



MEMORANDUM OF UNDERSTANDING
Between
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
And
BAYONNE MEDICAL CENTER

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to formally create a mutually beneficial working relationship between the United States Environmental Protection Agency (EPA) and Bayonne Medical Center (BMC).

II. Background

The mission of the Environmental Protection Agency (EPA) is to protect human health and the environment. EPA works to develop and enforce regulations that implement environmental laws enacted by Congress. In recent years, between 40 and 50 percent of EPA's enacted budgets have provided direct support through grants to State environmental programs. At laboratories located throughout the nation, the Agency works to assess environmental conditions and to identify, understand, and solve current and future environmental problems; integrate the work of scientific partners such as nations, private sector organizations, academia and other agencies; and provide leadership in addressing emerging environmental issues and in advancing the science and technology of risk assessment and risk management.

The Agency works through its headquarters and regional offices partnering with over 10,000 industries, businesses, nonprofit organizations, and state and local governments, on over 40 voluntary pollution prevention programs and energy conservation efforts. EPA advances educational efforts to develop an environmentally conscious and responsible public, and to inspire personal responsibility in caring for the environment.

Bayonne Medical Center's mission is to improve the lives of our patients, families and communities by providing high quality, cost effective health care matching the needs of the residents of Bayonne and surrounding area. The BMC vision is to be an industry-leading healthcare institution, recognized for the providing state-of-the-art care in a patient and family-centered environment, while advancing research and healthcare education.

As part of this vision, BMC will increasingly be recognized as an environmentally conscious healthcare institution that uses resources wisely, reduces solid and hazardous waste and increases recycling and re-use of materials.

In our Medical Center's Environmental Policy Statement, we commit to protecting the health and well being of our patients, staff and the community where we live and work by continuously improving our programs to reduce waste, minimize the use of hazardous materials, prevent pollution and improve efficient use of our valuable natural resources, develop renewable energy sources, increase recycling, comply with all environmental regulations, and work toward sustainability.

We have a corporate social responsibility to protect the environment and are committed to reducing our carbon footprint. The Hippocratic Oath that physicians take pledges them "to do no harm", and as a healthcare institution we are dedicated to doing what is good for the environment, our patients, and staff. We are committed to the concept of Sustainable Healthcare, which requires the creation of action plans to eliminate toxic substances, reduce and recycle solid waste, make best use of our energy and water consumption, minimize regulated and chemical waste, create a healing environment and establish green purchasing policies.

The EPA and Bayonne Medical Center will, through this MOU, work together to further progress in sustainable operations.

III. Memorandum of Understanding (MOU) Commitments

The Parties recognize the importance of collaboration to serve the needs of society through proper design, construction, and management. Consequently, the Parties are hereby establishing a working relationship, and undertaking certain commitments with respect to Medical Center infrastructure and operations as they relate to environmental issues, including, but not limited to, the following specific undertakings related to Medical Center facilities and programming of Bayonne Medical Center.

A. Bayonne Medical Center Solid Waste Recycling and Re-use Operations

Recycling and the EPA's WasteWise Program

Bayonne Medical Center shall take steps to further reduce the solid waste stream. We currently recycle cardboard and paper as well as glass, aluminum and plastic bottles/cans and will expand this to include material for which a market exists, including but not limited to: paper, news print, metal, glass, plastic and electronics. Bayonne Medical Center will join EPA's WasteWise program, which provides technical assistance to members for auditing MSW generation rates and developing MSW reduction and recycling plans.

Paper, Cardboard and Glass, Aluminum and Plastic Bottle/Can Recycling

Paper, bottle and can recycling have been implemented throughout Bayonne Medical Center with collection containers being placed in the cafeteria and other public and operational areas. Additional recycling containers will be located in break rooms, conference rooms and waiting areas. We expect to recycle 5 tons of bottles and cans annually. Our cardboard compactor at the loading dock allows BMC to be able to recycle 10 tons of cardboard annually.

Electronics Waste (E-Waste) Recycling.

