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SECTION I. MINIMUM REQUIREMENTS

A. PRODUCTS COVERED UNDER THIS SPECIFICATION

1. Latex paints, interior and exterior
2. Primers and block fillers
3. Floor and wall coatings, interior and exterior
4. Metal primers
5. Traffic marking

B. PROHIBITED PRODUCTS

1. Lead paint.
2. Paints, primers, and coating products that exceed the Volatile Organic Compound (VOC) Content Limits for Architectural and Industrial Maintenance Coatings in COMAR 26.11.39.05 Table 1.
3. Pursuant to Environment Article, §§9–1901 – 9-1907, the Contractor is prohibited from selling or offering any package or packaging components (e.g. inks, dyes, pigments, adhesives, or any other additives) with lead, cadmium, mercury or hexavalent chromium at concentration levels exceeding 100 parts per million by weight or 0.01%.
4. Pursuant to Environment Article, §§6–1201 – 6-1204, certain products containing more than one-tenth of 1% of pentaBDE, pentabrominated diphenyl ether), octaBDE (octabrominated diphenyl), or decaBDE (decabrominated diphenyl ether) by mass are prohibited.

C. GENERAL REQUIREMENTS

1. Latex paints, primers, coatings and traffic markings must be compliant with the VOC Content Limits for Architectural and Industrial Maintenance Coatings (see COMAR 26.11.39.05).
2. All paints, primers, and coatings at a minimum must have one of the following attributes:

    a. An accepted third party certification by:
        (1) Green Seal;
        (2) Green Wise or Green Wise Gold;
        (3) Master Painters Institute (MPI) GPS-2 Labeled or Extreme Green (X-Green);
        (4) Cradle to Cradle;
        (5) South Coast Air Quality Management District (SCAQMD) Super-Compliant List;
        (6) SCS Indoor Advantage Gold; or
        (7) UL GREENGUARD.

    b. Minimum 50% post consumer recycled content verified by one of the following:
        (1) SCS Recycled Content Certified; or
        (2) UL Environmental Claim Validation for Recycled Content.

    c. An Environmental Product Declaration (EPD) or Health Product Declaration (HPD)

    d. Per- and polyfluoroalkyl substances (PFAS) addressed by one of the following ecolabels:
        (1) Cradle to Cradle Material Health Certified; or
        (2) Safer Choice Certified; or
        (3) Declare.

e. A standard or ecolabel listed in the EPA's Recommendations of Specifications, Standards, and Ecolabels for interior latex paint.

D. END OF LIFE REQUIREMENTS

1. State agencies must utilize a take-back program to send leftover architectural paint for recycling. The drop off locations for paint recycling are found on the Maryland PaintCare program's webpage. Accepted paint products include, but are not limited to latex, acrylic, water based, alkyd, oil-based, and enamel in containers of 5 gallons or less. In the event 100 or more gallons of paint are ready for disposal, a free pickup service is available through the PaintCare program.

END OF SECTION I.

SECTION II. RECOMMENDATIONS

A. PAINT AND COATING PRODUCTS, OTHER CONSIDERATIONS

The State of Maryland encourages procuring agencies to consider:

1. The use of water-based paints over oil-based paint. Water-based latex paints generally contain fewer toxic materials and VOCs than oil-based paints and do not require dangerous solvents for clean-up.

2. The use of light-colored paints: The addition of pigments may decrease the durability of paint. Light-colored paints not only contain fewer pigments (and thus fewer VOCs), but are more reflective, increasing the dispersion of light and potentially reducing the requirements for (and energy consumed by) artificial light.

3. Using bio-based paint as an alternative to synthetic paint.

B. PACKAGING RECOMMENDATIONS

1. Where the Contractor uses packaging in addition to manufacturer packaging, the Contractor is encouraged to select packaging that minimizes or eliminates the use of disposable containers and/or incorporates recycled content and is easily recyclable. The Contractor shall avoid the use of polystyrene foam packaging (e.g., peanuts) and other difficult-to-recycle packaging materials. Where appropriate, Contractor packaging using reusable crates or reusable pallets is preferred over boxed packaging.

2. For corrugated cardboard packaging (also known as containerboard packaging), the Contractor is encouraged to use versions that contain a minimum of 25% by weight of post-consumer materials, which is the minimum post-consumer content level for packaging specified by the U.S. Environmental Protection Agency's Comprehensive Procurement Guidelines.

C. SHIPPING RECOMMENDATIONS

1. To promote fuel efficiency and reduce greenhouse gases and air pollution, the Contractor is encouraged to use a SmartWay Transport/Carrier Partner for the shipment or transport of products. A list of SmartWay Transport partners can be found here: https://www.epa.gov/smartway/smartway-partner-list.

END OF SECTION II.

