
SUBSTITUTE HOUSE BILL 2744

State of Washington

66th Legislature

2020 Regular Session

By House Capital Budget (originally sponsored by Representatives Doglio, Duerr, Davis, Fitzgibbon, and Ramel)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to improving environmental and social outcomes
2 associated with the production of building materials; adding a new
3 chapter to Title 39 RCW; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

6 (1) Washington state, through its extensive purchasing power, can
7 accelerate necessary greenhouse gas reductions to protect public
8 health, the environment, and conserve a livable climate while
9 promoting a fair economy by incorporating greenhouse gas emissions
10 information from throughout the supply chain and product life cycle
11 and high labor standards into the procurement process.

12 (2) Incorporating emissions information and high labor standards
13 will create awareness of companies that have invested in emissions
14 reduction technologies and practices and responsible manufacturers
15 that are promoting and protecting a twenty-first century workforce
16 through wages, fringe benefits, and workforce training. It will
17 encourage other companies to take action to reduce emissions and
18 improve labor practices.

19 (3) The legislature has committed to carbon reduction measures by
20 requiring action by public agencies. Those actions do not currently
21 encourage public dollars for infrastructure projects to be spent in a

1 way that is consistent with the state's carbon reduction goals as it
2 relates to the global warming potential within the materials procured
3 for these projects.

4 (4) State agencies must take global warming potential, or
5 equivalent embodied carbon, into account in their planning and
6 investment decisions with full life-cycle cost and global warming
7 potential accounting that evaluates and compares infrastructure
8 investments and alternatives.

9 (5) Great quantities of greenhouse gas emissions are often
10 released during the material sourcing, manufacture, and transport of
11 products used in public infrastructure projects.

12 (6) Establishing a system for comparing the emissions of a
13 building material relative to other similar building materials with
14 like performance characteristics, and within the same material
15 categories, provides incentive for reduced greenhouse gas emissions.

16 (7) Providing financial assistance to small manufacturers to
17 facilitate the production of environmental product declarations, and
18 the reporting mechanism based on life-cycle analysis, will ensure
19 that small manufacturers are not put at a competitive disadvantage in
20 state contracting as a result of the requirements of this chapter,
21 and will improve the state's ability to make purchasing decisions
22 that align with state carbon reduction goals.

23 NEW SECTION. **Sec. 2.** The definitions in this section apply
24 throughout this chapter unless the context clearly requires
25 otherwise.

26 (1) "Awarding authority" means the following:

27 (a) The department of enterprise services;

28 (b) Institutions of higher education as defined in RCW
29 28B.92.030;

30 (c) Natural resource agencies, including the department of
31 natural resources, state parks and recreation commission, and
32 department of fish and wildlife;

33 (d) Any other state governmental entity that receives funding
34 from the omnibus capital appropriations act for a public works
35 project contracted directly by the state agency; and

36 (e) The department of transportation.

37 (2) "Department" means the department of commerce.

38 (3) "Eligible materials" means the following:

1 (a) Concrete including, but not limited to, cast in place that is
2 used as a structural material, shotcrete, and precast;

3 (b) Carbon steel rebar and post tensioning tendons;

4 (c) Steel that is used as a structural material;

5 (d) Concrete masonry units that are used as a structural
6 material;

7 (e) Wood used as a structural material including, but not limited
8 to, wood composites and wood laminated products; and

9 (f) Gauge metal products for roof and floor decking, wall studs,
10 and floor system studs.

11 (4) "Eligible project" means: (a) A construction project larger
12 than fifty thousand gross square feet of space as defined in the
13 Washington state building code (chapter 51-50 WAC); (b) a building
14 renovation project when greater than fifty percent of the gross
15 square footage of space is being renovated and the project is larger
16 than fifty thousand gross square feet; or (c) a state transportation
17 system project funded or carried out by Washington state department
18 of transportation that (i) has a cost in excess of one million
19 dollars, and (ii) uses more than a de minimis amount of eligible
20 materials.

21 (5) "Environmental product declaration" means a facility specific
22 type III environmental product declaration, as defined by the
23 international organization for standardization standard 14025 as that
24 standard existed as of January 1, 2020, or similarly robust life-
25 cycle assessment methods that have uniform standards in data
26 collection consistent with international organization for
27 standardization standard 14025, industry acceptance, and integrity.

28 (6) "Facility specific" means an environmental product
29 declaration with data representing the actual production facilities
30 that contribute to at least eighty percent of the total global
31 warming potential, as measured and reported in the environmental
32 product declaration, of the manufacturing of the eligible material.

33 (7) "Greenhouse gas" has the same meaning as in RCW 70.235.010.

34 (8) "Lower carbon" means a comparatively lower global warming
35 potential measure reported in an environmental product declaration.

36 (9)(a) "Structural material" means a building material or
37 component that:

38 (i) Supports gravity loads, lateral loads, or both, as the
39 primary structure of the building or buildings including, but not
40 limited to, the foundations, bearing walls, shear walls, columns,

1 beams, slabs, and lateral bracing required to maintain the stability
2 of the final structure as a whole; or

3 (ii) Is used in a state transportation system project and
4 supports gravity loads or is a primary lateral system resisting wind
5 and earthquake loads.

