

Environmentally Preferred Cleaning Products

Executive Order No. 134

<http://www.ogs.state.ny.us/bldgadmin/environmental/default.html>

Q & A

March 22, 2006

I. What: Definitions

a. Environmentally Preferred Cleaning Products

- i. Environmentally preferred cleaning products are cleaning products having properties that minimize potential impacts to human health and the environment consistent with maintenance of the effectiveness of these products for the protection of public health and safety without sacrificing product effectiveness.

The executive order requires that all State Agencies, departments and public benefit corporations and public authorities in New York State, the heads of which are appointed by the Governor, procure and use environmentally preferred cleaning products.

- ii. New York State Office of General Services (OGS) in consultation with Dept. of Health (DOH), and Dept. of Environmental Conservation (DEC) will provide consultation and guidance to State Agencies to: (a) select and procure products and use practices that reduce or minimize the risks of harmful effects to employees, custodial workers, visitors and other building occupants and to the environment (b) promote adoption of practices endorsed by the executive order, (c) recognize State Agencies that adopt and implement environmentally beneficial facility and workplace management policies and practices, (d) encourage contractors supplying goods and services to State Agencies to select and procure such products and (e) encourage lessors and building managers who provide leased space to State Agencies to select and procure such products.
- iii. After EO134 was signed on January 5, 2005, there was legislation passed (**Reference below, Section 1.b.**) which involved the New York State school system procuring environmentally sensitive cleaning and maintenance products. **Please Note: The executive order is a distinct and separate document; however, once guidelines and specifications are established for the school districts, State Agencies may find it helpful to reference these to meet some of the compliance requirements of the executive order.**

b. Environmentally Sensitive Cleaning And Maintenance Product Guidelines As Relate To Bill S5435, School Legislation Signed Into Law August 2005

- i. Procurement and usage guidelines and specifications developed by the New York State Office of General Services (OGS), the State Education

Department (SED), State Department of Health (DOH), State Department of Environmental Conservation (DEC), and State Department of Labor (DOL) for the selection and use of environmentally sensitive cleaning and maintenance products in schools.

1. OGS shall develop guidelines and specifications for environmentally sensitive cleaning and maintenance products.
 2. OGS shall provide public notice and an opportunity to comment on the guidelines and specifications.
 3. OGS shall develop a sample list of environmentally sensitive cleaning and maintenance products.
 4. OGS shall disseminate the guidelines and specifications to all public and nonpublic elementary and secondary schools for their use when purchasing cleaning and maintenance products for their facilities.
- ii. School administrators shall notify their personnel of the availability of the guidelines and specifications.

c. Green Cleaning

- i. The term green cleaning is synonymous with environmentally preferred cleaning. These terms are often used interchangeably to describe cleaning products that reduce or minimize the risks of harmful effects to employees, custodial workers, visitors and other building occupants and to the environment and still clean effectively.
- ii. The mission of this executive order is to promote the use of environmentally preferred cleaning products by all State Agencies, departments and public benefit corporations and public authorities in New York State, the heads of which are appointed by the Governor, to help protect human health and the environment without sacrificing product effectiveness.

II. Where: Agencies Covered by Executive Order No. 134

The executive order requires that all State Agencies, departments and public benefit corporations and public authorities in New York State, the heads of which are appointed by the Governor, procure and use environmentally preferred cleaning products.

III. Who is Covered by Executive Order No. 134?

All State Agencies (**as described above in Section II**) are covered by the executive order. However, the facilities that the State Agencies reside in are broken down into three (3) distinct categories:

a) Facilities Owned and Maintained by OGS

- State Agencies that occupy space in OGS owned and maintained facilities thru OGS Building Managers are expected to follow the executive order to its fullest.

b) Lease Purchase Facilities

- Lessors who have State Agencies occupying space in their facilities are encouraged (*as a result of this order*) to select and procure environmentally preferred products.

c) **Leased Facilities**

- Lessors who have State Agencies occupying space in their facilities are encouraged (*as a result of this order*) to select and procure environmentally preferred products

EO 134, Section II, Directive:

- **II, (iv):** Encourage contractors supplying goods and services to State Agencies to select and procure environmentally preferable products.
- **II, (v):** Encourage lessors and buildings managers who provide leased space to State Agencies to select and procure environmentally preferable products.

IV. Why: Goals

- a. The primary focus of this Executive Order is to reduce or minimize the risks of harmful effects to employees, custodial workers, visitors and other building occupants and to the environment.
- b. The goal of using environmentally preferable cleaning products is to reduce, **as much as possible**, exposure of employees, custodial workers, visitors and other building occupants along with the environment to potentially harmful chemicals and substances used in the cleaning of state agency facilities.

V. When: Implementation

a. When did the executive order become effective?

It became effective immediately on January 5, 2005, the date the Order was signed by Governor Pataki.

b. Is this law mandatory for all State Agencies?

