

“Federation Corner” column

The Montgomery Sentinel, 29 January 2016

Not going so green now, yes?

By Danila Sheveiko

In a surprise move, Montgomery County is proposing to lower green building standards using Executive Regulation 21-15. Four years in the making, ER 21-15 will adopt the 2012 International Green Construction Code as amended by Department of Permitting Services. Despite years of public and agency input, the public comment draft submitted by DPS last month [weakens the 2012 IgCC baseline of minimum sustainability requirements](#) to the point where both environmental activists and local industry leaders alike are concerned that the bill as proposed by County’s executive branch is a step backward for green building standards in Montgomery.

The move comes nearly a year after official County reports acknowledged that energy use and [greenhouse gas emissions continue to increase despite a mandate to reduce emissions](#) by ten percent compared to 2005 levels.

Buildings account for two-thirds of Montgomery’s energy consumption, so lowering green building standards will only reinforce the abject failure to meaningfully address climate change in this large, progressive, and affluent jurisdiction.

Following a legislative alert, local builders met last month to discuss the ER 21-15 draft. According to US Green Building Council’s [official blog](#): “The meeting was convened in response to concern from local professionals and industry leaders that the law as written... risks weakening green building expectations across the county and penalizing (rather than rewarding) businesses that choose to invest in green building leadership.” “While the room held various perspectives, several general consensus points could be identified by the end of the meeting. These points included... [the] desire for at least maintaining the stringency of the minimum requirements that currently exist (and about gaps that may need filling)” A [sign-on letter](#) asking DPS, County Executive Ike Leggett, and the County Council to “Ensure the County’s exemplary green building baseline is not compromised with this new code” is being circulated by local industry professionals, and civic activists are promoting a more [strongly-worded petition](#) demanding the County walk the talk on climate change and other environmental mandates.

The County Executive and County Council have so far stayed largely silent on ER 21-15 public comment draft with exception of Councilmember George Leventhal – author of the County’s modest 2006 Green Buildings Law – [not mincing words in a letter sent last week](#): “...it is imperative that the Department of Permitting Services transmits to the Council the strongest regulation possible... Environmentalists as well as representatives from the building industry have acknowledged that the proposed new code is less demanding than the current one. This regulation needs to start from a position of strength.” A strong draft is crucial because ER 21-15 will be submitted by County Executive’s Office as Method 2 legislation, which means the Council can only take an up-or-down vote without possibility of amendments. In the event the Council does not take a vote, the bill will automatically become law after 60 days.

Nearly five years ago, Maryland became the nation's first state to embrace the 2012 International Green Construction Code. Hailed as "[pro-business and pro-environment](#)" and designed to supplant the voluntary and expensive LEED certification system, it is the first building code to include sustainability requirements for the entire development project and site – from design and materials selection to construction, operation, maintenance and beyond – comprehensively addressing everything from climate change to formaldehyde and other toxics in building materials. The 2012 IgCC matches the full spectrum of environmental challenges from stormwater pollution to urban heat island effect with proven real world technologies like [green roofs](#) that both capture stormwater at the source and mitigate the heat island effect – while decreasing heating & cooling costs, creating wildlife habitat, reducing infrastructure and operating costs, increasing property values, [improving economic competitiveness](#), and [creating local green jobs](#) – all at the same time!

As it stands, Montgomery County government is wasting this unique opportunity – despite the [undeniable environmental and economic benefits](#) – by [simply deleting](#) the green roof and other minimum sustainability requirements from base code, so turning the tide on Executive Regulation 21-15 will take nothing less than a groundswell of public sentiment [demanding immediate action](#) by County Executive Leggett and the Council.