

HB 1244_CBF_SUPPORT_CROSS_RobinClark.pdf

Uploaded by: Clark, Robin Jessica

Position: FAV



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 1244

State Procurement - Concrete - Preference

Date: March 31, 2021

To: Senate Education, Health and Environmental
Affairs Committee

Position: Support

From: Robin Jessica Clark, Maryland Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 1244 which would require state government agencies to apply a procurement preference for concrete that is developed through processes less damaging to the environment. This preference could support the Chesapeake Bay clean-up through lowering local greenhouse gas emissions.

Purchasing low emissions concrete is a viable and reasonable way to reduce greenhouse gas emissions.

The concrete industry is one of the largest emitters of CO₂.¹ On a worldwide basis, it is second only to agricultural in greenhouse gas emissions.² The use of blended cements are one way of increasing the sustainability of concrete by reducing the quantity of new cement production. Specifically, the addition of fly ash and slag cement, as described in the legislation, increase the sustainability of concrete.³ These additives can also provide economy, improved workability, enhanced long-term strength and durability.⁴

The Federal Highway Administration's Office of Pavement Technology suggests the use of blended cement, a mix of cement with fly ash, natural pozzolans, or slag cement, to State highway agencies seeking to reduce their environmental footprint and notes the major barrier to increased use as better education regarding these alternatives.⁵

Reducing greenhouse gas emissions helps confront climate change and its negative effects on the Bay.

As described by the Maryland Department of Environment, "slowing the rate of sea level rise can have a positive impact on the living resources of the Bay by reducing sediment loads and improving habitat quality."⁶ Thousands of acres of environmentally critical tidal wetlands and shorelines are threatened by sea level rise.

¹ Mittelman, Elisheva, [The Cement Industry, One of the World's Largest CO₂ Emitters, Pledges to Cut Greenhouse Gases](#), Yale Environment 360, December 2018.

² *Id.*

³ US Department of Transportation, Federal Highway Administration, [Tech Brief: Blended and Performance Cements](#), January 2011.

⁴ *Id.*

⁵ *Id.*

⁶ Maryland Department of Environment, Climate Change Maryland, [Chesapeake Bay restoration benefits](#), last visited Jan. 28, 2021.

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Climate change also leads to increased water temperature. Warmer waters have a lower capacity to hold dissolved oxygen, exacerbating the Bay's fish-killing dead zones and contributing to algal blooms. Rising water temperatures are stressing fish from the Bay's iconic striped bass to Pennsylvania's beloved brook trout. Temperature-sensitive species are at risk, like eel grass, a food source for migratory waterfowl and important habitat for blue crabs. Significant changes in water temperature displace Bay species and threatening the ecosystem that is the foundation of the Bay's recovery.

CBF urges the Committee's FAVORABLE report on HB 1244. For more information, contact Robin Jessica Clark, Maryland Staff Attorney, at rclark@cbf.org or 443.995.8753.

St Procurement Concrete Bill Testimony Christopher

Uploaded by: Clow, Christopher

Position: FAV

Dear Chairman Pinsky and the Education, Health and Environmental Affairs Committee:

Thank you for the opportunity to provide testimony on HB1244 the “State Procurement – Concrete Preference” bill. I am providing this testimony on behalf of LafargeHolcim, a local producer of cement and concrete with operations throughout Maryland. Our dedicated manufacturing professionals and engineers help provide building materials that support our entire state, including materials that have been used to construct the Purple Line, the route 200 Inter-County Connector, and the Woodrow Wilson Bridge.

People often use the terms “cement” and “concrete” interchangeably so I always like to cover the basics. Cement is a binder in concrete and concrete is the finished product which we see in everything from sidewalks, homes, roads, bridges, dams, and skyscrapers. In fact, concrete is the second most used material in the world second only to water.

We all recognize the built environment is a major source of carbon emissions accounting for approximately 40 % of global emissions. A number that is likely to grow over the next two decades as population growth continues, urban migration increases, and more infrastructure is needed to support our communities.

