

Colo. Rev. Stat. § 24-92-117

Section 24-92-117 - Maximum global warming potential for materials used in eligible projects - buildings - projects that are not roads, highways, or bridges - environmental product declaration - short title - report - definitions

- (1)** The short title of this section and section 24-92-118 is the "Buy Clean Colorado Act".
- (2)** As used in this section, unless the context otherwise requires:
 - (a)** "Eligible material" means materials used in the construction of a public project, including:
 - (I)** Asphalt and asphalt mixtures;
 - (II)** Cement and concrete mixtures;
 - (III)** Glass;
 - (IV)** Post-tension steel;
 - (V)** Reinforcing steel;
 - (VI)** Structural steel; and
 - (VII)** Wood structural elements.
 - (b)** "Eligible project" means a public project as defined in section 24-92-102, for which an agency of government issues a solicitation on or after January 1, 2024; except that "eligible project" does not include any maintenance program for the upkeep of a public project or any road, highway, or bridge project.
 - (c)** "Greenhouse gas" has the same meaning as set forth in section 25-7-140 (6).
 - (d)** "Office of the state architect" means the office of the state architect in the department of personnel.
- (3)**
 - (a)** By January 1, 2024, the office of the state architect shall establish by policy a maximum acceptable global warming potential for each category of eligible materials used in an eligible project in accordance with the following requirements:
 - (I)** The office of the state architect shall base the maximum acceptable global warming potential on the industry average of global warming potential emissions for that material. The office of the state architect shall determine the industry average by consulting nationally or internationally recognized databases of environmental product declarations and may include transportation-related emissions as part of the global warming potential emissions.
 - (II)** The office of the state architect shall express the maximum acceptable global warming potential as a number that states the maximum acceptable global warming potential for each category of eligible materials. The global warming potential shall be



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provided in a manner that is consistent with criteria in an environmental product declaration. The office of the state architect may establish additional subcategories within each eligible material with distinct maximum acceptable global warming potential limits. The policy may permit maximum acceptable global warming potential for each material category in the aggregate.

(b) In establishing a maximum acceptable global warming potential for each category of eligible materials used in an eligible project, the office of the state architect may consult with any other relevant department or division of state government.

(c) By January 1, 2026, and every four years thereafter, the office of the state architect shall review the maximum acceptable global warming potential for each category of eligible materials and may adjust the number for any eligible material to reflect industry conditions. The office of the state architect shall not adjust the number upward for any eligible material.

(4)

(a)

(I) For any solicitation for a contract for the design of an eligible project, an agency of government shall require the designer who is awarded the contract to include, in project specifications when final construction documents are released, a current environmental product declaration, type III, as defined by the international organization for standardization standard 14025:2006, or similarly robust life cycle assessment methods that have uniform standards in data collection, as set by policy by the office of the state architect for each eligible material proposed to be used in the eligible project that meet the maximum acceptable global warming potential for each category of eligible materials.

(II) If a product that meets the maximum acceptable global warming potential for a category of eligible materials is not reasonably priced or is not available on a reasonable basis at the time of design or construction, the office of the state architect may waive the requirements of this section for that product.

(b) For any solicitation for a contract for an eligible project, an agency of government shall specify the eligible materials that will be used in the project and reasonable minimum usage thresholds below which the requirements of this section shall not apply. An agency of government may include in a specification for solicitations for an eligible project a global warming potential for any eligible material that is lower than the maximum acceptable global warming potential for that material as determined pursuant to subsection (3) of this section.

(c) A contractor that is awarded a contract for an eligible project shall not install any eligible materials on the project until the contractor submits an environmental product declaration for that material pursuant to subsection (4)(a) of this section. The environmental product declaration shall be deemed approved if it complies with the original specification required by subsection (4)(a) of this section. If an environmental product declaration is not available for an eligible material, the contractor shall notify the



agency of government and install an alternative eligible material with an environmental product declaration. If a product meeting the maximum acceptable global warming potential for a category of eligible materials is not reasonably priced or is not available to the contractor on a reasonable basis, the agency of government may waive the requirements of this section for that product. The agency of government shall report the waivers it awards to the office of the state architect.

(5) In administering this section, the office of the state architect shall strive to achieve a continuous reduction of greenhouse gas emissions over time. Reduction of greenhouse gas emissions achieved under this section shall be credited under the process created in section 25-7-105 (1)(e).

(6) Beginning in 2026, and in each year thereafter, the office of the state architect shall prepare a report for the general assembly that includes the following information:

(a) For the report prepared in 2026 only, a description of the method that the office of the state architect used to develop the maximum acceptable global warming potential for each category of eligible materials;

(b) What the office of the state architect has learned about how to identify and quantify embodied carbon in building materials, including life cycle costs; and

(c) Any obstacles the office of the state architect as well as bidding contractors have encountered in identifying and quantifying embodied carbon in building materials.

(7) For purposes of the sales and use tax exemption for eligible decarbonizing building materials allowed pursuant to section 39-26-731, any manufacturer of an eligible material may submit the environmental product declaration for the eligible material to the office of the state architect. The office shall review the environmental product declaration for any eligible material submitted to the office by a manufacturer, and shall determine whether the manufacturer's eligible material is within the maximum acceptable global warming potential for that material as determined by the office pursuant to subsection (3) of this section. Beginning January 1, 2024, the office shall compile and maintain a list of all eligible materials and the manufacturers of the eligible materials that are submitted to the office and verified by the office to be within the maximum acceptable global warming potential for that material as determined by the office pursuant to subsection (3) of this section. In compiling the list, the office shall consult with the department of revenue to ensure that all information required for purposes of the sales and use tax exemption allowed pursuant to section 39-26-731 is included on the list. The office shall regularly update the list, post the most current version of the list on the office's website, and ensure that the list is available to the department of revenue.

C.R.S. § 24-92-117

Amended by 2022 Ch. 333, § 1, eff. 8/10/2022.

Added by 2021 Ch. 454, § 2, eff. 9/7/2021.

2022 Ch. 333, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

For the legislative declaration in HB 21-1303, see section 1 of chapter 454, Session Laws of Colorado 2021.

