



State of West Virginia
Department of Administration - Purchasing Division

Comprehensive Procurement Program for Recycled Products in West Virginia

In accordance with *West Virginia Code* §22-15A-21, it is the policy of the state of West Virginia, to the maximum extent possible, purchase recycled products used by state agencies and instrumentalities. Procuring and utilizing environmentally-preferable products (EPPs) has become a vital part of public procurement in recent years due to its benefits to the environment, improved efficiencies and cost-savings results.

This statute requires that a comprehensive procurement program be developed for recycled products. As part of this program, the following components are to be incorporated:

1. A review, and subsequent revision, of existing procurement procedures and bid specifications to remove language that discriminates against recycled products;
2. A review, and subsequent revision, of existing procurement procedures and bid specifications to ensure that, to the maximum extent possible, all agencies and instrumentalities of the state purchase recycled products: *Provided*, That recycled paper products shall be given a price preference of ten percent: *Provided, however*, That priority shall be given to paper products with the highest postconsumer content;
3. A plan to eliminate, to the maximum extent possible, the use of disposable and single-use products; and
4. A requirement that all agencies and instrumentalities of the state use compost in all land maintenance and landscaping activities: *Provided*, That the use of composted or deep stacked poultry litter products, certified by the Commissioner of Agriculture as being free from organisms that are not found in poultry litter produced in this state, have priority unless determined to be economically unfeasible by the agency or instrumentality.

Implementing a green purchasing program is not always simple. It comes with its own challenges including technical and administrative challenges, such as:

- Additional work needed to research products, plan and coordinate green purchasing programs and implement sustainability efforts.

- Lack of commitment or interest to provide the directives necessary for a more efficient implementation.
- Possible resistance from users due to the unavailability or lack of staff education and training.
- Lack of expertise in environmental issues and new technologies, particularly those involving technical data reporting and analysis.
- Conflicting or confusing information that may create misconceptions about the quality and performance of environmentally preferable products and services, coupled with a shortage of available time to perform necessary research and investigation.
- Effort required to change the “business as usual” norm and work with existing suppliers (or to find new suppliers) in order to procure environmentally preferable products and services; there may also be existing relationships between purchasers and suppliers that make it difficult to switch to alternative products.
- Difficulty in determining the life-cycle cost of products that considers the manufacturing impacts, potential cost savings opportunities in the operational and maintenance life of the product as well as the expense and process necessary to dispose or recycle the product.

Green purchasing is often referred to as responsible purchasing, eco-procurement, green procurement, and sustainable purchasing. It is a way of adding environmental considerations to the price and performance criteria used by public and private sector procurement officers to make purchasing decisions. Most importantly, green purchasing attempts to identify and reduce the environmental impact of an organization's activities and maximize resource efficiency.

EPPs may include, but not be limited to, items that:

- Contain recycled materials--made from sustainable resources, recycled or remanufactured materials or parts.
- Minimize waste--minimal packaging that is recyclable or reusable (take-back provisions)
- Conserve energy and/or water or other natural resources
- Prevent pollution--emissions, VOCs (volatile organic compounds), etc.
- Consist of fewer toxic substances or reduce the amount of toxic substances disposed or consumed
- Protect open-space
- Encourage an environmentally positive practice (water fountains, compost bins, recycling containers, engine block heaters, etc.)
- Uses energy alternatives to fossil fuel

All of these attributes add up to increased quality of human health, planetary health and economic health.

It is necessary for procurement managers to understand the connection between broad social issues and purchasing decisions. They are increasingly integrating environmental, health, and safety concerns into their strategic sourcing and in their recognition of the fact that government's wastes, emissions, and environmental risks are often directly linked to the quantity and quality of the goods and raw materials it buys.

1. Environmental Benefits. Purchasing decisions made affect our local environment and the health of our citizens and workers as well as the global community. The following are some examples of how green purchasing can address key environmental issues:
 - Manufacturing using fewer toxic ingredients minimizes the hazardous impacts of those products during the manufacturing process (e.g. water / air pollution) as well as reduces the damage caused through accidental spills and improper disposal. The risks to workers handling the products are also reduced as well as the risks posed to building occupants when the product is in use.
 - Energy efficiencies are realized by limiting energy consumption. This, in turn, lowers our emissions of sulfur dioxide (which causes acid rain) and carbon dioxide (a primary greenhouse gas).
 - When made with a percentage of post-consumer recycled content instead of pure virgin products, there is a reduction in our need to extract raw materials, such as petroleum, trees or metals and, in general, use less energy and water. Another result is the reduction in the amount of waste in our overstressed landfills.
 - When designed to reuse and/or reduce the amount of water needed to perform certain tasks, resources are conserved. Such products and technologies involve plumbing devices, cooling systems, appliances, and water treatment technologies.
 - Utilizing renewable energy and clean technologies works toward reducing our dependency on foreign petroleum, stimulating economic development for innovative technologies and meeting our goals for clean energy production.
2. Reduced Total Costs. While green purchasing can help an agency economically as well as lighten its environmental impacts, it can also help agencies improve their efficiency, reduce liabilities, and gain competitive advantage when applying for grant and other funding opportunities. The fact is that a green purchasing program is an excellent way of finding products with a high price-performance ratio and with improved use rates.

