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# Green Building Update

an Allen Matkins  
market intelligence  
publication

**Allen Matkins**  
attorneys at law

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## [USGBC sued over false advertising, fraud](#)

*Mother Nature Network - Oct 15*

A class action lawsuit was filed October 8, 2010, in New York against the USGBC and its founders on behalf of "consumers, taxpayers, building design and construction professionals." The \$100-million lawsuit alleges fraud, unfair competition, deceptive trade practices, and false advertising, among other things. For more, including class members and a full list of allegations, view the official [USGBC class-action complaint](#).

### GREEN BUILDING FOCUS

## [USGBC partly fixes LEED decertification](#)

*By Bryan Jackson - Oct 25*

Many of us criticized the LEED decertification policy for essentially allowing any person to dispute any LEED certified project forever. We worried that even competitors could bring LEED challenges decades after a project was certified and long after the contractors and consultants who assisted with the certification process were gone. We suggested that standing requirements and a statute of limitations be added to the decertification policy. On September 17, 2010, the USGBC's Green Building Certification Institute (GBIC) revised the [LEED Certification Policy Manual](#) for all LEED building rating systems except LEED for Neighborhood Development. Paragraph 9.3 of the Manual now requires challengers to "have specific personal knowledge of an event or condition that would prevent a project from satisfying a particular credit, prerequisite, or MPR" (Minimum Program Requirement) and requires that detailed complaints be submitted "within two (2) years of the award of LEED certification for a project." Hopefully, the two year statute will give some peace of mind to building owners with LEED certifications and the contractors and consultants who assisted in the certification process. However, the personal knowledge requirement may not go far enough. Theoretically anyone could gain personal knowledge of an "event or condition" that questions compliance with a LEED requirement. Perhaps an allegation of actual damages suffered by the claimant should be required.

## [Green buildings reduce emissions](#)

*The Hindu Business Online - Oct 10*

"Governments... see in the 'built up environment' an opportunity to bring down greenhouse gas emission," says Tony Arnel, Chairman of the World Green Building Council. But Arnel warns that green construction must be widely adopted to make a significant impact.

## [Innovative green ways](#)

*facilities net - Oct 18*

Facilities.net revisits time-tested innovative green solutions that create more comfortable environments and lower utility costs. Some examples are Egyptian rain harvesting, Victorian light exterior paint colors that reflect heat and turn of the century front porches and awnings.

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## [LEED Canada using Energy Star Portfolio Manager](#)

*CAGBC - Oct 8*

LEED EBOM in Canada uses the EPA's Energy Star Portfolio Manager to assess energy use. On June 7, 2010, the US EPA implemented updates to this tool.

### GREEN BUILDING PROJECTS

## [McDonald's earns LEED Gold](#)

*TFTS - Oct 15*

A rebuilt McDonald's in Riverside, California, is the fourth such restaurant to seek LEED Gold and features light-colored hardscape to reduce heat, native drought-tolerant plants and low-flow plumbing to reduce water usage, 294 photovoltaic panels to generate some of the restaurant's electricity, and recycled denim insulation.

## [Two Living Buildings certified](#)

*inhabitat - Oct 13*

Recently, two buildings received the Living Buildings title: The Omega Center for Sustainable Living in upstate New York and the Tyson Living Learning Center in Eureka, Missouri. Considered by many to be the highest echelon in sustainability, life cycle design and operation, a Living Building must generate all of its own energy through clean, renewable resources; capture and treat its own water through ecologically sound techniques; use nontoxic, appropriately sourced materials; and operate efficiently and beautifully.

### Related:

[Omega Center achieves LEED Platinum](#)

## [ZETA's pre-fab net zero buildings](#)

*Fast Company - Oct 7*

Let the pre-fab invasion begin. [ZETA Communities](#), a Bay Area-based green building startup, created its first [net-zero](#) modular demonstration home last year. Now, Zeta finished a 91,000-square-foot net zero energy factory, dubbed "z-Fab." Its next projects are three schools in California: the Davis Waldorf School, the Live Oak School District Child Development Center, and Tierra Pacifica K-8 Charter School.

## [Rockefeller Brothers Fund achieves LEED Platinum](#)

*AScribe - Oct 12*

The Rockefeller Brothers Fund has earned a LEED Platinum certification (LEED-CI v2009) for its new office in New York City. The 29,000-square-foot office evokes understated elegance.

## [Skidaway Institute earns LEED Gold](#)

*Savannah Now - Oct 13*

Skidaway Institute of Oceanography earned LEED Gold for its Marine & Coastal Science Research & Instructional research center.



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