

# Green Public Procurement

Interdisciplinary workshop on GPP Law and public management  
Copenhagen (April 2024)

## The Landscape of Green Public Procurement in the U.S.

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# Themes (Mostly Echoing Roberto)

- Yes: Procurement should focus on climate change
  - The public sector, at all levels, should lead by example
    - Public Procurement can create, accelerate, and move markets
  - SPP means internalizing (prior) externalities
    - **Overarching hurdle: the Tyranny of Low Prices**
- Yes: Rethink HOW we buy
  - Reimagining WHAT we buy = more important
  - SAPIENS - an enviable model (or cross-Atlantic coveting)
  - **The U.S. is not the EU**

# *The U.S. is Not the EU on GPP*



U.S. DEPARTMENT *of* STATE

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## On the U.S. Withdrawal from the Paris Agreement

**PRESS STATEMENT**

**MICHAEL R. POMPEO, SECRETARY OF STATE**

NOVEMBER 4, 2019

***Brasilia, February 19, 2021: United States officially rejoined the Paris Agreement. On his first day in office, President Biden signed the instrument.***

SUSTAINABLE DEVELOPMENT GOALS

SUSTAINABLE DEVELOPMENT GOALS



<https://sdgs.un.org/goals>

*Public  
Consciousness?*

*Sustainable  
Public  
Procurement  
(SPP) versus  
Green Public  
Procurement  
(GPP)*



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# INTERNATIONAL STANDARD

# ISO 20400

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Reference number  
ISO 20400:2017(E)

© ISO 2017

First edition  
2017-04



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## **Sustainable procurement — Guidance**

*Achats responsables — Lignes directrices*

# US Procurement: Disaggregation, General Absence of Mandates

- Federal Public Procurement (\$600 billion/year)
- Federal Grants\* (typically exceeds procurement spending)
- Non-Executive Federal Instrumentalities
  - AMTRAK (National Rail)
  - Postal Service
- **50 States\***
- Regional Instrumentalities (Examples)
  - New York Port Authority
  - Washington, D.C. Metropolitan (“Tri-State” – DC, Maryland, Virginia)
    - WMATA (light rail)
    - MWAA (*Dulles and Reagan National Airports ... but NOT Baltimore-Washington (BWI) Airport*)
  - Tennessee Valley Authority (TVA - 7 Southeastern States)



# Environmentally Preferable Products (EPP) Procurement Program

The goal of the EPP Program is to use the Commonwealth's purchasing power to reduce the environmental and public health impact of state government purchases.

## Buying Green Guide

Best Practices Buying Guide



Mass.gov

# Maryland Green Purchasing



## Environmental Policy Statement: Environmentally Preferable Purchasing

# When a climate change denier becomes governor: Jeff Landry's first month in office

He has surrounded himself with former fossil fuel interests and has targeted the state's climate change task force

BY: TERRY L. JONES, FLOODLIGHT - FEBRUARY 7, 2024 3:58 PM



Recently Elected Louisiana Governor:

- *labeled climate change "a hoax," wants to grow the oil and gas industry;*
- *filled the ranks of state environmental posts with fossil fuel industry executives; and*
- *previously sued the U.S. Environmental Protection Agency to stop its push to better regulate emissions from oil and gas facilities.*

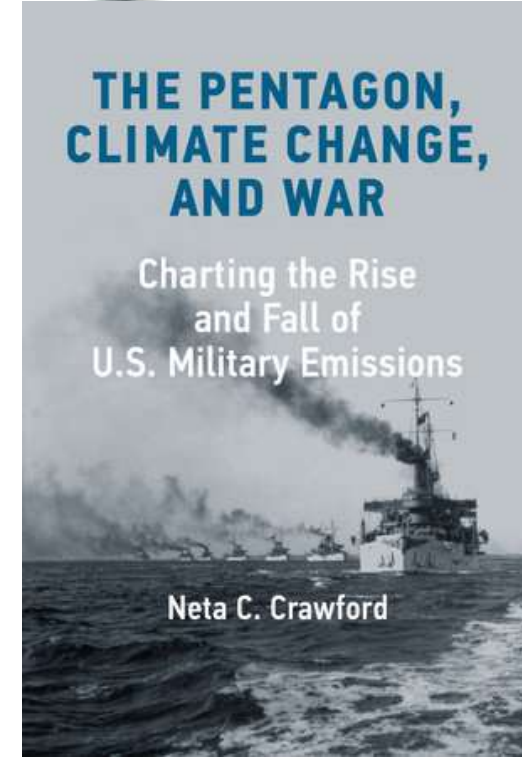
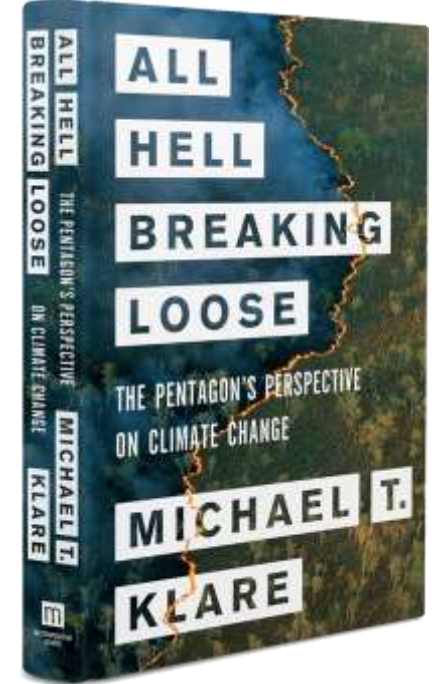
## A 'collapse' is looming for Louisiana's coastal wetlands, scientists say

Scientists say the overwhelming majority of the state's wetlands — a natural buffer against hurricanes — are in a state of 'drowning' and could be gone by 2070



# The Defense (Procurement, Acquisition) Quandary

- Historically:
  - More than 50 percent of U.S. Federal Procurement Expenditures
  - Driver/Leader on Policy, Professional Development, Best Practices
- **Klare:**
  - **Arctic Circle strategic anecdote**
  - **Ladder of Escalation (includes, famine, drought, natural disaster, regional instability, war)**
  - **Published before:**
    - **Russia-Ukraine**
    - **Hamas (Palestine)-Israel-Iran**
- U.S. Department of Defense: leading carbon emitter
  - Unlikely to lose in competition for access to fossil fuels
  - Unlikely to see role diminish in light of global trends
    - Potential expansion domestically (or through other “kinetic” instrumentalities)



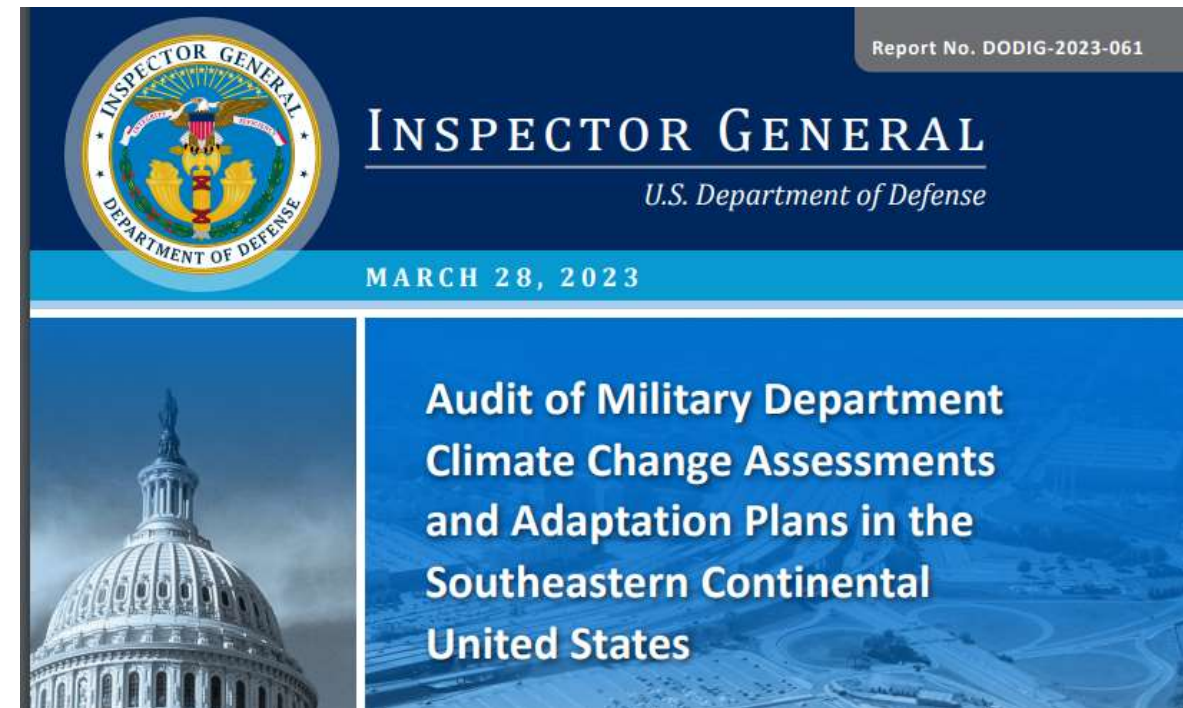
# Far greater focus on ADAPTATION than MITIGATION:

