



MARYLAND GREEN PURCHASING COMMITTEE

2012 Annual Report



MARYLAND

Smart, Green & Growing

Presented to Governor Martin O'Malley and the General Assembly
October 1, 2012

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Alvin C. Collins
Secretary

MARYLAND DEPARTMENT OF GENERAL SERVICES
OFFICE OF THE SECRETARY

October 1, 2012

The Honorable Martin O'Malley
Governor of Maryland

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate

The Honorable Michael E. Busch
Speaker of the House of Delegates

The Honorable Members of the General Assembly

Ladies and Gentlemen:

The Green Purchasing Committee, created by Chapter 593 of the Acts of 2010, is privileged to present to you its 2012 annual report.

Since its first Annual Report was issued October 1, 2011, the Committee has deployed and subsequently updated its website, revised and added to the Green Purchasing Guidelines, expanded the Ad-Hoc Members of the Committee, developed a training module related to sustainable purchasing, and developed a strategy for widely deploying this training module.

The Committee was thrilled to begin a partnership in 2012 with the Responsible Purchasing Network (RPN) through a grant awarded to RPN by the Town Creek Foundation in an effort to further green purchasing practices and policies across the state of Maryland.

The initial success of this partnership is evident in the training strategy that is being deployed by the Committee. As of the printing of this report, the Committee has presented its Sustainable Purchasing 101 training to several state agencies and is coordinating with the Maryland Association of Counties to engage county staff.

The Committee will continue to issue guidance to State units on the procurement of goods and services that will benefit the citizens of Maryland, preserve the State's natural beauty, and avoid the cost of an otherwise less responsible approach.

Sincerely,

A handwritten signature in black ink, appearing to read "Alvin C. Collins".

Alvin C. Collins
Secretary



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INTRODUCTION

The purpose of the Green Maryland Act of 2010 (Chapter 593 of the 2010 Laws of Maryland), which generally relates to the procurement and use of environmentally beneficial products and services, was to increase the minimum requirement for the purchase of recycled paper by the Department of General Services, to review and revise annually certain procurement specifications, and to study the use of compost as a fertilizer and report those findings. Additionally, the Act established the Green Purchasing Committee consisting of eight executive Cabinet agencies and the University System of Maryland.

The Green Purchasing Committee is required to provide assistance to State units in developing strategies and best practices for implementing environmentally preferable purchasing practices; developing and maintaining a Best Practices Purchasing Manual; issuing and maintaining Purchasing Guidelines; and reporting annually to the Governor and Legislature on its activities.

Since the Committee's first Annual Report was issued October 1, 2011, the Committee has deployed and subsequently updated its website, revised and added to the Green Purchasing Guidelines, expanded the Ad-Hoc Members of the Committee, developed a training module related to sustainable purchasing, and developed a strategy for widely deploying this training module.

In addition to the sub-committees formed during the Committee's inaugural year, a Legislative Review sub-committee was added in 2012 in order to monitor, review and advise the Committee on relevant legislation introduced in the Maryland State Legislature. The Legislative Review sub-committee's activities are summarized in Appendix C.

The Committee will continue to meet, develop guidelines and provide assistance to state units as it relates to environmentally preferable purchasing. The Committee's work on this initiative will provide benefits to the health and well-being of Maryland citizens and environment.

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AD HOC MEMBERS



Maryland Aviation Administration



Maryland Port Administration



Maryland State Highway Administration



Maryland Transit Administration



Maryland Motor Vehicle Administration



Maryland Association of Counties



Maryland Municipal League



Board of Public Works



Maryland Dept. of Human Resources



Maryland Dept. of Information Technology



Montgomery County Government



Howard County Government



Baltimore City



Montgomery County Community College



Blind Industries & Services of Maryland



Maryland Correctional Enterprises

REPORT

After the passage of the Green Maryland Act in 2010, the Maryland Green Purchasing Committee (GPC) worked earnestly from July of 2010 through October of 2011 to accomplish its many responsibilities.

After publishing its first Annual Report on October 1, 2011, there was some turn-over in the make-up of the Committee and many new designees began participating in January 2012. Secretary Collins has remained adamant that the Committee be inclusive of other agencies, local governments, members of the business community, and preferred providers. Members of organizations outside of statutorily required State Agencies regularly participate, such as Montgomery County Government and Community College, Howard County Government, Maryland Department of Human Resources, Maryland Department of Information Technology, Maryland Correctional Enterprises, Maryland Board of Public Works, Maryland Association of Counties, and Blind Industries and Services of Maryland. The Committee will continue to promote participation through its outreach and training activities.

The GPC meets as required, but no less than bi-monthly, to receive reports from, and to provide guidance to, sub-committees charged with satisfying the Committee's responsibilities.

The Committee's online presence through the DGS website was deployed following the issue of the Committee's first Annual Report. A "Buy Green" tab on the DGS homepage links viewers to information about the Committee, its members and sub-committees; the Committee's Environmentally Preferable Purchasing Best Practices Manual; the Committee's Green Purchasing Guidelines; the Committee's Annual Report; State of Maryland Preferred Providers; Acceptable Recycled Products; Relevant Legislation; Reporting Requirements; and Training and Resources.

The Committee revised and added to its previously published guidelines for the procurement and use of several products. The revised Guidelines are incorporated into this report as Appendix B. The products listed below have been added, but additional products and services will continue to be evaluated and corresponding guidelines drafted.

- **Refrigerators, Televisions, Clothes Washers, Heating/Cooling.**

These products consume significant amounts of electricity and a preference for Energy Star compliant equipment is being recommended. Further, to enable consumers to identify products in those categories that have exceptional energy efficiency the Environmental Protection Agency introduced the ENERGY STAR Most Efficient label in 2011 and expanded the number of product categories in 2012. The designation is awarded to the top 5% of energy efficient models in each product category.

- **Other Electric Appliances or Products.**

These products can also consume significant amounts of electricity. For that reason, a preference for Energy Star compliant equipment is being recommended. The Environmental Protection Agency's ENERGY STAR label identifies energy-efficient products in a large and increasing number of categories. The ENERGY STAR Most Efficient designation described above is only applied to a much smaller number of categories. For categories where the ENERGY STAR Most Efficient designation is not available, the ENERGY STAR label is the best guide for selection of energy-efficient products.

- **Packaging.**

A significant amount of the waste that is sent to landfills and incinerators is packaging that has been used to contain or protect items during transport and delivery to end-users. Unfortunately much of the packaging is used only once before disposal, and some, rather than being disposed of properly, is released directly into the environment, where it can adversely affect wildlife and natural habitats. Taking measures to minimize excessive or unnecessary packaging is being recommended, as is reusable packaging and packaging made from recycled, recyclable, and/or biodegradable materials.

- **Food and Beverage Containers and Utensils.**

For food service locations where the food is consumed on the premises, washing and reuse of dishes and utensils is often less expensive, and certainly less wasteful, than purchase and disposal of single-use food containers and utensils.

Further guidelines and best practices are being considered by looking at what has been successful for other jurisdictions and the Committee will continue to solicit input from procurement professionals and users throughout the State.

The Committee has benefited in 2012 from the guidance and support of the Responsible Purchasing Network (RPN), whose assistance has been made possible through a grant awarded to RPN by the Town Creek Foundation for the purpose of assisting the State of Maryland in efforts to increase green purchasing. RPN's initial activities with the Committee have been to assist in the development of a training module and to provide guidance and advice on the modification and improvement of solicitations for certain items purchased through statewide contracts.

