



## Maryland Green Purchasing Committee Approved Specification – Landscaping Supplies

### **HOW TO USE THIS DOCUMENT:**

This document sets prohibitions and minimum requirements for landscaping and groundskeeping supplies procured by the State of Maryland with which Contractors are required to comply.

These guidelines apply to agencies constructing new or rehabilitating existing owned or leased facilities or otherwise implementing landscaping practices on agency owned or leased land.

### **PRODUCTS COVERED UNDER THIS SPECIFICATION:**

Aggregates

Compost

Fertilizer

Herbicides

Hoses

Hydraulic Mulch

Insecticides

Landscaping Plants

Lawn and Garden Edging

Mulch

Outdoor Furniture

Park Components

Pesticides

Plastic Lumber Timber and Posts

Powered Landscaping Equipment

Topsoil

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## Maryland Green Purchasing Committee Approved Specification – Landscaping Supplies

### 1. LEGISLATION, STATUTES, AND REGULATIONS

#### *For Procurement Officers and Agencies*

##### **Environmentally Preferable Purchasing** (COMAR: [21.11.07.09](#))

“All procurement agencies shall purchase environmentally preferable products and services unless purchasing environmentally preferable products and services would limit or supersede any requirements under any provision of law or result in the purchase of products and services that:

- (1) Do not perform adequately for the intended use;
- (2) Exclude adequate competition; or
- (3) Are not available at a reasonable price in a reasonable period of time.”

##### **Mercury and Products that Contain Mercury** (COMAR: [21.11.07.07](#))

“All procurement agencies shall give a preference under this regulation to procuring products and equipment that are mercury-free. If mercury-free products and equipment that meet the agency's product performance requirements are not commercially available, the procurement agency shall give preference under this regulation to products containing the least amount of mercury necessary to meet performance requirements.”

#### *For Contractors, Bidders, and Offerors*

##### **Verifying Environmental Claims** (State Finance and Procurement Article [§14-410](#))

“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.”

##### **Pollinator Protection Act of 2016** ([SB0198](#)/HB0211)

The sale and use of neonicotinoid pesticides is prohibited in the State, with certain exceptions.

##### **Fertilizer Use Act of 2011** ([SB487](#)/HB573)

Lawn care professionals are required to comply with the University of Maryland’s fertilizer recommendations and best practices for lawn fertilization. Lawn-care professionals who conduct fertilizer application are required to be licensed and certified by the Maryland Department of Agriculture.

**Low Noise Supplies** (State Finance and Procurement Article [§14-403](#)) State government shall buy or lease the quietest available supplies. Low-noise-emission certified products must meet the requirements of the federal Noise Control Act of 1972.

**Limitations on Hazardous Substances** (Md. Code Ann., Env’t, [§6-1201](#)) “A person may not manufacture, process, sell, or distribute in the State a new product or flame-retardant part of a new product that contains more than one-tenth of 1% of pentaBDE (pentabrominated diphenyl ether) or octaBDE (octabrominated diphenyl) by mass.”

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**Limitations and Prohibitions on Heavy Metals in Packaging** (Env’t [§9-1902\(a\)-\(b\)](#)) “A manufacturer or distributor may not sell or offer for sale or for promotional purposes any package or packaging component or any product in a package or packaging component to which any of the following was intentionally added during manufacture or distribution: (1) Lead; (2) Cadmium; (3) Mercury; or (4) Hexavalent chromium.”

**Noxious Plants** (Md. Code Ann, Env’t [§9-401-406](#)) “No person may (1) Import or transport a noxious weed in the State in any form capable of growth; or (2) Contaminate any uninfested land with a noxious weed through the movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or any other artificial medium.

