

Minutes (tentative as of 9-28-18)
 GBI Consensus Body Meeting #38
 BSR/GBI 01-201X
 Webinar

Attendance:

No	Name	Organization(s)	1-30-18	4/27/18	5/10/18	6/19/18	8/8/19	9/28/18
1	Gregg Bergmiller	S/L/A/M Collaborative	X	X	X (by proxy)	X	X	X
2	Paul Bertram	PRB Connect	X (by proxy)	X	X		X	X
3	Allan Bilka	International Code Council	X	X	X	X		Absent
4	Jeff Bradley	American Wood Council	X	X	X	X		X
5	William Carroll	American Chemistry Council	X	Absent	X (by proxy)			Absent
6	John Cross	American Institute of Steel Construction	Absent	X	X	absent	X	X
7	Mike Cudahy	Plastic Pipe and Fittings, Association	X	X	X	X	X	X
8	Chris Dixon	NBBJ (rep. self)	X	X	X	X	X	Absent
9	Nicole Dovel-Moore	CTA Architects Engineers	Absent	X	(by alternate)		X	Absent
10	David Eldridge	Grumman/Butkus Assoc.	X	Absent	X (by proxy)	absent	X	X
11	William Freeman	Resilient Floor Covering Institute	X	X	X (by proxy)			X
12	Susan Gitlin	U.S. EPA	X	X	Absent	X	X	X
13	Don Horn	GSA	X	X	X	X	X	X

14	Josh Jacobs	UL Environment	X	X	X	X	X	Absent
15	Greg Johnson	Johnson Consulting Services, Greenscape Alliance	X	X	X	X		X (by proxy for first part)
16	Rachel Minnery	AIA	X	absent	absent	X	X	Absent
17	Charles Kibert	University of Florida	X	X	X (Serving as chair nonvoting member)	absent	X	X
20	Gary Keclik	Keclik Associates	X	absent	Absent	X		X
21	Thomas Pape	Alliance for Water Efficiency	X	X	X	X	X	X
22	Tien Peng	National Ready Mix Concrete Assn.	X	X	X	X (by proxy for first half hour)		Absent
23	Jane Rohde	JSR Assoc. Inc., Vinyl Institute	X	X (by proxy)	X	X	X	X
24	Gord Shymko	G.F. Shymko & Associates, Inc.	X	X	X	X (by proxy)	X	X
25	Kent Sovocool	Southern Nevada Water Authority	X	Absent	X	X	X	Absent
26	Steve Strawn	JELD-WEN	Absent	Absent	Absent			Absent
27	George Thompson	Chemical Compliance Systems, Inc.	X (by proxy)	X	X	X	X	X
28	Angela Tin	American Lung Assn.	Absent	X	X	X	X	X

29	Douglas Tucker	Misubishi Electric Cooling & Heating	X	X	Absent		X	X
	Abby Brokaw	American Lung Assn. (voting Alternate for Angela Tin)						
	Ashleigh Powell	CTA Architects Engineers			X			
	Paul Karrer	AIA (Alternate for Rachel Minnery)						
	Bill Hoffman	UL Environment (Voting Alternate for Josh Jacobs)						
	Lance Davis	GSA (Voting Alternate for Don Horn)						
	D'Lane Wisner	D'Lane Wisner (Voting Alternate for William Carroll)						
TOTALS				22/28	20/27	19/27	20/27	18/27
	Martha VanGeem	Self (Principal Engineer)	X	X	X	X		X
	Ric Doedens	Logison		X				
	Richard Willis	NAPA						
	Kyle Thompson	IAPMO						
	Michael Jouaneh	Lutron Electronics Co., Inc.			X			

	Christine Subasic					X		
	Dave Panning	BIFMA	X	X	X			
	Joseph Shacat							X
	Ed Deomano							X
	Michael Lehman	Chair	X	X	Absent	X	X	X
	Vicki Worden	Executive Director, GBI						
	Micah Thomas	Staff, GBI	X	X	X	X	X	
	Sara Rademacher	Staff, GBI	X	X	X	X		X
	Maria Woodbury	Secretariat, GBI	X	X	X	X	X	X
	Kim Goldsworthy	Roberts-Rules Consulting	X	X	X	X	X	

September 28, 2018

Welcome & Roll Call

Secretariat, Maria Woodbury welcomed participants and conducted roll call to establish quorum. The anti-trust statement and code of conduct were reviewed, and participants were requested to comply with both fully. There were no changes to the membership roster since the last meeting. The meeting was recorded for purpose of preparing minutes. No objections or concerns were raised.

