



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3568

Introduced 2/17/2023, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

605 ILCS 5/4-224 new

Amends the Illinois Highway Code. Defines "covered materials" and "environmental product declaration". Provides that by January 1, 2024, the Department of Transportation shall establish a technical advisory committee to assist the Department with the development and implementation of policies and procedure to implement the provisions. Provides that prior to January 1, 2027, the Department may collect environmental product declarations on covered materials on a select number of projects as determined by the technical advisory committee to assess the greenhouse gas emissions attributable to covered materials. Provides that after January 1, 2027, the Department may establish a policy with the goal of reducing greenhouse gas emissions attributable to covered materials the Department uses in the construction and maintenance activities. Limits the Department's ability to use environmental product declarations in determining the lowest responsible bidder or to compare covered materials with different product category rules.

LRB103 30116 MXP 56540 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Highway Code is amended by adding
5 Section 4-224 as follows:

6 (605 ILCS 5/4-224 new)

7 Sec. 4-224. Reduction of greenhouse gas emissions for
8 materials used in State transportation projects.

9 (a) As used in this Section:

10 "Covered materials" includes:

11 (1) concrete, including ready mix concrete, shotcrete,
12 precast concrete, and concrete masonry units;

13 (2) asphalt paving mixtures;

14 (3) steel, including rebar, reinforcing steel and
15 structural steel, hot-rolled sections, hollow sections,
16 plate steel, and cold-formed steel; and

17 (4) other materials the Department designates by rule
18 after consultation with the technical advisory committee.

19 "Environmental product declaration" means a
20 product-specific label developed in accordance with ISO
21 Standard 14025 that presents quantified environmental
22 information on independently verified life cycle assessment
23 data, life cycle inventory and analysis data, or information

1 modules in accordance with the ISO 14040 series of standards.

2 (b) By January 1, 2024, the Department shall establish a
3 technical advisory committee to assist the Department with the
4 development and implementation of policies and procedure to
5 implement this section. The technical advisory committee shall
6 include, but need not be limited to, representatives from the
7 Department representing construction, materials, research, and
8 districts, the Environmental Protection Agency, trade
9 associations representing covered materials, construction
10 firms prequalified in categories using covered materials,
11 material suppliers certified for covered materials,
12 environmental organizations, and institutions of higher
13 education.

14 The technical advisory committee shall:

15 (1) recommend construction and maintenance activities
16 appropriate for the use of environmental product
17 declarations;

18 (2) recommend quantities of covered materials
19 appropriate for the use of environmental product
20 declarations;

21 (3) advise to the extent to which environmental
22 product declarations are available or are in development;
23 and

24 (4) advise how to properly analyze or interpret
25 environmental product declarations.

26 The technical advisory committee shall be cochaired by a

1 Department representative and a trade association
2 representative.

3 (c) Prior to January 1, 2027, the Department may collect
4 environmental product declarations on covered materials on a
5 select number of projects as determined by the technical
6 advisory committee to assess the greenhouse gas emissions
7 attributable to covered materials. This assessment data
8 collected shall not be evaluated by using industry-wide or
9 product category rule averages.

10 (d) After January 1, 2027, the Department may establish a
11 policy with the goal of reducing greenhouse gas emissions
12 attributable to covered materials the Department uses in the
13 construction and maintenance activities for the Department's
14 transportation system that shall:

15 (1) require measurement of any reductions of
16 greenhouse gas emissions of covered materials by the use
17 of nationally or internationally recognized databases of
18 environmental product declarations submitted to the
19 Department after bid opening;

20 (2) conduct life cycle assessments of a selected set
21 of the Department's construction and maintenance
22 activities as determined by the technical advisory
23 committee;

24 (3) recognize regional and geographic differences;

25 (4) devise strategies for reducing greenhouse gas
26 emissions that include, but are not limited to:

1 (A) improving pavement and bridge conditions
2 through performance testing and asset management;

3 (B) providing incentives for contractors that
4 implement innovations with documented and quantifiable
5 greenhouse gas emission reductions;

6 (C) increasing sustainability of the covered
7 materials;

8 (D) establishing processes to research, develop,
9 and implement new technologies; and

10 (E) encouraging best practices.

11 The Department shall estimate the time required to
12 implement the greenhouse gas emission reduction strategies,
13 any associated monetary costs or savings, uncertainties in
14 data, and analysis on which the strategies are based. The
15 Department shall develop a tracking and reporting process in a
16 manner that is consistent with criteria in an environmental
17 product declaration. The Department may establish additional
18 subcategories within each eligible material with distinct
19 maximum global warming potential limits.

20 (e) The Department shall not use environmental product
21 declarations in determining the lowest responsible bidder.

22 (f) The Department shall not use environmental product
23 declarations to compare covered materials with different
24 product category rules.