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MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: Lee J. Lofthus
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for Administration 

SUBJECT: Department of Justice Green Purchasing Program

Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," contains a number of environmental requirements for Federal agencies, one of which is the acquisition of "green" goods and services. Many of the requirements in the EO are already required by statute and by the Federal Acquisition Regulations Part 23. In order to meet all of these requirements, the Department of Justice (DOJ) has developed a comprehensive Green Purchasing Program (GPP).

The attached GPP was developed by the Justice Management Division's Facilities and Administrative Services Staff (FASS) and the Procurement Policy and Review Group (PPRG). The document defines the minimum requirements for green purchasing and provides a department wide strategy and a variety of resources for implementing an effective GPP. It is designed to be a web-based, user friendly resource that can easily be updated to include new requirements, procedures and information. The GPP can be accessed electronically at www.usdoj.gov/jmd/pe/envproc.htm and should be used by all components.

If your staff has any questions or needs additional information, please have them contact your respective environmental or procurement representatives, or Renae Steichen, FASS, concerning environmental issues on (202) 514-0423/renae.steichen@usdoj.gov; or Larry Silvis, PPRG, concerning procurement issues on (202) 616-3754/larry.silvis2@usdoj.gov.

cc: Bureau Environmental Executives
Bureau Procurement Chiefs
DOJ Environmental Stewardship Council

Attachment

Department of Justice Green Purchasing Program



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Summary

This document establishes the Green Purchasing Program (GPP) for the Department of Justice (DOJ) as mandated in Executive Order 13423, “*Strengthening Federal Environmental, Energy, and Transportation Management.*” It defines the minimum requirements for green purchasing and provides a department wide strategy for implementing an effective GPP. The responsibility for implementing DOJ’s GPP lies with every person involved in the procurement process. This GPP shall be used by all components and bureaus. It is a “living” document that will be maintained and routinely updated on the [Chief Acquisition Officer’s website](#). This will help allow for prompt revisions based on Presidential Executive Orders, statutory or regulatory changes, updated requirements or feedback from the bureaus. It will also support DOJ’s commitment to excellence and continuous improvement in its GPP. The GPP should be used as a supplement to existing statutory and regulatory requirements including, but not limited to, the Federal Acquisition Regulation (FAR) and the Justice Acquisition Regulations (JAR). The DOJ GPP is an essential component of the DOJ Environmental Management System (EMS).

1.0 Introduction

On January 26, 2007, President Bush signed [Executive Order \(EO\) 13423](#)—“*Strengthening Federal Environmental, Energy, and Transportation Management,*” which states:

Sec. 2(d), (e) and (h), excerpted: In implementing the policy set forth in the section 1 of this order, the head of each agency shall:

(d) require in agency acquisitions of goods and services (i) use of sustainable environmental practices, including acquisition of biobased, environmentally preferable, energy-efficient, water-efficient, and recycled-content products, and (ii) use of paper of at least 30 percent post-consumer fiber content;

(e) ensure that the agency (i) reduces the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of by the agency, (ii) increases diversion of solid waste as appropriate, and (iii) maintains cost-effective waste prevention and recycling programs at its facilities;

(h) ensure that the agency (i) when acquiring an electronic product to meet its requirements, meets at least 95 percent of those requirements with an Electronic Product Environmental Assessment Tool (EPEAT)-registered electronic product, unless there is no EPEAT standard for such product...

Sec. 3 (a), (e), and (f) excerpted: In implementing the policy set forth in section 1 of this order, the head of each agency shall:

(a) implement within the agency sustainable practices for... (iv) acquisition, (v) pollution and waste prevention and recycling, (vi) reduction or elimination of acquisition and use of toxic or hazardous chemicals...

(e) 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 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;

(f) ensure that agreements, permits, leases, licenses, or other legally-binding obligations between the agency and a tenant or concessionaire entered into after the date of this order require, to the extent the head of the agency determines appropriate, that the tenant or concessionaire take actions relating to matters within the scope of the contract that facilitate the agency's compliance with this order.

Thus, the Department of Justice (DOJ) has created this Green Purchasing Program (GPP) as an acquisition guideline in accordance with the [Instructions for Implementing Executive Order 13423](#) and other existing statutory and regulatory requirements. The purpose of this GPP is to enhance and sustain mission readiness through cost effective acquisitions that achieve regulatory compliance while reducing resource consumption and solid and hazardous waste generation. Green procurement is the purchase of environmentally preferable products and services in accordance with one or more of the established Federal "green" procurement preference programs. This GPP applies to all acquisitions regardless of dollar amount from major systems programs to individual unit supply and service requisitions.

The DOJ's procurement of green products and services contributes to sound management of the Department's valuable financial resources, natural resources and energy. In its day-to-day operations, DOJ has the opportunity and obligation to be environmentally and energy conscious in its selection and use of products and services. Proper attention to green procurement will enhance the Department's credibility and demonstrate DOJ's commitment to environmental stewardship by becoming a model consumer of green products and services. Across the government, components of sound environmental management and procurement are known under a variety of other names such as the Affirmative Procurement Program (APP), Environmentally Preferable Purchasing (EPP), Energy-Efficient Products and other programs. In the past, the focus of these programs has been towards procurement organizations. The DOJ's GPP is focused not only on the procurement function, but also on the roles and responsibilities of each member involved in the procurement process.

2.0 Department of Justice's Green Procurement Program Background

The DOJ GPP framework consists of Policy, Planning, Implementation and Operation, Monitoring, Corrective Action, and Management Review. The required elements of RCRA Section 6002 and Section 9002 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) are incorporated in the DOJ GPP. Other components of Federal green procurement and the DOJ GPP may be readily integrated into the DOJ Environmental Management System (EMS) framework. The EPA has created guidance on how to integrate Green Purchasing into an EMS available on their [website](#).

The Department's GPP is jointly managed by the Chief Acquisition Officer and the Environmental Executive. The Assistant Attorney General for Administration currently assumes the responsibilities of the Environmental Executive and the Chief Acquisition Officer, and therefore, has ultimate responsibility for the GPP. Information regarding the DOJ's organizational structure can be found on the JMD [website](#).

Each organization in the DOJ that defines requirements, makes purchases, or contracts for products or services shall implement the following management elements in its own GPP. To the extent that any of the elements listed below are in place and documented as integral elements of the organization's EMS, they need not be duplicated for the purposes of GPP implementation.

3.0 Green Procurement Program Objectives

1. Educate all appropriate DOJ employees on the requirements of the Federal "green" procurement preference programs, their roles and responsibilities relevant to these programs and the opportunities to purchase green products and services.
2. Increase the purchases of green products and services consistent with the demands of mission, efficiency, and cost-effectiveness, with continual improvement toward meeting federally established procurement goals.
3. Reduce the amount of toxic chemicals and ozone depleting substances purchased.
4. Reduce the amount of solid and hazardous waste generated.
5. Reduce the consumption of energy and natural resources.
6. Expand markets for green products and services.
7. Improve affirmative procurement activities to meet DOJ's solid waste diversion goal of 35 percent by December 31, 2010.

The DOJ GPP requires green products and services to be purchased to the maximum extent practicable, consistent with the requirements of the FAR and Federal procurement preference programs. No part of the DOJ GPP Strategy shall be interpreted to supersede any Federal green procurement requirement.

4.0 Required Green Products and Services and Where to Find Them

Green products and services must be considered as the first choice in all procurements. The [Resource Conservation and Recovery Act \(RCRA\)](#) section 6002, [Federal Acquisition Regulation \(FAR\) Part 23](#), section 104 of the [Energy Policy Act \(EPAAct\)](#) of 2005, [Farm Security and Rural Investment Act](#) section 9002, and EOs [13221](#) and [13423](#) mandate the specific procurement of green supplies/services when consistent with mission requirements, efficiency, and cost-effectiveness in the following categories (note this list is NOT all inclusive):

- Office products
 - ✓ Includes toner cartridges and furniture
- Paper and paper products
 - ✓ Containing at least 30 percent post-consumer fiber content
- Fleet vehicles and fleet maintenance products
 - ✓ Includes engine lubricating oil and alternative fuel vehicles
- Building construction, renovation and maintenance
 - ✓ Includes janitorial and landscape services
- Traffic control
 - ✓ Includes traffic barricades and signage

- Park and recreation
 - ✓ Includes park benches and picnic tables
- Energy consuming products
 - ✓ Includes appliances, lighting, and computers
 - ✓ Meets EPEAT, low stand-by, Energy Star®, and energy efficient requirements
- Biobased products
 - ✓ Includes mobile equipment hydraulic fluid, diesel fuel additives, penetrating lubricants, roof coatings, water tank coatings, and bedding/bed linens/towels

The products and services listed above are addressed in one or more of the following components of the Federal green procurement preference program. These programs also list many other “green” products and where they are available for purchase.