Woodbury reminded members that all are welcome to participate in the discussion. Only Consensus Body members can make motions or vote on motions.

Administrative Items

Chair Michael Lehman made his opening comments, thanking everyone for their time and expertise. Lehman provided an overview of the agenda for the day and reminded members that discussion will be lead in order. He recommended that participants focus on the topic at hand, and each topic will be limited to 15 minutes to keep things structured and moving forward. The chair provided an overview of the agenda for the meeting.

The motion was made to approve CB #37 Meeting Minutes.
No objections. Approved by consensus.

Recirculation Ballot Negative Reasons

Horn. 11.5.2.

Reason: It is not appropriate for a green building assessment protocol to award the highest number of points in the acoustic comfort section for the installation of a sound masking system.

Revision Requested: Delete the section or reduce the points awarded to the lowest number of points in section 11.5.

Recommended Response: Thank you for your feedback on the Standard. While the Consensus Body is not making the proposed changes in this review cycle, there is agreement that clarification could be beneficial in implementing this language. The Consensus Body's non-binding recommendation for inclusion in a user's guide is: "If a Sound Masking System is used, then it should meet the criteria listed in 11.5.2". The Consensus Body encourages the negative voter to submit their proposal during the next review cycle.

Status: Unresolved

MOTION: The Motion was made and seconded to accept the proposed response.

POINT OF ORDER: Participant stated that according to procedure 4.8, there needs to be a letter ballot to determine if these responses are persuasive or not. Participant asks for clarification on the relationship with this discussion and votes today and the non-persuasive letter ballots.

- Secretariat showed GBI Procedures Section 4.8 on-screen:
 - Negative Votes with Reason – all negative votes with reasons shall be referred by the Secretariat to the Standards Committee Chair or the Subcommittee Chair responsible for the part of the standard in question. The Standards Committee Chair or Subcommittee Chair will review the objection with the voter and attempt to reach resolution. All consensus

body members voting negative on a ballot shall receive a written disposition of their comments. If substantive changes to the standard are required then the changes are subject to letter ballot and public review process. If changes are not made to the standard and the voter still maintains an objection then a letter ballot is issued to determine if the objection is to be considered "non-persuasive". Classifying an objection as "non-persuasive" requires a quorum and 75% approval of Standard committee members excluding abstentions. If an objection is deemed non-persuasive, the voter shall be informed in writing of the unresolved technical objections and right to appeal (section 6.0).

Additionally, all unresolved objections from Standards Committee voting and from the public review process shall be recirculated to the Committee noting the reason for objection, attempts at resolution, and any substantive changes to afford the Standards Committee members the opportunity to respond, change, or reaffirm their votes

- The discussion and any votes during this meeting are attempts to resolve and respond to the reasons. If the reasons remain unresolved, then they are subject to the letter ballot.

Discussion took place on the Motion:

- Participant asked if changing the number of points is considered a substantive change. Secretariat clarified that would be considered a substantive change and therefore subject to public comment.
- A participant stated that the clarification seemed vague.
- A participant speaking against the motion stated this proposed response does not address the issues raised in the reason. To send a non-binding recommendation for inclusion in a users guide, while the language remains in the Standard at the current number of points is inappropriate.
- The question was raised regarding the point differential between the points now in the Standard and the lowest number of points in section 11.5. The answer was there are 3 points allocated to 11.5.2.
- A question was raised whether the process of achieving the criteria is worth the effort for just two points
 - Sentiment echoed that this should move forward and the focus should be on getting the Standard published opposed to delaying it further.
 - An opposing view was raised that this decision should not be decided based on whether or not public comment is required as a result of action taken. If the Standard is flawed, it's flawed.

POINT OF ORDER: Greg Johnson has joined the meeting. Jeff Bradley no longer carries his proxy.

- Sentiment echoed that this should be addressed during continuous maintenance and not delay publishing the Standard.

VOTE: The Motion carried with 16 in favor, 4 opposed, 1 abstained.

Opposed: Susan Gitlin, John Cross, Thomas Pape, Don Horn

Abstained: Gregg Bergmiller

POINT OF ORDER: Bill Freeman also joined the call.

Horn. 7.7.

Reason: It is not appropriate for a green building assessment protocol to award points for siting a building where the wildland-urban interface hazard is high, particularly after the worst wildfires in California's history.

Revision requested: Delete the section

Status: Unresolved

POINT OF ORDER: Charles Kibert assumed the chair and presented 7.1. Mike Lehman dropped off the call unexpectedly.

MOTION: The Motion was made and seconded to reject the proposal.

