

HOUSE BILL 152

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE ENVIRONMENTAL PRODUCT DECLARATION ACT; CREATING THE ENVIRONMENTAL PRODUCT DECLARATION PROGRAM; ENABLING THE DEPARTMENT OF ENVIRONMENT TO RECEIVE AND ANALYZE ENVIRONMENTAL PRODUCT DECLARATIONS; CREATING THE ENVIRONMENTAL PRODUCT DECLARATION FUND; MAKING A TRANSFER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Environmental Product Declaration Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Environmental Product Declaration Act:

A. "covered material" includes:

(1) concrete and concrete mixtures, including ready-mix concrete, shotcrete, precast concrete and concrete masonry units:

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- (2) cement;
- (3) asphalt binder and asphalt mixtures;
- (4) steel;
- (5) glass;
- (6) roofing materials;
- (7) insulation materials;
- (8) engineered wood; and
- (9) aluminum;

11 C. "embodied carbon" means the greenhouse gas
12 emissions generated by the manufacturing, transportation,
13 installation, maintenance and disposal of covered materials
14 used in buildings, roads and other infrastructure;

23 SECTION 3. [NEW MATERIAL] ENVIRONMENTAL PRODUCT
24 DECLARATION PROGRAM--CREATED--AUTHORITY--POWERS AND DUTIES.--

25 A. The "environmental product declaration program"

is created in the department to enable the department to:

(1) assist manufacturers of covered materials with the creation of environmental product declarations that shall be shared with the department;

- (2) receive and analyze data associated with a manufacturer's environmental product declarations; and
- (3) research options for reducing embodied carbon in state construction projects.

B. The department shall administer the program.

C. The department may contract for services to assist manufacturers of covered materials with the creation of environmental product declarations that shall be shared with the department.

D. On or before January 1, 2027, the department shall promulgate rules to implement the Environmental Product Declaration Act, including rules on environmental product declaration verification and auditing procedures and on reporting requirements and formats.

E. No later than October 1, 2027 and October 1 every year thereafter, the department shall publish a report that includes:

(1) the number of environmental product declarations provided to the department, organized by type of covered material;

1 manufacturing facilities;

2 (3) an assessment of the number of businesses

3 within the state that manufacture covered materials and are

4 equipped to issue environmental product declarations;

5 (4) an assessment of the progress made in

6 creating environmental product declarations for covered

7 materials;

8 (5) recommendations for reducing embodied

9 carbon in state construction projects; and

10 (6) recommendations for program improvements.

11 **SECTION 4. [NEW MATERIAL] ENVIRONMENTAL PRODUCT**

12 **DECLARATIONS--REQUIREMENTS.--**An environmental product

13 declaration shall:

14 A. be product- or facility-specific, unless the

15 department determines that only industry-average environmental

16 product declarations are available for a particular covered

17 material;

18 B. be independently verified;

19 C. facilitate a comparison of environmental impacts

20 between products fulfilling the same function;

21 D. meet or exceed internationally recognized

22 standards for environmental product declarations;

23 E. have been issued within five years of the date

24 submitted to the department; and

25 F. include:

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(1) a life-cycle assessment of a product's global warming potential;

(2) the manufacturing facility's location;

(3) the scope of life-cycle analysis;

(4) the date of issuance;

(5) the name and credentials of the

independent verifier;

(6) the product's specifications and performance characteristics; and

(7) additional information the department

deem:

SECTION 5. [NEW MATERIAL] ENVIRONMENTAL PRODUCT
DECLARATION FUND.--

A. The "environmental product declaration fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants, donations, income from investment of the fund and other money credited to the fund. The department shall administer the fund, and money in the fund is subject to appropriation by the legislature to the department to carry out the provisions of Subsection B of this section. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment.

B. Money in the fund may be used by the department to:

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(1) contract for services to assist manufacturers of covered materials with the creation of environmental product declarations that shall be shared with the department; and

(2) administer the environmental product declaration program; provided that no more than ten percent of the balance of the fund each fiscal year shall be used for administrative costs.

SECTION 6. TRANSFER.--Five million dollars (\$5,000,000) is transferred from the general fund to the environmental product declaration fund.

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2026.

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