

MID ATLANTIC REAL ESTATE JOURNAL

NEW JERSEY-PENNSYLVANIA-DELAWARE-MARYLAND-VIRGINIA

April 25 - May 8, 2008

Volume 20, Issue 8

ASK AN EXPERT

Ask an Attorney

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basis for the claim of being “green”?

Websites and other resources that consumers can turn to for information and recommendations about “green” products have begun to emerge. But, it is also important for consumers to remember that a product which may be “green” because it was manufactured in an energy efficient way or from a renewable resource may cease to be “green” by the time it arrives at your door step or warehouse because it has traveled half way around the world by plane, truck or freighter to get there.

Claims that products are “green” are coming

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under greater scrutiny and some type of formal certification seems necessary and likely. In the meantime, the federal government’s expanding Energy Star program, which awards Energy Star designations to products meeting strict energy efficiency guidelines, is a reliable resource for finding energy efficient products and identifying energy efficient practices.

Energy Star describes itself as “a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy helping us all save money and protect the environment through energy efficient products and practices.” Energy Star began in 1992 with the labeling of selected, energy efficient computer equipment and has ex-

panded over the years to a point where its labels are now applied to selected models in more than 50 product categories. In addition, Energy Star designation can be obtained for qualifying residential and commercial buildings. In a sign of things to come, the borough of West Chester, Pennsylvania recently adopted an ordinance reported to require new private commercial buildings that need conditional use approval from the borough, which includes any building exceeding forty-five feet in height, to be designed to meet Energy Star standards. The owner must then apply for the Energy Star label. This type of third-party verification that a construction project meets specified environmental standards is

becoming increasingly common. Hopefully, it is just a matter of time before consumers of other products have a labeling or certification process they can turn to in order to ensure that the products and materials they are buying are truly “green.”

John F. Gullace is a partner with the law firm of Manko, Gold, Katcher & Fox, LLP where he is primarily involved in environmental litigation and arbitration matters. Gullace served as a law clerk to the Honorable James L. Latchum of the United States District Court for the District of Delaware before entering private practice in 1991. Gullace joined Manko, Gold, Katcher & Fox, LLP in 1994. ■