The Committee still faces some of the challenges it recognized in 2011. The most prominent issue remains the requirement that state units report to MDE for each year the types and quantities of materials procured and the percentage of recycled materials in the unit's gross purchases. There is currently no tool to which the unit has access that can efficiently and accurately provide this information in order to satisfy the reporting requirements. This is an item that the Reporting Subcommittee has struggled with. The Department of General Services is working with its eProcurement provider to develop a methodology using the eProcurement software that would allow for the identification and reporting of recycled content purchases made using the system. Though the eProcurement system was deployed in 2012, the online ordering and reporting capability is not yet activated at the time of this report.

SUB-COMMITTEES

The sub-committees created by the Green Purchasing Committee in order to address the provisions of the Green Maryland Act are listed here with a brief statement of their responsibilities.



STRATEGY SUB-COMMITTEE

Michael Haifley, MDOT

The Strategy Subcommittee is responsible for addressing inter-governmental issues and coordinating with other State and federal agencies. It is also responsible for developing and delivering training materials and developing a strategy for training all State agency Procurement Officers. The subcommittee is responsible for engaging people across the State in the process.



ENERGY SUB-COMMITTEE

Michael Lazarus, DGS

The Energy Subcommittee is responsible for developing best practices for achieving energy efficiency through the implementation of policies that reduce operating times for the heating, ventilation and air conditioning systems in state-owned buildings. The committee is also tasked to look at increasing energy efficiency of new and existing computer servers and data storage center operations.



MARKETING & COMMUNICATIONS SUB-COMMITTEE

The Marketing & Communications Subcommittee is responsible for developing the Green Purchasing Committee marketing strategy and campaign. The subcommittee also plays an integral part in the development of the Green Purchasing Committee website and the annual report.



REPORTING SUB-COMMITTEE

Bill Kamberger, MDE

The Reporting Subcommittee is responsible for establishing a mechanism to promote the annual reporting of the types and quantities of materials recycled and the production and submission of the report to MDE.



POLICY SUB-COMMITTEE

Greg Bedward, BPW

The Policy Subcommittee is responsible for considering and implementing policy related to the Green Maryland Act. Regulations have been drafted that are to be considered through the regulatory process.



SPECIFICATIONS SUB-COMMITTEE

Rich Norling, DNR

The Specification Subcommittee is responsible for creating the guidelines required by the Act.



LEGISLATIVE REVIEW SUB-COMMITTEE

Joan Cadden, DGS

The Legislative Review Sub-Committee is responsible for identifying and reviewing legislation that may impact the work of the Green Purchasing Committee. The sub-committee will also suggest what comment or action the Committee should consider as it relates to specific legislation.

APPENDIX A

GREEN MARYLAND ACT OF 2010



Martin O'Malley, Governor

Chapter 593 (Senate Bill 693)

AN ACT concerning

Green Maryland Act of 2010

FOR the purpose of altering the minimum requirement for the purchase of recycled paper by the Department of General Services; ~~requiring the Board of Public Works to adopt regulations that require certain State units, on or before a certain date, to establish a certain increased price preference for the purchase of certain products;~~ requiring State units to review annually and revise certain procurement specifications in accordance with a certain manual and strategy; requiring the Department to study the use of compost as a fertilizer and report findings of the study on or before a certain date; making it the goal of the Department to increase the use of compost in landscaping activities; establishing a Maryland Green Purchasing Committee; providing for the membership of the Committee; requiring the ~~Department~~ Committee to provide assistance to State units in developing strategies and best practices for implementing environmentally preferable purchasing, including the development of a best practices manual; requiring the Committee to submit an annual report of its activities and progress on or before a certain date; requiring bidders and offerors for a procurement contract with the Department to certify certain product claims; requiring the Committee to develop certain guidelines on or before a certain date; defining certain terms; providing for the application of certain provisions of this Act; making technical changes; providing for the construction of this Act; repealing obsolete provisions; and generally relating to procurement and use of environmentally beneficial products and practices.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–402 and 14–405
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 14–409 and 14–410
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Environment
Section 9–1722
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

14–402.

(a) In this section, “recycled paper” means a paper product at least 80% of the total weight of which consists of the product of a manufacturing process that:

(1) has converted a raw material into a valuable commodity; and

(2) includes a total gross content of post consumer waste of at least 80%.

(b) To the extent practicable, in procuring paper or paper products under Title 4, Subtitle 3, Part II of this article, the Secretary of General Services shall buy or approve for purchase only supplies that are produced from recycled paper.

(c) Of the total volume of paper that the Secretary of General Services buys, at least [40%] **90%** shall be recycled paper.

(d) If recycled paper that meets the definition set forth in subsection (a) of this section is unavailable, then for purposes of complying with the requirements of this section, the Department of General Services may purchase recycled paper products that at a minimum conform to the definitions set forth in the Environmental Protection Agency guideline for federal procurement of paper and paper products containing recovered materials (40 C.F.R., Part [250] **247**).

[(e) To encourage the maximum purchase of materials utilizing recycled materials, the Department of General Services, in consultation with the University of Maryland, the Maryland Environmental Service, the Department of Transportation, and the Department of the Environment, shall develop a plan by July 1, 1990 to increase the State purchase of materials made from recycled solid waste. The Department of General Services shall submit a report for the implementation of the plan to the Governor and General Assembly no later than July 1, 1991.

(f) Each State unit shall review the procurement specifications currently used by the unit by January 1, 1990, and, to the extent practicable, require the use of supplies and materials containing recycled materials.

(g) No later than September 1 of each year, each State unit shall report to the Department of the Environment on the unit’s procurement of recycled materials and on the unit’s use of the percentage price preference under § 14–405 of this subtitle during the preceding fiscal year, including the types and quantities of materials procured and the percentage of recycled materials in the unit’s gross purchases.]

14-405.

(a) (1) In this section the following words have the meanings indicated.

(2) “Percentage price preference” means the percent by which a responsive bid from a responsible bidder whose product contains recycled materials may exceed the lowest responsive bid submitted by a responsible bidder whose products do not contain recycled materials.

(3) (i) “Recycled materials” means material recovered from or otherwise destined for the waste stream.

(ii) “Recycled materials” includes post-consumer material, industrial scrap material, compost, processed and pasteurized chicken litter, and obsolete inventories.

(b) No later than January 1, ~~{1994}~~**2011**, the Board shall adopt regulations that require the Secretary of General Services, the Secretary of Transportation, and the Chancellor of the University System of Maryland to establish a percentage price preference, not to exceed ~~{5%}~~**8%**, for the purchase of products made from recycled materials.

(c) A percentage price preference under this section may not be used in conjunction with any other percentage price preference established under this title.

(d) (1) To encourage the maximum purchase of commodities utilizing recycled materials, the Department of General Services, in consultation with the Department of the Environment, the University of Maryland, the Maryland Environmental Service, the Department of Transportation, the Department of Natural Resources, the Department of Health and Mental Hygiene, and as necessary with representatives of the recycling industry and environmental organizations, shall establish a list of acceptable products which contain recycled materials.

(2) The list shall be published for use by State agencies at least twice each year.

