



iapd

international association
of plastics distribution

media release

Date: September 19, 2013
Contact: Liz Novak, Director of Marketing and Communications
+ 913.345.1005

FOR IMMEDIATE RELEASE

IAPD Issues LEED 2012 Response

OVERLAND PARK, Kans. – The International Association of Plastics Distribution (IAPD) has sent a response to U.S. Congressman Kevin Yoder about the LEED 2012 credit system and its impact on the plastics industry. Congressman Yoder represents the 3rd District of Kansas, where the IAPD headquarters office is located.

IAPD CEO Susan E. Avery, CAE, met with Yoder in July as part of a plastics industry fly-in. During that meeting, Yoder asked Avery to provide:

- An overview of the LEED credit system and the potential of deselection of plastics materials in government building projects
- Evidence that the development of the credit system was neither transparent nor via a consensus-building process
- How Yoder's role within the Appropriations Committee can be used to put pressure on the General Services Administration (GSA) to make sure that they are only using standards that closely adhere to the ANSI process, which requires transparency and a consensus-based process
- Evidence that the plastics industry has attempted to communicate with the U.S. Green Building Council (USGBC) and what the response has been

IAPD's response

It is IAPD's position that the U.S. General Services Administration (GSA), by adopting LEED 2012, as promulgated by the U.S. Green Building Council (USGBC), has implemented a measure that not only isn't open or consensus-based but grants a monopoly in the hands of a single, private organization.

IAPD is committed to energy efficiency and will continue to support adoption of sustainability standards as long as those standards are based upon equity within the spirit of both the Administrative Procedure Act (APA) and The American National Standards Institute (ANSI). Transparency is a common thread between APA and ANSI, the driving purpose of each to ensure fairness and consensus, respectively. A transparent system that enables stakeholders to have a role in creating solutions is at the heart of innovation and drives the competition necessary to generate new and better standards.

The federal government, and, by extension the private sector, must adhere to LEED 2012 or any classification adopted by GSA regarding "green" building standards. Therefore, those classifications have the same nature, force and effect of federal regulation. IAPD believes that fairness and consistency suggest that similar principles should encompass this decision-making process, particularly when, as is the case here, a single private standard is adopted. The LEED 2012 process has seemingly failed at this need for fairness and consensus.

APA applies to all agencies and its primary purpose is to require a fair process: (1) to require agencies to keep the public informed of their organization, procedures and rules; (2) to provide for public participation in the rulemaking process; (3) to establish uniform standards for the conduct of formal rulemaking and adjudication; and (4) to define the scope of judicial review.

This is not an IAPD issue, but is, rather, an issue for the entire plastics industry. As an industry, we believe that it is reasonable to assume that GSA's building standards must occur in this same APA spirit. Such an outcome promotes consistency in GSA actions: it does not impose any additional requirements on GSA. On the contrary, any burden to comply would be on the rating or standard put forth to GSA for approval, in this case USGBC/LEED 2012.

THE ESSENCE OF ANSI

The process by which USGBC determines the various components of its LEED program is neither transparent nor open. ANSI requires: (1) consensus by a group that is open to representatives from all interested parties; (2) broad-based public review and comment on draft standards; (3) consideration of and response to comments; (4) incorporation of submitted changes that meet the same consensus requirements into a draft standard; and (5) availability of an appeal by any participant alleging that these principles were not respected during the standards-development process.

This is the process that should be followed when the GSA is involved. The USGBC argues that it is not a standard setting organization but merely a voluntary ratings system. They contend that their LEED 2012 ratings follow many aspects of ANSI, so for all practical purposes they comply; however, IAPD cannot find justification for that position.

The fact that the USGBC fields thousands of comments, in and of itself, fails to meet either the spirit or the intent of ANSI (and APA, for that matter). Comments must be fully debated, something not permitted by USGBC. Instead, public comments fall into a "black hole," only reemerging part and parcel of final, broad proposals submitted to USGBC members to vote on in whole. The process is not consensus-based; nor does it enable the level of participation envisioned by either ANSI or APA.

In her response, IAPD CEO Susan Avery, CAE said, "We encourage Congressman Yoder to investigate this entire situation more closely. No single, third party should have a monopoly on dictating the standards by which energy efficiency and sustainability are met. We urge Yoder to insist that 'green' building standards and systems adopted by GSA promote fairness and transparency and uphold the spirit and intention of both APA and ANSI. We believe that all of these processes must be consistent with other regulations promulgated by GSA and to which every U.S. agency and the federal government are required to meet."

6734 W. 121st Street, Overland Park, KS 66209 USA
phone: +913.345.1005 fax: +913.345.1006
www.iapd.org iapd@iapd.org
Susan E. Avery, CAE, Chief Executive Officer

A bibliography, providing additional information from the plastics industry, is available online.

About IAPD

The International Association of Plastics Distribution (IAPD), established in 1956, brings together distributors, manufacturers, manufacturers' representatives, fabricators, recyclers and service providers in an environment which encourages a free flow of ideas and information that help members build their businesses. Every program and service we provide is designed with the simple goal of helping our members increase profitability. Membership in IAPD is an affordable business investment. IAPD provides training, connections with customers and suppliers and information about developments that impact the industry. What makes IAPD unique is a commitment to educating customers and other key end-users about plastics. In other words, IAPD works with members to build the demand for plastics. Central to this effort is the reinforcement of the value of distribution. For more information, visit www.iapd.org. Connect with IAPD:



6734 W. 121st Street, Overland Park, KS 66209 USA
phone: +913.345.1005 fax: +913.345.1006
www.iapd.org iapd@iapd.org
Susan E. Avery, CAE, Chief Executive Officer