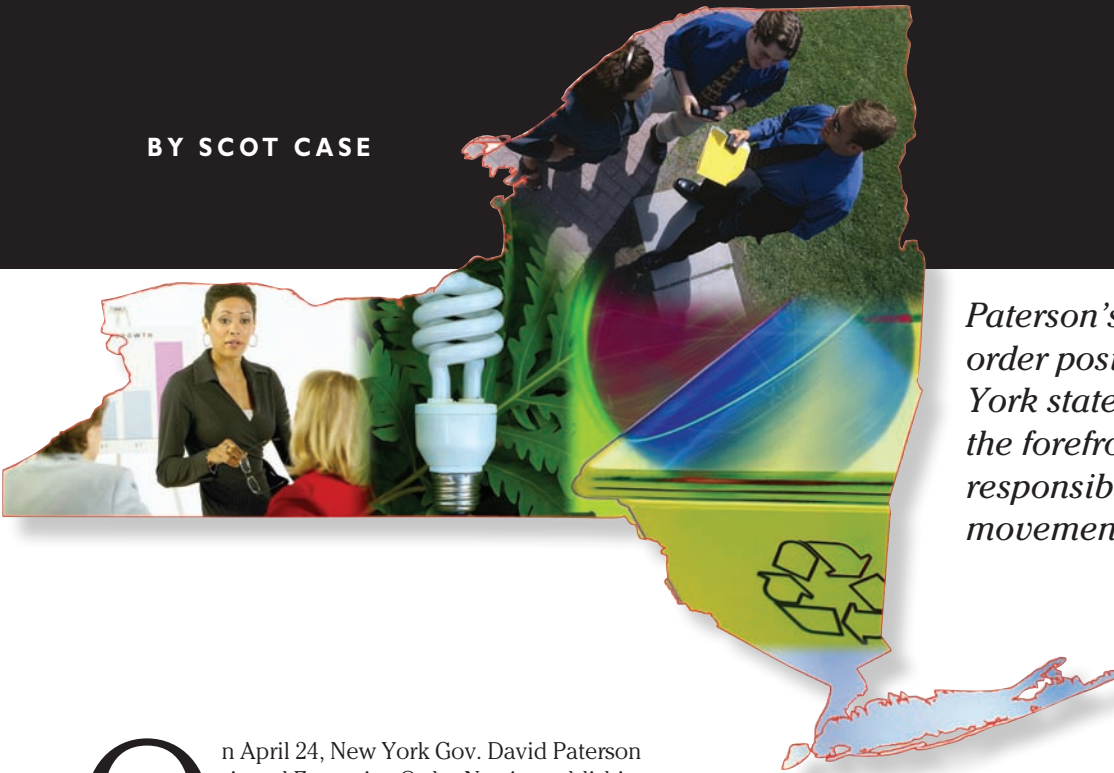


A New York state of green

BY SCOT CASE



Paterson's executive order positions New York state to be on the forefront of the responsible purchasing movement.

On April 24, New York Gov. David Paterson signed Executive Order No. 4, establishing a state Green Procurement and Agency Sustainability Program. The executive order, combined with New York's history of green purchasing, positions the state to be on the forefront of the responsible purchasing movement.

Overview of Executive Order No. 4

New York State's green purchasing executive order is one of North America's most comprehensive responsible purchasing policy statements recently issued. It includes many of the key components that others have integrated into their own policies, but also includes several new innovative steps.

Some of the key features of the new executive order include:

• **Creating an interagency green purchasing committee**

To ensure that purchasing professionals have the support they need from others outside of the procurement department, the New York executive order establishes an Interagency Committee on Sustainability and Green Procurement. The committee is being co-chaired by the commissioner of general services and commissioner of environmental conservation. It also includes the heads of the state environmental, energy, economic development, transportation, budget, health and operations agencies and authorities.

The committee is tasked with enhancing and facilitat-



“Our state government is a major consumer of products and energy, and our policies should conserve our precious natural resources, protect the public health and prevent pollution in order to improve the quality of life for all New York state’s residents.”

– New York Gov. David Paterson

ing interagency coordination to implement environmentally conscious purchasing, planning and contracting.

☛ **Establishing a director of green procurement**

The executive order requires the commissioner of general services to appoint a director of green procurement. At press time, the job description was being compiled. The position will be filled by Sept. 1.

