



Gary J. Lambert
Assistant Secretary for Operational Services

ADVISORY

To: Secretariat and Agency Chief Procurement Officers, General Counsels, Chief Financial Officers, and Chiefs of Staff
Cc: Cabinet Secretaries, Agency Heads
From: Gary Lambert, Assistant Secretary for Operational Services
Date: September 21, 2023
Re: **Executive Order No. 619: Eliminating the Purchase by the Executive Department of Single-Use Plastic Bottles**

OSD Statutory Procurement Oversight for Executive Department Purchasing

As an executive oversight agency, OSD is responsible for compliance with Executive Orders related to procurement within the Executive Department. The statutory authority vested in the Assistant Secretary for Operational Services (also referred to as the State Purchasing Agent), or designee, and OSD to oversee the procurement of commodities and services by Commonwealth entities is found in M.G.L. c. 7, s. 22, M.G.L. c. 30, s. 51 and M.G.L. c. 30, s. 52. These statutes form the basis of the applicable procurement regulation, 801 CMR 21.00, which provides all Commonwealth Departments with uniform rules and standards governing the procurement of commodities or services, or both, including human and social services for clients. Through its applicable statutes, regulations and policies OSD ensures that the Executive Department conducts procurements in a legally compliant, fair, and transparent manner.

Elimination of Single-Use Plastic Bottle Purchasing by the Executive Department

Effective immediately and in compliance with [Executive Order No. 619, "Eliminating the Purchase by the Executive Department of Single-Use Plastic Bottles,"](#) (EO No. 619) OSD no longer will allow purchases of Single-Use plastic bottles under 21 fluid ounces by Executive Departments. As defined in EO No. 619, "single-use plastic bottles" refers to a beverage in a sealed rigid plastic bottle having a capacity of 21 fluid ounces or less.

Governor Healey's Executive Order on September 21, 2023, recognizes that climate change is significantly and adversely affecting humans, wildlife, communities, the economy, and infrastructure of the Commonwealth of Massachusetts.

The production of plastic bottles relies on fossil fuels, and most plastic bottles are made from petroleum-based products in refineries that run on fossil fuels. The combustion of fossil fuels is a primary cause of greenhouse gas emissions that cause climate change. A direct link has been made from the combustion of fossil fuels during the manufacture of single-use plastic bottles and the level of threat to the environment, wildlife, and humans. It is estimated that Americans throw away approximately 2.5million single-use plastic bottles every hour.

Executive Agency Elimination Planning Deadline: December 31, 2023

Per EO No. 619, no later than December 31, 2023, all Executive Offices and Agencies shall submit to OSD a summary of the steps (“Planning Summaries”) they have taken to:

- 1) Halt the expenditure of state funds for the purchase of single-use plastic bottles with capacities of 21 fluid ounces or less AND
- 2) Reduce the Sale or Re-sale of Single-Use plastic bottles on state-owned property

*Each office or Agency shall provide for disability or accessibility related accommodations in its planning efforts

**All Executive Agencies must submit their Planning Summaries to OSDCompliance@mass.gov by December 31, 2023

Emergency Single-Use Plastic Bottle Purchasing, Use, or Sale (New Form)

Purchases of Single-Use plastic bottles now require Executive Agencies to file the “[Emergency Single-Use Plastic Bottle Procurement Justification](#)” form as part of their Procurement File in COMMBUYS. Purchases are limited to the following circumstances:

- 1) No alternative is available or practicable;
- 2) Necessary to protect health, safety, and welfare;
- 3) Compliance with the EO would conflict with contract requirements or labor agreements in existence as of September 21, 2023, or conflict with agreements solicited before September 21, 2023; and
- 4) To prepare for an emergency

Instructions for Purchasing & Replacement Purchasing

Executive Agencies should look to the Statewide Contract User Guides (CUGs) for contract categories and recommended replacement purchases. Although Statewide Contract vendors are contractually obligated to comply with all Massachusetts Executive Orders, Agency activities also will be tracked and monitored by OSD for procurement compliance with EO No. 619.