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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION**

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**COMMITTEE ON CONTRACTS**

*Hon. Benjamin Kallos, Chair*

September 23, 2021

**PROPOSED INT. NO. 2271-A:** By Council Member Kallos

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to environmentally preferable purchasing by city agencies, and by repealing and reenacting subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines

**PROPOSED INT. NO. 2272-A:** By Council Member Kallos

**TITLE:** A Local Law in relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles

1. **INTRODUCTION**

 On September 23, 2021, the Committee on Contracts will hold a vote on two bills related to environmental standards in City procurement: Proposed Introduction Number 2271-A (Int. 2271-A), in relation to environmentally preferable purchasing by city agencies, and by repealing and reenacting subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines; and Proposed Introduction Number 2272-A (Int. 2272-A), in relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles. The Committee previously heard testimony on these bills from the Mayor’s Office of Contract Services (MOCS), the Department of Citywide Administrative Services (DCAS), the Mayor’s Office of Sustainability (MOS), environmental advocates, business representatives, and other interested stakeholders, and this feedback informed the final versions of the bills.

1. **BACKGROUND**

New York City’s Environmentally Preferable Purchasing (EPP) laws were enacted in 2005. Taken together, Local Laws 118, 119, 120, 121, and 123 of 2005 created a multi-faceted procurement program to increase the City’s purchase of environmentally preferable products. The laws established policies, standards, and procedures to address a host of environmental concerns, including energy and water use, air quality, greenhouse gas emissions, hazardous substances, recycled and reused materials, and waste reduction.[[1]](#footnote-2) The legislation was thus a means of institutionalizing and advancing “green” procurement practices and empowering the Mayor to use MOCS’s “almost exclusive” authority over the award of contracts[[2]](#footnote-3) to reflect the City’s leadership in the fight against climate change.

Following its enactment, however, the laws have not kept pace with the developing science and technology – the most recent amendment was in 2011.[[3]](#footnote-4) Furthermore, ongoing updates and rulemaking have not been made during this time, leaving the City lagging behind its environmental aspirations.[[4]](#footnote-5) In the decade since the last amendment to the law, the City has also had to confront numerous natural disasters, including hurricanes, tropical storms, flooding, and heat waves, which are only predicted to increase as a result of climate change.[[5]](#footnote-6)

The City, acting through MOCS, has a procurement budget of around $20 billion annually for goods and services,[[6]](#footnote-7) meaning it has the power to drive environmental innovations and spur new markets. Governments across the globe, at the national, state and local levels, acknowledge the power that they have in creating incentives for environmental purchasing, which is why “[t]he role of public procurement in fostering more sustainable growth is also acknowledged in the [United Nations’] Sustainable Development Goals.”[[7]](#footnote-8) It is therefore vital to ensure that the City’s EPP laws keep pace with the changing science and developments in technology and accepted environmental concepts.

Energy Efficiency

One of the key areas covered by New York City’s EPP laws is energy efficiency. These calculations measure how much energy a product requires when in operation – the less energy consumed, the more efficient a particular product is. The concept also expands to cover the energy efficiency of buildings, manufacturing, transport, and energy production.[[8]](#footnote-9) Maximizing energy efficiency “brings a variety of benefits: reducing greenhouse gas emissions, reducing demand for energy imports, and lowering our costs on a household and economy-wide level.”[[9]](#footnote-10)

In the late 1970s, against the backdrop of the oil and energy crisis, the federal government created the first national energy efficiency standards for a number of household appliances and later, buildings and commercial equipment.[[10]](#footnote-11) The ENERGY STAR Program, which began in 1992, provides energy efficiency labels to products certified by the federal Environmental Protection Agency (EPA).[[11]](#footnote-12) The City’s EPP law mandates that any product leased or purchased by the City be certified under the ENERGY STAR program.[[12]](#footnote-13) In 2018, consumers saved 200 billion kilowatt-hours of electricity and $20 billion in energy costs, and reduced greenhouse gas emissions by 150 million metric tons, thanks to the ENERGY STAR system.[[13]](#footnote-14)

Like ENERGY STAR, the Electronic Product Environmental Assessment Tool (EPEAT) is a label certification program that evaluates IT and electronic products. EPEAT is managed by the Global Electronics Council (GEC), which evaluates products based on the materials used, greenhouse gas emissions stemming from the supply chain, consideration given to circularity and product longevity, energy conservation, end-of-life management, and corporate performance.[[14]](#footnote-15) Products registered and evaluated through EPEAT are given a rating of either bronze, silver, or gold, and the registry is publicly available on the GEC site.[[15]](#footnote-16) The proposed amendments to EPP, under Int. 2271-A, would require the City to only lease or purchase IT equipment (such as desktop computers, tablets, and laptops) if they meet applicable EPEAT standards or a similar standard selected by MOCS that is no less restrictive, unless such a product does not exist. Similar standards have existed for federal procurement of such products since 2007.[[16]](#footnote-17) According to data from the EPA, in 2018, the purchase of EPEAT registered products resulted in the following savings:

**Environmental and Cost Savings (2018) of EPEAT Products[[17]](#footnote-18)**



[MWh = Megawatts per hour; MT= Megatons; CE = Carbon dioxide equivalents]

The energy efficiency portion of EPP also requires that the City avoid, where possible, the purchase or lease of incandescent light bulbs. In 2012 to 2014, the federal government phased in new energy standards for light bulbs, requiring an energy output reduction of at least 25 percent when in use.[[18]](#footnote-19) Since that time, a vast array of more energy efficient light bulbs have become available, with the LED (light-emitting diode) bulbs that are 90 percent more energy efficient than an incandescent bulb becoming the most popular.[[19]](#footnote-20) The image below illustrates the common alternatives to the incandescent light bulb and their longevity and energy use.

**Common Light Bulb Technologies[[20]](#footnote-21)**



As seen in the graphic above, although the halogen incandescent bulb is still more efficient than a standard incandescent, it is far less efficient than compact fluorescent light (CFL) bulbs and LEDs. Furthermore, with the availability of LEDs increasing, while their price continues to decrease, surveys show that Americans are increasingly turning to LEDs to light their homes.[[21]](#footnote-22) It is therefore prudent to update the EPP laws to expressly prohibit the procurement of halogen bulbs, which Int. 2271-A proposes to do, not simply incandescent bulbs.