## **Adaptation**

How do we react to the climate change that has already taken place (and established “the new baseline”) and plan for ... more, worse ... in the future?

## **Mitigation**

What legacy do we leave to our children? What will our planet – and communities and homes – look like in the future?  
(What are we fighting for?)





# Comparative Case Study



03/30/2017, 10:00 AM CEST

Deutsche Post puts its 1000th e-bike from StreetScooter into service

The electrically assisted cargo bikes, which reach 25 km/h and can carry up to 50 kg, are a tremendous help for letter carriers in urban areas.



# Federal Supplier Climate Risks and Resilience Proposed Rule

[Home](#) / [Federal Sustainability Plan](#) / [Net-Zero Emissions Procurement](#) / Federal Supplier Climate Risks and Resilience Proposed

Rule

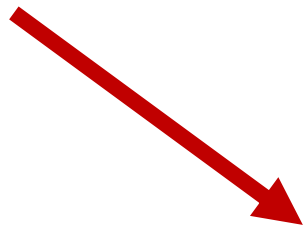
## Proposed Rule

<https://www.federalregister.gov/documents/2022/11/14/2022-24569/federal-acquisition-regulation-disclosure-of-greenhouse-gas-emissions-and-climate-related-financial>

### Federal Sustainability Plan

Carbon Pollution-Free Electricity

Zero-Emission Vehicle Acquisitions



***Still waiting....***

On November 10, 2022, the Biden-Harris Administration took historic action to address greenhouse gas emissions and protect the Federal Government's supply chains from climate-related financial risks. In support of President Biden's Executive Orders on [Climate-Related Financial Risk](#) and [Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability](#), the Administration proposed the Federal Supplier Climate Risks and Resilience Rule, which would require major Federal contractors to publicly disclose their greenhouse gas emissions and climate-related financial risks and set science-based emissions reduction targets.

## The Greenhouse Gas Protocol



A Corporate Accounting and Reporting Standard  
REVISED EDITION



# Corporate Standard

The GHG Protocol Corporate Accounting and Reporting Standard provides requirements and guidance for companies and other organizations preparing a corporate-level GHG emissions inventory.

The standard covers the accounting and reporting of seven greenhouse gases covered by the Kyoto Protocol – carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PCFs), sulphur hexafluoride (SF<sub>6</sub>) and nitrogen trifluoride (NF<sub>3</sub>). It was updated in 2015 with the Scope 2 Guidance, which allows companies to credibly measure and report emissions from purchased or acquired electricity, steam, heat, and cooling.



