

§ 4.142 Executive Order No. 142: Establishing new waste reduction and recycling initiatives for State agencies.

WHEREAS, waste reduction and recycling are the highest priorities for solid waste management in New York State;

WHEREAS, increasing pressures upon New York State's solid waste disposal capacity require cooperation by all New Yorkers to reduce our dependence on landfills and other disposal facilities;

WHEREAS, the Solid Waste Management Act of 1998, Chapter 70 of the Laws of 1988, requires all State agencies to institute a program to source separate waste paper generated within state facilities by July 1, 1989, and to source separate by July 1, 1990, all other wastes generated within such facilities for which the full avoided costs of proper collection, transportation and disposal of source separated material are equal to or greater than the cost of collection, transportation and sale of the recovered material less the amount received from the sale of such material;

WHEREAS, the Solid Waste Management Act of 1988 also requires all public authorities, corporations, and commissions to source separate waste paper by July 1, 1990, and requires such public authorities, corporations, and commissions by July 1, 1991, to source separate all other wastes generated within their facilities for which the full avoided costs of proper collection, transportation and disposal of source separated material are equal to or greater than the cost of collection, transportation and sale of the recovered material less the amount received from the sale of such material;

WHEREAS, the purchase of recycled products is necessary to ensure a market for source separated materials, and State agencies are a major purchaser of products;

WHEREAS, government must operate as an example to all New Yorkers that waste reduction and recycling are essential elements of natural resource conservation and of the State's integrated solid waste management program;

NOW, THEREFORE, I, Mario M. Cuomo, Governor of the State of New York, by the authority vested in me by the Constitution and Laws of the State of New York, do hereby direct all State agencies, to undertake those efforts necessary to maximize all opportunities to reduce the amount of so waste generated, to recycle material recoverable from the solid waste originating at their facilities, and to maximize the procurement of recycled products,

I. PURPOSE AND OBJECTIVES

The purpose of this Order is to establish a program which will strengthen the State's commitment to waste reduction and recycling through increased effort at all State facilities to reduce Waste generation to source separate recyclable materials from the workplace wastestream and to maximize the procurement of recycled products.

Toward that end, New York State agencies shall institute the following practices.

- All State agencies not presently obligated to institute source separation programs shall, no later than April 1, 1991, institute a program to source separate waste paper generated within their facilities, regardless of whether such facilities ore owned by the State or am buildings leased and operated by the State, and such source separation programs shall be included in all new and renewed leases entered into by the State where feasible.

- All State agencies not presently obligated to institute source separation programs shall, no later than January 1, 1992 institute a program to source separate all other wastes generated within their facilities, regardless of whether such facilities are owned by the State or are buildings leased and operated by the State, and such source separation programs shall be included in all new and renewed leases entered into by the State where feasible.

- All State agencies obligated to institute source separation programs shall, through employee education and installation of necessary equipment, maximize their source separation programs for waste paper and all other wastes generated within their facilities, regardless of whether such facilities are owned by the State or are buildings leased and operated by the State, and such source separation programs shall be included in all new and renewed leases entered into by the State where feasible.

- All State agencies shall use recycled paper for letterhead and other paper uses unless the Office of General Services (OGS) determines that recycled product is not available is inadequate for the purpose intended, or that the cost of the recycled paper exceeds the cost of the non-recycled paper by more than ten percent.

- All State agencies shall, consistent with applicable law, purchase recycled products made from secondary materials, other than paper products, unless the purchasing agency determines that no recycled product is available, or is inadequate for the purpose intended, or that the cost of the recycled product is not competitive. State agencies shall, if permitted by law, purchase recycled products displaying the New York State recycling emblem, when adopted. Recycled product shall mean any product which has been manufactured from secondary materials as defined in subdivision one of section two hundred sixty-one of the Economic Development Law.

- Upon adoption by the Coalition of Northeastern Governors (CONEG) Source Reduction Council of a program for industry implementation of preferred packaging guidelines all State agencies, wherever permitted by law and where feasible, shall purchase products marketed in conformance with such guidelines.

- All State agencies shall use locally available compost, mulch and soil amendments produced from secondary materials, as defined by the Economic Development Law, provided the products meet State specifications, comply with all applicable regulations, comply with Department of Environmental Conservation (DEC) requirements for use and are available at no cost or a reasonably competitive price.

- All State agencies shall undertake waste reduction and minimization efforts, which shall, at a minimum, include the use of "two-way" envelopes and the purchase and use of double-sided copying equipment and other efforts to encourage double-sided copying where reasonable.

- The Department of Economic Development (DED) and the DEC shall establish a Task Force with the dry-cell battery manufacturers to develop a plan for reducing the toxicity of such batteries and for developing methods and policies to achieve recovery of the batteries and the recycling thereof. DED and DEC, in consultation with the Department of Health (DOM, shall prepare, no later than January 1, 1993, a final plan regarding dry cell batteries toxicity reduction and recycling. The plan shall include a schedule for the development of collection systems capable of providing for the return of all dry-cell batteries sold in New York State by no later than January 1, 1995, and procedures for reducing, to the maximum extent practicable, dry-cell batteries as wastes by no law than January 1, 2000.

