



Enterprise Services Policy No. POL-DES-280-00

Purchasing Preference for Products and Product Packaging That Do Not Contain Polychlorinated Biphenyls (PCB)s

Applies to: Any state office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, institutions of higher education as defined in [RCW 28B.10.016](#) and correctional and other types of institutions.

Authorizing sources:

- State Law [RCW 39.26.280](#)
- State Law [RCW 39.26.290](#)
- State Law [RCW 39.26.160\(3\)\(d\)](#)
- State Law [RCW 39.26.010\(1\) Definitions](#)
- Executive Order [Executive Order 04-01](#)
- Executive Order [Executive Order 18-01](#)

Effective date: [DATE]

Last update: N/A

Sunset review date: [5 years from effective date]

Approved by: _____ Tara C. Smith, Director

Reason for Policy

This policy establishes the purchasing preference authorized in [RCW 39.26.280](#) for agencies purchasing products and product packaging that do not contain polychlorinated biphenyls (PCBs). The intent is to incentivize the State's contract suppliers to provide products and product packaging that do not contain PCBs.

Policy

1. Preference for products and product packaging that do not contain PCBs.

a. In any competitive procurement for goods pursuant to RCW 39.26, agencies shall apply a minimum of 5 percent preference to each bid submitted that includes a certification [or verification](#) meeting the requirements of this policy. The preference shall be applied to applicable product(s) and/or packaging, as determined by using the [PCBs Risk Calculator](#), consultation with the Department of Ecology, or other means. The preference shall only be applied to bids for which the certification [or verification](#) submitted meets the following requirements:

- i.** [Testing to certify that the specified products or product packaging do not contain PCBs within the limits of the test.](#)

- Is signed by an authorized official of the bidder under penalty of perjury;
- States that the specified products or product packaging for which the preference is sought, as tested, do not contain PCBs within the limits of the test; and
- Includes the test results for the specified products or product packaging confirming that the same do not contain PCBs within the limits of the test. Such test results shall have been performed within the previous 365 days prior to bid submittal, and the test shall have been performed by an independent third-party laboratory using Environmental Protection Agency (EPA) Analytical Method 1668c.

OR

ii. Include verification that all pigments used in paints or printing inks are listed in the ChemForward iPCB Pigment Resource Tool¹ as not containing chlorine and not manufactured using chlorinated solvents.

- b. All bidders must fill out the DES certification form to complete the verification for all products.
- c. Preference language must be clearly stated and included in agency procurement requests and solicitations for products and product packaging issued after the effective date of this policy.

2. Preference for products and product packaging with lower levels of PCBs.

- a. As is consistent with legislative direction set forth in [RCW 39.26.160](#)(3), agencies are encouraged to design procurements to minimize adverse impacts to human health and the environment by providing preferences to products and product packaging that contain no PCBs or relatively lower levels of PCBs. Examples of how to apply such best value preferences are provided in the [PCBs Desk Aid](#).
- b. If products and/or product packaging are tested, and all products or product packaging contain PCBs, a preference of XX% (no less than 5%) will be given to bidders that provide evidence that the products and/or product packaging, identified in Exhibit (title of exhibit), contain the least amount of PCBs. The method for testing products and/or packaging for PCBs must be per the U.S. Environmental Protection Agency (EPA) Analytical Method 1668c. Vendors may also provide verification using the iPCB Pigment Resource Tool — ChemForward, that paints or printing inks contain no chlorinated pigments nor pigments that use chlorinated solvents in their manufacturing as stated in (1)(a)(ii) of this Policy.

3. Agencies will be required to complete PCBs procurement and purchasing training.

- a. ~~Within 6 months of the effective date of this policy, p~~ersonnel who are responsible for competitive procurements shall complete the mandatory training provided by DES: WA-State PCBs & Procurement available in ~~T~~he [Learning Center \(TLC\) Learning Management System \(LMS\)](#).

¹The iPCB Pigments Resource is a free searchable dataset of nearly 400 pigments organized by chemical name, CAS#, color, and presence of chlorine. The tool can be used to find alternatives by avoiding those containing or manufactured with chlorine and thus reducing the likelihood of containing iPCBs.

b. Employees assigned these responsibilities after the initial 6-month implementation period of this policy shall complete the required training within 90 days of assignment. Specifically, this applies to all new employees, employees assigned new responsibilities/duties, and employees in new positions, who are responsible for competitive procurements.

4. Agencies will document and retain purchasing decisions that reflect compliance with [RCW 39.26.280](#) and this Policy.

5. Agency compliance with this policy will be a consideration in the agency's procurement risk assessment and may impact the agency's procurement delegation of authority.

Procedure

Procedure: [PCBs Risk Calculator](#)

Procedure: PCBs Preference in Procurement - [PCBs Desk Aid](#)

History

Adopted

December 12, 2018

Original Effective Date

January 1, 2019

Amended

There are no previous amendments to this policy.