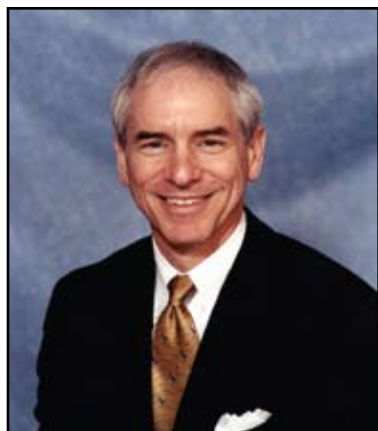


Green Requirements For Restaurants



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For a restaurant, “green” isn’t just about the building.

FOR OUR NATION’S 945,000 restaurants, “going green” has become a mantra. Ever since the release in 2006 of Al Gore’s movie *An Inconvenient Truth*, becoming environmentally conscious and “going green” have become more important in today’s culture, particularly with respect to retail and consumer-related businesses such as restaurants. A restaurant client searching for ways to tap into the ever-expanding green market needs to consider how it wishes to “go green” and if it can meet the standards established by various credible environmental organizations. Several different certification opportunities exist for restaurant clients seeking to become more environmentally conscious, and it depends on the restaurant’s unique situation and definition of “green” to determine the best course of action.

There are several ways for a restaurant to be certified as “green,” starting with the nationally recognized US Green Building Council (USGBC), through its Leadership in Energy and Environmental Design program (LEED). This program provides construction standards for buildings in commercial and residential sectors, as well as standards for promoting and maintaining environmentally friendly buildings, materials and practices. LEED has developed a point system for various building elements, and buildings are assessed based upon specific

criteria (see www.usgbc.org). In designing and constructing a LEED certified building, which could include restaurants or buildings that house restaurants such as hotels and resorts, an architect/contractor would be most concerned with LEED-approved building materials (for foundations, walls, roofs, etc.), LEED-approved mechanical/HVAC/plumbing systems, the maximum and efficient use of space and site location, transportation access for the building and its employees, and LEED-approved lighting systems that emphasize window placement for harnessing sunlight. However, the LEED criteria do not specifically address the distinctive needs of restaurants and the restaurant industry. The USGBC is in the process of researching and perhaps adopting LEED retail standards that might better apply to restaurants. In addition, on April 27, 2009, the USGBC launched LEED Version 3 updated standards, but unfortunately those standards are not restaurant specific. Currently, only 16 free-standing restaurants in the United States have met the LEED benchmark for design, construction, and operation of high-performance green buildings. Because of the current lack of restaurant-specific LEED guidelines, the authors do not recommend a restaurant client go after LEED certification.

RESTAURANT-SPECIFIC STANDARDS •

However, there are organizations that exist to serve the unique needs of the restaurant industry and specific restaurants seeking to become greener. The Green Restaurant Association (GRA) designates as Certified Green Restaurants™ those restaurants that meet the GRA's certification requirements. Formed in 1990, the GRA is a 501(c)3 non-profit organization based in Boston and is endorsed by a host of environmental groups including the Natural Resource Defense Council, Environment California, Alliance for Sustainability and Chef's Collaborative. As of the date of this writing, GRA has seven full-time staff members, two of which are en-

vironmental consultants who work with restaurants to achieve specific goals toward becoming a Certified Green Restaurant™ and maintaining that status. To date, of the 945,000 restaurants in the United States, 250 restaurants are Certified Green Restaurants™ with approximately 250 restaurants in various stages of the GRA's certification process. As of this writing, Sassafras Restaurant at the Missouri Botanical Garden is the only GRA Certified Green Restaurant™ in Missouri.

From a green perspective, there are four primary unique areas that distinguish restaurants from regular buildings: energy consumption, water use, recyclables, and sustainable food:

- With respect to energy consumption, restaurants use five times more energy per square foot overall than other commercial buildings, and an average restaurant's kitchen uses five times more energy per square foot than the rest of the building;
- With respect to water use, an average restaurant can use 300,000 gallons of water per year versus 25,295 gallons per year for the average household (American Water Works Association, drinktap.org). Restaurants use a higher amount of water compared to other commercial or residential buildings due to the increased need for water in cooking, steaming, and the washing process. Factoring in the cost of municipal water facilities, sewer facilities and heating costs, water becomes one of the highest expenses in a restaurant. By contrast, LEED standards primarily address the use of water in efficient landscaping;
- Waste reduction and recycling is another major area in which restaurant standards differ from normal LEED standards. An average restaurant can produce 150,000 pounds of garbage each year versus 6,745 pounds per year for an average household (EPA Municipal Solid Waste Executive Summary, 2007, epa.gov). Many restaurants use polystyrene foam in everything

from dishes to drinking cups. The GRA seeks to eliminate the use of polystyrene foam and replace its usage with high post consumer waste recycled products, which could include biodegradable napkins, plates, and cups;

- Finally, green restaurants will attempt to use and serve organic and/or sustainable food products. LEED does not address those food standards.

