
**Thomas P. DiNapoli
COMPTROLLER**



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**OFFICE OF THE
NEW YORK STATE COMPTROLLER**

**DIVISION OF STATE
GOVERNMENT ACCOUNTABILITY**

**OFFICE OF MENTAL
RETARDATION AND
DEVELOPMENTAL
DISABILITIES**

**COMPLIANCE WITH
EXECUTIVE ORDER 134 -
ENVIRONMENTAL IMPACT
OF CLEANING OF
FACILITIES**

Report 2008-S-24

AUDIT OBJECTIVE

The objective of the audit was to determine whether the Office of Mental Retardation and Developmental Disabilities (OMRDD) is in compliance with Executive Order 134 requirements, including purchasing and using environmentally preferred cleaning products.

AUDIT RESULTS - SUMMARY

Executive Order 134 (Order) was issued January 5, 2005 to reduce the environmental impact of cleaning State facilities. The Order requires all State agencies to procure and use cleaning products with properties that minimize the potential impact on human health and the environment. The Order also requires State agencies to conduct an assessment describing the efforts undertaken to comply with the Order, and provides agencies six months from the date of the Order to transition to conforming products.

OMRDD operates 13 Developmental Disabilities Services Offices (DDSOs) and a network of community-based not-for-profit agencies and State-operated programs occupying more than 1,500 buildings, some of which OMRDD leases to others.

We found that OMRDD is partially in compliance with the requirements of the Order. It assigned an individual to be responsible for implementing the Order, and the required initial assessments were completed in early 2006 for 15 facilities, 13 DDSOs, a Statewide Service Center and a research center. However, OMRDD did not utilize these assessments to evaluate the management practices at the facilities, did not compile them into an agency assessment, and did not evaluate the products that were being used, or conduct the required biennial assessment. We also found that, generally, OMRDD did not purchase or use

environmentally preferred cleaning products and it did not encourage its landlords to purchase and use environmentally preferred cleaning products.

Since our opening conference in February 2008, OMRDD has issued memos to their leased facilities and group homes to encourage them to start using environmentally preferred cleaning products, and OMRDD officials have stated that they are moving OMRDD toward full implementation of the Order.

Our audit report contains six recommendations. OMRDD officials agreed with our recommendations and indicated steps planned or taken to implement them.

This report, dated September 30, 2008, is available on our website at: <http://www.osc.state.ny.us>.

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Division of State Government Accountability
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BACKGROUND

Executive Order 134 (Order) was issued January 5, 2005, to reduce the environmental impact of cleaning State facilities. The Order requires all State agencies to procure and use cleaning products with properties that minimize the potential impact on human health and the environment. The Order also required all State agencies to conduct a formal assessment and issue a report within one year of the effective date of the Order, describing the efforts undertaken to comply with the Order. The assessment report must be retained and made available to agency employees and the general public. The report must also be

reviewed and updated biennially by the agencies.

The Order also directed the Office of General Services (OGS) to guide State agencies in selecting and procuring environmentally safe cleaning products. OGS has compiled a list of over 700 environmentally preferred cleaning products, including floor finishing and stripping products. Most products are certified by either Green Seal (through its GS-37 certification) or by Environmental Choice. Green Seal and Environmental choice are recognized authorities in the field of environmentally safe cleaning practices.

The New York State Office of Mental Retardation and Developmental Disabilities (OMRDD) became an independent agency on April 1, 1978. OMRDD has a central office in Albany, and operates 13 Developmental Disabilities Services Offices (DDSOs) that provide assistance to individuals with developmental disabilities. In partnership with consumers, families, staff, private providers, and local governments, its services are provided to help improve the quality of life of individuals and their families through the provision of employment and family support services. In addition, OMRDD has a Statewide Service Center that serves individuals with intensive needs. OMRDD conducts research at its Institute for Basic Research located on Staten Island. Further, OMRDD owns and/or leases buildings such as group homes throughout the State. In total, OMRDD has more than 1,500 buildings. Contractors and employees provide housekeeping and maintenance at these facilities. At some locations, residents are responsible for some cleaning and upkeep of their personal areas. The facility employees or contractors are responsible for purchasing cleaning products.

During the State fiscal year ending March 31, 2007, OMRDD facilities spent about \$11 million procuring housekeeping supplies and materials. This amount includes purchases for cleaning products, soaps that may be used for personal care and cleaning supplies such as mops and scouring pads.

AUDIT FINDINGS AND RECOMMENDATIONS

Compliance with Order

The Order requires State agencies to:

- procure products and use practices that reduce or minimize the risks of harmful effects on employees, custodial workers, visitors, and other building occupants, as well as the environment;
- encourage contractors supplying goods and services to select and procure such products; and
- encourage lessors and building managers to select and procure such products.

