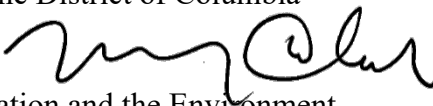


Council of the District of Columbia
Committee on Transportation and the Environment

Committee Report

1350 Pennsylvania Avenue, N.W., Washington, DC 20004

To: Members of the Council of the District of Columbia

From: Mary M. Cheh, Chairperson 
Committee on the Transportation and the Environment

Date: April 7, 2021

Subject: B24-18, the “Green Food Purchasing Amendment Act of 2021”

The Committee on Transportation and the Environment, to which B24-18, the “Green Food Purchasing Amendment Act of 2021” was referred, reports favorably on the legislation and recommends approval by the Council of the District of Columbia.

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STATEMENT OF PURPOSE AND EFFECT

B24-18, the “Green Food Purchasing Amendment Act of 2021,” was originally introduced by Councilmember Cheh on October 21, 2020, as B23-987, during Council Period 23. The Committee held a hearing on the bill, but did not have time to move the legislation during Council Period 23. The bill was re-introduced as B24-18 on January 11, 2021, by Councilmember Cheh, Gray, Allen, Nadeau, and Pinto. The legislation would set up a process for tracking and mitigating greenhouse gas emissions associated with the District government’s food purchases, and set a target reduction schedule for reducing such emissions. The legislation would also require District agencies to work with the Department of Energy and Environment (DOEE) to ensure that their procurements include Environmentally Preferable Products and Services (EPPS) whenever practicable.

I. Background

a. Climate Change and the Food System

Global climate change is the most important environmental and public health issue of our time. We have already experienced climate changes with widespread impacts on humans and the natural environment, and the U.S. Intergovernmental Panel on Climate Change (IPCC) has found that without significant and immediate reductions in greenhouse gas emissions, we will experience further warming and long-lasting changes to our climate, resulting in severe and in some cases irreversible effects for people and ecosystems.¹ Locally, climate change threatens the health and livelihoods of District residents. The District is already experiencing the effects of climate change; in recent years, we’ve seen record-breaking heat waves, flooding caused by rising sea levels, and destructive storms.² Importantly, these effects will not affect everyone equally; they will be felt most immediately and most intensely by our most vulnerable residents. In particular, climate change has and will continue to disproportionately affect the health outcomes and quality of life for communities of color in the District.³

Recognizing the important role that the government must play in protecting residents against climate change, the District has taken major actions to address the risks of climate change, including setting the goal of reducing greenhouse gas emissions from all local sources to make the District carbon neutral by 2050, and cutting greenhouse gas (GHG) emissions by 50% by 2032.⁴ Efforts to achieve these reductions have focused on important contributors to climate

¹ Intergovernmental Panel on Climate Change, Synthesis Report Summary for Policymakers (2014), *available at* https://www.ipcc.ch/site/assets/uploads/2018/02/AR5_SYR_FINAL_SPM.pdf.

² Climate Ready DC Plan, *available at* https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/CRDC-Report-FINAL-Web.pdf.

³ Id.; Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Tandra Raye Stevenson, NAACP – DC Chapter). For example, the District’s Climate Ready DC Plan found that Wards 7 and 8 are most vulnerable to climate change due to socioeconomic, health, and demographic factors, and Wards 5, 6, 7, and 8 are also home to the District’s most intense heat islands. Black residents make up over half the population of Wards 5, 7, and 8.

⁴ Sustainable DC 2.0 Plan, *available at* https://sustainable.dc.gov/sites/default/files/dc/sites/sustainable/page_content/attachments/sdc%202.0%20Edits%20V5_web_0.pdf.

change such as energy, transportation, and buildings. For example, the District currently leads the nation in its aggressive commitment to reducing emissions in the energy sector, through building energy performance standards and the renewable portfolio standard.

Despite its leadership in addressing climate change, the District's climate mitigation efforts have not, to date, included the GHG emissions associated with food systems, and the role that food and agriculture play in climate change. The U.N. has estimated that food system activities, including production, transport, and disposal of food, account for nearly 30 percent of all global greenhouse gas emissions.⁵ As a result, studies have found that we will not be able to meet the targets of the Paris Agreement unless we address emissions from the food and agricultural sector.⁶ For example, one study found that even if fossil fuel emissions were immediately halted, if current global food trends continue, we could not achieve the 1.5°C target of the Paris Agreement, and even the 2°C target would be threatened.⁷ The authors concluded that major changes in food production are needed in order to meet both targets.⁸ In addition, assessments of climate mitigation strategies have found that the food and agriculture industry has greater potential emissions reductions than any other sector.⁹

These findings indicate that emissions associated with the food and agriculture sector represent an important unaddressed aspect of the District's climate change mitigation strategy. Though the District is responsible for very little food production within its borders, its consumption drives significant food production; in 2016, the District's food economy generated \$8.7 billion in output.¹⁰ This sector contributes significant consumption-based emissions, and changes to the way the District purchases and consumes food would result in reductions in greenhouse gas emissions.

Significant GHG reductions could be achieved through promotion of more sustainable food production practices and shifts toward more climate-friendly foods. Studies show that a small number of emissions-intensive foods account for the majority of diet-related GHG emissions.¹¹ Shifts away from these foods would have additional benefits for the environment, public health, and racial equity. On top of their contribution to climate change, GHG-intensive foods are often associated with food production practices that harm habitats, biodiversity, and

⁵ United Nations System Standing Committee on Nutrition, Sustainable Diets for Healthy People and a Healthy Planet, *available at* <https://www.unscn.org/uploads/web/news/document/Climate-Nutrition-Paper-EN-WEB.pdf>.

⁶ Michael A. Clark et al., "Global food system emissions could preclude achieving the 1.5° and 2° C climate change targets," *Science* 370, 6517 (2020): 705-708; Bojana Bajželj et al., "Importance of Food-Demand Management for Climate Mitigation," *Nature Climate Change* 4 (2014): 924-929; Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Dr. William Dietz, Redstone Global Center for Prevention and Wellness).

⁷ Clark et al.

⁸ Id.

⁹ Project Drawdown, Summary of Solutions by Overall Rank (2017), <https://www.drawdown.org/solutions-summary-by-rank>.

¹⁰ DC Food Economy Study (2019), <https://dcfoodpolicycouncilorg.files.wordpress.com/2019/09/food-economy-study.pdf>.

¹¹ See, e.g., Brent F. Kim et al., "Country-specific dietary shifts to mitigate climate and water crises," *Global Environmental Change* 62, 101926 (2019).

environmental health.¹² Dietary patterns with lower greenhouse gas emissions are generally healthier than those with higher emissions, due to the larger proportion of fruits, vegetables, and other plants. Emissions-intensive foods like red and processed meat are risk factors for heart disease, type 2 diabetes, stroke, colorectal cancer, and all-cause mortality.¹³ As a result, public health experts such as the Lancet EAT Commission recommend a decrease in global consumption of unhealthy foods and an increase in healthy foods such as nuts, fruits, vegetables, and legumes as the dietary changes necessary to mitigate climate change.¹⁴ In addition, the environmental and public health harms associated with carbon intensive foods are disproportionately borne by Black, Latinx, and Indigenous communities, who are more likely to be exposed to agriculture-related climate and pollution impacts, as well as to the food insecurity and inequitable food access caused by GHG-intensive food production practices.¹⁵

Thus, shifts away from climate-intensive foods would have additional benefits for the environment, public health, and racial equity. These co-benefits become even more significant when we focus on District government food procurement, such as food purchased by DC Public Schools (DCPS), Department of Corrections (DOC), and the Department of Parks and Recreation (DPR). Because the majority of GHG emissions come from only a handful of foods, many of which are over-consumed and associated with adverse health impacts, we expect that shifts to climate-friendly foods would improve the nutritional content of District-procured meals. For example, one witness at the public hearing cited the fact that DOC currently serves 60% more meat than recommended by the *Dietary Guidelines for Americans*; therefore, changes to plant-based options would have significant benefits for the health of individuals served by this agency.¹⁶ Shifts to climate-friendly foods in District government procurement would also advance health equity in the District. Households of color are disproportionately affected by food insecurity and a dearth of accessible neighborhood grocery store options, and are therefore at elevated risk of diet-related chronic disease such as diabetes, hypertension, and heart disease.¹⁷ For those households that participate in District meal programs, improved nutritional quality of

¹² Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (written testimony of Jennifer Molitor, Center for Biological Diversity).

¹³ Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Raychel Santo, Center for a Livable Future); Miriam E. Nelson et al, Alignment of healthy dietary patterns and environmental sustainability: A systematic review, *Advances in Nutrition* 7(6): 1005-1025 (2016).

¹⁴ Walter Willett et al., Food in the Anthropocene: the EAT-Lancet Commission on healthy diets from sustainable food systems, *Lancet*. 2019;3 93(10170): 447-492; Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Dr. William Dietz, Redstone Global Center for Prevention and Wellness).

¹⁵ Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (written testimony of Jennifer Molitor, Center for Biological Diversity).

¹⁶ Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Chloe Waterman, Friends of the Earth).

¹⁷ DC Food Policy Council, Food Access & Food Security in the District of Columbia: Responding to the Covid-19 Public Health Emergency, *available at* <https://dcfoodpolicycouncil.org.files.wordpress.com/2020/09/food-security-report-9-24-20.pdf> (2020); Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Tambra Raye Stevenson, NAACP – DC Chapter).

District-procured foods would be particularly beneficial, especially as diets high in plant-based foods have been shown to reduce the incidence of such debilitating diseases.¹⁸

There is also evidence that shifts toward climate-friendly foods can save money; a pilot at the Oakland Unified School District in California replaced some GHG-intensive food purchases with plant-based proteins, fruits, and vegetables. The School District was able to reduce GHGs associated with food procurement by 14% over two years while reducing food procurement costs by 1%.¹⁹ In addition, because of the public health benefits of these shifts, they are also likely to reduce healthcare costs in the long term.²⁰

There have been worldwide efforts similar to the Oakland Pilot to reduce greenhouse gas emissions associated with food consumption, most notably the Cool Food Pledge established by the World Resources Institute.²¹ Participants in this effort pledge to reduce their food consumption-related greenhouse gas emissions by 25% by 2030, a target consistent with the reductions in this sector that would be necessary to achieve the goals of the Paris Climate Agreement.²² Participants include jurisdictions such as Milan, Toronto, and Copenhagen; institutions such as the University of Maryland and the World Bank; and companies such as Hilton Hotels, IKEA, and Nestlé. Participants use a peer-reviewed greenhouse gas calculation method that uses lifecycle assessments of food production to track their food purchases on an annual basis, and make reductions in GHG emissions through shifts in procurement.²³ Pledge participants are estimated to currently serve 800 million meals annually.²⁴ Participants are able to make meaningful GHG reductions without significant administrative burden; the World Resource Institute testified that even if collecting annual food purchase data is a new activity in the first year of participation, “it can generally be completed given existing staff resources and capacity.”²⁵

b. Environmentally Preferable Product or Service (EPPS) Program

In 2010, the D.C. Council passed the Procurement Practices Reform Act of 2010, which required that the District purchase environmentally preferable products or services (EPPS) to the

¹⁸ Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Dr. Asha Subramanian).

