

# Memorandum

*Making Conservation  
a California Way of Life.*

**To:** DEPUTY DISTRICT DIRECTORS, Construction  
DEPUTY DIVISION CHIEF, Structure Construction  
CONSTRUCTION MANAGERS  
SENIOR CONSTRUCTION ENGINEERS  
RESIDENT ENGINEERS

**Date:** March 29, 2022

**File:** Division of Construction  
CPD 22-4



**From:** TIM GREUTERT, Acting Chief  
Division of Construction

**Subject:** **BUY CLEAN CALIFORNIA ACT - UPDATE**

This directive announces updated guidance to Construction staff on requirements of a Buy Clean California Act specification and upcoming revisions to Section 3-606, "Buy Clean California Act," of the *Construction Manual*. This directive supersedes CPD 21-15, "Amended Buy Clean California Act." These modifications are in response to enactment of Assembly Bill 137 on July 16, 2021, that modified California Public Contract Code 3500 et seq., also known as the Buy Clean California Act. The primary revision to the act delayed implementation of maximum acceptable global warming potential limits for eligible materials.

Projects for which plans, specifications, and estimates are submitted to the Division of Engineering Services – Office Engineer for advertisement on or after March 7, 2022, will include the attached standard special provision for Section 6-1.06, "Buy Clean California Act." Significant requirements include the following:

- For non-emergency construction contracts, the attached standard special provision will be included within the applicable contract special provisions. Contracts with a total bid more than \$1 million and 175 or more original working days will be subject to maximum acceptable global warming potential limits for eligible materials from each mill or manufacturer using more than the following quantity amounts:
  - Carbon steel rebar: 20,000 pounds or more from each supplying mill
  - Structural steel subcategories, such as hot-rolled, plate, or hollow products: 5,000 pounds or more from each supplying mill for each structural steel subcategory
  - Flat glass: 2,000 square feet or more from each manufacturer
  - Mineral wool board insulation: 4,000 square feet or more from each manufacturer

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- The Department of Transportation (Caltrans) has established an authorized material list for carbon steel rebar material subject to the Buy Clean California Act and maximum acceptable global warming potential limits. Review certified mill test reports and verify that carbon steel rebar mills are on the authorized material list for applicable materials. Note that requirements do not include epoxy-coated or galvanized reinforcement or quantities of carbon steel rebar less than 20,000 pounds from a single mill for the project.
- For the other eligible materials usage subject to the Buy Clean California Act requirements, such as structural steel, mineral wool board insulation, or flat glass, the contractor must submit product-facility specific environmental product declaration (EPD) submittals to demonstrate compliance with the maximum acceptable global warming potential limits. Such submittals must be made a minimum of 15 days in advance scheduled installation on the project. The contractor must submit the specified submittal through the Department's Data Interchange for Materials Engineering (DIME) and provide a PDF copy to the resident engineer. The project's material representative will assist the resident engineer with review of these submittals, and verify the EPD is valid, facility-specific, and does not exceed the Department of General Service's published maximum acceptable global warming potential limits. Maintain good communication with the material representative and resolve any noted deficiencies with the subject material before authorization and its incorporation into the work.
- Applicable eligible materials that do not demonstrate compliance with the maximum acceptable global warming potential limits may not be used on the project.
- Regardless of the form of verification, for example, authorized material list or EPD submittal, each project delivery of applicable Buy Clean California Act material is to be reported by the contractor. Within 5 days of each delivery to the project, the contractor is to report the represented quantity information through DIME.

Discuss applicable Buy Clean California Act requirements at the preconstruction conference.

Revisions to the *Construction Manual*, including Section 3-606, "Buy Clean California Act," will incorporate these changes in 2022.

If you have questions or comments regarding this directive, contact Ken Darby, Division of Construction, at [Ken.Darby@dot.ca.gov](mailto:Ken.Darby@dot.ca.gov) or (916) 764-6929.

Attachment:

1. Standard special provision Section 6-1.06, "Buy Clean California Act"