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## SECTION I. MINIMUM REQUIREMENTS

### A. PROHIBITED PRODUCTS

1. Newly built single-use cartridges made from 100% virgin material (i.e compatibles) are prohibited.
2. Pursuant to Environment Article, [§§9-1901-1907](#), the Contractor is prohibited from offering or using packaging 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. TONER CARTRIDGES, GENERAL

1. Types of toner cartridge products include OEM (Original Equipment Manufacturers), non-OEM (name brand), and remanufactured.
2. The vendor may only offer environmentally preferable toner cartridges on this contract, except when there is none available for a specific piece of imaging equipment.
3. Environmentally preferable toner cartridges must possess one of the following attributes (listed in order of preference):
  - a. High yield AND remanufactured;
  - b. High yield (often labeled with one of the following codes: X, XL, XLL, HY, XHY, etc.); or
  - c. Remanufactured (which is consistent with the US Environmental Protection Agency's (EPA) Comprehensive Procurement Guidelines) by a company that is Standardized Test Methods Committee (STMC)-certified.
4. Toner cartridge products that have been tested to be compliant with one or more of the following indoor air quality standards or certifications must be labeled as such:
  - a. EPEAT 4.10.1.1 Indoor Air Quality Emission Requirements;
  - b. Nordic Swan; or
  - c. Blue Angel.

### C. TONER CARTRIDGES, REMANUFACTURED

1. The components of the original toner cartridge must be examined for damage before remanufacturing. The remanufactured cartridge must meet the quality and performance standards recognized by one the following:
  - a. The most recent ASTM (American Society for Testing Materials) standards
  - b. SMTC (Standardized Test Methods Committee)
  - c. [Nordic Swan](#)
  - d. [Blue Angel](#)
  - e. Any other relevant ecolabel.
2. Remanufactured toner cartridges must be compliant with the standards from which the product was originally manufactured.
3. Remanufactured toner cartridges shall not be remanufactured with, or contain intentionally added mercury, lead, cadmium or chromium (VI) as constituents of the toner or toner cartridge.

### D. TONER CARTRIDGES, TAKE BACK SERVICES

1. The vendor must offer a cartridge recycling system for each product offered on the contract and the vendor's cartridge recycling system must send its spent cartridges to a remanufacturer or to a

manufacturer that meets one of the quality and performance standards listed in section 1.C.1 of this specification.

**E. VENDOR REQUIREMENTS**

Vendors shall:

1. Include environmental attributes in the product catalogs or product label (i.e “Remanufactured with 100% Post – Consumer Recycled Content, High Yield, HY, X, XL, XXL).
2. Provide a Safety Data Sheet for each product that is offered, upon request.

**END OF SECTION I.**

## **SECTION II. RECOMMENDATIONS**

### **A. TONER CARTRIDGE PRODUCT RECOMMENDATIONS**

The State of Maryland prioritizes the purchasing of environmentally preferable products to the maximum extent practicable. In order to achieve this goal, the recommended order of prioritization for purchasing toner cartridges is as follows:

1. High-yield and remanufactured cartridges
2. High-yield OEM cartridges
3. Remanufactured cartridges
4. Standard OEM cartridges

### **B. VENDOR RECOMMENDATIONS**

To maximize the purchasing of sustainable products, vendors, retailers, and manufacturers are encouraged to:

1. Offer a FREE cartridge recycling system for each product offered on the contract. The cartridge recycling system may send its spent cartridges to a remanufacturer or to a manufacturer that meets the following EPEAT criteria:
  - a. EPEAT 4.9.3.1- Provision of take-back and recycling service for cartridges and containers (includes process restrictions and reporting requirement);
  - b. EPEAT 4.9.3.2- Manufacturer recycles or reuses all toner material collected through its cartridge and container take-back program; or
  - c. EPEAT 4.9.3.3- Manufacturer recycles or reuses all plastic collected through its cartridge and container take-back program. Manufacturers and remanufacturers must also provide annual reporting of their recycling program metrics.
2. Offer only OEM cartridges, as they are more reliable than cartridges manufactured by a third party
3. Offer a minimum 1-year replacement warranty for the product.
4. Allow bulk purchases to reduce the number of deliveries and carbon emissions from transportation.

**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 required certifications and standards listed in this specification.
  - a. This may include a list of environmentally preferable attributes.
  - b. Bidders/offerors who suggest products that are not certified but contain recycled content shall provide documentation of such products with their bids/offers. That list must include each product's percentage of recycled content.
2. Description of applicable sustainable practices related to the product or takeback services provided.

#### **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 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.

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 report may be out of compliance and, therefore, may receive 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** (Env. Article [§9-1902\(a\)-\(d\)](#))  
“(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, [§§ 6-1202-1202.1](#))  
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.