¹⁹ Kari Hamerschlag & Julian Kraus-Polk, Shrinking the Carbon and Water Footprint of School Food: A Recipe for Combating Climate Change (February 2017), *available at* https://1bps6437gg8c169i0y1drtgz-wpengine.netdna-ssl.com/wp-content/uploads/2017/11/FOE_FoodPrintReport_7F.pdf.

²⁰ Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Dr. Asha Subramanian).

²¹ World Resources Institute, Cool Food Pledge, <https://coolfood.org/pledge/>.

²² *Id.*

²³ Council of the District of Columbia Committee on Transportation and the Environment, Public Hearing on B23-987, the Green Food Purchasing Amendment Act of 2020 (December 8, 2020) (testimony of Richard Waite, World Resources Institute).

²⁴ World Resources Institute, The Cool Food Pledge, <https://www.wri.org/our-work/project/cool-food-pledge> (last visited March 24, 2021).

²⁵ *Id.*

maximum extent practicable.²⁶ Under the law, an EPPS is defined as a good or service that is less harmful to human health and the environment when compared with competing goods or services that serve the same purpose. The factors to be compared include raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product. This policy was enacted to ensure that the District, which spends billions of dollars each year, is furthering its sustainability goals through its procurement.

After the law was passed, the Office of Contracting and Procurement (OCP) issued policies to implement its requirements, but the program did not proceed as intended. By Fiscal Year 2019, the District's total spending on EPPS was \$28 million, just 0.66% of the total spend for that year.²⁷ In OCP's current contracting system, program agencies may indicate whether they are purchasing EPPS, but they are not required to demonstrate that EPPS are included to the maximum extent practicable, nor to provide justification for why EPPS are not included. As a result, agencies are able to functionally bypass the EPPS requirements. In its Sustainable Purchasing Report for FY 2019, OCP acknowledged that the Program "did not progress as forecasted" and identified areas for improvement, including the need to make EPPS unable to skip in the procurement process, and to require a demonstration that EPPS are unavailable for any procurement that does not include them.²⁸ While OCP has indicated an intention to improve these areas, the agency's own report makes clear that amendments to the original legislation are necessary to make the program work as intended, to ensure that the EPPS requirements are followed and that the District is procuring EPPS whenever practicable.

II. Legislative Action

On October 21, 2020, Councilmember Cheh introduced B23-987, the "Green Food Purchasing Amendment Act of 2020." The Committee held a hearing on the bill, but did not have time to move the legislation during Council Period 23. The bill was re-introduced as B24-18 on January 11, 2021, by Councilmember Cheh, Gray, Allen, Nadeau, and Pinto. The legislation targets the greenhouse gas emissions associated with the District's food and beverage consumption by setting up a process for tracking and mitigating greenhouse gas emissions associated with the District's food purchases, and setting a target reduction schedule for reducing such emissions. The bill also makes amendments to the sustainable procurement program, including giving DOEE a role in implementing EPPS.

a. Green Food Procurement

This legislation would target greenhouse gas emissions associated with food and beverage consumption in the District by reducing the greenhouse gas emissions associated with District government's food and beverage procurement. This would build on the District's history of using procurement to support environmental and social values, such as EPPS and preferences

²⁶ Procurement Practices Reform Act of 2010, § 1101 (Apr. 8, 2011, D.C. Law 18-371, D.C. Official Code § 2-361.01).

²⁷ Office of Contracting and Procurement, Sustainable Purchasing Report for Fiscal Year 2019, *available at* https://ocp.dc.gov/sites/default/files/dc/sites/ocp/page_content/attachments/OCP%20Sustainable%20Purchasing%20Report%20FY%202019_0.pdf

²⁸ *Id.* The Report for FY 2019 was the first such report submitted since 2013, despite the fact that the law requires such reports to be submitted on an annual basis.

for District-owned businesses. Specifically, Bill 24-18 would require the District to reduce greenhouse gas emissions associated food and beverage purchased by covered agencies by 10% by Fiscal Year 2025; 18% by Fiscal Year 2027; and 25% by Fiscal Year 2030. To achieve this reduction, the legislation requires DOEE to adopt a methodology to estimate and track the greenhouse gas emissions that occur through the life cycle of food and beverages purchased by the District. As stated above with respect to the Cool Food Pledge, such methodologies already exist; the bill would not require DOEE to establish a unique methodology. DOEE would be required to establish a baseline assessment of the overall annual greenhouse gas emissions associated with the District's food and beverage purchases, as well as best practices for agencies to reduce the greenhouse gas emissions associated with the food and beverages they purchase.

Covered agencies, defined as those serving meals to residents, would be required incorporate DOEE's best practices into their food and beverage procurement to achieve the goal of reducing greenhouse gas emissions. As stated above, the reductions in greenhouse gas emissions are not expected to incur increased costs to the agencies, and may in fact result in cost savings. Some examples of best practices may include swapping some meat dishes for vegetarian or plant-based dishes that are lower or equal in cost (e.g., offering a hummus wrap instead of a turkey wrap); limiting meat portion sizes in alignment with the *Dietary Guidelines for Americans*; and increasing the use of blended dishes (such as beef and bean chili). Contracting agencies (defined as OCP or covered agencies exercising independent contracting authority) would then be required to report to DOEE annually on their progress toward the District-wide goals, and DOEE would be required to annually report on the District's overall progress.

In addition to the requirement for tracking and reducing greenhouse gas emissions related to food procurement, the legislation directs DOEE to prepare a report with recommendations for how to reduce greenhouse gas emissions associated with other types of goods and services procured by the District, including a list of what goods and services can be tracked and reduced using life cycle analysis data, and best practices for reducing GHG emissions associated with procurement of such goods and services. This report would enable the District to expand the program created by this legislation to other types of procurement should the life cycle data become available.

The Committee Print makes a number of small changes to the bill as introduced in response to stakeholder testimony and input. The Print specifies that reductions to GHG emissions must be made without restricting growth in services or reducing the number of meals served. It also states that foods and beverages must be culturally appropriate and have nutritional value that is comparable or superior to any foods and beverages they replace. These provisions are intended to ensure that any shifts to more climate-friendly foods do not have unintended adverse effects on the quantity, nutritional quality, or cultural appropriateness of food served, or on the amount of services provided. The Print also allows DOEE to expand the requirements of the legislation to take into account air pollution emissions, based on testimony from the agency stating that quantifying both types of emissions is an emerging best practice being adopted by C40 Cities.

The Committee Print also makes a number of changes to clarify which agencies are affected by the program and their roles. First, the Committee Print limits the program to District

agencies that provide *meals* to residents. This revision is intended to target food and beverage procurements with the greatest impact on greenhouse gas emissions. It revises the bill as introduced to clarify that the program administration and best practices will be implemented by program agencies, rather than contracting agencies. Finally, it clarifies that contracting agencies' primary responsibility will be to help DOEE gather the information necessary to track GHG emissions over time.

The Committee Print also directs DOEE to establish and promote recommendations for private entities on how to voluntarily reduce greenhouse gas emissions associated with their food and beverage procurement. As is demonstrated by the success of the Cool Food Pledge, there is tremendous opportunity for private institutions in the District, such as universities and hospitals, to make similar GHG reductions through their food procurement. The Committee Print would also allow DOEE to provide incentives to pursue such reductions, such as sustainability prizes and certifications.

The Committee Print also removes an exemption in the bill as introduced for agencies participating in the Good Food Purchasing Program (GFPP).²⁹ This exemption was initially included to recognize that DCPS has already taken steps toward addressing the climate impact of food procurement by adopting the GFPP.³⁰ However, the Committee received testimony that DCPS has been slow to implement the environmental sustainability metrics of GFPP. Thus, the Committee thinks it is appropriate to apply the requirements of this legislation to GFPP participants to ensure that all District agencies are on the same GHG reduction schedule.

Finally, the Committee Print revises some deadlines to take into account the delay in passing and implementing the bill, and to align the reporting requirements with when such information would be available following the end of the fiscal year. However, the Committee Print maintains the overall emission reductions schedule as originally introduced because these are evidence-based targets consistent with the reductions that would be needed to meet the Paris Climate Agreement targets.

b. EPPS

Bill 24-18 also includes provisions to strengthen the existing EPPS program. These provisions are intended to increase compliance with the existing EPPS requirements to raise the District's EPPS purchases above the current levels (as of FY 2019, EPPS purchases made up only 0.6% of all spend³¹). The Committee Print differs from the bill as introduced by giving DOEE a role in reviewing EPPS compliance. In addition, it would make clear that for any procurement subject to the EPPS requirement, the District must perform an analysis to determine the availability and competitiveness of EPPS.

²⁹ Center for Good Food Purchasing, Good Food Purchasing Program, <https://goodfoodpurchasing.org/>.

³⁰ Healthy Schools Act, § 301b (July 27, 2010; D.C. Law 18-209; D.C. Official Code § 38-823.01b).

³¹ Office of Contracting and Procurement, Sustainable Purchasing Report for Fiscal Year 2019, https://ocp.dc.gov/sites/default/files/dc/sites/ocp/page_content/attachments/OCP%20Sustainable%20Purchasing%20Report%20FY%202019_0.pdf.

