

Environmentally Preferable Purchasing Policies

2003 – California Public Contract Code

DIVISION 2. GENERAL PROVISIONS [1100 - 22355]

(Division 2 enacted by Stats. 1981, Ch. 306.)

PART 2. CONTRACTING BY STATE AGENCIES [10100 - 19150]

(Heading of Part 2 added by Stats. 1982, Ch. 1120, Sec. 6.)

CHAPTER 6. Environmentally Preferable Purchasing [12400 - 12404]

(Chapter 6 added by Stats. 2002, Ch. 575, Sec. 2.)

12400.

For purposes of this chapter, “environmentally preferable purchasing” means the procurement or acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose. This comparison shall take into consideration, to the extent feasible, raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal, energy efficiency, product performance, durability, safety, the needs of the purchaser, and cost.

(Added by Stats. 2002, Ch. 575, Sec. 2. Effective January 1, 2003.)

12401.

The Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, shall provide state agencies with information and assistance regarding environmentally preferable purchasing including, but not limited to, the following:

- (a) The promotion of environmentally preferable purchasing.
- (b) The development and implementation of a strategy to increase environmentally preferable purchasing. This may include the development of statewide policies, guidelines, programs, and regulations.
- (c) The coordination with other state and federal agencies, task forces, workgroups, regulatory efforts, research and data collection efforts, and other programs and services relating to environmentally preferable purchasing.
- (d) The development and implementation, to the extent fiscally feasible, of training programs designed to instill the importance and value of environmentally preferable purchasing.
- (e) The development, to the extent fiscally feasible, of an environmentally preferable purchasing best practices manual for state purchasing employees.

(Added by Stats. 2002, Ch. 575, Sec. 2. Effective January 1, 2003.)

12401.5.

Within existing resources, the Department of General Services shall designate a single point of contact for state agencies, suppliers, and other interested parties to contact regarding environmentally preferable purchasing issues.

(Added by Stats. 2002, Ch. 575, Sec. 2. Effective January 1, 2003.)

12402.

Nothing contained in this chapter shall prohibit, limit, or supersede recycled content requirements pursuant to any other provision of law.

(Added by Stats. 2002, Ch. 575, Sec. 2. Effective January 1, 2003.)

12403.

Nothing contained in any policy regarding environmentally preferable purchasing may be construed as requiring the acquisition of goods or services 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.

(Added by Stats. 2002, Ch. 575, Sec. 2. Effective January 1, 2003.)

12404.

Manufacturers, vendors, or other nongovernmental entities contracting with the Department of General Services shall certify in writing that any environmental attribute claims they make concerning their products and services are consistent with the Federal Trade Commission's Guidelines for the Use of Environmental Marketing Terms.

(Added by Stats. 2002, Ch. 575, Sec. 2. Effective January 1, 2003.)

Current - Department of General Services EPP

<https://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Engineering/Environmentally-Preferable-Purchasing-Program?search=environmentally%20preferable%20purchasing>

2004 – City of Berkeley

[http://www.responsiblepurchasing.org/UserFiles/File/Office%20Electronics/Policies/City of Berkeley CA Green Purchasing Policy 2004.pdf](http://www.responsiblepurchasing.org/UserFiles/File/Office%20Electronics/Policies/City_of_Berkeley_CA_Green_Purchasing_Policy_2004.pdf)

2005 – City of San Francisco EPP Ordinance

https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_environment/0-0-0-44

2018 – New Jersey

https://www.sustainablejersey.com/actions/?type=1336777436&tx_sjcert_action%5BactionObject%5D=73&tx_sjcert_action%5Baction%5D=getPDF&tx_sjcert_action%5Bcontroller%5D=Action&cHash=3465ed6ac20a9161824271692b897b96

2016 – Stop Waste, model ordinance

<https://www.stopwaste.org/resource/policies/environmentally-preferable-purchasing-model-policy?page=search>

2016 – Stop Waste, Implementation guidelines for Model Ordinance

<https://www.stopwaste.org/resource/policies/implementation-guidance-environmentally-preferable-purchasing?page=search>

2011 - Alameda County, Purchasing Policy

https://www.acgov.org/sustain/documents/EPP_resolutionpolicy.pdf

2013 - Bay-Friendly landscaping guidelines – no chrome or arsenic treated wood

<https://www.stopwaste.org/resource/brochures/bay-friendly-landscape-guidelines-sustainable-practices-landscape-professional>

2019 - San Mateo County, EEP

<https://hr.smcgov.org/sites/hr.smcgov.org/files/Environmental%20Procurement%20Policy.pdf>

Sets up committee to look at specific issues including Plastic Lumber

2016 – Responsible Purchasing Network, Sustainable Procurement Playbook

[Microsoft Word - RPN-USDN Sustainable Purchasing Playbook-101216 FINAL WITHTRACKCHANGES.docx \(responsiblepurchasing.org\)](#)

Current – Responsible Purchasing Network

page on Food Ware

http://responsiblepurchasing.org/purchasing_guides/food_service_ware/index.php

List of policies

<http://www.responsiblepurchasing.org/resources/policies/index.php>

[EPP Resources RPN.pdf \(acgov.org\)](#)

Treated Wood

2003 – City of San Francisco, Alternatives to arsenic treated wood

[Regulation Determining Acceptable Alternatives to Arsenic Treated Wood \(sfenvironment.org\)](#)

Some excerpts:

"The Arsenic Treated Wood Ordinance requires City Departments and their contractors who purchase preservative-treated wood to purchase only from the list of alternatives adopted by the Department of the Environment (SFE)."

"1. If the product is pressure treated, treatment must be standardized by AWPA for the intended use. This requirement helps ensure that the treatment meets specifications to minimize leaching."

"8. For structures built in or over water, or where significant runoff is likely to occur, the use of copper should be minimized. If copper-based products are used, products with the lowest leaching potential should be chosen.

9. Products must not designate as a hazardous waste using criteria set by the State of California.”

Here is the list: [It actually has use cases in the table! - good ref.](#)

https://sfenvironment.org/sites/default/files/fliers/files/sfa_arsenic_alternates_list.pdf
[\[sfenvironment.org\]](https://sfenvironment.org)

2006 – Forest Service Guide to Treated Wood

[pdf06772809dpi72.pdf \(fs.fed.us\)](#)

Current – Minnesota Guide to treated wood

[Treated wood for residential use | Minnesota Pollution Control Agency \(state.mn.us\)](#)

Current – EPA overview of wood preservatives

<https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals#residential>

PFAS

Current – Biodegradable Products Institute, PFAS policy – no intended PFAS in compostable products

[https://bpiworld.org/Fluorinated-Chemicals-\(PFAS\)](https://bpiworld.org/Fluorinated-Chemicals-(PFAS))

2018 – City of San Francisco Ordinance, bans PFAS in food ware

https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_environment/0-0-0-1426