

HOUSE BILL 806

P2, M3

2lr2003

By: **Delegates Stein and Barve**

Introduced and read first time: February 3, 2022

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Building Standards and Emissions Reductions – High Performance, State, and**
3 **Local Government Buildings, State Operations, and Eligible Projects**

4 FOR the purpose of altering the definition of “high performance building” to include certain
5 schools and public safety buildings and require that the buildings meet certain
6 building standards; requiring the Department of General Services to establish a
7 maximum acceptable global warming potential for certain categories of eligible
8 materials used in certain eligible projects; requiring a unit of State government to
9 specify the eligible materials that will be used in an eligible project in the solicitation
10 for an eligible project; requiring a successful bidder or offeror of an eligible project to
11 submit certain information about each eligible material proposed to be used in an
12 eligible project; prohibiting a contractor from installing any eligible materials on an
13 eligible project until the contractor submits the required information for the eligible
14 material; requiring that certain State and local government buildings be in
15 compliance with a certain all–electric construction code and building emissions
16 standard; requiring certain State and local government buildings to achieve a certain
17 greenhouse gas direct emissions reduction and net–zero greenhouse gas direct
18 emissions from buildings on or before certain dates; requiring the Department to
19 develop and make available to the public an interagency climate action plan for
20 achieving certain emissions reductions from all State operations; and generally
21 relating to building standards and greenhouse gas emissions reductions in the State.

22 BY repealing and reenacting, with amendments,
23 Article – State Finance and Procurement
24 Section 3–602.1(a)
25 Annotated Code of Maryland
26 (2021 Replacement Volume)

27 BY adding to
28 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–602.3; and 4–901 through 4–905 to be under the new subtitle “Subtitle 9.
2 Buy Clean Maryland Act”
3 Annotated Code of Maryland
4 (2021 Replacement Volume)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That the Laws of Maryland read as follows:

7 **Article – State Finance and Procurement**

8 3–602.1.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) “High performance building” means a building that:

11 (i) 1. A. [meets or exceeds the current] **ACHIEVES AT**
12 **LEAST A SILVER RATING ACCORDING TO THE MOST RECENT** version of the U.S. Green
13 Building Council’s LEED (Leadership in Energy and Environmental Design) Green
14 Building Rating System [Silver rating]; **OR**

15 **B. IS A SCHOOL OR PUBLIC SAFETY BUILDING THAT**
16 **ACHIEVES AT LEAST A CERTIFIED RATING ACCORDING TO THE MOST RECENT**
17 **VERSION OF THE U.S. GREEN BUILDING COUNCIL’S LEED GREEN BUILDING**
18 **RATING SYSTEM AND, BASED ON THE BUILDING’S LOCATION, ACHIEVES 5 POINTS**
19 **OR FEWER IN THE COMBINED CREDITS FOR ACCESS TO QUALITY TRANSIT AND**
20 **SURROUNDING DENSITY AND DIVERSE USES;**

21 [(ii)] 2. Achieves at least a comparable numeric rating according
22 to a nationally recognized, accepted, and appropriate numeric sustainable development
23 rating system, guideline, or standard approved by the Secretaries of Budget and
24 Management and General Services; or

25 [(iii)] 3. Complies with a nationally recognized and accepted green
26 building code, guideline, or standard reviewed and recommended by the Maryland Green
27 Building Council and approved by the Secretaries of Budget and Management and General
28 Services; **AND**

29 (ii) 1. **MEETS OR EXCEEDS THE CURRENT REQUIREMENTS**
30 **FOR CERTIFICATION UNDER THE U.S. GREEN BUILDING COUNCIL’S LEED**
31 **(LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) ZERO ENERGY**
32 **PROGRAM; OR**

33 2. **ACHIEVES A NET-ZERO ENERGY BALANCE IN**
34 **ACCORDANCE WITH STANDARDS OR GUIDELINES RECOMMENDED BY THE**

1 **MARYLAND GREEN BUILDING COUNCIL AND APPROVED BY THE SECRETARY OF**
2 **BUDGET AND MANAGEMENT AND THE SECRETARY OF GENERAL SERVICES.**

- 3 (3) “Major renovation” means the renovation of a building where:
- 4 (i) the building shell is to be reused for the new construction;
- 5 (ii) the heating, ventilating, and air conditioning (HVAC), electrical,
6 and plumbing systems are to be replaced; and
- 7 (iii) the scope of the renovation is 7,500 square feet or greater.

