

NOTICE OF PUBLIC HEARING

- Subject:** Opportunity to comment on the proposed amendments to Chapter 11 of Title 43 of the Rules of the City of New York, “Environmental Preferable Purchasing Program.”
- Date / Time:** March 29, 2012
9:30am – 11:30am
- Location:** Spector Hall
22 Reade Street
New York, NY 10007
- Contact:** Marla G. Simpson
Director
Mayor’s Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Director of Citywide Environmental Purchasing (“Director”) by §§ 6-302, 6-304, 6-306, 6-308, 6-312, 6-313, 6-314, 6-315, and 6-316 of the Administrative Code of the City of New York (“Administrative Code”), and in accordance with the requirements of § 1043 of the New York City Charter and Chapter 3 of Title 6 of the Administrative Code, the Director hereby proposes to amend Chapter 11 of Title 43 of the Rules of the City of New York (“RCNY”).

The proposed amendments were not included in this agency’s regulatory agenda.

Instructions

Written comments regarding the proposed amendments must be received by close of business on March 29, 2012. Written comments should be sent to:

Marla G. Simpson
Director
Mayor’s Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

or electronically through NYC RULES at www.nyc.gov/nycrules by March 29, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Marla G. Simpson by close of business on March 21, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 a.m. and 4:30 p.m. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

The purpose of the proposed rule amendments is to:

- incorporate certain terms from § 6-301 of Title 6 of the Administrative Code and Local Law 123 relating to the purchase of environmentally preferable products into the "Definitions" section (11-1) of Chapter 11 of Title 43 of the RCNY,
- reduce hazardous substances by applying the City's environmentally preferable purchasing standards (in existing sections 11-3, 11-4, and 11-5, and the proposed new sections 11-8 and 11-9) to the purchase or lease of applicable products by City agencies as well as by City contractors for construction work through an expanded applicability rule (section 11-2),
- reduce hazardous substances through the addition of an environmental purchasing standard (within section 11-6) that reduces the City's purchase and use of added urea-formaldehyde resins in composite wood or agrifiber products,
- reduce hazardous substances through the addition of an environmental purchasing standard (within section 11-7) that requires the City's purchase and use of paper products processed without any chlorine or chlorine derivatives, the combustion of which has been determined to be the largest contributor of dioxin into the atmosphere,
- conserve energy and water by expanding the types of energy- and water-using products that are required to meet the energy and water efficiency standards set forth by the U.S. Department of Energy's Federal Energy Management Program ("FEMP"), within a new subchapter (3: Energy and Efficiency) and a new section (11-8),
- increase the use of recycled and reused materials by incorporating several new products that are required to meet the minimum recycled content standards set forth by the U.S. Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials ("CPG"), within a new subchapter (4: Recycled Materials) and a new section (11-9), and
- improve indoor air quality and enhance environmental health by establishing new green cleaning product purchasing standards, within a new subchapter (5: Green Cleaning) and a new section (11-10).

Background

In 2005, the New York City Council passed Local Laws 118, 119, 120, and 121 to establish environmentally preferable standards for products purchased by the City. The purchase of such products protects the environment by reducing the City's energy consumption, air pollution, hazardous releases, and water use. Local Law 118 also created the position of Citywide Director of Environmental Purchasing ("Director"), who is responsible for issuing rules and establishing environmental purchasing standards to:

- conserve energy and water;
- increase the use of recycled and reused materials;
- reduce hazardous substances, especially persistent, bioaccumulative and toxic chemicals;
- decrease greenhouse gas emissions;
- improve indoor air quality;
- promote end-of-life management; and
- reduce waste.

In 2005, the City Council also passed Local Law 123, which required the Director to develop and administer a green cleaning pilot program to determine the feasibility of using green cleaning products in City facilities and to assess products selected for the program based upon effectiveness, health and safety, and costs and savings. Based on the results of the pilot program, the Director developed the new green cleaning product purchasing standards in the proposed rule amendments.

