

[LEED Certification Challenges: What is "Close Enough"?](#)

There have been many discussions lately regarding the Northland Pines challenge to the LEED certification of its high school facility recently rejected by the [USGBC](#), notably at the [Builder's Counsel Blog](#) and at the [Green Building Law Update](#). You can check out the Green Building Law Update link for the entire group of documents that the challengers used in their appeal. The rejection was not the end of the road, however. The challengers have appealed the ruling and issued the following statement on June 5, 2010:

What is all the ruckus about Northland Pines?

In 2004, the voters of Vilas County Wisconsin voted to approve the sale of \$28,535,000 worth of bonds to finance a new High School for the Northland Pines district.

The appellants in this case all served on the Building Committee for the new school and each brought specific talents and experience in design and construction of large buildings. Each was dedicated to the proposition of creating the most efficient structure possible.

The design team and school board discouraged any outside input and set forth to design and construct the school as they saw fit.

As the design developed, the appellants questioned whether the facility would indeed meet the prerequisites for LEED® Certification and were told that it would despite what appeared to be glaring shortfalls with respect to these requirements. The appellants retained the service of two highly regarded consulting engineers to review the plans. Both of them determined that the facility as designed would not qualify for LEED® Certification.

In December 2008, the appellants filed an appeal with the USGBC challenging the award of the Gold Certification given to Northland Pines. Some 16 months later the appellants were notified that the USGBC had looked into the matter and found

everything to be fine. They based this on reports from two more consulting engineers who said that the building did not meet the prerequisites but concluded that “pretty close” is close enough. When the appellants' engineers asked for the back up data to the USGBC reports, they were told that they were pretty busy and would address that request when they have time. Time has passed and the requested materials have not been forthcoming. Why?

On behalf of the taxpayers of Vilas County who would like to know with certainty whether they got what they paid for or not, we ask the engineering community to look at this file and tell us, did we miss something here? How can it be alright to certify a building that doesn't fully comply with the rules set forth by the body that is doing the certifications?

We would love to hear what you think. We are only in search of the truth which ultimately will be what is best for Northland Pines.

The challengers also cite to a [report](#) from a consulting engineer that the USGBC hired to help respond to the challenge that stated that certain prerequisites were not met. The report concludes that the building should remain certified because it achieved enough points regardless of missing some of the prerequisite requirements. Essentially, the report concludes that the building was close enough to meeting every requirement and therefore the challenge should be denied.

What do you think? Is "close enough" a good standard on these appeals? What about the [potential issues for contractors](#) who build to plans that do not meet the prerequisites but a building is certified only to have a justifiable challenge be upheld? Let's discuss.

UPDATE: The USGBC Response can be found at the Green Building Law Update. Please check it out [here](#).

Please check out my [Construction Law Musings Blog](#) for more on Virginia construction law and other topics.