

PEER Comments on LEED System and Sections:

Building Design & Construction

Interior Design & Construction

January 13, 2011

Toxic coal wastes should be clearly excluded in LEED because:

- They contain toxic materials that can be re-released into buildings and the environment including: [arsenic](#), [beryllium](#), [boron](#), [cadmium](#), [chromium](#), [chromium VI](#), [cobalt](#), [lead](#), [manganese](#), [mercury](#), [molybdenum](#), [selenium](#), [strontium](#), [thallium](#), and [vanadium](#), along with [dioxins](#) and [PAH compounds](#).
- The levels of these toxics are increasing under new power plant air emissions control requirements. Due to stronger air pollution controls on emissions of mercury and other toxics, the mercury levels in coal ash and other wastes has been rising and will likely nearly double this decade.
- Products containing coal ash are disposed of in ways that release their toxic elements when the products are incinerated, pulverized or buried in unlined pits. Interior and exterior construction material containing coal combustion wastes will require end-of-life safeguards to prevent toxic substances therein from entering the environment.
- In 2009, EPA Administrator Jackson admitted on *60 Minutes* that she does not know if building products containing coal wastes are safe. While the industry says the uses have been studied, Stahl asked Lisa Jackson whether the EPA knows if some of the recycled products are safe:

”Schoolroom carpeting,” Stahl asked.

”I don't know. I have no data that says that's safe at this point,” Jackson replied.

”Kitchen counters,” Stahl asked.

“The same,” Jackson replied.

- It is extremely misleading to claim that putting coal combustion wastes into construction or interior materials actually reduces generation of greenhouse gases associated with climate change. These claims omit any mention of the massive amounts of greenhouse gases emitted in mining and burning the coal to produce the ash.
- The sale of coal wastes into building products, instead of properly managing it as hazardous waste, provides huge subsidies for the coal industry, which is the largest source of greenhouse gas emissions. Supporting the sale of toxic coal wastes as

“recycled materials” in the Materials and Resources Section undermines USGBC’s leadership in prioritizing the reduction of fossil fuel use and carbon emissions.

Recommendations, suggestions, or other ideas for improvement:

Add language excluding toxic coal wastes:

Following: Exclude mechanical, electrical, and plumbing components and specialty items, such as elevators.

Add:

“Coal fired power plant wastes (including, fly ash, bottom ash, and flue gas desulfurization wastes) do not qualify for this credit.”

Note - Parallel language has been used in LEED-HC: Fly ash generated as a by-product of municipal solid waste incinerators does not qualify as a recycled-content material for this credit.

At a minimum, adapt LEED 2009 for Health Care Recycled Content Credit language establishing mercury content limits:

LEED-HC Language (Adopted): Supplemental cementitious materials derived from coal fired power plant wastes shall not have mercury content > 5.5 ppb (0.0055 mg/L).

Recommended Language: “Materials derived from coal fired power plant wastes shall not have mercury content > 5.5 ppb (0.0055 mg/L).”

References:

Public Employees for Environmental Responsibility (PEER), Coal Combustion Waste Website, News Releases and Supporting Materials

<http://www.peer.org/campaigns/publichealth/coalash/index.php>

<http://www.peer.org/campaigns/publichealth/coalash/news.php>

<http://www.peer.org/campaigns/publichealth/coalash/everywhere.php>

60 Minutes, Coal Ash: 130 Million Tons of Waste,

<http://www.cbsnews.com/stories/2009/10/01/60minutes/main5356202.shtml?tag=contentMain:contentBody>

Healthy Building Network, Fly Ash in Building Products: Proceed with Precaution, September 15, 2010, <http://www.healthybuilding.net/news/100915fly-ash-in-building-products.html>

Healthy Building Network, Fly Ash: More Questions than Answers from EPA, May 19, 2010, <http://www.healthybuilding.net/news/100519fly-ash-epa.html>

LEED 2009 for Health Care, <http://www.usgbc.org/ShowFile.aspx?DocumentID=8257>

Sections Where Comments Filed

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LEED Rating System and Section: Building Design & Construction, Materials and Resources

Practice : MR Prerequisite: Minimum Recycled Content – Exclude Coal Wastes (Fly Ash, Bottom Ash, and Flue Gas Desulfurization Wastes)

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Practice: MR Credit: Recycled Content

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