

10173

I N A S S E M B L Y

March 9, 2010

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.

LBD16194-01-0

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.