Discussion took place on the Motion:

- It was stated that in 2017 43 people died in fires and 4.5 million homes are at risk of wildfire. The language in this criterion mitigates that risk.
- A participant speaking in favor of rejecting the comment stated the previous point is germane. The current reason states that points will be awarded for citing a building in the wildland urban interface, which is not accurate. Points are awarded for using responsible management to ensure spread of wildfires between buildings and land is not continued where buildings are located in the wildland urban interface.
- A participant speaking against the motion stated there is another Section in the Standard where not building in the Wildland-Urban Interface achieves points. But this section gives points for building in that interface which is inappropriate. This could compromise the credibility of the Standard and should be removed.
- Speaking against the motion, it was stated that if the Standard included pre-requisites, then the logic of the first participant would be relevant.

- A question was raised whether deleting this Section is considered a substantive change. The Secretariat clarified that it is substantive.
- It was stated that the Consensus Body is striving for perfection but as a result, delaying getting the good content published. The suggestion was made that this issue should be reviewed during continuous maintenance.
- A participant stated that the ANSI process requires the Consensus Body to try to reach consensus and attempt to resolve every negative comment. When Consensus Body members state we need to publish the Standard even if it's not perfect, it could be grounds for appeal. The participant urged the Consensus Body to take this seriously.
- A participant spoke in agreement that there needs to be additional changes to the Standard, another public review period is needed. It's premature to publish the Standard as it stands.
- A participant stated that they do take the process seriously, the Consensus Body is responding to each comment. The speaker noted that this review cycle has taken longer than drafting the Standard from scratch.
- Sentiment echoed that a flawed product shouldn't be published if the Consensus Body knows it's flawed.
- It was stated that there are many items that should be done to mitigate the risk if the hazard exists, there are only 3 points awarded for the criteria.

VOTE: The Motion carried with 13 in favor, 4 opposed, none abstained.

Opposed: Susan Gitlin, John Cross, Thomas Pape, Don Horn

Abstained: None

Point of Order. A participant asked if the above rejection requires a response.

MOTION: The motion was made and seconded to include the following response: "This provision provides an important incentive to prevent the environmental and economic damage associated with the spread of fire between buildings and wild lands."

Discussion took place on the Motion:

- One participant stated that this response is misleading. Very few, if any projects will ever achieve all of the criteria in the Standard.
- The assumption that this only applies to new buildings is wrong. This is equally applicable to existing buildings and the hazards associated with the spread of fires between buildings and wildlands. The assumption that this will only be applicable to one or two buildings ignores the fact of how wildfires begins.
- Member asks for clarification on the existing Standard. Does it apply to existing buildings and how many buildings so far have gotten Green Globes certification

so far? Another participant clarified that this Standard is for new construction, however, this Standard applies to major renovations as well.

- No one on the call recalled the specific number of buildings certified as major renovations in Green Globes, but it has been applied and is not uncommon.
- Participant re-emphasized that it's highly detrimental to build in a Wildland-Urban Interface, it's disingenuous to claim that there is an environmental benefit to this criterion.

AMENDMENT: The amendment was made to strike "environmental and" from the proposed response.

No second. Amendment not approved.

POINT OF ORDER: Unclear if the original motion was seconded. It was clarified that it was seconded in the beginning.

VOTE: The original motion carries with 14 in favor, 4 opposed, none abstained.

Opposed: Don Horn, John Cross, Susan Gitlin, Thomas Pape

Abstained: None

POINT OF ORDER: Mike Lehman re-joined the call and assumed the chair.

Gitlin. Whole Document

Reason: GBI announcements and Committee discussions reduced consideration of public comments and may have discouraged public participation in the public comment process. For example, during Committee discussions of public comments submitted during the second public review, the third draft was frequently referred to as the 'final draft' and decisions were made that avoided adoption of substantive changes which might trigger further substantive public comment. GBI's public announcement of the issuance of the draft referred to it as 'the final public comment period during the current revision cycle' and stated that 'commenters proposing substantive changes will be asked to re-submit their comments during the next revision cycle.' The public comment form itself also referred to the draft as the "Third and Final Public ANS I Comment Period" and in the instructions stated "The Consensus Body will not be taking action on Substantive comments during this third and final comment period of the current revision cycle. Commenters will be advised to re-submit Substantive comments during the next review cycle, likely 18 to 24 months after the publication of the BSR/GB I O1-20 IX Draft Standard." Potential commenters, particularly those who had not commented in the past, may have determined that a review of the draft at that point would be a futile use of their time.

GBI actions were at odds with GBI procedures 4.11 and 8.2.

Revision requested: Re-visit decisions on public comments submitted during the second public comment period, with an intent to allow substantive changes to be included in the third public review draft. Re-conduct the third public review without referring to it as the "final draft" or discouraging substantive comments on revised components of the draft standard.

