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OCT 27 PM 4:12

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 515

ESTABLISHING AN ENVIRONMENTAL PURCHASING POLICY

WHEREAS, the Commonwealth of Massachusetts purchases an estimated \$600 million of goods and non-construction services per year, resulting in environmental and public health impacts related to the production, transport, use, and disposal of the products it consumes;

WHEREAS, it is now widely recognized that, through the procurement of environmentally preferable products and services, large institutions such as the Commonwealth of Massachusetts can directly reduce the environmental and health-related impacts of its consumption, lower life-cycle costs, promote local economic development, and serve as a model for businesses, institutions, and individual residents;

WHEREAS, by focusing on environmentally preferable products and services, the Commonwealth can encourage manufacturers and service providers to incorporate environmental and sustainability considerations into their products and operations locally, nationally, and even globally;

WHEREAS, Massachusetts has taken a leadership role toward a green energy future with the passage of the Green Communities Act, Global Warming Solutions Act, Clean Energy Biofuels Act, and Green Jobs Bill, all of which are designed to facilitate energy reduction, increase the use of renewable energy, reduce Commonwealth greenhouse gas emissions, and stimulate the clean energy economy throughout the Commonwealth;

WHEREAS, the Commonwealth is an established leader in a wide number of environmental initiatives, including its Leading by Example Program established by Executive Order No. 484, which directs state agencies to reduce the environmental impacts of their operations through aggressive reduction targets for greenhouse gas emission and energy use and through goals for the increased use of renewable power and biofuels;

WHEREAS, the Commonwealth's Operational Services Division and its Environmentally Preferable Products Procurement Program have already made progress in integrating environmental and sustainability considerations into the many statewide contracts used by Commonwealth agencies to procure the majority of products and services, as well as by many other public entities; and,

WHEREAS, the Commonwealth is poised to build upon its current national leadership role by significantly expanding its ability to leverage its purchasing power to reduce the impact its purchases will have on the Commonwealth's natural resources and public health and on current and future generations of Massachusetts residents;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, do hereby order as follows:

Section 1: Applicability

This Executive Order shall apply to all state agencies in the Executive Department. As used in this Order, "state agencies" (or "agencies") shall include all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established.

Section 2: Declaration of Policy

As part of the Commonwealth's overall goals of conserving natural resources, reducing waste, protecting public health and the environment, and promoting the use of clean technologies, recycled materials, and less toxic products, it shall be the policy of the Executive Department of the Commonwealth of Massachusetts and its agencies to reduce their impact on the environment and enhance public health by procuring Environmentally Preferable Products and services (EPPs) whenever such products and services are readily

available, perform to satisfactory standards, and represent best value, consistent with 801 CMR 21.00.

Environmentally Preferable Products shall include, but not be limited to products and services that: contain recycled materials; conserve energy or water; minimize waste; are less toxic and hazardous; reduce the generation, release, or disposal of toxic substances; protect open space; and/or otherwise lessen the impact of such products or services on public health and the environment.

When purchasing goods and services, agencies shall consider the total cost of ownership, including all costs associated with the production, purchase, transportation, use, operation, and disposal of such products or services. Agencies shall also take into account any significant environmental and health impacts resulting from their purchasing decisions and incorporate those impacts into their best value considerations. Agencies shall also strive to incorporate the directives in this Order into all applicable grant and funding programs.

Section 3: Program Coordination, Implementation, and Oversight

The Secretary of the Executive Office for Administration and Finance (ANF) or designee, shall work in collaboration with the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) or designee, to ensure that products and services purchased by state agencies meet the standards and mandates of this directive. The Operational Services Division (OSD), through its Environmentally Preferable Products Procurement Program (the EPP Program), shall provide overall program management, oversee efforts to institute minimum standards for the procurement of EPPs, and establish environmental procurement goals where appropriate. Within this role, the EPP Program shall, in collaboration with EEA's Leading by Example Program (LBE Program), work to develop an increasing number of statewide contracts for EPPs, issue agency guidance, monitor compliance, promote the benefits and increased use of EPPs, cooperate on a national level to expand EPP opportunities, and identify appropriate staff resources necessary to meet the needs of this Executive Order.

