



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5504

Introduced 1/31/2022, by Rep. Tim Butler

SYNOPSIS AS INTRODUCED:

20 ILCS 2705/2705-620 new
20 ILCS 3105/21 new

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois and the Capital Development Board Act. Requires the Department of Transportation and the Capital Development Board to develop policies regarding maximum acceptable global warming potential for specified eligible materials used in public projects. Provides for review and adjustment of the respective policies. Provides requirements for contractors awarded public project contracts. Requires the Department and the Board to strive to achieve a continuous reduction of greenhouse gas emissions over time. Provides for annual reporting requirements by the Department and the Board. Defines terms. Effective immediately.

LRB102 25476 RJF 34764 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by adding
6 Section 2705-620 as follows:

7 (20 ILCS 2705/2705-620 new)

8 Sec. 2705-620. Maximum global warming potential for
9 materials used in public projects.

10 (a) By January 1, 2025, the Department shall establish a
11 policy to determine and record greenhouse gas emissions from
12 eligible materials used in a public project with the goal of
13 reducing greenhouse gas emissions in accordance with the
14 following requirements:

15 (1) the Department shall use the nationally or
16 internationally recognized databases of Environmental
17 Product Declarations and may include
18 transportation-related emissions as part of the global
19 warming potential emissions; and

20 (2) the Department shall develop a tracking and
21 reporting process in a manner that is consistent with
22 criteria in an Environmental Product Declaration. The
23 Department may establish additional subcategories within

1 each eligible material with distinct maximum global
2 warming potential limits.

3 (b) In establishing the policy pursuant to this Section,
4 the Department may consult with any other relevant department
5 or division of State government.

6 (c) By January 1, 2027, and every 4 years thereafter, the
7 Department shall review the policy created under this Section
8 and may adjust the policy to reflect industry conditions. The
9 Department shall not adjust the policy for any eligible
10 material to be less stringent.

11 (d) For invitation for bids for contracts for public
12 projects issued on or after July 1, 2022, the Department shall
13 require the contractor who is awarded the contract to submit a
14 current Environmental Product Declaration, Type III, as
15 defined by the International Organization for Standardization
16 Standard 14025:2006, or similarly robust life cycle assessment
17 methods that have uniform standards in data collection, for
18 each eligible material proposed to be used in the public
19 project.

20 (e) For invitation for bids for contracts for public
21 projects issued on or after July 1, 2025, the Department shall
22 require the contractor who is awarded the contract to submit a
23 current Environmental Product Declaration, Type III, as
24 defined by the International Organization for Standardization
25 Standard 14025:2006, or similarly robust life cycle assessment
26 methods that have uniform standards in data collection, as set

1 by policy by the Department for each eligible material
2 proposed to be used in the public project.

3 (f) For invitation for bids for contracts for publicly bid
4 public projects issued on or after July 1, 2025, the
5 Department shall specify the eligible materials that will be
6 used in the project based on the policy and reasonable minimum
7 usage thresholds for which the requirements of this Section
8 shall not apply.

9 (g) A contractor that is awarded a contract for a public
10 project shall not install any eligible materials on the
11 project until the contractor submits an Environmental Product
12 Declaration for that material. The Environmental Product
13 Declaration shall be deemed approved if it complies with the
14 policy established by the Department under this Section. If an
15 Environmental Product Declaration is not available for an
16 eligible material, the contractor shall notify the Department
17 and install an alternative eligible material with an
18 Environmental Product Declaration. If a product meeting the
19 policy requirements for a category of eligible materials is
20 not reasonably priced or is not available to the contractor on
21 a reasonable basis, the Department may waive the requirements
22 of this Section for that product.

23 (h) In administering this Section, the Department shall
24 strive to achieve a continuous reduction of greenhouse gas
25 emissions over time.

26 (i) Beginning in 2026, the Department shall annually

1 present the following information to the Governor and the
2 General Assembly:

3 (1) for the presentation in 2026 only, a description
4 of the method that the Department used to develop the
5 policy requirements for each category of eligible
6 materials;

7 (2) what the Department has learned about how to
8 identify and quantify embodied carbon in building
9 materials, including life cycle costs; and

10 (3) any obstacles the Department as well as bidding
11 contractors have encountered in identifying and
12 quantifying embodied carbon in building materials.

13 (j) For purposes of this Section:

14 "Eligible material" means materials used in the
15 construction of a public project, including, but not limited
16 to: (i) asphalt and asphalt mixtures; (ii) cement and concrete
17 mixtures; and (iii) steel.

18 "Public project" means all publicly bid construction
19 projects, projects from within the asset management plan, or
20 other projects as determined by the Department.

