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## SECTION I. MINIMUM REQUIREMENTS

### A. PROHIBITED PRODUCTS

1. Batteries containing nickel cadmium (Ni-Cd), mercury, or lead are prohibited.
2. Pursuant to Environment Article, [§§9-1901-1907](#), the Contractor is prohibited from selling or offering any package or packaging components (e.g. inks, dyes, pigments, adhesives, or any other additives) with lead, cadmium, mercury or hexavalent chromium at concentration levels exceeding 100 parts per million by weight or 0.01%.
3. Pursuant to Environment Article, [§§6-1201-1204](#), certain products containing more than one-tenth of 1% of pentaBDE (pentabrominated diphenyl ether), octaBDE (octabrominated diphenyl), or decaBDE (decabrominated diphenyl ether) by mass are prohibited.

### B. BATTERIES, RECHARGEABLE (SIZED AAA, AA, C, D, 9V)

1. Batteries shall be nickel-metal hydride (NiMH) or Lithium-Ion.
2. NiMH batteries shall have a minimum power rating, including low self-discharge/pre-charged rechargeable batteries, of at least:
  - a. AAA batteries – 800 milliampere-hour (mAh)
  - b. AA batteries – 2,300 mAh
  - c. C batteries – 5,000 mAh
  - d. D batteries – 10,000 mAh
  - e. 9-volt batteries – 175 mAh
3. NiMH batteries shall use low self-discharge technology that ensures the battery retains 80% of its charge after one (1) year of storage and 75% of its charge after three (3) years of storage.
4. The power rating (in mAh) of each rechargeable battery must be clearly indicated in catalogs and on websites provided as part of the bid/proposal.
5. All rechargeable batteries must be clearly identified as a “green” product in catalogs and on websites provided as part of the bid/proposal.

### C. BATTERIES, SINGLE-USE (SIZED AAA, AA, C, D, 9V)

1. Single-use batteries must be lithium-ion.

### D. BATTERY CHARGERS, GENERAL

1. Bidders/Offerors providing rechargeable batteries shall also offer at least one (1) charger option for each available battery type.
2. All chargers offered must be Underwriters Laboratory (UL) listed for shock resistance.

### E. BATTERIES, DISPOSAL

1. Bidders/Offerors providing batteries and charges shall provide a collection program. Collection programs shall properly recycle or dispose of all batteries, including defective returns, and battery chargers offered. This program may be offered directly through the Bidder/Offeror or through a third-party.

END OF SECTION I.

## SECTION II. RECOMMENDATIONS

### A. **BATTERIES, RECHARGEABLE (SIZED AAA, AA, C, D, 9V)**

The State of Maryland encourages procuring agencies to consider requiring all battery purchases to be rechargeable where possible/practical.

### B. **BATTERY CHARGERS**

Bidders/Offerors are encouraged to provide battery chargers that are:

1. Restriction of Hazardous Substances Directive (RoHS)-compliant.
2. Capable of charging multiple battery types (AAA, AA, C, D, etc.) in a single unit.
3. Capable of charging batteries individually, rather than purchasing a paired or circuit station.

### C. **BATTERIES, DISPOSAL**

1. Collection programs for batteries and battery chargers are preferred to be offered for free.

### D. **BATTERIES AND BATTERY CHARGERS, OTHER ASPECTS**

1. Buy items with minimal packaging and in bulk;
  - a. Where the Contractor uses packaging in addition to manufacturer packaging, the Contractor is encouraged to select packaging that minimizes or eliminates the use of disposable containers and/or incorporates recycled content.
  - b. The Contractor shall avoid the use of polystyrene foam packaging (e.g., peanuts) and other difficult-to-recycle packaging materials. Where appropriate, Contractor packaging using reusable components is preferred over boxed packaging.
  - c. For corrugated cardboard packaging (also known as containerboard packaging), the Contractor is encouraged to use versions that contain a minimum of 25% by weight of post-consumer materials, which is the minimum post-consumer content level for packaging specified by the U.S. Environmental Protection Agency Comprehensive Procurement Guidelines.

**END OF SECTION II.**

### **SECTION III. SUBMITTAL REQUIREMENTS**

#### **A. TECHNICAL SUBMISSION**

Bidders/Offerors shall provide the following documents with their response:

1. Proof of applicable minimum requirements listed in Section I.
  - a. This may include:
    - (1) link to the manufacturer's website, or
    - (2) link to the vendor's website.
2. Description of applicable sustainable practices related to the products or services provided, including disposal programs.

#### **B. REFERENCES**

A bidder or offeror shall include the sustainable practices it employed during the contract period for each listed reference.

**END OF SECTION III.**

## SECTION IV. ENVIRONMENTALLY PREFERABLE PURCHASING LANGUAGE

### A. 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(a)(3) 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. MARYLAND'S GREEN PURCHASING REPORTING REQUIREMENTS

The Contractor shall submit quarterly sales data to the State over the life of this contract. This information must include details about the recycled content, third-party sustainability certifications, and other environmental attributes of products and services provided under the contract.

To facilitate consistent reporting, the Contractor must use a standardized Vendor Green Sales Report template for the quarterly reporting, which the state will provide. The reporting template and other vendor related guidance can be found on the [Maryland DGS Green Purchasing website](#).

By submitting a response to this solicitation, the Bidder/Offeror acknowledges a commitment to submitting the quarterly Vendor Green Sales Report to the State. Any vendor who fails to submit the quarterly reporting may be out of compliance and, therefore, may be issued a cure notice from the Procurement Officer.

### C. 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 Guides for the Use of Environmental Marketing Claims](#).

END OF SECTION IV.

## SECTION V. LEGISLATION, STATUTES, AND REGULATIONS

### A. FOR PROCUREMENT OFFICERS AND AGENCIES

1. **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.”
2. **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.”

### B. FOR CONTRACTORS, BIDDERS, AND OFFERORS

1. **Verifying Environmental Claims** (State Finance and Procurement Article [§14-410\(g\)](#))  
“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. **Limitations and Prohibitions on Heavy Metals in Packaging** (Environment Article [§9-1902\(a\)\)](#)  
“(a) Except as provided in § 9-1903 and § 9-1904 of this subtitle, on or after July 1, 1993, 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...”
3. **Limitations on Hazardous Substances** (Environment Article, [§6-1202](#))  
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.
4. **Shipping/Transport Requirements and Recommendations** Idling Law (Transportation Article [§22-402\(c\)\(3\)\)](#)  
“A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:  
i. When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;  
ii. When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;  
iii. To bring the vehicle to the manufacturer's recommended operating temperature; or  
iv. When it is necessary to accomplish the intended use of the vehicle.”

## END OF SECTION V.