The Committee Print authorizes DOEE to exempt categories of procurements from the requirements of the section. This is intended to allow DOEE to exempt categories of procurement for which EPPS would not be practicable, or where review would not be necessary, such as contract extensions. These exemptions are expected to be revised over time as EPPS availability and specifications change. For all categories of procurements subject to the EPPS requirements, program agencies would be required to include documentation from DOEE to support their EPPS indication in the contracting system. Specifically, program agencies must obtain either (1) a statement from DOEE confirming that their statement of work includes EPPS to the maximum extent practicable; or (2) a statement from DOEE waiving the requirement that the procurement include EPPS. DOEE may waive the requirement that the procurement include EPPS if it is not practicable due to cost, availability, or other grounds. These requirements are intended to prevent agencies from bypassing the EPPS requirements, as they are currently able to do. These provisions are consistent with the recommendations in OCP's most recent sustainable purchasing report.³²

In addition to the requirements for the statement of work, the legislation would require procurement staff to ensure that EPPS requirements are accounted for in the contract package, and require procurement staff and agency staff to ensure that the contractor is fulfilling the EPPS requirements of the contract. These requirements are both codifications of OCP's existing EPPS guidance.³³ Finally, the Committee Print would require that EPPS requirements and implementation guidelines be incorporated into OCP trainings and the procurement training institute, to ensure that program agencies are familiarized with EPPS requirements. This is another recommendation in OCP's FY 2019 sustainable purchasing report.

CHRONOLOGY OF ACTION

October 21, 2020	Original Introduction of B23-987 by Councilmember Cheh
October 30, 2020	Notice of Intent to Act on B23-987 is published in the <i>District of Columbia Register</i>
November 10, 2020	Referral of B23-987 to the Committee on Transportation and the Environment
November 16, 2020	Notice of Public Hearing on B23-987 is filed in the Office of the Secretary
November 20, 2020	Notice of Public Hearing on B23-987 is published in the <i>District of Columbia Register</i>
December 8, 2020	Public Hearing on B23-987 held by the Committee on Transportation and the Environment

³² Id.

³³ Office of Contracting and Procurement, Sustainable Product and Service Specifications: User Guide (Jan. 2015), https://ocp.dc.gov/sites/default/files/dc/sites/ocp/page_content/attachments/User%20Guide%20FINAL013015.pdf.

January 11, 2021	Re-introduction of B24-987 as B24-18 by Councilmember Cheh, Gray, Allen, Pinto, and Nadeau
January 19, 2021	Referral of B24-18 to the Committee on Transportation and the Environment
January 22, 2021	Notice of Intent to Act on B24-18 published in the <i>District of Columbia Register</i>
April 7, 2021	Consideration and vote on B24-18 by the Committee on Transportation and the Environment

POSITION OF THE EXECUTIVE

On December 8, 2020, Tommy Wells, Director of the District Department of Energy and Environment (DOEE) testified in favor of the legislation. He testified in support of the legislation but recommended a number of amendments. For the food purchasing provisions, he recommended making a few changes to the bill's deadlines. This included extending the bill's deadlines by a year to account for the time it will need to become effective, and aligning the deadline for the establishment of best practices to coincide with the deadline for establishing a baseline assessment, so that the baseline assessment can inform the preparation of best practices. Second, he recommended including an assessment of air pollution emissions to the bill's requirement to estimate GHG emissions associated with the District's purchasing, noting that quantifying both types of emissions is an emerging best practice being adopted by C40 Cities, and the same data is typically used for both assessments, so combining them should not pose a significant burden. Finally, he recommended that the GHG emission reduction requirements require reductions on a per-meal or per-person served basis, rather than an absolute amount, to ensure that there is no reduction in services to achieve the goals of the legislation.

He also recommended that the legislation break up the report that DOEE is required to produce outlining recommendations for reducing GHG emissions associated with procurement into specific areas of focus or concern, to ensure that the reports are more in-depth and useful as the District continues to pursue its Sustainable DC goals. He specifically recommended reports on energy purchases, vehicle purchases, leases, and professional services.

RESOLUTIONS BY ADVISORY NEIGHBORHOOD COMMISSIONS

No Advisory Neighborhood Commission adopted a resolution concerning B23-191 prior to the close of the hearing record.

LIST OF WITNESSES AND ROUNDTABLE RECORD

On December 8, 2020, the Committee on Transportation and the Environment held a public hearing on B23-987, the "Green Food Purchasing Amendment Act of 2020." The following public witnesses testified at the hearing:

Dr. William Dietz, Redstone Global Center for Prevention and Wellness at George Washington University, testified in support of the legislation. He noted that reductions in food-related GHG emissions are essential to achieve the Paris Climate targets, and that these reductions should be focused on beef, dairy, and processed food consumption, which drive the majority of methane emissions. He notes as a physician that these reductions will have additional positive health benefits, due to the associations between beef consumption and cardiovascular disease, colon cancer, and obesity. He also recommended that the Committee take into account environmental impacts of food procurement beyond GHGs, such as environmental degradation caused by fertilizers, pesticides, and herbicides in corn production.

Chloe Waterman, Friends of the Earth, testified in favor of the legislation because it would further the quadruple bottom line of improving health, reducing carbon emissions, saving money, and improving meal satisfaction. She noted that the legislation would build on the District's legacy of environmentally preferable purchasing of products like paper and food service ware to "look at the food on the compostable plates." She noted that the District has ambitious reduction targets for direct GHG emissions, but has not started looking at indirect greenhouse gas emissions driven by its consumption. Though the District is not a producer of carbon-intensive animal products, it drives food production through its consumption and food purchasing, and this legislation would address the emissions associated with this consumption. Ms. Waterman also noted that the cost of program administration should be minimal, stating that the costs of climate-friendly foods should not be higher, and should even be lower, than current food purchases, and that implementation of a similar program at the University of Maryland required 3 staff just 5 hours/week each for 3 months. Finally, she stated that the bill would improve the nutritional content of District food; for example, she cited the fact that the District Department of Corrections currently serves 60% more meat than recommended by the *Dietary Guidelines for Americans*; changes to plant-based options would therefore have co-benefits for public health.

Lea Howe, DC Greens, testified in support of the legislation based on her work on advancing health equity in the District through food education, food access, and food policy. She testified that shifting to more climate-friendly procurement is aligned with efforts to advance health equity in the District, noting that people of color will suffer first and the worst if climate change is not drastically mitigated. She noted that the food system is a driver of the climate crisis, and reducing GHG emissions through plant-rich diets is one of the most effective mitigation strategies identified by Project Drawdown, a leading resource for information and insight about climate solutions. Ms. Howe also discussed her work helping implement the Good Food Purchasing Program (GFPP) at DCPS schools, which includes environmental sustainability and animal welfare categories. She noted that DC Greens would like to see more progress from DCPS in adding plant-forward options to their menus.

Asha Subramanian, public witness, testified in favor of the legislation as a family physician who practices at two community health centers. She spoke in particular about the benefits that shifting to climate-friendly foods would have for the health of District residents served by its public institutions, noting that diets high in plant-based foods have been shown to reduce diet-related disease like diabetes and heart disease. She also noted that Americans consume significantly more meat than is recommended by the *Dietary Guidelines for Americans*.

Shifting institutional food procurement toward climate-friendly foods would improve the lives of District residents and save the District money on healthcare costs.

Richard Waite, World Resources Institute, testified in favor of the legislation. Mr. Waite works as Data Lead for the Cool Food Pledge, a global initiative that helps organizations commit to reduction targets for food-related greenhouse gas emissions. For this initiative, his organization has developed an open-source calculator for estimating food-related emissions and tracking progress over time. Their target—a 25% reduction by 2030—is consistent with the proposed targets in B24-18 and is based on reductions needed to achieve the goals of the Paris Climate Agreement. He noted that 40 other entities—including the cities of Milan, Toronto, and Copenhagen, the University of Maryland, World Bank, Hilton Hotels, and 16 U.S. hospitals—have committed to the same target, and have found that this tracking can be accomplished given existing staff resources and capacity.

Andrea Magarini Pellini, Food Policy Coordinator of City of Milan, testified in favor of the legislation. He discussed his experience implementing in Milan the same GHG tracking and mitigation program laid out in the bill. Working with the World Resource Institute, Milan reduced 20% of emissions in just five years, by reducing beef and pork by 60%. He noted that Milan started with public school canteens, but has also worked with universities in the city to achieve reductions.

Tambra Raye Stevenson, Health Committee Co-Chair for the NAACP DC Branch and founder of WANDA: Women Advancing Nutrition Dietetics and Agriculture, testified in favor of the legislation. Ms. Stevenson noted that a shift toward plant-based foods is good for the planet and good for residents of the District. She noted in particular that factory-farmed animal products are a major driver of climate change and harmful to communities of color, both due to the harm the industry causes to surrounding communities, and due to the epidemic of diet-related disease caused by overconsumption of animal products.

Raychel Santo, Center for a Livable Future, testified in support of the legislation, based on her work studying the climate implications of various diets, food waste, institutional food procurement, and resilience strategies. She noted that addressing food systems emissions is one of the greatest untapped opportunities for significant climate mitigation, providing greater potential emissions reductions than any other sector. The United Nations Intergovernmental Panel on Climate Change recognized in two recent scientific reports that, in addition to adopting more sustainable food production practices, shifting the diets of higher-income consumers towards more plant-based foods is a key strategy to meet our climate targets. She also testified that shifts to plant-based foods will have positive public health effects and save money, based on findings from a pilot at Oakland public schools. Finally, she noted that the reductions proposed in the legislation are proven and feasible, and currently being enacted by public and private institutions across the U.S. and globe.

Dylan Fine, DC Voters for Animals, testified in support of the legislation because it targets the food industry's contribution to climate change. Mr. Fine noted that one of the main climate polluters in the agriculture sector is methane emissions, which has 20 times the global

warming potential of carbon dioxide. He testified that this legislation will reduce food-related methane emissions and support other DC sustainability priorities in the Sustainable DC Plan.

Daniela Ochoa Gonzalez, public witness, testified in favor of the legislation. She supports the legislation because it will help address climate change and environmental justice challenges. She asked to include measurements of food waste and their nutrients in the bill, noting that the District squanders thousands of pounds of food waste each day, which gets incinerated rather than feeding people. She stated that food waste needs to be more accurately included in CleanEnergy DC and Sustainable DC Plans.

In addition, the following public witnesses submitted written testimony:

A coalition of 31 environmental, social justice, and public health organizations submitted a letter in support of the legislation, stating that procurement is the most direct point of leverage to reduce greenhouse gas emissions associated with food consumption, and noting that procuring more climate-friendly foods will have co-benefits for the health of DC residents served by public institutions, who are disproportionately low-income and people of color.

