



Legislation Text

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Int. No. 545-A

By Council Members Recchia Jr., The Speaker (Council Member Miller), Gennaro, Brewer, Fidler, Gerson, James, Liu, McMahon, Nelson, Palma, Quinn, Sanders Jr., Seabrook, Stewart, Vallone Jr., Weprin, Koppell, Moskowitz, DeBlasio, Barron, Perkins, Avella, Foster, Reyna, Monserrate, Sears, Yassky, Gonzalez, Gioia, Gentile, Katz, Lopez, Jackson and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to the purchase of products with recycled content, and to repeal section 6-122 and subchapter 5 of chapter 3 of title 16 of such code.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. In almost every category of goods, there are some products that are environmentally preferable to others. In many instances, there is little or no additional cost associated with the environmentally preferable option. For example, there is little cost difference between copy paper with no recycled content and copy paper with thirty percent post-consumer recycled content.

Pursuant to section 6002 of the Resource Conservation and Recovery Act, the United States Environmental Protection Agency (EPA) has developed recommended guidelines on the minimum recovered materials content of items purchased by federal agencies and other levels of government that apply more than \$10,000 in federal funding towards a purchase. These guidelines apply to products in the following categories: paper; vehicular; construction; transportation; park and recreation; landscaping; non-paper office; and miscellaneous. The minimum percentage of recovered materials recommended for products in these categories is determined and updated periodically through the Federal Register in the form of Recovered Materials Advisory Notices. The EPA conducts an extensive consultation process in setting recovered materials standards.

The Council finds that the purchase of recycled products will protect the environment and improve the

welfare of New York City residents and workers. Accordingly, the Council declares that it is reasonable and necessary to require the purchase of products with recycled content.

§2. Section 6-122 of the administrative code of the city of New York is REPEALED.

§3. Subchapter 5 of chapter 3 of title 16 of the administrative code of the city of New York is REPEALED.

§4. The administrative code of the city of New York is amended by adding a new subchapter 4 to chapter 3 of title 6 to read as follows:

SUBCHAPTER 4

RECYCLED MATERIALS

§6-308 **Minimum recycled material content.**

§6-309 **Printing on recycled paper.**

§6-310 **Paper waste reduction.**

§6-308 Minimum recycled material content. a. Any reprographic paper, tablet paper, envelope paper, file folder, commercial/industrial sanitary tissue, rock wool or fiberglass building insulation, polyester carpet, flowable fill, steel shower or restroom divider/partition, traffic cone, plastic fencing, plastic park bench, hydraulic mulch, garden or soaker hose, plastic trash bag, office recycling container, office waste receptacle, mat, signage or pallet, as such terms are utilized in the CPG: (i) purchased or leased by any agency; (ii) that can be procured at a reasonably competitive price; and (iii) that is listed in the CPG, for which the United States environmental protection agency has issued a recovered materials advisory notice, shall contain no less recovered material and postconsumer material than the minimum amount recommended in the most recent such notice, or, with respect to any paper or paper product, may, at the discretion of the director, contain no less than fifty percent agricultural wastes.

b. Beginning January 1, 2008, the director shall make a determination whether or not any product: (i) purchased or leased by any agency; (ii) that can be procured at a reasonably competitive price; (iii) in any

category listed in the CPG, but not specified in subdivision a of this section, for which the United States environmental protection agency has issued a recovered materials advisory notice, shall contain no less recovered material and postconsumer material than the minimum amount recommended in the most recent such notice. The director shall review any such determination not to require compliance with the CPG for any product at least once every two years.

c. In addition to the requirements of subdivision a of this section, any reprographic paper product purchased or leased by any agency shall contain the highest recovered material content available, to the extent any such product: (i) can be procured at a price that does not exceed a cost premium of seven percent (7%) above the cost of a comparable product that is not a recycled product; (ii) can be procured at a price that does not exceed a cost premium of five percent (5%) above the cost that would apply pursuant to subdivision a of this section; (iii) is of adequate quality for the intended use; and (iv) is available within a reasonable period of time, as determined by the director.

§6-309 Printing on recycled paper. a. Any document or graphic material prepared or printed for any agency pursuant to any contract with such agency, which can be procured at a reasonably competitive price and is of adequate quality for the intended use, shall be printed on paper with no less recovered material and postconsumer material, or agricultural wastes, than the minimum amount required pursuant to subdivision a of section 6-308 of this chapter and, where practicable, shall be printed double-sided.

b. Any solicitation of any agency shall request that any response to such solicitation be printed double-sided and on paper with no less recovered material and postconsumer material than the minimum required pursuant to subdivision a of section 6-308 of this chapter, and shall require that such response indicate whether such requests have been met; provided, however, that nothing in this subdivision shall be construed as requiring a finding of non-responsiveness.

c. Any pre-printed paper or publication, including any letterhead or report, purchased or leased by any agency that has been printed on paper that contains the minimum percentage of postconsumer recycled fiber

required pursuant to subdivision a of section 6-308 of this chapter, shall include a statement and/or symbol indicating the minimum percentage of postconsumer recycled material contained in such paper, consistent with section 104-a of the general municipal law.

§6-310 **Paper waste reduction.** a. Any printer purchased or leased by any agency that can print at a rate of twenty pages or faster per minute or that is considered a local area network printer shall have the capacity to print double-sided. Any copier purchased or leased by any agency that can print at a rate of twenty pages or faster per minute shall have the capacity to print double-sided and shall perform equally well with paper containing postconsumer material as with paper containing no postconsumer material.

b. Notwithstanding section 6-302 of this chapter, this subdivision shall apply to any printer or copier purchased or leased by any agency after January 1, 2007 and, to the extent practicable, to any printer or copier purchased or leased by any agency before such date. The default parameters of any printer with the capacity to print double-sided, and any computer that utilizes such printer, shall be set to duplex mode, such that the printer prints double-sided pages. The default parameters of any copier with the capacity to print double-sided for which the default parameters can be adjusted, shall be set to duplex mode, such that the copier places images on both sides of a copy sheet, performing one-sided to two-sided copying, and two-sided to two-sided copying.

§5. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§6. This local law shall take effect January 1, 2007, except that the director of citywide environmental purchasing as appointed by the mayor shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect. Provided, however, that this local law shall take effect only in the event that: Int. No. 534-A, a proposed local law to amend the administrative code of the city of New York, in relation to environmental purchasing and the establishment of a

director of environmental purchasing, takes effect; Int. No. 536-A, a proposed local law to amend the administrative code of the city of New York, in relation to the purchase of energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code, takes effect; and Int. No. 544-A, a proposed local law to amend the administrative code of the city of New York, in relation to the reduction of hazardous substances in products purchased by the city, takes effect.

RBU
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