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I N A S S E M B L Y

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Introduced by M. of A. CASTELLI, PAULIN, TOBACCO, GIGLIO, MURRAY, BURLING, RAIA, McKEVITT, CALHOUN, COLTON, FITZPATRICK, JORDAN, BALL, McDONOUGH -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, BUTLER, CROUCH, HAWLEY, P. LOPEZ, MOLINARO, OAKS, QUINN, SAYWARD, SPANO, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the state finance law, the general municipal law and the education law, in relation to state environmental purchasing and intergovernmental agreements; and to repeal section 409-i of the education law and section 163-b of the state finance law relating to environmentally-sensitive cleaning and maintenance products

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "New York
2 state environmental purchasing act".
3 S 2. Subdivision 5 of section 160 of the state finance law, as added
4 by chapter 83 of the laws of 1995, is amended to read as follows:
5 5. "Costs" as used in this article shall be quantifiable and may
6 include, without limitation, the price of the given good or service
7 being purchased; the administrative, training, storage, maintenance or
8 other overhead associated with a given good or service; the value of
9 warranties, delivery schedules, financing costs and foregone opportunity
10 costs associated with a given good or service; and the life span and
11 associated life cycle costs of the given good or service being
12 purchased. Life cycle costs may include, but shall not be limited to,
13 costs or savings associated with RAW MATERIALS, PRODUCTION, MANUFACTUR-
14 ING, construction, PACKAGING, DISTRIBUTION, USE, energy use, mainte-
15 nance, operation, and salvage or disposal, AND ANY ASSOCIATED PUBLIC
16 HEALTH AND ENVIRONMENTAL COSTS.
17 S 3. Paragraph a of subdivision 1 of section 161 of the state finance
18 law, as added by chapter 83 of the laws of 1995, is amended to read as
19 follows:
20 a. The state procurement council shall continuously strive to improve
21 the state's procurement process. Such council shall consist of [nine-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 teen] TWENTY-ONE members, including the commissioner, the state comp-
2 troller, the director of the budget [and], the commissioner of economic
3 development AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, or their
4 respective designees; [seven] SIX members who shall be the heads of
5 other large and small state agencies chosen by the governor, or their
6 respective designees; and [eight] TEN at large members appointed as
7 follows: [three] FOUR appointed by the temporary president of the
8 senate, one of whom shall be a representative of local government [and],
9 one of whom shall be a representative of private business AND ONE OF
10 WHOM SHALL BE A REPRESENTATIVE OF AN ORGANIZATION WHOSE PRIME FUNCTION
11 IS THE ENHANCEMENT OF PUBLIC HEALTH OR THE ENVIRONMENT; [three] FOUR
12 appointed by the speaker of the assembly, one of whom shall be a repre-
13 sentative of local government [and], one of whom shall be a represen-
14 tative of private business AND ONE OF WHOM SHALL BE A REPRESENTATIVE OF
15 AN ORGANIZATION WHOSE PRIME FUNCTION IS THE ENHANCEMENT OF PUBLIC HEALTH
16 OR THE ENVIRONMENT; one appointed by the minority leader of the senate;
17 and, one appointed by the minority leader of the assembly; and two non-
18 voting observers appointed as follows: one appointed by the temporary
19 president of the senate and one appointed by the speaker of the assem-
20 bly. The non-voting observers shall be provided, contemporaneously, all
21 documentation and materials distributed to members. The council shall be
22 chaired by the commissioner and shall meet at least quarterly.

23 S 4. Paragraphs k, l and m of subdivision 2 of section 161 of the
24 state finance law, paragraphs k and l as added by chapter 83 of the laws
25 of 1995, paragraph m as added by chapter 95 of the laws of 2000, are
26 amended and a new paragraph n is added to read as follows:

27 k. Report by December thirty-first, nineteen hundred ninety-five and
28 thereafter biennially to the governor, the legislature and the director
29 of the budget, the significant findings of the council including, but
30 not limited to, substantial savings generated by council initiatives and
31 the recommendations of the council concerning the state's procurement
32 practices; [and]

33 l. Undertake other related activities as are necessary to effectuate
34 this article including the development of a strategic plan for the
35 improvement of state procurement[.];

36 m. Establish and, from time to time, amend guidelines with respect to
37 publishing by state agencies of quarterly listings of projected procure-
38 ments having a value greater than five thousand dollars but less than
39 fifteen thousand dollars in the procurement opportunities newsletter
40 established by article four-C of the economic development law[.]; AND

41 N. MAKE RECOMMENDATIONS TO THE COMMISSIONER FOR "TARGET CATEGORIES" OF
42 COMMODITIES, SERVICES AND/OR TECHNOLOGIES WHICH FOR THE PURPOSES OF THIS
43 SECTION SHALL MEAN BROAD CATEGORIES OF COMMODITIES, SERVICES AND/OR
44 TECHNOLOGIES ROUTINELY PROCURED BY THE STATE WHICH MAY HAVE AN ADVERSE
45 IMPACT ON PUBLIC HEALTH OR THE ENVIRONMENT AND FOR WHICH MORE ENVIRON-
46 MENTALLY PREFERABLE PRODUCTS SHOULD BE IDENTIFIED AND SUBSTITUTED
47 CONSISTENT WITH THE GOALS AND STANDARDS SET FORTH IN ARTICLE TEN-A OF
48 THIS CHAPTER.

49 S 5. Subparagraph (vii) of paragraph b of subdivision 3 of section 163
50 of the state finance law, as added by chapter 584 of the laws of 2005,
51 is amended to read as follows:

52 (vii) maintain a list of contractors which produce or manufacture or
53 offer for sale [environmentally-sensitive cleaning and maintenance
54 products in the form, function and utility generally used by elementary
55 and secondary schools] ENVIRONMENTALLY PREFERABLE PRODUCTS in accordance

1 with specifications or guidelines promulgated pursuant to [section four
2 hundred nine-i of the education law] ARTICLE 10-A OF THIS CHAPTER.

3 S 6. The state finance law is amended by adding a new article 10-A to
4 read as follows:

5 ARTICLE 10-A

6 STATE ENVIRONMENTAL PURCHASING

7 SECTION 159-A. DEFINITIONS.

8 159-B. OFFICE OF THE ENVIRONMENTAL EXECUTIVE.

9 159-C. AGENCY ENVIRONMENTAL EXECUTIVES.

10 159-D. INTERAGENCY COMMITTEE ON SUSTAINABILITY AND GREEN
11 PROCUREMENT.

12 159-E. ISSUE-SPECIFIC TASK FORCES.

13 159-F. ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM.

