

Environmentally Preferable Purchasing by Northeast States

Compilation of Survey Responses from Northeast States
 Research Conducted by Northeast Recycling Council, Inc.
 for Rhode Island Resource Recovery Corporation
 April 14, 2009

Table 1. States With Formalized EPP Programs										
	CT	DE	ME	MA	NH	NJ	NY	PA	RI	VT
EPP Program	X		X	X			X	X		

Table 2. Year States Began Incorporating EPP Products Into Purchases	
	Year Began
Connecticut	1999
Delaware	2008*
Maine	2004
Massachusetts	1994
New Hampshire	Unavailable
New Jersey	2006
New York	1991
Pennsylvania	1989
Rhode Island	Unavailable
Vermont	1994

*Delaware Department of Natural Resources and Environmental Control (DNREC) updated its departmental procurement policy in 2007 to include the purchase of recycled content products. DNREC's purchases are 3% of the total state budget.

Table 3. Requirements Driving EPP in States										
	CT	DE	ME	MA	NH	NJ	NY	PA	RI	VT
EPA's Comprehensive Procurement Guidelines	X	X		X		X		X		
EPEAT®			X	X			X	X		
Federal Executive Order	X									
Law	X	X			X			X		
Policy	X	X	X			X				
Resolution									X	
State Directive								X		
State Executive Order(s)	X		X	X		X	X			X
State Statutes	X		X						X	

Table 4. EPP Products and Services Used										
Products/Services	CT	DE	ME	MA	NH	NJ	NY	PA	RI	VT
Appliances	X			X	X	X	X			X
Biodiesel	X		X	X		X		X		
Boiler treatment compounds			X							
Building construction			X	X						
Carpet	X		X	X		X		X		X
Channelizer drum				X						X
Cleaning products	X	X	X	X	X	X	X	X		X
Composting equipment				X				X		
Computers	X		X	X		X	X	X		
Corrugated fiberboard	X			X			X	X		
Crack and joint compound								X		
Culverts								X		
Dietary								X		
Dilution control systems (cleansers)				X				X		
Equipment	X		X	X		X	X			
Electricity	X		X	X			X	X		X
Electronics	X	X	X	X	X	X	X	X		
Envelopes	X		X	X		X	X	X		X
Flooring	X			X		X		X		
Fluorescent lamps and CFLs	X		X	X		X	X	X		
Furniture	X			X		X	X			
Glass beads for highway paint	X		X	X			X	X		X
Heating oil			X	X		X	X	X		
Janitorial supplies	X		X	X		X	X	X	X	X
Janitorial services						X		X		
Lead-free weights			X	X						
Lamps and ballasts	X		X	X		X	X	X	X	
Laser or toner cartridges	X		X	X		X	X	X		
Latex paint				X		X	X	X		
License plates (recycled aluminum)	X			X				X		
Lubricants				X			X	X		
Lumber	X		X	X			X			
Motor oil	X			X		X	X	X		
Motor oil (bulk)				X		X	X	X		
Office furniture	X			X		X		X		
Office supplies	X	X		X		X	X	X	X	X
Paint				X		X	X			X
Parks & playground equipment	X			X		X	X			
Parks & playground surfaces	X			X		X				
Pest control /management services	X			X			X			

Products/Services	CT	DE	ME	MA	NH	NJ	NY	PA	RI	VT
Printing & writing paper	X	X	X	X	X	X	X	X	X	X
Pool ionization				X						
Plastic bags			X	X		X		X		
Promotional materials		X		X						
Recycling containers (curbside)	X			X		X		X		
Scrap metal recycling	X			X		X	X	X		X
Snow plow shoes							X			X
Tires (retread)	X		X	X				X		
Traffic cones	X			X			X	X		X
Traffic lights				X		X		X		
Traffic line paint (waterborne)								X		
Traffic paint (waterborne)								X		
Traffic warning signs						X	X	X		
Trash bags				X		X		X		
Vehicles (hybrid)	X		X	X		X		X		
Vehicles (AFV)	X			X		X	X	X		

