

# STATE OF NEW YORK

8456

2025-2026 Regular Sessions

## IN ASSEMBLY

May 16, 2025

Introduced by M. of A. KELLES -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to reducing the embodied carbon emissions of buildings and building materials

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 382-c  
2 to read as follows:

3 § 382-c. Embodied carbon emission reduction. 1. For the purposes of  
4 this section, the following terms shall have the following meanings:

5 (a) "covered products" means:

6 (i) structural concrete products, including ready mix, shotcrete,  
7 precast, and concrete masonry units;

8 (ii) reinforcing steel products, including rebar and post tensioning  
9 tendons;

10 (iii) structural steel products, including hot rolled sections, hollow  
11 sections, plate, open-web steel joists, and metal deck;

12 (iv) engineered wood products including mass timber products such as  
13 laminated veneer lumber, parallel strand lumber, cross-laminated timber,  
14 dowel laminated timber, nail laminated timber, glulam laminated timber,  
15 glulam beams and columns, and structural sawn lumber; and

16 (v) other materials the department designates by rule and reviews  
17 every three years;

18 (b) "design professional of record" means a licensed architect or  
19 engineer;

20 (c) "embodied carbon emissions" means the amount of greenhouse gas  
21 emissions associated with the extraction, manufacturing, transport,  
22 installation, maintenance, and disposal of construction products  
23 throughout the product's life;

24 (d) "global warming potential" means the potential climate change  
25 impact of a product or process as measured by a life-cycle assessment.

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

LBD11868-02-5

1 It is the metric for tracking embodied carbon emissions and is reported  
2 in units of carbon dioxide equivalent;

3 (e) "product and facility-specific environmental product declarations"  
4 means a type III environmental product declaration, as defined by the  
5 international organization for standardization standard 14025, repres-  
6 enting a single product from a single manufacturing facility; and

7 (f) "whole building life-cycle assessments" means a cradle to grave  
8 assessment covering life-cycle stages A-C as defined by the interna-  
9 tional organization for standardization standard 21931-1, excluding  
10 modules B6 and B7, or similarly robust whole building life-cycle assess-  
11 ment methods or whole life carbon assessment standards that evaluate the  
12 environmental impacts of a building including, at a minimum, global  
13 warming potential.

14 2. (a) The department shall amend the code as necessary to accomplish  
15 the embodied carbon emissions reductions established in subdivision six  
16 of this section by January first, two thousand twenty-six.

17 (b) This section shall apply to all new construction, additions, and  
18 renovations twenty-five thousand square feet or larger.

19 (c) The department may introduce further more stringent criteria as  
20 more data is collected over time.

21 (d) Projects covered under this section may choose one of the follow-  
22 ing options to comply with the embodied carbon emission reduction  
23 requirements of this section:

24 (i) maintaining an existing portion of a building structure and envel-  
25 ope pursuant to subdivision three of this section;

26 (ii) demonstrating a reduction in A1 to A3 life-cycle stage emissions  
27 in covered products pursuant to subdivision four of this section; or

28 (iii) demonstrating embodied carbon emissions reduction using a whole  
29 building life-cycle assessment pursuant to subdivision five of this  
30 section.

31 3. (a) Building projects that maintain at least forty-five percent of  
32 an existing structure and envelope and do not add more than fifty  
33 percent to the total area comply with the embodied carbon emissions  
34 reductions requirements established in subdivision six of this section.

35 (b) The department shall adopt rules to determine how forty-five  
36 percent reuse of an existing structure and envelope shall be calculated,  
37 such as by cost, mass, area, or volume.

38 4. (a) (i) As an alternative to subdivision three or five of this  
39 section, all building projects shall demonstrate, and require in the  
40 construction documents, that the life-cycle stage A1 through A3 embodied  
41 carbon emissions of the covered products used, measured in terms of  
42 global warming potential for covered products and summed up at the  
43 project level, meet the goals established in subdivision six of this  
44 section when compared to the project's summed industry average global  
45 warming potential.

46 (ii) To achieve such reduction, building projects shall use project-  
47 specific material quantities and product and facility-specific environ-  
48 mental product declarations to demonstrate compliance.

