

## New York State Guidelines

### Implementing Green Cleaning Executive Order and 2005 Law

### Response to comments on EPA's Design for Environment Program

See <https://greencleaning.ny.gov/Guidelines.asp>, published June 16, 2010

#### CATEGORY #2

**Guidelines should consider the U.S. Environmental Protection Agency's (EPA's) Design for the Environment (DfE) Program and not rely solely on EcoLogo and Green Seal.**

**[64 comments received]**

#### State Response:

Over 60 comments were received addressing the issue of whether we should include, within our approved list of institutional cleaning products for schools, products that have received the Design for the Environment (DfE) label. The marketplace has developed and now sustains two independent third-party certification programs in North America, Green Seal and EcoLogo. Both of these programs have issued standards for green cleaning products that are widely recognized by public purchasing offices and manufacturers.

In our original guidelines issued in 2006, we determined that products designated with the DfE label did not, at that time, sufficiently meet the criteria that (*emphasis added*) we believed were necessary to approve those products for use in our schools. In the past four years, DfE has made considerable progress to improve facets of its program that we considered to be inadequate, and we applaud those efforts. DfE's recent March 2010 revision of the DfE Standard for Safer Cleaning Products (SSCP) represents an important step in ensuring that there is a more transparent and accessible program. In particular, the revised standards take notable steps to address an area we have viewed as a concern; a system for periodic inspections at facilities whose products have received the DfE label to ensure compliance (see Revised Guideline, §3.6). When we compare DfE to Green Seal and EcoLogo, however, both of which are robust programs that have been in operation for some time, we still find DfE deficient in a number of areas. In addition, because DfE's revised standards were just finalized in March 2010, it is too soon for us to determine whether the new system for periodic facility inspections will address our concerns. (*emphasis added*) We have determined that while it is not yet time to include DfE designation in our school green cleaning guidelines, the program has made significant progress, and is much closer to satisfying our standards. We are interested in working closely with the DfE program in the next two years to address our remaining concerns.

## Background on DfE

The DfE program is a voluntary, technical assistance program operated by the U.S. Environmental Protection Agency (EPA). It draws on the expertise of EPA's Office of Pollution Prevention and Toxics to encourage businesses to incorporate environmental and health considerations into the design of products. A key goal is to reduce or eliminate the use and generation of toxic materials during the manufacture, design, use, and final disposition of products.

Beginning in 2006, DfE established a labeling program, under which DfE partners in some sectors, including businesses that manufacture cleaning products, can receive EPA recognition and use the DfE label on environmentally improved products. According to EPA, the DfE logo on a product signifies that DfE staff has considered each ingredient in a product within its distinct functional class (e.g., surfactants, solvents, chelating agents, etc.) and determined that—based on the best available information, EPA predictive models, a review of the ingredient's chemical structure, and expert judgment—the product contains only those ingredients that pose the least concern among chemicals in their class.

## Issues That Need To Be Addressed

The Office of General Services, in conjunction with its agency partners, is considering issuing a guideline setting forth attributes that should be present in a credible third-party certification program. We plan to issue such attributes, as a draft guideline for public comment, when we revisit the issue of acceptance of the DfE program. In the interim, we note certain features of the present DfE program that continue to cause us concern:

- 1) Transparent, easily accessible and verifiable health and environmental quality standards. While DfE's new revised guidelines help to illuminate the process followed by DfE to review the chemicals contained in cleaning products, they still fail to establish transparent, easily accessible, clear and consistent thresholds that all products must meet and which are in harmony with standards established by Green Seal and EcoLogo. This also makes verification that a DfE product complies with the thresholds problematic.
- 2) Product criteria that take fitness for purpose and levels of general performance into account. While the new DfE guidelines discuss performance, they fail to establish clear, definitive standards that all products must meet.
- 3) A System of Data Verification and Data Quality. - Over 1,200 institutional cleaning products have received the DfE label, and most of these products received recognition before the current DfE standard was developed in June 2009 and revised effective March 2010. Purchasers need to know which products meet or do not meet the current DfE standards. Since DfE has stated that its newly adopted inspection and audit program will work to ensure that all products with the DfE label meet updated and current label requirements, it will take a while before it has verified that all DfE labeled products meet current requirements.

- 4) An Open, Transparent and Public Process for the Development of Standards, with Representation of all Stakeholders. We remain concerned with the transparency and adequacy of stakeholder representation in the process DfE used to revise its Guidelines. DfE has not published rules governing the standard development process or disclosed the procedures followed to revise its Guidelines. What we know of the DfE process indicates that only a very small number of stakeholders were involved.
  
- 5) Criteria Which Are Developed Based On A Systems Or Life Cycle Approach. The DfE program has traditionally focused exclusively on green chemistry – on the chemical components of the products it reviews as compared to other environmental and life cycle attributes, such as packaging or transportation. While the new DfE Guidelines generally encourage manufacturers to use environmentally friendly packaging, they fail to establish specific requirements that all products must meet.

New York looks forward to working with the DfE program in an effort to address our issues and concerns. We also look forward to reviewing the success of the inspection and audit program with DfE as it progresses.

### **Public Comments:**

#### Comment #1:

To whom it may concern,

Regarding the amendment of the Guidelines and criteria for “environmentally-sensitive cleaning and maintenance products” that will be used in New York schools, state agencies and public authorities, the present letter is intended to strongly urge the inclusion of DfE certified products, as being acceptable for their reduced environmental impact as well their human safety benefits.

DfE is currently recognized by many States, and is very similar and even more rigorous in the product selection process than in many aspects of the certification process.

There are numerous economical advantages to DfE certified products; the most pronounced are the cost of certification, as well as the non-existence of annual fees, which have a direct effect on the cost to consumers, i.e. the State of New York. Not to mention the obvious fact that the more products that are available, increases competition.

It's a win / win proposition, with the ultimate winners being taxpayers.

Thank you,

Dave Crowe

KCI Chemical Products

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#### Comment #2:

I encourage you to accept DfE recognized products in your contracting decisions. Not only does DfE recognition accomplish the promotion of more safe products but it includes categories not covered by other third party certifying organizations such as kitchen cleaning products and laundry detergents.

Sincerely,

Bill Scepanski

Technical Director

Sunburst Chemicals, Inc.

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Comment #3:

To Whom It May Concern:

On May 17, 2006, Clean Control Corporation submitted comments on the original proposed GUIDELINES AND SPECIFICATIONS FOR THE PROCUREMENT AND USE OF ENVIRONMENTALLY SENSITIVE CLEANING AND MAINTENANCE PRODUCTS FOR ALL PUBLIC AND NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN NEW YORK STATE in support of the USEPA Design for the Environment (DfE) Program.

Since that time, the DfE Program has taken significant steps to improve their program including:

- August 2006, DfE initiated third-party review of new product submissions.
- June 2009: DfE issued Criteria for Safer Cleaning Products (CSCP) in the form of a standard.
- October 2009: DfE initiated third-party review of partnership renewals and modifications.

These steps indicate that:

- DfE now has a system for product verification which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment.

Additionally, there continues to be precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).

The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the "alternative selfcertification" provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements. The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

We at Clean Control Corporation continue to applaud the State of New York and its efforts to protect children and employee health. We continue to believe that the DfE Program and the DfE recognition for product formulations is based the most credible scientific guidance available and deserves serious consideration under all state mandated guidelines for procurement of environmentally sensitive

cleaning & maintenance products. We urge New York State to adopt the DfE Program for adding products to the OGS Approved Green Cleaning Products List.

Sincerely,

Cory S. Hammock

Vice President of Research and Development

Clean Control Corporation

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#### Comment #4:

In follow up to our meeting in New York in September, I have done quite a bit of research about the third party certified cleaning products. I am arranging meetings with each of the companies. What I have read and heard about Green Seal, in addition to seeing the products that they are shipping to Northern California schools as "green" is really disappointing. Some of the products are so far from green it is unconscionable. A couple of the companies who are green on the household side and as well have green commercial products have connected me with the EPA DfE <http://www.epa.gov/df/>.

I recently got some info from the Green Cleaning Network and wanted to send it your way. I live on top of my "soapbox" 24/7 trying to heal the world. But the most important piece of our work, all of us is making sure that there is transparency for all that we do. At this moment in time, green is whatever can be called "green" which doesn't necessarily mean non toxic to human health. I urge you and all of us to make sure that we are educated, that we are educating our janitors and that the choices truly are the cleanest they can be. Please see the information below.

New York State's Office of General Services (OGS) is amending its Guidelines and criteria for "environmentally-sensitive cleaning and maintenance products" that will be used in New York schools, state agencies and public authorities. Unfortunately, their draft does NOT accept EPA DfE products making it unnecessarily difficult for EPA DfE partners to supply products to these entities and reduces options for purchasers.

In my opinion, some of the offerings of these products are the least toxic to human health.

We are urging NY State to include the EPA DfE <http://www.epa.gov/df/> to the list.

Why this is important:

- Like other ecolabelling programs, DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in an a manner that is equal to, if not more stringent compared to the other ecolabelling programs which often rely on outdated and questionable lists of prohibited ingredients.
- Like other ecolabelling programs, DfE now has a system for product verification which we

believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.

- Like other ecolabelling programs, DfE includes very specific product performance requirements that are equal to, if not superior compared to other ecolabelling programs.
- Like other ecolabelling programs, DfE now includes that manufacturers provide appropriate product labeling and training on correct product usage, which is critical for creating healthy buildings.

Additionally,

- There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the "alternative self-certification" provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

The opportunity to work with New York State to include DfE would be very valuable in helping to accelerate the adoption of "greenest" cleaning standards and improve the health of children and staff in our schools and other buildings, and the environment. Please let me know if you have any questions or please reach out to the Executive Director of Green Cleaning Network below. Thank you.

Sincerely,

Judi Shils

Director, Teens Turning Green

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Comment #5:

Why are DfE Certified products not included within the standard? The issue of transparency has been addressed over the years. As a DfE partner we find that the specifics of the DfE standards are as clear if not more clear than those of other "ecolabel" organizations. Lists such as CleanGredients assist formulators in determining appropriate surfactants to utilize in formulations for example.

Third party verification is also a feature of the DfE program. This is not the case of other

Ecologo programs. This instills confidence on the part of the DfE partner as well as the consumer in determining the validity of the DfE Certification. Betco Corporation would support the inclusion of DfE Certified products

Candice Rushton

Regulatory Affairs Manager

Bectco Corporation

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Comment #6:

New York State Office of General Services, Environmental Services Unit –

Please accept the attached letter in request of amending your guidelines and criteria for “environmentally-sensitive cleaning and maintenance products” that will be used in New York schools, state agencies and public authorities.

Best regards,

Luke Bobek  
Director of Industrial & Institutional Sales  
Earth Friendly Products  
Addison, IL. 60101

ATTACHED LETTER:

November 3, 2009  
New York State Office of General Services  
Environmental Services Unit  
39th Floor, Corning Tower  
Empire State Plaza  
Albany, NY. 12242  
To Whom It May Concern,

It has come to our attention that you are in the process of amending your guidelines and criteria for “environmentally-sensitive cleaning and maintenance products” that will be used in New York schools, state agencies and public authorities. We have been informed that this draft fails to include products recognized by the EPA’s Design for the Environment (Dfe) program. We are writing you to respectfully ask that you include cleaning products recognized by the EPA’s Dfe program.

There are many reasons the most trusted manufacturers of cleaning products have chosen to partner with the EPA’s Dfe program. Aside from ourselves, companies like SC Johnson, ZEP, Method, Clorox, and Colgate-Palmolive have all chosen to partner with the EPA’s Dfe program. We chose the EPA Dfe because the program provides clear and transparent standards with a product review process conducted by The National Science Foundation (NSF) that is equal to, or in some cases superior to the processes of Green Seal and other “green” recognition programs. All of the obvious reasons we chose EPA Dfe, over other options, can be found at <http://www.epa.gov/dfe/pubs/projects/formulat/label.htm> .

Aside from the obvious reasons companies chose the EPA Dfe, we’ve listed some reasons below that may not be as obvious.

- The EPA Dfe screening process eliminates ingredients that are known asthmagens and sensitizers - extremely important to protecting children’s health.
- The EPA Dfe uses the National Science Foundation (NSF) for ingredient and product verification, eliminating any potential or perceived conflict of interest.
- The EPA Dfe has specific product performance requirements that are equal to, if not superior compared to other programs.

- The EPA Dfe requires that manufacturers provide appropriate product labeling and training regarding correct product usage.

- The EPA Dfe has access to the most relevant, up-to-date information on the potential dangers of ingredients through the US government. Other programs rely on outdated and questionable lists of prohibited ingredients.

- The EPA Dfe charges reasonable fees to review formulas, which helps prevent upcharges for environmentally preferable products.

- The EPA Dfe is recognized by the mainstream consumer because of their retail presence. The comfort/assurance level of students, teachers, parents, and workers increases when they see the highly recognized and accepted EPA Dfe logo on a product being used at the work place.

- The EPA Dfe is unbiased.

At Earth Friendly Products, we practice what we preach. Our company has been in existence since 1967, and has been manufacturing plant-based cleaning products since 1989. EFP is now the US's leading primary manufacturer of 100% sustainable, plant-based cleaning products. Our company uses only 100% sustainable, plant-based ingredients in our products and we chose not to add dyes or synthetic perfumes. Our ECOS laundry detergent is the best selling "green" laundry detergent in the US. We reduce our carbon footprint by having five geographically diverse manufacturing facilities across the U.S., all of which will run on solar power by next summer. We've been doing what we do for a long time, and have built a very reputable brand over the years.

We are confident with our decision to partner with the EPA Dfe, recognizing them as the preferred and primary organization relied upon to recognize, without bias, the safest and most sustainable cleaning products in the industry. We know that if your department thoroughly researches this topic you will amend your guidelines and criteria for "environmentally-sensitive cleaning and maintenance products" to allow products recognized by the EPA's Dfe program.

Best regards,

Luke Bobek

Director of Industrial & Institutional Sales

Earth Friendly Products

Addison, IL. 60101

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Comment #7:

Hello,

It has come to my attention the NY state is amending the guidelines and criteria for environmentally-sensitive cleaning and maintenance products to be used in schools, state agencies and public authorities. I was dismayed to see that you are not accepting EPA's Design for the Environment certified products. Although we do not sell products to the NY schools this was very disconcerting to me. As a chemical manufacturer we have selected the Design for the Environment program to certify our environmentally preferred products as they are developed. There are several reasons we chose to go this route with the most important being that this programs screening process is more stringent than many of the other programs available to us. We are committed to producing products that are environmentally sensitive as well as being safe for personnel, and as we manufacture many products that go into schools throughout the Southwest and Western U.S. we are especially cognizant of need to produce products that are safer to use around children. DfE screening does not permit components that

are known asthmagens and sensitizers. Their standards are very clear with no mixed messages concerning what you can or cannot use. By testing individual components of a formula this program gets to the core of the products, unlike some other programs that look at the product as a whole where hazards can be missed or are easily camouflaged.

I ask you to reconsider including DfE certified products and allow them to be used in your schools and public offices. By allowing the Design for the Environment products to be offered you give New York State another avenue to move forward into this new age of "green" cleaning. And in this time of very tight budgets, you are creating more competition, thus reducing your costs. A fact taxpayers would greatly appreciate.

Thank you for your time and attention.

Sincerely,  
Rosanne Benoit  
Vice President  
Eagle Brush & Chemical, Inc.  
Dallas, TX.

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Comment #8:

I distribute cleaning products. I've been a chemical engineer since 1961 and I am very concerned about chemical safety. You should include the EPA's DFE program since it will help to develop the safest eco-friendly products.

Allan Karron

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Comment #9:

I urge you to modify your criteria for "environmentally-sensitive cleaning and maintenance products" to accept EPA's Design for the Environment program. This will conform initiatives taken by some other states and result in a more uniform regulatory environment for manufacturers. Among other advantages, it will also make it easier to monitor compliance and reduce costs of compliant cleaning products.

Sincerely,

Christopher Haynes, PhD, CTO  
Sustainability Dashboard Tools, LLC

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Comment #10:

I'd like to take a few minutes to address some concerns I have regarding the pending amendment being made to the New York State guidelines and criteria for "Environmentally-Sensitive Cleaning and Maintenance Products" to be used in New York schools, state agencies and public authorities. We are a janitorial supply distributor located in Burlington, VT, established in 1960. Over the years we have done business with many types of facilities in northern New York, including a number of schools.

We have had a great deal of interaction over the last few years with our customers concerning Eco-Friendly and safe products. There are a number of eco-labeling companies which have popped up during this time, the most prominent of which is "Green Seal". I feel that since the EPA's Design for the Environment (DfE) program is the only one that is not money driven and actually has government involvement, that it is the most important organization involved in this field.

DfE's standards are clear. Their process to reduce exposure to the environment and to children are superior to other eco-labelers. Many eco-labelers just rely on lists, often outdated, of ingredients that may be prohibited. DfE uses independent third-parties to verify testing. DfE also includes product labeling and training requirements for correct product usage.

Other states (Missouri, Illinois) have adopted DfE into their requirements for schools. Inclusion in New York State requirements would eliminate much of the "self certification" that is now prevalent. I urge you to consider making this part of the revised Green Cleaning legislation. After all a safer environment for us, our children and future generations is what we all strive for.

Thank you for your consideration in this matter.

Dan Iler

General Manager

EMPIRE JANITORIAL SUPPLY CO.

BURLINGTON, VT. 05401

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Comment #11:

To whom it may concern:

I don't sell in NY or have any ulterior motives for sending you this message.

IF YOU AREN'T USING "DESIGN FOR THE ENVIRONMENT" AS A CRITERIA FOR CHEMICALS THEN YOUR MISSING THE WHOLE GREEN BOAT. THERE ARE MANY CATEGORIES AND AREAS WHERE GREENSEAL AND ECOLOGO FALL SHORT. THERE IS NOT CATEGORY FOR AIR CARE FOR EXAMPLE, HOWEVER DFE LOOKS AT AIR CARE.

TO NOT INCLUDE DFE IN YOUR "environmentally-sensitive cleaning and maintenance products" CRITERIA IS LIKE; BOATING WITH LIFEJACKETS BUT NOT WEARING THEM.

Bill Frazier

District Sales Manager

State Chemical Solutions

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Comment #12:

I am respectfully requesting that Dfe certification be given consideration for the State green program.  
Thank You

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Comment #13:

We are a Florida base chemical manufactures of cleaning products. We have been producing top quality cleaning products since 1963. We choose our Green products certification thru Dfe. We believe that Dfe product verification is superior than other ecolabellers simple because it uses independent third-party to do the verification of each raw material used in the formulation. This eliminates any conflict of interest between the standard setter and the verifier. DfE standards is equal to that of Green Seal and Ecologo. Allowing DfE approved products will give you the ability to have another compliance path and providing more competition and allow you to reduce Costs.

Formulators have invested time and money in choosing DfE because we feel that a Green certification entity back up by EPA would have a better control of the "Green" Eco-friendly Program to its true purpose and ideas.

Betty Granja  
REX CHEMICAL CORP.  
MIAMI, FLORIDA

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Comment #14:

To Whom It May Concern:

My name is West Gary, and I am the Vice President and Technical Director for Momar, Inc., a 63-year old family-owned chemical manufacturer. Since our company was founded in 1947, we have focused on providing our customers with environmentally sensitive cleaning and maintenance products. Several years ago we partnered with the EPA's Design for the Environment (DfE) program, and since that time, we have formulated twenty (20) products that meet their stringent criteria. Momar employs eight (8) full-time sales representatives in the state of New York who sell the products that we manufacture directly to schools, state agencies, and public authorities.

We are aware that New York State's Office of General Services is amending its Guidelines and criteria for "environmentally-sensitive cleaning and maintenance products" that will be used in New York schools, state agencies, and public authorities. We were disappointed to see that the draft does NOT accept

EPA's DfE program. This makes it difficult for us and other DfE partners to supply products to these entities, and it reduces options for purchasers. We feel that the EPA's DfE program is a very valuable program which continues to develop important tools to help us solve complex problems such as childhood asthma and other health and environmental issues.

We appreciate that the NYS OGS has asked for feedback. Below are some of the reasons we feel the EPA DfE program should be accepted:

- DfE now has a system for product verification which we believe is superior to the other ecolabellers because the DfE uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE now has a clear and transparent standard. In fact the DfE process is equal to and, in some cases, superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment.
  - *One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers. This is important in protecting children's health in an a manner that is equal to, if not more stringent than the other ecolabelling programs - which often rely on outdated and questionable lists of prohibited ingredients.*
- DfE now includes very specific product performance requirements that are equal to, if not superior to, other ecolabelling programs.
- DfE now includes requirements for appropriate product labeling and training on correct product usage, which is comparable to other ecolabelling programs.
- There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the "alternative self-certification" provision as currently contained within the Guidelines. This would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies, and public authorities.

Thank you again for being open to feedback. We appreciate your consideration in this matter.

Best regards,

West Gary

Vice President, Technical Director

Momar, Inc.

Atlanta, GA 30318

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Comment #16:

New York State Office of General Services

The company I work for does business in the state of New York. With that in mind, I ask that you include acceptance of the EPA's DfE program as part of your guidelines and criteria for environmentally-

sensitive cleaning and maintenance products to be used in New York schools, state agencies and public authorities.

The following are some of the reasons which have earned DfE my support and why I believe NYS OGS should include DfE in their program:

- DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in an a manner that is equal to, if not more stringent compared to the other ecolabelling programs which often rely on outdated and questionable lists of prohibited ingredients.
- DfE now has a system for product verification which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE now includes very specific product performance requirements that are equal to, if not superior compared to other ecolabelling programs.
- DfE now includes requirements for appropriate product labeling and training on correct product usage, which is comparable to other ecolabelling programs.
- There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the “alternative self-certification” provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

Chris Lucy

Senior Marketing Analyst

Network Services Company

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Comment #17:

Facility Masters does not have any specific dealings in New York State however our company is a building service contractor engaged in the cleaning of schools in California and we are aware that New York State is taking a leading role in setting green cleaning standards, therefore we are concerned by the direction New York State is heading by excluding the DfE labeled products in its revised guidelines and criteria for “environmentally-sensitive cleaning and maintenance products” that will be used in New York schools, state agencies and public authorities.

The following are some of the reasons why I believe NYS OGS should include DfE in their program.

These issues include:

- DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in an a manner that is equal to, if not more stringent compared to the other ecolabelling programs which often rely on outdated and questionable lists of prohibited ingredients.
- DfE now has a system for product verification which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE now includes very specific product performance requirements that are equal to, if not superior compared to other ecolabelling programs.
- DfE now includes requirements for appropriate product labeling and training on correct product usage, which is comparable to other ecolabelling programs.

Additionally:

- There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the "alternative self-certification" provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

Thank you for your consideration of this very important issue.

Eric Christiansen  
FACILITY MASTERS  
Brea, CA 92821

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Comment #18:

To Whom It May Concern:

As the president of The Healthy House Institute (HHI), an organization keenly interested in children's health and safer public environments, I beseech you to consider including EPA's Design for the Environment (DfE) criteria in your program.

Our experience with the DfE program has been very positive and we believe it provides a healthy competitive balance in the green certification arena, while setting the bar high on limiting exposures for sensitive populations (i.e., children) and including useful product performance and labeling requirements.

Thank you for giving attention to this sincere request.

Allen P. Rathey, President  
The Healthy House Institute  
Boise, ID USA 83713

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Comment #19:

To remove DfE's is a big mistake and by doing so would result in an increased use of caustic maintenance cleaners such as for floor strips, floor waxes, carpet spot removers, odor control product, etc. These products are very caustic and need to be banned forever from our schools. Let's move forward, not backwards!

PLEASE MAINTAIN DfE's!

Joe Parker

Director of Sales and Marketing

TRA Medical Supply, Inc.

Upper Marlboro, MD

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Comment #20:

Please consider the following:

- DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in a manner that is equal to, if not more stringent compared to the other ecolabelling programs which often rely on outdated and questionable lists of prohibited ingredients.
- DfE now has a system for product verification which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE now includes very specific product performance requirements that are equal to, if not superior compared to other ecolabelling programs.
- DfE now includes requirements for appropriate product labeling and training on correct product usage, which is comparable to other ecolabelling programs.
- There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the "alternative self-certification" provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

Consider the children, consider yourself, consider God.

Thank you. Dane Johnson

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Comment #21:

Dear Sir:

I am writing about our concern as it is related to the exclusion of EPA Design for the Environment (DfE) from your green purchasing guidelines. We are somewhat perplexed at this decision as from our perspective DfE has the following advantages:

- DfE has a clear and transparent standard equal to and in many cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is that the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in a manner that we believe is superior to the use of many times outdated and questionable lists of prohibited ingredients.
- DfE has a system for product verification using independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier. This is something that is lacking in many other ecolabeling schemes.
- DfE includes very specific product performance requirements.
- DfE includes requirements for appropriate product labeling and training on correct product usage.
- While we appreciate that New York must act in the best interests of its residents and is not necessarily guided by what other states do, it should be noted that other states have seen the value of including DfE along with the other ecolabels for meeting the requirements of Green Cleaning in Schools legislation (i.e., Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the "alternative self-certification" provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- We believe that it is important to the State of New York and its residents to include more than one compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities. DfE does this for New York.

The Carpet and Rug Institute is very concerned about proper cleaning and certifies a complete series of carpet cleaning products under our Seal of Approval program, and we specifically view those certified by DfE and other ecolabels as Green Cleaning Products. We clearly feel there is a need for effective and credible alternatives for manufacturer to certify their products. This creates competition, reduces costs while protecting the environment and those who reside in the environment.

Hopefully you will reconsider and provide for the inclusion of DfE certified products in your green purchasing guidelines.

Thank you for your consideration.

Sincerely,

Werner H. Braun

Comment #22:

I. Janvey & Sons, Inc. has been in business since 1913 servicing the janitorial needs of the local schools, municipalities, health care facilities and the public in general. We service an area consisting of Nassau, Suffolk, Westchester counties and all of NYC. Our customers rely on us to educate and supply them with the best cleaning and maintenance products available for their needs.

We are very concerned with NYS OGS amending its guidelines and criteria for “environmentally-sensitive cleaning and maintenance products” that will be used in New York schools, state agencies and public authorities. That makes up a large portion of our customer base. Our understanding of the Guidelines that NYS OGS is amending does not accept EPA’s Design for the Environment (DfE) program. This will make it difficult for DfE partners and suppliers to supply products to these entities, reducing options for purchasers and eliminating a valuable program that continues to develop vital tools to help solve complex problems such as childhood asthma and other health & environmental issues. Some important reasons to include and support Design for the Environment (DfE) are:

- DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in a manner that is equal to, if not more stringent compared to the other ecolabelling programs which often rely on outdated and questionable lists of prohibited ingredients.
- DfE now has a system for product verification which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE now includes very specific product performance requirements that are equal to, if not superior compared to other ecolabelling programs.
- DfE now includes requirements for appropriate product labeling and training on correct product usage, which is comparable to other ecolabelling programs.

Additionally, We think it may be advantageous to point out some of the following:

- There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the “alternative self-certification” provision as currently contained

within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.

- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

We are hopeful that NYS OGS will include DfE and expand DfE's adoption in the marketplace which will help accelerate the adoption of Green cleaning and improve the health of children and staff in our schools and all buildings, and reducing harmful impacts on the environment.

Thank you for attention,

Jonathan Cohen

Vice President

I. Janvey & Sons, Inc.

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Comment #23:

To whom it may concern:

Eco Concepts was established in 2000 and has since developed a line of proprietary formulations that are all partnered with the U.S. Federal Government's Design for the Environment Program (DfE), have been certified by Green Seal, recognized by the Canada's Environmental Choice Program (ECP), certified by the Carpet & Rug Institute (CRI) as well as recognized with Kosher approval. Notably, Eco Concepts received recognition in Washington D.C. in November of 2009 as a Champion in the Safer Detergent Stewardship Initiative.

We are on the front line in the battle for "truly green and safe products to protect our children, future generations, and our surrounding environment".

As a leading manufacturer of proprietary, patented Environmentally Friendly and Humanly Safer cleaning detergents in the Institutional, Industrial, Commercial and Consumer Markets we ask the NYS OGS to include the U.S. EPA's DfE into the amended Guidelines and criteria for "environmentally-sensitive cleaning and maintenance products". The following are a list of supporting reasons both adopted by Eco Concepts and many, many other advocates of the DfE Program both in NY and across the country:

- DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in an a manner that is equal to, if not more stringent

compared to the other ecolabelling programs which often rely on outdated and questionable lists of prohibited ingredients.

DfE now has a system for product verification which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.

- DfE now includes very specific product performance requirements that are equal to, if not superior compared to other ecolabelling programs.
- DfE now includes requirements for appropriate product labeling and training on correct product usage, which is comparable to other ecolabelling programs.

Furthermore,

- There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the "alternative self-certification" provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

Thank you for your time, your consideration, and your commitment to bettering our planet and the lives of future generations.

Sincerely,

Gil Oren

Chief Operating Officer (COO)

ECO CONCEPTS, INC.

Miami, FL 33130 USA

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Comment #24:

Good day,

I fully appreciate the fact that your business is your business and I don't mean to meddle in your affairs. However considering this, I think your jurisdiction would benefit all users of environmentally preferable products if you allowed the DfE standard in your guidelines and criteria. This move would provide an alternate eco-label for users, promote competition among eco-labels, and allow for innovation within the DfE program.

So I asking you to please reconsider recognition of the DfE eco-label.

Thanks for your consideration.

Karl Bruskotter

Environmental Programs Analyst

Office of Sustainability and the Environment

Santa Monica, CA 90401-3126

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Comment #25:

To whom it may concern,

The New York State green cleaning guidelines are a noble effort to ensure materials safe for people and the environment are used in state schools in building, and the organizers should be recognized for this leadership.

However, one current omission limits the guidelines completeness and usefulness. Recognition by the DfE office of the US EPA is a rigorous and broadly recognized statement of environmental quality of cleaning products and it should be included in the standard.

Best regards,

Drummond Lawson

People against dirty

San Fransisco, CA 94111

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Comment #26:

Please see attached letter in support of the inclusion of the EPA DfE in New York State's Green Guidelines.

Thank you.

Roberta Levine

Administrative Assistant

Diamond Chemical Company, Inc.

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Comment #27:

To Whom It May Concern:

I am writing this letter to voice our concern over the proposed amending of the Office of Gen. Services guidelines and criteria for environmentally sensitive cleaning and maintenance products. These products are used in New York Schools, state agencies, and public authorities.

Diamond Chemical Co. Inc./Starco Chemical Division is a manufacturer of industrial and institutional maintenance chemical products. We have partnered with the EPA DfE program. Our DfE approved products have been used successfully by many state and local agencies that respect and understand the importance, effectiveness and competitiveness of DfE products. It is distressing to us that your guidelines do not allow for the use and/or acceptance of DfE products this makes it difficult if not impossible to supply these products to agencies that fall under your authority.

For the following reasons we believe the EPA/DfE program should be allowed and included in your guidelines and criteria:

1. The DfE program is regulated by the EPA.. The EPA has far greater experience, depth of knowledge and resources than any other third-party eco label program.. The DfE process is equal to and in some cases superior to other third-party eco label programs. The DfE program disallows ingredients that would be potentially allowed by other third-party eco label programs.
2. The DfE program includes specific product performance requirements that are equal to or better than other third-party eco label programs.
3. The DfE program uses independent third parties to do product formulation verification. Other third-party eco label programs do their own verification and there could be a conflict of interest between the standard setter and the verifier.
4. The DfE program takes into consideration the effect of the product and its ingredients when exposed to the air when exposed to the water ways and when exposed to the earth.

Additionally the exclusion of DfE products will reduce competition thereby potentially driving up the cost to the using agency. By allowing DfE products you have broadened the availability of competitive products thereby reducing the cost for cleaning products for all using agencies and the hard-pressed taxpayers of New York State.

We respectfully request that DfE products be allowed to be used in all New York State agencies and be included in your amended guidelines and criteria. There could be no possible reason to exclude DfE products. DfE products have been approved by other states and agencies that have closely examined all of the third party eco label programs and all of the protocols and have determined that DfE products should be included in their eco label programs.

Thank you.

Sincerely,

Harvey Wasserman

Vice President  
Starco Chemical – A Division of Diamond Chemical Co., Inc.

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Comment #28:

To whom it may concern:

As a manufacturer of EPA DfE cleaning products, I would like to request that New York regulations be changed to accept these products for use on schools.

The EPA DfE products are performance tested by an third party laboratory. The performance test is conducted against a similar product already on the market (competitor's product). Then their formulas are sent out for Toxicity review also done by a third party laboratory.

After obtaining acceptable performance and toxicity reviews, the reports are sent to EPA DfE for review and approval.

If you need further information regarding EPA DfE products, please contact me.

Regards,

Laura Radevski

Manager of Technical and Regulatory Compliance  
Chase Products Co.

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Comment #29:

It has come to my attention that New York State's Office of General Services (NYS OGS) is amending its Guidelines and criteria for "environmentally-sensitive cleaning and maintenance products" to be used in New York schools, state agencies, and public authorities.

Unfortunately, this draft does not accept the U.S. Environmental Protection Agency's (EPA) Design for the Environment (DfE) program.

As a New York State small business owner in the Janitorial Supply industry I felt obligated to write this letter and plead with the NYS OGS to include the EPA's DfE program.

- The current draft makes it difficult, if not impossible for DfE partners to supply products to public authorities and reduces options for purchasers.
- DfE uses independent third-parties to do its product verification-eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies, and public authorities.

Please re-consider the current draft and amend it to include the EPA's Design for the Environment Program. (DfE)

Sincerely,

Patrick M. Liberti  
Northeast Associates

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Comment #30:

I am writing to encourage you to include products that are included in the DfE partnership in your purchasing options. Products included in the DfE listing are safer for the user and for the environment and offer many more purchasing options than if you exclude them as candidates. You may find that many of these products are not only environmentally preferable but are better values in cost and performance criteria.

Sincerely,

Bill Scepanski  
  
Technical Director  
Sunburst Chemicals, Inc.

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Comment #31

Please consider adding DfE recognized products in your guidelines for environmentally sensitive cleaning and maintenance products for use in NY State.

Thank you.

Arlene Bennett  
Fine Organics Corporation

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Comment #32

I urge you to include the EPA's Design for the Environment guidelines as products that can be used in New York schools and office buildings. Their restrictions to be accepted as approved are very good and certainly more achievable by smaller companies.

Green Seal caters to the large companies with their large fees. We have done business with schools, office buildings and hospitals in New York for many years through our distributors. We were one of the pioneers in "green" cleaning products.

Thank you for your time,  
Don Eby, Pres  
The Clean Environment Co.

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Comment #33

Greetings!

I would like to offer an opinion regarding DfE vs. Green Seal. Green Seal was built upon the premise that trustworthy outsiders could best guard the health of "vulnerable populations" (such as schoolchildren) from carcinogens built into floor polishes.

That is absurd. Allow me to explain this strange deception. Green Seal claims that two carcinogenic solvents are normally present in floor polish: ethyleneglycol ethyl ether and ethyleneglycol methyl ether. However these ingredients are not used in floor polish.

Years ago they became known as bad actors when they were used as solvents in computer clean-rooms in California.

The Truth: Our industry actually uses diethyleneglycol ethyl ether and diethyleneglycol methyl ether. Green Seal is fine with these 2 ingredients which the industry was using to start with. The two letters on the front of the word make it very different. Green Seal made a spelling error by leaving them off. The man who runs Green Seal is an amateur. You are making a mistake to trust him.

DfE sets the bar higher not allowing any of the 4 compounds mentioned above which belong to the "E" series glycol ethers. DfE will only tolerate the generally less hazardous family called the "P" series.

Vince Martini

Vice President  
US Formula Technology

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Comment #34:

To Whom it May Concern:

The NYS OGS is amending its Guidelines and criteria for “environmentally-sensitive cleaning and maintenance products” to be used in New York schools, state agencies, and public authorities. Unfortunately, your draft does not accept the U.S. Environmental Protection Agency’s (EPA) Design for the Environment (DfE) program.

The draft eliminates a very valuable DfE program, which continues to develop important tools to help us solve complex problems, such as childhood asthma and other health and environmental issues. DfE now has a system for product verification that is superior to the other ecolabellers because it uses independent third-parties to do the verification—eliminating any potential or perceived conflict of interests between the standard setter and the verifier. Other verification companies have used their perches to extract very expensive fees from manufacturers that is beyond normal, anti-small business, and exclusionary. I cannot believe that in a time where governments need to be very transparent that the OSG is by passing the DfE program. It is my opinion and the opinion of many experts in the cleaning industry that the NYS OSG is not being very transparent in their occlusion of a widely recognized certification process. Why are you barring this verification process? On the surface it appears very suspicious!

Cynthia Hickey  
Hampton Bays, New York

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Comment #35:

As a manufacturer of environmentally-sensitive cleaning and maintenance products AND a current participant in making DfE-approved products, I'd like to encourage you to include DfE-approved products in your program. The DfE program has a clear and transparent standard, requires third-party testing, and includes very specific product performance requirements. Since the overall goal is to reduce exposures to children and other at-risk individuals, please include DfE-approved products which support this goal. Thank you.  
Best regards,

Alan Howarth  
VP/Custom Packaging  
Chase Products Co.

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Comment #36:

To whom it may concern:

Dobmeier Janitor Supply Inc has been in business since 1949 servicing the janitorial supply and equipment needs of local schools, municipalities, health care facilities and the public in general. We service Erie, Niagara, Orleans, Genesee, Wyoming , Rochester, Livingston, Chautaugua, Cattaraugus, Allegany, Wayne, Ontario, Steuben, Cayuga, Seneca, Onondaga , Cortland and Clinton Counties. We have always been on the cutting edge of “green” offering seminars and training to all our trading partners. We have worked closely with the Superintendents of Buildings and Grounds organizations throughout New York State.

We are very concerned with NYS OGS amending its guidelines and criteria for “environmentally-sensitive cleaning and maintenance products” that will be used in New York schools, state agencies and

public authorities. These areas make up a large portion of our customer base. Our understanding is that the guidelines that NYS OGS is amending does not accept EPA's Design for the Environment (DfE) program. This will make it difficult for DfE partners and suppliers to supply products to these entities, reducing options for purchasers and eliminating a valuable program that continues to develop vital tools to help solve complex problems such as childhood asthma and other health & environmental issues.

Some important reasons to included and support Design for the Environment (DfE) are:

- DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in an a manner that is equal to, if not more stringent compared to the other ecolabelling programs which often rely on outdated and questionable lists of prohibited ingredients.
- DfE now has a system for product verification which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE now includes very specific product performance requirements that are equal to, if not superior compared to other ecolabelling programs.
- DfE now includes requirements for appropriate product labeling and training on correct product usage, which is comparable to other ecolabelling programs

Additionally, We would like to point out the following:

- There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the "alternative self-certification" provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

We are hopeful that NYS OGS will include DfE and expand DfE's adoption in the marketplace which will help accelerate the adoption of Green cleaning and improve the health of children and staff in our schools and all buildings, and reducing harmful impacts on the environment.

Thank you for your consideration,

Linda A. Dobmeier

Vice President

Dobmeier Janitor Supply Inc

Buffalo, NY 14223

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Comment #37

I think it is important for NY to begin to be inclusive of the efforts of the USEPA Design for the Environment (DfE) Program and to include DfE recognized products in your environmentally preferable purchasing programs.

I don't understand why a State would push back so hard on a program that is providing so many benefits to human health and the environment and that has been so responsive to all criticisms re the transparency of the standard.

I am forwarding this announcement and press release fyi

Thank you.

Lauren Heine, Ph.D.

Senior Science Advisor, Clean Production Action

Principal, Lauren Heine Group LLC

Bellingham, WA

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Comment #38

We are a janitorial supply distributor that sells Green Seal certified products to schools, colleges, and municipalities in New York State. We believe that the EPA's Design for the Environment, DfE, is an important standard and should be included in your program.

DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to the other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment

DfE now has a system for product verification that uses independent third parties.

DfE now includes very specific product requirements that are equal to, if not superior compared to other ecolabeling programs. DfE now includes requirements for appropriate product labeling and training.

Thank you for your attention to this matter

Sincerely,

Oliver W. Riley, Jr., President

RMS – Riley Maintenance Systems

Endwell, New York 13760

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Comment #39

Dear Sir or Madam:

Auto-Chlor System operates three branches in the state of New York, and we welcome the opportunity to offer comments on the New York State Office of General Services revised Green Cleaning Guidelines draft. While we appreciate the intent of the guidelines, we would like to respectfully request NYSOGS modify and add the US Environmental Protection Agency's (EPA) Design for the Environment (DfE) program in its Guidelines and criteria for "environmentally-sensitive cleaning and maintenance products". Please note that:

- DfE has a clear and transparent standard and the DfE process is equal to, and in some cases, superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment.
- DfE has a system for product verification which is superior to the other ecolabellers because it uses independent third-parties to do the verification for DfE, eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE includes very specific product performance requirements that are equal to, if not superior, to other ecolabelling programs.
- Other states have set a precedent to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

Again, Auto-Chlor System appreciates the opportunity to comment on the revised Green Cleaning Guidelines draft.

Respectfully submitted,

Kirk Northcutt, Chief Operating Officer  
Auto-Chlor System, LLC  
Memphis, TN 28105

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#### Comment #40

Please accept this letter as our request for the inclusion of products that have been certified as compliant with the US EPA's Design for the Environment Program (DfE) within the Office of General Services (OGS) Guidelines and Criteria for "Environmentally-Sensitive Cleaning and Maintenance Products".

As CEO of a consumer products manufacturing company I recognize the pressing need to offer products that are sensitive to both environmental and consumer safety issues. In developing our "Green" products we have evaluated a number of different organizations that offer some form of certification of a product's environmental acceptability. While there are numerous organizations (with varying degrees of credibility) that offer such certifications, we found the EPA's DfE Program to be the best. With clear, concise, and consistent standards that address both environmental and human health concerns the DfE has become widely accepted not only by manufacturers and national retailers, but more importantly by both consumers and governmental regulatory agencies. Currently both Illinois and Missouri have embraced DfE approved products within their legislation covering "Green" product for use within schools. It is time for New York to follow this example and provide schools and other agencies the opportunity to obtain products that meet the exacting standards that DfE has established for protecting both the environment and the students and employees within New York's institutions.

I support, and believe strongly in the principles and guidelines that DfE has established and request that the OGS recognize the value of this program by including products with DfE certification within the proposed legislation.

Sincerely,  
Richard T. Bilbro, President/CEO

Woodstock, Georgia  
**Shield Industries, Inc.**

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Comment #41

To Whom It May Concern:

My name is West Gary, and I am the Vice President and Technical Director for Momar, Inc., a 63-year-old family-owned chemical manufacturer. Since our company was founded in 1947, we have focused on providing our customers with environmentally sensitive cleaning and maintenance products. Several years ago we partnered with the EPA's Design for the Environment (DfE) program, and since that time, we have formulated twenty (20) products that meet their stringent criteria. Momar employs eight (8) full-time sales representatives in the state of New York who sell the products that we manufacture directly to schools, state agencies, and public authorities.

We are aware that New York State's Office of General Services is amending its Guidelines and criteria for "environmentally-sensitive cleaning and maintenance products" that will be used in New York schools, state agencies, and public authorities. We were disappointed to see that the draft does NOT accept EPA's DfE program. This makes it difficult for us and other DfE partners to supply products to these entities, and it reduces options for purchasers. We feel that the EPA's DfE program is a very valuable program which continues to develop important tools to help us solve complex problems such as childhood asthma and other health and environmental issues.

We appreciate that the NYS OGS has asked for feedback. Below are some of the reasons we feel the EPA DfE program should be accepted:

DfE now has a system for **product verification** which we believe is superior to the other ecolabellers because the DfE uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier

DfE now has a **clear and transparent standard**. In fact the DfE process is equal to and, in some cases, superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment.

*One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers. This is important in protecting children's health in a manner that is equal to, if not more stringent than, the other ecolabelling programs - which often rely on outdated and questionable lists of prohibited ingredients.*

- DfE now includes **very specific product performance requirements** that are equal to, if not superior to, other ecolabelling programs.
- DfE now includes requirements for appropriate **product labeling and training** on correct product usage, which is comparable to other ecolabelling programs.
- There is a **precedent set by other States** to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon

the use of the “alternative self-certification” provision as currently contained within the Guidelines. This would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.

- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies, and public authorities.

Thank you again for being open to feedback. We appreciate your consideration in this matter.

Best regards,

West Gary, Vice President, Technical Director

Momar, Inc. Atlanta, GA 30318

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#### Comment #42

The purpose of this letter is to request that the New York State Office of General Services reconsider the omission of the United States Environmental Protection Agency’s Design *for* Environment (DfE) program from the amendment to its Guidelines and criteria for “environmentally-sensitive cleaning and maintenance products” that will be used in New York schools, state agencies and public authorities.

We, Santec Products, fully support the state of New York taking the extraordinary steps to regulate cleaning practices and environmental stewardship. At the same time, we are very concerned of the amendment’s failure to accept products certified by the United States Environmental Protection Agency’s Design for Environment (DfE) program. We strongly believe that there are overwhelming positive benefits to this program as it relates to environmental stewardship.

I am requesting that you reconsider the DfE program’s omission due in part to the following benefits of the DfE program:

- Like other ecolabelling programs, DfE has a clear and transparent standard and, in fact, the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment.
  - One specific example lies in the DfE screening process, which eliminates ingredients that are known asthmagens and sensitizers, an element which is important to protecting children’s health in an a manner that is equal to, if not more stringent compared to the other ecolabelling programs which often rely on outdated and questionable lists of prohibited ingredients.
- Like other ecolabelling programs, DfE now has a system for product verification which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- Like other ecolabelling programs, DfE includes very specific product performance requirements that are equal to, if not superior compared to other ecolabelling programs.
- Like other ecolabelling programs, DfE now includes that manufacturers provide appropriate product labeling and training on correct product usage, which is critical for creating healthy buildings.
- There is a precedent set by other States to include DfE along with other ecolabellers for meeting the requirements of Green Cleaning in Schools Legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon

the use of the “alternative self-certification” provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.

- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

As you can see, the DfE program offers an extremely positive choice for consumers who want to practice environmental stewardship. I thank you in advance for your consideration of this note. If you have further questions, please do not hesitate to contact me.

Best Regards,  
Robert Fisher, CEO  
Santec Products, LLC

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#### Comment #43

It has come to the attention of The Fuller Brush Company that the New York State’s Office of General Services is amending its guidelines and criteria for “environmentally-. sensitive cleaning and maintenance products” that will be used in New York schools, state agencies and public authorities.

Unfortunately, the draft does not accept DfE (Design for the Environment) products making it unnecessarily difficult for DfE partners to supply products to these entities and reduces options for purchasers.

There is a precedent set by other States to include DfE along with the other ecolabellers for meeting the requirements of Green Cleaning in Schools legislation (i.e. Illinois and Missouri). Like other ecolabelling programs, DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DIE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children’s health in a manner that is equal to, if not more stringent compared to the other ecolabelling programs which often rely on outdated and questionable list of prohibited ingredients.

Like other ecolabelling programs, DfE now has a system for product verification and very specific product performance which we believe is superior to the other ecolabellers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier. DIE now includes that manufacturers provide appropriate product labeling and training on correct product usage, which is critical for creating healthy buildings.

The inclusion of DfE would help eliminate the need for some manufacturers to rely upon the use of the “alternative self-certification” provision as currently contained within the guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements. It would also add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

Sincerely,  
Lewis Gray  
Vice President of Research & Development

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#### Comment #44

This email is in response to your request for comment on the posted “Draft Guidelines For Green Cleaning”. While the guidelines cover most of the current, well established certifications for selecting environmentally responsible products and provides provision for situations not covered by these certifications (i.e. – disinfectants), there are two alternatives that in my opinion should be added to your guidelines. These two alternatives are Volatile Organic Compound (VOC) maximum limits for cleaning chemical types outside of Green Seal’s GS-37 Standard and most importantly the EPA DfE program for cleaning chemicals.

Both of these allow New York State to eliminate the administrative burdens of maintaining an accurate list of “Self-Certified” chemicals while continuing to add environmentally responsible options, increased competition and potentially reducing costs to the state. The VOC maximum limits can be defined by the state or existing limits can be deferred to (i.e. – California Air Resources Board) ensuring that when a situation requires a product outside of established third-party certifications that employees, visitors and building occupants are not exposed to high VOC off gassing because of a provision that allows it.

Ensuring that current, environmentally sound and cost effective third-party certifications are included within the guidelines is crucial to establishing effective green cleaning programs throughout the state. The EPA DfE program is now a very clear and transparent standard which includes product performance requirements as well as appropriate product labeling and training from the manufacturers obtaining certification. The EPA DfE system for product certification includes third-party verification, similar to other ecolabeling programs already approved by NYS OGS, and adds responsible choice and competition to product selection while continuing to reduce exposures to children and other vulnerable populations along with the environment. Lastly, the EPA is currently investigating the option of having the only third-party verification for “green” disinfectants and already having the EPA DfE program as an approved alternative would allow early adoption of these products.

In my opinion, adding these options helps strengthen New York State’s program and continues the precedent set by other states on this subject.

Thank you in advance for your consideration of these options.

Best Regards,  
Alan France  
Director of Sustainability  
ABM Janitorial Services

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#### Comment #45

To Whom It May Concern:

The Green Seal standards for cleaning products have helped the cleaning industry and facility managers be more environmentally friendly while cleaning and maintaining their buildings. But Green Seal is not the only option for such standards. New York State is in the minority by only recognizing the Green Seal standards.

I'm sure by now you have heard from many other people about the rigorous and transparent nature of the EPA's Design for the Environment (DfE) program. There is plenty of evidence that DfE is at least equal to, if not more stringent than, Green Seal and other eco standards in very important areas such as eliminating ingredients that are known asthmagens, the use of independent third-parties to conduct product verification tests and product performance requirements.

By not recognizing the EPA's DfE program you are limiting the product options available to your schools, state agencies and public authorities — compromising their ability to provide a clean and healthy environment. Additionally, a limited set of products restricts competition among product manufacturers and can lead to higher product costs for schools and public agencies —something that in today's economic and budget environment should be of significant concern to your organization.

Pro-Link is a janitorial supply company that has both distributors and suppliers located in New York State. We are actively involved in selling products to your schools and other public facilities and we urge you to reconsider your decision to exclude DfE from your green cleaning guidelines. Not including DfE is the wrong decision for your facilities and the companies that do business in New York State.

Regards,  
Mike Nelson  
Vice President of Marketing  
Pro Link  
Canton, MA 02021 USA

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Comment #46

Gentlemen: I am writing to express my extreme displeasure at your proposed guidelines for use of Environmentally Sensitive Cleaning and Maintenance Products. Your Exclusion of DfE approved products absolutely makes no sense to me and many other manufacturers of "Green" cleaning and maintenance products. We believe the superior chemistry requirements of DfE's prodacol should warrant inclusion in your specs.

As a national manufacturer with a plant in your state, it is especially irksome since no only are DfE approved products generally superior, but they are also more often than, cheaper!

I would greatly appreciate your consideration to amend your guidelines to include DfE.

Sincerely,

John F. Daley, President  
J.F. Daley International, Ltd

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#### Comment #47

In general, ISSA is supportive of the Draft Revision; however, we do have one major recommendation. We urge the New York State Office of General Services (OGS) to incorporate by reference the U.S. EPA Design for the Environment Safer Product Labeling Program (formerly the Formulator Program and hereinafter referred to as "DfE") in addition to the currently referenced Green Seal and EcoLogo programs.

Specifically, ISSA strongly encourages OGS to recognize as "environmentally sensitive" those cleaning products that are in turn recognized by DfE under the Safer Product Labeling Program for the purpose of implementing New York State's green cleaning programs for schools and state agencies. At the present the DfE Safer Product Labeling Program covers cleaning products including, but not limited to, glass cleaners, general purpose cleaners, washroom cleaners, carpet cleaners, and graffiti removers.

Our rationale for seeking recognition of the DfE program is set forth below for your review and consideration. While we have set forth numerous reasons in support of DfE, it is important to note at the onset that the most compelling reason resides in the substantial improvements DfE has made to the program in the past year as well as those that will occur by the end of 2009.

**A. Transparency of DfE Criteria.** In June 2009, DfE published "EPA's DfE Standard for Safer Cleaning Products" for the purpose of making DfE criteria for recognition under the DfE Safer Product Labeling Program more transparent and accessible. This document is posted to DfE's website at the following URL:

[http://www.epa.gov/dfe/pubs/projects/formulat/dfe\\_criteria\\_for\\_cleaning\\_products\\_10\\_09.pdf](http://www.epa.gov/dfe/pubs/projects/formulat/dfe_criteria_for_cleaning_products_10_09.pdf)

A group convened under the Green Chemistry and Commerce Council (GC3) provided guidance to DfE for the development of this document to ensure that it accurately reflects the criteria employed by DfE in reviewing cleaning products for recognition under the Safer Product Labeling Program. The committee convened by GC3 for this purpose included representatives of industry, non-governmental organizations, and others with an interest in promoting green chemistry through DfE.

EPA's DfE Standard for Safer Cleaning Products clearly articulates the criteria used by DfE as well as provides a general orientation of the approach it takes in recognizing cleaning products with a preferred environmental and safety and health profile.

A review of the DfE Standard reveals that the DfE review is especially discriminating and protective because of its assessment methodology and its technical review team. The DfE technical review team has many years of experience and is highly skilled at assessing chemical hazards, applying predictive tools, and identifying safer substitutes for chemicals of concern. The review team applies the DfE assessment methodology by carefully reviewing every product ingredient. (The review includes all chemicals, including those in proprietary raw material blends, which supplier companies share with DfE in confidentiality). Of particular interest:

- *DfE reviews provide an extra measure of protection.* DfE uncovers chemicals of concern that can be masked by raw material blends or by dilution in water. By focusing at the ingredient level and on inherent characteristics, DfE is able to carefully scrutinize formulations and make meaningful calls on potential concerns. For example, a surfactant that is acutely toxic to aquatic organisms and environmentally persistent can appear to pose a low concern when blended with other less toxic and less persistent surfactants. Similarly, water, typically the largest percentage ingredient even in concentrates, can mask the toxicity of a hazardous chemical.

- *DfE uses its expert knowledge and predictive tools to supplement lists of chemicals of concern.* Few chemicals in commerce have been completely characterized, especially for chronic effects, like cancer and developmental toxicity. For this reason, lists of chemicals with these effects can only be considered a work in progress. DfE uses its knowledge of the structural similarities between chemicals and its predictive models to flag ingredients with similar potential effects.
- *DfE spots negative synergies between product components.* These potentially dangerous chemical combinations, which occur with surprising frequency in cleaning products, pose concerns for both acute and longer-term effects. For example, mixing nitro-containing compounds with amines will create nitrosamines, potent carcinogens.
- *DfE screens all ingredients for chemicals that may present serious health or environmental effects.* This screening includes ingredients used in small percentages, like fragrances and dyes. Some of the chemicals of most potential concern in cleaning products are those used in small concentrations. Chemicals of concern include sensitizers, carcinogens, and environmentally toxic and persistent compounds. Small quantities don't necessarily mean small hazards: a person, once sensitized to a chemical, can have an allergic response even if exposed at minute levels.
- *DfE recommends safer substitutes for chemicals of concern.* The DfE program requires participants to continuously improve the environmental and safety and health profile of their products through innovation. The DfE program works directly with EPA's Green Chemistry specialists to identify and recommend safer chemicals to its partners, continuously raising the bar and redefining the meaning of environmentally preferable products. DfE helps partners by sharing information and guiding the development of safer products.

In addition, it is important to note that the EPA's DfE Standard for Safer Cleaning Products addresses the following subjects:

- *Asthmagens.* The DfE screening process prohibits ingredients that are asthmagens and respiratory sensitizers.
- *Product Performance.* The DfE criteria require that cleaning products perform their function effectively in a manner comparable to the approaches taken by Green Seal and EcoLogo.
- *Employee Training.* A key component of the DfE criteria is employee training.
- *Other.* The DfE criteria also address product packaging and labeling in a manner similar to other ecolabeling programs.

**B. Audits.** On October 28, 2009 DfE proposed a number of improvements to its current criteria, which, among other things, includes verification of product compliance with the criteria through an audit process.

The DfE Program will use an audit process to ensure that recognized products satisfy the DfE criteria and the terms of the Partnership Agreement, with appropriate auditing of manufacturing processes to ensure product integrity. DfE will use a combination of two audit types: On-site audits, conducted once per three-year partnership period, and annual desk audits.

These audit requirements will apply to all DfE Partners, their licensees and toll manufacturers and will be added to individual partnership agreements, as well as the DfE Criteria. These provisions are expected to be effective by the end of 2009. For existing partnerships, the audit provisions will be added to the partnership agreement at the time of renewal (within 3 years).

*Annual desk audit.* DfE partners will submit to the third-party verifier specified materials. These materials will include a list of ingredients for each recognized product and a statement that the ingredients and all claims made regarding the Agency's recognition (e.g. use of the DfE logo) comport with the Partnership Agreement.

*On-site audit.* DfE partners will allow the third-party verifier to visit their manufacturing facilities and conduct audits. The audit will focus on the manufacturing process and the procedures in place to ensure that recognized products comport with the Partnership Agreement.

If a single facility produces a recognized product, that facility will be subject to a site audit once per three-year partnership period. If multiple facilities produce a recognized product, two sites will be selected for an audit once per three-year partnership period. Licensees and toll manufacturers are subject to the same rules as primary partners and their facilities will be considered separately from the facilities of the primary partner.

*External verifier.* An external verifier—a person or body carrying out the verification—will conduct the site visits or paper audits. The external verifier must meet specified criteria for including the competencies for external verifiers for products set forth in ISO/IEC Guide 65: General criteria for bodies operating product certification systems. An external verifier must be free of any potential conflicts of interest.

*Results.* If the audit reveals items of noncompliance, the partner will be required to promptly correct the noncompliance. The noncompliant company shall submit to the external verifier and to DfE, in writing and within 30 days of receiving written notice of noncompliance, the following: a root-cause analysis, an explanation of corrective action, and a preventive action plan. In collaboration with DfE, the external verifier shall confirm that the partner has taken the remedial action necessary to assure DfE of the partner's ability to satisfy the terms of the partnership agreement. Unaddressed or egregious noncompliance may serve as grounds for terminating the partnership. In any case of serious noncompliance, the DfE partner may be asked to immediately cease use of the DfE logo; procedures for handling existing stocks of products and labels will be determined on a case-by-case basis. The noncompliant partner must provide written confirmation that they have ceased using the DfE logo and an estimate of the quantities of currently labeled product.

**C. Pilot Program for DfE Recognition of Disinfectants and Sanitizers.** The U.S. EPA Office of Pesticide Programs (OPP) will soon launch a pilot program that will recognize disinfectants and sanitizers with a preferred environmental and safety and health profile. In so doing, OPP has elected to work with DfE as the exclusive third party reviewer that will recognize such disinfectants and sanitizers. OPP's selection of DfE in this regard is a testament to the fact that the DfE program is a valid, credible, scientifically sound program that serves to effectively recognize environmentally preferable cleaning products.

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), all disinfectants and sanitizers must be registered by OPP as a legal prerequisite to their lawful manufacture and sale. The OPP registration process requires that disinfectants and sanitizers undergo a stringent review of their efficacy as well as their environmental and safety and health impacts. By far, disinfectants and sanitizers are held to the highest level of scrutiny compared to any other product category in the cleaning industry. The fact that OPP has chosen to work with DfE, in and of itself, speaks volumes for the integrity and validity of the DfE program, and their competency in recognizing products that are truly environmentally preferable.

**D. State Green Cleaning Procurement Policies.** More and more state governments are recognizing the DfE program as highly competent in identifying and otherwise recognizing cleaning products as

environmentally preferable. This growing recognition on the state level is further indicia of the DfE program as a credible and valid mechanism for selecting “green cleaning” products with an assurance that they truly possess a preferred environmental and safety and health profile.

A growing number of states have implemented green cleaning procurement policies of one nature or another. In recent years, the trend amongst these states has been to adopt policies that define “green cleaning products” based on recognition by DfE in addition to Green Seal and EcoLogo. Specifically, the following states rely on the DfE program, in addition to other programs, in identifying environmentally preferable cleaning products:

- Illinois
- Maine
- Maryland
- Missouri
- New Jersey
- Oregon
- Washington

These states have thoroughly reviewed the DfE program and have concluded that it is a credible, valid system for qualifying green cleaning products. Further there have been no issues or problems that have surfaced because of their reliance on the DfE program. The successful implementation of green cleaning programs by the aforementioned states attests to DfE’s competency in this arena. We respectfully submit that this history of reliance on DfE provides a foundation for the adoption of DfE by New York State in the implementation of its green cleaning programs.

Bill Balek

Director of Legislative Affairs

ISSA

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Comment #48

The Green Cleaning Network would like to encourage NYS OGS to now add the US Environmental Protection Agency’s *Design for the Environment Program* (EPA DfE). During our technical evaluations of the EPA DfE program, we believe that EPA DfE has made significant improvements regarding the transparency of their standard, the inclusion of NGOs and other interested parties in addition to industry in the actual standard development process to insure that it is protective to children’s health and the environment and not overly dominated by the interests of industry, as well as a new verification process that will insure that NYS schools and other entities can purchase these products with confidence. And what was once just a program that provided manufacturers with technical advice, has today become a viable program to aid purchasers as well.

While we recognize that DfE is a very complicated program that uses a very different approach to certification and standard-setting as compared to Green Seal or EcoLogo, but we believe that it fully meets the intent of your Guidelines. Today, EPA DfE delivers greener products which reduce impacts on children and other vulnerable population’s health and the environment as compared to traditional cleaning products.

Additionally, we believe that providing more options for NYS schools and other public facilities will also increase competition which historically has resulted in lower product pricing which would be beneficial

considering the financial difficulties that many schools districts are facing. And including EPA DfE would also help to reduce the need for manufacturers who would otherwise have to use the proposed process of “affidavits” / “alternative self-certification” provision would thereby reduce costs and evaluation efforts for both NYS OGS and manufacturers. Furthermore, EPA DfE is a program that has been adopted by other States such as Illinois and Missouri, and we anticipate that many more will follow in 2010.

Stephen P. Ashkin, Executive Director  
Green Cleaning Network  
3644 Tamarron Drive Bloomington, IN 4740

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#### Comment #49

As a specialist in assisting schools to transition to safer cleaning products, I applaud your decision not to include DfE in the new Green Cleaning Guidelines. Although DfE certified products will at some time be independently third-party certified, this is not the case to date. I recommend waiting until we are confident that these product do truly meet a higher standard before we include them in any purchasing programs.

Best,

Carol Westinghouse  
President  
Informed Green Solutions, Inc.

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#### Comment #50

We are deeply concerned that the Draft Guidelines and Specifications for the Procurement and Use of Environmentally Sensitive Cleaning and Maintenance Products does not include the EPA's Design for the Environment (DfE) program.

This will make it difficult for DfE partners and suppliers to supply products to these entities, reducing options for purchasers and eliminating a valuable program that continues to develop vital tools to help solve complex problems such as childhood asthma and other health & environmental issues.

#### **Some important reasons to included and support Design for the Environment (DfE) are:**

- DfE now has a clear and transparent standard and in fact the DfE process is equal to and in some cases superior to other ecolabels in its ability to reduce exposures to children and other vulnerable populations, as well as to the environment. One specific example is the DfE screening process eliminates ingredients that are known asthmagens and sensitizers which is important to protecting children's health in a manner that is equal to, if not more stringent compared to the other ecolabeling programs which often rely on outdated and questionable lists of prohibited ingredients.

- DfE now has a system for product verification which we believe is superior to the other ecolabelers because it uses independent third-parties to do the verification, thus eliminating any potential or perceived conflict of interests between the standard setter and the verifier.
- DfE now includes very specific product performance requirements that are equal to, if not superior compared to other ecolabeling programs.
- DfE now includes requirements for appropriate product labeling and training on correct product usage, which is comparable to other ecolabeling programs.
- There is a precedent set by other States to include DfE along with the other eco-labelers for meeting the requirements of the Green Cleaning in Schools legislation (i.e. Illinois and Missouri).
- The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the “alternative self-certification” provision as currently contained within the Guidelines which would make it easier, faster and more cost effective for the State of New York to determine if the product meets the requirements.
- The inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for cleaning products for New York State schools, state agencies and public authorities.

For the important reasons above, please consider include the DfE program to the final rule.  
Thank you.

Sincerely,

James J. Keough Jr., VP Marketing

Triple S  
2 Executive Park Drive  
Billerica, MA 01862

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Comment #51

**We agree with state’s decision not to include products with an EPA Design for the**

**Environment (DfE) label.** After considerable research and many conversations between DfE and colleagues over the last two years, we deeply value DfE’s primary role as an innovative and voluntary corporate technical assistance program to advance safer chemical products. In a twist though, DfE advocates and industry groups are increasingly advocating that DfE does not merely “recognize” products and manufacturers, but that DfE is an actual certifier of products that should be included in public agency purchasing contracts and in state policies. Public agency purchasers and public interest groups are pushing back.

Advocates of DfE have also suggested that “DfE is adopted by many states” designating green cleaning products.” This is not accurate to my knowledge. At this writing, Illinois is the only state that has adopted the DfE-label in addition to Green Seal and Eco-Logo to implement state law requiring green cleaning products used in schools. DfE is one of several programs that may be considered by state and local education officials under both Maryland and Missouri laws - laws supported by industry

associations. Connecticut law does not include DfE, and the Hawai'i legislature overrode a governor's veto; the override had the effect of excluding DfE from state purchasing lists. Public interest-supported bills introduced in California, Minnesota, Massachusetts, and Vermont do not cite DfE Claims that DfE is a certifier. DfE does not verify the ingredients in the products that it allows to display its label. DfE specifically states on its web and in its template company partnership agreement that it does not endorse products and relies solely on manufacturers for detailed product information.

"6.1.2 Use of the DfE logo must be accompanied by the following informational tag line, in close proximity to the logo: "Recognized for Safer Chemistry". The tag line should also include the EPA web address.... Additionally, the partner shall include in advertising of the Qualifying Products an **endorsement disclaimer** (*emphasis added*) and various educational information for the consumer regarding the DfE partnership.... EPA/DfE recognition does not constitute endorsement of this product....EPA/DfE relies solely on (company name), its integrity and good faith, for information on the composition, ingredients, and attributes of this product...." The disclaimer is also to be on the manufacturers' web site.

Source: EPA's DfE Criteria for Safer Cleaning Products (CSCP) in the

Form of a Standard (June 29, 2009, p 14, revised from same document issued in early June 2009. The text excerpted above also appears on p 16 of the most current version of CSCP that is open for public comments due November 30, 2009 (*accessed 11/17/09*)). It appears that there have been four slightly different Criteria for Safer Cleaning Products issued in 2009, as the track changes version of the current version online contains track-changes strike-outs of text that are not present in the June 29th version.

DfE is also on thin ice when it comes to transparency. We appreciate that DfE is working hard to reach more industry partners and advance more innovative chemistry. But the question is whether DfE is 'transparent' in its setting of criteria, open in its call for all stakeholders, and open about other decisionmaking procedures and processes. DfE's convening of a "transparency committee", as it did within the last year, to draft up its flexible chemical ingredient criteria as if they were written as a standard does not mean the resulting document in is a "transparent standard". However, posted to the DfE website is the following request for public comment on the newest version of the cleaning product criteria:

EPA is requesting comments on proposed enhancements to its Standard for Safer Cleaning Products (*accessed 11/17/09*). Opening up the link, it leads to another DfE link called "a full criteria document" that when opened is:

*"EPA's DfE Standard for Safer Cleaning Products (SSCP) June 2009:*

*This document was developed with the purpose of making DfE criteria for recognition under the EPA Formulator Program more transparent and accessible. A group convened under the Green Chemistry and Commerce Council provided guidance to*

*DfE for the development of this document to ensure that it would communicate well to its intended audience.”*

DfE criteria are not developed by consensus among key stakeholders DfE does not have an open call for stakeholders, and thus is cannot state that is has consensus among key or even all stakeholders. It is impossible to tell since the screening development process has not been transparent. DfE has indicated informally that the program decision about the content of screens that are developed are “nearly unanimous” (GPI, GSI). But critical to New York is that neither children’s environmental health, nor worker occupational health experts and advocates, have been at the table. Therefore, the degree of unanimity among a narrow set of stakeholders is of diminished value. Nor does DfE set comprehensive standards—It sets targeted but flexible criteria for different types of chemical ingredients, then discusses these criteria with manufacturers in an effort to help them reformulate products: this is consistent with DfE’s primary purpose of advancing safer substitutes in chemical products. Thus, DfE does not address recyclable packaging nor does it verify that cleaning products actually work.

This means that DfE now has a legacy list of DfE-labeled products that have not been verified, that may have been recognized for engaging on different criteria, that may not work, and that will not necessarily meet life-cycle standards. New York’s children and personnel deserve better. DfE’s label “Recognized for Safer Chemistry” is also questionable in view FTC regulations regarding environmental marketing since DfE does not verify products that receive an EPA/DfE “recognition” label and it relies solely on manufacturers’ self-certifications. When the recognition label appears on actual products that are advertised in general interest magazines and sold in supermarkets, we believe it will mislead the ordinary shopper (or purchasing agent) into assuming the product has been vetted and is endorsed as safer by EPA. In contrast,

- Five paint and polyurethane removers manufactured under the W.W. Grainger ToughGuy line became DfE-recognized in February 2009.
- All of these products contain n-Methyl-2-pyrrolidone.
- Green Seal prohibits all products it certifies from containing any of California’s Prop 65 reproductive toxins, DfE does not – making it a weaker standard on that score.

Claire L. Barnett, Executive Director  
HEALTHY SCHOOLS NETWORK, INC.

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Comment #52

**a. Exclusion of the EPA’s Design for the Environment (DfE) program and label.**

**1) Support to Exclude DfE based on Direct Contracting Experience**

While OSD and the Massachusetts EPP Program appreciates the efforts made by DfE to provide a technical assistance aimed at promoting the manufacturer and use of safer chemicals, we 100% support NYS’s current position of not including the DfE label into the current Green Purchasing

Guidelines. The decision to do the same under the current (MA) multi-state contract mentioned above was not made lightly, but it was made unanimously throughout all participating states after several months of research and discussion for the following reasons:

- Massachusetts went through an extensive research process in preparation of the current contract that started with a Request for Information (RFI) in November, 2008 the RFI went out to a large audience across the northeast that included vendors (manufacturers as well as distributors) as well as institutional buyers and other contract users. Based on the feedback garnered from the RFI, three key elements (among others) became very clear:
  - i. Most vendors could offer either Green Seal or EcoLogo certified products. Thus, the bidder pool would not be compromised or inordinately reduced by making such a requirement;
  - ii. Purchasers did not have the expertise to analyze products themselves, nor did they have the funding to contract out for such services, so a credible independent certification was needed to provide assurances on many levels;
  - iii. As a result of prior experiences with lower performing green cleaners, accurate performance testing data was determined to be an important component of any certification in order to more easily transition to green practices and products.
- However, the research did not stop there. OSD formed a procurement team of 15 people from state agencies, public schools, department of public health, technical consultant in the field of chemistry and green cleaning and two representatives from related non-profits. Each individual brought experience and information from their areas to discuss everything from current products used (green and otherwise), concerns, challenges and other issues. In addition, OSD conducted outreach to other local and state governments to glean additional information on products, vendors and issues related to cleaning chemicals, training and practices.
- OSD and selected team members also participated on a webinar that featured DfE spokesperson Clive Davies to describe the DfE program and label. Without going into all the detail discussed at that session, the bottom line was that DfE admittedly was not on equal footing with the Green Seal and EcoLogo standards, but they stated that they were working towards that goal.
- As a result, in an effort to leave the door open for DfE once they do reach their goal of an equal alternative standard, MA included language in the current contract that states "As new products and environmental standards become available, the PMT [procurement management team] reserves the right to consider these alternatives..." This enables us to revisit DfE or any upcoming standard and potentially include it as part of the contract without having to officially reopen the contract. This type of language is particularly important to maintain efficient yet effective contract management in the face of short staff and limited budgets.

## **2) Support to Exclude DfE based on Process Comparisons to Third-Party Certifiers.**

- In an effort to reduce redundancy in your reading material, I am attaching a document that appears to me to represent a credible and thorough study of the question "How does DfE compare to Green Seal and EcoLogo?" The data presented in the document primarily references Green Seal, but parallels can be made to the EcoLogo program as well in certain

instances. The document, compiled and written by the Green Purchasing Institute and Green Schools Initiative, is a DRAFT Discussion Paper titled *Definitions of Certified Green Cleaners: EPA's DfE Program and Compliance with California's AB 821 Requirements*, dated Sept. 14, 2009. I have attached it for your review and encourage you to read the entire work to better understand the details and rationale presented in this paper. I am also attaching a document prepared by the same two groups that looked specifically at cost comparisons of green to conventional products as well as a checklist comparison. (Three attachments altogether).

### **3) Rebuttal to Statements made in support of DfE.**

Recently there have been some statements made via listservs, websites and other communications in support of DfE that, in my opinion, are not accurate. For purposes of this comment phase I have included just a few and the name of the source is omitted; but if required that can be provided.

*Claim: Excluding DfE will reduce options for purchasers.* The only options that may be eliminated will be those that cannot provide the assurances and safeguards of a third-party certified process. In the MA contracting process, 40 companies bid and 18 were eventually awarded after a rigorous evaluation process. The 18 awarded companies offer products from over two dozen manufacturers, including smaller local formulators as well as the big industry players such as Ecolab, Hillyard, Spartan, 3M, Butchers, and many others. In addition there are literally hundreds of products across multiple categories – all purpose/general purpose cleaners, glass, restroom and carpet cleaners, floor care systems, hand soaps, appliance cleaners, degreasers, graffiti removers, dish and dish washer cleaners, urinal blocks, odor control, boat, bilge and vehicle cleaners and enzymatic/digesters. All are third-party certified by either Green Seal or EcoLogo.

*Claim: DfE now includes very specific product performance requirements that are at least equal to other ecolabeling programs.* Although product performance requirements are now *more* specific in the DfE process, they are not equal to that of other ecolabeling programs such as Green Seal. For example:

- DfE does not specifically limit VOCs beyond the Federal Clean Air Act while Green Seal's GS-37, as used in MA statewide contract FAC 59, limits the concentration of VOCs in its products (as used) to 1% by weight or less.
- DfE prohibits only phthalates of concern. Green Seal prohibits *all* phthalates.
- DfE *screens* optical brighteners. Green Seal *prohibits* optical brighteners.
- DfE "takes note of product flashpoint as appropriate and seeks to ensure low concerns for combustibility." Green Seal sets a nonnegotiable *limit* on product flashpoint of 150 degrees F.
- DfE *limits* reproductive toxins. Green Seal *prohibits* reproductive toxins.
- DfE does not require its institutional cleaning products (other than laundry products) to be concentrated. Green Seal requires all cleaners have specific dilution rates since concentrated cleaners reduce packaging and transportation impacts and save end-users money.
- DfE compares an ingredient's characteristics to other chemicals in the same class not to pre-established criteria.

*Claim: DfE now includes specific product labeling requirements and training on correct product usage.* To the product labeling claim - DfE has a registered trademark but not a legally protected certification mark. I am not an expert in this area, but as I understand it this means that DfE's trademark applies only to, or protects the rights of, a particular manufacturer's product and its unique identity for use in commerce. However, the trademark does not connote any level of compliance with any particular standard. On the other hand, Green Seal and EcoLogo both have a certification that demonstrates that the product in question complies with specified criteria designed to meet whatever the certification standard may be. Big difference.

On the training issue - DfE *encourages* that partners provide end consumers offer training on the proper use of the product (instructions on how to dilute, use and dispose of the product). Formulators of DfE-recognized products shall provide their end-user(s) with information on environmental, consumer, and worker safety matters. Green Seal's GS-37 specifically states that the product manufacturer, distributor, or a third party shall provide training materials on the proper use of the product. The training is further defined as:

- Step-by-step instructions on proper use, dilution, consequences of improper use and/or dilution, disposal, maintenance, personal protection requirements
- Product & equipment training
- MSDSs and technical data sheets
- All training materials are to be made available electronically and as hardcopy
- All training materials are to be made available in English and another language or English and graphical representation or icons in order to assist illiterate or non-English-speaking personnel

Again, a big difference.

*Claim: The inclusion of DfE would eliminate the need for some manufacturers to have to rely upon the use of the alternative self certification provision as currently contained in the NYS guidelines which would make it easier, faster and more cost effective for the state of New York to determine if the product meets the requirements.* Conversely, by accepting the DfE label, NYS will be significantly skewing the "level playing field" and making it easier, faster and more cost effective for the manufacturers to get their products in the door. If the mission of the NYS Guidelines is to benefit purchasers, the field of standards needs to be unmistakably level, or equal.

*Claim: The inclusion of DfE would add another compliance path and thus create more competition, which would help reduce the costs for cleaning products for New York State schools and public entities.* I believe this to be the biggest misstatement of them all. In my opinion, accepting DfE on par with Green Seal and EcoLogo **at this stage of the process (key point)** – when DfE is clearly not equal to the other ecolabeling and certification processes – would bring about the decline of the high quality certified products we have available to us today. Taking the position that NYS considers the three programs to be equal would reopen the door to the *greenwashing* that we have had some limited success in identifying and addressing over the past few years. This in itself would be a major step backwards.

Rationale for the statement: Fees paid to independent certifiers such as Green Seal and EcoLogo are typically higher than those charged by the independent testing partners within the DfE program. One reason for this may be the fact that Green Seal and EcoLogo are certifying products on both a formulation basis as well as conducting product testing. These two organizations also conduct on-site inspections and have the authority for facility/process audits at any given time. All are good reasons for charging a fee and all represent advantages for the purchaser. They also represent the foundation upon which a high level of credibility for the standard has been created.

But from the manufacturer's point of view:

- DfE is cheaper for manufacturers,
- DfE is less onerous since DfE and its partners are not "certifying" the products; they are relying on the documentation provided by the manufacturers on which to base their review;
- DfE is less onerous because on-site inspections and facility audits are very limited, if conducted at all,
- Thus, if a manufacturer is able to comply with state or contract specifications via a DfE label, why would they go to the trouble or expense of certifying with one of the third-party entities?

What could very well come to pass is that competition is not created, but squelched. As third-party certifications expire and are not renewed, the effectiveness of these labels in the marketplace will be severely diminished.

And on the reduction of cost issue, this process is already in full swing as our multi-state pricing is evidencing in many areas. As green cleaning continues to grow throughout the region and the country, competition will increase and these prices should only get better.

Recognize the important progress made to date by the EPA's DfE Program, encourage them to continue along that path, and leave the door open through language in the Guidelines that will allow for reconsideration at such time when the proposed standard is complete. It appears that a key reason for the current push and aggressive lobbying to accept DfE at this juncture is that the DfE partners / manufacturers, are fearful of being left out of NYS purchasing for another five years or until the Guidelines conduct another formal review. If NYS can insert some flexibility into the language of the Guidelines that would allow for consideration at an earlier stage, it should provide a measure of reassurance to the DfE partners as well as an incentive to continue to improve the process toward the goal of a truly transparent, credible, high-performing standard. Although this process could require a year or more of work on the part of DfE, the end result has a greater chance to produce a standard that will better serve the citizens of NYS and the country.

An example of such language to be inserted into the Guidelines may be:

"As programs such as the EPA's Design for the Environment (DfE) and/or other similar programs can adequately document that their processes for standard setting and product certification (with respects to environmental attributes and cleaning performance) are at least equal to the

third-party standards currently accepted and recognized by the State of New York, the state reserves the right to consider these alternative programs for inclusion in the Guidelines as they become available." Or, it may be something as simple as "NYS reserves the right to accept other equal standards within the scope of the Guidelines as they become available and have been approved by NYS for inclusion." (Note that the actual process of such acceptance is left open).

**Cautionary Comment:** If the DfE label is accepted in the form it is today, or in the form that is being "promised to us" today by DfE supporters (who in essence are admitting that it's not there yet), then NYS, unfortunately, will only be leading the country into losing the critical leverage we now possess to bring about a better standard. Like it or not, the industry is using NYS as the barometer for things to come. Massachusetts had to ban with several other cities and states back in 2002 to send a message with that much clout; NYS has the size and the strength to send that message all by itself.

On behalf of so many people across the country who continue to work very hard to raise the bar on green cleaners and green purchasing in general for the purpose of improving conditions for future generations, I respectfully ask that NYS use its power wisely. Don't give away the leverage we now possess as a collective government body to continue to move this industry toward the highest reasonable ground possible. Don't skew the playing field.

We have price competitive, high quality, high performing products available to us now that carry a third-party certification. These will only get better and cheaper if we continue to hold the bar where it is. The introduction of all sorts of new chemical free technologies should be some testament to that. Some industry innovators are already moving away from chemicals completely for certain applications. Your leadership and ability to hold the line with the NYS Guidelines document and continue to exclude DfE until it gains acceptance through the same process required of other standards is critical. Thank you for your consideration of this recommendation.

**Marcia Deegler**

Director of Environmental Purchasing  
Operational Services Division  
One Ashburton Place, Room 1017  
Boston, MA 02108-1552

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Comment #53

Having multiple standards helps drive healthy competition in setting appropriate guidelines and can reduce fees. To that end, we advocate NY State's inclusion of Design for Environment in its new EPP guidelines. Design for Environment has several characteristics which make it a desirable, legitimate ecolabel for use, including:

*Transparency*

- We believe that DfE is a credible, workable ecolabeling program. DfE has a clear and transparent standard. Via the certification process, we believe that DfE process has the equivalent ability to reduce exposures to children and other vulnerable populations, as well as to the environment.

One specific example is that the DfE screening process eliminates ingredients that are known asthmagens and sensitizers, an important component to protecting children's health in an a manner that can be more stringent compared to other ecolabeling programs, which may rely on outdated and questionable lists of prohibited ingredients.

#### *Legitimacy*

- Design for Environment is connected to the US EPA. This program gathers hazard information on chemical ingredients and works with the Office of Pollution Prevention and Toxics' (OPPT) science experts to assess this information and compares the relative hazards of chemicals. We believe the EPA is the most legitimate entity for administering an ecolabel program, as it limits conflict of interest issues based on registration fees to NGOs. Their use of an independent third party lab to do the verification supports this. Further, DfE is supported by EPA's top scientists. This strength is absent at both Green Seal and EcoLogo.
- Like other ecolabeling programs, DfE includes very specific product performance requirements that are equal or superior to other ecolabeling programs.
- Like other ecolabeling programs, DfE now includes that manufacturers provide appropriate product labeling and training on correct product usage, which is critical for creating healthy buildings.

#### *Adoption Expansion*

- There is a precedent set by other states to include DfE along with the other ecolabels for meeting the requirements of Green Cleaning in Schools legislation. This includes Illinois, Missouri, and Maryland.
- DfE provides an additional compliance path and drives competition in the ecolabel space. This competition can help reduce the costs of cleaning products for New York State schools, state agencies and public authorities. In the absence of a national standard set at the federal level, it also helps drive healthy innovation among ecolabels, which can ensure flexibility and transparency in the future.

Sincerely,

Martha R. Macy-Ruhe

Product Safety & Regulatory Affairs  
P&G Household Care GBU  
The Procter & Gamble Company  
5299 Spring Grove Ave  
Cincinnati, OH

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#### Comment #54

My comments are related specifically to the issue of including U.S. EPA's DfE label into the definition of a "green cleaning product." I am sure your group has received a number of requests to recognize DfE as essentially equal to Green Seal and EcoLogo. I would strongly advise against that for the following reasons:

- **There is no “new and improved DfE” to speak of.** The claims that DfE is essentially equal to the above-mentioned third-party certifications are based on the U.S. EPA’s **promise** that the “new and improved DfE” they are working on will be equal to the competing standards. Indeed, the “new DfE” standard is in development, which is to say that it is not finished. DfE, as it actually exists now, is not even a standard - it is a recognition program for manufacturers.
- **There is no way to tell what the “new DfE” will look like when it becomes available.** Supporters of including “new DfE” in the green cleaning guidelines assume that the current draft standard open for public comment will remain essentially unchanged when it is finalized. My assumption is that changes are inevitable, and that (in addition to requests to strengthen the draft standard) DfE will also receive requests to make the final standard less challenging.
- **Even the current draft of the “new DfE” is inferior to existing third-party standards.** I am aware of a number of organizations submitting detailed comparative analyses of the draft DfE standard and the existing third-party standards. Even assuming that the draft DfE standard remains unchanged, it will not be comparable to Green Seal and EcoLogo.
- **There is no way to tell when the “new DfE” will become available.** There is no guarantee that the release of the final DfE standard could not be delayed.
- **There are no “new DfE” products – only products developed based on the old DfE process.** The DfE label is currently carried by hundreds, if not thousands, of products. These products, developed and “recognized” by the EPA under the old DfE guidelines are the only DfE products available in the marketplace today. There is no way to compare them to the “new DfE” standard or to any third-party standard. In fact, the draft DfE standard does not give purchasers the ability to distinguish between the products that comply with the old and new versions.
- **There is no lack of products certified through Green Seal and EcoLogo.** The number of bids we received for the multistate green cleaning contract has shown us that there is no lack of third-party certified products. Contract users are comfortable with the quality, price and availability of those products. If DfE ceased to exist our contract users would not notice the difference.

**As a purchasing professional, I am required to question the claims made by those who sell things – products, services, specifications, standards.** I believe that this principle should apply to the promises made by the DfE program. If someone came to me and said, “I have an inferior product now, but I want you to start buying it because I can promise improvements in the future,” I would ask them to talk to me when the improvements actually take place. As you develop purchasing guidelines for your state, I ask that you adopt the purchaser’s mindset and use only the third-party standards that (a) exist in a finalized form and (b) have certified products associated with them. You may leave yourself an opportunity to recognize DfE later, if its promises become a reality. Ask them to contact you when they can give you what their competitors are already delivering today.

Dmitriy Nikolayev

Procurement Manager  
 Facilities and Environmental Services  
 Operational Services Division  
 Commonwealth of Massachusetts  
 One Ashburton Place, Room 1017

Boston, MA 02108

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Comment #55

We are writing to recommend the inclusion of the products recognized by the US Environmental Protection Agency's Design for the Environment (DfE) Program in the New York State's Green Cleaning Program. The DfE Program provides stringent screening of product ingredients that is protective of human health and the environment. The DfE scientific review team evaluates every ingredient, regardless of the amount or concentration, for potential human health and environmental effects across a comprehensive set of endpoints. For example, for products with fragrances, DfE evaluates every chemical in the fragrance. We believe that the EPA Design for the Environment Program recognizes products that are preferable from both a human and environmental health perspective. Products recognized by DfE are more than worthy of inclusion in the NY State's Green Cleaning Program. The exclusion of such products not only limits the options for purchasers, both in terms of the scope of product categories and the number of options within each category, but it could limit Advances in green chemistry and product formulation.

Sincerely,

Cal Baier-Anderson, Ph.D.

Senior Health Scientist  
Environmental Defense Fund  
Lauren Heine, Ph.D.  
Science Director  
Clean Production Action  
Submitted via e-mail

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Comment #56

The consensus and science-based certification agencies which are the basis for the general cleaning product standards are the only current method available providing independent third-party certification. We do not support using the EPA's Design for the Environment since they do not independently verify the ingredients in the products meet their standards.

As suggested by Healthy Schools Network (HSN), we agree that OGS should have an "independent certification" process vs. a "self-certification" process for products not certified by GS or EcoLogo. HSN's proposed process will help small manufacturers in particular who have good products but are without GS or EcoLogo certification. They could still get on the approved products list, ingredients would be known and "green washing" prevented.

Wendy S. Hord

Comment #57

The attention you have given to the potential human

health and environmental concerns associated with cleaning products and the influence you have had with other state and institutional purchasers is praiseworthy.

It is in part because of your leadership role in encouraging the development and procurement of safer cleaners that I feel it is important to comment on one aspect of the guidelines that represents a significant oversight, namely, not including labeling by the EPA Design for the Environment (DfE) Program among the labels that would qualify a product for green status. The DfE Safer Product Labeling Program, part of the Office of Pollution Prevention and Toxics (OPPT), which I lead, merits inclusion in your guidelines.

I believe this federal government program is unique among ecolabels in its product review methodology, which evaluates every individual chemical in a product to ensure that it contains the safest possible ingredients. Owing to the chemistry, toxicological, ecological, engineering and related expertise of OPPT, the program is able to look beyond lists of chemicals of concern and to use chemical modeling and analysis to ensure that DfE-labeled products not only contain no known chemicals of concern but none that are structurally related to these problematic chemicals as well. This focus and methodology would seem to be especially valuable for your guidelines since they address cleaning products used in schools.

Since you last published your guidelines, the DfE Program has addressed comments provided by OGS officials and enhanced several aspects of its operations. These changes—related to transparency, management capacity, and oversight—have improved the public's understanding of the program, its ability to meet the growing demand for its services, and the way it will further ensure the quality and integrity of labeled products.

Regarding transparency, DfE worked with a diverse group of stakeholders—from environmental and children's health advocates to product manufacturers and raw material suppliers—to assemble the DfE Standard for Safer Cleaning Products, which is now publicly available on the DfE Web site. I have attached a copy to this letter. Also on the site are DfE's Safer Ingredient Criteria that form an integral part of the standard. These criteria define what constitutes a safer ingredient within the various component classes used to formulate cleaning products (surfactants, solvents, etc.) and require that a broad array of health and environmental endpoints be addressed and key toxicity thresholds met for product certification. Our master criteria document, on which all the other criteria are based, is attached as a reference. The cleaning product standard also contains requirements for whole product attributes, product performance, packaging, use of the DfE mark, and other relevant elements. (A list of Web site references appears at the end of

my letter.)

To enhance our ability to manage demand for the program, DfE has qualified an additional third-party to research formulations that are candidates for certification and profile them against the DfE standard. We now have two qualified third parties—NSF, International and ToxServies, LLC—both meet International Standards Organization (ISO) best practices criteria and are fully equipped to satisfy the demands and quality requirements of DfE chemical profiling. The third parties ensure that the DfE review process is broadly available and conducted in a timely fashion. Following third party review and whatever reformulation is required to meet our standard, products must pass through an internal EPA review before being approved for affixing the DfE mark.

In terms of oversight, DfE has proposed to add provisions to its cleaning product standard for audits (see Enhancements to the DfE Standard for Safer Cleaning Products, attached), which will provide extra assurance that DfE-labeled products fully achieve their sustainability benchmarks. The provisions include an annual desk audit for each labeled product and a triennial on-site audit to review manufacturing processes and quality control practices. All auditors will follow a

detailed auditing protocol and have ISO credentials.

In addition to the merits of DfE product labeling, I would like to point out several collateral advantages of including the program in your guidelines: It would align New York with other states, like Illinois and Missouri, that have green cleaning requirements for schools and include DfE; it would make it possible for some manufacturers to forego the alternative self-certification provisions, which are doubtless very time consuming to comply with and administer; and, it might lower the cost of compliance for manufacturers by offering another option for product certification.

To conclude, I feel strongly that the DfE Program provides New York State an opportunity to strengthen its guidance for the purchase of cleaning products for schools and state agencies. The enhancements to the DfE Program have improved an historically rigorous product certification program, making it even more valuable to a purchasing program like New York State's. I recommend that you include the DfE Safer Product Labeling Program as a qualifying product certification in your guidelines for green purchasing. If you would like to discuss this matter further, please contact Robert Lee, Director of our Economics, Exposure and Technology Division, at 202-564-8770.

Sincerely,

Wendy Cleland-Hamnett

Acting Director

Office of Pollution Prevention and Toxics

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Comment #58

The second substantive non-change is OGS's continued exclusion of the U.S. EPA's Design for the Environment (DfE) program in determining the list of allowable green cleaning products. The discussions

of green labels in the guidelines were limited to a single sentence stating that Green Seal and EcoLogo were selected for “generally meeting the intent of the legislation to help schools select environmentally-sensitive cleaning and maintenance products.” It is our belief that U.S. EPA's Design for the Environment complies with this intent. DfE has made significant strides in the past two years by making changes in the areas of transparency and in the publishing of their product standards.

For reference, it wasn't until 2008 when HSC updated The Quick & Easy Guide to Green Cleaning in Schools and began to include DfE in our recommendations. We did this based on changes to the DfE program that improved its transparency and efforts to create a documented standard: two areas where DfE is continuing to make necessary improvements. But most importantly, we made this change because we believe that the DfE program is one that helps schools select environmentally-sensitive cleaning and maintenance products and one that makes products healthier for the students and staff in schools.

In short, Healthy Schools Campaign generally supports the changes to the Guidelines and Specifications for the Procurement and Use of Environmentally Sensitive Cleaning and Maintenance Products for All Public and Non Public Elementary and Secondary Schools in New York State. However, we are disappointed that the U.S. EPA's Design for the Environment program was not included.

Regards,

Mark Bishop  
Deputy Director  
Healthy Schools Campaign  
175 N. Franklin, Suite 300  
Chicago, IL 60606

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Comment #59

Georgia-Pacific respectfully suggests that there is a third ecolabelling standard that should be considered for the Hand Cleaners and Hand Soaps Approved Green Cleaning Products List, the EPA's own Design for the Environment (DfE) program, an independent, non-profit governmental organization that has no financial interest in the products that they certify or recommend, or in any manufacturer or company. Like the Green Seal and EcoLogo standards, EPA's DfE program is a standard with clearly defined criteria for the evaluation of ingredients to determine those of a green cleaning quality that are safer for children and protect the environment. If a product has a DfE logo, it means that each ingredient in the product has been evaluated for potential human health and environmental effects by experts using existing information on the toxicity of the ingredients, EPA predictive models, and global standards, like the United Nation's Globally Harmonized System (GHS). Products with the DfE logo are considered best in its class because ingredients are compared to other chemicals in the same class and only the safest products are approved to carry the DfE name. In addition, the DfE review goes an extra

step as compared to other ecolabelling programs by focusing on reviews at the ingredient level and by reviewing how ingredients react when mixed together, to determine if there are any negative synergies between product components.

The criteria for evaluating the ingredients includes using toxicological thresholds established by the United Nation's Globally Harmonized System (GHS) including respiratory sensitization and skin sensitization as well as employing environmental toxicity and fate criteria that is at a level comparable or superior to the criteria established in the Green Seal and EcoLogo standards. In addition, EPA is proposing enhancements to the DfE program to introduce a system of product verification that will use independent third parties to verify compliance with the criteria and thus eliminate any potential or perceived conflict of interests between the standard setter and the verifier.

Finally including DfE as a third ecolabelling program would eliminate the need for

some manufacturers to use the "Self Certification" criteria, which would make the process of reviewing the product easier, faster, and more cost effective for the State of New York to determine if the product meets the requirements. Creating another approved ecolabelling program would create more competition, which could potentially help reduce the cost of cleaning products for New York State schools, state agencies, and public authorities. We respectfully request consideration of the addition of the DfE program as an approved EcoLogo program for the Hand Cleaners and Hand Soaps Approved Green Cleaning Products List.

Sincerely,

Donna Sattler McRae

Georgia-Pacific LLC  
Atlanta, Georgia 30303

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Comment #60

Support to Exclude DfE based on Direct Contracting Experience

While we appreciate the efforts made by DfE to provide technical assistance aimed at promoting the manufacturer and use of safer chemicals, we strongly support NYS's current position of not including the DfE label into the current Green Purchasing Guidelines. The decision to do the same under the current (MA) multi-state contract mentioned above was not made lightly, but it was made unanimously throughout all participating states after several months of research and discussion for the following reasons:

- Massachusetts went through an extensive research process in preparation of the current contract that started with a Request for Information (RFI) in November, 2008 the RFI went out to a large audience across the northeast that included vendors (manufacturers as well as distributors) as well as institutional buyers and other contract users. Based on the feedback garnered from the RFI, three key elements (among others) became very clear:

- i. Most vendors could offer either Green Seal or EcoLogo certified products. Thus, the bidder pool would not be compromised or inordinately reduced by making such a requirement;
  - ii. Purchasers did not have the expertise to analyze products themselves, nor did they have the funding to contract out for such services, so a credible independent certification was needed to provide assurances on many levels;
  - iii. As a result of prior experiences with lower performing green cleaners, accurate performance testing data was determined to be an important component of any certification in order to more easily transition to green practices and products.
- o However, the research did not stop there. OSD formed a procurement team of 15 people from state agencies, public schools, department of public health, technical consultant in the field of chemistry and green cleaning and two representatives from related non-profits (MassCOSH was one of the non-profits). Each individual brought experience and information from their areas to discuss everything from current products used (green and otherwise), concerns, challenges and other issues. In addition, OSD conducted outreach to other local and state governments to glean additional information on products, vendors and issues related to cleaning chemicals, training and practices.
  - o MassCOSH, OSD and others also participated on a webinar that featured DfE spokesperson Clive Davies to describe the DfE program and label. DfE did not seem to be on equal footing with the Green Seal and EcoLogo standards, but they stated that they were working towards that goal.

As a result, in an effort to leave the door open for DfE once they do reach their goal of an equal alternative standard, MA included language in the current contract that states "As new products and environmental standards become available, the PMT [procurement management team] reserves the right to consider these alternatives..." This enables OSD to revisit DfE or any upcoming standard and potentially include it as part of the contract without having to officially reopen the contract. This type of language is particularly important to maintain efficient yet effective contract management in the face of short staff and limited budgets. Recognize the important progress made to date by the EPA's DfE Program, encourage them to continue along that path, and leave the door open through language in the Guidelines that will allow for reconsideration at such time when the proposed standard is complete. It appears that a key reason for the current push and aggressive lobbying to accept DfE at this juncture is that the DfE partners / manufacturers, are fearful of being left out of NYS purchasing for another five years or until the Guidelines conduct another formal review. If NYS can insert some flexibility into the language of the Guidelines that would allow for consideration at an earlier stage, it should provide a measure of reassurance to the DfE partners as well as an incentive to continue to improve the process toward the goal of a truly transparent, credible, high-performing standard. Although this process could require a year or more of work on the part of DfE, the end result has a greater chance to produce a standard that will better serve the citizens of NYS and the country.

An example of such language to be inserted into the Guidelines may be:

"As programs such as the EPA's Design for the Environment (DfE) and/or other similar programs can adequately document that their processes for standard setting and product certification (with respects to environmental attributes and cleaning performance) are at least equal to the third-party standards currently accepted and recognized by the State of New York, the state reserves

the right to consider these alternative programs for inclusion in the Guidelines as they become available." Or, it may be something as simple as "NYS reserves the right to accept other equal standards within the scope of the Guidelines as they become available and have been approved by NYS for inclusion." (Note that the actual process of such acceptance is left open).

Massachusetts Coalition for Occupational Safety and Health

42 Charles St. Suite F, Dorchester MA 02122

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Comment #61

While we appreciate the intent of the guidelines, we have concerns about the decision by OGS to rely on Green Seal and EcoLogo as the sole third-parties used to identify environmentally sensitive cleaning supplies. CSPA believes the U.S. Environmental Protection Agency's (EPA) Design for the Environment (DfE) formulator program should be included as a third option for qualifying environmentally sensitive cleaning and maintenance supplies.

There is no scientifically sound method for determining that a product is environmentally preferable overall, and there is no single universally accepted set of criteria to determine what constitutes "environmentally preferable". Therefore, OGS should recognize multiple sets of criteria so long as they are reputable and enforced by credible bodies.

The US Environmental Protection Agency's (EPA's) Design for the Environment (DfE) program, situated in the Office of Pollution Prevention and Toxics (OPPT), shares with NYS the goals of reducing the use of chemicals of concern. The program results in products that are environmentally safer and cost-competitive, as well as effective. While OGS previously declined to recognize the DfE program, citing a lack of transparency regarding the criteria products must meet, DfE has, since that time, made significant improvements to address those concerns.

One such change is the adoption of the DfE General Screen for Safer Ingredients in 2009. This screen serves as the primary tool in DfE's Product Recognition Program to advance green chemistry and to implement a policy of reasoned transition from a chemical of particular concern to safer or non-chemical alternatives. DfE uses this General Screen to review all product ingredients and their components when a customized screen is not available. In addition, DfE has developed its Standard for Safer Cleaning Products (SSCP), the purpose of which is to make the program's criteria for recognition in the Formulator Program more transparent. Among the specific measures discussed in the SSCP are provisions for a combination of two types of audits to ensure that the products recognized by the program satisfy the DfE criteria and meet the terms of the Partnership Agreement. On-site audits will

occur once during every three year partnership cycle. Desk audits will be conducted annually. The addition of these audit provisions enables the program to verify compliance.

DfE has released a document detailing its approach to product formulation and how it decides which products meet its standards. In addition to the screens developed with the assistance of The Green Chemistry and Commerce Council based at the University of Massachusetts – Lowell, and published by DfE, a list of recognized products has been made available on the DfE website. DfE has also received support from a broad array of scientists and groups, including Dr. Joel Tickner of the Lowell Center for Sustainable Production and the Massachusetts Toxic Use Reduction Institute.

2 Design for the Environment Formulator Program Elements: *A Discriminating and Protective Approach to Cleaning Product Review and Recognition*. See:

[http://www.epa.gov/dfe/pubs/formulat/formulator\\_review1.pdf](http://www.epa.gov/dfe/pubs/formulat/formulator_review1.pdf)

3 See: <http://www.epa.gov/dfe/pubs/projects/gfcp/index.htm>

4 See: <http://www.epa.gov/dfe/pubs/projects/formulat/formpart.htm>

5 See: [http://greenchemistryandcommerce.org/downloads/Final\\_Ltr.pdf](http://greenchemistryandcommerce.org/downloads/Final_Ltr.pdf)

Recognizing multiple certification entities promotes competition among the organizations administering each set of criteria. Certification entities compete to develop more innovative and stringent standards, to improve their review processes so as to move products to market more quickly, and to keep costs competitive. Businesses are then able to determine which certification entity best matches their own business model. Not only do the certifying organizations and product manufacturers benefit, but so do consumers as companies seek to maintain a competitive edge by developing better performing products that are more cost-competitive and more environmentally benign.

Furthermore, Section V A. of the draft guidelines states, “OGS identified the Green Seal, Inc. and EcoLogo certification processes as generally meeting the intent of the legislation to help schools select environmentally-sensitive cleaning and maintenance products.” A cornerstone of the DfE formulator program is to improve a product's environmental and human health profile. In order to bear the DfE logo, a manufacturer must demonstrate that its products are indeed environmentally sensitive and meet the stringent criteria laid out by DfE. For this reason, CSPA believes DfE also meets “the intent of the legislation to help schools select environmentally-sensitive cleaning and maintenance products,” and should thus be accepted under the guidelines.

Beth L. Law

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Vice President, International Affairs  
Consumer Specialty Products Association

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## Comment #62

Green Seal is aware that advocates for the Environmental Protection Agency's Design for the Environment (DfE) Program are encouraging OGS to also include products that have been recognized under a DfE partnership. The DfE Program originated as a technical assistance program to help industry design and formulate products with reduced environmental and health impacts. In recent years they have allowed the use of a DfE logo on product labels that have gone through its program, thus giving the appearance of being a certification program based on a standard. Although the DfE Program has recently proposed some enhancements, it still does not meet many of the recognized criteria for third-party certification programs.

- DfE is based on a set of screening criteria which change frequently (several times a year) without an open and transparent process to involve stakeholders.
- It is impossible for purchasers to know what version of the criteria any labeled DfE product meets, especially because a product undergoes re-evaluation only once every three years.
- A number of DfE criteria are not explicit but rely instead on EPA's expert judgment or on vague requirements (e.g., "DfE encourages the use of environmentally friendlier packaging, and asks partners to describe their efforts in this regard.").
- EPA is prohibited by regulation from endorsing products, but a label on a product is expressly an endorsement; this is also inconsistent with the Federal Trade Commission's Guides for the Use of Environmental Marketing Claims.
- There are a number of attributes of third-party environmental certification programs defined by ISO 14024 and EPA's own guidelines for purchasers that DfE does not meet.
- In several important respects the DfE screening criteria are less protective of health and the environment than existing private-sector standards.
- DfE has limited relevance to identifying environmentally preferable products for consumers and purchasers because it is not a life-cycle-based program. Life-cycle and field research<sup>1</sup> has shown that existing life-cycle-based programs (e.g., Green Seal) provide significant benefits.

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## Comment #63

NSF International would like to New York State Office of General Services to include the US Environmental Protection Agency's Design for the Environment Safer Product Recognition Program (DfE), the Guidelines for Green Cleaning section V. OGS Approved Green Cleaning Products List Standards. DfE recognizes safer product formulations for institutional and industrial cleaning products including degreasers, glass cleaners, floor care products, carpet care products, laundry detergents, automatic dishwasher detergents, graffiti removers and others.

DfE uses clear and transparent criteria to evaluate and recognize these products. These criteria are publicly available online at <http://www.epa.gov/dfe/pubs/projects/formulat/>. These criteria include

stringent performance requirements, ingredient based human health and environmental toxicity and fate criteria, and guidance for product packaging and labeling.

The inclusion of DfE would help eliminate the need for some manufacturers to have to rely upon the use of the “alternative self-certification” provision in the current guidelines. These self-certifications may be time and resources intensive for OGS to implement. In addition the inclusion of DfE would add another compliance path and thus create more competition, which could help reduce the costs for New York State facilities.

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#### Comment #64

The DfE labeling program does not meet the criteria defined above for a number of reasons (see attached memo for more details):

DfE does not have an open, transparent, and public process that involves all key stakeholders in setting its criteria or applying its screens. Public and occupational health experts have not been able to participate in the process, for example. The decision-making process within DfE is not transparent and DfE does not publish all the comments it receives on its criteria. The DfE criteria and screens are not fully published and publicly accessible, unlike Green Seal’s and EcoLogo’s. It is also unclear which products receive a label based on which version of the criteria, since the screens are being revised on a rolling basis and the process and deadlines for re-approval are not delineated. So, while some screens have been strengthened (fragrances, for example), it is not clear which products that carry the DfE label comply with the new screen or the old one. Some DfE-recognized products listed on the EPA’s website indicate that they were recognized as early as 1997, far before most of DfE’s screens were developed. It is uncertain whether, twelve years later, these products would meet the test of current screens. DfE’s process for developing its screens and recognizing its products does not adequately avoid conflict of interest. DfE plays the role of both adviser to manufacturers about formulations and approver of products that meet DfE screens. The role of adviser does not appear independent of the screening role, although DfE does require applicants to use outside parties for testing. In addition, the role of several NGOs is not clear: GreenBlue has been contracted by DfE to develop its CleanGredients database, which is also supported by industry contributions, and also participates as a stakeholder. There are several areas where the DfE screens are weaker than the GS-37 screens, including:

- VOC limits
- Optical brighteners
- pH limits – GS-37 and EcoLogo have absolute limits on pH; DfE encourages products within specific pH limits; however, a few DfE-recognized products have a pH outside the encouraged limit (e.g., as high as 13).
- Reproductive toxins – DfE limits these, whereas GS-37 prohibits them based on the Prop 65 list. In fact, a few DfE products list Prop 65 chemicals on their MSDSs.
- Dyes
- Packaging criteria
- Performance testing criteria

DfE does not have a registered, legally protected *certification* mark, but has a registered *trademark* for the program logo. In contrast, both Green Seal and EcoLogo have certification marks, which are enforced by the Federal Trade Commission.

We hope that the attached memorandum with more details helps to support New York State's Office of General Services' designations of GS-37 as standards for products to be listed on the State's purchasing list. Thank you for your consideration. Please feel free to contact us if you have any questions about our analysis.

Sincerely,

Alicia Culver

Executive Director

Green Purchasing Institute

Deborah Moore

Executive Director

Green Schools Initiative