Table 5. EPP Criteria Used

	CT	DE	ME	MA	NH	NJ	NY	PA	RI	VT
EcoLogo	X		X	X		X			X	
Energy Star	X	X	X	X	X		X	X		X
EPA's Comprehensive Procurement Guidelines (CPGs)		X		X				X		
EPA's Design for the Environment						X				
EPEAT			X	X		X	X	X		
European Union									X	
Federal Legislation	X									
Forest Stewardship Council (FSC)			X	X			X	X		
Green Seal	X		X	X	X	X	X	X	X	
LEED			X	X				X	X	
State Executive Orders	X		X	X			X	X		
State Law	X				X			X		

Process Used to Develop EPP Criteria

Connecticut – Committee designated by legislation to agree on standards for green cleaners and headed by the Department of Administrative Services. Other Committee members include a representative from the Departments of Environmental Protection (DEP) and Public Health. Committee members take input continually and meet with industry representatives and lobbyists. For other products, they use international and national standards, consult with DEP and other “green” information sources i.e. Responsible Purchasing Network (RPN).

Delaware – The State Materials Recovery Team was organized to review state purchases and to develop specifications for product purchases. The Team has been inactive for the past several years. DNREC developed the Green Team to review the department’s purchases and develop specifications

for future product purchases. The Team consists of 8-10 members representing each division within the DNREC.

Maine – A committee was formed to discuss cleaning chemicals and electronics. DEP offers the Maine Division of Purchases assistance on all requests for quotes and contracts to ensure that environmentally preferable strategies are used through the legislatively mandated Clean Government Initiative.

Massachusetts – Procurement managers of fourteen procurement groups (number of people in each group varies) and agency EPP team members (1 FT staff and 1PT intern) work together on state contracts. The EPP Program staff does the legwork on researching the available EPPs in the various product groups; references third-party certifications and industry performance standards, when they are available, to verify products and establish reasonable criteria; and also networks with states across the country to compare specifications and experiences with EPP purchases.

New Hampshire – Purchasing agents follow supply contract guidelines.

New Jersey – In collaboration with the NJDEP, NJ Department of Treasury, and the Office of Energy Savings, comprehensive language has been developed to be included in all requests for proposals. Also, work has begun on a joint purchasing development program with Rutgers University.

New York – A procurement subcommittee, associated with Executive Order #4, reviews current specifications and works with the Office of General Services to “green” procurements.

Pennsylvania – The Green Purchasing Guidelines for all procurements are being developed by the Department of General Services Bureau of Purchasing. The existing specifications and standards are based on recommendations from the Green Government Council and others advocating third-party certified products.

Rhode Island – Specifications for approved purchases are provided to the Department of Administrative Services (DAS) by eligible entities requesting products and services. The DAS in turn finds available products.

Vermont – The process used is illustrated by the state’s criteria for green cleaning products found at <http://bgs.vermont.gov/sites/bgs/files/docs/BGS-Purchasing-enviro.doc>

Table 6. Purchasing Methods										
	CT	DE	ME	MA	NH	NJ	NY	PA	RI	VT
Centrally					X					
Individually										
Both	X	X	X*	X		X	X	X	X	X

* Janitorial supplies are purchased only by Facilities Management and electronics are only purchased by the Office of Information Technology.

Table 7. Tracking of EPP Purchases										
	CT	DE	ME	MA	NH	NJ	NY	PA	RI	VT
Yes	X		X	X		X		X		X
No		X			X		X		X	

EPP Purchases Tracking Methods Used

Connecticut – Requires annual departmental reports on purchases containing recyclable materials and goods capable of being recycled or remanufactured.

Maine – Only electronics vendors are required to submit a report.

Massachusetts – Vendors on state contract are required to submit annual reports on EPP products and services sold.

New Jersey - Each department and or agency must submit an annual report of EPP purchases to the Director of the Division of Purchase and Property.

Pennsylvania - In-house purchasing system (SAP) supplemented by reports from vendors

Vermont – Recycled purchases are tracked in the financial management system with reports due annually on the dollars spent on recycled materials.

Table 8. Strategies for Communicating Available EPP Products and Services										
	CT	DE	ME	MA	NH	NJ	NY	PA	RI	VT
Annual EPP Workshop/Conference				X			X			
Direct Emails	X			X			X	X		
EPP Vendor Fair				X			X	X		
Grouping of EPP contracts on Purchasing Website	X			X		X		X		
Interagency Networking			X	X		X				
Newsletter	X	X*		X						X
Speaking at State Events	X			X		X		X		
State Website	X			X		X		X		X

*DNREC's Green Team, distributes a newsletter department-wide to each division.