14 159-G. STATE AGENCY RESPONSIBILITIES.

15 159-H. ENVIRONMENTAL PROCUREMENT INITIATIVES.

16 159-I. BUSINESS DEVELOPMENT AND GUIDANCE.

17 S 159-A. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE:

18 1. "ENERGY STAR" MEANS A DESIGNATION FROM THE UNITED STATES ENVIRON-
19 MENTAL PROTECTION AGENCY OR DEPARTMENT OF ENERGY INDICATING THAT A PROD-
20 UCT MEETS THE ENERGY EFFICIENCY STANDARDS SET FORTH BY THE AGENCY FOR
21 COMPLIANCE WITH THE ENERGY STAR PROGRAM.

22 2. "ELEMENTARY OR SECONDARY SCHOOL" MEANS A FACILITY USED FOR INSTRUC-
23 TION OF ELEMENTARY OR SECONDARY STUDENTS BY: (A) ANY SCHOOL DISTRICT,
24 INCLUDING A SPECIAL ACT SCHOOL DISTRICT AND A CITY SCHOOL DISTRICT IN A
25 CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS
26 OR MORE, (B) A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, (C) A CHARTER
27 SCHOOL, (D) AN APPROVED PRIVATE SCHOOL FOR THE EDUCATION OF STUDENTS
28 WITH DISABILITIES, (E) A STATE-SUPPORTED SCHOOL FOR THE DEAF OR BLIND
29 OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF THE EDUCATION LAW, AND (F)
30 ANY OTHER PRIVATE OR PAROCHIAL ELEMENTARY OR SECONDARY SCHOOL.

31 3. "ENVIRONMENTALLY PREFERABLE PRODUCTS" MEANS BUT SHALL NOT BE LIMIT-
32 ED TO PRODUCTS AND SERVICES THAT: CONTAIN RECYCLED MATERIALS, CONSERVE
33 ENERGY OR WATER, MINIMIZE WASTE, ARE LESS TOXIC AND HAZARDOUS, REDUCE
34 THE GENERATION, RELEASE OR DISPOSAL OF TOXIC SUBSTANCES, PROTECT OPEN
35 SPACE, AND/OR OTHERWISE LESSEN THE IMPACT OF SUCH PRODUCTS OR SERVICES
36 ON PUBLIC HEALTH AND THE ENVIRONMENT.

37 4. "ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT TOOL" MEANS A TOOL FOR
38 EVALUATING THE ENVIRONMENTAL PERFORMANCE OF ELECTRONIC PRODUCTS THROUGH-
39 OUT THEIR LIFE CYCLE DEVELOPED BY THE FEDERAL GOVERNMENT AND OTHER
40 STAKEHOLDERS.

41 5. "INDEPENDENT AGENCIES" MEANS ANY PUBLIC BENEFIT CORPORATIONS OR
42 PUBLIC AUTHORITIES NOT INCLUDED IN THE DEFINITION OF STATE AGENCIES.

43 6. "RECOVERED MATERIALS" MEANS WASTE MATERIALS AND BYPRODUCTS WHICH
44 HAVE BEEN RECOVERED OR DIVERTED FROM SOLID WASTE, BUT SUCH TERM DOES NOT
45 INCLUDE THOSE MATERIALS AND BYPRODUCTS GENERATED FROM AND COMMONLY
46 REUSED WITHIN AN ORIGINAL MANUFACTURING PROCESS.

47 7. "RECYCLED CONTENT" SHALL MEAN RECYCLED COMMODITY AS THAT TERM IS
48 DEFINED IN PARAGRAPH A OF SUBDIVISION THREE OF SECTION ONE HUNDRED
49 SIXTY-FIVE OF THIS CHAPTER.

50 8. "REMANUFACTURED" SHALL HAVE THE SAME MEANING AS SET FORTH IN PARA-
51 GRAPH A OF SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-FIVE OF THIS
52 CHAPTER.

53 9. "STATE AGENCIES" MEANS ANY DEPARTMENT, DIVISION, BOARD, BUREAU,
54 COMMISSION, OFFICE, AGENCY, AUTHORITY OR PUBLIC CORPORATION OF THE
55 STATE.

1 S 159-B. OFFICE OF THE ENVIRONMENTAL EXECUTIVE. 1. THE OFFICE OF THE
2 ENVIRONMENTAL EXECUTIVE SHALL BE DESIGNATED BY THE GOVERNOR AND SHALL BE
3 LOCATED WITHIN THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE ENVI-
4 RONMENTAL EXECUTIVE SHALL TAKE ALL ACTIONS NECESSARY TO ENSURE THAT
5 STATE AGENCIES COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE AND SHALL
6 GENERATE AN ANNUAL REPORT TO THE DIVISION OF BUDGET, AT THE TIME OF
7 AGENCY BUDGET SUBMISSIONS, ON THE ACTIONS TAKEN BY STATE AGENCIES TO
8 COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. IN CARRYING OUT HIS OR HER
9 FUNCTIONS, THE ENVIRONMENTAL EXECUTIVE SHALL CONSULT WITH THE COMMIS-
10 SIONER OF ENVIRONMENTAL CONSERVATION.

11 2. A MINIMUM OF FOUR FULL TIME STAFF PERSONS ARE TO BE PROVIDED TO
12 ASSIST THE ENVIRONMENTAL EXECUTIVE, ONE OF WHOM SHALL HAVE EXPERIENCE IN
13 SPECIFICATION REVIEW AND PROGRAM REQUIREMENTS, ONE OF WHOM SHALL HAVE
14 EXPERIENCE IN PROCUREMENT PRACTICES AND ONE OF WHOM SHALL HAVE EXPERI-
15 ENCE IN SOLID WASTE PREVENTION AND RECYCLING. THESE FOUR STAFF PERSONS
16 SHALL BE APPOINTED AND REPLACED AS FOLLOWS:

17 (A) THE ADJUNCT GENERAL OF THE DIVISION OF MILITARY AND NAVAL AFFAIRS
18 OR HIS OR HER DESIGNEE SHALL BE DETAILED FOR NOT LESS THAN ONE YEAR AND
19 NO MORE THAN TWO YEARS;

20 (B) THE COMMISSIONER OF GENERAL SERVICES OR HIS OR HER DESIGNEE SHALL
21 BE DETAILED FOR NOT LESS THAN ONE YEAR AND NO MORE THAN TWO YEARS;

22 (C) THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION OR HIS OR HER
23 DESIGNEE SHALL BE DETAILED FOR NOT LESS THAN ONE YEAR AND NO MORE THAN
24 TWO YEARS; AND

25 (D) THE PRESIDENT OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES
26 CORPORATION OR HIS OR HER DESIGNEE FOR NOT MORE THAN ONE YEAR.

