

# MAINE STATE LEGISLATURE

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TO: State and Local Government Committee

From: Directors of the Clean Government Initiative

Date: May 9, 2006

Subject: Clean Government Initiative Report 2006

This report is submitted pursuant to MRSA Title 38, Section 343-H, Clean Government Initiative. The Clean Government Initiative was established to help state agencies and state-supported institutions of higher learning meet applicable environmental compliance requirements and to incorporate environmentally sustainable practices into all state government functions. The statute requires a report from the Directors of the Clean Government Initiative on a biennial basis. The Initiative is jointly directed by the commissioner of the Department of Environmental Protection, the commissioner of Administrative and Financial Services, the chancellor of the University of Maine System or the chancellor's designee and the president of the Maine Community College System or the president's designee, all referred to in this report as the "directors." The report must identify the successes of and the obstacles to implementation of the initiative and may include recommendations for any statutory changes necessary to accomplish the initiative.

### **Overall Status Summary**

The Initiative started off strongly with many state agencies and institutions of higher learning submitting biennial reports outlining initiatives they sought to pursue. Significantly fewer reports for the second biennium have been filed and efforts will be made to determine their status. Given the detailed reports previously filed and the significant number of initiatives that have been undertaken by most agencies in this area, consideration might be given to less frequent reporting with longer range goals.

This report also outlines a number of successful activities undertaken by state agencies that are within the spirit of the Clean Government Initiative. These include efforts with environmentally preferable procurement and innovations in energy efficiency.

### **Introduction of the Clean Government Initiative**

The Clean Government Initiative was established to help state agencies and state-supported institutions of higher learning meet applicable environmental compliance requirements and to incorporate environmentally sustainable practices into all state government functions. The Initiative is jointly directed by the commissioner of the Department of Environmental Protection, the commissioner of Administrative and

Financial Services, the chancellor of the University of Maine System or the chancellor's designee and the president of the Maine Community College System or the president's designee, all referred to in this report as the Directors.

### **Directive**

According to the enabling legislation, state agencies and state-supported institutions of higher learning shall cooperate with the directors in implementing the Initiative and shall provide staff assistance and technical support upon request. In addition, each state agency and state-supported institution of higher learning shall:

- A. Complete or demonstrate completion of an audit of its facilities to determine compliance with applicable state and federal environmental laws
- B. Develop a biennial plan that outlines the actions the agency or state-supported institution of higher learning will take to incorporate compliance efforts and environmentally sustainable practices into its planning and operational functions.
- C. Appoint an employee in the agency or state-supported institution of higher learning to be responsible for ensuring the development and implementation of agency activities under the initiative
- D. Establish standards for leasing or building state facilities consistent with the initiative.

### **Duties and Responsibilities**

The directors shall seek to achieve continuous improvement in environmental compliance and performance of all state agencies through: pollution prevention, improvements in energy efficiency, and procurement of environmentally friendly commodities and services, as assessed on a life cycle basis, including technically comparable, cost-effective and reasonably available alternatives to products that may release dioxin or mercury to the environment. Also included are efforts towards recycling of waste products and enhanced fleet efficiency.

### **Reports**

To facilitate incorporation into the biennial budget process, these plans for state agencies other than the state-supported institutions of higher learning must be submitted to the directors prior to June 1st of each even-numbered year, beginning in 2002. The plans for state-supported institutions of higher learning must be submitted to the directors prior to June 1st of each odd-numbered year, beginning in 2003.

In 2002, the following agency biennial plans (for 2003 and 2004) were submitted:

Department of Administrative and Financial Services  
Department of Agriculture, Food and rural Resources  
Department of Audit  
Department of Behavioral and Developmental Services

Department of Conservation  
Department of Corrections  
Department of Defense, Veterans and Emergency Management  
Department of Economic and community Development  
Department of Education  
Department of Environmental Protection  
Department of Human Services  
Department of Inland Fisheries and Wildlife  
Department of Labor  
Department of Marine Resources  
Department of Professional and Financial Regulation  
Department of Public Safety  
Department of the Secretary of State  
Department of Transportation  
Office of Attorney General  
Office of the Treasurer of the State  
State Planning Office

In 2003 the following Institutions of Higher Learning biennial plans (for 2004 and 2005) were submitted:

Maine Community College System  
Maine Maritime Academy  
University of Maine System

In 2004, the biennial plans for 2005 and 2006 were due for the state agencies. There were no plans submitted in 2004 by any agency.