Some examples of cost savings opportunities include:

- Reduced hazardous management costs (e.g. using less toxic products);
- Reduced operational costs (energy savings from efficient equipment);
- Reduced disposal costs (hazardous and solid waste) by generating less waste and using longer lasting products;
- Reduced repair and replacement costs when using more durable and repairable equipment;
- Reduced employee safety and health costs at the facility with reduced potential liability by improving the work environment and minimizing risks to workers; and
- Reduced material and energy consumption.

In accordance with ***West Virginia Code*** §22-15A-21, the following information is required and submitted. Should you have any questions regarding this information, please contact:

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Procurement of Recycled Products ANNUAL REPORT

Report Submitted January 31, 2017

In accordance with West Virginia Code §22-15A-21

REQUIREMENT	STATUS
<p>A review, and subsequent revision, of existing procurement procedures and bid specifications to remove language that discriminates against recycled products.</p>	<ol style="list-style-type: none"> 1. The West Virginia Department of Administration, Purchasing Division is responsible for reviewing all state contracts under its jurisdiction for processing and approving to ensure that no language is included that discriminates against recycled products. 2. The Purchasing Division has reviewed all state contracts under its jurisdiction for processing and approving to ensure that no language is included that discriminates against recycled products. No contracts have been identified with discriminating language against recycled products. 3. The <u>Purchasing Division Procedures Handbook</u> includes the directive to remove discriminatory language regarding recycled products as well as information on the use of recycled products, the related price preference of ten percent and that priority shall be given to the highest post-consumer content in Section 4: Acquisition Planning under “Other Considerations” (subsection 4.6.1.5). 4. A review, and subsequent revision, of existing procurement procedures and bid specifications to ensure that, to the maximum extent possible, all agencies and instrumentalities of the state purchase recycled products; Provided, that recycled paper products shall be given a price

	<p>preference of ten percent. Provided, however, that priority shall be given to paper products with the highest post-consumer content.</p> <ol style="list-style-type: none"> 5. State agencies are notified of this Code citation for compliance at the delegated authority level through various mechanisms, including but not limited to agency presentations, procedures handbook, and other publications. 6. All state agencies and instrumentalities are encouraged to purchase recycled products. 7. Bid specifications are modified when necessary to incorporate the price preference and to stress the priority of the highest post-consumer content. 8. During the 2016 calendar year, the National Association of State Procurement Officials (NASPO) offered its state membership an opportunity to research environmentally preferable purchasing, otherwise known as “green purchasing,” which will be shared with other states. West Virginia participated in this initiative. A guide called the NASPO Green Purchasing Guide was developed to assist states. This guide is available at http://www.naspo.org/green/index.html. <p>West Virginia’s research was incorporated into a document, which is attached to this Annual Report as ATTACHMENT A.</p>
<p>A review, and subsequent revision, of existing procurement procedures and bid specifications to ensure that, to the maximum extent possible, all agencies and instrumentalities of the state purchase</p>	<ol style="list-style-type: none"> 1) The Purchasing Division participates in a cooperative purchasing contract with the State of Oregon for Office Supplies. As part of this contract, a ‘green products’ grouping is included, which agencies may

recycled products. *Provided*, That recycled paper products shall be given a price preference of ten percent; *Provided*, *however*, That priority shall be given to paper products with the highest postconsumer content.

utilize.

- 2) The Purchasing Division awarded a statewide contract for sanitary paper and bathroom supplies (SANPAP13), effective December 1, 2013. This contract has been renewed by a change order through November 30, 2017. This contract is a statewide contract which is mandatory for use by all state agencies under the authority of the Purchasing Division. As part of this contract, specified requirements on post-consumer waste of 40% and recycled content of 40% are included.
- 3) On behalf of the Department of Environmental Protection, the Purchasing Division maintains a paper recycling collection contract for state agency use on the State Capitol Complex and throughout the Kanawha County area. This contract is currently operating on a three-month emergency purchase while a new contract is being bid and awarded.
- 4) Specifications for paper-related contracts have and will continue to be reviewed to ensure that standard language reflects a ten percent price preference for recycled paper products, based on the highest post-consumer content. The Purchasing Division will be rebidding the PAPER contract which specifies under "Recycled Paper" that recycled paper must meet the minimum recycled content guidelines issued by the Environmental Protection Agency (EPA). The EPA guidelines require minimum of 30 percent post-consumer content for most uncoated printing and writing papers and ten percent for most coated paper. In addition to those items identified as recycled, recycled items meeting individual specifications may be bid for other items

	<p>on this contract. Recycled paper shall be given a ten percent preference over virgin paper.</p> <p>5) When necessary and applicable, bid specifications are modified to incorporate this language.</p> <p>6) The <u>Purchasing Division Procedures Handbook</u> includes information on the use of recycled products, the related price preference of ten percent and that priority shall be given to the highest postconsumer content. This information is included in Section 3: Acquisition Planning under “Other Considerations” (subsection 3.6.1.5)</p> <p>7) Agencies have been educated regarding this Code citation for compliance at the delegated purchasing authority level, including at the Agency Purchasing Conference.</p>
<p>A plan to eliminate, to the maximum extent possible, the use of disposable and single-use products.</p>	<p>1) The Purchasing Division continues its pursuit to identify opportunities, to the maximum extent possible, where disposable and single-use products are not feasible and may be eliminated.</p> <p>2) All state agencies and instrumentalities are encouraged to eliminate the use of disposable and single-use products.</p> <p>3) The <u>Purchasing Division Procedures Handbook</u> includes information on the use of recycled products, the related price preference of ten percent and that priority shall be given to the highest postconsumer content. This information is included in Section 3: Acquisition Planning under “Other Considerations” (subsection 3.6.1.5)</p>

	<p>4) Agencies have been educated regarding this Code citation for compliance at the delegated purchasing authority level, including at the Agency Purchasing Conference.</p>
<p>Require all agencies and instrumentalities of the state use compost in all land maintenance and landscaping activities; <i>Provided, That the use of composted or deep stacked poultry litter products, certified by the Commissioner of Agriculture as being free from organisms that are not found in poultry litter produced in this state, have priority unless determined to be economically unfeasible by the agency or instrumentality.</i></p>	<p>1) State agency purchasing liaisons have been educated regarding this code citation for compliance at the delegated purchasing authority level, including at the Agency Purchasing Conference.</p> <p>2) The Purchasing Division requires agencies to use compost or deep stacked poultry litter products as stated in the Code citation.</p> <p>3) The <u>Purchasing Division Procedures Handbook</u> includes information on the use of recycled products, the related price preference of ten percent and that priority shall be given to the highest postconsumer content. This information is included in Section 3: Acquisition Planning under “Other Considerations” (subsection 3.6.1.5)</p>

ATTACHMENT A

NASPO Green Purchasing Technical Assistance Fund

State of West Virginia

December 2, 2016

What is Environmentally Friendly Purchasing?

According to the “NASPO Green Purchasing Guide” (<http://www.naspo.org/green/index.html>) -

“Environmentally Preferable Purchasing (EPP) or Green Purchasing is generally defined as purchasing a product that has a lesser or reduced negative effect or increased positive effect on human health and the environment, when compared with competing products that serve the same purpose.”

Purchasing environmentally preferable products or sustainable products offer many benefits compared to competing products serving the same purpose, which include -

1. Use of recycled or re-manufactured materials minimizes waste.
2. Conservation of energy, water or other natural resources
3. Prevention of pollution
4. Containment of fewer toxic substances or reduction in the amount of toxic substances disposed of or consumed.
5. Use of energy alternatives to fossil fuel.
6. Cost savings

There are many different categories of products and services that have available environmentally preferable products. Some of the main categories include –

1. Cleaning products
2. Paper and Paper products
3. Energy Efficient lighting
4. Large Appliances
5. Non-paper office supplies
6. Tires
7. Steel
8. Antifreeze

West Virginia Current Status (as of November, 2016)

West Virginia has several environmentally friendly initiatives in procurement as outlined below.

Recycled Products Initiatives

In the 2005 legislative Session, the West Virginia Legislature passed the A. James Manchin Rehabilitation Environmental Action Plan (“REAP Act”). As part of that legislation, the State established a policy that “to the maximum extent possible, all agencies and instrumentalities of the state purchase recycled products.” W. Va. Code § 22-15A-21(a).

In furtherance of the policy established in the REAP Act, the Secretary of the Department of Administration in consultation with the Secretary of the Department of Environmental Protection shall develop a comprehensive procurement program for recycled products. The REAP Act requires the program to include:

- (1) A review, and subsequent revision, of existing procurement procedures and bid specifications to remove language that discriminates against recycled products;
- (2) A review, and subsequent revision, of existing procurement procedures and bid specifications to ensure that, to the maximum extent possible, all agencies and instrumentalities of the state purchase recycled products: Provided, That recycled paper products shall be given a price preference of ten percent: Provided, however, That priority shall be given to paper products with the highest postconsumer content;
- (3) A plan to eliminate, to the maximum extent possible, the use of disposable and single-use products; and
- (4) A requirement that all agencies and instrumentalities of the state use compost in all land maintenance and landscaping activities: Provided, That the use of composted or deep stacked poultry litter products, certified by the Commissioner of Agriculture as being free from organisms that are not found in poultry litter produced in this state, have priority unless determined to be economically unfeasible by the agency or instrumentality.

W. Va. Code § 22-15A-21(b). Additionally, the REAP Act requires the preparation and submission of an annual report on the thirty-first day of January of each year summarizing the program's accomplishments, prospects for the future, and any recommendations. The report is prepared by the Purchasing Division and must be submitted to the Governor, Speaker of the House of Delegates and President of the Senate. W. Va. Code § 22-15A-21(c).

This report details the State of West Virginia’s current program for Environmentally Friendly Purchasing and its annual efforts in attaining environmentally-preferable products or sustainable

products. A copy of the full document is attached as Exhibit A. In Accordance with West Virginia Code §22-15A-21 the state of West Virginia currently has the following procedures in place.