- Recycled content and recovered materials products designated in Environmental Protection Agency (EPA)’s [Comprehensive Procurement Guidelines \(CPG\)](#) or EPA’s [Environmentally Preferable Purchasing \(EPP\)](#) program.
- [Energy Star®](#) products identified by [Department of Energy \(DOE\)](#) and EPA, as well as [Federal Energy Management Program \(FEMP\)](#)-designated energy efficient products.
- Water-efficient products, including those meeting EPA’s [WaterSense](#) standards.
- Energy from renewable sources, find more information from the [DOE Energy Efficiency and Renewable Energy](#) program and [EPA Green Power](#) program.
- Biobased products designated by the U.S. Department of Agriculture (USDA) in the [BioPreferred](#) program, with additional information from Office of the Federal Environmental Executive (OFEE) [Biobased Products](#).
- Environmentally preferable products and services, including [EPEAT-registered electronic products](#) and [Green Seal](#) certified products and services.
- [Alternative fuel vehicles, alternative fuels, and fuel efficiency](#) required by the EPA.
- Non-ozone depleting substances, as identified in EPA’s [Significant New Alternatives Program \(SNAP\)](#).
- Environmentally preferable building materials and other green construction information from the [EPA](#), [Whole Building Design Guide \(WBDG\)](#), and the [US Green Building Council](#).

In addition, under EO 13423, agencies are encouraged to reduce their use of toxic chemicals and materials and will need to identify and purchase lower risk chemicals and toxic materials and products with low or no hazardous constituents. The DOJ has identified two lists of chemicals that should be targeted for reduction or elimination where feasible; 1) EPA’s 31 Priority Chemicals; and 2) EPA’s Ozone Depleting Substances (ODS).

The EPA’s [Priority Chemical list](#) was determined on the basis of the chemical’s persistence, bioaccumulation and toxicity. The Priority Chemicals have the potential to create long term negative effects on human health and ecosystems if released into the environment. The [EPA’s ODS list](#) is recognized by the Montreal Protocol and have been found to damage the earth’s protective ozone layer. The EPA’s [Significant New Alternatives Policy SNAP Program](#) has a

list of acceptable substitutes for ODSs. Where appropriate, bureaus should consider participating in regional- and watershed-based environmental improvement efforts to reduce chemicals.

Green procurement requirements apply to both supply and service acquisitions. In every procurement action, the procurement request originator must justify a decision not to procure a green alternative in accordance with the requirements of FAR Subpart 23.4 and the JAR 2823.404(b) and Federal green procurement preference programs. As an example, for recovered material content, the justification must be based upon the inability to acquire the product competitively within a reasonable time frame, at a reasonable price, or to satisfy the technical/performance requirements. Procurement request originators should also consider [life-cycle costs](#) associated with the product, including the purchase (e.g. delivery, installation), operation (e.g. energy, maintenance), and end-of-life (e.g. removal, recyclability) costs.

5.0 DOJ Requirements for Bureau Green Purchasing Program Management

5.1 Policy

The Department has established a GPP that meets statutory and regulatory requirements. DOJ component's GPPs shall follow the requirements and guidance in this document and be appropriate for the nature of their purchasing activities. The Department policy on Affirmative Procurement Programs is set forth in [48 CFR Chapter 28, Justice Acquisition Regulations \(JAR\), Part 2823.403](#).

5.2 Planning – Preference Program and Procedures

This DOJ GPP establishes and documents a process for DOJ components to identify opportunities to procure green products and services in the normal course of business, maintain a list of such opportunities, and update the list regularly to reflect changes in the mission and availability of green products and services relevant to the mission. Lists of green procurement opportunities should be developed and maintained at a level within the organization where initial purchasing requirements are defined.

DOJ components shall establish and document a process for setting, maintaining, and annually reviewing and updating [objectives and targets](#) for GPP performance, that are appropriate for the nature and quantity of purchases made by the organization. Objectives and targets should be established for opportunities to purchase green products and services, should be based on the respective component's purchasing activities, and applied at a level of the component where initial purchasing requirements are defined.

Bureau GPPs should be implemented and operated in a manner that meets or exceeds the requirements of all relevant laws, regulations, and EOs.

Bureau GPPs must establish and document the objectives, targets and actions necessary to achieve them in a component level plan for improving green procurement performance. Existing Affirmative Procurement Programs (APP) may meet many of the basic requirements; however,

they should be expanded during future reviews to include the DOJ GPP management system structure and appropriate references to all Federal procurement preference programs.

5.3 Implementation and Operations

Define Roles and Responsibilities for GPP Implementation and Operation:

Appropriate personnel must be made aware of their responsibilities under the GPP; and, they must have received training to fulfill those responsibilities competently.

Implement Training:

- Tailor awareness training to the nature and quantity of purchases made by the component.
- Include initial and routine refresher training for all personnel involved in the procurement process from requirements generation to those responsible for purchase actions.
- Incorporate the GPP awareness training program into established training programs for installation management and staff, such as new employee orientation, environmental awareness training, and office staff training.
- Establish a process to identify training requirements for each position, and document initial and follow-up training for each individual with responsibilities under the GPP.

