

APPENDIX A: BUY CLEAN WA LEGISLATION

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Appendix A.1

Original Buy Clean Washington Bill: HB 2412

HOUSE BILL 2412

State of Washington

65th Legislature

2018 Regular Session

By Representatives Doglio, DeBolt, Macri, and Ormsby

Prefiled 01/05/18. Read first time 01/08/18. Referred to Committee on Capital Budget.

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

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

4 NEW SECTION. **Sec. 1.** The legislature finds and declares the
5 following:

6 (1) Climate change will have devastating global impacts.

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

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

19 (4) State agencies must take climate change into account in their
20 planning and investment decisions and employ full life-cycle cost
21 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. 2.** 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. 3.** (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

1 potential for each category of eligible materials established
2 pursuant to subsection (1) of this section, and may adjust that
3 number downward for any eligible material to reflect industry
4 improvements if the department, based on the process described in
5 subsection (1)(a) of this section, determines that the industry
6 average has changed, but the department may not adjust that number
7 upward for any eligible material. At that time, the department shall
8 update the requirements to reflect that adjustment.

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

11 NEW SECTION. **Sec. 4.** (1) An awarding authority shall require
12 the successful bidder for a contract described in subsection (3) of
13 this section to submit a current facility-specific environmental
14 product declaration, type III, as defined by the international
15 organization for standardization standard 14025, or similarly robust
16 life-cycle assessment methods that have uniform standards in data
17 collection consistent with international organization for
18 standardization standard 14025, industry acceptance, and integrity,
19 for each eligible material proposed to be used.

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

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

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

36 NEW SECTION. **Sec. 5.** In carrying out its duties under this
37 chapter, an awarding authority shall strive to achieve a continuous
38 reduction of emissions over time.

1 NEW SECTION. **Sec. 6.** By January 1, 2022, and in conformance
2 with RCW 43.01.036, the department shall submit a report to the
3 legislature on any obstacles to the implementation of this chapter,
4 and the effectiveness of this chapter to reduce global warming
5 potential.

6 NEW SECTION. **Sec. 7.** This chapter may be known and cited as the
7 buy clean Washington act.

8 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act
9 constitute a new chapter in Title 39 RCW.

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Appendix A.2

ESSB 6095 Signed legislation page

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6095

Chapter 298, Laws of 2018
(partial veto)

65th Legislature
2018 Regular Session

CAPITAL BUDGET--SUPPLEMENTAL

EFFECTIVE DATE: March 27, 2018

Passed by the Senate March 8, 2018
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House March 6, 2018
Yeas 96 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Approved March 27, 2018 3:17 PM with
the exception of Sections 3011(2),
3011(3), 3011(4), 4002, 7018, and 7019
which are vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 6095** as
passed by Senate and the House of
Representatives on the dates hereon
set forth.

BRAD HENDRICKSON

Secretary

FILED

March 29, 2018

**Secretary of State
State of Washington**

Appendix A.3

ESSB 6095 Sec. 1030: Buy Clean Washington Pilot (91000447)

8 NEW SECTION. **Sec. 1030.** A new section is added to 2018 c 2
9 (uncodified) to read as follows:

10 **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

11 Buy Clean Washington Pilot (91000447)

12 The appropriation in this section is subject to the following
13 conditions and limitations:

14 (1) By June 15, 2018, the department must coordinate with the
15 following projects: (a) Washington State University Tri-Cities
16 academic building, project number 30001190; (b) Western Washington
17 University sciences building addition and renovation, project number
18 30000768; (c) Shoreline Community College allied health, science, and
19 manufacturing replacement, project number 30000990; (d) secretary of
20 state library archive building, project number 30000033; and (e) the
21 department of transportation SR9/Snohomish river bridge replacement,
22 project number N00900R. The awarding authorities for these projects
23 must collaborate with the University of Washington college of built
24 environments study in section 5014 of this act to test proposed
25 methods and availability of environmental product declarations.

26 (2) An awarding authority for the projects listed in subsection
27 (1) of this section shall require the successful bidder for a
28 contract to submit current third-party verified environmental product
29 declarations for the eligible materials used if available and
30 currently utilized.

31 (3) The awarding authority shall report to the department the
32 quantities and any environmental product declarations collected in
33 this section.

34 (4)(a) The department shall provide a preliminary report to the
35 fiscal committees of the legislature by June 30, 2019, of the
36 findings in subsection (1) of this section, and on any obstacles to
37 the implementation of this section, and the effectiveness of this
38 section with respect to reducing carbon emissions.

(b) The department shall report any positive or negative impacts to project costs, based on the requirements in this section.

(c) The department shall report on any positive or negative economic impacts to Washington state based on where the eligible materials are purchased.

(5) For the purposes of this section:

(a) "Eligible materials" include any of the following that function as part of a structural system or structural assembly:

(i) Concrete, including structural cast in place, shotcrete, and precast;

(ii) Unit masonry;

(iii) Metal of any type; and

(iv) Wood of any type including, but not limited to, wood composites and wood laminated products.

(b) "Environmental product declaration" means a facility-specific type III environmental product declaration, 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.

(c) "Structural" means a building material or component that has, but is not limited to having, the following properties: Supports gravity loads of either building floors or roofs, or both, and is the primary lateral system resisting wind and earthquake loads, such as shear walls, braced frames, or moment frames, and includes foundations, below-grade walls, and floors.

Appropriation:

State Building Construction Account—State.	\$65,000
Prior Biennia (Expenditures).	\$0
Future Biennia (Projected Costs).	\$0
TOTAL.	\$65,000

Appendix A.4

ESSB 6095 Sec. 5014: Buy Clean Washington Study (91000022)

NEW SECTION. **Sec. 5014.** A new section is added to 2018 c 2
(uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Buy Clean Washington Study (91000022)

The appropriation in this section is subject to the following
conditions and limitations:

(1) The University of Washington, led by the college of built
environments, in collaboration with the Central Washington University
construction management program, the Washington State University
architecture and engineering school and the department of enterprise
services, shall analyze existing embodied carbon policy and propose
methods to categorize structural materials and report structural
material quantities and origins.

(2) The colleges shall report to the legislature the methods
developed in this section by December 31, 2018. The report must
include potential impacts to project costs, both positive and
negative, that use the proposed methods in subsection (1) of this
section, and potential economic impacts, both positive and negative,
to Washington state based on the origin of material purchased.

Appropriation:

State Building Construction Account—State.	\$100,000
Prior Biennia (Expenditures).	\$0
Future Biennia (Projected Costs).	\$0
TOTAL.	\$100,000