(e) ~~[By January 1, 1991, each]~~ **EACH** State unit shall review **ANNUALLY** the procurement specifications currently used by the unit and, to the extent practicable[,]:

(1) require the use of a percentage price preference in their purchase of supplies and commodities containing recycled materials; **AND**

(2) **REVISE THE UNIT’S PROCUREMENT SPECIFICATIONS IN ACCORDANCE WITH THE BEST PRACTICES MANUAL AND STRATEGY TO INCREASE ENVIRONMENTALLY PREFERABLE PURCHASING UNDER § 14-410 OF THIS SUBTITLE.**

(F) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, EACH STATE UNIT SHALL REPORT TO THE DEPARTMENT OF THE ENVIRONMENT ON THE UNIT’S PROCUREMENT OF RECYCLED MATERIALS AND ~~THE UNIT’S USE OF THE PERCENTAGE PRICE~~

~~PREFERENCE UNDER SUBSECTION (B) OF THIS SECTION DURING THE PRECEDING FISCAL YEAR, INCLUDING THE TYPES AND QUANTITIES OF MATERIALS PROCURED AND THE PERCENTAGE OF RECYCLED MATERIALS IN THE UNIT'S GROSS PURCHASES.~~

[(f)](G)(1) Except as provided in paragraph (2) of this subsection, this section is broadly applicable to all procurements by the State if the quality of the product is consistent with the requirements of the bid specifications.

(2) Only to the extent necessary to prevent the denial of federal moneys or eliminate the inconsistency with federal law, this section does not apply to a procurement by the State if the procurement officer determines that compliance with this section would:

- (i) cause denial of federal moneys; or
- (ii) be inconsistent with the requirements of federal law.

14-409.

(A) A STATE OR LOCAL UNIT RESPONSIBLE FOR THE MAINTENANCE OF PUBLIC LANDS IN THE STATE, TO THE MAXIMUM EXTENT PRACTICABLE, SHALL GIVE CONSIDERATION AND PREFERENCE TO THE USE OF COMPOST IN ANY LAND MAINTENANCE ACTIVITY THAT IS TO BE PAID FOR WITH PUBLIC FUNDS.

(B) (1) THE DEPARTMENT OF GENERAL SERVICES SHALL STUDY THE USE OF COMPOST AS A FERTILIZER ON STATE PROPERTY THAT IS UNDER THE OPERATION OF THE DEPARTMENT OF GENERAL SERVICES TO DEVELOP A BASELINE ESTIMATE OF THE SHARE OF LANDSCAPED AREA FERTILIZED BY COMPOST.

(2) THE DEPARTMENT OF GENERAL SERVICES SHALL REPORT THE FINDINGS OF THE STUDY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE DECEMBER 1, 2010, AND SHALL MAKE THE REPORT AVAILABLE TO THE PUBLIC.

(C) IT IS THE GOAL OF THE DEPARTMENT TO:

(1) COMPOST, TO THE EXTENT PRACTICABLE, ALL LANDSCAPE WASTE ON STATE PROPERTY THAT IS UNDER ITS OPERATION FOR USE AS FERTILIZER IN LANDSCAPING ACTIVITIES; AND

(2) INCREASE THE PERCENTAGE OF LANDSCAPED AREA FERTILIZED BY COMPOST EACH YEAR.

14-410.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMMITTEE” MEANS THE MARYLAND GREEN PURCHASING COMMITTEE.

(3) ~~IN THIS SECTION,~~ “ENVIRONMENTALLY ENVIRONMENTALLY PREFERABLE PURCHASING” MEANS THE PROCUREMENT OR ACQUISITION OF GOODS AND SERVICES THAT HAVE A LESSER OR REDUCED EFFECT ON HUMAN HEALTH AND THE ENVIRONMENT WHEN COMPARED WITH COMPETING GOODS OR SERVICES THAT SERVE THE SAME PURPOSE, BASED ON THE RAW MATERIALS, MANUFACTURING, PACKAGING, DISTRIBUTION, USE, REUSE, OPERATION, MAINTENANCE, AND DISPOSAL OF THE GOODS OR SERVICES.

(B) (1) THERE IS A MARYLAND GREEN PURCHASING COMMITTEE.

(2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY’S DESIGNEE;

(II) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY’S DESIGNEE;

(III) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY’S DESIGNEE;

(IV) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY’S DESIGNEE;

(V) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY’S DESIGNEE;

(VI) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY’S DESIGNEE;

(VII) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE;

(VIII) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE; AND

(IX) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND, OR THE CHANCELLOR'S DESIGNEE.

(3) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE, SHALL SERVE AS THE CHAIR OF THE COMMITTEE.

~~(B)(C)~~ THE DEPARTMENT OF GENERAL SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, THE COMMITTEE SHALL PROVIDE THE STATE WITH INFORMATION AND ASSISTANCE REGARDING ENVIRONMENTALLY PREFERABLE PURCHASING, INCLUDING:

(1) THE PROMOTION OF ENVIRONMENTALLY PREFERABLE PURCHASING;

(2) THE DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY TO INCREASE ENVIRONMENTALLY PREFERABLE PURCHASING THAT MAY INCLUDE THE DEVELOPMENT OF STATEWIDE POLICIES, GUIDELINES, PROGRAMS, AND REGULATIONS;

(3) COORDINATION WITH OTHER STATE OR FEDERAL AGENCIES, TASK FORCES, WORKGROUPS, REGULATORY EFFORTS, RESEARCH AND DATA COLLECTION EFFORTS, OR OTHER PROGRAMS AND SERVICES RELATING TO ENVIRONMENTALLY PREFERABLE PURCHASING; AND

(4) THE DEVELOPMENT OF AN ENVIRONMENTALLY PREFERABLE PURCHASING BEST PRACTICES MANUAL THAT MAY BE ADOPTED FROM OTHER GOVERNMENTAL OR NONGOVERNMENTAL INSTITUTIONS.

~~(C)(D)~~ IN DEVELOPING THE BEST PRACTICES MANUAL AND STRATEGY TO INCREASE ENVIRONMENTALLY PREFERABLE PURCHASING UNDER SUBSECTION (B) (C) OF THIS SECTION, THE DEPARTMENT OF GENERAL SERVICES COMMITTEE SHALL CONSIDER:

(1) GREATER USE AND PROCUREMENT OF METERS USED TO MEASURE ELECTRICITY CONSUMPTION THAT ARE:

(I) CAPABLE OF MEASURING THE FLOW OF ELECTRICITY IN TWO DIRECTIONS; AND

(II) COMPATIBLE WITH ADVANCED METERING INFRASTRUCTURE;

(2) ACHIEVEMENT OF GREATER ENERGY EFFICIENCY THROUGH IMPLEMENTATION OF POLICIES THAT REDUCE OPERATING TIMES FOR HEATING, VENTILATION, AND AIR-CONDITIONING SYSTEMS IN STATE-OWNED OR STATE-OPERATED BUILDINGS;

(3) INCREASING THE ENERGY EFFICIENCY OF NEW AND EXISTING COMPUTER SERVERS AND DATA STORAGE CENTER OPERATIONS; AND

(4) PROCUREMENT OF FOOD AND BEVERAGE CONTAINERS AND UTENSILS THAT ARE MADE OF BIODEGRADABLE MATERIALS OR PLANT-BASED PLASTICS OR RECYCLABLE PRODUCTS THAT MAY CONTAIN POST CONSUMER RECYCLED CONTENTS; AND

~~(5) THE MOST COST-EFFECTIVE MEANS TO ELIMINATE THE PROCUREMENT OF POLYSTYRENE FOOD AND BEVERAGE CONTAINERS BY ALL UNITS OF STATE GOVERNMENT ON OR BEFORE JULY 1, 2012.~~

~~(D)~~(E) THE DEPARTMENT OF GENERAL SERVICES COMMITTEE SHALL DESIGNATE A SINGLE POINT OF CONTACT FOR STATE AGENCIES, SUPPLIERS, AND OTHER INTERESTED PARTIES TO CONTACT REGARDING ENVIRONMENTALLY PREFERABLE PURCHASING ISSUES.