The EPP Program shall consult with state and federal agencies, colleges and universities, municipalities, and non-governmental and private institutions to solicit feedback and advice on products, contracts, vendor outreach, and other relevant issues related to the EPP Program. The EPP Program shall, when appropriate, utilize independent, third party standards and certifications, including but not limited to Green Seal, EcoLogo, ENERGY STAR, (U.S. Department of

Agriculture's) BioPreferredSM, Leadership in Energy and Environmental Design (LEED), GREENGUARD, Forest Stewardship Council (FSC) and others, to verify the environmental claims of products or services.

Each Secretary and Agency head shall designate and identify to the EPP Program an individual charged with the management and coordination of this program. Such individual may be the LBE Coordinator and/or other personnel deemed necessary to support the implementation and enforcement of the program. It is the intention of this Executive Order that the principles underlying the Environmental Purchasing Policy be incorporated into general procurement practices throughout the Commonwealth.

Section 4: Environmental Purchasing Advisory Committee

The Secretary of ANF in consultation with the Secretary of EEA shall appoint an Environmental Purchasing Advisory Committee (the Committee) for the purpose of serving in an advisory capacity to provide guidance and information to the Commonwealth on EPP markets and industry trends, review new product information, define terms, and, in general, to assist ANF and EEA in the implementation of this Executive Order. The Committee shall be chaired by the EPP Program Director and shall not exceed fifteen members. The Committee may include a representative from the LBE Program, the Department of Environmental Protection, and other appropriate agencies, as well as local manufacturers, non-profit organizations that are knowledgeable about sustainable purchasing and EPP initiatives, and individuals from private institutions and businesses with related expertise. Committee members shall serve without compensation and at the pleasure of the Secretary of ANF for two-year terms, up to a maximum of three full terms.

The Committee shall have the authority to designate issue-specific Task Forces to examine specific areas of environmental procurement and provide targeted technical assistance and guidance to agencies as needed. One such Task Force shall be a Toxic Reduction Task Force to be overseen by EEA's Office of Technical Assistance (OTA) in coordination with OSD. OSD shall 1) provide the Toxic Reduction Task Force with relevant information on what chemicals and products are procured, and the amounts used and by whom, in the Commonwealth, and 2) will work with OTA and other stakeholders to implement the Task Force recommendations. Within 90 days of this Order, OTA shall consult with OSD in establishing said Task Force, which shall meet periodically, but not less than two times per year, to provide guidance on and

assist agencies with identifying and eliminating purchases of products that contain toxic chemicals. Task Force members shall include, but not be limited to OSD, Department of Environmental Protection, Department of Public Health, Division of Occupational Safety, and the Toxics Use Reduction Institute, and each shall appoint representatives to the Task Force within 30 days of their notification by OTA. The Task Force shall periodically consult with the Advisory Committee and any other appropriate non-governmental stakeholders, federal agencies, the Department of Elementary and Secondary Education, Executive Office of Health and Human Services (EOHHS), Division of Capital Asset Management, the Massachusetts Department of Transportation (MassDOT), and higher education research centers to identify opportunities for the integration of less toxic products into public schools, healthcare facilities, construction projects, and throughout state and local government. Members of other Task Forces shall be appointed by the Chair of the Committee in consultation with the members of the Committee.

By February 1st of each year, OTA shall report to the Advisory Committee on the progress made by the Task Force in the prior fiscal year toward meeting the goals set forth in this Executive Order.

Section 5: EPP Program

The EPP Program shall:

- Establish minimum environmental standards for products and services procured by agencies wherever feasible and practicable;
- Provide guidance to agencies on how to ensure that their procurements are in compliance with these standards and encourage agencies to establish annual EPP procurement goals;
- Include EPPs in statewide contracts and limit contract awards to EPPs exclusively, consistent with 801 CMR 21.00 and EPP procurement goals and standards;
- Facilitate the purchase, demonstration and use of new and innovative EPPs, technologies and services;
- Encourage state contractors to incorporate EPPs and sustainable practices in their operations;
- Consider an EPP Certification program for agency and other public purchasers and/or work with partners within and outside the state to develop such a Certification on a national level; and

- Support development of appropriate training and outreach on procuring EPPs and identification of their fiscal, environmental, and health benefits.

By March 1st of each year, the EPP Program shall report to ANF and EEA on the progress made in the prior fiscal year toward meeting the goals set forth in this Executive Order as well as provide available data on actual EPP purchases and their associated environmental, health, and fiscal benefits, wherever possible.