Cost Allowance for EPP Products and Services

Connecticut – State law allows up to 10% for products (CGS § 4a-59)

Delaware – State law allows up to 5% greater than virgin made products, including lifecycle costs analysis. DNREC policy allows for 10% – 40% greater than virgin products, depending on price structure.

Maine – Information not available.

Massachusetts - State contracts are awarded to “best value” products and services (not on low bid). Environmental attributes are one of several criteria that are considered as part of best value. There is no stated cost allowance for EPPs, but cost is generally approached from a lifecycle perspective.

New Hampshire - None

New Jersey - None

New York – For products not already specifying “green” criteria, there is a 10% price preference over virgin counterparts for “recyclable,” “reusable,” and “recycled” products; the preference becomes 15% if more than 50% of the recycled content comes from New York state sources.

Pennsylvania - 5% bid preference offered for recycled content; seldom used

Rhode Island - None

Vermont - 29 V.S.A. § 903 allows consideration of a number of factors when making an award. In addition, it permits that “[t]he commissioner, in the commissioner's discretion, may spend up to ten percent more for comparable products that are made of recycled materials. If products made of recycled materials are to cost more than ten percent more than comparable products, the commissioner shall receive consent of state entities that are to use the product, before completing the order for the materials in question.” The following is a link to statute <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=29&Chapter=049&Section=00903>.

Amount of Time Spent Working on EPP Program/Purchasing

Connecticut – DEP: 5% of one full-time position; DAS: as needed.

Delaware – The State Materials Recovery Team has not met for several years. DNREC’s Green Team meets monthly for 1-2 hours.

Maine – DEP- 20% of one full time position.

Massachusetts – Operational Services Division: One full-time position based in the state’s central purchasing office. This person works primarily on establishing state contracts (and assisting with multi-state contracts) for EPPs and in conducting education and outreach program to inform agencies, municipalities, and others about the benefits of purchasing EPP goods and services.

New Hampshire – Information unavailable.

New Jersey - 5-10 hours per month

New York – Each state agency, authority, or corporation is required to assign at least one professional from the organization to serve as its Sustainability Coordinator. Coordinators are responsible for preparing organization-specific Sustainability Plans to prevent waste, recycle, conserve energy and resources, and purchase EPP. Those staff put in varying amounts of time depending on the size of the organization and if they have already undertaken environmental improvement programs. The EO #4 Interagency Committee meets monthly. The Procurement Subcommittee has met for a half day almost every two weeks to revise 36 EPP specs. This pace will continue until they have finished.

Pennsylvania –

- Dept. of General Services (DGS) Recycling Office: EPP data and reporting, green advocate (30% of two full-time positions)
- DGS Bureau of Purchasing: on-going policy revision (a special project with 3 full-time analysts dedicated to this task)
- DGS Energy Office: five full-time staff for energy efficiency (ESCOs) and LEED EB certifications

- DEP, Green Government Council: one full-time green procurement advocate working with DGS and all other state agencies.

Rhode Island – Information unavailable.

Vermont – Unable to estimate time commitment since it is such an integral part of state purchasing.

State Offices Responsible for Identifying and Purchasing EPP Products and Services
Connecticut

- Department of Administrative Services
- Department of Environmental Protection

Delaware

- State Materials Recovery Team for statewide purchases
- DNREC's Green Team for departmental purchases

Maine

- Department of Administrative and Financial Services
- Department of Environmental Protection
- State Planning Office
- Office of Information Technology

Massachusetts

- Operational Services Division, working collaboratively with the Executive Office of Environmental Affairs and the Department of Environmental Protection

New Hampshire

- Information unavailable.

New Jersey

- Division of Purchase and Property, Department of the Treasury in conjunction with the Department of Energy Savings

New York

- Advisory Committee to Executive Order #4 including agency-designated sustainability coordinators from almost all state agencies
- The EO #4 Procurement Subcommittee, headed by representatives from the state's procurement agency
- The Office of General Services and the Department of Environmental Conservation are charged with re-writing at least 36 specifications for goods and services available via contract annually to make them environmentally preferable.

