Pilot Credit: Legal Wood

Wood products that are certified according to the rules of the Forest Stewardship Council are valued at 200% of their cost for purposes of credit achievement calculation if 100% of all wood meets the requirements of the following pilot prerequisite:

Pilot Prerequisite: Reducing Risk of Illegally Sourced Wood in LEED Projects

1. Intent
To reduce the risk that illegally harvested or traded ("illegally sourced") wood products are used in LEED projects.

2. Requirements
2.1. Wood products or components that are not reclaimed, salvaged or reused shall be accompanied by a declaration identifying the country of harvest and the wood species (scientific name). Declarations for composite wood products (particleboard, MDF, HDF) require only the country or countries of harvest.
2.2. Project teams shall exercise due care in avoiding illegally sourced wood products which at minimum shall include requesting and collecting available information about the raw material supplier extraction location (e.g. map of Forest Management Unit, or concession containing GPS coordinates).
2.3. Wood products and components that come from forests or plantations in countries with elevated risk of illegal logging and/or trade (see Annex 1 below) shall carry additional documentation as outlined in 3. below.
2.4. For any wood species listed by CITES (Convention on Trade in Endangered Species, see Annex 3 below) the appropriate CITES permit shall also be provided.

3. Additional documentation
The following verification and certification systems fulfill the documentation requirements per 2.3. above:

3.1 Wood products certified under any of the following forest certification systems:
   • Forest Stewardship Council
   • Programme for the Endorsement of Forest Certification
     • Includes all endorsed national certification systems, including the Sustainable Forestry Initiative, Canadian Standards Association and American Tree Farm System.
   Documentation: Invoice from product vendor, manufacturer or importer identifying product as certified (pricing and supplier name can be blacked out).

3.2 Wood products covered by a third-party legality verification program (see Annex 2).
   Documentation: Invoice from product vendor, manufacturer or importer identifying product as verified legal (pricing and supplier name can be blacked out).

3.3 Wood products backed by a FLEGT\(^1\) license accepted under the European Union Timber Regulation (EUTR), e.g. The Indonesian Timber Legality Assurance System (INDO-TLAS/SVLK)
   Documentation: Copy of license covering product manufacturer.

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\(^1\) FLEGT- Forest Law Enforcement Governance and Trade (FLEGT) Action Plan– governs bilateral Voluntary Partnership Agreements negotiated by EU and source countries on timber legality
NOTE: While the systems listed above signal USGBC’s intention to avoid the use of illegally sourced wood in LEED projects, they do not guarantee legality. In order to avoid using illegally sourced wood, which is a crime in many countries, all actors in the value chain should take additional measures to mitigate risk. In addition, the inclusion of all major forest certification systems as a means to address legality does not indicate that they are equivalent in terms of environmental and social responsibility.

SEE ANNEX 4 FOR EXAMPLES OF THE APPLICATION OF THIS PILOT CREDIT

SEE ANNEX 5 FOR EXPLANATION OF KEY PORTIONS OF THE PILOT CREDIT
Annex 1: Country of Forest Origin Risk Categorization

Refer to the Global Risk Registry to assess risk.

Any country not designated on the Global Risk Registry as having “low risk” for legality or that has not been assessed should be considered as having an elevated risk. To determine a country’s risk, go to:

http://www.globalforestregistry.org

Click “Launch Registry” and then click on the map of the country. Once in the country’s profile, click on “legality.” Low risk for illegality will be indicated by a green dot. If there is a red dot, then the country is considered to have an elevated risk of illegal logging and/or trade.

Annex 2: Examples of third party legality verification standards

- SGS: Timber Legality & Traceability Verification
- Rainforest Alliance: Verification of Legal Compliance (VLC)
  http://www.rainforest-alliance.org/business/forestry/verification/legal
- Bureau Veritas: Origine et Légalité du Bois (OLB)
  http://www.bureauveritas.com/services+sheet/olb-certification_14483
- Scientific Certification Systems: LegalHarvest Verification
  https://www.scsglobalservices.com/timber-legality-verification-legal-harvest
- Certisource: Legality Verification System
  http://www.certisource.org/
- NEPcon: LegalSource
  http://www.nepcon.net/legalsource

Annex 3: CITES-listed timber species (including common trade names)

CITES-Listed Tree Species

Note: This information was last updated in 2013, and should be verified periodically as changes in CITES listings could occur. The U.S. Fish and Wildlife Service maintains a table of Current CITES Listings of Tree Species, but for the most up-to-date listing information, search the CITES Species Database, Species+, developed by UNEP-WCMC and the CITES Secretariat.

