

Research Protocol for CityHealth: Eco-Friendly Purchasing

Prepared by the Center for Public Health Law Research

June 2024

RESEARCH PROTOCOL

June 2024

CityHealth: Eco-Friendly Purchasing

- I. **Date of Protocol:** September 2022; December 2023; November 2024.
- II. **Scope:** Review CityHealth's 75 cities' publicly accessible and current environmentally preferable purchasing policies (EPP), ordinances, statutes, and contracts to assess whether they meet the three criteria of the Eco-Friendly Purchasing (EFP) policy. Record cities' medal status (bronze, silver, gold, no medal) based on the three criteria and highlight relevant policy language to note compliance. This is a cross-sectional dataset capturing effective law valid through June 1, 2024.
- III. **Primary Data Collection**
 - a. **Project dates:** January 1, 2022 – December 1, 2022.
 - b. **Data collection methods:** Searches for legal mechanisms (defined below) were conducted using original research within each city's municipal website, city and county codes, google searches using the following search term protocol, and for cities where information is not publicly available, via direct email inquiry with city representatives. Researchers began their research for each city using city-specific documents and policy links located and coded during the initial policy landscape analysis no matter their performance during the initial research period, including those who were coded "no medal". If these searches showed no updates, researchers then visited municipal website to search for any new policies or contracts that may have been codified since the initial landscape analysis.
 - c. **Databases used:** Researchers accessed the policy data primarily through municipal websites and city and county codes.
 - d. **Search terms:** The keywords (and their derivations) used to locate policies included: environmental purchasing, environmentally preferable purchasing, green purchasing, environmental procurement, EPP, sustainable purchasing, sustainable procurement, and sustainability. All results were reviewed, and relevant legal mechanisms collected for coding. Keyword searches were supplemented by examination of the table of contents of each relevant section of the legal mechanism identified.
 - e. **Definition and scope of binding legal mechanisms:** To ensure consistency in research we have defined binding legal mechanisms by which the city enacted an EPP policy. The following definitions were decided upon and set forth as coding rules for this dataset:
 - i. Executive Order = a current and active direct order from the executive to city departments.
 - ii. Executive Directive = a current statement of policy coming from the executive to its city departments.
 - iii. Ordinance = local laws passed by the legislative body and signed into law by the mayor. Ordinances are published and codified in the city's municipal code.

- iv. Resolution = a statement of policy passed by the legislative body. Aspirational resolutions urging a city to adopt healthy standards were not included in this dataset.
 - v. Policy = passed on motion by the legislative body. Policies are often drafted by a committee or a city manager and then approved by the legislative body.
 - vi. Departmental Policy = a procurement department policy that clearly applies to the purchasing of materials and services for all city owned or operated properties.
 - vii. Vendor contract = a legally binding deal with a specific vendor which will follow the city's EFP standards. Vendor contracts are negotiated by the city itself and memorialized in a contract with the vendor's name. It is then passed by the legislative body as an ordinance or by motion.
- f. Information about initial returns and additional inclusion or exclusion criteria:** Researchers first searched for city, county, and state legal mechanisms that specifically mentioned the search terms. Researchers also searched city department websites for initiatives, guidelines, or policies that required or permitted city agencies to perform eco-friendly purchasing. Here, we included procurement policies that included city property. Researchers excluded all procurement policies and guidelines that were not binding in nature or did not require specific environmentally preferable procurement actions and outcomes related to the three product categories included in the EFP. For example, a procurement or sustainability policy that recommends, encourages, or merely defines EFP does not meet the definition of a "binding" legal mechanism. The goal is to highlight cities that have their own binding legal mechanisms and provoke those that do not to implement one.
- g. Inclusion or exclusion criteria by question:** See section IV.b. **Coding Methods** below for a detailed description of inclusion and exclusion criteria.

IV. Coding

- a. Development of coding scheme:** Researchers developed the coding scheme based on the three criteria to achieve an Eco-Friendly Purchasing medal (bronze, silver, and gold). The questions were refined via discussion with CityHealth and subject matter experts from the Center for Environmental Health (CEH).
- b. Coding methods:** The Researchers were responsible for research and coding all 75 cities. Using the above-described data collection methods, Researchers independently coded each city. When policy questions arose, CPHLR researchers reached out to CityHealth and CEH for further input and a resolution.
- i. Does the city's EFP policy require annual reporting? Yes/No/Has but does not meet/NA
 - 1. In this case, a city is coded as "has but does not meet" if their policy uses language such as "recommends" or "suggests" annual reporting or requires reporting on a less frequent basis than annually (e.g., every two years). Coding this way allows Researchers to identify cities that are ideal candidates for targeted technical assistance as they could easily achieve a medal with slight language tweaking.
 - 2. A few city policies contained a biannual reporting requirement. For the Oklahoma City policy, the biannual requirement was determined to mean twice per year based on the totality of the context in other areas of the policy requiring reporting twice per year. In Pittsburgh, however, the totality of the context proved that "biannual" was intended to mean every other year. Therefore, Oklahoma City received credit for annual reporting and Pittsburgh did not, resulting in the loss of a Bronze medal.
 - 3. Annual reporting requirements must apply to the entire policy, not single provisions within the policy. See the explanations below regarding Seattle and St. Louis.
 - ii. For the foodware product category requirement, the law must satisfy all of the requirements under this coding question to receive credit for foodware, aside from the following exceptions:
 - 1. Where a city already meets the foodware criteria for preferring reusable products, the compostability definition requirements are not applicable.
 - iii. Does the city's EFP policy apply to all contracts? Yes/No/Has but does not meet/NA

