

Environmentally Preferable Requirements and Recommendations General

HOW TO USE THIS DOCUMENT:

This document provides guidance for including Environmentally Preferable purchasing requirements and recommendations in a commodity solicitation, if an applicable Green Purchasing Committee (GPC) approved specification does not exist.

Check for GPC approved specifications here:

<https://dgs.maryland.gov/Pages/GreenPurchasing/Resources/Specifications.aspx>

- I. *If a GPC approved environmentally preferable specification does not exist*, then all solicitations for commodities must include **Section A: General Requirements and Recommendations**.
- II. *If a GPC approved environmentally preferable specification does not exist **AND** the procurement includes the products listed below*, then that solicitation shall include **Section A: General Requirements and Recommendations AND Section B: Recycled Content Requirements**.
 - **Construction Products**
 - **Landscaping Products**
 - **Non-paper Office Products**
 - **Paper Office Products**
 - **Parks and Recreation Products**
 - **Transportation Products**
 - **Vehicular Products**
- III. *If a GPC approved, environmentally preferable specification does not exist **AND** the procurement is for an **Energy-Using Product***, then that solicitation shall include the requirements and recommendations set forth in **Section A: General Requirements and Recommendations AND Section C: Energy-Using Product and Energy Efficiency Requirements**.

If No GPC Approved Specification Exists:

	Insert Language From:		
	Section A	Section B	Section C
For All Solicitations:	X		
If Solicitation is for Products Related to Construction, Landscaping, Office Supplies, Parks and Recreation, Transportation, Vehicular Systems:	X	X	
If Solicitation is for Energy-Using Products: e.g. Lights, Appliances, IT, etc.	X		X

TABLE OF CONTENTS

A. GENERAL REQUIREMENTS AND RECOMMENDATIONS	3
1. Product Material Requirements	3
2. Packaging Requirements and Recommendations	3
3. Shipping/Transport Requirements and Recommendations	4
4. Environmentally Preferable Purchasing Requirements	4
B. RECYCLED CONTENT REQUIREMENTS	5
C. ENERGY-USING AND ENERGY EFFICIENCY PRODUCT REQUIREMENTS	6

A. GENERAL REQUIREMENTS AND RECOMMENDATIONS

Instruction to Procurement Officers: In the absence of a GPC approved specification, please include the following section in all solicitations.

1. Product Material Requirements

- The Contractor must not provide products containing more than one-tenth of 1% of pentaBDE, octaBDE, or decaBDE by mass.

Limitations on Hazardous Substances (Environment Article [§6-1201:§6-1204](#))

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.

- The Contractor must not provide products that contain mercury unless there are no commercially available mercury-free products for a specific application. In such cases, the Contractor must provide products containing the least amount of mercury necessary to meet performance requirements.

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

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.”

2. Packaging Requirements and Recommendations

- The Contractor must not provide or use 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%.

Limitations and Prohibitions on Heavy Metals in Packaging (Environment Article [§9-1901:§9-1907](#))

“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.

The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium incidentally present in a package or packaging component may not exceed: ...By July 1, 1995, 100 parts per million by weight or 0.01%.”

- 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.
- 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.

3. Shipping/Transport Requirements and Recommendations

- The Contractor must comply with the limitations on idling as set forth in Transportation Article §22-402.

Idling Law (Transportation Article §22-402)

"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.*
- 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>

4. Environmentally Preferable Purchasing Requirements

- **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, Contractors are strongly encouraged to offer EPPs to fulfill this contract, to the greatest extent practicable.

- **The State of Maryland requires the Contractor to submit at a minimum quarterly sales data over the life of this contract per a schedule established and deemed reasonable by both parties, or by request by the Department of General Services.** This information must include details about the recycled content, third-party sustainability certifications, and other environmental attributes of products and services sold on this Contract per the contract specifications. The Contractor must notify the State if a product contains mercury.

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).

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.

- **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](#).**

Bid/Proposal Affidavit language, as reflected in COMAR 21.05.08.07:

I FURTHER AFFIRM THAT:

Any claims of environmental attributes made relating to a product or service included in the bid or proposal are consistent with the Federal Trade Commission's Guides for the Use of Environmental Marketing Claims as provided in 16 CFR §260, that apply to claims about the environmental attributes of a product, package, or service in connection with the marketing, offering for sale, or sale of such item or service.

B. RECYCLED CONTENT REQUIREMENTS

Instruction to Procurement Officers: In the absence of a GPC approved specification, please include the following section in solicitations as applicable.

