

**Executive Order No. 4**  
**Sustainability and Green Procurement Advisory Council**

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**Meeting Minutes**

NYS Department of Environmental Conservation  
625 Broadway, Albany NY  
Room 919

**January 30, 2009**

**10:00 a.m. – 1:00 p.m.**

Participating: Walter Simpson, Chair; Scot Case; Roger Cook; Karen Miller; Anne Rabe; Steve Rosario, Patricia Wood. Absent: William Davies; Tyler Elm; Roshan Jachuck; Eileen Millett. Also attending were alternates for Karen Miller and Steve Rosario, respectively: Laura Weinberg and Bonnie Betancourt; designees of the Interagency Committee on Sustainability and Green Procurement Co-chairs, Office of General Services (OGS) Commissioner John Egan and Department of Environmental Conservation (DEC) Commissioner Pete Grannis, respectively: Howard Zwickel and Beth Meer; Sustainability Subcommittee Chair Jodi Smits-Anderson from the Dormitory Authority of the State of New York (DASNY); Training Subcommittee Chair Kathy Macri from the Environmental Facilities Corporation (EFC); and other representatives from OGS, DEC, and the Department of Health (DOH).

The meeting began with a welcome from Jennifer Kozlowski, Special Assistant for the Environment in the Office of Governor David A. Paterson, who characterized EO 4 as one of the most exciting and important initiatives being undertaken by Governor Paterson. In particular, she noted a strong interest in fostering a vibrant green economy and increased local procurement. Beth Meer (DEC), Howard Zwickel (OGS), Jodi Smits-Anderson (DASNY) and Kathy Macri (EFC) gave a brief overview of the Interagency Committee's structure, including the subcommittees and leadership staff. The graphics used for the presentation are available as part of the welcome packet for Sustainability Coordinators on OGS' EO 4 website, [www.ogs.state.ny.us/ExecutiveOrder4](http://www.ogs.state.ny.us/ExecutiveOrder4).

**Role of the Council**

Each Advisory Council member then gave a brief introduction of himself or herself, and shared their view of the role of the Council. A lively and productive discussion of the role of the Advisory Council then ensued and took up the majority of the rest of the meeting.

Steve Rosario, Executive Director of the NYS Chemical Alliance, stated that he saw the role of the Council as advisory. That the Council should pick a handful of priority issues and delve into them. The Council should not be a policy setting group but be a resource for government and industry as well. He stated that he saw his role on the Council as keeping the group focused and on mission.

Scot Case, Vice President of TerraChoice Environmental Marketing, said that as a representative of a standard setting and labeling organization, his key focus was on buying greener products. He characterized himself as a "bit of a professional thief" – looking to steal good ideas and share them with others outside the state (as well, of course, as sharing his considerable expertise with us).

Karen Miller, President and Founder of the Huntington Breast Cancer Action Coalition, stated that she has been working in the field of breast cancer activism and the causes of breast cancer, particularly exposures to multiple chemicals, for over two decades. She is interested in shifting from a risk-benefit paradigm to a prevention paradigm through the purchase of products that are less toxic to human health.

Patti Wood, Executive Director of Grassroots Environmental Education, works with school districts and local governments on a variety of issues, including trainings on organic turf management and green cleaning. Much of her work focuses on children because they are uniquely vulnerable. She hopes that state government will tap into the wealth of expertise available from Council members in order to make New York a leader in green products and sustainability.

Laura Weinberg, President of the Great Neck Breast Cancer Coalition, has been working with the New York State Breast Cancer Network on avoiding toxic exposures and preventing breast cancer for the last 15 years. The Network first worked with then Assemblyman Thomas DiNapoli to introduce green procurement legislation, so she is very happy to see such progress with Executive Order No. 4 (EO 4).

Anne Rabe, Campaign Coordinator for the Center for Health, Environment and Justice (CHEJ), has worked for over 25 years on environmental issues. As part of a larger precautionary principle campaign, CHEJ urged the Governor's office to adopt EO 4, and has just completed national release of a green purchasing toolkit for local governments. She sees the role of the Advisory Council as helping the agencies better define and give substance to what is meant by green purchasing, for example, reviewing waste reduction goals, making suggestions for toxic chemicals to avoid, and recommending improvements in public participation. She strongly recommended that the Council draft and adopt an annual set of recommendations to the Governor through a democratic voting process.

Roger Cook, Executive Director of the Western New York Council on Occupational Safety and Health (WNYCOSH), represents labor's perspective and works closely with state employee unions, such as Civil Service Employees Union (CSEA). He would like the Council to have some teeth, to make recommendations and take a leadership role in EO 4 implementation.

Steve Rosario expressed his concern that if the Council is used to set policy through recommendations, and the recommendations are decided by a vote, he will always be outvoted as one of the few Council members representing a business perspective. (Other Council members representing a business perspective include Bill Davies, President of Davies Office Refurbishing, and Tyler Elm, Principal of T.J. Elm and Associates, a sustainability consultant who has worked for a number of companies, including Wal-Mart.) He believes that providing guidance is a more appropriate role for the Advisory Council, and that making recommendations would get the Council into policy making.

Walter Simpson responded that there are different ways of providing guidance, and that recommendations are still guidance, not policy.

Karen Miller suggested following the model of the National Institutes of Health (NIH) Advisory Council on which she also serves, which makes written recommendations on how to shape breast cancer research. She believes that the end product of Council discussions should be an outcome, and not just be filed in a drawer. Anne Rabe concurred with Karen and stated that the Council needs to show substance in their recommendations. She urged the Council to resolve this issue before the next meeting.

Steve Rosario stated that he also wants the Council to be substantive, but that if the Council is going to be used as a vehicle to say that "xyz" chemical should be banned, that would be policy making. If the Council says to DEC, please look into "xyz" chemical, that would be guidance.

Roger Cook stated that not everything the Council does will be controversial or antagonistic. He would like to try to work with Steve to look at chemicals and less hazardous substances. WNYCOSH has always worked jointly with labor and management and has a good track record of success. He is serving on the Council to cooperate and see where we all can agree or not.

Anne Rabe stated that Council members shouldn't make assumptions about what will occur with each vote, and that one Council member shouldn't be able to keep the Council from making a recommendation.

Steve stated that he agreed with what Roger said. Fighting doesn't get us anywhere, and a collaborative effort is valuable. He stated his willingness to sit through the process, but expressed concern that if at the end he is just window dressing so people can say the business community was at the table, then he will need to do something else.

Karen Miller stated that as a breast cancer advocate, she was the first and only lay member of the NIH Advisory Council on which she served, so she understands Steve's concerns.

Scot Case stated that he didn't think the Council would be making policy but helping with making purchasing decisions. All the expertise represented on the Council is needed to build a new green economy.

Carla Chiaro, Deputy Commissioner at the Office of General Services, stated that no matter what advice is offered, the agencies will take it into consideration in making policy decisions.

Patti Wood stated that Grassroots Environmental Education has successfully partnered with industry in the past. For example, they worked with the New York State Turf and Landscape Association to support companies with new green products.

Walter Simpson stated that it seems reasonable and appropriate for the Council to offer written recommendations. If consensus cannot be reached, and the Council proceeds with a vote, a dissenting view could also be offered. Before reaching the point of voting, he suggested that the Council:

- Commit itself to a collaborative approach;
- Avoid overreaching; and
- Look for areas where we can reach consensus.

Steve Rosario stated that he prefers to bring issues to closure, and that being able to vote on a recommendation is important for closure.

It was agreed that Walter would write up some guidelines for the drafting and adoption of Council recommendations, that these would be reviewed by members before the next meeting, and would be revised and adopted at the next meeting. It was also agreed that alternates should be able to deliver a proxy vote and participate in Council discussions.

### **Sustainability Plans**

Jodi Smits-Anderson, Chair of the Subcommittee on sustainability, gave a brief power point presentation on the elements of sustainability plans. Discussion was tabled until the next meeting.

## **Green Specifications**

A brief discussion of the green specifications created to date raised the question “What is green?” and the issue of green certification. Scot Case stated that a uniform definition of “green” is needed. The Council requested that members be actively notified when draft and final specifications are posted.

Allan Geisendorfer, DEC’s Green Procurement Coordinator, then presented a draft list of criteria for the choice of new priority categories and projects for the Council to review. Recommendations were provided at the meeting and in subsequent emails, and will be provided with these minutes for Council review. Recommendations included:

- Making the potential for environmental and public health benefits a higher priority or an overarching framework.
- Including energy and disposal costs in the calculation of potential cost savings.
- Encouraging the state to express a preference for greener and greener products, even ones that don’t yet exist

## **Chemicals to Avoid**

A discussion of chemicals to avoid was tabled until the next meeting.

## **Length of Council Meetings**

Anne Rabe recommended that five or six hours be set aside for Advisory Council meetings, but other members expressed concern at being able to secure attendance for longer meetings. The issue was unresolved.