8 **SUBTITLE 9. BUY CLEAN MARYLAND ACT.**

9 **4-901.**

10 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
11 **INDICATED.**

12 **(B) “ELIGIBLE MATERIAL” MEANS ANY OF THE FOLLOWING MATERIALS**
13 **USED IN THE CONSTRUCTION OF A CAPITAL PROJECT:**

- 14 **(1) CEMENT AND CONCRETE MIXTURES;**
- 15 **(2) GLASS;**
- 16 **(3) POSTTENSION STEEL;**
- 17 **(4) REINFORCING STEEL;**
- 18 **(5) STRUCTURAL STEEL; AND**
- 19 **(6) WOOD STRUCTURAL ELEMENTS.**

20 **(C) (1) “ELIGIBLE PROJECT” MEANS A CAPITAL PROJECT UNDER § 3-602**
21 **OF THIS ARTICLE.**

22 **(2) “ELIGIBLE PROJECT” DOES NOT INCLUDE:**

- 23 **(I) ANY MAINTENANCE PROGRAM FOR THE UPKEEP OF A**
24 **CAPITAL PROJECT;**
- 25 **(II) ANY ROAD OR HIGHWAY PROJECT; OR**

1 (III) A CAPITAL PROJECT AT A PUBLIC SCHOOL, AS DEFINED IN §
2 1–101 OF THE EDUCATION ARTICLE.

3 (D) “GLOBAL WARMING POTENTIAL” MEANS THE DEGREE THAT A GIVEN
4 MASS OF A CHEMICAL CONTRIBUTES TO GLOBAL WARMING OVER A GIVEN TIME
5 PERIOD WHEN COMPARED TO THE SAME MASS OF CARBON DIOXIDE.

6 (E) “GREENHOUSE GAS” HAS THE MEANING STATED IN § 2–1202 OF THE
7 ENVIRONMENT ARTICLE.

8 4–902.

9 IN ADMINISTERING THIS SUBTITLE, THE DEPARTMENT SHALL STRIVE TO
10 ACHIEVE A CONTINUOUS REDUCTION OF GREENHOUSE GAS EMISSIONS OVER TIME.

11 4–903.

12 (A) ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT SHALL ESTABLISH
13 A MAXIMUM ACCEPTABLE GLOBAL WARMING POTENTIAL FOR EACH CATEGORY OF
14 ELIGIBLE MATERIALS USED IN AN ELIGIBLE PROJECT IN ACCORDANCE WITH THIS
15 SECTION.

16 (B) THE DEPARTMENT SHALL:

17 (1) BASE THE MAXIMUM ACCEPTABLE GLOBAL WARMING POTENTIAL
18 ON THE INDUSTRY AVERAGE OF GLOBAL WARMING POTENTIAL EMISSIONS FOR THAT
19 MATERIAL;

20 (2) DETERMINE THE INDUSTRY AVERAGE OF GLOBAL WARMING
21 POTENTIAL EMISSIONS, WHICH MAY INCLUDE TRANSPORTATION–RELATED
22 EMISSIONS, BY CONSULTING NATIONALLY OR INTERNATIONALLY RECOGNIZED
23 DATABASES OF ENVIRONMENTAL PRODUCT DECLARATIONS; AND

24 (3) EXPRESS THE MAXIMUM ACCEPTABLE GLOBAL WARMING
25 POTENTIAL AS A NUMBER THAT STATES THE MAXIMUM ACCEPTABLE GLOBAL
26 WARMING POTENTIAL FOR EACH CATEGORY OF ELIGIBLE MATERIALS, CONSISTENT
27 WITH CRITERIA IN AN ENVIRONMENTAL PRODUCT DECLARATION.

28 (C) THE DEPARTMENT MAY:

29 (1) ESTABLISH ADDITIONAL SUBCATEGORIES WITHIN EACH
30 CATEGORY OF ELIGIBLE MATERIALS WITH DISTINCT MAXIMUM ACCEPTABLE
31 GLOBAL WARMING POTENTIAL LIMITS;

1 **(2) ESTABLISH A MAXIMUM ACCEPTABLE GLOBAL WARMING**
2 **POTENTIAL FOR EACH MATERIAL CATEGORY IN THE AGGREGATE; AND**

3 **(3) CONSULT WITH ANY OTHER RELEVANT UNIT OF STATE**
4 **GOVERNMENT WHEN ESTABLISHING A MAXIMUM ACCEPTABLE GLOBAL WARMING**
5 **POTENTIAL FOR EACH CATEGORY OF ELIGIBLE MATERIALS USED IN AN ELIGIBLE**
6 **PROJECT.**

7 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BY JANUARY**
8 **1, 2027, AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL REVIEW THE**
9 **MAXIMUM ACCEPTABLE GLOBAL WARMING POTENTIAL FOR EACH CATEGORY OF**
10 **ELIGIBLE MATERIALS AND MAY ADJUST THE POTENTIAL FOR ANY CATEGORY TO**
11 **REFLECT INDUSTRY CONDITIONS.**