27 3. STATE AGENCIES ARE REQUESTED TO MAKE THEIR SERVICES, PERSONNEL AND
28 FACILITIES AVAILABLE TO THE ENVIRONMENTAL EXECUTIVE TO THE MAXIMUM
29 EXTENT PRACTICABLE FOR THE PERFORMANCE OF FUNCTIONS.

30 4. THE ENVIRONMENTAL EXECUTIVE, IN CONSULTATION WITH THE AGENCY ENVI-
31 RONMENTAL EXECUTIVES DESIGNATED PURSUANT TO SECTION ONE HUNDRED
32 FIFTY-NINE-C OF THIS ARTICLE, SHALL:

33 (A) IDENTIFY AND RECOMMEND INITIATIVES FOR GOVERNMENT-WIDE IMPLEMENTA-
34 TION THAT WILL PROMOTE THE PURPOSES OF THIS ARTICLE, INCLUDING:

35 (I) THE DEVELOPMENT OF A STATE PLAN FOR AGENCY IMPLEMENTATION AND
36 APPROPRIATE INCENTIVES TO ENCOURAGE THE ACQUISITION OF RECYCLED AND
37 ENVIRONMENTALLY PREFERABLE PRODUCTS BY THE STATE GOVERNMENT;

38 (II) THE DEVELOPMENT OF A STATE IMPLEMENTATION PLAN AND GUIDANCE FOR
39 INSTITUTING ECONOMICALLY EFFICIENT STATE WASTE PREVENTION, ENERGY AND
40 WATER EFFICIENCY PROGRAMS, AND RECYCLING PROGRAMS WITHIN EACH AGENCY;
41 AND

42 (III) THE DEVELOPMENT OF A PLAN FOR MAKING MAXIMUM USE OF AVAILABLE
43 FUNDING ASSISTANCE PROGRAMS;

44 (B) ELECTRONICALLY COLLECT AND DISSEMINATE INFORMATION CONCERNING
45 METHODS TO REDUCE WASTE, MATERIALS THAT CAN BE RECYCLED, COSTS AND
46 SAVINGS ASSOCIATED WITH WASTE PREVENTION AND RECYCLING, AND CURRENT
47 MARKET SOURCES OF PRODUCTS THAT ARE ENVIRONMENTALLY PREFERABLE OR
48 PRODUCED WITH RECOVERED MATERIALS;

49 (C) PROVIDE GUIDANCE AND ASSISTANCE TO STATE AGENCIES IN SETTING UP
50 AND REPORTING ON AGENCY PROGRAMS AND MONITORING THEIR EFFECTIVENESS;

51 (D) ESTABLISH A WEBSITE FOR THE OFFICE OF THE ENVIRONMENTAL EXECUTIVE
52 AND COORDINATE APPROPRIATE GOVERNMENT-WIDE EDUCATION AND TRAINING
53 PROGRAMS FOR STATE AGENCIES; AND

54 (E) PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY
55 AND APPROPRIATE TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE.

1 S 159-C. AGENCY ENVIRONMENTAL EXECUTIVES. WITHIN NINETY DAYS AFTER THE
2 EFFECTIVE DATE OF THIS ARTICLE, THE HEAD OF EACH EXECUTIVE DEPARTMENT
3 AND MAJOR PROCURING AGENCY SHALL DESIGNATE AN AGENCY ENVIRONMENTAL EXEC-
4 UTIVE FROM AMONG HIS OR HER STAFF. THE AGENCY ENVIRONMENTAL EXECUTIVE
5 WILL BE RESPONSIBLE FOR:

6 1. COORDINATING ALL ENVIRONMENTAL PROGRAMS IN THE AREAS OF PROCUREMENT
7 AND ACQUISITION, STANDARDS AND SPECIFICATION REVIEW, FACILITIES MANAGE-
8 MENT, WASTE PREVENTION AND RECYCLING, AND LOGISTICS;

9 2. PARTICIPATING IN THE INTERAGENCY DEVELOPMENT OF A STATE PLAN TO:

10 (A) CREATE AN AWARENESS AND OUTREACH PROGRAM FOR THE PRIVATE SECTOR TO
11 FACILITATE MARKETS FOR ENVIRONMENTALLY PREFERABLE AND RECYCLED PRODUCTS
12 AND SERVICES, PROMOTE NEW TECHNOLOGIES, IMPROVE AWARENESS ABOUT FEDERAL
13 EFFORTS IN THIS AREA, AND EXPEDITE AGENCY EFFORTS TO PROCURE NEW
14 PRODUCTS IDENTIFIED UNDER THIS ORDER;

15 (B) ESTABLISH INCENTIVES, PROVIDE GUIDANCE AND COORDINATE APPROPRIATE
16 EDUCATIONAL PROGRAMS FOR AGENCY EMPLOYEES; AND

17 (C) COORDINATE THE DEVELOPMENT OF STANDARD AGENCY REPORTS REQUIRED BY
18 THIS ARTICLE.

19 3. REVIEWING STATE AGENCY PROGRAMS AND ACQUISITIONS TO ENSURE COMPLI-
20 ANCE WITH THIS ORDER.

21 S 159-D. INTERAGENCY COMMITTEE ON SUSTAINABILITY AND GREEN PROCURE-
22 MENT. 1. THERE IS HEREBY ESTABLISHED AN INTERAGENCY COMMITTEE ON
23 SUSTAINABILITY AND GREEN PROCUREMENT. THE COMMITTEE SHALL BE COMPRISED
24 OF THE DIRECTOR OF THE BUDGET, THE COMMISSIONER OF GENERAL SERVICES, THE
25 COMMISSIONER OF ENVIRONMENTAL CONSERVATION, THE COMMISSIONER OF HEALTH,
26 THE COMMISSIONER OF ECONOMIC DEVELOPMENT, THE PRESIDENT OF THE URBAN
27 DEVELOPMENT CORPORATION, THE COMMISSIONER OF TRANSPORTATION, THE PRESI-
28 DENT OF THE ENVIRONMENTAL FACILITIES CORPORATION, THE PRESIDENT OF THE
29 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, THE CHAIR OF
30 THE POWER AUTHORITY OF THE STATE OF NEW YORK, AND THE EXECUTIVE DIRECTOR
31 OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK. THE COMMISSIONER OF
32 GENERAL SERVICES AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION
33 SHALL SERVE AS CO-CHAIRS OF THE COMMITTEE.

