

HOUSE BILL REPORT

HB 2412

As Reported by House Committee On: Capital Budget

Title: An act relating to creating the buy clean Washington act.

Brief Description: Creating the buy clean Washington act.

Sponsors: Representatives Doglio, DeBolt, Macri and Ormsby.

Brief History:

Committee Activity:

Capital Budget: 1/12/18, 2/5/18 [DPS].

Brief Summary of Substitute Bill

- Requires the University of Washington College of Built Environments to develop a method to collect Environmental Product Declarations.
- Tests methods on six public works projects.
- Reports to the Legislature on the results of method testing.

HOUSE COMMITTEE ON CAPITAL BUDGET

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; Macri, Morris, Reeves, Riccelli, Ryu, Sells and Stonier.

Minority Report: Do not pass. Signed by 7 members: Representatives DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye, Eslick, MacEwen, Steele and Walsh.

Staff: Steve Masse (786-7115).

Background:

Public Works Projects.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Public works projects include construction, renovation, remodeling, and repair, other than maintenance, of real property at the cost of the state or a municipality. The capital budget provides direct appropriations and grants to state agencies, other governmental entities, and nonprofit organizations for public works projects. Appropriations and grants apply to both the labor and the materials necessary to complete the public works project. Typical materials may include concrete, steel, and other materials. Most public works projects are procured using the design-bid-build procedure when a governmental entity selects an architectural engineering firm to develop drawings and specifications for the project, then the construction contract is awarded to the lowest responsible bidder. The contractor is required to follow the specifications and drawings and may use whatever means to do so as long as the materials meet the specifications. Generally, contractors will seek out the least costly materials that meet that specification. Project owners often provide third-party testing services to ensure the specifications of the materials are met.

Global Warming Potential.

The Global Warming Potential (GWP) compares the global warming impacts of different gases. It measures how much energy the emissions of 1 ton of a gas will absorb over a given period of time, relative to the emissions of 1 ton of carbon dioxide (CO₂). The larger the GWP, the more a given gas warms the Earth compared to CO₂ over that time period. The time period usually used for GWPs is 100 years. The GWPs provide a common unit of measure, which allows emissions estimates of different gases to be added up.

Greenhouse gases are those that absorb and emit infrared radiation in the wavelength range emitted by Earth. In order, the most abundant greenhouse gases in Earth's atmosphere are:

- water vapor (H₂O);
- carbon dioxide (CO₂);
- methane (CH₄);
- nitrous oxide (N₂O);
- ozone (O₃);
- chlorofluorocarbons (CFCs); and
- hydrofluorocarbons (incl. HCFCs and HFCs).

Environmental Product Declaration.

An Environmental Product Declaration (EPD) is a report providing information on what a product is made of and how it impacts the environment, including the manufacturing impacts, transportation impacts, and construction impacts. Environmental product declarations are created according to internationally recognized standards and are third-party verified. There are no restrictions regarding what products can have EPDs as there are no criteria on environmental performance that must be met. Environmental product declarations work for both goods and services and companies of all sizes have registered EPDs.

Summary of Substitute Bill:

For projects funded by the capital budget, over 5,000 square feet, or a renovation project that is greater than 50 percent of the assessed value of the building, the Department of Enterprise Services must establish and publish the maximum acceptable GWP for each category of

eligible materials. The maximum acceptable GWP must be expressed as a number for each eligible material category.

Governmental agencies that award public works construction projects with funds from the capital budget must require the successful bidder to submit a facility-specific EPD, or similarly acceptable document, for each eligible material category to be used on the project. The governmental agencies must also include in the project specifications that the facility-specific GWP for any eligible material category does not exceed the maximum acceptable GWP.

Eligible material categories include:

- carbon steel rebar;
- flat glass;
- mineral wool board insulation;
- structural steel;
- cement;
- structural timber;
- solar panels;
- refrigerants in new equipment;
- aluminum;
- gypsum; and
- concrete.

Substitute Bill Compared to Original Bill:

The substitute bill changes the eligible materials to any of the following that function as part of a structural system or structural assembly:

- concrete (structural cast in place shotcrete, or precast);
- unit masonry;
- metal of any type; and
- wood of any type.

The substitute bill requires the University of Washington College of Built Environments to report to the Legislature by January 31, 2019, the methods developed for EPD and GWP. In addition, the substitute bill requires the following projects to coordinate with the University of Washington to submit quantities, origins, cost, and an EPD for eligible materials:

- University of Washington Bothell, project number 30000378;
- Washington State University Tri-Cities academic building, project number 30001190;
- Western Washington University sciences building addition and renovation, project number 30000768;
- Shoreline Community College allied health, science, and manufacturing replacement, project number 30000990;
- Secretary of State library archive building, project number 30000033; and
- the Department of Transportation State Route 9/Snohomish river bridge replacement, project number N00900R.

The substitute bill requires the University of Washington College of Built Environments to report to the Legislature by January 15, 2020.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Washington businesses and workers will benefit from understanding the impacts of materials in public works projects. Using Washington's purchasing power is a boost to reduce those impacts. Local businesses should not be punished for doing the right thing. The requirements are a modest effort to keep Washington on top of environmental efforts. This should also create Washington jobs. State dollars are used to promote companies to gain leverage in a clean economy.

(Opposed) The material list is long. This should take a slow approach. There are many unanswered concerns. Concrete has many different mix designs and not all have an EPD. Some mix designs are determined after the bid is made. A process that becomes a cumbersome bidding and award process will be confusing to contractors. Only 15 percent of a building's emissions are due to materials; 85 percent is from operation of the building. This may be a misapplication if the building is penalized for materials with high environmental impacts, which reduce operating impacts.

(Other) The material list is long.

Persons Testifying: (In support) Stephanie Celt, BlueGreen Alliance; Robin Everett, Sierra Club; Hillary Hader, Washington Fair Trade Coalition; Gaylan Prescott, United Steelworkers; Sameer Ranade, Washington Environmental Council; Joe Kendo, Washington State Labor Council; and Bill Frare, Department of Enterprise Services.

(Opposed) Jerry Vanderwood, Associated General Contractors of Washington; Tien Peng, National Ready Mix Concrete Association; Bruce Chattin, Washington Aggregates and Concrete Association

(Other) David Walsh, Sellen Construction.

Persons Signed In To Testify But Not Testifying: None.