



Maryland Green Purchasing Committee Approved Specification – Mulch

HOW TO USE THIS DOCUMENT:

This document sets the minimum requirements for environmentally preferable mulch purchased by the State of Maryland. Vendors are required to follow and, when possible, go beyond these standards in their product offerings to the maximum extent practicable when such products are cost competitive and meet form, function and utility requirements.

For State procurement officers, this document outlines the legislation, statutes, and regulations that mandate State purchasing practices for mulch. The document also provides boilerplate language to be included in State procurement contracts associated with mulch.

For the purpose of this specification, mulch is defined as any material or product, with at least 50 percent of its volume composed of particles 1/2 inch or larger in size, that is distributed for primary use on the soil surface or around plants as decoration or as a protective covering to reduce moisture loss, control weeds, prevent erosion, reduce temperature changes, or similar purposes relating to the soil ([COMAR 15.18.04.01 \(B\)17](#)).



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1. ENVIRONMENTALLY PREFERABLE PURCHASING: 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.”

Bill [HB 586](#), Enacted as Maryland Chapter 170, 2023 Laws of Maryland:

“The Maryland Green Purchasing Committee... shall establish specifications for purchasing of compost, mulch, soil amendments, or aggregate produced from municipal solid waste, food waste, dredged materials, construction waste, yard waste, clean wood waste, or other recycled or organic materials.”

For Contractors, Bidders, and Offerors

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

“A bidder or offeror for a procurement contract 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.”

2. PROHIBITED PRODUCTS

- A. Mulch that is treated with any wood preservatives or pesticides including, but not limited to the following, are prohibited:
 - o Chromated arsenicals, which include chromated copper arsenate (CCA)
 - o Creosote
 - o Pentachlorophenol
 - o Propiconazole
 - o Triadimefon
 - o Acid Copper Chromate (ACC)
 - o Isothiazolinones
 - o Alkaline copper quaternary (ACQ).
 - o Borates.



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- o Copper azole.
 - o Copper naphthenate.
 - o Copper-HDO (Bis-(N Cyclohexyl Diazonium Dioxy-copper)).
 - o Polymeric betaine.
- B. 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.
- 1) A comprehensive, downloadable list of species covered by CITES can be found [here](#). When downloading the list, under “Taxon” select Plantae for all organisms in the Plant Kingdom.

3. MINIMUM REQUIREMENTS FOR MULCH PRODUCTS – General

The State of Maryland is committed to the procurement of sustainable products which minimize harm to the environment and human health. To the extent practicable, mulch materials shall incorporate recycled organic materials as opposed to virgin materials. Accepted sources of organic material used for mulch include yard waste, food waste, and clean wood waste.

A. Mulch

- 1) All mulch shall be composted to provide sufficient nitrogen for plant growth.
- 2) The State prioritizes or prefers the purchase of mulch produced from recycled organic materials to the maximum extent practicable. Here is a list of commonly accepted types of mulch:
 - o Straw Mulch.
 - o Wood Cellulose Fiber Mulch.
 - o Shredded Hardwood Mulch.
 - o Composted Wood Chip (CWC) Mulch.
- 3) Mulch must not contain more than 0.1% of deleterious materials such as rocks, glass, plastics, metals, clods, weeds, weed seeds, coarse objects, sticks larger than the specified particle size, salts, paint, petroleum products, pesticides or chemical residues harmful to plant or animal life. Mulch must not contain more than 0.1% leaves or small twigs.

B. Hydraulic Mulch (Wood Cellulose Fiber Mulch)

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

- 1) Paper-based hydraulic mulch must not contain added polyfluoroalkyl substances (PFAS) **AND** have 100% total post-consumer recycled content or 100% total recycled content.
- 2) Wood-based hydraulic mulch must have 100% total recycled organic content.



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4. MINIMUM REQUIREMENTS FOR MULCH PRODUCTS – Sourcing

A. YARD WASTE

Mulch generated from yard waste must:

- Be sourced locally in Maryland.

Find locations of local organic recycling facilities [here](#).

Find MDE Permitted Solid Waste Facilities [here](#).

- o *These lists are not all inclusive and do not intend to identify all locations. Listings do not constitute a complete directory of all vendors in Maryland or offer an endorsement of the business by the State.*

- Be organic and free of diseased plants, weeds with seeds, wood preservatives or pesticides.

B. CLEAN WOOD WASTE

Mulch generated from clean wood waste must:

- Be sourced locally in Maryland.

Find locally approved Natural Wood Waste Recycling Facilities (NWWRF) or MDE Permitted Solid Waste Facilities [here](#).

- o *These lists are not all inclusive and do not intend to identify all locations. Listings do not constitute a complete directory of all vendors in Maryland or offer an endorsement of the business by the State.*

- Be free of pesticides or preservatives.

- 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.

5. ENVIRONMENTALLY PREFERABLE PRODUCT RECOMMENDATIONS – General

- To maximize environmental benefits, it is recommended that the State purchase mulch that is OMRI listed.

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



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- It is recommended that invasive species are removed from the yard waste pile for the purpose of producing mulch.

6. 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.”

Accordingly, Bidders/Offerors 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 contract 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).

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](#).

7. APPENDIX

Chromated Copper Arsenicals (CCA): a group of pesticides containing chromium, copper, and/or arsenic that protect wood against termites, fungi and other pests that can degrade or threaten the integrity of wood products.



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Clean Wood Waste: Waste generated from solid wood, pallets or lumber that is not painted, glued, treated with chemicals, or pierced with nails or metal fasteners.

Invasive Species: An invasive species is an organism that is not indigenous, or native, to a particular area. Invasive species can cause great economic and environmental harm to the new area.

Mulch: A protective layer of material applied to the surface of an area of soil with the intention of providing an optimum soil environment for planting and turf establishment, preventing erosion, stabilizing soil, moderating soil temperatures, conserving moisture, improving soil fertility, reducing weed growth, enhancing the visual appeal of the area or breaking the impact of falls.

Yard Waste ([§9-1701](#)): Organic plant waste derived from gardening, landscaping, and tree trimming activities. This includes leaves, garden waste, lawn cuttings, weeds, and pruning.