Appendix I

- Abies guatemalensis (Guatemalan fir)
- Araucaria araucana (monkey-puzzle)
- Balmea stormiae (ayuque)
- Dalbergia nigra (Brazilian rosewood, jacaranda)
- Fitzroya cupressoides (alerce, Chilean false larch, Patagonian cypress)
- Pilgerodendron uviferum (guaitecas cypress, ciprés de Chile)
- Podocarpus parlatorei (pino blanco, Parlatore’s podocarp, monteromero)

Appendix II

- Aniba rosaeodora (Brazilian rosewood, palo de rosa)
- Aquilaria spp. (agarwood, aloewood)
- Bulnesia sarmientoi (palo santo)
- Caesalpinia echinata (pernambuco, Brazilwood)
- Caryocar costaricense (ajo, almendrillo, pequia)
Appendix II  continued

- *Dalbergia* spp. (Madagascar rosewoods) – all 48 species of the Madagascar population
- *Dalbergia cochinchinensis* (Siamese rosewood, Thailand rosewood)
- *Dalbergia granadillo* (Granadillo rosewood)
- *Dalbergia retusa* (Nicaragua rosewood, cocobolo, palo negro)
- *Dalbergia stevensonii* (Honduras rosewood)
- *Diospyros* spp. (Madagascar ebonies) – all 215 species of the Madagascar population
- *Gonystylus* spp. (ramin)
- *Guaiacum* spp. (lignum vitae)
- *Gyrinops* spp. (Agarwood)
- *Oreomunnea pterocarpa* (gavilan)
- *Osyris lanceolata* (African sandalwood)
- *Pericopsis elata* (afromosia, African teak)
- *Platymiscium pleiostachyum* (cristobal, cachimbo, macacauba)
- *Podophyllum hexandrum* (Himalayan may-apple)
- *Prunus africana* (African cherry, red stinkwood)
- *Pterocarpus santalinus* (red sandalwood, redsanders)
- *Senna meridionalis* (taraby)
- *Swietenia humilis* (Mexican or Honduras mahogany, Pacific Coast mahogany)
- *Swietenia macrophylla* (bigleaf or Brazilian mahogany)
- *Swietenia mahagoni* (West Indian or Cuban mahogany)
- *Taxus chinensis* (Chinese yew)
- *Taxus cuspidata* (Japanese yew)
- *Taxus fuana*
- *Taxus sumatrana*
- *Taxus wallichiana* (Himalayan yew)

Appendix III

- *Cedrela fissilis* (cedro blanco) from Bolivia
- *Cedrela lilloi* (cedro bayo) from Bolivia
- *Cedrela odorata* (West Indian or Spanish cedar, cedro rojo, cigar-box wood) from Brazil, Bolivia, Colombia, Guatemala, Peru
- *Dalbergia calycina* from Guatemala
- *Dalbergia cubilquitzensis* from Guatemala
- *Dalbergia darienensis* from Panama
- *Dalbergia glomerata* from Guatemala
- *Dalbergia tucurensis* from Guatemala, Nicaragua
- *Dipteryx panamensis* (almendro) from Costa Rica, Nicaragua
- *Fraxinus mandshurica* (Manchurian ash) from Russian Federation
- *Magnolia liliifera* var. *obovata* (giogi, champak) from Nepal
- *Pinus koraiensis* (Korean pine) from Russian Federation
- *Podocarpus neriifolius* (brown or black pine, yellow wood, bukiti) from Nepal
- *Quercus mongolica* (Mongolian oak) from Russian Federation
- *Tetracentron sinense* (tetracentron) from Nepal
Annex 4: Examples

Example 1

The project team for a LEED 2009 commercial project intends to use wood in the following applications:

- Doors made from maple veneer, lumber and particleboard
- An architectural millwork package made up of sapele veneer and lumber and MDF
- Engineered oak flooring

The project team obtains declarations from the door vendor, the millworker, and the flooring contractor who provide the following information via their suppliers:

- The maple for the doors comes from the U.S. and the particleboard originates in China;
- The engineered wood flooring has an oak wear layer and a birch plywood plateform, both of which come from Russia
- The sapele veneer and lumber comes from Cameroon and the MDF is from Canada

The declarations also contain scientific names for everything except the MDF and particleboard. The project team checks these names against the species listed under CITES and finds that the Russian oak (*Quercus mongolica*) is listed under CITES Appendix III.

