



City of Seattle

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

February 14th, 2005

To: USGBC TSAC,
Rick Fedrizzi, CEO
LEED Steering Committee (Rob Watson and Keith Winn, co-chairs)

Re: Comments on Assessment of Technical Basis for a
PVC-Related Materials Credit in LEED

My comments are submitted to you as the chair of the City of Seattle Green Building Team. The City's program was **the first to formally adopt LEED™** (5 years ago today in 2000), and currently has 7 LEED Certified Projects and 10 more in the works. I will divide my comments into several major categories. While I know some of these deal with issues that were covered previously at the PVC Stakeholders meeting in 2004, I still feel they are important enough that we cannot ignore at this important moment for the Council.

1) Philosophical Approach

The philosophical approach of proving impact and risk versus using the Precautionary Principle is critical. **The Precautionary Principle adopted by the UN Conference on the Environment and Development (1992)** reflects the uncertainty in assigning precise relationships between cause and effect, and can be described as follows: *“Where an activity raises threat of harm to the environment of human health, precautionary measures should be taken even if some cause and effect relationships are not fully established.”* **The precautionary principle permits a lower level of proof of harm** to be used in policy-making whenever the consequences of waiting for higher levels of proof may be very costly and/or irreversible.

The USGBC Board of Directors needs to provide leadership in utilization of the Precautionary Principle, versus undertaking vast and complex analysis of materials that will never provide irrefutable conclusions. The realm of LCA analysis is fascinating and many-layered, but should not be expected to provide conclusive results. Rather, LCA is a useful tool to begin to indicate impact areas and aid in qualitative decision making. It is in reality a qualitative tool, due to the fact that so many of the assumptions used with LCA are subjective or a matter of opinion. **LCA is not a pure science**, rather it is an art. Therefore, the Council is overemphasizing LCA's ability to give us “The” answer to any sustainable building question. The USGBC is a values-based organization, and the Board must ask itself **if refusing to acknowledge the potential negative environmental and human impacts of PBT's fits with the values of Council**. This is a much more important question, one which I believe the Council has not appropriately grappled with.

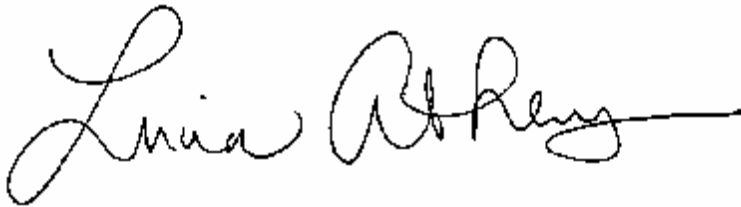
2) Analytical Approach

The analytical approach is fundamentally flawed, in that it looked at too narrow a category of building materials. PVC is a material that contains PBT's, (Persistent Biological Toxins). There are many other building materials and products with PBT's, including mercury thermostats. As such, **no one material or PBT should be singled out**, rather **all building materials containing PBT's should have been the focus** of the analysis and of a possible credit. Therefore, if the Precautionary Principle is not directed by the Board, **the TSAC should be redirected to examine the impacts and risks of PBT containing materials** versus those that do not contain PBT's. This more broad approach puts the Council in a much more strategic position, and one that does not single out any industry sector.

3) Precedents

The USGBC is not alone in its desire to grapple with the PBT issue. The State of New York, the Cities of San Francisco, Boston, and Seattle have taken steps to put a priority on deselection of PBT containing products and materials. In July of 2002, the City of Seattle adopted **Resolution Number 30487**, A Resolution relating to persistent, bioaccumulative, toxic chemicals (**PBTs**), **stating the City of Seattle's intent to reduce its use of PBTs**. The Resolution states: "*The City of Seattle considers persistent pollution prevention a high priority for action to reduce risk to public and environmental health, and intends by this resolution to encourage the reduction of pollution from PBTs....The City of Seattle will consider the presence of PBTs and the potential for their release in making purchasing decisions by...Developing and applying criteria that differentiate products containing PBTs and those that result in the release of PBTs during production or disposal from those that do not.*" I urge the USGBC to demonstrate the same leadership regarding this issue as USGBC public sector members, such as the City of Seattle.

Sincerely,

A handwritten signature in black ink that reads "Lucia Athens". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lucia Athens
City of Seattle Green Building Team Chair
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