12 **(2) THE DEPARTMENT MAY NOT ADJUST THE GLOBAL WARMING**
13 **POTENTIAL UPWARD FOR ANY CATEGORY OF ELIGIBLE MATERIAL.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
15 as follows:

16 **Article – State Finance and Procurement**

17 **4–904.**

18 **(A) (1) FOR ANY SOLICITATION FOR A CONTRACT FOR AN ELIGIBLE**
19 **PROJECT, A UNIT OF STATE GOVERNMENT SHALL SPECIFY THE ELIGIBLE**
20 **MATERIALS THAT WILL BE USED IN THE PROJECT AND THE REASONABLE MINIMUM**
21 **USAGE THRESHOLDS BELOW WHICH THE REQUIREMENTS OF THIS SECTION DO NOT**
22 **APPLY.**

23 **(2) A UNIT OF STATE GOVERNMENT MAY INCLUDE IN A SOLICITATION**
24 **FOR AN ELIGIBLE PROJECT A GLOBAL WARMING POTENTIAL FOR ANY ELIGIBLE**
25 **MATERIAL THAT IS LOWER THAN THE MAXIMUM ACCEPTABLE GLOBAL WARMING**
26 **POTENTIAL FOR THAT MATERIAL AS DETERMINED UNDER § 4–903 OF THIS**
27 **SUBTITLE.**

28 **(B) THE DEPARTMENT SHALL REQUIRE A SUCCESSFUL BIDDER OR**
29 **OFFEROR OF AN ELIGIBLE PROJECT TO SUBMIT, FOR EACH ELIGIBLE MATERIAL**
30 **PROPOSED TO BE USED IN THE ELIGIBLE PROJECT:**

31 **(1) A CURRENT ENVIRONMENTAL PRODUCT DECLARATION, TYPE III,**
32 **AS DEFINED BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION**
33 **STANDARD 14025; OR**

1 **(2) A SIMILARLY ROBUST LIFE CYCLE ASSESSMENT METHOD THAT**
2 **INCLUDES UNIFORM STANDARDS IN DATA COLLECTION.**

3 **(C) A CONTRACTOR MAY NOT INSTALL ANY ELIGIBLE MATERIALS ON THE**
4 **ELIGIBLE PROJECT UNTIL THE CONTRACTOR SUBMITS A FACILITY-SPECIFIC**
5 **ENVIRONMENTAL PRODUCT DECLARATION FOR THAT ELIGIBLE MATERIAL AS**
6 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**

7 **(D) IF AN ENVIRONMENTAL PRODUCT DECLARATION IS NOT AVAILABLE FOR**
8 **AN ELIGIBLE MATERIAL, THE CONTRACTOR SHALL NOTIFY THE UNIT AND USE AN**
9 **ALTERNATIVE ELIGIBLE MATERIAL WITH AN ENVIRONMENTAL PRODUCT**
10 **DECLARATION.**

11 **(E) THE DEPARTMENT MAY WAIVE THE REQUIREMENTS OF THIS SECTION**
12 **IF IT DETERMINES THAT REQUIRING THE RELEVANT ELIGIBLE MATERIALS WOULD:**

13 **(1) BE TECHNICALLY INFEASIBLE;**

14 **(2) RESULT IN A SIGNIFICANT INCREASE IN PROJECT COST;**

15 **(3) RESULT IN A SIGNIFICANT DELAY IN PROJECT COMPLETION; OR**

16 **(4) RESULT IN ONLY ONE SOURCE OR MANUFACTURER BEING ABLE**
17 **TO PROVIDE THE NECESSARY MATERIALS.**

18 **4-905.**

19 **(A) ON OR BEFORE DECEMBER 1, 2024, AND EACH YEAR THEREAFTER, THE**
20 **DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT, IN ACCORDANCE WITH § 2-1257**
21 **OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY THAT**
22 **INCLUDES:**

23 **(1) WHAT THE DEPARTMENT HAS LEARNED ABOUT HOW TO IDENTIFY**
24 **AND QUANTIFY EMBODIED CARBON IN BUILDING MATERIALS, INCLUDING LIFE**
25 **CYCLE COSTS; AND**

26 **(2) ANY OBSTACLES THE DEPARTMENT, BIDDERS, OR OFFERORS**
27 **HAVE ENCOUNTERED IN IDENTIFYING AND QUANTIFYING EMBODIED CARBON IN**
28 **BUILDING MATERIALS.**

29 **(B) THE REPORT SUBMITTED ON OR BEFORE DECEMBER 1, 2024, SHALL**
30 **INCLUDE A DESCRIPTION OF THE METHOD THAT THE DEPARTMENT USED TO**

1 DEVELOP THE MAXIMUM ACCEPTABLE GLOBAL WARMING POTENTIAL FOR EACH
2 CATEGORY OF ELIGIBLE MATERIALS.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
4 as follows:

5 **Article – State Finance and Procurement**

6 **3–602.3.**

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) (I) “COVERED BUILDING” MEANS:

10 1. A STATE BUILDING; AND

11 2. A LOCAL GOVERNMENT BUILDING FOR WHICH AT
12 LEAST 50% OF THE CONSTRUCTION COSTS ARE PROVIDED BY THE STATE.

