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September 19, 2005

Dr. Marjorie Clark, Ph.D.  
1795 Riverside Drive #5F  
New York, NY 10034

Dear Dr. Clark:

**RE: Int. No. 534-A: In relation to environmental purchasing and the establishment of a director of environmental purchasing.**

**Int. No. 536-A: In relation to the purchase of energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code.**

**Int. No. 544-A: In relation to the reduction of hazardous substances in products purchased by the city.**

**Int. No. 545-A: In relation to the purchase of products with recycled content, and to repeal section 6-122 and subchapter 5 of chapter 3 of title 16 of such code.**

**Int. No. 546-A: In relation to the purchase of green power.**

**Int. No. 552-A: In relation to the purchase of less toxic cleaning and other custodial products.**

Please be advised that the Committee on Contracts will hold a hearing on **Monday, September 26, 2005, at 1:00 p.m. in the Hearing Room, at 250 Broadway, 14<sup>th</sup> Floor, New York, NY** regarding the above-referred topics.

You are hereby invited to attend this hearing and testify therein. Please feel free to bring with you such members of your staff you deem appropriate to the subject matter.

If you plan to participate, it would be greatly appreciated if you could bring **twenty (20)** copies double-sided of your written testimony to the hearing.

I would appreciate receiving a response from you as to whether or not you will be able to attend. Thank you for your cooperation.

Sincerely,

  
Gary Altman  
Legislative Counsel

GA: dd

Proposed Int. No. 534-A

By Council Members DeBlasio, Gennaro, Avella, Brewer, Clarke, Fidler, Gerson, James, Liu, Lopez, Martinez, Nelson, Palma, Quinn, Recchia Jr., Sanders Jr., Seabrook, Stewart, Weprin, Koppell, Moskowitz, Barron, Perkins, McMahon, Foster, Reyna, Monserrate, Yassky, Gonzalez, Gioia, Gentile, Katz, Reed, Jackson and The Speaker (Council Member Miller)

A Local Law

To amend the administrative code of the city of New York, in relation to environmental purchasing and the establishment of a director of environmental purchasing.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. In almost every category of goods, there will be some products that are environmentally preferable to others. In many instances, there is little or no cost associated with the environmentally preferable option; often it is simply a matter of identifying and seeking out such products. For example, there is little cost difference between paper with no recycled content and paper with 30% post-consumer recycled content. Similarly, indoor paints that release little or no toxic fumes are readily available from all major paint manufacturers.

Many levels of governments have established environmental purchasing programs. The federal government, for example, requires all federal agencies to purchase goods with a minimum percentage of recovered material, according to guidelines developed by the United States Environmental Protection Agency. In addition, federal agencies are required by Executive Order 13101 and the Federal Acquisition Regulation to assess and give preference to those products and services that are environmentally preferable. States such as California, Massachusetts, Michigan, Minnesota, Ohio and Pennsylvania have also developed extensive environmental procurement programs, as have many local governments, including Boulder, Colorado; Cincinnati, Ohio; Jackson

County and Kansas City, Missouri; Portland, Oregon; King County and Seattle, Washington; and Washoe County, Nevada.

Environmental purchasing policies take into account numerous factors, including the production of waste, energy and water use, greenhouse gas emissions, indoor air quality, recycled and reused content and the presence of hazardous materials. Many environmental purchasing considerations, such as those related to indoor air quality and hazardous materials, can affect the health and well being of workers and people who occupy buildings, including school children. Other considerations can reduce the amount of waste and waste handling fees incurred by cities, as well as reduce stress on local infrastructure, such as power plants and water treatment facilities.

The Council finds that the use of environmentally preferable purchasing criteria will protect the environment by reducing the City's energy consumption, air pollution, hazardous releases and water use, as well as improve the health, safety and welfare of New York City residents and workers. Accordingly, the Council declares it is reasonable and necessary to require the establishment of an environmental purchasing office.

§2. The administrative code of the city of New York is amended by adding a new chapter 3 to title 6 to read as follows:

### **CHAPTER 3**

### **ENVIRONMENTAL PURCHASING**

### **SUBCHAPTER 1**

### **GENERAL PROVISIONS**

#### **§6-301      Definitions.**

**§6-302            Applicability.**

**§6-303            Waivers and exemptions.**

**§6-304            Standards of other jurisdictions and entities.**

**§6-301 Definitions.** a. For the purposes of this chapter only, the following terms shall have the following meaning:

(1) "Agency" means a city, county, borough, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(2) "Agricultural wastes" means materials that remain after the harvesting or production of annual crops, including but not limited to rice, flax, wheat and rye.

(3) "Air freshener" means any product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting or deodorizing the air. This term shall not include products that are used on the human body, products that function primarily as cleaning products or disinfectant products claiming to deodorize by killing germs on surfaces.

(4) "Architectural coatings" means any coating regulated in rule 1113 of the south coast air quality management district.

(5) "Bathroom cleaner" means any product used to clean hard surfaces in a bathroom, such as counters, walls, floors, fixtures, basins, tubs and tile. This term shall include products that are required to be registered under the federal insecticide, fungicide, and rodenticide act, such as disinfectants and sanitizers, but shall not include products specifically intended to clean toilet bowls.

(6) "Carpet" means any fabric used as a floor covering.

(7) "Carpet adhesive" means any substance used to adhere carpet to a floor by surface attachment.

(8) "Carpet cleaner" means any product used for the routine cleaning of carpets and rugs. This term shall include, but not be limited to, products used in cleaning by means of extraction, shampooing, dry foam, bonnet or absorbent compound, but shall not include products intended primarily for spot removal or any products required to be registered under the federal insecticide, fungicide, and rodenticide act, such as those making claims as sterilizers, disinfectants or sanitizers.

(9) "Carpet cushion" means any kind of material placed under carpet to provide softness when it is walked upon.

(10) "Cathode ray tube" means any vacuum tube, typically found in computer monitors, televisions and oscilloscopes, in which a beam of electrons is projected on a phosphorescent screen.

(11) "Composite wood or argrifiber products" means plywood, particleboard, chipboard, medium density fiberboard, standard fiberboard, orient strand board, glu-lams, wheatboard or strawboard.

