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Title: A Local Law to amend the administrative code of the city of New York, in relation to the purchase of green cleaning and other custodial products.

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Indexes:

Attachments: 1. Change of Committee Assignment Memo, 2. Committee Report 2/15/05, 3. Hearing Transcript 2/15/05, 4. Committee Report 9/26/05, 5. Hearing Transcript 9/26/05, 6. Committee Report 12/20/05, 7. Hearing Transcript 12/20/05, 8. Fiscal Impact Statement - A, 9. Hearing Transcript - Stated Meeting 12/21/05, 10. Local Law

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2/2/2005	*	City Council	Introduced by Council	
2/2/2005	*	City Council	Referred to Comm by Council	
2/15/2005	*	Committee on Environmental Protection	Hearing Held by Committee	
2/15/2005	*	Committee on Environmental Protection	Laid Over by Committee	
5/10/2005	*	City Council	Referred to Comm by Council	
9/26/2005	*	Committee on Contracts	Hearing Held by Committee	
9/26/2005	*	Committee on Contracts	Laid Over by Committee	
12/20/2005	*	Committee on Contracts	Hearing Held by Committee	
12/20/2005	*	Committee on Contracts	Amendment Proposed by Comm	
12/20/2005	*	Committee on Contracts	Amended by Committee	
12/20/2005	A	Committee on Contracts	Approved by Committee	Pass
12/21/2005	A	City Council	Approved by Council	Pass
12/21/2005	A	City Council	Sent to Mayor by Council	
12/29/2005	A	Mayor	Hearing Held by Mayor	
12/29/2005	A	Mayor	Signed Into Law by Mayor	
12/30/2005	A	City Council	Recved from Mayor by Council	

Int. No. 552-A

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By Council Members Moskowitz, The Speaker (Council Member Miller), Gennaro, Quinn, Baez, Brewer, Comrie, Fidler, Gentile, Gerson, Koppell, Liu, Martinez, Nelson, Recchia Jr., Reed, Sears, Stewart, Weprin, DeBlasio, James, Barron, Perkins, McMahon, Reyna, Monserrate, Vallone Jr., Yassky, Gioia, Sanders Jr., Katz, Lopez , Palma, 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 green cleaning and other custodial products.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The Council finds that there are environmentally preferable alternatives to the products that we commonly use for routine tasks, such as cleaning and maintaining interior building finishes. Such alternatives are most beneficial to those who apply them and those who occupy buildings where such products are used. In addition to the federal government, a number of state and local jurisdictions have taken steps to purchase environmentally preferable or "green" cleaning products.

The Council finds that the purchase and use of many such environmentally preferable cleaning alternatives will result in improved indoor air quality and enhanced environmental health.

§2. This law shall be known and may be cited as the "Greening Our Cleaning Act".

§3. Green cleaning product pilot program. a. For the purpose of this section and section four of this local law, the following terms shall have the following meanings:

(1) "Air freshener" means any product including, but not limited to, sprays, wicks, powders, blocks, gels and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting or deodorizing the air. This term shall not include products that are used on the human body, products that function primarily as cleaning products or disinfectant products claiming to deodorize by killing germs on surfaces.

(2) "Bathroom cleaner" means any product used to clean hard surfaces in a bathroom, such as counters, walls, floors, fixtures, basins, tubs and tile. This term may include products that are required to be registered under the federal insecticide, fungicide, and rodenticide act, such as disinfectants and sanitizers, but shall not include products specifically intended to clean toilet bowls.

(3) "Carpet cleaner" means any product used for the routine cleaning of carpets and rugs.

This term shall include, but not be limited to, products used in cleaning by means of extraction, shampooing, dry foam, bonnet or absorbent compound, but shall not include products intended primarily for spot removal or any products required to be registered under the federal insecticide, fungicide, and rodenticide act, such as those making claims as sterilizers, disinfectants or sanitizers.

(4) "Degreaser" means any product designed to remove or dissolve grease, grime, oil and other oil-based contaminants from interior or exterior building surfaces.

