

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 112

By Council Members Kallos, Barron and Gennaro.

A LOCAL LAW

In relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Agency. The term “agency” means a city, county, borough, or other office, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury, unless otherwise specified.

City. The term “city” means the city of New York.

Director. The term “director” means the director of citywide environmental purchasing appointed pursuant to section 6-304 of the administrative code of the city of New York, unless otherwise specified.

Task force. The term “task force” means the task force established by this local law.

Textile. The term “textile” means cloth, fabric and other flexible materials made of animal skin, hair, fur or fleece; plants; minerals; or synthetic materials.

Textile good. The term “textile good” means a good made in whole or in part of textiles, including, but not limited to, clothing and other apparel, including footwear, regalia and other accessories; carpets; upholstery; blankets; and industrial use textiles.

§ 2. Report on agency purchases of textiles. a. Information to be reported. The director shall prepare a report of the following information regarding agency purchases of textile goods for the 4-year period preceding the effective date of this local law:

1. A list of categories of textile goods, as determined by the director pursuant to paragraph 1 of subdivision b of this section;

2. For each category of textile goods designated by the director listed pursuant to paragraph 1 of this subdivision, the following information for a sample of such textile goods, as determined by the director to accurately represent citywide purchases of such textile goods:

(a) The textiles found in such textile good;

(b) The location where the finished textile good was manufactured;

(c) The average or usual amount of time such textile good is used for agency purposes before disposal and the resources expended to maintain such textile good while in use;

(d) The disposal policies and practices of the purchasing agency with respect to such textile good, including whether such agency recycles or attempts to recycle such textile good;

(e) Whether such textile good is composed in whole or in part of a virgin textile;

(f) Whether such textile good includes recycled textiles;

(g) Whether such textile good includes organic textiles; and

(h) Whether such textile good includes animal-derived textiles, and if so, the species;

3. For each category of textile goods designated by the director, the total estimated value of contracts for such textile goods, in the aggregate and disaggregated by agency;

4. For each category of textile goods designated by the director, the total estimated volume of such textile goods in units designated by the director, in the aggregate and disaggregated by textile and additional textile content information required pursuant to paragraph 2 of this subdivision; and

5. A list of vendors authorized to sell uniform apparel and accessories to employees of agencies, and for each such vendor, the agency for which such vendor is authorized.

b. Additional reporting specifications. For purposes of the report required in subdivision a of this section:

1. The director shall determine how to categorize textile goods for the purpose of reporting information about such goods in an organized, consistent and accurate manner, and to facilitate comparison of such textile goods pursuant to this local law.

2. Claims of the nature or content of textiles shall include a reference to any available certification, standard or other proof of such content.

3. For purposes of all reports required by this local law, agency purchases of goods shall be deemed to include purchases by agency employees from vendors authorized to sell uniform apparel and accessories to agency employees. For the purposes of creating the report required under this section, the director, in collaboration with each agency that requires such agency's employees to wear a uniform, shall conduct a survey of each such agency's uniformed employees.

c. When due. The director shall submit the report prepared pursuant to subdivision a of this section to the speaker of the council and publish it on the city's website no later than 180 days after the effective date of this local law. If additional time is needed to obtain required information, the

director shall transmit a written notice to the speaker explaining why submission of the report will occur at a later date. In no event shall such report be submitted to the speaker of the council and published on the city's website later than 1 year after the effective date of this local law.

d. Missing information. The director shall not be required to publish any information in the report required by this section that the director determines would be infeasible to obtain, provided that, for such information, the director shall summarize in the report the efforts made to obtain any missing information and explain why obtaining such information would be infeasible to obtain.

§ 3. Task force. a. Task force established. There shall be a task force to develop and recommend environmentally preferable purchasing guidelines for textiles, and to make recommendations for legislation and policy regarding agency textile use and waste management, and regulation of textile goods. Such guidelines shall promote the following objectives:

1. To conserve, protect and rehabilitate resources, including land, timber, water and energy, and to promote the efficient use thereof;

2. To reduce, to the greatest extent possible, reliance on virgin textiles, with an emphasis on virgin textiles that require intensive land and water resources for production, and to increase the use of recycled and reused textiles, recyclable and reusable textiles, and biodegradable textiles;

3. To reduce, to the greatest extent possible, reliance on textiles that have significant negative environmental impact based on criteria set forth in subparagraph d of paragraph 2 of subdivision b of this section;

4. To reduce, to the greatest extent possible, the use of and exposure to hazardous substances, including bioaccumulative and toxic chemicals found in textiles, including chromium, formaldehyde and polyvinyl chloride;

5. To decrease greenhouse gas emissions in accordance with section 24-803 of the administrative code of the city of New York;

6. To promote environmentally responsible use and end-of-life management of agency-purchased textiles;

7. To reduce, to the greatest extent possible, waste;

8. To reduce, to the greatest extent possible, public spending on textiles that are the result of environmental degradation;

9. To educate textile-purchasing agencies of false or misleading claims of environmentally preferable textiles; and

10. Any other objective, as determined by the task force, that is intended to account for and reduce the negative effects on the environment, or to generate positive effects on the environment, caused by city purchases of textiles.

b. Tasks. The task force shall complete the following tasks in the following order:

1. Assessment of needs. The task force shall assess agency needs for textiles and forecast, as practicable, such needs for textiles in the 10 years following the effective date of this local law. In undertaking this task, the task force shall use the report published pursuant to section two of this local law, in addition to any other appropriate resource.

2. Consideration of options. The task force shall identify and consider the textiles available to meet the needs identified pursuant to paragraph 1 of this subdivision. The task force shall consider innovative textiles, as well as innovative production methods of textiles and textile goods. The task force shall prioritize for consideration textiles that maximize the opportunity to reduce the negative effects, and to produce positive effects, of agency textile purchases for the environment.

In undertaking this task, the task force shall, to the extent possible with available resources, compare textiles across the following criteria:

(a) Ability to meet agency needs;

(b) Financial cost;

(c) Availability;

(d) Environmental impact, as can be assessed along the supply-chain and the life-cycle of the textile by the following indicators, provided that indicators set forth in clauses (1), (3), (13), (15), (16) and (19) shall be given the greatest weight in such assessment:

(1) Climate change;

(2) Ozone depletion;

(3) Human toxicity;

(4) Photochemical oxidant formation;

(5) Particulate matter formation;

(6) Ionizing radiation;

(7) Terrestrial acidification;

(8) Freshwater eutrophication;

(9) Marine eutrophication;

(10) Terrestrial ecotoxicity;

(11) Freshwater ecotoxicity;

(12) Marine ecotoxicity;

(13) Agricultural land occupation;

(14) Urban land occupation;

(15) Natural land transformation;

(16) Water depletion;

(17) Metal depletion;

(18) Fossil depletion;

(19) Biodiversity;

(20) Impact on endangered or threatened species; and

(21) Any other indicator of environmental impact for which a methodology of measurement is available, as agreed upon by the task force;

(e) Whether such textile is made of virgin or recycled materials, and such textile's capability to be recycled by any means, including mechanical or chemical, in whole or in part; and

(f) The potential for end-of-life management of such textile that will eliminate reliance on landfill, ensure conditions for environmentally responsible and managed decomposition, and promote reuse and recyclability.

3. Creation of guidelines. The task force shall recommend guidelines for environmentally preferable purchasing of textiles based on the task force's findings and conclusions made pursuant to paragraphs 1 and 2 of this subdivision. These guidelines may be agency-specific, as appropriate. In addition, such guidelines may include guidance for (i) extending the use phase of textiles; (ii) reducing the environmental impact of the use phase of textiles; and (iii) environmentally preferable methods of disposal. In undertaking this task, the task force may consider third-party standards and certifications for claims of recycled, organic or other forms of environmentally responsible content, and may incorporate such standards and certifications, their salient

characteristics, or both in such guidelines, if the task force determines that such standards or certifications promote the objectives set forth in subdivision a of this section.

4. Final report. (a) No later than 1 year after the first meeting of the task force or publication of the report required in section one of this local law, whichever occurs later, the task force shall submit a report to the mayor and the speaker of the council setting forth in detail the task force's findings and conclusions, and any supporting methodology and analysis, that form the basis of the task force's guidelines for environmentally preferable purchasing of textiles. Such report shall contain the guidelines created pursuant to paragraph 3 of this subdivision and any recommendations for legislation or policy, and the identification of barriers thereto, for implementing such guidelines. Such report shall include recommendations for city management of agency-purchased textile waste and may include recommendations for other methods of textile waste management that promote the objectives set forth in subdivision a of this section.

(b) Additional considerations. In addition to the tasks and reporting duties set forth in this subdivision, the task force shall, to the extent the task force deems practicable, consider and assess information about any factors or effects of city purchases, use and disposal of textile goods that the task force determines will promote a holistic accounting of city consumption of such goods or that should inform city consumption of such goods. Such factors or effects may include the conditions of laborers, the treatment of animals and any disparate effects on community health and safety relevant to the production, processing, use and disposal of agency-purchased textile goods. The task force may identify where such factors or effects are interrelated or co-constitutive. The task force shall include any findings and conclusions in connection with such assessment in the final report, and the task force may make recommendations for legislation and policy, and identify

barriers to such legislation and policy, to address the full range of costs associated with agency textile purchases.

(c) The director shall publish the task force's report on the city's website no later than 5 days after its submission to the mayor and the speaker of the council.

c. Membership. 1. The task force shall be composed of the following members:

(a) The director or the director's designee, who shall serve as chair;

(b) The comptroller or the comptroller's designee;

(c) The commissioner of citywide administrative services, or such commissioner's designee;

(d) The commissioner of sanitation, or such commissioner's designee;

(e) The commissioner of environmental protection, or such commissioner's designee;

(f) The chair of the procurement policy board, or such chair's designee;

(g) The director of long-term planning and sustainability, or such director's designee;

(h) The director of the office of minority and women-owned business enterprises, or such director's designee; and

(i) (1) Five persons, three of whom shall be appointed by the mayor and two of whom shall be appointed by the speaker of the council, who shall meet the following criteria:

(A) Each such person shall have demonstrated expertise relevant to the duties assigned to the task force;

(B) No such person shall be an employee of a government agency;

(C) No such person shall be in the business of producing or processing cloth, fibers or other materials used in textile goods purchased by agencies; and

(D) No such person shall be a representative of a trade group in the textile goods industry.

(2) In appointing such persons, the mayor and the speaker of the council shall make best efforts to ensure that such persons represent diverse expertise in subject matter areas relevant to the tasks set forth in subdivision b of this section.

2. The mayor may invite officers and representatives of relevant federal, state and local government entities to participate in the work of the task force.

3. All initial appointments required by this section shall be made no later than 180 days after the effective date of this local law.

4. Each member of the task force shall serve at the pleasure of the official who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment. Members of the task force shall serve without compensation.

d. Meetings. 1. The chair shall convene the first meeting of the task force no later than 15 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in subdivision c, the chair shall convene the first meeting of the task force no later than 10 days after the appointment of a quorum.

2. The task force shall invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

3. At the first meeting of the task force, the task force shall determine the frequency with which it shall meet in order to ensure fulfillment of its duties pursuant to this local law.

e. Termination. The task force shall terminate 180 days after the date on which it submits its final report pursuant to paragraph 4 of subdivision b of this section.

§ 4. Agency support. a. Each agency affected by this local law shall provide appropriate assistance to support the work of the task force.

b. Agency representatives. Each agency that requires such agency's employees to wear a uniform shall provide information regarding the technical specifications for such agency's uniform apparel and accessories, as appropriate, to assist the members of the task force in fulfillment of the duties imposed by this local law.

§ 5. Effective date. This local law takes effect 180 days after it becomes law, provided that the director, in collaboration with other relevant agencies, shall take such measures as are necessary for the implementation of this local law, including the conducting of a survey of uniformed agency employees, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 23, 2021 and returned unsigned by the Mayor on October 25, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 112 of 2021, Council Int. No. 2272-A of 2021) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.