5.3.3 Green Procurement Training Opportunities:

- EPA [Environmental Preferable Purchasing \(EPP\) Training](#). This interactive website discusses EPP mandates, five guiding EPP principles, environmental performance characteristics, integrating EPP into existing procurement plans, EPP case studies, and more.
- OFEE offers [Classroom Training](#) for agency contracting, environmental, and facilities staff. The training addresses each component of the Federal green purchasing program. The OFEE course discusses the legal framework underlying the green purchasing programs, the pertinent Federal Acquisition Regulation provisions, the common myths about green purchasing, the specifics of the green purchasing programs, agency green purchasing examples, and product sources, including mandatory sources. The OFEE also offers a general Introduction to Green Purchasing [Power Point](#), a train-the-trainer program, and a list of other trainings.
- Federal Energy Management Program (FEMP) offers an online lighting course, [FEMP Lights](#). This course provides information on lighting design, industry standards, energy consumption and maintenance issues, energy efficiency, project management, and more. Check the website for course offerings.

5.3.4 Implement Internal and External Communications Programs:

Educate government personnel and contractors about complying with the requirements of the DOJ and bureau GPPs and federal procurement preference programs.

Use the following tools and others as appropriate:

- Electronic broadcast messages;
- Articles in component newsletters;
- Applicable websites that include information relevant to the duties; and, specifications of the contract.

Define GPP documentation requirements. For example, document the following:

- Initial and follow-up training for each individual with responsibilities under the GPP;
- Justification for not purchasing green products and services;
- Certifications, estimations, and verifications of recovered materials content;
- Performance data and metrics;
- Required reports and records; and,
- Other records needed for a successful program.

Implement operational control

- Establish procedures to ensure GPP requirements are addressed in all applicable procurement actions and at each stage of the procurement process;
- Establish procedures for justifications not to purchase green products;
- Establish automatic substitution procedures where appropriate and feasible.

Monitoring, reporting and corrective action

- Establish a process for evaluation and reporting GPP performance;
- Measure performance based on objectives and targets established at the component level where initial purchasing requirements are defined;
- Use the Federal Procurement Data System-Next Generation (FPDS-NG);
- Develop other measurement tools as necessary to meet local mission and management goals;
- Complete fiscal year annual report to satisfy federal reporting requirements;
- DOJ will collect data annually to comply with statutory and EO 13423 and the RCRA reporting requirements. Reporting guidance will be issued annually by the Assistant Attorney General for Administration;
- Establish a process for monitoring implementation of GPP. OFEE offers [Example Approaches to Green Purchasing Compliance Monitoring](#) that can be used as a guideline. (found under the “Tools and Resources” section)
- Incorporate GPP requirements into existing self assessments, compliance inspection protocols, management system audit protocols, and contract audit protocols;
- Develop corrective action procedures to address deficiencies identified in assessments, inspections, and audits;

- Conduct routine self assessments of the effectiveness of GPP awareness training, the completeness and integrity of GPP performance data, and the overall GPP;
- Evaluate the effectiveness of audit procedures, including implementation of corrective actions.

5.4 Management Review

Establish procedures for routine (at least annually) senior management review of the effectiveness of the GPP in each component or at each level of the Department. Management should review the GPP comprehensively to ensure its continued suitability and effectiveness in meeting green procurement requirements, and continual improvement in green procurement performance.

The management review process should result, at a minimum, from audits, reports, progress on objectives and targets, training data and effectiveness of the GPP in meeting established requirements. The management review process should result in documented conclusions and recommendations that are incorporated back into the GPP to ensure continual improvement of the overall strategy.

5.5 Roles and Responsibilities

5.5.1 Procurement request originators are responsible for:

- Identifying and documenting whether green products and services are available that can satisfy local requirements for price, availability, and performance;
- Including a written justification with the procurement request package for acquisitions above the micro-purchase threshold that describes why an Environmental Protection Agency (EPA) designated product containing recovered materials as specified by [48 CFR Chapter 28, JAR 2823.404](#) was not acquired;
- Ensuring that purchase requests and statements of work address all relevant green procurement requirements prior to submitting them to the contracting office or purchase cardholder;
- Consulting with environmental and contracting specialists to improve and enhance procurement plans and for preparing statements of work or specifications that incorporate relevant green procurement requirements;
- Following DOJ and component level procedures for documenting exceptions to green procurement requirements;
- Considering [life-cycle cost](#) concepts to determine cost effectiveness of green alternatives for use in acquisition and procurement decisions;
- Providing oversight of contract execution to ensure green procurement requirements are provided or delivered in accordance with the terms of the contract.

5.5.2 Contracting Officers are responsible for:

- Reviewing all procurement requests to ascertain and validate whether green products or services are involved in the procurement action;
- Providing guidance to procurement request originators and facilitating acquisition planning with respect to green products and services;
- Providing information on green alternatives and sources of green products to procurement request initiators;
- Incorporating appropriate green procurement language, and JAR clauses, into contracts consistent with specifications provided by the customer;
- Gathering, sorting and reporting of procurement data for the purpose of management evaluation of green procurement performance, when such data is maintained in FPDS-NG or other databases operated by procurement organizations;
- Ensuring all contract actions from requirements development through award, administration, and close-out meet relevant JAR requirements for green procurement. [48 CFR Chapter 28, JAR 2823.404](#) requires contracting officers to include a written justification in the contract file for acquisitions above the micro-purchase threshold that describes why an EPA-designated product containing recovered materials was not acquired;
- Maintaining required documents in the contract file including recovered materials estimates, certifications, and written justifications for exemptions;
- Maintaining documented exceptions to green procurement requirements;
- Including environmental considerations (reuse, recycling, waste reduction, and green purchasing) as a selection criterion;
- Complying with the procedures for monitoring and annually reviewing the effectiveness of GPP.

5.5.3 Bureau Procurement Chiefs and Bureau Environmental Executives are jointly responsible for:

- Establishing and updating [objectives and targets](#) for green procurement;
- Implementing an awareness program to promote green procurement;
- Advising the procurement request originators purchase card holders, approving officials and contracting officers on acquisition strategies for green products and services;
- Providing procurement request originators and contracting officers with current Federal listings of green products and services;
- Providing procurement request originators with information and tools supporting proactive GPP initiatives, such as the web links for EPA Green Cleaning Product recommendations, the EPA EPP database, and green product catalogs from the General Services Administration (GSA) and Defense Logistics Agency (DLA);
- Providing green procurement consultation support to all personnel and organizations involved in the purchasing process, including personnel and

organizations that define requirements, write specifications, order, purchase, or contract for products or services;

- Providing recommendations to management personnel across all organizations involved in the purchasing process on the preparation, implementation, and monitoring of the GPP;
- Assisting the purchase request originator in identifying opportunities to procure green products and services and share this information to expedite and improve the green purchasing process throughout the bureau;
- Ensuring all appropriate personnel are trained in the GPP and held accountable for complying with green procurement requirements;
- Providing and documenting green procurement training and facilitating acquisition planning with respect to green products and services;
- Evaluating the performance of subordinate units, relative to the accomplishment of their green procurement objectives and targets;
- Encouraging innovative green purchasing accomplishments to be submitted to the [DOJ Energy and Environmental Management Awards](#) and the [White House Closing the Circle Awards](#);

5.5.4 Bureau Heads are responsible for:

- Promoting DOJ's GPP;
- Providing guidance on GPP implementation;
- Establishing procedures to collect data that meets reporting requirements;
- Implementing and operating the GPP in a manner that meets or exceeds the requirements of all relevant laws, regulations, and Executive Orders.

5.5.5 Agency Procurement Executive is responsible for:

- Ensuring that all appropriate acquisition courses incorporate green procurement training;
- Issuing procurement policies and regulations consistent with green procurement requirements;
- Sharing best practices;
- Promoting the Department's GPP;
- Working in consonance with the Agency Environmental Executive (AEE) to review and analyze green procurement indicators including the preparation of the annual report to the Office of the Federal Procurement Policy (OFPP) and the OFEE.

5.5.6 Agency Environmental Executive is responsible for:

- Promulgating the Department's policies and regulations in conjunction with the Agency Procurement Executive;
- Sharing best practices;
- Coordinating education and promotional activities;

- Working in consonance with the Agency Procurement Executive to review and analyze green procurement indicators, including the preparation of the annual report to OFPP and OFEE;
- Working in consonance with the DOJ Environmental Stewardship Council in fulfilling the requirements of the GPP department wide.

