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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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**OFFICE OF MENTAL  
HEALTH**

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

**Report 2008-S-21**

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## AUDIT OBJECTIVE

The objective of the audit was to determine whether the Office of Mental Health (OMH) 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 of their cleaning practices, and it provided six months from the date of the Order to transition to conforming products.

The Office of Mental Health (OMH) operates 26 psychiatric centers and 2 research centers. It serves about 500,000 individuals a year by providing inpatient and outpatient programs, emergency services, community support, and residential and family care programs. OMH occupies 858 buildings throughout the State. It owns 794 buildings and leases 64 (including Central Office administrative space in Albany that is owned by OGS).

We found that OMH and its facilities were not in full compliance with the Order. OMH designated an individual to assess current facility management practices and the use of cleaning products. In addition, OMH had conducted assessments at many of its facilities. However, environmentally preferred products often were not purchased and used at OMH's sites.

To determine whether OMH facilities purchased and used environmentally preferred cleaning products, we judgmentally selected

13 State-owned and 4 leased buildings. We examined 103 purchase orders and determined that 177 cleaning products were purchased during this time. Of these, 15 were environmentally preferred.

To determine what cleaning products the facilities were using, we inspected maintenance closets, storage areas, and cleaning carts. We inspected a total of 178 cleaning products (134 at the State-owned facilities and 44 at the leased facilities). We found 23 of the 178 products were environmentally preferred (17 at State-owned facilities and 6 at the leased facilities). We also found that 6 of the 13 facilities were using non-environmentally preferred, cleaning products such as glass cleaner, washroom cleaner, and hand soaps that could be replaced with environmentally preferred cleaning products.

Our audit report contains five recommendations. OMH 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>. 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 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. State agencies were also required to assign an individual to assess facility management practices, use of cleaning products, and compliance of the cleaning products with the Order.

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 products.

The mission of the Office of Mental Health (OMH) is to promote the mental health of all New Yorkers with a particular focus on providing hope and recovery for adults with serious mental illness and children with serious emotional disturbances. OMH operates 26 psychiatric centers and 2 research centers. It serves about 500,000 individuals a year by providing inpatient and outpatient programs, emergency services, community support, and residential and family care programs. OMH occupies 858 buildings throughout the State. Of these, OMH owns 794 buildings and leases 64 (including Central Office administrative space in Albany that is owned by OGS).

Each facility does its own purchasing of cleaning products. During the State fiscal

year ending March 31, 2007, OMH spent about \$5.5 million on housekeeping supplies and materials. This amount includes cleaning products and cleaning supplies such as mops and scouring pads.

## **AUDIT FINDINGS AND RECOMMENDATIONS**

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### *Compliance with Order*

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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 cleaning 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 including these reasons in the report required by the Order.

OMH officials stated that they were aware of the requirements of the Order. They had designated an individual to be responsible for compliance with the Order, and had assessments performed at primary OMH facilities. However, we found that OMH was not in full compliance. While assessments were conducted for certain OMH facilities, environmentally preferred products generally were not purchased and used at OMH's sites.

In November 2005, OMH officials asked OMH facilities to comply with the Order. OMH also designated a program manager to assess and evaluate whether the facilities conform. OMH used two environmental consulting firms that are used to assess the agency's overall environmental regulation compliance, conduct the assessments at the psychiatric centers, identify what cleaning products were used, and determine to what extent these products conformed to the Order. The consulting firms evaluated the 28 OMH facilities and provided the required annual and biennial assessments. However, assessments were not conducted for any community residences or other off-campus sites.

When environmentally preferred products were not being used, the assessments included reasons why. For example, the annual assessment stated that, because many of the facilities are patient-occupied, there is heightened concern regarding bacteria and micro-organisms and the potential spread of

disease. The assessment also stated that OGS-recommended products were evaluated by OMH's Infection Control Department and were not meeting the requirements for patient-occupied areas. However, OMH is currently evaluating environmentally preferred cleaning chemicals recommended by Hospitals for a Healthy Environment and other industry groups.

The assessments repeatedly reported only partial use of environmentally preferred products. The biennial assessments showed that there were 110 environmentally preferred products and 1,069 non-environmentally preferred products in use. Of the 1,069 non-environmentally preferred products being used, 146 have environmentally preferred alternatives available, such as general cleaners. The remaining 923 include bleach and other disinfectants with no apparent environmentally preferred alternative.

In addition, for those facilities that are leased, the lease agreements were void of language that encouraged or requested the lessors to use environmentally preferred cleaning products.

### **Recommendations**

1. Conduct assessments for all buildings' use of cleaning products, and review and update the assessments biennially, as required by the Order.
2. Make the assessments available to employees and the general public.
3. Notify all landlords about the requirements of the Order, and include language in future lease agreements that encourage the use of environmentally preferred products.

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*Procurement of Environmentally Preferred Products*

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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 OMH facilities purchased environmentally preferred cleaning products, we judgmentally selected 13 State-owned and 4 leased buildings. We visited the facilities, interviewed employees in charge of purchasing, and obtained invoices of recently-purchased cleaning products.

For the 17 facilities, we examined 103 purchase orders for cleaning products during the period July 1, 2007, through December 31, 2007. We determined that 177 cleaning products were purchased during this time. Of these, only 15 were environmentally preferred.