Computer components/CRTs contain hazardous substances, which can harm the environment if they are simply put out with the trash. These items and similar ones contain both lead and mercury, which make their way into landfills or incinerators. Substantial cost and effort are required to assure that these hazardous substances are not released into the air or water. The Medical Center has contracted with a firm to properly handle the re-use, recycling and retirement of all E-Waste that is not leased or returned to the supplier. In addition, all fluorescent bulbs and non-alkaline batteries used at the Medical Center are recycled. Estimates on the amount of materials recycled will be reported to EPA under the Green MOU.

Food Waste Composting and the Growing of Fruits and Vegetables

Under its agreement with a contractor, BMC will implement the separate collection of food waste for composting, which will decrease the need for landfilling of organic materials. Information on the amount of food waste composted will be reported to EPA under the MOU.

Energy Conservation and the ENERGY STAR Program

Bayonne Medical Center has joined the EPA ENERGY STAR Program, which offers technical assistance for conducting energy audits, benchmarking energy use and establishing an energy reduction plan. Bayonne Medical Center will also support the 10% ENERGY STAR reduction goal. Information collected from the audit will help us make the Medical Center energy efficient and practical through improved operating procedures. These conservation measures will reduce Bayonne Medical Center's expenses for energy, water, operations and maintenance.

Incorporating Green Technologies in New and Renovated Buildings and Leadership in Energy and Environmental Design (LEED)

When applicable, renovations will retrofit HVAC control boxes with more efficient equipment and utilize energy efficient lighting fixtures, including the implementation of more environmentally friendly construction materials (carpeting, ceilings and furniture).

Industrial Materials Reuse and Recycling

In order to reduce CO₂ emissions and save landfill space and energy, Bayonne Medical Center will attempt to utilize construction materials with recycled material content. Bayonne Medical Center will consider the use of industrial material products, where appropriate, in future construction projects.

Water Conservation

Bayonne Medical Center currently has water-saving fixtures in numerous areas throughout the hospital, including infra-red faucets in the Emergency Department and public restrooms. We will utilize WaterSense products, where appropriate, in the renovation or upgrade of existing buildings as well as in new buildings planned for Bayonne Medical Center. Low flow toilets have been installed in new construction and renovations, and electric eye toilets are installed in remodels, including our remodeling of the Cardiac Care unit.

The use of WaterSense approved products ensures that Bayonne Medical Center will be conserving precious drinking water sources.

Reprocessing Medical Equipment

Bayonne Medical Center reprocesses oxisensors, burrs, bits, guide wires and SCD Stockings. Under this MOU, Bayonne Medical Center will also seek additional re-use and reprocessing opportunities of medical and non-medical equipment. Estimates on the amount of medical equipment recycled or reprocessed will be reported to EPA. BMC currently employs re-usable trays in our Central Sterile supply.

Reusable Sharps Containers

Bayonne Medical Center utilizes reusable sharps containers to reduce the disposal of plastic by incineration. The disposal of plastics is harmful to the environment and can introduce hazardous toxins into the air. Reusable sharps containers reduce by 90% the number of containers that would have to be incinerated along with their contents. Annually, this eliminates an estimated 2,600 containers from incineration. The contents of each container are sterilized, ground and recycled.

Proper Management and Minimization of Hazardous and Universal Waste

Fluorescent Bulbs and Non-Alkaline Batteries

Bayonne Medical Center will continue to collect and recycle fluorescent lamps and non-alkaline batteries. Estimates on the amount of lamps and batteries recycled or reprocessed will be reported to EPA.

Mercury, DEHP/PVC Reduction

Bayonne Medical Center is committed to reducing and eliminating mercury and di (2-ethylhexyl phthalate/polyvinylchloride) (DEHP/PVC) throughout the Medical Center. The Medical Center will include a statement on its Bid/Quote Content Certification Form asking vendors if their product contains mercury. Our DEHP/PVC-Free Pledge has committed the Medical Center to: 1) continuing to inventory our products to identify sources of DEHP; 2) eliminating the use of DEHP/PVC products in our ICU unless no reasonable alternatives are available; 3) communicating our commitment to PVC/DEHP-free purchasing to our staff, contractors, subcontractors and vendors; and 4) collaborating Medical Center-wide to urge support for implementation of PVC and DEHP reduction measures.