In 2005, the biennial plans for 2005 and 2006 were due for Institutions of Higher Learning. Maine Community College System submitted an audit/ report of the activities at their facilities. The University of Maine System is currently drafting a report.

### **Successes of the Clean Government Initiative**

With the implementation of the Clean Government Initiative, state agencies and institutions submitted initial reports identifying objectives for meeting the goals for the Clean Government Initiative. The subsequent round of reports has not reflected the original enthusiasm.

The reports are important because they provide for accountability and consistency with regard to environmental impact from the respective agencies and institutions. However, missing one reporting period does not pose an insurmountable obstacle as long as enthusiasm about the initiative still exists. As outlined below, many successful efforts demonstrate that this enthusiasm exists.

They include:

- State agencies are working together to reduce the impact lead is still having on the environment (described in detail below).
- Over the past year an emphasis has been placed finding ways for the State to procure environmentally friendly commodities and services, as assessed on a life cycle basis.
- An environmental preferable procurement (EPP) policy was developed and an executive order was signed (described in detail below, see attachment 1).
- An Executive Order was signed regarding the use of Leadership in Energy and Environmental Design “LEED” building standards for state buildings. The new academic building at the Governor Baxter School received a LEED Silver designation and was the first state building to be built in accordance with LEED “green” building standards. It is expected to use 30 percent less energy than a more conventional building.
- The State has led the way in use of biodiesel. During the 2003-2004 winter, “B-20” (a 20% blend of biodiesel with #2 heating oil) was used in five small state buildings in the Augusta area, including the Blaine House, State Planning Office and Bureau of Motor Vehicle Buildings. During the winter of 2004-2005, financial considerations required the utilization of “B-10” simultaneously with expanded usage in the State House, Cross State Office Building, State Museum and a number of other buildings. The State continues to use a bio-diesel blend to heat the capital complex this year. The State has adjusted its blend to “B-5” due to some technical issues regarding fuel quality, delivery and blending that arose during the 2004-05 winter season. The State is committed to continuing and expanding its bio-diesel program with due consideration given to economic and technical factors.
- Currently the Department of Environmental Protection (DEP) and Office of Energy Independence are working together to clear up a licensing issue that has prevented more biodiesel usage.
- In the beginning of this initiative an Executive Order established a goal for the state to purchase 40% of power from renewable resources. This goal was achieved until the increase in energy prices. Currently, the State is purchasing 30% renewables through the standard electricity offer and continues to seek ways to increase its renewable power portfolio, within financial resources.
- In FY 2005, 85% of paper purchased by the State of Maine had at least 30% post consumer content. This far exceeds the statutory requirement that 50% of paper purchased by the State be recycled content paper.
- Over the past five years, the State of Maine, through Central Fleet Management, has increased the number of hybrid vehicles from only one hybrid vehicle to over 50.

## **Recent Accomplishments**

### **Finding alternatives to lead in state vehicles**

In 2005, The Ecology Center, a Michigan based non-profit organization formally filed a citizens petition under the federal Toxic Substance Control Act (TSCA) asking EPA to develop rules which would ban the sale of lead wheel weights in the U.S. The petition, which received support from the Governor of Maine, state officials in Minnesota and Wisconsin, and the Steel Manufacturers Association, could lead to the establishment of a national lead wheel weight phase-out timeline and encourages Maine state government to look at what could be done to reduce the use of lead wheel weights.

Lead wheel weights are handled by workers and have special disposal considerations. Lead wheel weights fall off tires and may be one of the sources contributing to lead levels in Maine parking lot runoff data that sometimes exceeds aquatic toxicity levels. Shiny lead wheel weights sitting on the side of the road may be also picked up and handled by young children resulting in lead exposure.

Maine DEP consulted with Minnesota regarding their state fleet's conversion to wheel weights constructed of materials that are less toxic than lead. DEP provided Maine's vehicle fleet managers (DOT, Central Fleet Management/CFM, and Public Safety) with information on alternative and less toxic wheel weight materials. DOT volunteered to research and pilot alternatives. CFM and Public Safety fleets agreed to follow DOT's recommendations. After the state fleet has used the alternative wheel weights for a period of time, DEP's Small Business Assistance Program will provide outreach to DOT's business contacts in the private sector to provide a record of experience. The University system fleet is also in contact with DOT regarding wheel weights.

The State of Maine has a target date of July 2006 after which passenger vehicles and lightweight trucks scheduled for tire replacement will include wheel weights with a less toxic material than lead (heavy duty truck alternatives are expected to take more research). Additionally, CFM will also require that tire replacements that occur at contracted garages that service state vehicles in other areas of the state to use non-lead wheel weights, as available. The DEP is also corresponding with the Department of Education about the possibility of outreach to school transportation directors should alternative wheel weight products become available and practical for the larger tires that are on school buses.

The University of Maine System was notified as a courtesy by the Maine Department of Environmental Protection of the DOT program and shared resources and contact information. The University of Maine is currently converting all replacement wheel weights to lead free weights. University of Southern Maine is still investigating a conversion process and expects one to be implemented by the end of the year.

### **Environmentally Preferable Purchasing (EPP)**

Another aspect of the Clean Government Initiative that is making headway is the EPP group which meets five to six times per year and consists of representatives from the Departments of Agriculture, Administrative and Financial Services, Conservation, and Environmental Protection.

Through the EEP group, the State of Maine has established a broad range of product procurement practices oriented toward the preservation of natural resources, the promotion of environmental sustainability and the protection of the health and safety of employees and citizens. As part of the Environmental Preferential Purchasing policy several factors are considered as part of a best value determination when evaluating purchases, including: fuel efficiency, recycled content percentages, materials content, emissions, waste generation, toxicity, and recyclability. Most recently, this group has focused on ensuring that the products used to clean state facilities would strive to adhere to accountable criteria of being “environmentally preferable”. Two options are under consideration to accomplish this, and both are nationally recognized certifications that have their own criteria. One is Green Seal which lists cleaning chemicals and detergents that meet its criteria. The other is the Battelle Process, which details criteria to which a vendor must conform. A recommendation from this EPP group is imminent.

### **Executive Order Promoting Safer Chemicals in Consumer Products and Services**

With this Executive Order Maine State Government is leading by example and a Task Force appointed by the Governor was established. The Task Force will develop recommendations to further the use and availability of safer chemicals in consumer products and services.

DEP Acting Deputy Commissioner Deb Garrett will be chairing the Task Force with Commissioner Littell also participating.

Commissioner's office staff Ginger Jordan-Hiller will provide ongoing staffing and will call on other DEP staff from time to time. Peter Cooke is actively assisting the State Division of Purchases as they work towards implementation of environmentally preferable purchasing.

DAFS, Bureau of General Services is assisting with Integrated Pest Management (IPM) Coordinators from Agriculture and Cooperative Extension. They will develop policies that call for the least toxic method of pest control and the least amount of pesticide use in state owned and managed buildings and their grounds that will allow safe and comfortable occupancy by state employees, visitors and the general public.

The University of Maine System continues to require environmental preferred products through its bid process including the preference for Energy Star rated equipment where available.

## **Energy Efficiency and Sustainability**

The University of Maine System established a System-Wide Energy Team in 2004 with its initial charge to reduce costs through energy efficiency and energy purchase strategies. The team has a mixture of facility managers and financial managers representing the seven campuses of UMS. Since that time, the Team has included representatives from Maine Maritime Academy and the Maine Community College System. Both have been active and welcome participants on the UMS team.

The current mission of the Energy Team is to review and analyze issues associated with energy purchase and use and recommend to decision-makers of Maine public higher education specific actions or efforts that should be undertaken to achieve economic, environmental, and sustainable goals and initiatives.

The University of Maine System sponsored an Energy Summit for Higher Education in April 2005, with financial support from the US Department of Energy and Maine Public Utilities Commission, which had presentations focused on energy markets, performance contracting for energy efficiency projects, energy management systems, building commissioning, building local sustainability initiatives, and case studies from colleges and universities in other parts of the US. This conference was open to any public or private institution of higher education.

The Energy Team has explored the purchase of Maine produced wind energy and combined heat and power generation projects at USM and UM. These projects, although still in the investigatory phase, would provide environmental and economic benefits. The Energy Team continues to meet regularly.

The University of Southern Maine (USM) implemented a dozen projects in 2004/2005 to improve energy efficiency on its campuses. This included lighting upgrades, installation of control system to better manage energy use, and installation of meters to better measure energy use and efficiency. The University of Maine (UM) inventoried 3500 steam traps as part of their central heating system to identify malfunctioning traps for replacement. UM replaced steam lines past their service life and ended up saving over 3.2 million gallons of heated and treated water per year. UM also implemented lighting upgrades, improved energy controls, and continuous commissioning service to improve energy efficiency.

Hybrid vehicles have become more prevalent throughout the system with a total of 12 currently in service. UMS has also invested heavily in technology to facility meetings using audio and video services further reducing the need for travel.

University of Southern Maine (USM) and University of Maine at Farmington (UMF) have pursued LEED certification. USM's John Mitchell Technology Center in Gorham is the second building to be LEED certified in Maine. USM's Abromson Center in Portland is currently seeking LEED Gold Certification. This facility features a geothermal heating and cooling system, supplementary photovoltaic cells, radiant



heat, displacement ventilation, heat recovery, and storm water recovery all making for a more sustainable building. UMF plans on having one LEED certified buildings (College of Education, Health, and Rehabilitation building for LEED Silver is currently under construction).

All new construction within the University is required to meet LEED standards as directed by Executive Order, certification is currently optional.

## **Challenges**

Personnel changes have had quite an effect on the original list of contacts for the Initiative. New people filling these positions at their respective agencies may not be aware of the statutory requirement for participation in the Clean Government Initiative, therefore agencies will be contacted by DEP's point of contact for the Initiative in spring of 2006 to update the list of representatives.

Personnel changes within the administration of the Initiative also had an effect on communication between the co-lead agencies, Department of Administrative and Financial and Department of Environmental Protection. No Clean Government meetings were held in 2005; however the EPP group did meet to determine criteria for environmentally preferable cleaning products. The focus of this group may have become confused with the Clean Government Initiative.

## **Recommendations**

The directors of the Clean Government Initiative should meet to review and adjust, if needed, the priorities of the Clean Government Initiative to make it more manageable, useful and efficient for the multiple agencies involved. Consideration should be given to increased sharing of resources and best practices among participants, and development of longer range goals that reduce impact on the environment and relaxing reporting requirements.

The directors should also consider fostering a mechanism for better communication between the institutions of higher education and the state agencies participating in this program.

The directors of the Clean Government Initiative should create an efficient mechanism to encourage consistent reporting from the participating agencies after updating agency representation.

EPP work across state agencies should continue to focus on cleaning detergents and chemicals and targeted projects, such as the lead wheel weight project.

Improvements should continue to be researched and encouraged, where economically feasible, in the area of energy efficiency programs, alternative energy options and fleet

vehicles. Improvements will continue to be documented and reported in future Clean Government Initiative reports.

Ensuring compliance with environmental laws at all state facilities and institutions will continue to be prioritized. Accountability and consistency to this effort will be determined and accomplished by the directors of the Clean Government Initiative with a re-emphasis on the completion of the biennial reports (if the directors continue to determine that to be a priority). However, the directors recommend that end goals should be to enhance compliance with environmental laws (either with legal or policy directives) rather than report submissions.

It appears that most agencies don't have the expertise to navigate the reporting element and some agencies could better benefit from compliance assistance over reporting assistance. The directors should address how agencies can increase compliance and access to technical assistance. There should be a discussion on how additional support services can be given to the agencies.

The directors of the Clean Government Initiative should convene a working group of the agencies most compliant with this initiative as a way to increase participation.