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**Thomas P. DiNapoli  
COMPTROLLER**



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**OFFICE OF THE  
NEW YORK STATE COMPTROLLER**

**DIVISION OF STATE  
GOVERNMENT ACCOUNTABILITY**

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**NEW YORK STATE BRIDGE  
AUTHORITY**

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

**Report 2008-S-18**

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## AUDIT OBJECTIVE

The objective of our audit was to determine whether the New York State Bridge Authority (Authority) is in compliance with Executive Order 134 requirements; including purchasing and using green cleaning products.

## AUDIT RESULTS - SUMMARY

Executive Order 134 (Order) was issued on January 5, 2005 to reduce the environmental impact of cleaning State facilities. The Order requires all State agencies and certain public authorities, including the Authority, to procure and use cleaning products that minimize the potential impacts to human health and the environment. The Order also requires the Authority to conduct an assessment of its cleaning practices, and it provided six months from the date of the Order to transition to conforming products.

We found that the Authority was not in compliance with the Order when we initiated our audit in February 2008. No assessment was conducted and the Authority was, generally, not using environmentally preferred products. Authority officials told us that State oversight agencies had not formally advised the Authority of the Order, and consequently the Authority was not aware of it.

Authority officials did, however, take immediate steps to comply with the Order after our audit commenced. The steps included assigning an employee to conduct the required assessment, informing all bridge managers of the Order, and purchasing four environmentally preferred products.

Our audit report contains five recommendations pertaining to the Authority's implementation of the Order.

Authority officials concurred with our recommendations and indicated the steps that they have taken and will be taking to implement them.

This report, dated June 5, 2008, is available on our website at: <http://www.osc.state.ny.us>. Add or update your mailing list address by contacting us at: (518) 474-3271 or Office of the State Comptroller  
Division of State Government Accountability  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236

## BACKGROUND

Executive Order 134 (Order) was issued on January 5, 2005 to reduce the environmental impact of cleaning state facilities. The Order requires all State agencies, including certain public authorities such as the New York State Bridge Authority (Authority), to procure and use cleaning products having properties that minimize the potential impacts to human health and the environment. The Order required each State agency to conduct a formal assessment and issue a report of their programs to promote environmentally safe cleaning by January 4, 2006, and to retain and make this assessment report available to employees and the general public. Agencies are required to update their assessments biennially.

The Order also directed the Office of General Services (OGS) to guide State agencies with selecting and procuring environmentally safe cleaning products. OGS has compiled a list of more than 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 as independent authorities in the

field of environmentally safe cleaning products.

The Authority was established in 1932 by statute to issue toll revenue bonds to cover the cost of construction of the Rip Van Winkle Bridge, which connects the City of Hudson and the Village of Catskill. The Authority is governed by a Board of Commissioners, which consists of seven members appointed by the Governor and confirmed by the State Senate. The Board of Commissioners appoints a Chief Executive Officer to manage the Authority's operations.

The Authority is self-sustaining, with its operations funded through the collection of bridge tolls. Responsibilities of the Authority include the operation and maintenance of five toll bridges linking communities on both sides of the Hudson River. In addition to the Rip Van Winkle Bridge, the Authority owns the Kingston-Rhinecliff Bridge, the Franklin D. Roosevelt Mid-Hudson Bridge (located between Highland and Poughkeepsie), the Hamilton Fish Newburgh-Beacon Bridge and the Bear Mountain Bridge (located five miles north of Peekskill). The Authority's Administrative offices are located near the Mid-Hudson Bridge in Highland.

The Authority owns all of the buildings at each of its bridge locations. Each facility consists of one or two office buildings, with eight office buildings in total. The bridge facilities have at least one maintenance building which may also contain offices used by engineers and maintenance staff and toll booths (a total of 19) which are approximately 5 by 12 feet in size. Cleaning of the offices is the responsibility of each facility and is done by Authority employees at each location. Toll booths are generally cleaned by the toll collectors with a glass cleaner and/or an all purpose cleaner. Officials at each facility

choose their own cleaning products and vendors for supplies.

Bridge maintenance activities are directed by a bridge foreman, who reports to the bridge's manager. All maintenance related expenses are either approved by the manager or the bridge foreman. Administration staff has the final approval of all expenses, and centrally pays those expenses incurred by the various bridge locations.

The Authority employs approximately 160 full-time employees and 60 seasonal and part-time employees. During the State fiscal year ending March 31, 2007, the Authority spent \$24,480 on cleaning supplies and materials including items such as paper towels, garbage bags, gloves and all other janitorial supplies.

## **AUDIT FINDINGS AND RECOMMENDATIONS**

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### *Compliance with Order*

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The Order requires the Authority to:

- procure products and use practices that reduce or minimize the risks of harmful effects to 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 the Authority six months from the date of the Order to transition to conforming products. This would enable it to

conform in a manner that avoided waste of existing inventories, accommodate the establishment of supply chains for new products, train personnel in appropriate cleaning practices, and phase out products and practices that did not conform to the Order.

In addition, the Order requires the Authority to assign an individual who will be responsible to:

- assess current facility management practices and use of cleaning products;
- evaluate whether current products conform to the Order;
- identify and procure conforming cleaning products; and
- document 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 the Authority was not in compliance with the Order when we initiated our audit in February 2008. No assessments had been conducted and the Authority was, generally, not purchasing or using environmentally preferred supplies. Authority officials told us that State oversight agencies had not formally advised the Authority of the Order, and consequently, they were not aware of it.

