State of New York

Executive Chamber

No. 111

E X E C U T I V E O R D E R

DIRECTING STATE AGENCIES TO BE MORE ENERGY EFFICIENT AND ENVIRONMENTALLY AWARE "GREEN AND CLEAN STATE BUILDINGS AND VEHICLES"

WHEREAS, New York is dedicated to the mutually compatible goals of environmental protection and economic growth;

WHEREAS, New York has adopted measures designed to allow energy markets to operate more competitively and has significantly reduced taxes in order to reduce energy costs and encourage continued economic growth;

WHEREAS, the generation and use of energy has a significant impact on the environment, contributing to emissions of sulfur dioxide, nitrogen oxides, greenhouse gases, and other pollutants;

WHEREAS, State government is a major consumer of energy, spending approximately $300 million per year and purchasing approximately 1500 new vehicles annually with a concomitant impact on the environment; and

WHEREAS, it is appropriate that State government assume a leadership role in promoting the efficient use of energy and natural resources in the interest of the long-term protection and enhancement of our environment, our economy, and the health of our children and future generations of New Yorkers.

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

I New Energy Efficiency Goals.

All agencies and departments over which the Governor has Executive authority, and all public benefit corporations and public authorities the heads of which are appointed by the Governor (hereinafter referred to as "State agencies and other affected entities"), shall seek to achieve a reduction in energy consumption by all buildings they own, lease or operate of 35 percent

by 2010 relative to 1990 levels. All State agencies and other affected entities shall establish agency-wide reduction targets and associated schedules to reach this goal and shall also be responsible for establishing peak electric demand reduction targets for each state facility by 2005 and 2010. No buildings will be exempt from these goals except pursuant to criteria to be developed by the New York State Energy Research and Development Authority ("NYSERDA"), in consultation with the Division of the Budget ("DOB"), the Office of General Services ("OGS") and the Advisory Council on State Energy Efficiency ("Advisory Council") as established herein.

II State Buildings Energy Efficiency Practices.

A. Existing Buildings.

Effective immediately, State agencies and other affected entities shall implement energy efficiency practices with respect to the operation and maintenance of all buildings that they own, lease or operate. Such practices may include, but shall not be limited to: (1) shutting off office equipment when it is not being used; (2) adjusting the setting of space temperatures; (3) turning off lighting in unoccupied areas; (4) inspecting and re-commissioning or re-tuning heating, air conditioning and ventilation equipment to ensure optimal performance; and (5) cycling and restarting equipment on a staggered basis to shed electricity loads and minimize peak electricity demand usage. State agencies and other affected entities shall strive to meet the ENERGY STAR® building criteria for energy performance and indoor environmental quality in their existing buildings to the maximum extent practicable. Within 180 days of the date of this Executive Order, NYSERDA shall develop guidelines to help agencies and other affected entities implement energy efficiency practices in their buildings.

B. New Buildings and Substantial Renovation of Existing Buildings.

In the design, construction, operation and maintenance of new buildings, State agencies and other affected entities shall, to the maximum extent practicable, follow guidelines for the construction of "Green Buildings," including guidelines set forth in Tax Law § 19, which created the Green Buildings Tax Credit, and the U.S. Green Buildings Council's LEED™ rating system. Effective immediately, State agencies and other affected entities engaged in the construction of new buildings shall achieve at least a 20 percent improvement in energy efficiency performance relative to levels required by the State's Energy Conservation Construction Code, as amended. For substantial renovation of existing buildings, State agencies and other affected entities shall achieve at least a ten percent improvement. State agencies and other affected entities shall incorporate energy-efficient criteria consistent with ENERGY STAR® and any other energy efficiency levels as may be designated by NYSERDA into all specifications developed for new construction and renovation.

III Procurement of Energy-Efficient Products.

Effective immediately, State agencies and other affected entities shall select ENERGY STAR® energy-efficient products when acquiring new energy-using products or replacing existing equipment. NYSERDA shall adopt guidelines designating target energy efficiency levels for those products for which ENERGY STAR® labels are not yet available.