34 2. MEMBERS OF THE COMMITTEE MAY DESIGNATE AN EXECUTIVE STAFF MEMBER TO
35 REPRESENT THEM AND PARTICIPATE ON THE COMMITTEE ON THEIR BEHALF. A
36 MAJORITY OF THE MEMBERS OF THE COMMITTEE SHALL CONSTITUTE A QUORUM, AND
37 ALL ACTIONS AND RECOMMENDATIONS OF THE COMMITTEE SHALL REQUIRE APPROVAL
38 OF A MAJORITY OF THE TOTAL MEMBERS OF THE COMMITTEE.

39 S 159-E. ISSUE-SPECIFIC TASK FORCES. 1. THE COMMITTEE SHALL HAVE THE
40 AUTHORITY TO DESIGNATE ISSUE-SPECIFIC TASK FORCES TO EXAMINE SPECIFIC
41 AREAS OF ENVIRONMENTAL PROCUREMENT AND PROVIDE TARGETED TECHNICAL
42 ASSISTANCE AND GUIDANCE TO AGENCIES AS NEEDED.

43 2. ONE SUCH TASK FORCE SHALL BE A TOXIC REDUCTION TASK FORCE TO BE
44 OVERSEEN BY THE OFFICE OF THE ENVIRONMENTAL EXECUTIVE IN COORDINATION
45 WITH THE OFFICE OF GENERAL SERVICES.

46 (A) THE OFFICE OF GENERAL SERVICES SHALL:

47 (I) PROVIDE THE TOXIC REDUCTION TASK FORCE WITH RELEVANT INFORMATION
48 ON WHAT CHEMICALS AND PRODUCTS ARE PROCURED, AND THE AMOUNTS USED AND BY
49 WHOM, IN THE STATE; AND

50 (II) WORK WITH OFFICE OF THE ENVIRONMENTAL EXECUTIVE AND OTHER STAKE-
51 HOLDERS TO IMPLEMENT THE TOXIC REDUCTION TASK FORCE RECOMMENDATIONS.

52 (B) WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE
53 OFFICE OF THE ENVIRONMENTAL EXECUTIVE SHALL CONSULT WITH THE OFFICE OF
54 GENERAL SERVICES IN ESTABLISHING SAID TOXIC REDUCTION TASK FORCE, WHICH
55 SHALL MEET PERIODICALLY, BUT NOT LESS THAN TWO TIMES PER YEAR, TO

1 PROVIDE GUIDANCE ON AND ASSIST AGENCIES WITH IDENTIFYING AND ELIMINATING
2 PURCHASES OF PRODUCTS THAT CONTAIN TOXIC CHEMICALS.

3 (C) TOXIC REDUCTION TASK FORCE MEMBERS SHALL INCLUDE, BUT NOT BE
4 LIMITED TO THE COMMISSIONER OF GENERAL SERVICES, THE COMMISSIONER OF
5 ENVIRONMENTAL CONSERVATION, THE COMMISSIONER OF HEALTH, AND THE COMMIS-
6 SIONER OF LABOR, AND EACH SHALL APPOINT REPRESENTATIVES TO THE TASK
7 FORCE WITHIN THIRTY DAYS OF THEIR NOTIFICATION BY THE OFFICE OF THE
8 ENVIRONMENTAL EXECUTIVE.

9 (D) THE TASK FORCE SHALL PERIODICALLY CONSULT WITH THE COMMITTEE AND
10 ANY OTHER APPROPRIATE NON-GOVERNMENTAL STAKEHOLDERS OR STATE AGENCIES,
11 INCLUDING, BUT NOT LIMITED TO, THE OFFICE OF GENERAL SERVICES, THE
12 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
13 TRANSPORTATION, TO IDENTIFY OPPORTUNITIES FOR THE INTEGRATION OF LESS
14 TOXIC PRODUCTS INTO PUBLIC SCHOOLS, HEALTHCARE FACILITIES, CONSTRUCTION
15 PROJECTS AND THROUGHOUT THE STATE AND LOCAL GOVERNMENT.

16 3. MEMBERS OF OTHER TASK FORCES SHALL BE APPOINTED BY THE CHAIR OF THE
17 COMMITTEE IN CONSULTATION WITH THE MEMBERS OF THE COMMITTEE.

18 4. ON OR BEFORE FEBRUARY FIRST OF EACH YEAR, THE ENVIRONMENTAL EXECU-
19 TIVE SHALL REPORT TO THE COMMITTEE ON THE PROGRESS MADE BY THE TOXIC
20 REDUCTION TASK FORCE AND ANY OTHER TASK FORCE OVERSEEN BY THE OFFICE OF
21 THE ENVIRONMENTAL EXECUTIVE IN THE PRIOR FISCAL YEAR TOWARD MEETING THE
22 GOALS AND REQUIREMENTS OF THIS ARTICLE.

23 S 159-F. ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM. THE INTERAGENCY
24 COMMITTEE ON SUSTAINABILITY AND GREEN PROCUREMENT SHALL DEVELOP AND
25 IMPLEMENT AN ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM. 1. THE ENVI-
26 RONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL:

27 (A) ESTABLISH MINIMUM ENVIRONMENTAL STANDARDS FOR PRODUCTS AND
28 SERVICES PROCURED BY STATE AGENCIES WHEREVER FEASIBLE AND PRACTICABLE;

29 (B) PROVIDE GUIDANCE TO STATE AGENCIES ON HOW TO ENSURE THAT THEIR
30 PROCUREMENTS ARE IN COMPLIANCE WITH THESE STANDARDS AND ENCOURAGE STATE
31 AGENCIES TO ESTABLISH ANNUAL ENVIRONMENTALLY PREFERABLE PRODUCT PROCURE-
32 MENT GOALS;

33 (C) INCLUDE ENVIRONMENTALLY PREFERABLE PRODUCTS IN STATEWIDE CONTRACTS
34 AND LIMIT CONTRACT AWARDS TO ENVIRONMENTALLY PREFERABLE PRODUCTS EXCLU-
35 SIVELY, CONSISTENT WITH ARTICLE ELEVEN OF THIS CHAPTER AND THE REGU-
36 LATIONS THEREUNDER AND THE ENVIRONMENTALLY PREFERABLE PRODUCT PROCURE-
37 MENT GOALS AND STANDARDS;

38 (D) FACILITATE THE PURCHASE, DEMONSTRATION AND USE OF NEW AND INNOVA-
39 TIVE ENVIRONMENTALLY PREFERABLE PRODUCTS, TECHNOLOGIES AND SERVICES;

40 (E) ENCOURAGE STATE CONTRACTORS TO INCORPORATE ENVIRONMENTALLY PREFER-
41 ABLE PRODUCTS AND SUSTAINABLE PRACTICES IN THEIR OPERATIONS;

42 (F) IMPLEMENT AN ENVIRONMENTALLY PREFERABLE PRODUCT CERTIFICATION
43 PROGRAM FOR STATE AGENCIES AND OTHER PUBLIC PURCHASERS AND/OR WORK WITH
44 PARTNERS WITHIN AND OUTSIDE THE STATE TO DEVELOP SUCH A CERTIFICATION ON
45 A NATIONAL LEVEL; AND

46 (G) SUPPORT DEVELOPMENT OF APPROPRIATE TRAINING AND OUTREACH ON
47 PROCURING ENVIRONMENTALLY PREFERABLE PRODUCTS AND IDENTIFICATION OF
48 THEIR FISCAL, ENVIRONMENTAL, AND HEALTH BENEFITS.