The Order provided State agencies six months from the date of the Order to transition to conforming products. This enabled agencies to conform in a manner that avoided waste of existing inventories, accommodated the establishment of supply chains for new products, enabled the training of personnel in appropriate work practices, and allowed the phaseout of products and practices that did not conform to the Order.

In addition, the Order requires State agencies to assign an individual who will be responsible for:

- assessing current facility management practices and use of cleaning products;

- evaluating whether these products conform to the Order;
- identifying and procuring conforming cleaning products; and
- documenting the reasons for selecting products that do not conform to the Order and include these reasons in the report required by the Order.

We found that OMRDD was not in compliance with the Order. OMRDD officials said they were aware of the Order and had assigned an individual to assess current management practices and use of cleaning products at the facilities. OMRDD completed the required initial assessments in early 2006 for the 13 DDSOs, the Statewide Service Center, and a research facility. However, OMRDD did not evaluate the products listed as being in use at the facilities, did not document the reasons for not selecting products that do conform to the Order, and did not prepare an assessment report compiled from these documents that could be made available to its employees and the public as required by the Order. Our review of the initial assessment showed that 11 of the 15 locations reported using no environmentally preferred cleaning products, and the other 4 reported using only one or two such products. Further, OMRDD did not ask any of its other facilities to conduct assessments and did not complete the biennial update assessment report due January 5, 2008. Nor did OMRDD transition to conforming products within six months of the Order. Moreover, OMRDD had neither required staff at its facilities, offices, and community locations nor encouraged landlords at leased space locations to purchase and use environmentally preferred cleaning products.

Without the required assessments being conducted and reported, employees and the

general public do not have the necessary information regarding efforts that have been undertaken by OMRDD to comply with the Order and are not aware of the reasons products are being purchased that do not comply with the requirements of the Order.

We note that, since we started our audit in February 2008, OMRDD has issued memos to its leased facilities and group homes to encourage them to start using environmentally preferred cleaning products, and is moving toward implementing and following the Order. Officials at one DDSO we visited informed us that they are now encouraging group homes to purchase environmentally friendly products.

Recommendations

1. Notify all lands, appropriate employees, and cleaning contractors about the requirements of the Order.
2. Conduct the required assessment for all buildings, whether owned or leased, and review and update this assessment biennially, as required by the Order.
3. Prepare a complete assessment report and make the report available to employees and the general public.

Procurement of Environmentally Preferred Products

The Order requires State agencies to procure and use cleaning products having properties that minimize the potential impact on human health and the environment consistent with the maintenance of the effectiveness of these products for the protection of public health and safety. To determine whether OMRDD facilities were aware of the Order and had complied with it through the purchase of environmentally preferred cleaning products,

we judgmentally selected ten facilities to visit (four DDSOs, five group homes and OMRDD's Central Office). We interviewed employees in charge of purchasing and obtained invoices of recently-purchased cleaning products at the DDSOs. We found that OMRDD's Central Office and all four DDSOs we visited were aware of the Order. However, none of the group homes were aware of it.

We then examined 21 cleaning product purchase orders for the 4 DDSOs issued during the period July 1, 2007, through December 31, 2007. During this time, the 4 DDSOs purchased 56 cleaning products, 10 of which were environmentally preferred. The five group homes did not have any purchase orders for us to review; however, our examination of their cleaning products showed they did not have any environmentally preferred products. The cleaner for the Central Office did not provide any purchase orders; however, we observed the cleaner was using environmentally preferred products.

Recommendation

4. Inform all facilities to purchase environmentally preferred products that are on OGS' preferred list (or certified by either Green Seal or Environmental Choice), or document the reasons for purchasing and/or using non-environmentally preferred products.

Use of Environmentally Preferred Cleaning Products

To determine what cleaning products the ten facilities we visited were using, we inspected maintenance closets, storage areas, and cleaning carts. We found and inspected a total of 116 cleaning products (87 at the 7 State-

owned facilities and 29 at the 3 leased facilities).

We found only 4 of the 116 products were environmentally preferred (3 at State-owned facilities and 1 at a leased facility). These were being used at three facilities. The environmentally preferred products being used at the facilities included one general purpose cleaner, one floor cleaner, and two glass cleaners. The remaining 7 facilities were utilizing 112 non-environmentally preferred cleaning products (84 at State-owned facilities and 28 at the leased facilities). These products included floor finish, wax stripper, all-purpose cleaner, glass cleaner, and hand soaps that could be replaced with Green Seal certified products. Therefore, these facilities were still not complying with the Order. Further, we note that three of the ten environmentally preferred products that were purchased (as noted in the previous section) were not being used.

As a result of using non-compliant products, OMRDD has not yet realized the benefits to the environment and the health and safety of occupants of OMRDD facilities that could be derived from implementation of the Order.

Recommendations

5. Phase out the use of non-environmentally preferred cleaning products in a timely manner, as required by the Order.
6. Use all environmentally preferred products that are purchased.

AUDIT SCOPE AND METHODOLOGY

We conducted our audit in accordance with generally accepted government auditing standards. Our audit determined if OMRDD and its facilities procure and use cleaning products that minimize potential impact on

human health and the environment as required by the Order. Our audit period was July 1, 2007, through March 31, 2008.

To accomplish our audit objective, we interviewed OMRDD Central and facility officials to determine what steps they took to implement and comply with the Order. We judgmentally selected seven State-owned facilities and three leased facilities to visit. At each facility that claimed to be using environmentally preferred cleaning products, we reviewed purchases of cleaning products; and at all locations, we examined cleaning product inventories to determine the types of cleaning products purchased and in use. To determine if OMRDD has encouraged its landlords and building managers to use environmentally preferred cleaning products, we obtained documentation that showed OMRDD now requests that lessors and group homes purchase environmentally friendly products.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions, and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do

not affect our ability to conduct independent audits of program performance.

Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1, of the State Constitution and Article II, Section 8, of the State Finance Law.

REPORTING REQUIREMENTS

We provided a draft copy of this report to OMRDD officials for their review and comments. Their comments were considered in preparing this report and have been included as Appendix A.

Within 90 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of OMRDD shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

CONTRIBUTORS TO THE REPORT

Major contributors to this report include William Challice, Mike Solomon, Todd Seeberger, Rita Verma, Carole Le Mieux, Raymond Louie, Daniel Bortas, and Sue Gold.

APPENDIX A - AUDITEE RESPONSE

David A. Paterson
Governor



Diana Jones Ritter
Commissioner

STATE OF NEW YORK
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July 11, 2008

Mr. Michael Solomon
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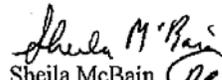
Dear Mr. Solomon

The Office of Mental Retardation and Developmental Disabilities (OMRDD) reviewed the Office of the State Comptroller's draft audit report (Report No. 2008-S-24) regarding the audit of OMRDD's compliance with Executive Order 134 – Environmental Impact of Cleaning of Facilities.

Our responses to the recommendations contained in the report are attached for your consideration. Included in our responses are corrective actions that we have implemented.

Thank you for the opportunity to comment.

Sincerely,


Sheila McBain
Deputy Commissioner
Division of Compliance
Management

Attachment

cc: Commissioner Ritter
Mr. Picker
Mr. Seeberger



Providing supports and services for people with developmental disabilities and their families.



Office of Mental Retardation and Developmental Disabilities (OMRDD)
Response to the Office of the State Comptroller's
Draft Audit Report No. 2008-S-24
Compliance with Executive Order 134- Environmental
Impact of Cleaning Facilities

- 1. Notify all landlords, appropriate employees, and cleaning contractors about the requirements of the Order.**

OMRDD Central Office staff are instructing each DDSO, Valley Ridge CIT (VR), and the Institute for Basic Research (IBR) via written correspondence to notify all landlords, appropriate employees, and cleaning contractors about the requirements of the Order. OMRDD Central Office staff have been assigned responsibility to prepare the written notification, which is expected to be issued no later than August 2008. IBR, VR and the DDSOs will promptly inform the landlords, etc. about the Order. Note: As indicated in the report, OMRDD has already taken action as it has started to issue memos to their leased facilities and group homes to encourage them to start using environmentally preferred cleaning products.

- 2. Conduct the required assessment for all buildings, whether owned or leased, and review and update this assessment biennially, as required by the Order.**

OMRDD Central Office will instruct each DDSO, VR and IBR to designate a contact person no later than August 2008. The contacts will have responsibility for conducting the required assessment for all buildings, whether owned or leased, and for reviewing and updating this assessment biennially.

- 3. Prepare a complete assessment report and make the report available to employees and the general public.**

It is expected that OMRDD Central Office staff will compile IBR, VR and the DDSO's assessments into one report by the end of 2008. The report will then be made available to employees and the general public.

- 4. Inform all facilities to purchase environmentally preferred products that are on OGS' preferred list (or certified by either Green Seal or Environmental Choice), or document the reasons for purchasing and/or using non-preferred environmentally preferred products.**

The written correspondence referred to above (see #1) will also inform all facilities to purchase environmentally preferred products that are on OGS's preferred list (Green Seal or Environmental Choice). The letters will clearly communicate that, for any instances where non-environmentally preferred products are purchased and/or used, documentation of the reasons for such purchase/use are required.

- 5. Phase out the use of non-environmentally preferred cleaning products in a timely manner, as required by the Order.**

OMRDD Central Office will direct their facilities via the written notification (referred to in #1 above) to phase-out the use of non-environmentally preferred cleaning products in a timely

manner. Once stock is depleted, it will be replenished with conforming products (assuming performance is acceptable and comparable in quality).

6. Use all environmentally preferred products that are purchased.

OMRDD Central Office will instruct each DDSO, VR and IBR via the written notification (referred to in #1) that the environmentally preferred products that they purchase are to be used on a regular basis.