

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

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**By His Excellency**

**DEVAL L. PATRICK  
GOVERNOR**

**EXECUTIVE ORDER NO. 484**

**LEADING BY EXAMPLE—CLEAN ENERGY  
AND EFFICIENT BUILDINGS**

WHEREAS, buildings are significant users of energy, water and natural resources, consuming 39% of U.S. energy, 70% of U.S. electricity, 12% of U.S. potable water, and 40% of raw materials globally;

WHEREAS, the Commonwealth of Massachusetts manages over 64 million square feet of buildings at hundreds of facilities, which annually consume over 1 billion kilowatt hours of electricity, 22 million gallons of heating oil, and 46 million therms of natural gas;

WHEREAS, such energy consumption results in greenhouse gas emissions totaling more than 1.1 million tons per year, equivalent to the emissions generated by more than 200,000 cars driven for one year;

WHEREAS, environmental and health issues related to energy consumption, such as global climate change, regional mercury contamination, and urban asthma rates are critical issues that need to be addressed immediately and comprehensively;

WHEREAS, state government has an obligation to lead by example and demonstrate that large entities such as state colleges and universities, prisons, hospitals and others can make significant progress in reducing their environmental impacts, thereby providing a model for businesses and private citizens;



WHEREAS, by setting clean energy targets and developing clean energy practices, state agencies can play an important role in the development and support of new and local technologies, fostering innovation and benefiting the Massachusetts economy;

WHEREAS, leading-by-example programs can not only reduce environmental and health impacts but can also lead to significant cost savings;

WHEREAS, the Commonwealth is already committed to environmental protection and resource conservation through a variety of regional and state commitments, including, but not limited to, the Clean State Initiative, the Massachusetts Beyond 2000 Solid Waste Master Plan, the New England Governors/Eastern Canadian Premiers 2001 Climate Change Action Plan, the Commonwealth's Climate Protection Plan, the Toxics Use Reduction Reform Act of 2006, the Massachusetts Zero Mercury Strategy, and the Mass. LEED Plus green building standards for state construction;

WHEREAS, all the clean energy and environmental efforts under way within state government operations should be coordinated to ensure that programs are developed and implemented as effectively and efficiently as possible;

WHEREAS, this Administration intends to send a clear message to all state agencies that practicing what we preach is a priority and that agencies should integrate clean energy, environmental protection, and resource conservation programs, policies and procedures into all appropriate aspects of governing;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. I, order as follows:

I affirm that state agencies shall prioritize practices and programs that address resource use at state facilities, including a reduction in energy

consumption derived from fossil fuels and emissions associated with such consumption.

Furthermore, I direct the Executive Offices of Energy and Environmental Affairs (EOEEA) and Administration and Finance (A&F) to establish and direct a **Leading by Example Program** (the Program), the purpose of which shall be to oversee and coordinate efforts at state agencies, including all UMass campuses and all state and community colleges, to reduce their environmental impact. Such efforts shall include, but not be limited to, the provisions of this Order to promote energy conservation and clean energy practices, as well as waste reduction and recycling, environmentally preferable procurement, toxics use reduction, water conservation, sustainable transportation, open space and natural resource protection, and improved compliance practices.

The Secretaries of EOEEA and A&F or their designees shall co-chair the **Leading by Example Council** (Council), which shall consist of members from each of the Commonwealth Executive Offices, with specific additional membership to be determined by the co-chairs. The purposes of the Council shall be to provide advice and feedback to the Program to facilitate the implementation of key initiatives that will result in reduced environmental impacts at state agencies. The Council shall coordinate efforts with all agencies, who shall appoint program coordinators to act as liaisons between the Council and agency staff and support Program efforts.

Furthermore, the Program shall direct all efforts across state government to track and measure progress toward clean energy and environmental goals, develop long-term programs at state facilities to identify and implement cost-effective initiatives that will result in environmental improvement, and offer educational and training efforts necessary to carry out the provisions of this Order and other related directives. Agencies shall provide all necessary support to the Council and Program and agency staff shall serve, as appropriate, on the Council or other internal committees as requested by the Secretaries of EOEEA and A&F. Agencies shall also provide all requested data related to facility operations and energy use at least annually or on an alternative schedule determined by the Council.