(F) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE COMMITTEE'S ACTIVITIES AND THE PROGRESS MADE AS A RESULT OF THE IMPLEMENTATION OF THIS SECTION.

~~(E)~~(G) THIS SECTION MAY NOT BE CONSTRUED TO:

(1) LIMIT OR SUPERSEDE RECYCLED CONTENT REQUIREMENTS UNDER ANY OTHER PROVISION OF LAW; OR

(2) REQUIRE THE ACQUISITION OF GOODS OR SERVICES THAT:

(I) DO NOT PERFORM ADEQUATELY FOR THE INTENDED USE;

(II) EXCLUDE ADEQUATE COMPETITION; OR

(III) ARE NOT AVAILABLE AT A REASONABLE PRICE IN A REASONABLE PERIOD OF TIME.

~~(F)~~(H) A BIDDER OR OFFEROR FOR A PROCUREMENT CONTRACT WITH THE DEPARTMENT OF GENERAL SERVICES SHALL CERTIFY IN WRITING THAT ANY CLAIMS OF ENVIRONMENTAL ATTRIBUTES MADE RELATING TO A PRODUCT OR SERVICE ARE

CONSISTENT WITH THE FEDERAL TRADE COMMISSION'S GUIDELINES FOR THE USE OF ENVIRONMENTAL MARKETING TERMS.

Article – Environment

[9-1722.

Any State or local unit responsible for the maintenance of public lands in the State, to the maximum extent practicable, shall give consideration and preference to the use of compost in any land maintenance activity that is to be paid for with public funds.]

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before April 1, 2011, the Maryland Green Purchasing Committee shall develop green purchasing guidelines to address practices, products, services, and food that reduce negative impacts on human health and the environment. The guidelines shall include consumption changes and a list of contracts that include human health and environmental specifications for at least five prioritized categories of goods or services, as determined by the Committee. The Committee may prioritize categories of goods or services based on financial impacts, impacts on human health and the environment, availability of cost-effective, environmentally preferable alternatives, and the creation of a green economy in Maryland.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

APPENDIX B

MARYLAND GREEN PURCHASING GUIDELINES JULY 26, 2012

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PURPOSE

Maryland is continually seeking ways to conserve energy and protect the environment in other ways. For the State of Maryland, conserving energy can also result in substantial cost savings. Minimizing the environmental impacts associated with manufacturing, using, and disposing of equipment and related consumables is a benefit for all Maryland citizens. The *Maryland Green Purchasing Guidelines* provide best practices for obtaining, utilizing, and disposing of goods and services used to carry out the functions of state government.

SCOPE

The provisions of these guidelines apply to all units in the Executive Branch¹ of the State of Maryland unless an exception has been previously approved.

The University System of Maryland (USM) and its institutions have put into practice mechanisms that would satisfy the procurement and process guidelines articulated in this document. All USM institution presidents have signed the American College and University Presidents' Climate Commitment, which provides a framework and support for universities to become carbon neutral. In addition to numerous sustainability initiatives, USM institutions have implemented procurement guidelines and processes for the promotion of sound environmental stewardship.

The University System of Maryland, Morgan State University, and St. Mary's College of Maryland are institutions with independent procurement authority and governed by separate Boards of Trustees. These guidelines are advisory for those institutions.

These guidelines are also advisory for local governments, school systems, community colleges and other independent entities; they are encouraged to follow these guidelines when appropriate to their operations.

RECORD OF REVISIONS

Date	Revision Description
January, 2011	Adopted original document, including Sections 1-8
September 29, 2011	Added Section 9, Bottled Drinking Water
July 26, 2012	General revision and update, added several additional categories (sections 4, 5, 12 and 13)

¹ The units of the Executive Branch are enumerated in Titles 8 and 9 of the State Government Article of the Annotated Code, of Maryland.

SECTION 1: Desktop Computers, Laptops and Monitors

1.1 Background:

Computers and monitors are ubiquitous throughout state government, and their operation results in significant use of electricity and resulting cost. In addition, the manufacture of personal computers and monitors uses significant amounts of extracted natural resources, energy and water. Many of the materials are toxic/hazardous, causing human health risk to workers during manufacturing and waste disposal. The hazardous substances include cadmium, lead, mercury, polyvinyl chloride (PVC), brominated flame retardants, and hexavalent chromium.

The first national efforts to improve computers and monitors focused on energy efficiency, beginning with ENERGY STAR® in 1992. The Electronic Product Environmental Assessment Tool (EPEAT), managed and monitored by the Green Electronics Council, broadens improvement efforts to include performance in energy usage (ENERGY STAR) plus hazardous materials elimination, recycled content, packaging, and designing for end of life. EPEAT has become a widely accepted industry standard and EPEAT-registered Silver and Gold products are readily available in the marketplace at prices comparable to non-registered products. The reduced electricity use by EPEAT-registered products makes their life-cycle cost significantly less than for non-registered products.

A new state law effective October 1, 2012 (HB 448, [Chapter 372](#)) requires state agencies purchasing computers and other electronic products in categories covered by EPEAT to purchase models rated EPEAT Silver or Gold unless the requirement is waived by the Department of Information Technology (DoIT).

1.2 Guidelines:

All desktop computers, laptops, and computer monitors purchased or leased by state agencies and departments must have achieved Silver or Gold registration per the Electronic Product Environmental Assessment Tool (EPEAT) <http://www.epeat.net/>. EPEAT is a system that assists purchasers in the evaluation, comparison and selection of electronic products based on their environmental attributes. At this time, EPEAT products are limited to desktop and laptop computers, thin clients, workstations and computer monitors. When EPEAT is expanded to additional categories of products (such as imaging equipment and TV sets), this requirement will apply to those product categories as well. This link will be used to search by manufacturer or criteria: <http://www.epeat.net/PublicSearch.aspx>.

Where cost and functionality are reasonably comparable, products that have achieved EPEAT Gold registration are preferred. Waiver requests submitted by the agency's Chief Information Officer (or equivalent) will be considered by the Department of Information Technology on a case-by-case basis. Waiver requests must include the desired make and model of the product and include a clear justification of why the non-EPEAT Silver or Gold registered product is required as opposed to similar products that are registered as EPEAT Gold or Silver. If there are no similar EPEAT Gold or Silver products, the waiver is not required.

SECTION 2: Enabling Power-Saving Settings

2.1 Background:

With power-saving settings enabled, office computers and monitors go into a low-power sleep mode after a period of inactivity, minimizing the amount of energy they consume.

Early computers and monitors did not have power management features, and “screen saver” software came into use to prevent a single image from burning itself into the display. Use of “screen saver” software is no longer necessary to protect monitors, and in fact prevents power management features from putting computers and monitors into “sleep” mode to save energy.

2.2 Guidelines:

At a minimum, state agencies and departments should implement automated shutdown of computer monitors after a period of 15 minutes of system inactivity.

When operationally feasible, state agencies and departments should consider implementation of additional power saving settings. Other power saving settings are available via the computer’s operating system, centralized Information Technology (IT) managed configurations, or third party power management applications. The use of screen savers is discouraged in favor of monitor power-saving configurations.

When implementing power-saving settings, agencies and departments should consider the impact of low-power settings on off-hour IT operations to balance energy savings with security and operational efficiencies.

