

COMMENTS for LEED Round 4
(CSA SFM User Group Submission)
Version: June 29, 2010

COMMENTS ON NEW CHANGES and GENERAL COMMENTS
(that recycle previously submitted comments not specifically asked for in this 4th round)

Benchmark Revisions

• **Gp1 - Governing Structure** – The entity responsible for the certification scheme has governance structures that ~~1) are designed to~~ provide balanced representation of social, environmental and economic interests.

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes. Support the proposed change.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No.

• **Gp2 - Decision Making** – The entity responsible for the certification system has policies that ~~promote~~ require consensus-based decision-making.

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes. Support the proposed change.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No. Correct spelling for "decision".

• **Gp3 - Balloting I** – The entity responsible for the certification scheme requires that balloted decisions be approved by at least 1/3 of the votes from representatives of environmental, social, and economic interests, respectively.¹

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes. Support the proposed change.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No.

• **Gp8 – Organizational type** – The entity responsible for the certification system is a membership-based organization open to all organizations and individuals who demonstrate commitment to the system's guiding principles.

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No.

• **Gp9 - Dispute resolution for standards writing** –The entity responsible for the certification system has developed formal appeals procedures that are applicable to the standard-setting process.

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No.

• **Gc4 - Balloting II** –The entity responsible for the certification scheme requires that balloted decisions be approved by at least a majority of the votes from representatives of environmental, social, and economic interests, respectively.¹

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

No, consensus based decision making (Gp2) and 1/3 vote requirements (Gp3) adequately address balanced decisions.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

Remove Gc4 from benchmark.

• **Sp6 - Plantations** – Certification systems prohibit the certification of plantations that were converted from natural forest after 2009 unless the current owner is not responsible for their conversion. Exceptions are allowed where: 1) conversion occurs on a very limited portion of the forest management unit; 2) conversion does not occur in forests of special conservation value; 3) conversion enables clear long-term conservation benefits; and ~~for~~ 4) there are demonstrated efforts, guided by long-term planning, to restore the plantation area to natural forest conditions. For this purpose, the definition of plantation is consistent with the Food and Agriculture Organization's definition for the 2005 Forest Resources Assessment. Certification systems require that management of plantations that meet the above prerequisites employs a precautionary approach that adheres to all other certification requirements to the degree necessary to 1) support long-term plantation health and productivity and 2) support the movement of native species across the broader landscape.⁸

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

No, this requirement does not contribute to exemplary forest certification.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

Yes. Even age forests of single or sometimes dual species have been the norm for many natural forests in Canada for over 10,000 years -particularly in our fire dominated ecosystems. Reforestation programs that mirror natural disturbance are ecologically appropriate. Canada's forest management on public lands generally follow an extensive not intensive management regime, where natural ingress of native species are encouraged. Recommend that the benchmark be rewritten by inserting "intensively managed" into the first sentence as follows: "Certification systems prohibit the certification of **intensively managed** plantations that were converted..." This would emphasize the expectation in the benchmark itself rather than having it buried in the FAO definition.

• **N/A – Regulatory equivalent compliance path**

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes. Support the proposed change that rightfully clarifies that the benchmarks can be met by regulatory requirements. Valid certification programs demand legal compliance as a baseline expectation.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No.

• **Cp3 - Acceptable noncertified sources for percent-based claims** –Certification systems require due diligence to ensure that forest products labeled as certified ~~do not contain~~ avoid virgin or pre-consumer recycled wood from: 1) illegal or unauthorized sources; 2) non-certified forests of special social and environmental conservation value;³¹ 3) genetically-modified organisms, and 4) harvesting that converts natural forest to plantations / non-forest.

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

No, this requirement does not contribute to exemplary forest certification. It takes a very narrow view of some specific prohibited requirements of the FSC standard rather than a more inclusive approach that focuses directly on the critical issues of illegal and controversial source logging.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

Revise benchmark to: Certification systems require due diligence to ensure that forest products labeled as certified avoid non-certified wood from controversial and illegal sources.

• **Cp4 – Definition of legality** –Certification systems explicitly ban wood ~~from illegal harvest in protected areas~~ harvested in violation of international, national, or district laws, including but not limited to laws related to timber harvest, social welfare, and environmental protection. Compliance with CITES is required.

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes. Support the proposed change.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No.

• **N/A – Regulatory equivalent compliance path**

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes. Support the proposed change that rightfully clarifies that the benchmarks can be met by regulatory requirements. Valid certification programs demand legal compliance as a baseline expectation.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No.

• **Ap8 - Dispute resolution - The entity responsible for the certification scheme have** The entity certifying to the certification system has established a formal dispute resolution process to address disputes related to certification decisions.

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes, although current language is confusing.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

Suggest this be rewritten as follows: The certification organization that provides external audits and recommends certification to the accreditation body has established a formal dispute resolution process to address disputes related to certification decisions.

• **Ac2 - International codes of practice - The entity responsible for the certification scheme**

The entity certifying to the certification system is compliant with ISO/IEC Guide 65 and ISO 17021 or their equivalent.

