Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER EIGHTY-TWO (2009)

GREENING OF STATE GOVERNMENT

Importance of the Initiative

Virginians are fortunate to inhabit a state with tremendous natural beauty and abundant resources that support our economy. Virginia state government takes seriously the responsibility as set forth in Article XI of the Constitution of Virginia to act as a steward of these resources, in order to pass them along to future generations undiminished. The Commonwealth's citizens enjoy an unparalleled quality of life, and can continue to do so as our population increases and our economy expands if we are persistent in exploring ways to reduce our collective impact upon the environment.

Like all large enterprises, the business operations of the Commonwealth have a significant environmental impact in terms of pollution and natural resource consumption. The production, use, and disposal of materials, as well as the generation and use of energy can have a significant impact on environmental quality and public health. Fortunately, opportunities to reduce these impacts are numerous, as are opportunities to save money through reducing the energy and resources required to govern effectively. By showing leadership in reducing the environmental impact of government operations, the Commonwealth can inspire measures in the private sector and in the homes of citizens.

The Commonwealth already has taken a number of steps to reduce state government's energy and environmental impact. These actions include implementation of Executive Order 48 addressing energy use in state facilities, Executive Order 35 and §2.2-2817.1 of the *Code of Virginia* addressing telecommuting by state employees, and the adoption of Environmental Management System standards by a number agencies. This new Executive Order expands these efforts so as to promote continual improvement in the Commonwealth's sustainability practices.

There are several ways to encourage sustainability in government operations. One way is to urge agencies to participate in a friendly competition to implement practices and generate ideas to

reduce the environmental impact of everyday activities. Indeed, Virginia's local governments have shown tremendous leadership with this approach through the "Go Green Virginia" initiative that was created by the Virginia Municipal League and joined by the Virginia Association of Counties and the Virginia School Boards Association. In order to accelerate state government improvements in the short term, this Executive Order establishes a competition inspired by "Go Green Virginia." For longer-term goals, this Executive Order employs the approach of setting measurable goals in a way that affords flexibility in how the goals are met.

When Virginia has achieved the vision of a truly "green government," buildings will be constructed and operated in a way that minimizes the need for energy and water. State employees will eliminate unnecessary driving for business travel and commuting and will conduct business in a way that minimizes the use of disposable materials. Those disposable materials that are used in day-to-day operations will be recycled or reused to the maximum extent possible. Care will be taken to ensure that energy to power lights, computers, and heating and air conditioning systems is not unnecessarily being consumed during and outside of business hours. Recycled materials, nontoxic products and renewable forms of energy will be used as much as possible.

By the power vested in me by Article V of the Constitution of Virginia, and §2.2-103 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the Governor's Secretaries and all executive branch agencies and institutions to increase the use of sustainability practices, many of which will result in long-term reduced costs in state government operations.

Environmental Management Systems and Policies

No later than July, 1, 2010, every executive branch agency and institution shall either have (i) notified the Department of Environmental Quality's Office of Pollution Prevention of its intent to develop an Environmental Management System (EMS) or (ii) adopted and posted on its website a suite of policies regarding energy use, water use, waste reduction and travel that will reduce the environmental impacts and costs of those activities. Agencies and institutions electing to develop an EMS shall achieve E2 or higher certification under the Virginia Environmental Excellence program by July 1, 2011. Policies adopted in lieu of an EMS shall contain the following:

1. Energy use. At a minimum, the energy use policy shall address powering down computers when not in use, turning off interior and exterior lights when not needed, and reducing the energy consumption of heating and cooling systems outside of office hours.

2. Water use. At a minimum, the water use policy shall address eliminating plumbing leaks and (if applicable) minimizing use of water for irrigation through reduced frequency of watering, timing of watering, and the selection of low water-use landscaping such as drought resistant grass, plants, shrubs and trees.

3. Waste reduction. At a minimum, the waste reduction policy shall address ways of reducing

consumption of paper and other office supplies, ways of reducing the use of disposable supplies, and recycling of white paper, mixed paper, plastic, batteries, printer cartridges and aluminum. For any agency that performs maintenance on vehicles, the policy shall address recycling of oil and antifreeze. Agencies are encouraged to include provisions regarding composting.

4. Travel. At a minimum, the travel policy shall address: carpooling to meetings, use of video conferencing and conference calls in lieu of in-person meetings, and purchasing of alternative fuels where available. Agencies are encouraged to include restrictions on whether the agency will pay mileage for single-passenger use of personal vehicles for business travel.

The Department of Environmental Quality shall, upon request, provide examples of such policies to any agency.

Building and Facility Construction and Location

All executive branch agencies and institutions entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, shall meet Department of General Services (DGS), Division of Engineering and Buildings "Virginia Energy Conservation and Environmental Standards" for energy performance and water conservation. In addition, all such buildings shall conform to LEED silver or Green Globes two-globe standards, unless an exemption from such standards is granted by the Director of the DGS upon a written finding of special circumstances that make construction to the standards impracticable.

