

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE, BOSTON 02133

By His Excellency

MICHAEL S. DUKAKIS

GOVERNOR

EXECUTIVE ORDER 279

WHEREAS, it is in the interest of the Commonwealth to encourage conservation of natural resources, reduction of the quantity of waste which ultimately must be disposed of in landfills and minimization of noxious and environmentally damaging contaminants produced at manufacture; and,

WHEREAS, it is in the interest of the Commonwealth to restrict the use of disposable polystyrene products, thereby preventing further depletion of the ozone layer of the earth's atmosphere and reducing resulting non-biodegradable solid waste; and,

WHEREAS, it is in the interest of the Commonwealth to encourage the development of a comprehensive recycling industry; and,

WHEREAS, the use of recycling technologies plays an important part in addressing these goals and it is in the interest of the Commonwealth to encourage the utilization of recycling technologies; and,

WHEREAS, the use of recycled materials, not only protects the environment, but also promotes the development of innovative technologies which will contribute to the continued dynamic growth of the Commonwealth; and,

WHEREAS, incentives designed to produce changes in the manufacturing processes of various industries, and to encourage the use of alternative raw materials, must be strategically designed so as to maximize benefits to the industry, the purchaser and the citizenry;

NOW THEREFORE, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do hereby order the following:

ARTICLE 1

1.1 It is the policy of the Commonwealth of Massachusetts to use the purchasing power of state government

and of state-created institutions and authorities to stimulate the market place for recycled materials by purchasing products and commodities that contain such materials when they are available at an appropriate price and appropriate quality.

1.2 The Purchasing Agent's Division is hereby directed to develop and implement a "Recycled Materials Procurement Plan" for the Commonwealth of Massachusetts, pursuant to Article II of this Order. State institutions and authorities not subject to the Purchasing Agent's jurisdiction shall develop comparable plans based, to the extent practicable, on the purchasing Agent's Plan.

1.3 The Executive Office of Economic Affairs is directed to provide to the Purchasing Agent's Division an Annual Market Analysis of the recycled products industry and to provide the necessary technical assistance to encourage and support the growth of a recycled products industry in Massachusetts.

1.4 The Division of Solid Waste within the Department of Environmental Quality Engineering shall provide the Purchasing Agent's Division with the necessary technical expertise to develop and effectuate the goals in the Recycled Materials Procurement Plan.

ARTICLE II

When, in the considered judgment of the State Purchasing Agent, it is both feasible and desirable for the Commonwealth to influence through its competitive bid procedures and purchasing policies the use of recycling and the development of innovative recycling technologies, the following shall be the policy of the Commonwealth:

2.1 Purchase of Paper. When purchasing paper products including all printed or converted products, the Purchasing Agent shall, to the extent practicable, purchase recycled paper. For purposes of this section, "recycled paper" shall mean any paper products which have been manufactured from materials that would otherwise be disposed of by landfilling or incineration, including old newspapers, converted products, used fibrous material such as rags and overstock or obsolete inventories from paper product distributors, wholesalers and printers, but excluding those materials and byproducts generated from and commonly reused within an original manufacturing process.

2.2 Purchase of Aluminum. When purchasing aluminum, the Commonwealth shall specify the use of aluminum manufactured from recycled aluminum obtained from recycling facilities or resource recovery plants located within the Commonwealth, or elsewhere, provided such aluminum is

available and the quality is adequate for the purpose intended.

2.3 Purchase of Plastics. When purchasing low-grade plastic products such as trash bags, sewer pipes and drainage pipes, the Commonwealth shall specify that such plastic products shall contain plastic scrap generated by recycling or resource recovery plants located within the Commonwealth or elsewhere, or alternative raw materials such as cornstarch, where such alternative products are available at a reasonable cost compared to products from other sources and the quality is adequate for the purpose intended. The Division of Solid Waste shall promptly issue regulations specifying the appropriate percentage of plastic scrap or alternative raw material to be included in such products.

2.4 Purchase of Disposable Polystyrene Products. The purchasing of disposable polystyrene products where chlorofluorocarbons (CFCs) are used in the production shall be prohibited. Effective June 1, 1989, the purchase of disposable polystyrene which is produced without the use of CFCs, and which is not made from recycled materials, shall be restricted to critical medical applications. The Commonwealth shall to the extent feasible purchase equivalent paper products containing recycled materials. The Division of Solid Waste shall promptly issue regulations specifying the appropriate qualifying and equivalent products.

2.5 Purchase of Soil Supplements. When purchasing soil supplements the Commonwealth shall to the extent feasible purchase all soil supplements for roadsides, parks and other uses from compost facilities.

2.6 Procurement Specifications. The Commonwealth's Purchasing Agent or his/her designee shall review and revise any procurement specifications which discourage the procurement of recycled materials or products containing recycled materials, and may add to the requirements listed in this Article such other requirements for particular classes of purchases as may further improve the environment of the Commonwealth.

2.7. Regulations. In consultation with the Department of Environmental Quality Engineering's Division of Solid Waste, the Purchasing Agent's Division shall prepare rules and regulations and shall take any other actions deemed appropriate, whether on his or her own or in concert with other executive agencies of the Commonwealth, to effectuate the purposes of this Executive Order. Such rules and regulations, which shall be prepared within ninety days of issuance of this Order, may include provisions authorizing, and establishing the permissible range of, price preferences for recycled materials.

ARTICLE III

3.1 Designation of "Center of Excellence". The polymer center at the University of Massachusetts at Amherst is hereby designated as a "Center of Excellence" for research, study, and development of substitutes for disposable polystyrene products and other materials containing chlorofluorocarbons (CFCs).

Given at the Executive Chamber in Boston this eighteenth day of May in the year of our Lord one thousand nine hundred and eighty-eight, and of the Independence of the United States of America two hundred and twelve.

Michael S. Dukakis, Governor
Commonwealth of Massachusetts

Michael Joseph Connolly
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS