



Legislation Text

File #: Int 0536-2005, **Version:** A

Int. No. 536-A

By Council Members Gennaro, Brewer, Clarke, Fidler, Gerson, Jackson, James, Liu, Lopez, Martinez, Nelson, Palma, Quinn, Recchia Jr., Sanders Jr., Seabrook, Sears, Stewart, Vallone Jr., Weprin, Koppell, Lanza, Moskowitz, DeBlasio, Barron, Perkins, Avella, McMahon, Foster, Reyna, Monserrate, Yassky, Gonzalez, Gioia, Gentile, Katz, Reed, The Speaker (Council Member Miller) 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 energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. Recognizing the need for energy efficiency, the United States Environmental Protection Agency (EPA) and the United States Department of Energy (DOE) decided in 1992 to promote the purchase of energy efficient products through an innovative labeling program. The Energy Star labeling program certifies products that meet energy efficient criteria, and as a result, reduces energy use, lessening the amount of fossil fuel being burned by power plants and the amount of greenhouse gases and other pollutants emitted into the atmosphere.

Through the Energy Star program, manufacturers and retailers sign voluntary agreements allowing them to place Energy Star labels on products that meet or exceed energy efficiency guidelines set by the EPA and the DOE. Manufacturers and retailers also can use the label in product packaging, promotions and advertising for qualified products. Most Energy Star labeled products have the same or better performance, features, reliability, and price as conventional models.

Federal buyers are directed by Federal Acquisition Regulation Part 23 and Executive Orders 13123 and 13221 to purchase, where life-cycle cost-effective, products that are Energy Star labeled or products that are designated to be in the upper 25% of energy efficiency in their class, as well as products with low standby

power. Federal agencies are also required to reduce their energy use by 35% by 2010 in comparison to 1985 levels. In addition, the DOE established the Federal Energy Management Program (“FEMP”), which provides federal agencies with energy efficiency recommendations that exceed the scope of Energy Star by addressing commercial-sized products and water-using products. Under the Energy Policy Act of 2005, the FEMP standards became mandatory for all federal agencies, subject to certain exemptions.

Accordingly, the Council declares it is reasonable and necessary to require the purchase of energy efficient products.

§2. Subdivisions a, c, d, e and f of section 6-127 of the administrative code of the city of New York are REPEALED.

§3. Title 6 of the administrative code of the city of New York is amended by adding a new subchapter 4 to chapter 3, section 6-127(b) of the administrative code of the city of New York is renumbered as new section 6-306 of new subchapter 4 of chapter 3 of title 6 and amended, and the administrative code of the city of New York is amended by adding a new section 6-307 to subchapter 4 of chapter 3 of title 6 to read as follows:

SUBCHAPTER 3

ENERGY EFFICIENCY

§6-306 **Energy efficiency standards.**

§6-307 **Office equipment energy use reduction.**

§6-306 Energy efficiency standards. a. Any [In any solicitation by an agency for the purchase or lease of] energy-using product[s, the agency shall include a specification that such products] purchased or leased by any agency for which the United States environmental protection agency and the United States department of energy have developed energy efficiency standards for compliance with the Energy Star program shall be ENERGY STAR labeled.[, provided that there are at least six manufacturers that produce such products with the ENERGY STAR label. Nothing herein shall preclude an agency from including a specification in a solicitation for energy-using products requiring that such products be ENERGY STAR labeled if there are

fewer than six manufacturers that produce such products with the ENERGY STAR label.]

b. Any faucet, showerhead, toilet, urinal, fluorescent tube lamp, fluorescent ballast, industrial HID luminaire, downlight luminaire, fluorescent luminaire or compact fluorescent lamp that is purchased or leased by any agency for which the federal energy management program of the United States department of energy has issued product energy efficiency recommendations shall achieve no less energy efficiency or flow rate than the minimum recommended in such recommendations.

c. Unless the director makes a determination otherwise for any particular contract, any air-cooled chiller or water-cooled chiller that is purchased or leased by any agency for which the federal energy management program of the United States department of energy has issued product energy efficiency recommendations shall achieve no less energy efficiency or flow rate than the minimum recommended in such recommendations.

d. Beginning January 1, 2008, the director shall make a determination whether or not any product not specified in subdivisions a or b of this section that is purchased or leased by any agency for which the federal energy management program of the United States department of energy has issued product energy efficiency recommendations shall achieve no less energy efficiency or flow rate than the minimum recommended in such recommendations. The director shall review any such determination not to require compliance with the federal energy management program for any product at least once every two years.

e. Beginning January 1, 2008, unless prior to such date the director determines that products that would comply with this subdivision are not available in sufficient quantities and upon reasonable terms, the minimum energy efficiency of the power supply of any desktop computer or desktop-derived server purchased or leased by any agency containing an internally mounted power supply shall be 80% at 20%, 50% and 100% of rated power supply output, when tested according to a proportional allocation method of loading the power supply. The director shall investigate the feasibility of purchasing such products prior to such date. In the event that this subdivision does not apply after January 1, 2008 as a result of any determination of the director, the director shall annually reconsider any such determination and, where applicable as a result of any such

reconsideration, the requirement in this subdivision shall take effect as soon as practicable thereafter.

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.

§6-307 Office equipment energy use reduction. a. Notwithstanding section 6-302 of this chapter, this section shall apply to any computer, printer, facsimile machine or photocopy machine owned or leased by any agency.

b. The power management software options of any computer, printer, facsimile machine or photocopy machine that contains such software shall be calibrated to achieve the highest energy savings practicable.

c. For any computer that contains power management software, the computer monitor and central processing unit shall be set to enter into a low power mode after the shortest practicable period of inactivity. Any screensaver or other computer program that directly interferes with the proper functioning of the low power mode of any computer monitor or central processing unit, shall be disabled.

d. Any agency need not comply with the provisions of this section if compliance would interfere with any mission of such agency or cause instability in any computer system.

§4. 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.

§5. 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. 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; 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
LS#1486
12/13/2005