49 2. ON OR BEFORE FEBRUARY FIRST OF EACH YEAR, THE ENVIRONMENTALLY PREF-
50 ERABLE PRODUCTS PROGRAM SHALL REPORT TO THE DIVISION OF BUDGET AND THE
51 DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON THE PROGRESS MADE IN THE
52 PRIOR FISCAL YEAR TOWARD MEETING THE GOALS SET FORTH IN THIS SECTION AS
53 WELL AS PROVIDE AVAILABLE DATA ON ACTUAL ENVIRONMENTALLY PREFERABLE
54 PRODUCT PURCHASES AND THEIR ASSOCIATED ENVIRONMENTAL, HEALTH, AND FISCAL
55 BENEFITS, WHEREVER POSSIBLE.

1 3. ALL OFFICE OF GENERAL SERVICES STAFF SHALL COOPERATE WITH THE ENVI-
2 RONMENTALLY PREFERABLE PRODUCTS PROGRAM IN THESE EFFORTS AND INCORPORATE
3 ENVIRONMENTAL GOALS INTO THE PERFORMANCE MEASUREMENTS OF PROCUREMENT
4 OFFICERS AND OTHER APPROPRIATE STAFF.

5 4. THE STATE PURCHASING AGENT SHALL DIRECT THE NEW YORK STATE ENERGY
6 RESEARCH AND DEVELOPMENT AUTHORITY TO FACILITATE COORDINATION BETWEEN
7 THE GREEN JOBS-GREEN NEW YORK PROGRAM AND THE ENVIRONMENTALLY PREFERABLE
8 PRODUCTS PROGRAM AND INCLUDE ENVIRONMENTALLY PREFERABLE PRODUCTS
9 CONTRACT INFORMATION IN ALL APPROPRIATE TRAINING SESSIONS.

10 5. THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL DEVELOP AND
11 CONDUCT OUTREACH PROGRAMS FOR MUNICIPALITIES AND, IN COLLABORATION WITH
12 THE DEPARTMENT OF EDUCATION, ELEMENTARY OR SECONDARY SCHOOLS.

13 6. INDEPENDENT AGENCIES MAY ADOPT THE ENVIRONMENTALLY PREFERABLE
14 PRODUCTS POLICIES AND PROGRAMS CONSISTENT WITH THIS SECTION.

15 S 159-G. STATE AGENCY RESPONSIBILITIES. 1. WHERE STATE AGENCIES HAVE
16 THE RESPONSIBILITY AND OPPORTUNITY TO CONDUCT PROCUREMENTS AND TO
17 PURCHASE PRODUCTS AND SERVICES EITHER THROUGH STATEWIDE CONTRACTS OR
18 DEPARTMENT PROCUREMENTS AND CONTRACTS, INCLUDING CONSULTANTS, SERVICE
19 PROVIDERS, AND/OR LEASE AGREEMENTS, THEY SHALL INCORPORATE ENVIRON-
20 MENTALLY PREFERABLE PRODUCTS INTO THOSE ACTIVITIES TO THE GREATEST
21 EXTENT FEASIBLE.

22 2. STATE AGENCIES SHALL:

23 (A) WORK WITH THEIR CONTRACTORS AND AGENCY PERSONNEL TO PROVIDE ALL
24 NECESSARY AND APPROPRIATE SUPPORT TO THE ENVIRONMENTALLY PREFERABLE
25 PRODUCTS PROGRAM IN AN EFFORT TO ENSURE THAT ANNUAL FISCAL YEAR PURCHAS-
26 ING DATA IS REPORTED TO THE OFFICE OF GENERAL SERVICES WITHIN NINETY
27 DAYS OF THE CLOSE OF EACH FISCAL YEAR;

28 (B) EXAMINE THE BENEFITS OF ESTABLISHING ANNUAL ENVIRONMENTALLY PREF-
29 ERABLE PRODUCT PROCUREMENT GOALS AND CONSULT WITH THE ENVIRONMENTALLY
30 PREFERABLE PRODUCTS PROGRAM TO TARGET APPROPRIATE PROCUREMENT AREAS;

31 (C) SUPPORT AND ENCOURAGE KEY AGENCY STAFF PARTICIPATION IN ENVIRON-
32 MENTALLY PREFERABLE PRODUCT PROCUREMENT TRAINING; AND

33 (D) WORK TO INCORPORATE THE USE OF ENVIRONMENTALLY PREFERABLE PRODUCTS
34 IN CONTRACTS AUTHORIZED BY THE PUBLIC HEALTH LAW AND THE REGULATIONS
35 PROMULGATED THEREUNDER, CONSTRUCTION, RENOVATION AND MAINTENANCE
36 CONTRACTS, FOOD SERVICE CONTRACTS, DISPOSAL CONTRACTS, LEASE AGREEMENTS,
37 GRANT PROGRAMS, AND OTHER CONTRACTS OVERSEEN BY STATE AGENCIES.

38 S 159-H. ENVIRONMENTAL PROCUREMENT INITIATIVES. 1. (A) WHEN PROCURING
39 PRODUCTS THAT CONSUME ENERGY, ALL STATEWIDE CONTRACTS AND AGENCY
40 PROCUREMENTS SHALL FOLLOW THE MINIMUM ENERGY EFFICIENCY STANDARDS
41 PROMULGATED BY THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND
42 DEVELOPMENT AUTHORITY AND TAKE INTO ACCOUNT, IN THE PROCUREMENT'S SPEC-
43 IFICATIONS, THE LIFETIME ENERGY COSTS NECESSARY TO OPERATE ENERGY
44 CONSUMING PRODUCTS AND EQUIPMENT.