1. Annual review of all State contracts to ensure that there is not any language discriminating recycled products.
2. Section 3.6.1.5 “Other Considerations” of the Purchasing Division Procedures Handbook includes a section for recycled products requiring the following –
 - a. All agencies and instrumentalities are encouraged, to the maximum extent possible, to purchase recycled products.
 - b. Recycled paper products shall be given a price preference of ten percent, provided, however, that priority shall be given to paper products with the highest postconsumer content.
 - c. Agencies should remove any language in the specifications that discriminate against recycled products.
 - d. The use of disposable and single-use products should be eliminated, to the maximum extent possible.
 - e. Compost in all land maintenance and landscaping activities are to be used by state agencies and the use of composted or deep stacked poultry litter products, certified by the Commissioner of Agriculture as being free from organisms that are not found in poultry litter produced in this state, have priority unless determined to be economically unfeasible by the agency.
3. The West Virginia Purchasing Division participates in cooperative purchasing contracts for office supplies and industrial supplies. Both contracts provide environmentally-friendly products available for purchase by state agencies.
4. The sanitary paper and bathroom supplies contract (effective 12/1/2013 – 11/30/2016) includes requirements of 40% post-consumer waste and 40% recycled content to ensure environmentally friendly products are being purchased as part of the contract.
5. The state maintains a paper recycling collection contract for the State Capitol Complex and the Kanawha County area.
6. The statewide contract for paper requires that all recycled products meet the Environmental Protection Agency (EPA) guidelines issued. EPA requires a minimum requirement of 30% post-consumer content for most uncoated printing and writing pages and 10% for coated papers. In addition to the EPA requirements, the contract also includes the 10% preference language referenced in item 2.
7. Training for purchasing Environmentally-Friendly products is provided at the annual Agency Purchasing Conference and other training formats to ensure that agency procurement officers understand and utilize the procedures and policies set in place.

Energy Savings Contracts

In 2003, the West Virginia Legislature passed Article 3B of Chapter 5A of the West Virginia Code authorizing state agencies to enter into performance-based contracts with qualified providers of energy-conservation measures for the purpose of significantly reducing energy operating costs of agency owned buildings

Since this law was implemented, the State of West Virginia has entered into two energy savings contracts. The most recent contract is currently in place and is assisting the Division of Corrections with energy efficient upgrades to state prisons.

Before entering into an energy savings contract, a state agency must review proposals through a competitive bid process that include the proposed scope of work, the costs of design, engineering, installation, maintenance, repairs or debt service, as well as estimates of the amounts by which energy operating costs will be reduced. If the agency finds, after receiving the proposal, that the proposal includes one or more energy-conservation measures, the installation of which is guaranteed to result in a net savings of a minimum of five percent of the then current energy operating costs which savings will, at a minimum, satisfy any debt service required, the agency may enter into a contract with the energy savings provider. W. Va. Code § 5A-3B-2(b) and (e).

An energy-savings contract must include the following:

- (1) A guarantee of a specific minimum net percentage amount of at least five percent of energy operating costs each year over the term of the contract that the agency will save;
- (2) A statement of all costs of energy-conservation measures, including the costs of design, engineering, installation, maintenance, repairs and operations; and
- (3) A provision that payments, except obligations upon termination of the contract before its expiration, are to be made over time.

Such a contract cannot, however, extend for more than a 15 year term.

Green Building Standards

Pursuant to West Virginia Code § 22-29-4, all new building construction projects of public agencies that have not entered the schematic design phase prior to July 1, 2012, or any building construction project receiving state grant funds and appropriations, including public schools, that have not entered the schematic design phase prior to July 1, 2012, shall be designed and constructed complying with the ICC International Energy Conservation Code, adopted by the State Fire Commission, and the ANSI/ASHRAE/IESNA Standard 90.1-2007: Provided, That if any construction project has a commitment

of federal funds to pay for a portion of such project, this section shall only apply to the extent such standards are consistent with the federal standards. W. Va. Code § 22-29-4.

The Purchasing Division notifies all bidders of the requirement established by the law through its construction and design terms and conditions included in applicable solicitations.

Environmentally Friendly Contracts

Over the years, the Purchasing Division has issued a number of contracts that are intended to either improve or maintain the environment. Those contracts can be issued for state agency use and in some cases are extended to local government entities as a statewide contract. Examples of those contracts include, but are not limited to:

1. Tire Disposal
2. Electronics Recycling
3. Traditional Recycling
4. Leachate Hauling
5. Abandoned Mine Land Reclamation
6. Water Sample Testing
7. Asbestos Remediation

Current Policies from Other States

California

California's Environmentally-Preferable Purchasing guidelines are set in state law in Section 2, Chapter 6.12400-12404¹. The current practices and requirements in California include –

1. The Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, shall provide state agencies with information and assistance regarding environmentally preferable purchasing including, but not limited to, the following:
 - a. The promotion of environmentally-preferable purchasing.
 - b. The development and implementation of a strategy to increase environmentally preferable purchasing. This may include the development of statewide policies, guidelines, programs, and regulations.
 - c. The coordination with other state and federal agencies, task forces, workgroups, regulatory efforts, research and data collection efforts, and other programs and services relating to environmentally preferable purchasing.

- d. The development and implementation, to the extent fiscally feasible, of training programs designed to instill the importance and value of environmentally preferable purchasing.
 - e. The development, to the extent fiscally feasible, of an environmentally preferable purchasing best practices manual for state purchasing employees.
2. Manufacturers, vendors, or other non-governmental entities contracting with the Department of General Services shall certify in writing that any environmental attribute claims they make concerning their products and services are consistent with the Federal Trade Commission's Guidelines for the Use of Environmental Marketing Terms.
 3. Contractors must certify in writing that their goods contain the minimum % of recycled product required by subdivision (d) of Section 12301.
 4. The Legislature shall set the following goals for purchases made by the Legislature or any individual or group of individuals purchasing on behalf of the Legislature:
 - a. By January 1, 1991, at least 10 percent of legislative purchases are of recycled products.
 - b. By January 1, 1993, at least 20 percent of legislative purchases are of recycled products.
 - c. By January 1, 1995, at least 40 percent of legislative purchases are of recycled products.
 - i. Applies to the purchase of –
 1. Paper products – fine grades of paper, boxes, newsprint, tissue, and toweling.
 2. Glass
 3. Oil
 4. Plastic
 5. Solvents and paint (including water based paint)
 6. Tires
 7. Steel
 8. Antifreeze
 5. If a recycled product costs more than the same product made with virgin material, the Legislature shall purchase fewer of those more costly products or apply cost savings, if any, gained from buying other recycled products towards the purchase of those more costly products.

