


CITY COUNCIL ACTION REQUEST

Department(s): Environmental Services	CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making, resulting in no changes to the physical environment.	Coordination: AIR, CAO, CMO – Budget Office, DOT DPW, FIN, PBCE, PRNS	Dept. Approval: /s/ Kerrie Romanow
Council District(s): Citywide			CMO Approval:  11/30/2022

SUBJECT: REVISIONS TO COUNCIL POLICY 4-6, “ENVIRONMENTALLY PREFERABLE PROCUREMENT POLICY”

RECOMMENDATION:

Adopt a resolution approving modifications to Council Policy 4-6, “Environmentally Preferable Procurement Policy” to include Short-lived Climate Pollutants: Organic Waste Reductions Regulations procurement requirements and minor updates to outdated sections.

BASIS FOR RECOMMENDATION:

In 1990, the City of San José adopted the first version of its Environmentally Preferable Procurement Policy (EP3). The policy is fundamental to the City’s efforts to reduce the environmental impacts of its operations and service delivery as well as to the implementation of the City’s environmental policies. Since its initial adoption, the policy has been updated several times, with the most recent update in 2012, which included the ban on polystyrene food ware.

In a statewide effort to reduce emissions of short-lived climate pollutants, Senate Bill 1383, Short-lived Climate Pollutants (SLCP): Organic Waste Reductions, was signed into law in 2016 and went into effect on January 1, 2022. Senate Bill 1383 Regulatory Text, as contained in 14 CCR Division 7, Chapter 12, Article 12, requires the City to purchase recycled-content paper products; and procure recovered organic waste products to support organic waste disposal reduction targets and increase markets for products made from recycled and recovered organic waste materials. On November 3, 2021, City Council approved amendments to Chapter 9.10, Title 9 of the San José Municipal Code to comply with SLCP Regulations.

The EP3 (attached) is included as standard language when applicable in Citywide procurements and contracts. In order to comply with the SLCP Regulations and recently updated Chapter 9.10, Title 9 of the San José Municipal Code, the EP3 requires an update to include SLCP Regulations as one of the EP3’s environmental product standards. With its last update in 2012, parts of the EP3 now require updating. These include references to old City plans, programs, and requirements for reporting. Currently, EP3 compliance is assured through contract management and purchasing restrictions when applicable (e.g., Office Depot purchasing restrictions). Vendors are also able to provide data on EP3 purchases when requested.

Climate Smart San José: The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input: No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE:

Staff does not anticipate additional City costs to implement the SLCP post-consumer recycled content paper material requirements since they align with the current EP3. However, staff does anticipate cost implications due to the potential cost increase of selecting SLCP compliant organic materials such as compost and mulch due to market conditions. Any funding needs due to potential cost increases of selecting SLCP compliant organic material would be factored into future budget processes.

FOR QUESTIONS CONTACT: Jennifer Voccola Brown, Manager, Sustainability & Compliance Division, (408) 975-2594