

Purchasing Resolution

Sample Purchasing Resolution on the Procurement of Environmentally Preferable Products¹

1.0 SUBJECT (name of jurisdiction) Environmentally Preferable Purchasing Resolution

EFFECTIVE DATE: _____

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2.0 PURPOSE

The goal of this policy is to encourage and increase the use of environmentally preferable products and services in (jurisdiction). By including environmental considerations in purchasing decisions, (jurisdiction) can promote practices that improve public and worker health, conserve natural resources, and reward environmentally conscious manufacturers, while remaining fiscally responsible.

3.0 DEFINITIONS²

For the purpose of this resolution, the following definitions shall apply:

"Available locally" means that one or more businesses within the county/city or immediate surrounding areas are able to provide goods and services in a timely manner, and in sufficient quantity and quality to meet a specific department/agency need.

"Biodegradable" means the ability of a substance, material, or product ingredient to readily decompose by the action of microbes.

"Chlorofluorocarbon, (CFC)" refers to the family of compounds of chlorine, fluorine, and carbon. CFC's contribute to the depletion of the stratospheric ozone layer, and have been used as an ingredient for refrigerants, solvents, and for blowing plastic-foam insulation and packaging. The Montreal Protocol on Substances that Deplete the Ozone Layer calls for complete elimination of CFC production.

"Environmentally preferable products and services" as defined by Presidential Executive Order 13101, means products and services that have a lesser or reduced effect on human health and the environment when compared to competing products and services that serve the same purpose. This applies to raw material acquisition, as well as product manufacturing, distribution, use, maintenance, and disposal.

"Green building practices" means the incorporation of environmental, health, and waste prevention criteria in building design, site-planning and preparation, materials acquisition, construction or remodeling, deconstruction, and waste disposal.

¹ This resolution should be tailored to suit the individual needs and circumstances of your community.

² See Starter Kit for additional definitions.

"Integrated pest management" means the use of a combination of pest control methods including improved sanitation, mechanical, physical, biological, or chemical means.

"Post-consumer recycled material" refers to material that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item, and is used as a raw material for new products.

"Practicable" means satisfactory and within reason when considering price, performance, availability, compatibility with specified operation, and public safety.

"Price-preference" means a percentage of increase in price that (jurisdiction) will pay to obtain a designated product or service.

"Processed-chlorine free paper" refers to paper that is manufactured using a percentage of post-consumer recycled paper fiber (that may contain residues of chlorine) and is whitened without adding chlorine or chlorine derivatives.

"Rainforest hardwood/tropical wood" means wood that originates from trees grown in a rainforest.

"Recyclable" refers to a material or product that can be reprocessed, remanufactured, or reused.

4.0 BACKGROUND

Local and state government, combined, purchase more than \$1 trillion of goods and services each year. Many of these products contribute to problems in the overall environment, including contamination of the air and water, and depletion of environmental resources. In some instances, products require special waste disposal and reporting procedures which can be cumbersome and expensive. Furthermore, local government employees using these products may be exposed to compounds that are potentially harmful to their health.

(Jurisdiction) has an opportunity to serve as a community model for environmental leadership by incorporating a plan of action that will conserve precious resources such as water, raw materials, and energy, reduce the use of hazardous substances, and potentially improve the environmental quality of the region. By incorporating environmental considerations in public purchasing, (jurisdiction) can reduce its burden on the local and global environment, remove unnecessary hazards from its operations, protect public health, reduce costs and liabilities, and help develop markets for environmentally responsible products.

5.0 GENERAL POLICIES

The Office of (Procurement, County/City Manager, and/or Environment, etc.) shall coordinate the establishment of a special interdepartmental Environmental Purchasing Task Force (hereinafter "the Task Force") including one representative from public administration (County/City Manager, Commissioner, Freeholder, City Council member, etc.), representatives from purchasing, parks and recreation, environmental services, construction/property management, vehicle/equipment maintenance, and other relevant departments/operations to (1) identify opportunities for environmental purchasing initiatives, (2) provide a forum for open discussion by affected personnel, and (3) educate and inform staff about the environmental purchasing program. The Task Force shall meet quarterly following the adoption of this policy.

The Task Force shall designate an Environmental Purchasing Coordinator(s) (hereinafter "the Coordinator") to provide oversight to the Task Force, discuss with individual departments opportunities to increase environmental purchasing where relevant, coordinate outreach/training for staff, report to jurisdiction leadership, and provide general support to maintain the environmental purchasing program.

By (date), the Task Force shall encourage a minimum of one department to perform a pilot or demonstration study of environmentally preferable purchasing. The following departments and operations are potential sites for environmental purchasing demonstrations: vehicle/equipment maintenance, construction/property management, parks and recreation,

janitorial services, public works, pest control, or administration. The Coordinator(s) shall provide technical/logistical assistance to help said departments incorporate environmentally preferable products into their operations. Results of initial pilot studies shall be evaluated and reported to (jurisdiction governing body). As feasible, all departments are encouraged to advance environmental purchasing for their specific operations by initiating pilot studies.