☛ **Requiring state agencies to play an active role**

Unlike other green purchasing policies that place the entire burden on the purchasing community, the New York executive order recognizes that green purchasing is most successful when it becomes part of every agency’s mission. The New York executive order requires each state agency to assign an employee to serve as a sustainability and green procurement coordinator. It also requires the agencies to provide the coordinators with the necessary resources to be successful.

☛ **Identifying immediate priorities**

Executive Order No. 4 requires all copy and janitorial papers and other paper supplies to contain to the “maximum extent practicable” 100 percent postconsumer-recycled content and to be process-chlorine-free. It also requires all publications to be printed on 100 percent postconsumer-recycled-content paper. If 100 percent postconsumer paper is unavailable,

any nonrecycled content must be derived from a sustainably managed renewable resource unless it is not cost-competitive.

☛ **Establishing a process for identifying additional priorities**

The executive order requires the interagency committee to select at least three “priority categories” and at least 12 “priority commodities, services and technology” within each category to develop green procurement specifications or green procurement lists.

In addition, the executive order provides guidance for selecting the categories and priorities within them. It requires the committee to focus on purchases that will:

- Reduce or eliminate the health and environmental risks from purchases, with an emphasis on protecting the health of children and other vulnerable populations.
- Minimize packaging volume.
- Maximize recycled content and sustainably managed renewable resources.
- Minimize adverse impacts throughout a purchase’s life cycle.
- Provide additional environmental and human health benefits.

The executive order also restates New York’s continued focus on more traditional purchasing factors including cost, quality and legal and regulatory requirements. New York will not sacrifice price or performance in pursuit of more environmentally preferable goods and services. Instead, it will attempt to balance traditional pur-

chasing factors with additional human health and environmental concerns.

Yearly reporting

Recognizing the importance of tracking its green purchasing progress, the executive order requires each agency to prepare an annual report of its green purchasing activities. The Office of General Services will compile the agency reports into a single statewide assessment.

The first agency reports will be delivered on March 1, 2009, and annually thereafter based on a format to be developed by the Interagency Committee before December. The statewide report for the governor will be issued each year beginning on June 1, 2009.

Setting deadlines

The executive order includes several additional deadlines that permit state officials and others to track New York’s progress. Some of the most significant deadlines (all of which are in 2008) include:

July 1 – All copy and janitorial papers and other paper must to the “maximum extent practicable” contain 100 percent postconsumer content and be process-chlorine-free.

Sept. 1 – The commissioner of general services shall select an employee to serve as director of green procurement. Each state agency must assign an employee to serve as a sustainability and green procurement coordinator.

New York's green computer benefits

Using the EPEAT Environmental Benefits Calculator, New York estimates significant environmental and financial savings as a result of its green computer purchases. In addition to the impressive initial acquisition cost savings the New York contracts have generated, state officials also are creating significant environmental benefits as the table below highlights.

Purchasing volume	2007 EPEAT purchases		Projected 2008 EPEAT purchases	
	Silver	Gold	Silver	Gold
Desktops (incl. workstations)	156,500	0	0	168,000
LCD monitors	187,400	0	188,000	0
Notebooks	34,700	0	4,800	30,200
Financial savings				
Cost Savings – resulting from life-cycle energy-use reductions	\$13.5 million		\$15.4 million	
Environmental savings				
Energy usage	155.8 million kWh (equivalent to the electricity needed to power 13,738 U.S. households for a year)		177.3 million kWh (equivalent to the electricity needed to power 15,637 U.S. households for a year)	
Greenhouse gas emissions	12,230 Metric Tons of Carbon Equivalent (MTCE)		13,155 MTCE (Equivalent to removing 10,440 passenger cars from the road for a year)	
Primary materials	278.5 million kg (enough to make 2,158,922 refrigerators)		284.7 million kg (enough to make 2,207,188 refrigerators)	
Hazardous waste	462,574 kg (enough to make 231,287 standard-size bricks)		482,222 kg (enough to make 241,110 standard-size bricks)	
Toxic materials, including lead and mercury	12,737 kg (enough to make 6,368 standard-size bricks)		13,314 kg (enough to make 6,657 standard-size bricks)	

Sept. 1 – The Interagency Green Purchasing Committee must have identified the three priority categories and 12 priorities within each category. Additional priorities must be established annually on this date.

Dec. 1 – New procurement specifications and approved product lists for the priority areas must be available.

Nothing new for N.Y.

Like most states, New York has been promoting the purchase of recycled-content products

since the late 1980s. State finance laws permit state agencies to pay a cost premium of up to 10 percent for products containing recycled content and up to 15 percent for products containing at least 50 percent recycled content generated from New York State waste streams.

