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**HOUSE BILL 2412**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Doglio, DeBolt, Macri, and Ormsby

AN ACT Relating to creating the buy clean Washington act; and adding a new chapter to Title 39 RCW.

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

NEW SECTION. **Sec.**  The legislature finds and declares the following:

(1) Climate change will have devastating global impacts.

(2) All scientific evidence points to the need for Washington and the world to reduce greenhouse gas emissions to avert the worst effects of climate change. Climate change impacts are already apparent in Washington, where scientists have determined that annual temperature increases and a long-term drought are consequences of human-induced climate change.

(3) The legislature has committed to reduce greenhouse gases, through numerous statutes requiring regulatory and other action by public agencies. Those regulations and actions do not currently encourage public dollars for infrastructure projects to be spent in a way that is consistent with the state's goals to reduce greenhouse gas emissions.

(4) State agencies must take climate change into account in their planning and investment decisions and employ full life-cycle cost accounting to evaluate and compare infrastructure investments and alternatives. Full life-cycle cost accounting in this instance also refers to accounting for the impacts across the life cycle of a product, or life-cycle assessment.

(5) Great quantities of emissions are released during the manufacture and transport of products used in public infrastructure projects.

(6) Washington, through its extensive purchasing power, can improve environmental outcomes and accelerate necessary greenhouse gas reductions to protect public health, the environment, and conserve a livable climate by incorporating emissions information from throughout the supply chain and product life cycle into procurement decisions, and using that information to help direct expenditure.

(7) Incorporating emissions information will acknowledge those companies that have invested in emissions reduction technologies and practices. It will encourage other companies to take action to reduce emissions to become more competitive in the Washington bidding process.

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

(1) "Awarding authority" includes any of the following:

(a) The department of enterprise services;

(b) Institutions of higher education, including state universities, regional universities, The Evergreen State College, and community and technical colleges;

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

(d) Any other state governmental entity that receives funding from the omnibus capital appropriations act for a public works project; and

(e) Any nonprofit organization receiving funding from the omnibus capital appropriations act for a public works project.

(2) "Department" means the department of enterprise services.

(3) "Eligible materials" include any of the following:

(a) Carbon steel rebar;

(b) Flat glass;

(c) Mineral wool board insulation;

(d) Structural steel;

(e) Cement;

(f) Structural timber;

(g) Solar panels;

(h) Refrigerants in new equipment;

(i) Aluminum;

(j) Gypsum; and

(k) Concrete.

(4) "Eligible project" means: (a) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (b) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand gross square feet.

(5) "Greenhouse gas" has the same meaning as defined in RCW 70.235.010.

NEW SECTION. **Sec.**  (1) By January 1, 2019, the department shall establish and publish a maximum acceptable global warming potential for each category of eligible materials in accordance with both of the following requirements:

(a) The department shall set the maximum acceptable global warming potential at the industry average of facility-specific global warming potential emissions for that material. The department shall determine the industry average by consulting nationally or internationally recognized databases of environmental product declarations.

(b) The department shall express the maximum acceptable global warming potential as a number that states the maximum acceptable facility-specific global warming potential for each category of eligible materials. The global warming potential shall be provided in a manner that is consistent with criteria in an environmental product declaration.

(2) By January 1, 2019, and in conformance with RCW 43.01.036, the department shall submit a report to the legislature that describes the method that the department used to develop the maximum global warming potential for each category of eligible materials pursuant to subsection (1) of this section.

(3) By January 1, 2022, and every three years thereafter, the department shall review the maximum acceptable global warming potential for each category of eligible materials established pursuant to subsection (1) of this section, and may adjust that number downward for any eligible material to reflect industry improvements if the department, based on the process described in subsection (1)(a) of this section, determines that the industry average has changed, but the department may not adjust that number upward for any eligible material. At that time, the department shall update the requirements to reflect that adjustment.

(4) The awarding authorities may amend their fee schedule to accommodate this chapter.

NEW SECTION. **Sec.**  (1) An awarding authority shall require the successful bidder for a contract described in subsection (3) of this section to submit a current facility-specific environmental product declaration, type III, as defined by the international organization for standardization standard 14025, or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with international organization for standardization standard 14025, industry acceptance, and integrity, for each eligible material proposed to be used.

(2) An awarding authority shall include in a specification for bids for an eligible project that the facility-specific global warming potential for any eligible material does not exceed the maximum acceptable global warming potential for that material determined pursuant to section 3 of this act. An awarding authority may include in a specification for bids for an eligible project a facility-specific global warming potential for any eligible material that is lower than the maximum acceptable global warming potential for that material determined pursuant to section 3 of this act.

(3) A successful bidder for a contract described in subsection (2) of this section may not install any eligible materials on the project until that bidder submits a facility-specific environmental product declaration for that material pursuant to subsection (1) of this section.

(4) This section only applies to a contract entered into on or after July 1, 2019.

NEW SECTION. **Sec.**  In carrying out its duties under this chapter, an awarding authority shall strive to achieve a continuous reduction of emissions over time.

NEW SECTION. **Sec.**  By January 1, 2022, and in conformance with RCW 43.01.036, the department shall submit a report to the legislature on any obstacles to the implementation of this chapter, and the effectiveness of this chapter to reduce global warming potential.

NEW SECTION. **Sec.**  This chapter may be known and cited as the buy clean Washington act.

NEW SECTION. **Sec.**  Sections 1 through 7 of this act constitute a new chapter in Title 39 RCW.

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