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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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**STATE UNIVERSITY OF  
NEW YORK AT PURCHASE**

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

**Report 2008-S-19**

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## AUDIT OBJECTIVE

The objective of our audit was to determine whether the State University of New York at Purchase (College) 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 College, to procure and use cleaning products that minimize the potential impact on human health and the environment. The Order also requires the agencies and the College to conduct an assessment of their cleaning practices, and it provided six months from the date of the Order to transition to conforming products.

We found that the College took some steps to comply with the Order but was not in full compliance with the Order when we initiated our audit in March 2008. The College did not conduct an assessment of its cleaning practices as required. Further, we reviewed the purchase of cleaning supplies from September 2006 through March 7, 2008. Of 60 cleaning supplies purchased, we found that only six were environmentally preferred products.

We also reviewed the cleaning products being used at the College during our visits to 16 of 23 buildings cleaned by College staff. We found that eight of 97 products complied with the Order, including four of the products identified in our review of procurements. Therefore, we conclude that the majority of the cleaning supplies found were not in compliance with the Order.

College officials did, however, take additional steps to comply with the Order after our audit commenced. In April 2008, after our audit fieldwork, the College designated an employee to be responsible for compliance with the Order and completed an assessment of its compliance. College officials told us they have placed a copy of the assessment outside the main custodial office and are placing copies in all main buildings.

Our audit report contains three recommendations. In their response to our draft report, SUNY officials agreed with our recommendations and indicated steps they will take to implement them.

This report, dated September 30, 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 to procure and use cleaning products having properties that minimize the potential impact on human health and the environment. The Order required each State agency to conduct a formal assessment and issue a report of its programs to promote environmentally safe cleaning products by January 4, 2006, and to retain and make this assessment 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 in selecting and procuring environmentally safe cleaning products. OGS has compiled a list of over 700 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 products.

State University of New York at Purchase (College) is located 20 miles north of Manhattan, in Westchester County. The campus has approximately 500 acres, with 27 separate building facilities, according to the Purchase College Campus Plan. The College features training in the performing arts of Dance, Music, Theatre, Film, and Design, as well as Liberal Arts. It is also home to the Neuberger Museum of Art, which is among the ten largest museums in New York State and is the eighth largest university museum in the Nation. Fall 2007 enrollment was 4,251 students.

The College has staff responsible for cleaning campus buildings during the school year. The College's Custodial Department consists of five groups, each headed by a supervising janitor, with a total of 14 janitors and 45 cleaners. A head custodian provides oversight to the entire Custodial Department. Each of the five groups is responsible for cleaning specific buildings, which includes most space on the campus. The Visual Arts Building, Performing Arts Center, the Music Building, the Dance Building, and the Physical Education Building are among the larger buildings. The Performing Arts Center attracts more than 166,000 people attending over 300 public events each year, including over 100 professional music, dance, and theatre performances and many special

events. The Physical Education Building features a community fitness program, an Olympic swimming pool, three basketball courts, a weight room, rock-climbing wall, bowling alley, six-lane swimming pool, diving well, racquetball courts, and an aerobic studio.

To provide beneficial services to students, the College leases some campus space to several vendors through the Purchase College Association. One vendor provides food services and a second vendor operates the campus book store. In addition, the College has a contract with the New York State Industries for the Disabled, Inc., a preferred source, to provide cleaning of campus dormitories and townhouses during the summer months.

## **AUDIT FINDINGS AND RECOMMENDATIONS**

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### *Compliance with Order*

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The Order requires 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 the College six months from its origination to transition to conforming products. This enabled the

College 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 cleaning practices, and allowed the phaseout of products and practices that did not conform to the Order.

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

- assessing current facility management practices and use of cleaning products;
- evaluating whether current 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 including these reasons in the report required by the Order.

We found that the College was aware of the Order but had not fully complied with the Order when we initiated our audit in March 2008. No assessments had been conducted and the College was purchasing and using environmentally preferred products only on a limited basis.

