

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 11-13

Strengthening State Agency Environmental, Energy and Transportation Sustainability

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, operation of Minnesota state government impacts pollution, energy and climate issues, and

Whereas, pollution prevention reduces pollution at its source rather than treating or controlling pollution after it has been created; and

Whereas, conservation of energy resources is an effective means of mitigating the demand pressures for energy consumption and reducing the climate impacts from greenhouse gas emissions; and

Whereas, the State of Minnesota B3 Energy Benchmarking program is an energy management tool available to state agencies and local governments to improve the energy performance of their buildings; and

Whereas, the Sustainable 2030 program will provide opportunities for continued education and training for Minnesota designers, engineers and building operators to achieve building performance standards; and

Whereas, information and education on ways to reduce individual and work-related air pollution is an effective means of reducing overall air pollution, especially during air pollution alert days when weather and other factors result in elevated levels of air pollution; and

Whereas, Minnesota has set aggressive goals for securing a future that incorporates great use of clean energy and reduces the state's greenhouse gas emissions, including the goals of reducing greenhouse gas emissions by 80 percent by 2050 and the goal of having 25 percent of our energy come from renewable energy resources by the year 2025; and

Whereas, state government is a large purchaser of goods and services, and has the potential to significantly impact the market for environmentally preferable goods and services; and

Whereas, Minnesota Statutes § 115A.48, subdivision 3, directs public agencies to implement purchasing practices that can be used to positively impact the environment; and

Whereas, the State of Minnesota is committed to supporting sustainable forestry practices; and

Whereas, state government should be a leader in adopting renewable fuel practices that further national fuel diversity and long-term energy, security, environmental, and economic goals; and

Whereas, compared to other states, Minnesota has a unique economic advantage in the ability to produce clean, renewable, domestic fuels; and

Whereas, state government should lead by example and provide a model for business and private citizens in promoting practices and policies that often result in cost savings and increased efficiencies as well as enhanced environmental and health protection and job creation; and

Whereas, state government is in a unique position to demonstrate the environmental benefits of energy conservation; and

Whereas, state government, through changes in daily operations, ongoing programs, and long-range plans is able to have a significant positive impact on the environment, economic efficiency and character of communities, and

Whereas, the Minnesota Environmental Policy Act, Minnesota Statutes, chapter 116D, directs all departments of the state to promote efforts that will prevent or eliminate damage to the environment, and to improve and coordinate state plans, functions, programs and resources to carry out this policy;

Now, Therefore, I hereby order state departments and agencies to take the following additional steps to contribute to the long-term protection and enhancement of our environment, our economy and the health of current and future generations:

1. **Sustainability Goals.** State agencies shall establish interagency teams to develop state department and agency sustainability goals and implement sustainability programs and policies, as well as augment existing programs, that:
 - a. reduce greenhouse gas emissions;
 - b. minimize solid waste and prevent pollution;
 - c. promote the siting, design, construction, and management of state facilities and leased space in an environmentally sound and resource efficient manner, including purchase of renewable energy sources for facilities owned or leased by the State;
 - d. reduce energy and water consumption through efficiency and conservation, and promote changes in employee practices;
 - e. increase the purchase and use of environmentally preferable products and services; and
 - f. reduce petroleum consumption by state vehicles.

2. **Sustainability Plan.** Each state department and agency shall prepare an annual sustainability plan to modify its practices regarding resource consumption, vehicle use, purchase of goods and services, and facility construction, operation and maintenance. Initial plans must be based on the elements, targets, and timelines in the Model Sustainability Plan set forth in paragraph 4. Each agency shall complete its initial plan by June 30, 2011. Subsequent plans shall be completed annually thereafter. The Interagency Pollution Prevention Advisory Team created under paragraph 5 may change the Model Plan. The Commissioner of the Pollution Control Agency may waive or modify one or more targets or timelines for an agency for good cause shown.

3. **Progress Reports.** Each state department and agency shall report annually on its progress in implementing its sustainability plan. Progress reports must be submitted each September 15, beginning in 2011, to the teams created below, as instructed.