Recycled Materials and Circularity

Procuring products made from recycled materials is a key feature of the City’s EPP laws. However, as stated earlier, the laws have not been updated in some time and are out of touch with developments in some areas. This is particularly true when it comes to the traditional understanding of recycling. In recent times, the process of recycling has been critiqued, as flaws in the system have been exposed.[[22]](#footnote-23) Rather than helping the environment, traditional forms of recycling have proved to be somewhat false, as contaminated products, stalled global markets and under-developed infrastructure have meant that much of what we thought was being recycled is actually still sent to landfills or incinerated.[[23]](#footnote-24)

Furthermore, relying simply on recycling tends to encourage an outdated linear form of consumerism. Under a linear economy, we simply use virgin resources to manufacture new products, use those products, and then discard them when they are no longer of any use. Under a linear system, there is very little value in the waste product, and recycling tends to operate as a form of waste disposal. Furthermore, the traditional recycling practices tend to rely on processes that downgrade the materials, making it difficult to remake a product with the same qualities as its equivalent made from virgin materials.[[24]](#footnote-25)

Contrary to the linear approach is the “circular economy” model, which is being incorporated into policies by governments across the world.[[25]](#footnote-26) Broadly speaking, a circular economy keeps all resources in the system and, beginning from a product’s inception, the initial design will aim to totally eliminate waste. In a circular model, all resources need to be re-utilized and be capable of being reused, without losing significant value. According to the European Commission, “[i]n a circular economy, the value of products and materials is maintained for as long as possible. Waste and resource use are minimized, and when a product reaches the end of its life, it is used again to create further value. This can bring major economic benefits, contributing to innovation, growth and job creation.”[[26]](#footnote-27)

By consciously designing waste out of the production and consumption cycle, the circular model ensures that value is maintained throughout a product’s lifespan, even when a consumer has discarded the item. This approach lessens our dependence both on using precious and finite virgin materials and simply sending waste to landfills. The changes to the City’s EPP laws, through Int. 2271-A, incorporate some of the principles of the circular model by updating language in order to focus on reducing, to the greatest extent possible, reliance on virgin materials, reducing waste, and generating positive effects for the environment, through the City’s purchases of goods and services.

Textiles

Textile production by conventional methods is intensely resource-dependent and environmentally destructive.[[27]](#footnote-28) After disposal, natural and partially-natural fibers act similarly to food waste when buried in landfills, releasing methane while they degrade.[[28]](#footnote-29) Further, due to chemical-dependent processes of producing clothing from natural fibers, the practice of landfilling or incinerating textile waste releases toxins into the environment.[[29]](#footnote-30) Additionally, although less environmentally taxing by many indicators, the production of virgin synthetic fibers relies on fossil fuels and, once tossed into a landfill, synthetic fibers can take up to a thousand years to degrade.[[30]](#footnote-31)

Despite its resource intensity, the overwhelming majority of textiles are either incinerated or landfilled.[[31]](#footnote-32) Only 15 percent of used clothing is recycled or donated in the U.S., and approximately 10.5 million tons are sent to landfill each year.[[32]](#footnote-33) Furthermore, clothing utilization – the amount of times a garment is worn before it is disposed of – has dropped around the world.[[33]](#footnote-34)

Local rates reflect national trends. Clothing and textiles account for over six percent of New York City’s residential waste stream, or about 193,000 tons annually.[[34]](#footnote-35) According to the Department of Sanitation, the average city household threw out 125.2 pounds of textiles in 2017.[[35]](#footnote-36) Should trends continue, municipal textile waste per person will more than double in less than 15 years, despite the fact that overall municipal waste per person is projected to decrease over the same period.[[36]](#footnote-37)

A host of environmental costs could be mitigated or avoided altogether if textile waste were managed more efficiently and if incentives existed to help facilitate a shift toward a circular textile economy. This is slowly being recognized by policy leaders, designers and others involved in the textile supply chain.[[37]](#footnote-38) The Dutch government, for example, has set an ambitious goal for their economy to be fully circular by 2050.[[38]](#footnote-39) As part of this objective, government departments (ministries) have established programs for the procurement of sustainable and circular textiles. For example, the Ministry for Infrastructure and Water Management (Rijkswaterstaat) ran a pilot program to evaluate whether they could procure safety uniforms for lock stewards, which were being replaced every year, through a process in line with the principles of sustainability and circularity. The pilot resulted in a work-wear product that was able to be fully recycled – the 100 percent polyester fibers are able to be broken down, mixed with other recycled materials and then turned into new clothing items.[[39]](#footnote-40) This process is able to be repeated up to eight times.[[40]](#footnote-41) A similar project was implemented by the Dutch Ministry of Defense. To reduce their reliance on virgin textiles, the Ministry turns used textiles into fibers, which it then offers to the market.[[41]](#footnote-42) These fibers are then used to produce new textile products, and suppliers to the Ministry must make use of these recycled materials back into the textiles they offer for procurement.[[42]](#footnote-43)

As a global hub for fashion and textiles, New York City has the potential to drive innovations in the sustainable and circular textiles industry. Furthermore, as a procurer of uniforms, blankets, protective safety wear and other forms of textiles,[[43]](#footnote-44) the City could create incentives for designers and manufacturers to rethink the materials they use or procure, the end-of-life process for items, or how they can create garments from non-virgin materials. Such re-imagining would spur new markets and also have a huge, positive impact on the environment. The EPA, for instance, estimates that considering greenhouse gas emissions alone, diverting the annual total of textile waste from landfill to recycling programs would equate to removing 7.3 million cars and their carbon dioxide emissions from the road.[[44]](#footnote-45)

Furniture

The fashion and textiles industry is not the only industry grappling with how to become more sustainable, eliminate waste, and move toward circularity. Like fashion, the furniture industry has much to gain, in terms of reducing its negative impact on the environment and also improving profitability by reducing waste. Prior to the COVID-19 pandemic, it was predicted that the demand for office furniture would grow substantially over the next few years.[[45]](#footnote-46) However, most of the value of the resources used to produce the furniture is lost. Even when products are recycled, the “[r]ecycling of materials from old furniture will not be enough on its own. Material recycling not only reduces purity and quality of materials, but also by breaking down products and components into their constituent materials, there is an associated loss in energy, labour, and other resources.”[[46]](#footnote-47) It is therefore important for the City to begin a shift toward procuring furniture that incorporates the principles of circularity in order to support the overall goals and aspirations outlined in its EPP laws.