Toner and Ink Recycling

BMC will continue its laser toner and inkjet cartridge recycling program. Estimates on the amount of toner and ink cartridges recycled or reprocessed will be reported to EPA.

Environmental Services

Environmental Services will consult the Environmentally Preferable Products List that promotes reduced toxics and re-use of materials such as auto scrubbers and recycled mops.

Paper

Bayonne Medical Center will initiate a facility-wide drive to conserve paper and promote paperless meetings. Estimates on the amount and type of paper recycled will be reported to EPA. BMC will also increase the purchase of recycled paper.

Water Coolers

Bayonne Medical Center will promote the use of water coolers in order to reduce plastic bottle usage by patients and staff.

Utilize Cleaner Fuel and Emission Reduction Technologies

BMC will follow EPA's Clean Construction USA Program to cooperatively promote and implement measures to effectively reduce emissions from vehicles and other internal combustion engines used in construction and operation of Bayonne Medical Center facilities. Clean construction equipment reduces pollution from conventional diesel fuel-powered construction vehicles and equipment through the use of Ultra-Low Sulfur Diesel (ULSD) fuel and best available pollution control retrofit technologies. Bayonne Medical Center will also strive to incorporate the Northeast Diesel Collaborative Model Contract Specification for Diesel Emission Reduction Controls in Construction Projects, which requires the use of clean construction equipment and clean fuel use, in its specifications for contractors working on future facility construction projects. Clean construction equipment includes retrofit technologies for construction vehicles such as Diesel Particulate Filters (DPFs).

Alternative Energy and EPA's Green Power Partnership

Bayonne Medical Center is moving forward with a plan to deploy renewable energy opportunities utilizing solar photovoltaic (PV) systems on the roof of our parking garage. We are installing 200 kW of solar panels on the roof of the garage, which will produce approximately 255,000 kWh of Green Power annually. That production will offset our Carbon Footprint by 176 Tons of CO₂ annually.

EPA GreenScapes

Under this MOU, the Medical Center will utilize EPA's GreenScapes recommendations to reduce the need to replace landscaping materials and high maintenance plants, work towards reusing landscape materials where possible, recycle organic materials and make decisions to specify and purchase products that are environmentally preferable. The Medical Center will utilize EPA's GreenScapes Tip Sheets and Rebuy Checklist to develop its own written GreenScapes program. The Program will keep records of Waste, Energy, Fertilizers, Pesticides and Climate Change activities related to its grounds keeping efforts.

Bayonne Medical Center will investigate the feasibility of installing rainwater collection systems to help minimize the use of potable water for irrigation and cooling tower make-up water. Infiltration of rainwater via dry wells, bio swales and other landscaping methods as well as the use of pervious pavement and the installation of green roofs will also be investigated under the MOU.

B. Status Reporting

Bayonne Medical Center will submit a status report to EPA annually beginning one year after the official signing of the MOU. The report will include an update on the various activities identified in the agreement. EPA will use this data to determine the environmental benefits associated with Bayonne Medical Center's "green" activities.

IV. Terms and Conditions

This MOU is not a contractual or a financial obligation instrument. Nothing in this MOU shall obligate EPA or Bayonne Medical Center to expend appropriations or to enter into any contract or other obligation or be cited as the basis for the promise or transfer of funds. Collaboration under this MOU shall be in accordance with applicable statutes and regulations. This MOU does not restrict EPA or Bayonne Medical Center from participating in similar activities or arrangements with other entities or Federal agencies.

Either Party may unilaterally withdraw at any time from this MOU by transmitting a signed written notice to that effect to the other Party. By mutual agreement, which may be either formal or informal, each party may modify the list of intended activities set forth above, and/or determine the practical manner by which the goals, purposes and activities set forth in this MOU will be accomplished. Modification to other written parts of this MOU must be made in writing and signed by either the Parties or their designees.

