

STATE OF NEW YORK

8202--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

Introduced by M. of A. EPSTEIN, LEVENBERG -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to directing state agencies to adopt an embodied carbon decarbonization program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 170-j
2 to read as follows:

3 § 170-j. Embodied carbon decarbonization program. 1. For the purposes
4 of this section, the following terms shall have the following meanings:

5 (a) "affected entities" shall mean any agency or department over which
6 the governor has executive authority, including all offices and divi-
7 sions thereof, as well as all public authorities for which the governor
8 appoints the chair, the chief executive, or the majority of the board
9 members, including all offices and divisions thereof, except for the
10 port authority of New York and New Jersey. "Affected entities" shall
11 also include the state university of New York and the city university of
12 New York;

13 (b) "common construction materials" shall mean:

14 (i) concrete, including ready mix concrete, shotcrete, precast
15 concrete, and concrete masonry units;

16 (ii) asphalt paving mixtures;

17 (iii) steel, including rebar, reinforcing steel and structural steel,
18 hot-rolled sections, hollow sections, plate steel and cold-formed steel;

19 (iv) any other materials the office of general services designates by
20 rule and reviews every three years;

21 (c) "new construction" shall mean the construction of a new building
22 that is occupied during all four seasons and is five thousand square
23 feet or larger; and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (d) "product and facility-specific environmental product declarations"
2 shall mean a type III environmental product declaration, as defined by
3 the international organization for standardization 8 standard 14025,
4 representing a single product from a single manufacturing facility.

5 2. Beginning in two thousand twenty-six, the office of general
6 services shall continue to issue operational directives and guidance for
7 common construction materials to reduce the amount of embodied carbon in
8 such materials. Affected entities shall seek to reduce the embodied
9 carbon in all new construction or construction projects consisting of
10 adaptive reuse or significant renovations that cost greater than one
11 million dollars, submitted for permitting by affected entities, by
12 taking the following actions:

13 (a) design teams shall calculate the total embodied carbon that will
14 result from the project, including shipping, transportation, and
15 construction equipment requirements;

16 (b) bidders shall be required to submit product and facility-specific
17 environmental product declarations, that include the amount of embodied
18 carbon in given building materials; and

19 (c) product- and facility-specific environmental product declarations
20 for products submitted for bid and installation shall comply with maxi-
21 mum global warming potential limits defined by the office of general
22 services.

23 § 2. This act shall take effect immediately.