IV Purchase of Power from Renewable Sources.

State agencies and other affected entities with responsibility for purchasing energy shall increase their purchase of energy generated from the following technologies: wind, solar thermal, photovoltaics, sustainably managed biomass, tidal, geothermal, methane waste and fuel cells. State agencies and other affected entities shall seek to purchase sufficient quantities of energy from these technologies so that 10 percent of the overall annual electric energy requirements of buildings owned, leased or operated by State agencies and other affected entities will be met through these technologies by 2005, increasing to 20 percent by 2010. No agency or affected entity will be exempt from these goals except pursuant to criteria to be developed by NYSERDA, in consultation with DOB, OGS and the Advisory Council.

V Procurement of Clean Fuel Vehicles.

State agencies and other affected entities shall procure increasing percentages of alternative-fuel vehicles, including hybrid-electric vehicles, as part of their annual vehicle acquisition plans. By 2005, at least 50 percent of new light-duty vehicles acquired by each agency and affected entity shall be alternative-fueled vehicles, and by 2010, 100 percent of all new light-duty vehicles shall be alternative-fueled vehicles, with the exception of specialty, police or emergency vehicles as designated by DOB. State agencies and other affected entities that operate medium- and heavy-duty vehicles shall implement strategies to reduce petroleum consumption and emissions by using alternative fuels and improving vehicle fleet fuel efficiency.

VI Role of NYSERDA and Creation of the Advisory Council on State Energy Efficiency.

NYSERDA shall coordinate implementation of this Executive Order and shall assist each agency and affected entity in the fulfillment of the responsibilities imposed herein in a cost-effective manner. To assist NYSERDA in fulfilling the requirements imposed by this Executive Order, there is hereby established an Advisory Council on State Energy Efficiency consisting of the following members, who shall serve *ex officio*: the President of NYSERDA; the Director of the Division of the Budget; the Commissioners of OGS, the Department of Environmental Conservation, the Department of Correctional Services, the Office of Mental Health and the Department of Transportation; the Chairman of the Public Service Commission; the Chancellor of the State University of New York; the Secretary of State; the Chairman of the New York Power Authority; the Chairman of the Metropolitan Transportation Authority; the Executive Director of the Dormitory Authority; and the President of the Long Island Power Authority. The President of NYSERDA shall serve as the chair of the Advisory Council. The members of the Advisory Council may designate one or more persons to act as their designee(s). The Advisory Council shall meet regularly, but no less than twice a year, for the purpose of advising NYSERDA as to how it can best assist State agencies and other affected entities in achieving the goals of this Executive Order with the greatest degree of cooperative effort and effectiveness. Members of the Advisory Council shall receive no compensation but shall be entitled to reimbursement for any necessary expenses incurred in connection with the performance of their responsibilities.

VII Assistance and Cooperation.

Every agency and department over which the Governor has executive authority, and all public benefit corporations and public authorities the heads of which are appointed by the Governor, shall provide all reasonable assistance and cooperation requested by NYSERDA and the Advisory Council for the purpose of carrying out this order. Such assistance may include the assignment of staff and the provision of support services.

VIII Participation of other governmental entities.

Local governments and school districts that are not subject to the requirements of this Executive Order are encouraged to review their energy efficiency practices and procedures, to institute appropriate operational and maintenance modifications, and to accelerate the implementation of energy efficiency projects. NYSERDA, OGS, the New York Power Authority and the Long Island Power Authority are hereby directed to offer any assistance as may be appropriate to assist local governments and school districts to achieve the goals of this Executive Order, including, but not limited to, assistance with procurement.

IX Repeal of Prior Executive Order.

Executive Order No. 132, promulgated on January 2, 1990, and continued unamended and unmodified, is hereby revoked and superseded by this Executive Order as of the date hereof.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this tenth day of June in the year two thousand one.

George E. Pataki

BY THE GOVERNOR

Secretary to the Governor