



Dear Members of the Washington State Building Code Council:

We are writing in opposition to proposals to the International Building Code by the New Buildings Institute and the Carbon Leadership Forum to require environmental product declarations for steel and concrete on all commercial projects, regardless of size, and to limit the use of those products when the global warming potential (GWP) is above arbitrary thresholds. However well-intentioned, this proposal fails to accomplish its intent, creates unsolvable practical issues, derails the market of needed supply, increases costs for construction including state projects, incentivizes the use of coal, harms small and minority contractors, and rests outside the legal authority of the council.

**The proposal relies upon the use of coal to reduce emissions.**

The main way to reduce the carbon emissions for concrete is to use certain cementitious substitutes, mainly fly ash, which is a byproduct of coal. The product category rules do not include the emissions associated with generating these materials because they are considered a byproduct of energy production. As other initiatives reduce the use of coal domestically, finding fly ash will become more difficult. It will require the importation of fly ash – which will reduce the likelihood these materials can be used because the product category rules require the accounting for their transportation emissions.

**The proposal will restrict access to concrete.**

Concrete mixes will not be able to reduce their carbon intensity while maintaining their performance characteristics to get under the arbitrary 25% limit established under the proposal. Concrete mixes are designed for specific performance characteristics including but not limited to strength. This could result in 25% or more of the local market supply of concrete to be unavailable for projects covered by the code.

**The proposal will drive up the price of materials and increase construction costs.**

The loss of market supply would drive up costs. Manufacturers would be required to produce environmental product declarations and may need to alter the composition of their products to get under the arbitrary thresholds. We estimate substitute materials for concrete would drive up costs by 10% - not to mention



the costs associated with developing the EPD's. The proponents falsely contend there are no costs associated with their proposals and have refused to provide an economic analysis as required by state law.

**The proposal fails to consider the health and safety of building occupants.**

The proposal only considers the relative strength of the concrete mix in determining the range of acceptable GWP. Concrete mixes vary considerably and are highly complex. Functional strength equivalents are an important consideration, but not the only factor that goes into mix design. Performance considerations, such as the length of time for a mix to harden, are also critical factors – especially for large high-rise buildings. The proposal could arbitrarily prevent entire classes developed to enhance the safety of the building and its occupants.

**The proposal fails to address supply chain issues and local market conditions.**

Seattle only has one cement plant that provides roughly 1/3<sup>rd</sup> of the local market demand for cement. The rest of the cement needed for concrete must be imported from Canada or Asia. There is little to no chance a new cement plant will be sited in our region. The product category rules for concrete include the transportation emissions involved in bringing these products to market. These transportation emissions can account for 15% or more of the total GWP. Producers cannot reduce these transportation related emissions. The proposal creates an unfair competitive advantage for the one local cement producer and raises serious questions about the ability of the region to import the cement required to satisfy our region's needs.

**The proposal will limit competition and harm small, minority owned businesses.**

Small producers may not be able to develop or afford to develop environmental product declarations for their building materials. The costs of developing an EPD for each mix may not justify working on a project. This will limit their ability to compete on commercial projects, reduce competition, and favor large market players.



**The State Building Code Council is prohibited from providing preferential treatment to certain building materials.**

The governing statute in the RCW specifically prevents the Council from adopting codes that would provide unwarranted preferential treatment to certain building materials. The proposals would provide preferential treatment to certain concrete and steel as the product category rules for environmental product declarations include factors unrelated to production, including the transportation associated with bringing supplies to the market. Products with the exact same characteristics – or even lower embedded carbon – could be blocked from the market because of inflexible product category rules.

**The State Building Code Council does not have statutory authority to consider these proposals.**

The State Building Code Council’s statutory authority extends to dealing with codes that the impact the health and safety of building occupants and to energy efficiency. This proposal does not address energy efficiency or the health and safety of building occupants. The proposals deal with the production process for steel and concrete. This is substantially outside the scope of the council’s authority. The legislature remains the appropriate venue to consider and debate these policies.

For these extensive set of reasons, we formally ask the Washington State Building Code Council to reject and limit any further consideration of the proposals mandating environmental product declarations for concrete and steel.

Respectfully submitted,

A handwritten signature in black ink that reads 'Van A. Collins'.

Van Collins, President