Marie Camino, Mercy For Animals, submitted testimony in support of the legislation, stating that it was consistent with their mission of constructing a more compassionate food system, and would signal that D.C. is a leader in climate change mitigation strategies. Ms. Camino cited studies showing that food system activities account for nearly 30 percent of all global GHG emissions, and that products from large cattle are particularly emissions intensive. She testified that we will not achieve reduction targets without shifts away from animal agriculture, and that these shifts will have positive public health impacts as well, as diets that reduce GHG emissions also reduce disease risk.

Jennifer Molitor, Center for Biological Diversity, submitted testimony in support of the legislation, on behalf of an organization is dedicated to the protection of endangered species and wild places. Ms. Molitor's testimony noted that the United States cannot meet climate targets without prioritizing low-carbon foods and reducing food waste, and that high-carbon foods are associated with food production practices that destroy habitat and lead to biodiversity loss, as well as decreases in national food security, equitable food access, and environmental health. Ms. Molitor's testimony also noted that the climate and public health harms associated with producing high-carbon foods like meat and dairy are disproportionately borne by Black, Latinx and Indigenous communities. These communities are more likely to be exposed to agricultural-related climate impacts, pollution, toxicity, food insecurity and lack of access to healthy and nutritious foods. Thus, her testimony concludes that this legislation would benefit the District's most underserved communities in particular.

Catherine Plume, Vice Chair of the DC Chapter of the Sierra Club, submitted testimony in support of B23-987. The Sierra Club supports the bill because of the contributions of the food and agriculture sector to climate change, noting that procurement is the District's most direct point of leverage to reduce emissions associated with food consumption. Ms. Plume suggested that the bill be amended to include emissions of food and yard waste generated in the District, transportation impacts, and packaging impacts.

ANALYSIS OF IMPACT ON EXISTING LAW

B24-18 would amend the District Department of the Environment Establishment Act of 2005 to require DOEE to adopt a methodology to estimate greenhouse gas emissions that occur through the life cycle of certain foods and beverages, establish a baseline assessment of greenhouse gas emissions associated with the District’s food and beverage purchases, and establish best practices for reducing greenhouse gas emissions related to such procurements, to require District agencies serving meals to reduce overall greenhouse gas emissions associated with food according to a reduction schedule, and to require the Department of Energy and Environment to establish and promote recommendations for private entities to voluntarily reduce GHG emissions associated with their food and beverage procurement, and to prepare a report on how to reduce greenhouse gas emissions associated with District procurement.

B24-18 would also amend the Procurement Practices Reform Act of 2010 to revise the requirements for environmental certification under the EPPS program. Specifically, it states the environmental certification required under the EPPS program shall be issued if a statement of work includes a statement from DOEE confirming that the procurement includes EPPS to the maximum extent practicable, or a statement from DOEE waiving the requirement that the procurement includes EPPS. It also allows DOEE to exempt categories of procurements from the requirements. In addition, it requires procurement and program staff to ensure that EPPS requirements are followed in the contract package and by the contractor, and requires OCP to incorporate EPPS requirements into its training materials for procurement personnel, including the procurement training institute.

SUMMARY OF FISCAL IMPACT

A fiscal impact statement issued by the Chief Financial Officer on April 7, 2021, is attached to this report. The Chief Financial Officer concluded that funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill’s implementation will cost \$220,000 in fiscal year 2021 and \$1.1 million over the four-year financial plan period to support DOEE’s implementation of the bill. OCP also expects to need additional resources to support the bill’s implementation, but the agency has not provided sufficient information to estimate those costs.

SUMMARY OF RACIAL EQUITY IMPACT

A racial equity impact analysis issued by the Council Office of Racial Equity on April 6, 2021, is attached to this report. The Council Office of Racial Equity concluded that B24-18 has the potential to advance racial equity in the District of Columbia.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title of this legislation as the “Green Food Purchasing Amendment Act of 2021”.

Section 2 amends the District Department of the Environment Establishment Act of 2005 to require the Department of Energy and Environment to adopt a methodology to estimate greenhouse gas emissions that occur through the life cycle of certain foods and beverages, establish a baseline assessment of greenhouse gas emissions associated with the District’s food and beverage purchases, and establish best practices for reducing greenhouse gas emissions related to such procurements; to require agencies serving meals to reduce overall greenhouse gas emissions associated with food according to a reduction schedule; and to require the Department of Energy and Environment to establish and promote recommendations for private entities to voluntarily reduce GHG emissions associated with their food and beverage procurement, and prepare a report on how to reduce greenhouse gas emissions associated with District procurement.

Section 3 amends the Procurement Practices Reform Act of 2010 to require that District procurements include statements from the Department of Energy and Environment indicating that EPPS are included to the maximum extent practicable or that the EPPS requirements are waived, to allow DOEE to exempt categories of procurements from the EPPS requirements, to require procurement and program staff to ensure that the EPPS requirements are followed in the contract package and by the contractor, and to require OCP to incorporate EPPS requirements into its training materials for procurement personnel, including the procurement training institute.

Section 4 contains the applicability statement.

Section 5 contains the fiscal impact statement.

Section 6 provides that the act shall take effect following approval by the mayor, a 30-day period of congressional review, and publication in the District of Columbia Register.

COMMITTEE ACTION

On April 7, 2021, the Committee on Transportation the Environment convened a mark-up at 11:33 a.m. on Bill 24-18, the “Green Food Purchasing Amendment Act of 2021.” Present and voting were Chairperson Cheh and Councilmembers Allen and Henderson. Councilmember Lewis George was briefly present but unable to vote. Chairperson Cheh gave a description of B24-18 before opening the floor for comments from the members. Councilmember Henderson gave a statement in support of the legislation. Chairperson Cheh then moved for block approval of the Committee Print and the Committee Report of B24-18. The Committee voted 3-0 to move the Committee Print and the Committee Report with the members voting as follows:

YES: Cheh, Allen, Henderson

NO:

The meeting was adjourned.

ATTACHMENTS

- (A) Bill 24-18, as introduced, with referral memorandum
- (B) Fiscal Impact Statement
- (C) Racial Equity Impact Analysis
- (D) Legal Sufficiency Determination
- (E) Comparative Print of Bill 24-18
- (F) Committee Print of Bill 24-18

ATTACHMENT

A



COUNCIL OF THE DISTRICT OF COLUMBIA
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

MARY M. CHEH
COUNCILMEMBER, WARD 3
CHAIR, COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

OFFICE: (202) 724-8062
FAX: (202) 724-8118
MCHEH@DCCOUNCIL.US
WWW.MARYCHEH.COM

January 11, 2021

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, I, along with Councilmembers Gray, Allen, Nadeau, and Pinto, am introducing the "Green Food Purchasing Amendment Act of 2021." Please find enclosed a signed copy of the legislation.

This legislation would direct the Department of Energy & Environment (DOEE) to adopt a methodology for estimating greenhouse gas (GHG) emissions that occur through the life cycle of foods and beverages, and provide purchasing guidance to District agencies on how to mitigate these emissions. Agencies would be required to quantify emissions from their food purchases and take steps to reduce these emissions by 25% by 2030. The legislation also requires DOEE to prepare a report with recommendations for other types of procurement that could be similarly tracked and mitigated for greenhouse gas emissions.

The food and agriculture sector accounts for nearly thirty percent of global GHG emissions. Research has found that we will not be able to achieve the emissions reduction targets in the Paris Climate Agreement unless we address emissions from production and consumption of food. This legislation leverages the District's purchasing power to reduce such emissions to further the District's ambitious climate goals.

Shifting our food purchasing toward climate-friendly foods will have benefits for the public health as well as climate. The majority of GHG emissions associated with institutional food procurement come from only a handful of foods, many of which are over-consumed and associated with adverse health effects. In addition, favoring less emissions-intensive foods has been shown to be a cost-effective climate solution.

This legislation is being introduced with the support of 30 local health and food justice organizations, including Friends of the Earth, DC NAACP Chapter, and DC Sierra Club. With this legislation, the District will continue its leadership in

addressing the climate crisis by promoting policies that both reduce the District's carbon footprint and improve public health.

Should you have any questions about this legislation, please contact my Legislative Director, Michael Porcello, at mporcello@dccouncil.us or (202) 724-8062.

Thank you.

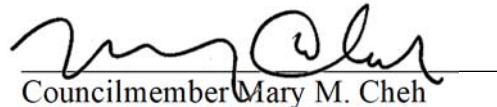
Best,

A handwritten signature in black ink, appearing to read 'Mary M. Cheh', with a stylized, cursive script.

Mary M. Cheh

1 

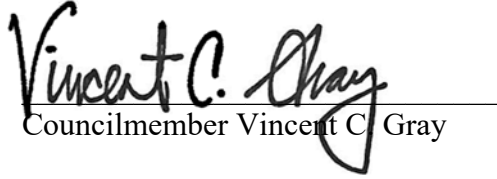
2 Councilmember Charles Allen

3 

4 Councilmember Mary M. Cheh

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6 Councilmember Brianne K. Nadeau

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8 Councilmember Vincent C. Gray

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10 Councilmember Brooke Pinto

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16 A BILL

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19 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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21
22
23
24 To require the Department of Energy and Environment to adopt a methodology to
25 estimate greenhouse gas emissions that occur through the life cycle of certain
26 foods and establish a baseline measurement of greenhouse gas emissions
27 associated with the District's food purchases, and to require contracting agencies
28 to reduce overall greenhouse gas emissions associated with food according to a
29 reduction schedule; to require the Department of Energy and Environment to
30 prepare a report on how to reduce greenhouse gas emissions associated with
31 District procurement; and to amend the Procurement Practices Reform Act of
32 2010 to require verification and signature for environmentally preferable
33 purchasing.

