



Compliance with Climate Change Initiatives

Report No. OIG-INS-67-13-01

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BACKGROUND

On February 25, 2013, the Office of Inspector General (OIG) received a letter from the Congressional Bicameral Task Force on Climate Change requesting an assessment of the actions of the National Labor Relations Board (NLRB) in confronting the growing threat of climate change. The Task Force's request was in two parts. The first part of the request asked the OIG to:

1. Identify the existing requirements in legislation, regulation, executive order, and other directives that apply to the NLRB;
2. Assess whether it is meeting these requirements; and
3. If it is not fully meeting these requirements, make recommendations for improving its performance.

The second part of the request sought our assessment of:

1. The authorities the NLRB has to reduce emissions of heat-trapping pollution;
2. The NLRB's authorities to make the nation more resilient to the effects of climate change; and
3. The most effective additional steps the NLRB could take to reduce emissions or strengthen resiliency.

In a letter dated March 29, 2013, we informed the Task Force that we were initiating an inspection. We also stated that the NLRB has no authorities to reduce emissions of heat-trapping pollution or make the nation more resilient to the effects of climate change.

OBJECTIVE, SCOPE, AND METHODOLOGY

The objective of this inspection was to identify the existing climate change requirements that apply to the NLRB and to assess whether the NLRB is meeting those requirements. Our scope was the NLRB's Fiscal Years (FY) 2012 and 2013 climate change efforts. We conducted this inspection at NLRB Headquarters in Washington, DC.

We conducted legal research to determine which climate change laws, regulations, executive orders, and other directives apply to the NLRB. We interviewed staff of the Office of Management and Budget (including the Office of Federal Procurement Policy), Office of the Federal Chief Information Officer, Council on Environmental Quality (including the Office of the Federal Environmental Executive), Department of Energy's Federal Energy Management Program, Environmental Protection Agency's Office of Resource Conservation and Recovery, General Services Administration's (GSA) Office of Motor Vehicle Management, GSA Federal Strategic Sourcing Initiative's Office Supplies Program Office, and the District of Columbia Government's Department of the Environment, Hazardous Waste Program for further guidance on which requirements were applicable for the NLRB. We also interviewed NLRB staff in the Office of the Executive Secretary, Division of Operations-Management, Office of the Chief Information Officer, Office of Human Resources, and the Division of Administration to learn about the NLRB's compliance with the applicable climate change requirements.

We obtained and reviewed the NLRB's FY 2010, FY 2011, and FY 2012 Sustainability Plans, FY 2012 greenhouse gas emissions data report, FY 2012 Federal Automotive Statistical Tool (FAST) fleet reports, FY 2012 Regional Fleet Surveys, General Counsel and Operations-Management Memoranda, the NLRB's Purchase Card Guide, the GSA lease prospectus for NLRB Headquarters, and current GSA occupancy agreements.

We conducted this inspection in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency during the period March 2013 through July 2013.

FINDINGS

The NLRB complies with many of the requirements that relate to climate change. For example, the Agency includes green purchasing requirements in its guidance to purchase card holders and encourages Regional Offices to lease alternative fuel or hybrid vehicles. Our inspection, however, found that the Agency has not properly appointed a Senior

Sustainability Officer until the week that our draft report was issued and that while the Agency has many policies in place, monitoring of compliance with the policies does not always occur. For example, the Agency has a procurement policy that requires purchase card holders to follow green purchasing guidelines, but no one monitors the purchase card transactions to ensure that purchases comply with those requirements, and the Agency has no corresponding policy for non-purchase card purchases. In another example, the Facilities and Property Branch files required reports on fleet vehicles, including the type of vehicle and fuel used, and the Division of Operations-Management oversees the Regional Offices' vehicle use, but no Agency official was responsible for monitoring vehicle leases and fuel use to ensure that low greenhouse gas-emitting vehicles are leased and that alternative fuel is used in alternative fuel vehicles. In response to our draft report, the Acting Director of Administration stated that an employee was assigned to manage the Agency's fleet of vehicles.

COMPLIANCE WITH APPLICABLE REQUIREMENTS

Table 1 lists climate change laws, executive orders, Presidential memoranda, rules, regulations, and policies (collectively "rules" or "requirements") that apply to Federal Agencies. Many of these climate change requirements clearly apply to, or clearly exempt, the NLRB. In other cases, however, a requirement's applicability may not be evident, or compliance may not be practical. For example, Executive Order 13514 requires Federal Agencies to reduce water consumption. While the NLRB could implement measures to save water, such measures are not likely to be practical; the Agency leases all of its office space from GSA and cannot, for example, require the installation of water-saving toilets.

Table 1 delineates the applicable and inapplicable provisions of the various climate change requirements and rules. The table also indicates whether the NLRB is complying with applicable provisions. In many cases, the NLRB meets the requirements. In other cases, however, the Agency's staff was vaguely aware of climate change requirements and often abdicated responsibility, most frequently to GSA. In some cases, the responsibility does fall on GSA. For example under Executive Order 13514, because all of our leases are "fully-serviced" (the Agency does not pay for utilities, waste

disposal, or cleaning services directly), GSA is responsible for reporting greenhouse gas emissions associated with electricity use in our buildings, disposing of waste, and ensuring that cleaning contractors use non-toxic cleaning materials. In other cases, however, while GSA can provide assistance and guidance, the responsibility of meeting climate change requirements falls solely on the NLRB. Procurement and fleet vehicles are two prime examples. GSA will make energy-efficient products and low greenhouse gas-emitting vehicles available to the Agency, but it is the NLRB's responsibility to ensure that purchases and vehicle leases meet climate change requirements. Appendices A and B to Table 1 provide more detailed information about the Agency's fleet, including the types of vehicles and whether they are alternative fuel or low greenhouse gas-emitting as required by climate change requirements.

Table 2 lists several corrective actions the NLRB should take to improve compliance with climate change rules.

Suggestion

We suggest that the Agency implement the corrective actions that are detailed in Table 2.

Table 1: Findings

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
National Environmental Policy Act (NEPA), 1969, 42 U.S.C. §4321-4347	1. Prepare environmental assessment or impact statement for every major Federal action that significantly affects the quality of the environment, or prepare a finding of no significant impact. These terms (“major Federal action,” “affects,” and “significantly”) are defined in the implementing regulations at 40 CFR Part 1508.	1. No	1. The Agency does not prepare the statements required by NEPA.	
NEPA Implementing Regulation: Council for Environmental Quality (CEQ), “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” 40 CFR Parts 1500-1508	1. Establish procedures to implement the CEQ’s “Regulations for Implementing the Procedural Provisions of NEPA.”	1. No	1. The Agency does not have procedures to implement CEQ’s NEPA regulations.	
Resource Conservation and Recovery Act (RCRA), 1976, 42	1. Establish affirmative procurement program (APP) for maximizing purchases of each item designated by the EPA (\$10,000 or more per	1. No	1. The Agency does not have an APP.	<ul style="list-style-type: none"> Annual reporting to the Office of Federal Procurement Policy

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U.S.C. 6901–6992k	year).			and Office of the Federal Environmental Executive
	2. Purchase EPA-designated recovered materials products (if Agency spends more than \$10,000 per year on that product).	2. Partial	2. The Purchase Card Guide (posted on the Agency intranet) includes a requirement that buyers purchase products containing recovered materials. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.	
National Energy Conservation Policy Act (NECPA), 1978, as amended by EPCAct and EISA, 42 USCA 8201 et seq. See also: FEMP Guidelines for Establishing Criteria for Excluding Buildings	1. Purchase energy efficient products (Energy Star or FEMP-designated) unless the agency head specifies in writing that the product is not cost effective or reasonably available.	1. Partial	1. The Purchase Card Guide requires procurement of Energy Star and FEMP-designated products. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.	<ul style="list-style-type: none"> • Reduce energy intensity by 30 percent by 2015 • Install water and energy conservation measures • Conduct comprehensive energy and water evaluations annually • Install electric metering by 2012, gas and steam metering by 2016 • Submit information for OMB scorecards • Report annually to DOE/FEMP
	2. Purchase products (computers, microwaves, copiers, etc.) using 1 watt or less of standby power.	2. Partial	2. The Purchase Card Guide includes a requirement to give preference to products using 1 watt of standby power or less. For non-purchase card purchases, the Agency has no	

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			explicit policy. The Agency has no method of enforcing or monitoring compliance.	
<p>NECPA implementing regulation: Final Rule, Federal Procurement of Energy Efficient Products, 74 Fed. Reg. 10830-10836 (Mar. 13, 2009), 10 CFR Part 436 (2009)</p>	<p>1. Agencies should require the procurement of Energy Star and FEMP designated products in service contracts.</p>	<p>1. No</p>	<p>1. Other than Purchase Card purchases, the Agency has no policy for the procurement of Energy Star and FEMP-designated products and no written policy incorporating these requirements and preferences into new or existing contracts.</p>	<ul style="list-style-type: none"> Agencies should consider the procurement planning requirements of section 553 of the National Energy Conservation Policy Act as applying to: (1) Design, design/build, renovation, retrofit and services contracts; facility maintenance and operations contracts; (2) Energy savings performance contracts and utility energy service contracts; (3) If applicable, lease agreements for buildings or equipment, including build-to-lease contracts.
<p>2. When evaluating offers for goods or services, agencies should include criteria for energy efficiency.</p>	<p>2. No</p>	<p>2. The Agency has no policy to include criteria for energy efficiency in evaluating offers.</p>		
<p>3. Agencies should notify their vendors of the Federal requirements for energy efficient purchasing.</p>	<p>3. Partial</p>	<p>3. Most products purchased by the Agency are from GSA supply schedules; the Agency incorrectly assumes those products meet the requirements. The Agency relies on program offices to specify applicable requirements for requests for proposals (RFP). As an example, the new RFP for copiers did include requirements for energy efficiency.</p>		

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<p>Energy Independence and Security Act (EISA), 2007, P.L. 110-140 (Dec. 19, 2007), 121 Stat. 1492, 42 USC 17001, et seq.</p>	<p>1. Acquire only low greenhouse gas (GHG) emitting-vehiclesⁱⁱ; if not low GHG, the agency head must certify that the vehicle meets one of two exceptions: functional needs or alternative measures (that the agency has taken specific, more cost-effective measures to reduce petroleum consumption).</p>	<p>1. No</p>	<p>1. The Agency does not have a policy re: low GHG-emitting vehiclesⁱⁱⁱ; the Agency incorrectly assumes that all GSA-leased vehicles meet the requirement.</p> <ul style="list-style-type: none"> ○ In FY 2012, the Agency incorrectly reported (through the FAST system) that it acquired only low GHG-emitting vehicles. In fact, the Agency acquired 10 vehicles, 1 of which was non-compliant. Based on that report, of the 37 vehicles leased, between 11 and 23 are not low GHG-emitting.^{iv} See Appendices A and B. ○ The Agency does not have functional needs exemptions for non-compliant vehicles. 	<ul style="list-style-type: none"> • High performance Federal buildings requirements • Ensure renovation, replacement, expansion of existing space use energy-efficient designs, systems, equipment, and controls that are life-cycle cost-effective. • Lease buildings with Energy Star rating only • Designate Energy Manager
	<p>2. Reduce petroleum consumption by 20 percent and increase alternative fuel^v consumption by 10 percent from 2005 baseline by October 1, 2015.</p>	<p>2. Partial</p>	<p>2. The Agency does not have a policy to reduce petroleum and increase alternative fuel use. The Agency met targets to reduce petroleum consumption and has reduced petroleum consumption by 25 percent (from 17,192 gallons in FY 2006 to 12,812 gallons in FY 2012).^{vi}</p>	

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
			<p>The Agency reported 0 gasoline gallon equivalents (gge) of alternative fuel used in FY 2005; in FY 2012, the Agency reported 116 gge used, less than 1 percent of the 12,812 gallons of petroleum used. The Agency does not have procedures in place to monitor petroleum and alternative fuel use.</p>	
	3. Submit efficiency status report to OMB.	3. Yes	3. The Agency files annual Sustainability Plans and GHG emissions data workbook, but the FY 2012 plan did not include the required climate change adaptation plan even though the plan was written.	
	4. Entering into a contract for synfuel is prohibited unless its life cycle GHG emissions are less than those for conventional petroleum sources.	4. Yes	4. The Agency did not purchase synfuel in FY 2012.	
EISA Fuel Consumption Implementing Regulation: Proposed Rule, Petroleum Reduction	1. By October 1, 2015, annual petroleum consumption of the fleet must be equal to or less than 80 percent of that fleet's FY 2005 baseline.	1. Yes	1. The Agency has no policies to reduce petroleum consumption or monitor fuel consumption. The Agency met interim targets to reduce petroleum consumption and reduced petroleum use by 25 percent	

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Consumption Requirements for Federal Fleets, Department of Energy, 10 CFR Part 438, 77 F.R. 14482-14490 (Mar. 12, 2012) ^{vii}			between FY 2006 and FY 2012.	
	2. Annual alternative fuel consumption must be equal to or greater than 110 percent of FY 2005 baseline. Proposed rule provides calculations for alternative minimum baseline for agencies with low alternative fuel consumption. Under this minimum baseline, the NLRB would be required to use 946 gge of alternative fuel by October 1, 2015. ^{viii}	2. No	2. The Agency has no policies to increase alternative fuel use or monitor fuel consumption. The Agency reported 0 gge of alternative fuel used in FY 2005 (the baseline year) and 116 gge in FY 2012.	
	3. Agencies must report annually (through FAST).	3. Yes	3. The Agency files annual FAST reports.	
	4. Rule sets non-mandatory ^{ix} interim milestones for reducing petroleum consumption and increasing alternative fuel consumption.	4. Partial	4. The Agency is on track for meeting target for petroleum reduction; the Agency does not monitor fuel consumption and used only 116 gge of alternative fuel in FY 2012 compared to the 946 gge of alternative fuel it must use in FY 2015.	
Telework Enhancement Act, 2010, 5 USC 6501 et seq.	1. Establish telework policy by Dec. 9, 2010.	1. Yes	1. The Agency has a telework policy.	
	2. Consult with OPM to develop policies.	2. No	2. The Agency stated that it consulted with OPM in	

