

Implementing the State's PCBs in Products Law

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For Spokane River Regional Toxics Taskforce
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Background

RCW 39.26.280

**Preference — Products and products in packaging that does not contain polychlorinated biphenyls —
Limitations — Products and products in packaging containing polychlorinated biphenyls.**

(1) The department shall establish purchasing and procurement policies that provide a preference for products and products in packaging that does not contain polychlorinated biphenyls.

(2) No agency may knowingly purchase products or products in packaging containing polychlorinated biphenyls above the practical quantification limit except when it is not cost-effective or technically feasible to do so.

(3) Nothing in this section requires the department or any other state agency to breach an existing contract or dispose of stock that has been ordered or is in the possession of the department or other state agency as of June 1, 2014.

Background

RCW 39.26.290

Tests and data of products procured.

(1) This chapter does not require the department to test every product procured. However, the department may accept from businesses, manufacturers, organizations, and individuals results obtained from an accredited laboratory or testing facility documenting product or product packaging polychlorinated biphenyl levels.

(2) The department may request suppliers of products to provide testing data from an accredited laboratory or testing facility documenting product or product packaging polychlorinated biphenyl levels.



Implementation Overview

- DES and Ecology are working together to answer What is the process for:
 - Identifying applicable procurements, goods and packaging
 - Assigning the appropriate weighting (points) to a procurement
 - Evaluating proposed goods (and packaging) to ensure compliance
 - Deciding when test results will be requested from supplier(s)
 - Interpreting and managing test results
 - Ensuring on-going contractor compliance
 - Ensuring all agencies are working to comply
 - Alerting Ecology of procurements that may apply (or may need greening)
 - Ensuring all applicable procurements will go through this process
 - Monitoring and reporting compliance
 - Communicating the requirements and ensuring compliance

Steps Taken To Date

- DES and ECY have formed a cross-agency EPP team to ensure compliance of all green related procurement initiatives.
- DES draft Competitive Solicitation Policy (which includes PCB implementation requirements) is currently being vetted by agencies and will then be posted on the DES website for public comment before being formalized.

Steps Taken To Date (con't)

- The above policy will be linking to an ECY database that lists suspect products and packaging containing PCBs.
- Standard bid language regarding PCBs has already been developed and is currently being piloted.
- A new office supplies contract is being developed which will include PCB language.

Standard bid language

- In accordance with RCW [39.26.280](#), the Bidder certifies that the products bid and to be supplied (to include product packaging) do not contain polychlorinated biphenyls (PCBs). Moreover and consistent with RCW [39.26.290](#), DES, at its sole discretion, may require (at no cost to the State) the Apparent Successful Bidder (ASB) or any challenger provide testing data (prior to contract execution) from an accredited laboratory or testing facility documenting the proposed products and or product packaging polychlorinated biphenyl levels.



Awaiting lab results...

- ECY is coordinating with DES in testing products in existing state contracts.
- Contract#
- 06006 Food Umbrella Contract \$46,786,958
- 04411 Office Supplies & Paper \$14,979,480
- 00812 Janitorial/Industrial Paper Supplies - Green \$5,844,581
- 07712 Bulk Envelope Parent Cut Sheet Paper \$615,000
- 01312 Solvent Traffic Marking Paint (Road paint) \$521,376
- 01908 Clothing, Uniforms and Career Apparel \$150,000

Other

- Lessons from Spokane implementation?
- Hydroseed as prime implementation example.
- Task Force suggestions for state law implementation or state/local government collaboration?