6.0 Additional Guidance and Statutory Requirements

<u>Federal Acquisition Regulation (FAR) Subpart FAR23.2</u>	This subpart prescribes policies and procedures for acquiring energy- and water-efficient products and services, and products that use renewable energy technology.
<u>FAR Subpart 23.4</u>	This subpart prescribes policies and procedures for acquiring Environmental Protection Agency (EPA)-designated products through AP programs required by the Resource Conservation and Recovery Act of 1976 (RCRA) and Executive Order 13101.
<u>FAR Subpart 23.7</u>	This subpart prescribes policies and procedures for acquiring energy-efficient, water conserving, and environmentally preferable products and services.
<u>FAR Subpart 23.8</u>	This subpart prescribes policies and procedures for the acquisition of items which contain, use, or are manufactured with ozone-depleting substances
<u>Justice Acquisitions Regulations</u>	Justice Acquisition Regulations (JAR), includes green purchasing requirements in section 2823.
<u>Farm Security and Rural Investment Act section 9002</u>	Known as the “Farm Bill,” this law establishes the U.S. Department of Agriculture (USDA) biobased product program. USDA will designate biobased items for Federal agencies to purchase and provide recommendations for agencies purchasing these items with biobased content.
<u>Section 6002 of the Resource Conservation and Recovery Act (RCRA)</u>	RCRA Section 6002 requires the EPA to issue Comprehensive Procurement Guidelines (CPGs) that list designated items that are or can be made with recovered materials.
<u>Code of Federal Regulation (CFR) Title 40, Part 247</u>	The CFR is a publication established by Act of Congress (44 U.S.C. § 1510). It represents a compilation of all the regulations issued by Federal administrative agencies that have "general applicability and legal effect." As a consequence, the contents of the CFR covers a wide range of subjects, including Recycling and AP.
<u>Energy Policy Act (EPA) of 2005</u>	Section 104 of EPA requires agencies to purchase Energy Star® and FEMP-designated products when purchasing energy-consuming products.
<u>Executive Order 13423</u>	“Strengthening Federal Environmental, Energy,

	and Transportation Management” – consolidates and strengthens five executive orders and two memoranda of understanding and establishes new and updated goals, practices, reporting requirements for environmental, energy and transportation performance and accountability.
<u>Executive Order 13221</u>	"Energy Efficient Standby Power Devices" – Requires Federal agencies to purchase products that use no more than one watt in their standby power consuming mode. DOE’s FEMP program develops lists of recommended products that meet this requirement.
<u>Executive Order 13150</u>	"Federal Workforce Transportation" – Establishes programs providing incentives for Federal employees to use mass transportation and vanpools.
<u>DOJ Environmental Procurement Website</u>	DOJ’s website has links to DOJ Green Purchasing policies, as well as links to additional information and programs on green purchasing.
<u>Office of the Federal Environmental Executive (OFEE) Green Purchasing Program</u>	The OFEE offers a wide range of information on a green products, training, tools, resources and more.
<u>Comprehensive Procurement Guideline (CPG) Items</u>	The EPA CPGs list 54 items which can be purchased with recycled content paper, rerefined oil, flyash in concrete, etc. The Agency must require that 100% of purchases meet or exceed CPG. A written justification/waiver is required for non-compliance.
<u>Recovered Materials Advisory Notices (RMANs)</u>	RMANs provide purchasing guidance and recommend recovered and postconsumer material content levels for designated items. RMAN recommendations are guidance and therefore are not codified in the CFR.
<u>EPA’s Environmentally Preferable Purchasing (EPP)</u>	EPA’s EPP program is designed to help federal purchasers find and evaluate green products and services, identify federal green buying requirements, calculate the costs and benefits of purchasing choices, and more.
<u>Federal Green Construction Specifications</u>	The Federal Guide for Green Construction Specs were developed by the EPA, the Federal Environmental Executive, and the Whole Building Design Guide, to help Federal building project managers meet mandates established by statute and Executive Orders, as well as EPA and DOE program recommendations. The specifications reference several North American forest certification standards and other information pertinent to green construction.
<u>Environmental Protection Agency (EPA) Green</u>	EPA information on environmentally preferable

<p align="center"><u>Buildings</u></p>	<p>building materials, waste reduction, toxics, and more.</p>
<p align="center"><u>US Green Building Council</u></p>	<p>USGBC is composed of 12,000 organizations from the sustainable building industry. Offers many resources, educational materials, and Leadership in Energy and Environmental Design (LEED) Green Building rating system.</p>
<p align="center"><u>Whole Building Design Guide</u></p>	<p>The WBDG offers one-stop access to up-to-date information on a wide range of building-related guidance, criteria and technology from a 'whole buildings' perspective. Major categories include Design Guidance, Project Management and Operations & Maintenance, and Mandates and References.</p>
<p align="center"><u>U.S. General Service Administration</u></p>	<p>GSA is one of the three central management agencies in the Federal Government. The goals are to avoid "senseless duplication, excess cost, and confusion in handling supplies," as well as to provide space for the Government to do its work. GSA provides a wealth of green supplies and services. Details may be found at GSA's environmental website.</p>
<p align="center"><u>Defense Logistics Agency</u></p>	<p>The DLA procures common usage items for all military departments and DoD agencies. Their automated procurement system (EMALL) provides for a simple method by which green products may be acquired.</p>
<p align="center"><u>US Department of Agriculture (USDA) Biobased Products 7 CFR Part 2902</u></p>	<p>Provides information on the Federal Biobased Preferred Procurement Program including, designated items and how to purchase biobased products.</p>
<p align="center"><u>EPA's Ozone Depleting Substances</u></p>	<p>The EPA's ODS are recognized by the Montreal Protocol and have been found to damage the earth's protective ozone layer. The DOJ is committed to eliminating the use of ozone depleting substances.</p>
<p align="center"><u>EPA's Significant New Alternatives Policy (SNAP) Program</u></p>	<p>The EPA's Significant New Alternatives Policy Program (SNAP) has a list of acceptable substitutes for ODSs.</p>
<p align="center"><u>EPA's 31 Priority Chemicals List</u></p>	<p>The Priority Chemicals have the potential to create long term negative effects on human health and ecosystems if released into the environment. The DOJ is committed to reducing the use of these chemicals and every effort should be made to finding alternatives.</p>