Yes. All State Agencies are to procure and use cleaning products having properties that minimize potential impact to human health and the environment consistent with the maintenance of the effectiveness of these products for the protection of public health and safety.

c. Do State Agencies need to start purchasing green cleaning products immediately?

No. State Agencies will be allowed to transition to cleaning products having properties that minimize potential impacts to human health and the environment within six months of the effective date, in a manner that avoids waste of existing inventories, accommodates the establishment of supply chains for new products, enables the training of personnel in appropriate work practices, and allows the phase out of inconsistent products and practices.

d. May State Agencies use previously purchased products beyond January 5, 2005?

Yes. State Agencies are allowed to transition to the new environmentally preferred products in a manner that avoids the waste of existing inventories.

However,

- i. When procuring new cleaning products, State Agencies should purchase environmentally preferred products or document the reasons for selecting alternative products.
- ii. These products should conform to guidance for environmentally preferred purchasing of cleaning products provided by OGS and the other consulting

State Agencies, DOH and DEC, or should be products that have been identified by OGS as compliant with the executive order and made available through a central purchasing contract.

- iii. Other laws or regulations may supersede the use of environmentally preferred items for certain types of products. (See **Section IX – Related Laws and Regulations**)

VI. Purchase Practices

- a. **State OGS Contract Information (www.ogs.state.ny.us/psg/defaultitpur.html)**

For information more specifically related to OGS Procurement Services Green Purchasing go to: <http://www.ogs.state.ny.us/purchase/GreenPurchasing.asp>.

Under “Green Cleaning Products” (Products and Services on State Contract and Available from Preferred Sources), please note that OGS anticipates that this list will be supplemented periodically and prospective buyers may need to refer back to this web page for additional information and updates. (This web page also provides a link to the OGS Environmental Services Unit – Green Cleaning website.)

- b. **What vendors may be used to purchase environmentally preferred products?**

To be determined. Products should conform to guidance for environmentally preferred purchasing of cleaning products provided by OGS and the other consulting State Agencies, DOH and DEC, or should be products that have been identified by OGS as compliant with the executive order and made available through a central purchasing contract. ***Please Note:*** *As part of the legislative mandate, OGS is to develop guidelines and specifications for such products, as well as a sample list of cleaning products that meet these guidelines. State Agencies will also be able to access these as a reference point for compliance with the executive order.*

- c. **If a vendor currently advertises itself as selling green cleaning products, should this statement be accepted as accurate and true?**

No. Characterization of a product as green by vendors, third party organizations, or others does not mean that the products will satisfy the requirements of the executive order, or that such a product will be on the OGS list of acceptable products. State Agencies should use discretion when consulting with vendors, shopping for green cleaning products and when testing these products in their facilities. *(Green cleaning product specifications and guidelines are being developed by OGS as part of the school legislation mandate.)*

- d. **Are green cleaning products synonymous with environmentally preferred products?**

The term green cleaning is synonymous with environmentally preferred cleaning. These terms are often used interchangeably to describe cleaning products that minimize adverse impacts on employees, custodial workers, visitors and other building occupants along with the environment and still clean effectively.

- e. **Is environmentally preferable purchasing synonymous with environmentally sensitive purchasing?**

Yes. These terms are used interchangeably.

VII. Delegation, Recordkeeping and Reporting

- a.** Each state agency should assign an individual within its agency who will be responsible for the following:
 - i. Assess current facility management practices and use of cleaning products,
 - ii. Evaluate whether these products conform to provided guidelines for procurement of such products,
 - iii. Identify and procure conforming cleaning products,
 - iv. Document the reasons for selecting products that do not conform to provided guidelines and include these reasons in the required report explained in **VII.b.**
- b.** Within one year of the effective date of the signing of the executive order, the chief executive of each state agency shall prepare or cause to be prepared an assessment, which should be retained as a document available to employees and the general public, of the efforts undertaken by their agency to comply with the executive order. This document is to be reviewed and updated biennially (every two years).

VIII. Training, Guidance, and Technical Assistance

- a. Web Site and Mailbox**
 - i.** A web site that addresses purchasing questions has been developed by OGS at:
<http://www.ogs.state.ny.us/purchase/GreenPurchasing.asp>
 - ii.** Another website established for both the executive order and the legislation was developed by OGS at:
<http://www.ogs.state.ny.us/bldgAdmin/environmental/default.html>
 - iii.** Questions on the law or cleaning products may be addressed to:
nysogsesu@ogs.state.ny.us
- b.** OGS is developing a completely separate bid for a “Consulting to Develop Advanced Custodial Practices”. The concept is that a facility manager could hire a “Cleaning Consultant” for a set fee. That consultant would provide an assessment of the facility, cleaning products used, and provide comprehensive training on developing a “cleaning system” from cleaning basics, how to clean, what products to use where and when and how often, as well as providing training on coaching, change management, and developing effective teamwork. The contract would provide for consulting throughout the year.