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes, although current language is confusing.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

Suggest this be rewritten as follows: The certification organization that provides external audits and recommends certification to the accreditation body is compliant with ISO/IEC Guide 65 and ISO 17021 or their equivalent.

• **N/A – Regulatory equivalent compliance path**

1. Do you believe that the prerequisites and credits are appropriate for exemplary forest certification (e.g., technical rigor, market usability, environmental performance)? Please explain.

Yes. Support the proposed change that rightfully clarifies that the benchmarks can be met by regulatory requirements. Valid certification programs demand legal compliance as a baseline expectation.

2. Do you have any suggestions on how to improve the technical requirements of the prerequisites or credits? Please explain, providing citations to data and research where possible.

No.

GENERAL COMMENTS:

We are encouraged by the stated recognition of a life cycle approach and the benefits of using wood as a building material in general. However we remain concerned that the current LEED rating system disadvantages sustainably harvested wood products over other basic materials used in building construction.

While we recognize and support the improvements that have been made throughout this specific process, we continue to emphasize that the Benchmarks could be further advanced by requesting, considering and responding to comments on all requirements. Some remaining concerns are noted below.

GOVERNANCE:

Suggest additional benchmarks:

- There must be transparency and independence between the standard development organisation and the accreditation of the certifiers. (Explanation: While firewalls internal to an organisation may help to mitigate the effects of such a conflict of interest, the only way of ensuring genuine independence is through third party accreditation of certifiers. Such third party accreditation systems are part of national standards systems that participate in international standards activities such as ISO, which can be relied on for neutrality and expertise in this area)
- International certification programs must provide assurance that all requirements (policies, statutes, standards, procedures, process requirements, etc.) for certification programs (forest standards, certification, accreditation, and chain of custody) are fulfilled.
- No practices shall restrict or limit competition, e.g., requirements in a certification scheme that prohibit the use of other certification marks. (Explanation: Limits on competition and requirements that result in barriers to trade are not permitted under ISO and respective national standards systems).

STANDARDS SUBSTANCE

Sc1- Footnote 5 is incorrect. The CSA Z809-08 standard has measurable requirements that address the role of forests in carbon storage.

Sp2 – “Information on conservation measure is one of the pieces included in a publicly available *audit report*” should be changed to “Information on conservation measure is one of the pieces included in publicly available *information*”. That conservation measures are shared with the public should be the expectation, avoiding a narrow requirement that it could only occur in an audit report.

Sp5 - This benchmark should be applied fairly to all countries wood products are sourced from, and the specific references to the US and Canada removed. As currently written this benchmark favours other countries and establishes a trade barrier in global markets. Requirements for old forests currently reside within the Sp4 benchmark (maintenance and/or restoration of the structure, function, and composition of forest ecosystems within the range of natural variability). It is redundant and should be removed.

Alternatively, if the USGBC feels compelled to include a requirement for old forests, there should be the explicit expectation that old forests be retained within their range of natural variability, making it consistent the requirements of Sp4 and USGBC’s intent not to prescribe the precise time and spatial scale at which such attributes should be maintained (Footnote 7). In some forests the “current abundance” of old growth is not ecologically appropriate, and no standard (including FSC) will meet this requirement as currently written.

Sc6 – The current wording is confusing at best. Clarify that the intent of the certification system is to expect that harvesting occurs at rates that approximate the long term harvest level, having regard for biological, social and environmental values. This benchmark should be replaced with “*Timber harvest*

levels should be determined using a principle that it not exceed a rate that can be sustained in the long term.”

Sc16- Procurement is not part of sustainable forest management practices that are certified. Sourcing from non-certified sources is covered under Chain of Custody, and this benchmark should be moved to that section.

Sp23 –On forest lands that are publicly owned, this benchmark should require ongoing public dialogue and not simply that there be a few opportunities for input (which may only occur every 5 years when a standard is revised). Suggest the additional requirement as follows: “Certification systems require that people and groups directly affected by management operations are provided with opportunities for input and consultation. On publicly owned forests the certification system must demand a need for ongoing public dialogue. A public summary...”

ACCREDITATION & CERTIFICATION PROCESSES

Ap3 - We suggest that only successful complaints lodged against the certification body be included in the summary reports, to avoid creating misinformation as a result of unsubstantiated or nuisance complaints.

Ap7 – To be fair this benchmark should be written in a broader way that gives flexibility needed for acceptance of multiple standards. The information listed (particularly the information on conservation measures) should be publicly available, but may be found in a different document than the summary of the certification report. See suggestion within previous Sp2 comment.

CREDIT WEIGHTING PROPOSAL

The previously proposed credit-weighting proposal is counter productive and actually encourages using lower amounts of certified wood while still achieving the credit. This should hardly be the goal of the LEED standard, to discourage use of a sustainable product such as wood.

Currently the proposal requires a tremendous effort in documenting and verifying that a building is eligible to receive the allocated credit. Suggest a simplified approach that rewards use of wood, based on it’s environmental benefits as a building material then further rewards use of wood products from credible third party certified programs (something not found in any of the steel, plastic or concrete industries).