Along with the declarations, the project team requests information about the raw material supplier extraction location and, through inquiries that find their way up the supply chain, maps including GPS coordinates of the forests that the maple and oak will come from are eventually obtained, but no information on the other products is available. The products made from the maple and oak now qualify for a point under LEED v4 MR Credit Building Product Disclosure and Optimization – Sourcing of Raw Materials, option 1 (Raw Material Source and Extraction Reporting).

The project team consults the Global Risk Registry and finds that China, Russia and Cameroon have an elevated risk for illegality while the U.S., France and Canada are low risk. No further action need be taken for the latter.
For the former, the project team informs the subcontractors/vendors that the particleboard, the sapele and the engineered flooring containing the birch plywood will either need to be accompanied by additional documentation per section 2.3 of the prerequisite or the products cannot be used. Inquiries are made and it is found that FSC-certified engineered flooring is available, however, the team also demands a CITES permit for the Russian oak. The sapele can be sourced from an exporter that has undergone an audit for Verified Legal Compliance (VLC), but the Chinese particleboard is not compliant. The door vendor is informed that the doors will not be able to be used unless the manufacturer can obtain particleboard from a different source, and particleboard from the U.S. is found for the job.

After the wood has been purchased, the project team collects and keeps on file compliant invoices (see below) for the FSC flooring and the VLC sapele, and a copy of the CITES permit for the Russian oak.

Also, the project team determines that the dollar value of the FSC-certified flooring is $25,000 while the overall value of the wood products is $90,000. The value of the former is doubled to $50,000 and because this is more than 50% of the total, a point is garnered under MRc7.

**Example 2**

The project team for a LEEDv4 residential project intends to use wood in the following applications:

- Douglas fir framing lumber and structural plywood
- Birch windows & doors
- Pine moldings
- Solid Brazilian cherry flooring
- Cabinets made from meranti plywood

The project team obtains declarations establishing that:

- The Douglas fir lumber and plywood come from Canada
- The birch for the windows & doors come from Sweden
- The pine for the moldings originates in Chile
- The Brazilian cherry flooring comes from Peru
• The meranti plywood comes from Indonesia

The declarations also contain scientific names for all of the wood species. The project team checks these names and finds that none are listed under CITES.

Along with the declarations, the project team requests and receives available information about the raw material supplier extraction location.

The project team consults the Global Risk Registry and finds that Chile, Peru and Indonesia have an elevated risk for illegality while the other countries are low risk. No further action need be taken for the latter, but project team notes that the birch windows and doors from Sweden are FSC certified and that they therefore can count toward achieving a point under Materials & Resources credit – Building Product Disclosure & Optimization: Sourcing of Raw Materials (Option 2 -- Leadership Extraction Practices).

For the moldings, flooring and cabinets, the project team informs suppliers that additional documentation is needed. The pine moldings are available as PEFC-certified and can be used, but the Brazilian cherry does not meet the prerequisite requirements. However, the flooring contractor is able to find similar flooring from Brazil whose manufacturer has VLC certification. The meranti plywood comes from a manufacturer that has a FLEGT license and can be used.

After the wood has been purchased, the project team collects compliant invoices (see below) for the PEFC moldings and the VLC flooring, as well as a copy of the FLEGT license for the meranti plywood.

Finally, noting that the dollar value of the FSC-certified doors and windows is $17,000, the project team applies $34,000 toward the threshold (25% of the total cost of building materials) required to earn a point under MR credit Building Product Disclosure & Optimization.

**Annex 5: EXPLANATION & COMMENTS**

**Pilot Credit – Legal Wood**

Wood products that are certified according to the rules of the Forest Stewardship Council are valued at 200% of their cost for purposes of credit achievement calculation if 100% of all wood meets the requirements of the following pilot prerequisite:

**Explanation/comments: FSC is the only true leadership forest certification standard and only the use of FSC-certified products should contribute toward earning a point, but the weighting should**
be doubled in light of the added burden of meeting the prerequisite requirements.

Pilot Prerequisite: Reducing Risk of Illegally Sourced Wood in LEED Projects

1. Intent
To reduce the risk that illegally harvested or traded ("illegally sourced") wood products are used in LEED projects.

Explanation/comments: The exercise of due care or due diligence in avoiding illegal wood is appropriately framed in terms of risk assessment and mitigation. This is because there are currently no fail-safe mechanisms to eliminate illegal wood from supply chains. We strongly recommend that USGBC avoid terms like “proof” or “guarantee” of legality that state or imply a degree of certitude that does not exist today.

