



Office of Management and Budget  
**Guidelines to Green Procurement of  
Environmentally Preferable Products**

N O R T H  
**Dakota**  
Be Legendary.

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## 1. ENVIRONMENTALLY PREFERABLE PROCUREMENT PROGRAM

These guidelines are a result of the cooperative efforts of the North Dakota State Board of Higher Education and the Office of Management & Budget State Procurement Office.

These guidelines establish the North Dakota Environmentally Preferable Procurement Program. The State of North Dakota recognizes we are a large consumer of goods and services. Every one of our purchases has an environmental impact resulting from the combined effect of a product's manufacture, use and disposal. As a result, the daily purchasing decisions of our employees and contractors can positively or negatively affect the environment.

These guidelines implement state laws related to environmentally preferable procurement that are broken down into four (4) categories: Environmentally Preferable Products (EPP), soybean-based ink, biobased products, and recycled content in paper.

By including environmental considerations in our purchasing decisions, along with our traditional concerns with price, performance, and availability, we will remain fiscally responsible while promoting practices that will reduce adverse environmental impact, reduce pollution, improve public health, safety, and conserve natural resources.

If questions arise, contact the Office of Management and Budget (OMB) State Procurement Office at 701-328-1728

## 2. ENVIRONMENTALLY PREFERABLE PRODUCTS

Section 1 of North Dakota Century Code (N.D.C.C.) § 54-44.4-07, Procurement of environmentally preferable products states: "The office of management and budget, the institutions of higher education, and any other state agency or institution that has authority to purchase products are encouraged to purchase environmentally preferable products."

Buying environmentally preferable products means the State of North Dakota will seek products that have a reduced effect on human health and the environment when compared with competing products serving the same purpose. In practice, this means seeking products that have reduced environmental impact because of the way they are made, used, transported, stored, packaged, and disposed of, including the potential for reuse or ability to be recycled. It means looking for products that do not harm human health, are less polluting, minimize waste, maximize the use of biobased and recycled materials, conserve energy and water, and reduce the consumption or disposal of hazardous materials.

Information is available from independent, well-respected organizations that can be integrated into North Dakota's purchasing specifications, including:

- Recycled content products designated by the U.S. Environmental Protection Agency (EPA), <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.
- Energy-efficient products listed by the Energy Star program, <https://www.energystar.gov/>.
- Products and services branded as UL Environment and contain the UL Environment Certification mark, which replaced the EcoLogo mark, <https://www.ul.com/services/portfolios/sustainability-and-environment>.
- Products and services for which Green Seal standards have been established, <https://greenseal.org/splash/>.

Look for certification labels (EPEAT, EcoLogo, Green Seal, Etc)

When determining whether a product is environmentally preferable, the following environmental attributes should be considered:

- How is it made?
  - Carcinogen-free
  - Chlorofluorocarbon (CFC) Free
  - Heavy Metal Free (e.g. no lead, mercury, cadmium)
  - Low-toxicity
  - Biobased
  - Made from rapidly renewable materials
  - Recycled content (Post Consumer Waste)
  - Reduced packaging
  - Refurbished
- How is it used?
  - Reusable
  - Energy efficient
  - Water efficient
  - Reduced greenhouse gas emissions
- How is it disposed?
  - Biodegradable
  - Compostable
  - Recyclable
  - Durable

### **3. SOYBEAN-BASED INK**

Subsection 1 (a) of N.D.C.C. 54-44.4-07, Procurement of environmentally preferable products states: "When practicable, specifications for purchasing newsprint printing services should specify the use of soybean-based ink. The North Dakota soybean council and the agriculture commissioner shall assist the office of management and budget in locating suppliers of soybean-based inks and in collecting data on the purchase of soybean-based inks".

OMB Central Duplicating and state agencies should specify the use of soybean-based ink for news print jobs. Agencies may contact the OMB State Printing Manager for assistance by calling 701-328- 3494.

### **4. BIOBASED PRODUCTS**

#### **4.1 Biobased Products Defined**

A biobased product is a commercial or industrial product (other than food or feed) that is comprised in whole or in part of biological products, renewable agricultural materials, or forestry materials. Bio-based products "go away, when you throw away."

#### **4.2 U.S. Department of Agriculture BioPreferred Program**

The BioPreferred Program was created by the 2002 Farm Bill and reauthorized and expanded as part of the Agriculture Improvement Act of 2018 (2018 Farm Bill). The Program's purpose is to spur economic development, create new jobs and provide new markets for farm commodities. The increased development, purchase, and use of biobased products reduces our nation's reliance on petroleum, increases the use of renewable agricultural resources, and contributes to reducing adverse environmental and health impacts Visit the USDA website to learn more about designated biobased products: [www.biopreferred.gov/BioPreferred/](http://www.biopreferred.gov/BioPreferred/)

## 5. RECYCLED CONTENT

N.D.C.C. section ~~54-44.4-08~~, Purchase of recycled paper products states: "When practicable, the office of management and budget, and any state agency or institution that has authority to purchase paper and paper products, should specify at least twenty-five percent recycled material.

There are various types of recycled materials:

- Pre-consumer material means materials generated in the manufacturing process, such as scraps, trimmings or cuttings.
- Post-consumer material means materials or finished products that have served its intended use and has been diverted or recovered from the waste disposal process.
- Post-consumer recycled content means waste materials and byproducts that have been recovered or diverted from solid waste.
- Pre-consumer material and post-consumer material are each subset of post-consumer recycled content.

State Contracts for paper products include recycled paper options.

## 6. BALANCING ENVIRONMENTAL CONSIDERATIONS WITH PERFORMANCE, AVAILABILITY AND FINANCIAL COST

The State of North Dakota is committed to buying more environmentally preferable products and services as long as they meet our performance needs and they are available within a reasonable period of time, at a reasonable cost. Nothing in this guideline shall be construed as requiring a state agency or institution to procure products that do not perform adequately for their intended use, exclude adequate competition, are not readily available or are not reasonably priced.

When comparing cost, the State of North Dakota will not focus exclusively on the initial price. Instead, we will calculate and compare total costs over the life of the item, which includes the initial cost along with maintenance, operating, disposal, replacement, and potential liability costs.

Examining life cycle costs will save money by ensuring we are quantifying the total cost of ownership before making purchasing decisions. Sometimes the state may pay more for higher performing goods and services, including those with superior environmental performance.

## 7. RESPONSIBILITIES

### 7.1 Agency Responsibility

Every state agency and institution is responsible for ensuring its employees and contractors are aware of the State of North Dakota's desire to buy more environmentally preferable and biobased products. Contractors who do work on behalf of the State of North Dakota should be required to use environmentally preferable and biobased products to the extent practicable.

Every employee with authority to purchase on behalf of the state are responsible for considering the environmental impact of the products and services and specifying environmentally preferable and biobased products where practicable.

### 7.2 OMB Responsibilities

When establishing state term contracts, the OMB State Procurement Office shall ensure that whenever possible the specifications and solicitation language allow consideration of environmentally preferred products offered as an alternative to traditional products with a negative environmental impact.

The state contracts website identifies contracts that offer environmentally preferable and biobased products and services.