



April 3, 2009

BALLOT RESULTS: Green Seal Draft Final Environmental Standard for Restaurants and Food Services GS-46

Green Seal is in the final stages of developing the Green Seal Environmental Standard for Restaurants and Food Services, GS-46. Registered stakeholders were invited to review the Draft Final Standard and submit a ballot. The ballot resulted in a 71% affirmative vote.

There were a few comments from stakeholders that warranted substantive modifications to the criteria, but did not result in fundamental changes to the standard. These changes are highlighted below for your review. Also included are the comments and responses for your review. After you review this information, you are being provided the opportunity to amend your original ballot. Any amended ballot must be received by 8 PM Eastern on April 19. If you do not submit an amended ballot, your original ballot will be recorded as final.

Modifications to the Draft Final standard criteria:

Substantive modifications to criteria are described below and noted in the red text below.

A) Added ENERGY STAR recognition as a way to earn credit for an energy-efficient building and replaced the specific LEED reference with the term environmentally-preferable (and LEED added to Appendix A, accordingly) so other similar programs could qualify:

3.2.12 Energy-Efficient Building – *Option*.

BRONZE	SILVER	GOLD
No requirement	The direct business function is in an environmentally-preferable building or an ENERGY STAR qualified building.	

B) Removed the prohibition of scented candles.

C) The Foreword was removed and the labeling requirements, section 6.0, will be modified to only include the following to ensure that written communication about certification to this standard is not misleading and compliant with the FTC:

BRONZE	SILVER	GOLD
<p>Whenever an operation makes a claim (e.g., at the operation or in advertising) that it has been certified to this standard, is shall be based on a third-party certification program with an on-site audit and state:</p> <p>“[Name of restaurant or food service operation or catering operation] meets the Green Seal™ Environmental Standard for Restaurants and Food Services based on its reduced impact on the environment with responsible food offerings, supply purchases, waste handling, and energy and water conservation.”</p>		

Response to Comments:

Below are the comments on the Draft Final Revised Standard from all ballots (affirmative and negative), with identifying comments removed, and Green Seal's response/efforts for resolution.

Comment:

1.0 Scope : "This standard does not include bars..." – What is the food to alcohol ratio that would constitute the restaurant a bar and therefore not eligible?

Response:

As noted in the comment, bars are not included in the standard's scope. Bars (or taverns) will be classified in accordance with the average used for licensing such that they are those establishments where food (not including alcohol and non-meal type beverages) sales account for less than 45 percent of revenue and the business is predominately focused on and serves alcoholic beverages.

Comment:

2.0 Definitions

Alternatively-Fueled Vehicles (as it pertains to running predominately or exclusively on biodiesel from recycled vegetable oil). These comments also relate to criteria for 3.1.7, 3.7.1.1, 3.7.10.1.

The use of biodiesel is not inherently a benefit to the environment; it does have adverse environmental impacts. As the concentration of biodiesel increases, the emission of nitrous oxides (NOx) also increases. Research relevant to understanding the environmental cost/benefit of the use of biodiesel in vehicles used within the scope of this standard should be critically evaluated and a benefit be demonstrated before adopting a proposal endorsing biodiesel use.

The definition should be clarified as it relates to biodiesel. Currently, the availability of biodiesel (and many biofuels) is limited by the ability to transport the fuel via tanker truck. There is a potential environmental impact from additional miles of driving to/from these stations. In filling stations which have biodiesel available, it is most likely produced from a mixture of "virgin" and used vegetable oils. The fuel is also not exclusively biodiesel; it is given a designation such as B20 to indicate that biodiesel has been mixed with petro-diesel at a 20/80 ratio, respectively. Typically, filling stations have B2 fuel available.

Response:

It is noted that some studies have found that the NOx levels of biodiesel may increase as the portion of recycled oil increases. However, the life cycle assessments and other studies on recycled oil biodiesel have demonstrated clear benefits over conventional diesel including dramatically reduced global warming potential and overall at least a 40% reduction on all environmental impacts combined (including any potential NOx increase). Thus the use of recycled oil will remain an option for alternatively-fueled vehicles. It is recognized that biodiesel can come in blends. The definition for alternatively-fueled vehicles does

permit blends (like B20) for biodiesel fuels. It is worth noting that B100 is available in some areas of the US.

Life Cycle Assessment of BioFuels. 2008. Last accessed 3-26-09.
<http://www.esu-services.ch/cms/fileadmin/download/jungbluth-2008-LCA-agrofuels.pdf>

de la Rua et al. Life Cycle Environmental Benefits of Biodiesle Production and Use in Spain. Last accessed 3-26-09
http://www.ciemat.es/recursos/doc/Areas_Actividad/Energia/ASE/2102996515_1522007122853.pdf

DOE. Biodiesel Benefits.
http://www.afdc.energy.gov/afdc/fuels/biodiesel_benefits.html

McCormick et al Effects of Biodiesel Blends on Vehicle Emissions. 066. Last accessed 3-26-09. <http://www.nrel.gov/vehiclesandfuels/npcf/pdfs/40554.pdf>

Sheehan et al. Life Cycle Inventory of Biodiesel and Petroleum Diesel for Use in an Urban Bus. 1998. Last accessed 3-26-09.
<http://www.nrel.gov/docs/legosti/fy98/24089.pdf>

Comment:

Environmentally Preferable

The definition proposed for this term is in insistent with commonly adopted definitions for “environmentally preferable”. For example, designating that only products or services that are certified can meet this definition is beyond the scope of existing definitions.