(12) "Contractor" means any person or entity that enters into a contract with a city agency, or any person or entity that enters into an agreement with such person or entity, to perform work or provide labor or services related to such contract.

(13) "Copier" means any device that makes paper copies of text or graphic material.

(14) "Covered electronic device" means any cathode ray tube, any product containing a cathode ray tube, any liquid crystal display (LCD) or other flat panel

television or computer monitor or similar video display product, any battery containing lead, cadmium, lithium or silver, any computer central processing unit that contains one or more circuit boards and includes any desktop computer or any laptop computer, any computer peripherals including, but not limited to, any keyboard, mouse and other pointing device, printer, scanner, facsimile machine and card reader, and any copier, cellular telephone or handheld personal digital companion, but not including any automobile, household appliance, large piece of commercial or industrial equipment containing a cathode ray tube, a cathode ray tube product, a flat panel display or similar video display device that is contained within, and is not separate from, the larger piece of equipment.

(15) “Degreaser” means any product designed to remove or dissolve grease, grime, oil and other oil-based contaminants from interior or exterior building surfaces.

(16) “Desktop computer” means any personal computer or workstation designed to operate only on alternating current power and to reside on or under a desktop.

(17) “Desktop-derived server” means any computer designed to provide services to other computers on a network and that contains an EPS12V or EPS1U form factor power supply.

(18) “Director” means the director of environmental purchasing.

(19) “Disinfectant” means any United States environmental protection agency-registered agent that is used to destroy or irreversibly inactivate infectious fungi, viruses and bacteria, but not necessarily their spores.

(20) "End-of-life management" means promoting the recycling or reuse of a product through features of the product or materials from which the product is manufactured.

(21) "ENERGY STAR labeled" means a designation indicating that a product meets the energy efficiency standards set forth by the United States environmental protection agency and the U.S. department of energy for compliance with the ENERGY STAR program.

(22) "Fluorescent lamp" means any lamp in which low-pressure mercury vapor is charged with an electrical current to produce visible light.

(23) "Floor finish" means any product designed to polish, protect or enhance floor surfaces by leaving a protective wax, polymer or resin coating that is designed to be periodically removed and reapplied.

(24) "Floor stripper" means any product designed to remove floor finish through breakdown of the finish polymers, or by dissolving or emulsifying the finish, polish or wax. This term shall not include general-purpose cleaners that can be used to clean floors, floor sealers, spray buffing products or products designed to remove floor wax solely through abrasion.

(25) "Flow rate" means the volume, mass, or weight of water flowing past a given point per unit of time.

(26) "Form factor" means the shape or physical configuration of a computer or its components.



(27) “Furniture polish” means a wax or polish or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors.

(28) “General-purpose cleaner” means any product used for routine cleaning of hard surfaces, including impervious flooring, such as concrete or tile. This term shall not include any cleaner intended primarily for the removal of rust, mineral deposits or odors; any product intended primarily to strip, polish or wax floors; any cleaner intended primarily for cleaning toilet bowls, dishes, laundry, glass, carpets, upholstery, wood or polished surfaces; or any product required to be registered under the federal insecticide, fungicide, and rodenticide act, such as those making claims as sterilizers, disinfectants or sanitizers.

(29) “Glass cleaner” means any product used to clean windows, glass and polished surfaces. This term shall not include any product required to be registered under the federal insecticide, fungicide, and rodenticide act, such as those making claims as sterilizers, disinfectants or sanitizers.

(30) “Green power” means electric energy derived from any source that qualifies for incentives under the renewable portfolio standard of the New York public service commission.

(31) “Green Seal standard GS-37” means the standard established by Green Seal for industrial and institutional cleaners.

(32) “Green Seal standard GS-40” means the standard established by Green Seal for certain floor-care products.

(33) “Hazardous materials” means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

(34) “Incandescent lamp” means any lamp in which a filament is heated to incandescence by an electric current to produce visible light.

(35) “Lamp” means any glass envelope with gas, coating, or filament that produces visible light when electricity is applied.

(36) “Local area network” means any two or more computers and associated devices that share a common communications line or wireless link and typically share the resources of a single processor or server within a small geographic area.

(37) “Metal cleaner” means any product designed primarily to improve, by physical or chemical action, the appearance of finished metal, metallic, or metallized furniture or interior or exterior building surfaces, including, but not limited to fittings and decorative ornamentation.

(38) “Minor repairs” means replacement of any part of a building for which a permit issued by the department of buildings is not required by law, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such building or any part thereof and to restore same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

(39) “Persistent, bioaccumulative and toxic chemicals” means those chemicals that are toxic to living organisms, persist in the environment and build up in the food

chain. This definition shall include any substance on the United States environmental protection agency's list of priority chemicals published under the national partnership for environmental priorities, as well as hexavalent chromium and brominated flame retardants (polybrominated biphenyls or polybrominated diphenyl ethers).

(40) "Postconsumer material" means a material or finished product that has served its intended use and has been diverted or recovered from waste destined for disposal, having completed its life as a consumer item. Postconsumer material is a part of the broader category of recovered materials.

(41) "Power factor" means the ratio of the active, or real, power consumed in watts to the apparent power, drawn in volt-amperes.

(42) "Power supply" means any device intended to convert line voltage alternating current to one or more lower voltages of direct current.

(43) "Printer" means any device that prints the text or graphics output of a computer onto paper.

(44) "Product as used" means the most concentrated form of the product that the manufacturer recommends for a product's intended use.

(45) "Rated power supply output" means the maximum total continuous direct current power, in watts, that a power supply is capable of delivering, as specified on its nameplate by its manufacturer.

(46) "Reasonably competitive" means at a cost not exceeding that permissible under section 104-a of the general municipal law.

(47) "Recovered material" means waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those

materials and byproducts generated from, and commonly reused within, an original manufacturing process. For purposes of purchasing paper and paper products, “recovered material” means waste material and byproducts that have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process. In the case of paper and paper products, the term recovered material includes:

(i) postconsumer materials such as:

(A) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; and

(B) all paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste, and

(ii) manufacturing, forest residues, and other wastes such as:

(A) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel in smaller rolls of rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock;

(B) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

(C) fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

(D) wastes generated by the conversion of goods made from fibrous material (that is, waste rope from cordage manufacture, textile mill waste, and cuttings); and

(E) fibers recovered from waste water which otherwise would enter the waste stream.