## 2. PROHIBITED PRODUCTS

- 1) Wood and lumber products derived from wood species listed as threatened or endangered by the [Convention on International Trade in Endangered Species \(CITES\)](#) and the [International Union for Conservation of Nature \(IUCN\)](#) are prohibited for use in landscaping projects.
- 2) Invasive plants identified in the [Maryland GPC Landscaping Plants Specification](#) are prohibited for purchase and use. The State reserves the right to update this list at any time.
- 3) The purchase and use of neonicotinoid pesticides is prohibited.
- 4) The purchase of plants treated with neonicotinoids is prohibited.
- 5) The purchase of mulch derived from treated wood containing [Chromated Arsenicals \(CCA\)](#) is prohibited.
- 6) Pursuant to Transportation Article [§22-402](#), vehicle idling is prohibited.
- 7) Biodegradable material must not be disposed of as garbage, except noxious weed debris.
- 8) The use of combination products is prohibited (“weed and feed”, weed control + fertilizer, insect control + fertilizer, etc.).
- 9) The purchase and use of lumber and timber products that contain polyvinyl chloride (PVC) is prohibited.

## 3. CONTRACTOR REQUIREMENTS

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- 1) The Contractor will provide staff able to perform work at the highest standards of horticultural practice. Key staff shall have current knowledge of best management practices (BMP's) regarding sustainable landscaping design, native plant selection, invasive plant identification and removal, plant health, pruning, integrated pest management, pesticide application, irrigation maintenance, and safety procedures. The State reserves the right to demand the replacement of Contractor's staff who do not meet the owner's standards for safety, professionalism, or horticultural knowledge.
- 2) The Contractor must provide employees with proper initial, on-site, or site-specific and annual in-service training. Training must be done in a manner that respects any unique needs of the employee, such as limited English proficiency, physical challenges, or learning disabilities.

## 4. MINIMUM REQUIREMENTS FOR PRODUCTS

### I. Compost

Compost may be used for fertilizer, mulch, erosion control, stormwater best management practices, and soil amendments.

*Compost must meet the requirements set forth in the Maryland Green Purchasing Committee's Environmentally Preferable Specification for [Compost](#).*

### II. Fertilizer

The use of compost as fertilizer is prioritized by the State of Maryland.

Fertilizers must meet one of the following criteria:

- Certified Organic by the National Organic Program
- Organic [Materials Review Institute \(OMRI\) Listed](#)

*OMRI Listed product registry for certified products can be found [here](#).*

### III. Pesticides

- Pesticides must not contain neonicotinoids.
- Pesticides offered for sale to the State of Maryland must be EPA Approved and possess a "Federal Insecticide Fungicide and Rodenticide Act" label.

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*Applicators of pesticides must possess the Pesticide Applicator license and certificate by Maryland Department of Agriculture.*

- Biopesticides must be registered by the EPA.

*EPA Biopesticide Registration information can be found [here](#).*

*A list of pesticides registered for use by the State of Maryland Chemist Office can be found on the Department of Agriculture website [here](#).*

### IV. Insecticides & Herbicides

- Insecticides and Herbicides must not contain neonicotinoids.

### V. Topsoil

- Topsoil must be composed of 4% compost. To comply with this requirement, one cubic yard of compost should be added to every seven cubic yards of soil.

### VI. Mulch

Hardwood bark mulch and woodchips are the common acceptable mulch types for purchase.

*Mulch must meet the requirements set forth in the Maryland Green Purchasing Committee's Environmentally Preferable Specification for [Mulch](#).*

### VII. Hydraulic Mulch

Hydraulic mulch must meet the following requirements for its material type:

- Paper-based hydraulic mulch must have 100% total post-consumer recycled content or 100% total recycled content.
- Wood-based hydraulic mulch must have 100% total recycled content.

### VIII. Hoses

- Garden hoses must contain a minimum of 60-65% post-consumer recycled content.
- Soaker hoses must contain a minimum of 60-70% post-consumer recycled content.
- Sprinkler hoses must contain a minimum of 50% post-consumer recycled content.

### IX. Irrigation Controllers

- Irrigation controllers must be [EPA WaterSense](#) certified.

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*A list of WaterSense certified products can be found [here](#).*

### X. Spray Sprinkler Bodies

- Spray sprinkler bodies must be [EPA WaterSense](#) certified.  
*A list of WaterSense certified products can be found [here](#).*

### XI. Lawn and Garden Edging

- Plastic and/or Rubber-based lawn and garden edging must have a minimum of 30% post-consumer recycled content or 50% total recycled content.