IX. Related Laws and Regulations

The law for green cleaning does not supersede or change existing health, labor, education and environmental regulations related to cleaning and maintenance practices and disposal of hazardous chemicals. Thus, when evaluating cleaning programs, schools should choose products and practices that comply with the green cleaning law. However, in certain locations (e.g. food service and swimming pool areas) and for special circumstances (e.g. blood spills) different products and practices may be needed to satisfy the requirements of existing public health, labor, education and environmental conservation regulations. The list below may not include all relevant federal, state and local laws regarding cleaning and maintenance practices.

a. Department of Health (DOH)

i. Health and Sanitary Codes:

Schools should contact their local health departments for an interpretation of what is acceptable for use in food service areas and swimming pools.

Relevant state codes can be found as follows:

Food Service Establishments (Subpart 14-1):

Equipment and Utensil Cleaning and Sanitation - Sections 14-1.110 thru 14-1.117

Plumbing - Sections 14-1.143

Construction and Maintenance of Physical Facilities - Sections 14-1.172 and 14-1.173

Swimming Pools (Subpart 6-1)

Operation, Supervision and Maintenance – Section 6-1.10

Bathhouse and Toilet Facilities - Section 6-1.15

In order to access the aforementioned sections of the State Sanitary Code go to: www.health.state.ny.us/nysdoh/phforum/nycrr10.htm

Click on “Search Title 10” at the website listed above. In the "Search For" box, type in the Section number. For example, type in "Section 14-1.110" and click "Search" to be directed to the link for Section 14-1.110. Click on the link to access the section.

b. Occupational Safety & Health Administration/Public Employee Safety and Health Administration (OSHA/PESHA)

The use of environmentally preferred cleaning products that minimize adverse impacts to employees and the public is consistent with OSHA/PESH safety and health standards. Such standards would include General Housekeeping, Hazard Communication (which requires an evaluation of chemical used in the workplace and the sharing of such information with employees), Bloodborne Pathogen requirements for nurse’s offices, laboratories, etc.

Within New York State, OSHA regulates private sector employers. PESH regulates all public sector employers. Further information is available from the following websites:

(1) <http://www.osha.gov/>

(2) <http://www.labor.state.ny.us/workerprotection/safetyhealth/faq.shtm#2>

c. Department of Environmental Conservation (DEC)

i. Disposal of Cleaning Products

<http://www.dec.state.ny.us/website/dshm/index.html>

The link listed above will provide information on existing regulatory programs related to Hazardous Waste and Solid Waste, however, there is no specific information regarding the disposal of cleaning products.

Therefore, the following information was provided by members of the DEC Solid & Hazardous Materials Unit to address this issue:

It is incumbent upon any entity that generates a solid waste to make a determination if in fact their waste is hazardous. Under the regulations, this can be accomplished by testing (TCLP: Toxicity Characteristic Leaching Procedure: Soil sample extraction method for chemical analysis) or by knowledge which is verifiable. It is important to know the contents of materials and products being used, and with any contamination the waste may have acquired during its normal use.

Product information is available from manufacturers and distributors. Products which don't provide this information should be avoided. When a generator gathers all the information which is reasonably available to them, then they should be able to make a proper waste determination. Once that is accomplished, the department can easily advise them as to disposal which is safe and in compliance with environmental law and regulation.

X. Disinfectants and anti-microbial products

a. How will disinfectants and anti-microbial products be handled under this law?

- i.** There is a considerable amount of controversy concerning the use, misuse and/or overuse of both antimicrobial soaps and disinfectants. OGS is communicating with the EPA, the State Health Department, the CDC, and reading any literature available on the topics. We plan to educate ourselves and others (state agency contacts/personnel) in our findings.
- ii.** In the meantime, determine if you use them, and if so, where and why? Do you have specific training for your staff concerning the proper techniques for applying disinfectants?

XI. What can State Agencies do now to prepare for implementation of the Executive Order?

“**Suggestions**” for State Agencies and facility managers while you are waiting to see what products will be on the OGS list of acceptable products and waiting to see the guidelines and specifications for cleaning products related to the school legislation:

- Conduct an inventory of what you are currently using for cleaning products, how much you use of each product and what each product costs.
- Test cleaning products from a variety of vendors.
- Determine how your existing cleaning products perform, so you have the ability to compare them against any new products you test. “**Suggestion**” - When a sales person presents a “new” product, ask for a list of several sites and contact people already using the product. Then, call and find out what they were using prior to the “new” product, the conditions that existed and pros and cons of the new product.
- Determine whether or not your facility needs all of the cleaning products that you have in inventory. If so, document the reasons why you need them.
- Determine whether the types and amounts of products currently purchased can be consolidated.