All OSD and agency staff shall cooperate with the EPP Program in these efforts and incorporate environmental goals into the performance measurements of procurement officers and other appropriate staff. Furthermore, the State Purchasing Agent shall direct OSD's Quality Assurance, Outreach and Training Program to periodically monitor compliance with this Executive Order as part of their regular reviews of state agency procurements and include EPP contract information in all appropriate training sessions.

In addition, in order to strengthen the impact of this Executive Order, inform municipal and public school officials, and reduce the impact of local government procurements on the environment and public health, the EPP Program shall work to develop and conduct outreach programs for municipalities and, in collaboration with the Department of Elementary and Secondary Education, public elementary and secondary schools. In addition, independent authorities are encouraged to adopt the EPP policies and programs consistent with this Executive Order.

Section 6: Agency Responsibilities

Where agencies have the responsibility and opportunity to conduct procurements and to purchase products and services either through statewide contracts or department procurements and contracts, including consultants, service providers, and/or lease agreements, they shall incorporate EPPs into those activities to the greatest extent feasible.

Additionally, agencies shall:

- Work with their contractors and agency personnel to provide all necessary and appropriate support to the EPP Program in an effort to ensure that annual fiscal year purchasing data is reported to OSD within 90 days of the close of each fiscal year, or by September 30;
- Examine the benefits of establishing annual EPP procurement goals and consult with the EPP and LBE programs to target appropriate procurement areas;

- Ensure that Leading by Example Program Coordinators, or other designated staff, act as liaisons with the EPP Program for issues related to EPP program implementation;
- Support and encourage key agency staff participation in EPP procurement training, such as the annual EPP Vendor Fair and Conference; and
- Work to incorporate the use of EPPs in health and human service contracts, construction, renovation and maintenance contracts, food service contracts, disposal contracts, lease agreements, grant programs, and other contracts overseen by agencies.

Section 7: Environmental Procurement Initiatives

A. Energy Efficient Products

When procuring products that consume energy, all statewide contracts and agency procurements shall follow the directives set forth in Executive Order No. 484 and take into account, in the procurement's specifications, the lifetime energy costs necessary to operate energy consuming products and equipment. The EPP Program shall establish minimum energy performance standards, taking into account initial and operating costs, and agencies shall adhere to said standards. At a minimum, unless otherwise set forth in the minimum energy performance standards, agencies shall:

- Procure only ENERGY STAR rated office equipment, appliances, HVAC equipment, and other ENERGY STAR rated products unless such products can be demonstrated to be cost prohibitive over their life;
- Ensure that all ENERGY STAR equipment has the power saving mode enabled at the time of installation and that all staff are aware of these functions and their benefits;
- Purchase only energy efficient light bulbs, such as, but not limited to, compact fluorescent lamps (CFLs) or light emitting diodes (LEDs) unless the purchase of a standard bulb, such as an incandescent, is necessary for a specific purpose or function that can only be served by said bulb;
- Procure the most efficient and cost-effective linear lights possible that will meet agency needs and, wherever possible, replace older lamp ballasts with newer more efficient electronic ballasts;
- Ensure that all new street lights utilize the most efficient light sources possible and that all traffic lights installed or replaced by Commonwealth agencies utilize only LEDs or similarly efficient technology; and
- Support the procurement of other energy efficient products wherever possible, including but not limited to high efficiency motors, tankless water

heaters, programmable thermostats, heating, ventilation and air conditioning units/systems, and food service equipment.

B. Toxics Reduction

The EPP Program and agencies shall, wherever feasible, eliminate products procured by the Commonwealth that contain toxic chemicals in concentrations that pose a significant threat to the environment and/or public health. When less toxic or non-toxic alternatives are readily available, meet agency performance requirements, and are cost competitive, the EPP Program shall move promptly to make these alternatives available through Statewide Contracts. Agencies shall purchase only these less toxic or non-toxic alternatives unless it can be demonstrated that such alternatives do not meet the essential needs of the agency.

Through both statewide and/or departmental contracts, agencies shall:

- Purchase and use only those cleaning products, including floor finishes, that meet the environmental specifications established by the EPP Program;
- Within one year of the date of this Executive Order, require cleaning service contractors to utilize cleaning products that meet the same or better EPP standards;
- Require pest control firms or licensed Commonwealth staff to employ an integrated pest management (IPM) approach in Commonwealth facilities;
- Ensure adherence to the Massachusetts Mercury Management Bill, prohibiting the purchase of any product containing mercury when non-mercury alternatives exist (not applicable to fluorescent lights);
- Procure products that contain no or low amounts of Volatile Organic Compounds (VOC) wherever feasible, including but not limited to office equipment, furniture, flooring, paint, and construction materials; and
- Purchase computers, monitors, laptops, and other relevant equipment that have achieved a minimum silver rating from the Electronic Products Environmental Assessment Tool (EPEAT).

