



GREENING
New York State

Executive Order No. 4

Buying Greener: Lessons from NYS Executive Order 4

**Jaime Roth, Esq.
Assistant Counsel
NYS Office Of
General Services**

Links and suggestions provided herein for greening purchases by non-NYS entities are intended as suggestions and do not reflect any official endorsements by or policies of the State of New York.



State of New York

Executive Chamber

No. 4

EXECUTIVE ORDER

ESTABLISHING A STATE GREEN PROCUREMENT AND AGENCY SUSTAINABILITY PROGRAM

WHEREAS, the State of New York ("State") is dedicated to the simultaneous pursuit of environmental quality, sound public health, economic prosperity and social well-being; and

WHEREAS, the production, use and disposal of materials, and the generation and use of energy, can have significant impacts on environmental quality and public health; and

WHEREAS, State government is a major consumer of materials and energy; and

WHEREAS, the State's policies include conserving, improving and protecting natural resources and the environment; preventing water, air and land pollution; and enhancing the health, safety and welfare of State residents and their overall economic and social well-being; and

WHEREAS, it is the State's policy to promote cost effective methods to reduce energy and resource consumption, and reduce or eliminate the use of hazardous substances and the generation of hazardous substances, pollution and waste at the source; and

WHEREAS, the State's solid waste management priorities include reducing the generation of solid waste, reusing materials, and recycling materials that cannot be reused; and

WHEREAS, by making sound choices in the course of their daily activities, such as the commodities, services, and technology they consume, and the amount of waste they generate, State agencies and public authorities can minimize potential environmental and health impacts on workers and the public; and

WHEREAS, the State's procurement of commodities, services and technology can be enhanced through State agency and public authority choices that minimize the potential environmental and health impacts of their activities; and

WHEREAS, State government can be a leader in environmental stewardship through the use of green procurement and sustainable management practices.

Interagency Committee on Sustainability and Green Procurement:

Office of General Services – co-chair
Dept of Environmental Conservation – co-chair
Division of the Budget
Department of Health
Department of Economic Development
Department of Transportation
Environmental Facilities Corporation
NYS Energy Research & Development Authority
Power Authority
Dormitory Authority

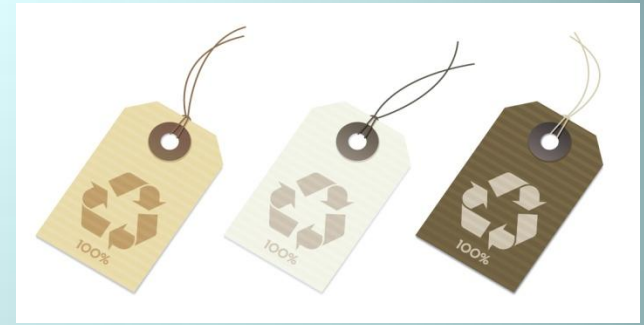
EO4's main requirements cover:

- Procurement (spec development and specific requirements for paper)
- Sustainability and Environmental Stewardship Programs
- Assignment of an Agency Sustainability Coordinator
- Training for Coordinators
- Reporting by agencies, and by the Committee
- Creation of an Advisory Council to provide advice and assistance as Committee requires



Applies to: all state agencies and public authorities/public benefit corporation “created by or existing under any State law, a majority of whose members is appointed by the Governor. . . other than an interstate or international authority or public benefit corporation”

Green Procurement



- Interagency Committee on Green Procurement and Agency Sustainability created a Procurement Subcommittee
- Charged with annually selecting 3 “priority categories” of commodities, services, technology, at least 12 priority commodities, services, technology within each category

Factors to consider:



- Public health/environment, including health of children
- Avoid toxic substances
- Reduce/prevent pollution
- Sustainable resource management
- Reduce greenhouse gases
- Use renewable resources, manufactured components and recycled content
- Waste reduction/recyclability/compostability
- Quality, durability, utility
- Product life cycle
- Cost
- Extended producer liability
- Legal and regulatory requirements applicable to the commodity, service, technology

Year I categories/specs

I. Electronics/Appliances

1. Desktop Computers
2. Lap Top Computers
3. Copiers
4. Room Air Conditioning
5. Refrigerators
6. Washers - Domestic
7. Washers - Commercial
8. Vacuum Cleaners*
9. Dishwashers Domestic
10. Dishwashers Commercial
11. Multifunction Printers
12. Network Printers

II. Transportation

1. Traffic Safety Products
2. Traffic Paint *
3. Glass Beads*
4. Treated Road Salt *
5. Passenger Vehicles
6. Aggregate for Road Construction*
7. Asphalt Mixes *
8. Concrete*
9. Engine Block Heaters
10. Lubricating Oil – High Detergent
11. Hydraulic Oil – High Detergent
12. Traffic Message Boards

III. Office & Building Opers.

1. Toner Cartridges*
2. Printing
3. Ink
4. Carpet*
5. Interior Paint*
6. Compact Fluorescent Lamps*
7. non-CFL Fluorescents *
8. Drinking Water Fountains
9. Pest Management
10. Cleaning Products*
11. Recyclables Collection and Disposal (service)
12. Turf Management