Massachusetts

In October 2009, the Commonwealth of Massachusetts issued Executive Order 515, "Establishing an Environmental Purchasing Policy."² The policy includes the following practices and requirements.

1. 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.

2. 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.
3. There are four (4) Initiatives –
 - a. Energy Efficient Products
 - i. Only Energy Star office equipment, appliances, HVAC and other Energy Star products unless such products can be demonstrated to be cost prohibitive.
 - ii. All Energy Star products must have the “power saving” mode enabled.
 - iii. All light bulbs purchased must be CFL (compact fluorescent lightbulb) or LED (Light-emitting diode), unless another bulb is needed for a specific purpose.
 - iv. Replace old lamp ballasts with newer more efficient ballasts.
 - v. Ensure that all new street lights utilize the most efficient light sources possible and all traffic lights installed or replaces utilize only LEDs or similar technology.
 - vi. Support the procurement of energy efficient products wherever possible, including but not limited to high efficiency motors, tank-less water heaters, programmable thermostats, heating, ventilation and air conditioning units/systems, and food service equipment.
 - b. Toxics Reduction
 - i. Purchase and use only cleaning products that meet the environmental specifications established by the EPP program.
 - ii. Require cleaning service contractors to utilize cleaning products that meet the same EPP standards.
 - iii. Require pest control firms or licenses Commonwealth staff to employ an integrated pest management (IPM) approach.
 - iv. Prohibit the purchase of any product containing mercury when non-mercury alternatives exist (not applicable to fluorescent lights.)
 - v. Procure products that contain no or low amount of Volatile Organic Compounds (VOC) wherever feasible, including but not limited to office equipment, furniture, flooring, paint and construction materials.
 - c. Purchase computers, monitors, laptops, and other relevant equipment that has achieved a minimum silver rating from Electronic Products Environmental Assessment Tool (EPEAT).
 - d. Recycled Content and Waste Minimization

- i. The EPP Program shall ensure that the following product categories contain minimum recycled content standards and are included on statewide contracts.
 1. Office paper, recycled materials, office supplies, and storage boxes.
 2. Office panels and interior and exterior furniture and equipment.
 3. Janitorial paper products such as antifreeze, motor oil, retread tires, and traffic control devices.
 4. Carpeting and flooring.
 5. Compost and mulch.
 6. Plastic containers such as recycling containers and compost bins.
 7. The EPP Program shall work to develop standards and contracts for additional recycled content products identified by the U.S. Environmental Protection Agency's Comprehensive Procurement Guidelines (CPG).
- e. Sustainable Materials
 - i. The EPP Program shall encourage and prioritize the procurement of goods that are grown, manufactured, transported and handled in sustainable manner using a life-cycle cost analysis of materials and other inputs in the production of the final products. Good shall include but are not limited to:
 1. Lumber and building materials
 2. Organic and locally grown foods
 3. Compostable food service products
 4. Bio-based products such as lubricants, food-service ware, plastics and coatings.

Colorado

On July 1, 2010, the State of Colorado issued the Environmentally-Friendly Purchasing Policy³ (EPP). The goals of the programs are as follows:

1. Conserve natural resources,
2. Minimize environmental impacts from pollution, both indoors and outdoors,
3. Reduce unnecessary or excessive use of water and energy,
4. Eliminate or reduce toxic or otherwise harmful substances or emissions that create hazards to workers and communities within the State of Colorado and a wider society,
5. Increase opportunities for recycling markets,
6. Stimulate markets for environmentally sound, competitive products,
7. Promote evaluation of products for potential reuse or recyclability,
8. Reduce materials that require landfill disposal, and maximize diversion of materials from the solid waste stream,

9. Identify and advocate for the considerations of environmentally preferable products, encouraging manufacturers and vendors to reduce environmental and human health impacts in their production, distribution and business practices that provide services within the State,
10. Create guidance for the successful purchase of EPP by state agencies, institutions, and other public entities,
11. Provide leadership and a model for the development of EPP policies by state, higher educations and local agencies.

The policy includes eight categories of specific policies. Each category includes specific guidelines, which are summarized below.

1. **Source and Waste Reduction** – Buyers should consider source reductions in all product selections decisions, advocate practices that reduce waste and/or result in the purchase of fewer products or those that are cost-effective, purchase remanufactured products, asses the life-cycle cost. These considerations should be completed when possible without reducing safety or workplace quality.
 - a. Life Cycle Assessment – Should include the evaluation of total costs expected during the lifetime of a product. These costs may include: raw material, acquisition, transport, energy consumption, use, extended warranties, operation, supplies, maintenance, disposal costs, and expected lifetime as compared to alternative products.
 - i. Lifecycle assessment of products can be completed through the use of nationally-recognized environmental advocacy, label and standard entities. (See “Recognized Third Party Certifications, Environmental Advocacy, Label and Standard Entities”)
 - b. The state requests that vendors eliminate unnecessary packaging or use the minimum amount necessary for product protection to the greatest extent practicable. Vendors are also encouraged to use recycled or reusable packaging when possible.
 - c. For paper and printing – all documents shall be printed on both sides (duplex) to reduce the use and purchase of paper. Recycled paper is required for at least 50% of all paper purchased and must contain a minimum of 30% Post-Consumer Waste content.
2. **Reduction of Toxic Elements, Energy Consumption, Generated Emissions, Pollution and Waste.**
 - a. To the greatest extent possible, no product or service purchased by the State of Colorado should contain, emit, create, or by use, application, or practice will introduce any of the following:
 - i. Carcinogens and/or reproductive toxins, or other highly toxic ingredients that are masked by dilution.