6 (b) Structural materials and components include both below grade
7 and elevated above grade structures.

8 NEW SECTION. **Sec. 3.** (1)(a) Beginning July 1, 2020, an awarding
9 authority shall require the selected firm for a contract for an
10 eligible project to submit a current environmental product
11 declaration for each eligible material used for which an
12 environmental product declaration is available.

13 (b) Beginning July 1, 2021, an awarding authority shall require
14 the selected firm for a contract for an eligible project to submit a
15 current environmental product declaration for each eligible material
16 used.

17 (c) Beginning July 1, 2022, an awarding authority shall require
18 the selected firm for a contract for an eligible project to submit a
19 current environmental product declaration for each eligible material
20 used before the material is installed in the project.

21 (d) Environmental product declarations must be provided for at
22 least ninety percent of the mass of the eligible materials used in
23 the project.

24 (2) Each awarding authority must annually transmit to the
25 department a copy of each environmental product declaration that the
26 awarding authority receives along with the material quantities of all
27 eligible materials used on the project.

28 (a) The department must track the data submitted in subsection
29 (1) of this section in a publicly accessible database with project
30 anonymized.

31 (b) Beginning January 1, 2021, environmental product declarations
32 must include minimal data quality assessment metadata as specified by
33 the Q metadata program or other similar procurement program.

34 (c) Beginning January 1, 2025, environmental product declarations
35 must report actual data quality assessment including variability in
36 facility, product, and upstream data for key processes.

37 (3) An awarding authority may amend their fee schedule to
38 accommodate this chapter.

1 (4) The department may contract for the use of nationally or
2 internationally recognized databases of environmental product
3 declarations for purposes of implementing this section.

4 (5) All recognized environmental product declarations shall
5 follow nationally or internationally recognized rules for producing
6 environmental product declarations for the subject material, follow
7 standards established for life-cycle analysis material reporting of
8 global warming potentials, and conform to ISO standards 14025, 14040,
9 14044, and 21930, as those standards existed as of January 1, 2020.

10 (6) Subject to funds made available for this purpose, the
11 department may provide financial assistance to small businesses, as
12 defined in RCW 19.85.020, equal to no less than half of the cost to
13 the small business of producing an environmental product declaration
14 required under this section.

15 NEW SECTION. **Sec. 4.** (1)(a) Beginning January 1, 2022, an
16 awarding authority shall require the selected firm for a contract for
17 an eligible project to submit the following information for
18 facilities for which environmental product declarations are submitted
19 pursuant to section 3 of this act:

20 (i) The locations of the facilities;

21 (ii) The facilities' compliance with domestic labor law in the
22 countries where they produce goods or services over the preceding
23 five years;

24 (iii) The lowest wages received by workers at the facilities;

25 (iv) Whether any explicit neutrality agreement exists on any
26 issue involving the organization of employees of the facilities;

27 (v) Any requirement that employees of the facilities sign
28 predispute arbitration agreements regarding claims for employment
29 discrimination, sexual assault, or sexual harassment.

30 (b) In cases where the information is unattainable, the selected
31 firm for an eligible project may report on efforts undertaken to
32 collect the information.

33 (2) Beginning July 1, 2020, until January 1, 2022, awarding
34 authorities must encourage, but may not require, selected firms to
35 comply with the requirements of subsection (1) of this section.

36 (3) For purposes of this section, "domestic labor law" includes
37 international standards that are applicable to employers under
38 domestic law. Examples of these laws include, but are not limited to,
39 wages and benefits, hours of work, harassment and abuse, freedom of

1 association and collective bargaining, and prohibition of forced
2 labor, child labor, or discrimination.

3 (4) Annually, each awarding authority must transmit to the
4 department a copy of the information received for each eligible
5 project in subsection (1) of this section.

6 (5) The department must track the data submitted pursuant to
7 subsection (1) of this section in a publicly accessible database with
8 projects anonymized.

9 NEW SECTION. **Sec. 5.** The office of financial management shall
10 incorporate requirements for state agencies to consider lower carbon
11 building materials and domestic labor law compliance declarations
12 within existing business processes and tools including, but not
13 limited to, facility planning, predesign, and budget instructions.

14 NEW SECTION. **Sec. 6.** In carrying out its duties under this
15 chapter, an awarding authority shall strive to achieve a continuous
16 reduction of emissions over time and improve labor standards in
17 manufacturing.

18 NEW SECTION. **Sec. 7.** (1) By January 1, 2025, and in conformance
19 with RCW 43.01.036, the department shall submit a report to the
20 legislature on any obstacles to the implementation of this chapter,
21 and the effectiveness of this chapter to reduce global warming
22 potential and improve labor standards in manufacturing.

23 (2) This section expires January 1, 2026.

24 NEW SECTION. **Sec. 8.** This act may be known and cited as the buy
25 clean and buy fair Washington act.

26 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act
27 constitute a new chapter in Title 39 RCW.

28 NEW SECTION. **Sec. 10.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

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