1. **LEGISLATIVE ANALYSIS**
2. **Int. 2271-A**

Int. 2271-A would make updates to the City’s EPP laws, including: (1) clarifying definitions and specifying applicability of such EPP laws, including specific exceptions; (2) requiring MOCS to regularly review and revise guidelines for green cleaning products, packaging reduction and furniture procured by city agencies; (3) requiring MOCS to promulgate rules promoting additional environmental objectives beyond the original EPP laws; (4) requiring MOCS to post an annual environmental procurement report on its website which would include a list of solicitations for EPP-eligible products and the aggregate value of contracts that do not comply with EPP standards; (5) requiring contracting agencies to report whenever meeting an EPP standard would be inconsistent with such agency’s ability to procure the highest quality product at the lowest possible price; and (6) prohibiting city agencies from purchasing computers, servers, tablets or other computer products that do not meet global Electronic Product Environmental Assessment Tool (EPEAT) standards

Enhanced Oversight

Int. 2271-A includes a number of amendments that would increase Council and public oversight of the EPP contracting process. Such measures include:

* **Consolidating reporting on the MOCS website.** The City would be required to post its plan regarding the reuse or recycling of certain electronic devices, under § 6-311, on the MOCS website.
* **Additional reporting.** The City’s reporting duties would be expanded. The Director of Citywide Environmental Purchasing would be required to report additional information on citywide compliance with EPP standards in the annual report required in § 6-304. Such information would include a list of solicitations for any products subject to EPP standards and the applicable standards used, the aggregate dollar value of agency contracts that do not comply with one or more EPP standards, and a statement from the Director about the status of the City’s ongoing review and revision of EPP standards required under § 6-304.

Substantive Amendments to Purchasing Goals and Standards

 Int. 2271-A would make substantive amendments to EPP including:

* **Updated goals.** The purposes of the Director’s rulemaking and policy-implementation duties in § 6-304 would be updated to reflect the urgency of environmental issues and contemporary concepts in environmental purchasing.
* **Referencing additional standards.** Int. 2271-A would reference additional standards in § 6-312 that would allow for consideration of standards promulgated by any governing body related to hazardous content in electronic devices.
* **New and expanded standards.** Section 6-306 would be repealed and replaced with a new § 6-306 that would require computers, servers, electronic books, tablets or other computer products meet applicable EPEAT (electronic product environmental assessment tool) standards unless no EPEAT standard for such specific product exists or the Director specifies another similar, no-less-restrictive standard that must be met instead of EPEAT. Furthermore, EPP standards for furniture would be required in a new subchapter 8. Lastly, the power management requirements of § 6-307 would be expanded to cover all office equipment that is capable of power efficient operation.

Style-Related Amendments

The stylistic amendments that Int. 2271-A would implement include:

* **Restyling headings.** Section 6-315, currently titled “Miscellaneous,” would be renamed “Other hazardous materials” to provide clarity.
* **Restyling wording.** Sections 6-317(a) and 6-317(c) would simplify “director of citywide environmental purchasing” to “director,” to conform to usage in other portions of the chapter.

Revisions Clarifying Substantive Provisions

Int. 2271-A would clarify several substantive provisions of the EPP. None of these changes are intended to have a substantive effect.

* **Clarification of allowable products.** Section 6-306(g) would be revised to prohibit purchasing or leasing incandescent lamps, including halogen lamps.
* **Clarification of dates and publication.** Section 6-316(b) would be revised to require that the Director review the green cleaning products list as part of its biennial review of EPP standards more broadly. The Director would also publish a non-exhaustive list of categories of compliant green cleaning products on the Department’s website. Section 6-317(a) would also be revised to require that the Director review the packaging reduction guidelines as part of its biennial review of EPP standards.

Removing Outdated Provisions

Int. 2271-A would delete programs that have already been conducted and are no longer in effect and that are no longer relevant.

* **Deletion of pilot programs.** Section 6-316(a) would delete the requirement that the purchase and use of green cleaning products be tied to the results of a pilot program.
* **Deletion of contractor publication program.** Section 6-317(e) would be repealed.
1. **Int. 2272-A**

If enacted, Int. 2272-A would relate to City purchases of textile goods. The law would require the City’s Director of Citywide Environmental Purchasing to report details on the goods purchased by City agencies that contain textiles, which the bill defines as “textile goods.” Examples of textile goods would include uniforms and other apparel, accessories, carpets, blankets, upholstery and rags. The Director would decide how to categorize such goods for the purpose of reporting consistent and comparable information, including information on the following:

* The total estimated volume of City-purchased textile goods;
* The total estimated value of contracts for textile goods; and
* A list of vendors authorized to sell uniform apparel and accessories to employees of City agencies.

The Director would also be required to report additional information for a representative sample of City-purchased textile goods, including the following:

* The textiles contained in City-purchased textile goods, including whether such textiles are recycled or organic in whole or in part;
* Details on the source and supply chain for textiles found in City-purchased textile goods; and
* How long textile goods are used by the purchasing agency and how they are disposed of.

Int. 2272-A would require the Director to submit the required report within 180 days of the effective date. The Director would be required to notify the Speaker of the Council if additional time is needed to submit required information. The Director would not be required to publish information that is infeasible to obtain, provided that a summary of efforts made to obtain any missing information as well as an explanation of why obtaining the information is infeasible is contained in the required report.

Int. 2272-A would also establish a task force, comprised of City officials and other appointees, for the purpose of developing guidelines for environmentally preferable purchasing, use and disposal of textiles by City agencies. In addition, the task force would be required to research and consider other social costs associated with the production of textiles, including the nature of labor conditions along the supply chain. The task force would be required to recommend legislation and policy to support the implementation of environmentally preferable purchasing, use and disposal of textiles by City agencies. The task force would be required to submit a final report to the Mayor and to the Speaker of the Council with its findings and conclusions.

Proposed Int. No. 2271-A

By Council Member Kallos

A Local Law to amend the administrative code of the city of New York, in relation to environmentally preferable purchasing by city agencies, and by repealing and reenacting subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines

Be it enacted by the Council as follows:

Section 1. Section 6-301 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

§ 6-301 Definitions. a. For [the] purposes of this chapter [only], the following terms [shall] have the following [meaning] meanings:

[(1) “Agricultural] Agricultural wastes. The term “agricultural wastes” means materials that remain after the harvesting or production of annual crops, including but not limited to rice, flax, wheat and rye.

[(2) “Architectural] Architectural coatings. The term “architectural coatings” means any coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. This term [shall] does not include the following: marine-based paints and coatings; coatings or materials to be applied to metal structures, such as bridges; or coatings or materials labeled and formulated for application in roadway maintenance activities.

[(3) “Capital] Capital project. The term “capital project" means a capital project as defined in section 210 of the charter that is paid for in whole or in part from the city treasury.

[(4) “Carpet”] Carpet. The term “carpet” means any fabric used as a floor covering, but such term [shall] does not include artificial turf.

[(5) “Carpet] Carpet adhesive. The term "carpet adhesive" means any substance used to adhere carpet to a floor by surface attachment.