- ii. Persistent bio-accumulative toxicants, including lead, mercury, dioxins and furans, for example,
 - iii. Compounds toxic to humans or aquatic life, corrosive to the skin or eyes, or that are skin sensitizers,
 - iv. Substances that contribute to the production of photochemical smog, ozone production, or that negatively impact indoor or outdoor air quality.
 - b. All cleaning products should meet third party certification standards for environmental performance. These products shall not contain chemicals listed by the US EPA Toxic Release Inventory. All surfactants and detergents should be readily biodegradable and when practicable should not contain phosphates or other agents known to result in water quality degradation.
- 3. **Recycled Content Products** – Buyers are required to purchase at least 50% of total paper purchased utilizing 30% post-consumer waste content. Buyers shall consider the purchase of all products for which the U.S. EPA has established minimum recycled content standard guidelines; post-consumer content for these products should not be less than the minimum required by the EPA Guidelines.
 - a. Contracts shall include specifications that contain language aimed at increasing recycled component parts and or component replacement considerations.
 - b. Recycled products purchased include – Paper, Copiers/Printers, oil, asphalt, concrete, aggregate, Portland cement, and transportation products. Agencies should purchase furniture from Surplus inventory before issuing a solicitation for new purchases.
 - c. In accordance with E.O. D2010-006, each agency must develop and implement a plan for recycling applicable to their agency by June 30, 2011. The plan must include: clear goals, implementation procedures, methods to measure and assess progress, and define a process for periodic review of results by senior management so that proper system adjustments will be made.
- 4. **Energy and Water Saving Products** – Buyers shall consider EPA Energy Star the minimum standard for all energy consuming products. When Energy Star products are not available, products shall meet or exceed the FEMP recommended levels. When renewable forms of energy are unavailable or not practical, natural gas shall be used in lieu of electricity or propane for space and water heating. Buyers should consider renewable energy sources including solar power, wind power, geothermal, biomass, and hydroelectric energy, but do not include coal, oil or natural gas.
- 5. **Green Building – New Construction, Renovations, Operations, and Maintenance.**

- a. All capital construction projects, substantial renovations, and state-assisted facility (CRS 24-30-1301) shall follow Office of State Architect (OSA) high performance certification program (HPCP) policy and Executive Orders D005 05, D0011 07 and D0012 07. The HPCP set the design/construction/performance target as LEED-NC Gold for any construction project greater than 5,000 square feet depending on the source of funds for both construction and long-term operations and maintenance. All construction projects not within the requirements of the HPCP policy shall meet the requirements of Executive Orders D005 05, D0011 07, D0012 07 and shall implement all HPCP requirements as practicable and cost effective. The construction projects shall be consistent with the purchasing requirements of this policy document.
 - b. All buildings maintained by State of Colorado agencies and institutions shall consider energy performance contracting in accordance with Executive Order D014 07. All State of Colorado agencies and institutions shall include the Green Building practices operation and maintenance, where appropriate, as described in the LEED™ Rating System. All buildings shall meet the requirements of Executive Orders D005 05, D0011 07, D0012 07 and shall be consistent with the purchasing requirements of this policy document.
6. **Landscaping and Xeriscaping** – All landscaping shall employ sustainable landscape management techniques for design, construction, and maintenance whenever possible. Plants purchased should be selected to minimize waste and water use. Preference should be given to plants that can grow to their natural size in the space allotted and for perennials. Species designated as noxious weeds should never be planted in State landscapes.
7. **Forest Conservation** - To the greatest extent possible buyer should not procure wood products that originate from forests harvested in an environmentally unsustainable manner. The certification of wood products should include standards equal to or stricter than those of the FSC. The purchase of virgin wood is discouraged when products made from recycled or reclaimed wood are available, economically feasible and practicable.
8. **Agricultural Bio-Based Products** – Fuels are encouraged to be sourced from recoverable organic, non-wood, plant-based materials, or contain recoverable content such as vegetable cooking oils whenever practicable. The Purchase of some wood sources are encouraged, such as those from Colorado beetle-kill biomass chip products. Paper products, paper, and construction products made from non-wood, plant-based, agricultural crop residual fiber or other organic fibrous materials are encouraged whenever practicable.