2. Requirements
2.1 Wood products or components that are not reclaimed, salvaged or reused shall be accompanied by a declaration identifying the country of harvest and the wood species (scientific name). Declarations for composite wood products (particleboard, MDF, HDF) require only the country or countries of harvest as in some cases the species can’t be identified.

Explanation/comments: The declaration of country of harvest and species is one of the requirements of the US Lacey Act and is currently being done for all imported wood products, so we know that this is doable – and in the case of projects built in the U.S., the information can be readily obtained. Also, the exemption for naming the species of the contents of composite wood products is built into Lacey. The exemption for reclaimed/salvaged/reused wood products is not a part of Lacey but nevertheless seems appropriate.

2.2 Project teams shall exercise due care in avoiding illegally sourced wood products which at minimum shall include requesting and collecting available information about the raw material supplier extraction location (e.g. map of Forest Management Unit or concession containing GPS coordinates).

Explanation/comments: This requirement will represent a challenge for suppliers of many wood products as tracing wood back through the value chain to the forest of origin can be difficult if not impossible in many cases. Nevertheless, we recommend this because:
a) such traceability is ultimately one of the keys to eliminating illegal logging; b) technologies and systems that would provide traceability are at various stages of development and this will encourage them; c) contrary to popular conception, the verification/certification systems below do not provide traceability; and d) this language requires project teams to ask for the information on forest origin but it does not absolutely require it (...requesting and collecting available information...).

In addition, we recommend that the provision of this information where possible fulfill the source requirements of LEED v4 MR Credit Building Product Disclosure and Optimization – Sourcing of Raw Materials, option 1 (Raw Material Source and Extraction Reporting) – thus tying the legal wood prerequisite to an existing LEED credit.

2.3 Wood products and components that come from forests or plantations in countries with elevated risk of illegal logging and/or trade (see Annex 1 below) shall carry additional documentation as outlined in 3. below.

Explanation/comments: Many major timber producing countries in the developed world are considered low risk and thus the additional documentation requirement does not apply.

2.4 For any wood species listed by CITES (Convention on Trade in Endangered Species, see Annex 3 below) the appropriate CITES permit shall also be provided.

Explanation/comments: At this time, most of the species listed by CITES are rarely used in commercial or residential construction, but it is important in the context of a legal wood prerequisite for project teams and suppliers to be aware of international laws that control or ban the trade in wood from threatened tree species.

3  Additional documentation
The following verification and certification systems fulfill the documentation requirements per 2.3. above:

3.1 Wood products certified under any of the following forest certification systems:
    • Forest Stewardship Council
    • Programme for the Endorsement of Forest Certification

2 Includes all national certification systems endorsed by PEFC, including SFI, CSA, and ATFS
Documentation: Invoice from product vendor, manufacturer or importer identifying product as certified (pricing and supplier name can be blacked out).

Explanation/comments: This language is inclusive, encompassing wood certified by all current forest certification systems globally. It is important to note that this does not mean that we view these systems as being of equal rigor in most respects.

Allowing the invoice indicating that the wood is certified to come from several points in the supply chain relaxes the LEED credit requirement that all companies in the chain down to the one that sells into a LEED project have Chain of Custody certification. Allowing certain details to be redacted is intended to respect information that companies may consider proprietary.

3.2 Wood products certified under a third-party legality verification program (see Annex 2 below).

Documentation: Invoice from product vendor, manufacturer or importer identifying product as certified (pricing and company name can be blacked out).

3.3 Wood products backed by a FLEGT\(^3\) license accepted under the European Union Timber Regulation (EUTR), e.g. The Indonesian Timber Legality Assurance System (INDO-TLAS)

Documentation: Copy of license covering product manufacturer

NOTE: While the systems listed above signal USGBC’s intention to avoid the use of illegally sourced wood in LEED projects, they do not guarantee legality. In order to avoid using illegally sourced wood, which is a crime in many countries, all actors in the value chain should take additional measures to mitigate risk. In addition, the inclusion of all major forest certification systems as a means to address legality does not indicate that they are equivalent in terms of environmental and social responsibility.

Explanation/comments: See comments above related to the exercise of due care and the lack of proof of legality.

\(^3\) FLEGT- Forest Law Enforcement Governance and Trade (FLEGT) Action Plan– governs bilateral Voluntary Partnership Agreements negotiated by EU and source countries on timber legality