- The Department of Transportation (DOT) shall undertake efforts including research and consultation with DEC and DED to address any technical or economic impediments to the use of recycled glass, rubber and other materials as components in paving materials and shall identify measures to overcome such impediments.

- The Department of Economic Development shall work jointly with DOT and industries toward developing within the State supply sources of recycled materials for use as components of paving materials which meet specifications as established pursuant to this Order. In addition, DED shall prepare a report, in consultation with DEC, that outlines the issues and quantifies the avoided costs in connection with the use of recycled materials as components of paying materials. Such report shall be completed by September 1, 1991.

- The Department of Transportation shall establish, no later than July 1, 1991, specifications and engineering guidelines for the beneficial use of recycled glass and rubber as components in paving materials for road construction. Such specifications and guidelines shall be developed after consultation with DED, DEC and DOH and shall be approved by OGS. All appropriate State agencies shall give preference to these approved specifications and guidelines beginning July 1, 1992 as long as the materials meeting the approved specifications and guidelines can be obtained within available funding and consistent with program requirements.

II. PROGRAM DESCRIPTION

Submission of Annual Reports

A. All State agencies shall report annually on the recycled paper and recycled products purchased by that State agency and the waste reduction activities implemented and planned. Such report shall describe the agency's efforts regarding at least the following: Waste Reduction Activities - existing status and proposed activities; Recycled Product Procurement - description and quantities; Waste Recycling Activities - description and quantities; Incentives and Disincentives to Waste Reduction and Recycling; and Recommendations for Additional Measures to Encourage Wise Use of the State's Resources.

B. Each agency shall prepare its first annual report by August 1, 1991, and shall prepare such reports annually thereafter for the preceding fiscal year. These reports shall be submitted to OGS with copies to DEC and DED.

C. Each State agency shall provide to OGS a description and detail of quantities of all recycled paper products purchased under the provisions of The Solid Waste Management Act of 1988 and this Executive Order which have not been purchased through OGS contracts.

III. OFFICE OF GENERAL SERVICES PROGRAM RESPONSIBILITIES

The Office of General Services shall:

A. Provide, in cooperation with DEC and DED, technical assistance to State agencies in identifying and reviewing products that contain secondary materials and in determining their availability, adequacy for the purposes intended and price; and

B. Identify products that contain secondary materials that may be appropriate for use and purchase by State agencies and furnish such information to DED.

IV. DEPARTMENT OF ENVIRONMENTAL CONSERVATION RESPONSIBILITIES

The Department of Environmental Conservation shall:

A. Provide technical assistance to State agencies on products and materials that contain secondary materials through its consumer awareness program;

B. Provide education and assistance to State agencies to establish and promote recycling programs within their facilities;

C. Provide education and assistance to State agencies concerning regulatory requirements applicable to the initiatives proposed in this Executive Order,

D. In cooperation with DED, establish a Task Force to develop a plan to reduce the toxicity of dry-cell batteries and to encourage the recycling of such batteries; and

E. Through participation in the CONEG Source Reduction Council, urge expeditious implementation by industry of guidelines to reduce the quantity of materials used in packaging.

V. DEPARTMENT OF ECONOMIC DEVELOPMENT RESPONSIBILITIES

Department of Economic Development shall:

A. In cooperation with DEC and OGS, compile and maintain a list and related information on products that contain secondary materials and provide such information to State agencies;

B. In cooperation with DEC, establish a Task Force to develop a plan to reduce the toxicity of dry-cell batteries and to encourage the recycling of such batteries;

C. Provide assistance to State agencies and the private sector in identifying and establishing markets for recyclable materials collected through their recycling programs;

D. Through participation in the CONEG Source Reduction Council, urge expeditious implementation by industry of guidelines to reduce the quantity of materials used in packaging; and

E. Upon adoption by CONEG of preferred packaging guidelines, compile a list of participating companies and their products that meet or exceed the guidelines and disseminate such list to all State agencies.

VI. DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES

Department of Transportation shall:

- Provide technical assistance and guidance to State agencies and local governments on the use of recovered glass rubber and other materials for road construction.

VII. DEPARTMENT OF AGRICULTURE AND MARKETS

The Department of Agriculture and Markets shall:

- In cooperation with DEC and DED, and in consultation with the College of Agriculture and Life Sciences Cooperative Extension, and Soil and Water Conservation Districts, provide technical assistance and guidance to State agencies and local governments on developing and using compost and mulch as soil amendments and for soil moisture conservation.

VIII. PUBLIC AUTHORITIES AND PUBLIC BENEFIT CORPORATIONS

- Public authorities and public benefit corporations are urged to undertake waste reduction and recycling efforts consistent with the provisions of this Order.

Signed: Mario M. Cuomo

Dated: January 16, 1991

Historical Note

Order dated Jan. 16, 1991, filed Feb. 4, 1991.