4. **Model Sustainability Plan.**
 - a. **Minimize solid waste and prevent pollution**
 - i. *Waste Reduction, Recycling, and Diversion.* By June 30, 2014, each state agency must achieve 60 percent reduction in the amount of waste disposed of each fiscal year, compared to fiscal year 2005, through reducing waste, recycling, and diverting organics.
 - ii. *Prevent Toxic Pollution.* Each state agency must reduce the type and amount of toxic products used in fleet maintenance, laboratories, and building and grounds maintenance and operations by 10 percent over the next five years, based on the average of the preceding five years.

- iii. *Reduce Air Pollution*
 - (1) On days with high-risk air pollution, the Minnesota Pollution Control Agency must notify all state agencies and advise them of actions they can take to reduce their impact on air pollution. State agencies must notify their staff about the alert 95 percent of the time.
 - (2) State agencies shall encourage employees to consider alternatives to single-occupancy vehicle commuting on or about May 1 and October 1 of each year.
 - iv. *Solid Waste Management Compliance by State Agencies.* Each state agency must comply with Minnesota Statutes § 115A.471, by properly managing solid waste according to the solid waste management plan of each county in which it operates.
- b. **Reduce energy consumption and greenhouse gas emissions, and demonstrate leadership by modeling and implementing energy efficiency and renewable energy measures in state owned or leased buildings**
- i. *Reduce Energy Consumption and Greenhouse Gas Emissions*
 - (1) Achieve building energy performance standards as provided in Minnesota Statutes, § 216B.241, subdivision 9, (Sustainable Building 2030) in all designs for new or substantially renovated state buildings by reducing energy use from an average 2003 building by 70 percent by 2015.
 - (2) Each state department in a leased facility must implement at least two initiatives to reduce energy and water consumption through efficiency and conservation and the promotion of changes in employee practices.
 - ii. *Demonstrate Leadership in Energy Efficiency and Renewable Energy.* By December 31, 2012, at least 50 percent of state building operators and managers will have attended Building Operator Certification (BOC) training offered through Midwest Energy Efficiency Alliance, or other appropriate training approved by the Real Property Executive Committee, to operate existing energy-consuming equipment in state-owned buildings in the most efficient manner possible.
- c. **Increase the purchase and use of environmentally preferable products and services**
- i. *Energy Efficient Office Machines.* By June 30, 2013, all multifunctional devices (MFDs) on the state standards program must be **Energy Star** labeled
 - ii. *Preferred Waste Stream Products.* By June 30, 2013, purchases of remanufactured printer toner cartridges, from the state office supply vendor, must increase at least five percent per year from the base of fiscal year 2009 usage.
 - iii. *Copier Paper.* By June 30, 2013, at least 93 percent of all copier paper purchased from the copier paper contract vendor must be a minimum of 30 percent post-consumer recycled content paper and third party certified under one of two internationally recognized forest

management certification systems: the Forest Stewardship Council (FSC) or the Sustainable Forestry Initiative (SFI).

- d. **Reduce dependence on petroleum based fuels used in transportation**
 - i. *Reduce Use of Gasoline.* By 2015, using 2005 as a baseline, the State of Minnesota must reduce the use of gasoline in on-road vehicles owned by state departments by 50 percent.
 - ii. *Reduce Petroleum-Based Diesel Fuel.* By 2015, using 2005 as a baseline, the State of Minnesota must reduce the use of petroleum based diesel fuel in on-road vehicles owned by state departments by 25 percent.
 - iii. *Fleet Composition.* Ensure that when reasonably possible all on-road vehicles purchased by a state agency:
 - (1) use cleaner fuels as that term is defined in Minnesota Statutes § 16C.135, subdivision 1, or
 - (2) with the exception of buses, snowplows, and construction vehicles, have fuel efficiency ratings that exceed 30 miles per gallon for city usage or 35 miles per gallon for highway usage.
 - iv. *Fueling Practice.* All state employees utilizing vehicles capable of operating on cleaner fuels must, whenever practical, use cleaner fuels when operating those vehicles. For the purposes of this executive order, the term “whenever practical” refers to the availability of the cleaner fuel.
 - v. *Renewable/Next Gen Fuel Products.* Increase the use of renewable transportation fuels derived from agricultural products, including ethanol, biodiesel fuel, and hydrogen fuels, and fuels derived from waste products.
 - vi. *Technology to Reduce Reliance on State Fleet.* Increase the use of technology to enhance access to and delivery of government information and services to the public, and reduce reliance on the state’s fleet for the delivery of the information and services.