I believe the adoption of this bill can help unlock the future of sustainable construction. Today, cement producers can produce blended cements with a lower carbon footprint than traditional cement. Type 1L cement is made by adding fine crushed limestone to cement blends. By replacing a portion of the clinker with ground limestone we can lower the carbon footprint of cement by 10 percent.

Type 1L cement has been approved for use in over 30 states. Tests have shown that Type 1L cement is similar in terms of cost and performance. To date, over 900 lane miles of highway paving has been completed with Type 1L cement in Colorado, Utah and Oklahoma. Unfortunately, its adoption in Maryland has been slow. This bill can change that by establishing a low carbon procurement preference for state procurement projects. The state can use its purchasing power to drive innovation and help reduce carbon emissions in Maryland.

On behalf of LafargeHolcim and our 650 employees in Maryland, I respectfully ask that you favorably report this legislation. Working together, we can help reduce carbon emission in Maryland.

MBIA Testimony HB 1244.pdf

Uploaded by: Graf, Lori

Position: FAV

March 30, 2021

The Honorable Paul G. Pinsky
Senate Education, Health & Environmental Affairs Committee
Miller Senate Office Building,
2 West Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: HB 1244 State Procurement – Concrete – Preference

Dear Chairman Pinsky:

The Maryland Building Industry Association, representing 1,100 member firms statewide, appreciates the opportunity to participate in the discussion surrounding **HB 1244 State Procurement – Concrete – Preference**. MBIA **Supports** the Act in its current version.

This bill would require that the state give preference to type 1L or bended cement or concrete mixes. MBIA respectfully supports this measure. This bill would require the use of higher quality graded materials that meet or exceed the engineering expectations of the state. Mandating the use of high-quality product will save the state money in the long term because the life of the resulting structures will be longer and require fewer repairs.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Health & Environmental Affairs Committee

CF - HB1244 - Cement - FAV.pdf

Uploaded by: Harbeson, Kristen

Position: FAV



MARYLAND LEAGUE
OF CONSERVATION VOTERS

March 31, 2021

SUPPORT HB1244: State Procurement – Concrete - Preference

Chairman Pinsky and Members of the Committee:

Maryland League of Conservation Voters

Lynn Heller, Board Chair
Maris St. Cyr, Vice Chair
Michael Davis, Treasurer
Hon. Virginia Clagett
Stuart Clarke
Candace Dodson-Reed
Verna Harrison
Melanie Hartwig-Davis
Ed Hatcher
Hon. Steve Lafferty
Bonnie Norman
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Maryland League of Conservation Voters strongly supports HB1244: State Procurement – Concrete – Preference, and we thank Delegate Sample-Hughes for her leadership on this issue.

This year the Maryland General Assembly is considering the Climate Solutions Now Act, which sets the state on a path towards dramatically reducing our carbon emissions by the year 2030, and achieving net-zero emissions by 2045. That comprehensive legislation offers several important steps to achieve this ambitious but achievable goal, however it is critical that Maryland take every opportunity to cut our contribution to the global crisis of climate change, and HB1244 is a meaningful step towards this goal.

Cement contributes to 8% of greenhouse gases worldwide. The emissions are tied to the presence of “clinker,” which is a key component to traditional cement making, and emits the largest amount of CO₂ in the cement-making process. While the US is a relatively small part of the cement market, one of the nation’s largest producers has a plant in Hagerstown, Maryland – a plant which is leading the way in making alternatives that significantly reduce the carbon emissions of their product, through using an alternative to the carbon-heavy “clinker,” and by using more energy-efficient processes.

HB1244 offers the Maryland General Assembly the opportunity to put our state government in a position of leading the way for private companies by giving preference to these improved systems and products, which simultaneously achieves two critical goals: supporting a Maryland business that has shown important industry leadership, and reducing our carbon emissions. Moreover, this bill would also bring environmental and health benefits to local communities that host concrete manufacturing plants by supporting alternatives that reduce emission during the production cycle.