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			developing telework policies but could not provide documentation of that consultation.	
	3. Within 180 days of the Telework Enhancement Act (TEA) passage (Dec. 9, 2010), determine employee eligibility for telework and notify employees of their eligibility (TEA includes specific eligibility guidelines).	3. Partial	3. The Agency notifies employees when hired if they are eligible and sent out a general notification to most employees after the TEA was passed that notified employees of the eligibility requirements. The Agency's eligibility guidelines generally follow the TEA, except for TEA's requirement that employees handling secure materials be excluded from telework.	
	4. Incorporate telework into the continuity of operations plan (COOP).	4. Yes	4. Telework is incorporated into the COOP, and COOP is incorporated into the telework policy.	
	5. Require written agreements.	5. Yes	5. The Agency requires written telework agreements.	
	6. Establish goal to increase telework participation.	6. No	6. The Agency does not have a telework participation goal.	
	7. Implement a telework training program for employees and supervisors.	7. Yes	7. The Agency required initial training for teleworking employees and supervisors.	

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	8. Treat teleworking and non-teleworking employees the same for evaluations, training, work requirements, etc.	8. Yes	8. The Agency policy requires that teleworking and non-teleworking employees be treated similarly.	
	9. Designate senior official as Telework Managing Officer (TMO).	9. No	9. The Agency has not designated, in writing, a senior official to be TMO.	
	10. Chief Human Capital Officer and TMO submit annual reports to Council of Human Capital Officers on efforts to promote telework; data are provided to the Council through the OPM telework data call.	10. Yes	10. The Agency participated in the FY 2012 OPM telework data call.	
EXECUTIVE ORDERS AND PRESIDENTIAL MEMORANDA				
Executive Order 13150, Federal Workforce Transportation, 2000	1. Establish a mass transportation and vanpool fringe benefit program for employees to deduct cost of mass transit and vanpools from taxes.	1. Yes	1. The Agency has a mass transit fringe benefit program.	
	2. In National Capital Region, set up a transit pass system.	2. Yes	2. The Agency has a transit pass program for National Capital Region employees.	
Executive Order 13221, Energy Efficient Standby Power Devices,	1. Any electronic products purchased by an agency should use no more than one watt of standby power (where lifecycle cost effective and	1. Partial	1. The Purchase Card Guide includes a requirement to give preference to products using 1 watt of standby power or less.	

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2001, 66 Fed. Reg. 40569	practicable). Independent agencies are encouraged to comply.		For non-purchase card purchases, the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.	
<p>Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, 2007, 72 Fed. Reg. 3919</p> <p>See also Instructions for Implementing Executive Order 13423</p>	<p>1. Require in agency acquisitions of goods and services the use of sustainable environmental practices, including the acquisition of biobased, environmentally preferable, energy-efficient, water-efficient, and recycled-content products, and the use of paper of at least 30 percent post-consumer fiber content.</p>	1. Partial	<p>1. The Agency’s Purchase Card Guide instructs buyers to purchase “bio-based, environmentally preferable, energy-efficient, water conserving and recycled-content” products, including paper that contains at least 30 percent post-consumer fiber. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.</p>	<ul style="list-style-type: none"> • Reduce water consumption. • Reduce “energy intensity” by 3 percent per year or 15 percent by FY 2015 relative to 2003 baseline. • New construction and renovation projects must comply with Guiding Principles. • 50 percent of “statutorily required renewable energy” must come from new renewable sources. • Ensure that contracts entered into after the date of this order for contractor operation of government-owned facilities or vehicles require the contractor to comply with the provisions of
<p>2. Reduce the quantity of toxic and hazardous chemicals and materials; have waste prevention and recycling programs.</p>	2. Partial	<p>2. The Agency purchased new recycling bins for HQ to encourage recycling. The Agency also stated that it relies on the HQ landlord to recycle the items in accordance with DC statutes. The Agency reports that 28 Field Offices are in Federal buildings that follow the mandated recycling</p>		

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			<p>programs. For the additional 26 Field Offices that are in leased space, the Agency was not able to provide documentation of the recycling programs. The Agency does not have a policy regarding toxic waste.^x</p>	<p>this order with respect to such facilities or vehicles to the same extent as the Agency would be required to comply if the Agency operated the facilities or vehicles.</p> <ul style="list-style-type: none"> • Ensure that agreements with tenants or concessionaires facilitate the Agency's compliance with this order as appropriate.
	<p>3. Meet 95 percent of electronics requirements with Electronic Product Environmental Assessment Tool (EPEAT)-registered products (unless none available).</p>	<p>3. Partial</p>	<p>3. The Agency does not have a policy that 95 percent of electronics requirements be met with EPEAT-registered products.</p> <ul style="list-style-type: none"> o The Purchase Card Guide specifies that all electronics purchases be EPEAT-registered unless there is no EPEAT standard for the product. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance. 	
	<p>4. Enable the Energy Star feature on agency computers and monitors.</p>	<p>4. No</p>	<p>4. OCIO has no policy to enable Energy Star feature.</p>	
	<p>5. Establish and implement policies to extend the useful life of agency</p>	<p>5. No</p>	<p>5. The Agency does not have written policies to extend the</p>	

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	electronic equipment.		useful life of electronics. Agency laptops and monitors have a 3-year replacement cycle (users receive the replacement in the 4th year); printers are replaced on an as-needed basis.	
	6. Use environmentally sound practices with respect to disposition of agency electronic equipment that has reached the end of its useful life.	6. Yes	6. The Agency policy is that all replaced electronic equipment is "excessed" to GSA in accordance with GSA requirements.	
	7. Fleet of 20+ vehicles: reduce petroleum use by 2 percent annually through the end of FY 2015, increase total non-petroleum fuel consumption by 10 percent annually; use plug-in hybrids (PIH) when available and reasonably comparable to non-PIHs.	7. Partial	7. The Agency does not have a policy to reduce petroleum use and increase alternative fuel use and does not monitor fuel consumption. The Agency has reduced petroleum use by 25 percent (from 17,192 gallons in FY 2006 to 12,812 gallons in FY 2012). Alternative fuel use in FY 2012 was 116 gge. The Agency currently has no plug-in hybrids. Agency policy instructs Regions to choose alternative fuel or hybrid vehicles but does not specify plug-in hybrids.	
	8. Establish programs for training, compliance review and audit, and	8. No	8. The Agency does not have programs for environmental	

