
HOUSE BILL 2412

State of Washington

65th Legislature

2018 Regular Session

By Representatives Doglio, DeBolt, Macri, and Ormsby

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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

1 alternatives. Full life-cycle cost accounting in this instance also
2 refers to accounting for the impacts across the life cycle of a
3 product, or life-cycle assessment.

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

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

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

19 NEW SECTION. **Sec. 2.** The definitions in this section apply
20 throughout this chapter unless the context clearly requires
21 otherwise.

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

23 (a) The department of enterprise services;

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

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

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

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

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

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

37 (a) Carbon steel rebar;

38 (b) Flat glass;

39 (c) Mineral wool board insulation;

- 1 (d) Structural steel;
- 2 (e) Cement;
- 3 (f) Structural timber;
- 4 (g) Solar panels;
- 5 (h) Refrigerants in new equipment;
- 6 (i) Aluminum;
- 7 (j) Gypsum; and
- 8 (k) Concrete.

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

15 (5) "Greenhouse gas" has the same meaning as defined in RCW
16 70.235.010.

17 NEW SECTION. **Sec. 3.** (1) By January 1, 2019, the department

18 shall establish and publish a maximum acceptable global warming
19 potential for each category of eligible materials in accordance with
20 both of the following requirements:

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

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

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

38 (3) By January 1, 2022, and every three years thereafter, the
39 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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