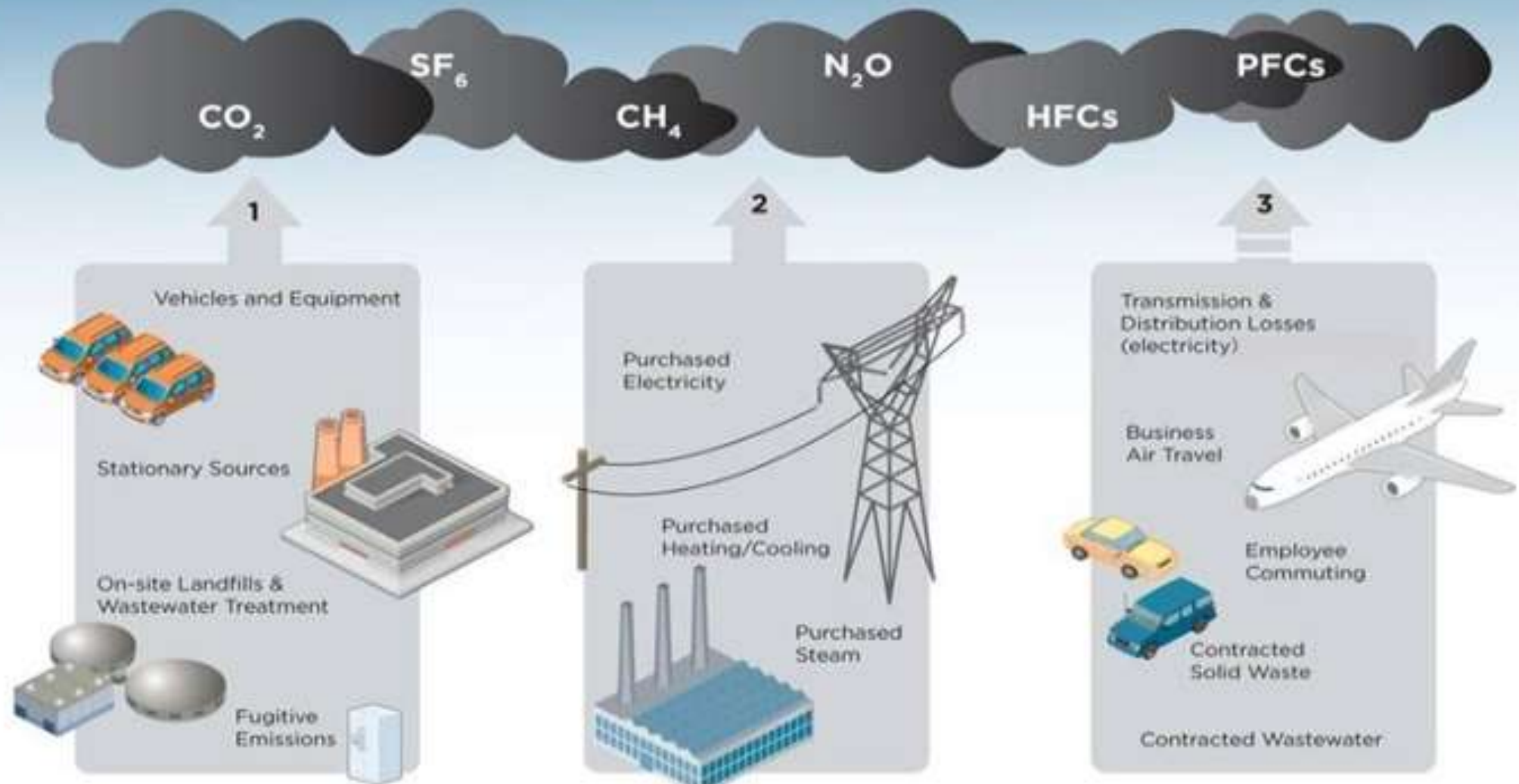
[Click to download \( GHG Protocol Corporate Standard Revised \(English\), 3.51 MB\)](#)

[Go to all documents](#)

Available in the following languages



# Common Sources of Federal Greenhouse Gas Emissions



## SCOPE 1:

Greenhouse gas emissions from sources that are owned or controlled by a Federal agency.

## SCOPE 2:

Greenhouse gas emissions resulting from the generation of electricity, heat, or steam purchased by a Federal agency.

## SCOPE 3:

Greenhouse gas emissions from sources not owned or directly controlled by a Federal agency but related to agency activities.



SCIENCE  
BASED  
TARGETS

DRIVING AMBITIOUS CORPORATE CLIMATE ACTION

[How it works](#)

[Set a target](#)

[Companies taking action](#)

[Sector guidance](#)

[Resources](#)

[Net-zero](#)



# ABOUT US

The Science Based Targets initiative (SBTi) drives ambitious climate action in the private sector by enabling companies to set science-based emissions reduction targets.