Last year, more than 85 percent of the copy paper purchased through the Office of General Services contained recycled content.

Throughout the years, New York has integrated additional environmental

requirements into a variety of other contracts, including lead-free traffic paint, alternative fuels and alternative fueled vehicles and energy-efficient equipment. More recently, New York has issued statewide contracts for integrated pest management (IPM) services and renewable electricity credits (RECs).

The most significant New York green purchases – purchases that have influenced other government purchasers throughout the country – are New York's green cleaning and green computer requirements.

Green cleaning

New York is widely recognized as a leader in the green cleaning movement. In January 2005, Gov. Pataki signed Executive Order 134, requiring all state agencies to buy cleaning products that are more protective of human health and the environment. Shortly thereafter, the New York Legislature passed a law requiring all schools in the state to use safer products “to reduce as much as possible exposures of children and school district staff to potentially harmful chemicals and substances used in the cleaning and maintenance of schools.”

After an extensive review of the available options, New York officials determined that the most effective way of defining green cleaning products was to require products meeting the EcoLogo (CCD-146) or Green Seal (GS-37) green cleaning product standards. The standards: clearly define environmental leadership; were developed in similar open, public and transparent processes; and use independent third-party auditors to certify products meeting the standards.

In an effort to further improve the protections the standards provide, New York is funding revisions to the Green Seal standard and attempting to increase coordination between the Green Seal and EcoLogo standards. The Green Seal revision process is nearing completion. It will be followed by the EcoLogo revision process to further improve harmonization between the standards.

To ensure that all New York State schools and facilities are aware of which cleaning products meet the

New York State green cleaning requirements, the state maintains a list of the accepted green cleaning products online at <http://www.ogs.state.ny.us/purchase/GreenCleaningProducts.asp>.

Green computers

Another area in which New York State has established itself as a green purchasing leader is its purchase of computers and monitors. For several years, New York has been managing one of the largest statewide cooperative information technology (IT) purchases in North America, making its large purchasing power available to local governments, schools and municipal authorities throughout the state.

Working collaboratively with the Office of the State Chief Information Officer and the Office for Technology, the Office of General Services developed specifications for a limited number of personal computer (PC) configurations designed to satisfy the requirements of a majority of government agencies. Anticipated PC purchases then are aggregated to leverage the state's purchasing power to receive the best prices.

For the most recent computer purchase initiative, New York received an average discount of more than 50 percent below New York state contract price, representing an average savings of \$650 per PC. In total, state and local government agencies and educational institutions purchased nearly 200,000 units, saving more than \$116 million in acquisition cost.



New York Gov. David Paterson

Each year since 2006, New York has strengthened the environmental requirements of its IT equipment contracts and purchases. The 2006 contractor specifications for desktop and personal computer equipment was one of the first purchases requiring products to meet the "80 PLUS" energy-efficiency requirements, drastically improving the energy efficiency of the products New York was buying. In 2007, New York began looking beyond just energy efficiency and started requiring products to meet the EPEAT green computer standard at the EPEAT Bronze level.

The EPEAT standard includes more than 50 environmental factors, including energy efficiency and less toxic materials requirements. Using a point-based system described by the standard, manufacturers use EPEAT to evaluate their products and identify them as EPEAT Bronze, Silver or Gold. The EPEAT Bronze level requires products to meet 23 mandatory environmental requirements. Manufactur-

ers earn additional points for meeting optional EPEAT criteria to earn EPEAT Silver or EPEAT Gold status. Once manufacturers have evaluated their products, they post the information on the EPEAT Web site at <http://www.epeat.net>.

After the success of its 2007 computer purchase initiative, New York realized that manufacturers now have a larger number of products at the EPEAT Silver level. After reviewing the available products, New York decided that its 2008 specifications would require products to be listed at the more aggressive EPEAT Silver level. In addition to being registered as EPEAT Silver, New York also requires products to meet or exceed all of the following optional EPEAT criteria:

- Elimination of intentionally added cadmium.
- Elimination of intentionally added hexavalent chromium.
- Large plastic parts free of certain flame retardants classified under European Council Directive 67/548/EEC.
- Batteries free of lead, cadmium and mercury.
- Large plastic parts free of PVC.
- Packaging 90 percent recyclable and plastics labeled.

