



Maryland Green Purchasing Committee Approved Specification – Plumbing and Other Water-Using Fixtures

HOW TO USE THIS DOCUMENT:

This document sets prohibitions and minimum requirements for appliances procured by the State of Maryland with which Contractors are required to comply. Contractors are required to follow and when possible, go beyond these standards in their product offerings to the maximum extent practicable where such products are cost competitive and meet form, function and utility requirements.

This document also includes additional environmentally desirable attributes that offered products are encouraged to meet or exceed, to the maximum extent practicable, whenever they are cost-competitive (using a total cost of ownership assessment) and meet form, function and utility requirements. Environmentally desirable practices are also included that Contractors are encouraged to follow.

PRODUCTS COVERED UNDER THIS SPECIFICATION:

Bathroom Faucets

Drinking Water Fountains

Irrigation Controllers

Pre-Rinse Spray Valves

Showerheads

Spray Sprinkler Bodies

Toilets (Residential and Commercial)

Urinals

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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.”

Efficient Product Purchase Goal ([Executive Order 01.01.2001.02](#))

“The State shall purchase Energy Star products when purchasing energy-using products, including computers, printers, copiers and other office equipment, or shall purchase products in the top 25% in energy efficiency for products where labels are not available.”

Low Noise Emission Products (State Finance and Procurement Article [§14-403](#))

“To the extent practicable, each unit of the State government shall buy or lease for use by the State government supplies that are the quietest available supplies. Supplies that are certified as low-noise-emission products under the federal Noise Control Act of 1972 are considered to meet [this requirement].”

Limitations on Hazardous Substances (Environment Article [§§6-1201 et seq.](#))

“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.”

“A person may not manufacture, lease, sell, or distribute for sale or lease in the State electrical or electronic equipment that contain more than one-tenth of 1% of decaBDE (decabrominated diphenyl ether) by mass.”

Maryland High Performance Buildings Act (State Finance and Procurement Article [§3-602.1](#))

“The State shall employ green building technologies when constructing or renovating a State building not subject to this section; and (2) high performance buildings shall meet the criteria and standards established under the “High Performance Green Building Program” adopted by the Maryland Green Building Council. “Major renovation” means the renovation of a building where: (i) the building shell is to be reused for the new construction; (ii) the heating, ventilating, and air conditioning (HVAC),

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electrical, and plumbing systems are to be replaced; and (iii) the scope of the renovation is 7,500 square feet or greater.”

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. Pursuant to Environment Article §§6–1201–1204, products containing more than one-tenth of 1% of pentaBDE, octaBDE, or decaBDE by mass are prohibited.
- B. Pursuant to COMAR: 21.11.07.07, products that contain mercury are prohibited, unless there are no commercially available mercury-free products for a specific application. In such cases, the Contractor must offer products containing the least amount of mercury necessary to meet performance requirements.

The Contractor must clearly label in its bid/proposal all products that contain mercury.

- C. 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, stabilizers, and additives) with lead, cadmium, mercury or hexavalent chromium at concentration levels exceeding 100 parts per million by weight or 0.01%.

3. MINIMUM REQUIREMENTS

A. Product Requirements

I. Water Efficiency

- The Contractor must provide products that are certified by WaterSense for the following categories:
 - Bathroom Faucets
 - Irrigation Controllers
 - Pre-Rinse Spray Valves
 - Showerheads
 - Spray Sprinkler Bodies
 - Toilets (Residential and Commercial)
 - Urinals

The WaterSense Product Finder can be accessed at:

<https://lookforwatersense.epa.gov/products/>.