Statutory Authority

The proposed rule amendments are being promulgated pursuant to the Director's authority as set forth in §§ 6-302, 6-304, 6-306, 6-308, 6-312, 6-313, 6-314, 6-315, and 6-316 of Title 6 of the Administrative Code to:

- develop, establish, and promulgate rules and implement environmental purchasing standards,
- designate any contract as being subject to Chapter 11 of Title 43 of the RCNY in whole or in part,
- promulgate rules to conserve energy and water; increase the use of recycled and reused materials; reduce hazardous substances, with an emphasis on persistent, bioaccumulative and toxic chemicals; and improve indoor air quality,
- promulgate rules to reduce the City's purchase or lease of composite wood or agrifiber products that contain added urea-formaldehyde resins,
- promulgate rules to reduce the City's purchase or lease of materials whose combustion may lead to the formation of dioxin or dioxin-like compounds,
- make a determination whether certain products purchased or leased by a City agency must comply with energy efficiency or flow rate standards recommended by FEMP,
- make a determination whether certain products purchased or leased by a City agency contain at least the minimum amount of recovered material and postconsumer material recommended in the most recent CPG notice,

- publish a list of green cleaning products for the City’s purchase and use that have been determined to be feasible under the green cleaning pilot program or through any other testing and evaluation conducted by the Director.
- review and, if necessary, update or revise the City’s environmental purchasing standards at least once every two years.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. Subdivision (a) of Section 11-1 of Subchapter 1 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:

§ 11-1 **Definitions.** (a) For the purposes of this chapter only, the following terms shall have the following meanings:

(1) “Added urea-formaldehyde resins” means any one of a class of substances belonging to the family of organic polymers prepared by heating urea and formaldehyde in the presence of mild alkalies, such as pyridine or ammonia.

(2) “Air freshener” means any product including, but not limited to, sprays, wicks, powders, blocks, gels and crystals, designed for the purpose of masking odor or freshening, cleaning, scenting or deodorizing the air, but such term shall not include any product that is used on the human body or any product that functions primarily as a cleaning or disinfectant product claiming to deodorize by killing germs on surfaces.

[(1)] (3) “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 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.

(4) “Bathroom cleaner” means any product used to clean hard surfaces in a bathroom, such as counters, walls, floors, fixtures, basins, tubs and tiles. 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.

[(2)] (5) “Cadmium plating” means any deposit or coating of metallic cadmium on a metallic surface.

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

[(4)] (7) “Carpet adhesive” means any substance used to adhere carpet to a floor by surface attachment, including any latex multi-purpose floor adhesive, pressure-sensitive floor adhesive, vinyl-backed floor adhesive, latex seam adhesive, vinyl-backed seam sealer, cove base adhesive, tackless cushion adhesive and contact adhesive.

[(5)] (8) “Carpet cushion” means any kind of material placed under carpet to provide softness when it is walked upon.

[(6)] (9) “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.

(10) “City’s environmental purchasing standards” or “city environmental purchasing standard” means any standard set forth in chapter 3 of title 6 of the administrative code of the city of New York, and any directives, guidelines or rules

promulgated by the director of citywide environmental purchasing pursuant to chapter 3 of title 6 of such code.

[(7)] (11) “Clear brushing lacquer” means any clear wood finish, excluding any clear lacquer sanding sealer, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, that is intended exclusively for application by brush.

[(8)] (12) “Coating” means any material that is applied to a surface in order to beautify, protect, or provide a barrier to such surface.

(13) “Composite wood or agrifiber product” means any plywood, particleboard, chipboard, medium density fiberboard, standard fiberboard, orient strand board, glulam product, wheatboard or strawboard or any other particleboard made from post-agricultural resources.

(14) “Construction work” means any work or operations necessary or incidental to the erection, demolition, assembling or alteration of any building, but such term shall not include minor repairs.

(15) “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.

(16) “CPG” means the Comprehensive Procurement Guideline for Products Containing Recovered Materials, as set forth in part 247 of title 40 of the United States code of federal regulations.

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

(18) “Dioxin producing product” means any product that leads to the formation of dioxin or dioxin-like compounds upon combustion.

[(9)] (19) “Director” means the director of citywide environmental purchasing.

(20) “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. This term shall include any agent that is required to be registered under the federal insecticide, fungicide, and rodenticide act.

[(10)] (21) “Emission factor” means the mass of a volatile organic compound emitted from a specific unit area, mass or length, as appropriate, of product surface per unit of time.

(22) “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.

[(11)] (23) “Flat paint” means any coating that registers a gloss of less than 15 on an 85-degree meter or less than 5 on a 60-degree meter.

[(12)] (24) “Floor coating” means any opaque coating that is formulated for or applied to flooring, including but not limited to decks, porches, gymnasiums, and bowling alleys, but does not include any industrial maintenance coating.

(25) “Flow rate” means the volume, mass, or weight of water flowing past a given point per unit of time.

(26) “Fragrance” means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure

not in excess of 2 mm of Hg at 20oC, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

(27) “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.

(28) “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.

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

[(13)] (30) “Homogeneous” means of uniform composition throughout, such as plastics, ceramics, glass, metals, alloys, paper, board, resins and coatings.

