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Program Open Space/Agricultural
Land Preservation

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 22, 2023

Testimony in Favor of SB0424
Public Projects - Global Warming Potential of Materials (Buy Clean Maryland Act)

Chairman Guzzone, Vice-Chair Rosapepe, and members of the Budget & Taxation Committee.

I respectfully request a favorable report of Senate Bill 424 to ensure that our State moves towards better utilizing low carbon concrete in our fight to reduce greenhouse gas emissions.

Cement is the main ingredient in concrete and the greenhouse gas emissions produced through the cement production process continue to be a key contributor to the increase in these emissions both globally and here in Maryland. Estimates indicate that cement production represents about 8% of the world's carbon dioxide emissions¹. Put a different way, if the concrete industry were a country in and of itself it would be within the top 5 of global emission producing nations in the world². Furthermore, in New Jersey, a State similar to Maryland in a variety of ways, cement production represents roughly 12% of emissions³. You will hear today from industry experts who will talk in more detail about how this Bill will help reduce the environmental footprint of cement and concrete without sacrificing performance and durability.

It is clear that, considering these levels of emissions, we have an obligation to do more to mitigate climate effects that this industry is generating. But there is good news: there exists a less environmentally harmful means of producing concrete and there are Maryland-based producers who are helping to lead this effort. Additionally, the Federal government and States across the nation (including here in Maryland) have begun to take action to better mitigate the emissions of this industry through the procurement system.

Federally, President Biden in December of 2021 issued an Executive Order to require net-zero emissions for Federal procurement no later than 2050. Most importantly, the Order also included

¹ <https://www.bbc.com/news/science-environment-46455844>

² <https://phys.org/news/2021-10-concrete-world-3rd-largest-co2.html>

³ <https://psci.princeton.edu/tips/2020/11/3/cement-and-concrete-the-environmental-impact>

a “Buy Clean” policy⁴ for Federal procurement to promote the use of construction materials with lower embodied emissions through the creation of an inter-departmental “Buy Clean” Task Force⁵.

Other States have also implemented Buy Clean policies – including California, Colorado, Oregon, Hawaii, and New York⁶. Furthermore, Maryland has already started this conversation through the Climate Solutions Now Act of 2022 (SB528 22’) which required the Maryland Green Building Council (MGBC) to look in-depth at how to incentivize cleaner concrete through our procurement policy – most notably through the use of Environmental Policy Declarations (EPD’s) to measure the climate impact of concrete.

This legislation builds on the MGBC report, as well as the actions that the Federal Government and fellow States have taken, to take a measured approach at implementing Buy Clean policies here in Maryland.

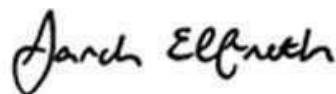
This legislation as drafted will:

1. Require a bidder on an eligible project to submit to DGS, for each eligible material (concrete in this legislation), an EPD for the product. We do however, also authorize the Department to waive the EPD requirements under certain circumstances.
2. Require the Department to set a maximum acceptable Global Warming Potential for each category or eligible materials (concrete in this legislation) to guide their procurement rules. This will work in tandem with the EPD’s to ensure we are using cleaner concrete. We also require the Department to update the Global Warming Potential in 2028 and every three years after.
3. Require reports starting in 2025 from DGS on anything that the Department has learned and any obstacles the Department has had with these requirements.

We recently met with DGS to discuss this legislation. I am happy to be working with them on potential amendments to alleviate pressure on implementation, by:

1. Adjusting the timelines on the legislation to primarily give the Department more time to utilize Environmental Product Declarations
2. Striking the word “facility-specific” from page 4 line 17.
3. Only requiring the use of the EPD-based procurement process for projects that are also required to meet the Maryland High Performance Green Building [standards](#).

Sincerely,



Sarah Elfreth

⁴<https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/08/fact-sheet-president-biden-signs-executive-order-catalyzing-americas-clean-energy-economy-through-federal-sustainability/>

⁵<https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/15/fact-sheet-biden-harris-administration-advances-cleaner-industrial-sector-to-reduce-emissions-and-reinvigorate-american-manufacturing/>

⁶ Maryland Green Building Council 2022 Report