Agencies should encourage employees to turn off computers and monitors when the office is empty or the employee leaves for the day. If the computer needs to be left on to enable remote access or continued lengthy computations, the monitor should still be turned off.

Additional energy saving suggestions are available at http://www.energystar.gov/index.cfm?c=power_mgt.pr_power_mgt_low_carbon and http://www.energystar.gov/index.cfm?c=power_mgt.pr_power_mgt_enterprises.

SECTION 3: Copiers, Fax Equipment, Printers, Multi-Function Devices

3.1 Background:

Creating and exchanging documents is common within most state agencies and departments. Although there are currently no EPEAT certifications for these types of imaging office electronics, many manufacturers have included energy saving configurations that meet ENERGY STAR guidelines set by the U.S. Environmental Protection Agency (EPA). Models that meet the latest ENERGY STAR imaging equipment criteria are 40% more energy efficient, and feature efficient designs that help equipment run cooler and last longer.

3.2 Guidelines:

Where cost and functionality are reasonably comparable, copiers, fax equipment, printers, and multi-function devices that meet or exceed the latest ENERGY STAR guidelines for imaging equipment should be considered over devices without energy saving functions. This link can be used to identify ENERGY STAR compliant products:

http://www.energystar.gov/index.cfm?fuseaction=find_a_product.showProductGroup&pgw_code=IEQ.

Key tips for choosing office equipment include:

3.2.1 Eliminate analog machines

A digital copy costs the same or less than an analog copy, but the quality is higher. Additionally, digital copiers offer a range of paper saving functions, such as being able to print two or more pages of a document on one side of a single sheet.

3.2.2 Reduce and/or eliminate inkjet printers

Agencies are encouraged to reduce the number of desktop “convenience” printers in individual offices, many of which use inkjet technology. Inkjet printers cost more than printing devices that use toner, in part because of the significant amounts of consumables waste. While inkjet systems are necessary and cost-effective for some applications, agencies should limit the purchase of desktop inkjet printers. Additionally, agencies should work to reduce the volume of documents sent to the inkjets already in use by removing some of those devices and establishing policies for using them to print only small documents.

3.2.3 Choose devices with double-sided capability

Use of paper can be decreased significantly by printing on both sides, saving dollars and reducing impacts on the environment. Double-sided capability is now available for many office imaging machines. When a device has double-sided capability, its default mode should be set to double-sided.

3.2.4 Connect copiers to computer networks

Most digital copiers can be connected to computer networks and used as printers. When ordering printers and copiers, verify that they are “network-capable”. Networking copiers makes financial sense since fewer dedicated printers will be needed (as well as fewer supplies and less service) and costs-per-copy will be lower. Prints generated by a network copier are cheaper than those produced by a laser printer. Where feasible, personal printers should be eliminated. Having a central print and copy area reduces the amount of electronic office equipment that agencies must purchase to meet their needs, which reduces replacement and energy costs.

3.2.5 Limit color

Although color printing is becoming more affordable, the low costs of color may be misleading. Print costs are usually based on page coverage, i.e. the percentage of the page actually covered by ink or toner. Page coverage for color prints is typically higher than for monochrome ones, and the cost of color toner exceeds monochrome. Color printing devices also produce more consumables waste.

3.2.6 Maximize use of multi-function devices

Centrally located multi-function devices (copier, printer, fax machine, and scanner all-in-one) are often the most economical and environmentally friendly option for selected offices. Buying one machine with multiple functions can result in energy and cost savings compared to several single-function machines. They also can facilitate the use of electronic document storage, which can reduce paper and ink consumption.

3.2.7 Encourage Standardization of printing devices

Having a wide variety of equipment of different models and manufacturers requires an organization to purchase many different ink/toner and spare parts, potentially from separate suppliers and repair services. Standardizing on a small number of models from a single manufacturer enables an organization to simplify its procurements and reduce the amount of resources tied up in supplies and parts for different hardware.

Additional information can be found at

http://www.responsiblepurchasing.org/purchasing_guides/office_electronics/index.php

SECTION 4: Refrigerators, Televisions, Clothes Washers, Heating/Cooling

4.1 Background:

The ENERGY STAR program was originally intended to recognize the top 25% most energy efficient products in each category. However, in some product categories the ENERGY STAR standards have not kept up with improved energy efficiency in the marketplace. The result is that a very high percentage of products in some categories now meet the ENERGY STAR standard. To enable consumers to identify products in those categories that have exceptional energy efficiency the Environmental Protection Agency introduced the ENERGY STAR Most Efficient label in 2011 and expanded the number of product categories in 2012. The designation is awarded to the top 5% of energy efficient models in each product category.

4.2 Guidelines:

The ENERGY STAR Most Efficient label identifies the top 5% energy efficient models in the product categories of air-source heat pumps, boilers, central air conditioners, clothes washers, furnaces, geothermal heat pumps, refrigerator-freezers, and televisions. When comparing products in a category that has ENERGY STAR Most Efficient products, state agencies should consider efficiency rating, energy use, cost, payback period, and expected lifetime of the product. Agencies should purchase one of the models that has the ENERGY STAR Most Efficient designation unless none of the ENERGY STAR Most Efficient models meets performance requirements, has a payback period shorter than the expected lifetime of the product, or has an acceptable life cycle cost (including energy cost for operation) compared to the model being purchased.

When the ENERGY STAR Most Efficient designation begins to be applied to additional categories of products, this guideline applies to those additional product categories as well.

Products identified as ENERGY STAR Most Efficient are listed on EPA's website at

http://www.energystar.gov/index.cfm?c=most_efficient.me_index.

SECTION 5: Other Electric Appliances or Products

5.1 Background:

The Environmental Protection Agency's ENERGY STAR label identifies energy-efficient products in a large and increasing number of categories. The ENERGY STAR Most Efficient designation described in Section 4 above is only applied to a much smaller number of categories. For categories where the ENERGY STAR Most Efficient designation is not available, the ENERGY STAR label is the best guide for selection of energy-efficient products.

5.2 Guidelines:

If the ENERGY STAR Most Efficient designation has not been applied to electric appliances or products of the type being purchased, state agencies should purchase a model with the ENERGY STAR label.

SECTION 6: Toner and Ink Cartridges

6.1 Background:

Remanufactured toner and ink jet cartridges reduce waste, save natural resources, and cut costs by reusing empty cores and parts rather than disposing single-use products from original equipment manufacturers. One of the clearest advantages of using remanufactured toner or inkjet cartridges is cost savings. Properly remanufactured cartridges are thoroughly disassembled and reconditioned, not just filled with new toner or ink; they commonly cost 30 to 60 percent less than new cartridges. Another cost-effective waste prevention strategy is to purchase high-yield toner and ink cartridges, which contain more toner or ink per cartridge. Look for models labeled "high yield" or HY or "large capacity".

6.2 Guidelines:

The intent of State of Maryland toner cartridge purchases should be focused on goods and services having the least environmental impact within the constraints of Code of Maryland Regulations (COMAR), agency needs, availability, and sound economic considerations.

Print consistency and reliability are also key factors that should be considered in the decision to use remanufactured toner and ink cartridges. When remanufactured toner and ink cartridges are unavailable, state agencies should consider high-yield models.

All state-purchased spent toner and ink cartridges shall be recycled. State agencies and departments are encouraged to identify the most advantageous and convenient recycling source for their requirements. Some vendors and cartridge remanufacturers will accept used cartridges at no cost, or provide a purchase credit, depending upon the model of the cartridge.

