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The Real Estate Roundtable

December 5, 2022

Submitted via www.regulations.gov and a-and-r-Docket@epa.gov

Mr. Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

**Re: Docket ID No. [EPA-HQ-OAR-2022-0794](#)
Comments on RFI, “*Better Indoor Air Quality Management To Help Reduce COVID-19 and Other Disease Transmission in Buildings,*”
[87 Fed. Reg. 60,396](#) (Oct. 5, 2022)**

Dear Principal Deputy Assistant Administrator Goffman:

The Real Estate Roundtable (www.rer.org) (“The Roundtable”) appreciates this opportunity to comment on the RFI in the above-referenced docket. The Roundtable brings together the leaders of the nation’s top publicly held and privately owned real estate ownership, development, lending, and management firms, together with the leaders of major real estate trade associations, to jointly address national policy issues relating to real estate and the overall economy. The addendum to this letter provides more information on The Roundtable.¹

Our members navigate with depth and experience the intersection of building technology, health, and efficiency. The Roundtable’s Sustainability Policy Advisory Committee (“SPAC”) helps shape our policy agenda.² SPAC is comprised of the senior executives who direct the environmental programs of the nation’s leading real estate firms. Their companies’ sustainability investments are grounded in decisions that measurably improve indoor air quality (“IAQ”), reduce emissions, lower energy use, and assess business fundamentals such as pay-back terms, net present value, and internal rates of return. Our members use these metrics to evaluate the cost effectiveness and profitability of any capital expenditures – including IAQ and other sustainability measures – to serve the demands of residents, tenants, patients, employees, investors, and other customers in the commercial real estate (“CRE”) marketplace.

¹ <https://www.rer.org/about-us/mission>.

² See The Roundtable’s [2022 Annual Report](#), section on “[Energy and Climate.](#)”

Summary

Policies that promote building health and wellness have assumed heightened urgency since the start of the COVID-19 pandemic. The Roundtable encourages policymakers and business leaders to push for the safe return of employees to their physical workspaces to enhance collaboration, productivity, and help reinvigorate the small businesses in downtown neighborhoods that are essential to thriving urban communities and their tax bases.³ A public-private partnership recognition program that commends leadership in IAQ design and management could be a key component of a “back-to-the-workplace” movement – if it:

- (1) is backed by clear statutory authority and adequate federal resources to ensure its long term viability;
- (2) is tested in actual buildings through a pilot program to reflect the experiences of real estate practitioners (including private sector and federal building owners);
- (3) is supported by standards for Licensed Professionals to verify applications akin to the ENERGY STAR labeling process;
- (4) supports IAQ best practices and procedures such as through a sequence that (I) controls emissions and off-gassing from indoor sources, (II) improves ventilation rates, and (III) filters and cleans indoor air, in that order;
- (5) expands Portfolio Manager's functionality to incorporate regular and systematic measurement of indoor air pollutants; and
- (6) demonstrates that “tightening” a building (to improve energy efficiency and minimize its carbon footprint) must be balanced with improved ventilation rates that bring outside air inside.

Should EPA pursue next steps to develop an IAQ labeling program, another round of stakeholder comments must be gathered on any particular proposed criteria prior to release in the marketplace. Meanwhile, at this nascent RFI stage, The Roundtable provides the following recommendations on a potential IAQ label's general contours.

Detailed Comments

- (1) ***EPA should identify its statutory authority and available resources to sustain an IAQ label program for the long term.***

EPA should assure CRE stakeholders that it has basis in law, as well as sufficient budget and staff resources, necessary to stand-up an IAQ recognition program. As to statutory underpinning, in the past EPA advised The Roundtable that clear legislative authority was necessary to establish a new building “labeling” program for commercial tenant spaces – and The Roundtable thus prioritized

³ E.g., “U.S. Labor Secretary Discusses ‘Back to the Workplace’ Issues With Roundtable Members,” [Roundtable Weekly \(March 18, 2022\)](#).

advocacy efforts precisely to enact such legislation.⁴ Here, EPA should clarify whether it has statutory authority to buttress nationwide IAQ recognition or whether Congress must pass enabling legislation.

As to staff and budgetary resources, the political vagaries of the appropriations process can sometimes call into question the funds that are available for valid and worthy programs. EPA should assure stakeholders that it has the internal budget and personnel infrastructure it needs to maintain an IAQ voluntary recognition program for years to come – for example, such as through program dollars it has received from the *Inflation Reduction Act*, the *Infrastructure Investment and Jobs Act*, and/or annual appropriations cycles.