Pennsylvania

- Department of General Services Bureau of Purchasing
- Department of General Services Commonwealth Agency Recycling Office
- Department of Environmental Protection Green Government Council

Rhode Island

- Department of Administrative Services

Vermont

- Buildings and General Services, Purchasing and Contracting Division.

Links to EPP Laws, Executive Orders, Directives, Policies

Connecticut

- Cooperative purchasing plans. [CGS § 4a-53](#)
- Purchasing standards and specifications. [CGS § 4a-56](#)
- Competitive bidding or competitive negotiation for purchases and contracts. Regulations. Waivers. Exceptions. [CGS § 4a-57](#)
- Distribution of surplus state property. Lease of property to municipalities. [CGS § 4a-57a](#)
- Standardization Committee. Waiver of bid or proposal requirement. [CGS § 4a-58](#)
- Award of contracts. [CGS § 4a-59](#)
- Plan to increase state purchase of goods containing recyclable materials and goods capable of being recycled or remanufactured. [CGS § 4a-67a](#)
- Elimination of use of disposable and single-use products in state government. [CGS § 4a-67b](#)
- Equipment and appliances for state use, energy standards.
- Purchase of cars and light duty trucks. Gasoline mileage ratings. Exemption. Alternative fuel vehicles required to be purchased. [CGS § 4a-67c](#)
- Standards for purchase of recycled paper. [CGS § 4a-67e](#)
- Specifications for printing and writing paper. [CGS § 4a-67f](#)
- Recycling and remanufacturing of laser printer toner cartridges. [CGS § 4a-67g](#)
- Procedures promoting the procurement and use of recycled products and environmentally preferable products and services by state agencies. [CGS § 4a-67h](#)
- An Act Concerning the Use of Cleaning Products in State Buildings [PA 08-186](#)
- EPA Comprehensive Procurement Guidelines
<http://www.epa.gov/epawaste/consERVE/tools/cpg/index.htm>
- 10 CFR 490, Federal EPA Act
http://www1.eere.energy.gov/vehiclesandfuels/epact/state/afc_docket.html
- Federal Executive Order No. 12873 <http://www.epa.gov/epp/pubs/eo12873.pdf>

Delaware

Delaware Code 29 Del C. §6938 & §6939 <http://delcode.delaware.gov/title29/c069/sc03/index.shtml>

Maine

- EPP Policy and Program <http://maine.gov/cleangovt/rulesanddocuments/index.htm>;
<http://www.maine.gov/cleangovt/rulesanddocuments/epppolicyprogdocs.doc>
- Executive Order for Safer Chemicals in Consumer Products and Services
http://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=22176&v=Article
- Executive Order Regarding Procurement of Fuel Efficient, Less Polluting Vehicles
<http://www.maine.gov/cleangovt/rulesanddocuments/execorderfleet.htm>
- Executive Order Regarding the Use of "LEED" Building Standards for State Buildings
http://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=21346&v=Article

Massachusetts

- Executive Order #279 <http://www.lawlib.state.ma.us/ExecOrders/eo279.txt>
- Executive Order #350 http://www.cleanair-coolplanet.org/for_communities/EPP_links/ExOrder350.doc
- Executive Order #438 <http://www.lawlib.state.ma.us/execorders/eo4381.pdf>
- Executive Order #484
http://www.mass.gov/?pageID=gov3terminal&L=3&L0=Home&L1=Legislation+%26+Executive+Orders&L2=Executive+Orders&sid=Agov3&b=terminalcontent&f=Executive+Orders_executive_order_484&csid=Agov3

New Hampshire

<http://www.gencourt.state.nh.us/legislation/2008/HB0877.html>

New Jersey

- Executive Order 76 <http://www.state.nj.us/infobank/circular/eoc76.htm>
- Executive Order 45 <http://www.state.nj.us/infobank/circular/eom45.htm>

New York

- Executive Order 4 http://www.ny.gov/governor/executive_orders/exeorders/eo_4.html
- Executive Order 134 <http://www.ogs.state.ny.us/purchase/spg/pdfdocs/O134.pdf>
- List of EPP-related Executive Orders
<http://www.ogs.state.ny.us/purchase/EnvironmentPurchasing.asp>
- Executive Order 111
<https://www.abanet.org/enviro/committees/renewableenergy/teleconarchives/061505/Executiveorder111.pdf>

Pennsylvania

- Green Government Council Executive Order
<http://www.gggc.state.pa.us/gggc/lib/gggc/documents/1998-1.pdf>
- Management Directive 205.22, regarding agency recycling and green procurement:
http://www.portal.state.pa.us/portal/server.pt?open=512&objID=711&PageID=228891&mode=2&contentid=http://pubcontent.state.pa.us/publishedcontent/publish/cop_general_government

operations/oa/oa_portal/omd/p_and_p/management_directives/management_administrative_support/items/205_22.html

- Dept. of General Services Strategic Energy Plan
http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_2_8552_1300_244942_43/http%3Bpubcontent.state.pa.us/publishedcontent/publish/cop_general_government_operations/dgs/community_content/property_management/subcommunities/facilities_management/document_management/dgs_strategic_energy_plan.pdf

Rhode Island

- RIGL 37-2-76 <http://www.rilin.state.ri.us/statutes/title37/37%2D2/37%2D2%2D76.htm> requires the purchase of recycled products.
- RIGL 23-24.9 <http://www.rilin.state.ri.us/statutes/title23/23-24.9/INDEX.HTM> is a comprehensive mercury law that includes Compact Fluorescent Lamps (CFLs).
- RIGL 23-24.10 <http://www.rilin.state.ri.us/Statutes/TITLE23/23-24.10/INDEX.HTM> is an e-waste law. Within that law is a specific requirement that the Electronic Product Environmental Assessment Tool (EPEAT®) for purchasing green computers be used for the purchase of computers. <http://www.rilin.state.ri.us/Statutes/TITLE23/23-24.10/23-24.10-13.HTM>
- RIGL 23-18.11-1
<http://www.rilin.state.ri.us/statutes/title23/23%2D18.11/23%2D18.11%2D1.htm> is a paper bag law.
- State Senate Resolution 06276
<http://www.rilin.state.ri.us/PublicLaws/law06/res06/res06276.htm> promotes the purchase of green cleaners.

Vermont

- Executive Order 06-94
<http://governor.vermont.gov/tools/index.php?topic=ExecutiveOrders&id=634&v=Article>
- Executive Order 02-04
<http://governor.vermont.gov/tools/index.php?topic=ExecutiveOrders&id=634&v=Article>
- Executive Order 03-02
<http://www.leg.state.vt.us/statutes/sections.cfm?Title=03APPENDIX&Chapter=010>
- Executive Order 14-03
<http://governor.vermont.gov/tools/index.php?topic=ExecutiveOrders&id=249&v=Article>
- Executive Order 11-02
<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=03APPENDIX&Chapter=010&Section=00030>

State EPP Websites

CONNECTICUT

- <http://www.das.state.ct.us/Purchase/Epp/Index.htm>;
www.das.state.ct.us/Purchase/EPP/EPP_policy_010408.pdf;
www.das.state.ct.us/Contracts/004_0028.pdf

DELAWARE

- None

Maine

- <http://www.maine.gov/cleangovt/initiatives.htm#bi>

Massachusetts

- www.mass.gov/epp
- http://www.mass.gov/?pageID=osdterminal&L=2&L0=Home&L1=Conduct+a+Procurement&sid=Aosd&b=terminalcontent&f=osd_cp_pic&csid=Aosd
- http://www.mass.gov/?pageID=eoeaterminal&L=4&L0=Home&L1=Grants+%26+Technical+Assistance&L2=Guidance+%26+Technical+Assistance&L3=Greening+State+Government&sid=Eoeea&b=terminalcontent&f=eea_lbe_lbe_program&csid=Eoeea

New Hampshire

- None

New Jersey

- <http://www.state.nj.us/treasury/purchase/greencontracts.shtml>
- <http://www.state.nj.us/dep/opppc/forms/eppb.pdf> (EPP brochure)

New York

- <http://www.ogs.state.ny.us/ExecutiveOrder4.html>;
<http://www.ogs.state.ny.us/bldgadmin/environmental/ProductLists.html>;
<http://www.ogs.state.ny.us/purchase/spg/pdfdocs/EnergyRecycled.pdf>;

Pennsylvania

- Green Government Council
<http://www.gggc.state.pa.us/gggc/cwp/view.asp?a=518&q=156649&gggcNav=|6789|>

Rhode Island

- None

Vermont

- <http://www.bgs.vermont.gov/purchasing/epp>