[(6) “Carpet] Carpet cushion. The term "carpet cushion" means any kind of material placed under carpet to provide softness when it is walked upon.

[(7) “Cathode] Cathode ray tube. The term “cathode ray tube" means any vacuum tube, typically found in computer monitors, televisions and oscilloscopes, in which a beam of electrons is projected on a phosphorescent screen.

[(8) “City’s] City’s environmental purchasing standards. The term "city's environmental purchasing standards" or "city environmental purchasing standard" means any standards set forth in this chapter, and any directives, guidelines or rules promulgated by the director.

[(9) “Composite] Composite wood or agrifiber products. The term "composite wood or agrifiber products" means plywood, particleboard, chipboard, medium density fiberboard, standard fiberboard, orient strand board, glu-lams, wheatboard or strawboard.

[(10) “Construction] Construction work. The term "construction work" means any work or operations necessary or incidental to the erection, demolition, assembling or alteration of any building, but such term [shall] does not include minor repairs.

[(11) “Contractor”] Contractor. The term "contractor" means any person or entity that enters into a contract with any agency, or any person or entity that enters into an agreement with such person or entity, to perform work or provide labor or services related to such contract.

[(12) “Copier”] Copier. The term “copier" means any device that makes paper copies of text or graphic material.

[(13) “Covered] Covered electronic device. The term “covered electronic device" means: (i) any cathode ray tube, any product containing a cathode ray tube, any liquid crystal display (LCD), plasma screen or other flat panel television or computer monitor or similar video display product, any battery containing lead, cadmium, lithium or silver, any computer central processing unit that contains one or more circuit boards and includes any desktop computer or any laptop computer, any computer peripherals including, but not limited to, any keyboard, mouse and other pointing device, printer, scanner, facsimile machine and card reader, and any copier, but not including any automobile, household appliance, large piece of commercial or industrial equipment containing a cathode ray tube, a cathode ray tube product, a flat panel display or similar video display device that is contained within, and is not separate from, the larger piece of equipment, or any device used by emergency response personnel; or (ii) any other electronic device designated by the director.

[(14) “CPG”] CPG. The term "CPG" means the Comprehensive Procurement Guideline for Products Containing Recovered Materials, as set forth in 40 CFR part 247.

[(15) “Desktop] Desktop computer. The term "desktop computer" means any personal computer or workstation designed to operate only on alternating current power and to reside on or under a desktop.

[(16) “Desktop-derived] Desktop-derived server. The term "desktop-derived server" means any computer designed to provide services to other computers on a network and that contains an EPS12V or EPS1U form factor power supply.

[(17) “Director”] Director. The term "director" means the director of citywide environmental purchasing.

Director’s website. “Director’s website” means the website required by subdivision g of section 6-304.

[(18) “Electronic] Electronic product environmental assessment tool. The term "electronic product environmental assessment tool" or “EPEAT” means a tool for evaluating the environmental performance of electronic products throughout their life cycle developed by the federal government and other stakeholders.

[(19) “End-of-life] End-of-life management. The term “end-of-life management” means promoting the recycling or reuse of a product through features of the product or materials from which the product is manufactured.

[(20) “ENERGY] ENERGY STAR labeled. The term "ENERGY STAR labeled" means a designation indicating that a product meets the energy efficiency standards set forth by the United States environmental protection agency and the United States department of energy for compliance with the ENERGY STAR program.

[(21) “Flow] Flow rate. The term "flow rate" means the volume, mass, or weight of water flowing past a given point per unit of time.

[(22) “Green] Green cleaning product. The term "green cleaning product" means any environmentally preferable cleaning product whose use has been determined to be feasible through the pilot program established pursuant to the local law that added subchapter 6 of this chapter or through any other testing and evaluation conducted by the director.

[(23) “Hazardous] Hazardous substance. The term "hazardous substance" means any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

[(24) “Incandescent] Incandescent lamp. The term "incandescent lamp" means any lamp in which a filament is heated to incandescence by an electric current to produce visible light.

[(25) “Lamp”] Lamp. The term "lamp" means any glass envelope with a gas, coating, or filament that produces visible light when electricity is applied, but such term shall not include automotive light bulbs.

[(26) “Local] Local area network. The term "local area network" means any two or more computers and associated devices that share a common communications line or wireless link and typically share the resources of a single processor or server within a small geographic area.

[(27) “Minor] Minor repairs. The term "minor repairs" means replacement of any part of a building for which a permit issued by the department of buildings is not required by law, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such building or any part thereof and to restore same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

[(28) “Persistent,] Persistent, bioaccumulative and toxic chemicals. The term "persistent, bioaccumulative and toxic chemicals" means those chemicals that are toxic to living organisms, persist in the environment and build up in the food chain. This definition [shall include] includes any substance on the United States environmental protection agency's list of priority chemicals published under the national partnership for environmental priorities, as well as hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers.

[(29) “Postconsumer] Postconsumer material. The term "postconsumer material" means a material or finished product that has served its intended use and has been diverted or recovered from waste destined for disposal, having completed its life as a consumer item. Postconsumer material is a part of the broader category of recovered materials.

[(30) "Power supply" means any device intended to convert line voltage alternating current to one or more lower voltages of direct current.

(31) “Printer”] Printer. The term "printer" means any device that prints the text or graphics output of a computer onto paper.

[(32) “Reasonably] Reasonably competitive. The term "reasonably competitive" means at a cost not exceeding that permissible under section 104-a of the general municipal law.

[(33) “Recovered] Recovered material. The term "recovered material" means waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process. For purposes of purchasing paper and paper products, "recovered material" includes "post-consumer recovered paper" and "recovered materials, for purposes of purchasing paper and paper products", as those terms are defined in the CPG.

[(34) “Recycled] Recycled product. The term "recycled product" [shall mean] means recycled product as defined in section 104-a of the general municipal law.

[(35) “Volatile] Volatile organic compound. The term "volatile organic compound" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, as specified in 40 CFR part 51.100.