As New York looks to the future of its computer procurements, it sees opportunities to further expand its cooperative purchasing arrangements to additional local government entities. It also sees opportunities to further strengthen the environmental

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"The Office of General Services is committed to turning policy into practice. Gov. Paterson has made it clear that here in New York, sustainable state operations is not simply a slogan – but an action and investment that pays dividends."

– New York Commissioner of the Office
of General Services John Egan

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requirements of the contract by including additional requirements and requesting that manufacturers provide certification or other proof that they meet EPEAT registration requirements. More stringent environmental requirements coupled with continued growth of purchase volume will dramatically increase the environmental benefits of the IT purchase program.

Next steps

New York purchasing officials already are meeting regularly to build upon their previous green purchasing success and meet the requirements of Executive Order No. 4. As New York rolls out its green purchasing strategy, several factors will influence New York’s ultimate level of success:

Staffing – New York’s purchasing departments, like purchasing departments across the country, are woefully understaffed. Purchasing professionals are being asked to do more and more with less and less. If New York’s expanded focus on green purchasing is perceived as “yet another” unfunded mandate, it will not get the attention the executive order requires. The most successful green purchasing programs have dedicated staff. King County, Wash., for example, which has a budget of only 6 percent the size of the state of New York, has two dedicated green purchasing professionals. It remains to be seen whether New York will make green purchasing a similar priority.

Budgets – As a result of a weakening national economy, agency budgets are expected to be tighter. This can discourage agencies from pursuing the long-term financial savings green purchasing can create in favor of immediate short-term savings. This problem is compounded when the savings that a green purchase generates benefit another agency’s budget. Buying more energy-efficient equipment, for example, might slightly increase costs for the procuring agency while the resulting cost savings benefit the agency that pays the electric bill.

Agency participation – While the New York executive order requires every agency to participate, it is unclear

how aggressively each agency will embrace the green purchasing mandate. The most significant cost savings possible through green purchasing strategies require everyone to actively participate. It is purchasing volume that drives the immediate short-term financial savings and creates the opportunity for longer-term financial and environmental benefits. Without every agency’s cooperation, the biggest opportunities might be missed.

Concluding thoughts

While there are lots of active green purchasing programs throughout North America, Paterson’s recent executive order is positioning New York to be a significant force in the responsible purchasing movement. Given New York’s impressive green purchasing track record, it will be exciting to see what New York purchasers can accomplish with the additional support the executive order provides. The question for New York officials is can they pull it off? The question for the rest of us becomes can we do even better? □

Resources

• “Environmental Purchasing Policies 101” – a 40-page report providing an overview of 80 green purchasing policies with recommendations for future policy writers:

<http://www.cec.org/files/PDF//NAGPI%20Policy%20Paper2e.pdf>

• Executive Order No. 4:
http://www.state.ny.us/governor/executive_orders/xeorders/eo_4.html

About the author

Scot Case has been researching and promoting responsible purchasing issues for 15 years.



He currently is vice president of TerraChoice Environmental Marketing Inc., which manages the EcoLogo program to identify more environmentally

preferable products. Contact him via e-mail at scase@terrachoice.com or in Reading, Pa., at 610-779-3770.

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Why reinvent the wheel?

U.S. Communities prides itself on being a fast, flat and flexible organization that responds to the needs of its participants. The program offers the following advantages to public agencies:

- All contracts are publicly solicited by a lead public agency on behalf of all governments within the U.S.
- Any public agency and nonprofit that serves public agencies may use the program.
- Each public agency may use the program as much or as little as it desires. There are no minimum spending requirements on any of the contracts.
- The public agency pays no fees to use the program.
- The program offers access to best purchasing and supply practices through its contracts and through its access to the large network of public agencies using the program.

Canadian Communities

In 2007, U.S. Communities initiated a new program: Canadian Communities. Through its national sponsors, U.S. Communities and representatives from NIGP and ASBO International in Canada worked together to create an opportunity for Canadian public agencies to piggyback on some of the contracts solicited and awarded by the U.S. Communities lead public agencies in compliance with the Agreement on Internal Trade. This initial foray into international relations enables both U.S. and Canadian public agencies to benefit from cooperative contracts.

For additional information on U.S. Communities, visit <http://www.uscommunities.org>.

For more information on Canadian Communities, visit <http://www.canadiancommunities.org>.

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Rein in repair costs

Ask for the replaced parts back so your end user can verify that new parts were installed. You may even want to hire a professional engineer to do this for you, which is a professional service that also can be bid. An engineer can help you negotiate and write your specifications, and they’ll be working for you – not the bidder.