[(14)] (31) “Homogeneous material” means a material that cannot be mechanically disjointed into different materials through actions such as unscrewing, cutting, crushing, grinding and abrasive processes.

[(15)] (32) "Lacquer" means any clear or pigmented wood finish, including clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

[(16)] (33) "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.

[(17)] (34) "Lamp life" means the rated hours of output for a fluorescent tube lamp measured using instant-start ballasts at 3 hours per start, except for T5 lamps, which shall be measured using program start ballasts.

(35) "LVP-VOC" means a chemical compound or mixture that contains at least one carbon atom and meets one of the following:

(i) has a vapor pressure less than 0.1 mm Hg at 20oC, as determined by the California Air Resources Board ("ARB") Method 310; or,

(ii) is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms, as verified by formulation data, and the vapor pressure and boiling point are unknown; or,

(iii) is a chemical compound with a boiling point greater than 216oC, as determined by ARB Method 310; or,

(iv) is the weight percent of a chemical mixture that boils above 216oC, as determined by ARB Method 310.

For the purposes of the definition of LVP-VOC, chemical "compound" means a molecule of definite chemical formula and isomeric structure, and chemical "mixture" means a substance comprised of two or more chemical compounds.

[(18)] (36) “Maximum mercury” means the total weight of mercury in a lamp.

[(19)] (37) “Medical device” means any equipment for fertilization testing, laboratory equipment for in-vitro diagnosis, medical analyzer, medical freezer, pulmonary ventilator, cardiology, dialysis, radiotherapy or nuclear medicine equipment and any other appliance for detecting, preventing, monitoring, treating, alleviating illness, injury or disability.

(38) “Minor repairs” means the 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.

[(20)] (39) “Monitoring and control instrument” means any heating regulator, smoke detector, thermostat, device for measuring, weighing or adjusting any device for use in a household or laboratory and any other monitoring and control instrument used in industrial installations.

[(21)] (40) “Multi-function device” means any physically integrated device or a combination of functionally integrated components that performs the function of a copier as well as the functions at least one of the following devices: printer, facsimile machine or scanner.

[(22)] (41) “Nonflat paint” means any coating that registers a gloss of 5 or greater on a 60 degree meter and a gloss of 15 or greater on an 85 degree meter.

(42) “Paper product” means any commercial/industrial sanitary tissue products, miscellaneous papers, newsprint, paperboard and packaging products, or printing and writing papers as such terms are used in the CPG.

[(23)] (43) “Primer” means any coating applied to a substrate to provide a firm bond between the substrate and subsequent coats.

(44) “Process-chlorine free” means a paper recycling process in which no chlorine or chlorine derivatives were used.

[(24)] (45) “Rust preventative/anti-corrosive paint” means any coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces.

[(25)] (46) “Sanding sealer” means any clear or semi-transparent wood coating formulated for or applied to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A sanding sealer that also meets the definition of a lacquer is not included in this category, but it is included in the lacquer category.

(47) “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. This term shall include any agent that is required to be registered under the federal insecticide fungicide and rodenticide act.

[(26)] (48) “Selected test method” means the American Society for Testing and Materials test method D 5116 (guide for small-scale environmental chamber determinations of organic emissions from indoor materials/products).

[(27)] (49) “Varnish” means any clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.

[(28)] (50) “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 part 51.100 of chapter 40 of the United States code of federal regulations.

Section 2. Section 11-2 of Subchapter 1 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:

§ 11-2 **Applicability, exemptions and waivers.** Except as provided for in sections 11-6, 11-7, and 11-10 and notwithstanding sections 6-302(a)(3)(i)-(vi) of the administrative code of the city of New York, [T]these rules shall apply to products purchased or leased by any agency or purchased or leased by a contractor pursuant to any contract with any agency for construction work in any building, such contracts being designated as being subject to this chapter, pursuant to section 6-302 of the administrative code of the city of New York on the applicability of the environmentally preferable purchasing program contained in chapter three of title six of such code. These rules shall be subject to any exemption or waiver contained in section 6-303 of such code or contained in any other provision of such chapter.

Section 3. Subdivision (a) of Section 11-3 of Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:

§ 11-3 **Hazardous content of electronic devices.** (a) No new cathode ray tube, product containing a cathode ray tube, liquid crystal display (LCD), plasma screen or

other flat panel television or computer monitor or similar video display product, desktop computer or laptop computer, computer peripheral including, but not limited to, a keyboard, mouse and other pointing device, printer, scanner, facsimile machine and card reader, copier, and multi-function device [purchased or leased by any agency] shall contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers, except that this section shall not apply to:

* * *

Section 4. Subdivisions (a)(1), (a)(2), (b)(1), and (b)(2) of Section 11-4 of Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:

§ 11-4 **Volatile organic compounds and other airborne hazards.** (a) (1) No carpet or carpet adhesive [purchased or leased by any agency] shall contain any volatile organic compound in any concentration exceeding that specified below, according to the selected test method.

* * *

(2) No carpet cushion [purchased or leased by any agency] shall contain any volatile organic compound in any concentration exceeding that specified below, according to the selected test method.

* * *

(b) (1) No architectural coating regulated under part 205 of title six of the New York codes, rules and regulations [and purchased or leased by any agency] shall contain any volatile organic compound in any concentration exceeding that permitted under such part.

* * *

(2) None of the following architectural coatings [purchased or leased by any agency] shall contain any volatile organic compound in any concentration exceeding that specified below, according to the selected test method.

* * *

Section 5. Section 11-5 of Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:

§ 11-5 **Mercury-added lamps.** Any of the following mercury-added lamps [purchased or leased by any agency] shall comply with the standards specified below:

* * *

Section 6. Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Section 11-6, Added urea-formaldehyde resins reduction, to read as follows:

§ 11-6 Added urea-formaldehyde resins reduction. Any of the following composite wood or agrifiber products containing added urea-formaldehyde resins purchased or leased by any agency shall meet the standards specified below, except that this section shall not apply to any composite wood or agrifiber product containing added urea-formaldehyde resins purchased or leased by any contractor pursuant to any contract with any agency.

Product	Formaldehyde Emission Standards (ppm)*
Hardwood Plywood-Veneer Core	0.08
Hardwood Plywood-Composite Core	0.08

Particleboard	0.18
Medium Density Fiberboard	0.21
Thin Medium Density Fiberboard	0.21
Orient Strand Board	No added urea formaldehyde resins
Glulam Product	No added urea formaldehyde resins
Wheatboard	No added urea formaldehyde resins
Strawboard	No added urea formaldehyde resins

* Based on the primary test method [ASTM E 1333-96(2002)] in parts per million (ppm).

Section 7. Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Section 11-7, Dioxin reduction, to read as follows:

§ 11-7 Dioxin reduction. Any of the following dioxin producing products purchased or leased by any agency shall meet the standards specified below, except that this section shall not apply to any dioxin producing products purchased or leased by any contractor pursuant to any contract with any agency.

Product	Standard
Paper Products	Process-chlorine free

Section 8. Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Subchapter 3, Energy and Efficiency, and a new Section 11-8, Energy and water efficiency standards, to read as follows:

SUBCHAPTER 3: ENERGY AND EFFICIENCY

§ 11-8 Energy and water efficiency standards

§ 11-8 Energy and water efficiency standards. (a) Any energy-using product 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.

(b) Any faucet, showerhead, toilet, urinal, fluorescent tube lamp, fluorescent ballast, industrial HID luminaire, downlight luminaire, fluorescent luminaire, or compact fluorescent lamp 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 unless the director makes a determination otherwise for any particular contract.

(c) Any air-cooled chiller or water-cooled chiller 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 unless the director makes a determination otherwise for any particular contract.

(d) Any electric motor or microwave oven 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 unless the director makes a determination otherwise for any particular contract.

Section 9. Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Subchapter 4, Recycled Materials, and a new Section 11-9, Minimum recycled material content, to read as follows:

SUBCHAPTER 4: RECYCLED MATERIALS

§ 11-9 Minimum recycled material content.

§ 11-9 Minimum recycled material content. (a) Any of the following products listed in the CPG , that can be procured at a reasonably competitive price, and for which the United States environmental protection agency has issued a recovered materials advisory notice, shall contain no less recovered material and postconsumer material than the minimum amount recommended in the most recent such notice:

- reprographic paper,
- tablet paper,
- envelope paper,
- file folder,
- commercial/industrial sanitary tissue,
- rock wool or fiberglass building insulation,
- polyester carpet,
- flowable fill,
- steel shower or restroom divider/partition,
- traffic cone,
- plastic fencing,
- plastic park bench,
- hydraulic mulch,
- garden or soaker hose,
- plastic trash bag,

- office recycling container,
- office waste receptacle,
- mat,
- signage or pallet.

(b) Any of the following products listed in the CPG, that can be procured at a reasonably competitive price, and for which the United States environmental protection agency has issued a recovered materials advisory notice, shall contain no less recovered material and postconsumer material than the minimum amount recommended in the most recent such notice:

- carpet,
- carpet adhesive,
- carpet cushion,
- cement and concrete,
- commercial and industrial low voltage transformer,
- foam-in-place insulation,
- glass fiber reinforced insulation,
- heavy duty/commercial use floor tile,
- laminated paperboard,
- latex paint,
- loose fill and spray-on cellulose insulation,
- modular threshold ramp,
- nonpressure pipe,

- perlite composition board insulation,
- phenolic rigid foam insulation,
- plastic non-woven batt insulation,
- plastic or aluminum sign,
- plastic or steel sign post/support,
- plastic rigid foam,
- polyisocyanurate/polyurethane-rigid foam insulation,
- residential entry or patio door,
- roof products,
- roofing material,
- steel restroom divider/partition,
- structural fiberboard,
- traffic barricade,
- traffic control device (channelizer),
- traffic control device (delineator),
- traffic control device (flexible delineator).

(c) Notwithstanding subdivisions (a) and (b) of this section, any paper product listed in subdivisions (a) or (b) of this section that can be procured at a reasonably competitive price, and for which the United States environmental protection agency has issued a recovered materials advisory notice, shall contain no less than fifty percent agricultural wastes.

Section 10. Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Subchapter 5, Green Cleaning, and a new Section 11-10, Green cleaning product categories, to read as follows:

SUBCHAPTER 5: GREEN CLEANING

§ 11-10 Green Cleaning product categories

§ 11-10 Green Cleaning product categories. (a) (1) No agency shall purchase and use bathroom cleaners, degreasers, general purpose cleaners, or glass cleaners, unless such cleaning products comply with the standards set forth by one of the following third-party programs:

- (i) Green Seal;
- (ii) United States environmental protection agency’s design for the environment program; and/or
- (iii) New York State office of general services green cleaning program.

(2) (i) Except as provided for in subdivisions (a)(2)(ii) and (a)(2)(iii) of this section, no agency shall purchase and use any air freshener product containing volatile organic compounds exceeding the maximum percentage specified below.

Product	Maximum Percentage (%) of Volatile Organic Compounds by Weight
Double Phase Aerosols	25
Single Phase Aerosols	30
Dual Purpose Air Fresheners/Disinfectant Aerosols	60
Liquid/Pump Sprays	18
Solids/Semi-Solid	3

(ii) The maximum percentage of volatile organic compounds contained in any air freshener product listed in subdivision (a)(2)(i) of this section shall not apply to any air freshener product:

A) identified as LVP-VOC, or

B) that is comprised entirely of fragrance and does not contain any of the following compounds:

- carbon monoxide;
- carbon dioxide;
- carbonic acid;
- metallic carbides or carbonates;
- ammonium carbonate;
- methane, including methylene chloride (dichloromethane), 1,1,1-trichloroethane (methyl chloroform), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113), 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), chlorodifluoromethane (HCFC-22), 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123), 1,1-dichloro-1-fluoroethane (HCFC-141b), 1-chloro-1,1-difluoroethane (HCFC-142b), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), trifluoromethane (HFC-23), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1,2-tetrafluoroethane (HFC-134a), pentafluoroethane (HFC-125), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a), ethoxy-nonafluorobutane (HFE 7200),

cyclic, branched, or linear completely methylated siloxanes, and the following classes of perfluorocarbons:

- cyclic, branched, or linear, completely fluorinated alkanes;
 - cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine;
- acetone;
 - ethane;
 - methyl acetate;
 - parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene); and
 - perchlorethylene (tetrachlorethylene).

(iii) No agency shall purchase and use any solid or semi-solid air freshener product containing para-dichlorobenzene.

(3) No agency shall purchase and use disinfectant or sanitizer unless such product is registered under the federal insecticide fungicide and rodenticide act.

(b) Agencies shall transition to the use of green cleaning products identified in subdivision (a) of this section in a manner that avoids the waste of existing inventories, enables the training of personnel in appropriate green cleaning work practices, and provides for the gradual phase-out of products and practices inconsistent with the use of environmentally preferable purchasing alternatives.

(c) This section shall not apply to products purchased or leased by any contractor pursuant to any contract with any agency.

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Purchase of Environmentally Preferable Products

REFERENCE NUMBER: 2012 RG 003

RULEMAKING AGENCY: Mayor's Office of Contract Services

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
2012
Acting Corporation Counsel

Date: January 26,

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Purchase of Environmentally Preferable Products
REFERENCE NUMBER: MOCS-1
RULEMAKING AGENCY: MOCS**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro
Mayor's Office of Operations

January 26, 2012
Date