College officials told us that the employee who was responsible for the assessment did not complete it because he fell ill. However, responsibility for the assessment was not reassigned to another staff person until our audit started in March 2008, 26 months after it was due. In April 2008, after our audit fieldwork, the original employee returned to work and resumed this responsibility, and completed the assessment and provided a copy to us. In response to our audit, College officials indicate that the assessment and

information on all products used will be placed in the main custodial office and all main buildings.

### **Recommendation**

1. Make the assessment available to College employees and the general public.

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### *Procurement of Environmentally Preferred Products*

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The Order requires the College to procure specific cleaning products having properties that minimize potential impact on human health and the environment. To determine whether the College procured environmentally preferred products, we reviewed the College's Procurement Policy dated January 2008, and noted the policy does not require the purchase of conforming cleaning products. However, we found that College staff has performed cost analyses comparing the cost of environmentally preferred cleaning products with the cost of non-conforming products.

We reviewed the purchase of cleaning supplies from September 2006 through March 7, 2008. Of cleaning supplies purchased, we found that only six were environmentally preferred products according to OGS, Green Seal, or Environmental Choice. College officials said that cost and product effectiveness were the reasons for not using environmentally preferred products. They also told us that these products were not readily available on State contract or from preferred sources such as the Department of Correctional Services Division of Industries (Corcraft). We referred College officials to OGS to identify other sources of environmentally preferred products that are effective at the lowest prices.

We reviewed three of the College's contracts to determine if the College encourages contractors and lessors supplying goods and services to select and procure environmentally preferred products, as follows:

- The College contracts with a preferred vendor, the New York State Industries for the Disabled, Inc., for cleaning campus dormitory residences during the summer months. The current contract is in effect through April 2008 and requests that the vendor use cleaning products meeting the minimum requirements of the Order.
- The College leases space to a vendor that provides food service to students, faculty, administrators, and visitors to the campus. The vendor is responsible for cleaning the leased space. This contract did not contain terms requiring or encouraging the vendor to use environmentally preferred products because it went into effect in July 2002, prior to the effective date of the Order. This contract continues through June 2012. We encourage the College to amend the contract and work with the vendor to promote the use of environmentally preferred products.
- The College contracts with a vendor to operate, clean, and maintain a bookstore on the campus. The contract period is from June 2007 to May 2012. Although this contract went into effect after the effective date of the Order, the contract did not contain terms to encourage the vendor to use cleaning products that comply with the Order. A College official explained this oversight due to lack of familiarity with the Order. The College has since amended the

vendor's lease to require the use of environmentally preferred products.

#### **Recommendation**

2. Procure only cleaning products from 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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The College's custodial staff cleans 23 of its 27 buildings. Of the remaining four buildings, two buildings are cleaned by vendors (food service and bookstore) and two are apartment buildings that are cleaned by tenants. To observe the assigned cleaners and the products they use, we visited 16 of the 23 campus buildings that the College cleaned. We also observed two main cleaning supply storage areas, including the Performing Arts Center underpass and residence hall facility to determine what products were on hand.

We found that only eight of the 97 cleaning products in use complied with the Order, including five of the products identified in our review of procurements. Therefore, we conclude that the majority of the cleaning supplies found were not in compliance with the Order. As a result of using non-compliant products, the College had not yet realized the benefits to the environment and the health and safety of occupants of College facilities that could be derived from implementation of the Order.

#### **Recommendation**

3. Phase out the use of non-environmentally preferred 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 College's procurement and use of environmentally preferred cleaning products, as required by the Order. Our audit covered the period January 5, 2005 through April 17, 2008.

To accomplish our objective, we interviewed College officials responsible for facilities management and cleaning staff at various buildings on the campus. We reviewed records of cleaning supply purchases from September 2006 through March 2008. We also inventoried cleaning supplies to determine the types of cleaning products in use, and we reviewed two contracts with vendors responsible for cleaning the campus space that they lease, and one contract with a cleaning contractor. We also reviewed the provisions of Executive Order No. 134 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 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**

We performed this audit 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 draft copies of the matters discussed in the report to SUNY officials for their review and formal comment. We considered their comments in preparing this final report, which are included as Appendix A.

Within 90 days after the final release of this report, as required by Section 170 of the Executive Law, the Chancellor of the State University of New York 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 Sheila Emminger, Steve Goss, Kathy Hotaling, Nicole Van Hoesen, Emily Wood, Laurie Burns, and Sue Gold.

## APPENDIX A - AUDITEE RESPONSE



### THE STATE UNIVERSITY of NEW YORK

July 7, 2008

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Albany, New York 12236

Dear Ms. Emminger: *Sheila:*

In accordance with Section 170 of the Executive Law, we are providing our comments to the draft audit report on the State University of New York at Purchase College – Executive Order 134. The University is committed to procuring and using cleaning products that minimize the potential impact on human health and the environment.

The University generally agrees with the findings and recommendations in the report and has taken, or will take, action to address them. Our specific comments to the recommendations follow:

Recommendation 1 – Make the assessment available to College employees and the general public.

University Response – The University agrees with the recommendation and has made the report available to College employees and the general public for review in our Health and Safety Office during normal business hours. This assessment will be reviewed and updated biennially.

Recommendation 2 - Procure only cleaning products from 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.

University Response – The University agrees with the recommendation and will strive to purchase environmentally safe cleaning products taking into account the products' cost and effectiveness. The reason for the purchase of any non-environmentally preferred products will be documented.

UNIVERSITY CENTERS AND DOCTORAL DEGREE GRANTING INSTITUTIONS University at Albany • Binghamton University • University at Buffalo • Stony Brook University • SUNY Downstate Medical Center • Upstate Medical University • College of Environmental Science and Forestry • College of Optometry • NYS College of Ceramics at Alfred University • NYS College of Agriculture/Life Sciences at Cornell University • NYS College of Human Ecology at Cornell University • NYS College of Industrial/Labor Relations at Cornell University • NYS College of Veterinary Medicine at Cornell University UNIVERSITY COLLEGES SUNY Brockport • Buffalo State College • SUNY Cortland • Empire State College • SUNY Fredonia • SUNY Geneseo • SUNY New Paltz • SUNY Old Westbury • College at Oneonta • SUNY Oswego • SUNY Plattsburgh • SUNY Potsdam • Purchase College TECHNOLOGY COLLEGES Alfred State College • SUNY Canton • SUNY Cobleskill • SUNY Delhi • Farmingdale State College • Maritime College • Morrisville State College • SUNY Institute of Technology COMMUNITY COLLEGES Adirondack • Broome • Cayuga County • Clinton • Columbia-Greene • Corning • Dutchess • Erie • Fashion Institute of Technology • Finger Lakes • Fulton-Montgomery • Genesee • Herkimer County • Hudson Valley • Jamestown • Jefferson • Mohawk Valley • Monroe • Nassau • Niagara County • North Country • Onondaga • Orange County • Rockland • Schenectady County • Suffolk County • Sullivan County • Tompkins Cortland • Ulster County • Westchester

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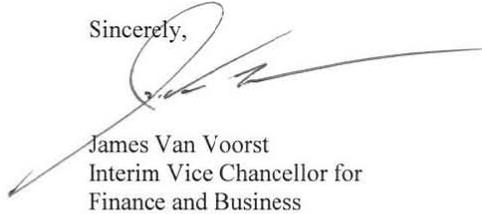
Ms. Sheila A. Emminger  
July 7, 2008  
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Recommendation 3 – Phase out the use of non-environmentally preferred products within a timely manner, as required by the Order, and dispose of those that are no longer being used.

University Response – The University agrees with the recommendation and will phase out the use of non-environmentally preferred products within a timely manner, as required by the Order, and dispose of those that are no longer being used. The reason for the purchase or use of any non-environmentally preferred products will be documented.

Thank you for the opportunity to respond to the audit report. If you have any questions, please contact me at 518-443-5105 or [Jim.VanVoorst@suny.edu](mailto:Jim.VanVoorst@suny.edu).

Sincerely,



James Van Voorst  
Interim Vice Chancellor for  
Finance and Business

Copy: President Schwarz  
Mr. Abbott  
Ms. Nolan  
Mr. Olenik