7.0 Definitions

Acquisition - acquiring by contract or purchase card using appropriated funds for supplies or services (including construction) by and for the use of the Federal government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, or demonstrated and evaluated. Acquisition begins when agency needs are identified and includes the description of requirements to satisfy agency needs, solicitation, selection of sources, contract award and financing details, contract performance and administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Affirmative Procurement Program (APP) - a program assuring CPG items composed of recovered materials will be purchased to the maximum extent practicable, consistent with Federal law and procurement regulations.

Biobased Product – a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials. The 2002 Farm Bill mandated that biobased products also be included in Federal APPs.

Certification - provided by offerors/bidders/vendors, it is written documentation certifying the percentage of recovered materials contained in products or to be used in the performance of the contract is at least the amount required by applicable specifications or other contractual requirements. Certification on multi-component or multi-material products should verify the percentage of postconsumer waste and recycled material contained in the major constituents of the product.

Components of the Federal Green Procurement Preference Program:

- Recovered material
- Environmentally preferable
- Energy efficient (Energy Star and Energy Efficient Stand-by Power Devices)
- Biobased products
- Alternative fuels and fuel efficiency
- Non-ozone depleting substances
- Electronics

Cost-Effective Procurement Preference Program - a procurement program favoring more environmentally-sound or energy-efficient products and services than other competing products and services, where price and other factors are equal.

Designated Item - an available EPA CPG item or category of items, made with recovered material, advancing the purpose of RCRA when purchased.

Energy-efficient Product – a product in the upper 25 percent of efficiency for all similar products or, if there are applicable Federal appliance or equipment efficiency standards, a product that is at least 10 percent more efficient than the minimum Federal standard.

Environmentally Preferable - products or services having a lesser or reduced effect on human health and the environment when compared with competing products or services serving the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or product or service disposal.

Environmentally-Sound - a product or service less damaging to the environment when used, maintained, and disposed of in comparison to a competing product or service.

Estimation - quantitative determination made by vendors of the total percentage of recovered material contained in offered products. Estimations should be based on historical or actual percentages of recovered materials in products sold in substantial quantities to the general public or on other factual basis. The EPA recommends procuring agencies maintain records of these documents for 3 years by product type, quantity purchased, and price paid.

Federal Supply Source - any supply source managed by a Federal agency such as the GSA, Government Printing Office, or Defense General Supply Center.

Green Products/Services - For the purposes of this document, Green Products and Services are defined as products and services meeting the requirements of one or more of the components of Federal green procurement preference programs: the RCRA Section 6002; EO 13423; biobased product requirements of the 2002 Farm Bill, and FAR Part 23.

Life Cycle Cost - the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product.

Life Cycle Assessment - the comprehensive examination of a product's environmental and economic aspects and potential impacts throughout its lifetime, including raw material extraction, transportation, manufacturing, use, and disposal.

Minimum Content Standard - the minimum recovered material content specifications set to assure the recovered material content required is the maximum available without jeopardizing the intended item use or violating the limitations of the minimum content standards set forth by EPA's guidelines.

Performance Specification - a specification stating the desired product operation or function but not specifying its construction materials.

Pollution Prevention - "source reduction" as defined in the Pollution Prevention Act of 1990, 42 U.S.C. 13102, and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

Postconsumer Material - a material or finished product whose life as a consumer item has concluded, after having served its intended use and being discarded for disposal or recovery. "Postconsumer material" is a part of the broader category of "recovered materials."

Postconsumer Waste - a material or product discarded for disposal after passing through the hands of a final user, having served its intended purpose. Postconsumer waste is part of the broader category "recycled material."

Practicable - capable of performing in accordance with applicable specifications, available at a reasonable price and within a reasonable period of time, while maintaining a satisfactory level of competition with other products is being maintained.

Preference - when two products or services are equal in performance characteristics and price, the Government, in making purchasing decisions, will favor the more environmentally-sound or energy-efficient product.

Preference Standard - the highest practicable minimum content standard for products. When minimum content is impractical to calculate, preference is for the presence of a recovered material or an environmentally-preferable trait (i.e., retread tires).

Procurement Guidelines - regulations issued by EPA pursuant to section 6002 of RCRA: (1) identifying items produced (or can be produced) with recovered materials and where procurement of such items will advance the objectives of RCRA; and (2) providing recommended practices for the procurement of such items.

Procurement Request Originators – the individual or organization responsible for defining the requirements for a purchase or acquisition program. This term includes, but is not limited to, engineers, acquisition program managers, and all contract specification writers/reviewers.

Procuring Agency - any Federal or State agency, or agency of a state's political subdivision using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract.

Recovered Material - waste materials and by-products recovered or diverted from solid waste, excluding those materials and by-products generated from, and commonly reused within an original manufacturing process.

Recyclability - the degree to which a product or material may be recovered or otherwise diverted from the solid waste stream for the purpose of recycling.

Recycled Material - a material utilized in place of raw or virgin material in product manufacturing consisting of materials derived from postconsumer waste, industrial scrap, material derived from agricultural wastes, and other items, all of which can be used in new product manufacture.

Recycling - the series of activities, including collection, separation, and processing, by which materials are recovered from the solid waste stream for use as raw materials in the manufacture of new products (other than fuel for producing heat or power by combustion).

Solid Waste - garbage, refuse, sludges, and other discarded solid materials, including those from industrial, commercial, and agricultural operations, and from community activities. This *excludes* solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flow, etc.

Specification - a clear and accurate description of the technical requirements for materials, products, or services including the minimum requirement for materials' quality and construction and any equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references.

Unreasonable Price - when recycled product cost is greater compared to virgin material cost. (Unreasonable price is not a factor when minimum content standards are specified in the statement of work/procurement request, because price estimates will only be obtained from vendors who can supply products meeting recovered material content requirements.)

Verification - procedures used by procuring agencies to confirm both vendor estimates and certifications of the percentages of recovered material contained in the products supplied to them or to be used in the performance of a contract.

Virgin Material - previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal or metal ore; or any undeveloped resource that is, or with new technology will become, a source of raw materials.

Appendix A—DOJ Green Procurement Questionnaire

Organizational managers may wish to utilize the *self assessment* questionnaire below to assess their Green Procurement Program.

Policy:

- Does the organization have a policy specifically requiring a Green Procurement Program (GPP), and compliance with all the requirements of all components of the Federal green procurement preference program?

Planning:

- Has the organization established objectives/targets for GPP performance (purchases of green products and services) that are consistent with the nature and quantity of purchasing activities?
- Does the organization have written procedures for setting, tracking, and updating objectives and targets?
- Are documented procedures in-place to achieve these objectives and targets?

Implementation and Operation:

- Is the organization's GPP awareness training program tailored specifically to the nature and quantity of purchases typically made by the organization?
- Does the organizations' GPP assign responsibility for implementation of the GPP awareness training program to a specific person/office?
- Does the GPP awareness training program provide initial and refresher training to all personnel involved with preparation of specifications/statements of work, purchases with government purchase cards, contracting/ procurement?
- Does the organization have a documented process for tracking initial and refresher training for all personnel involved in the procurement process?
- Does the organization have documented procedures to ensure green procurement opportunities are identified for each purchasing action?
- Does the organization have documented procedures to ensure green products or services are purchased preferentially in each purchasing action?
- Does the organization have documented procedures to ensure that the relevant green procurement contract language and FAR clauses are incorporated in all contracts?
- Does the organization have documented procedures to ensure that the green procurement requirements are executed in accordance with contract requirements and that such execution is verified?
- Does the organization have documented procedures for justifying and granting approval for decisions not to purchase green products or services?

Monitoring Corrective Action:

- Does the organization's GPP assign responsibility for routine measurement, evaluation, and reporting of GPP performance data?
- Does the organization's GPP require routine self-assessments of the effectiveness of awareness training and the completeness and integrity of GPP performance data?
- Has the organization incorporated GPP requirements into self-assessments, compliance inspection protocols, and management system audit protocols?
- Do the organization's inspection protocols include evaluations of GPP awareness training, performance measurement, and responsibility/accountability?
- Do the organization's self-assessment, compliance inspections, and management system audit procedures include requirements for follow-up action and documented closure of deficiencies in GPP?

Management Review:

- Does the organization's GPP include a management review process?
- Does the management review process provide facility senior leadership with accurate and timely data regarding the organization's GPP performance?
- Does the management review process include provisions for feedback and policy changes to ensure continuous improvement in GPP performance?
- Does the management review process require documentation, tracking, and closure of actions resulting from the review process?