We recommend that this term be defined as environmental preferable in accordance with the guidance provided by US EPA in their Final Guidance on Environmental Preferable Purchasing (<http://www.epa.gov/opptintr/epp/pubs/guidance/finalguidance.htm>). Specifically, “Environmentally preferable” means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

Response:

It is acknowledged that the EPA has developed guidance on Environmentally Preferable Products. The EPA Final Guidance on Environmentally Preferable Purchase states that it “provides a broad framework of issues to consider in environmentally preferable purchasing and will help Executive agencies systematically integrate environmental preferability principles into their buying decisions. The guidance is not, however, a step-by-step, "how to" guide and it is not intended to answer many of the specific questions that might arise in the

acquisition of a particular product category or service.” The GS-46 standard, however, is intended to provide answers to specific questions and provide guidance on how to identify environmentally preferable products. As a result, the definition of environmentally preferable products must go beyond the definition provided by EPA. As suggested by comments on previous versions of the standard, the GS-46 definition for environmentally preferable products includes third-party certification programs with examples, but not limited to those, included in the appendices. This helps an operation with identifying environmentally preferable products (e.g. food), knowing specifically what to look for.

EPA’s Final Guidance on Environmentally Preferable Purchasing. 1999. Last accessed 3-25-09 <http://www.epa.gov/epp/pubs/guidance/finalguidance.htm>

Comment:

The definition of “Third party certification” goes well beyond what would be expected of a third-party certifier. Third-party certification is a process for verifying a product or service against a set of criteria. It is not a standard or a process under which a standard would be developed. It is essentially a scientific process by which a product, process or service is reviewed by a competent third party to verify that a set of criteria, claims or standards are being met. In addition, certification can be accomplished by means that are specific to the criteria, which should not be specified in the definition.

“Third-Party Certification Program. A third-party certification program is one competent in verifying the attributes of a product or process against a specified set of criteria. There must be a standard to base the certification from and the standard must be appropriate and meaningful for its intended purpose. The means of certification and re-certification should be transparent.”

Response:

It is agreed that a third-party certification program can be a competent means of verifying attributes of a product or process against a specified set of criteria. However, as noted by stakeholder comments on the Proposed Standard, however not all third-party certification programs are competent. This has resulted in independent sources such as the Consumers Union to evaluate and identify which programs are competent. The Consumers Union developed a definition of competent third party certification programs; this definition of “good eco-labels” was used, and will continue to be used, for this standard.

Consumers Union. What Makes a Good Eco-Label. Last accessed 3-37-09 <http://www.greenerchoices.org/eco-labels/eco-good.cfm>

Comment:

3.1.1 “based on cost averaged over a minimum....” – this may be a skewed metric due to seasonality of produce so a restaurant may comply during the summer but not any other time of the year which would fall into the 3 months. My suggestion would be, when

renewing their certification they may not pick the exact same months as the previous submission. This also applies to 3.1.8 Season Food. Also, the cost-based metric is skewed by the fact that environmentally preferable food tends to cost more and will automatically account for more in the total food purchase.

Response:

It is acknowledged that the metric for determining food purchases may provide for seasonally bias. The allowance for the three month average for food purchases for the initial certification applies to new or existing operations having recently implemented the purchasing policy. However, as suggested, upon the annual monitoring review for continued certification, the performance during the last twelve months would be evaluated for compliance. This overcomes the seasonal bias. The cost bias is present with some types of purchases, but not all. It has been shown that most organic fruits and vegetables are up to 30% more expensive than their conventionally grown counterparts. Yet, local foods are 12% less than national product options.

Comment:

* 3.1.3 – should other sustainable seafood certifications also be included?

Other options include:

- Food Alliance certification:

<http://www.foodalliance.org/newsroom/articles/2008/seafood%20SFNMar27.pdf>

- Fish Forever label (Whole Foods uses it):

<http://www.wholefoodsmarket.com/values/certified-sustainable.php>

- Marine Stewardship Council: <http://www.msc.org/>

Response:

The fish and seafood requirement includes lists that are commonly used and referenced for responsible sources. However, if an operation sources MSC or some other third-party certified food; this is acceptable (noted in the footnote). However, for this to be clearer, the footnote will be moved to be under the table in the criterion.

Comment:

3.1.9 Total Food Purchases – this has the same name as 3.1.1, is this a duplicate?

Response:

The requirement option 3.1.9 was intentionally similar to 3.1.1. to permit operations achieving high levels of sustainable food purchases, beyond the mandatory requirement in 3.1.1, to earn credit for silver or gold certification.

Comment:

3.2.2 Energy Use and Conservation Tracking – I would suggest adding a definition of an “energy audit”. Some may not know that there is a difference between what they do in Portfolio Manager and a full audit.

Response:

The definition for an energy audit was included by outlining requirements for the audit briefly in the criterion 3.2.2 including an inventory, evaluation, and inspection of energy use and energy loss from equipment, lighting, and building envelope. How this differs from tracking total energy use can be further explained in support documents for those interested in certification.

Comment:

* 3.2.5 Climate Control - Mandatory.

Two things: 1) what does “operating hours” mean? Does that include chef prep time? What about clean-up and breakdown after the bar closes? 2) What about the adjustment time needed to prepare a restaurant’s interior for business? For example, if the interior is 85 degrees, it will take the HVAC unit an hour to lower the temperature to a comfortable level for customers.

Response:

The use of a thermostat set-back program would be customized for each facility. During the on-site audit of the facility this will be checked to ensure the set-back is used appropriately. It is understood that there is a start-up (warm-up or cool-down) period needed prior to space occupancy – this would be permitted, along with reasonable settings during low occupancy times.

Comment:

3.2.5 Climate Control – This requirement does not take into account the variance for location, time of day and type of restaurant. My suggestion would be to not set such exact numbers as mandatory.

Response:

It is acknowledged that there are variances in temperature needs when spaces are occupied. The climate control requirement only applies to the set back periods, or time when the operation is not occupied (typically at night). Thus, this requirement was set to be consistent with the ENERGY STAR requirements.

Comment:

3.2.7 Refrigerants - *Mandatory*.

This should be a bronze requirement – “All new and replacement equipment shall not use CFC-based refrigerants.” We have found that 70-80% of all existing equipment can take non-CFC based refrigerants.

Response:

The bronze certification level was designed to include meaningful environmental performance with as minimal capital expense as possible. As a result, such capital upgrades were included in the silver and gold levels of achievement.

Comment:

* 3.2.12 – should ENERGY STAR labeled buildings, such as hotels or resorts be included (obviously not stand alone restaurants) or would that confuse the issue of restaurants not being able to receive the ENERGY STAR logo?

3.2.12 Energy-Efficient Building – ENERGY STAR rated buildings are the most energy efficient, more reliable than LEED certified. Restaurant buildings cannot be ES rated, but a restaurant can be *in* a ES rated building; such as, an office building or a shopping center. This would encourage restaurant operators to push their property owners to become energy efficient or will be an incentive to favor EE buildings during site selection.

Response:

Both LEED and ENERGY STAR programs recognize energy –efficient buildings, and will be recognized in this standard as a means to earn credit for silver and gold certification. There may be other programs that meet this requirement, thus the specific reference to LEED will be replaced with the term environmentally-preferable (and LEED added to Appendix A, accordingly) so other similar programs could qualify. In addition, the standard will be modified to include ENERGY STAR. Further, both LEED and ENERGY STAR do not apply to all types of restaurants and food service operations, but “where applicable” was not added since it is an option not a mandatory requirement.

3.2.12 Energy-Efficient Building – Option.

BRONZE	SILVER	GOLD
No requirement	The direct business function is in an environmentally-preferable building or an ENERGY STAR qualified building.	

Comment:

3.2.13 Renewable Energy – There are a number of companies that provide the same services as Green-e Marketplace. Is this the only program that is acceptable?

Response:

The renewable energy requirement can be met in various ways, participating in a third-party program like Green-e Marketplace is one option. Other programs that enable the use of renewable energy for direct energy needs can be used.

Comment:

* 3.2.13 – should a free service for renewable energy credits be included such as the Green Power Partnership?

Response:

The renewable energy option does not permit the use of credits. Instead, renewable energy credits are permitted for the greenhouse gas off-setting option (3.2.14).

Comment:

Under 3.3.2. – water use tracking, there is language about Portfolio Manager. Suggested changes below:

Portfolio Manager is free software developed by the U.S. Environmental Protection Agency that offers a way for restaurants to track their weather-normalized energy and water use. Portfolio Manager allows certain commercial buildings (e.g., office buildings, warehouses) to obtain an ENERGY STAR label; restaurants are not eligible for this label but can still use the software to benchmark energy and water use over time.

Response:

The suggested revision/clarification was included in the footnote about Portfolio Manager.

'Portfolio Manager is a free web application developed by the EPA and offers a way for restaurants to track their weather-normalized energy and water use. Portfolio Manager allows certain commercial buildings (e.g., office buildings, warehouses) to obtain an ENERGY STAR label; restaurants are not eligible for this label, but Portfolio Manager can still be a very useful tool for restaurants to track energy and water use.

Comment:

Should Pre-Rinse Spray Valves been included for water/energy-efficiency? Fishnick.com has suggestions. ENERGY STAR might also look at this category in the future

Response:

It is acknowledged that pre-rinse spray valves are a simple means to conserve water. Pre-rinse Spray rinse valves (1.6 gpm) were already included in 3.3.3 Water Conservation Checklist (a mandatory requirement). In addition, more efficient valves, 1.28 gpm or better, were included in the optional requirement 3.3.6 Kitchen Water –Efficiency.

Comment:

3.3.3 Water Conservation – For full-service operations, serve customers drinking water and refill drinking water only upon request. – How are you going to audit refilling water only upon request? I think it takes away from the concept of a fine-dining restaurant too much. Just a suggestion though.

Response:

This will be verified with the policy documents. Such a practice can be compatible with full service dining, such as asking the customer if they want water before filling it or informing the customer of the operation's water conservation policy.

Comment:

At this time, our city does not have a comprehensive composting program. Given that this is a mandatory requirement, will Green Seal waive this requirement?

Response:

It is acknowledged that composting may not be available in all locations. As a result, the composting requirement outlines the need to document available options to ensure that the operation is aware of any hurdles or opportunities for composting. Further, if it is proven that there are not composting options, then the operation cannot compost and would not be required to do so.

Comment:

The proposed standard has total disregard of the sanitation benefits of single-use foodservice packaging products. There numerous instances where the use of such products is mandated by the U.S. Food Code to assure sanitation and public health. To tell restaurants they should not use such products does a disservice to foodservice operators.

Response:

It is acknowledge that there are instances where single-use packaging products have benefits. As a result, there is no place in the standard that prohibits the use of single use foodservice packaging products. Further, the standard explicitly states in the scope that federal and local laws take precedence in any areas of conflict, if they were to occur.

Comment:

3.4.6 Fats, Oils and Grease Recycling - Mandatory

Add FOG recycling for other uses such as raw material for the oleochemical industry. Biodiesel production is not the only option.

Comment:

3.4.6 Fat, Oils, and Grease Recycling -- Mandatory.

The recycling of fats, oils, and greases (FOG) should not be restricted to their use as a replacement for fossil fuels (please see explanation under Alternatively-Fueled Vehicles). The operation should be free to manage their FOG as they see appropriate for other reuses (e.g., use as a raw material for the oleochemical industry).

Response:

Green Seal acknowledges this comment, and would like to note that the requirement permits such options by stating that “using the oil for biodiesel production or other means of replacing fossil fuels use.” It’s worth noting that petroleum is a fossil fuel, and oleochemicals replace petroleum.

Comment:

We object to the non-tree fiber requirement. – The available non-tree fiber sources are not environmentally better, and often are more environmentally damaging than tree-based sources. Supporting arguments follow:

- a. Transportation Distance: All commercially available non-tree food packaging is imported from Asia, typically from China. There is a significant environmental cost to shipping these products from China to the US, instead of using domestically grown tree fibers.
- b. Forests versus Slash/Burn sugar plantations: Most of the paper made in the US is made from sustainably harvested forests. Most of the commercially available non-tree food packaging comes from Asian sugar cane fiber. These fiber sources are not used because of environmental compassion, but because the countries from which they originate have been essentially completely deforested. The process of sugar cane production in these countries is typically severely degrading to the soil and associated watersheds. More information on the environmental costs of sugar production is available from the World Wildlife Fund at:
http://assets.panda.org/downloads/sugarandtheenvironment_fidq.pdf
- c. Bagasse Pulp forces more coal burning: The typical fate of sugar cane fiber is that it is burned to power boilers, to evaporate the water from the sugar syrup, and to generate power. Removing the sugar cane fiber from that process forces substitution by coal, typically in small, dirty boilers.
- d. Low yields: Both tree based and non-tree based fibers are subjected to similar pulping processes. The yield of pulp produced from non-tree fibers is significantly lower than that from wood-based sources. For example, it takes over 30 tons of sugar cane fiber to make one ton of bagasse pulp. Supporting data for this statement is available from the United Nations Food and Agriculture Organization at:
<http://www.fao.org/docrep/w7734e/w7734e04.htm#3.5%20the%20production%20and%20demand%20for%20bagasse>
- e. ECF Bleaching: The imported fiber producers have encouraged the widespread perception that non-tree fibers are not bleached with chlorine based chemicals. This is not supported by data. Non-tree fibers are typically bleached using the same chlorine-dioxide based bleaching processes as domestic virgin wood-based fibers. An internet search turned up no commercially available sources of totally chlorine free bleached chemical pulp. The following website of a commercial bagasse pulp manufacturer shows a typical chemical pulp bleaching sequence, including two chlorine dioxide bleaching stages.
http://www.eppcopulp.com/production_process.html
- f. Overseas certification: It is difficult and often impossible to verify claims on products made overseas. A supplier in Thailand sells bagasse pulp to a platemaker in China, who sells the plates to a distributor in Los Angeles, who claims that the product is made using certain standards. Whose responsibility is it to verify these claims? Favoring non-wood pulps places domestic producers at a disadvantage.

Response:

It is acknowledged that all tree-free fibers/products may not be environmentally preferable options. There is no tree-free requirement for paper products in the standard. Tree-free products are permitted as one option and only where tree-fiber products are also permitted. Further, tree-free options are only included when they are by-products or agricultural residues – not virgin material.

