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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;

B. "department" means the department of environment;

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

D. "environmental product declaration" means a declaration that is independently verified, provides a life-cycle assessment of a product's global warming potential and facilitates a comparison of environmental impacts between products fulfilling the same function; and

E. "global warming potential" means the quantity of greenhouse gas emissions associated with a product expressed as the carbon dioxide equivalent.

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

A. The "environmental product declaration program"

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1 is created in the department to enable the department to:

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

5 (2) receive and analyze data associated with a
6 manufacturer's environmental product declarations; and

7 (3) research options for reducing embodied
8 carbon in state construction projects.

9 B. The department shall administer the program.

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

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

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

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

25 (2) the geographic distribution of

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

3 (2) the manufacturing facility's location;

4 (3) the scope of life-cycle analysis;

5 (4) the date of issuance;

6 (5) the name and credentials of the
7 independent verifier;

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

10 (7) additional information the department
11 deems necessary.

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

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

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

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

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

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

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

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