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:

Section 1. The executive law is amended by adding a new section 382-c to read as follows:

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

(a) "covered products" means:

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

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

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

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

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

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

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

(d) "global warming potential" means the potential climate change 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

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

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

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

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

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

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

(d) Projects covered under this section may choose one of the following options to comply with the embodied carbon emission reduction requirements of this section:

(i) maintaining an existing portion of a building structure and envelope pursuant to subdivision three of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The department shall develop a public-facing website with educational resources to support implementation. The website shall:

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

(ii) outline reporting requirements and guidelines;

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

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

(v) provide checklists, templates, and training to support implementation; and

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

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

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

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

§ 2. This act shall take effect immediately.