

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1711 Session of
2025

INTRODUCED BY STEELE, KUZMA, PROBST, HILL-EVANS, SANCHEZ,
D. WILLIAMS, MAYES, MEHAFFIE, KHAN, BRENNAN, RUSNOCK, TAKAC,
CEPEDA-FREYTIZ, ISAACSON AND DALEY, JULY 9, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, JULY 10, 2025

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, providing for concrete innovation; establishing the
3 Performance Incentive Program; and promulgating regulations.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 62 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 34

9 CONCRETE INNOVATION

10 Sec.

11 3401. Scope of chapter.

12 3402. Definitions.

13 3403. Performance Incentive Program.

14 3404. Calculation and availability of performance incentives.

15 3405. Guidelines and regulations.

16 3406. Annual report.

17 § 3401. Scope of chapter.

This chapter relates to the low-embodied carbon concrete performance incentive.

§ 3402. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Carbon capture, utilization and storage technology."

Technologies or methods that:

(1) remove carbon dioxide from the atmosphere or prevent carbon dioxide emission; and

(2) utilize carbon dioxide in the concrete manufacturing process resulting in structural performance improvements, the avoidance of carbon emissions or the permanent sequestration of carbon emissions in durable materials.

"Commonwealth agency." As defined in section 103 (relating to definitions).

"Concrete." The term shall include structural masonry or precast or ready-mix concrete building products.

"Cost of delivery." The total cost of the concrete delivered to the procurement agency, including costs related to materials, labor and transportation.

"Department." The Department of General Services of the Commonwealth.

"Embodied carbon emissions." Carbon emissions generated as a result of a material's production, including mining, refining, manufacturing and shipping.

"Environmental product declaration." A product-specific Type III environmental product declaration that:

(1) conforms to ISO Standard 14025, as published on the effective date of this section;

1 (2) assesses the numeric global warming potential of the
2 product; and

3 (3) allows for environmental impact comparisons between
4 concrete mixes fulfilling the same functions.

5 "Global warming potential." A numeric value that measures
6 the total contribution to global warming from the emission of
7 greenhouse gases or the elimination of greenhouse gas sinks that
8 results from the production or utilization of concrete.

9 "Global warming potential baseline." A representative
10 average of the global warming potential of concrete products in
11 a region of the United States, derived from:

12 (1) published regional average data by the National
13 Ready Mixed Concrete Association or a comparable nationally
14 recognized source; or

15 (2) statistically significant samples of environmental
16 product declarations or equivalent verified data collected
17 from concrete products used in construction projects in
18 Pennsylvania.

19 "Low-embodied carbon concrete." Concrete that has been
20 certified by the Department of Environmental Protection to
21 embody lower carbon emissions than the baseline embodied carbon
22 emissions of conventional concrete as determined by the
23 Department of Environmental Protection, including, but not
24 limited to, biomass, ground glass pozzolan and other emerging,
25 innovative technologies.

26 "Low-embodied carbon performance incentive" or "performance
27 incentive." A payment issued to a qualified vendor under this
28 chapter as compensation for supplying a specified volume of
29 concrete for use in a capital project or improvement funded in
30 whole or in part by the Commonwealth, where the concrete's

verified global warming potential is at least 20% lower than the applicable global warming potential baseline.

"Procurement agency." A Commonwealth agency engaged in procurement.

"Program." The Performance Incentive Program established under section 3403(a) (relating to Performance Incentive Program).

"Qualified vendor." A contractor, subcontractor, supplier or other entity that provides concrete for use in a qualifying project and meets the documentation and performance requirements established under this chapter.

"Qualifying project." A capital project or public improvement funded in whole or in part by the Commonwealth, including through contracts with private vendors or subcontractors, for which performance incentive payments under this chapter may be issued.

§ 3403. Performance Incentive Program.

(a) Establishment.--The Performance Incentive Program is established within the department to provide performance incentives in accordance with this chapter.

(b) Application.--A qualified vendor may apply to the department for a performance incentive on a form and in a manner as prescribed by the department.

(c) Criteria.--A qualified vendor shall:

(1) Deliver low-embodied carbon concrete in accordance with a contract for a project funded in whole or in part by the Commonwealth requiring 50 cubic yards or the equivalent in precast materials.

(2) Submit with the application:

(i) A notarized copy of an invoice to the contractor

1 stating the amount and cost of the concrete or precast
2 materials purchased from the vendor.

3 (ii) A copy of the proof of delivery signed by the
4 contractor.

5 (iii) All environmental product declarations for the
6 products supplied.

7 (iv) Any other documentation required by the
8 department pertaining to relevant product and material
9 certifications, if applicable.

10 (d) Review and approval.--The department, in consultation
11 with the Department of Environmental Protection, shall review
12 and issue an approval or disapproval within 60 days of receiving
13 the documentation required under subsection (c). An approved
14 vendor shall receive payment for the performance incentive
15 within 60 days of document submission by the vendor.

16 § 3404. Calculation and availability of performance incentives.

17 (a) Calculation.--Performance incentives shall be calculated
18 as follows:

19 (1) Five percent of the cost of delivery for verified
20 low-embodied carbon concrete.

21 (2) Three percent of the cost of delivery for concrete
22 incorporating carbon capture, utilization and storage
23 technology or any other emerging, innovative technology if a
24 minimum of 50% of the qualifying global warming potential
25 value is the result of the use of one or more of such
26 technologies.

27 (3) If both criteria are met, the total payment shall
28 not exceed 8% of the cost of delivery.

29 (b) Funding availability.--The department shall make at
30 least \$5,000,000 in performance incentives available annually,

1 which shall be distributed on a first-come, first-served basis.

2 § 3405. Guidelines and regulations.

3 The department, in consultation with the Department of
4 Environmental Protection, shall develop written guidelines and
5 promulgate regulations within one year of the effective date of
6 this section. The guidelines shall include:

7 (1) Determination of global warming potential baselines.

8 (2) Thresholds for qualifying concrete delivery volumes.

9 (3) A payment formula based upon global warming
10 potential reduction.

11 (4) Standards for evaluating environmental product
12 declarations and qualifying documentation costs.

13 (5) Any additional submission requirements for
14 performance incentive eligibility.

15 § 3406. Annual report.

16 No later than January 1 following the effective date of this
17 section and annually thereafter, the department shall submit a
18 report to the General Assembly on the effectiveness of the
19 program. The report shall include the following:

20 (1) Names of vendors receiving payments and payment
21 amounts.

22 (2) Evaluation of program performance.

23 (3) Recommendations for improvements.

24 (4) Recommendations for funding increases.

25 Section 2. This act shall take effect in 60 days.