(2) *An effective IAQ recognition program should be piloted first in actual buildings, including privately- and federally-owned assets, before release to the marketplace.*

The Roundtable is proud of our track record of success in collaborating with EPA and the Department of Energy (“DOE”) to assist with development and evolution of voluntary recognition programs. Should EPA develop an IAQ “labeling” platform the agency should learn from our members during a pilot phase so we can refine criteria in actual buildings, aim for a possible label that delivers on both environmental and financial performance, and resonates in the CRE marketplace

For example, The Roundtable’s advocacy helped create the ENERGY STAR label for buildings in 1998. Since then, we have worked with EPA to assist in growing the program and assuring its success and durability:

- We were the main industry advocate that built bipartisan consensus in Congress for the “Energy Efficiency Improvement Act of 2015,”⁵ the last piece of legislation to create a new federal “labeling” program for CRE. That act authorized EPA to create its “ENERGY STAR Tenant Space” recognition program.⁶ Post-enactment, The Roundtable coordinated closely with EPA during an inaugural phase for “charter tenants” to test the concept.⁷
- In 2018-2019, SPAC members worked with EPA throughout a “study period” to assess, update, and build the real estate sector’s understanding of new ENERGY STAR scoring metrics based on the most recent available data.⁸ The effort involved a technical deep-dive that improved the underlying equations currently used by EPA for its building ratings.⁹
- In 2021-2022, SPAC members provided technical assistance to help develop the “Building Emissions Calculator” now housed within the Portfolio Manager benchmarking tool.¹⁰

⁴ “ENERGY STAR Tenant Space” program, infra notes 5-6 and accompanying text.

⁵ <https://www.congress.gov/bill/114th-congress/senate-bill/535>

⁶ https://www.energystar.gov/buildings/tenants/about_tenant_space.

⁷ “2018 ENERGY STAR Charter Tenants.”

⁸ https://www.energystar.gov/buildings/benchmark/understand_metrics/score_updates.

⁹ “2018 Update to ENERGY STAR Metrics.”

¹⁰ “ENERGY Star Portfolio Manager [Buildings Emissions Calculator](#).”

- In 2020-2022, SPAC participants engaged heavily in a working group convened by ENERGY STAR to inform EPA's guidance on metrics for state and local government building performance standards.¹¹

Likewise, in collaboration with DOE, The Roundtable encouraged our members to participate in the "Better Buildings Challenge" when it launched in 2011.¹² Earlier this year we allied again with DOE when it unveiled the "Better Climate Challenge," a pledge that highlights corporate commitments to reduce GHG emissions.¹³

In our experience, there is no substitute for testing potential real estate recognition programs in *actual* buildings. The Roundtable can lend valuable assistance to EPA in this regard. The agency should work with SPAC members in particular as it considers a new IAQ endeavor.

Moreover, the federal government's commitment to a building health "label" will be best demonstrated if its own assets are included in a pilot program. Just as federal buildings can earn the ENERGY STAR, the General Services Administration (GSA) and its Public Buildings Service (PBS) should partner with EPA so that federally-owned real estate assets participate in a trial to assess potential IAQ recognition.

(3) *An effective IAQ recognition program should follow ENERGY STAR verification and certification protocols.*

EPA should consider ENERGY STAR's commercial building recognition program as a framework for potential IAQ recognition. Any new IAQ label might be best administered within ENERGY STAR's commercial branch. That office has a history of running a successful, non-regulatory, voluntary, market-driven platform over two decades.¹⁴

Applications for any IAQ label should be verified consistently with ENERGY STAR standards. Licensed Professionals ("LPs") – i.e., Professional Engineers or Registered Architects – should verify applications and conduct site visits to confirm owners have deployed IAQ techniques in their buildings at the same time they conduct ENERGY STAR site visits.¹⁵ Indeed, EPA's ENERGY STAR verification guide already requires LPs to "have a working knowledge" of ASHRAE's ventilation standard¹⁶ and to affirm indoor environmental quality by "measurement of the outside air ventilation, air temperature, [and] humidity" during the ENERGY STAR site visit.¹⁷

¹¹ [Normalization Methods for Use in State and Local Building Performance Standards U.S. Environmental Protection Agency](#) (May 2022, updated Sept. 2022).

¹² <https://betterbuildingsinitiative.energy.gov/>.

¹³ <https://betterbuildingsolutioncenter.energy.gov/climate-challenge>. See also "Roundtable Recognized as Energy Department 'Ally' in Better Climate Challenge," *Roundtable Weekly* (March 4, 2022).

