

# California AB 262

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## California's AB262 (aka Buy Clean California Act)

- ▶ AB 262 is a law that requires that contractors bidding on state projects provide Environmental Product Declarations that report their Global Warming Potential, or GWP. It targets 4 materials for which EPDs will be required:
  - Structural Steel
  - Carbon Steel Rebar
  - Mineral Wool insulation
  - Flat Glass
  
- ▶ thinkstep's role - providing public comments to California Department of General Services about the legislation, possible regulation pathways, and pointing out pitfalls that they need to be aware of. We are also currently doing an industry-wide Life Cycle Assessment for flat glass. The final deliverable of our work with NGA will an Environmental Product Declaration (aka EPD) that conforms with the Product Category Rules for Flat Glass. The EPD, per ISO rules, will be verified and published by a third-party program operator.

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## Department of General Services (DGS)

Legislation tells a specific state department, the Department of General Services (DGS) to come up with a maximum allowable GWP and develop regulation. The DGS was looking at different ways to come up with the maximum allowable GWP, but finally settled on using an industry average to help determine the limit rather than pulling a number out of a hat.

Once the Maximum GWP is established, DGS will be looking for product-specific EPDs from each manufacturer, and has given some indication that they want to see the GWP results from each manufacturing facility.

Over time, DGS will be adjusting the maximum allowable GWP downward. They are already thinking about adding processed glass to the list of materials that they want EPDs for.

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## Key Dates

- ▶ As of JAN 1 this year, CA has been REQUESTING EPDs from contractors
- ▶ In JAN 2020, CA will require EPDs
- ▶ In JAN 2021, the DGS will provide a report to legislature with the maximum allowable GWP.
- ▶ Also in JAN 2021, EPDs will be required and used to gauge GWP compliance.

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## Comments from Industry

- ▶ DGS started thinking about how to regulate the law and they provided an opportunity for external stakeholders, which included industry associations, to provide comments. Many comments from various industry associations overlapped. Here are some of the comments that were provided (AAMA, NGA, IGMA and member companies) -
  - Not enough time to produce the EPDs,
  - A flawed methodology to calculate the maximum GWP, which could end up excluding manufacturers from the CA marketplace
  - Facility-specific results do not represent how products go to market
  - DGS hasn't done enough to involve industry as regulation is being drafted
  - And - the fact that flat glass does not represent the products which become commercially installed.

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## DGS Responses to Comments

- They clearly recognized that there was not enough time to regulate the law, so the timelines for developing the maximum GWP and absolutely requiring EPDs have been extended. And the extension is consistent with the key dates I provided earlier.
- They clearly recognize that there needs to be more outreach, so they have agreed to do this.
- They clearly will consult industry-wide EPDs to help establish the maximum GWP rather than using other calculation methods
- What is more unclear, though, is whether they will require facility-specific EPDs from individual manufacturers OR if a product-specific EPD reporting aggregated facility results would be acceptable. - Heads up that they are heavily leaning toward requiring facility-specific EPDs.

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## Key Takeaways

- ▶ As of JAN 1 this year, CA has been REQUESTING EPDs
- ▶ In JAN 2020, CA will REQUIRE EPDs
- ▶ In JAN 2021, the DGS will provide a report to legislature with the maximum allowable GWP. The report will indicate whether product-specific EPDs are OK or whether they want to see facility-specific EPDs. It may also make a recommendation about adding processed glass as an eligible material.
- ▶ Also in JAN 2021, EPDs will be required and used to gauge GWP compliance.

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## Next Steps

- ▶ Discuss with thinkstep's glass project managers what data needs have been most prevalent on their processed glass projects. From that discussion, thinkstep will prepare a document to circulate to NGA / IGMA so they know what data will be required.
- ▶ Thinkstep will prepare a questionnaire for processed glass manufacturers about what they do and where they do it. Another question to consider is whether it makes sense to have one EPD per process ("process" as defined by the Product Category Rule for processed glass). The reason for this is that too many results tables on a single EPD document could get crowded and complicated. It may be cleaner and easier to have separate EPDs per process. The questionnaire will help me estimate a budget.
- ▶ Thinkstep will prepare a formal proposal with scope of work and budget estimate. Need to determine if the budget section needs to be formatted in a way that clearly reflects the cost per participating company.

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