(48) “Sanitizer” means any United States environmental protection agency-registered agent that is used to reduce, but not necessarily eliminate microorganisms to levels considered safe by public health codes or regulations.

(49) “Undiluted product” means the most concentrated form of the product produced by the manufacturer for transport outside its facility.

(50) “Volatile organic compound” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, as specified in part 51.100 of chapter 40 of the United States code of federal regulations.

§6-302 **Applicability.** Except where otherwise provided, the provisions of this chapter shall apply to any product purchased or leased by any agency, or to any product purchased or leased by any contractor pursuant to any contract with any agency for the construction, repair or maintenance of any facility, provided, however, that this chapter shall only apply to contracts entered into on or after the effective date of the local law that added this chapter.

§6-303 Waivers and exemptions. a. The environmental purchasing standards set forth in this chapter and any standards established by the director may be waived by the director upon application by any agency under the following circumstances:

(1) where federal or state funding precludes the city from imposing the requirements of this chapter;

(2) for emergency procurements pursuant to section three hundred fifteen of the charter;

(3) for any product if there are fewer than five manufacturers that produce such product meeting the environmental purchasing standards set forth in this chapter and any standards established by the director and that are capable of producing any such product in a quantity and within a time period that are adequate for the city's needs;

(4) for any product:

(i) meeting requirements of any version of the Leadership in Energy and Environmental Design (LEED) building rating system published by the United States Green Building Council;

(ii) that is to be used in any new construction or alteration designed to comply with such product requirements and designed in accordance with such green building rating system to achieve a LEED certified or higher rating; and

(iii) where specifications for such product in this chapter conflict with any product requirements of such green building rating system;

(5) where compliance with the environmental purchasing standards set forth in this chapter and any standards established by the director would conflict with the purpose of chapter 3 of title 25 of this code;

(6) for any product to be used in the maintenance or minor repairs of any leased space, where the city occupies less than fifty percent (50%) of the building in which such leased space is located;

(7) for any product to be used in the alteration of any leased space that is less than fifteen thousand (15,000) square feet;

(8) where compliance with the environmental purchasing standards set forth in this chapter and any standards established by the director would conflict with any consumer, health or safety regulation of any agency; or

(9) where compliance with the environmental purchasing standards set forth in this chapter and any standards established by the director would conflict with any consumer, health or safety requirement of the underwriters laboratories, the federal government or state of New York.

b. Any applications for any waiver pursuant to this section shall be made in writing by the applying agency. The director shall, within a reasonable period of time, determine whether to grant any such waiver application. Any determination regarding any waiver shall be issued in writing and shall include the reason for such determination. Any determinations granting any waiver shall become part of the relevant contract file.

c. The director may exempt from the provisions of this chapter up to the following percentages by value of the purchases of any product in the following fiscal years if in his or her judgment such exemption is in the best interests of the city:

(1) for fiscal years 2006, 2007 and 2008, twenty percent (20%);

(2) for fiscal years 2009 and 2010, fifteen percent (15%); and

(3) for fiscal year 2011 and any fiscal year thereafter, ten percent (10%).

d. Nothing herein shall preclude any agency from exceeding the requirements of this chapter or from complying with the requirements of this chapter if fewer than five manufacturers produce any product meeting the environmental purchasing standards set forth in this chapter and any standards established by the director.

§6-304 **Standards of other jurisdictions and entities.** Any regulation, standard or guideline of any federal agency or the California energy commission incorporated in this chapter that is altered after the effective date of the local law that added this chapter shall apply to this chapter 180 days after its final publication in altered form. Any regulation, standard or guideline of any entity other than a federal agency or the California energy commission incorporated in this chapter that is altered after the effective date of the local law that added this chapter shall presumptively apply to this chapter 180 days after its final publication in altered form; provided, however, that the director may decline to implement changed standards if he or she determines that doing so would not be in the best interests of the city and such determination is made in writing and sent to the speaker of the council within thirty days of such determination.

## **SUBCHAPTER 2**

### **OVERSIGHT OF ENVIRONMENTAL PURCHASING**

**§6-305            Director of environmental purchasing.**

**§6-306            Environmental purchasing officers.**

**§6-307            Vendor catalogues.**



§6-305 Director of environmental purchasing. The city chief procurement officer or other designee of the mayor shall be the director of environmental purchasing. The director shall:

a. develop, establish and implement environmental purchasing standards, in addition to those set forth in this chapter, the purpose of which shall be to: conserve energy and water; increase the use of recycled and reused materials; reduce hazardous materials, with an emphasis on persistent, bioaccumulative and toxic chemicals; decrease greenhouse gas emissions; improve indoor air quality; promote end-of-life management; and reduce waste;

b. annually review and update the environmental purchasing standards set forth in this chapter and any standards established by the director;

c. ensure agency compliance with the environmental purchasing standards set forth in this chapter and any standards established by the director;

d. submit an annual report to the speaker of the council and the mayor by October 1 of each year detailing the city's progress in meeting the goals of this chapter, the environmental purchasing standards set forth in this chapter and any standards established by the director, which report shall at a minimum include:

(1) a list of all solicitations that include any product that is subject to this chapter, broken down by purchasing agency, with an indication, as relevant, of the following for each such product:

(i) the environmental purchasing specifications in such solicitation;

(ii) the provision of this chapter or environmental purchasing standard established by the director that is applicable to any such products purchased through such solicitation;

(iii) the proportion of any such products purchased through such solicitation that meets the environmental purchasing standards set forth in this chapter and any standards established by the director for such products;

(iv) the proportion of any such products purchased through such solicitation that contains recovered and postconsumer material, including the percentage of recovered and postconsumer material of such products;

(v) the proportion of any such products purchased through such solicitation that is Energy Star labeled;

(vi) an explanation of any determination and best efforts made pursuant to subdivision d or subdivision f of section 6-318 of this code; and

(vii) a description of the best efforts made pursuant to section 6-319 of this code;

(2) a summary of the annual investigation into the availability of products with recovered material content, as required pursuant to subdivision c of section 6-308 of this code;

(3) a list of the contracts for which, pursuant to section 6-303 of this code, the director has granted a waiver from or exemption to the environmental purchasing standards set forth in this chapter and any standards established by the director, along with an explanation for such waiver or exemption;

(4) any relevant changes to standards since the last publication of such report, including:

(i) any new or updated standards established by the director;

(ii) any alteration of any regulation, standard or guideline of any jurisdiction or entity incorporated in this chapter; and

(iii) any decision of the director not to adopt any altered regulation, standard or guideline pursuant to section 6-304 of this code;

(5) an identification of any product for which new or additional environmental purchasing standards are necessary.