45 (B) THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL REVIEW
46 EXISTING STANDARDS AND ESTABLISH MINIMUM ENERGY PERFORMANCE STANDARDS,
47 TAKING INTO ACCOUNT INITIAL AND OPERATING COSTS, AND STATE AGENCIES
48 SHALL ADHERE TO SAID STANDARDS. AT A MINIMUM, UNLESS OTHERWISE SET FORTH
49 IN THE MINIMUM ENERGY PERFORMANCE STANDARDS, STATE AGENCIES SHALL:

50 (I) PROCURE ONLY ENERGY STAR RATED OFFICE EQUIPMENT, APPLIANCES, HEAT-
51 ING, VENTILATING AND AIR CONDITIONING EQUIPMENT, AND OTHER ENERGY STAR
52 RATED PRODUCTS UNLESS SUCH PRODUCTS CAN BE DEMONSTRATED TO BE COST
53 PROHIBITIVE OVER THEIR LIFE;

54 (II) ENSURE THAT ALL ENERGY STAR EQUIPMENT HAS THE POWER SAVING MODE
55 ENABLED AT THE TIME OF INSTALLATION AND THAT ALL STAFF ARE AWARE OF
56 THESE FUNCTIONS AND THEIR BENEFITS;

1 (III) PURCHASE ONLY ENERGY EFFICIENT LIGHT BULBS, SUCH AS, BUT NOT
2 LIMITED TO, COMPACT FLUORESCENT LAMPS OR LIGHT EMITTING DIODES UNLESS
3 THE PURCHASE OF A STANDARD BULB, SUCH AS AN INCANDESCENT, IS NECESSARY
4 FOR A SPECIFIC PURPOSE OR FUNCTION THAT CAN ONLY BE SERVED BY SAID BULB;

5 (IV) PROCURE THE MOST EFFICIENT AND COST-EFFECTIVE LINEAR LIGHTS
6 POSSIBLE THAT WILL MEET AGENCY NEEDS AND, WHEREVER POSSIBLE, REPLACE
7 OLDER LAMP BALLASTS WITH NEWER MORE EFFICIENT ELECTRONIC BALLASTS;

8 (V) ENSURE THAT ALL NEW STREET LIGHTS UTILIZE THE MOST EFFICIENT LIGHT
9 SOURCES POSSIBLE AND THAT ALL TRAFFIC LIGHTS INSTALLED OR REPLACED BY
10 AGENCIES UTILIZE ONLY LIGHT EMITTING DIODES OR SIMILARLY EFFICIENT TECH-
11 NOLOGY; AND

12 (VI) SUPPORT THE PROCUREMENT OF OTHER ENERGY EFFICIENT PRODUCTS WHER-
13 EVER POSSIBLE, INCLUDING BUT NOT LIMITED TO, HIGH EFFICIENCY MOTORS,
14 TANKLESS WATER HEATERS, PROGRAMMABLE THERMOSTATS, HEATING, VENTILATION
15 AND AIR CONDITIONING UNITS/SYSTEMS AND FOOD SERVICE EQUIPMENT.

16 2. (A) THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM AND STATE AGEN-
17 CIES SHALL, WHEREVER FEASIBLE, ELIMINATE PRODUCTS PROCURED BY THE STATE
18 THAT CONTAIN TOXIC CHEMICALS IN CONCENTRATIONS THAT POSE A SIGNIFICANT
19 THREAT TO THE ENVIRONMENT AND/OR PUBLIC HEALTH.

20 (B) WHEN LESS TOXIC OR NON-TOXIC ALTERNATIVES ARE READILY AVAILABLE,
21 MEET STATE AGENCY PERFORMANCE REQUIREMENTS, AND ARE COST COMPETITIVE,
22 THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL MOVE PROMPTLY TO
23 MAKE THESE ALTERNATIVES AVAILABLE THROUGH STATEWIDE CONTRACTS. STATE
24 AGENCIES SHALL PURCHASE ONLY THESE LESS TOXIC OR NON-TOXIC ALTERNATIVES
25 UNLESS IT CAN BE DEMONSTRATED THAT SUCH ALTERNATIVES DO NOT MEET THE
26 ESSENTIAL NEEDS OF THE AGENCY.

27 (C) THROUGH BOTH STATEWIDE AND/OR DEPARTMENTAL CONTRACTS, STATE AGEN-
28 CIES SHALL:

29 (I) PURCHASE AND USE ONLY THOSE CLEANING PRODUCTS, INCLUDING FLOOR
30 FINISHES, THAT MEET THE ENVIRONMENTAL SPECIFICATIONS ESTABLISHED BY THE
31 ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM;

32 (II) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, REQUIRE
33 CLEANING SERVICE CONTRACTORS TO UTILIZE CLEANING PRODUCTS THAT MEET THE
34 SAME OR BETTER ENVIRONMENTALLY PREFERABLE PRODUCT STANDARDS;

35 (III) REQUIRE PEST CONTROL FIRMS OR LICENSED STATE STAFF TO EMPLOY AN
36 INTEGRATED PEST MANAGEMENT APPROACH IN STATE FACILITIES;

37 (IV) ENSURE ADHERENCE TO THE TITLE TWENTY-ONE OF ARTICLE TWENTY-SEVEN
38 OF THE ENVIRONMENTAL CONSERVATION LAW AND THE REGULATIONS THEREUNDER
39 CONCERNING MERCURY-ADDED CONSUMER PRODUCTS OR DEVELOP STANDARDS THAT THE
40 ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM DEEMS APPROPRIATE;

41 (V) PROCURE PRODUCTS THAT CONTAIN NO OR LOW AMOUNTS OF VOLATILE ORGAN-
42 IC COMPOUNDS WHEREVER FEASIBLE, INCLUDING BUT NOT LIMITED TO OFFICE
43 EQUIPMENT, FURNITURE, FLOORING, PAINT, AND CONSTRUCTION MATERIALS; AND

44 (VI) PURCHASE COMPUTERS, MONITORS, LAPTOPS, AND OTHER RELEVANT EQUIP-
45 MENT THAT HAVE ACHIEVED A MINIMUM SILVER RATING FROM THE ELECTRONIC
46 PRODUCTS ENVIRONMENTAL ASSESSMENT TOOL.