However, Authority officials did take immediate steps to comply with the Order after our audit commenced. The steps included the assignment of an employee to conduct the assessment and to complete an inventory of the cleaning supplies on hand at the time. The Authority also informed all bridge managers of the Order and the OGS list of environmentally preferred products. In

addition, Authority officials directed staff to either purchase new products that comply with the list or document the reason for purchasing non-preferred products.

We believe that compliance with the Order's major provisions is important. Without the required assessments, employees and the public do not have information on the efforts undertaken by the Authority to comply with the Order or information relating to why non-environmentally preferred products are being used.

### **Recommendations**

1. Develop and implement formal procedures to periodically review sources of new guidance (such as Executive Orders and other pertinent laws, rules, and regulations) that are applicable to the Authority's operations.
2. Conduct an assessment for all buildings used by the Authority and review and update this assessment biennially, as required by the Order.
3. Make the assessment available to employees and the general public.

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### *Procurement of Environmentally Preferred Products*

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The Order requires the Authority to procure and use specific cleaning products having properties that minimize potential impacts to 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 the Authority procured environmentally preferred products, we reviewed vouchers for purchases of cleaning supplies for the Administration Building and the three bridge locations we

visited (the Rip Van Winkle, Kingston-Rhinecliff and Mid-Hudson Bridges), for the period December 1, 2007 through February 28, 2008. We found that the products purchased prior to our audit were generally not in compliance with the Order, with the exception of one product.

However, once Authority officials were notified about the Order, they purchased four Green Seal certified products to replace non-compliant products. The compliant products included a restroom cleaner, glass cleaner, all purpose cleaner, and an industrial cleaner. An additional product (a neutral disinfectant cleaner) is considered by the manufacturer to be environmentally preferred, although it is not on the OGS preferred product list (or certified by Green Seal or Environmental Choice).

#### **Recommendation**

4. Only use products that are on the 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.

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#### *Use of Environmentally Preferred Products*

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At the Administrative building and the three bridges we visited, we observed the cleaning products being used by staff. Generally, the products in use were not environmentally preferred cleaning products. However, we did note that Simple Green All Purpose Cleaner (which is Green Seal certified) was used at the Authority's Administration building and at the Mid-Hudson and Kingston-Rhinecliff Bridges. The other products used were not on OGS' list of preferred products (or otherwise certified by

Green Seal or Environmental Choice). According to Authority officials, some of the non-compliant cleaning products in use were purchased years ago, and it was unclear how some of them were acquired. As a result of using non-compliant products, the Authority had not yet realized the benefits to the environment and the health and safety of occupants of Authority facilities that could be derived from implementation of the Order.

#### **Recommendation**

5. Phase out the use of non-environmentally preferred cleaning products within a timely manner, as required by the Order, and dispose of those that are no longer being used.

#### **AUDIT SCOPE AND METHODOLOGY**

We conducted our audit in accordance with generally accepted government auditing standards. We audited the Authority's procurement and use of environmentally preferred cleaning products, as required by the Order. Our audit covered the period January 5, 2005 through March 26, 2008.

To accomplish our objective, we interviewed managers at the Authority's Administrative Office and at the Rip Van Winkle, Kingston-Rhinecliff and Mid-Hudson Bridges. We reviewed purchases of cleaning products for each of the three bridges visited and the Administrative Office to determine the types of products purchased. At each bridge facility, we inventoried cleaning products to determine the types of cleaning products in use. We also reviewed the provisions of the Order and related guidance available on the OGS internet site.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated

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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 organization 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**

This audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Section 2803 of the Public Authorities Law.

#### **REPORTING REQUIREMENTS**

We provided draft copies of this report to Authority officials for their review and formal

comment. We considered the Authority's comments in preparing this report and have included them as Appendix A. Authority officials concurred with our report's five recommendations and indicated the steps that they have taken and will be taking to implement them.

Within 90 days after the final release of this report, as required by Section 170 of the Executive Law, the Chairman of the New York State Bridge Authority 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 why.

#### **CONTRIBUTORS TO THE REPORT**

Major contributors to this report include Steve Sossei, Brian Mason, Steve Goss, Kathy Hotaling, Nicole Van Hoesen, and Sue Gold.

## APPENDIX A - AUDITEE RESPONSE



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## NEW YORK STATE BRIDGE AUTHORITY

May 1, 2008

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110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236-0001

Re: Draft Audit Report  
2008-S-18  
Green Cleaning Products

Dear Mr. Mason:

Thank you for the opportunity to comment on the above referenced draft audit report.

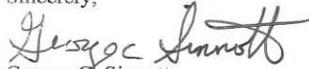
The results of your audit correctly noted that the Authority was not aware of Executive Order 134 when it was initially issued by the former administration, nor was it contacted at that time by NYS OGS to offer guidance in its implementation. However, as noted in your audit findings, once it was brought to the Authority's attention, immediate measures were taken to begin compliance with the Executive Order.

Your draft audit report offers five recommendations which the Authority has already begun to implement. All Authority facilities have been informed of the requirement to procure and use environmentally safe cleaning products effective immediately and all facilities have performed an assessment of their current cleaning supplies to determine compliance. This assessment will be reviewed and updated biennially. All existing non-green products will be exhausted or disposed as necessary as we transition to green products.

The Authority will also develop a structured approach to proactively review pertinent Executive Orders, laws, rules and regulations.

The Bridge Authority agrees with the details contained in this draft audit report and welcomes the Comptroller's recommendations which we have already begun to address. We would like to thank you and your staff for your direction and professionalism during this audit.

Sincerely,

  
George C. Sinnott

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