### XII. Potting Soil

- Potting soil mixes must be Organic Materials Review Institute (OMRI) listed.  
*OMRI Listed product registry for certified products can be found [here](#).*

### XIII. Plastic Lumber Landscaping Timber and Posts

#### A. Recycled Content Requirements

- HDPE timber and posts must have at a minimum 30% post-consumer recycled content or 75% total recycled content.
- Mixed plastics/Sawdust timber and posts must have at a minimum 50% post-consumer recycled content or 100% total recycled content.
- HDPE/Fiberglass timber and posts must have at a minimum 75% post-consumer recycled content or 100% total recycled content.
- Other mixed resin-based timber and posts must have a minimum of 50% post-consumer recycled content or 100% total recycled content.

#### B. Testing Requirements for Plastic Lumber and Plastic Composite Materials with Recycled Content

In line with EPA CPG recommendations, plastic and plastic composite-based products must meet the following testing standards for their respective categories:

- [D2344/D2344M](#) Standard Test Method for Short-Beam Strength of Polymer Matrix Composite Materials and Their Laminates.
- [D6108-13](#) Standard Test Method for Compressive Properties of Plastic Lumber.
- [D6109-13](#) Standard Test Method for Flexural Properties of Unreinforced and Reinforced Plastic Lumber.

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- [D6111-33](#) Standard Test Method for Bulk Density and Specific Gravity of Plastic Lumber and Shapes by Displacement.
- [D6112-13](#) Standard Test Method for Compressive and Flexural Creep and Creep Rupture of Plastic Lumber and Shapes.
- [D6117-13](#) Standard Test Method for Mechanical Fasteners in Plastic Lumber and Shapes.
- [D7031-11](#) Standard Guide for Evaluating Mechanical and Physical Properties of Wood-Plastic Composite Products.

### C. Fencing, Decking, and Railings

- All plastic used for fencing and post materials must be made from a minimum of 60% post-consumer recycled plastic (PCRPP).
- The purchase of PVC decking is prohibited.

### D. Landscape Timbers

- Includes all timbers designed for use in landscaping applications.
- Must contain a minimum of 90% total recovered materials, at least 50% of which must be recycled plastic (unless solid wood).
- If timber contains fiberglass, wood, or other non-plastic material designed to provide structural strength, material must be from recycled material and cannot comprise more than 50% of the total product.
- Must be guaranteed against undue warping, sagging, cracking, splitting, rotting, and insect infestation for a minimum of ten (10) years.
- Must not contain PVC.

### E. Lumber, Composite Dimensional

- Minimum 90% total recovered materials, at least 25% of which must be PCRC plastic.
- Lumber may contain fiberglass, wood, or other non-plastic material designed to provide structural strength; however, such material must be recycled and must comprise no more than 50% of the total product.
- Must not contain PVC.

### F. Lumber, Plastic Dimensional

- Minimum of 90% PCRC plastic material.
- Must be free of PVC, fiberglass, or any other non-plastic material.

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- Plastic may be derived from a single resin or from co-mingled plastic materials.

### XIV. Outdoor Furniture

#### A. Playground equipment

##### i. Non-Wood Based Products

- Thermoplastic – the plastic portion of the product must be composed of 100% recycled content and at least 90% post-consumer plastic.
- Thermoset Plastic – the plastic portion of the product must be composed of at least 50% post-industrial or post-consumer recycled content.
- Plastic composite (using thermoplastic) – the plastic portion of the product must be composed of 100% recycled content and at least 50% post-consumer content.
- Plastic composite (using thermoset plastic) – the plastic portion of the product must be composed of at least 50% post-industrial or post-consumer recycled content.

#### B. Picnic Tables and Park Benches

##### i. Plastic-Based

- 100% recovered plastic, including 90-100% postconsumer content.

##### ii. Plastic composites

- 100% recovered plastic composites, including 50-100% postconsumer content.

##### iii. Aluminum-Based

- 25% recovered material, including 25% postconsumer content.

##### iv. Steel-Based

- Steel from a Basic Oxygen Furnace (BOF) process must contain 25-30% total recovered materials, of which 16 percent is postconsumer steel.
- Steel from the Electric Arc Furnace (EAF) process must contain a total of 100% recovered steel, of which 67% is postconsumer.