47 (D) THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL WORK WITH
48 AGENCIES TO DEVELOP BEST MANAGEMENT PRACTICES AND SPECIFICATIONS WITH
49 THE INTENT OF INCREASING THE PROCUREMENT OF:

50 (I) LESS TOXIC WATER TREATMENT CHEMICALS AND PROCESSES;

51 (II) PAPER PRODUCTS PROCESSED WITHOUT ELEMENTAL CHLORINE;

52 (III) ORGANIC AND/OR LESS TOXIC FERTILIZERS, PESTICIDES AND OTHER
53 LANDSCAPING PRODUCTS;

54 (IV) VEHICLE TIRES WITH LEAD-FREE WHEEL WEIGHTS;

1 (V) PACKAGING IN CONFORMANCE WITH THE SPECIFICATIONS DEVELOPED BY THE
2 COALITION OF NORTHEASTERN GOVERNORS DESIGNED TO REDUCE HEAVY METALS AND
3 TOXICS;

4 (VI) FURNISHINGS, CLOTHING, AND OTHER PRODUCTS THAT MEET REQUIRED
5 FLAMMABILITY STANDARDS WITHOUT THE USE OF TOXIC FLAME RETARDANTS KNOWN
6 AS POLYBROMINATED DIPHENYL ETHERS; AND

7 (VII) OTHER PRODUCTS IDENTIFIED BY A TASK FORCE ESTABLISHED BY THE
8 COMMITTEE PURSUANT TO SECTION ONE HUNDRED FIFTY-NINE-E OF THIS ARTICLE.

9 3. RECYCLED CONTENT AND WASTE MINIMIZATION. (A) THE ENVIRONMENTALLY
10 PREFERABLE PRODUCTS PROGRAM SHALL DEVELOP AND EXPAND MINIMUM RECYCLED
11 CONTENT AND REMANUFACTURED STANDARDS FOR ALL APPROPRIATE PRODUCTS AND
12 MATERIALS.

13 (B) THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL UTILIZE,
14 WHEREVER APPLICABLE, THE MINIMUM STANDARDS ESTABLISHED BY THE FEDERAL
15 ENVIRONMENTAL PROTECTION AGENCY'S COMPREHENSIVE PROCUREMENT GUIDELINES
16 AS SET FORTH IN PART TWO HUNDRED FORTY-SEVEN OF TITLE FORTY OF THE
17 UNITED STATES CODE OF FEDERAL REGULATIONS OR DEVELOP STANDARDS THAT THE
18 ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM DEEMS APPROPRIATE.

19 (C) THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL CONSIDER THE
20 ULTIMATE DISPOSAL OF PRODUCTS AND THEIR PACKAGING WHEN DEVELOPING
21 CONTRACT SPECIFICATIONS AND MAKING CONTRACT AWARDS. AGENCIES SHALL
22 PROCURE PRODUCTS THAT COMPLY WITH ALL RECYCLED CONTENT AND WASTE
23 REDUCTION STANDARDS ESTABLISHED BY THE ENVIRONMENTALLY PREFERABLE
24 PRODUCTS PROGRAM.

25 (D) THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL ENSURE THAT
26 THE FOLLOWING PRODUCT CATEGORIES CONTAIN MINIMUM RECYCLED CONTENT STAND-
27 ARDS AND ARE INCLUDED ON STATEWIDE CONTRACTS:

28 (I) OFFICE PAPER, PRINTED MATERIALS, OFFICE SUPPLIES, PACKAGING AND
29 STORAGE BOXES;

30 (II) OFFICE PANELS AND INTERIOR AND EXTERIOR FURNITURE AND EQUIPMENT;

31 (III) JANITORIAL PAPER PRODUCTS AND TRASH LINERS;

32 (IV) TRANSPORTATION PRODUCTS SUCH AS ANTIFREEZE, MOTOR OIL, RETREAD
33 TIRES AND TRAFFIC CONTROL DEVICES;

34 (V) CARPETING AND FLOORING;

35 (VI) COMPOST AND MULCH; AND

36 (VII) PLASTIC CONTAINERS SUCH AS RECYCLING CONTAINERS AND COMPOST
37 BINS.

38 (E) THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL WORK TO
39 DEVELOP STANDARDS AND CONTRACTS FOR ADDITIONAL RECYCLED CONTENT PRODUCTS
40 IDENTIFIED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S COMPREHEN-
41 SIVE PROCUREMENT GUIDELINES AS SET FORTH IN PART TWO HUNDRED FORTY-SEVEN
42 OF TITLE FORTY OF THE UNITED STATES CODE OF FEDERAL REGULATIONS, AS WELL
43 AS WATER AND WASTE MINIMIZING PRODUCTS SUCH AS DOUBLE-SIDED COPIERS AND
44 PRINTERS, WATERLESS AND LOW-FLOW PLUMBING DEVICES, AND COMPOSTING
45 TOILETS.

46 (F) THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM SHALL ENCOURAGE
47 VENDOR RESPONSIBILITY FOR THE REUSE OR RECYCLING OF PACKAGING AND/OR
48 PRODUCTS AT THE END OF THEIR USEFUL LIFE.

49 (G) AGENCIES SHALL ENSURE THAT THEY INTEGRATE INCREASED RECYCLING
50 PRACTICES IN THE DISPOSAL OF THEIR OWN WASTE MATERIALS, INCLUDING BUT
51 NOT LIMITED TO PAPER, GLASS, CANS, PLASTIC BOTTLES, CONTAINERS, AND
52 ELECTRONIC EQUIPMENT. THIS EFFORT SHALL INCLUDE THE POSITIONING OF RECY-
53 CLING BINS IN THEIR OFFICES AND THE CONTRACTING FOR RECYCLING SERVICES
54 TO PICK UP AND RECYCLE THESE MATERIALS.

55 4. (A) IN DEVELOPING STANDARDS AND SPECIFICATIONS FOR ENVIRONMENTALLY
56 PREFERABLE PRODUCTS, THE ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM

1 SHALL ENCOURAGE AND PRIORITIZE THE PROCUREMENT OF GOODS THAT ARE GROWN,
2 MANUFACTURED, TRANSPORTED, AND HANDLED IN A SUSTAINABLE MANNER USING, TO
3 THE GREATEST EXTENT FEASIBLE, A LIFE-CYCLE ANALYSIS OF MATERIALS AND
4 OTHER INPUTS INTO THE PRODUCTION OF THE FINAL PRODUCT. SUCH GOODS SHALL
5 INCLUDE, BUT NOT BE LIMITED TO:

6 (I) LUMBER AND BUILDING MATERIALS;

7 (II) ORGANIC AND LOCALLY GROWN FOODS;

8 (III) COMPOSTABLE FOOD SERVICE PRODUCTS; AND

9 (IV) BIO-BASED PRODUCTS SUCH AS LUBRICANTS, FOOD-SERVICE WARE, FUELS,
10 PLASTICS AND COATINGS.