§ 2.  Subdivision a of section 6-302 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

a. Except where an exemption or waiver applies pursuant to section 6-303 or as otherwise provided pursuant to this chapter, or except as otherwise mandated by section 162 of the state finance law or any other provision of law, the provisions of this chapter shall apply to any product:

(1) purchased or leased by any agency;

(2) purchased or leased by any contractor pursuant to any contract with any agency where the director has designated such contract as one subject to this chapter in whole or in part; or

(3) purchased or leased by any contractor pursuant to any contract with any agency for construction work in any building; provided that this paragraph shall only require that such contractors meet the requirements of subdivisions a, b and c of section 6-313 and subdivisions a and b of section 6-306 of this chapter. Notwithstanding the foregoing, except when otherwise determined by the director, this paragraph shall not apply to any such contract:

(i) subject to green building standards pursuant to subdivision b of section 224.1 of the charter;

(ii) subject to energy efficiency standards pursuant to subdivision c of section 224.1 of the charter; provided, however, that this exception shall only apply to the purchase of energy using products and to the extent the purchase or lease of any such products is necessary for compliance with such subdivision;

(iii) subject to water efficiency standards pursuant to subdivision d of section 224.1 of the charter; provided, however, that this exception shall only apply to the purchase of water using products;

(iv) where construction work is for a portion of a building that is less than fifteen thousand (15,000) square feet;

(v) where construction work is in any building or portion of a building leased by the city; provided, however, that this subparagraph shall not apply to any product purchased or leased by any contractor pursuant to any contract with any agency for construction work that (1) is a capital project and (2) is in a building or portion of a building that is leased for the use of a single agency where such single agency's lease is for more than fifty thousand (50,000) square feet of space; or

(vi) where the commissioner of the department of citywide administrative services determines that the requirements of this paragraph will result in significant difficulty in finding a suitable site for an agency facility and that such a circumstance could materially adversely affect the health, safety, or welfare of city residents.

§ 3. Paragraph (8) of subdivision a of section 6-303 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(8) where the contracting agency finds that the inclusion of a specification otherwise required by sections 6-306 or 6-310 of this chapter would not be consistent with such agency’s ability to obtain the highest quality product at the lowest possible price through a competitive procurement, provided that in making any such finding the contracting agency shall consider life-cycle cost-effectiveness and shall submit to the director a report summarizing the analysis upon which such agency has relied to make such finding; and

§ 4. Paragraph (9) of subdivision a of section 6-303 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(9) where the contracting agency finds that the inclusion of a specification otherwise required by subchapters 5 [or], 6 or 8 of this chapter would not be consistent with such agency’s ability to obtain the highest quality product at the lowest possible price through a competitive procurement, provided that in making any such finding the contracting agency shall consider the health and safety benefits of such specification and shall submit to the director a report summarizing the analysis upon which such agency has relied to make such finding.

§ 5. Subdivision a of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

a. [develop, establish, as appropriate, by promulgation of] as appropriate, promulgate rules, directives and guidance for the purpose of establishing and [implement] implementing environmental purchasing standards, in addition to those set forth in this chapter, the purpose of which shall be to promote the following objectives to the greatest extent possible:

[conserve energy and water] 1. Water and energy conservation;

2. Reduced use of virgin materials;

[increase the] 3. Increased use of recycled and reused materials, as well as recyclable and reusable materials;

[reduce] 4. Reduced use of hazardous substances, with an emphasis on persistent, bioaccumulative and toxic chemicals;

[decrease] 5. Decreased greenhouse gas emissions, in accordance with section 24-803;

[improve] 6. Improvement of indoor and outdoor air quality;

[promote] 7. Promotion of end-of-life management; [and

reduce] 8. Reduction of waste; and

9. Take other measures, as determined by the director, that are intended to account for and reduce the negative effects on the environment, or to generate positive effects on the environment, caused by city procurement;

§ 6. Subdivision f of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

f. by October 1 of each year, submit an annual report to the speaker of the council and the mayor [by October 1 of each year], and post to the director’s website, an annual report detailing the city’s progress in meeting the purposes of this chapter, as specified in subdivision a of this section, and the city’s environmental purchasing standards, which report shall at a minimum include:

(1) the total value of [goods] contracts entered into by any agency that comply with one or more city environmental purchasing standards and a list of corresponding solicitations that include any product that is subject to this chapter and the city environmental purchasing standard that is applicable to any such product specified in such solicitation;

(2) [a list of all solicitations that include any product that is subject to this chapter with an indication of the environmental purchasing specifications in each such solicitation and the city environmental purchasing standard that is applicable to any such product specified in such solicitation] reserved;

(3) a list and the aggregate dollar value of contracts exempted pursuant to subdivision a of section 6-303 of this chapter according to each type of exemption;

(4) a list and the aggregate dollar value of contracts for which a waiver has been issued pursuant to subdivision b of section 6-303 of this chapter according to each type of waiver with an explanation of the director's basis for granting each such waiver;

(4-a) the aggregate dollar value of contracts entered into by any agency that do not comply with one or more city environmental purchasing standards;

(5) [any material] all changes to the city’s environmental purchasing standards since the last publication of such report, including any new, updated or revised rules established or determinations made by the director, a summary of any ongoing review pursuant to subdivision b of this section and, if no updates or revisions have been made to the city’s environmental purchasing standards pursuant to such subdivision during the two years preceding such report, an explanation for the determination that such updates or revisions were not necessary;

(6) an identification of any product for which new or additional environmental purchasing standards are necessary;

(7) beginning January 1, 2008, an explanation of any determination pursuant to subdivision b of section 6-308 of this chapter not to require compliance with the CPG;

(8) a list of products considered in implementing subdivision c of section 6-308 of this chapter, including an indication of whether any such products were determined to be of inadequate quality, unavailable within a reasonable period of time, 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 or 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 section 6-308;

(9) beginning January 1, 2008, an explanation of any determination pursuant to subdivision c or d of section 6-306 of this chapter not to require compliance with the federal energy management program;

(10) a description of the good faith efforts required pursuant to subdivision b of section 6-302 of this chapter;

(11) a description of the director's efforts pursuant to subdivision d of this section;

(12) [until October 12, 2012, a report on the implementation of section 6-307, section 6-309 and subdivision b of section 6-310 of this chapter; and] reserved;

(13) [for the annual report required in 2008, and every fourth year thereafter, for each product subject to the provisions of this chapter, the total dollar value of such products purchased or leased by any agency and the portion of such purchases that comply with the city's environmental purchasing standards; and, to the extent practicable, the total value of such products purchased or leased by any contractor pursuant to any contract with any agency, including any such contract for construction work in any building, that is subject to this chapter and the portion of such purchases that comply with the city's environmental purchasing standards.] reserved; and

(14) an appendix consisting of the annual reports submitted in the preceding 12-month period pursuant to paragraph (2) of subdivision a of section 6-305.

§ 7. Section 6-304 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g.  maintain a website controlled by the director that includes information about city functions related to environmentally preferable purchasing, including the annual report required by subdivision f of this section, all rules, directives and guidance promulgated by the director pursuant to this section, and any other information or materials that the director determines would inform the public of city efforts to engage in environmentally preferable purchasing.

§ 8. Paragraph (2) of subdivision a of section 6-305 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(2) submit an annual report as required by the director detailing such compliance, which  report shall include all reports required for exemptions for contracts registered or otherwise made effective in the prior year pursuant to paragraphs (8) or (9) of subdivision a of section 6-303.

