

MOTION

On January 1, 2019, the Buy Clean California Act (Buy Clean Act/AB 262) took effect. It requires the State's Department of General Services to establish, and publish in the State Contracting Manual, a maximum acceptable global warming potential for each category of "eligible materials" for public works procurement. Under the provisions of the law, "eligible materials" includes structural steel, carbon steel rebar, flat glass, and mineral wood insulation.

The objective of the Buy Clean Act is to pivot the State's contracting program towards the procurement of sustainable construction materials that serve to mitigate climate change impacts. By establishing this standard, the State seeks to advance its efforts to reduce greenhouse gas emissions.

In 2009, the City of Los Angeles adopted the Environmentally Preferable Products Purchasing (EPPP) Program Ordinance. The Program requires departments to consider the following factors in the purchase of products: recyclability, recycled-content, pollutant releases, waste generation, energy consumption, depletion of natural resources, and potential impact on human health and the environment. The Program is administered by the Bureau of Sanitation (LASAN); and it requires each department to report annually regarding their environmentally preferable purchasing practices.

The City has a long history of implementing environmentally sustainable programs to benefit the environment and the quality of life of City residents. The implementation of the State's Buy Clean Act is an opportunity to review the City's existing procurement program and determine if it can be improved and incorporate elements of the Buy Clean Act.

In this manner, the City's EPPP Program may be strengthened and effectively met the key objective of mitigating climate change.

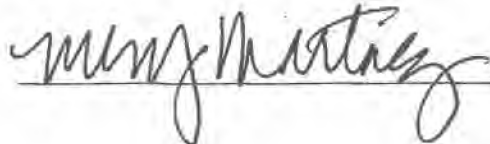
I THEREFORE MOVE that the Bureau of Sanitation (LASAN) be instructed to report to the Council in 45 days on the State's Buy Clean California Act and whether elements of the Act can be incorporated in the City's Environmentally Preferable Products Purchasing Program to strengthen the City's sustainable procurement efforts and effectively meet climate change challenges.

PRESENTED BY:



PAUL KORETZ
Councilmember, 5th District

SECONDED BY:



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Each year, the City of Los Angeles purchases billions of dollars in goods and services. In order to promote regional markets for recyclables and to ensure tax dollars are spent on products that have a reduced impact on the environment, the City of Los Angeles established the "Recycled Products Purchasing Program" through Ordinance 168313 in 1992 and amended it in 1995 in order to add a clear mandate for the purchase of recycled-content products in fourteen different categories. Most recently, the City adopted Ordinance 180751 in 2009, which expanded from "buy recycled" to the broader category of Environmentally Preferable Purchasing (EPP). The current ordinance references 18 product categories that have environmentally preferable alternatives and encourages departments to incorporate EPP specifications into their bids and contracts to the maximum extent possible.

Although the EPP ordinance allows the city to take a holistic approach to environmental purchasing by focusing on other environmental attributes such as energy consumption and waste generation in addition to recycled content, a review of the EPP Ordinance indicates that it is not being followed, EPP activities are more happenstance than deliberate, and that the most fundamental element – the systematic review and/or revision of product specifications to increase EPP purchases - is not taking place.

In contrast, the State of California recently updated its "Buy Recycled Campaign" through AB 2675 (Lowenthal, 2014) which mandates that 75% of purchased goods from each agency be recycled products. Through AB 262 (Bonta, 2017), the State also recently implemented its "Buy Clean Campaign" which sets a maximum acceptable global warming potential for certain construction materials. Finally, the State includes environmental attributes as a weighted scoring criteria in bids for certain products, allowing products with multiple environmental attributes to be scored effectively and ensuring that attributes in addition to price are considered when selecting a product, with price weighing more heavily than other attributes.

In the wake of decisions by China and some Southeast Asian countries to ban plastic waste imports as well as the United States' lack of participation in the recent 180-country U.N. agreement around global plastic waste reduction, it is necessary that the City of Los Angeles increase its efforts to prevent, reduce and manage our waste at the source through the reduction of virgin content in City goods, promotion of regional markets for recyclables, and enhancement of Extended Producer Responsibility (i.e. shifting costs and responsibilities of product discards onto producers) throughout all of the City's practices. This is also in line with the objectives of the Mayor's 2019 Sustainability pLAN update – reducing municipal carbon emissions to become carbon neutral by 2045, achieving a zero waste City Hall by 2025, and increasing the proportion of waste products and recyclables that are reused and and/or repurposed within Los Angeles County to at least 25% by 2025 and 50% by 2035.

I THEREFORE MOVE that the Los Angeles Bureau of Sanitation (LASAN), with assistance from the General Services Department (GSD), the Chief Procurement Officer (CPO), the City Attorney's office and the Chief Legislative Analyst (CLA), review the current EPP ordinance and report back within 60 days with recommendations to strengthen the policy, including but not limited to evaluation of the following options:

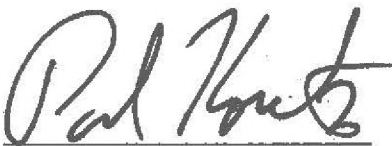
- Establishing a baseline of minimum purchased EPP products procured by each City Department to 20% by 2020, 50% by 2028, 75% by 2035 and 100% by 2050.
- Reimplementing an unambiguous mandate to ensure that City Departments procure an EPP version of the product as long as it is deemed readily available, meets necessary performance standards, and remains within an acceptable price range.
- Ensuring existing City facility bans such as the 2008 EPS food service product ban are enforced through procurement.

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- Incorporating multiple environmental attributes as part of the scoring criteria for goods procurement, considering the implementation of a greenhouse gas performance standard, such as in the Buy Clean California Act, as one of the environmental attributes.
- Incorporating EPP as a bidding criteria into Citywide service contracts that include applicable EPP products.
- Incorporating Extended Produce Responsibility (EPR) as a bidding criteria into all Citywide service contracts, including criteria such as product packaging minimization, take back programs for difficult-to-manage or recycle products such as mattresses and carpeting, or hazardous materials such as light bulbs and motor oil.
- Establishing an independent internal review process for both service contracts and procurement bids prior to their release to ensure they include both EPP and EPR elements, including instances of product substitution.
- Ensuring the ordinance provides a mechanism for automatic updates as new EPP applicable products, specifications, attributes, and certifications become available.

Presented by: 
PAUL KREKORIAN
Councilmember, 2nd District


PAUL KORETZ
Councilmember, 5th District

Seconded by: 