### XV. Aggregates

*Aggregate products must meet the requirements set forth in the Maryland Green Purchasing Committee's Environmentally Preferable Specification for [Aggregates](#).*

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### XVI. Landscaping Plants

Must meet the criteria set forth in the Maryland Green Purchasing Committee’s Environmentally Preferable Specification for [Landscaping Plants](#).

### XVII. Other Soil Amendments

*Soil amendment products must meet the requirements set forth in the Maryland Green Purchasing Committee’s Environmentally Preferable Specification for [Soil Amendments](#).*

## 5. GUARANTEE AND REPLACEMENT

- 1) The Contractor is not responsible for losses, repair or replacement of damaged work or plant material resulting from theft, extreme weather conditions, vandalism, vehicular incidents (other than Contractor’s vehicles) or the acts of others over whom they have no reasonable control.
- 2) The Contractor shall replace, at no additional cost to the State, any turf or plant materials damaged as a result of improper maintenance attention or procedures in conformance with the landscaping master plan.
- 3) Replacement material shall be of the same size and variety as the dead or damaged material.
- 4) The Contractor must replace plant material within two weeks of identification of damage. Alternatives to size, variety and scheduling of replacement only by written permission of the Building Services supervisor or designated representative.
- 5) The Contractor shall inform the Building Services supervisor or designated representative monthly of plant losses not covered by warranty and unrelated to the maintenance activities. The Contractor must provide the Building Services supervisor or designated representative with the cause of the plant loss, and provide recommendations (in line with the specification) for replacement along with pricing for replacement.

## 6. ADDITIONAL ENVIRONMENTALLY DESIRABLE ATTRIBUTES

### I. Mulch & Other Soil Amendments

- Mulch and soil amendment products are encouraged to be certified by the [Organic Materials Review Institute \(OMRI\)](#).  
*OMRI listed registry certified products can be found [here](#).*

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### II. Pesticides

*Bait Stations are exempt from the product requirements of pesticide.*

Pesticides are encouraged to meet one of the following criteria:

- Organic [Materials Review Institute \(OMRI\) Listed](#)
- Meet [EPA's Conditions for Minimum Risk Pesticides](#)

*A list of pesticides registered for use by the State of Maryland Chemist Office can be found on the Department of Agriculture website [here](#).*

### III. Insecticides & Herbicides

- Insecticides and herbicides are encouraged to be certified by the [Organic Materials Review Institute \(OMRI\)](#).  
*OMRI listed registry certified products can be found [here](#).*

### IV. Powered Landscaping Equipment

- To the maximum extent practicable, electric powered equipment used for landscaping installation and maintenance projects must be prioritized. These include mowers, weed trimmers, seed spreaders, and other tools that can be purchased electric instead of gas powered.

## 7. ENVIRONMENTALLY PREFERABLE PURCHASING LANGUAGE

**Instruction to Procurement Officers: Please include the following language to your solicitation if it does not already exist.**

### A. On Environmentally Preferable Purchasing:

**The State of Maryland is committed to purchasing environmentally preferable products and services (EPPs).** Maryland's State Finance & Procurement Article §14-410 defines environmentally preferable purchasing as "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."

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Accordingly, Bidders are strongly encouraged to offer EPPs to fulfill this contract, to the greatest extent practicable.

### B. On Maryland's Green Purchasing Reporting Requirements:

**The State of Maryland requires, at a minimum, from the Contractor annual sales data over the life of this contract; the State also reserves the right to request quarterly sales data over the life of this contract.**

The report shall include at a minimum details about the third-party sustainability certifications and other environmental attributes of products and services sold on this price agreement per the contract specifications.

To facilitate consistent reporting on this contract, the Contractor will be provided with a VENDOR GREEN SALES REPORT template from the Green Purchasing Committee (GPC), the Office of State Procurement (OSP) or the Department of General Services (DGS).

This information will enable Maryland State agencies to comply with Article §14-405 of the Annotated Code of Maryland and COMAR 21.13.01.14, effective October 1, 2014, which requires Maryland state agencies to report to the Department of General Services on their procurement of environmentally preferable products and services.

### C. On Environmental Claims

**All environmental benefit claims made by the Contractor concerning products or services offered on this contract must be consistent with the [Federal Trade Commission's Guidelines for the Use of Environmental Marketing Claims](#).**