Finally, we would like to point out that host communities are not only overburdened by the harmful emissions released during the industrial process of producing concrete, but their residents also suffer from diesel emission, noise and public safety concerns associated with the heavy diesel trucks that serve concrete operations daily. While not a formal amendment, we urge the Maryland General Assembly to take these cumulative impacts into account to ensure that no community in Maryland is disproportionately impacted by pollution and other environmental harms.

Maryland LCV urges a favorable report on HB1244.

HB 1244 Concrete SENATE Testimony 2021.pdf

Uploaded by: Sample-Hughes, Sheree

Position: FWA

SHEREE SAMPLE-HUGHES
Legislative District 37A
Dorchester and Wicomico Counties

—
SPEAKER PRO TEM
—

Health and Government
Operations Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

TESTIMONY FOR EDUCATION, HEALTH, AND ENVIRONMENT COMMITTEE

CHAIR PAUL PINSKY
VICE CHAIR CHERYL KAGAN

HOUSE BILL 1244 – STATE PROCURMENT – CONCRETE - PREFERENCE

SUPPORT WITH AMENDMENT

March 31, 2021

Good afternoon Chairman Pinsky and Vice Chair Kagan. I am here today to ask for your support for HB 1244 – State Procurement – Concrete – Preference. This bill will make it the preference of the State to use a certain form of low-carbon blended cement, portland limestone cement(PLC), which is more environmentally friendly. This bill was passed out of the House with a technical amendment which I support.

Other than water, concrete is the most-used material in the world, representing approximately 50% of all manmade materials by mass. Concrete is so prevalent because of its versatility, but its production is a very carbon-intensive process. Because of this, even a small reduction in the CO2 used to create it can have a massive impact. By making a preference for PLC, Maryland can expect to see a 10% reduction in CO2 output from concrete plants. We will be following the lead of 32 other states who have accepted the use of this cement, including PA, VA, WV and North Carolina.

Frankly, there are no downsides to the use of PLC. It can be used in almost every instance that the standard portland cement can be. Its production requires no fewer workers, so there are no job losses related to its use. Currently there are two concrete manufactures in the state. One plant, in Union Bridge is already fitted to make the new cement. The other, in Hagerstown, has plans to make a \$250,000 investment to begin production. Both of the surrounding areas will benefit greatly from the reduced pollution, and the new concrete is revenue neutral.

The passage of this bill will be greatly beneficial to the health and well-being of Marylanders because of the positive environmental impact it will have. For this reason I am asking for a favorable report on HB 1243. Thank you for your time.

HB 1244 - SHA - Concrete Preference - FINAL_OPP_CO

Uploaded by: Highsmith, Courtney

Position: UNF

March 31, 2021

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs
2 West Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Opposition – House Bill 1244 – State Procurement – Concrete – Preference

Dear Chair Pinsky and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes House Bill 1244 due to a potential increase in material costs and impact on certain procurement processes.

House Bill 1244 requires each unit of State government, including the MDOT State Highway Administration (SHA), and the Maryland Transportation Authority (MDTA), to give price preferences to vendors that use “Type 1L” cement.

Both the SHA and the MDTA have worked with its industry partners in the field to develop new products that have user benefit and cost savings. Currently, SHA and MDTA are working with industry partners to rollout the use of “Type 1L”, also known as blended cement. The MDOT SHA’s Office of Materials Technology is working towards approval of this type of cement, and some “Type 1L” cements have already been approved for use. Industry partnerships typically facilitate emerging technology, and performance testing allows the best products currently on the market to rise to the top for use in SHA and MDTA contracts without the need for legislation.

Price preferences on SHA and MDTA projects would increase the overall cost of each project and break Maryland’s long-standing procurement process of selecting the best value. This process would lead to complications in the procurement process and inequities for businesses that do not have this approved material.

The SHA and MDTA’s procurement processes does not include separate items to account for the specific cost of a product such as asphalt or cement and, as such, implementing this specific material price preference into SHA and MDTA procurements will require major changes to processes and procedures that will have an indeterminable impact at this time.