Nothing in this MOU shall be construed to authorize or permit any violation of any Federal, State or local law, including, but not limited to, any environmental law administered and/or enforced by EPA. Access to all documents generated pursuant to the activities set forth in this MOU that constitute agency records for purposes of the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, shall be governed by the provisions of the FOIA.

Bayonne Medical Center agrees that it does not expect, nor will it ever seek to compel from EPA in any judicial forum, the payment of money, services or other thing of value from EPA based upon the terms of this MOU. The foregoing provision does not in any way affect any legal rights accruing to BMC by virtue of any other law, contract and/or assistance agreement.

Bayonne Medical Center understands and acknowledges that, as an institution of the Federal Government, EPA has a duty to refrain from providing any commercial entity an exclusive privilege without receiving payment therefore and, as a consequence, that EPA's relationship with BMC in no way affects, alters or otherwise constrains EPA's right to provide similar (or identical) services to, or establish similar (or identical) relationships with, any other entity.

Bayonne Medical Center understands that EPA's participation in this MOU does not constitute an endorsement, express or implied, of (a) any policy advocated by Bayonne Medical Center or (b) any goods or services purchased, offered or sold by Bayonne Medical Center or (c) any product or products solely by virtue of carrying the WaterSense or Energy Star label.

Bayonne Medical Center understands and acknowledges that EPA's relationship with Bayonne Medical Center in no way affects, alters or otherwise constrains EPA's right to provide similar (or identical) services to, or establish similar (or identical) relationships with, any other entity. Bayonne Medical Center understands that EPA's participation in this MOU does not constitute an endorsement, express or implied, of (a) any policy advocated by Bayonne Medical Center or (b) any goods or services purchased, offered or sold or utilized by Bayonne Medical Center in the accomplishment of any of the objectives of this MOU.

The parties agree that any copyrightable subject matter, including but not limited to journal articles, training, educational or informational material or software, created jointly by the parties from the activities conducted under the MOU may be copyrighted by Bayonne Medical Center. Bayonne Medical Center hereby grants to the government a royalty-free, nonexclusive, irrevocable right to reproduce, distribute, make derivative works, and publish or perform such work(s) publicly, or to authorize others to do the same on its behalf.

This MOU does not authorize Bayonne Medical Center to use any EPA logo, trademark or other intellectual property without prior approval of EPA. This MOU does not authorize EPA to use any Bayonne Medical Center logo, trademark or other intellectual property without the prior approval of Bayonne Medical Center.

The EPA enters into this MOU under the authority of Section 103 of the Clean Air Act, 42 U.S.C. §7403, Section 104 of the Clean Water Act, 33 U.S.C. §1254, and Section 8001 of the Solid Waste Disposal Act, 42 U.S.C. §6981, Section 6604 of the Pollution Prevention Act, and Section 324A of the Energy Policy and Conservation Act, which provide EPA with authority to undertake cooperative efforts with private organizations to promote the coordination and acceleration of research, studies, training, and other efforts to prevent, reduce and eliminate pollution.

This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity against Bayonne Medical Center or EPA, their officers or employees, or any other person. This MOU does not direct or apply to any person outside of EPA and Bayonne Medical Center.

V. Effective Date and Administration

This MOU will become effective upon signature by the Regional Administrator of EPA Region 2 and the Chief Executive Officer of Bayonne Medical Center or their designees. It may be modified or amended by written agreement between the parties. This MOU will terminate at the end of five (5) years from the date of signature unless revised or extended at that time by written agreement of the parties. This MOU may be terminated at any time by either party upon the issuance of a written notice to the other party. The Parties will review annually the provisions of this MOU and its implementation.

Signed:

Judith A. Enck
Regional Administrator
U.S. EPA Region 2

Daniel A. Kane
President & CEO
Bayonne Medical Center