

Executive Order No. 4 Sustainability and Green Procurement Advisory Council

Meeting Minutes

NYS Department of Environmental Conservation
625 Broadway, Albany NY
Room 919
November 13, 2008
9:30 – 11:00

Participating: Walter Simpson, Chair; Scot Case; William Davies; Tyler Elm; Roshan Jachuck; Eileen Millett; Anne Rabe; Patricia Wood. Sitting in for Steve Rosario: William Wolfram.
Absent: Roger Cook; Karen Miller.

The meeting began with a welcome from Office of General Services (OGS) Commissioner John Egan and Department of Environmental Conservation (DEC) Commissioner Pete Grannis. Each Advisory Council member gave a brief introduction of themselves and their reasons for being interested in serving on the Council.

Agency staff in attendance also introduced themselves, including staff at each of the three DEC regional offices participating in the videoconference.

Beth Meer (DEC), Howard Zwickel (OGS), and Walter Simpson (Council Chair) gave a brief overview of the role of the Council, including the provision of expert advice on sustainability, best practices, and green procurement; the representation of important perspectives, including business, academia, labor, and non-governmental organizations; assistance with training and reporting; and general support for the work of implementing Executive Order No. 4 (EO 4). The Interagency Committee on Sustainability and Green Procurement plans to consult with the Council as decisions are made, and highly values the expertise and experience each Council member brings to the work at hand. A formal decision making process has not been established for the Council. If needed, a process can be discussed at future meetings.

A tentative schedule for quarterly Council meetings was discussed, including:

- *Late January* – Around the time of the first Training Workshop for Sustainability Coordinators, with one agenda item being a discussion of the list of 36 products for which green specifications (specs) will be developed in the coming year
- *May/June* – Around the time of the annual OGS Purchasing Expo, with one agenda item being a discussion of the annual EO 4 report
- *September* – With agenda items on sustainability and training
- *November* – Around the time that draft green specifications are submitted for tentative approval to the Interagency Committee, with one agenda item being a review and discussion of the same

An overview of EO 4 milestones and tasks was presented by Audra Herman (OGS), including the fact that over 80 Sustainability Coordinators have been designated by agencies, authorities and other affected state entities to date, and that all the major milestones of the EO have been met. A general discussion of the role of the Council and implementation tasks ensued. Eileen Millett emphasized the importance of tracking progress, assessing feasibility, and measuring achievement. Roshan Jachuck stressed the

importance of information dissemination and knowledge transfer, and suggested that small workshops could be held to reach key staff and decision makers. Anne Rabe observed that the Council is a source of volunteer expertise for state agencies, and asked that the Committee consider giving the Council very specific homework assignments, such as review of a certain product category in support of the development of green specs.

The importance of education and publicity was emphasized, and it was observed that compliance is often a matter of awareness and goodwill. Support was expressed for the importance of the Council as an educational tool. Patti Wood noted that in her experience working with green cleaning in schools, the schools that had a strong educational component to their programs enjoyed the highest levels of compliance. She also noted the potential value that EO implementation has to help educate local governments, schools and businesses about sustainable practices.

Eileen Millett warned about the dangers of greenwashing, and the need to verify that green claims about a product are true. Roshan Jachuck asked generally what is meant by “green” and recommended that the way products are manufactured be considered in addition to their final physical attributes. William Davies brought the U.S. Green Building Council’s conference, held in Boston the same week as the Council’s meeting, to the attention of the group and noted that there is a long waiting list for vendors to exhibit at the conference, indicating the strength of the green market.

Walter Simpson recommended that each spec include an introductory paragraph explaining why the specification includes certain elements (in order to achieve energy efficiency, low toxicity, support reuse and recycling, etc.). He observed that all the specs will have to evolve over time.

Tyler Elm raised the issue of unintended consequences, and voiced a concern that the EO’s requirement for 100% recycled content for paper may strain the supply of recycled fiber and may lead to greater waste production in the production of fine papers. Eileen Millett raised a concern regarding improper disposal, and recommended that suppliers detail their ability to comply with the law. She also emphasized that green specifications should focus heavily on end-of-life issues.

Anne Rabe, on behalf of the Alliance for a Toxic Free Future and a number of state breast cancer and environmental organizations who submitted letters to OGS and DEC in October, gave a presentation recommending the creation of a list of chemicals to avoid for green procurement. She emphasized focusing on those chemicals that pose the biggest problems first, including persistent, bioaccumulative and toxic substances listed on the U.S. EPA’s National Partnership for Environmental Priorities list; known or reasonably anticipated human carcinogens listed in the National Toxicology Program’s Biennial Report on Carcinogens; brominated flame retardants, bisphenol A, and phthalates. Handouts provided by Anne will be sent to Council members as part of these minutes. Tyler Elm noted that other institutions, including Walmart, have developed lists of chemicals to avoid. It was noted that the availability of alternatives for a given chemical of concern may differ significantly across product classes and even on a product by product basis and that recycled content may contain toxic content.