House Bill 1244 also hinders the SHA and MDTA’s abilities to use the best-available technology by giving preference to this type of cement in statute, requiring future changes to State law if other blends become preferable. Concrete blends have evolved significantly throughout the years and will continue to evolve in years to come. The SHA and MDTA are committed to prioritizing the use of cement blends that have the best strength and durability, price point for taxpayers, and are least impactful to the environment.

Finally, while there are other price preferences for environmental reasons in the State Finance and Procurement Article (14-405 and 14-407, for example), these provisions provide that the preference does not apply to the extent that it would conflict with Federal law or cause a loss of federal funds. A similar provision is omitted in House Bill 1244 and, given the importance of federal funds to the MDOT SHA program, could pose a risk to a critical source of funding in the future.

The Honorable Paul G. Pinsky
Page Two

For the reasons above, The Maryland Department of Transportation respectfully requests the Committee grant House Bill 1244 an unfavorable report.

Respectfully Submitted,

Mitch Baldwin
State Legislative Manager
Maryland State Highway Administration
410-545-0342

Melissa Einhorn
State Legislative Officer
Maryland Department of Transportation
410-865-1102

Bradley Ryon
Manager, Government Relations
Maryland Transportation Authority
410-537-1060

2021 HB 1244 Procure-Concrete-Preference DGS LOI

Uploaded by: Robertson, Ellen

Position: INFO

Larry Hogan
Governor

Boyd K. Rutherford
Lt Governor



OFFICE OF THE SECRETARY

Ellington E. Churchill, Jr.
Secretary

Nelson E. Reichart
Deputy Secretary

BILL: House Bill 1244 – State Procurement – Concrete – Preference
COMMITTEE: Senate Education, Health and Environmental Affairs
DATE: March 31, 2021
POSITION: Letter of Information

Upon review of House Bill 1244 – State Procurement – Concrete – Preference, the Department of General Services (DGS) provides these comments for your consideration.

Originally, House Bill 1244 required each State agency responsible for the sole procurement of concrete to give a preference to the procurement of a concrete mix that is more environmentally friendly and less carbon intensive. As amended, House Bill 1244 applies to all contracts that include the purchase or use of concrete within a contract and the application of a 5% price preference for the concrete portion.

The DGS Design and Construction division supervises and coordinates the design and construction of a wide range of state public improvements totaling hundreds of millions of dollars annually. DGS is committed to the fair and competitive selection of design consultants and construction contractors for capital improvement and maintenance projects. Once awarded, the department manages each contract to deliver quality projects that are on time and within budget.

Within the DGS Design and Construction division approximately 50% of the projects have a concrete component. This component is not significant to the whole project and a price preference will accomplish little. In addition, the application of this preference will impose an administrative and operational challenge not only for the agency but also for the prime contractor. DGS currently does not require a breakdown of materials prices in our bid documents. This bill would require that we alter our bid documents to include the materials prices breakdown for concrete. The prime contractor would then be responsible for providing, on multimillion-dollar projects, a breakdown of the concrete cost in their bid. DGS respectfully suggests incorporating the concrete component requirement as a part of the “High Performance Green Building Program”. DGS is the supporting agency for the Maryland Green Building Council (Council). The Council was created in 2007 to guide [Maryland’s High-Performance Building Program](#). The Council makes recommendations regarding implementation of the High-Performance Building Program to the Department of General Services, the Maryland Governor and General Assembly. It assists the Governor and General Assembly on reviews and recommendations regarding green building legislation and promotes green building throughout Maryland’s government and private sector.



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House Bill 1244
March 31, 2021

All new and renovated State of Maryland facilities larger than 7,500 gross square feet which are fully funded by the state, kindergarten through 12th grade (K -12) public schools and new community college buildings are required to comply with the [Maryland High Performance Green Building Program](#). A High-Performance Building is one which achieves either a Silver rating or better under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, a two Green Globes rating or better under the Green Building Initiative's Green Globes rating system, or which complies with the Maryland Green Building Council's supplement to the International Green Construction Code (IgCC) enacted in November 2014.

For additional information, contact Ellen Robertson at 410-260-2908.