Based on the results of the pilot studies, all departments, offices, and agencies shall use, and require their contractors and consultants to use, environmentally preferable products where practicable no later than (date).³

6.0 RESEARCH, PLANNING, AND EDUCATION

The Environmental Purchasing Task Force shall research opportunities to (a) expand the purchase of environmentally preferable products; (b) identify environmentally preferable alternatives; (c) recommend goals, where practicable, to practice alternative processes within (jurisdiction) operations that will reduce the use/disposal of hazardous substances and will promote resource conservation; and (d) collect and maintain up-to-date information regarding manufacturers, vendors, and other sources for locating/ordering environmentally preferable products. The Task Force and/or Coordinator(s) shall provide applicable information to departments.

The Coordinator(s) shall submit annual reports to the (governing entity) by (date) regarding the status of this policy's implementation. This report shall include total purchases of environmentally preferable products by each department, results of designated product evaluations, and the financial status for implementation of this policy including indirect and direct costs/savings.

Relevant departments, offices, and agencies shall assign staff to:

- ensure that contracting procedures do not discriminate against reusable, recycled, or environmentally preferable products without justification;
- evaluate environmentally preferable products to determine the extent to which they may be used by the agency and its contractors;
- review and revise contracting procedures to maximize the specification of designated environmentally preferable products where practicable;
- facilitate data collection on purchases of designated environmentally preferable products by the agency and its contractors and report the data to the Environmentally Preferable Purchasing Coordinator(s) by (date) each year for inclusion in the annual report to the (jurisdiction governing entity).

7.0 SAMPLE SPECIFICATIONS⁴

By (date), to the extent practicable, (jurisdiction) will begin to phase in purchasing specifications that follow U.S. EPA Comprehensive Procurement Guidelines for products containing recycled content. Recovered Materials Advisory Notices (RMAN) shall be used as a reference for determining the recycled content specifications for these products.

By (date), to the extent practicable, all printing and copy paper products shall consist of a minimum of 30% post-consumer recycled fiber.

By (date), all janitorial paper products shall consist of a minimum of 50% post-consumer content.

By (date), a 10% price preference for processed chlorine-free paper shall be applied to (____ percent) of photocopy-grade and janitorial paper purchases.

³ Counties can establish percentage goals for phasing in the procurement of environmentally preferable goods (e.g. by ____ year, ____ % of departments' purchasing will be defined as environmentally preferable).

⁴ These specifications represent best environmental purchasing practices and should be adapted to suit your locality and to remain consistent with technological advances.

By (date), (jurisdiction) shall begin returning used toner cartridges for remanufacture and purchase re-manufactured toner cartridges when practicable.

By (date), to the extent practicable, no janitorial cleaning or disinfecting products shall contain ingredients that are identified by United States Environmental Protection Agency or the National Institute for Occupational Safety and Health as carcinogens, mutagens, or teratogens.

By (date), (jurisdiction) shall phase out the use of chlorofluorocarbon containing refrigerants, solvents and other products to accommodate the Montreal Protocol on Substances that Deplete the Ozone Layer, and national requirements.

By (date), all surfactants shall meet EPA standards as "readily biodegradable." Where practicable, no detergents shall contain phosphates.

By (date), (jurisdiction) shall not procure products that originate from rainforest hardwood or tropical wood.

By (date), where practicable, purchased or leased electronic equipment including photocopiers, computers, printers, lighting systems, HVAC, kitchen and laundering appliances, and energy management systems must meet U.S. Environmental Protection Agency (EPA) or U.S. Department of Energy (DOE) energy efficiency standards. Where applicable, the energy efficiency function must remain enabled on all energy efficient equipment.

By (date), all motor oil shall contain a minimum 25% re-refined base stock. All re-refined oil must be American Petroleum Institute certified.

By (date), all motor vehicles operated by (jurisdiction) shall use recycled propylene glycol antifreeze where practicable.

By (date), paint purchased by (jurisdiction) or its contractors shall contain the minimum amount necessary of volatile organic compounds, and shall contain maximum recycled content where practicable.

By (date), (jurisdiction) shall implement an integrated pest management program for pest control. Any chemicals used to eliminate or deter insect pests and undesirable vegetation shall be the most readily and completely biodegradable product available for the given application, and shall be applied in a manner that is least likely to come into contact with humans and any other animals for which treatment is not intended.

By (date), all construction and renovation projects performed by (jurisdiction) shall incorporate "green" building practices.

By (date), (jurisdiction) shall give preference to products that are produced and are available locally to the extent practicable.

By (date) all departments, offices, and agencies shall ensure that they and their contractors/consultants use double-sided copying. All photocopiers purchased by (jurisdiction) following adoption of this policy are required to be capable of double-sided copying.

By (date), (jurisdiction) shall reduce or eliminate its use of products that contribute to the formation of dioxin and furan compounds.

8.0 PERFORMANCE, PRICE, AND AVAILABILITY

Nothing contained in this policy shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.