The GRA Certification Process

The GRA says that it takes between three months to a year for a typical restaurant to achieve and receive GRA's Certified Green Restaurant™ seal, which restaurants often prominently display. As part of the certification process, GRA reviews all bills and invoices from the restaurant to determine how the restaurant is spending its money with respect to meeting the GRA's requirements. GRA works with the restaurant's existing suppliers toward the use of more environmentally-friendly materials, foods, machines, and equipment, etc. GRA will also make a site visit if appropriate. In December 2008, the GRA revised its general standards to create point certification standards that would appear to follow the LEED point standards (see www.dinegreen.com). A restaurant must accumulate at least 100 points in six out of seven categories to achieve GRA certification. For example, a restaurant can earn 4.25 points for installing a waterless urinal and one point for using reusable coffee filters. Other requirements must also be met such as instituting a full-scale recycling program and being 100 percent polystyrene foam-free.

National Restaurant Association's Conserve Program

In addition to the GRA, there are other organizations that provide green restaurant assistance (but with no formal certification). The National Restaurant Association's Conserve program is its

initiative to help restaurants go green by promoting eco-friendly ideas and practices in the area of water, energy and construction. Through its Web site, www.conserve.restaurant.org, Conserve provides restaurant owners with the ability to research best methods and practices for restaurants to go green as well as find tools and resources for implementing these ideas. Conserve is funded by a grant from the Turner Foundation and partners with ENERGY STAR, a government program that certifies energy-efficient appliances for homes and businesses (see www.energystar.gov). Conserve does not certify restaurants as green, but rather simply provides an information repository for practices, tips, and ideas for restaurants interested in being more environmentally conscious. Conserve's data base also lists incentives and programs for energy and water efficiency by state. Many states offer incentives through their local utility companies. These incentives often take the form of cash or tax breaks and participation in these programs is strictly voluntary. For example, the Missouri Department of Natural Resources lists incentives, in the form of tax breaks, available to retail sectors that choose to implement energy efficient programs. More information on specific programs available in Missouri can be found at www.dnr.mo.gov/energy. Also, Pacific Gas and Electric founded the Food Service Technology Center, which provides information on Conserve's Web site about energy efficient appliances, water conservation, best green practices and available rebates and incentives (see www.fishnick.com).

Restaurants make green claims in press releases, on their menus, and verbally to their customers. Restaurants should be aware that the Federal Trade Commission monitors all businesses and retail sectors who claim they have gone green. Using its authority under Section 5 of the FTC Act (15 U.S.C. sections 41-58, as amended), which prohibits unfair or deceptive practices, the FTC has brought a number of actions to enforce the Act, but there

are no reported cases against restaurants advertising themselves as green. In addition, all states have laws prohibiting false advertising, and the National Association of Attorneys General has issued guidelines and begun investigations in a number of areas, including food advertising and environmental advertising. Potential exposure under these laws can be mitigated by prominently displaying the exact steps a restaurant has taken or is taking to be more environmentally conscious. From a legal perspective, advertising one's restaurant as LEED-certified or as a Certified Green Restaurant™ by the GRA, a well recognized entity, is itself probably sufficient. According to the FTC, anything less might require explanation or substantiation. The FTC long ago published its *Green Guides*, which regulate allowable environmental marketing claims (see www.ftc.gov/bcp/grnrule/guides980427.htm). This 13-page manual, last amended May 1, 1998, lists numerous examples of product content and recycling claims made by advertisers with the Commission's analysis and conclusion as to what would be deceptive, misleading, or what must be further explained. Note that the FTC plans to publish an

update to the Green Guides which we would assume will continue to clarify what claims might be considered deceptive.

CONCLUSION • In the words of a famous frog, "It's not easy being green." In researching this article, we were not able to determine whether it makes direct financial sense for restaurants to go green, nor were we able to determine an average pay-back period for the extra expense of going green. Restaurants polled do, however, agree that going green can be an effective marketing tool and probably only has an upside with respect to customer perception and marketing. According to the National Restaurant Association, 70 percent of adults are more likely to eat in a restaurant that provides locally grown food, and 44 percent of adults said they are likely to make a restaurant choice based on an operation's practices in the areas of energy and water consumption. As long as consumer interest continues to hold, these trends will continue to drive restaurants toward more environmentally-friendly green practices..

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