13 (II) “COVERED BUILDING” DOES NOT INCLUDE A SCHOOL.

14 (3) “SCOPE 1 EMISSIONS” MEANS DIRECT GREENHOUSE GAS
15 EMISSIONS FROM SOURCES CONTROLLED OR OWNED BY AN ENTITY.

16 (4) “SCOPE 2 EMISSIONS” MEANS INDIRECT GREENHOUSE GAS
17 EMISSIONS ASSOCIATED WITH THE PURCHASE OF ELECTRICITY, STEAM, HEAT, OR
18 COOLING.

19 (B) ALL NEW CONSTRUCTION OF COVERED BUILDINGS SHALL COMPLY WITH
20 AN ALL-ELECTRIC CONSTRUCTION CODE FOR NEW RESIDENTIAL AND COMMERCIAL
21 BUILDINGS ESTABLISHED BY THE DEPARTMENT OF LABOR’S BUILDING CODES
22 ADMINISTRATION.

23 (C) EACH COVERED BUILDING WITH A GROSS FLOOR AREA OF 25,000
24 SQUARE FEET OR MORE, INCLUDING BOTH EXISTING BUILDINGS AND NEW
25 CONSTRUCTION, SHALL:

26 (1) BEGINNING JANUARY 1, 2025, BE IN COMPLIANCE WITH A
27 BUILDING EMISSIONS STANDARD ESTABLISHED BY THE DEPARTMENT OF THE
28 ENVIRONMENT;

29 (2) ON OR BEFORE JANUARY 1, 2030, ACHIEVE A 50% REDUCTION IN
30 NET GREENHOUSE GAS DIRECT EMISSIONS FROM BUILDINGS FROM:

1 **(I) 2025 LEVELS; OR**

2 **(II) AN ALTERNATIVE BASELINE OF NOT EARLIER THAN 2020 IF**
3 **AUTHORIZED UNDER THE BUILDING EMISSIONS STANDARD ESTABLISHED BY THE**
4 **DEPARTMENT OF THE ENVIRONMENT; AND**

5 **(3) ON OR BEFORE JANUARY 1, 2035, ACHIEVE NET-ZERO**
6 **GREENHOUSE GAS DIRECT EMISSIONS FROM BUILDINGS.**

7 **(D) (1) BEGINNING IN 2023, ON OR BEFORE JANUARY 1 EACH YEAR, THE**
8 **DEPARTMENT OF GENERAL SERVICES SHALL REPORT TO THE GENERAL**
9 **ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,**
10 **ON THE STATUS OF GREENHOUSE GAS EMISSIONS FOR ALL STATE OPERATIONS,**
11 **INCLUDING THE UNIVERSITY SYSTEM OF MARYLAND.**

12 **(2) ON OR BEFORE JANUARY 1, 2025, THE DEPARTMENT OF**
13 **GENERAL SERVICES SHALL DEVELOP AND MAKE AVAILABLE TO THE PUBLIC AN**
14 **INTERAGENCY CLIMATE ACTION PLAN FOR ACHIEVING NET-ZERO SCOPE 1 AND**
15 **SCOPE 2 EMISSIONS FROM ALL STATE OPERATIONS, INCLUDING STATE-FUNDED**
16 **OPERATIONS AND THE UNIVERSITY SYSTEM OF MARYLAND.**

17 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1,
18 2022, the Maryland Green Building Council shall:

19 (1) seek input from community and industry stakeholders on
20 recommendations to implement the provisions of Sections 1 and 2 of this Act, including:

21 (i) architects;

22 (ii) civil engineers;

23 (iii) environmental scientists;

24 (iv) institutions of higher education in the State;

25 (v) materials manufacturers; and

26 (vi) State contractors; and

27 (2) report the recommendations to the General Assembly, in accordance
28 with § 2-1257 of the State Government Article.

29 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
30 effect July 1, 2024.

1 SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take
2 effect October 1, 2022, contingent on the taking effect of Chapter ____ (S.B. ____/H.B.
3 ____)(2lr1975) of the Acts of the General Assembly of 2022, and if Chapter ____ (S.B.
4 ____/H.B. ____)(2lr1975) does not become effective, Section 3 of this Act, with no further
5 action required by the General Assembly, shall be null and void.

6 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
7 Sections 5 and 6 of this Act, this Act shall take effect July 1, 2022.