SECTION III. SUBMITTAL REQUIREMENTS

A. BID/PROPOSAL SUBMISSION

Bidders/Offerors shall provide the following documents with their bids or proposals:

1. Proof of applicable required attributes listed in Section I.
    a. This may include links to:
        (1) the certifier's website;
        (2) the UL SPOT website; or
        (3) the Ecomedes website.

    b. Bidders/offerors who suggest products that are not certified but meet the recycled content requirement shall provide a list of such products with their bids/offers. That list must include each product's percentage of post-consumer and total recycled content.

B. REFERENCES

A Bidder or Offeror shall include the sustainable practices it employed during the contract period for each listed reference.

END OF SECTION III.

SECTION IV. ENVIRONMENTALLY PREFERABLE PURCHASING LANGUAGE

A. ENVIRONMENTALLY PREFERABLE PURCHASING

The State of Maryland is committed to purchasing environmentally preferable products and services (EPPs). Maryland's State Finance & Procurement Article §14-410 defines environmentally preferable purchasing as "the procurement or acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose."

Accordingly, Bidders/Offerors are strongly encouraged to offer EPPs to fulfill this contract, to the greatest extent practicable.

B. MARYLAND'S GREEN PURCHASING REPORTING REQUIREMENTS

The Contractor shall submit quarterly sales data to the State over the life of this contract. This information must include details about the recycled content, third-party sustainability certifications, and other environmental attributes of products and services provided under the contract.

To facilitate consistent reporting, the Contractor must use a standardized Vendor Green Sales Report template for the quarterly reporting, which the State will provide.

By submitting a response to this solicitation, the Bidder/Offeror acknowledges a commitment to submitting the quarterly Vendor Green Sales Report to the State. Any vendor who fails to submit the quarterly report may be out of compliance and, therefore, may receive a cure notice from the Procurement Officer.

C. ENVIRONMENTAL CLAIMS

All environmental benefit claims made by the Contractor concerning products or services offered on this contract must be consistent with the Federal Trade Commission's *Guidelines for the Use of Environmental Marketing Claims*.

END OF SECTION IV.

SECTION V. LEGISLATION, STATUES, AND REGULATIONS

A. FOR PROCUREMENT OFFICERS AND AGENCIES

1. **Environmentally Preferable Purchasing** (COMAR 21.11.07.09)

   "All procurement agencies shall purchase environmentally preferable products and services unless purchasing environmentally preferable products and services would limit or supersede any requirements under any provision of law or result in the purchase of products and services that:
   (1) Do not perform adequately for the intended use;
   (2) Exclude adequate competition; or
   (3) Are not available at a reasonable price in a reasonable period of time."

2. **Mercury and Products that Contain Mercury** (COMAR 21.11.07.07)

   "All procurement agencies shall give a preference under this regulation to procuring products and equipment that are mercury-free. If mercury-free products and equipment that meet the agency's product performance requirements are not commercially available, the procurement agency shall give preference under this regulation to products containing the least amount of mercury necessary to meet performance requirements."

3. **Environment Article §6-301**

   "A person may not use lead-based paint:
   (1) On any interior surface;

   (2) On any exterior surface to which children commonly may be exposed;

   (3) On any porch of any dwelling; or

   (4) Except for a lead-based industrial paint that is applied to a household appliance, on any article that is intended for household use."

4. **VOC Content Limits** (COMAR 26.11.39.05)

   Table 1. VOC Content Limits for Architectural and Industrial Maintenance Coatings

A. FOR CONTRACTORS, BIDDERS, AND OFFERORS

1. **Verifying Environmental Claims** (State Finance and Procurement Article §14–410)

   "A bidder or offeror for a procurement contract shall certify in writing that any claims of environmental attributes made relating to a product or service are consistent with the Federal Trade Commission's Guidelines for the Use of Environmental Marketing Terms."

2. **Limitations and Prohibitions on Heavy Metals in Packaging** (Environment Article §9–1902(a)-(d))

   "(a) Except as provided in §§ 9-1903 and 9-1904 of this subtitle, on or after July 1, 1993, a manufacturer or distributor may not sell or offer for sale or for promotional purposes any package or packaging component or any product in a package or packaging component to which any of the following was intentionally added during manufacture or distribution:
   1) Lead;
   2) Cadmium;
   3) Mercury; or
   4) Hexavalent chromium…"

3. **Limitations on Hazardous Substances** (Environment Article, §§ 6–1202 - 6-1202.1)

A person may not manufacture, process, sell, or distribute in the State a new product or flame-retardant part of a new product that contains more than one-tenth of 1% of pentaBDE (pentabrominated diphenyl ether) or octaBDE (octabrominated diphenyl) by mass.

A person may not manufacture, lease, sell or distribute for sale or lease in the State electrical or electronic equipment that contain more than one-tenth of 1% of decaBDE (decabrominated diphenyl ether) by mass.

4. **Shipping/Transport Requirements and Recommendations** Idling Law (Transportation Article §22-402(c)(3))

"A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

i. When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
ii. When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;
iii. To bring the vehicle to the manufacturer's recommended operating temperature; or
iv. When it is necessary to accomplish the intended use of the vehicle."

END OF SECTION V.