

Introduced by Legislators Yatauro, Abrahams, Bosworth, Corbin, Denenberg, Jacobs, Mejias, Scannell, Toback, Wink, Schmitt, Becker, Ciotti, Dunne, Ford, Gonsalves, Mangano, Muscarella, Nicollelo

LOCAL LAW NO. 3-2008

A LOCAL LAW to amend the Administrative code, in relation to establishing a green procurement policy for the County of Nassau.

BE IT ENACTED by the County Legislature of the County of Nassau, as follows:

Section 1. Chapter seven of the Nassau County Administrative Code is amended to add a new section 7-4.0, to read as follows:

§ 7-4.0. Green Procurement

a. Definitions. As used in this local law:

“County” means the County of Nassau.

“Director” means the director of the Office of Purchasing.

“Environmentally preferable product" means a product that has a lesser impact on human health and the environment when compared with a competing product, in consideration of raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, and/or disposal of the product.

“Food packaging” means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, straws and lids which are not intended for reuse, on or in which any foods or beverages are placed or packaged.

“Green procurement” means the purchase of environmentally preferable products.

“Polystyrene foam” means and includes blown polystyrene and expanded and extruded forms (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including without limitation fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons, and ice chests.

“Polystyrene foam food packaging” means any food packaging which contains any polystyrene foam.

b. Green Procurement. The director shall implement green procurement as provided in this section to help executive agencies prevent waste and pollution by considering products that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

c. Within one year of the effective date of this law and within each year thereafter, to the extent that there are available standard specifications for environmentally preferable products that have been established by a green purchase guide, as described in this subdivision, the Director shall select specifications, after considering the recommendations of the committee established by this subdivision, for the green procurement of three materials or products in each of the following categories:

1. Paper Office Supplies
2. Non-Paper Office Supplies
3. Office Equipment
4. Cleaning Supplies
5. Food Service Products
6. Building Construction Products
7. Park and Recreational Products
8. Exterior Site Work and Landscaping Products
9. Vehicle and Vehicle Maintenance Products
10. Road and Transportation Products

A committee comprised of one representative of each of the following county offices and departments: Purchasing, Public Works, Health, Management and Budget, Environmental Coordination, as well as two members of environmental or conservation organizations, appointed by the County Executive, subject to confirmation by the Legislature, shall recommend to the Director the specifications for such materials or products. In recommending such specifications, such committee shall use the environmental standards established by a green purchase guide, including but not limited to the Environmental Protection Agency's Environmentally Preferable Purchasing Guide, the Environmental Protection Agency's Green Purchasing Guide, Green Seal Responsible Purchasing Network, Building Green, Incorporated's GreenSpec Directory, or the Environmental Choice EcoLogo Program.

d. The director shall use the specifications selected pursuant to subdivision c of this section when soliciting bids for any materials to which they apply, and shall require any bidder to offer for sale to the County only those items meeting such specifications; provided, however, that nothing contained herein shall be construed as requiring the acquisition of environmentally preferable products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

e. Exceptions. Compliance with the provisions of this section shall not be required:

1. where such compliance would result in a conflict with state or federal requirements;

or

2. in the case of a procurement relating to an emergency arising out of an accident or other unforeseen circumstances affecting public buildings, public property or the life, health, safety or property of the County of Nassau.

f. Polystyrene. No County funds shall be used to purchase any polystyrene foam food packaging unless there is no alternative food packaging that performs adequately for its intended use or that is available at a reasonable price in a reasonable period of time.

g. The director shall promulgate such rules as are necessary to effectuate the provisions of this section.

h. Reporting requirement. Within thirty days after each anniversary date of the effective date of this section, the director shall submit a report to the legislature including, but

not limited to a list of environmentally preferable products for which procurement specifications have been selected pursuant to this section as well as information about green procurement by the County during the preceding year.

§ 2. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 3. SEQRA Determination. This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this action is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary.

§ 4. Effective Date. This local law shall take effect forty-five after it shall have become a law; provided, however, that if within forty-five days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of section twenty-four of the New York state municipal home rule law, and subdivision two of section one hundred fifty six of the Nassau County Charter, this local law shall not take effect unless it shall have been approved by the affirmative vote of a majority of the qualified electors of the County of Nassau voting on a proposition for its approval.