§ 9. Subdivision e of section 6-306 of the administrative code of the city of New York is REPEALED and a new subdivision e is added to read as follows:

e. Beginning 12 months after the effective date of the local law that added this subdivision, no agency shall purchase or lease any desktop computer, desktop-derived server, laptop, electronic notebook, computer tablet, or other such similar computer product unless it meets applicable EPEAT standards, or another standard selected by the director that is similar in function and no less restrictive. This prohibition shall not apply to a purchase or lease of such a product if:

1. no such EPEAT standard applies to such product; or

2. prior to July 1, 2022, the director determines in writing that products that meet applicable EPEAT standards, or such other similar standard selected by the director, are not available in sufficient quantities or cannot be purchased on reasonable terms.

§ 10. Subdivision f of section 6-306 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

f. No lamp purchased or leased by any agency shall be an incandescent lamp [if a more energy efficient lamp is available that provides sufficient lumens and is of an appropriate size for the intended application], including but not limited to a halogen lamp.

§ 11. Subdivisions a and b of section 6-307 of the administrative code of the city of New York, as added by local law number 119 for the year 2005, are amended to read as follows:

a. Notwithstanding section 6-302 of this chapter, this section shall apply to [any] every computer, printer, facsimile machine [or], photocopy machine and all other office equipment owned or leased by any agency that contains power management software that may be calibrated to achieve energy savings.

b. The power management software options of [any] every computer, printer, facsimile machine [or], photocopy machine and other piece of office equipment that contains such software shall be calibrated to achieve the highest energy savings practicable.

§ 12. Section 6-311 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

§ 6-311 Reuse or recycling of electronic devices. By January 1, 2008, unless otherwise directed by a subsequent local law, the city shall develop a plan for the reuse or recycling of any covered electronic device purchased or leased by any agency. The director shall post such plan and any updates thereto on the director’s website.

§ 13. Subdivision b of section 6-312 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

b. No new covered electronic device purchased or leased by any agency shall contain any hazardous substance in any amount exceeding that proscribed by the director through rulemaking. In developing such rules, the director shall consider European Union directive 2002/95/EC [and], any subsequent material directive issued by the European Parliament and the Council of the European Union, and any other standard issued by another governmental body and deemed relevant by the director.

§ 14. The section heading of section 6-315 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

§ 6-315 [Miscellaneous] Other hazardous materials.

§ 15. Section 6-316 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

§ 6-316 Green cleaning products. a. Beginning June 1, 2009, the city shall purchase and use green cleaning products to the maximum extent [and in the manner that such use is] practicable, as determined [to be feasible through the pilot program established pursuant to the local law that added subchapter 6 of this chapter or through any other testing and evaluation conducted] by the director. Such green cleaning products shall meet the health and environmental criteria for the relevant product category as established by the director [under the pilot program or any such criteria as updated or revised by the director].

b. [No later than June 1, 2009, the] The director shall publish on the director’s website a non-exhaustive list of categories of green cleaning products that may be purchased by the city to comply with this section. [At least once annually,] The director shall review such list [shall be reviewed and revised, if necessary] and make appropriate revisions, if any, in accordance with subdivision b of section 6-304.

§ 16. Subdivision a of section 6-317 of the administrative code of the city of New York, as added by local law number 51 for the year 2011, is amended to read as follows:

a. The director [of citywide environmental purchasing], after consultation with the mayor's office of long term planning and sustainability and other agencies as appropriate, shall establish packaging reduction guidelines for contracts entered into by city agencies for the purchase of goods. The director shall review such guidelines and make appropriate revisions, if any, in accordance with subdivision b of section 6-304.

§ 17. Subdivision c of section 6-317 of the administrative code of the city of New York, as added by local law number 51 for the year 2011, is amended to read as follows:

c. The director [of citywide environmental purchasing] shall make such guidelines available to all city agencies and publish such guidelines on the [city’s] director’s website.

§ 18. Subdivision e of section 6-317 of the administrative code of the city of New York is REPEALED.

§ 19. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

SUBCHAPTER 8

FURNITURE

§ 6-318 Furniture. a. Where the city purchases furniture for use in city facilities, the city shall purchase furniture in accordance with rules promulgated by the director that further the objectives set forth in subdivision a of section 6-304.

b. The director shall promulgate rules setting forth specifications for furniture to meet the requirements of this subchapter. Prior to promulgating those rules, the director shall consider incorporating standards and ecolabels recommended by the United States environmental protection agency and any more stringent applicable standard promulgated by a government agency or other organization concerned with the development of environmental standards for furniture or its components.

c. The director shall review the rules required by this section and shall revise them as needed in accordance with subdivision b of section 6-304.

d. The furniture specifications promulgated by rules for the purchase of furniture pursuant to this subchapter shall be in addition to any other provisions of this chapter that apply to the purchase of furniture.

§ 20. This local law takes effect 180 days after it becomes law. The director of citywide environmental purchasing, in collaboration with the commissioner of environmental protection and the director of the mayor’s office of long term planning and sustainability, and in consultation with other agencies, as appropriate, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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Proposed Int. No. 2272-A

By Council Member Kallos

A Local Law in relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Agency. The term “agency” means a city, county, borough, or other office, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury, unless otherwise specified.

City. The term “city” means the city of New York.

Director. The term “director” means the director of citywide environmental purchasing appointed pursuant to section 6-304 of the administrative code of the city of New York, unless otherwise specified.

Task force. The term “task force” means the task force established by this local law.

Textile. The term “textile” means cloth, fabric and other flexible materials made of animal skin, hair, fur or fleece; plants; minerals; or synthetic materials.

Textile good. The term “textile good” means a good made in whole or in part of textiles, including, but not limited to, clothing and other apparel, including footwear, regalia and other accessories; carpets; upholstery; blankets; and industrial use textiles.