Comment:

We object to the 10% post-consumer material requirement since it does not recognize the value of recycling difficult streams of pre-consumer waste. For example, our molded fiber uses 100% recycled fibers from pre-consumer milk carton scraps, drink cup scraps, ice cream container scraps, white blank unprinted newsprint, and other similar sources. These trimmings cannot be reused or recycled by their intended processes, and are difficult to recycle into most papermaking processes, due to the levels of plastic contamination. These waste streams would be landfilled if there were not external recyclers willing and able to convert them. The fact that they have not been in contact with food increases our cleanliness and safety, and allows us to meet FDA guidelines. The 10% post-consumer requirement is arbitrary, and does not necessarily increase the environmental friendliness of the product.

Response:

The requirement for disposable paper products is that they contain 100% recovered material, which could include pre-consumer and post-consumer material. The post-consumer content requirement is what is included in the EPA Comprehensive Procurement Guidelines. For example, for tray liners the post-consumer content requirement is 50%, for napkins it is 30%, and for bags it is 5%. For food service products not covered by the EPA Comprehensive Procurement Guidelines, the maximum amount of recovered and post-consumer content feasible is expected. This ensures the source-reduction efforts are suited for the application and provide greater options.

EPA 2007 Comprehensive Procurement Guidelines: Buy Recycled Series, Paper.
Last accessed 3-27-09.

<http://www.epa.gov/epawaste/conserves/tools/cpg/pdf/paper.pdf>

Comment:

3.4.12 Disposable Food Service Products - Option

Biohazard does not mean compostable nor does it always mean “environmentally preferable”. Recommend deletion of the biobased criteria.

Comment:

3.4.12 Disposable Food Service Products

When concerning biobased products: As an environmental standard, there should be proven environmental benefit for the use of biobased products. As noted by the United States Department of Agriculture, not all biobased products are “environmentally preferable”¹. We recommend that a biobased product’s environmental benefit should also be documented along with its certification of being biobased.

Response:

It is acknowledged that biobased may not be the most preferable option in some instances, especially when it is not composted. As a result, the standard already

¹ http://www.biopreferred.gov/files/Round_5_Proposed_Rule.pdf?SMSESSION=NO

noted that biobased is only recommended when the product is certified compostable and when composting is available.

Comment:

3.4.16 Reusable Service Ware - Options

Limited service operation will unlikely have storage space for both reusable and disposal service ware and also have limited space for warewashing facilities.

Response:

It has been demonstrated through life cycle research that plastic disposal products contribute significantly to the environmental impact of an operation. In some cases, especially limited service operations, this impact is greater than the energy used by the facility. As a result, this option was included to reduce that impact. Green Seal acknowledges this may not be an accessible option for all operations, thus this was included as one of ten options for silver and gold levels of certification. So it can be implemented where it is feasible.

Comment:

I believe that this draft totally misses the important element in sustainability of food safety. Human safety is acknowledged by most experts as a key aspect in sustainable operations. What good is it if the operator conserves resources and kills people? The process orientation required to be successful in safe food preparation and serving is very similar to that required for getting to the sustainable practices that Green Seal seeks to promote.

In most of the draft, limiting cross-contamination, or supporting plans that promote food safety, are totally absent. How about giving credit for having a HAACP plan?

As a further illustration of where some of what is written is just “wrong-minded”, for the important health area of hand washing and hand-drying, the guidelines favor hand-dryers, linen and automated towel dispensers that limit paper usage. Industry studies show Automated hand dryers spread bacteria in washrooms and kitchens, and their use over towels diminishes the overall effectiveness (bacterial log reduction) of hand washing. And how does limiting towel access, and therefore discouraging full hand drying, accomplish anything productive except increasing cross-contamination risk?

I do, however, believe your guidelines supporting higher re-cycled content of paper toweling are very appropriate.

Comment:

3.4.17 Hand Drying - Option

Reusable towels at all hand sink locations would violate FDA Food Code for employees (6-301.12)

Response:

This standard does not include food safety criteria since that is covered by federal and local laws and regulations. The standard notes in the scope that where a criterion conflicts with local code or regulations, the latter takes precedent.

Requirement 3.4.17 Hand Drying, outlines effective means of reducing waste. There are several ways an operation can implement such a waste reduction practice. Using paper towel dispensers is one option, and may be a preferred option for sinks in the kitchen for an operator. Further, this requirement is an option, not mandatory. Thus, it can be implemented in organizations where it makes most sense.

Comment:

Use of reusable cloths for tables in the dining area could represent a health risk unless reuse protocols are well defined. Facility may not have capacity for washing and restocking reusable cloths with required frequency.

Response:

It is acknowledged that reusable table coverings may not be suited for all operations. As a result, the standard already does not require reusable table coverings.

Comment:

3.5.1 Smoking – A restaurant that is located in a strip mall may not have control over 25 feet of its entries.

Response:

It is recognized that there are limitations for the smoking prohibition due to the location of the operation, this is already noted by “where regulations allow or where applies” in the criterion.

Comment:

How can there be no guidance for sanitizing food contact areas and grease based soils in a foodservice environment in this document? .It is possible to meet all environmentally criteria defined here and run an operation that could produce substantial health and safety risks. Some guidance should be provided even if Green Seal does not have standards today to address these areas. If no guidance is provided foodservice establishments will continue to overuse high alkali degreasers, chlorine and quats to meet sanitation standards and continue to produce safety and environmental problems.

