



**CITY OF GLENDALE, CALIFORNIA  
REPORT TO THE SUSTAINABILITY COMMISSION**

**AGENDA ITEM**

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Report: Environmental Preferable Purchasing

1. Motion of the Sustainability Commission recommending the City Council approve an amendment of the City's Purchasing Policy (Administrative Policy Manual, Chapter 3, Policy 3-11, Section L 2), to remove the Recycled, Reusable and Recyclable Products Policy and replace it with a new Environmental Preferable Purchasing Policy.

**COMMISSION/COMMITTEE ACTION**

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**Item Type:** Action Item

**Approved for** August 4, 2022 **calendar**

**ADMINISTRATIVE ACTION**

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**Submitted by:**

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**Prepared by:**

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## **RECOMMENDATION**

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That the Sustainability Commission recommend the City Council authorize amendment of the City's Administrative Policy Manual (Chapter 3 Policy 3-11 Section L 2) to remove the Recycled, Reusable and Recyclable Products Policy and replace it with a new Environmental Preferable Purchasing Policy.

## **BACKGROUND/ANALYSIS**

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At the March 2, 2021 City Council meeting staff provided a report covering the extent of the City's environmental preferable purchasing program and provided an overview of best practices on environmental preferable purchasing (EPP) programs. City Council asked staff to have the Sustainability Commission review EPP programs and make recommendations for next steps.

At the July 1, 2021 Sustainability Commission meeting, staff provided an update on actions taken regarding the EPP program, and gave an overview of the actions to be explored to develop an enhanced EEP program. The Sustainability Commission offered recommendations on items that should be included in an EPP policy. These included items such as extended producer responsibility (EPR), the use of verified Environmental Products Decelerations (EPDs), and the purchasing of recycled content products.

At the October 19, 2021, City Council meeting, Council authorized staff to develop an EPP policy. The report outlined strategies that staff may use to prepare an enhanced EPP policy, which include; a) increasing efficiency in the purchasing program to reduce waste and eliminate unnecessary purchases; b) purchase products for which the U.S. EPA has established minimum content guidelines; c) purchase energy efficient equipment; d) utilize third party environmental product or service labels and incorporate extended producer responsibility mandates for certain product categories.

The goals of the EPP program include:

- a) Increase the purchasing spend on environmentally preferable goods and services where criteria, certification and or labels have been established by governmental or other widely recognized and respected third party authorities.
- b) Procure products and services in a cost effective manner that advance the achievement of energy and environmental performance goals.
- c) Establish city specific standards, policies and programs and incentives for environmental acquisition.

Metrics to track the goals may include:

- a) Percentage of contract actions containing EPP requirements.
- b) Percentage of spend (dollars) on environmentally preferable goods and services.

Performance metrics may include:

- a) Increase in the contract actions and spend on environmental preferable goods and services over the previous fiscal year.

City Council provided feedback on the elements that should be included in an EPP policy that included: EPR, use of low toxicity products, utilizing the EPA's Comprehensive Procurement Guidelines to purchase recycled content products, utilizing EPDs for product selection and that the EPP program be a City policy and not an ordinance.

Based on the previous staff reports, and feedback from City Council and the Sustainability Commission staff have prepared the following EPP Policy for consideration.

### **Environmental Preferable Purchasing Policy**

#### **1. STATEMENT OF INTENT:**

In accordance with the City of Glendale's Greener Glendale Plan, the City recognizes its responsibility to minimize negative impacts on human health and the environment while supporting a diverse, equitable, and vibrant community and economy. The City also understands that the types of products and services it buys have inherent social, human health, environmental and economic impacts, and that it should make procurement decisions that embody the City's commitment to sustainability.

This EPP Policy is intended to:

- ❖ Communicate the City's commitment to sustainable purchasing to its employees, vendors, and community;
- ❖ Complement and support implementation of the City's sustainability goals and policies;
- ❖ Provide implementation guidance;
- ❖ Institute practices that reduce waste through increased product efficiency and effectiveness;
- ❖ Reduce waste and eliminate unnecessary purchases; and
- ❖ Comply with State requirements contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations) to procure a specified amount of recovered organic waste products to support organic waste disposal reduction targets and markets for products made from recycled and recovered organic waste materials, and to purchase recycled-content paper products and recycled-content printing and writing paper.

## **2. POLICY PURPOSE**

The City of Glendale is a large consumer of goods and services. As such, the purchasing decisions of City employees and contractors can have a significant impact both positive and/or negative on our environment. By including environmental considerations into our procurement decisions along with traditional concerns of price, performance and availability, the City can remain fiscally responsible while promoting practices that help improve public health and safety while reducing pollution and conserving natural resources. The purpose of this document is to establish the framework for creating an environmentally based purchasing program for the City of Glendale. The areas of responsibility shall include the following practices and procedures, which are outlined as part of this policy to ensure compliance with best procurement practices that result in the purchasing of products and services targeted at minimizing impacts on human health and the environment. This policy applies to all City departments and employees, vendors, contractors and grantees for all products and services provided to the City.

## **3. PROCEDURE:**

Sustainability Initiatives:

City employees will institute sustainability practices to the maximum extent feasible when writing specifications, evaluating bids, and making other purchasing decisions.

Environmental and health benefits to be encouraged include, but are not limited to:

- ❖ Minimizing pollutant releases to air, land and water, particularly indoor air emissions;
- ❖ Avoiding products that contain toxic chemicals, especially persistent, bioaccumulative, and toxic (PBT) chemicals;
- ❖ Preventing acute and chronic human health risks, including cancer, asthma, reproductive toxicity, obesity, ergonomic effects, etc.;
- ❖ Reducing waste generation by choosing products that are reusable, recyclable, compostable, or made with recycled content;
- ❖ Institute practices that reduce waste through increased product efficiency and effectiveness;
- ❖ Lowering greenhouse gas (GHG) emissions associated with a product's manufacture, transportation and use;
- ❖ Saving energy through the purchase of energy-efficient products and increasing use of renewable energy such as solar or wind;
- ❖ Conserving natural resources including water, petroleum, rare earth minerals, etc.
- ❖ Purchase products that are durable and long lasting;

- ❖ Use agricultural products, fibers and residues;
- ❖ Use unbleached or chlorine free manufacturing processes, and use wood from sustainable harvested forests or other environmentally friendly substitutes;
- ❖ Protecting biodiversity by avoiding products that contribute to deforestation, ocean pollution and other environmental destruction; and
- ❖ Promoting transparency, including disclosure of environmental, health, economic and social risks through the use of Environmental Product Declarations (EPDs), Health Product Declarations (HPDs), vendor sustainability ratings, etc.

Fiscal benefits to be encouraged include, but are not limited to:

- ❖ Ensuring performance and quality;
- ❖ Reducing impacts on staff time and lowering maintenance costs;
- ❖ Leveraging buying power by aggregating demand, cooperative purchasing, etc.;
- ❖ Promoting “Best Value” based on a life-cycle cost or total cost of ownership assessment; and
- ❖ Reducing financial risks.

While not all factors will be incorporated into every purchase, it is the intent of this policy that City employees will make a good faith effort to promote sustainability factors to the maximum extent feasible. At the discretion of the City, formal solicitations may offer a discount or additional points to bidders that offer sustainable goods and services or that deliver goods or services using sustainable practices.

Nothing in this procedure shall be construed so as to require a City Department, Board, Commission or contractor to: (1) procure products that do not perform adequately for their intended use; (2) exclude adequate competition; and (3) procure products that are not available at a reasonable price in a reasonable period of time.

Procedures and Guidelines may be established by the City Council as necessary to ensure the continuation of a strong EPP Program.

#### **4. DEFINITIONS:**

**“Annual Recovered Organic Waste Product Procurement Target”** means the amount of organic waste in the form of a recovered organic waste product that the City is required to procure annually under 14 CCR Section 18993.1.

**“Bio-based product”** refers to a commercial or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products, including renewable agricultural materials (which may be derived from plant, animal and marine materials) or forestry materials.

**“Biodegradable”** means materials that can decompose, usually by bacteria or sunlight, into basic components. Most organic materials (paper, grass clippings, food scraps), are, under the right conditions, biodegradable. Note: California law prohibits businesses from selling plastic goods that are labeled “compostable, “biodegradable,” “degradable,” or other wording that implies the product will break down in a landfill or other environment, unless the product meets specific standards set forth in the law.

**“Carcinogen”** is a substance or agent that can cause cancer.

**“Compost”** means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4). Compost eligible for meeting the Annual Recovered Organic Waste Product Procurement Target must be produced at a compostable material handling operation or facility permitted or authorized under 14 CCR Chapter 3.1 of Division 7 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall meet the State’s composting operations regulatory requirements

**“Extended Producer Responsibility” or “EPR”** means a strategy to place a shared responsibility for end-of-life product management on the producers and all entities involved in the product chain, instead of solely on the general public and municipal governments, while encouraging product design changes that minimize negative impacts on human health and the environment at every stage of products’ lifecycles. This strategy allows the costs of treatment and disposal to be incorporated into the total cost of a product. It places primary responsibility on the producer, or brand owner, who makes design and marketing decisions. It also creates a setting for markets to emerge that truly reflect the environmental impacts of a product, to which producers and consumers respond.

**“PFAS” (per- and polyfluoroalkyl substances).** Per the US EPA: “Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals that includes PFOA, PFOS, GenX, and many other chemicals. PFAS have been manufactured and used in a variety of industries around the globe, including in the United States since the 1940s. They resist grease and are used in food wrappers/containers.

**“Persistent, Bio-accumulative Toxic” or “PBT”** is a persistent, bio-accumulative toxic chemical; it refers to a toxic chemical that is stable and builds up in the environment for a long period of time, particularly in food chains, is not readily destroyed, and builds up or accumulates in body tissue. Relatively small releases of PBT chemicals can pose human and environmental health threats. PBTs include but are not limited to dioxin and dioxin-like compounds, lead compounds, mercury compounds, polycyclic aromatic

compounds, Aldrin, Benzo (g, h, i) perylene, Chlordane, Heptachlor, Hexachlorobenzene, Isodrin, Lead, Mercury, Methoxychlor, Octachlorostyrene, Pendimethalin, Pentachlorobenzene, Polychlorinated biphenyls (PCBs), Tetrabromobisphenol A, Toxaphene, and Trifluran.

**“SB 1383 Eligible Mulch”** means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

1. Produced at one of the following facilities:
  - i. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);
  - ii. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
  - iii. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3

## **5. STANDARDS:**

- 5.1 All products, for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines, including but not limited to printing paper, office paper, janitorial supplies, construction, landscaping, miscellaneous, and non- paper office products, shall contain the highest post-consumer content practicable, but not less than the minimum recycled content standards established by the U.S. EPA Comprehensive Procurement Guidelines.
- 5.2 Criteria, certifications, and labels: Specify and purchase environmentally preferable products and services where criteria, certifications, and/or labels have been established by governmental or other widely recognized and respected third-party authorities, such as, but not limited to, Energy Star, Green Seal, UL Ecologo, UL Greenguard, Chlorine Free Products Association (CFPA), EcoWise

Certified Integrated Pest Management, Forest Stewardship Council (FSC), Sustainable Forestry Initiative (SFI), Fair Trade Certification, Fairtrade International Certification, Rainforest Alliance Certification, US EPA Safer Choice and WaterSense guidelines, Carbon Disclosure Project, EPA Recycled Materials Advisory Notice (RMAN) Purchasing Guidelines, US EPA Comprehensive Purchasing Guidelines, Federal Electronic Product Environment Assessment Tool (EPEAT) program guidelines for electronics, Business and Institutional Furniture Manufacturers (BIFMA) and the State (of California's) Agency Buy Recycled Campaign (SABRC);

5.3 Extended Producer Responsibility (EPR): In support of City of Glendale Resolution 11-232 incorporate a policy of Extended Producer Responsibility (EPR), that is, shifting costs and responsibilities of end-of-life product management responsibility and costs from the City to product manufacturers and/or distributors, incorporate EPR take-back mandates into purchasing and service contracting processes and specifications; EPR is necessary because many products are difficult, and/or expensive to recycle or properly dispose of, or may be made from or contain hazardous materials, creating fiscal challenges and negative environmental impacts. Specifications and Contracts issued by the City shall contain EPR mandates, requiring vendors providing good or services to the City to be responsible for providing the proper take-back, collection, recycling or disposal of their products, at their own cost; EPR mandates shall be applicable, but not limited to, the following products:

- ❖ Batteries, and products that contain batteries
- ❖ Carpet
- ❖ Electronics (Cell phones, computers, monitors, TVs etc.)
- ❖ Fluorescent Lamps
- ❖ Mattresses
- ❖ Oil and other automotive fluids
- ❖ Packaging
- ❖ Paint
- ❖ Sharps
- ❖ Solvents
- ❖ Textiles
- ❖ Thermostats containing mercury

The Sustainability Office shall be authorized to annually review and update the EPR product and materials list as necessary.

In addition, service vendors, such as but not limited to, companies that maintain or repair buildings, equipment, landscapes, and provide other services to the City, shall be responsible for removing all materials and supplies that they bring

onto City property, such as but not limited to, spent light bulbs and cartridges, mortar mix, paint, and packaging; these companies shall also be responsible for recycling recyclable materials brought onto City property in accordance with the City’s recycling program

5.4 In general, environmentally preferable products and services are those that would have a reduced effect on human health and the environment when compared with competing products and services. More specifically, this comparison should include consideration of all phases of the product’s life cycle, including raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance and disposal, including potential for reuse or ability to be recycled. In practice, the objective is to purchase products that have reduced environmental impact because of the way they are manufactured, used, transported, stored, packaged and disposed of. It means procuring products that do not harm human health, are less polluting while minimizing waste and maximizing use of bio-based or recycled materials, that conserve energy, water and natural resources, and reduce the consumption and/or disposal of hazardous materials. When determining whether a product is environmentally preferable, the following standards, at a minimum, should be considered:

<b>Bio-based</b>	<b>Made from renewable materials</b>
<b>Bio-degradable</b>	<b>Compostable</b>
<b>Carcinogen-free</b>	<b>Low toxicity</b>
<b>Bio-accumulative toxic (PBT)-free</b>	<b>Recycled content, Reusable</b>
<b>Chlorofluorocarbon (CFC)-free</b>	<b>Reduced packaging, Recyclability of packaging, recycled content of packaging</b>
<b>Heavy metal free (i.e., no lead, mercury, cadmium)</b>	<b>Reduced greenhouse gas emission</b>
<b>Low volatile organic compound (VOC) content</b>	<b>Energy, Resource and Water efficient</b>
<b>Per- and polyfluoroalkyl substances (PFAS)-free</b>	<b>Reusability/refurbishment of product</b>
<b>Acceptability of product in City recycling system</b>	

## **6. RESPONSIBILITIES**

The Finance/Purchasing Division shall:

6.1 Establish Preference Price Policies for green products

6.2 Work with other governmental purchasing groups and agencies such as, but not limited to, U.S. Communities, National Association of Counties (NACO), the National Institute of Governmental Purchasing (NIGP), and the Environmentally Preferable Purchasing (EPP) Department of the U.S. Environmental Protection Agency (EPA) to determine appropriate standards for green purchasing.

6.3 Work with requesting departments to specify environmentally friendly products manufactured from recycled materials or energy efficient products whenever possible.

City Departments shall:

6.4 Be responsible for ensuring that their respective employees, contractors, and vendors are fully aware and supportive of the City's initiative to purchase environmentally preferable goods and services. To this end, departments shall be responsible to exercise due diligence in their procurement decisions as well as procurements made by their contractors and consultants, promoting the purchase and use of environmentally preferable products whenever cost effective, and to the extent practicable for all work completed on behalf of the City of Glendale.

6.6 Departments will be responsible for tracking quantities, costs and types of recycled and other EPP and non-professional services purchased and providing this information to Finance.

## 7. PREFERRED PRODUCTS:

7.1 **Recycled Materials:** A maximum effort must be made, whenever possible, to purchase products manufactured from recycled materials.

7.2 **Remanufactured Products:** The City shall purchase remanufactured products such as laser toner cartridges, furniture, and equipment whenever practicable, without reducing safety, quality and/or effectiveness.

7.3 **Non-Toxic Chemicals and Sprays:** A maximum effort will be made to reduce or eliminate the use of toxic sprays or chemicals at all City properties, whenever possible.

7.4 **Energy and Water Conserving Equipment:** Where applicable, energy-efficient equipment shall be purchased that is equipped with the most up-to-date energy efficiency functions available at the time of procurement. This shall include, but not be limited to, high efficiency space heating systems and/or high efficiency space cooling equipment. Purchase U.S. EPA WaterSense labeled

water-saving products when available. This includes, but is not limited to, high-performance fixtures like toilets, low-flow faucets and aerators, and upgraded irrigation systems

**7.5 Energy Star Designation:** Energy Star is a labeling program derived from a partnership between the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE). All products displaying the Energy Star label meet Federal Energy Management Program (FEMP) standards. Typically, this means that labeled products are in the top twenty-five percent of all similar products when ranked by energy efficiency, and utilize twenty-five to fifty percent less energy than traditional counterparts.

**7.6 Contracted Landscaping Services:** Contractors providing landscaping services to and/or for the City shall be encouraged to employ sustainable landscape management practices whenever possible, including, but not limited to, integrated and environmentally friendly pest management, recycling grass-clippings, drip irrigation, composting, and procurement.

Plants should be selected to minimize waste and water consumption by choosing species that are appropriate to the climate they are to be placed in, can grow to their natural size in the space allotted them, and use of perennials rather than annuals for color. Native and drought-tolerant plants that require no or minimal watering, once established, shall be preferred.

Hard-scapes and landscape structures constructed of either recycled or biodegradable materials are encouraged.

**7.7 Elimination or Reduction of Toxic Substances and Pollutants:** To the extent practicable, no cleaning or disinfecting products (i.e. for janitorial, maintenance or cleaning use) shall contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. EPA or the National Institute for Occupational Safety and Health on the Toxics Release Inventory and those listed under Proposition 65 by the California Office of Environmental Health Hazard Assessment.

When maintaining buildings, the City shall use the lowest amount of Volatile Organic Compounds (VOC's), highest recycled content, and low or no formaldehyde when purchasing materials such as paint, carpeting, adhesives, furniture and casework.

The City shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans, including but not limited to products that use

polyvinyl chloride (PVC) such as office binders, furniture and flooring, whenever practicable.

**7.8 Conservation and Waste Reduction:** Whenever feasible and/or cost-effective, departments and/or Contractors performing services for the City shall be responsible for instituting practices that either eliminate waste and/or result in the purchase of fewer products without reducing safety and/or workplace quality.

Examples include but are not limited to:

- ❖ Use of electronic communication instead of printed documents
- ❖ Use of double-sided photocopying and printing when practicable
- ❖ Use of washable and reusable dishes and utensils
- ❖ Use of rechargeable batteries when practicable
- ❖ Streamlining and computerizing departmental forms
- ❖ Use of “On-Demand” printing of documents and reports as they are needed
- ❖ Leasing long-life products when service agreements support maintenance and repair rather than new purchases
- ❖ Use of durable products rather than disposable
- ❖ Recycling, especially when a premium is paid for the recycled material and/or results in reduction of waste material to the land-fill
- ❖ Buying in bulk, when storage operations exist to support it
- ❖ Re-using products such as, but not limited to, file folders, storage boxes, office supplies (i.e. paper clips, rubber bands etc.), and office furniture (including purchasing reconditioned furniture and equipment, where practical)

## **8. SB 1383 PROCUREMENT**

### **8.1 Recycled-Content Paper Procurement**

If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of City shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

8.1.1 Requirements for Vendors: All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to City shall:

Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and available at equal or lesser price.

Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content

Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

All vendors providing printing services to the City via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

## **8.2 Recovered Organic Waste Product Procurement**

8.2.1 Procurement Target: City will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target

To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following (provided that each product meets the criteria included in their respective definition in Section 2 of this Policy):

## **8.3 Requirements for City Departments**

Compost and SB 1383 Eligible Mulch procurement. Divisions and departments responsible for Parks landscaping maintenance, renovation, or construction shall:

Use Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste, as defined in Section 2 of this Policy, for landscaping maintenance, renovation, or construction, as practicable, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

When City uses Compost and SB 1383 Eligible Mulch and the applications are subject to the City's Water Efficient Landscaping Ordinance (WELO), pursuant to City Code Section 30.31.020, comply with one of the following, whichever is more stringent, (i) the City's WELO, City Code Section 30.31.202, if more stringent than the State's Model Water Efficient Landscape Ordinance (MWELo), or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section" to include the following:

For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.

Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

8.3.1 Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, upon completion of project.

Records shall include: General procurement records, including:

- ❖ General description of how and where the product was used and applied, if applicable;
- ❖ Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
- ❖ Type of product;
- ❖ Quantity of each product; and,
- ❖ Invoice or other record demonstrating purchase or procurement.

8.3.2 For Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to the Recordkeeping Designee in accordance with the requirements specified in Section 8.

8.3.3 For procurement of SB 1383 Eligible Mulch, maintain an updated copy of the Environmental Preferable Purchasing Policy requiring that the mulch procured by the City or Direct Service Provider meets the land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time, as currently reflected in Administrative Policy Manual.

8.3.4 When Procurement of Recovered Organic Waste Products occurs through a Direct Service Provider, enter into a written contract or agreement or execute a purchase order with enforceable provisions that includes: (i) definitions and specifications for SB 1383 Eligible Mulch, Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion; and, (ii) an enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements.

#### **8.4 Requirements for Direct Service Providers**

Direct Service Providers of landscaping maintenance, renovation, and construction shall:

8.4.1 Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, as defined in Section 2. of this Policy, for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

8.4.2 If Direct Service Provider is subject to the City's WELO pursuant to Glendale Municipal Code Section 30.31.020, comply with one of the following, whichever is more stringent: (i) the locally-adopted WELO that is more stringent than the State's MWELo, or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's MWELo, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section" to include the following:

For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct

seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.

Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

8.4.3 Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping Designee, upon completion of projects. Information to be provided shall include:

- ❖ General description of how and where the product was used and if applicable, applied;
- ❖ Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
- ❖ Type of product;
- ❖ Quantity of each product; and,
- ❖ Invoice or other record demonstrating purchase or procurement.

8.4.4. Direct Service Provider of Organic Waste collection services shall:

- ❖ Provide a specified quantity of Compost or SB 1383 Eligible Mulch to City and its customers via periodic “giveaways” as specified in a franchise agreement or other agreement.
- ❖ Keep and provide records to the City including the following:
  - ❖ Dates provided
  - ❖ Source of product including name, physical location and contact information for each entity, operation or facility from whom the Recovered Organic Waste Products were procured;
  - ❖ Type of product;
  - ❖ Quantity provided; and,
  - ❖ Invoice or other record or documentation demonstrating purchase, procurement, or transfer of material to giveaway location.

## **9. RECORDKEEPING RESPONSIBILITIES**

Departments will select an employee to act as the Recordkeeping Designee that will be responsible for obtaining records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper and other EPP and non-professional services purchased.

9.1. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing, Writing Paper and other EPP and non-professional services purchased:

Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper, Paper Products and other EPP and non professional purchases, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper, Paper Products and other EPP and non professional purchases. These records must be kept as part of City's documentation of its compliance with 14 CCR Section 18993.3.

The Sustainability Office shall collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the City to develop evidence of City meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.1

The Sustainability Office shall compile an annual report on the City's direct procurement, and vendor/other procurement on behalf of the City, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing, Writing Paper and other EPP and non professional purchases, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the City's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article

The procurement report shall also be shared with City Council, Sustainability Commission or other regulating body annually as evidence of implementing this Policy.

### **Next Steps**

Staff recommend that the Environmental Purchasing Policy be implemented as a one-year pilot program. Doing so will allow staff to collect data to determine which parts of the policy work effectively and those parts that may need adjusting and improving. Staff will also be able to collect data to determine any financial implications, negative or positive, associated with the implementation of the policy. Staff recommend that a progress report be submitted to City Council one year after the pilot program goes into effect.

Staff will take feedback from the Sustainability Commission and prepare a report for City Council recommending an amendment of the Administrative Policy Manual to implement a pilot program of the Environmental Purchasing Policy outlined in this report.

### **FISCAL IMPACT**

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No fiscal impact associated with this report

### **ALTERNATIVES**

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Alternate 1: At this time Sustainability Commission may not wish to recommend City Council amend the Administrative Policy Manual with the Environmental Preferable Purchasing Policy as written.

Alternate 2: Sustainability Commission may direct staff to address environmental preferable purchasing policy components not addressed in this report.

Alternate 3: The Sustainability Commission may consider any other alternative not presented by staff.

### **EXHIBITS**

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1. October 19, 2021 City Council Report Environmentally Preferable Purchasing