5. **Plan Implementation.**

- a. **Interagency Pollution Prevention Advisory Team.** The Commissioner of the Minnesota Pollution Control Agency, or designee, shall chair an Interagency Pollution Prevention Advisory Team. The team shall include, but not be limited to representatives of the departments of Administration, Agriculture, Commerce, Education, Health, Human Services, Military Affairs, Natural Resources, Public Safety, Public Service, and Transportation. The team shall also include representatives from the Office of Enterprise Technology, Minnesota State Colleges and Universities, University of Minnesota, Minnesota Lottery, Board of Water and Soil Resources, Metropolitan Airports Commission, Metropolitan Council, Metropolitan Sports Facilities Commission and Metropolitan Mosquito Control Commission. The MPCA shall assist state departments in implementing the requirements of this order, including providing information, guidance, sample

policies and procedures, technical and planning assistance, and the reporting system.

- b. **Smart Fleet Team.** The Smart Fleet Team, as created in Minnesota Statutes § 16C.137, shall assist state departments and other public entities in implementing the requirements of this order, including providing information, guidance, sample policies and procedures, technical and planning assistance and the reporting system.
- c. **Enterprise Real Property Governance Team.** The Enterprise Real Property Governance Team, which consists of state agencies and other public entities administering property owned by the State and is supported by the Department of Administration, shall assist state departments in implementing the requirements of this order, including providing information, guidance, sample policies and procedures, technical and planning assistance, and the reporting system.
- d. **Procurement Coordinators Team.** The Commissioner of Administration, or a designee, shall chair a Procurement Coordinators Team consisting of representatives designated by the Commissioner of Administration and other state departments and public entities that wish to participate. To ensure effective and efficient state participation under this order, the Procurement Coordinators meeting will be used to help educate state departments in implementing the requirements of this order.
- e. **Participation in Teams.** The University of Minnesota, the Minnesota State Colleges and Universities and Metropolitan Council are strongly urged to participate in inter-agency teams, to share and implement effective strategies to reduce pollution and energy consumption and to accomplish cost savings from those efforts at their facilities.
- f. **Team Duties.** These interagency teams shall:
 - i. promote regular communication and cooperation between all state departments in accomplishing the state sustainability goals;
 - ii. provide guidance for state departments in meeting the sustainability goals set in the outline accompanying this executive order;
 - iii. establish appropriate reporting systems for state agency progress;
 - iv. encourage the implementation of pilot projects in which state government can serve as a model;
 - v. collaborate with similar efforts underway in local units of government and the private sector;
 - vi. promote efficiency in governmental efforts by reducing overlap of activities and by encouraging the sharing of innovative ideas; and
 - vii. make recommendations for enhancing progress to reduce the environmental impact of state government.
- g. **Cooperation with Teams.** All state departments and agencies shall cooperate with the teams created in the execution of this order.

6. State departments and agencies are encouraged to apply for the Governor's Award for Excellence in Pollution Prevention, as authorized by Minnesota Statutes, section 115D.06, of the Minnesota Toxic Pollution Prevention Act. The Commissioner of the Pollution Control Agency shall establish a special award category for state agencies for excellence in pollution prevention.

Under Minnesota Statutes, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the State Register and filing with the Secretary of State.

In Testimony Whereof, I have set my hand on April 8, 2011.



Mark Dayton
Governor

Filed According to Law:



Mark Ritchie
Secretary of State

