

**TOWN OF WEST NEW YORK**  
**COUNTY OF HUDSON, STATE OF NEW JERSEY**  
**ORDINANCE #17/19**

**AN ORDINANCE CREATING CHAPTER 415 TO THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED ENVIRONMENTALLY PREFERABLE PURCHASING PROCEDURES**

**WHEREAS**, the Town of West New York (“Town”) seeks to protect the socio-economic status, the environment, and the health and safety of its citizens, staff and visitors; and,

**WHEREAS**, the Town seeks to purchase products to reduce overall consumption and products with reduced lifecycle impact, and support local and diverse businesses; and,

**WHEREAS**, the Town seeks to purchase products that include recycled content, are durable and long-lasting, conserve energy and water, reduce greenhouse gas emissions, are lead-free and mercury-free, and use wood from sustainably harvested forests (FSC) when and where possible; and,

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Town has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare; and,

**WHEREAS**, the objectives of this ordinance are to:

- Conserve natural resources,
- Minimize environmental impacts such as pollution and use of water and energy,
- Eliminate or reduce toxics that create hazards to workers and our community,
- Support strong recycling markets,
- Reduce materials that are routinely land filled or disposed of,
- Increase the use and availability of environmentally preferable products that protect the environment,
- Identify environmentally preferable products and associated distribution systems,
- Reward manufacturers and vendors with contracts that reduce environmental impacts in their production and distribution systems or services,
- Collect and maintain up-to-date information regarding manufacturers, vendors and other sources for locating/ordering environmentally preferable products,
- Create a model for successful purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals; and,

**WHEREAS**, the Town’s purchasing department and members of the Green Team, shall research, evaluate, and implement the environmental purchasing objectives. The Green Team Committee shall focus its research, evaluation and the implementation of the Policy in the following areas:

- Recycled Content Products (e.g. paper products, playground/recreation equipment, toner/printer cartridges, motor oils and lubricants, furniture, carpets and flooring materials, matting, plastic/composite lumber/building materials, trash bags, parking stops, ceiling tiles, etc.)
- Less Harmful and Non-toxic Materials and Processes (e.g. janitorial/cleaning products, pest management chemicals, phosphates, paint, solvents, fuels, etc.)
- Energy and Water Efficient Products and Process (e.g. solar applications, energy efficient lighting, energy star appliances, water saving devices, vehicles and motorized equipment, etc.)
- Natural Resource and Landscaping Management (e.g. integrated pest and vegetation management, drought tolerant/indigence plants and shrubs, recycled mulches and natural compost, etc.)
- Renewable Products (e.g. FSC certified forests products, renewable energy resources, etc.)
- Disposal and Pollutions Reduction (e.g. integrated waste management, duplex copies, retread tires, reusable holiday trees, etc.)
- Packaging (e.g. reusable boxes, recycled packing materials, bulk packaging, etc.)
- Green Building Program (e.g. using recycled products in the construction and renovation, disposal of building materials in an environmentally sensitive manner, designing and renovating for energy and resources conservation)

**WHEREAS**, the Town is aware that the evaluation and implementation phases of this ordinance will require changes in awareness, behaviors, practices, and operating procedures, and to the extent possible, it is the Town’s intention to have a participative process as it researches, evaluates, and implements the environmentally preferable purchasing procedures.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of the Town of West New York, the creation of Chapter 415, entitled” Environmentally Preferable Purchasing Procedures of the Code of the Town of West New York, to adopt the following procedures to ensure the residents, staff, and visitors have a healthy and safe environment, as follows:

## **SECTION 1**

### **Chapter 415-1            Environmentally Preferable Purchasing Procedure**

#### **A. Specifications**

##### **1. Source Reduction**

- a. The Town shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or overall workplace quality.

- b. Products that are durable, long lasting, reusable or refillable, shall be preferred whenever available and practicable.
- c. Documents shall be printed and photocopied on both sides to reduce use and the purchase of photocopy paper.
- d. Papers shall be printed in black and white instead of color, whenever and where practicable.
- e. Office lights shall be turned off at the end of the work day.
- f. Turning off the computer when they are not in use, especially overnight.
- g. Suppliers of electronic equipment, including but not limited to computers, monitors, printers, fax machines and photocopiers, shall be required to take back the equipment for reuse or environmentally safe recycling when the Town discards or replaces such equipment, whenever and where practicable.
- h. The Town shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes the evaluation of the total costs expected during the lifetime of the product, including but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.

## **2. Recycled Content Products**

- a. All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines in the Agency's Comprehensive Procurement Guidelines (e.g., printing paper, photocopy paper, janitorial paper products, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous and non-paper office products), shall contain the highest postconsumer content practicable to the application, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.
- b. Photocopiers and printers purchased or leased by the Town shall be compatible with the use of recycled content and remanufactured products.
- c. All pre-printed recycled content papers intended for distribution that are purchased or produced, shall contain a statement that the paper is recycled.
- d. The Town shall purchase re-refined lubricating and industrial oil for use in its vehicles and other motorized equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.
- e. The Town shall specify and purchase recycled content transportation products, including signs, traffic cones, parking stops, delineators, and barricades, which shall contain the highest postconsumer content practicable.

## **3. Energy and Water Savings**

- a. Where applicable, energy-efficient equipment shall be purchased with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.
- b. When practicable, the Town shall replace inefficient interior lighting with energy-efficient equipment and bulbs.

- c. When practicable, the Town shall replace inefficient exterior lighting, street lighting, and traffic signal lights with energy-efficient equipment and bulbs. Exterior lighting shall be minimized when and where possible to avoid unnecessary lighting of architectural and landscape features while providing adequate illumination for safety and accessibility.
- d. All products purchased by the Town and for which the U.S. EPA Energy Star certification is available (e.g. kitchen appliances, air condition, heating, televisions) shall meet Energy Star certification, when practicable available. When Stare labels are not available, the Town shall choose energy-efficient products that are in the upper 25% energy efficiency as designated by the Federal Energy Management Program.
- e. The Town shall purchase water-saving/conservation products. This included, but not limited to, high-performance fixtures such as, toilets, low-flow faucets and aerators, and upgraded landscape irrigation systems.

#### **4. Green Buildings and Design**

- a. All building and renovations undertaken by the Town, shall follow Green Building Practices design, construction, and operation, where appropriate and practicable, as described in the LEED IM Rating System. Architects and engineers for procured for said work shall be required to have LEED certified members on their staff assigned to the project when and where practicable.

#### **5. Landscaping and Hardscaping**

- a. All landscape renovation, construction and maintenance performed by the Town, including workers and contractors providing landscaping services for the Town, shall employ sustainable landscape management techniques for design, construction and maintenance whenever and where possible, including but not limited to, integrated pest management (IPM), grass recycling, drip irrigation, composting, and the procurement and use of mulch and compost that give preference to those products produced from regionally generated plant debris and/ or food and sludge waste programs.
- b. Native plants shall be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species can grow to their natural size in the space allotted to them, and perennials rather than annuals for color variations should be utilized.
- c. Hardscapes and landscape structures constructed of recycled content materials are encouraged.
- d. The Town shall limit the amount of the impervious surfaces in the landscape. Permeable substitutes, such as porous asphalt, are encouraged for walkways, patios, and driveways.

#### **6. Toxic and Pollution**

- a. The Town shall utilize products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde or lead when practicable when purchasing materials such as paint, carpeting, flooring materials, adhesives, furniture, filing cabinetry, ceiling tiles, coving, moldings and casework.
- b. The Town shall purchase, photocopier paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine

derivatives, whenever and where possible and that possess a minimum of thirty (30%) percent recycled postconsumer waste content.

- c. The use of chlorofluorocarbon, Halon and Freon containing refrigerants, solvents and other products shall be phased out and new purchases of heating/ventilating air condition, refrigeration, insulation and fire suppression systems shall not contain them.

#### **7. Forest Conservation**

- a. The Town shall not procure wood products such as, lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, the Town shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits when available.
- b. The Town encourages the purchase or use of previously utilized and/or salvaged wood and wood products when available

#### **8. Bio-Based Products**

- a. The Town are encouraged to purchase bio-based products, whenever and when available following the standards:
  - i. Bio-based plastic products that are biodegradable and compostable, such as bags, film, food and beverage containers, and cutlery, are encouraged whenever practicable.
  - ii. Compostable plastic products purchased shall meet American Society for Testing and Materials (ASTM) standards as found in ASTM D6400-04. Biodegradable plastics used as coating on paper and other compostable substrates shall meet ASTM D6868-03 standards.
  - iii. Proof of compliance with ASTM standards for compostable plastic products shall be the certification by the Biodegradable Products Institute (BPI).
- b. Vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged when available.
- c. Paper and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged when available.

#### **B. Priorities**

The health and safety of West New York employees and citizens is of the utmost importance and takes precedence over all other policies and practices.

Nothing contained in this ordinance shall be construed as requiring the Town, Purchasing Agent, Town Administrator, or Contractor to procure 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.

Nothing contained in this ordinance shall be constructed as requiring the Town, Purchasing Agent, Business Administrator, or Contractor to take any action that conflicts with local, state or federal requirements.

**C. Implementation**

1. The Town Administrator, Purchasing Agent, Director of Finance, Using Agency, and other positions responsible shall implement this ordinance in coordination with other appropriate Town personnel.
2. As applicable, successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with New Jersey State Law, vendors shall be required to specify the minimum or actual percentage of recovered and postconsumer material in their products, even when such percentages are zero.
3. Upon request, the Town Administrator, Purchasing Agent, or Using Agency making the selection from competitive bids shall be able to provide justification for product choice that do not meet environmentally preferable purchasing criteria in this ordinance.
4. Contractors, grantees and vendors shall be encouraged to comply with applicable sections of this ordinance for products and services provided to the Town, where practicable.

**D. Evaluation**

1. The Town Administrator, Purchasing Agent, Using Agency, and other positions responsible for implementing this ordinance, shall periodically meet and evaluate the success of implementation.

**SECTION 2**

**415-2 Word Usage; definitions**

“American Society for Testing & Materials” means ASTM International, an open forum for the development of high quality, market relevant international standards use around the globe.

“Bio-Based Products” means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.

“Biodegradable Plastic” means the degradation of the plastic must occur as a result of the action of naturally occurring microorganisms.

“Biodegradable Products Institute” (BPI) is a multi-stakeholder association of key individuals and groups from government, industry and academia, which promotes the use, and recycling of biodegradable polymeric materials (via composting). BPI does not create standards but certifies products that demonstrate they meet the requirements in ASTM D6400 or D6868, based on testing in an approved laboratory.

“Buyer” means anyone authorized to purchase or contract for purchases on behalf of the (Insert Borough, City or Township) or its subdivisions.

“The Carpet & Rug Institute” (CRI) is the national trade association representing the carpet and rug industry. CRI has developed and administered the “Green Label” indoor air quality testing and labeling program for carpet, adhesives, cushion materials and vacuum cleaners.

“Chlorine Free” means products processed without chlorine or chlorine derivatives.

“Compostable Plastic” means plastic that is biodegradable during composting to yield carbon dioxide, water and inorganic compounds and biomass, at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.

“Contractor” means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract with the (Insert Borough, City or Township) or serves in a subcontracting capacity with the (Insert Borough, City or Township) or with an entity having a contract with (Insert Borough, City or Township) for the provision of any goods or services.

“Degradable Plastic” means plastic that undergoes significant changes in its chemical structure under specific environmental conditions.

“Dioxins & Furans” are a group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the U.S. Environmental Protection Agency (EPA).

“Energy Star” means the U.S. EPA’s energy efficiency product labeling program.

“Energy Efficient Product” means a product that is in the upper twenty-five (25%) percent of energy efficiency for all similar products, or that is at least ten (10%) percent more efficient than the minimum level that meets Federal standards and guidelines.

“Electronic Product Environmental Assessment Tool” (EPEAT) is a procurement tool to help institutional purchasers in the public and private sectors evaluate, compare and select desktop computers, notebooks and monitors based on their environmental attributes.

“Federal Energy Management Program” is a program of the Department of Energy that issues a series of Product Energy Efficiency Recommendations that identify recommended efficiency levels for energy-using products.

“Forest Stewardship Council” (FSC) is a global organization that certifies responsible, on-the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.

“Green Building Practices” means a whole-systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green Building Practices such as those described in the LEED IM Rating System, recognize the relationship between natural and built environments and seeks to minimize the use of energy, water, and other natural resources and provide a healthy productive environment.

“Green Seal” is an independent, non-profit environmental labeling organization. Green Seal standards for products and services meet the U.S. EPA’s criteria for third-party certifiers. The Green Seal is a registered certification mark that may appear only on certified products.

“Integrated Pest Management (IPM)” is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

“LEED IM Rating System” means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building Rating System, or other related LEED IM Rating System, approved by the U.S. Green Building Council and designed for rating new and existing commercial, institutional, and high-rise residential buildings.

“Organic Pest Management” prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of New Jersey Certified Organic Foods (NJOF).

“Postconsumer Material” means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.

“Practical” & “Practicable” mean whenever possible and compatible with local, state and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.

“Preconsumer Material” means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Preconsumer material does not include mill and manufacturing trim, scrap or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.

“Recovered Material” means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes pre-consumer and postconsumer material but does not include excess resources of the manufacturing process.

“Recycled Content” means the percentage of recovered material, including pre-consumer and postconsumer materials, in a product.

“Recycled Content Standard” means the minimum level of recovered material and/or postconsumer material necessary for products to qualify as “recycled products.”

“Recycled Product” means a product that meets (Insert Borough’s, City’s or Township’s) recycled content policy objectives for postconsumer and recovered material.

“Remanufactured Product” means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.

“Reused Product” means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.

“Source Reduction” refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced packaging.

“U.S. EPA Guidelines” means the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.

“Water-Saving Products” are those that are in the upper twenty-five (25%) percent of water conservation for all similar products, or at least ten (10%) percent more water-conserving than the minimum level that meets the Federal standards.

### SECTION 3

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

### SECTION 4

**Repealer.** All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or portions of ordinances now existing now existing or in effect shall remain in effect unless they are in conflict or inconsistent with any provision of this Ordinance.

### SECTION 5

**When Effective.** This ordinance shall take effect upon passage and publications as required by law.

## SUMMARY OF ORDINANCE

This Ordinance creates Chapter 415 entitled Environmentally Preferable Purchasing Guidelines in order to implement polices and procedures to purchase products to reduce overall consumption and which have a reduced lifecycle impact, while also supporting local and diverse businesses.

**Introduced: 9/4/2019**

**Adopted:**

### Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 4, 2019** and ordered published, and will be further considered before final passage at a public hearing on **October 2, 2019 at 6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccie, RMC  
Town Clerk