§6-306 **Environmental purchasing officers.** Each agency shall designate an environmental purchasing officer who shall:

a. coordinate with the director to ensure agency compliance with the environmental purchasing standards set forth in this chapter and any standards established by the director; and

b. submit an annual report as required by the director detailing such compliance.

§6-307 **Vendor catalogues.** The director shall, to the maximum extent feasible, work with vendors to develop written or electronic vendor catalogues that are customized for agencies and only offer products in compliance with the environmental purchasing standards set forth in this chapter and any standards established by the director. The director shall investigate and report to the speaker of the council and the mayor by October 1, 2006 on the potential for utilizing such customized catalogues.

§3. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§4. This local law shall take effect January 1, 2006, except the mayor shall appoint a director of environmental purchasing within 30 days of the effective date of this local law

and such director, in consultation with the mayor's office of environmental coordination, shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect. Provided, however, that this local law shall take effect only in the event that: a local law to amend the administrative code of the city of New York, in relation to the purchase of products with recycled content, and to repeal section 6-122 and subchapter 5 of chapter 3 of title 16 of such code, as proposed in legislative bill number 545-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the purchase of energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code, as proposed in legislative bill number 536-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the reduction of hazardous substances in products purchased by the city, as proposed in legislative bill number 544-A, takes effect; and a local law to amend the administrative code of the city of New York, in relation to the purchase of less toxic cleaning and other custodial products, as proposed in legislative bill number 552-A, takes effect.

RBU  
LS#1486  
06/14/2005

Proposed Int. No. 536-A

By Council Members Gennaro, Brewer, Clarke, Fidler, Gerson, Jackson, James, Liu, Lopez, Martinez, Nelson, Palma, Quinn, Recchia Jr., Sanders Jr., Seabrook, Sears, Stewart, Vallone Jr., Weprin, Koppell, Lanza, Moskowitz, DeBlasio, Barron, Perkins, Avella, McMahon, Foster, Reyna, Monserrate, Yassky, Gonzalez, Gioia, Gentile, Katz, Reed and The Speaker (Council Member Miller)

A Local Law

To amend the administrative code of the city of New York, in relation to the purchase of energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. Recognizing the need for energy efficiency, the United States Environmental Protection Agency (EPA) and the United States Department of Energy (DOE) decided in 1992 to promote the purchase of energy efficient products through an innovative labeling program. The Energy Star labeling program tags products that meet energy efficient criteria, and as a result, reduce overall energy use, lessening the amount of fossil fuel being burned by power plants and the amount of greenhouse gases and other pollutants emitted into the atmosphere.

Through the Energy Star program, manufacturers and retailers sign voluntary agreements allowing them to place Energy Star labels on products that meet or exceed energy-efficiency guidelines set by the EPA and the DOE. Manufacturers and retailers also can use the label in product packaging, promotions and advertising for qualified products. Most Energy Star labeled products have the same or better performance, features, reliability, and price as conventional models.

Federal buyers are directed by Federal Acquisition Regulation Part 23 and Executive Orders 13123 and 13221 to purchase products that are Energy Star labeled or

products that are designated to be in the upper 25% of energy efficiency in their class, as well as products with low standby power. In addition, federal agencies are required to reduce their energy use by 35% by 2010 in comparison to 1985 levels. In order to assist agencies in meeting these and similar requirements, the DOE established the Federal Energy Management Program ("FEMP"), which provides federal agencies with energy efficiency recommendations that exceed the requirements for Energy Star certification.

Energy Star labeled and FEMP recommended office equipment save energy by automatically entering a low-power mode when not in use and by using less energy when in standby. The energy-efficient models have all of the performance features of standard office equipment, but help to eliminate energy waste through special power management features. Energy Star labeled and FEMP recommended office products use about half as much electricity as conventional office equipment, thereby significantly reducing energy costs. Accordingly, the Council declares it is reasonable and necessary to require the use of energy efficient products.

§2. Subdivisions a, c, d, e and f of section 6-127 of the administrative code of the city of New York are REPEALED.

§3. Title 6 of the administrative code of the city of New York is amended by adding a new subchapter 4 to chapter 3, section 6-127(b) of the administrative code of the city of New York is renumbered as new section 6-310 of new subchapter 4 of chapter 3 of title 6 and amended, and the administrative code of the city of New York is amended by adding a new section 6-311 to subchapter 4 of chapter 3 of title 6 to read as follows:

#### **SUBCHAPTER 4**

#### **ENERGY EFFICIENCY**

**§6-310            Energy efficiency standards.**

**§6-311            Enabling office equipment energy efficiency functions.**

§6-310 **Energy efficiency standards.** a. Any [In any solicitation by an agency for the purchase or lease of] energy-using product[s, the agency shall include a specification that such products], for which the United States environmental protection agency and the United States department of energy have developed energy efficiency standards for compliance with the Energy Star program, shall be ENERGY STAR labeled[, provided that there are at least six manufacturers that produce such products with the ENERGY STAR label. Nothing herein shall preclude an agency from including a specification in a solicitation for energy-using products requiring that such products be ENERGY STAR labeled if there are fewer than six manufacturers that produce such products with the ENERGY STAR label.]

b. Any product for which the federal energy management program of the United States department of energy has issued product energy efficiency recommendations shall achieve no less energy efficiency or flow rate than the minimum recommended in such recommendations.

c. Any product in any category listed in article 4 of chapter 4 of division 2 of title 20 of the California code of regulations, for which the California energy commission has issued product appliance efficiency regulations and for which the federal energy management program of the United States department of energy has not issued product energy efficiency recommendations, shall achieve no less energy efficiency or flow rate than the minimum recommended in such regulations.

d. Any desktop computer or desktop-derived server containing an internally mounted power supply shall meet the following requirements:

(1) minimum energy efficiency shall be 80% at 20%, 50% and 100% of rated power supply output, when tested according to a proportional allocation method of loading the power supply;

(2) minimum power factor shall be 0.9 at 100% of rated power supply output, when tested according to a proportional allocation method of loading the power supply; and

(3) total rated power supply output shall be no less than 150 watts and no more than 800 watts.

e. Any lamp shall be a fluorescent lamp, rather than an incandescent lamp, provided a fluorescent lamp is available of sufficient lumens and of an appropriate size for the intended application.

