

EXECUTIVE ORDER**NO 18: RESTRICTING THE USE OF BOTTLED WATER AT STATE FACILITIES AND PROMOTING EXECUTIVE AGENCY SUSTAINABILITY**

WHEREAS, the State has an obligation to promote sound environmental practices, such as conserving, improving and protecting the State's natural resources, reducing pollution and conserving energy, thereby enhancing the health, safety and welfare of the State's residents; and

WHEREAS, the State has engaged in sustainability initiatives at State facilities to make State agency operations more environmentally responsible; and

WHEREAS, federal, State and local governments invest significant amounts of money to provide safe drinking water supplies to the public; and

WHEREAS, the American Recovery and Reinvestment Act of 2009 is providing millions of dollars in funding for improving drinking water infrastructure in the State; and

WHEREAS, New York has high quality public water supplies, and it should be the role of the State to support and encourage the use of such supplies; and

WHEREAS, the State is facing an unprecedented fiscal crisis; and

WHEREAS, bottled water can cost thousands of times more than tap water; and

WHEREAS, billions of single-serve, commercially-bottled plastic water containers are sold in the State each year; and

WHEREAS, some bottled water consists of filtered or processed tap water; and

WHEREAS, the widespread use of bottled water and the improper disposal of used plastic water bottles negatively impact the environment; and

WHEREAS, the production and sale of bottled water requires the expenditure of energy in its manufacture, transport, chilling and storage, which also results in the emission of greenhouse gases; and

WHEREAS, in recognition of these and other concerns, the State recently expanded the New York State Returnable Container Act to include bottled water products; and

WHEREAS, undertaking responsible sustainability measures can conserve both natural resources and fiscal resources;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

1. Within 180 days of the issuance of this Order, every executive agency shall develop and begin implementation of a plan to eliminate the expenditure of State funds for the purchase of bottled water for

use at executive agency facilities. The goal of the plan shall be to eliminate such expenditure by May 1, 2010. Each agency shall provide a copy of its plan to the Commissioner of General Services (“Commissioner”).

2. The plan shall include, but need not be limited to, the following: (a) a description of the specific projects, programs, actions and policies to be undertaken to achieve compliance with this Order; (b) a description of any ongoing use of bottled water and the extent to which such use complies with this Order; (c) an assessment of the capability of existing facilities to provide tap water for consumption, including accessibility of water fountains and tap water dispensers, water quality, and constraints on access to tap water for consumption in place of bottled water; (d) identification of reasonable improvements that can be made to agency facilities to provide or increase reasonable access to tap water for consumption in place of bottled water; and (e) a description of steps the agency will take to avoid new contractual commitments to purchase bottled water. Such plan shall not entail the replacement of bottled water with less healthful alternative bottled beverages.

3. The plan may provide for the reasonable use of bottled water in the following circumstances: (a) when no other alternative is available or practicable; (b) when necessary to address health requirements and emergencies; and (c) when compliance with this Order would conflict with contract requirements in existence as of the effective date of this Order.

4. If an executive agency believes it will be unable to comply with the time frames set forth in this Order, it may obtain an extension upon the approval of the Director of State Operations, for good cause shown, and only to the extent necessary to address the justification supporting the extension. A request for an extension shall be made in writing by the executive agency head or his or her designee to the Director of State Operations with a copy to the Commissioner.

5. Each agency, on or before March 1, 2010, and on or before March first of each year thereafter until the Director of State Operations determines that full compliance with this Order has been achieved by such agency, shall make a written report to the Commissioner reporting on the progress of its implementation plan and the agency’s compliance with this Order. In lieu of making a separate report, an executive agency may include the information required by this Order in the progress report required by Executive Order No. 4: Establishing a State Green Procurement and Agency Sustainability Program.

6. On or before July 1, 2010, and on or before July first of each year thereafter until the Director of State Operations determines that full compliance with this Order has been achieved by all executive agencies, the Commissioner, in consultation with the Commissioners of Environmental Conservation and Health, shall make a written report to the Director of State Operations on the implementation of this Order by such agencies. The report shall include but need not be limited to the following issues:

(a) an assessment of compliance with this Order by executive agencies;

(b) a description of any ongoing use of bottled water by executive agencies and the extent to which such use complies with this Order;

(c) a description of any significant executive agency constraints to compliance with this Order;

(d) options to make tap water available to patrons free of charge at food service establishments at fixed locations at State-owned facilities as a choice in lieu of single-serve, commercially-bottled water;

(e) recommendations for water quality testing and maintenance of agency tap water facilities to ensure

sanitary and acceptable drinking water supplies;

(f) recommendations for additional opportunities to transition from the use of bottled water to tap water for consumption at executive agency facilities and other State facilities; and

(g) recommendations for modifications to this Order for the purpose of more effectively advancing this Order's goals.

The Director of State Operations, in consultation with the Commissioner, shall provide agencies with guidance on implementation of this Order based on the findings of the report. 7. The Department of Environmental Conservation and Department of Health shall provide staff support and other resources to assist the Commissioner to implement this Order. All executive agencies shall cooperate with the Commissioner and furnish such information and assistance as he or she determines is reasonably necessary to comply with this Order.

8. For purposes of this Order, "executive agency" or "agency" shall mean any department, agency, division, commission, bureau or other entity of the State over which the Governor has executive power.

9. Public entities not subject to this Order, including local governments and school districts, are encouraged to review their policies and practices concerning the use of bottled water for the purpose of achieving goals similar to those of this Executive Order. The Office of General Services, Department of Environmental Conservation and Department of Health are hereby authorized to provide guidance to these entities to assist them in undertaking such activities.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this fifth day of May in the year two thousand nine.

David A. Paterson
Governor

Lawrence Schwartz
Secretary to the Governor