## I. Energy Targets for Agency Buildings

All Commonwealth agencies as a whole and, to the greatest extent feasible individually, shall meet the following targets:

1. Reduce greenhouse gas emissions that result from state government operations by 25% by Fiscal Year 2012, 40% by 2020 and 80% by 2050. In calculating emissions, agencies shall use Fiscal Year 2002 as the baseline, and emissions reductions shall be measured on an absolute basis and not adjusted for facility expansion, load growth, or weather.
2. Reduce overall energy consumption at state owned and leased (at which the state pays directly for energy) buildings by 20% by Fiscal Year 2012 and 35% by 2020. Such reductions shall be based on a Fiscal Year 2004 baseline and measured on a BTU per square foot basis.
3. Procure 15% of agency annual electricity consumption from renewable sources by 2012 and 30% by 2020. This mandate may be achieved through procurement of renewable energy supply, purchase of renewable energy certificates (RECs) in accordance with EOEEA guidance and/or through the production of on-site renewable power. Only renewable sources that qualify for the Massachusetts Renewable Portfolio Standard (RPS) shall be eligible. **Alternative** compliance payments under 225 CMR 14.08 shall not be required under this Order.
4. Utilize bio heat products with a minimum blend of 3% bio based materials for all heating applications that use #2 fuel starting with the winter of 2007-2008, and 10% bio heat blend by 2012.
5. All new construction and major renovations, effective immediately, must meet the Mass. LEED Plus green building standard established by the Commonwealth of Massachusetts Sustainable Design Roundtable.
6. Reduce potable water use, as compared to 2006, by 10% by 2012 and 15% by 2020.

Where appropriate, EOEEA, A&F and the Council shall establish alternative baselines and guidelines for meeting the above targets.

## **II. Clean Energy Committee**

A Clean Energy Committee, to be chaired by Secretary of the Executive Office of Energy and Environmental Affairs and the Commissioner of the Division of Capital Asset Management (DCAM), or their designees, shall be established to facilitate implementation of this Order and to assist agencies in their efforts to meet the targets and requirements herein. The Committee shall consist of representatives of the Division of Energy Resources (DOER), the Operational Services Division (OSD), and other agencies as determined by the chairs. The Committee shall meet regularly and shall communicate with agencies through designated Program Coordinators, who shall be responsible for disseminating all applicable information from the Committee to agency staff, coordinating agency energy activities, and tracking and reporting all requested energy consumption data to the Committee and Council.

The Committee shall, by February 1st of each year, submit to the Governor an annual report on the results of energy conservation actions taken by agencies during the prior fiscal year, the environmental and economic impacts of such actions, and recommendations for future energy reductions. The Committee shall also solicit advice on energy reduction goals from experts outside of state government, including, but not limited to, federal agencies, other states, and not-for-profit organizations. The Committee shall also consider and propose longer-term energy conservation strategies for state government and submit such proposals to the Governor.

## **III. Energy Measures and Strategies**

To meet the above targets, agencies may utilize a variety of energy conservation, energy efficiency and renewable energy strategies, including but not limited to:

- Comprehensive on-site energy efficiency programs
- Installation of energy efficient HVAC equipment
- Fuel switching
- Purchase of energy efficient products



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- Increased energy conservation by employees
- Installation of on-site renewable energy and combined heat and power systems
- Procurement of renewable energy
- Use of bio-based and other alternative fuels
- Purchase of Renewable Energy Certificates

To meet the goals of this Order, all agencies shall adopt, where applicable, specific measures including but not limited to:

### **Energy Conservation**

- Develop and disseminate an agency-wide policy that encourages employees to reduce energy use by turning off lights in rooms when not in use, shutting down computers when leaving work, minimizing use of personal appliances, and other actions that will lead to a reduction in energy consumption and costs.
- Run dishwashers and laundry equipment only when fully loaded.
- Set thermostats 2 degrees lower than usual during the winter and 2 degrees higher than usual during the summer.
- Reduce lighting in common areas without compromising safety.
- Minimize energy use at facilities during non-work hours.

### **Energy Efficient Products**

I direct the Environmentally Preferable Products (EPP) Program of OSD to continue to make energy efficient products available on statewide contracts that meet the needs of state agencies and the requirements of this Order. Agencies shall also adopt, where applicable, specific energy efficiency measures including but not limited to the following:

- Use only efficient lights such as compact fluorescent lamps, LED lighting, or other similar products. Until further notice, agencies shall be prohibited from purchasing incandescent lights unless absolutely necessary to meet a specific and unique **agency need**.
- Install LED and/or photoluminescent exit signs to replace those with incandescent or fluorescent lighting wherever cost effective.
- Install programmable thermostats.

- Install motion sensors or timing devices in rooms that are used only intermittently, such as conference rooms, bathrooms, etc.
- Procure only computers, monitors, copiers, printers, and other office equipment that are EnergyStar qualified, enable all EnergyStar features upon installation, and establish policies and procedures to ensure that such equipment continues to operate efficiently during its life.