When a Commonwealth agency or institution is to lease space or build a new building in a metropolitan area where public transportation is available, it shall seek to lease or build within a quarter mile of a transit or commuter rail stop. The Commonwealth also shall, when leasing and building facilities, seek locations that are pedestrian and bicycle accessible. The Commonwealth shall encourage the private sector to adopt green building standards by striving to lease facilities that meet the same standards as those required for new state construction as outlined above. The Division of Real Estate Services of the Department of General Services shall consider these preferences in approving new leases or extensions of current leases.

Procurement Standards

The Department of General Services and Virginia Information Technology Agency shall establish specifications for use by state agencies and institutions subject to the Virginia Public Procurement Act in the procurement of commodities and services. The specifications shall encourage agencies to utilize commodities and services that will: (i) reduce or eliminate the health and environmental risks from the use or release of toxic substances; (ii) minimize risks of the discharge of pollutants into the environment; (iii) minimize the volume and toxicity of packaging; (iv) maximize the use of recycled content and materials composed of sustainably managed renewable resources; (v) maximize the use of equipment that is durable, and therefore, can be used for a long time without having to be replaced; and (vi) maximize the use of

remanufactured components.

The Department of General Services also shall include in its policies and procedures requirements for the purchase of fuel-efficient, low-emission state-owned vehicles. In addition, DGS shall include in its policies and procedures for leasing vehicles requirements that encourage the use of compact, fuel-efficient, and low-emission vehicles.

All agencies and institutions except for public safety agencies shall maximize biofuel use in state fleet vehicles. The Department of General Services shall make available, at selected sites based upon the locations of state-owned flex-fuel and diesel vehicles, E85 and B2 fuels for agencies. Agencies and institutions that independently purchase fuel shall use E85 and B2 fuel sites to the maximum extent reasonably possible.

In addition, the following standards shall be observed by all executive branch agencies and institutions:

1. Agencies and institutions shall purchase or lease Energy Star-rated appliances and equipment for all classifications for which an Energy Star designation is available.

2. All new copiers, faxes, printers, and other such office equipment purchased or leased by agencies and institutions that use paper shall be recycled paper-compatible. Agencies and institutions shall purchase only recycled paper except where equipment limitations or the nature of the document preclude the use of recycled paper.

3. Beginning on July 1, 2010, agencies and institutions other than public safety agencies shall procure only diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel, as defined in §45.1-394 of the *Code of Virginia*. This requirement shall only apply to procurements of diesel fuel for use in on-road internal combustion engines and #2 fuel burned in a boiler, furnace, or stove for heating, and shall not apply if the cost of such procurement exceeds the cost of unblended diesel fuel by 5 percent or more.

4. In selecting sites for conferences and other meetings that are to be held at places other than state facilities, agencies and institutions shall, after complying with procurement statutes and regulations, observe the following guidelines. For meetings attended by fewer than 50 people, agencies and institutions shall strive to use "Virginia Green" certified facilities. For meetings attended by 50 or more people, only "Virginia Green" certified facilities shall be used unless permission to select a different site has been granted by the Chief of Staff. In conducting meetings, agencies and institutions shall minimize the use of paper. When meals are served, disposable materials should be avoided to the greatest extent possible. Disposable materials that are used should be biodegradable or recyclable.

5. No agency or institution shall procure water in individual serving-sized containers made of plastic except for use in emergencies or for safety and health reasons.

Energy Efficiency

All agencies and institutions shall provide adequate management support to their energy-savings activities. In order to ensure agencies have sufficient expertise in energy management, every Agency Energy Manager for an agency or institution with energy costs exceeding $1 million annually shall be certified as an energy manager by the Association of Energy Engineers.

The requirements of Executive Order 48 that (i) executive branch agencies and institutions must reduce the annual cost of non-renewable energy purchases by at least 20 percent of fiscal year 2006 expenditures by fiscal year 2010, and (ii) any agency or institution that can demonstrate to the Senior Advisor for Energy Policy that it met the 10 percent energy savings goal established for 2006 in Executive Order 54 (2003) must reduce costs of non-renewable energy purchase by an additional 15 percent of fiscal year 2006 expenditures by fiscal year 2010, are hereby continued. In addition, all executive branch agencies and institutions shall achieve an additional savings of 5 percent of fiscal year 2006 expenditures by fiscal year 2012.

Agencies shall report their progress towards the energy-savings goals to the Director of the Department of Mines, Minerals and Energy. Such progress shall be reported to the public on the Department of Mines, Minerals and Energy's website.

The Department of Mines, Minerals and Energy shall be responsible for providing technical assistance to state agencies and institutions in achieving energy savings. Specifically, the Department of Mines, Minerals and Energy shall:

1. Assist state agencies in their efforts to conserve energy to the maximum extent feasible;
2. Assist agencies and institutions with implementation of this Executive Order;
3. In cooperation with the Department of Environmental Quality, assist agencies with calculating the extent to which their energy savings result in a reduction in greenhouse gas emissions; and
4. Maintain a system to monitor and report on progress made by state agencies toward reducing from its 2006 baseline energy costs and consumption for state-owned facilities and provide a report at least annually on its website.