Recognized Third Party Certifications, Environmental Advocacy, Label and Standard Entities

Below are entities that may serve as valuable resources relating to the environment and environmentally-friendly products and services:

Design for the Environment (US EPA) – Launched in 1995, the mission is to reduce risk to people and the environment by finding ways to prevent pollution by working in partnership with industry, environmental groups and academia. Recognition by DfE ensures that the product does not contain highly toxic ingredients that could be masked by dilution. This certification applied to products including cleaners, biological based products, deicers, odor removal, printer inks, and others determined to be effective and protective of health and the environment. These items carry the DfE logo. See www.epa.gov/dfe

EcoLogo – Launched by the Canadian Federal Government in 1988, it is the oldest environmental standard and certification in North America and is the only North American standard approved by the Global Ecolabeling Network as meeting the international ISO 14024 standard for environmental labels. EcoLogo has set standards and certifies more than 120 product categories, and includes over 7,000 certified products from hundreds of manufacturers. See www.ecologo.org

Electronic Products Environmental Assessment Tool (EPEAT) – This independent program certifies green electronic equipment such as computers, monitors, and laptops. See www.epeat.net

Energy Star – A joint program of the US Department of Energy and the US Department of Environmental Protection Agency, this program allows you can find certified energy-efficient products. These products include, but are not limited to, light fixtures, exit signs, appliances, and office equipment. See www.energystar.gov

Environmental Choice – As Canada’s environmental product certification program, it has issued standards for over 300 product categories. These categories include flooring, paint, electricity, cleaners, office equipment, and paper products. Many of these items are sold in the U. S. See www.environmentalchoice.com/English/ECP%20Home

Forest Stewardship Council (FSC) – This Council certifies lumber and other building products made with sustainably harvested wood or that reduce wood consumption. See www.fsc.org

Global Ecolabelling Network (GEN) – This Network is a non-profit association of third-part environmental performance recognition, certification and labeling organizations founded in 1994. Their mission is to improve, promote, and develop the Eco labeling of products and services. See <http://www.globalecolabelling.net/>

Green Seal – As a non-profit organization, it sets standards for products and certifies that products meet the set standards. Products include, but are not limited to janitorial cleaners, floor strippers, and paints. See www.greenseal.org

Green-e – This is a labeling program established by the non-profit organization for Resource Solutions, which verifies electricity that has been generated using renewable sources such as solar or wind energy. See www.green-e.org

Greenguard – As a non-profit organization, it certifies products that impact indoor air quality. These include, but are not limited to products such as flooring, paint, furniture, and cleaning products. Greenguard also certifies products for use near children. See www.greenguard.org

Scientific Certification Systems (SCS) – SCS verifies green claims such as “biodegradable” or “contains recycled content”. SCS also verifies the compliance with California Gold Sustainable Carpet Standards and other environmental certifications. See www.scscertified.com

Transfair – Transfair maintains a Fair Trade Label issued to companies that import products, such as coffee, tea, chocolate, and rice that have been manufactured and sold under fair and safe working conditions. See www.transfairusa.org

US Department of Agriculture – This federal agency allows the use of its organic label for products meeting federal standards that address pesticide and fertilizer use as well as other approved methods used to grow, harvest and process food and other agricultural products. See www.ams.usda.gov/AMSV1.0/

Environmentally Preferable Purchasing Network (EPPNet) – EPPNet is a free electronic listserv that links public and private officials charged with purchasing environmentally preferable products and services. It provides subscribers with quick access to EPP policies, specifications, vendors, and pricing and performance information. To subscribe, go to: www.nerc.org/eppnet.html

Green Purchasing Institute – The Institute provides hands-on technical support to local governments on EPP issues, including the development of environmental purchasing policies, bid specifications, contract language, and outreach materials. E-mail – info@greenpurchasing.org

Green Spec Directory – This directory is a paper and online directory that lists over 2,000 environmentally preferable building products based on uniform environmental criteria. See www.buildinggreen.com

U.S. Green Building Council – LEED® Green Building Rating System™ - This Council is a volunteer, consensus-based national rating system for developing high-performance, sustainable buildings. LEED addresses all building types and emphasizes state-of-the-art strategies for sustainable site development, water savings, energy efficiency, materials and resource selections, and indoor

environmental quality. LEED provides immediate and measurable results for building owners and occupants. See www.metrokc.gov/procure/green/

Responsible Purchasing Network (RPN) – RPN is a member-based network of procurement stakeholders that maintain an online clearinghouse of information on EPP Polices, programs, purchasing guides, reports, upcoming events, and other EEP related resources. See www.responsiblepurchasing.org

Stop Waste – This public agency in Alameda County, California promotes waste prevention, recycling, and EPP. It offeres an EPP resource guides, model policy and face sheets on batteries, remanufactured toner cartridges, recycled content recreation and transportation products, and cleaning and office products. See www.stopwaste.org

U.S. Composting Council – The USCC is a national, non-profit trade and professional organization promoting the recycling of organic materials through composting. The USCC is the only national organization committed to the advancement of the composting industry. See <http://www.compostingcouncil.org/>

Federal Energy Management Program – This program helps agencies save energy, save tax payer dollars, and demonstrate leadership with responsible, clearer energy choices. FEMP offers product recommendations and other useful tips to help purchase the most efficient equipment for offices. See <http://www1.eere.energy.gov/femp/>

U.S. Environmental Protection Agency (US EPA) – US EPA has developed Comprehensive Procurement guidelines that recommend minimum recycled-content levels for dozens of products. US EPA has developed a Suite of tools to help facilitate EPP, including database listing – (1) contract language, specifications, and policies created by federal, state and local governments, (2) vendor lists of product brands that meet federal EPP standards, and (3) EPP updates, guidance documents, fact sheets, and case studies. See www.epa.gov/cpg/products.htm

Concerns and Issues

Implementing a green purchasing program is not always simple. It comes with its own challenges, both technical and administrative, including additional work needed to research products, plans and coordinate green purchasing programs and implement sustainability efforts.

Other challenges include:

1. Lack of commitment or interest to provide the directives necessary for a more efficient implementation.

2. Possible resistance from users due to the unavailability or lack of staff education and training.
3. Lack of expertise in environmental issues and new technologies, particularly those involving technical data reporting and analysis.
4. Conflicting or confusing information that may create misconceptions about the quality and performance of environmentally preferable products and services, coupled with a shortage of available time to perform necessary research and investigation.
5. Effort required to change the “business as usual” norm and work with existing suppliers (or to find new suppliers) in order to procure environmentally preferable products and services; there may also be existing relationships between purchasers and suppliers that make it difficult to switch to alternative products.
6. Difficulty in determining the life-cycle cost of products that considers the manufacturing impacts, potential cost savings opportunities in the operational and maintenance life of the product as well as the expense and process necessary to dispose or recycle the product.
7. Determining the effect on West Virginia vendors.

Road Map to Green Purchasing in West Virginia

1. **Increase the use and purchase of Recycled Products** – Maintain and improve our current recycled products plan. Below are tactics that may be used:
 - a. Continue reviewing state contracts to ensure that there is not any language discriminating against recycled products.
 - b. When beneficial to the State, use specifications on statewide contracts that require or encourage vendors to bid recycled products meeting minimum standards.
 - c. Encourage all agencies, to the maximum extent possible, to purchase recycled products.
 - d. Eliminate the use of disposable and single-use products, to the maximum extent possible, without reducing safety or workplace quality.
 - e. Encourage the purchase of recycled goods from catalog statewide contracts, such as office supplies and industrial supplies.
 - f. Maintain the paper recycling collection contract for the State Capitol Complex.
 - g. Encourage recycling collection, where possible, for state agencies not located on the State Capitol Complex.
 - h. Continue to give a price preference of ten (10) percent on recycled paper products, provided that priority shall be given to paper products with the highest post-consumer content.
 - i. Compost in all land maintenance and landscaping activities are to be used by state agencies and the use of composted or deep stacked poultry litter products, certified by the

Commissioner of Agriculture as being free from organisms that are not found in poultry litter produced in this state, have priority unless determined to be economically unfeasible by the agency.

- j. Ensure that the statewide contract for paper requires that all recycled products meet the Environmental Protection Agency (EPA) guidelines issued. EPA requires a minimum of 30% post-consumer content for most uncoated printing and writing pages and 10% for coated papers. In addition to the EPA requirements, the contract includes the 10% preference for recycled paper products.
- k. Continue the practice of procuring recycled products to the following products, when beneficial to the state and without reducing safety or workplace quality.
 - i. Paper Products
 - ii. Glass
 - iii. Oil
 - iv. Plastic
 - v. Solvents and Paint
 - vi. Tires
 - vii. Steel

2. Increase the use and purchase of energy/water efficient products.

- a. Agencies will be encouraged to purchase energy efficient appliances and office equipment. Appliances or office equipment should meet the Energy Star standards or an equal standard depending on the product being purchased.
- b. All Energy Star products purchased should have “power saving” mode enabled.
- c. Light-bulbs purchased should be compact fluorescent lightbulbs (CFL) or Light-Emitting diode (LED), unless another bulb is needed for a specific purpose.
- d. Agencies shall be encouraged to support the procurement of energy efficient products whenever possible, including but not limited to high efficiency motors, tank-less water heaters, programmable thermostats, heating, ventilation, and air conditioning units/systems.
- e. Include and encourage the purchase of Hybrid, flex-fuel, or CNG/Bifuel vehicles from the Motor Vehicle Statewide contract.

3. Reduce the use of toxic elements, generated emissions, pollution and waste.

- a. Encourage agencies to purchase products that meet the standards and are certified by Design for the Environment.
- b. Require licenses for pest control firms or staff involved in pest control.
- c. Prohibit the purchase of products that contain mercury if alternatives are available, when beneficial to the state and without reducing safety or workplace quality.

- d. Purchase products that contain no or low amounts of Volatile Organic Compounds (VOC) when feasible, including but not limited to office equipment, furniture, flooring, paint and construction materials.
 - e. Purchase electronics, such as computers and laptops, that meet are certified by EPEAT.
 - f. All cleaning products and disinfecting products purchased should, at minimum, meet a third party standard. No indoor cleaning or sanitizing products should contain any of the chemicals listed on the U.S. EPA Toxics Release Inventory (TRI). See www.epa.gov/tri/index.htm
 - g. All surfactants and detergents should be readily biodegradable and when practicable should not contain phosphates or other agents known to result in water quality degradation.
4. **If authorized or mandated by changes to Code, increase State Agency participation and use of Environmentally-Preferable Purchasing (EPP) Practices.**
- a. The Purchasing Division will provide state agencies with education and training on EPP.
 - b. The Purchasing Division will provide state agencies with guidelines and instructions on proper EPP.
 - c. The Purchasing Division will provide state agencies with a reference guide including, but not limited to, the resources listed above.
 - d. The Purchasing Division will provide state agencies assistance in drafting specifications for environmentally-preferable products, when the purchase is expected to exceed \$25,000.
 - e. The Purchasing Division will review specifications and contract to ensure that language discriminating against recycled or energy efficient products is removed or changed.
 - f. Encourage agencies to use environmentally-preferable standards, such as EPEAT, Energy Star, FSC or USDA Organic, as mandatory specifications when applicable to the product being purchased.
 - g. Encourage agencies to consider purchasing items from Surplus Property prior to issuing a solicitation for new items, when available.