- The Contractor must only provide paper products that have at least 80% post-consumer recycled content.

Recycled Paper Purchases

“A. Of the total volume of paper that the Secretary of General Services buys, at least 90 percent shall be recycled paper.

B. In purchasing any paper or paper products as supplies for any using agency pursuant to State Finance and Procurement Article, Title 4, Subtitle 3, Annotated Code of Maryland, the Secretary of General Services, to the fullest extent practicably possible, shall purchase or approve for purchase only such supplies as are manufactured or produced from recycled paper.

C. If recycled paper that meets the definition set forth in Regulation .01B(7) of this chapter [contains at least 80% post-consumer recycled content] is unavailable, then for purposes of complying with the requirements of this chapter, the Department of General Services and other State agencies may purchase recycled paper and paper products that have the highest percentage of post-consumer material that, at minimum, meets EPA guidelines, provided that reasonable levels of competition, cost, availability, and technical performance are maintained.”

- The Contractor must provide, clearly label, and promote the purchase of CPG-compliant products, whenever possible. Maryland Department of General Services (MD DGS) reserves the right to block products from the Contract that do not comply with the US CPGs and/or other recycled-content requirements listed in the Green Purchasing Committee's Environmentally Preferable Specification.

The [US Environmental Protection Agency \(EPA\) Comprehensive Procurement Guidelines \(CPGs\)](#) recommend minimum percentages of post-consumer recycled content in the following product categories:

- Construction Products
- Landscaping Products

- Non-paper Office Products
- Paper Office Products
- Park and Recreation Products
- Transportation Products
- Vehicular Products

C. ENERGY-USING AND ENERGY EFFICIENCY PRODUCT REQUIREMENTS

Instruction to Procurement Officers: In the absence of a GPC approved specification, please include the following section in solicitations as applicable.

- The Contractor must provide, clearly label, and promote the purchase of highly energy-efficient (including ENERGY STAR-certified or EPEAT-Registered Silver or Gold) products.

Energy Savings Goals for State Government ([Executive Order 01.01.2019.08](#), Effective date: June 25, 2019)

“All units of State government shall, in support of their core missions, implement projects and initiatives to conserve energy and reduce consumption,” recognizing that “[r]educing energy use in State government produces positive environmental, fiscal and health benefits for all Marylanders, and aids compliance with the state Greenhouse Gas Reduction Act of 2016.

- The Contractor must only provide EPEAT-Registered Silver or Gold products. When EPEAT Registered Silver or Gold products are not available, the Contractor must provide an equivalent product that is ENERGY STAR-certified.

EPEAT Purchase Requirement (State Finance and Procurement Article [§14-414](#))

When purchasing an electronic product to be used by the State, a State unit shall purchase an electronic product that:

- (1) Is listed and rated Silver or Gold on the EPEAT Registry; or
- (2) Meets nationally recognized and consensus-based standards established by a comprehensive environmental rating system approved by the Department of Information Technology.

ENERGY STAR® Purchase Requirement ([Executive Order 01.01.2001.02](#), Effective date: March 13, 2001 (28:7 Md. R. 675))

Efficient Product Purchase Goal: “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.”

- If requested products are not eligible for ENERGY STAR certification or EPEAT registration, the Contractor must only provide products that are in the top 25% in energy efficiency or have earned one or more of the following certifications.
 - **Compliant with California Title 20 Appliance Efficiency Standards.** Title 20 is the State of California’s *Appliance Energy Efficiency Regulations*, which are minimum energy-efficiency standards that apply to a wide array of appliances such as:
 - Air Conditioners
 - Dehumidifiers
 - Fans
 - Heat Pumps and Other Heating Products
 - Lighting Equipment

- Motors
- Plumbing Products
- Refrigeration Products
- Water Heaters

Title 20-compliant appliances are listed in the California Energy Commission's [Modernized Appliance Efficiency Database System \(MAEDbS\)](#).

- [NEMA Premium Efficiency](#), which is a certification program for electric motors established by the Motor and Generator Section of the National Electrical Materials Association (NEMA) “to assist purchasers to optimize motor systems efficiency, reduce electrical power consumption and costs, and improve system reliability.”
- [WaterSense](#), which is a US EPA-sponsored program that labels water-efficient products such as faucets, irrigation equipment, kitchen pre-spray valves, shower heads, and toilets. WaterSense standards and certified products are listed on the WaterSense Program's website at www.epa.gov/watersense. The WaterSense program maintains a list of certified [WaterSense-certified irrigation professionals](#).