Response:

Food contact-surface cleaning products are regulated, and thus not included in this standard because this standard does not include area covered by federal and local laws and regulations.

Comment:

3.6.1 Cleaning -- Mandatory.

We recommend that an environmental preferable purchasing policy as outlined by US EPA's Final Guidance on Environmental Preferable Purchasing be followed for the purchasing of cleaning products. Cleaning should be looked at as a system where the cleaning products (purchased based on EPP principles) and proper use/application work together. We therefore recommend that this standard include criteria for the proper management of cleaning, such as Stewardship for the Cleaning of Commercial and Institutional Buildings (ASTM standard E 1971).

Response:

It is acknowledged that the EPA has developed guidance on Environmentally Preferable Products. The EPA Final Guidance on Environmentally Preferable Purchase states that it "provides a broad framework of issues to consider in environmentally preferable purchasing and will help Executive agencies systematically integrate environmental preferability principles into their buying decisions. The guidance is not, however, a step-by-step, "how to" guide and it is not intended to answer many of the specific questions that might arise in the acquisition of a particular product category or service." The GS-46 standard, however, is intended to provide answers to specific questions and for this criterion, when looking to identify environmentally preferable products. As a result, the definition of environmentally preferable products must go beyond the definition provided by EPA. As suggested by comments on previous versions of the standard, the GS-46 definition for environmentally preferable products includes third-party certification programs with examples, but not limited to those, included in the appendices. This helps an operation with identifying environmentally preferable products (e.g. cleaning products), knowing specifically what to look for.

It is acknowledged that cleaning is best managed as a system. Food-contact cleaning procedures and sanitation procedures are covered by local regulations, and thus do not need to be repeated/covered in this standard (FDA 2005).

EPA's Final Guidance on Environmentally Preferable Purchasing. 1999. Last accessed 3-25-09 <http://www.epa.gov/epp/pubs/guidance/finalguidance.htm>

FDA (United States Food and Drug Administration). 2005. Food Code 2005. Last accessed 10-7-08. <http://www.cfsan.fda.gov/~dms/foodcode.html>

Comment:

3.6.1 Cleaning - Mandatory

Antibacterial hand cleaner benefits have been documented. If use is permitted for food service workers, why eliminate use for customers?

Comment:

We recommend that the section on hand cleaners be deleted. Antibacterial hand cleaners have significant benefits in reducing the levels of infectious bacteria on hands. As written, the proposed criteria acknowledge that antibacterial products provide a benefit by

making it clear they are needed for hand washing by employees. By denying the same level of public health protection to the customers in a food handling environment is detrimental to public health.

We recommend that the section on hand cleaners also be deleted for commercial reasons. We are aware of that Green Seal and EcoLogo jointly developed the only known North American “environmentally-preferable” criteria for non-antibacterial hand cleaners. As sole certifiers, they may have interest in the present standard.

Response:

Antibacterial products are permitted for workers, but it has been shown that such products are not necessary or efficacious for the general public. In the United States, numerous medical groups, including the Food and Drug Administration’s Nonprescription Drugs Advisory Committee, the National Institute of Nursing Research (a division of the National Institutes of Health), and the Centers for Disease Control and Prevention (CDC) have stated that antibacterial soaps are not more effective in preventing disease than ordinary soap and water. Further, these products have demonstrated potentially negative outcomes (e.g. antibacterial resistant microorganisms, endocrine disruption) when used unnecessarily.

The aforementioned technical reasons were the motivation behind the exclusion of anti-bacterial soaps in the Green Seal and EcoLogo environmental standards for institutional and industrial hand cleaners. Green Seal would note, however, that it has publicly expressed an interest in developing an environmental standard for antimicrobial cleaners/soaps where these products would be used in appropriate situations, such as hospitals and commercial kitchens.

The Green Seal standard for environmentally preferable hand soaps was co-developed with EcoLogo, but either program can certify to that standard. Green Seal does not get any financial payment if a company certifies their product through EcoLogo, nor EcoLogo through Green Seal. The two organizations are independent of each other. Further, these two programs are only examples of those that can meet the requirement, other equivalent options would be accepted.

Aiello AE, et al. Consumer Antibacterial Soaps: Effective or Just Risky. *Clinical Infectious Diseases*. 2007; 45, Supp.2: S137-147.

<http://www.journals.uchicago.edu/doi/pdf/10.1086/519255>

Aiello, E, et al. Antibacterial Cleaning Products and Drug Resistance.

<http://www.cdc.gov/ncidod/EID/vol11no10/04-1276.htm>

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Comment:

There is not enough in the code regarding protecting surfaces in a food operation from bacteria accumulation. IPM is mentioned however it does not go far enough to using environmental friendly products including bacteria protection available.

Response:

Food contact-surface cleaning products are regulated, and thus not included in this standard because this standard does not include area covered by federal and local laws and regulations.

