EXECUTIVE ORDER NO. 13 - 93

RECYCLED PRODUCT PROCUREMENT POLICY

WHEREAS, The City of Philadelphia landfills or incinerates approximately 800,000 tons of municipal waste each year; and

WHEREAS, The City of Philadelphia's participation in and promotion of recycling programs will significantly reduce the amount of solid waste landfilled or incinerated by removing recyclable materials from the waste stream and making them available for reuse by industry; and

WHEREAS, For recycling programs to market the growing quantities of recyclable materials, industrial demand to use recycled materials in manufacturing processes must increase and consumer demand to purchase industry's finished products made from recycled materials must increase; and

WHEREAS, The City, as a consumer, purchases approximately $850,000,000 worth of goods and services each year, and the City desires to purchase finished products made from recycled materials, designed for recyclability or emphasizing waste reduction, wherever feasible; and

WHEREAS, Section 10-717 of The Philadelphia Code establishes as a goal that the City recycle a minimum of 50% of its total solid waste stream; and Chapter 17-600 of The Philadelphia Code requires the Procurement Department to review and revise all product procurement specifications in order to establish a preference for those containing recycled materials wherever feasible, provides a 10% price preference for paper and paper products containing recycled materials, and requires the Procurement Department to submit an annual report to the Council and the Mayor on its activities in increasing the purchase of products containing recycled materials; and

WHEREAS, The Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §4001.101 et seq.) declares as a goal that at least 25% of all municipal waste and source-separated recyclable materials generated in the Commonwealth should be recycled; and

WHEREAS, Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. §6962) requires that municipalities using Federal funds for procurement buy recycled products in certain circumstances, and the U.S. Environmental Protection Agency (EPA) has prepared Guidelines on five specific materials for use by municipalities in meeting the requirements of law; now, therefore,

I, Edward G. Rendell, by the power vested in me as Mayor of the City of Philadelphia, do hereby order as follows:

Section 1. Purchase of Recycled, Reusable and Recyclable Products

(a) The City shall have as a goal the maximum feasible purchase of recycled content products (with the maximum feasible percentage of post-consumer recycled content), and reusable or recyclable products, consistent with applicable law and the terms of this executive order.

(b) Prior to initiating a request to the Procurement Department ("Department") for any product or service, a City office, department, board or commission and any other entity for whom purchases are made by the Department ("City agency" or "agency") shall review its existing specifications for such product or service to determine whether recycled content products or reusable or recyclable products are directly or indirectly excluded. The agency must eliminate any such exclusion from its specifications, unless it can demonstrate in writing to the Department's satisfaction, after the Department's consultation with the Streets Department, that the exclusion is either: (i) operationally necessary; (ii) legally mandated; or (iii) necessary to avoid excessive cost.

(c) The City shall, as a condition of providing funds under contract to any other public or quasi-public entity, require such entity to adopt a procurement policy substantially similar to that set forth in subsection 1(b).

(d) All City professional service contracts shall include a requirement that the provider shall in the purchase of any goods or services required to perform services under the contract, adopt a policy substantially similar to that set forth in subsection 1(b).

Section 2. Reporting

(a) Each City agency shall annually submit to the Streets Department a Progress Report identifying: (i) agency actions taken during the prior year to increase the purchase of recycled, reusable and recyclable products; (ii) quantity of each such product purchased and/or weight of each such product purchased; (iii) dollar amounts spent on each of these products; (iv) exclusions of recycled, reusable or recyclable products requested pursuant to subsection 1(b), and status of such requests; and (v) plans and time schedule to meet the goal of maximizing the purchase of recycled content products, reusable or recyclable products.

(b) Pursuant to Section 17-604 of The Philadelphia Code, the Department, after consultation with the Streets Department, shall submit an Annual Report to Council and the Mayor summarizing: (i) the total quantity and/or weight of items and where practicable the percentage of reusable, recyclable or recycled content products purchased; (ii) the total estimated dollar amounts to be spent and where practicable the percent of dollars to be spent on products that are reusable, recyclable or recycled content; and (iii) the problems, plans and time schedules for future use of these products.

Section 3. Cooperation

(a) The City will cooperate to the greatest extent feasible with neighboring municipal, county and state governments in an effort to develop consistent, comprehensive, regional procurement policies intended to stimulate the market for recycled content products, reusable or recyclable products.

(b) All City agencies shall work cooperatively to further the purposes of this executive order. Agencies charged with the City's commerce and economic development process shall incorporate the goals of: (i) attracting industries that use recycled materials, and that manufacture recycled content products, reusable or recyclable products; and (ii) assisting existing manufacturing companies that seek to purchase equipment, convert equipment or expand their physical site to use or increase their use of recycled materials.

Section 4. Training

Within four months of the effective date of this executive order, the Streets Department, in conjunction with the Interagency Task Force and the Department, shall hold at least one educational meeting on buying recycled products. Each agency head shall appoint an authorized representative to attend this educational meeting and shall submit in writing this representative's name to the Streets Department in advance of the meeting. Future educational meetings may be held by the Streets Department to provide new information to the agencies and to track interim progress.

Section 5. Effective Date

This executive order shall take effect immediately.

October 1, 1993
DATE

Edward G Rendell
EDWARD G. RENDELL, MAYOR