

Memorandum

To: Clive Davies, U.S. EPA Design for the Environment Program

From: Terri Goldberg, NEWMOA

Date: December 1, 2009

**Subject: Questions to Address during the Upcoming Design for the Environment Green Cleaning Labeling Program Webinar**

Thank you for your interest in sharing information on EPA's Design for the Environment Program for Green Cleaning Certification. The Northeast states have been actively promoting the use of green cleaning products through legislative initiatives and environmentally preferable purchasing programs for a number of years. To date, green cleaning laws have passed in Connecticut, Maine, New Jersey, and New York, and legislation is pending in Massachusetts, Vermont, and Rhode Island. In September of 2009, Massachusetts Operational Service Division (OSD) issued a multi-state green cleaning contract that involved Connecticut, New Hampshire, New York, and Vermont. The first of its kind, the contract aggregated the purchasing volumes of the five contiguous states to enhance competitive pricing on cleaners and bigger discounts on equipment and other supplies. This effort and others by state agencies makes the Northeast one of the most active regions in the country promoting green cleaning.

In 2006, EPA established its DfE green cleaning program, a welcome addition to the field of environmentally preferable purchasing. EPA's DfE program set a high standard for innovation and success. The Program's technical assistance activities are widely recognized for helping company's select safer ingredients. These efforts have promoted the benefits of green chemistry and resulted in the reduction chemicals of concern.

Nevertheless, the DfE green cleaning label was released before the EPA had developed transparent product standards, policies, and procedures. At the time, the Program did not clarify its differences from such third-party certification systems as Green Seal and EcoLabel. This lack of transparency and clarity has lead to some confusion and the rejection of the DfE label by state government programs in Massachusetts, New York, Connecticut, and the multi-state purchasing contract. New Jersey and several other states do recognize the DfE label in their state purchasing programs. The DfE green cleaning program has recently taken steps to address some these challenges in *EPA's DfE Criteria for Safer Cleaning Products (CSCP) in the Form of a Standard*, June 2009.

The Northeast Waste Management Officials' Association (NEWMOA) appreciates your willingness to collaborate on a webinar on December 17, 2009 to provide an opportunity for state officials in the region to learn about the latest efforts of the EPA Design for the Environment green cleaning labeling program. We are writing to request that the Agency address the following key questions in its webinar presentation:

- 1) **Can you describe the development of the DfE program and the green cleaning labeling program, in particular? Why did the Agency initiate this program when it had been supporting the private labeling programs?** Please describe the value to manufacturers and purchasers of the EPA labeling program and what distinguishes it from the private labels, such as Green Seal and EcoLabel. With EPA's support, those labels for green cleaners were developed through a multi-stakeholder process. These labels are commonly used by manufacturers and widely recognized by public purchasing offices.
- 2) **How does the DfE labeling program approach differ from the private-sector third party certification standards?** The DfE labeling program uses a technical approach that evaluates each ingredient in a formulation based on critical health and environmental endpoints. Green Seal and EcoLogo use a set of standards established by a multi-stakeholder consensus process that include such considerations as product performance, packaging, training, and product labeling requirements. The differing approaches to labeling makes comparing the DfE program and the private labeling programs difficult.
- 3) **What are the relative benefits and weaknesses of DfE's labeling efforts?**
- 4) **When DfE makes a recommendation for an ingredient change, who verifies that the manufacturers had made the change? How and when is that verification made?**
- 5) **What modifications of the program does EPA plan for the future? For example, does DfE plan to incorporate some of the attributes of a third-party labeling program? If so, how would this take place?** According to Green Seal, there are 18 attributes that comprise a credible third-party certification programs. As the DfE program has matured, it has included some of these attributes. Does the DfE program plan to incorporate the other attributes and to what degree?
- 6) **How does the DfE program verify the validity of the information submitted by manufacturers?** Please describe the data verification procedures and assurances that the DfE program uses.
- 7) **How does DfE plan to revise and upgrade its environmental standards for green cleaning labels on a regular basis?**  
Please clarify how often or under what circumstances EPA will review and update the standards released in June 2009.
- 8) **How will the DfE program ensure that products adhere to revised standards in a timely manner? Is EPA planning to communicate with potential purchasers about which products meet the revised standards in the future?** Over 1,200 institutional cleaning products have the DfE label, and most of these products received recognition before the DfE standard was developed in June. Purchasers need to know which products meet or do not meet the current DfE standards. What will happen with products that have received the label prior to these changes, and will they be reviewed and relabeled? How does the program plan to address those products that do not meet the standard?
- 9) **Is the DfE labeling program planning to develop a process of standard development and governance that is balanced, rigorous, and transparent in the future? Will the DfE standard setting process be open for public participation and review in the future?** DfE has not published publically information on its

internal procedures for standard development and governance. To date, the NEWMOA member state programs have not been able to identify the participants in the DfE standard setting process or the rules and procedures that guide the process of DfE standard development.

Please do not hesitate to contact me if you have any questions about the questions outlined above. We are interested in discussing the DfE Program's response to these questions and are looking forward to the opportunity to discuss the program during the upcoming webinar. Again, thank you.