Comment:

3.7.1.1 Vendor Preference - Mandatory

Environmentally preferable products does not have a widely accepted definition. Recommend the criteria be redefined to follow guidelines provided by the U.S. EPA in their Final Guidelines on Environmentally Preferable Purchasing.

Comment:

3.7.1 Environmentally and Socially Sensitive Purchasing Policy -- Mandatory.

We recommend that this criterion be redefined to follow the guidance provided by US EPA in their Final Guidance on Environmental Preferable Purchasing (<http://www.epa.gov/opptintr/epp/pubs/guidance/finalguidance.htm>). The guiding principles provided by EPA include the provisions mentioned in this draft, as well as takes into account other aspects not covered.

Response:

It is acknowledged that the EPA has developed guidance on Environmentally Preferable Products. The EPA Final Guidance on Environmentally Preferable Purchase states that it “provides a broad framework of issues to consider in environmentally preferable purchasing and will help Executive agencies systematically integrate environmental preferability principles into their buying decisions. The guidance is not, however, a step-by-step, "how to" guide and it is not intended to answer many of the specific questions that might arise in the acquisition of a particular product category or service.” The GS-46 standard and this criterion in particular, however, is intended to provide more “how-to” guidance on implementing an environmentally preferable purchasing policy. The

general information provided in the EPA guidance was incorporated, but it did not go as far as necessary for this standard. As suggested by comments on previous versions of the standard, the GS-46 definition for environmentally preferable products includes third-party certification programs with examples, but not limited to those, included in the appendices. This helps an operation with identifying environmentally preferable products (e.g. food), knowing specifically what to look for.

Comment:

Provide items in bulk requirement should be deleted. Many operations do not have space for bulk storage.

Response:

It is acknowledged that bulk storage is not accessible for all operations. As a result, bulk purchasing was already not a requirement in the standard. It is included in the standard as a means of developing a vendor preference policy, and thus would only be used by an operation if it was feasible.

Comment:

There is no practical, scientific or environmental research, rationale or technical substantiation for the provision “3.7.8 – Scented Candles - Mandatory: Scented candles shall not be used” in this standard.

1. Regulation of the use of candles or other sources of open flame in a business falls to the authority having jurisdiction (fire authorities).
2. Although it is unlikely “scented” candles will be used in the food service/consumption area, this provision prohibits their use in other restaurant areas such as foyers and bars.
3. The term “scented” is undefined in this standard.

The 3.7.8 section should be eliminated from this standard as this is an arbitrary exclusion of a product without technical justification and is not appropriate for a standard.

Response:

Since scented candles are not used in restaurants this criterion will be removed.

Comment:

The only general comment I have is that I believe it may be too restrictive, or misperceived, to establish criteria solely against other current Green Seal standards. For example, criteria 3.7.10.2 Fleet Maintenance – Mandatory: “Meet the following requirements from Green Seal Environmental Standard for Fleet Vehicle Management Maintenance (GC-10).” I would encourage Green Seal to consider other alternatives, or add language such as “Green Seal will consider other Fleet Management Programs that are comparable to GC-10.”

3.7.10.2 Fleet Maintenance -- Mandatory

We recommend the reference to Green Seal Environmental Standard for Fleet Vehicle Maintenance (GC-10) be deleted. This Standard has not been updated in thirteen years, and as such may be outdated. We also object to the reference of standards by an ANSI-Accredited Standards Developer which may not have been developed by consensus and have not followed its policies.

Response:

There is no situation in the standard that cites the use of Green Seal certified products or services as the only means to meet a requirement. The example provided in the comment merely references a Green Seal standard (freely available on the web site) as a source of options to select which best practices to implement. Certification is not required. To our knowledge, there is no other readily-accessible, comprehensive source for environmentally preferable fleet vehicle maintenance best practices available. For other references to certification programs (like LEED) it will be clear that other equivalent options would be accepted.

Comment:

Appendix A

Additional recognition and certifications programs should be listed, including EPA's Design for the Environment Program, Scientific Certification Systems, etc.

Comment:

I would like to see Food Alliance listed as a recognized certification program for "socially preferable food" in appendix B on page 43. Food Alliance certification covers safe and fair labor conditions, humane treatment of animals, and environmental concerns related to agriculture and food processing and distribution.

Response:

The appendices were included as a way to provide references that can be updated as programs that meet the definitions in the standard and cover the products in the standard become more available. As a result, the appendices may be updated periodically. The EPA Design for the Environment Program currently does not meet the definitions in this standard, Scientific Certification Systems would be accepted if they cover products in the standard (SCS is already included for "low-emitting" products), and Food Alliance will be included in appendix B.

Comment:

6.0 Labeling Requirements

It is appropriate that the use of a mark by the food service operation be optional. However, this section should not be restricted to Green Seal. As noted in the appendices, there are numerous organizations competent to provide certification marks for part or all of the proposed elements of the standard.

Response:

This section refers to certification to this entire standard, not to individual components of the standard. However, this section (all of 6.0) will be modified to only include the following to ensure that written communication about meeting this standard is not misleading (compliant with FTC). In addition, the Foreword that referenced Green Seal certification procedures will be removed from this standard and rather, included in the Green Seal certification application.

BRONZE	SILVER	GOLD
<p>Whenever an operation makes a claim (e.g., at the operation or in advertising) that it has been certified to this standard, is shall be based on a third-party certification program with an on-site audit and state:</p> <p>“[Name of restaurant or food service operation or catering operation] meets the Green Seal™ Environmental Standard for Restaurants and Food Services based on its reduced impact on the environment with responsible food offerings, supply purchases, waste handling, and energy and water conservation.”</p>		

Comment:

The important consideration re proper management of food scraps (both pre- and post-consumer) in 3.4.7, 3.4.13, 3.4.14, and 3.14.19 should clearly acknowledge the widespread existence and use in a wide range of food service establishments (institutional and commercial) of food waste disposers (aka garbage disposals) as the principal means by which food scraps are managed, and have been for decades. Use of a disposer means near-immediate removal of food scraps from the premises (via discharge through underground waste lines), which offers significant public health, indoor air quality and pest management benefits.

In addition, use of a disposer for food scraps – which essentially is a liquid, not solid material, given its high water content – practically means diversion of that material from garbage collection trucks, transfer stations, landfills and incinerators, providing significant environmental benefits in that process.

Also, food scraps sent to a municipal waste water treatment plant – especially in larger cities – are highly likely to be processed into fertilizer products (e.g., biosolids), with its energy captured in the process. In most cases, this is done via the processing of sludge in anaerobic digesters which produce biogas rich in methane that is used on-site for power production and heat, thereby minimizing the treatment plant’s reliance on grid-power for its equipment and processes.

Numerous technical, academic, engineering and government-funded studies have carefully assessed the environmental efficacy of both residential and commercial food waste studies, and have generally supported their use as an important and effective tool in dealing with the challenges of food scraps.

Because disposers already are in widespread use, however, calculating baseline and additional benefits from their existing and prospective use can be complicated, which these guidelines should take into account.

Finally, in addition to the fact that other organizations that have examined this issue have acknowledged the existence, use and benefits of food waste disposers, performance-based language urging the use of high-performing/water-conserving disposers should be considered in the water efficiency section of the GreenSeal guidelines. One example is as follows:

Recommended Requirements :

When a (*commercial*) food waste disposer system is used the following requirements must be met:

1. Use cold water (common code requirement)
2. Equip system with a load-sensing device that regulates the water use up to 1 gpm in a no-load situation and from 3 to 8 gpm in a full-load situation.
3. Automatic timed shutoff – up to 15 minutes of no-load use.

When a food waste pulping system is used the following requirements must be met:

1. Use cold water
2. Equip pulverizing system with a load-sensing device that regulates the water use up to 1 gpm in a no-load situation and from 3 to 8 gpm in a full-load situation
3. Automatic timed shutoff– up to 15 minutes of no-load use
4. No more than 2 gpm of make-up water

Response:

It is noted that when operations use disposers that their tracking of waste will be more challenging than other operations. However, such tracking isn't required on an on-going basis and thus is feasible. The composting requirement includes researching options, and disposers would be included as one of those options – provided the waste is used for composting. The implementation comments are helpful and will be included in the supporting documents (e.g. help sheets) that will be prepared when the standard is finalized.

Comment:

I appreciate that this certification is thorough and covers all aspects of what restaurants can do to increase its environmental performance. My concern is that restaurants won't have time to obtain certification without assistance. Would Green Seal offer training workshops to people (such as LEED APs) who want to help restaurants obtain certification?

Given that the Green Restaurant Association has recently updated their standard, it seems like these two standards are in competition with one another. What is Green Seal's position on this? What is the difference between the two standards?

How will Green Seal market this certification to communicate to the restaurant industry that it is credible, achievable, and recognizable by restaurant goers alike? Ideally, people will choose to dine at a Green Seal certified restaurant over a non certified one. I think creating a sound standard is important, but I also think it's equally important that the public will recognize it and patronize restaurants that are Green Seal certified over a non certified one. Is Green Seal's goal to be THE green restaurant certification nation-wide? If so, how will Green Seal communicate this message this to the public?

Response:

Once the standard has been finalized, Green Seal will make available a number of tools (e.g. templates, checklists, help-sheets) for those interested in implementing the initiatives included in the standard. Training workshops is a good suggestion and will be explored. Green Seal's standard is the only standard based on life-cycle research. Meeting the standard, as a result, means that an operation is making meaningful environmental improvements. This difference can be quantified, and will be (once the standard is finalized) to help communicate this benefit (for example, each operation saves energy, reduces emissions, minimizes waste, and has more responsible purchasing). Thus, consumers will know that operations that carry the Green Seal Mark are environmentally responsible.

Comment:

I feel fortunate to have had the experience to go through this process to see the thoroughness of such process. It was a learning experience.

Comment:

Raising the bar for all components of a restaurant operation—food sourcing and supply chain, waste and water usage, and the footprint of the restaurant and its operations—is a good way to raise expectations for environmental performance.

Response:

Comments acknowledged.