¹⁴ *Two Decades of ENERGY STAR®: A Retrospective Study of EPA's ENERGY STAR Office Buildings Score and Certification* (November 2022).

¹⁵ https://www.energystar.gov/buildings/resources_audience/licensed_professionals.

¹⁶ ANSI/ASHRAE [Standard 62.1-2022](#), "Ventilation and Acceptable Indoor Air Quality."

¹⁷ See also EPA, *The U.S. Licensed Professional's Guide: Understanding the Roles and Requirements for Verifying Commercial Building Applications for ENERGY STAR® Certification* (March 2020).

- (4) ***Any recognition program should reflect best practices and procedures to deploy measures in the sequence of (I) source control, (II) ventilation, and (III) filtration measures, that frequently guides effective IAQ management.***

A potential IAQ framework may guide owners and managers with a process that tiers building investment strategies – along the common “avoid, minimize, mitigate” principle used for many environmental programs. For example, EPA’s [“Improving Indoor Air Quality”](#) website espouses a protocol that focuses on (1) “source control,” (2) “ventilation,” and (3) “filtration,” in that order:

- First, measures to minimize indoor contaminant sources should be pursued such as through procurement practices that select construction materials, paint, carpeting, furniture, and cleaning products with low emission rates, or interior designs intended to remove contaminants before they have the opportunity to disperse to occupied spaces (such as kitchen and range hood exhaust systems).
- Second, after effective source control, ventilation should be managed at sufficient rates to dilute indoor contaminants with clean outdoor air.
- Third, after source control and ventilation, filtration, ionization, and other techniques should be considered to purify recirculated indoor air and remove contaminants from outdoor ventilation air.¹⁸

Documentation that owners and managers have pursued these steps in order, as verified by a Licensed Professional, may shape an IAQ recognition framework.

- (5) ***An effective IAQ recognition program should develop standard tools to benchmark and quantify concentrations of indoor air pollutants – such as by an expansion of Portfolio Manager’s measurement functions.***

The need to develop and recognize standard procedures and tools that measure and quantify IAQ levels are important. In this regard, we again turn to the ENERGY STAR platform and its Portfolio Manager benchmarking tool. “Nearly 25% of U.S. commercial building space is already actively benchmarking in Portfolio Manager,” making it the CRE industry’s leading tool to manage energy consumption – which expanded over time to reach measurement of buildings’ water use, waste disposal, and GHG emissions.¹⁹

EPA should coordinate with Roundtable members and other stakeholders to explore how Portfolio Manager might next evolve to encompass monitoring and measurement of inside concentrations of VOCs, CO₂, and other pollutants.

- (6) ***An effective IAQ recognition program must demonstrate that “tightening” a building (to improve energy efficiency and minimize its carbon footprint) can be balanced with improved ventilation rates (to improve IAQ).***

¹⁸ <https://www.epa.gov/indoor-air-quality-iaq/improving-indoor-air-quality>.

¹⁹ EPA website, [Benchmark Your Building Using ENERGY STAR Portfolio Manager](#) (visited Nov. 21, 2022).

As EPA explains, “increasing ventilation can increase energy costs.”²⁰ The agency also acknowledges the converse: “Indoor pollutant exposures may be increased due to air-tightening activities.”²¹

Pursuit of any IAQ recognition cannot be at the expense of seeking ENERGY STAR building certification. EPA must assure that enhancing ventilation and air exchange rates, as may be necessary to achieve an IAQ label, does not impede high levels of energy efficiency performance.

* * *

Thank you for this opportunity to present our perspectives. Please contact The Roundtable's Senior Vice President and Counsel, Duane J. Desiderio (ddesiderio@rer.org), for more information.

Sincerely,



Jeffrey D. DeBoer

President and Chief Executive Officer

²⁰ <https://www.epa.gov/indoor-air-quality-iaq/improving-indoor-air-quality>.

²¹ <https://www.epa.gov/indoor-air-quality-iaq/energy-weatherization-and-indoor-air-quality>.

ADDENDUM

About The Real Estate Roundtable

<https://www.rer.org/about-us/mission>

The Roundtable's membership represents over 3 million people working in real estate; some 12 billion square feet of office, retail, and industrial space; over 4 million apartments; and more than 5 million hotel rooms. It also includes the owners, managers, developers, and financiers of senior, student, and manufactured housing as well as medical offices, life science campuses, data centers, cell towers, and self-storage properties. The collective value of assets held by Roundtable members exceeds \$4 trillion.

Who We Are