**Recommendation**

4. Purchase only 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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To determine what cleaning products the 17 facilities we visited were using, we inspected maintenance closets, storage areas, and cleaning carts. We inspected a total of 178 cleaning products (134 at the State-owned facilities and 44 at the leased facilities).

We found 23 of the 178 products were environmentally-preferred (17 at State-owned facilities and 6 at the leased facilities). The remaining 155 products were not environmentally preferred (117 at state-owned facilities and 38 at the leased facilities). We also found that 6 of the 13 facilities were using non-environmentally preferred cleaning products such as glass cleaner, washroom cleaner, and hand soaps that could be replaced with environmentally-preferred cleaning products.

Further, we found that three of the four leased facilities we visited were not aware of the Order. However, all four were using some environmentally preferred cleaning products. None of the lease agreements contained language encouraging or requesting the lessor to use environmentally preferred cleaning products.

As a result of using non-compliant products, OMH has not yet realized the benefits to the environment and the health and safety of occupants of OMH 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. Our audit determined if OMH and its facilities procure and use cleaning products that minimize the 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 OMH Central Office and facility officials, as well as building managers, to determine what steps were taken to comply with the Order. We met with the environmental contractor and reviewed the annual and biennial assessments to identify the extent that OMH locations were complying with the Order. We judgmentally selected 13 of the 794 State-owned buildings and 4 of 64 leased buildings to visit and determine whether they were in compliance with the Order. At each facility that claimed to be using environmentally preferred cleaning products, we reviewed purchases of cleaning products and examined cleaning product inventories. To determine if OMH encouraged its landlords and building managers to use environmentally preferred cleaning products, we reviewed lease agreements and interviewed OMH officials and building managers.

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 OMH 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 OMH 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 Mike Solomon, Todd Seeberger, Rita Verma, Raymond Louie, Carole Le Mieux, Daniel Bortas, and Sue Gold.

## APPENDIX A - AUDITEE RESPONSE



State of New York  
David A. Paterson  
Governor



Office of Mental Health  
44 Holland Avenue  
Albany, New York 12229  
www.omh.state.ny.us

July 2, 2008

Michael Solomon  
Audit Manager  
Office of the State Comptroller  
Division of State Services  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236

Dear Mr. Solomon:

The Office of Mental Health has reviewed the draft audit report entitled, Compliance With Executive Order 134 – Environmental Impact of Cleaning of Facilities (2008-S-21). Our comments to the findings and recommendations contained in the report are enclosed.

The Office of Mental Health appreciates the Office of the State Comptroller's efforts to recommend improvements in our operations.

Many thanks for your continued help and cooperation.

Sincerely yours,

Bruce E. Feig  
Executive Deputy Commissioner

Enclosure

cc: Lisa Ng, DOB



**OFFICE OF MENTAL HEALTH  
RESPONSE TO OFFICE OF STATE COMPTROLLER  
DRAFT REPORT (2008-S-21)  
COMPLIANCE WITH EXECUTIVE ORDER 134  
ENVIRONMENTAL IMPACT OF CLEANING OF FACILITIES**

**Overall Comments**

The Office of Mental Health (OMH) has reviewed the draft audit report (2008-S-21) prepared by the Office of the State Comptroller. The objective of the audit was to determine whether OMH is complying with Executive Order 134, including the purchase and use of environmentally preferred cleaning products. OMH appreciates OSC's efforts in this regard and is pleased that OSC found that OMH had conducted evaluations and provided the required biennial assessments for all 28 inpatient psychiatric centers. OMH does acknowledge OSC's finding that this effort needs to be expanded to include smaller off campus sites.

The draft audit report listed five recommendations. The following are OMH's responses to these five recommendations.

**OMH Responses to OSC Recommendations**

**OSC Recommendation No. 1**

Conduct assessments for all buildings' use of cleaning products, and review and update the assessments biennially, as required by the Order.

**OMH Response**

OMH will continue to conduct assessments and review and update the assessments biennially for the use of cleaning products at all of its psychiatric centers and expand the process to include all buildings that OMH owns and occupies.

**OSC Recommendation No. 2**

Make the assessments available to employees and the general public.

**OMH Response**

OMH is assessing the best means to make the information available to employees and the general public.

**OSC Recommendation No. 3**

Notify all landlords about the requirements of the Order, and include language in future lease agreements that encourage the use of environmentally preferred products.

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**OMH Response**

OMH will work with the Office of General Services and the Dormitory Authority to notify landlords of the requirements of the order and will include language in future lease agreements with tenants that encourage the use for environmentally preferred products.

**OSC Recommendation No. 4**

Purchase only 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.

**OMH Response**

OMH will strive to purchase only 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. Since many areas at the OMH facilities are patient occupied, there is a heightened concern regarding bacteria and microorganisms and the potential spread of disease which will impact the selection of cleaning products. Products will continue to be chosen based on their effectiveness in handling these concerns.

**OSC Recommendation No. 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.

**OMH Response**

OMH will continue to phase out the use of non-environmentally preferred cleaning products, except in cases where an environmentally preferred cleaning product is not available or able to comply with the Infection Control Department's standards. OMH will make best use of cleaning products in stock, including the limited disposal of products that are no longer in use.