(5) "Director" means the director of citywide environmental purchasing.

(6) "Disinfectant" means any United States environmental protection agency-registered agent that is used to destroy or irreversibly inactivate infectious fungi, viruses and bacteria, but not necessarily their spores.

(7) "Floor finish" means any product designed to polish, protect or enhance floor surfaces by leaving a protective wax, polymer or resin coating that is designed to be periodically removed and reapplied.

(8) "Floor stripper" means any product designed to remove floor finish through breakdown of the finish polymers, or by dissolving or emulsifying the finish, polish or wax. This term shall not include general-purpose cleaners that can be used to clean floors, floor sealers, spray buffing products or products or equipment designed to remove floor wax solely through abrasion.

(9) "General-purpose cleaner" means any product used for routine cleaning of hard surfaces, including impervious flooring, such as concrete or tile. This term shall not include any cleaner intended primarily for the removal of rust, mineral deposits or odors; any product intended primarily to strip, polish or wax floors; any cleaner intended primarily for cleaning toilet bowls, dishes, laundry, glass, carpets, upholstery, wood or polished surfaces; or any product required to be registered under the federal insecticide, fungicide, and rodenticide act, such as those making claims as sterilizers, disinfectants or sanitizers.

(10) "Glass cleaner" means any product used to clean windows, glass and polished

surfaces. This term shall not include any product required to be registered under the federal insecticide, fungicide, and rodenticide act, such as those making claims as sterilizers, disinfectants or sanitizers.

(11) "Green Seal" means the independent, non-profit organization that sets standards for environmentally responsible products.

(12) "Metal cleaner" means any product designed primarily to improve, by physical or chemical action, the appearance of finished metal, metallic, or metallized furniture or interior or exterior building surfaces, including, but not limited to fittings and decorative ornamentation. This term shall not include any product designed primarily to remove grease, grime and oil.

(13) "Sanitizer" means any United States environmental protection agency-registered agent that is used to reduce, but not necessarily eliminate microorganisms to levels considered safe by public health codes or regulations.

b. A pilot program, which the director shall administer, is hereby established to study the feasibility of using green cleaning products in city facilities.

c. The director shall develop a list of cleaning products currently used in large quantities by agencies and shall select cleaning product categories currently used by agencies that are suitable for inclusion in the pilot program. At a minimum, general-purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, floor finishes, floor strippers and air fresheners shall be included in the pilot program if used by the city and disinfectants, sanitizers, graffiti removers, metal cleaners, furniture polishes and degreasers shall be considered for inclusion in such program.

d. For each product category included in the pilot program, the director shall establish health and environmental criteria for selecting products to be tested and evaluated in the pilot program. The following may be considered in establishing such criteria:

(1) any available scientific evidence;

(2) any specifications, guidelines or rules of other governmental agencies or jurisdictions, or organizations supporting the establishment of environmental purchasing standards;

(3) whether such products contain any known respiratory irritants, mutagens or petrochemical-based fragrances, are produced from bio-based materials, or are sold in containers that reduce worker exposure to the chemicals contained therein; and

(4) any other matter determined by the director to be relevant to determining such health and environmental criteria.

e. The director shall select environmentally preferable cleaning products in each product category for inclusion in the pilot program that meet the criteria established pursuant to subdivision d of this section. Where the director selects a product for testing and evaluation in a product category for which an applicable Green Seal standard exists, the director shall, to the extent practicable, direct that the product, at a minimum, meet such Green Seal standard, with the exception of product packaging and concentrate requirements.

f. The director shall select an appropriate, representative sample of facilities, or portions thereof, owned by the city within which to implement the pilot program.

g. No later than one year after the date of enactment of this local law, the director shall develop and publish a pilot program plan for the testing and evaluation of environmentally preferable cleaning products, which shall include: the list of products in each category to be tested and evaluated in the pilot program; testing and evaluation guidelines for such products; the facilities, or portions thereof, designated for inclusion in such pilot program; and any other information relating to the pilot program that the director deems appropriate. Immediately upon its publication, such plan shall be distributed to all agencies participating in the pilot program, in addition to the mayor and the speaker of the council. Any update or modification to such plan shall immediately be distributed as described above.

h. The testing and evaluation process of the pilot program shall assess products selected for the program based upon effectiveness, health and safety, costs and savings.

i. No later than three years after the enactment of this local law, the director shall submit a report to the mayor and the speaker of the council, which shall detail the results of the pilot program. Such report shall include, but not be limited to, the following:

(1) a list of the products that were tested and evaluated in each product category;

(2) a description of the pilot program process and how each product category and product was selected for inclusion in the program and tested and evaluated, as applicable;

(3) the health and environmental criteria established for each product category and, where the director has not directed that tested and evaluated products, at a minimum, meet the applicable Green Seal standard for the relevant product category where such a standard exists, with the exception of product packaging and concentrate requirements, an explanation as to why the director has not done so;

(4) the facilities, or portions thereof, in which the pilot program was implemented;

(5) the agencies whose facilities or employees were included in the pilot program;

(6) the list of cleaning products developed pursuant to subdivision c of this section, the amount of each such product purchased during the fiscal year beginning July 1, 2007, and whether or not these products meet the health and environmental criteria established by the director pursuant to the pilot program;

(7) an analysis and conclusion regarding the testing and evaluation of each product with respect to effectiveness, health and safety, and anticipated costs or savings and how such results compare to an assessment of such characteristics for the standard cleaning product used for the same purpose; and

(8) a determination as to the feasibility of using environmentally preferable cleaning products in each of the product categories included in the pilot program citywide in facilities, or portions thereof, owned and/or leased by the city, based upon effectiveness, health and safety, costs and savings of the products in such category. For any facility type or specific application for which the director determines that the use of such

products in a specific product category is not feasible, the reasons for such lack of feasibility and all efforts made to successfully use such products in such facility type or application shall be described.

j. The director may, on an ongoing basis, test and evaluate environmentally preferable cleaning products, not limited to the product categories included in the pilot program, to determine the feasibility of using such products by the city.

§4. Green cleaning technical advisory committee. a. A green cleaning technical advisory committee shall be established, which shall provide advice and recommendations to the director for the duration of its term on the green cleaning product pilot program established pursuant to section three of this local law, regarding:

(1) the scope and implementation of the pilot program, including the product categories, products, facilities, or portions thereof, and agencies included in the program;

(2) for each program category, the health and environmental criteria that products shall meet;

(3) the testing and evaluation of products;

(4) a determination as to the feasibility of using environmentally preferable cleaning products citywide in facilities, or portions thereof, owned and/or leased by the city; and

(5) any other recommendations to improve upon or make the pilot program more effective, including regarding end-user outreach and training and the experience of other jurisdictions.

b. Such advisory committee shall be comprised of seven members, two of whom shall be appointed by the speaker of the council and five by the mayor. The members, who shall serve without compensation, shall have technical, scientific or other relevant experience regarding the procurement or use of green cleaning products and shall be appointed no later than March 3, 2006. A chairperson shall be elected from amongst the members. Members shall serve at the pleasure of the appointing official and any vacancy shall be filled in the same manner as the original appointment. The director may provide staff to assist the advisory committee.

c. The advisory committee shall continue to exist until three years after the enactment of this local law,

after which time the committee shall cease to exist.

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

SUBCHAPTER 6

CLEANING PRODUCTS

§6-316 Green cleaning products.

§6-316 **Green cleaning products.** a. Beginning June 1, 2009, the city shall purchase and use green cleaning products to the extent and in the manner that such use is 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 director shall publish a list of green cleaning products that may be purchased by the city to comply with this section. At least once annually, such list shall be reviewed and revised, if necessary.

§6. 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.

§7. This local law shall take effect immediately, except that section five of this local law shall take effect June 1, 2009. 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

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energy efficient products, and to repeal subdivision a, c, d, e and f of section 6-127 of such code, takes effect; 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; and Int. No. 545-A, a proposed 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, takes effect.

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