[WHO WE ARE](#)

[WHAT WE DO](#)



APRIL 19, 2024



# Biden-Harris Administration Finalizes Rule to Maximize Federal Purchases of American-Made Sustainable Products and Services, Using EPA Purchasing Recommendations



*[Rule] strengthens existing sustainable products requirements by directing Federal buyers to maximize their use of sustainable products and services. ... It directs agencies to follow ... Specifications, Standards, and **Ecolabels** ... recommendations regarding perfluoroalkyl or polyfluoroalkyl (PFAS) chemicals, known as “forever chemicals.”*



# V. Expected Impact of the Rule

## A. FAR Part 23 Restructuring

The revisions to FAR part 23 establish a clear and simplified ***framework for the Government to communicate current requirements*** related to environmental matters and sustainable acquisition. First, non-environmental matters, such as drug-free workplace and banning texting while driving, are ***transferred to FAR part 26***. Then, **existing content on similar topics**, such as requirements for sustainable products and services, hazardous and radioactive materials, and pollution prevention at Federal facilities, are **consolidated** into single subparts. These ***changes more clearly communicate current policies and procedures and are expected to improve agency compliance with requirements*** in each of these areas.

***\*Absence of priority or placement ... e.g., FAR Part 1***



**LEARN**  
Sustainability Topics

**PLAN**  
Strategies & Tools

**EXPLORE**  
Virtual Facility

**PROCURE**  
Products & Services

**APPLY**  
Case Studies

**TRAIN**  
Career Planning

Log On



# Sustainable Facilities Tool

## Make Effective Decisions

Search SFTool



### Building Decarbonization



## Where do I start?

Explore resources by role



Facility  
Manager



Procurement  
Professional



Leasing  
Specialist



Project  
Manager



Search the GPC for green products and services...

Search

# Green Procurement Compilation

Read About

Watch Video



The GPC is a comprehensive green purchasing resource designed for federal buyers, program managers, and vendors working with federal agencies.

### How to find sustainable acquisition requirements that apply to federal procurement:

- Enter a product or service category in the search bar above,
- Browse the product and service categories below, or
- Explore products according to their [Workspace](#)

## SFTool Product Search

Locate Compliant Brand Name Products that are Commercially Available



## Buyer Resources

Tools for Cost-Effective Sustainable Acquisition



## Vendor Resources

Learn about Sustainability and Climate Risk Management



Federal

Department of Defense

DOE Priority Products

GSA Public Buildings Service

## Products

### Appliances

Commercial and residential appliances, such as clothes washers, ovens, and refrigerators. Products in this category may also apply to the acquisition of janitorial, laundry, construction, and cafeteria...

[22 Products](#)



## Services

### Cafeteria & Food Services

Includes the preparation and offering of food and beverage items, waste management, and the ongoing management of the cafeteria space.







# Commercial Items, Specifications, Standards, and Ecolabels for Federal Purchasing (EPA, FEMP, GSA FSS, etc.)

LEED (*Leadership in Energy and Environmental Design*) - green building rating system

### How does LEED work

Projects pursuing LEED certification earn points for green building strategies across several categories. Based on the number of points achieved, a project earns one of four LEED rating levels: Certified, Silver, Gold or Platinum. [Learn more.](#)

Platinum	Gold	Silver	Certified
			
80+ points earned	60-79 points earned	50-59 points earned	40-49 points earned





**Advantage!**<sup>®</sup>

Welcome to the GSA Environmental Program Aisle on GSA Advantage.

The aisle makes it easy to find and purchase products that meet mandatory or voluntary sustainability programs.

**Note:** For many products on GSA Advantage, vendors self-designate the environmental symbols listed with a product. If you have a question about a specific product environmental attribute, please contact the vendor directly for confirmation prior to placing the order.

## Seeking Traction (Action, Change)

### It's Ultimately All About People

- Rules (and prohibitions) Do *Not* Ensure Successful Contracts
- Procurement legislation, regulation, and policy do not alone change
  - Human nature
  - Public procurement practices or outcomes
- Culture is Harder to Change Than Rules: *Change Management is Difficult*
- US Human Capital Institutions
  - DAU (Defense Acquisition University)
  - FAI (Federal Acquisition Institute)
  - NCMA (National Contract Management Association)
  - NASPO (National Association of State Procurement Officers)
  - *NIGP (The Institute for Government Procurement)*

