

ENVIRONMENTAL ISSUES COMMITTEE

January 24, 2002

EMU Board Room

Attendees: Bob Jones, Jessica Rose, Dean Livelybrooks, Anne Forrestel, Kay Coots, Dorene Steggell, Christine Thompson, Vera Kewene, Robyn Hathcock, Chris Jones, Courtney Hight, Julia Heydon

Guests: Melinda Grier, Harriet Merrick

Sustainable-Forestry/No-Old-Growth Wood Products Purchasing Policy ("WPPP")

Dorene Steggell researched the Sustainable Development Plan and how it relates to Tom Giesen's January 4th presentation to the EIC subcommittee. Dorene cited the following sections providing a connection between the plan and issues discussed:

- Benefit of using sustainable design on pg 2 - Using building materials with low embodied energy preserves natural resources and can strengthen local industries
- **Performance Standards** on pg 4 - Sustainable principles must be measured and enforced by a defined set of standards to ensure effective implementation.

Therefore: All new construction projects that are required to comply with the State Energy Efficiency Design (SEED) program shall be rated according to the LEED Green Building Rating System.* These projects shall achieve the equivalence of the base level of LEED certification (and strive for a higher level) unless there is a compelling reason why this is not possible.

*The LEED Green Building Rating System, created by the U.S. Green Building Council, is a set of performance standards where credits are earned for satisfying each criteria. The standards are based on accepted energy and environmental principles and strike a balance between known effective practices and emerging concepts. Different levels of green building certification are awarded based on the total credits earned.

- **Healthy Ecosystems** on pg 7 - Each site consists of interconnected living systems, all linked to the environment beyond the site's boundaries.

- **Life Cycle Costs** on pg 10 - Avoid materials that generate ozone-depleting chemicals (VOCs, HCFCs, etc.) during manufacture and/or use, are made from toxic or hazardous constituents (benzene, arsenic, etc.) and/or that unduly deplete limited natural resources, such as old-growth timber.

Bob asked Melinda Grier to discuss Dan Williams' concerns about the idea of adopting requirements, and its conflict with a Board of Higher Education policy adopted in February, 2001. She said that what the EIC can do is limited; for example, the Committee cannot make a restriction or require using certified lumber or state that no old growth be used. The Board policy says that the only consideration in making business agreements, or otherwise conducting business, has got to be the ability to

perform. EIC could educate in order to encourage vendors not to use old growth timber, but again could not adopt a policy stating "that we will only use..."

Harriet Merrick answered a question about whether the Governor's Executive Order on Sustainability provides any authority to make policies. She referred to item #6 in these guidelines which states "develop voluntarily incentive-based and performance-oriented systems to supplement traditional regulatory approaches." She recommended taking an educational approach with vendors and stressed that this can be very successful.

The issues of quality, esthetics, and life-cycle may be factored into purchasing decisions. Need to tie objective, specific, tangible, and concrete dynamics into the decision making process. For example, a policy cannot be adopted which states that it is required not to use any old growth timber if the old growth timber performs as well as second growth.

Performance oriented areas of sustainability can be used in the decision making process. It is essential to use quantifiable factors such as durability, life cycle, energy usage, and/or recycling factors. (However, be aware that energy usage can be a very difficult area since every vendor will claim least energy use.) You can also eliminate a wood type, for example teak, for esthetic reasons.

In answer to a question about repercussions to adopting policies, Melinda cautioned that the Board gives the University authority to purchase and can also take away that authority. There is also the danger of a contractor suit due to interference with the contractor's ability to do business. There is a strong body of law protecting a contractor in doing business with a public entity. The Board and the State legislature have authority to make and/or change policy.

The governor can't, by statute, do what the legislature says doesn't apply. And what the legislature has said is that the Department of Administrative Services does not have authority over our purchasing. Our purchasing is not under ORS 279.

A question came up about instances where deciding between contractors results in a tie, and whether sustainability issues can be used to break that tie. Melinda offered to research this further; however, she felt that the difficulty would be certification related.

Bob asked whether restrictions could be imposed at the specifications level. Harriet's response was that there is no distinction, because the specs determine who can participate. The submission would be considered non-responsive when specs are not met. Architects and engineers are the experts on specs.

Can we hire architects known for their expertise in sustainability?

Melinda said it's reasonable to say that we're interested in sustainability and that it's important to us, which is different than having architects, for example, require a certified wood when there is no performance difference.

Would it be legal and meaningful to soften the language to encourage and recommend rather than require projects to use certified wood?

It would be acceptable in the Board's policy to encourage vendors to use that in preparing bids. Harriet felt that the message eventually does get across. When it gets into the culture there is a positive long-term effect, as has been demonstrated with recycled products.

In light of today's discussion, what would be the best way to proceed in making a recommendation?

Melinda suggested that Dan Williams is the best person to know how to proceed and offered to talk to him on the Committee's behalf.

The Committee decided to wait to for feedback from Melinda regarding tie breakers and Dan's recommendations. Courtney Hight, Anne Forrestel, Dean Livelybrooks and Bob Jones volunteered to serve on a subcommittee to consider the responses.

It was further suggested that a possible response to the President and Senate, via Dan Williams, be that we found we can't proceed (or were not able to do this because of purchasing regulations); however, we think that it's the right thing to do. Would like to see movement at some level above us. Furthermore, at some point the University needs to increase its sustainability commitment and consider changes that would allow us to make needed advancements in sustainability at the policy level.

There was also consensus that it's time to refocus efforts in some areas that were identified earlier in the year. There are many projects that may be accomplished without legal entanglement, for example, continue education in areas such as sustainability, energy consumption, and to monitor energy use on campus.

The next Environmental Issues Committee meeting is on Tuesday, February 19 in the EMU Board Room at 2:00 p.m