Additionally, the EPP Program shall work with agencies to develop best management practices and specifications with the intent of increasing the procurement of:

- Less toxic water treatment chemicals and processes;
- Paper products processed without elemental chlorine;

- Organic and/or less toxic fertilizers, pesticides, and other landscaping products;
- Vehicle tires with lead-free wheel weights;
- Packaging in conformance with the specifications developed by the Coalition of Northeastern Governors designed to reduce heavy metals and toxics;
- Furnishings, clothing, and other products that meet required flammability standards without the use of toxic flame retardants known as PBDEs; and
- Other products identified by a Task Force established by the Oversight Committee pursuant to Section 4 of this Order.

C. Recycled Content and Waste Minimization

The EPP Program shall develop and expand minimum recycled content and remanufactured standards for all appropriate products and materials. The EPP Program shall utilize, wherever applicable, the minimum standards established by the U.S. Environmental Protection Agency's Comprehensive Procurement Guidelines (CPG) or develop standards that the EPP Program deems appropriate. Additionally, the EPP Program shall consider the ultimate disposal of products and their packaging when developing contract specifications and making contract awards. Agencies shall procure products that comply with all recycled content and waste reduction standards established by the EPP Program.

The EPP Program shall ensure that the following product categories contain minimum recycled content standards and are included on statewide contracts:

- office paper, printed materials, office supplies, packaging, and storage boxes;
- office panels and interior and exterior furniture and equipment;
- janitorial paper products and trash liners;
- transportation products such as antifreeze, motor oil, retread tires, and traffic control devices;
- carpeting and flooring;
- compost and mulch; and
- plastic containers such as recycling containers and compost bins.

The EPP Program shall also work to develop standards and contracts for additional recycled content products identified by the CPG, as well as water and waste minimizing products such as double-sided copiers and printers, waterless and low-flow plumbing devices, and composting toilets. Additionally, the EPP

Program shall encourage vendor responsibility for the reuse or recycling of packaging and/or products at the end of their useful life.

In addition, agencies shall ensure that they integrate increased recycling practices in the disposal of their own waste materials, including but not limited to paper, glass, cans, plastic bottles, containers, and electronic equipment. This effort shall include the positioning of recycling bins in their offices and the contracting for recycling services to pick up and recycle these materials.

D. Sustainable Materials

In developing standards and specifications for environmentally preferable products, the EPP Program shall encourage and prioritize the procurement of goods that are grown, manufactured, transported, and handled in a sustainable manner using, to the greatest extent feasible, a life-cycle analysis of materials and other inputs into the production of the final product. Such goods shall include, but not be limited to:

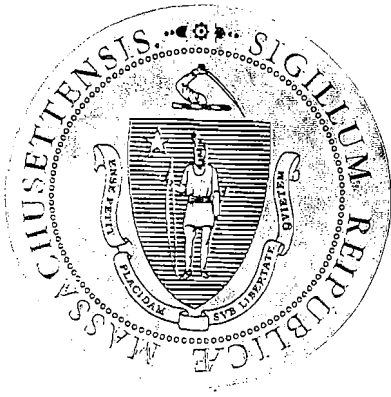
- Lumber and building materials;
- Organic and locally grown foods;
- Compostable food service products; and
- Bio-based products such as lubricants, food-service ware, fuels, plastics and coatings.

Section 8: Business Development and Guidance

A goal of this Executive Order shall be to support businesses in Massachusetts that offer and/or seek to offer environmentally preferable products and services, as well as to encourage the business community to adopt broader sustainable practices that reduce environmental impacts. To this end, the EPP Program shall collaborate with relevant agencies to promote EPPs and sustainable business solutions to companies already in Massachusetts as well as those looking to relocate to the Commonwealth. Such efforts may include guidance on how sustainable practices and environmental purchasing can result in a competitive edge when bidding on statewide contracts, and how the use of EPPs can reduce environmental impacts while minimizing operating costs.

Section 9: Effective Date

This Executive Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 27th day of October in the year of our Lord two thousand and nine and of the Independence of the United States, two hundred and thirty-three.

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

A handwritten signature in black ink, appearing to read "William Francis Galvin", written over a horizontal line.

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS