

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONTRACTS

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HELD AT: REMOTE HEARING VIRTUAL ROOM 2

B E F O R E: CHAIR BEN KALLOS

COUNCIL MEMBERS: BEN KALLOS
MARK GJONAJ
BILL PERKINS
HELEN ROSENTHAL
JAMES GENNARO
INEZ BARRON

A P P E A R A N C E S (CONTINUED)

KIZZY CHARLES-GUZMAN

JENNIFER GEILING

MERSIDA IBRIC

JOSHUA KATCHER

CHRISTOPHER HALFNIGHT

JOEL CUPPERMAN

KATHY NIZARRI

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3 SGT. BRADLEY: Computer recording is up.

4 SGT. LUGO: Cloud is good.

5 SGT. PEREZ: Backup is rolling.

6 SGT. KOTOWSKI: Sergeant Lugo, can you
7 give us the opening, please?

8 SGT. LUGO: Good afternoon everyone.

9 Welcome to today's remote New York City Council
10 hearing of the Committee on Contracts. At this time,
11 would all panelists please turn on your video. To
12 minimize disruption, please place electronic devices
13 to vibrate or silent. If you wish to submit
14 testimony, you may do so at
15 testimony@council.nyc.gov, again, that's
16 testimony@council.nyc.gov. Thank you for your
17 cooperation. Chair Kallos, we are ready to begin.

18 CHAIR KALLOS: Good afternoon and welcome
19 to this virtual hearing of the New York City
20 Council's Committee on Contracts. My name is Ben
21 Kallos and I'm the Chair of this committee. For
22 those of you who are watching remotely, please feel
23 free to participate in the hearing by Tweeting me
24 @BenKallos. Before I dive in, I'd like to recognize
25 my colleagues on the Committee who are joining us

2 today. Today we are joined by Council Member Barron,
3 Council Member Gjonaj, Council Member Rosenthal.

4 Today, we will be hearing two Bills that were
5 introduced yesterday on the Earth Day. The first
6 Bill, Introduction 2271 relates to environmental
7 preferable purchasing by city agencies. The second,
8 Introduction 2272 relates to agencies buying
9 textiles. Both Bills aim to utilize the city's
10 immense purchasing power to support the ambitious
11 environmental goals being pursued by this Council
12 which are vital if we're going to have any chance of
13 taking on this climate emergency. The first Bill,
14 Introduction 2271 updates the city's environmental
15 preferable purchasing laws. This collection of laws
16 was first passed in 2005 and actually authored by
17 now, Mayor Bill de Blasio. They haven't been amended
18 since 2011 and many of the standards haven't been
19 updated since 2012, and still today have guidelines
20 on purchasing cassette tapes, mini disks, VCRs, and
21 answering machines. I'm not sure of the last time I
22 seen any of them other than in a meme for folks of my
23 generation. In addition to changes in how we consume
24 our music, research on climate change, our impact on
25 waste (inaudible). Introduction 2271 therefore makes

2 updates to city's purchase of lightbulbs, electronic
3 products, drain cleaning supplies and furniture to
4 ensure that the most efficient and least harmful
5 products make it through the procurement process. In
6 addition to updating these procurement standards, the
7 Bill also mandates additional reporting by the
8 Director. The goal of these changes is to improve
9 public oversight of the process so that updates can
10 be tracked and maybe even improved. Importantly, the
11 Bill also updates the language of the EPP that
12 clearly reflect the newly established innovations
13 (inaudible). For instance, instead of simply
14 reducing waste or relying on recycling, the Bill
15 makes clear that the city can now use its purchasing
16 power to pursue the end goal of zero waste and then
17 zero free house gas solutions. The second Bill we
18 are hearing feedback on today, Introduction 2272
19 applies these aspirations to the city's procurement
20 of textile products. Textiles are some of the most
21 reusable items in the waste drain, and yet they
22 continue to be sent to landfills. Fashion and
23 garment companies across the world including H&M,
24 Stella McCartney, and Burberry are committed to
25 moving industry (inaudible) circularity rather than

2 be by taking responsibility for their products after
3 consumers have finished using them or by only using
4 materials that can be fully broken down and
5 remanufactured into new items. As a key player in
6 the international garment industry, New York City is
7 uniquely positioned to lead this important
8 environment change and support the procurement of
9 more environmentally sustainable textiles by city
10 agencies. We know that (inaudible) makes purchases
11 for things like uniforms and blankets. We also have
12 a large number of police and fire departments that
13 utilize textiles. As a global fashion capital, New
14 York City has key industry players with expertise on
15 how the global textile supply chain operates and
16 environmental changes being implemented. I believe
17 that these experts along with representative from the
18 city's agencies best positioned to guide a new set of
19 procurement standards for city's purchase of textile
20 products. Introduction 2272 would therefore first
21 require the Director of Citywide Environmental
22 Purchasing to report on the city's purchase of
23 textile goods. The (inaudible) established by this
24 Bill would then be asked to make recommendations on
25 environmental preferred purchasing, use and disposal

2 of textiles by city agencies. With the updates, the
3 EPP has the potential to improve the city's purchase
4 of textile products. I hope that we can fully
5 capitalize on the city's purchasing power. As a
6 multi-billion-dollar consumer, the city has a huge
7 impact on the market, the purchases we make and the
8 standard we set as incentives help drive innovation.
9 I thank the Administration for coming today, and I
10 look forward to hearing their feedback on these
11 Bills. Before I invite them to testify, I'd like to
12 take a moment to thank Contracts Committee Staff's
13 Legislative Counsel, Josh Kingsley who has been
14 filling in, and I think this is our last hearing with
15 him and we want to thank him for his great service.
16 We certainly have not slowed down. We've been doing
17 a lot. Policy analyst, Leah Scorpiac (SP?) who has
18 been really taking change on this and working with
19 the fashion community, Finance Analyst, Frank Sarno
20 (SP?) and Finance Unit Head, John Russell (SP?) for
21 all their hard work putting this together. I'd also
22 like to thank the staff within the Bill Drafting
23 Unit, Nick Connell (SP?), Sara Ginsburg (SP?),
24 Jessica Steinburg (SP?), Alvin (inaudible) who have
25 spent a number of months drafting the Bills we're

2 hearing today. My Council Alfredo Lopez (SP?) for
3 his work with this Committee. I'll now turn it over
4 to our moderator, Committee Council Josh Kingsley to
5 go over some of the procedures.

6 COMMITTEE COUNSEL JOSH KINGSLEY: Thank
7 you, Chair Kallos. Good afternoon everyone. I'm
8 Josh Kingsley, Counsel to the Contracts Committee of
9 New York City Council. Before we begin testimony, I
10 want to remind everyone that you will be mute until
11 you're called on to testify, at which point, you'll
12 be unmuted by the host. I will be calling on
13 panelists to testify. Please listen for your name to
14 be called. During the hearing, if Council Members
15 would like to ask a question, please use the Zoom
16 raise hand function. I will call on you in order.
17 Please note that for the ease of virtual hearing,
18 there will not be a second round of questioning
19 outside of the questions from the Committee Chair.
20 All hearing participants should submit their written
21 testimony to testimony@council.nyc.gov. The first
22 round of testimony will be given by the
23 Administration as Chair Kallos mentioned. This will
24 be on behalf of the Mayor's Office of Sustainability,
25 Kizzy Charles-Guzman whose the Director of Social

2 Environmental Policy. The Mayor's Office of Contract
3 Services, Ms. Jennifer Geiling whose the Deputy
4 Director of Policy and Partnerships, and finally from
5 the Department of Citywide Administrative Services,
6 Mersida Ibric whose the Deputy Commissioner of the
7 Office for Citywide Procurement and Chief Diversity
8 Officer. Sorry, if I got that title wrong. Before
9 we give testimony, I will administer the oath.
10 Please raise your hand and I will call on you each
11 individually for a response. Do you affirm to tell
12 the truth, the whole truth, and nothing but the truth
13 before your testimony, before this Committee and
14 respond honestly to Council Member questions? Deputy
15 Director Charles-Guzman.

16 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:

17 Yes, I do.

18 COMMITTEE COUNSEL JOSH KINGSLEY: Thank
19 you so much. Deputy Director Geiling.

20 DEPUTY DIRECTOR JENNIFER GEILING: Yes, I
21 do.

22 COMMITTEE COUNSEL JOSH KINGSLEY: Thank
23 you, and finally, Deputy Commissioner Ibric.

24 DEPUTY COMMISSIONER MERSIDA IBRIC: Yes,
25 I do.

1 COMMITTEE ON CONTRACTS

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2 COMMITTEE COUNSEL JOSH KINGSLEY: Okay,
3 thank you all, and you can begin testifying. Go
4 ahead.

5 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:

6 Okay, I guess I'm going first. Good afternoon
7 everybody. Thank you, Chair Kallos and Members of
8 the Committee on Contracts. My name is Kizzy
9 Charles-Guzman. I am the Deputy Director for Social
10 and Environmental Policy of the Mayor's Office of
11 Climate and Sustainability. I will provide testimony
12 on the roles that our office plays as it relates to
13 environmental preferable purchasing. The Mayor's
14 Office of Climate and Sustainability works across,
15 inside and outside of the city government to reach
16 our NYC 2050 goals, namely reaching carbon neutrality
17 by 2050 and ensuring 100% clean energy by 2040 and
18 achieving zero waste. We recognize that we must lead
19 by example in large and small ways and that includes
20 making sure that the goods and services we purchase
21 are sustainable as possible. This week, for example,
22 we announced that we will transition to an all-
23 electric school bus fleet by 2030. In recent years,
24 we've also implemented executive orders that reduce
25 our purchase of unnecessary single use plastics and

2 commit to an all-electric city fleet by 2040. The
3 environmentally preferable purchasing EPP program
4 has been in place since 2005 as you heard, and as my
5 colleague from the Mayor's Office of Contract
6 Services will describe, it embeds criteria into our
7 purchasing decisions that prioritize human and
8 environment health. EPP standards seek to reduce
9 waste, energy, and water use, greenhouse gas
10 emissions, hazardous substances, and also to improve
11 indoor air quality and increased recycled and reused
12 content. Our office is currently working with MOCS
13 to complete a review of the standards as required by
14 local law 118 of 2005, and MOCS plans to promulgate
15 updates later this year. Our role is to advise MOCS
16 on the most innovative products and approaches
17 available in the market and to provide well research
18 for accommodations on any additions or changes of the
19 standards. We research and compile the latest
20 industry standards issued by the EPA and other
21 governmental and non-governmental bodies, review
22 federal and state guidance and evaluate other city
23 and states EPP approaches so that we can recommend
24 ways in which the city standards can be strengthened.
25 We must also ensure that a minimum number of venders

2 is available to potentially provide a product that
3 meets the updated standard. We plan to draft the
4 recommendations by the end of this spring and deliver
5 to MOCS which will then be reviewed and finalized
6 before initiating the COPA process to promulgate the
7 updated standards. I will now turn to Introductions
8 2271 and 2272. We appreciate the Council Members
9 focus to Introduction 2271 on expanding EPP to
10 include new categories of goods including types of
11 computer equipment and furniture. We support
12 procurement and believe that the goals of this Bill
13 are allottable. When we review the EPP standards for
14 updates, we consider adding new categories of goods
15 and we agree that the standards should reflect the
16 latest environmental research and state of the
17 industry across all categories of goods. Achieving a
18 secure waste future in the textile industry as well
19 as across the industries from which we procure good
20 will require a mass investment and transformation
21 throughout the supply chain. As Introduction 2272
22 acknowledges, the research in this area is in its
23 very early stages and not enough data exists today to
24 understand the full economic, social, and
25 environmental implications of transitioning to fully

2 circular textile system and fully circular economy.
3 We work forward to working with the Council,
4 environment experts, and certainly the industry to
5 identify ways to better understand our supply chain,
6 embed cutting edge technology as sustainability
7 practices across our purchasing, and identify
8 approaches to increase the utilization and impact of
9 EPP to achieve greater environmental and energy
10 efficient goals. All of our actions as a city play a
11 part in our fight against the climate crisis.
12 Especially at the close of Earth Week, we appreciate
13 the opportunity to discuss our efforts to improve
14 sustainability through EPP, improving the health of
15 our employees, our facilities, and the entirety of
16 our supply chain. We look forward to continuing to
17 collaborate with the Council on these issues. Thank
18 you.

19 CHAIR KALLOS: In between the
20 testimonies, I would like to acknowledge that we've
21 been joined by Council Member Perkins and Gennaro.
22 Please continue.

23 DEPUTY DIRECTOR JENNIFER GEILING: Good
24 afternoon Chair Kallos and Members of the Contracts
25 Committee. My name is Jennifer Geiling and I serve as

2 a Deputy Director at the Mayor's Office of Contract
3 Services (MOCS). Thank you for inviting us to speak
4 with you today - during Earth Week - on the City's
5 efforts to further build sustainability and
6 environmental awareness into City functions such as
7 procurement. The Environmentally Preferable
8 Purchasing (EPP) laws are a set of local laws
9 intended to limit negative health and environmental
10 impacts through strategic procurement sourcing and
11 baseline purchasing standards. EPP laws address a
12 range of issues, including waste production, energy
13 and water use, greenhouse gas emissions, indoor air
14 quality, recycled and reused content and the presence
15 of hazardous substances. As we have testified
16 previously, MOCS plays an oversight role in Citywide
17 procurement. In this role, we have focused attention
18 on establishing a centralized, standard and digital
19 Procurement and Sourcing Solutions Portal (PASSPort)
20 that incorporates and facilitates procurement rules,
21 activities and compliance. PASSPort has enabled our
22 agency and Citywide procurement to move away from
23 manual, paper-based practices to automated, digital
24 procedures. In the case of EPP Local Law 118,
25 managing EPP compliance is now integrated into

2 PASSPort, whereby the system prompts agencies to
3 affirm compliance with the law, as applicable.
4 Failure to address EPP compliance questions will
5 block the agency from moving forward with the
6 procurement. This automation of practice allows our
7 city agency partners to focus more on strategic
8 sourcing that can further the goals of EPP laws. Here
9 again, PASSPort - the Procurement Sourcing and
10 Solutions Portal - is poised to be a critical tool.
11 With more than 27,000 vendors in PASSPort, City
12 agencies have access to a breadth of suppliers to
13 further the intent of the EPP legislation.
14 Additionally, PASSPort can facilitate prequalified
15 lists that agencies may develop to further narrow in
16 on vendors that have the ability and expertise to
17 reach EPP goals. MOCS' role to promulgate rules
18 under Local Law 118 is chiefly a coordinating
19 position. We partner with the Mayor's Office of
20 Climate and Sustainability (MOS), who leads the
21 research effort to propose updates to the rules. Our
22 colleagues are well-versed on prevailing and emerging
23 environmental efforts and perfectly positioned to
24 engage industry and policy leaders. An update to the
25 existing standards is currently underway. MOS is

2 supporting the analysis of current standards, which
3 we will then collectively bring to agency
4 stakeholders for input. Once that review has been
5 completed, MOCS will move the rules changes through
6 the CAPA process for public comment and finalization.
7 Assigning MOCS the role of creating guidelines for
8 textile purchasing under Intro. 2272 would create the
9 same relationship - coordinating work that is really
10 led outside our agency where the expertise exists.
11 Finally, Intro. 2271 and 2272 include reporting
12 responsibilities for MOCS - another coordinating
13 activity. MOCS has long served in central reporting
14 roles, collecting information from the business
15 owners - in this case contracting agencies - and
16 consolidating into reports. In the case of Local Law
17 118, MOCS collects data on EPP-covered goods and
18 construction contracts and compiles this information
19 in the annual indicators report, using surveys that
20 are distributed to agencies each year. As part of
21 the publication process, MOCS works with the
22 Department of Citywide Administrative Services (DCAS)
23 to gather data regarding goods contracts and compiles
24 it along with the data on construction contracts to
25 publish the report. This report reflects the total

2 value of goods and construction contracts entered
3 into by any agency that are covered by the EPP
4 standards. With regard to the legislation introduced
5 today, MOCS defers to its colleagues on the nature of
6 the data points and the request for past contracting
7 information. However, we do want to suggest an
8 alternative view of reporting in the age of PASSPort.
9 The surveys and manual document submission that
10 currently comprise the EPP reporting structure will
11 be a thing of the past in the near future. Today,
12 procurement is more transparent and accessible than
13 ever before. The Public Portal hosts Citywide
14 solicitations that may be sorted by commodity,
15 industry and agency for review by anyone to
16 understand how procurements are taking sustainability
17 and environmental impact into consideration and
18 rolling up EPP requirements and rules. PASSPort
19 ushers in an opportunity to reconsider, streamline
20 and enhance the data and information that
21 traditionally was necessary to collect in an opaque
22 and decentralized environment. Today, we can fully
23 maximize tools such as the PASSPort Public Portal to
24 further highlight sustainability requirements. Thank
25 you for calling this hearing today - we appreciate

2 bringing attention to environmental and
3 sustainability concerns. We are proud that PASSPort
4 furthers those goals by eliminating paper and
5 delivery of hard copies of documents. I am joined by
6 my colleagues from MOS and DCAS. We would be happy
7 to take any questions you have at this time.

8 CHAIR KALLOS: Thank you very much for
9 your testimony. Give me one moment, please. So,
10 let's start with a pretty big picture question which
11 is just in government if everyone's responsible for
12 something, no one's responsible for things and they
13 can fall through the cracks. So, this law written by
14 Mayor de Blasio requires there to be a Director of
15 Citywide Environmental Purchasing. Can you identify
16 who that is by name, please?

17 DEPUTY DIRECTOR JENNIFER GEILING: Sorry
18 for the background noise, but that's the MOCS
19 Director, Dan Simon.

20 CHAIR KALLOS: Okay, and I guess, so if
21 we're doing a hearing on this local law and MOCS
22 Director, Dan Simon is the Citywide Environmental
23 Purchasing Director, I guess Jennifer, what is your
24 role within MOCS and why not have the Director here?

2 DEPUTY DIRECTOR JENNIFER GEILING: So,
3 I'm a Deputy Director, part of the Executive team at
4 MOCS and often have the pleasure of testifying your
5 Committee, Chair Kallos.

6 CHAIR KALLOS: So, I guess, in terms of
7 making sure that we comply with local law 118 and
8 environmental preferable purchasing, where does the
9 buck stop, who is responsible for making sure that
10 the agencies follow those rules?

11 DEPUTY DIRECTOR JENNIFER GEILING: So,
12 with the advent of PASSPort, we've been able to
13 automate as I mentioned in the testimony and digitize
14 the ability for agencies to attest to their
15 compliance. So, they now do that in the system.
16 There's no way to bypass those screens. If you don't
17 answer the questions, you can't move forward with the
18 procurement. We also manage a procurement training
19 institute which is training for the city's
20 procurement professionals so that they learn the
21 rules, regulations, and activities involved in
22 citywide procurement that include EPP laws, so we
23 ensure that that is part of the curriculum for our
24 procurement professionals as well, and then we also
25 collect the information that agencies provide us with

2 and consolidate that into a report that we then
3 publish.

4 CHAIR KALLOS: With regard to the
5 standards and the reporting that is in the EPP law,
6 when is the last time those standards were updated?

7 DEPUTY DIRECTOR JENNIFER GEILING: I
8 think you mentioned in your opening remarks that they
9 were updated in 2012 and we've been working with MOS
10 to update them and hope to have an update coming very
11 soon, by the end of this year, and that engagement
12 with MOS has been going for quite some time, so we're
13 looking forward to sharing updates and appreciate
14 your attention to the matter and agree that it is
15 time for them to be updated.

16 CHAIR KALLOS: My understanding was that
17 the law was supposed to be updated every two years.
18 Is the update that is happening from MOCS and MOS a
19 result of Council action in this area?

20 DEPUTY DIRECTOR JENNIFER GEILING: So,
21 we've been working together on updating for, before
22 this hearing was called, but again, appreciate, you
23 know, the partnership and collaboration and raising
24 it through a hearing and the conversation and the
25 work has been happening for quite some time and I'm

2 happy to defer to my colleagues too for more
3 information around the updating of the current
4 standards.

5 CHAIR KALLOS: Sure, I'd love to hear
6 from MOS.

7 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
8 Sure. Can you hear me okay?

9 CHAIR KALLOS: Yes.

10 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
11 So, my understanding is the updates are not required
12 by the law, but the Legislation states that the
13 standards are to be reviewed every two years and
14 updated if the updates are deemed to be necessary.
15 We couldn't agree with you more that it is more than
16 due time to update them. We are excited to be doing
17 this work and we have been conducting this research
18 along side a small team of our staff for months now,
19 so for a few months and so we hope again to deliver a
20 set of recommendations to MOCS so that we can have
21 updates by the end of this year. There's been a lot
22 of innovation in the meantime, and we want to make
23 sure that those changes are reflected.

24 CHAIR KALLOS: We've been working on this
25 update to the law since 2020, since last year, since

2 actually 2019 when I began Contracts Chair. Did your
3 review and updates begin before or after we began
4 working on this Legislations and notifying MOCS and
5 city hall that we were looking at this issue?

6 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:

7 I'm not sure. I'm not sure. I have to say that
8 obviously in the last year of 2020, we have a lot of
9 activity going on in the city and a lot of projects
10 were brand new to our office. Especially, we
11 delivered air conditioners to low-income New Yorkers
12 and were part of the emergency management response
13 for months on end, so yes, some of this research was
14 ongoing, but we have dedicated more comprehensive
15 attention to this issue this year in 2021.

16 CHAIR KALLOS: So, did engage in the
17 review process in 2014?

18 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:

19 That predates my stay at MOS, so I don't have the
20 answer to that question.

21 DEPUTY DIRECTOR JENNIFER GEILING: It
22 predates me too, Council Member.

23 CHAIR KALLOS: Did you engage in the
24 review in 2016?

2 DEPUTY DIRECTOR JENNIFER GEILING: But we
3 can certainly circle back on details. The timeline,
4 I don't have that information in front of me, but ...
5 (crosstalk).

6 CHAIR KALLOS: This part was a softball,
7 like, I believe that we've been working on this for a
8 while, we let you know we were working on it, and
9 you're doing what you're supposed to which is making
10 sure that you, as we call attention to something that
11 had been ignored for pretty much a decade that we're
12 going to do right by it, but it kind of sucks to be
13 told that we were working on it on and on, when it
14 just, and you don't have the answers to show that you
15 were actually already working on it when, uh, did the
16 review occur in 2020?

17 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
18 The review has been occurring on our office since
19 2018. Listen, I think what we're saying is we ...
20 (crosstalk).

21 CHAIR KALLOS: Okay, but in 2018, you
22 looked at that document from 2012 and said it is
23 still important for us to regulate cassettes, VCRs,
24 mini-Disks?

2 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN: I
3 have to tell you, Chair Kallos, that I have also seen
4 in some of our agencies, typewriters, so we procure a
5 variety of equipment across city government, and we
6 are really excited to updating standards to ensure
7 that everything that we're procuring is meeting the
8 latest EPA and energy efficiency standards.

9 CHAIR KALLOS: So, I guess in 2018, why
10 wasn't it worth updating the standards?

11 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN: We
12 submitted recommendations to MOCS in 2018.

13 CHAIR KALLOS: MOCS, so the standards
14 were supposed to be update in 2018. Why didn't they
15 get updated in 2018 if recommendations were
16 submitted?

17 DEPUTY DIRECTOR JENNIFER GEILING: So,
18 we'll have to come back, Chair Kallos with an answer
19 for that, and look back at what was submitted in 2018
20 and you know, we worked closely with MOS and our
21 agency partners, so, I'm happy to circle back with
22 you to find out the precise timeline, what was
23 submitted, what the activity was and why it's still
24 out ongoing.

2 CHAIR KALLOS: Is this the first time
3 MOCS is being asked about the standards, where the
4 standards are, and why they haven't been updated?

5 DEPUTY DIRECTOR JENNIFER GEILING: For
6 EPP?

7 CHAIR KALLOS: Yes.

8 DEPUTY DIRECTOR JENNIFER GEILING: This
9 is the first time that I've been in front of you for
10 the Contracts Committee. I know that we've been
11 reviewing the recommendations and have been working
12 with MOS to update the standards and you know,
13 appreciate, you know, the urgency in part because it
14 has been some time, and so, as I mentioned before,
15 moving release those standards in the coming months.

16 CHAIR KALLOS: To both of you, would you
17 agree that we have a climate emergency?

18 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
19 Absolutely.

20 CHAIR KALLOS: MOCS?

21 DEPUTY DIRECTOR JENNIFER GEILING: Yes.
22 We support, you know, that's one of the big drivers
23 behind PASSPort, right.

24 CHAIR KALLOS: We can't, we can't, if
25 recommendations were provided in 2018, it can't take

2 three years to adopt standards. After you adopted
3 the standards in 2021, will you be doing a review in
4 2022?

5 DEPUTY DIRECTOR JENNIFER GEILING: Yes.
6 We will continue to review as is, you know, required
7 by the law or we deem necessary or, you know, in
8 partnership with leaders in the sector and certainly
9 with the leadership of MOS, whose on the frontlines
10 of understanding what is, you know, really best
11 practices around sustainability and environmental
12 protection.

13 CHAIR KALLOS: Is the Director of MOCS
14 the right person has the title of Director of
15 Citywide Environmental Purchasing? MOCS has a lot of
16 responsibilities. The Director of MOCS was highly
17 involved in procuring PPE. It seems, I know that
18 this Administration likes to pile multiple titles
19 onto individuals, but is the Mayor's Office of
20 Contract Services Director the right person to be the
21 Director of Citywide Environmental Purchasing?
22 Should it be a separate position so that they wake up
23 every day and the only thing they're focused is the
24 environment. Who, what is the right role, who is the
25 right person or right agency?

2 DEPUTY DIRECTOR JENNIFER GEILING: I
3 think that's probably for both of us. I can respond
4 on behalf of MOCS to say that we're happy to discuss
5 changes and roles, and happy to have that
6 conversation with you and the Committee and I don't
7 know if MOS has a perspective on that.

8 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN: I
9 mean, I defer to my colleagues at MOCS. Our role at
10 MOS is advisory. We do, you now, do this research
11 and support, you know, environmental policy making by
12 any agency that wants us, right. With that said,
13 we're not named anywhere in the Legislation, and we
14 do make it our business to continue to engage
15 whatever agency to make sure that their practices are
16 as sustainable as they can be, but we don't have a
17 real understanding of Contracts and Purchasing. We
18 obviously don't do that on behalf of the city, and so
19 there is a lot of nuance and information that we are
20 not as purvey to in order to be able to make the
21 right call.

22 CHAIR KALLOS: How much of the city's
23 procurement, of it's \$22 billion dollars in contracts
24 goes through the Environmental Preferable Purchasing
25 Program?

2 DEPUTY DIRECTOR JENNIFER GEILING: So,
3 the annual reports, Council Member are on our
4 website, so you can find the data on our website. I
5 don't have that right now, but it's on the website,
6 and note that the EPP rules and regulations apply to
7 a subset of the total procurement for the city
8 according to the Legislation, so, that information is
9 all public, it's all available on the MOCS website
10 and our reports.

11 CHAIR KALLOS: Sure. So, just to be
12 clear to folks watching at home. You have to go to
13 www.one.nyc.gov/site/mocs/index.h click on reporting,
14 sorry, not reporting, you have to click, you have to
15 click reporting, then you have to click data
16 publications and then on the page there is something
17 that say indicators appendices, on that page and then
18 if you click on that page, appendix E as
19 environmental preferable purchasing which includes
20 an Excel file. I actually want to thank MOCS because
21 in preparation for this hearing because we do
22 preparation, and we do meet with agencies ahead of
23 time to make sure we all get on the same page, we
24 were able to find it. To be honest, it is not easy
25 to find, and part of the reason I just shared it with

2 folks is so that anyone at home who will be going to
3 the website could actually find it too. So, I did go
4 there before this hearing and I believe that of our
5 \$22 billion dollar contracts budget, only \$411
6 millions dollars was included in environmental
7 preferable purchasing according to your fiscal year
8 2020 report, appendix E. Is that correct?

9 DEPUTY DIRECTOR JENNIFER GEILING: Hi.
10 Thank you. Sorry for the delays unmuting. So, the
11 reports as published on the website are accurate and
12 correct and I can defer to my colleagues for more
13 information and insight into the reports. As
14 mentioned earlier, they cover goods and construction,
15 so it's a subset of procurement purchasing across the
16 city, and I just wanted to add one thing. I
17 appreciate you referencing the MOCS website and that
18 particular place because there's an abundance of
19 reports that are available on that page, and a lot
20 more information about PASSPort as well, so thank
21 you, Chair Kallos for mentioning that.

22 CHAIR KALLOS: So, how much of the \$22
23 billion dollars budget from Contract do you think
24 should be going through environmental preferable
25

2 purchasing or do you think that \$411 million is the
3 right number?

4 DEPUTY DIRECTOR JENNIFER GEILING: So,
5 the number that's reported, that is in the reports is
6 the number that applies to the amount of purchasing
7 that pertains to the rules and regulations and law.
8 As I mentioned before, it's a subset of procurement.
9 It's just sort of a factual report, the application
10 of the EPP laws to procurement as they currently
11 stand.

12 CHAIR KALLOS: So, I guess the question
13 is so, if you go to the Department of Citywide
14 Administrative services, DCAS and I see we've got
15 Deputy Commissioner Mersida Ibric, my understand is
16 in fiscal year 2020, DCAS referred \$1.8 billions in
17 goods. Does that sound correct?

18 DEPUTY COMMISSIONER MERSIDA IBRIC: Yeah,
19 that's correct.

20 CHAIR KALLOS: So, I guess the question
21 is why more, why all \$1.8 billion or at least more of
22 that \$1.8 billion for goods didn't go through
23 environmental preferable purchasing?

24 DEPUTY COMMISSIONER MERSIDA IBRIC: Sure,
25 yeah ... (crosstalk).

2 CHAIR KALLOS: This is a DCAS or a MOCS
3 question or an MOS question. Also, part of this
4 hearing is trying to find out who the product owner
5 is.

6 DEPUTY COMMISSIONER MERSIDA IBRIC: I can
7 totally take this one and then if my colleagues want
8 to add, they can feel free. Yeah, so when you look
9 at our total spend for everything that we buy, not
10 everything is applicable to the current EPP
11 standards. So, in FY20, for example, a lot of our
12 procurement where emergency procurement and response
13 to COVID, emergency procurement as a method are
14 exempt from EPP, so you've got to take those figures
15 and that's because we need product in hand
16 immediately, and so we can't guarantee that a
17 standard is going to be applied in those
18 specifications at the time of purchase. It may be
19 possible that we are also buying things that are
20 environmentally preferable, but the entire universe
21 is not subject to EPP, and then there are other
22 categories of spend which are large dollars expenses
23 for us that are also not included in EPP, so for
24 example fuel, office furniture, our entire fleet;
25 those are currently not in our EPP standards, but

2 what I want to, you know, really take the time to
3 stress here and I'm not sure that it came across in
4 some of the testimony earlier, but you know, we
5 really view EPP standards as before. That is bare
6 minimum, right, and so, we do try our best to apply
7 other, more current standards where they're
8 applicable. So, for example, EPA has standards, OSHA
9 has standards for products, FDA has standards on
10 antimicrobial products. We're pulling all of those
11 other standards in as well and EPP is really just
12 like the floor, and we're happy to actually see that
13 these standards are going to be updated. We think
14 it's time. We agree with our colleagues on the
15 phone, and I'm happy to again, report out that a lot
16 of the products that we buy actually go above and
17 beyond our current EPP standards.

18 CHAIR KALLOS: Great answer. Our
19 Legislation would like to go from our electronic
20 standards from Energy Star to the Federally
21 recognized EP. Is that a standard we've already been
22 seeking or is it just a standard where it's something
23 you would support?

24 DEPUTY COMMISSIONER MERSIDA IBRIC: It's
25 absolutely something that we would support, and I

2 would want to dig into it a little bit more to see
3 rather or not there are specific procurements where
4 we are already doing that or have considered that
5 particular standard.

6 CHAIR KALLOS: Great. We have two
7 specific example of goods that we didn't see in the
8 EPP, and we were curious, so we saw a plumbing
9 fixtures procurement award in the amount of
10 \$513,715.00. They are EPP eligible goods, and I
11 don't believe they were documented. So, I guess the
12 question is, is it that the items did not meet the
13 standards and we didn't get the waiver, or we didn't
14 need the waiver because they met the standards, but
15 they just didn't make it into the appendix and
16 report?

17 DEPUTY COMMISSIONER MERSIDA IBRIC: You
18 know, off the top of my head, I really don't know,
19 but I will double check. I will take that back to
20 the staff and have them look into that one. You said
21 it was plumbing fixtures. Do you have the actually,
22 like, reference ... (crosstalk).

23 CHAIR KALLOS: We'll get it to you.

24 DEPUTY COMMISSIONER MERSIDA IBRIC: Yes.

2 CHAIR KALLOS: But I guess the broader
3 question is, it seems that the numbers artificially,
4 that there's something wrong with the number \$411
5 million, given a \$22 billion dollar budget, also if
6 we look at the construction procurement, it was \$28
7 billion dollars, and again, so, I guess, could you
8 speak to why more of the construction procurement,
9 which is \$2.8 billion wasn't included in the EPP
10 cause of the \$411, it's kind of split evenly between
11 goods and construction?

12 DEPUTY COMMISSIONER MERSIDA IBRIC: So, I
13 think that's really question for MOCS to answer.

14 CHAIR KALLOS: Okay.

15 DEPUTY DIRECTOR JENNIFER GEILING: So, we
16 just report what the agencies are sending to us, but
17 if the question is, the suggestion is that there are
18 updates made based off of the numbers, then that's
19 what we can back.

20 CHAIR KALLOS: Let me be as crystal clear
21 as possible, I would like somebody's job to wake up
22 in the morning and be focused on it and to be looking
23 at the contracts and making sure that every agency is
24 sending as much money as they can to save a planet
25 because it is a climate emergency and that if we are

2 buying plumbing fixtures for \$513,000.00 we are
3 either having it listed on the EPP system through
4 PASSPort as you mentioned or that they're getting a
5 waiver or I guess, the third option is it is not
6 covered by this for whatever reason, rather it's an
7 emergency or something else, but that also, I think
8 the Legislation would hopefully also report on that,
9 but just having somebody paying attention to this,
10 cause it's \$22 billion dollars we could use to save
11 the planet. So, I guess, how can we do that and
12 force more of the \$22 billion dollars into the EPP?

13 DEPUTY DIRECTOR JENNIFER GEILING: Yes,
14 so I will defer to MOS, but that's part of the work
15 that's being done in updating the standards and so
16 I'll defer to my colleagues at MOS who can talk a
17 little bit more about that work.

18 DEPUTY COMMISSIONER KIZZY CHARLES-GUZMAN:
19 Again, I think that for us, we're really focused on
20 what is the most, what are the innovations that are
21 currently up-played, right. We're reviewing a lot of
22 the organizations that set standards for products and
23 good. Enforcement is a different category of issues.
24 I think we have a lot of ideas about how we might
25 ensure that more of our city dollars and purchasing

2 power is on that right kind of product that can
3 assist us with the climate crisis. I think we need
4 everyone, right, in order to be able to really track
5 it appropriately and be able to know that it is being
6 enforced, and so I think that there's also a way that
7 we can have more incentives for our agencies the same
8 way that we respond to NWBE procurement, right, so
9 maybe there are ways that we can incentivize higher
10 uptake by our sister agencies, but again, our role is
11 purely advisory on this research side of the
12 equation, like what's the state of play?

13 CHAIR KALLOS: If any of my colleagues
14 have any questions, please raise your hand, we'll
15 make sure to call in you, so, it sounds like MOCS is
16 saying we're administrating this. MOS is advisory.
17 So, I guess, who can be the person? Does it need to
18 be the mayor or is it a deputy mayor for the
19 environment who is the one, who can tell agencies
20 you're going to have to use delineators, and I know
21 way too much about delineators, they are used by the
22 Department of Transportation for bike lanes and other
23 things that we do a lot around Safe Streets in my
24 District, so I know probably more than I should about
25 delineators, so, there's environmental standards for

2 how much of that should be from recycled materials,
3 who can be the person who, once we get the updated
4 standards from you later this year, can make sure
5 that those standards keep getting updated when the
6 recommendations come out and put their fist down or
7 their bike tires down with DOT and say you're going
8 to buy delineators that meet the standards?

9 DEPUTY DIRECTOR JENNIFER GEILING: Yes, I
10 just would like to say that I think that the right
11 people are here. You've got MOS that will be able to
12 say, they're poised to be able to say, this is what
13 should be covered in the standards, this is what is
14 best practices, this is what is out there in the
15 field right now, right, and then you have MOCS here
16 who will push through with the CAPA process, get a,
17 you know, move the standards through, ensure that the
18 appropriate compliance questions are integrated into
19 the procurement process and continue to make it
20 visible to the public. So, I think it's a
21 combination of both which is what we're trying to
22 say. You have both of the parties, and then of
23 course, you have DCAS here too who, you know, have a
24 huge spend in the goods categories who will be
25 weighing in, and I should mention that when MOS comes

2 to us with their set of proposals, what should be
3 included in the standards, we then go out to agencies
4 as well for their review for their additional
5 comments, ensure they understand what the proposals
6 are. So, I think it's an integrated collaborative
7 process that will yield updates.

8 CHAIR KALLOS: So, we've got this \$1.8
9 billion dollar in spending in goods, we have \$2.3
10 billion dollars in spending in construction, but
11 we're only seeing \$400 million dollars going through
12 environmental preferable purchasing, and so, some
13 things must be getting a waiver. Have any of you
14 seen anyone ever request a waiver from having to
15 follow the environmental preferable purchasing?

16 DEPUTY DIRECTOR JENNIFER GEILING: I
17 think in a recent conversation we all had, there's
18 only been one request for a waiver that we all can
19 account for in the history of this. So, the
20 implication is that agencies understand what is
21 required of them and they're following the rules and
22 requirements of the EPP laws. Now, what you're
23 flagging here today, and we, you know, we concur is
24 that there needs to be an update, right, to the
25 standards, and with that update, you know, one would

2 expect that you would see greater spend for goods and
3 construction-related procurement in the EPP
4 regulations.

5 CHAIR KALLOS: Director Geiling, you
6 mentioned that the PASSPort, so when somebody is
7 trying to submit a bid for delineators or paint or
8 concrete, is it a check box where they say that I
9 meet EPP standards or does PASSPort actually have
10 fields? I'm just looking at your guide. For the
11 folks who want to follow along, if you go to the MOCS
12 website, let me just go there again, give me one
13 second. So, it's
14 www.one.nyc.gov/site/MOCS/index.page and if you click
15 on partners and then EPP, it takes you to the
16 environmentally preferable purchasing page and then
17 there are two links in terms of minimum standards for
18 goods and construction products, so there's some
19 things that actually appear on both, like flexible
20 delineators. So, if you click goods, it will bring
21 you to a document that is only 247 pages where you
22 can find a list of things. So, on page 167, uh,
23 sorry, on, yeah, on page 167 for the fixed
24 delineators, not the flexible delineators, it has a
25 requirement that the plastic be 25 to 90% post-

2 consumer content, and that any rubber must be 100%
3 post-consumer content. Are people making bids
4 required to enter in what levels of post-recycled
5 content they have or how do you guarantee compliance
6 with the EPP?

7 DEPUTY DIRECTOR JENNIFER GEILING: Yes,
8 so the way, it's a great question, and so, I
9 appreciate you asking that too here with a lot of
10 folks tuning in, so the way that the procurement
11 process works is that the agency drafts the
12 solicitation; so, the invitation to propose or the
13 invitation to bid, and they draft that with the
14 requirements that are necessary to be responsive, and
15 then they evaluate the responses that come in to
16 ensure that they are compliant with the requirements
17 of the solicitation, and that's part of their
18 determination as to who the award will be ultimately
19 given to. So, that's the bac-and-forth and the EPP
20 requirements come in as part of the design of the
21 solicitation so, what I was referencing before is if
22 the agency is going out to solicit goods or services
23 that have EPP implications, they will have to
24 acknowledge that their solicitation complies with the

2 EPP laws before they can even release that
3 solicitation.

4 CHAIR KALLOS: Where is that tracked?

5 Like how do we get, cause your answer wasn't exactly
6 where my mind was going, like, I wrote the city
7 record online, I used to (inaudible) DCAS is my
8 favorite agency, also it's like the biggest agency no
9 one's ever heard of, and I don't mean that as an
10 insult, it's just like the city records, the most
11 important newspaper no one's ever read, and like I
12 said, all kidding aside, but so I guess, is that, so
13 where is the list of our fees that have gone out that
14 are in EPP or not, is it something where we want to
15 have DCAS add to the city record online some sort of
16 indicator so we can do a search and just do search for
17 EPP pieces like, how do we tell the outside which
18 procurement are within EPP and which ones aren't
19 because it sounds like we're trying to do it on the
20 backend instead of the front end?

21 DEPUTY DIRECTOR JENNIFER GEILING: That's
22 a great question. Let us come back to you with how
23 we can use the information that we have in the system
24 to answer that question.

2 CHAIR KALLOS: Okay, hold on one second.

3 I'm grabbing my copy of the city record. I keep

4 copies of it in my office. I love the city records.

5 Does anyone have their copy of today's city, this one

6 is a little bit older? It's one of the ones I keep

7 around for profit. Did anyone read the city record

8 this morning?

9 DEPUTY DIRECTOR JENNIFER GEILING: Of

10 course.

11 CHAIR KALLOS: For those watching at

12 home, so the city record is how the city tells you

13 when we're buying things, when you can bid on things.

14 It also tells you like when we're going to rezone

15 your block or take a piece of land on your block and

16 do something with it. So, like, it's the most

17 important paper, but a few people read it. I feel

18 like most people should. So, yeah. So, it would be

19 helpful to get an answer from the three of you at

20 some point very soon, next week, just how we can tag

21 things better starting out as solicitations for

22 rather or not we think they should be covered and

23 then making sure that what's covered in there that

24 the items cite the requirements from the standards or

25 refer to the standards and if not, that, we're

2 getting a waiver piece there. So, the Legislation
3 has a number of goals and I'm sure if you spoke to
4 them, so I just wanted to see. So, I already asked
5 DCAS, but does the Administration support following
6 the Federal government in 2007, Amazon in 2010 in 43
7 other countries, and adopting electronic product,
8 environmental assessment tool to EPP standards? I
9 have like a list of five or six, so that the sooner
10 we can get yeses or nos, or I don't know, the better.

11 DEPUTY DIRECTOR JENNIFER GEILING: I
12 think there were some questions from Council before
13 the hearing around electronic products, that we made
14 some connections to DSNY around, so I'm happy to
15 follow back up on these questions as it may pertain
16 to the other set of questions around electronic
17 products.

18 CHAIR KALLOS: Should the city adopt new
19 ambitious standards, so the old standard in the EPP
20 use to be decrease greenhouse gas emissions. Should
21 we seeking to achieve net-zero greenhouse gas
22 emissions relating to city's purchasing?

23 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN: We
24 are currently evaluating the standards that exists
25 and again, looking for opportunities where the

2 products are the state-of-the-art in helping to get
3 us to a net-zero, again, there are many other factors
4 that also come into consideration including ensuring
5 that we have competitors in the market offering those
6 products, and so yes, we're continuing to do those
7 evaluations and checkouts. We appreciate your
8 leadership on this. If you want to go ahead and
9 share the standards, the specific standards you have
10 in mind. It is more helpful to get them now from
11 you.

12 CHAIR KALLOS: They are in the draft
13 Legislation; they are what we provided to the
14 Administration.

15 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
16 Right.

17 CHAIR KALLOS: Last week, the week
18 before, and I can go over the ones that we were
19 drafting, so, that is a yes to that zero greenhouse
20 has emission replacing, just decreasing them. I
21 think the mayor already came out and said he wanted
22 to have net-zero greenhouse gas emissions from our
23 city. You don't have to take my word for it though.
24 So, yes, no, maybe so.

2 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN: I
3 said yes, we're looking in to that.

4 CHAIR KALLOS: Great. Eliminate reliance
5 on virgin materials. That's a new standard.

6 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN: We
7 are all in support of these goals that you're stating
8 now for sure.

9 CHAIR KALLOS: Amazing. Eliminate
10 reliance on hazardous substances, etc.

11 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
12 Yes.

13 CHAIR KALLOS: Improve outdoor air
14 quality. That's a new one.

15 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
16 Yes.

17 CHAIR KALLOS: Reduce the negative effects
18 and even generate positive effects for the
19 environment from our procurement.

20 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
21 Chair Kallos, these are literally the goals of our
22 research. We are trying to ascertain what standard
23 making bodies have on us that achieve those goals,
24 yes.

2 CHAIR KALLOS: Amazing, and part of this
3 is if I get you record saying yes, it makes it a lot
4 easier when we pass these in negotiations. Prohibit
5 the purchase of halogen lamps.

6 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN: I
7 ... (crosstalk).

8 CHAIR KALLOS: (Crosstalk) from
9 incandescents. Yes, no, maybe so, or all of the
10 above?

11 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
12 All and maybe so. Again, we're still evaluating, and
13 again, this is a collaborative process. We submit
14 recommendations to agencies and then there's a lot
15 more, including the CAPA process, there is a lot more
16 feedback and sausage making that happens before those
17 standards come out, so, it's not about rather we, our
18 office personally is on board with these ideas, it's
19 also about what is the CAPA process going to land us
20 in.

21 CHAIR KALLOS: One thing that wasn't in
22 our Bill in terms of lamps is I hate fluorescent
23 bulbs. I've also been advised that there may be a
24 lot of mercury in them, and so I guess one thing to
25 just throw on there that we'll be looking for in an

2 A-version is not only a (inaudible) ban in
3 incandescents and expanding to halogens, but I would
4 love to go after the fluorescents and just replace it
5 all with LEDs if possible. That one, we didn't give
6 you ahead of time. Any thoughts on that?

7 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:

8 From an environmental point of view, sounds
9 reasonable to me.

10 CHAIR KALLOS: Okay, adding furniture to
11 environmental procurements. Deputy Commissioner
12 Ibric mentioned that furniture currently isn't
13 covered. How much furniture did we buy, and should
14 we include it?

15 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
16 We're definitely exploring furniture. We think that
17 that is one of the areas of the Legislation that we
18 can absolutely take into advise, yes.

19 CHAIR KALLOS: I'm curious, how much
20 furniture did we buy since we have like 350,000
21 employees and we're about to like go through crazy
22 shenanigans to make it safe for people to go back to
23 work in like a week and three days?

24 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN: I
25 think in the last years, our average off of our

2 citywide contract has about like \$9-\$12 million per
3 year.

4 CHAIR KALLOS: That's a lot of furniture.

5 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:

6 It's a lot of employees.

7 CHAIR KALLOS: Before the hearing, we had
8 requested the recycling, the plan, in 2008, so the
9 city was required to develop a plan by January 1,
10 2008, for the reuse and recycling of electronic
11 devices. I don't believe we received that plan yet.
12 Are you able to provide that today or just tell us
13 what the plan is?

14 DEPUTY DIRECTOR JENNIFER GEILING: So, I
15 think this is what I was referring to before. I
16 think we've made a connection with the Contracts
17 Committee to the agency that manages that, so, I'm
18 happy to, in fact, I'm looking at some emails from
19 yesterday, so I think that connection has been made
20 so that you can get that information.

21 CHAIR KALLOS: Okay, it would have been
22 helpful to just have sanitation here or get the
23 answer from them ahead of time. Do any of the three
24 of you know like how to dispose of electronics at
25 your agency so like if DCAS has, so I am certain all

2 of you have had a technology device, rather it is a
3 phone, a laptop, or a computer get replaced, do you
4 any of you know what happened to the old one, what
5 your agency did with it?

6 DEPUTY COMMISSIONER MERSIDA IBRIC: Yeah,
7 so we coordinate with the Department of Sanitation
8 who has the contract for electronics removal. What
9 happens after that, I have no idea, but that is the
10 route that we take. We connect to the Sanitation
11 Department.

12 CHAIR KALLOS: I think you gave it; you
13 gave a very straight forward answer for a person who
14 didn't get the question ahead of time. So, like if
15 you are a resident, any resident, pretty much anyone
16 in Manhattan who lives in a building with, I think,
17 six or more units or ten or more units, you can go to
18 DSEY website, you can get an electronic recycling
19 cage that you can put in your basement or where ever
20 your trash room is and that way you don't have to find
21 any place to bring your electronics. You can just
22 leave it there. When it's full, you can call
23 Sanitation, they come, they empty it out, they are
24 working with the vendors to either work with the
25 existing recycling programs or the city does it

2 ourselves. So, is it basically, you just tapping
3 into that program, do you have a DSEY recycling cage
4 somewhere at DCAS?

5 DEPUTY COMMISSIONER MERSIDA IBRIC: I
6 don't know, I have to check. Off the top of my head,
7 I don't know, but I'll check.

8 CHAIR KALLOS: Fair enough, and then back
9 to the EP, so when we did ask about EP, so that's the
10 Federal standard for electronic, again, Amazon is
11 doing it, I hate to say anything nice about George
12 Bush, but like literally a Republican President,
13 George Bush, who was the worst before the most recent
14 one, what do you call it? But he actually adopted
15 it. Is there any reason why the city couldn't adopt
16 the same EP standards that the Federal government
17 adopted 14 years under an Administration that was
18 particularly hostile to the environment?

19 DEPUTY COMMISSIONER KIZZY CHARLES-GUZMAN:
20 You know, I am not familiar with EP details here
21 unfortunately, but again, what we are trying to do is
22 align with what the Feds and the State are requiring
23 and all of the updates that they do, it's also why
24 we, as an approach, try to also look at standard
25 making bodies like Green Seal and Energy Star because

2 if we reference those, the official standard making
3 bodies, when updates happen, which happen more often
4 at the national level, then we automatically can be
5 referencing that higher level standard, right, so
6 that would be part of the approach that we are
7 undertaking. We're happy to look into it and again,
8 we're still in the middle of a very experience
9 review. There are hundreds of products as you can
10 imagine as part of this of this EPP, so we definitely
11 have a lot of work and very limited capacity to do
12 it, but we're chugging through it.

13 CHAIR KALLOS: Ahead of the hearing, we
14 asked for a copy of the Green Cleaning Products list.
15 Were you able to provide that or can you direct me to
16 where it would be on the web, on the city
17 government's website?

18 DEPUTY DIRECTOR JENNIFER GEILING: So, we
19 provided the Committee with a link. They're codified
20 into New York City rules, so it's the RCNY section
21 11-10.

22 CHAIR KALLOS: Okay. Thank you. The law
23 requires the Director to establish packing reduction
24 guidelines with relation to city purchasing of goods.
25 Do you know how often this gets reviewed and if we

2 can have a copy of the guidelines that have been
3 established?

4 DEPUTY DIRECTOR JENNIFER GEILING: You
5 can definitely have a copy of the guideline that have
6 been established. How frequently they're reviewed?
7 I don't know if that is, and I can circle back with
8 you on that if that is wrapped into our regular
9 review of the standards.

10 CHAIR KALLOS: So, according to the
11 environmental preferable purchasing law, the city is
12 supposed to conduct a survey once every four years of
13 construction vendor's purchasing. Do you know when
14 the last survey completed was and where the results
15 are?

16 DEPUTY DIRECTOR JENNIFER GEILING: I can
17 circle back with you on that and let you know where
18 they are.

19 CHAIR KALLOS: We did our best to give
20 everything to you ahead of time, so you could have it
21 for us. Some things we were able to get from you
22 because you were able to direct us how to find it on
23 the website which can be very difficult to find. The
24 Legislation does require more of these reports, in
25 fact, I think, almost all of these reports to be sent

2 to the City Council and to be posted on your website
3 so that we can keep track of these things so that
4 folks aren't stuck in a situation saying well, I
5 don't know. Do you support putting these online so
6 that there's more transparency around the process and
7 so that if MOS makes recommendations, those
8 recommendations are public ahead of those
9 implementations on those limitations are also public?

10 DEPUTY DIRECTOR JENNIFER GEILING: I just
11 want to get back cause I went online to just find
12 them. The packing reduction is on our website and
13 it's in the last tab of the EPP report.

14 CHAIR KALLOS: Okay, so it's under
15 reporting or partners?

16 DEPUTY DIRECTOR JENNIFER GEILING: It's
17 MOCS partners, environmentally preferable
18 purchasing, that page, and then you go to EPP, you'll
19 see the EPP.

20 CHAIR KALLOS: Okay, the other documents
21 have a date. Do you know the last time this document
22 was updated?

23 DEPUTY DIRECTOR JENNIFER GEILING: Let me
24 take a look.

2 CHAIR KALLOS: I'm looking at the file
3 name in the URL which ends with a 1-14-14, and as a
4 person who uses a similar file name in convention, I
5 believe, that this was last updated January 14, 2014.

6 DEPUTY DIRECTOR JENNIFER GEILING: Please
7 bear with me.

8 CHAIR KALLOS: Of course. I'm looking at
9 the Adobe document properties which have it as
10 created January 16, 2014, at 1:48 p.m.

11 DEPUTY DIRECTOR JENNIFER GEILING: Yeah.

12 CHAIR KALLOS: So, uhm ... (crosstalk).

13 DEPUTY DIRECTOR JENNIFER GEILING: So,
14 yes, it is, the date is right. My understanding is
15 there's, so we should update it, but my understanding
16 is that there is not an update requirement for them,
17 but perhaps as part of this larger effort to update,
18 we can look at that and talk about that with you as
19 well.

20 CHAIR KALLOS: So, I guess, DCAS, is the
21 packing reduction guidelines something that you use I
22 purchasing?

23 DEPUTY DIRECTOR MERSIDA IBRIC: I believe
24 we make certain references to it, and I know that in
25 the last two years, we've participated in the survey

2 that MOCS had performed with our vendors to
3 collection information on what they're currently
4 doing on the guidelines, but specifically which ones,
5 you know, I'll have to get back to you on that, but
6 we do reference pieces of it in RS specifications.

7 CHAIR KALLOS: Do you know how success
8 we've been in eliminating poly Styrofoam commonly
9 known as Styrofoam packaging and TBC packaging?

10 DEPUTY DIRECTOR MERSIDA IBRIC: I believe
11 that, you know what, let me get back to you. Let me
12 not be wrong here. So, let me get back to you and
13 get you the right answer.

14 CHAIR KALLOS: Okay.

15 DEPUTY DIRECTOR MERSIDA IBRIC: I don't
16 want to, yeah.

17 CHAIR KALLOS: For MOS, have your
18 recently reviewed the packaging reduction guidelines?

19 DEPUTY DIRECTOR KIZZY CHARLES-GUZMAN:
20 Sorry, I am not sure, but let me circle back with you
21 as well.

22 CHAIR KALLOS: Okay, and like just to be
23 clear, like all these things were supposed to be
24 getting review every four years, every two years, and
25 so, to me it would have been a much better hearing,

2 is just, to just say, like to have answers of like,
3 no we haven't done it or we have and here's what we
4 did versus an I don't know which I just, I really
5 believe in accountability and I think that if we fall
6 short, we own up to it, we let people know, and then
7 we do our best to do better. I just feel that a lot,
8 the I don't knows is just, is not really holding
9 ourselves accountable, and I think we're better than
10 that. I think that's the end of my questions on
11 2271. I'd like to move on to the textiles. I made
12 the mistake of Googling this and if anyone know what
13 cookies are, other than delicious and a song I sing
14 with my daughter about what C is for, you know that
15 to Google something, you get ads about it, so no
16 sooner that I Google sustainable fabrics did I get a
17 commercial from H&M with amazing volume totaling
18 their 100% pieces and I'm a huge (inaudible) fan, so
19 like it was really cool. I might actually go to H&M
20 now. So, what type of textiles does the city
21 regularly purchase?

22 DEPUTY DIRECTOR MERSIDA IBRIC: I can
23 answer that. I mean on our requirements contracts we
24 have, you know, everything from like mattresses,
25 uniforms, we even have upholstery, furniture is big

2 as well that uses textiles, so yeah, there's a lot of
3 textiles that the city purchases.

4 CHAIR KALLOS: That is amazing. I did
5 not, I was struggling to find, I didn't know that we
6 bought mattresses and things like that. What
7 agencies buy the most textiles?

8 DEPUTY DIRECTOR MERSIDA IBRIC: You know,
9 I'd have to get back to you, but I think the big
10 users are likely going to be our human client service
11 agencies, so, ACS, HRA, DHS, and DOC is a big
12 purchaser as well.

13 CHAIR KALLOS: Department of Corrections?

14 DEPUTY DIRECTOR MERSIDA IBRIC: Yes,
15 sorry, Department of Corrections, that's right ...
16 (crosstalk).

17 CHAIR KALLOS: The other ones are for
18 Department of Homeless Services, Human Resources
19 Administration and ... (crosstalk).

20 DEPUTY DIRECTOR MERSIDA IBRIC: That's
21 right.

22 CHAIR KALLOS: And then what was the
23 other one? Administration for Children's Services?

24 DEPUTY DIRECTOR MERSIDA IBRIC: That's
25 right, yeah.

2 CHAIR KALLOS: And so, they're providing
3 clothing for people who are in our jails, they are
4 providing sheets and other things for people who are
5 in our shelters ... (crosstalk).

6 DEPUTY DIRECTOR MERSIDA IBRIC: That's
7 right.

8 CHAIR KALLOS: Do we provide it quarterly
9 ... (crosstalk)?

10 DEPUTY DIRECTOR MERSIDA IBRIC:
11 (Crosstalk) agencies as well, I don't want to forget
12 them as well. Every uniform you see out on the
13 street.

14 CHAIR KALLOS: So, we buy them, they
15 don't have to buy, the workers, the police officers
16 and fire officers don't have to buy their own
17 clothing?

18 DEPUTY DIRECTOR MERSIDA IBRIC: I do not
19 work for the city agencies, so I can't answer that
20 question, but uniforms are on our citywide contracts.

21 CHAIR KALLOS: To the extent you can get
22 us an answer on which uniformed employees are
23 responsible buying their own uniform versus us buying
24 them for them would be helpful. I know that if the
25 fire department, we actually buy their boot cause I

2 worked with the fire officers to buy a second pair of
3 boots for folks so that they wouldn't have to go out
4 on a call wearing wet boots after they already just
5 did a call, so they can have time for their boots to
6 dry. Do we know how much money we are spending every
7 year on just like the textile piece of procurement?

8 DEPUTY DIRECTOR MERSIDA IBRIC: No, but
9 only because textile could really be like an element
10 of something, right, so our procurement could be
11 furniture, but then like textile might be like an
12 element of that, and so, we don't really have it
13 broken up by material in that way, but you know, we
14 could probably go through our list of contracts and
15 see which ones might be applicable.

16 CHAIR KALLOS: I'm looking forward to
17 hearing from advocates. They have the expertise, so
18 does my staff on this one, I had quite a crash course
19 before this hearing. I imagine uniforms, sheets,
20 think that folks, a certain percentage or more
21 textiles would be what we're most interested in, but
22 if you could share that, it would be incredibly
23 helpful.

24 DEPUTY DIRECTOR MERSIDA IBRIC: Yes.

2 CHAIR KALLOS: Do you know if there are
3 currently any standards on sheets, towels, beds,
4 mattresses, uniforms; do we have any standards to
5 guidance in purchasing textiles?

6 DEPUTY DIRECTOR MERSIDA IBRIC: Yeah, I
7 mean, there are some like standards, right, so, you
8 know, flame resistance, you know, sheets are a thing,
9 and you want to make sure things are not catching
10 fire and so there are certain standards there. They
11 are like the other EP standards as well. I mean, we
12 can pull which ones we're currently tapping into and
13 which standards guidelines we're currently using. We
14 can pull some of our contracts and reference that
15 language if that would help.

16 CHAIR KALLOS: Do you know if the city
17 currently, so flame retardant, I understand and I
18 don't know why, I know how the measurements go for, I
19 believe all flame standards relate to how long before
20 something catches fire cause everything catches fire,
21 just how long before it melts or catches fire. I
22 don't know why I know that.

23 DEPUTY DIRECTOR MERSIDA IBRIC: It's ...
24 (crosstalk).

2 CHAIR KALLOS: Is that correct? Is that
3 standard?

4 DEPUTY DIRECTOR MERSIDA IBRIC: I believe
5 you're right, and I think it's because you have kids
6 because all of their PJs come with that standard.

7 CHAIR KALLOS: What do you call it?
8 These, yes, the flame retardant pajamas like, they
9 are so tight, and so hard to get on a kid and every
10 night is a fight. Okay, Mersida, do you have kids is
11 why you have lived through this too?

12 DEPUTY DIRECTOR MERSIDA IBRIC: I'm still
13 living through it. I have a 9-year-old and a 1-year-
14 old.

15 CHAIR KALLOS: Oh, okay. So, aside from
16 the flame retardant, do you know if there are any
17 environmental standards that we currently apply?

18 DEPUTY DIRECTOR MERSIDA IBRIC: Not off
19 of the top of my head, I'm sorry. I will ask my
20 team. If I get an answer before we end, I'll apply
21 it for you, but otherwise, I can follow up after this
22 call.

23 CHAIR KALLOS: I know that Department of
24 Sanitation does textile recycling. I know this
25 because our office works with them to get buildings

2 to voluntarily do it. Do you know if any agencies
3 have textile recycling or even upcycling?

4 DEPUTY DIRECTOR MERSIDA IBRIC: No,
5 Sanitation is the only one that I know of.

6 CHAIR KALLOS: Okay, is the city aware of
7 any local innovator in the field of sustainable
8 textiles that are capable of producing products that
9 meet the current safety standard for items such as
10 work boots?

11 DEPUTY DIRECTOR MERSIDA IBRIC: I don't
12 know if that's for me or for MOS. I do not know the
13 answer.

14 **Error! Bookmark not defined.** I'm not
15 aware of specific standards, but again, textiles are
16 part of our current review and so, we're, I think one
17 of the additional considerations that we are thinking
18 through is also the availability of the volume that
19 the agencies would have to procure it and just trying
20 to understand more about the categories of purchasing
21 what the city actually utilizes, so it's one thing to
22 have access to a sustainable material, but we are not
23 really in a position to be able to comment on rather
24 we can buy that at the volume that might be needed,
25 so again, this is part of why our recommendations on

2 sustainability go to the agencies that have to
3 implement this program for their feedback, and we're
4 just not there yet in the process.

5 CHAIR KALLOS: And so I think that's what
6 our Bill kind of recognizes and I kind of hate task
7 force Bills, but task force Bills that then do
8 something or kind of something I can stomach, so do
9 you think it would be helpful to have a task force
10 set that is going to research and consider the social
11 process associated with production of textiles, labor
12 conditions, supply chain, and rather or not they're
13 recycled, organic, or virgin materials, the source
14 and supply chain, getting sense of the value of the
15 contracts, how long they're used, and how they're
16 disposed?

17 DEPUTY DIRECTOR MERSIDA IBRIC: Uh,
18 listen. I will tell you from MOS's perspective. I
19 think that any organization helps to identify the
20 state of innovation nationally and internationally
21 will be welcomed by us. Again, it is a tremendous
22 undertaking and for us, achieve a zero-waste future
23 in the textile industry is a very central to our
24 goals, but at the same time is absolutely an area of
25 research, so we'll take all the help that we can get.

2 CHAIR KALLOS: To the extent that you've
3 share that there may not be a market or people who
4 can produce the materials we need in an
5 environmental, sustainable way and the fact that we
6 have so much vacant office space, so much vacant
7 factory space and we are on the road to recovery, is
8 there a way that we could use EPP as a market driver,
9 and I guess along those same lines, does DCAS have
10 any experience where the city is setting new
11 standards for something then the market reacted and
12 responded and we created a market for an
13 environmentally, sustainable product?

14 DEPUTY DIRECTOR MERSIDA IBRIC: Yeah, I
15 can take the second part of that, and the answer is
16 yes. I mean, DCAS, years ago, is one of the first
17 sort of groups to decide to use biofuels in their
18 buildings and we really drove the market there.
19 We're now up to about 20% biofuel, and we're also
20 putting out a bid for renewable diesel as well, and
21 so I think that, you know, 20 years ago, you didn't
22 see that anywhere in the market, 10 years ago, that
23 was hard to find, and now, you're finding more and
24 more vendors in the market who are providing biofuels
25 because the city, as a user, has a tremendous volume

2 and a tremendous footprint, and so it's worth the
3 effort to now bring in bio-diesel to the city. So,
4 you really are correct. I think once the city
5 decides to move in a certain direction, the market
6 will follow.

7 CHAIR KALLOS: Amazing.

8 DEPUTY DIRECTOR MERSIDA IBRIC: Yeah.

9 CHAIR KALLOS: One last call to see if
10 anyone else has any questions. I want to thank DCAS
11 for joining, also MOS, nice to meet you and thank you
12 MOCS and just we have a lot of outstanding questions,
13 so please make sure to provide them. Please provide
14 them as soon as possible. I believe the record
15 remains open 48 or 72 hours, so we really like to be
16 able to have whatever you provide in the record so
17 that anyone who is interested in this issue is able
18 to learn about it and get the answers as well, so
19 please if we could get it by Monday, that would be
20 amazing. I would like to, now at this point excuse
21 the current panel and turn it over to my Committee
22 Counsel.

23 DEPUTY DIRECTOR MERSIDA IBRIC: Thank
24 you.

2 DEPUTY DIRECTOR JENNIFER GEILING: Thank
3 you, thank you Chair Kallos.

4 COMMITTEE COUNSEL JOSH KINGSLEY: Thank
5 you, Chair Kallos. We will now move on to public
6 testimony. Bear with me for a second. Okay, thank
7 you, Chair. We'll now turn onto public testimony.
8 I'd like to remind everyone that unlike a typical
9 Council hearing, we will be calling on individuals
10 one-by-one to testify. Each panelist will be given
11 three minutes to speak. Please once the Sergeant has
12 begun the time, please begin. Council Members who
13 have questions for a particular panelist, use the
14 Zoom raise hand function and we'll call on you after
15 the panelist has completed their testimony. For
16 panelist, once your name is called, a member of our
17 staff will unmute you and the Sergeant at Arms will
18 set a timer and you can begin. We will begin first
19 with Joshua Katcher, who I believe is going to speak
20 first. Go ahead sir.

21 CHAIR KALLOS: And uh, just one
22 correction. We'll be giving five minutes for folks.
23 Thank you for waiting so long into this hearing.

24 SGT. MARTINEZ: Your time begins now.

2 JOSHUA KATCHER: Thank you so much. Good
3 afternoon, Chair Kallos and Members of the Council
4 and Committee. My name is Joshua Katcher. I am a
5 fashion designer and entrepreneur and author and
6 educator, and I sit on the Board of Directors for the
7 international organization, Collective Fashion
8 Justice. As a fashion professional who lives in New
9 York City as well as a sustainable and ethical
10 fashion educator and writer, I have seen law makers
11 overlook fashion supply chains as deserving of
12 meaningful legislation. I have seen fashion not yet
13 taken serious despite its massive global impact on
14 workers, animals, and the environment, and I've seen
15 innovators, entrepreneurs, and small businesses
16 focused on sustained and ethical supply chains
17 struggle desperately to access and navigate the
18 complex city contracting opportunities. For example,
19 I make sustainable, fairly made tactical boots, but
20 have had no ability to speak to anyone who makes
21 those purchasing decisions. We have scientific data
22 on what the most impactful textile materials are for
23 the environment and we can make environmentally
24 preferable purchasing of textiles based on this
25 data. The Higg Material Sustainability Index, the

2 pulse of the fashion industry report from the Boston
3 Consulting Group and the fashion industry's own
4 internal environmental profit and loss reports
5 concurs that the most environmentally impactfully
6 materials to produce from cradle to gate are silk,
7 alpaca wool, cowskin leather, and conventional cotton
8 and wool. These should be a starting point for
9 textile purchasing decisions. These materials that
10 rely on turning native lands and forests into
11 grazeland and pasture are some of the most harmful.
12 We must rewild pasture and grazeland for the sake of
13 biodiversity and for the most effective carbon sinks
14 as they relate to the climate crisis. Further
15 consumer research shows that importantly, this is
16 what citizens want. A 2020 McKenzie Survey found that
17 two-thirds of respondents believe that it's
18 "important to limit impacts on climate change", while
19 88% believe that more attention should be paid to
20 reducing pollution. Three consecutive years in a
21 row, the study from LIST, which is an online
22 retailer, the largest consumer study ever conducted,
23 first in 2018, 80 million shoppers showed a 66%
24 increase in searches for sustainable fashion with
25 terms vegan fashion, responsible for 9.3 million

2 social impressions. LIST 2019 study which was over
3 104 million shoppers showed searches including
4 sustainability-related key words increasing 75% year
5 on year, and the 2020 study, the most recent one, saw
6 sustainable sneakers, for example, jumping another
7 89% year on year. At the same time, we are in the
8 midst of an industrial revolution where waste
9 diverted recycled biosynthetic, organic, and other
10 visionary innovations are increasing available. I
11 call these materials circumfunnel materials that aim
12 replace climate, land, and water intensive animal
13 fibers that are a significant portion of these
14 innovations. New York City should be purchasing from
15 these new supply chains, helping them flourish. The
16 creation of a task force comprised of experts is a
17 necessity for examining more ethical and sustainable
18 supply chains for the city of New York's purchasing.
19 As a globally celebrated fashion capital, New York
20 City should be leading by example. The truth is that
21 we have thorough data, we have access to more and
22 more innovative and sustainable materials, and we
23 have the urgency of the climate crisis to make these
24 changes and there is a budget to do so. Thank you
25 and I'm happy to take any questions.

2 CHAIR KALLOS: During the hearing there
3 was at least an implication that the private market
4 might not be able to meet needs. What is your
5 capacity for these boots, and would they be
6 sufficient for fire department and police department
7 or other department needs?

8 JOSHUA KATCHER: The boots that I make,
9 in addition to typical fashion boots and accessories,
10 I also make tactical boots that meet international
11 stringent sets of standards. I have a full data
12 sheet on these boots that I'm happy to send rather
13 than reading through all those standards, and the
14 capacity, for example, my small business, the factory
15 that I work with, that I contract, located in Brazil,
16 we can create up to 30,000 pairs of boots per order.
17 So, there is the ability to scale. It's not as big
18 as some others out there, but there is an opportunity
19 to help smaller businesses like this provide. I
20 think 30,000 pairs is a decent number for a city
21 purchase.

22 CHAIR KALLOS: And the materials you
23 described, do you feel that anything shoe-related
24 should be included in the textiles, definition of
25 textile?

2 JOSHUA KATCHER: Absolutely. Footwear,
3 as a footwear designer and as a fashion professional,
4 footwear has to be included in any sort of critical
5 understanding of materials and textiles at large and
6 fashion at large.

7 CHAIR KALLOS: Thank you very much.

8 JOSHUA KATCHER: Thank you.

9 COMMITTEE COUNSEL JOSH KINGSLEY: Thank
10 you, Chair. We will now move on to Christopher
11 Halfnight followed by Joel Cupperman afterward. Go
12 ahead.

13 CHRISTOPHER HALFNIGHT: Thank you very
14 much. Good afternoon, Chair Kallos and Committee
15 Members. My name is Chris Halfnight. I'm Associate
16 Director of Policy at Urban Green Council. We're an
17 environmental non-profit focused on sustainability in
18 the building sector. I'm testify today in support of
19 Intro number 2271 and first I want to say thank you
20 the Chair, to the Committee and of course to the
21 dedicated staff at City Council for bring some much-
22 needed attention to this important and impactful
23 policy. Urban Green has a long history with the EPP.
24 Russell Unger, our former Executive Director was
25 actually the lead drafter on the Council staff back

2 in 2005 when he worked at City Council, and then he
3 worked at MOCS afterwards to help implement the law.
4 More recently, in 2016 and 2017 we collaborated with
5 the MOS and others on recommendations for a long-
6 overdue update to the rules that implement the EPP
7 laws. We advised in particular on provisions related
8 to buildings, including energy efficiency, water
9 efficiency, and building materials. As we've heard,
10 nearly five years later, none of the many
11 recommendations that were put forward at that time
12 have been implemented. I know it's not easy to
13 shepherd these through revision and I'm hopeful, more
14 hopeful than I was yesterday based on the testimony
15 today that we'll see some of those integrated later
16 this year. So, that was really nice to hear. The
17 City's green purchasing power is important in a
18 number of ways. Chair Kallos, you highlighted them at
19 the outset. The sheer quantity of public procurement
20 translates to a significant environmental footprint.
21 Every dollar that preferences a good with lower
22 environmental impact benefits all New Yorkers.
23 Second, the City's purchases create more demand for
24 greener products, helping to stimulate the market,
25 and then third, the city's green purchasing inspires

2 action in other cities and states that look to New
3 York and the private sector. As we've heard, it's
4 been almost a decade since the regulations that
5 implement the law have been updated, and I think it's
6 clear that that's a gap that falls far short of the
7 law's intent. So, we really applaud the Committee's
8 effort today to update the EPP laws. In particular,
9 we support the proposed amendments to modernize the
10 purpose statement to include achieving net-zero GHG,
11 eliminating waste, and increasing recyclable
12 materials, and then we'd offer four specific comments
13 for the Committee's consideration. First, Given the
14 history of updates or lack thereof, we very much
15 support the proposal to increase reporting
16 requirements so that's there's some explanation and
17 transparency around the mandatory bi-annual review of
18 the purchasing standards. **Two,** we're really glad to see
19 the EPEAT standards proposed for integration. We'd
20 encourage the Committee to consider a higher
21 specification within EPEAT such as Gold or Silver, or
22 to require the director to implement the highest
23 standard deemed feasible after review that's proposed
24 in the amendment. On note that some leading
25 jurisdictions have opted for EPEAT Gold or Silver;

2 Washington D.C. for example has that in their
3 procurement standards. Third, we very much support
4 the addition of environmentally preferable furniture
5 standards that was in our recommendations as well a
6 few years back, and we also agree with the intent to
7 align those standards with existing industry
8 standards and ecolabels that really helps ensure that
9 they can be implemented in the easiest and most
10 effective manner, and then fourth, we suggest some
11 focus on developing standards for a small number of
12 additional products that aren't covered right now
13 either in the law itself or through the regulatory
14 process in the regulations, and the top priorities
15 for us there are consideration of cement standards,
16 such as maximum cement content or minimum cement
17 substitute content, particular in the non-structural
18 side of things so pre-cast concrete units and bagged
19 concrete mixes, that can significantly lower the GHG
20 impact of concrete. Second, we'd encourage looking
21 at the US EPA's WaterSense label. That's a label for
22 water efficiency, and it's a convenient and
23 accessible way to up the dial on that, and then
24 third, some recycled content requirements for carpet,
25 ceiling tile and wallboard. Those are all really

2 important construction materials and they're readily
3 accessible with very highly recycled content. Thank
4 you very much for the opportunity to comment today,
5 and I'd be happy to answer any questions.

6 CHAIR KALLOS: I love everything you
7 said, and you answered questions that I was going to
8 ask. Can you tell me about your organization? Are
9 you a combination, do you have representatives from
10 industry in your organization?

11 CHRISTOPHER HALFNIGHT: You're we're a
12 non-partisan, non-profit organization. I'm a lawyer
13 by background. We have architects and engineers on
14 staff, but we cover policy research, policy advocacy,
15 a lot of education and work force training, and then
16 a lot of communications and sort of programmatic
17 outreach. In our member group, we are a member
18 organization. We have lots of design professionals,
19 architects, engineers, energy management
20 professionals, building owners, building managers,
21 and then also on our Board of Directors, we have a
22 wide representation across those groups as well.

23 CHAIR KALLOS: Is there anything that you
24 saw in our legislation as drafted or as would be

2 amended with your suggestions that the industry could
3 not meet?

4 CHRISTOPHER HALFNIGHT: I don't believe
5 so.

6 CHAIR KALLOS: So, we could do this, this
7 wouldn't put anyone out of business, this wouldn't
8 make it impossible for us to do business, this
9 wouldn't raise costs uncontrollably, this would be
10 meeting the market where they actually already are?

11 CHRISTOPHER HALFNIGHT: As far as Intro
12 2271, I believe that's the case. I, you know,
13 certainly would want to participate in the hearings
14 to come as it moves through the regulatory process,
15 but I can't speak specifically to the second Bill
16 today because we don't have expertise in the textile
17 industry, but certainly on 2271.

18 CHAIR KALLOS: And we can eliminate
19 virgin materials and construction?

20 CHRISTOPHER HALFNIGHT: So, I guess those
21 particular provisions are, to my understanding framed
22 as purpose statements or goals to guide the EPP. I
23 think that's an excellent goal. Rather we can fully
24 eliminate virgin materials and construction is a

2 different question and would require quite a bit more
3 consideration.

4 CHAIR KALLOS: Okay, and an opinion on
5 halogen lamps versus incandescent versus fluorescent
6 versus LED?

7 CHRISTOPHER HALFNIGHT: Yeah, so we
8 actually looked at some of that back in 2016/2017. I
9 think generally, it's very clear that significant
10 amounts of lighting can transition to LED. There are
11 some exceptions. It gets quite technical. My
12 understanding of halogen, and I'm not a lighting
13 expert, but is they are very good LED alternative, so
14 that one is likely safe ground. The full phase out
15 of fluorescents, I think, gets; one of the issues we
16 encountered when we were looking at it was there are
17 existing lighting infrastructure that would need to
18 be replaced if all fluorescents were phased out, so
19 there are some older, larger balusters and such that
20 maybe aren't as easy to transition to LED and so, the
21 question there is less the technical feasibility and
22 more the cost and sort of the implementation burden
23 it might mean as existing bulbs die, and you know,
24 the schools for example, are looking for bulb to
25 replace in existing fixtures. So, we didn't get to

2 the bottom of exactly what, you know, where the
3 feasibility line lies there, but certainly directly,
4 I think that that's the right direction.

5 CHAIR KALLOS: I just love LEDs over
6 fluorescents any day personally, but when you
7 mentioned schools, I remember being in class like
8 trying to learn while like one fluorescent was
9 buzzing, one of them was out, and one of them was
10 like flickering. Not the more ideal learning
11 environment.

12 CHRISTOPHER HALFNIGHT: That's right.

13 CHAIR KALLOS: Thank you very much.

14 CHRISTOPHER HALFNIGHT: Absolutely, thank
15 you.

16 COMMITTEE COUNSEL JOSH KINGSLEY: Thank
17 you. We'll now move onto Joel Cupperman followed by
18 Kathy Nizarri.

19 SGT. MARTINEZ: Clock is running.

20 JOEL CUPPERMAN: Good afternoon, thank
21 you Chairman. I just want to say that the testimony
22 that I heard from your City Commissioners and
23 whatever is more than alarming. I am more
24 pessimistic after hearing them than before. There's
25 a lot of questions that are raised and especially in

2 terms with standards, which standards are being used.

3 It's too vague. You really have to make sure that

4 these agencies consult with a lot more people to come

5 up with the right standards. It's going to be almost

6 impossible to enforce those standards. I just want

7 to say, I'm the Executive Director the Environmental

8 Justice Initiative and Legal Counsel to the Empire

9 State Consumer Project which deals with consumer

10 concerns nationwide and New York Citywide. One of

11 the suggestions I make to answer this legislation is

12 that you should require the contractors that the city

13 hires to follow the same standards. The city keeps

14 on going to public/private partnerships, hiring

15 people and allowing the contractors to call the

16 shots. I think one of the things that the city

17 should do is to look into that. The second question

18 I have is we just talked about electric lights and

19 replacing the light. The city, including schools,

20 has a history of bad contracting in terms of doing

21 this work. So, when it came to replacing the PCBs

22 fluorescent fixtures, there wasn't enough control

23 over how they were removed, endangering a lot of the

24 kids that are there, so I think it's really important

25 that the city look into that, that it's important

2 that it's not just the product itself, but how these
3 products get replaced. Number three is that you
4 should also look into a consortium of dealing with
5 trying to bring some of this research on with New
6 York state and other cities that are out there.
7 Four, is that it's single use packaging is bad, and
8 it's good to go into recycled uses, but there's no
9 mention really, there's a COVID-19 problem. All
10 right, that a lot of it is medically, there are
11 medical necessities for certain products, so the
12 health department and other agencies should be
13 consulted. There's got to be a lot more research and
14 substantiation of what standards should be use and
15 what products should we use, and the city passes
16 these many, many laws, but has a problem with
17 enforcement. The city is still owed a billion and a
18 half in uncollected fines and so, you know, I think
19 there should be something here in terms of vendors to
20 the city, if they get caught, you know,
21 misrepresenting what they're selling or buying or not
22 following it, that they should be basically named a
23 bad actor and there should be some type of control
24 and you know, who they're being contracted, and I
25 think the standards, just going back to that, there's

2 got to be much more substantiation that's out there.
3 You just can't take industry lists without speaking
4 to other agencies. You know, I see that it's there,
5 but I don't think it's a really big requirement, and
6 I also urge to include NYCHA to be considered in
7 these procurement requirements.

8 CHAIR KALLOS: Joel, if you could help us
9 at this state, which has long since abandoned NYCHA
10 and stopped funding it, and some of the worst
11 landlords in the world to try to ... (crosstalk).

12 JOEL CUPPERMAN: This is a criticism of
13 the city. Let me just tell you something. There's a
14 water problem. I represent the Tenant's Association
15 at Smith. An 85-million-dollar contract, the
16 contractor got hit with an 80 million fine for labor
17 violations, all right. They, they worked the exposed
18 lead laying soil that's there, we asked them to cover
19 up the soil with textiles. They weren't forced to do
20 it, all right. Okay, so part of the problem is, the
21 city rewarded them with another 250 million dollars'
22 worth of contracts, and so, it scares me that right
23 now, with this exposure to lead, we just found out
24 there's lead exposure there, we've asked the Health
25 Department to come in. The Health Department is not

2 coming in, and Chairman, I just want to say that,
3 when NYCHA residents call 3-1-1, they're told that
4 they have to call NYCHA, that the Health Department
5 or other agencies aren't there. So, all these
6 agencies are not coming in (crosstalk) let me just,
7 let me just, let me just get to it, all right. The
8 important point is right now we are just told that
9 all these other agencies, you know, your three
10 agencies, (inaudible) DEC in terms of these
11 standards, I'm saying that we have a major problem
12 here.

13 CHAIR KALLOS: I agree, and we need
14 Albany to repeal the (inaudible) legislators messing
15 with the rent laws and we need them to repeal the
16 laws that keep NYCHA outside the perimeters of the
17 City Council.

18 JOEL CUPPERMAN: But the city, okay, but
19 the city's agencies are not responding to outright,
20 you know, environmental insults there. So, now ...
21 (crosstalk).

22 CHAIR KALLOS: Joel, I love the work you
23 do, we just banned pesticides yesterday and about all
24 the litigation you've done leading the way with the
25 work with you and everybody else, and in terms of the

2 stuff going on with Smith's Houses, where are Smith
3 Houses located?

4 JOEL CUPPERMAN: The Brooklyn Bridge and
5 East River.

6 CHAIR KALLOS: Let's, let's touch base
7 and see if we can help do the constituent service
8 there and make sure that the agencies that are
9 appropriate are doing their jobs.

10 JOEL CUPPERMAN: Okay, but just going
11 back to the bad actor policy, all right. The city
12 could be using that to stop the hire of contractors
13 and even the contractors provide the rare products.
14 They haven't been doing that. One of the last times
15 they did it was when we were involved with the West
16 Nile Virus spraying, were you aware?

17 CHAIR KALLOS: So, we will take a look at
18 that, but we'll take feedback on the legislation.
19 Thank you, Joel.

20 JOEL CUPPERMAN: Can I just say one more
21 thing?

22 CHAIR KALLOS: Of course.

23 JOEL CUPPERMAN: I think it's important
24 that you also reach out to CUNY and other people to
25 help, you know, with establishing standards and that

2 the reporting requirements that the agencies you
3 discussed this morning are not coming through, it's
4 just really takes away the veracity of what you're
5 trying to do and also, it's opening yourself up to
6 legal actions that the law is not substantiated. So,
7 it's really bad that there was just noncompliance by
8 the three or four agencies that you're charging them,
9 you know, to set these standards.

10 CHAIR KALLOS: I agree that there was
11 noncompliance. I believe I shared it. I also agree
12 that there was a lack of accountability and taking
13 responsibility and I would love to have better
14 regulation and oversight over CUNY, as a CUNY
15 graduate myself, and love your help getting Albany to
16 take their corrupt hands off of NYCHA, off of CUNY,
17 off the H&H so that the city can probably regulate
18 these agencies that truly service New York City
19 residents. Thank you.

20 JOEL CUPPERMAN: Okay.

21 COMMITTEE COUNSEL JOSH KINGSLEY: Thank
22 you. We'll now move on to Kathy Nizarri. You may
23 begin.

24 SGT. MARTINEZ: Clock is running.

2 KATHY NIZARRI: Good afternoon, Chairman
3 Kallos and Members of the Committee. I'm Kathy
4 Nizzari, member of several Boards including
5 Legislative Care of the Manhattan Solid Waste
6 Advisory Board. Thank you, Councilman Kallos, for
7 your EPP bills. I fully support Intros 2271 and 2272,
8 will do my best to advocate for them, and urge the
9 Council to pass them. The city must use its
10 procurement power to shift to environmentally
11 preferable purchasing of goods and textiles. Intro
12 2272 lays bare the environmental impacts of
13 everything from uniforms to furniture to electronic
14 equipment. It clearly illustrates the
15 intersectionality of the environmental crisis with
16 social justice issues like labor exploitation, public
17 health, and animal cruelty. As a society we must
18 look at the consequences of our disposable culture
19 and make mindful decisions. I vote with my wallet. To
20 me, that means boycotting companies that do not treat
21 their workers fairly, contribute to pollution and the
22 degradation of our planet, and do not employ cruelty-
23 free practices. I do so, even if it is personally
24 inconvenient. Our government has an obligation to do
25 the same. Rather than purchase the cheapest products

2 possible, our city must factor in the external costs
3 of goods and textiles since it's how the
4 manufacturing process harms the environment,
5 endangers certain animal species, exploits workers,
6 and causes human health problems. While a McDonald's
7 hamburger might only cost \$1, its production wreaks
8 havoc on the planet and animals. Eat a steady diet of
9 them and face a host of health issues, burdening our
10 healthcare system, leading to rising insurance rates,
11 loss of earnings and productivity due to sick leave,
12 and so on. We don't honestly know the true cost of
13 that \$1 burger, but it is safe to say it's a lot more
14 than a \$15 organic salad. We need to apply that same
15 logic to the city's purchasing. \$12 scrubs might be
16 cheap, but they won't last long, which means they'll
17 end up in a landfill or incinerator, at that price
18 the manufacturer is probably not paying a fair wage
19 to its workers, the materials are subpar, and they
20 will have to be replaced sooner rather than later. So
21 those \$12 scrubs actually cost a lot more than a
22 better-quality product made from innovative,
23 sustainable, toxic-free, recycled or recyclable
24 materials. Again, I fully support these Bills and
25 would ask that the language include incineration

2 alongside landfill, since we know that Manhattan's
3 trash is burned at the Covanta facility in Newark, NJ
4 which brings with it a host of social costs like high
5 asthma rates that cannot be ignored. We need to act
6 now. The city must use its \$22 billion purchasing
7 budget in a responsible way that protects the
8 taxpayers who fund it. If the city does not have the
9 power to demand that social costs be evaluated in
10 determining who gets our purchasing contracts, then
11 we need to lobby the state for this power or we just
12 continue to fund harm -- to ourselves, to the planet,
13 and to all its inhabitants. I also commend you for
14 holding city agencies accountable to the existing EPP
15 laws. Please pass 2271 and 2272. I thank you for your
16 time, and I just wanted to respond to a question you
17 had earlier about e-waste. The DSNY has contract
18 with a third party who receive those materials. They
19 will remove anything that is recyclable, can be sold
20 to a company that does purchase products that can be
21 recycled and the rest of it goes to landfill.

22 CHAIR KALLOS: Kathy, that makes me very
23 sad. I thought there was something where like if
24 Apple made an iPhone or an iPad that, if you took it
25 back to Best Buy or somebody who sells it, that they

2 then send it back to Apple and Apple has the
3 responsibility to like take it apart and make sure
4 that it is disposed of properly or reused. Is that
5 not the case?

6 KATHY NIZARRI: Well, if you bring to a
7 private company, I don't know what they do with it,
8 but if you're taking about the e-waste program
9 through the Department of Sanitation, that's what I
10 was referring to.

11 CHAIR KALLOS: So, yeah, that's
12 horrifying, so if you throw away an Apple product and
13 literally, they're up to iPhones 12 now, then so,
14 like whatever they can't recycle, which is most of
15 it, just ends up in a landfill and those things are
16 highly toxic. Do you know what they do with the
17 toxic parts which is most of it?

18 KATHY NIZARRI: It goes to landfill. I
19 mean, at least if you, I know that with T-Mobile,
20 that if I were to bring an old phone of mine to T-
21 Mobile, they refurbish them and then they will ...
22 (crosstalk).

23 CHAIR KALLOS: Got it.

24

25

2 KATHY NIZARRI: They will sell them if
3 they can, but with the Department of Sanitation,
4 that's not what they do.

5 CHAIR KALLOS: Okay. That is
6 disappointing.

7 KATHY NIZARRI: It's very disappointing.

8 CHAIR KALLOS: Thank you, Kathy.

9 KATHY NIZARRI: Thank you.

10 COMMITTEE COUNSEL JOSH KINGSLEY: Okay,
11 Chair Kallos. That's it for the public section of
12 the testimony.

13 CHAIR KALLOS: I want to thank everyone
14 who came out today. I want to thank the
15 Administration for their testimony, all three
16 agencies are advocates. If you are watching at home
17 and it's within 72 hours of April 23, and you're
18 interested in submitting testimony, you can do so,
19 and I'll ask our Committee Counsel to share that
20 email to us.

21 COMMITTEE COUNSEL JOSH KINGSLEY:
22 Testimony@council.nyc.gov.

23 CHAIR KALLOS: Thank you. If you have
24 anything you wish to share, you can share it with me
25 at contracts@benkallos.com. Earth Day, this Earth

2 Day, we banned pesticides just yesterday in our city
3 parks and it would be amazing to pass this
4 legislation as soon as possible. We'll be taking
5 feedback and ideas for improvements. We're hoping to
6 get a lot more answers out of the Administration.
7 You'll be able to find the testimony as well as any
8 of the answer that we may or may not get at
9 council.nyc.gov, and I want to thank everyone for all
10 their hard work. We've been working on this for
11 years, and the entire team at the City Council. With
12 all that being said, I hereby adjourn this hearing.
13 Thank you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 23, 2021