

# STATE OF NEW YORK

5180

2023-2024 Regular Sessions

## IN SENATE

February 24, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to establishing the interagency committee on sustainability and green procurement

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 160 of the state finance law is amended by adding a  
2 new subdivision 5-a to read as follows:

3 5-a. "Public authority" means a public authority or public benefit  
4 corporation created by or existing under any state law, a majority of  
5 whose members are appointed by the governor (including any subsidiaries  
6 of such public authority or public benefit corporation), other than an  
7 interstate or international authority or public benefit corporation.

8 § 2. The state finance law is amended by adding a new section 161-a to  
9 read as follows:

10 § 161-a. Interagency committee on sustainability and green procure-  
11 ment. 1. (a) There is hereby established an interagency committee on  
12 sustainability and green procurement. The committee shall be comprised  
13 of the director of the budget, the commissioner, the commissioner of  
14 environmental conservation, the commissioner of health, the commissioner  
15 of economic development, the president of the urban development corpo-  
16 ration, the commissioner of transportation, the president of the envi-  
17 ronmental facilities corporation, the president of the New York state  
18 energy, research and development authority, the chair of the power  
19 authority of the state of New York, and the executive director of the  
20 dormitory authority of the state of New York. The commissioner and the  
21 commissioner of environmental conservation shall serve as co-chairs of  
22 the committee.

23 (b) Members of the committee may designate an executive staff member  
24 to represent them and participate on the committee on their behalf. A  
25 majority of the members of the committee shall constitute a quorum, and

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

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1 all actions and recommendations of the committee shall require approval  
2 of a majority of the total members of the committee.

3 2. (a) The committee, no later than September first, two thousand  
4 twenty-four, and annually thereafter, shall select a minimum of three  
5 "priority categories" of commodities, services or technology, and at  
6 least twelve "priority commodities, services and technology" within each  
7 of the priority categories, for which the committee shall develop "green  
8 procurement lists" and "green procurement specifications" for use by  
9 state agencies and public authorities in the procurement of commodities,  
10 services and technology. The committee shall focus on commodities,  
11 services and technology that reasonably will: (i) reduce or eliminate  
12 the health and environmental risks from the use or release of toxic  
13 substances; (ii) minimize risks of the discharge of pollutants into the  
14 environment; (iii) minimize the volume and toxicity of packaging; (iv)  
15 maximize the use of recycled content and sustainably managed renewable  
16 resources; and (v) provide other environmental and health benefits.

17 (b) The committee, no later than December first, two thousand twenty-  
18 four, shall develop: (i) procurement specifications to be used for the  
19 development and issuance of new contracts and new solicitations for  
20 priority commodities, services and technology; and (ii) procurement  
21 lists of priority commodities, services and technology that are avail-  
22 able under existing procurement arrangements that satisfy the require-  
23 ments of this section.

24 (c) In developing the procurement lists and procurement specifications  
25 required by this subdivision, the committee shall consider the following  
26 factors: (i) protection of the public health and the environment,  
27 including the health of children and other vulnerable populations; (ii)  
28 avoidance of risks from the use or release of toxic substances; (iii)  
29 pollution reduction and prevention; (iv) sustainable resource management  
30 and use, and sustainable manufacturing and production processes; (v)  
31 reduction of greenhouse gases; (vi) the use of renewable resources,  
32 remanufactured components and recycled content; (vii) waste reduction,  
33 recyclability and compostability; (viii) quality, durability and utili-  
34 ty; (ix) minimizing adverse impacts throughout a commodity's or technol-  
35 ogy's life cycle; (x) cost; (xi) extended producer liability; and (xii)  
36 legal and regulatory requirements applicable to the use and procurement  
37 of commodities, services and technology.

38 (d) The committee may review the priority categories, priority commod-  
39 ities, services and technology, procurement lists and procurement spec-  
40 ifications periodically and revise or supplement them as appropriate in  
41 a manner consistent with the requirements of this section.

42 (e) The committee shall establish specific goals to achieve reasonable  
43 reductions in the amount of solid waste generated and paper consumed  
44 annually by state agencies and public authorities. The committee shall  
45 also develop and implement strategies to assist state agencies and  
46 public authorities to achieve such reduction goals.

47 3. (a) Each state agency and public authority shall develop and imple-  
48 ment a sustainability and environmental stewardship program, which shall  
49 include:

50 (i) specific projects, programs and policies designed to achieve  
51 compliance with the requirements of this section; and

52 (ii) specific projects, programs and policies designed to reduce the  
53 public health and environmental impacts of the activities and operations  
54 of the agency or authority, including: (1) the reduction or elimination  
55 of the use and generation of toxic substances, pollution and waste; (2)  
56 the reduction, reuse, recycling and composting of solid waste; (3)

1 increasing energy efficiency; (4) increasing the use of renewable energy  
2 sources; (5) conserving water and other natural resources; and (6) maxi-  
3 mizing the use of environmentally preferable or green commodities,  
4 services and technology.

