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GOVERNOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICES
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ALBANY, NEW YORK 12242

JOHN C. EGAN
COMMISSIONER

January 27, 2009

EXECUTIVE DEPARTMENT

OFFICE OF THE COMPTROLLER
THOMAS P. DINAPOLI

Honorable Thomas P. DiNapoli
Comptroller
Office of the State Comptroller
110 State Street
Albany, NY 12236

Dear Comptroller DiNapoli:

In accordance with Section 170 of the Executive Law, the Office of General Services (OGS) has prepared its comments regarding the steps taken to implement the recommendations contained in the State Comptroller's Audit Report 2008-S-12 "Compliance with Executive Order 134 – Environmental Impact of Cleaning Facilities." OGS is pleased that the audit found that it has successfully implemented the core responsibilities established by the Order. Experience has demonstrated that switching to green cleaning does not cost more than cleaning with traditional products, which is particularly notable in the current fiscal climate. OGS welcomes the observations of the audit team and its recommendations as it strives to advance environmentally sound cleaning practices in New York State. OGS has taken steps to address every recommendation in the report, as the agency takes seriously its role as an environmental steward. The remainder of this response will focus on the efforts taken to implement each recommendation.

1. Provide clarification to affected agencies, either written or on the OGS website, of the differences between the Chapter 584 guidelines and the requirements of the Order.

OGS has modified the guidance provided on its website to clearly delineate the few differences between the requirements of Chapter 584 that apply to schools and the Executive Order. Where the same information applies equally to schools and other settings, the language in the materials provided on the website, such as the Green Cleaning Guidelines, has been clarified.

2. Establish procedures for recognizing agencies that adopt and implement environmentally beneficial facility and workplace management polices and practices.

OGS has modified its biennial data collection form so that it will capture information that will allow OGS to recognize an agency that has demonstrated particular success in its implementation of Executive Order 134. Environmental Services Unit (ESU) staff will review responses received during the next reporting cycle and issue a recognition award based on the data gathered. We believe that the process might foster some friendly competition between agencies and that the responses will likely provide feedback and insights that OGS can use to improve the program.

3. Seek clarification from the Governor's Office to develop a comprehensive listing of affected State agencies and authorities covered under the Order. Provide written correspondence to these entities detailing the information available on the OGS website and how to locate the information on the website.

OGS attorneys consulted with the Executive Chamber and confirmed that there was no single listing of every entity covered by the Order. Although OGS believes it made a reasonable initial effort to contact agencies and authorities covered by the Order, based on this recommendation, the Environmental Services Unit and Legal Services worked together to develop a list of 217 state entities. OGS then reached out to these entities by a letter from Commissioner Egan dated October 9, 2008, that included information about the Order and a description of resources available on OGS' website. The list of entities was created by examining the leadership structure of agencies, departments, public benefit corporations and public authorities the heads of which are appointed by the Governor, and was designed to be over inclusive. OGS urged any recipients not bound by the Order to consider voluntary adoption of green cleaning to protect the environment and emphasized that green cleaning need not cost more than traditional methods.

4. Utilize additional mediums to provide timely guidance to affected State agencies and authorities (e.g., newsletter, training).

OGS is developing a new web-based module that will contain a variety of resources for schools and agencies interested in implementing or furthering a green cleaning program. The content will include sample policies, inspection reports, program outlines, best practices, and survey forms. The module will provide detailed training tools, which will likely include video presentations and resources for cleaning specific surfaces and fixtures. The content is designed to be very user-friendly and understandable by staff at all levels. OGS expects to roll out these offerings in early 2009. In addition, the Environmental Services Unit expects to publish new articles providing updates and information on green cleaning in forthcoming issues of OGS' "Delivering the Green" Newsletter for electronic distribution to agency contacts. The newsletter will also be published on the OGS website.

5. Communicate with landlords and building managers at leased facilities to encourage compliance with the Order and lease provisions.

OGS wrote letters to the agency contacts who have oversight responsibilities for their agency leases and urged that they work with their building managers and landlords to implement green cleaning practices. We believe that this approach is better than contacting landlords directly because the agencies have ongoing relationships with the building managers and are more likely to have success asking for revisions to cleaning practices based on a personal appeal. In the letter, OGS emphasized that its staff are available to provide assistance or information if an agency encounters resistance or requires more information on green cleaning.

6. Conduct an assessment of cleaning practices in the utility plant facilities.

7. Provide information and training to utility plant staff to ensure facilities are cleaned in compliance with the Order.

In response to these two recommendations, ESU staff met with utilities managers and staff to review the requirements of the Executive Order, answer staff questions, and provide updated reporting forms for use by utilities personnel in completing the inventory of products currently used. Upon review of the inventory, ESU staff worked with utilities personnel to replace any remaining non-green products with approved products. ESU staff additionally conducted green cleaning training to Empire State Plaza and Downstate Region building managers. OGS is confident that these efforts have already yielded improved compliance and understanding of the benefits of using green cleaning products.

8. Phase out, on a timely basis, the use of non-environmentally preferred cleaning products that have an environmentally preferred substitute, as required by the Order. Dispose of those products that are no longer being used.

OGS obtained guidance from the Department of Environmental Conservation (DEC) on how best to handle remaining inventories of noncompliant cleaning supplies where approved alternatives are available. The advice included seeking to return the product to the supplier if possible, using the product in areas where approved products do not meet the user's form, function and utility requirements, using the product down and replacing it with an approved green alternative or, as a last resort, disposing of the product as a hazardous substance through a waste disposal contractor. DEC's advice concerning disposal is included in OGS' Green Cleaning Guidelines available to schools and state entities on the OGS website. Additionally, OGS has implemented an effort to identify remaining non-green cleaning products in its own storerooms. ESU analyzed products listed in the OGS inventory system throughout the state and reached out to building staff where a non-green product could potentially be replaced or returned if it was not being used for an approved purpose. These efforts have resulted in at least one building successfully working with its supplier to return some non-approved products that were in the inventory and no longer of use.

Achieving sustainability in state operations is central to OGS' mission. The agency is proud of its efforts to assist state entities and schools in implementing more environmentally sound cleaning practices. OGS continues to develop and refine the resources it provides and has gone far beyond many of the minimum requirements contained Executive Order 134. OGS appreciates the efforts of the audit team as a way to measure its success and as a means to identify areas for improvement.

Sincerely,



John C. Egan