# Leveraging the Federal Government's Buying Power to Mitigate Climate Change

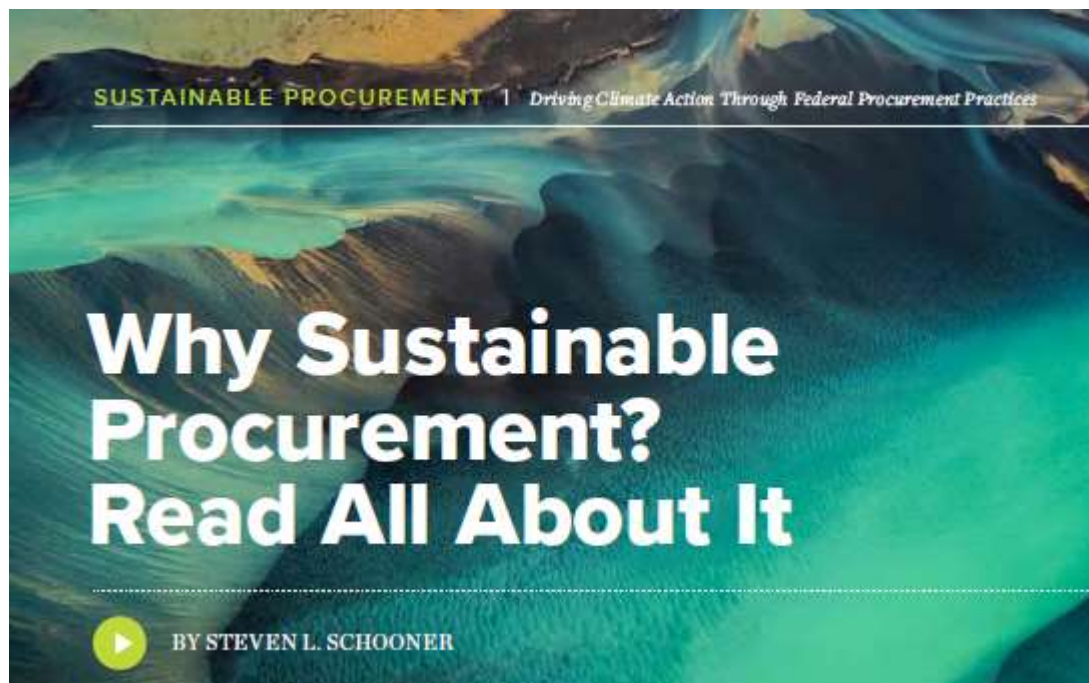


The urgent need to address climate change makes it imperative that contract management professionals step up to meet the challenge.