49 (b) The department shall adopt rules to determine how covered materi-  
50 als shall be calculated, such as by cost, mass, or volume, and establish  
51 how industry average shall be determined.

52 (c) The design professional of record responsible for the embodied  
53 carbon calculations and reporting shall be specified in the architect of  
54 record construction documents. The design professional of record shall  
55 stamp an attestation that the designed building complies with this

1 section. The attestation shall be submitted along with the permit and  
2 documents showing compliance.

3 (d) The design professional of record shall update quantity and  
4 embodied carbon emissions calculations based on product and facility-  
5 specific environmental product declarations from procured products and  
6 attest that they are accurate and comply with the construction document  
7 requirements to the best of the design professional's knowledge. These  
8 calculations shall be verified as accurate within the industry standard  
9 of care with a letter stamped by a design professional of record.

10 (e) The department shall provide a worksheet to be completed by  
11 project teams for consistent reporting.

12 5. (a) As an alternative to the requirements in subdivisions three and  
13 four of this section, building projects shall demonstrate the embodied  
14 carbon emissions reduction compliant with subdivision six of this  
15 section, using a whole building life-cycle assessment as compared  
16 against a functionally equivalent reference building. The reference  
17 building shall be the same size, geographic location, function and ther-  
18 mal performance. The materials and material quantities in the proposed  
19 building and the reference building may vary, provided that the build-  
20 ings are functionally equivalent.

21 (b) The department shall adopt rules to require compliance with a  
22 quantification standard for building life-cycle greenhouse gas emis-  
23 sions. Alternatively, the department may adopt rules to specify required  
24 building element scope, life-cycle stages, reference study periods,  
25 impact categories, allowable data sources, biogenic carbon modeling and  
26 reporting guidance, material reuse and salvage reporting guidance, and  
27 at which design stages the assessment should occur. The scope shall  
28 include, at a minimum, the covered products.

29 (c) The design professional of record responsible for the embodied  
30 carbon calculations and reporting shall be specified in the architect of  
31 record construction documents and shall stamp an attestation that the  
32 designed building complies with this section. The attestation shall be  
33 submitted along with the permit and documents showing compliance.

34 (d) The department shall provide a worksheet to be completed by  
35 project teams for consistent reporting.

36 6. Construction permitted under the code shall achieve a fifteen  
37 percent reduction in embodied carbon emissions from a project-wide stat-  
38 ic baseline using the carbon leadership forum 2023 material baselines or  
39 comparable industry average data sources determined by the department,  
40 or achieve a fifteen percent reduction in embodied carbon emissions  
41 compared to the reference building as described in subdivision four of  
42 this section by two thousand thirty; followed by a thirty percent  
43 reduction in embodied carbon emissions by two thousand thirty-three.

44 7. (a) All embodied carbon emissions reduction data shall be entered  
45 by the design professional of record on a standard form and public data-  
46 base created and maintained by the department. At a minimum, the data-  
47 base shall include basic information about the project, project area,  
48 which compliance pathway was selected, the reporting worksheet, and how  
49 the project met the standards for the selected pathway.

50 (b) The department shall develop a public-facing website with educa-  
51 tional resources to support implementation. The website shall:

52 (i) detail the embodied carbon emissions reduction requirements in the  
53 code;

54 (ii) outline reporting requirements and guidelines;

55 (iii) provide instructions for the use of the database;

56 (iv) provide guidance for whole building life-cycle assessments;

1 (v) provide checklists, templates, and training to support implementa-  
2 tion; and

3 (vi) provide a list of software that may be used to support compliance  
4 with subdivision five of this section.

5 (c) The department shall conduct random audits on three percent of  
6 projects annually.

7 8. (a) The department shall report its progress towards achieving the  
8 thirty percent reduction in annual embodied carbon emissions by December  
9 thirty-first, two thousand twenty-eight, and every three years thereaft-  
10 er.

11 (b) The department shall report major findings from the database of  
12 products and audits by December thirty-first, two thousand twenty-eight,  
13 and every three years thereafter.

14 § 2. This act shall take effect immediately.