



AB 262 (Bonta) – *Buy Clean California Act*

(As amended May 30, 2017)

SUMMARY

AB 262 requires the state to spend public dollars on infrastructure materials in a way that is consistent with state climate pollution reduction goals and recognizes clean manufacturers.

BACKGROUND

California spends billions every year on public infrastructure projects. Industrial processes, including the production of the materials needed to construct the state's public infrastructure, account for 24 percent of California's greenhouse gas emissions.

State contracting law requires state departments and the University of California (UC) and California State University (CSU) to hold a competitive bidding process when contracting for public work. State law generally requires these entities to award the contract to the lowest responsible bidder.

PROBLEM

The manufacture of materials used in public infrastructure projects is a major source of greenhouse gas (GHG) emissions. California state public works contracts do not currently take into account the GHGs produced during manufacture. As a result, a material produced by a manufacturer who has invested in pollution controls is treated the same as a material produced by a dirty manufacturer during project specification and award. There is no incentive for polluting manufacturers to reduce their emissions.

SOLUTION

AB 262 presents a clear, achievable path for the state to use its purchasing power to recognize and encourage manufacturers' GHG pollution-reduction investments and practices.

California spends on average about \$10 billion a year on infrastructure such as roads, bridges and public buildings. By focusing California's infrastructure purchasing power, AB 262 will help the state fulfill its

climate policy goals already established by the legislature. The US Navy, CalPERS, and companies such as Apple, Google, and others are already implementing similar policies and programs to reduce greenhouse gas emissions embedded in the supply chain, including for construction projects.

AB 262:

AB 262 provides another tool to help the state cut climate change pollution while demonstrating policy leadership.

It does this through three basic steps. First, AB 262 requires the Department of General Services to establish a GHG emissions performance standard for a limited list of common construction materials, such as steel rebar and flat glass. The standard is based on industry averages for each material.

Second, AB 262 requires state departments, the UC, and CSU to employ that standard in contract specifications for public infrastructure projects.

Third, AB 262 requires contractors who win bids for public infrastructure projects developed by state departments, the UC and CSU to submit documentation that the manufacturers supplying certain materials meet or beat the performance standard required in the project specifications. The most common documentation is an Environmental Product Declaration provided by manufacturers and developed according to internationally recognized methodologies.

The bill applies only to state and UC and CSU projects. It does not apply to privately funded construction.

SUPPORT

Sierra Club California
Gerdau Steel
BlueGreen Alliance
Central Concrete Supply Company
State Building and Construction Trades Council of California
California Labor Federation

United Steelworkers (USW) District 12
California Metals Coalition
Climate Earth
SEIU California
American Lung Association
Coalition for Clean Air
Natural Resources Defense Council
Californians Against Waste
Voices for Progress
Union of Concerned Scientists
Environment California
California League of Conservation Voters
Communication Workers of America
Western States Council
Joint Committee on Energy and Environmental Policy
California Environmental Justice Alliance
Asian Pacific Environmental Network
Filipino/American Coalition for Environmental Solidarity
Sustainable Silicon Valley
San Diego 350
350 Sacramento
Center for Community Action and Environmental Justice
Breathe California
Environmental Defense Fund

OPPOSITION

Cal Portland
Cemex
Papich Construction Co., Inc.
National Ready Mixed Concrete Company
Rinker Materials
Lehigh Hanson
American Institute of Architects, California Council
The Associated General Contractors of America
Southern California Contractors Association

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