**§6-311 Enabling office equipment energy efficiency functions.** a. The power management software functions of any city-owned or leased computer, printer, facsimile machine or photocopy machine shall be calibrated to achieve the highest energy savings practicable.

b. Any computer monitor or central processing unit shall be set to enter into a low power mode after the shortest practicable period of inactivity. Any screensaver or other computer program that may interfere with the capability of a computer monitor or central processing unit to enter into a low power mode shall be disabled.

c. Any agency need not comply with the provisions of this subdivision when compliance would interfere with any agency mission or cause instability in any computer



system. Notwithstanding any provision of section 6-302 of this code, this section shall apply to any product used by any agency.

§4. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§5. This local law shall take effect January 1, 2006, except that the director of environmental purchasing as appointed by the mayor, in consultation with the mayor's office of environmental coordination, shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect. Provided, however, that this local law shall take effect only in the event that: a local law to amend the administrative code of the city of New York, in relation to environmental purchasing and the establishment of a director of environmental purchasing, as proposed in legislative bill number 534-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the purchase of products with recycled content, and to repeal section 6-122 and subchapter 5 of chapter 3 of title 16 of such code, as proposed in legislative bill number 545-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the reduction of hazardous substances in products purchased by the city, as proposed in legislative bill number 544-A, takes effect; and a local law to amend the administrative code of the city of New York, in relation to the purchase of less toxic cleaning and other custodial products, as proposed in legislative bill number 552-A, takes effect.

RBU  
LS#1486  
06/14/2005

Proposed Int. No. 544-A

By Council Members Quinn, Gennaro, Barron, Brewer, Clarke, Fidler, Foster, Gerson, Jackson, James, Liu, Lopez, Martinez, Nelson, Palma, Weprin, Koppell, Moskowitz, DeBlasio, Perkins, Avella, McMahon, Recchia Jr., Reyna, Monserrate, Sears, Vallone Jr., Yassky, Gonzalez, Gioia, Gentile, Katz, Reed, Sanders Jr. and The Speaker (Council Member Miller)

A Local Law

To amend the administrative code of the city of New York, in relation to the reduction of hazardous substances in products purchased by the city.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. In almost every category of goods, there will be some products that are environmentally preferable to others. In many instances, there is little or no cost associated with the environmentally preferable option; often it is simply a matter of identifying and seeking out such products.

A surprising number of common consumer products contain materials that are toxic to humans and the environment and pose exceptional threats to vulnerable populations. Some of these materials, like lead and mercury, which can be found in computers and other electronic goods, are persistent bioaccumulative toxins. When these products are used or improperly stored and disposed of they can release hazardous substances, which contaminate the soil, groundwater and air. Likewise, many products used in office building improvements, including carpeting materials and paints, release toxic fumes. As a result, many city workers are exposed to unhealthy conditions in their work environment and when disposing of products that contain hazardous materials.

In response to the growing, clear evidence of the damage posed by hazardous products to human health and the environment, governments, industry, healthcare professionals and non-profit organizations have supported the establishment of

environmental purchasing standards. The European Union has mandated the phase-out of certain hazardous materials from any electronic device sold in the European Union, and several U.S. states, including California and Maine, have followed with similar legislation. Section 01350 of the Reference Specifications for Energy and Resource of the California Energy Commission sets chemical emission standards for a wide range of interior building materials and is a requirement for all major construction by the State of California. Similarly, the Carpet and Rug Institute – the trade association for carpet and rug manufacturers – has established recommendations on the maximum volatile organic compound emissions allowed for carpeting products through its Green Label testing program.

The Council finds that using goods that do not contain hazardous materials, or which meet maximum standards for hazardous material content, will protect the environment and improve the health, safety and welfare of New York City residents and workers. Accordingly, the Council declares it reasonable and necessary to reduce quantities of hazardous substances in products purchased by the City.

§2. The administrative code of the city of New York is amended by adding a new subchapter 5 to chapter 3 of title 6 to read as follows:

#### **SUBCHAPTER 5**

#### **HAZARDOUS MATERIALS**

**§6-312            Electronic take-back and recycling provisions.**

**§6-313            Hazardous content of certain electronic devices.**

**§6-314            Volatile organic compound emissions of carpeting materials, architectural coatings and composite wood products.**

**§6-315 Chemical emissions of other building materials.**

**§6-316 Mercury-added lamps.**

**§6-317 Miscellaneous.**

**§6-312 Electronic take-back and recycling.** At the end of its useful life, any covered electronic device shall be returned to the original device manufacturer or a third party for reuse or recycling. No covered electronic device shall be sent for processing, refurbishment or recycling to any federal prison or to any country that is not a member of the organization of economic cooperation and development. Upon return of any covered electronic device, the agency shall require documentation of final disposition of such device. To the extent practicable, such documentation shall, at a minimum, include the number of devices returned, the serial or other identifying numbers of such devices, the United States environmental protection agency identification number of any company brokering, processing, refurbishing, recycling or disposing of such devices, and contact information for any such company.

**§6-313 Hazardous content of certain electronic devices.** Any covered electronic device shall comply with European Union directive 2002/95/EC. The director shall ensure, where practicable, that other electronic devices comply with such directive. Notwithstanding any provision of section 6-302 of this code, this section shall apply to any covered electronic device purchased or leased after January 1, 2007, or on or after the date on which such directive takes effect, whichever is later.

