools by verifying project teams are delivering on key aspects of design plans and goals. This accountability is needed to optimize the ability for each school to have the beneficial cost/benefit, health, and environmental outcomes previously outlined. For example, for LEED, third party subject matter experts review project team documentation and submittals to determine compliance with mandatory prerequisites and with chosen credits, such as confirmation of design energy performance.

Respecting costs, LEED embodies a life cycle approach and has been shown repeatedly to save money over the life of a building through reduced utility costs and other benefits. The Fiscal Note for HB 1165 notes that the “cost of having to once again obtain third-party certification of LEED status for public school buildings has an operational effect on projects, but it is only a small fraction of total project costs and, thus, likely has little or no noticeable effect on local capital expenditures.”

Additionally, HB 1165 would modify the requirement as applied to schools and certain state buildings in rural areas, allowing a basic level of certification (“Certified” versus “Silver”), enabling easier achievement in such areas.

It is imperative for Maryland school districts to stretch available dollars by constructing green buildings with lower operating costs and by using health-supporting green building technologies. Certified green buildings



do just that. For example, for Cherry Hill Elementary, a LEED Gold certified school, certification guided the project team to add additional wall and roof insulation, better windows, reduced lighting power density, and a highly efficient HVAC system that allowed the project to achieve a 28% energy cost savings. Learn more [here](#).

HB 1165 Would Protect Taxpayer Funds and Restore Accountability

HB 1165 would restore certification and verification for Maryland's schools projects and hence protect taxpayers by ensuring they are getting a green school. This legislation would also replace the provision added in 2018, rescinding the special schools guidance without certification, with a requirement that the key state entity, the Maryland Green Building Council staffed by the Department of General Services, ensure that state buildings, schools, and community colleges comply with the statute.

Regarding the latter, we believe that all programs established by the state legislature should be fully implemented and include adequate tracking to ensure legislative intent is realized. Maryland has had a green building program for many years and we concur with the Maryland General Assembly Department of Legislative Services Fiscal Note that the Council must only confirm that a project has received the third-party verification (rather than conduct the verification itself), and that DGS can likely carry out that responsibility, and the related reporting requirement, with existing staff.

Enacting HB 1165 is critical for the state in building the highest performing, operationally efficient, and healthy schools, therefore we urge the Committee to support this bill. Please contact me at (571) 970-7916, ebeardsley@usgbc.org, if there are any questions or comments.

Respectfully,



Elizabeth Beardsley
Senior Policy Counsel
U.S. Green Building Council



Learn more about green schools at
<https://www.centerforgreenschools.org/green-schools>