Additional information can be found at

http://www.responsiblepurchasing.org/purchasing_guides/toner_cartridges/index.php

SECTION 7: Data Center Energy Management

7.1 Background:

The goal of State of Maryland is to maximize energy efficiency of state data centers while ensuring performance and reliability of operations. Financial constraints, optimizing previous investments, and limitations associated with the data center facility add to the challenges of maximizing energy efficiencies and facility performance.

7.2 Guidelines:

The following best practices for optimizing energy efficiency and facility performance are reprinted with permission from the Lawrence Berkeley National Laboratory:

7.2.1 Mechanical: Airflow Management

The efficiency and effectiveness of a datacenter conditioning system is heavily influenced by the path, temperature and quantity of cooling air delivered to the IT equipment and waste hot air removed from the equipment. Whenever possible:

- Eliminate Mixing and Recirculation of Hot Equipment Exhaust Air
- Maximize Return Air Temperature by Supplying Air Directly to the Loads

7.2.2 Mechanical: Air Handler Systems

The air handler fan is typically the second largest energy use in the mechanical system, and can even exceed the energy use of the cooling plant in some cases. Optimizing the air handler system for datacenter use, as opposed to relying on traditional air handler design rules developed over years of office system design, is essential to achieve an efficient and cost effective system. Whenever possible:

- Minimize Fan Power Requirements
- Use an Optimized Airside Economizer
- Use Large Centralized Air Handlers

7.2.3 Mechanical Humidification

Humidification specifications and systems have often been found to be excessive and/or wasteful in datacenter facilities. A careful, site specific design approach to these energy-intensive systems is usually needed to avoid energy waste. Whenever possible:

- Design System to Actual Equipment Requirements
- Eliminate Over Humidification and/or Dehumidification
- Use Efficient Humidification Technology

7.2.4 Mechanical Plant Optimization

When a chilled water plant is used, all the standard design best practices apply, with a few additions. The unusual nature of a datacenter load, which is mostly independent of outside air temperature and solar loads, makes free cooling very attractive and increases the importance of efficiency over first cost. Also, the typical level of redundancy and reliability can influence the value of various design options. Whenever possible, maximize the Chiller System Efficiency

7.2.5 Information Technology (IT) Equipment

The IT equipment is the reason for the facility. Increasingly, there are reasonable opportunities to increase the efficiency of IT equipment, reducing the need for mechanical infrastructure and ongoing energy use directly at the load level through the selection of IT equipment. Whenever possible:

- Specify server equipment that meets ENERGY STAR specifications;
- Use Cooled Equipment Racks; and
- Explore and implement server consolidation and virtualization.

7.2.6 Electrical Infrastructure

Protection from power loss is a common characteristic of datacenter facilities. Such protection comes at a significant first cost price, and also carries a continuous power usage cost that can be reduced through careful design and selection. Whenever possible:

- Design UPS System for Efficiency
- Select Most Efficient UPS Possible
- Use Self-Generation for Large Installation

7.2.7 Lighting

Datacenters are typically lightly occupied. While lighting is a small portion of the total power usage of a datacenter, it can often be safely reduced through mature, inexpensive technologies and designs. Whenever possible:

- Use Active Sensors to Shutoff Lights When Datacenter is Unoccupied
- Design Light Circuiting and Switching to Allow for Greater Manual Control

7.2.8 Commissioning and Retrocommissioning

An efficient datacenter not only requires a reliable and efficient design, it also requires proper construction and operation of the space. Commissioning is a methodical and thorough process to ensure the systems are installed and operating correctly in all aspects, including efficiency. Whenever possible:

- Engage Additional Design Expertise for Review and Guidance.
- Perform System Commissioning
- Perform Retrocommissioning

Additional information can be found at <http://hightech.lbl.gov/DCTraining/best-practices-technical.html>

SECTION 8: Equipment Disposal

Agencies should plan and coordinate the proper disposition of office equipment within the guidelines provided by DGS.

A new state law effective October 1, 2012 (HB 448, [Chapter 372](#)) requires state agencies awarding contracts for services to recycle electronic products to award the contract to a recycler that is R2 or e-Stewards certified.

SECTION 9: Cleaning Supplies and Janitorial Services

9.1 Background:

Some traditional cleaning materials pose risks to the health of those who use them or are exposed to them, or to the waters into which residues are discharged. Potentially harmful ingredients include corrosive or irritating chemicals, chemicals that can cause occupational asthma (i.e., respiratory sensitizers), fragrances, volatile organic compounds (VOCs), carcinogens, reproductive toxins, neurotoxins, and alkylphenol ethoxylates (which break down into suspected aquatic toxins and endocrine disruptors). Phosphorous is a pollutant to the Chesapeake Bay and state law restricts its use in laundry or dish detergents. New cleaning materials have come into use in recent years that cause much less risk to human health and the environment.

The federal government has created standards for recycled content in the paper towels, tissues, and trash bags that it purchases. Some janitorial paper products are manufactured from virgin paper or in plantations that have been established in ecologically sensitive habitats. The use of chlorine bleaching compounds to whiten paper towels and other janitorial paper products can add to their negative environmental impacts.

A 2009 law requires Maryland school districts to use green cleaning supplies. Use of green cleaning products and services is one of the factors that count toward Leadership in Energy & Environmental Design (LEED) certification of existing green buildings. State law requires 90 percent of the paper products purchased by the Secretary of General Services to contain recycled materials.

9.2 Guidelines:

Where cost and product performance are reasonably comparable, agencies should purchase and use cleaning and janitorial supplies, soaps and hand sanitizers that are environmentally friendly and not harmful to human health – preferably products certified by Green Seal or EcoLogo. This link identifies products and services that are certified by Green Seal: <http://www.greenseal.org/FindGreenSealProductsAndServices.aspx>. This link identifies products and services that are certified by EcoLogo: <http://www.ecologo.org/en/greenproducts/>.

Cleaning services should be either certified by Green Seal, or held to similar performance by contract requirements. The emphasis is on reducing toxicity, waste, and exposure to both building occupants and custodial staff. The Green Seal Standard for Commercial and Institutional Cleaning Services GS-42 is available online at <http://www.greenseal.org/GreenBusiness/Standards.aspx?vid=ViewStandardDetail&cid=2&sid=30>.

Additional information can be found at
http://www.responsiblepurchasing.org/purchasing_guides/cleaners/index.php

SECTION 10: Indoor Lighting Lamps and Fixtures

10.1 Background:

Traditional incandescent lighting is being replaced by newer technology that uses less electricity and requires less maintenance. About 90% of the electricity consumed by traditional incandescent bulbs produces heat instead of illumination. Compact fluorescent (CFL) bulbs can produce the same amount of light for less than a quarter of the electricity and last 6-15 times as long. Light-emitting diode (LED) bulbs are as efficient as CFLs, last about 25-35 times longer than incandescent lamps, and unlike CFLs are mercury-free.

Magnetic ballasts used with fluorescent light fixtures prior to 1979 contain polychlorinated biphenyls (PCBs), have to be disposed as hazardous waste, and are less energy-efficient than newer electronic ballasts. T12 fluorescent tubes that use magnetic ballasts are less energy-efficient than T8 tubes with electronic ballasts or T5 tubes with electronic programmed start ballasts. As an example, the National Electrical Manufacturers Association (NEMA) administers a NEMA Premium Electronic Ballast Program that identifies the most energy-efficient instant-start and programmed rapid-start electronic ballasts designed for use with fluorescent lamps.

Maryland law (State Finance and Procurement Article, Section 14-406) requires all state agencies to give preference to products and equipment that are mercury-free or contain the least amount of mercury necessary to meet product or equipment performance standards. The preference can be implemented as a contract requirement or a percentage price preference. All fluorescent lamps, including CFLs, contain mercury. The LEED for Existing Buildings: Operations & Maintenance criteria include points for limiting the mercury content of lamps used in the building.

Several different Federal laws and regulations set statutory energy efficiency standards for general purpose fluorescent lamps, compact fluorescent lamps, exit signs, fluorescent lamp ballasts, and other items. The U.S. Environmental Protection Agency (EPA) has ENERGY STAR guidelines for some classes of lamps and fixtures.

10.2 Guidelines:

When selecting electric light bulbs, lamps, ballasts and fixtures state agencies should pursue the goals of

- Energy efficiency
- Long lamp life, and
- Low mercury content

Agencies should not purchase an incandescent light bulb if a light-emitting diode (LED) or compact fluorescent (CFL) bulb is available that provides sufficient lumens and is of an appropriate size for the intended application. When selecting replacement for an incandescent bulb, agencies should consider offering a price preference for bulbs with no mercury content. Instead of purchasing incandescent or fluorescent replacement lamps for a fixture such as an exit sign or night light that is in constant or nearly-constant use, agencies should purchase and install a replacement LED fixture or lamp.

If the lamp or fixture being procured is in a class for which ENERGY STAR guidelines exist, the item should be required to meet or exceed the ENERGY STAR guidelines.

Agencies should purchase only electronic fluorescent ballasts and whenever feasible should purchase electronic ballasts for HID lighting technologies. Agencies should not purchase magnetic fluorescent ballasts or preheat starters. Agencies are encouraged to use NEMA Premium Efficiency-rated ballasts whenever possible.

Instead of purchasing replacement T12 fluorescent lamp tubes, agencies should consider replacing the T12 fixtures with energy-efficient T8 or T5 fixtures with electronic ballasts. When purchasing fluorescent tube lamps, establish a minimum rated life, and give preference to long-life, super long-life, extra life and extra long-life models.

Additional information can be found at

http://www.responsiblepurchasing.org/purchasing_guides/lighting/index.php

http://www.energystar.gov/index.cfm?fuseaction=find_a_product.showProductGroup&pgw_code=LB

http://www.energystar.gov/index.cfm?fuseaction=find_a_product.showProductGroup&pgw_code=LU

<http://www.nema.org/Policy/Documents/nema-premium-electronic-ballast-program.pdf>

SECTION 11: Bottled Drinking Water

11.1 Background

Access to drinking water is important for all people who use or visit state facilities. A large majority of state facilities have tap water, from public water supplies or wells. The Maryland Department of the Environment is responsible for ensuring that all Marylanders have a safe and adequate supply of drinking water, in terms of both quality and quantity.

Use of tap water for drinking can be encouraged by providing convenient water fountains, bottle-less coolers, filters if needed, and tall spigots for refilling reusable containers.

Reusable, refillable, and durable products are usually more cost-effective over time than single-use or disposable products. Use of reusable and refillable containers for drinking water reduces use of raw materials for manufacture of new containers, and also reduces transportation and energy for collection and recycling or remanufacture of single-use containers.

A commercial market provides bottled water for water coolers and also in single-serving plastic bottles. About half of the commercial bottled water comes from original sources and half from public water supplies, usually with filtering before bottling. The cost of commercial bottled water is significantly greater than the cost of water from public water supplies. The process of bottling and transporting bottled water uses more energy and results in more greenhouse gas emissions than using tap water, and over two-thirds of single-use plastic water bottles end up in the solid waste stream without being recycled.

11.2 Guidelines for Facilities Served by Public Water or Potable Well Water

State funds should not be used to purchase bottled water for use in facilities that are served by public water supplies or potable well water, except when required for safety, health, or emergency situations. Agencies that currently purchase bottled water for use in such facilities should notify employee unions and negotiate if necessary regarding the change in policy.

Facilities served by public water or potable well water should have drinking fountains, bottle-less coolers and tall spigots for refilling reusable containers located conveniently throughout the facility. Buildings may need to have these added to make use of tap water convenient. Appropriate filters should be installed as needed to eliminate any taste, odor or contaminant problems for the water going to drinking fountains and tall spigots.

When water filters are purchased, select filters from a manufacturer with a filter cartridge take-back or recycling program if one exists for the type of filter being purchased. Specifications for purchase of water coolers should require that the water coolers be ENERGY STAR qualified.

http://www.energystar.gov/index.cfm?fuseaction=find_a_product.showProductGroup&pgw_code=WA

Agencies with bottled water coolers should consider replacing them with bottle-less water coolers connected to tap water, to increase energy efficiency and reduce operating costs.

Adding insulation to water fountains and coolers, and setting the water temperature to 50 degrees instead of cooler, are effective ways to reduce the energy consumption and operating cost of the equipment.

Instead of providing single-use cups at water fountains and coolers, agencies should provide or encourage use of reusable containers for drinking water.

Purchase of catering services for events and conferences to be held in facilities served by public water or potable well water should include appropriate reusable drinking containers for facility water instead of individual servings of bottled water. For small meetings, a water pitcher with glassware or paper cups is preferred over individual servings of bottled water.

11.3 Guidelines for Use When Tap Water is Not Available

Tap water is simply not available in some situations, including water main breaks, contaminated wells, other emergencies, and vehicular or field operations away from established water sources. In those situations the first preference is delivery of bulk water or carrying tap water in reusable containers such as canteens. If that is not feasible, use of bottled water may be the best option for those situations.

If water must be purchased, bulk delivery or large containers are preferable to individual serving plastic bottles if the situation allows. Contracts for delivery in large containers should provide for return of the containers to the vendor for reuse.

If bottled water is purchased in individual serving plastic bottles, the plastic bottles should contain at least 25% recycled content and be recyclable. In situations where individual servings of bottled water must be used, agencies should provide for collection of the empty bottles for recycling.

11.4 Resources

Responsible Purchasing Network Purchasing Guides

http://www.responsiblepurchasing.org/purchasing_guides/bottled_water/index.php

http://www.responsiblepurchasing.org/purchasing_guides/bottled_water_university_edition/index.php

Calculator:

http://www.responsiblepurchasing.org/purchasing_guides/bottled_water/calculator/

Corporate Accountability International Report: Getting States Off the Bottle

<http://www.stopcorporateabuse.org/sites/default/files/resources/getting-states-off-the-bottle-corporate-accountability-international.pdf>

http://www.stopcorporateabuse.org/sites/default/files/resources/getting-states-off-the-bottle-2nd-ed_0.pdf

SECTION 12: Packaging

12.1 Background:

A significant amount of the waste that is sent to landfills and incinerators is packaging that has been used to contain or protect items during transport and delivery to end-users. Unfortunately much of the packaging is used only once before disposal, and some is released into the environment. Excessive single-use packaging wastes scarce resources and increases the cost of the goods being purchased.

Expanded polystyrene (one trade name is Styrofoam[®]) has become a particular issue because it is made from petroleum, is not biodegradable when released into the environment, and produces styrene gas, a neurotoxin, when incinerated. Large pieces of expanded polystyrene can be recycled, but the network of recyclers for it is sparse and many of those recyclers do not accept the smaller packing “peanuts”.

Maryland law (Environment Article, Subtitle 19. Toxics in Packaging) restricts the amount of heavy metals (cadmium, lead, mercury or chromium) that can be contained in the packaging of any product sold in the state.

12.2 Guidelines:

State agencies should take measures to minimize excessive or unnecessary packaging of purchased items, and to reduce the amount of packaging that is sent to a landfill or incinerator. Depending on the type of item being purchased, appropriate measures may include:

- Purchasing items in bulk instead of individually-wrapped small quantities or single servings

- Requiring vendors to “take back” pallets, case boxes, and other packaging
- Specifying use of returnable containers
- Purchasing concentrated instead of diluted liquids
- Specifying no polystyrene, shrink wrap, or hard plastic “clamshell/oyster” packaging
- Specifying packaging that can be reused
- Specifying packaging made from a single recyclable material (rather than multiple materials)
- Specifying no layered packaging
- Requiring packaging to contain a specified percentage of recycled material

State agencies should also take measures to find ways to reuse or recycle any packaging that does come with purchased items. If an agency comes into possession of a quantity of packing materials that it does not need, the agency should attempt to find another agency that can use those materials so they won’t go to waste.

Maryland’s Department of General Services (DGS) has a standard clause in many contracts: “All products used in packing to cushion and protect during the shipment of commodities are to be reusable and/or made of recycled, recyclable, and/or biodegradable materials.”

SECTION 13: Food and Beverage Containers and Utensils

13.1 Background:

The Maryland Green Purchasing Committee has considered a wide range of issues related to food and beverage containers and utensils, particularly those that are made of commercially compostable materials or plant-based plastics or recyclable products that may contain post-consumer recycled materials.

For food service locations where the food is consumed on the premises, washing and reuse of dishes and utensils is often less expensive, and certainly less wasteful, than purchase and disposal of single-use food containers and utensils.

Compostable items need oxygen to decompose, and will not turn into compost in the anaerobic conditions of a landfill. At the present time there is only one small composting operation in Maryland that is permitted to accept food waste. Given the limited composting capacity, it does not make economic sense for state agencies to purchase large quantities of compostable food service ware at this time. This conclusion will be reevaluated in the future when greater food composting capacity comes into existence.

Expanded polystyrene foam (one trade name is Styrofoam®) is frequently used for single-use food and beverage containers. It is made from petroleum, occupies significant space in landfills, is not biodegradable when released into the environment, and produces styrene gas, a neurotoxin, when incinerated. Polystyrene foam tends to break up in the environment into small pieces that can choke animals and clog their digestive systems. Recycling of polystyrene food service ware is rare because the recycling process requires it to be free of contamination from food and liquids.

Because of the deleterious effects of polystyrene foam, several local governments have restricted its use. Some restaurants and fast food retailers are switching to food containers made from recycled/recyclable cardboard, recycled and unbleached paper, plant-based plastics, bagasse, kenaf or hemp.

13.2 Guidelines:

State agencies that operate food service locations where the food is consumed on the premises should use food and beverage containers and utensils that can be washed and reused. Reusable food service ware should be considered for inclusion on all food service ware contracts.

For situations that require single-use containers or utensils, state agencies should, whenever feasible:

- Use only the amount of containers and utensils that are truly needed.
- Instead of polystyrene foam, purchase and use items made from recycled and/or recyclable cardboard, recycled and unbleached paper, plant-based plastics, bagasse, kenaf or hemp.
- Encourage creation of capacity for commercial composting of food and compostable food service ware.

Additional information regarding purchase of compostable food service ware will be added to these guidelines in the future when greater food composting capacity comes into existence in Maryland.

Additional information can be found at

http://www.responsiblepurchasing.org/publications/containers_guide.pdf

A calculator that estimates savings from switching to reusable cups and bowls is available at

http://www.nyc.gov/html/nycwasteless/html/wasteless/atwork_govt_measurement_tools_cups.shtml

<http://www.mde.maryland.gov/programs/land/recyclingandoperationsprogram/countycoordinatorresources/documents/combined%20compost%20summary%20fact%20sheet%202-3-12%20%20final%20as%20posted.pdf>

APPENDIX C

2012 LEGISLATIVE REVIEW REPORT

Maryland Green Purchasing Committee Legislative Review Sub-Committee
2012 Activity Summary

During the 2012 legislative session, the Maryland Green Purchasing Committee Legislative Review Sub-Committee reviewed many pieces of legislation that might impact or influence the work and goals of the Committee and was successful in working collaboratively with many stakeholders to amend bills of interest, as well as supporting, with both written and verbal testimony, critical initiatives.

The Sub-Committee reviewed, in collaboration with the Maryland Green Building Council, a Senate Bill affecting the High Performance Buildings Act and its applicability to recipients of state aid.

SB 222 High Performance Buildings Act – Applicability to Recipients of State Aid

Synopsis:

Making the High Performance Buildings Act applicable to specified capital projects that are funded or financed, to a specified extent, by a grant of State aid to specified grantees; requiring the Department of Housing and Community Development to require specified recipients of State funds to employ specified standards under specified circumstances; defining terms; etc.

The Sub-Committee suggested supporting the bill, which would expand the projects required to comply with Maryland's High Performance Green Building Program and to employ green building technologies, with the Maryland Green Building Council's proposed amendment, which would remove the Department of General Services as the entity responsible for determining a grantee's compliance with LEED or an equivalent green building standard.

The Senate's hearing of the bill was ultimately canceled, but the coordination between the Maryland Green Building Council and the Maryland Green Purchasing Committee on this piece of legislation is exemplary of the desired collaboration between the two entities.

Two bills introduced into the House of Delegates represented the bulk of the Sub-Committee's work and the success of the Sub-Committee's efforts contributed to the passing of legislation requiring state agencies to purchase environmentally preferable electronics equipment and ensure that electronic waste is disposed of in a way that lessens the negative impact on the environment.

HB 447 Procurement - Electronics Recycling Services

Synopsis:

Prohibiting a unit from contracting for services to recycle covered electronic devices unless the contractor is a certified e-Stewards recycler, is a R2 certified recycler, or meets other specified requirements approved by the Department of the Environment; providing that the Act does not apply to contracts for services to recycle covered electronic devices that was entered into before October 1, 2012; etc.

HB 448 Procurement - Preferences - Computer Purchasing and Electronics Recycling

Synopsis:

Requiring a State unit to purchase specified electronic products that are listed on the Electronic Product Environmental Assessment Tool (EPEAT) registry or meet specified standards when purchasing electronic products for use by the State; requiring a State unit to award a procurement contract to specified recyclers of electronic products when awarding a procurement contract for electronics recycling services; etc.

Since the Maryland Green Purchasing Committee's previously published guidelines recommended state agencies purchase EPEAT Silver electronics equipment and disposal of surplus property responsibly, the legislation as introduced was very much in alignment with the Committee's work.

The Sub-Committee worked closely with the Sponsors of both bills to advise on the existing requirements for electronics equipment purchases and recycling, report on compliant electronics recycling companies in Maryland and DGS' recent experience soliciting bids for electronics recycling, as well as to amend the effective date of the legislative requirements and ultimately to combine the bills into one piece of legislation.

Representatives of the Maryland Green Purchasing Committee testified in support of House Bill 448 with an amendment to the House's Health and Government Operations Committee and then subsequently testified in support of the bill as amended to the Senate's Education, Health and Environmental Affairs Committee.

House Bill 448 passed both houses of the Maryland General Assembly and was signed into law on May 2, 2012.



