

SENATE No. 2090

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act incorporating embodied carbon into state climate policy.

PETITION OF:

NAME:

Joanne M. Comerford

DISTRICT/ADDRESS:

Hampshire, Franklin and Worcester

SENATE No. 2090

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 2090) of Joanne M. Comerford for legislation to incorporate embodied carbon into state climate policy. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act incorporating embodied carbon into state climate policy.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21N of the General Laws is hereby amended by adding the
2 following section:-

3 Section 12. (a) For the purposes of this section, the following terms shall have the
4 following meanings:

5 “Department”, the department of energy resources.

6 “Embodied carbon”, the carbon dioxide and carbon dioxide equivalent emissions
7 associated with materials and construction processes throughout the whole lifecycle of a building
8 or infrastructure.

9 “Environmental product declaration” or “EPD”, a Type III environmental product
10 declaration, as defined by the International Organization for Standardization (ISO) standard
11 21930 and the relevant product category rule for each type of concrete product or a similarly

12 robust life-cycle assessment method that conforms to ISO 21930 and the relevant product
13 category rule for each type of concrete product.

14 “Life-cycle assessment” or “LCA”, an assessment that is used to calculate the
15 environmental primary and secondary impacts of a product, service, or process, over the lifetime
16 of that product, service, or process.

17 (b) The Massachusetts state climate chief, in consultation with the department, shall
18 establish an Embodied Carbon Advisory Board. Members of the advisory board shall be
19 appointed by the climate chief and shall include, but not be limited to: (i) 2 licensed professional
20 engineers; (ii) 2 licensed registered architects; (iii) 2 representatives of the construction industry;
21 (iv) 2 representatives of an accredited school of civil engineering; (v) 2 representatives from
22 affordable housing organizations (vi) 1 representative from the Massachusetts Clean Energy
23 Center; (vii) 1 representative from the Massachusetts Building Commissioners and Inspectors
24 Association; (viii) 1 representative from the Board of Building Regulations and Standards and
25 (ix) 1 representative each from the executive office of transportation, the executive office of
26 housing and community development, the department of energy resources, the Division of
27 Capital Asset Management and Maintenance, and the department of environmental protection.

28 The climate chief shall consider geographic diversity when making appointments to the
29 Embodied Carbon Advisory Board.

30 (c) The office of climate innovation and resilience shall provide staffing support and
31 funding to the Embodied Carbon Advisory Board, including sufficient funding for
32 administration, research, legal assistance, public outreach, publications, a public website,
33 consulting and other functions.

34 (d) The department, in consultation with the Embodied Carbon Advisory Board and the
35 Massachusetts climate chief shall conduct an assessment of the current state of professional
36 literacy of embodied carbon and strategies to measure, monitor, and reduce embodied carbon
37 across relevant industry practitioners, including but not limited to (i) structural engineers, (ii)
38 electrical engineers (iii) mechanical engineers (iv) plumbing engineers, (v) architects, (vi)
39 building inspectors, and (vii) general contractors. Following the assessment, the department, in
40 consultation with the Embodied Carbon Advisory Board and in collaboration with the division of
41 professional licensure, shall provide recommendations for best approaches, including courses
42 and certifications, to advance industry literacy.

43 (e) The department, in consultation with the Embodied Carbon Advisory Board and the
44 Massachusetts climate chief, shall establish guidelines and recommendations for best practices
45 for industry entities to measure, track, and reduce emissions from embodied carbon of buildings.
46 The Embodied Carbon Advisory Board may establish guidelines and recommendations for best
47 practices for industry entities to measure, track, and reduce emissions from embodied carbon in
48 infrastructure. The guidelines shall include best practices for conducting a life-cycle analysis of
49 buildings and benchmarking emissions of new construction and renovation building projects as
50 well as environmental product declarations for building materials.

51 (f) Notwithstanding any special or general law, rule, or regulation to the contrary, the
52 department shall incorporate provisions that advance the measurement and reduction of
53 embodied carbon into the stretch energy code in appendix 115AA of the Massachusetts building
54 energy code.

55 (g) The updates to the stretch code and specialized stretch energy code under section 6 of
56 chapter 25A shall be developed, adopted, and incorporated as an appendix to the state building
57 code on a timeline set by the Embodied Carbon Advisory Board in consultation with the
58 department and in alignment with the conclusions drawn from the state of literacy assessment
59 under subsection (d).

60 SECTION 2. Clause (14) of section 6 of chapter 25A of the General Laws is hereby
61 amended by inserting after the words “net-zero building performance standards” the following
62 words:- , the measurement and reduction of embodied carbon.

63 SECTION 3. (a) The members of the Embodied Carbon Advisory Board shall be
64 appointed no later than 6 months after the effective date of this act.

65 (b) The guidelines and recommendations relative to embodied and operational carbon
66 shall be issued by the department of energy resources no later than 1 year after the formation of
67 the Embodied Carbon Advisory Board.

68 (c) No later than 1 year after the formation of the Embodied Carbon Advisory Board, the
69 Massachusetts state climate chief, in consultation with the Embodied Carbon Advisory Board
70 and the department, shall submit a report to the clerks of the house of representatives and the
71 senate detailing the best policy mechanisms to measure, monitor, and reduce embodied carbon
72 across all building types in the Commonwealth. This report shall consider interactions between
73 embodied carbon and operational carbon to ensure policy recommendations to reduce embodied
74 carbon also contribute to the reduction of operational carbon. This report shall include the best
75 approaches to integrate the reduction of embodied carbon into the Massachusetts state building
76 code, including the stretch and specialized stretch energy code as under section 96 of chapter 143

77 of the General Laws and state amendments to the International Building Code sections. This
78 report shall further include best practices to incentivize and enhance the re-use of building
79 materials and decrease building demolition, where beneficial.