Status: Unresolved

Floor opened for discussion on this reason.

- A question was posed to commenter that the phrase “may have been people discouraged from public participation” is used often, what is the evidence of that?
 - It’s not possible to know of if anyone has been cut out of the process, but it’s important to make sure the public has the ability to fairly participate in the process and the participant states they don’t believe the public had the opportunity.
 - Participant stated the “third and final” review period language was seen as an incentive to respond, not a dis-incentive to the public.

MOTION: The motion was made and seconded to respond: The Consensus Body has been conscientious to follow the procedures at Subcommittee, work groups and Consensus Body levels.

Discussion took place on the Motion:

- It was stated that the risk is not that commenters were discouraged. The ANSI process has been honest, open, and transparent per procedures.
- It was stated that members of the Consensus Body are discouraged to participate if the process is an unending series of public comments and meetings with no end product as a result.
- A participant raised concern that everyone on the Consensus Body knew the goal was to publish the Standard, without free and open discussion and serious consideration of the technical merits of each of the items that came up. Disagreement was expressed that the “third and final draft” language would be incentive, because the comments that were accepted were only on limited revisions. A suggestion was made that this be subject to independent review and whether pushing for publication is in violation of procedures. The first draft of a Standard has more traction than any later revisions.
- A participant who spoke previously apologized for implying that other participants weren’t taking procedures seriously. The participant clarified that their role in this type of group is to look out for places where procedures are fully followed.
- A participant stated that the idea that the Consensus Body has not responded to substantive comments as they have been presented is inaccurate. This body has discussed comments exhaustively. Each comment has been voted on and responses sent to commenters per GBI Procedures.
- There was a reminder that once the Standard is published, it will already be outdated.

- It was stated that the language made it look like there was no possibility of reviewing new comments.
- Secretariat stated that there were questions about that following the comment period. ANSI determined that that language was outside of procedural requirements. To resolve the issue, the public comment period was extended and commenters from the 2nd and 3rd public comment periods received notification that the review period was extended to submit additional comments. The form was updated, clarification was provided, and no additional comments were submitted during the extension period.
- A participant stated that the review should have been completely opened up again, as opposed to just to public commenters.
- People in the public are asking when the Standard will be published so it can be used. While on one hand there are arguments to make the Standard perfect, there are also members of the public who are want the Standard to be published as soon as possible.

AMENDMENT: The amendment was made to change the word “conscious” to “conscientious” as an editorial correction.

No objections.

AMENDEMENT: The amendment was made and seconded to add “The proposal is rejected.” to the beginning of the response.

No objections.

VOTE: The vote carried with 13 in favor, 3 opposed, 2 abstained.

Opposed: Susan Gitlin, John Cross, Don Horn

Abstained: Allan Bilka, Thomas Pape

Gitlin. Various

Reason: See un resolved objections to USE PA public comments and comments submitted with previous negative vote.

Revision requested: N/A

Status: Unresolved

- A question was raised about what the discussion is if there is no revision request.
- The commenter was on the call and stated they wanted to document the concerns still not addressed. They were also unclear how the Consensus Body would respond to this.
- Secretariat suggested that the response could be an acknowledgement that the Consensus Body has received and considered the comment.

MOTION: The motion was made and seconded to respond “No specific action is requested, and no action will be taken as a result of this reason.”

Discussion took place on the Motion:

- A participant stated that in their recollection, there has always been a vote on every comment. If the Consensus Body votes against the comment, does that mean it's unresolved? Clarification was provided that the commenter has the right to either remain unresolved or indicate in writing that they are resolved regardless of whether a negative reason is accepted or rejected.
- A participant stated that the response should recognize that the comment is unresolved.

AMENDMENT: The amendment was made and seconded to add "The Consensus Body has reviewed the unresolved objections to the US EPA's public comments submitted with previous negative votes." As the first sentence. And change "is requested" to "has been requested" in the original motion.

No objections

Discussion took place on the Amendment:

- Clarification was provided that all of the items on the agenda were unresolved negative reasons on the recirculation letter ballot.

VOTE: The vote carried with 16 in favor, none opposed, two abstained.

Opposed. None

Abstained. Susan Gitlin, Thomas Pape

Schedule Update:

The Secretariat will follow up with the two voters that had negative reasons on the letter ballot. Any items that remain unresolved will be subject to a Non-persuasive Letter Ballot. The ballot period will be 15 days.

MOTION: The motion was made and seconded to adjourn the meeting. No objections.

Meeting adjourned at 1:01 pm