21 Section 10. The Capital Development Board Act is amended
22 by adding Section 21 as follows:

23 (20 ILCS 3105/21 new)

24 Sec. 21. Maximum global warming potential for materials

1 used in public projects.

2 (a) By January 1, 2025, the Board shall establish by
3 policy a maximum acceptable global warming potential for each
4 category of eligible materials used in a public project in
5 accordance with the following requirements:

6 (1) The Board shall base the maximum acceptable global
7 warming potential on the industry average of global
8 warming potential emissions for that material. The Board
9 shall determine the industry average by consulting
10 nationally or internationally recognized databases of
11 Environmental Product Declarations and may include
12 transportation-related emissions as part of the global
13 warming potential emissions.

14 (2) The Board shall express the maximum acceptable
15 global warming potential as a number that states the
16 maximum acceptable global warming potential for each
17 category of eligible materials. The global warming
18 potential shall be provided in a manner that is consistent
19 with criteria in an Environmental Product Declaration. The
20 Board may establish additional subcategories within each
21 eligible material with distinct maximum acceptable global
22 warming potential limits. The policy may permit maximum
23 acceptable global warming potential for each material
24 category in the aggregate.

25 (b) In establishing the maximum acceptable global warming
26 potential for each category of eligible materials used in a

1 public project, the Board may consult with any other relevant
2 department or division of State government.

3 (c) By January 1, 2027, and every 4 years thereafter, the
4 Board shall review the maximum acceptable global warming
5 potential for each category of eligible materials and may
6 adjust the number to reflect industry conditions. The Board
7 shall not adjust the number upward for any eligible material.

8 (d) For any solicitation for a contract for the design of a
9 public project, a State agency shall require the designer who
10 is awarded the contract to include, in project specifications
11 when final construction documents are released, a current
12 Environmental Product Declaration, Type III, as defined by the
13 International Organization for Standardization Standard
14 14025:2006, or similarly robust life cycle assessment methods
15 that have uniform standards in data collection, as set by
16 policy by the Board for each eligible material proposed to be
17 used in the public project that meet the maximum acceptable
18 global warming potential for each category of eligible
19 materials.

20 (e) If a product that meets the maximum acceptable global
21 warming potential for a category of eligible materials is not
22 reasonably priced or is not available on a reasonable basis at
23 the time of design or construction, the Board may waive the
24 requirements of this Section for that product.

25 (f) For any solicitation for a contract for a public
26 project, a State agency shall specify the eligible materials

1 that will be used in the project and reasonable minimum usage
2 thresholds for which the requirements of this Section shall
3 not apply. A State agency may include in a specification for
4 solicitations for a public project, a global warming potential
5 for any eligible material that is lower than the maximum
6 acceptable global warming potential for that material as
7 determined under this Section.

8 (g) A contractor that is awarded a contract for a public
9 project shall not install any eligible materials on the
10 project until the contractor submits an Environmental Product
11 Declaration for that material. The Environmental Product
12 Declaration shall be deemed approved if it complies with the
13 original specification required by this Section. If an
14 Environmental Product Declaration is not available for an
15 eligible material, the contractor shall notify the State
16 agency and install an alternative eligible material with an
17 Environmental Product Declaration. If a product meeting the
18 maximum acceptable global warming potential for a category of
19 eligible materials is not reasonably priced or is not
20 available to the contractor on a reasonable basis, the State
21 agency may waive the requirements of this Section for that
22 product. The State agency shall report the waivers it awards
23 to the Board.

24 (h) In administering this Section, the Board shall strive
25 to achieve a continuous reduction of greenhouse gas emissions
26 over time.

1 (i) Beginning in 2026, the Board shall annually present
2 the following information to the Governor and the General
3 Assembly:

4 (1) for the presentation in 2026 only, a description
5 of the method that the Board used to develop the maximum
6 acceptable global warming potential for each category of
7 eligible materials;

8 (2) what the Board has learned about how to identify
9 and quantify embodied carbon in building materials,
10 including life cycle costs; and

11 (3) any obstacles the Board as well as bidding
12 contractors have encountered in identifying and
13 quantifying embodied carbon in building materials.

14 (j) For purposes of this Section:

15 "Eligible material" means materials used in the
16 construction of a public project, including, but not limited
17 to: (i) asphalt and asphalt mixtures; (ii) cement and concrete
18 mixtures; (iii) glass; (iv) post-tension steel; (v)
19 reinforcing steel; (vi) structural steel; and (vii) wood
20 structural elements.

21 "Public project" means any construction, alteration,
22 repair, demolition, or improvement of any land, building,
23 structure, facility, or other public improvement suitable for
24 and intended for use in the promotion of the public health,
25 welfare, or safety, but not including any maintenance program
26 for the upkeep of a public project or any road, highway, or

1 bridge project.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.