11 S 159-I. BUSINESS DEVELOPMENT AND GUIDANCE. THE ENVIRONMENTALLY PREF-
12 ERABLE PRODUCTS PROGRAM SHALL COLLABORATE WITH RELEVANT STATE AGENCIES
13 TO PROMOTE ENVIRONMENTALLY PREFERABLE PRODUCTS AND SUSTAINABLE BUSINESS
14 SOLUTIONS TO NEW YORK COMPANIES AS WELL AS THOSE LOOKING TO RELOCATE TO
15 THE STATE. SUCH EFFORTS MAY INCLUDE GUIDANCE ON HOW SUSTAINABLE PRAC-
16 TICES AND ENVIRONMENTAL PURCHASING CAN RESULT IN A COMPETITIVE EDGE WHEN
17 BIDDING ON STATEWIDE CONTRACTS AND HOW THE USE OF ENVIRONMENTALLY PREF-
18 ERABLE PRODUCTS CAN REDUCE ENVIRONMENTAL IMPACTS WHILE MINIMIZING OPER-
19 ATING COSTS.

20 S 7. The general municipal law is amended by adding a new section
21 109-c to read as follows:

22 S 109-C. INTERGOVERNMENTAL AGREEMENTS. 1. FOR PURPOSES OF THIS
23 SECTION, THE TERM "PUBLIC AGENCY" SHALL MEAN ANY COUNTY, CITY, TOWN,
24 VILLAGE, SCHOOL DISTRICT, IMPROVEMENT DISTRICT OR DISTRICT CORPORATION
25 OF THE STATE OF NEW YORK.

26 2. ANY POWER OR POWERS, PRIVILEGE OR PRIVILEGES, AUTHORITY OR UNDER-
27 TAKING, EXERCISED OR CAPABLE OF EXERCISE, OR WHICH MAY BE ENGAGED IN,
28 AND ANY PUBLIC WORKS WHICH MAY BE UNDERTAKEN, BY A PUBLIC AGENCY ACTING
29 ALONE MAY BE EXERCISED, ENJOYED, ENGAGED IN OR UNDERTAKEN JOINTLY WITH
30 ANY OTHER PUBLIC AGENCY WHICH COULD LIKEWISE ACT ALONE.

31 3. ANY TWO OR MORE PUBLIC AGENCIES MAY ENTER INTO A WRITTEN AGREEMENT
32 WITH ONE ANOTHER FOR JOINT OR COOPERATIVE ACTION PURSUANT TO THE
33 PROVISIONS OF THIS SECTION. APPROPRIATE ACTION BY ORDINANCE, RESOLUTION
34 OR OTHERWISE PURSUANT TO LAW OF THE GOVERNING BODIES OF THE PARTICIPAT-
35 ING PUBLIC AGENCIES SHALL BE NECESSARY BEFORE ANY SUCH AGREEMENT SHALL
36 BECOME EFFECTIVE. ANY SEPARATELY LEGAL OR ADMINISTRATIVE ENTITY ESTAB-
37 LISHED HEREUNDER IS A PUBLIC CORPORATION AND MAY EXIST FOR THE LENGTH OF
38 TIME SET FORTH IN THE INTERGOVERNMENTAL AGREEMENT.

39 S 8. Section 409-i of the education law is REPEALED and a new section
40 409-i is added to read as follows:

41 S 409-I. IMPLEMENTATION OF THE ENVIRONMENTALLY PREFERABLE PRODUCTS
42 PROGRAM. 1. FOR THE PURPOSE OF THIS SECTION THE FOLLOWING TERMS SHALL
43 MEAN:

44 (A) "ELEMENTARY OR SECONDARY SCHOOL" MEANS A FACILITY USED FOR
45 INSTRUCTION OF ELEMENTARY OR SECONDARY STUDENTS BY: (I) ANY SCHOOL
46 DISTRICT, INCLUDING A SPECIAL ACT SCHOOL DISTRICT AND A CITY SCHOOL
47 DISTRICT IN A CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOU-
48 SAND INHABITANTS OR MORE, (II) A BOARD OF COOPERATIVE EDUCATIONAL
49 SERVICES, (III) A CHARTER SCHOOL, (IV) AN APPROVED PRIVATE SCHOOL FOR
50 THE EDUCATION OF STUDENTS WITH DISABILITIES, (V) A STATE-SUPPORTED
51 SCHOOL FOR THE DEAF OR BLIND OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF
52 THIS CHAPTER, AND (VI) ANY OTHER PRIVATE OR PAROCHIAL ELEMENTARY OR
53 SECONDARY SCHOOL.

54 (B) "ENVIRONMENTALLY PREFERABLE PRODUCTS PROGRAM" MEANS THE PROGRAM
55 DESCRIBED BY THE PROVISIONS OF SECTION ONE HUNDRED FIFTY-NINE-F OF THE
56 STATE FINANCE LAW.

1 2. ELEMENTARY AND SECONDARY SCHOOLS SHALL BE REQUIRED TO IMPLEMENT THE
2 STANDARDS ESTABLISHED BY THE ENVIRONMENTALLY PREFERABLE PROGRAM CONSIST-
3 ENT WITH THE PROVISIONS OF SECTION ONE HUNDRED FIFTY-NINE-F OF THE STATE
4 FINANCE LAW.

5 3. THE COMMISSIONER OF GENERAL SERVICES SHALL DISSEMINATE TO ALL
6 ELEMENTARY AND SECONDARY SCHOOLS GUIDELINES AND SPECIFICATIONS FOR
7 IMPLEMENTATION OF THE STANDARDS ESTABLISHED BY THE ENVIRONMENTALLY PREF-
8 ERABLE PRODUCTS PROGRAM. THE COMMISSIONER OF GENERAL SERVICES SHALL
9 PROVIDE ASSISTANCE AND GUIDANCE TO ELEMENTARY AND SECONDARY SCHOOLS IN
10 CARRYING OUT THE REQUIREMENTS OF THIS SECTION.

11 S 9. Section 163-b of the state finance law is REPEALED.

12 S 10. This act shall take effect on the sixtieth day after it shall
13 have become a law; provided, that the amendments to subparagraph (vii)
14 of paragraph b of subdivision 3 of section 163 of the state finance law
15 made by section five of this act shall not affect the repeal of such
16 section and shall be deemed repealed therewith; provided, however, that
17 effective immediately, the addition, amendment and/or repeal of any rule
18 or regulation necessary for the implementation of this act on its effec-
19 tive date are authorized and directed to be made and completed on or
20 before such effective date.