STATE OF NEW YORK

8202

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

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

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:

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

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

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

(b) "common construction materials" shall mean:

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

(ii) asphalt paving mixtures;

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

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

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

(d) "product and facility-specific environmental product declarations" shall mean a type III environmental product declaration, as defined by

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

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the international organization for standardization 8 standard 14025, representing a single product from a single manufacturing facility.

2. The office of general services shall issue operational directives and guidance for common construction materials to reduce the amount of embodied carbon in such materials. Beginning January first, two thousand twenty-six, affected entities shall seek to reduce the embodied carbon in all new construction or construction projects consisting of adaptive reuse or significant renovations that cost greater than fifty percent of the cost of new construction, submitted for permitting by affected entities, by taking the following actions:

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

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

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

§ 2. This act shall take effect immediately.