1. "Has but does not meet" refers to cases where a policy "recommends" or "suggests" applying the policy to all contracts.
 2. NA was coded if the city did not have an EFP policy.
 3. The application to all contracts must apply to the entire policy, not specific provisions within the policy. See the explanation surrounding San Jose below.
- c. Quality control:** The CPHLR researcher compared her coding to the preliminary findings by CEH and flagged any discrepancies for discussion and resolution.

V. 2023 Assessment

a. Update: There were several medal changes during the 2023 Assessment in this policy.

- i. The CPHLR researcher did identify some ordinances from the Cincinnati Code of Ordinances that seemed like an environmentally preferable purchasing policy requiring all city departments to specify environmentally preferable supplies, but CEH determined that these ordinances are pieces that do not necessarily amount to a policy and further do not mention toxins so this would not be considered enough here. Similarly, CPHLR identified a potential policy in Tampa, but CEH determined that this policy was not comprehensive as it did not mention toxins, environmentally preferable purchasing, or procurement in a meaningful way; instead, it was a green resolution focused on green buildings and sustainable practices. Therefore, it did not earn a medal.
- ii. CPHLR located a Jacksonville policy from 2008 not previously considered; though it does not ultimately earn a medal (no annual reporting requirement), CEH agreed that this policy should be added.
- iii. After a discussion with CPHLR, CityHealth, and CEH, the teams determined that the City of Minneapolis Purchasing Policy from 2009 should be included alongside the 2006 resolution covering cleaners and disinfectants, which was explicitly incorporated into the policy. These policies were previously excluded due to the belief that they were not a binding policy; this policy has since been posted on the Minneapolis finance department's website as a final, binding policy, so it was now considered in scope. With the inclusion of this policy and resolution, Minneapolis now earns a Gold medal.
- iv. CPHLR determined that New York City should receive credit for its annual reporting provision, to which CEH agreed. Upon further inspection, CEH felt that New York City should also receive credit for its foodware requirements, especially with the inclusion of separate New York City ordinances banning EPS foam, a state ban on PFAS, and a single-use accessories restriction from 2023. Based on these determinations, New York City was awarded a Gold medal.
- v. CEH agreed with CPHLR's determination that Portland should be credited for the policy applying to all contracts, moving Portland from a Silver to a Gold medal.
- vi. Riverside's policy was determined to require annual reporting and, despite its narrow focus on recyclables, electronics, and composting of organic waste products, it was decided to award the city a Bronze medal.
- vii. CEH agreed with CPHLR's determination that San Diego should be credited for the foodware product category with the inclusion of the city's single use plastic reduction ordinance. This resulted in a Gold medal for San Diego.
- viii. San Jose amended its policy in December 2022, and removed the annual reporting requirement. Because of this removal, they fell out of medal contention despite previously earning a Bronze medal in 2022.

After discussion with CEH over the application of San Jose's policy to all contracts, it was determined that the policy allows for the city to make a good faith attempt to adhere to all guidelines and that the language applying to all vendor contracts, grant agreements, and concession agreements, at all city-sponsored events and in permits and leases involving the use of city property was specific to only the purchasing of polystyrene foam cups, bowls and plates, or any other single-use food service wares and not the entire environmentally preferable purchasing policy. Therefore, San Jose did not receive credit for applying to all contracts.

- ix. While Seattle does have a comprehensive policy, CEH determined that the reporting requirement only applies to the code section on recycling and not the policy as a whole. Therefore, Seattle will stay at no medal. Similarly, St. Louis would be eligible for a Silver medal, but it's annual reporting requirement only applies the green cleaning and building maintenance provisions and not the policy as a whole. St. Louis also remains at no medal.
- x. Stockton was determined to have an environmentally preferable procurement policy from 2012 focusing on recycling that does specific toxics and includes an annual reporting requirement that now earns a Bronze medal.

VI. 2024 Assessment

- a. **Update:** For the 2024 Assessment, 11 cities were amended, five of which were substantive and impacting coding responses (Albuquerque, Anaheim, Atlanta, Boston, and Orlando). None of these changes however resulted in medal changes. The remaining amendments were non-substantive.
- b. **Quality Control:** The five substantively amended states (Albuquerque, Anaheim, Atlanta, Boston, and Orlando) were assigned for redundant coding. The divergence rate was 4.4%. All divergences were discussed between the coders and reviewed by the CityHealth team and subject matter experts. These divergences were resolved accordingly.
- c. **City Review Phase:** Following the completion of the research and coding, all 75 cities were contacted via one or more representatives to review the findings. All cities had two weeks to response and provide feedback or additional information. All feedback was discussed between Temple, CityHealth and the subject matter expert. If necessary, any coding changes were made.