## Energy Efficiency Programs

I direct the Division of Capital Asset Management, in collaboration with EOEEA, to maximize the number and scope of energy efficiency efforts at state facilities. DCAM and EOEEA shall, in consultation with A&F, identify and recommend appropriate changes to construction laws and financing mechanisms necessary to ensure that the following goals are achieved by the end of Fiscal Year 2012:

- Comprehensive, large-scale energy efficiency projects at **all** appropriate facilities over 100,000 square feet.
- Implementation of energy efficiency programs such as **installation** of new equipment, agency coordinated performance contracts, and lighting retrofits at all facilities where the cost of such programs is less than \$1 million.
- Completion of smaller energy efficiency projects at all appropriate smaller state facilities where the cost of such projects is less than \$100,000, and electric and gas utility incentive programs cover a significant portion of the project cost.

Furthermore, DCAM and EOEEA shall coordinate efforts to ensure that:

- All renovation and new construction projects identify and utilize all available utility rebates.
- All applicable buildings over 50,000 square feet undergo a "retro-commissioning" process to identify and implement low-cost and no-cost energy and water conservation measures with short payback periods.
- Changes to building processes, funding mechanisms and regulations that are necessary to meet the goals of this Order are developed and implemented.



In addition, DCAM is directed to ensure that site selection for leased space considers energy performance.

### **Energy Training and Maintenance**

DCAM's Office of Facilities Maintenance shall, in coordination with agencies:

- Develop and implement a facility maintenance program and schedule for lighting and HVAC systems, including but not limited to, lubricating, balancing, aligning, vacuuming, cleaning, and checking seals, to ensure optimum efficiency.
- Ensure that all appropriate staff receive regular training on proper facility management and maintenance practices.

### **IV. Renewable Energy**

To achieve the renewable energy goals of this Order and obtain 15% of agency electricity from renewable resources by 2012 and 30% by 2020, agencies shall make every effort to power their facilities **with clean**, renewable energy resources (e.g. wind, solar PV, solar thermal, biomass, landfill gas, anaerobic digestion) that are RPS eligible. Such efforts may include the installation of on-site distributed generation, the purchase of renewable power from energy suppliers, and/or the use of Renewable Energy Certificates (RECs) in compliance with the REC guidance established by EOEEA.

EOEEA, DCAM, OSD and DOER shall continue to assist agencies in meeting these goals through bundled clean electricity contracts, technical and financial assistance, project management and policy initiatives. **These** entities shall continue to monitor and evaluate options for increasing the renewable energy portfolio of state government's electricity use.

### **V. Biofuels**

To achieve the 3% bioheat goal of this Order, agencies shall commence the purchase of this fuel as of October 1, 2007 for all facilities that use #2 heating oil, or as soon as available through **statewide** contracts. To facilitate agency use of this fuel, EOEEA and OSD shall conduct informational and training sessions prior to October 1, 2007 to address any

questions and report on the result of the bioheat pilot conducted during the winter of 2006-2007. Additionally, OSD is hereby directed to establish a heating fuel contract that specifies biofuel for oil heating products specified by this Order.

Furthermore, I direct EOEEA and OSD to work with cities and towns to inform them of this new policy and encourage them to utilize bioheat. Pending availability, performance and cost, EOEEA and OSD shall review annually the use of bioheat and develop recommendations for increasing the bioheat goals in this Order to a minimum of 10% by 2012.

## **VI. Building Design and Construction**

DCAM and all agencies involved in the construction and renovation of state facilities shall ensure that all new construction and major renovation projects are energy and water efficient, conserve the use of resources, and provide healthy and productive spaces for employees, clients, and visitors.

To achieve these goals, I endorse the recommendations of the Commonwealth of Massachusetts Sustainable Design Roundtable (Roundtable), which require all new construction at state agencies and significant renovation projects over 20,000 square feet to meet a Mass. LEED Plus building standard. For projects smaller than 20,000 square feet, all projects shall at least meet the minimum energy performance standards established by the Roundtable.

The Mass. LEED Plus standard includes:

- Certification by the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) program for all new construction and major renovation projects over 20,000 square feet;
- Energy Performance 20% better than the Massachusetts Energy Code;
- Independent 3rd party commissioning;
- Reduction of outdoor water consumption by 50% and indoor water consumption by 20% relative to standard baseline projections; and
- Conformance with at least 1 of 4 identified smart growth criteria.

The Mass. LEED Plus standard shall apply to all projects overseen by DCAM and any other executive agency, as well as those that are built for use by state agencies on state land. In addition, EOEEA shall coordinate efforts to incorporate the Mass. LEED Plus standard into all non-executive branch agencies involved in construction. EOEEA and DCAM shall report each year on progress made with regard to integration of this standard into state building projects.

Furthermore, whenever DCAM requires the construction of a new building to be leased by DCAM, DCAM shall establish and incorporate energy performance criteria consistent with the energy goals of this Order.

Additionally, I direct EOEEA and DCAM to support education and training programs for agency personnel and periodically consult with design and construction practitioners to review progress in meeting green building standards, develop strategies to improve communication of the benefits of green buildings, and identify new opportunities for expanded green building efforts.

## **VII. Distributed Generation**

In order to facilitate the installation of on-site renewable energy and Combined Heat and Power projects, within 6 months of the date of this Order, the DOER shall provide an analysis of the barriers to distributed generation that impede the successful completion of such projects at state facilities and, through collaboration with DCAM, OSD, and the Comptroller's office, shall develop recommendations on addressing identified barriers.

## **VIII. Forward Capacity Market**

In order to take advantage of the new ISO-New England Forward Capacity Market (FCM) Program, including the Demand Response Program, which allocate payments for new electric generation capacity, and measurable reductions in electricity use, agencies shall identify and submit all applicable projects for inclusion in the FCM program. DCAM shall coordinate this effort and, in collaboration with EOEEA and OSD, establish the necessary vehicles to facilitate agency participation in this program as well as ensure that payments received are allocated to agencies for additional energy reduction activities. DCAM may elect to

allocate portions of FCM payments in order to manage this program as well as other related energy efforts.

## **IX. Energy Tracking**

The EOEEA is hereby charged with development and implementation of an Energy Information System (EIS) that shall facilitate the tracking of agency energy use and prioritization of energy efficiency programs and projects at state facilities. Such a system will allow facilities to compare building energy consumption and rate energy performance of Commonwealth buildings. DOER and DCAM shall collaborate in the development of the EIS and shall work to ensure that DCAM information systems, such as CAMIS, are effectively linked with any new energy tracking systems. EOEEA and DCAM shall annually track all energy use at state facilities to determine compliance with the goals of this Order and, as appropriate, share this data with other state agencies to further the purposes of this Order.

The development of the EIS shall not eliminate the need for agencies to track other energy and water use and submit annual data to EOEEA as directed by the Council.

## **X. Water Conservation**

Agencies shall make every effort to reduce overall water use and increase water use efficiency to the maximum extent possible. Toward this end, all state agencies shall reduce water use through the following indoor and outdoor measures:

### **Indoor Water Consumption**

- Conduct periodic water audits and system-wide leak detection programs.
- Work toward metering all significant water uses.
- Strictly apply plumbing codes, and actively promote waterless plumbing fixtures, where appropriate.
- Replace and retrofit older water consuming equipment, such as toilets, faucets and showerheads, with modern, more efficient devices as quickly as possible.

- Implementation of energy efficiency programs such as installation of new equipment, agency coordinated performance contracts, and lighting retrofits at all facilities where the cost of such programs is less than \$1 million.

### **Outdoor Water Consumption**

- Minimize, and wherever possible eliminate, use of potable water and groundwater for outdoor watering purposes, street cleaning, and building washing.
- Lower watering frequency.
- Improve watering efficiency by watering lawns and plants only when necessary through use of moisture sensors and/or drip irrigation techniques.
- Incorporate Low Impact Development (LID) techniques wherever possible, including use of natural landscaping, permeable pavement, and native and drought resistant vegetation to prevent run-off and ensure rainwater infiltration into the groundwater.
- When procuring services for lawn and landscape maintenance, require contractors to minimize water use wherever possible through incorporation of the above techniques.

### **XI. Technology**

Agencies are hereby directed to analyze and consider use of innovative technologies wherever possible, either on a pilot- or long-term basis, when such technologies can demonstrate environmental and fiscal benefits. Where possible, and to the extent permitted by law, agencies shall work to identify technologies developed and/or manufactured in Massachusetts.

### **XII. Financing**

In order to facilitate the above efforts, EOEEA and A&F shall, within 6 months of the effective date of this Order, submit to me recommendations concerning financing options that will result in energy and water improvements at state facilities without requiring significant infusion of state funding.



### XIII. Resources and Commitment

All agencies shall provide the necessary resources and commitment to meet the goals of this Order.


### XIV. Effective Date

This Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order. This Order shall supersede Executive Order No. 438 and all provisions contained in Administration Bulletin #11 and #12.



Given at the Executive Chamber in Boston this 16<sup>th</sup> day of April in the year of our Lord two thousand and seven, and of the Independence of the United States of America two hundred and thirty-one.

  
DEVAL L. PATRICK, GOVERNOR  
Commonwealth of Massachusetts



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William Francis Galvin  
Secretary of the Commonwealth

**GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS**