



California Department of General Services  
707 3<sup>rd</sup> Street  
West Sacramento, CA 95605

Date: August 10, 2018

Attn: Engineering-DGS June 26, 2018 AB 262 External Stakeholder Outreach Event

Re: Department of AB 262 External Stakeholder Comments:  
Comments of the National Glass Association on Behalf of Its Flat Glass Manufacturing Members

In response to the invitation of the State of California Department of General Services (“DGS”), the National Glass Association (“NGA”) Flat Glass Manufacturing Division (“FGMD”) submits its written comments regarding DGS’s implementation of CA AB 262, also known as the Buy Clean California Act, as amended by AB 1817.

NGA is a not-for-profit trade association based in Vienna, VA, and submits these comments on behalf of its four member companies<sup>1</sup> engaged in manufacturing over 80% of the “flat glass” in the US. AB 262 defines flat glass as clear or tinted float and rolled glass without additional processing such as coatings, tempering, and laminating.

A provision of the recently enacted AB 1817 amends AB 262 by extending the implementation date for publishing maximum allowable Global Warming Potential (“GWP”) to January 1, 2021.

NGA FGMD respectfully requests that DGS use this additional time to:

**1) Exercise its enforcement discretion to allow the requirement for facility-specific Environmental Product Declarations (EPD) to include allowance for product-specific LCAs/EPDs averaged across all facilities and prepared in accordance with the Flat Glass Product Category Rule (“PCR”)<sup>2</sup>.**

- Flat Glass manufacturers are several steps removed from the final product that is installed in commercial buildings. The supply chain for glass also includes glass fabricators, contract glaziers, general contractors, etc.

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<sup>1</sup> The four FGMD member producers of flat glass are AGC Glass North America, Guardian Glass, NSG Group (formerly Pilkington North America) and Vitro Architectural Glass (formerly PPG Glass).

<sup>2</sup> Glass Association of North America (GANA) PCR for Flat Glass: UN CPC 3711, released 3/31/14. Life cycle stage covered: Cradle to gate. Program operator: NSF International.



- A facility-specific EPD would be impractical and overly burdensome for the glass supply chain to track the source of glass because any particular project can be sourced from multiple glass manufacturing and fabrication locations.
- The glass facade of a commercial project is likely to contain processed glass from multiple flat glass manufacturing locations and companies, given unique supply conditions for specific glass products and the likely mix of products installed in a commercial project. For example, a glass fabricator is likely to supply processed glass for the project originating with flat glass purchased from more than one flat glass manufacturing location and potentially from multiple flat glass manufacturers.
- NGA FGMD suggests utilizing product specific LCAs in accordance with GANA PCR for Flat Glass UN CPC 3711 to obtain a baseline GWP in absence of a published, industry wide LCA.
- None of the current published EPDs for the three flat glass manufacturers that DGS proposes to use to calculate the industry average GWP value is facility-specific. Each is product-specific to that company. None of the currently published PCRs governing LCAs and EPDs provides for facility-specific EPDs, leaving the industry without governing rules for establishing system boundaries for facility-specific EPDs.
- An informal survey of the FGMD member companies indicates that none will be willing to publish facility-specific EPD data because of proprietary and cost concerns.

## 2) Reconsider and revise the industry average GWP calculation methodology

- The current methodology proposed to calculate the maximum allowable GWP:
  - Does not take into account production volumes or float plant size
  - Does not accurately reflect the North American flat glass industry as a whole in light of the limited number of relevant data points available
  - Does not fairly or accurately establish an industry average; therefore, it also will not create a fair maximum value.
- Encourage and incentivize the affected stakeholders to provide accurate, representative LCA data
- To ensure accuracy, availability of data and consistency of data, NGA FGMD recommends DGS utilize a methodology that conforms with ISO 14025 section 6.7.2 **Requirements for Comparability**<sup>3</sup>.
- In addition, NGA FGMD does not recommend solely averaging the three available company specific EPDs to obtain a maximum allowable GWP level. A more robust method taking production volumes into account should be used to determine industry average GWP data in absence of a published, industry wide LCA and in turn establish the maximum allowable GWP level.

## 3) Allow Product-Specific LCA submissions to be accepted for project material installation

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<sup>3</sup> Section 6.7.2 **Requirements for Comparability** of International Standard (ISO) 14025: Environmental labels and declarations – Type III environmental declarations – Principles and procedures (reference number ISO 14025:2006(E))



- In the words of the statute, AB 262, “Facility-specific Environmental Product Declaration, Type III, as defined by the International Organization for Standardization (ISO) standard 14025, or similarly robust life cycle assessment methods that have uniform standards in data collection consistent with ISO standard 14025, industry acceptance, and integrity, for each eligible material proposed to be used” are to be accepted by the awarding authority at bid. The same flexible level of assessment methodology should be required for installation rather than limiting it solely to EPDs.
- 4) **Reset the action dates to align with the new deadline of January 1, 2021.** For FGMD members, the most important of these dates is the date when DGS needs data to calculate the maximum allowable GWP value for flat glass. Given the additional time granted by AB 1817, we urge DGS to extend this date two years to November 1, 2020.
  - 5) **Schedule another stakeholder meeting for all affected industries at least 1 year prior to the new January 1, 2021 deadline.** NGA FGMD is encouraged that this additional time will provide an opportunity for both DGS and industry to gain additional knowledge which will facilitate in the development of a fair, accurate and reasonable methodology for calculating the maximum allowable GWP. Another timely stakeholder meeting will facilitate greater industry understanding of the revised methodology and of DGS’s intentions regarding interpretation and enforcement of its requirements.

NGA FGMD understands that reducing the GWP of state funded building projects is the goal of AB 262. However, the proposed methodology for calculating an industry average GWP, unless modified as NGA FGMD encourages above, may have the unintended effect of arbitrarily fixing the maximum allowable GWP for flat glass at a value based on both a methodology and data that do not accurately represent the flat glass industry. Establishing a maximum allowable GWP value based on the current proposed methodology will result in a reduction of opportunities for competition in bidding on state projects without producing any meaningful GWP reduction in the State of California. With only two NGA FGMD glass manufacturers publishing flat glass EPDs, application of an unwarranted industry-wide weighted average baseline for flat glass, unattainable for some manufacturers, may reduce competition, leading to anti-competitive, monopolistic outcomes with no measurable benefit for the State of California.

Best regards,

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