34
35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

36 That this act may be cited as the "Green Food Purchasing Amendment Act of 2021".

37 Sec. 2. Greenhouse gas emissions in food and beverage procurement.

38 (a) To track the greenhouse gas emissions associated with food and beverage
39 purchases made by the District government, DOEE shall:

40 (1)(A) On or before January 1, 2022, in consultation with OCP, adopt a
41 methodology for a contracting agency to estimate, to the extent practicable, the

greenhouse gas emissions that occur through the life cycle of all food and beverages purchased by the contracting agency, including by third-party vendors that provide food and beverages on behalf of the contracting agency. This methodology shall:

(i) Enable a contracting agency to reliably track changes in its food and beverage-related greenhouse gas emissions over time and demonstrate reductions in greenhouse gas emissions associated with food and beverages purchased by the agency; and

(ii) Consider the costs and feasibility of implementing the methodology.

(B) DOEE may allow the contracting agency to exclude from the tracking method food and beverage procurements that do not exceed \$10,000.

(2) On or before January 1, 2023, establish a baseline assessment of the overall annual greenhouse gas emissions associated with the District's food and beverage purchases; and

(3) On or before January 1, 2022, establish best practices for contracting agencies to reduce the greenhouse gas emissions associated with food and beverages purchased by the contracting agency with the goal of reducing overall greenhouse gas emissions as described in subsection (c) of this section.

(b) Contracting agencies shall give consideration and preference to foods, beverages, and procurement practices that will achieve the goal of reducing the greenhouse gas emissions associated with food and beverages purchased by the agency.

(c) The District shall reduce its overall greenhouse gas emissions associated with food and beverages purchased by the District according to the following reduction

65 schedule as measured in relation to the baseline assessment established under subsection
66 (a)(2) of this section:

67 (1) By fiscal year 2025, a 10% reduction;

68 (2) By fiscal year 2027, an 18% reduction; and

69 (3) By fiscal year 2030, a 25% reduction.

70 (d) On or before October 1, 2025, and each October 1 thereafter, each contracting
71 agency shall report to DOEE on its progress in reducing greenhouse gas emissions
72 associated with food and beverages procured by the contracting agency during the
73 immediately preceding fiscal year in a format set by DOEE and consistent with the
74 methodology established under section (a)(1) of this section.

75 (e) Beginning January 1, 2026, and each January 1 thereafter, DOEE shall submit
76 an annual report to the Council and the Mayor that includes:

77 (1) An update on the overall progress of the District in reducing
78 greenhouse gas emissions associated with food and beverages procured by the District;
79 and

80 (2) Recommendations for policy changes to further reduce greenhouse gas
81 emissions from food and beverages or to more quickly achieve the reduction goals
82 established under this section.

83 (f) This section shall not apply to agencies that are participating in the Good Food
84 Purchasing Program, as that term is defined in section 101(1E) of the Healthy Schools
85 Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38–821.01
86 (1E)), that are demonstrating improvement on the environmental sustainability core value
87 through reductions in greenhouse gas emissions.

(e) For the purposes of this section, the term:

(1) “Contracting agency” means an agency that is authorized to enter into

a procurement contract under section 201 of the Procurement Practices Reform Act of

2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2–352.01).

(2) “DOEE” means the Department of Energy and Environment.

(3) “OCP” means the Office of Contracting and Procurement.

Sec. 3. Report on greenhouse gas emissions in District procurement.

By January 1, 2023, the Department of Energy and Environment shall submit to

the Mayor and the Council a report with recommendations for how to reduce greenhouse

gas emissions associated with goods and services procured by the District, including a

comprehensive list of what goods and services can be tracked and reduced using life

cycle analysis data, and best practices for reducing greenhouse gas emissions associated

with procurement of such goods and services.

Sec. 4. The Procurement Practices Reform Act of 2010, effective April 8, 2011

(D.C. Law 18-371; D.C. Official Code § 2–351.01 *et seq.*), is amended as follows:

(a) Section 104(30) (D.C. Official Code § 2–351.04(30)) is amended by striking

the phrase “product.” and inserting the phrase “product. This shall include the greenhouse

gas emissions associated with the goods or services.”

(b) Section 1101(a) (D.C. Official Code § 2–361.01(a)) is amended as follows:

(1) Designate the existing text as paragraph (1).

(2) A new paragraph (2) is added to read as follows:

“(2) The certification required by paragraph (1) of this subsection shall be

verified and signed by an officer at OCP or the contracting agency.”.

111 Sec. 5. Fiscal impact statement.

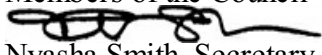
112 The Council adopts the fiscal impact statement in the committee report as the
113 fiscal impact statement required by section 4a of the General Legislative Procedures Act
114 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

115 Sec. 6. Effective date.

116 This act shall take effect following approval by the Mayor (or in the event of veto
117 by the Mayor, action by the Council to override the veto), a 30-day period of
118 congressional review as provided in section 602(c)(1) of the District of Columbia Home
119 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
120 206.02(c)(1)), and publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Friday, January 15, 2021
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, January 11, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Green Food Purchasing Amendment Act of 2021", B24-0018

INTRODUCED BY: Councilmembers Cheh, Gray, Allen, Nadeau, and Pinto

The Chairman is referring this legislation to the Committee on Transportation and the Environment.

Attachment
cc: General Counsel
Budget Director
Legislative Services

ATTACHMENT

B


Government of the District of Columbia
Office of the Chief Financial Officer



Fitzroy Lee
Interim Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Fitzroy Lee
Interim Chief Financial Officer 

DATE: April 7, 2021

SUBJECT: Fiscal Impact Statement – Green Food Purchasing Amendment Act of 2021

REFERENCE: Bill 24-18, Draft Committee Print as provided to the Office of Revenue Analysis on April 1, 2021

Conclusion

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill's implementation will cost \$220,000 in fiscal year 2021 and \$1.1 million over the four-year financial plan period to support the Department of Energy and Environment's (DOEE) implementation of the bill. The Office of Contracting and Procurement (OCP) also expects to need additional resources to support the bill's implementation, but the agency has not provided sufficient information to estimate those costs at this time.

The bill's implementation is subject to the required fiscal resources being included in an approved budget and financial plan.

Background

The District requires contracting agencies to use environmentally preferred products and services (EPPS),¹ to the extent practicable, for every contract over \$100,000.² The District must issue an

¹ Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.04(30)).

² D.C. Official Code § 2-361.01.

environmental certification to affirm that EPPS specifications have been included in the procurement unless the procurement conforms to a Default Environmental Preference Standard.³ The bill ensures that EPPS standards include consideration of products' or services' greenhouse gas emissions and requires the District to perform an analysis as to whether EPPS are available and competitive. The bill requires the District to include a statement from DOEE affirming that EPPS are being procured or waiving the EPPS requirement prior to the issuance of the environmental certification which will be included in the contract package. The bill allows DOEE to issue a list of products or services that are exempt from EPPS. OCP staff and executive agency staff responsible for contract oversight must ensure that EPPS requirements included in a solicitation are fulfilled by the contractor. The bill also requires OCP to include EPPS requirements and guidelines in its trainings and training materials.

The bill also requires DOEE to provide recommendations on how to reduce greenhouse gas emissions associated with all government procurements, including identifying which goods and services procured by the District can be tracked and analyzed. DOEE should issue a report on this effort by January 1, 2023.

The bill establishes parameters for the District to understand, track, and reduce greenhouse gas emissions related to all meal food and beverage procurements over \$10,000. DOEE must develop a methodology, in consultation with OCP, to estimate greenhouse gas emissions for food and beverage procurements over the food and beverage's life cycle and assess the feasibility of implementing the methodology. DOEE may also consider incorporating air pollution emissions into the methodology. Covered contracting agencies⁴ must be able to use the methodology to track and implement policies that will demonstrate emissions reductions over time. The bill requires DOEE to establish a baseline assessment of greenhouse gas emissions associated with food and beverage procurements and provide covered agencies with best practices to reduce emissions. The methodology must be developed and these activities must be completed by January 1, 2023. Agencies should implement food and beverage policies that will help achieve reductions in emissions while ensuring there are no declines in food nutrition or culturally appropriate choices

The bill establishes greenhouse gas emissions reduction goals for food and beverage purchases. The reduction goals are the following: 10 percent by fiscal year 2025; 18 percent by fiscal year 2027; and 25 percent by fiscal year 2030. Each covered contracting agency must report to DOEE by February 1, 2025 and annually thereafter on its progress toward reducing food and beverage emissions. By July 1, 2025 and annually thereafter, DOEE must report to the Mayor and the Council on the District's progress toward reducing greenhouse gas emissions and provide policy recommendations to support continued reductions. DOEE should also provide recommendations for the reduction of private sector food and beverage related emissions and may provide financial incentives to support these recommendations.

³ D.C. Official Code § 2-351.04(21).

⁴ Covered contracting agencies and covered agencies are those that purchase and provide meals to residents.

The Honorable Phil Mendelson

FIS: Bill 24-18, "Green Food Purchasing Amendment Act of 2021," Draft Committee Print as provided to the Office of Revenue Analysis on April 1, 2021

Financial Plan Impact

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill makes changes to the existing EPPS framework and establishes new guidance for food and beverage purchase. The bill's implementation will cost at least \$220,000 in fiscal year 2021 and \$1.1 million over the four-year financial plan period.

The bill requires DOEE to review District procurements over \$100,000 prior to the issuance of an EPPS environmental certification and affirm that EPPS are being procured or that the EPPS requirement is waived. DOEE must complete these reviews and approvals prior to an agency submitting its contract statement of work to OCP for processing. DOEE does not currently have an active role in the EPPS procurement framework and OCP processes nearly one thousand procurements over \$100,000 annually. DOEE will need to add staff to perform the reviews and issue approvals, develop an understanding of all products and services procured by the District, develop lists of exempt products and services, and help enhance the EPPS standards. An additional two program staff will cost \$170,000 in fiscal year 2021 and \$713,000 over the four-year financial plan period. DOEE also requires \$50,000 in one-time non-personnel resources in fiscal year 2021.

The bill's food and beverage provisions require DOEE to develop a methodology to estimate greenhouse gas emissions from food and beverage procurements, provide covered agencies with recommendations and best practices to implement, and report to the Mayor and the Council on the District's progress toward meeting the bill's greenhouse gas emission reduction goals. DOEE will need to hire one program staffer beginning in fiscal year 2022 to develop the methodology, calculate the District's baseline emissions, work with covered contracting agencies and covered agencies to implement its policy recommendations, and gather the required data and information to complete the bill's required reports. This employee would start in fiscal year 2022 and cost a total of \$291,000 over the four-year financial plan period. DOEE will also need \$75,000 in one-time non-personnel resources in fiscal year 2022 to help implement the bill's provisions.

OCP has expressed concerns with implementing both the bill's EPPS provisions and green food provisions and how they will impact the District's overall contracting processes. However, the agency has not provided sufficient data or detailed OCP's impacted processes to support the Office of Revenue Analysis' development of a full cost estimate for the bill's implementation.

Green Food Purchasing Amendment Act of 2021 Bill 24-18 DOEE Implementation Costs Fiscal Year 2021 – Fiscal Year 2024 (\$000s)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
DOEE EPPS Staff	\$170	\$175	\$181	\$187	\$713
DOEE Green Food Staff	\$0	\$94	\$97	\$100	\$291
DOEE EPPS and Green Food NPS	\$50	\$75	\$0	\$0	\$125
Total	\$220	\$344	\$278	\$287	\$1,129


ATTACHMENT

C



BILL 24-0018

**RACIAL EQUITY IMPACT ASSESSMENT
GREEN FOOD PURCHASING AMENDMENT
ACT OF 2021**

TO: The Honorable Phil Mendelson, Chairman, Council of the District of Columbia
FROM: Brian McClure, Director, Council Office of Racial Equity 
DATE: April 6, 2021

COMMITTEE

Committee on Transportation and the Environment

BILL SUMMARY

Bill 24-0018 requires the Department of Energy and Environment (DOEE) to create a method which calculates the amount of greenhouse gas emissions during the lifecycle of foods bought by District government agencies.¹ DOEE “may incorporate air pollution emissions into the methodology.”² In addition, Bill 24-0018 requires DOEE to establish best practices for reducing greenhouse gases and considering air pollution emissions in food buying practices.³ Agencies would use the methodology and best practices to monitor how the food they buy is linked to high greenhouse gas emissions.

CONCLUSION

Bill 24-0018 has the potential to advance racial equity in the District of Columbia.

BACKGROUND

- **Racist housing and environmental policies negatively impact the health and quality of life for the District’s Black and Brown residents.**
- **Since 2006, DOEE has tracked the District’s greenhouse gas emissions.**
- **Bill 24-0018 requires DOEE to provide a method and guidance to agencies on how to reduce buying food linked to high greenhouse gas emissions.**

Bill 24-0018 requires DOEE to enable agencies that provide meals to District residents to “estimate greenhouse gas emissions that occur through the life cycle of foods and beverages” offered by the agency providing the meals.⁴ DOEE would assess the District’s “overall progress in reducing greenhouse gas emissions associated with food and beverage purchases.”⁵ Further, the bill requires DOEE to create and share guidance with agencies and private institutions on how to reduce greenhouse gas emissions.⁶

¹ See the committee print for Bill 24-0018, [the Green Food Purchasing Amendment Act of 2020](#).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

DOEE would encourage private institutions to “voluntarily reduce greenhouse gas emissions associated with their food and beverage procurement.”⁷ The bill also requires DOEE to share an annual report on the District’s progress towards reducing food buying practices linked to high greenhouse gas emissions.⁸

Since 2006, DOEE has tracked the District’s greenhouse gas emissions via a greenhouse gas inventory.⁹ The inventory looks at emissions by source and sector, including buildings, transportation, waste, and wastewater.¹⁰ In 2018, a majority of emissions came from buildings and electricity.¹¹ Within the buildings and electricity category, about seventy percent of greenhouse gas emissions came from commercial buildings and energy use.¹²

ANALYSIS OF DEMOGRAPHIC DATA

- **Air pollution and greenhouse gas emissions can lead to or cause symptoms of chronic lung diseases, such as asthma.**
- **Black residents face higher rates of chronic diseases such as asthma, diabetes, and cardiovascular disease.**
- **Residents facing food insecurity and those living in the District’s facilities, such as prisons, are most affected by changes in foods offered by District agencies.**

Bill 24-0018 has the potential to impact environmental, health, and food security outcomes for District residents. It is important to consider how these factors interact with each other and with the measure.

Environmental Policy Impacts on Health Outcomes

Historically racist housing and environmental policies have contributed to the current racial inequities faced by Black communities and communities of color.¹³ Specifically, redlining and other racist lending practices have left Black and Brown residents to live in neighborhoods near hazardous waste facilities and other contributors to smog and air pollution.¹⁴ These practices have caused inequities in health and living environments, especially for Black residents. For example:

- In 2017, the DC Department of Health (DOH) found that Wards 7 and 8 “had the highest percentage of adult residents with asthma,” among other chronic diseases.¹⁵ Of adult residents with asthma, about fourteen percent were Black and about six percent were white.¹⁶
- In 2019, two of the District’s air pollution monitoring sites located in Ward 7 have had higher averages for “particulate matter, carbon dioxide, and nitrogen oxide,” than the other

⁷ Ibid.

⁸ Ibid.

⁹ [Greenhouse Gas Inventories](#); DC Department of Energy and Environment.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ [Toxic Wastes and Race](#); The Commission for Racial Justice.

¹⁴ [Fight Against Environmental Racism Finally Gets Its Moment](#); Time.

¹⁵ [District of Columbia Behavioral Risk Factor Surveillance System 2017 Annual Health Report](#); DC Department of Health.

¹⁶ Ibid.

monitoring sites.¹⁷ These types of pollution are linked to adverse health effects such as asthma attacks.¹⁸ They can also lead to symptoms of lung diseases.¹⁹

- In 2010, DOH found “an [almost] eleven percent disparity in prevalence when comparing the risk of developing diabetes for Black residents and white residents. This disparity in the District’s population is almost more than twice the disparity for the national population.”²⁰
- By location, Wards 4, 5, 7, and 8 have the highest prevalence of diabetes in the District at over ten percent.²¹ It has also been noted that the risk for diabetes increases at lower income and education levels.²² Similarly, food insecurity is a major risk factor for diabetes.²³
- In 2018, Wards 5, 6, 7, and 8 were home to the District’s most intense heat islands.²⁴ Black residents also make up over half of the population in Wards 5, 7, and 8.²⁵

These findings highlight how air pollution and greenhouse gas emissions, disproportionately impact the health outcomes and quality of life for Black residents in the District.

Meal Programs in the District

Prior to the public health pandemic, over ten percent of District residents were food insecure.²⁶ In early 2020, this number was predicted to increase to sixteen percent.²⁷ As a response, the District increased the number of meal programs while maintaining existing food services within agencies such as the DC Department of Aging and Community Living (DACL), the Department of Corrections (DOC), and District of Columbia Public Schools (DCPS).

These statistics highlight some agencies that may have the most impact with food buying in the District. They also show which residents are most likely to receive meals from District agencies, and thus are most likely to be affected by changes in the District’s food buying preferences:

- About fourteen percent of DC’s seniors are at risk of hunger.²⁸ In 2020, the District provided 1,107,398 meals to seniors at risk of hunger and isolation through Meals on Wheels, which is administered by DACL.²⁹

¹⁷ [The geography of environmental toxins in the District of Columbia](#); DC Policy Center.

¹⁸ [The geography of environmental toxins in the District of Columbia](#); DC Policy Center and [Fine particulate matter & asthma](#); The American Academy of Allergy Asthma & Immunology.

¹⁹ [Climate and Health Concerns for Asthma and Allergies](#); The Asthma and Allergy Foundation of America.

²⁰ [Diabetes in the District of Columbia](#); DC Department of Health.

²¹ Ibid.

²² Ibid.

²³ [Food Insecurity and Diabetes](#); The American Diabetes Association.

²⁴ [Detailed Maps of Urban Heat Island Effects in Washington, DC, and Baltimore](#); The National Oceanic and Atmospheric Administration.

²⁵ [Population Data for Ward](#); DC Health Matters.

²⁶ [Food Access and Food Security Report](#); DC Food Policy Council.

²⁷ Ibid.

²⁸ [Meals on Wheels DC Fact Sheet](#); Meals on Wheels America.

²⁹ Ibid.

- For school year 2019 – 2020, about seventy three percent of DCPS students were economically disadvantaged.³⁰ This means that about seventy three percent of students received free or reduced price lunch, were eligible to receive Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) benefits, were identified as homeless, and/or were under the care of the Child and Family Services Agency (CFSA).³¹
- In that same school year, about fifty eight percent of students were Black and twenty one percent were Hispanic.³²
- At the beginning of the pandemic, “seventy two DCPS schools, public charter schools, and non-profits began hosting distribution sites for meals and groceries throughout the city, as well as supporting home delivery services [of] essential resources.”³³ In the summer of 2020, DPR added more meal pickup sites.³⁴
- In 2018, ninety two percent of DOC’s average daily population was Black, despite comprising slightly less than half of the District’s population.³⁵ In February 2021, it was reported that ninety five percent of the District’s prison population is Black.³⁶

CONSIDERATION OF RACIAL EQUITY IMPACTS

- **Greenhouse gas emissions and air pollution disproportionately impact Black residents in the District.**
- **Focusing on greenhouse gas emissions through food buying contracts could have a positive impact on health and environmental outcomes for Black and Brown residents.**
- **Bill 24-0018 does not explicitly call for racial equity to be assessed and considered in DOEE’s methodology, guidelines, or recommendations around reducing greenhouse gas emissions and considering air pollution.**

In terms of racial equity impacts, Bill 24-0018 begins to address the negative effects of greenhouse gases and air pollution by:

- Requiring the District to consider how the types of foods and beverages that it purchases contribute to an increase in harmful greenhouse gas emissions.
- Requiring the District to track food buying practices and their link to foods and beverages that emit high levels of greenhouse gases.
- Guiding agencies and third-party vendors on food buying practices that can reduce greenhouse gas emissions.

³⁰ [DCPS at a Glance: Enrollment](#); DC Public Schools.

³¹ Ibid.

³² Ibid.

³³ [The State of DC Schools 2019-2020](#); DC Policy Center.

³⁴ Ibid.

³⁵ [Jails & Justice: Our Transformation Starts Today](#); District Task Force on Jails & Justice.

³⁶ Ibid.

Given the health and environmental statistics shared in the previous section, greenhouse gas emissions and air pollution disproportionately impact Black residents. The efforts listed above show that Bill 24-0018 could potentially improve health outcomes for Black residents of the District. However, the bill does not explicitly call for racial equity to be assessed and considered in DOEE's methodology or guidelines for food buying contracts.

For Fiscal Year 2021, the Department of Small and Local Business Development (DSLBD) found \$51.7 million in business opportunities in the District government, for small business enterprises providing food services.³⁷ According to these findings, DOC, the Department of Parks and Recreation (DPR), and DCPS, are likely to have the most business opportunities for food services.³⁸ Given these estimates, Bill 24-0018 might require similar agencies to consider how to reduce food buying practices linked to greenhouse gas emissions.

Prioritizing foods with lower rates of greenhouse gas emissions would mean reducing the amount of red meat and dairy products that are bought by agencies such as DOC, DPR, and DCPS. This could potentially improve health outcomes for residents that receive meals from the District through meal programs or while living in District facilities. This is because daily red meat consumption leads to frequently consuming chemicals linked to cardiovascular and other chronic diseases.³⁹

With these considerations, Bill 24-0018 has the potential to advance racial equity in the District of Columbia. As written, the potential racial equity impacts are a secondary outcome of the bill given that the bill does not explicitly consider or center racial equity.

RECOMMENDATIONS

- **During implementation, DOEE may consider ensuring that its methodology assesses the impact of greenhouse gas and air pollution reduction efforts on Black and Brown District residents.**
- **Ensure DOEE applies a racial equity lens to its methodology and best practice recommendations. For example, DOEE may consider collecting disaggregated data points or evaluating equity impact enterprises when applying a racial equity lens.**
- **Ensure DOEE includes education and cultural awareness efforts on possible food replacements that may take place when prioritizing foods linked to lower greenhouse gas emissions. Ensure that these efforts are designed in a racially equitable manner.**
- **Ensure that DOEE's methodology assesses the number of minority owned businesses and equity impact businesses that large agencies use before and after adjusting food buying practices.**

³⁷ Food service categories include food service consulting, food distribution, and cafeteria, food service, and kitchen equipment rental or lease. See [Greenbook Sixth Edition 2021](#); Department of Small and Local Business Development. In reference to the \$51.7 million in business opportunities, it is worth noting that the prime vendors for some of the larger contracts have their headquarters in Iowa, South Dakota, and Maryland.

³⁸ [Greenbook Sixth Edition 2021](#); Department of Small and Local Business Development.

³⁹ [Eating red meat daily triples heart disease-related chemical](#); National Institutes of Health.

Bill 24-0018 could potentially improve health outcomes and create business opportunities for Black District residents. However, there are gaps in the procurement data that make it hard to say whether this would be the case because it is unclear how many minority businesses or equity impact enterprises are given the capacity to compete for food services contracts with large agencies, such as DOC, DPR, and DCPS.⁴⁰

As mentioned before, the District found \$51.7 million in potential business opportunities for small business enterprises last year by looking at the special exceptions and waivers dealing with food services.⁴¹ In addition, the District approved two contracts valued at over \$40 million for food services to businesses with headquarters in South Dakota and Iowa.⁴² These examples offer a chance for DOEE to ensure minority owned businesses and equity impact enterprises within the District have the capacity to offer the District food services.

⁴⁰ [Greenbook Sixth Edition 2021](#); Department of Small and Local Business Development.

⁴¹ Special Exceptions are agency expenditures that are not eligible for spending with SBEs. These expenditures include for example, anticipated transfers, personnel, Federal funds, and fixed costs. Additionally, the prime vendors for some of the larger contracts have their headquarters in Iowa, South Dakota, and Maryland.

⁴² See the Introduced version of [B23-0631](#) and [the Introduction for CA 23-0022](#); DC Council.

ATTACHMENT

D



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Mary Cheh

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: April 6, 2021

**RE: Legal sufficiency determination for Bill 24-18, the
Green Food Purchasing Amendment Act of 2021**

The measure is legally and technically sufficient for Council consideration.

This bill would amend the District Department of the Environment Establishment Act of 2005 to:

- Require the Department of Energy and Environment (“DOEE”) to adopt a methodology to estimate greenhouse gas emissions that occur through the life cycle of certain foods and beverages;
- Require DOEE to establish a baseline assessment of greenhouse gas emissions associated with the District’s food and beverage purchases and establish best practices for reducing greenhouse gas emissions related to such procurements;
- Require the District to reduce overall greenhouse gas emissions associated with food and beverage procurements according to a reduction schedule;
- Require DOEE to publish an annual report that includes an update on the overall progress of the District in reducing greenhouse gas emissions associated with food and beverages procured by the District and policy recommendation to further reduce greenhouse gas emissions from food and beverage procurements;
- Require DOEE to establish and promote recommendations for private entities on how to voluntarily reduce greenhouse gas emissions associated with their food and beverage procurements;
- Require DOEE to publish a report on its website with recommendations for how to reduce greenhouse gas emissions associated with goods and services procured by the District; and

Legal and Technical Sufficiency Review

Bill 24-18, the Green Food Purchasing Amendment Act of 2021

Page 2 of 2

- Authorize the Mayor to issue rules to implement certain provisions of the bill.

The bill would also amend the Procurement Practices Reform Act of 2010 to provide that the District shall, before entering into certain contracts, perform an analysis to determine the availability and competitiveness of Environmentally Preferable Products or Services (“EPPS”). The bill would provide that an environmental certification shall be issued if the statement of work includes a statement from DOEE confirming that the procurement includes EPPS to the maximum extent practicable or waiving the requirement that the procurement includes EPPS.

I am available if you have any questions.

ATTACHMENT

E

B24-18

Committee on Transportation and the Environment

Comparative Print

April 7, 2021

Section 2. Green Food Procurement (amending District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*)

New sections 109b and 109c are added

Sec. 109b. Greenhouse gas emissions in food and beverage procurement.

(a)(1) To track the greenhouse gas emissions associated with food and beverage purchases made by the District government, DOEE shall, on or before January 1, 2023, in consultation with the Office of Contracting and Procurement, adopt a methodology, taking into account the costs and feasibility of implementing the methodology, for the District to estimate, to the extent practicable, the greenhouse gas emissions that occur through the life cycle of food and beverages purchased by covered agencies, including by third-party vendors that provide food and beverages on behalf of the covered agencies.

(2) The methodology adopted pursuant to paragraph (1) of this subsection shall enable DOEE to reliably track changes in food and beverage-related greenhouse gas emissions over time and demonstrate reductions in greenhouse gas emissions associated with food and beverage purchases.

(b) On or before January 1, 2023, DOEE shall establish:

(1) A baseline assessment of the overall annual greenhouse gas associated with the food and beverages purchased by covered agencies; and

(2) Best practices for covered agencies to reduce the greenhouse gas emissions associated with food and beverages with the goal of reducing overall greenhouse gas emissions in accordance with the reduction schedule provided in subsection (d) of this section, without restricting growth in services or reducing the number of meals served.

(c)(1) Covered agencies shall incorporate the best practices established under subsection (b)(2) of this section into their food and beverage procurement to achieve the goal of reducing the greenhouse gas emissions associated with food and beverages purchased by the covered agency, while also ensuring that foods and beverages are culturally appropriate and have nutritional value that is comparable or superior to any foods and beverages that they replace.

(2) On or before February 1, 2025, and each February 1 thereafter, each covered contracting agency shall report to DOEE on the progress in reducing greenhouse gas emissions associated with food and beverages procured by covered agencies during the preceding fiscal year in a format to be determined by DOEE and consistent with the methodology adopted pursuant to subsection (a)(1) of this section.

(d) Without restricting growth in services or reducing the number of meals served, the District shall reduce its overall greenhouse gas emissions associated with food and beverages purchased by covered agencies according to the following reduction schedule as measured in relation to the baseline assessment established pursuant to subsection (b)(1) of this section:

(1) By Fiscal Year 2025, a 10% reduction;

- (2) By Fiscal Year 2027, an 18% reduction; and
(3) By Fiscal Year 2030, a 25% reduction.
(e) Beginning July 1, 2025, and each July 1 thereafter, DOEE shall publish an annual report on its website that includes:
(1) An update on the overall progress of the District in reducing greenhouse gas emissions associated with food and beverages procured by the District; and
(2) Policy recommendations to further reduce greenhouse gas emissions from food and beverages, to more quickly achieve the reduction goals established by this section, or to revise the reduction schedule provided in subsection (d) of this section.
(f) Subsections (a) through (e) of this section shall not apply to food and beverage procurements with a value of less than \$10,000.
(g)(1) In addition to the best practices established pursuant to subsection (b)(2) of this section, DOEE shall establish and promote recommendations for private entities on how to voluntarily reduce greenhouse gas emissions associated with their food and beverage procurement.
(2) DOEE may provide incentives to encourage private entities to pursue such reductions.
(h) DOEE may expand the requirements of this section to take into account air pollution emissions.
(i) For the purposes of this section, the term:
(1) "Covered agency" means a District agency that provides meals to residents, either directly or through a third-party vendor.
(2) "Covered contracting agency" means OCP or any covered agency exercising independent procurement authority for the purchase of food or beverages for meals.

Sec. 109c. Report on greenhouse gas emissions in District procurement.

- By January 1, 2023, the Department of Energy and Environment shall publish a report on its website with recommendations for how to reduce greenhouse gas emissions associated with goods and services procured by the District, including:
(1) A comprehensive list of what goods and services can be tracked and reduced using life cycle analysis data; and
(2) Best practices for reducing greenhouse gas emissions associated with procurement of such goods and services."

Sec. 110. Rulemaking

- (a) ~~Within 180 days of February 15, 2006~~ Except as provided in subsections (c) and (d) of this section, the Mayor shall promulgate rules and regulations to implement the provisions of this chapter, including the establishment of:
(1) Fines;
(2) Fees;
(3) Penalties;
(4) Environmental definitions, or adoption of federal definitions as set forth in the U.S. Environmental Protection Agency publication entitled "Terms of Environment."

(5) Requirements for the maintenance, retention, and submission of records relating to the environment to the DOEE; and

(6) Enforcement, inspections, and hearing procedures.

(b) Proposed rules and regulations promulgated [promulgated] pursuant to subsection (a) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed to be disapproved.

(c)(1) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement §§ 8-151.08a, 8-151.08b, 8-151.08c, 8-151.08d, 8-151.08e, 8-151.08f, and 8-151.08h, including, to the extent permissible under federal law, rules to establish fees to be paid by railroad carriers.

(2) If proposed rules are developed pursuant to paragraph (1) of this subsection, at the time the proposed rules are submitted to the District of Columbia Register for public notice and comment, the Mayor shall provide the proposed rules to the Rail Advisory Board for comment.

(3) If the Mayor, when issuing final rules, does not incorporate the Rail Advisory Board's suggested modifications provided pursuant to § 35-333(b)(4), the Mayor shall provide the Rail Advisory Board with a detailed written explanation as to why the proposed modifications were not incorporated.

(4) For the purposes of this subsection, the term "Railroad Advisory Board" means the Railroad Advisory Board established by § 35-332.

(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement sections 109b and 109c.

Section 3. Green Procurement Program (amending the Section 1101 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.01))

Sec. 1101. Green procurement.

(a) Except for emergency procurements, before entering into any contract in excess of \$ 100,000, the District shall perform an analysis to determine the availability and competitiveness of EPPS, and shall issue an environmental certification to demonstrate, to the maximum extent practicable, the purchase of an EPPS.

~~(b) An environmental certification shall not be required for procurements that conform to an applicable Default Environmental Preference Standard.~~ (1) An environmental certification shall be issued pursuant to subsection (a) of this section if:

(A) The statement of work includes a statement from DOEE confirming that the procurement includes EPPS to the maximum extent practicable; or

(B) The statement of work includes a statement from DOEE waiving the requirement that the procurement includes EPPS.

(2) DOEE may waive the requirement that the procurement includes EPPS if it is not practicable due to cost, availability, or other grounds.

“ (3) DOEE may exempt categories of procurements from the requirements of this section through publication on its website.

~~(c) The requirement shall be satisfied if a District solicitation included a requirement that a contractor provide an EPPS.~~ (1) District government procurement staff shall ensure that EPPS requirements, including the environmental certification required by subsection (a) of this section, are accounted for in the contract package.

(2) District government procurement staff and agency program staff shall ensure that the contractor is fulfilling the EPPS requirements of the contract.

(3) EPPS requirements and implementation guidelines shall be incorporated into OCP trainings and training materials for procurement personnel, including the procurement training institute established pursuant to section 206.

(d) Within one year after December 24, 2013, and annually thereafter, OCP shall prepare and submit to the Council a report detailing the progress of this policy, including the following elements:

- EPPS;
- (1) Total contracting amount, and percentage of contracting amount, spent on
 - (2) Successes and challenges to implementing the policy; and
 - (3) Changes to policies or standards.

ATTACHMENT

F

1 **B24-18**
2 **Committee on Transportation and the Environment**
3 **Committee Print**
4 **April 7, 2021**

5
6 A BILL
7

8
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10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12
13
14

15 To amend the District Department of the Environment Establishment Act of 2005 to
16 require the Department of Energy and Environment to adopt a methodology to
17 estimate greenhouse gas emissions that occur through the life cycle of certain
18 foods and beverages, establish a baseline assessment of greenhouse gas emissions
19 associated with the District’s food and beverage purchases, and establish best
20 practices for reducing greenhouse gas emissions related to such procurements, to
21 require the District to reduce overall greenhouse gas emissions associated with
22 food procurement according to a reduction schedule, and to require the
23 Department of Energy and Environment to prepare a report on how to reduce
24 greenhouse gas emissions associated with District procurement; and to amend the
25 Procurement Practices Reform Act of 2010 to require that certain District
26 procurements include a statement from the Department of Energy and
27 Environment indicating that they include Environmentally Preferable Products or
28 Services to the extent practicable.
29

30 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
31 That this act may be cited as the “Green Food Purchasing Amendment Act of 2021”.

32 Sec. 2. The District Department of the Environment Establishment Act of 2005,
33 effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is
34 amended as follows:

35 (a) New sections 109b and 109c are added to read as follows:
36 “Sec. 109b. Greenhouse gas emissions in food and beverage procurement.
37 “(a)(1) To track the greenhouse gas emissions associated with food and beverage
38 purchases made by the District government, DOEE shall, on or before January 1, 2023, in

consultation with the Office of Contracting and Procurement, adopt a methodology, taking into account the costs and feasibility of implementing the methodology, for the District to estimate, to the extent practicable, the greenhouse gas emissions that occur through the life cycle of food and beverages purchased by covered agencies, including by third-party vendors that provide food and beverages on behalf of the covered agencies.

“(2) The methodology adopted pursuant to paragraph (1) of this subsection shall enable DOEE to reliably track changes in food and beverage-related greenhouse gas emissions over time and demonstrate reductions in greenhouse gas emissions associated with food and beverage purchases.

“(b) On or before January 1, 2023, DOEE shall establish:

“(1) A baseline assessment of the overall annual greenhouse gas associated with the food and beverages purchased by covered agencies; and

“(2) Best practices for covered agencies to reduce the greenhouse gas emissions associated with food and beverages with the goal of reducing overall greenhouse gas emissions in accordance with the reduction schedule provided in subsection (d) of this section, without restricting growth in services or reducing the number of meals served.

“(c)(1) Covered agencies shall incorporate the best practices established under subsection (b)(2) of this section into their food and beverage procurement to achieve the goal of reducing the greenhouse gas emissions associated with food and beverages purchased by the covered agency, while also ensuring that foods and beverages are culturally appropriate and have nutritional value that is comparable or superior to any foods and beverages that they replace.

62 “(2) On or before February 1, 2025, and each February 1 thereafter, each
63 covered contracting agency shall report to DOEE on the progress in reducing greenhouse
64 gas emissions associated with food and beverages procured by covered agencies during
65 the preceding fiscal year in a format to be determined by DOEE and consistent with the
66 methodology adopted pursuant to subsection (a)(1) of this section.

67 “(d) Without restricting growth in services or reducing the number of meals
68 served, the District shall reduce its overall greenhouse gas emissions associated with food
69 and beverages purchased by covered agencies according to the following reduction
70 schedule as measured in relation to the baseline assessment established pursuant to
71 subsection (b)(1) of this section:

72 “(1) By Fiscal Year 2025, a 10% reduction;

73 “(2) By Fiscal Year 2027, an 18% reduction; and

74 “(3) By Fiscal Year 2030, a 25% reduction.

75 “(e) Beginning July 1, 2025, and each July 1 thereafter, DOEE shall publish an
76 annual report on its website that includes:

77 “(1) An update on the overall progress of the District in reducing
78 greenhouse gas emissions associated with food and beverages procured by the District;
79 and

80 “(2) Policy recommendations to further reduce greenhouse gas emissions
81 from food and beverages, to more quickly achieve the reduction goals established by this
82 section, or to revise the reduction schedule provided in subsection (d) of this section.

83 “(f) Subsections (a) through (e) of this section shall not apply to food and
84 beverage procurements with a value of less than \$10,000.

85 “(g)(1) In addition to the best practices established pursuant to subsection (b)(2)
86 of this section, DOEE shall establish and promote recommendations for private entities
87 on how to voluntarily reduce greenhouse gas emissions associated with their food and
88 beverage procurement.

89 “(2) DOEE may provide incentives to encourage private entities to pursue
90 such reductions.

91 “(h) DOEE may expand the requirements of this section to take into account air
92 pollution emissions.

93 “(i) For the purposes of this section, the term:

94 “(1) “Covered agency” means a District agency that provides meals to
95 residents, either directly or through a third-party vendor.

96 “(2) “Covered contracting agency” means OCP or any covered agency
97 exercising independent procurement authority for the purchase of food or beverages for
98 meals.

99 “Sec. 109c. Report on greenhouse gas emissions in District procurement.

100 “By January 1, 2023, the Department of Energy and Environment shall publish a
101 report on its website with recommendations for how to reduce greenhouse gas emissions
102 associated with goods and services procured by the District, including:

103 “(1) A comprehensive list of what goods and services can be tracked and
104 reduced using life cycle analysis data; and

105 “(2) Best practices for reducing greenhouse gas emissions associated with
106 procurement of such goods and services.”.

107 (b) Section 110 (D.C. Official Code § 8-151.10) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Within 180 days of February 15, 2006” and inserting the phrase “Except as provided in subsections (c) and (d) of this section” in its place.

(2) A new subsection (d) is added to read as follows:

“(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement sections 109b and 109c.”.

Sec. 3. Section 1101 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2–361.01), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “the District” and inserting the phrase “the District shall perform an analysis to determine the availability and competitiveness of EPPS, and” in its place.

(b) Subsections (b) and (c) are amended to read as follows:

“(b)(1) An environmental certification shall be issued pursuant to subsection (a) of this section if:

“(A) The statement of work includes a statement from DOEE confirming that the procurement includes EPPS to the maximum extent practicable; or

“(B) The statement of work includes a statement from DOEE waiving the requirement that the procurement includes EPPS.

“(2) DOEE may waive the requirement that the procurement includes EPPS if it is not practicable due to cost, availability, or other grounds.

“(3) DOEE may exempt categories of procurements from the requirements of this section through publication on its website.

131 “(c)(1) District government procurement staff shall ensure that EPPS
132 requirements, including the environmental certification required by subsection (a) of this
133 section, are accounted for in the contract package.

134 “(2) District government procurement staff and agency program staff shall
135 ensure that the contractor is fulfilling the EPPS requirements of the contract.

136 “(3) EPPS requirements and implementation guidelines shall be
137 incorporated into OCP trainings and training materials for procurement personnel,
138 including the procurement training institute established pursuant to section 206.”.

139 Sec. 4. Applicability.

140 (a) This act shall apply upon the date of inclusion of its fiscal effect in an
141 approved budget and financial plan.

142 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal
143 effect in an approved budget and financial plan, and provide notice to the Budget
144 Director of the Council of the certification.

145 (c)(1) The Budget Director shall cause the notice of the certification to be
146 published in the District of Columbia Register.

147 (2) The date of publication of the notice of the certification shall not affect
148 the applicability of this act.

149 Sec. 5. Fiscal impact statement.

150 The Council adopts the fiscal impact statement in the committee report as the
151 fiscal impact statement required by section 4a of the General Legislative Procedures Act
152 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

153 Sec. 6. Effective date.

154 This act shall take effect following approval by the Mayor (or in the event of veto
155 by the Mayor, action by the Council to override the veto), a 30-day period of
156 congressional review as provided in section 602(c)(1) of the District of Columbia Home
157 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
158 206.02(c)(1)), and publication in the District of Columbia Register.