**§6-314 Volatile organic compound emissions of carpeting materials, architectural coatings and composite wood products.** a. No carpet, carpet cushion or

carpet adhesive shall contain the following volatile organic compounds in concentrations exceeding those specified below:

	<u>Compound</u>	<u>Maximum concentration</u>
<b><u>Carpets</u></b>	<u>Total volatile organic compounds</u>	<u>0.50 mg/m<sup>2</sup> * hr</u>
	<u>4-Phenylcyclohexene</u>	<u>0.05 mg/m<sup>2</sup> * hr</u>
	<u>Formaldehyde</u>	<u>0.05 mg/m<sup>2</sup> * hr</u>
	<u>Styrene</u>	<u>0.40 mg/m<sup>2</sup> * hr</u>
<b><u>Carpet Cushions</u></b>	<u>Total volatile organic compounds</u>	<u>1.00 mg/m<sup>2</sup> * hr</u>
	<u>Butylated hydroxytoluene</u>	<u>0.30 mg/m<sup>2</sup> * hr</u>
	<u>Formaldehyde</u>	<u>0.05 mg/m<sup>2</sup> * hr</u>
	<u>4-Phenylcyclohexene</u>	<u>0.05 mg/m<sup>2</sup> * hr</u>
<b><u>Carpet Adhesives</u></b>	<u>Total volatile organic compounds</u>	<u>10.00 mg/m<sup>2</sup> * hr</u>
	<u>Formaldehyde</u>	<u>0.05 mg/m<sup>2</sup> * hr</u>
	<u>2-Ethyl-1-hexanol</u>	<u>3.00 mg/m<sup>2</sup> * hr</u>

b. No architectural coating shall contain volatile organic compounds in concentrations exceeding those permissible under rule 1113 of the south coast air quality management district.

c. No composite wood or argrifiber product shall contain any added urea-formaldehyde resins.

§6-315 Chemical emissions of other building materials. The director, in consultation with the mayor's office of environmental coordination, shall develop regulations, consistent with section 01350 of the reference specifications for energy and resource efficiency of the California energy commission, establishing the maximum chemical emissions of building materials, other than any product covered by section 6-314 of this code.

§6-316 Mercury-added lamps. Each solicitation for lamps containing mercury shall require the bidder to report on the amount of mercury per lamp in milligrams, hours of rated life and initial lumens per watt. The city shall purchase the most energy-efficient lamp with the lowest amount of mercury per rated hour, provided such lamp meets all other performance specifications required by the purchasing agency.

§6-317 Miscellaneous. a. The director, in consultation with the mayor's office of environmental coordination, shall develop regulations to phase out the city's purchase of polyvinyl chloride.

b. The director, in consultation with the mayor's office of environmental coordination, shall investigate and report to the speaker of the council and the mayor by October 1, 2006, on the environmental effect of the city's use of road de-icing products and the potential for reducing use of such products that contain high levels of chlorides and urea.

§3. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§4. This local law shall take effect January 1, 2006, except that the director of environmental purchasing as appointed by the mayor, in consultation with the mayor's office of environmental coordination, shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect. Provided, however, that this local law shall take effect only in the event that: a local law to amend the administrative code of the city of New York, in relation to environmental purchasing and the establishment of a director of environmental purchasing, as proposed in legislative bill number 534-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the purchase of products with recycled content, and to repeal section 6-122 and subchapter 5 of chapter 3 of title 16 of such code, as proposed in legislative bill number 545-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the purchase of energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code, as proposed in legislative bill number 536-A, takes effect; and a local law to amend the administrative code of the city of New York, in relation to the purchase of less toxic cleaning and other custodial products, as proposed in legislative bill number 552-A, takes effect.

RBU  
LS#1486  
06/14/2005



Proposed Int. No. 545-A

By Council Members Recchia Jr., The Speaker (Council Member Miller), Gennaro, Brewer, Fidler, Gerson, James, Liu, McMahon, Nelson, Palma, Quinn, Sanders Jr., Seabrook, Stewart, Vallone Jr., Weprin, Koppell, Moskowitz, DeBlasio, Barron, Perkins, Avella, Foster, Reyna, Monserrate, Sears, Yassky, Gonzalez, Gioia, Gentile, Katz and Lopez

A Local Law

To amend the administrative code of the city of New York, in relation to the purchase of products with recycled content, and to repeal section 6-122 and subchapter 5 of chapter 3 of title 16 of such code.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. In almost every category of goods, there will be some products that are environmentally preferable to others. In many instances, there is little or no cost associated with the environmentally preferable option; often it is simply a matter of identifying and seeking out such products. For example, there is little cost difference between copy paper with no recycled content and copy paper with 30% post-consumer recycled content.

Pursuant to section 6002 of the Resource Conservation and Recovery Act, the United States Environmental Protection Agency (EPA) has developed recommended guidelines on the minimum recovered materials content of items purchased by federal agencies, and purchased by other levels of government who apply more than \$10,000 in federal funding towards a purchase. The Comprehensive Procurement Guideline applies to products in the following categories: paper; vehicular; construction; transportation; park and recreation; landscaping; non-paper office; and miscellaneous. The minimum percentage of recovered materials recommended for products in these categories is determined and updated periodically through the Federal Register in the form of Recovered Materials Advisory Notices. As with other federal rules, the EPA conducts an extensive consultation

process in setting recovered materials standards. Given the federal government's enormous purchasing power, other purchasers can be assured that goods meeting the federal government's standards are widely available without significant cost premium. Moreover, section 16-322 of the Administrative Code already requires the use of these standards by the Department of Citywide Administrative Services in purchasing products.

The Council finds that the use of recycled products will protect the environment and improve the health, safety and welfare of New York City residents and workers. Accordingly, the Council declares that it is reasonable and necessary to require the use of products with recycled content.

§2. Section 6-122 of the administrative code of the city of New York is REPEALED.

§3. Subchapter 5 of chapter 3 of title 16 of the administrative code of the city of New York is REPEALED.

§4. The administrative code of the city of New York is amended by adding a new subchapter 3 to chapter 3 of title 6 to read as follows:

### **SUBCHAPTER 3**

#### **RECYCLED MATERIALS**

**§6-308        Minimum recycled material content.**

**§6-309        Paper waste reduction.**

**§6-308 Minimum recycled material content.** a. Any product in any category listed in part 247 of chapter 40 of the United States code of federal regulations, for which the United States environmental protection agency has issued a recovered materials advisory notice pursuant to such part recommending the minimum recovered material

content within such products, shall contain no less recovered material and postconsumer material than the minimum recommended in the most recent such notice. In complying with this section, any relevant calculation standard or definition, except any term defined in section 6-301 of this code, contained in such part or in any such recovered materials advisory notice shall apply. Notwithstanding the foregoing, any paper or paper product may either comply with the standards required in such recovered materials advisory notice or shall contain no less than 50 percent agricultural wastes.

b. Any document or graphic material prepared for any agency or submitted to any agency in response to a solicitation, including any bid, report or draft report, shall be printed on paper with no less recovered material and postconsumer material than the minimum required pursuant to subdivision a of this section.

c. Notwithstanding the requirements of subdivisions a and b of this section, the city shall purchase products with the highest recovered material content whenever the price for any such product is reasonably competitive and the quality adequate for the purpose intended. The director shall annually investigate the availability of such products.

d. Any pre-printed paper, including any letterhead or report, shall include a statement indicating the percentage of postconsumer recycled material contained in such paper.

§6-309 **Paper waste reduction.** a. Any printer that can print at a rate of 20 pages or faster per minute or that is considered a local area network printer shall have the capacity to print double-sided. Any copier that can print at a rate of 20 pages or faster per minute shall

have the capacity to print double-sided and shall perform equally well with paper containing postconsumer material as with paper containing no postconsumer material.

b. The default parameters of any printer with the capacity to print doubled-sided, and any computer that utilizes such printer, shall be set to duplex mode, such that the printer automatically prints double-sided pages. Any copier with the capacity to print double-sided, and for which the default parameters can be adjusted, shall be set to duplex mode, such that the copier automatically places images on both sides of a copy sheet. Any such copier shall automatically perform one-sided to two-sided copying, and two-sided to two-sided copying. Notwithstanding any provision of section 6-302 of this code, this section shall apply to any product used by any agency.

§5. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§6. This local law shall take effect January 1, 2006, except that the director of environmental purchasing as appointed by the mayor, in consultation with the mayor's office of environmental coordination, shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect. Provided, however, that this local law shall take effect only in the event that: a local law to amend the administrative code of the city of New York, in relation to environmental purchasing and the establishment of a director of environmental purchasing, as proposed in legislative bill number 534-A, takes effect; a local law to

amend the administrative code of the city of New York, in relation to the purchase of energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code, as proposed in legislative bill number 536-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the reduction of hazardous substances in products purchased by the city, as proposed in legislative bill number 544-A, takes effect; and a local law to amend the administrative code of the city of New York, in relation to the purchase of less toxic cleaning and other custodial products, as proposed in legislative bill number 552-A, takes effect.

RBU  
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06/14/2005



Proposed Int. No. 546-A

By Council Members Vallone Jr., Gennaro, Gerson, Nelson, Quinn, Sanders Jr., Koppell, Liu, Addabbo Jr., Brewer, Weprin, DeBlasio, James, Barron, Perkins, Avella, McMahon, Foster, Recchia Jr., Reyna, Monserrate, Yassky, Moskowitz, Gonzalez, Gioia, Gentile, Katz Lopez, Palma and The Speaker (Council Member Miller)

A Local Law

To amend the administrative code of the city of New York, in relation to the purchase of green power.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The City of New York uses approximately 4 billion kilowatt-hours of electricity annually. Since much of this electricity is produced within the five boroughs, electricity consumption by the City translates directly into greater local pollution, including emissions of sulfur dioxide, nitrogen oxides, particulate matter, carbon dioxide, and mercury. These pollutants contribute to respiratory disease, heart disease, smog, acid rain, and climate change. Moreover, as energy demand rises, so does our reliance on dirty, inefficient power plants and the city and nation's dependence on foreign oil and natural gas.

Fortunately, alternative sources of energy are readily available. "Green power" or "renewable energy" typically means electricity derived from wind, small hydro, solar thermal, photovoltaics, sustainably managed biomass, tidal, geothermal, methane waste or fuel cells. The price of green power has declined dramatically over the last two decades, with wind power, for example, now being purchased by many municipalities in New York at a premium above conventional energy of only 1.2 to 1.6 cents per kilowatt-hour.

Renewable energy industries have been nurtured by the purchasing commitments of numerous states and municipalities. For example, by 2005 all New York State agencies must obtain 10% of their electricity needs from renewable sources, with the percentage increasing to 20% by 2010. Other states have similar green power requirements, including Pennsylvania (10% currently) and Illinois (5% currently, 15% by 2020). In April 2004, Connecticut Governor Rowland issued an executive order that calls for the state government to obtain 20% of its electricity needs from renewable energy sources by 2010, increasing to 50% in 2020 and 100% by 2050.

Similarly, 34 New York municipalities recently signed contracts to meet a portion of their municipal electricity needs through wind energy, with 26 municipalities receiving 25% or more and 13 municipalities receiving 50-100% of their electricity from wind. Currently, 10% of the electricity used by Chicago and Los Angeles comes from green sources, a figure that will rise to 20% by 2006 for Chicago. One hundred percent of the electricity used by the City of Santa Monica is renewable energy. Currently, the City of New York obtains approximately 3.2% of its power from renewable sources, which will increase to 6.7% by 2008.

The Council finds that the use of green power by the City of New York will improve air quality, reduce our greenhouse gas emissions, increase the development of renewable energy and reduce our dependence on foreign oil. Accordingly, the Council declares it is reasonable and necessary to require the use of green power by the City.

§2. The administrative code of the city of New York is amended by adding a new subchapter 6 to chapter 3 of title 6 to read as follows:

#### **SUBCHAPTER 7**



## GREEN POWER

### §6-321 Purchase of green power.

§6-321 Purchase of green power. The following percentages of the annual electricity requirements of agencies shall be met through green power:

a. By April 22, 2013:

(1) if the cost of purchasing green power does not exceed the cost of purchasing conventional power by more than fifty percent (50%), nine percent (9%); and

(2) if the cost of purchasing green power does not exceed the cost of purchasing conventional power by more than twenty-five percent (25%), fifteen percent (15%).

b. By April 22, 2020:

(1) if the cost of purchasing green power does not exceed the cost of purchasing conventional power by more than fifty percent (50%), fifteen percent (15%); and

(2) if the cost of purchasing green power does not exceed the cost of purchasing conventional power by more than twenty-five percent (25%), twenty-one percent (21%).

§3. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§4. This local law shall take effect January 1, 2006, except that the director of environmental purchasing as appointed by the mayor, in consultation with the mayor's office of environmental coordination, shall take all actions necessary, including the

promulgation of rules, to implement this local law on or before the date upon which it shall take effect.

06/14/2005  
RBU  
LS # 1387

Proposed Int. No. 552-A

By Council Members Moskowitz, The Speaker (Council Member Miller), Gennaro, Quinn, Baez, Brewer, Comrie, Fidler, Gentile, Gerson, Koppell, Liu, Martinez, Nelson, Recchia Jr., Reed, Sears, Stewart, Weprin, DeBlasio, James, Barron, Perkins, McMahon, Reyna, Monserrate, Vallone Jr., Yassky, Gioia, Sanders Jr., Katz, Lopez and Palma

A Local Law

To amend the administrative code of the city of New York, in relation to the purchase of less toxic cleaning and other custodial products.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The Council finds that products that we commonly use for routine tasks, such as cleaning and maintaining interior building finishes, can adversely impact human health and the environment. Indeed, many such products contain ingredients that may result in eye, skin or respiratory irritation, or may contain carcinogens, reproductive toxins or other hazardous substances. At greatest risk for exposure to such harmful products are those who apply them and those who occupy buildings where such products are used.

In addition to health impacts, certain products may also contain ingredients that pollute our waterways and ambient air and are toxic to aquatic life. Such substances are often disposed of in drains and ultimately end up in our rivers, ocean, harbor or air, since New York City's wastewater treatment plants are not designed to treat such toxic materials.

In addition to the United States Department of the Interior, a number of jurisdictions have already taken steps to reduce exposure to harmful substances contained in cleaning and other custodial products, including the cities of Santa Monica, Seattle and Austin, in addition to Vermont, Massachusetts and Minnesota. In fact, Santa Monica found that its switch to green cleaning products annually eliminated approximately 3,200 pounds of hazardous materials in products that it purchases and resulted in reduced spending of five percent on custodial products.

The Council finds that it is not necessary to sacrifice our health and environment for product effectiveness, since there are many less toxic alternatives available. Accordingly, the Council, in recognizing the importance of an indoor environment that is healthy and clean, finds that the requirements included in this legislation will result in improved indoor air quality in City buildings and enhanced environmental health.

§2. This law shall be known and may be cited as the “Greening Our Cleaning Act”.

§3. The administrative code of the city of New York is amended by adding a new subchapter 6 to chapter 3 of title 6 to read as follows:

#### **SUBCHAPTER 6**

#### **CLEANING AND OTHER CUSTODIAL PRODUCTS**

**§6-318 Green cleaning and other custodial products.**

**§6-319 Additional product requirements.**

**§6-320 Product list.**

**§6-318 Green cleaning and other custodial products.** a. Any general-purpose cleaner, bathroom cleaner, glass cleaner or carpet cleaner purchased by an agency or contractor shall meet all applicable requirements included in Green Seal standard GS-37.

b. Any disinfectant or sanitizer purchased by an agency or contractor shall:

1. meet all health and environmental requirements included in Green Seal standard GS-37, except that:

(i) active ingredients of such disinfectant or sanitizer need not meet the biodegradability requirement included in such standard; and

(ii) with respect to the requirement included therein regarding photochemical smog,

tropospheric ozone production and indoor air quality, the volatile organic content of the product as used shall not exceed 1% of the product by weight; and

2. be registered with the United States environmental protection agency.

c. Any floor finish or floor stripper purchased by an agency or contractor shall meet the applicable requirements included in Green Seal standard GS-40.

d. Any product purchased by an agency or contractor that is used primarily as an air freshener shall not contain paradichlorobenzene or ammonium quaternary compounds.

e. Products, other than floor finishes, floor strippers or air fresheners, that are purchased by an agency or contractor for use in a food preparation area or medical facility need not meet the requirements of this section where the purchasing agency determines that the use of such product or products would be inconsistent with such agency's health or safety considerations, provided, however, that in the event an agency makes such a determination, such agency or contractor shall make best efforts to purchase products that most closely meet the requirements of this section.

§6-319 Additional product requirements. a. Agencies and contractors shall make best efforts to purchase degreasers, graffiti removers, furniture polishes and metal cleaners that meet as many of the health and environmental requirements included in Green Seal standard GS-37 as possible.

b. Agencies and contractors shall make best efforts to purchase products covered under this subchapter that:

1. do not contain any known respiratory irritants, mutagens or petrochemical-based fragrances;

2. are produced from bio-based materials; and

3. are sold in containers that reduce worker exposure to the chemicals contained therein.

§6-320 **Product list.** No later than November 1, 2005, the director shall publish a list of products that comply with section 6-318 of this subchapter and those products that the director has identified as meeting the goals set forth in section 6-319 of this subchapter. Such list shall be made available to each agency and shall be updated on a regular basis, as needed, but in no event less often than once every six months.

§4. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§5. This local law shall take effect January 1, 2006, except for section 6-320 as added by section 3 of this local law, which shall take effect immediately, and except that the director of environmental purchasing as appointed by the mayor, in consultation with the mayor's office of environmental coordination, shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect. Provided, however, that this local law shall take effect only in the event that: a local law to amend the administrative code of the city of New York, in relation to environmental purchasing and the establishment of a director of environmental purchasing, as proposed in legislative bill number 534-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the purchase of products with recycled content, and to repeal section 6-122 and subchapter 5 of chapter 3 of title 16 of such code, as proposed in legislative bill number 545-A, takes effect; a local law to amend the administrative code of the city of New York, in relation to the purchase of energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code, as proposed in legislative

bill number 536-A, takes effect; and a local law to amend the administrative code of the city of New York, in relation to the reduction of hazardous substances in products purchased by the city, as proposed in legislative bill number 544-A, takes effect.

DD LS # 1486

9/15/05