5 (b) Commencing no later than July first, two thousand twenty-four, all  
6 copy paper, janitorial paper and other paper supplies purchased by each  
7 state agency or public authority shall be composed of one hundred  
8 percent post-consumer recycled content to the maximum extent practica-  
9 ble, and all copy and janitorial paper shall be process chlorine-free to  
10 the extent practicable, unless such products do not meet required form,  
11 function or utility, or the cost of the product is not competitive.

12 (c) Commencing no later than July first, two thousand twenty-four, all  
13 state agency and public authority publications shall be printed on one  
14 hundred percent post-consumer recycled content paper. Where paper with  
15 one hundred percent post-consumer recycled content is not available, or  
16 does not meet required form, function and utility, paper procurements  
17 shall use post-consumer recycled content to the extent practicable.  
18 Non-recycled content shall be derived from a sustainably-managed renewa-  
19 ble resource to the extent practicable, unless the cost of the product  
20 is not competitive.

21 (d) State agencies and public authorities shall rely on and use the  
22 procurement lists and specifications issued by the committee when devel-  
23 oping new solicitations and contracts for the procurement of commod-  
24 ities, services and technology, and for the procurement of commodities,  
25 services and technology under existing contracts, unless the head of the  
26 agency or authority determines: (i) that such commodities, services or  
27 technology will not meet required form, function or utility; (ii) the  
28 cost of the commodities, services or technology is not competitive; or  
29 (iii) there is an emergency or other compelling public health or safety  
30 reason not to purchase such commodities, services or technology. Such  
31 form, function, utility or other determination shall be presented in the  
32 procurement record, and notice of the determination shall be provided to  
33 the committee chairs.

34 (e) All state agencies and public authorities shall, to the extent  
35 practicable: (i) implement effective programs to source separate recycl-  
36 able materials, including paper, metal, glass and plastic, that will  
37 maximize materials recovery; (ii) implement effective programs to reduce  
38 waste; (iii) use locally available compost, mulch and soil amendments  
39 produced from secondary materials; and (iv) utilize secondary materials  
40 in construction.

41 4. (a) State agencies and public authorities, no later than September  
42 first, two thousand twenty-four, shall assign an employee to serve as a  
43 sustainability and green procurement coordinator. Coordinators shall be  
44 given full management support and provided with the necessary resources  
45 to enable the agency or authority to comply with this order.

46 (b) The committee shall design and implement training and outreach  
47 programs for coordinators and assist them with the training of appropri-  
48 ate staff, vendors and contractors.

49 (c) The commissioner, no later than September first, two thousand  
50 twenty-four, shall select an employee to serve as director of green  
51 procurement, who shall assist the commissioner in carrying out his or  
52 her duties under this section.

53 (d) The office of general services, the department of environmental  
54 conservation, the environmental facilities corporation, and the New York  
55 state energy research and development authority are authorized to assist  
56 state agencies and public authorities in complying with this section.

1 including through the development and implementation of sustainability  
2 and environmental stewardship programs.

3 5. (a) The committee, no later than December first, two thousand twen-  
4 ty-four, shall develop a format for a progress report to be used by  
5 state agencies and public authorities to inform the committee of: (i)  
6 the progress each agency and public authority has made toward achieving  
7 the goals described in or established pursuant to this section; (ii) the  
8 effectiveness of the procurement lists and specifications; and (iii) the  
9 specific sustainability projects that have been implemented and the  
10 effectiveness of such programs.

11 (b) Each state agency and public authority, no later than March first,  
12 two thousand twenty-five, and on March first each year thereafter, shall  
13 submit a progress report to the committee in the form and containing the  
14 information specified by the committee. At a minimum, such report shall  
15 describe the agency or public authority's efforts regarding waste  
16 reduction and recycling activities, recycled products procurement, quan-  
17 tities of waste generated and materials recycled, incentives and disin-  
18 centives to waste reduction and recycling, and recommendations for addi-  
19 tional measures to encourage efficient use of the state's resources.

20 (c) The committee, on or before June first, two thousand twenty-five,  
21 and on June first each year thereafter, shall submit a report to the  
22 governor, the speaker of the assembly, and the temporary president of  
23 the senate which shall compile the information submitted by state agen-  
24 cies and public authorities pursuant to this subdivision and report on  
25 progress made on the implementation of this section.

26 6. There is hereby established a sustainability and green procurement  
27 advisory council, which shall consist of eleven members, five appointed  
28 by the governor, three appointed by the speaker of the assembly, and  
29 three appointed by the temporary president of the senate who have expe-  
30 rience in the fields of green procurement, public health, waste  
31 prevention and recycling, energy efficiency, workplace safety, labor  
32 relations, environmental protection, environmental justice, or chemical  
33 manufacturing. The governor shall select a chair of the council from  
34 among its members. The council shall meet at the times requested by the  
35 committee and provide such advice and assistance as the committee may  
36 require.

37 § 3. This act shall take effect immediately.