

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2204

03/07/2019 Authored by Hornstein and Ecklund
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to state government; requiring the commissioner of administration to adopt
1.3 a maximum acceptable global warming potential standard for certain projects;
1.4 requiring documentation from certain successful bidders related to the standard;
1.5 requiring legislative reports; proposing coding for new law in Minnesota Statutes,
1.6 chapter 16C.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. [16C.0732] MAXIMUM ACCEPTABLE GLOBAL WARMING
1.9 POTENTIAL.

1.10 Subdivision 1. Definitions. As used in this section, the terms in this subdivision have
1.11 the meanings given.

1.12 (1) "Agency" means an agency as defined in section 16B.01, subdivision 2, and includes
1.13 the Board of Trustees of the Minnesota State Colleges and Universities and the University
1.14 of Minnesota.

1.15 (2) "Eligible material" means any of the following:

1.16 (i) carbon steel rebar;

1.17 (ii) flat glass;

1.18 (iii) mineral wool board insulation; or

1.19 (iv) structural steel.

1.20 (3) "Eligible project" means any building or construction, including highway construction,
1.21 that the agency determines will require the use of eligible materials.

2.1 (4) "Environmental product declaration" means an Environmental Product Declaration,
2.2 Type III, as defined by the International Organization for Standardization (ISO) standard
2.3 14025, or similarly robust life cycle assessment methods that have uniform standards in
2.4 data collection consistent with ISO standard 14025, industry acceptance, and integrity.

2.5 (5) "Standard" means the maximum acceptable global warming potential standard
2.6 established by the commissioner under subdivision 2.

2.7 Subd. 2. **Maximum acceptable global warming potential; standard required.** No
2.8 later than January 1, 2021, the commissioner shall establish a maximum acceptable global
2.9 warming potential standard for each eligible material. The standard shall be published in
2.10 the State Register, the state contracting manual, and on the commissioner's website. Each
2.11 standard is subject to the requirements in this subdivision.

2.12 (1) The commissioner shall set the standard at the industry average of facility-specific
2.13 global warming potential emissions for that material with a phase-in period of not more
2.14 than two years. The commissioner shall determine the industry average by consulting
2.15 recognized databases of environmental product declarations. When determining the industry
2.16 averages, the commissioner should include all stages of manufacturing required by the
2.17 relevant product category rule; however, when setting the initial industry average, the
2.18 commissioner may exclude emissions that occur during fabrication stages and make
2.19 reasonable judgments aligned with the product category rule.

2.20 (2) The commissioner shall express the standard as a number that states the maximum
2.21 acceptable facility-specific global warming potential for each category of eligible materials.
2.22 The commissioner may set different maximums for different products within each material
2.23 type and, when more than one set of product category rules exists for a category or set of
2.24 products, may set a different standard for each set of product category rules. The standard
2.25 shall be stated in a manner that is consistent with criteria in an environmental product
2.26 declaration.

2.27 Subd. 3. **Solicitations and submission requirements.** (a) For contracts entered into on
2.28 or after July 1, 2021, an agency shall include in the solicitation for an eligible project that
2.29 the facility-specific global warming potential for any eligible material used may not exceed
2.30 either:

2.31 (1) the standard for that material determined under subdivision 2; or

2.32 (2) a lower standard as specified by the agency.

3.1 The solicitation must require the successful bidder to submit a current facility-specific
3.2 environmental product declaration for each eligible material proposed to be used. The
3.3 successful bidder may not install an eligible material on the project until it submits a
3.4 facility-specific environmental product declaration for that material.

3.5 (b) For contracts entered into on or after July 1, 2019, but before January 1, 2020, the
3.6 solicitation must request that the successful bidder submit a current facility-specific
3.7 environmental product declaration.

3.8 (c) For contracts entered into on or after January 1, 2020, but before July 1, 2021, the
3.9 solicitation must require that the successful bidder submit a current facility-specific
3.10 environmental product declaration.

3.11 (d) Paragraph (a) does not apply to the use of an eligible material for a specific eligible
3.12 project if the agency determines, upon written justification published in the State Register
3.13 and on its website, that compliance with the standard would be technically infeasible, would
3.14 result in a significant increase in the project cost or a significant delay in completion, or
3.15 would result in only one source or manufacturer being able to provide the type of material
3.16 required.

3.17 Subd. 4. **Continuous reduction of emissions; goal.** In carrying out the duties of this
3.18 section, the commissioner and each agency shall strive to achieve a continuous reduction
3.19 of emissions over time in the implementation of state contracts.

3.20 Subd. 5. **Three-year review of standards.** No later than January 1, 2024, and every
3.21 three years thereafter, the commissioner shall review the standard for each category of
3.22 eligible material and may adjust that number downward to reflect industry improvements
3.23 if the commissioner, consistent with subdivision 2, determines that the industry average has
3.24 changed. The commissioner may not adjust a standard upward. If a standard is changed,
3.25 the commissioner shall publish a notice in the State Register and update the information in
3.26 the state contracting manual and on the commissioner's website accordingly.

3.27 Subd. 6. **Legislative reports.** The commissioner shall submit reports to the committees
3.28 of the legislature with jurisdiction over state government operations and climate change
3.29 policy as follows:

3.30 (1) no later than January 15, 2021, a report describing the method used to develop the
3.31 standard for each category of eligible materials pursuant to subdivision 2; and

- 4.1 (2) no later than January 15, 2022, a report describing any obstacles to implementation
- 4.2 of this section and the effectiveness of this section in reducing global warming potential in
- 4.3 state contracts.