Providing Government Services

All reports published by executive branch agencies and institutions shall be published in electronic form only, unless permission to print the report has been granted by the Chief of Staff. If printing is necessary, agencies should maximize their use of post-consumer recycled paper and environmentally-friendly inks.

Executive branch agencies and institutions shall strive to increase opportunities for citizens and businesses to engage in electronic transactions with the Commonwealth rather than having to travel to state offices.

Commuting to Work

As an employer, the Commonwealth should make it easy for employees to minimize the impacts of commuting on energy consumption, traffic congestion and emissions. All agencies and institutions shall implement transit and ridesharing incentive programs within the parameters of the Department of Human Resource Management's guidelines. Agencies shall consider encouraging the use of transit by providing transit passes for free while charging for parking, such as is currently the policy of the Virginia Department of Transportation and Virginia Department of Rail and Public Transportation.

§2.2-2817.1 of the *Code of Virginia* requires each state agency to pursue a goal of not less than 20 percent of its eligible workforce telecommuting by January 1, 2010. Wherever possible, agencies and institutions should use telecommuting to the fullest extent to mitigate traffic congestion and reduce emissions.

To encourage employers to fully explore the feasibility of telecommuting, I hereby declare Monday, August 3, 2009, a "Statewide Telework Day" and request that the directors of state agencies and institutions as well as private sector employers allow as many citizens as possible to telecommute on that day.

Green Commonwealth Challenge

Every day we each make choices that result in impacts to the environment; opportunities to lessen these impacts abound. For instance, we can reduce automobile emissions by holding videoconferences or conference calls rather than face-to-face meetings and by walking, bicycling, carpooling, or taking transit to work. We can reduce the need for landfills by reducing the disposable items we use and recycling the rest.

I challenge state agencies and employees to use the next few months to see how many such deliberate, voluntary actions can be achieved. Agencies that choose to participate in this challenge shall report to the Secretary of Natural Resources the following metrics for the period of June 15 through November 15, 2009:

- Number of in-person meetings avoided through the use of video conferences or conference calls, as well as an estimate of the resulting travel miles avoided.
- Number of trips avoided by agency employees carpooling with others.
- Number of meetings planned by the agency for which the agency facilitated carpooling of attendees (e.g., through the use of a survey or other tool to help connect meeting attendees).
- Number of different materials included in the agency's recycling program (e.g., white paper, mixed paper, plastic bottles, batteries).
- Number of days each employee telecommuted or commuted to work any way other than driving in a car alone.

In addition, participating agencies shall submit to the Secretary:

- Electricity bills for the months of July, August, and September of 2008, as well as the months of July, August and September 2009.

The Secretary of Natural Resources shall devise a scoring system and provide guidelines to participating agencies. The Secretary shall compile all the reports received by December 1, 2009, and shall announce the three highest scoring agencies by December 15, 2009.

I invite all state employees to submit suggestions to the Employee Suggestion Program website regarding ways that state government can reduce environmental impacts of its operations. The employee who submits the idea that is determined by Secretaries of Administration and Natural Resources and the Chief of Staff to be the best idea will receive one day of annual leave. To be eligible for this extra incentive, the suggestions must reference this executive order.

Senior Advisor for Energy Policy and Energy Policy Advisory Council

The Governor's Energy Policy Advisory Council and the position of Senior Advisor to the Governor for Energy Policy established in Executive Order 48 are hereby continued. The Senior Advisor serves as the Governor's principal advisor on energy-related issues and is directed to coordinate energy policy across state agencies and institutions, including advising state institutions of higher education on coordinating energy research efforts.

The Senior Advisor shall update the Virginia Energy Plan in conjunction with the Division of Energy of the Department of Mines, Minerals, and Energy, as provided for in Chapter 2 of Title 67 of the *Code of Virginia*, drawing upon expertise of other agencies and institutions and Virginia businesses as appropriate.

The Governor's Energy Policy Advisory Council shall be chaired by the Senior Advisor for Energy Policy. The Council shall consist of 15 members appointed by the Governor, to serve at his pleasure. Appointees shall include representatives of Virginia's energy providers and producers, residential, commercial and industrial energy consumers, Virginia's conservation community, and the Secretaries of Natural Resources, Commerce and Trade, and Technology. The Advisory Council shall make a report of its activities by December 1 of each year. The Advisory Council's responsibilities shall include the following:

1. Review the recommendations set forth in the Virginia Energy Plan as well as other relevant reports and studies.
2. Evaluate strategies for implementing recommendations of the Virginia Energy Plan, including prioritization, approach, and timeline.
3. Monitor implementation of the Virginia Energy Plan.
4. Identify additional energy policy options for the Commonwealth to address energy issues.
5. Make other recommendations as may be appropriate.

Effective Date of the Order

This Executive Order rescinds Executive Order Number Forty-eight (2007), Energy Efficiency in State Government, issued on April 5, 2007.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until July 1, 2013, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 10th day of June, 2009.

Timothy M. Kaine, Governor

Attest:

Secretary of the Commonwealth