By Polly Hall, Tim Cooke, and Steven L. Schooner

# Food Procurement: An Essential Ingredient to Mitigating Climate Change and Enhancing Public Health

BY CHLOË WATERMAN, RACHEL CLARK, AND STEVEN L. SCHOONER



# Why Sustainable Procurement? Read All About It

BY STEVEN L. SCHOONER

# No Time to Waste

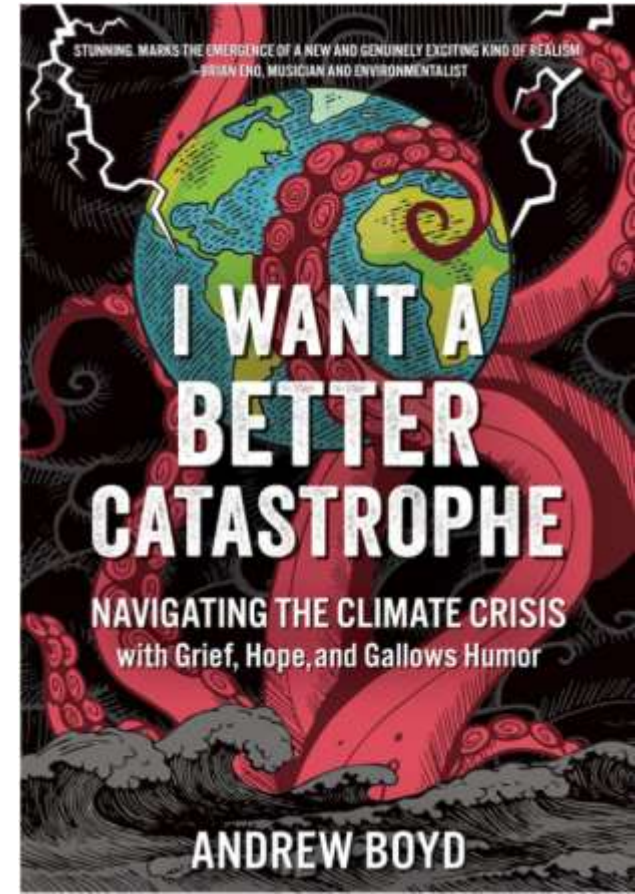
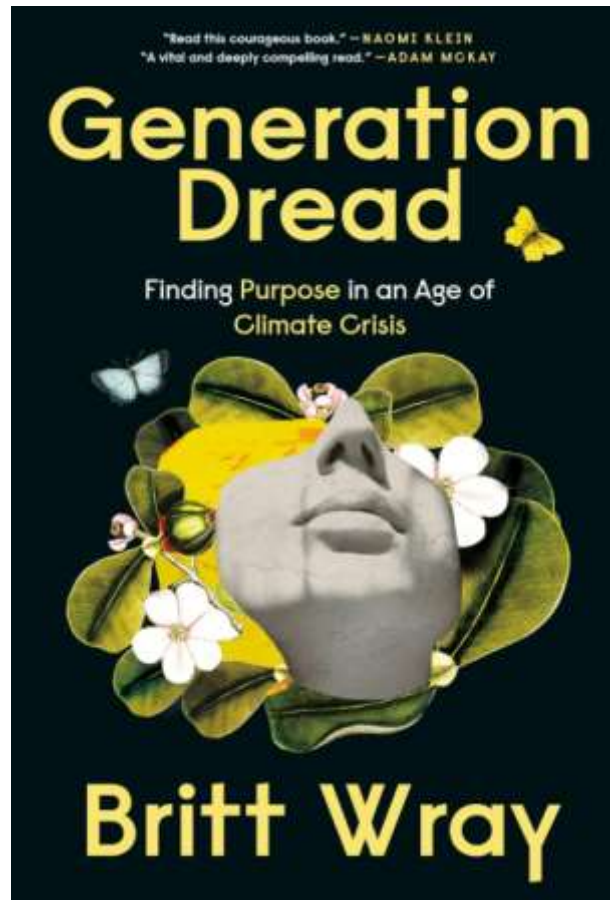
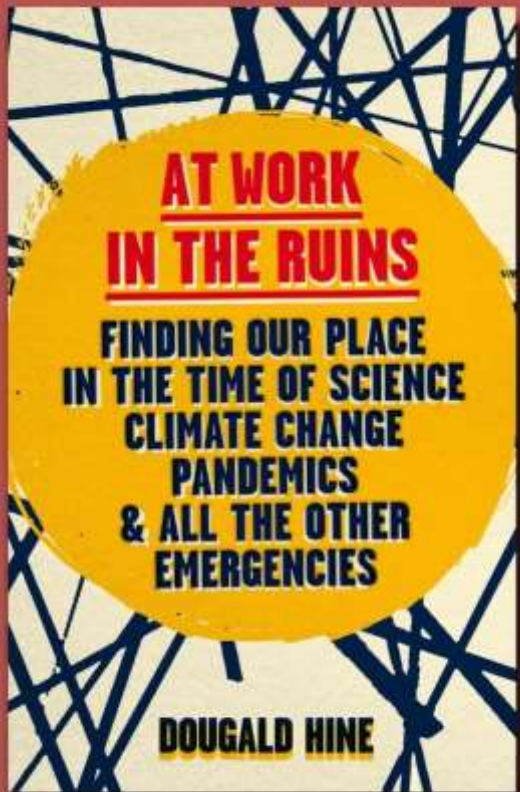
EMBRACING SUSTAINABLE PROCUREMENT TO MITIGATE THE ACCELERATING CLIMATE CRISIS

# Climate-Conscious Commitments: Marching to Greener Contracts

BY POLLY HALL AND TIMOTHY COOKE

## Doom versus Hope ... and ... The Academic's Role:

- *Advocacy, Awareness, Challenging Assumptions, Causing Discomfort, Inspiring (or Catalyzing), Saying Things Others Can't/Won't Say....*
- *Analyzing, Collecting, Explaining, Organizing, Sharing, Translating....*
- *Managing Despondency and Depression, Sustaining Hope*





# THANK YOU!

The *most important thing* every single one of us can do about climate change is *talk about it* – why it matters, and how we can fix it – and use our voices to advocate for change within our spheres of influence....

Use it to *advocate for change at every level* ....

"A must-read if we're serious about enacting positive change from the ground up, in communities, and through human connections and human emotions."

—MARGARET ATWOOD ON TWITTER

SAVING  
US

A CLIMATE SCIENTIST'S  
CASE FOR HOPE AND HEALING  
IN A DIVIDED WORLD

KATHARINE HAYHOE