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	awards.		compliance review and audit, environmental management training, or leadership awards.	
	9. Designate implementing official in the Senior Executive Service (SES); report such designation to OMB and CEQ; assign the designated official the authority and duty to monitor and report to the head of the agency on agency activities to carry out the Executive order and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.	9. Partial	9. From June 2012 to July 2013, the Agency had named an employee (not a senior official) as Senior Sustainability Officer. Our observation was that this employee filed the annual Sustainability Plans and GHG emissions workbook but did not otherwise monitor or implement this order.	
	10. Report to the Council on Environmental Quality, OMB, and Federal Environmental Executive as required.	10. Yes	10. The Agency files annual Sustainability Plans and reports GHG emissions and fleet data.	
	11. Implement Environmental Management System (EMS) or compliance management plan.	11. No	11. The Agency could not provide documentation of an EMS or compliance management plan.	
	12. Establish practices to implement applicable provisions of the Executive order.	12. Partial	12. See explanations for Applicable Provisions 1 through 11.	
Executive Order 13514, Federal Leadership in Environmental,	1. Establish greenhouse gas emission reduction target for 2020 for Scopes 1 and 3 ^{xi} emissions relative to a 2008 baseline.	1. Yes	1. The Agency established 2020 emission reduction targets for Scopes 1 and 3.	<ul style="list-style-type: none"> • Establish and report Scope 2 emissions. • Reduce energy

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Energy, and Economic Performance, 2009, 74 Fed. Reg. 52117	2. Report annually to CEQ and OMB on GHG emissions, including Scopes 1 and 3.	2. Yes	2. The Agency reports Scope 1 and 3 greenhouse gas emissions.	<p>intensity in buildings.</p> <ul style="list-style-type: none"> • Increase use of renewable energy and implement renewable energy generation projects on agency property. • Pursue opportunities with vendors and contractors to reduce GHG emissions. • Improve water use and efficiency by reducing consumption. • Promote pollution prevention and eliminate waste by, among other things, diverting solid waste, and decreasing chemical use. • Advance regional and local integrated planning. • Implement high performance sustainable Federal building design, construction, operation and management,
	3. Use low GHG-emitting vehicles.	3. Partial	3. In FY 2012, the Agency incorrectly reported (through the FAST system) that it acquired only low GHG-emitting vehicles. In fact, the Agency acquired 10 vehicles, 1 of which was non-compliant. Based on that report, of the 37 vehicles leased, 11 are not low GHG-emitting. See Appendices A and B. a. The Agency incorrectly assumes that all GSA-leased vehicles meet the requirement.	
	4. Optimize number of vehicles in the fleet.	4. Yes	4. The Agency surveys Regions annually to determine whether they have a continued need for vehicles based on mileage or days used.	
	5. Reduce petroleum consumption by 2 percent annually through FY 2020.	5. Yes	5. The Agency is on target and by FY 2012 had reduced petroleum consumption by 25 percent.	
	6. Implement strategies for transit,	6. Yes	6. The Agency has transit benefits	

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	travel, training, and conferencing that support lower-carbon commuting and travel by staff.		and a telework program for Headquarters and field staff.	maintenance, and deconstruction.
	7. Develop innovative policies and practices to address Scope 3 GHG emissions unique to Agency operations.	7. Yes	7. The Agency established the "Green Team," developed the NxGen case management system to reduce paper records, and developed a public Web portal for electronic case filing.	
	8. Reduce paper use.	8. Yes	8. Duplex printing: in the FY 2011 Sustainability Plan, the Agency stated that it would set all printers to default to duplex printing by May 2011. In response to recent cost-savings memos instructing employees to reduce printing and print and copy double-sided, the Agency configured printers for duplex printing in June 2013.	
	9. Buy uncoated printing and writing paper with at least 30 percent post-consumer fiber.	9. Partial	9. The Agency's Purchase Card Guide specifies the purchase of paper with 30 percent post-consumer fiber content. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring	

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			compliance.	
	<p>10. Ensure that 95 percent of new contract actions (including task and delivery orders) for products and services are Energy Star or FEMP-designated, water-efficient, biobased, environmentally preferable (e.g., EPEAT certified), non-ozone depleting, contain recycled content, or are non-toxic or less toxic, where these products/services meet Agency performance requirements.</p>	10. No	<p>10. The Agency does not have procedures to ensure that 95 percent of new contracts meet these requirements.</p>	
	<p>11. Promote electronics stewardship:</p> <ul style="list-style-type: none"> a. Ensure procurement preference for EPEAT-registered electronics; b. Establish and implement policies to enable power management, duplex printing, and other energy-efficient features on Agency electronics; c. Ensure purchase of Energy Star and FEMP-designated electronics; d. Employ environmentally sound practices with respect to the agency's disposition of all agency excess or surplus electronic products; e. Implement best practices for energy-efficient management of 	11. Partial	<p>11. Electronics stewardship:</p> <ul style="list-style-type: none"> a. The Purchase Card Guide specifies that all purchases should meet green purchasing requirements, including EPEAT-registered products. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance. b. OCIO does not have a power management policy. According to the OCIO, they provide for the power 	

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	servers and data centers.		<p>management of computers and monitors through the use of Active Directory group policies. The OCIO did not document how the power management settings were determined or the standards that they used to determine power usage. In June 2013, the OCIO configured printers to support duplex printing.</p> <p>c. The Purchase Card Guide includes a requirement to purchase Energy Star and FEMP-designated products. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.</p> <p>d. Agency policy is that all replaced electronic equipment is “excessed” to GSA in accordance with GSA requirements.</p> <p>e. The Agency is not required to participate in the Data Center Initiative, but in the 2011 Sustainability Plan, the Agency described a plan to</p>	

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	<p>12. Designate a Senior Sustainability Officer accountable for Agency conformance with the requirements of this Executive order and responsible for preparing targets and reporting, including preparing Agency's Sustainability Plan, monitoring performance, and reporting annually to the head of the agency.</p>	12. Partial	<p>consolidate certain IT capabilities.</p> <p>12. From June 2012 to July 2013, the Agency had a Senior Sustainability Officer who prepared the Agency's Sustainability Plans, but he was not accountable for the Agency's conformance with the requirements of the order, did not monitor performance, and did not report to the head of the Agency. In July 2013, the Agency appointed an SES official to perform this function.</p>	
	<p>13. Minimize generation of waste and pollutants through source reduction; reduce quantity of toxic and hazardous chemicals and materials.</p>	13. Partial	<p>13. The Agency purchased new recycling bins for HQ to encourage recycling. The Agency also stated that it relies on the HQ landlord to recycle the items in accordance with DC statutes. The Agency reports that 28 Field Offices are in Federal buildings that follow the mandated recycling programs. For the additional 26 Field Offices that are in leased space, the Agency was not able to provide documentation of the recycling</p>	

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
			<p>programs.</p> <p>In response to recent cost-savings memos instructing employees to reduce printing and print and copy double-sided, the Agency configured printers for duplex printing. The Agency does not have a policy regarding toxic waste.</p>	
<p>Presidential Memorandum, Disposing of Unneeded Federal Real Estate, June 10, 2010</p>	<p>1. Eliminate excess property and leases; offset reductions when new space is acquired; pursue consolidation opportunities within and across agencies in common asset types (such as data centers, office space, warehouses, and laboratories); and increase occupancy in current facilities.</p>	<p>1. Yes</p>	<p>1. The Agency leases all office space from GSA, and though the Agency requests specific square footage, GSA selects the buildings and determines the size of the space. The Agency has an unwritten practice to assess the need for space reduction when each lease expires. Between FY 2010 and FY 2012, the Agency reduced space from 852,927 sq. ft. to 845,857 sq. ft. In addition, GSA recently sought bids for a new lease for the Headquarters, which will reduce space by an additional 92,000 Rentable Square Feet (RSF).</p> <p>In the 2011 Sustainability Plan, the Agency described a plan to consolidate certain IT</p>	<ul style="list-style-type: none"> • Adopt a policy against expanding data centers beyond current levels. • Submit a plan to OMB by August 30 regarding Agency policy against expanding data centers beyond current levels and plan to consolidate and reduce them within 5 years.

