
Model Local Government Environmental Preferred Purchasing (EPP) Policy with Extended Producer Responsibility (EPR) Language (rev. 11/17/11)

HOW TO USE THIS DOCUMENT: This EPP policy has been designed for local governments that either do not have an EPP Policy or for those that have an existing policy and want to integrate EPR language.

If you do not have an EPP Policy you can use this model policy and input your jurisdiction's name where noted. If you have an EPR Resolution you would add the number and date adopted where specified in "purpose" section. You can tailor the "background" and "implementation guide" sections to reflect any progress or specifics to your jurisdiction.

If you have an existing EPP Policy and want to integrate EPR language you can take the language **high-lighted in yellow** and integrate them into your policy where applicable.

Environmentally Preferable Purchasing Policy

Governing Body of *(add name of jurisdiction)*

Dated: *(add date)*

This policy provides for the procurement of environmentally preferable products, including products that are reused, reusable, recyclable, compostable, durable, conserve energy and water, and reduce greenhouse gas emissions. In addition, it looks to reward manufacturers and vendors that reduce environmental impacts of products in their production and distribution systems or services, and provide take-back programs which are as part of the product price.

PURPOSE

The primary purposes of this policy are to comply with AB939 requirements, **align the cities procurement policy with the resolution for EPR, Resolution # *(add resolution number here)* adopted *(add date adopted here)*** and minimize negative environmental impacts of the Governing Body's activities.

It is the goal of *(add name of jurisdiction)* to utilize its purchasing power to influence commerce to offer goods and services with better environmental performance, and to procure products and services from manufacturers and suppliers that demonstrate a high level of environmental and social responsibility. It is a priority for the *Governing Body* to encourage manufacturers and vendors to reduce environmental impacts in their production and distribution systems or services. **And reduce the end-of-life cost and expense to the jurisdiction and it's consumers for these products and services.**

By incorporating environmental considerations into public purchasing, the Governing Body intends to reduce impacts to human health and the environment, reduce its carbon footprint, remove unnecessary hazards from its operations, reduce costs and liabilities and improve the environmental quality of the region.

This Policy will guide the *Governing Body's* efforts to procure environmentally sustainable products and services. While not all of these guidelines will be feasible in every purchase of goods and services, the *Governing Body* will make a good faith effort to incorporate these guidelines to the maximum extent possible in its procurement decisions.

In addition, the *Governing Body* adopts this policy and advocates adoption of similar policies for the purposes of:

- Adopting waste prevention, waste reduction, reuse, repair, recycling, composting, and salvage as priorities;
- Purchasing products that minimize environmental impact, toxic pollution, and safety hazards to our employees and surrounding community;
- Encouraging manufacturers and vendors to reduce environmental impacts in their production and distribution systems or services. And reduce the end-of-life cost and expense to the jurisdiction and it's consumers for these products and services;
- Recognizing and asserting the potential role government agencies can have stimulating and encouraging the development and use of products made from recovered materials;
- Improving the material and energy efficiency and reducing waste by establishing a review process for how supplies, materials, and equipment are manufactured, purchased, packaged, delivered, used and managed at end-of-life;
- Identifying opportunities to cooperatively purchase environmentally preferable supplies and equipment where such purchases lower the incremental costs and meet the other purposes of this policy; and
- Serving as a model to encourage businesses and other jurisdictions in the region to stimulate development of markets for recovered materials through the purchase of goods made from such materials.

BACKGROUND

The mission statement of the (*add name of jurisdiction*) reflects a commitment to provide environmental leadership through policy development and program design.

In 1989, the State of California implemented AB939 (The Integrated Waste Management Act) which required all cities and counties to adopt Source Reduction and Recycling Elements stipulating programs

to reduce land filled waste by 50 percent by the year 2000. And a household hazardous waste element outlining programs to collect and properly manage household hazardous waste. However, developing programs for recycling materials at end-of-life is only part of the process. In order to create a viable recycling program, markets for recycled materials must be supported to “close the loop” for implementing AB939.

By incorporating environmental considerations in public purchasing, the *Governing Body* of (*add name of jurisdiction*) can meet -these commitments and compliance with AB939, thereby reducing its burden on the local and global environment, creating markets for recycled materials, removing unnecessary hazards from its operations, protecting public health, reducing costs and liabilities, and potentially improving the environmental quality of the region. This policy is an effective way to direct the *Governing Body's* effort in procuring environmentally preferable products and services.

POLICY

It is the policy of the *Governing Body* of (*add name of jurisdiction*) to reduce the environmental impact of its purchases by addressing:

1. Product Content

- a. Purchase products which contain the highest percentage of post-consumer recovered material and the highest percentage of total recovered material available in the marketplace (e.g.; minimum 30% post-consumer content for paper).
- b. Ensure that specifications and performance standards for goods and services do not require the use of products made from virgin materials nor specifically exclude the use of environmentally preferable products.
- c. Replace disposables with re-usable and recyclable.
- d. Avoid household hazardous waste materials.
- e. Require manufacturers and their suppliers to disclose to the *Governing Body* the material content of their products.

2. Extended Producer Responsibility

- a. Include product specifications that address:
 - i. Durability and minimization of waste in the product design, materials content, manufacturing processes, packaging, distribution, and end-of-life management. Areas of consideration include the use of virgin material, water, energy, hazardous substances, product longevity, recycled content, and recyclability.
 - ii. Free or low-cost product takeback services (e.g.; collection, recycling, remanufacturing, and proper disposal of their products).

iii. Documentation that products previously purchased or leased are in fact reused, recycled, or otherwise safely managed at the end of their useful lives using best management practices.

b. Purchase products that minimize greenhouse gas emissions over the entire product lifecycle.

c. Participate in industry-financed recycling programs such as the Rechargeable Battery Recycling Corporation (Call2Recycle) the Thermostat Recycling Corporation (TRC), the Carpet America Recovery Effort (CARE) or Paint Care programs.

3. Environmental Product Standards

When possible procure environmentally preferable goods and services that meet environmental product standards established by governmental or other widely recognized authorities. Examples include the Green Seal 37 standard for janitorial products, EPEAT for IT equipment, and GreenGuard for furniture.

4. Other Environmental Factors

Integrate environmental factors into the *Governing Body's* purchasing decisions if external authorities have not established standards. Examples include, but are not limited to:

- a. Purchase fleet vehicles that provide the best available fuel efficiency and net reduction in vehicle fleet emissions;
- b. Evaluate, as appropriate, the environmental performance of vendors in providing products and services;
- c. Procure goods, products and services that support and/or aligned with LEED guidelines.

5. Performance Measurement

Quantify the environmental and economic benefits of the procurement of environmental alternatives such as recycled content paper, biodiesel, and IT equipment by utilizing available product environmental benefits calculators. Environmental benefits calculators have been developed to quantify the benefits associated with the procurement and use of various products such as paper, biodiesel, and janitorial supplies.

DEFINITIONS

The following terms shall have the assigned definitions for all purposes under this Policy:

Environmentally Sustainable Products and Services means products and services that have a lesser or reduced negative effect on human health and the environment when compared with competing products that serve the same purpose. In comparing products and services, the *Governing Body* should consider raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance, reuse, disposal of products, end of life management, or service delivery.

Specifically, factors that should be considered when determining that a product or service has environmentally preferable attributes include, but are not limited to:

- Minimization of virgin material used in product or service lifecycle;
- Maximization of recycled materials used in product or service lifecycle;
- Lifecycle analysis of products and services;
- Reuse of existing products or materials in product or service lifecycle;
- Recyclability, biodegradability, and compostability of product;
- Minimization of packaging;
- Minimization of greenhouse gas emissions;
- Water, energy, and fuel efficiency;
- Toxics reduction or elimination;
- Durability and maintenance requirements; and
- Ultimate disposal of the product.

LEED (Leadership in Energy and Environmental Design) means the Green Building Rating System developed and administered by the United States Green Building Council (USGBC) and adopted by the *Governing Body* in the Green Building Policy.

Lifecycle Analysis means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service, and disposal costs.

Extended Producer Responsibility (EPR) is the extension of the responsibility of producers, and all entities involved in the product chain, to reduce the cradle-to-cradle impacts of a product and its packaging; the primary responsibility lies with the producer, or brand owner, who makes design and marketing decisions.

Persistent, bioaccumulative, or toxic (PBT) means chemicals that are toxic, persist in the environment, bio-accumulate in food chains, and pose risks to human health and ecosystems. PBTs transfer easily between air, water, and land, remain in the environment for long periods of time, are not readily destroyed, and build up or accumulate in body tissue.

Examples of Preferable Product Categories

- A. Paper and paper products;
- B. Compost products;
- C. Horticultural mulch made with recycled landclearing and other wood debris;
- D. Construction aggregates made with recycled cement concrete, glass, or asphalt;
- E. Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, tire rubber, or fly ash;
- F. Lubricating oil and hydraulic oil with re-refined oil content;
- G. Antifreeze;

H. Recycled plastic products;

- Retreaded and remanufactured tires
- Products made from recycled tire rubber, including rubber mats and playfield surfaces;

I. Insulation products;

J. Remanufactured Paint;

K. Remanufactured laser printer toner cartridges and refillable ink cartridges;

L. Rechargeable batteries and Alkaline Batteries

M. Water saving products

N. Energy efficient lighting

O. Non-toxic janitorial supplies

P. Other products as designated by the *Governing Body*.

IMPLEMENTATION GUIDELINES

The *Governing Body* Manager shall ensure the development and maintenance of implementation guidelines that provide sufficient direction and clarity to carry out this Policy in an efficient and accountable manner. Specifically, the *Governing Body* Manager shall:

1. Prepare and deliver to the *Governing Body* Council an annual report on implementation of this Policy. The report shall include documentation of the types, quantities, and dollar amounts of environmentally preferable products and, their economic and environmental benefits (including the percentage of post-consumer and total recovered material content). This report should also discuss the environmental benefits of applying this Policy to certain services such as janitorial, landscape, and painting services.
2. Incorporate product (including packaging) stewardship measures such as takeback and end of life management into contract requirements.
3. During an evaluative procurement process, require vendors to report environmental and economic benefits of green product alternatives.
4. Review this Policy at least every two years, and present any recommendations to the *Governing Body* Council.