§ 2. Report on agency purchases of textiles. a. Information to be reported. The director shall prepare a report of the following information regarding agency purchases of textile goods for the 4-year period preceding the effective date of this local law:

1. A list of categories of textile goods, as determined by the director pursuant to paragraph 1 of subdivision b of this section;

2. For each category of textile goods designated by the director listed pursuant to paragraph 1 of this subdivision, the following information for a sample of such textile goods, as determined by the director to accurately represent citywide purchases of such textile goods:

(a) The textiles found in such textile good;

(b) The location where the finished textile good was manufactured;

(c) The average or usual amount of time such textile good is used for agency purposes before disposal and the resources expended to maintain such textile good while in use;

(d) The disposal policies and practices of the purchasing agency with respect to such textile good, including whether such agency recycles or attempts to recycle such textile good;

(e) Whether such textile good is composed in whole or in part of a virgin textile;

(f) Whether such textile good includes recycled textiles;

(g) Whether such textile good includes organic textiles; and

(h) Whether such textile good includes animal-derived textiles, and if so, the species;

3. For each category of textile goods designated by the director, the total estimated value of contracts for such textile goods, in the aggregate and disaggregated by agency;

4. For each category of textile goods designated by the director, the total estimated volume of such textile goods in units designated by the director, in the aggregate and disaggregated by textile and additional textile content information required pursuant to paragraph 2 of this subdivision; and

5. A list of vendors authorized to sell uniform apparel and accessories to employees of agencies, and for each such vendor, the agency for which such vendor is authorized.

b. Additional reporting specifications. For purposes of the report required in subdivision a of this section:

1. The director shall determine how to categorize textile goods for the purpose of reporting information about such goods in an organized, consistent and accurate manner, and to facilitate comparison of such textile goods pursuant to this local law.

2. Claims of the nature or content of textiles shall include a reference to any available certification, standard or other proof of such content.

3. For purposes of all reports required by this local law, agency purchases of goods shall be deemed to include purchases by agency employees from vendors authorized to sell uniform apparel and accessories to agency employees. For the purposes of creating the report required under this section, the director, in collaboration with each agency that requires such agency’s employees to wear a uniform, shall conduct a survey of each such agency’s uniformed employees.

c. When due. The director shall submit the report prepared pursuant to subdivision a of this section to the speaker of the council and publish it on the city’s website no later than 180 days after the effective date of this local law. If additional time is needed to obtain required information, the director shall transmit a written notice to the speaker explaining why submission of the report will occur at a later date. In no event shall such report be submitted to the speaker of the council and published on the city’s website later than 1 year after the effective date of this local law.

d. Missing information. The director shall not be required to publish any information in the report required by this section that the director determines would be infeasible to obtain, provided that, for such information, the director shall summarize in the report the efforts made to obtain any missing information and explain why obtaining such information would be infeasible to obtain.

§ 3. Task force. a. Task force established. There shall be a task force to develop and recommend environmentally preferable purchasing guidelines for textiles, and to make recommendations for legislation and policy regarding agency textile use and waste management, and regulation of textile goods. Such guidelines shall promote the following objectives:

1. To conserve, protect and rehabilitate resources, including land, timber, water and energy, and to promote the efficient use thereof;

2. To reduce, to the greatest extent possible, reliance on virgin textiles, with an emphasis on virgin textiles that require intensive land and water resources for production, and to increase the use of recycled and reused textiles, recyclable and reusable textiles, and biodegradable textiles;

3. To reduce, to the greatest extent possible, reliance on textiles that have significant negative environmental impact based on criteria set forth in subparagraph d of paragraph 2 of subdivision b of this section;

4. To reduce, to the greatest extent possible, the use of and exposure to hazardous substances, including bioaccumulative and toxic chemicals found in textiles, including chromium, formaldehyde and polyvinyl chloride;

5. To decrease greenhouse gas emissions in accordance with section 24-803 of the administrative code of the city of New York;

6. To promote environmentally responsible use and end-of-life management of agency-purchased textiles;

7. To reduce, to the greatest extent possible, waste;

8. To reduce, to the greatest extent possible, public spending on textiles that are the result of environmental degradation;

9. To educate textile-purchasing agencies of false or misleading claims of environmentally preferable textiles; and

10. Any other objective, as determined by the task force, that is intended to account for and reduce the negative effects on the environment, or to generate positive effects on the environment, caused by city purchases of textiles.

b. Tasks. The task force shall complete the following tasks in the following order:

1. Assessment of needs. The task force shall assess agency needs for textiles and forecast, as practicable, such needs for textiles in the 10 years following the effective date of this local law. In undertaking this task, the task force shall use the report published pursuant to section two of this local law, in addition to any other appropriate resource.

2. Consideration of options. The task force shall identify and consider the textiles available to meet the needs identified pursuant to paragraph 1 of this subdivision. The task force shall consider innovative textiles, as well as innovative production methods of textiles and textile goods. The task force shall prioritize for consideration textiles that maximize the opportunity to reduce the negative effects, and to produce positive effects, of agency textile purchases for the environment. In undertaking this task, the task force shall, to the extent possible with available resources, compare textiles across the following criteria:

(a) Ability to meet agency needs;

(b) Financial cost;

(c) Availability;

(d) Environmental impact, as can be assessed along the supply-chain and the life-cycle of the textile by the following indicators, provided that indicators set forth in clauses (1), (3), (13), (15), (16) and (19) shall be given the greatest weight in such assessment:

(1) Climate change;

(2) Ozone depletion;

(3) Human toxicity;

(4) Photochemical oxidant formation;

(5) Particulate matter formation;

(6) Ionizing radiation;

(7) Terrestrial acidification;

(8) Freshwater eutrophication;

(9) Marine eutrophication;

(10) Terrestrial ecotoxicity;

(11) Freshwater ecotoxicity;

(12) Marine ecotoxicity;

(13) Agricultural land occupation;

(14) Urban land occupation;

(15) Natural land transformation;

(16) Water depletion;

(17) Metal depletion;

(18) Fossil depletion;

(19) Biodiversity;

(20) Impact on endangered or threatened species; and

(21) Any other indicator of environmental impact for which a methodology of measurement is available, as agreed upon by the task force;

(e) Whether such textile is made of virgin or recycled materials, and such textile’s capability to be recycled by any means, including mechanical or chemical, in whole or in part; and

(f) The potential for end-of-life management of such textile that will eliminate reliance on landfill, ensure conditions for environmentally responsible and managed decomposition, and promote reuse and recyclability.

3. Creation of guidelines. The task force shall recommend guidelines for environmentally preferable purchasing of textiles based on the task force’s findings and conclusions made pursuant to paragraphs 1 and 2 of this subdivision. These guidelines may be agency-specific, as appropriate. In addition, such guidelines may include guidance for (i) extending the use phase of textiles; (ii) reducing the environmental impact of the use phase of textiles; and (iii) environmentally preferable methods of disposal. In undertaking this task, the task force may consider third-party standards and certifications for claims of recycled, organic or other forms of environmentally responsible content, and may incorporate such standards and certifications, their salient characteristics, or both in such guidelines, if the task force determines that such standards or certifications promote the objectives set forth in subdivision a of this section.