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
			capabilities.	
Presidential Memorandum Implementing Memo: OMB Memo M-12-12, May 2012	1. Agencies must freeze their footprint at the FY 2012 level. Any new acquisitions must be offset by consolidation, co-location, or disposal of space.	1. Yes	1. The Agency leases all office space from GSA, and though the Agency requests specific square footage, GSA selects the buildings and determines the size of the space. The Agency has an unwritten practice to assess the need for space reduction when each lease expires. Between FY 2010 and FY 2012, the Agency reduced space from 852,927 sq. ft. to 845,857 sq. ft. In addition, GSA recently sought bids for a new lease for the Agency Headquarters, which will reduce space by an additional 92,000 RSF.	
Presidential Memorandum, Federal Fleet Performance, May 24, 2011	1. By Dec. 31, 2015, all new light duty vehicles leased or purchased must be alternative fuel and must, as soon as practicable, be located in proximity to fueling stations with available alternative fuels, and be operated on the alternative fuel for which the vehicle is designed. ^{xii}	1. No	1. In 2012, the Agency reported through FAST that it had 37 vehicles. Of those vehicles, 20 meet the requirement because they are either E85 flexible-fuel vehicles or they are gas hybrid vehicles. For remaining 17 gas powered vehicles, 5 are low GHG-emitting and are located more than 5 miles from an E85 fueling station. Given that distance from an E85 fueling	

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
			<p>station, those five vehicles would also meet the requirement. The remaining 12 vehicles do not meet the requirement.^{xiii} See Appendix A.</p> <p>Of the 10 vehicles acquired in FY 2012, 6 are E85 flexible-fuel vehicles; two of those are located more than 5 miles from an E85 station. All 4 gas-powered vehicles are low GHG-emitting <i>and</i> located more than 5 miles from an E85 station. See Appendix B.</p> <p>Agency policy is that Regions should choose alternative fuel vehicles or hybrids when replacing vehicles but did not monitor the type of car chosen. The Agency does not have a policy that alternative fuel vehicles must be run on alternative fuel. The Agency does not monitor whether alternative fuel is available in proximity to a vehicle's garage location.</p>	
	2. Pursuant to regulations (41 C.F.R. 102-34.50), the fleet is to achieve	2. No	2. The Agency reported three SUV/4x4 vehicles and 11	

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
	<p>maximum fuel efficiency, be limited in size and equipment to what is essential, and be midsize or smaller (except where larger is essential to the mission). By November 2011, any vehicle larger than midsize sedan or that does not use alternative fuel must be disclosed on the agency Web site.</p>		<p>vehicles that are not low GHG-emitting. (See Appendix A.) The Agency has not posted on its Web site a list of fleet vehicles larger than midsize or not alternative fuel vehicles.</p>	
	<p>3. The agency shall determine optimal fleet inventory using GSA's Vehicle Allocation Methodology (VAM), post optimal fleet inventory target on agency Web site, and submit fleet management plans to GSA by Dec. 31, 2015.</p>	<p>3. No</p>	<p>3. The Agency has not completed the VAM, determined optimal fleet inventory, posted optimal fleet inventory target on Web site, or submitted fleet management plans to GSA.</p>	
	<p>4. Agency shall incorporate the new fleet management plan into the Annual Strategic Sustainability Performance Plan beginning with the June 2012 submission.</p>	<p>4. No</p>	<p>4. The Agency has not incorporated the fleet management plan into its Sustainability Plan.</p>	
<p>Presidential Memorandum Implementing Bulletin: GSA Bulletin FMR B-30, Aug 22, 2011</p>	<p>1. Provides directions for completing GSA Vehicle Allocation Methodology (VAM).</p>	<p>1. No</p>	<p>1. The Agency has not completed a VAM.</p>	

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
REGULATIONS AND OTHER GUIDANCE				
Motor Vehicle Management, 41 CFR Part 102-34	1. Agencies must obtain vehicles that are the minimum size necessary, achieve maximum fuel efficiency, and are no larger than midsized.	1. Partial	1. The Agency has 3 SUVs in “snow belt” cities and 11 vehicles that are not low GHG-emitting. (See Appendix A.) The Agency has not completed a VAM.	
	2. Fleets must meet average fuel economy standards; agencies must calculate fleet fuel economy in accordance with the regulation (and request exemptions if needed).	2. No	2. The Agency does not maintain records related to fuel efficiency of the fleet.	
	3. Agencies must establish and document a structured vehicle allocation methodology (VAM) to determine the appropriate size and number of motor vehicles. See GSA FMR Bulletin B-30 above.	3. No	3. The Agency has not completed a VAM.	
	4. Agencies must use alternative fuel in alternative fuel vehicles to the fullest extent practicable.	4. No	4. The Agency has 20 alternative fuel vehicles but used only 116 gge of alternative fuel (less than 1 percent of the 12,812 gallons of petroleum used) in FY 2012.	

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
	5. The agency is required to report vehicle data to GSA through FAST reporting system annually.	5. Yes	5. The Agency reports data through FAST system.	
	6. The agency is required to have a specified fleet management information system.	6. Yes	6. The Agency leases all vehicles from GSA; for GSA-leased vehicles, GSA Fleet's management information system meets the requirement.	
Federal Acquisition Regulation Part 23	1. Subpart 23.2: When purchasing energy-consuming products listed in the Energy Star or FEMP programs, purchase designated products, including items which meet FEMP's standby power wattage recommendations. <ul style="list-style-type: none"> o When contracting for services that will include the provision of energy-consuming products, specify products that comply with the above provision. 	1. Partial	1. The Purchase Card Guide requires procurement of Energy Star-designated products and products that consume no more than 1 watt of standby power. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.	
	2. Subpart 23.4: Purchase EPA-designated recovered materials products and USDA-designated biobased materials products (if the agency spends more than \$10,000 per year on that product). <ul style="list-style-type: none"> o Establish affirmative procurement program (APP) for maximizing purchases of each item designated by the 	2. Partial	2. The Purchase Card Guide requires procurement of EPA- and USDA- designated products. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.	

Climate Change Law, Regulation, Executive Order, Other Guidance	Applicable Provisions	Compliant?	Notes/Explanation	Inapplicable Provisions ⁱ
	EPA (\$10,000 or more per year).		<ul style="list-style-type: none"> o The Agency does not have an APP. 	
	3. Subpart 23.703: Implement cost-effective contracting preference programs promoting energy-efficiency, water conservation, and the acquisition of environmentally preferable products and services; and employ acquisition strategies that affirmatively implement specified environmental objectives.	3. Partial	3. The Purchase Card Guide requires procurement of environmentally-preferable, energy-efficient, and water-efficient products. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.	
	4. Subpart 23.705: 95 percent of electronics acquisitions must be for EPEAT-registered products.	4. Partial	4. The Purchase Card Guide specifies that all electronics purchases be EPEAT-registered unless there is no EPEAT standard for the product. For non-purchase card purchases, some guidance is available on the intranet, but the Agency has no explicit policy. The Agency has no method of enforcing or monitoring compliance.	

Inapplicable to NLRB	
Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, 2001	<ul style="list-style-type: none"> • Requires agencies to prepare and submit a Statement of Energy Effects to OMB for those regulatory actions identified as

Inapplicable to NLRB	
	<p>significant energy actions (actions likely to have a significant adverse effect on the supply, distribution, or use of energy).</p> <ul style="list-style-type: none"> • Not applicable because it does not apply to agencies considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5) (which includes the NLRB).
Executive Order 13352, Facilitation of Cooperative Conservation, 2004	<ul style="list-style-type: none"> • Ensures that the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decision making, in accordance with their respective agency missions, policies, and regulations. • Not applicable because the NLRB is not one of the listed agencies.
Energy Policy Act (EPAct), 106 Stat. 2776, P.L. 102-486 (1992), 42 U.S.C. §13201 et seq., and 119 Stat. 594, P.L. 109-58, 42 U.S.C. 15801 et seq. (2005)	<ul style="list-style-type: none"> • Requires that: <ul style="list-style-type: none"> ○ For Federal fleets of 20 or more vehicles located in a metropolitan statistical area that are centrally fueled or capable of being centrally fueled, 75 percent of vehicles acquired in 1999 and thereafter must be alternative fuel vehicles; ○ only alternative fuel may be used in dual-fueled vehicles acquired under the above provision except where waived by DOE; ○ not later than Jan. 1, 2010, agencies with federal fleets shall acquire fuel cell vehicles and hydrogen energy systems to meet energy conservation requirements. • Not applicable because the NLRB does not have 20 or more vehicles located in a metropolitan statistical area that are centrally fueled or capable of being centrally fueled, and agencies are not currently being required to acquire fuel cell vehicles or hydrogen energy systems.

Inapplicable to NLRB	
Federal Data Center Consolidation Initiative, 2010	<ul style="list-style-type: none"> Requires 24 agencies, not including the NLRB, to develop consolidation plans for data centers.
Presidential Memorandum, Implementation of Energy Savings Projects and Performance-Based Contracting for Energy Savings, December 2011	<ul style="list-style-type: none"> Requires implementation of energy conservation measures in Federal buildings. Not applicable because the Agency leases all space from GSA and has no control over energy conservation in its buildings.
OMB Management Procedures Memo 2013-02, March 14, 2013	<ul style="list-style-type: none"> Requires CFO Act agencies to submit Revised Real Property Cost Savings and Innovation Plans and annual evaluations of compliance with the “Freeze the Footprint” policy. Not applicable because the NLRB is not a CFO Act agency.

Endnotes

ⁱ For example, a provision may not be applicable because the cost of utilities is included in the Agency’s leases or because the NLRB is a small agency. *See* U.S. Department of Energy, Federal Energy Management Program (DOE/FEMP), “Guidelines Establishing Criteria for Excluding Buildings from the Energy Performance Requirements of Section 543 of the National Energy Conservation Policy Act as Amended by the Energy Policy Act of 2005,” (Jan. 27, 2006); DOE/FEMP, “Reporting Guidance for Federal Agency Annual Report on Energy Management (per 42 U.S.C. 8258),” (Nov. 2012).

ⁱⁱ The U.S. Environmental Protection Agency (EPA) has created a rating system for determining whether a vehicle is low GHG-emitting. For model years 2012 and earlier, a passenger car with a rating of 7 or higher qualifies as low GHG-emitting. For light duty trucks and flexible fuel passenger cars, 6 or higher qualifies (5 or higher for flexible fuel light duty trucks). EPA, “Guidance for Implementing Section 141 of the Energy Independence and Security Act of 2007, Federal Vehicle Fleets and Low Greenhouse Gas-Emitting Vehicles” (“EPA Guidance”), EPA-420-B-12-027, June 20, 2012, pp. 3-5. For model year 2013 and beyond, the EPA changed from a numerical rating system to maximum CO₂ emissions levels. Under the new system, to qualify as low GHG-emitting, passenger cars can emit a maximum of 330g CO₂/mile;

flexible fuel passenger cars can emit 375 g CO₂/mile; light duty trucks 415 g CO₂/mile; and flexible fuel light duty trucks 460 g CO₂/mile. *Id.* at p. 5. EPA and DOE created websites on which a vehicle's GHG rating can be located. For all model years (using the new system of CO₂ emissions), users can search www.fueleconomy.gov. For 2012 and earlier model years only, users can search <http://www.epa.gov/greenvehicles> to find the numerical rating of particular vehicles.

ⁱⁱⁱ While the Agency does not have a policy that vehicles must be low GHG-emitting, it does have a policy encouraging Regional Offices to lease alternative fuel or hybrid vehicles. Not all alternative fuel vehicles are low GHG-emitting (see, for example, the 2012 Chevrolet Impala flexible fuel vehicle. Data available at <http://www.epa.gov/greenvehicles>). See EPA Guidance, Appendix B.

^{iv} Of the 36 vehicles leased by the Agency, 11 are not low GHG-emitting, and an additional 12 may or may not be—depending on the size of the engine (the Agency does not keep this information). For example, the 2009 Pontiac G6 is low GHG-compliant only if it has a 2.4 liter/4 cylinder engine. Larger engines are not compliant. See Appendix A and <http://www.epa.gov/greenvehicles>.

^v EISA does not define alternative fuel although it does provide that agencies can meet the requirement to reduce petroleum consumption through, among other things, the use of alternative fuels; use of vehicles with higher fuel economy, including hybrids, plug-in hybrids, and electric vehicles; and a decrease in fleet size. EISA, 42 USC 6374(e). **As defined in Section 301 of the Energy Policy Act of 1992**, alternative fuel “means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.” 42 U.S.C. §13211. **Exec. Order No. 13514** defines alternative fuel vehicles as those “defined by section 301 of the Energy Policy Act of 1992, as amended (42 U.S.C. 13211), and otherwise includes electric fueled vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, dedicated alternative fuel vehicles, dual fueled alternative fuel vehicles, qualified fuel cell motor vehicles, advanced lean burn technology motor vehicles, self-propelled vehicles such as bicycles and any other alternative fuel vehicles that are defined by statute.” Executive Order No. 13514, Federal Leadership in Environmental, Energy, and Economic Performance (October 5, 2009), pp. 9-10. **The 2011 Presidential Memorandum on Federal Fleet Performance** refers to

alternative fuel vehicles “such as hybrid or electric, compressed natural gas, or biofuel.” Presidential Memorandum, Federal Fleet Performance, May 24, 2011. **The Department of Energy’s Proposed Rule, Petroleum Reduction Consumption Requirements for Federal Fleets**, defines alternative fuel vehicle as “a dedicated vehicle or a dual-fueled vehicle, and includes a ‘new qualified fuel cell motor vehicle’ as defined in 26 U.S.C. 30B(b)(3), a ‘new advanced lean burn technology motor vehicle’ as defined in 26 U.S.C. 30B(c)(3), a ‘new qualified hybrid motor vehicle’ as defined in 26 U.S.C. 30B(d)(3) and any other type of vehicle that the Administrator of the Environmental Protection Agency demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.” Proposed Rule, Petroleum Reduction Consumption Requirements for Federal Fleets, 10 CFR Part 438, 77 F.R. 14482-14490 at 14488 (Mar. 12, 2012). For a definition of alternative fuel, the Proposed Rule (77 F.R. 14488) refers to 10 CFR Part 490.2, which defines alternative fuel as “methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials (including neat biodiesel); three P-series fuels (specifically known as Pure Regular, Pure Premium and Pure Cold Weather) . . .; and electricity (including electricity from solar energy).”

^{vi} In FY 2005, the Agency reported having one vehicle and using 0 gallons of fuel. As a result, DOE/FEMP calculated the Agency’s fuel use based on its FY 2006 report. In FY 2006, the Agency used 17,192 gallons of petroleum. In FY 2012, the Agency used 12,812 gallons, a 25 percent reduction.

^{vii} DOE still expects to issue a Final Rule.

^{viii} The minimum baseline would be the greater of (1) the amount of alternative fuel consumed by that Federal fleet in FY 2005, expressed in gasoline gallon equivalents (gge), as reflected in the FY 2005 FAST data, or (2) the lesser of (a) five percent of total Federal fleet vehicle fuel (petroleum and alternative fuel) consumption and (b) 500,000 GGEs. Proposed Rule, Petroleum Reduction Consumption Requirements for Federal Fleets, 10 CFR Part 438, 77 F.R. 14482-14490 at 14486 (Mar. 12, 2012). In FY 2006, the Agency reported using 17,192 gallons of petroleum and 0 gge of alternative fuel. Applying the baseline formula from the Proposed Rule, the Agency’s minimum baseline of alternative fuel is 860 gge (17,192 x .05). Under the Proposed Rule, the Agency should use 110 percent of that minimum baseline (or 946 gge of alternative fuel) by October 1, 2015. Proposed Rule, 77 F.R. 14486.

^{ix} However, the Proposed Rule implements the requirements of EISA, which requires Federal Agencies to reduce petroleum consumption by 20 percent and increase alternative fuel consumption by 10 percent from the FY 2005 baseline.

^x While the Agency does not acquire large quantities of toxic or hazardous waste, toxic chemicals are part of the modern office environment and could be monitored by the Agency. Examples of toxic waste in an office environment include rechargeable batteries, fluorescent light bulbs, flares, some toner cartridges, rubbing alcohol, and expired influenza vaccine.

^{xi} **Scope 1 GHG emissions** are from sources that are owned or controlled by the Agency, including fleet vehicles. **Scope 2 GHG emissions** result from the generation of electricity, heat, or steam purchased by the Agency (includes GHG emissions generated from the production of electricity purchased by a Federal Agency used to power Federal fleet vehicles). **Scope 3 GHG emissions** are from sources not owned or controlled by the Agency but are related to Agency activities (includes GHG emissions from employee travel and commuting). *See* Exec. Order No. 13514, p. 10, and Federal Greenhouse Gas Accounting and Reporting Guidance (June 4, 2012), p. 17.

^{xii} Under EPA and DOE policy, a low GHG-emitting vehicle may count as an alternative fuel vehicle when alternative fuel is not available within 5 miles or 15 minutes' drive of the vehicle's garage location. *See* DOE/FEMP, "Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance, Comprehensive Federal Fleet Management Handbook," pp. 34-35, July 2011; and EPA Guidance, p. 13. The 2011 Presidential Memorandum considers electric hybrids to be alternative fuel vehicles. *See* note ii above. Federal Agencies remain subject to requirements to increase alternative fuel consumption even if acquired vehicles are not alternative fuel vehicles. *See* EPA Guidance, p. 14.

^{xiii} An additional 3 gas-powered vehicles would qualify as low GHG-emitting and alternative fuel vehicles (because they are located more than 5 miles from an E85 station) if the engine size is 2.4 liter, 4 cylinder. *See* Appendix A. The Agency does not keep records that show engine size.

APPENDIX A: NLRB FLEET INVENTORY BASED ON 2012 FAST INVENTORY REPORT

Location	Zip Code	Number	Vehicle Type	Fuel Type	GHG Rating	Low GHG Compliant?	Electric Charging within 5 Miles?	E85 within 5 Miles?	Acquired in 2012?
AL	35205	1	2012 Ford Focus (no year given; assuming 2012)	E85 FF	7	Yes	Yes	No	Yes
CA, Los Angeles	90017	1	2009 Pontiac G6	E85 FF	7 only if 2.4l, 4 cyl. If larger, then lower.	Yes only if 2.4l, 4 cyl.	Yes	No	No
CA, Los Angeles	90017	1	2009 Chevy Malibu Hybrid	GAS HY	8	Yes	Yes	No	No
CA, San Francisco	94103	2	2010 Dodge Avenger	GAS	7 only if 2.4l, 4 cyl. If larger, then lower.	Yes only if 2.4l, 4 cyl.	Yes	No	No
CA, Oakland	94612	1	2009 Pontiac G6	E85 FF	7 only if 2.4l, 4 cyl. If larger, then lower.	Yes only if 2.4l, 4 cyl.	Yes	Yes	No
CA, Oakland	94612	2	2010 Dodge Avenger	GAS	7 only if 2.4l, 4 cyl. If larger, then lower.	Yes only if 2.4l, 4 cyl.	Yes	Yes	No
CT	06103	1	2011 Dodge Avenger	GAS	5	No	Yes	No	No
FL, Miami	33130	1	2009 Chevy Malibu Hybrid	GAS HY	8	Yes	Yes	Yes	No
IL, Chicago	60606	1	2011 Chevy Malibu	E85 FF	6	No	Yes	Yes	No
IL, Peoria	61602	1	Ford Focus (no year given; assuming 2012)	E85 FF	7	Yes	No	Yes	Yes
IN	46204	1	2010 Chevy Malibu	E85 FF	6	No	Yes	Yes	No
KS	66212	1	2012 Chevy Impala	E85 FF	5	No	Yes	No	Yes
LA	70130	3	2012 Hyundai Elantra	GAS	7	Yes	Yes	No	Yes
MA	02222	3	2012 Ford Focus (no year given; assuming 2012)	E85 FF	7	Yes	Yes	Yes	Yes