Year II categories/specs

I. Office & Building Operers.

1. Acoustic Ceilings
2. Carpet
3. Gen. Purpose Cleaner
4. Carpet Cleaner
5. Glass Cleaner
6. Bathroom cleaner
7. Hand Cleaner
8. Composting Toilets
9. CFLs
10. Electric Hand Driers
11. Interior Paint
12. Lawn Mowers
13. Low-Flow Showerheads
14. Low-Flow Toilets
15. Motion-Sensitive light switches
16. Mulch
17. Office Printing Devices
18. Picnic Tables

19. Plumbed-In Water Coolers

20. PV and Solar Thermal Panels

21. Toner cartridges

22. Traditional Fluorescent Lamps

23. Trash bags (biodegradable or recycled)

24 Vacuum cleaners

25. Weed trimmers

II. Food Service

1. Commercial Ice Machine

2. Kitchen Composters

3. Compostable containers

4. Compostable service ware

III. Transportation

1. Aggregate Liquid Bituminous Material Rubberized Surface Treatment

2. Aggregate Liquid Bituminous Material Terminal Blended Rubberized Surface Treatment

3. Aggregate Liquid Bituminous Rubber Modified Material

4. Bituminous Concrete (Hot Mix Asphalt)

5. Cold Patch Paving

6. Glass Spheres (used in traffic paint)

7. Liquid Bituminous Materials

8. Traffic Paint

9. Ready Mix Concrete

10. Tires and wheel weights

11. Treated Road Salt



Sample EO4 Spec: Desktop/laptop/tablet computers

Environmental Performance:

All Desktop, Notebook, and Tablet PCs shall be registered Electronic Product Environmental Assessment Tool (EPEAT) Silver or better in the EPEAT registration system and meet or exceed all of the following 6 optional EPEAT criteria for standard configuration and standard option form factors:

- 4.1.2.1 Elimination of intentionally added cadmium
- 4.1.5.1 Elimination of intentionally added hexavalent chromium
- 4.1.6.2 Large plastic parts free of certain flame retardants classified under European Council Directive 67/548/EEC
- 4.1.7.1 Batteries free of lead, cadmium and mercury (not applicable for Monitors)
- 4.1.8.1 Large plastic parts free of PVC
- 4.8.2.2 Packaging 90% recyclable and plastics labeled

Sample EO4 Spec:
Desktop/laptop/tablet computers

Bulk Delivery and Alternate Packaging:

New York State encourages the use of innovative packaging that reduces the weight of packaging and the generation of packaging waste. Bidders/contractors are encouraged to use reusable materials and containers and to utilize packaging configurations that take advantage of storage containers designed to be part of the product for the shipment of multi-unit purchases.

Take-Back / Recycling:

When replacing equipment, affected entities should work with the contractor during the purchasing process to evaluate available trade-in options, regardless of manufacturer. Contractors are required to offer programs that include take-back or trade-in, and proper environmental disposal of equipment

Disclosure of Flame Retardants in Computers: Current NYS law restricts pentabrominated diphenyl ether (pentaPBDE) or octabrominated diphenyl ether (octaPBDE). Bidders are encouraged to disclose all flame retardants used in the products offered, including but not limited to penta, octa or decaPBDE and submit with their response a description of their efforts, if any, to utilize non-halogenated or other flame retardant compounds and/or design strategies that reduce the need to utilize flame retardant compounds.

Use our specs as a starting point:

[http://www.ogs.state.ny.us/EO/4/
ApprovedSpecs.asp](http://www.ogs.state.ny.us/EO/4/ApprovedSpecs.asp)



Green Procurement Challenges

- 36 specs per year required
- Specifications prospective, not on same schedule as contracting process
- Compromise among agencies with varied perspectives
- Third party green standards can help, but which are best?
- Third party certification can be cost-prohibitive for small businesses

Green Procurement Opportunities for Private Businesses

- Can start small, no need to develop a set # per year
- Green as you go – free to buy the greenest option available on the market when you make your purchase.
- At the same time that you research greener products and services to procure, you may learn green practices that can be incorporated into products and services you offer. You can green those as well!

Strategies for Greener Purchasing

1. Draft a Green Purchasing Policy:

Get management's blessing. While some environmentally preferred items cost slightly more, many items save money through increased efficiency.

Your policy can also focus on avoiding purchase of wasteful items, communicating with suppliers to reduce shipping waste (and cost), and taking advantage of takeback and recycling programs. By letting your suppliers know about your commitment, you may steer them to green their business to keep yours.

Green Purchasing Policy continued:

Have a team or committee work on the policy.

Use resources available on the web. NRDC.org has a great page with a sample policy and links to corporate purchasing policies that you can use as reference. Responsible Purchasing Network (<http://www.responsiblepurchasing.org/>) offers purchasing guides by product category and a free webinar on drafting a policy and tracking progress

Focus on products your business purchases most. Notable example: Kaiser Permanente of California created a “Sustainability Scorecard for Medical Products.” See <http://xnet.kp.org/newscenter/pressreleases/nat/2010/050410sustainability.html>

2. Track your progress

See helpful tips at:

<http://www.greenbiz.com/business/research/tools>

Share progress reports with clients and business partners.

NY state's report is located at

<http://www.ogs.state.ny.us/EO/4/Docs/FirstAnnualProgressReport.pdf>