4. Final report. (a) No later than 1 year after the first meeting of the task force or publication of the report required in section one of this local law, whichever occurs later, the task force shall submit a report to the mayor and the speaker of the council setting forth in detail the task force’s findings and conclusions, and any supporting methodology and analysis, that form the basis of the task force’s guidelines for environmentally preferable purchasing of textiles. Such report shall contain the guidelines created pursuant to paragraph 3 of this subdivision and any recommendations for legislation or policy, and the identification of barriers thereto, for implementing such guidelines. Such report shall include recommendations for city management of agency-purchased textile waste and may include recommendations for other methods of textile waste management that promote the objectives set forth in subdivision a of this section.

(b) Additional considerations. In addition to the tasks and reporting duties set forth in this subdivision, the task force shall, to the extent the task force deems practicable, consider and assess information about any factors or effects of city purchases, use and disposal of textile goods that the task force determines will promote a holistic accounting of city consumption of such goods or that should inform city consumption of such goods. Such factors or effects may include the conditions of laborers, the treatment of animals and any disparate effects on community health and safety relevant to the production, processing, use and disposal of agency-purchased textile goods. The task force may identify where such factors or effects are interrelated or co-constitutive. The task force shall include any findings and conclusions in connection with such assessment in the final report, and the task force may make recommendations for legislation and policy, and identify barriers to such legislation and policy, to address the full range of costs associated with agency textile purchases.

(c) The director shall publish the task force’s report on the city’s website no later than 5 days after its submission to the mayor and the speaker of the council.

c. Membership. 1. The task force shall be composed of the following members:

(a) The director or the director’s designee, who shall serve as chair;

(b) The comptroller or the comptroller’s designee;

(c) The commissioner of citywide administrative services, or such commissioner’s designee;

(d) The commissioner of sanitation, or such commissioner’s designee;

(e) The commissioner of environmental protection, or such commissioner’s designee;

(f) The chair of the procurement policy board, or such chair’s designee;

(g) The director of long-term planning and sustainability, or such director’s designee;

(h) The director of the office of minority and women-owned business enterprises, or such director’s designee; and

(i) (1) Five persons, three of whom shall be appointed by the mayor and two of whom shall be appointed by the speaker of the council, who shall meet the following criteria:

(A) Each such person shall have demonstrated expertise relevant to the duties assigned to the task force;

(B) No such person shall be an employee of a government agency;

(C) No such person shall be in the business of producing or processing cloth, fibers or other materials used in textile goods purchased by agencies; and

(D) No such person shall be a representative of a trade group in the textile goods industry.

(2) In appointing such persons, the mayor and the speaker of the council shall make best efforts to ensure that such persons represent diverse expertise in subject matter areas relevant to the tasks set forth in subdivision b of this section.

2. The mayor may invite officers and representatives of relevant federal, state and local government entities to participate in the work of the task force.

3. All initial appointments required by this section shall be made no later than 180 days after the effective date of this local law.

4. Each member of the task force shall serve at the pleasure of the official who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment. Members of the task force shall serve without compensation.

d. Meetings. 1. The chair shall convene the first meeting of the task force no later than 15 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in subdivision c, the chair shall convene the first meeting of the task force no later than 10 days after the appointment of a quorum.

2. The task force shall invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

3. At the first meeting of the task force, the task force shall determine the frequency with which it shall meet in order to ensure fulfillment of its duties pursuant to this local law.

e. Termination. The task force shall terminate 180 days after the date on which it submits its final report pursuant to paragraph 4 of subdivision b of this section.

§ 4. Agency support. a. Each agency affected by this local law shall provide appropriate assistance to support the work of the task force.

b. Agency representatives. Each agency that requires such agency’s employees to wear a uniform shall provide information regarding the technical specifications for such agency’s uniform apparel and accessories, as appropriate, to assist the members of the task force in fulfillment of the duties imposed by this local law.

§ 5. Effective date. This local law takes effect 180 days after it becomes law, provided that the director, in collaboration with other relevant agencies, shall take such measures as are necessary for the implementation of this local law, including the conducting of a survey of uniformed agency employees, before such date.

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1. *See:* Local Law 118 of 2005, Local Law 119 of 2005, Local Law 120 of 2005, Local Law 121 of 2005, and Local Law 123 of 2005. [↑](#footnote-ref-2)
2. *Mayor of City of N.Y. v. Council of City of N.Y.*, 6 Misc.3d 533, 536 (Sup. Ct. N.Y. Cnty. 2004) (internal quotation marks and citations omitted). [↑](#footnote-ref-3)
3. *See* Admin. Code § 6-301 *et seq.* [↑](#footnote-ref-4)
4. *See: e.g.*,Urban Green Council, testimony presented at the hearing of the Committee on Sanitation and Solid Waste Management “Oversight – Examining the City’s Compliance with Environmentally Preferable Purchasing Laws”, January 27, 2012, available at: <https://nyc.legistar.com/View.ashx?M=F&ID=1727286&GUID=958729A3-EC1D-4BE4-95A2-0A735F635041>. [↑](#footnote-ref-5)
5. Earth Institute “New York City Panel on Climate Change releases 2019 report”, *State of the Planet*, March 15, 2019, available at: <https://blogs.ei.columbia.edu/2019/03/15/npcc-report-2019-climate-change-nyc/>. For a more broad explanation on the impact of climate change *see:* International Panel on Climate Change “Climate change 2021: The physical science basis”, August 7, 2021, available at: <https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf>. [↑](#footnote-ref-6)
6. Mayor’s Office of Contract Services, “Procurement 101”, available at: <https://www1.nyc.gov/site/mocs/about/procurement-101.page>, last accessed September 21, 2021. [↑](#footnote-ref-7)
7. Richard Baron, “The role of public procurement in low-carbon innovation: Background paper for the 33rdRoundTable on Sustainable Development 12-13 April 2016 OECD Headquarters, Paris”, available at: <https://www.oecd.org/sd-roundtable/papersandpublications/The%20Role%20of%20Public%20Procurement%20in%20Low-carbon%20Innovation.pdf>. [↑](#footnote-ref-8)
8. Environmental and Energy Study Institute, “Energy efficiency”, available at: <https://www.eesi.org/topics/energy-efficiency/description>. [↑](#footnote-ref-9)
9. *Id.*  [↑](#footnote-ref-10)
10. Alliance Commission on National Energy Efficiency Policy, “The history of energy efficiency”, January 2013, available at: <https://www.ase.org/sites/ase.org/files/resources/Media%20browser/ee_commission_history_report_2-1-13.pdf>, p. 6. [↑](#footnote-ref-11)
11. ENERGY STAR, “What is ENERGY STAR”, available at: <https://www.energystar.gov/about?s=mega>. [↑](#footnote-ref-12)
12. *See* Admin. Code § 6-306. [↑](#footnote-ref-13)
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