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The WaterSense program also maintains a list of WaterSense-certified irrigation professionals. This list can be accessed at: <https://www.epa.gov/watersense/irrigation-pro>

II. Drinking Fountains

- a) All drinking water fountains must have the ability to fill water bottles with either a faucet or other feature that provides at least 10 inches of clearance to allow filling and refilling of cups, sports bottles, pitchers, carafes, etc.
- b) All drinking water fountains must have a self-closing supply valve or other mechanism that prevents water from running if left unattended.
 - 1) Outdoor Drinking Water Fountains shall have:
 - a. A vandal resistant spigot or other vandal resistant features; and
 - b. Frostproof assembly where exposed to the elements or allow for seasonal shutdown and drainage.
 - 2) Indoor Drinking Water Fountains:
 - a. If refrigeration is provided at the fountain, the most energy efficient methods of chilling available and/or Energy Star rated methods must be chosen to the extent available.
 - b. Filters used in water fountain systems:
 - ▶ Must be recyclable.
 - ▶ Must be changed as recommended by the manufacturer in order to be effective.
 - ▶ Must be installed in or near the individual fountains and the point-of-use, unless otherwise specified.

B. End-of-Life Requirements

Contractors must notify purchasers of any available take-back service for reuse, refurbishment, and/or recycling for purchased and previously purchased equipment, including information on how to utilize the service. This information shall be made available to the purchasing State agency at time of purchase through written or online documentation.

4. ADDITIONAL ENVIRONMENTALLY DESIRABLE ATTRIBUTES

A. Product Recommendations

- I. Touch-free or hands-free equipment is preferred as to mitigate risks associated with COVID-19.
- II. Contractors are encouraged to provide appliances which are remanufactured or incorporate recycled materials in their manufacture, to the extent practicable.

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Contractors shall identify remanufactured or recycled content characteristics in their bids/proposals.

B. Packaging Recommendations

- I. 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 and is easily recyclable through the State’s contracted recycling programs. 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 crates or reusable pallets is preferred over boxed packaging.
- II. 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.

C. Shipping/Transport Recommendations

To promote fuel efficiency and reduce greenhouse gases and air pollution, the Contractor is encouraged to use a SmartWay Transport/Carrier Partner for the shipment or transport of products. A list of SmartWay Transport partners can be found here: <https://www.epa.gov/smartway/smartway-partner-list>.

5. 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.

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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 CONTRACTOR 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](#).

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Appendix – Definitions

End-of-life management: Process by which products are disposed of after their term of useful service expires.

Energy efficient: Product that performs more work per unit of energy as compared to all similar products.

ENERGY STAR: A joint program of the U.S. Department of Energy and the U.S. Environmental Protection Agency certifies and lists relatively energy-efficient products in several categories such as light fixtures, LEDs, appliances, and office equipment.

Environmentally preferable: Products and services that have a lesser or reduced effect on human health and the environment when compared to other products and services that serve the same purpose.

Hazardous substance: 1) Material posing a threat to human health and/or the environment, that can be toxic, corrosive, ignitable, explosive, or chemically reactive; or 2) substance that must be reported to the EPA if released into the environment.

PBDEs: also known as polybrominated diphenyl ethers or brominated flame retardants. Persistent and bioaccumulating chemicals such as polybrominated diphenyl ethers (PBDEs) are added to computers, office electronics, plastics, and polymer resins to reduce the risk of fire; PBDEs include Pentabromodiphenyl ether (pentaBDE), Octabromodiphenyl ether (octaBDE), and Decabromodiphenyl ether, (decaBDE).

Recycled Content Product: A product created from: 1) excess or waste material that was generated in manufacturing and converting processes; or 2) material that was recovered from a consumer product at the end of its life. Products with recycled content divert waste from landfills.

Remanufactured Product: A product that is rebuilt to the specifications of the original product, but from a combination of reused, repaired, and new parts.

SmartWay: Program established by the U.S. EPA to help improve fuel efficiencies and sustainability in freight transportation.

Water Efficient: Product that uses less energy and water per unit as compared to all similar products.

WaterSense: Program established by the U.S. EPA that labels water-efficient products such as faucets, irrigation equipment, kitchen pre-spray valves, shower heads, and toilets.