Location	Zip Code	Number	Vehicle Type	Fuel Type	GHG Rating	Low GHG Compliant?	Electric Charging within 5 Miles?	E85 within 5 Miles?	Acquired in 2012?
MD	21202	2	2009 Pontiac G6	E85 FF	7 if 2.4l, 4 cyl. If larger, then lower.	Yes only if 2.4l, 4 cyl.	Yes	No	No
MD	21202	1	2012 Ford Fusion Hy	GAS HY	9	Yes	Yes	Yes	No
MI, Detroit	48226	1	2008 Jeep Cherokee	E85 FF	3	No	Yes	No	No
MI, Detroit	48226	1	2011 Che Malibu	E85 FF	6	No	Yes	No	No
MI, Grand Rapids	49503	1	2010 Jeep Liberty	GAS	3 or 4	No	Yes	Yes	No
MN	55401	1	2011 Chevy Malibu	E85 FF	6	No	Yes	Yes	No
	27106	1	2009 Pontiac G6	GAS	7 if 2.4l, 4 cyl. If larger, then 6	Yes only if 2.4l, 4 cyl.	Yes	No	No
NJ	07102	1	2011 Ford Fusion Hy	GAS HY	9	Yes	Yes	Yes	No
NY, Albany	12207	1	2010 Chevy Malibu	E85 FF	6	No	Yes	Yes	No
NY, Buffalo	14202	1	2012 Ford Focus	GAS	7	Yes	Yes	No	No
OH	45202	1	2009 Pontiac G6	GAS	7 if 2.4l, 4 cyl. If larger, then 6	Yes only if 2.4l, 4 cyl.	No	Yes	No
PA, Pittsburgh	15222	1	2006 Chevy Trailblazer	GAS	3 or 4	No	Yes	No	No
PA, Philadelphia	19106	2	2009 Pontiac G6	GAS	7 if 2.4l, 4 cyl. If larger, then 6	Yes only if 2.4l, 4 cyl.	Yes	Yes	No
WA	98174	1	2011 Dodge Avenger	GAS	5	No	Yes	No	No
WA	98174	1	2012 Ford Focus	GAS	7	Yes	Yes	No	Yes

Notes:

- Eleven vehicles (highlighted rows) do not meet the requirement to be low greenhouse gas (GHG)-emitting. The status of 12 vehicles could not be determined because the Agency does not have data on engine size.
- Three vehicles are larger than midsized: Pittsburgh's Trailblazer, Detroit's Jeep, and Grand Rapids' Jeep.

- For Model Year 2012 and earlier, a passenger car with a rating of 7 or higher qualifies as low GHG. For light duty trucks and FFV passenger cars, 6 or higher qualifies (5 or higher for FFV light duty trucks). U.S. Environmental Protection Agency, “Guidance for Implementing Section 141 of the Energy Independence and Security Act of 2007, Federal Vehicle Fleets and Low Greenhouse Gas-Emitting Vehicles,” EPA-420-B-12-027, June 20, 2012, p. 8 (“EPA Guidance”).
- For Model Year 2013 and beyond, passenger cars can emit a max of 330g CO₂/mile; FFV passenger cars 375 g; light duty trucks 415 g; FFV light duty trucks 460 g. EPA Guidance, p. 9.
- Except for cars garaged in California, ratings are based on federal standards (California laws are stricter, and some cars may meet GHG requirements if leased in CA but not in other states). For example, the 2010 Malibu flex fuel car has a GHG rating of 7 in California and 6 in other states.
- Proximity of E85 and electric charging stations was determined using the zip code of the Regional Office and searching for E85 stations at www.afdc.energy.gov.

Appendix B: FY 2012 Vehicle Acquisitions

Location	Zip Code	Fuel Type	Number	Type	Low GHG-Emitting?	E85 within 5 Miles?
AL	35203	E85 FF	1	Ford Focus	Yes	No
IL, Peoria	61602	E85 FF	1	Ford Focus	Yes	Yes
KS	66212	E85 FF	1	Chevy Impala	No	No
LA	70130	GAS	3	Hyundai Elantra	Yes	No
MA	02222	E85 FF	3	Ford Focus	Yes	Yes
WA	98104	GAS	1	Ford Focus	Yes	No

NOTES:

The Birmingham, AL Resident Office no longer leases a vehicle.

One car (highlighted row) is not low GHG-emitting and therefore not compliant with EISA.

Table 2: Corrective Actions

Acquisitions	Facilities and Property	Fleet Vehicles	OCIO	Sustainability	Telework
<ol style="list-style-type: none"> 1. Establish affirmative purchasing program 2. Ensure agency has enforceable policies for purchasing: <ol style="list-style-type: none"> a. Energy Star, FEMP, EPEAT, and EPA-designated products b. Products using 1 watt of standby power or less c. Uncoated, recycled paper (30 percent post-consumer fiber) d. Environmentally preferable, energy- and water-efficient, and biobased products 3. Monitor purchases to ensure requirements are met 4. Ensure that all electronics purchases meet green purchasing requirements, including that 95 percent of electronics be EPEAT-registered products 5. Ensure that 95 percent of new contract actions for products and services meet green purchasing requirements 6. Include green purchasing requirements in contracts 	<ol style="list-style-type: none"> 1. Ensure that each field office has a recycling program and policies to reduce toxic waste 2. Establish (and publicize) policy that all used toner cartridges should be returned for recycling 	<ol style="list-style-type: none"> 1. Establish policies and procedures, including adequate recordkeeping, to ensure that: <ol style="list-style-type: none"> a. Leased vehicles are low greenhouse gas emitting, and use alternative fuel or are hybrids, including plug-in hybrids, where applicable b. Alternative fuel vehicles use alternative fuel c. Vehicles are midsized or smaller 2. Post on www.nlr.gov any vehicle that is larger than midsized or does not run on alternative fuel 3. Monitor usage of petroleum and alternative fuel to ensure that targets are met 4. Maintain functional needs exemptions where applicable 5. Complete Vehicle Allocation Methodology and related requirements 	<ol style="list-style-type: none"> 1. Establish policy to enable energy savings features (such as standby mode) on all electronics 2. Establish electronics stewardship policies, such as policies to extend the useful life of electronics 	<ol style="list-style-type: none"> 1. Ensure that the climate change adaptation plan is appropriately submitted. 2. Implement EMS or compliance management plan 3. Prepare environmental assessments or impact statements where applicable and establish implementing procedures for NEPA 4. Establish programs for training, compliance review and audit, and awards. 	<ol style="list-style-type: none"> 1. Consult with OPM to develop policies 2. Designate senior official as Telework Managing Officer. 3. Establish telework participation goal