

# **White House Task Force on Recycling**

## **Model Agency Affirmative Procurement Plan (Guidance for Contents and Organization)**

This plan is offered as a model that Federal agencies can use in developing an Affirmative Procurement Plan (APP) for the acquisition of U.S. Environmental Protection Agency-designated recycled content products. The model consists of recommended text and directions, which are provided in *italics*. Sections 1 through 5 of the model are required elements for an APP, while Section 6 contains suggested elements for a highly aggressive plan addressing waste prevention, recycling, and other provisions of Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition." The plan may be expanded to include the acquisition of other "green" products, such as energy-efficient or environmentally preferable products. The model is offered as guidance only and is not intended to replace any existing agency plan or prevent the agency from developing a more aggressive plan.

It is recommended that the Agency's APP be created as a 3-hole punched document for a notebook, so pages can be easily added/revised, or that agencies post their APPs electronically on a web site for ease of access and revision.

## Cover Page

**Title:** (*Agency name*) APP for EPA-designated Recycled Content Products

**Subtitle:** Guidance for Compliance with Section 6002, Resource Conservation and Recovery Act (RCRA) and Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition"

## EXECUTIVE SUMMARY

*(In this section, the Agency Environmental Executive or Agency Head may indicate the agency's commitment and policy for the establishment of agency programs for buying items that the Environmental Protection Agency (EPA) determines are or can be made with recovered materials (EPA-designated items)).*

As one of the major procuring agencies in the Federal government, the *(agency name)* is responsible for complying with the Federal requirements to purchase recycled-content products. Therefore, it is the *(agency name)*'s policy to purchase EPA-designated recycled content products (also known as items containing recovered materials) to the maximum extent practicable. This will minimize solid waste, prevent pollution, save energy and other resources, reduce greenhouse gas emissions, and encourage public support and participation.

This document establishes *(agency name)*'s affirmative procurement program and provides recommendations for implementing a successful program. *(Agency name)*'s affirmative procurement program applies to: a) all agency acquisitions, including micro-purchases, in which an EPA-designated item is acquired; b) Contractors operating *(agency name)* facilities; and c) if applicable, state and local recipients of assistance funding.

*(Name of Agency Head or Executive)*  
*(Title/Office)*

## **Preface**

*(In this Section, describe the authority, intent, and development of the agency's Affirmative Procurement Program.)*

Federal agencies are required by Section 6002 of the Resource Conservation and Recovery Act and Executive Order (E.O.) 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," to buy certain products containing recovered materials.

This guidance was developed (*date*) and represents the collaborative efforts of (*agency name*)'s Offices of Environmental Policy, Safety and Health, Engineering, Management Control, with recommendations from the Office of Procurement and Acquisition. This guidance addresses all 54 Comprehensive Procurement Guideline items designated by EPA. Future updates will be provided as EPA designates additional items.

Questions on compliance and implementation issues in this guidance may be directed to:

*(Insert point of contact and phone number).*

Additional information can be found at *(insert URL for appropriate site).*

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## 1.0 Purpose, Authority, and Applicability

### 1.1 Purpose (See E.O. 13101 Secs.101-103, in Appendix A)

This document formally establishes (*agency name*)'s APP for EPA-designated recycled content products and provides agency-wide guidance for implementing an effective program. The purpose of Federal affirmative procurement programs is to increase and expand markets for recovered materials through greater Government preference and demand for products made with such materials consistent with the demands of efficiency and cost-effectiveness. Expanding markets will reduce the amount of solid waste requiring disposal through the purchase and use of products containing recovered materials.

(*Agency name*)'s APP ensures items composed of recovered material (also known as recycled content products) will be purchased to the maximum extent practicable, and is consistent with EPA's Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notices (RMAN). Each EPA guideline, including recovered material minimum content standards, has been referenced and incorporated into this APP. However, (*agency name*) may modify its minimum content standards if it determines that a different standard will allow it to buy the product containing the maximum practicable level of recycled content.

Nothing in this APP shall be used to negate any state or local affirmative procurement requirement more stringent than a similar requirement implemented by the Department's APP.

(*Optional: (Agency name)*'s APP will be incorporated into its Waste Prevention and Recycling Strategic Plan.)

### 1.2 Authority

The following documents establish the requirements for (*agency name*)'s affirmative procurement program:

- Resource Conservation and Recovery Act, Section 6002;
- Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling and Federal Acquisition";
- Environmental Protection Agency Comprehensive Procurement Guidelines;
- Office of Federal Procurement Policy, Policy Letter 92-4; and
- The Federal Acquisition Regulation.

Specific requirements contained in these documents are discussed in greater detail in Appendix B.

### **1.3 Applicability**

Section 6002(a) of RCRA and EPA's procurement guidelines apply to all procuring agencies, defined as "any Federal agency, or any State agency, or agency of a political subdivision of a State which uses appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract."

- Section 6002(a) of RCRA determines those parties responsible for developing and implementing an APP and those responsible for APP compliance. (*Agency name*) as a Federal agency has developed a comprehensive APP, which shall be implemented by all (*agency name*) program offices, operations offices, sites, and applicable contractors. All Departmental elements must take steps to carry out (*agency name's*) comprehensive APP.
- EPA's procurement guidelines apply to an agency whose total annual purchases (for each designated item) exceeded \$10,000 in the current fiscal year or exceeded \$10,000 in the previous fiscal year. Thus, the procurement requirements identified in EPA's guidelines apply to (*agency name*) as a whole and all (*agency name*) program offices, operations offices, sites, and applicable contractors shall be responsible for implementing the procurement requirements outlined in both this document and EPA's guidelines.

## **2.0 Responsibility**

### **2.1 Federal Environmental Executive**

E.O. 13101 requires Federal agencies to expand waste prevention and recycling programs, implement affirmative procurement programs for EPA-designated items, and procure environmentally preferable products and services. The E.O. requires the designation of a Federal Environmental Executive (FEE) to take all actions necessary to ensure agencies comply with the requirements of the E.O. The E.O. also requires the FEE to prepare a biennial report to the President on the actions taken by agencies to comply with the E.O. Under E.O. 13101 and Section 6002 of the Resource and Conservation Act (RCRA), the FEE and the Office Federal Procurement Policy submit a biennial report to Congress on actions taken by the Federal agencies to purchase EPA-designated items.

### **2.2 Agency Environmental Executive**

E.O. 13101 also requires the head of each major Executive department and major procuring agency to designate an Agency Environmental Executive, at a level no lower



than the Assistant Secretary or equivalent, responsible for, among other things:

- Agency implementation of the buy-recycled requirements and other requirements of E.O. 13101;
- Working with the FEE and the Task Force in furthering implementation of the Executive Order; and
- Tracking the agencies' purchases of EPA-designated guideline items and reporting agencies' purchases of such guidelines items to the FEE.

*(Insert name, title of Agency Environmental Executive) is (agency name)'s AEE. (Insert contact information or environmental staff contact information.)*

### **3.0 Why Reduce Our Waste Stream?**

*(Here include information which informs employees why the agency is reducing waste and procuring recycled content products.)*

As a Federal agency, *(agency name)*'s participation in waste prevention and the procurement of recycled content products contributes to sound waste management practices. In its day-to-day operations, *(agency name)* has the opportunity and obligation to be environmentally and energy conscious in its selection and use of needed products and services. This will enhance Departmental credibility and demonstrate *(agency name)*'s commitment to environmental quality by becoming a model consumer of recycled content and environmentally preferable products and services.

For the nation to fully recognize the benefits of recycling and resource recovery, there must be commercial markets available for products made from recovered materials. When *(agency name)* procures products containing such materials, it helps create demand for those products. There also may be direct financial gains to be achieved by *(agency name)* and other procuring agencies from the procurement of products containing recovered materials. For example, the dollar value of materials recovered from solid waste has become substantial: \$3.6 billion in 1996 and a projected \$5.2 billion by 2005. Recovered paper and paperboard account for about one-third of the total in both years. In 1996, the market value of recovered paper and paperboard was 24 percent of the value of all pulp mill shipments. By 1999, the paper industry relied on recovered paper for 36.5 percent of its feedstock.

The extraction and processing of raw materials into manufacturing feedstocks are some of the most energy-intensive activities of industry. Reducing or nearly eliminating the need for these processes, therefore, achieves huge savings in energy. Recycling aluminum cans, for example, saves 95 percent of the energy required to make the same amount of aluminum from its virgin source, bauxite. The amount of energy saved differs by material, but almost all recycling processes achieve significant energy savings

compared to virgin material production.

Additionally, efficient use of resources may reduce operating costs. For example, maintenance costs for plastic restroom dividers are less than maintenance costs for dividers made from competing materials.

There are also environmental and financial gains to be achieved on a national level. Promoting waste prevention by purchasing recycled content items can slow the use of virgin material, as well as slow the rate at which the nation's landfills become filled and closed. If organic wastes such as leaves, grass clippings, and paper, are recycled instead of landfilled, we reduce production of methane, a major greenhouse gas. This is especially true for paper since paper takes up roughly one-third of the space in our nation's landfills. Extensive life-cycle analyses find overall emissions to all environmental media to be lower when we use recovered rather than virgin materials. Also, recycling is a highly effective strategy for reducing all the categories of health risks and pollution resulting from virgin material extraction and processing. Federal government procurement and use of recycled content products also can reduce our nation's dependency on imported raw materials.

## **4.0 Affirmative Procurement Program (APP)**

### **4.1 Policy**

It is (*agency name*)'s policy to purchase EPA-designated items containing recovered materials to the maximum extent practicable unless written justification is provided for not doing so. (*Agency name*)'s goal is that 100 percent of purchases of EPA-designated products will contain recovered materials, considering product performance, price, and availability.

### **4.2 General**

For certain items designated by EPA, RCRA section 6002 requires procuring agencies to implement an Affirmative Procurement Program consisting of four elements: (1) a preference program; (2) a promotion program; (3) procedures for estimation, certification, and verification; and (4) procedures for annual review and monitoring. Subsections 4.3 - 4.6 describe (*agency name*)'s implementation of each of these elements.

### **4.3. Part 1. Preference Program for Recycled Content Products**

In accordance with Section 402(c) of E.O. 13101, 100 percent of (*agency name*)'s purchases of EPA-designated recycled content products will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so.

#### **4.3.1 EPA-Designated Products Purchased by (Agency Name)**

(Agency name)'s preference program is based on EPA's Comprehensive Procurement Guidelines designations of recycled content products. (Agency name) will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when: (1) such products are available competitively within a reasonable time frame, (2) meet reasonable performance standards, or (3) are available at a reasonable price. (Agency name) buys the recycled content products listed below. These products will be purchased containing the percentages of recovered materials (recycled content) indicated below. EPA's recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from EPA's CPG web site at [www.epa.gov/cpg](http://www.epa.gov/cpg). (Identify the specific recycled content products the agency buys directly or through contractors and list them below in the appropriate categories. See Appendix D for the list of EPA designated products as of January 2000.)

Paper and Paper Products  
Vehicular Products  
Construction Products  
Transportation (Traffic Control) Products  
Park & Recreation Products  
Landscaping Products  
Office Products  
Miscellaneous Products

#### **4.3.2 Special Requirements**

The following special requirements apply to recycled content products purchased by the agency: (Identify all special requirements and list them below.)

- Paper Products - E.O. 13101 directs agencies to purchase office and printing papers containing 30 percent postconsumer fiber or if performance or availability constraints exist, 20 percent postconsumer fiber.
- Oil - E.O. 13149 directs that, beginning in October 2000, agency fleets must use re-refined oil unless it is not available or does not meet performance needs.

In addition, EPA recommends that procuring agencies review their procurement practices and eliminate those inhibiting or precluding the use of items containing recovered materials. Specific examples of such procurement practices are provided in the RMAN item-specific recommendations, where appropriate these and references to

them are provided below (*Identify and list such references*).

#### **4.3.3 Future EPA-Designated Items**

RCRA and E.O. 13101 direct EPA to continue to designate items made from recovered materials, in order to further increase markets for recovered materials. As required by RCRA section 6002, (*agency name*) will incorporate additional items into its APP within one year after new items are designated by EPA.

#### **4.3.4 Other Recycled Content Products**

*(Here, the agency can list other recycled content products it is procuring.)* There are thousands of products made with recovered materials. Procurement originators are encouraged to request, procure, and use other products containing recovered materials in addition to those items specified above. Additional recycled content products are available through Federal supply sources and outside vendors.

#### **4.3.5 Other “Green” Products**

*(This is an optional element that can be used to identify and discuss other “green” purchasing programs managed by the agency, such as energy-efficient/energy savings products, alternative fuel vehicles, water-efficient products, environmentally preferable products and services, and biobased products.)*

#### **4.3.6 Acquisition Planning**

The buy-recycled requirements shall be considered during the acquisition planning stage if non-Federal supply sources are used. E.O. 13101 and FAR Part 7 provide that, in developing plans, drawings, work statements, specifications, or other product descriptions, agencies offices shall consider a broad range of factors including: elimination of virgin material requirements; use of biobased products; use of recovered materials; reuse of product; life-cycle cost; recyclability; use of environmentally preferable products; waste prevention (including toxicity reduction or elimination), and ultimate disposal, as appropriate. These factors should be considered in acquisition planning for all procurements and in the evaluation and award of contracts (i.e., the bidder most able to cost-effectively satisfy the recovered material content specifications as well as the performance/design specifications outlined in the procurement solicitation.)

*(Agency name)* personnel involved in planning for acquisitions will consider environmental and energy factors from the beginning of acquisition planning in order to save money, increase efficiency, and reduce pollution in procurements. Their actions shall be consistent with the “waste management hierarchy”; reduce, reuse, and recycle, in that order.

#### 4.3.7 Recovered Materials Determination

Procurement originators are responsible for defining product specifications, utilizing *(agency name)*'s minimum content standards or preference standards, when procuring EPA-designated items from outside vendors. The procurement originator must make a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with *(agency name)*'s preference standards for recovered materials. The completed determination becomes part of the original contract file. *(A sample copy of such a "Recovered Materials Determination" is provided in Exhibit 1 and can be adopted by the agency.)*

A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.

#### 4.3.8 Justification for Not Buying EPA-Designated Recycled Content Products

Under RCRA section 6002(c), and E.O. Secs. 402(c) and 502(c), agency decisions not to buy recycled content products must be justified in writing. RCRA provides four justifications: if it is determined the items are not available competitively, not available within a reasonable time frame, do not meet reasonable performance standards, or are only available at an unreasonable price. **Written justification is not required for purchases below micro purchase threshold.**

The procurement originator and/or the contracting officer, as appropriate, shall document the decision not to buy recycled content products *(A sample is provided in Exhibit 2 and can be adopted by the agency)*. The original copy of the documentation becomes part of the original contract file. The procurement originator is responsible for submitting a copy of the documentation form to the responsible program manager. The *(agency name)* program manager is responsible for forwarding a copy of all waivers to the *(agency name)*'s Environmental Executive within 30 days for annual reporting purposes.

#### 4.3.9 Simplified Acquisitions/Micro-Purchases

The requirement to purchase recycled-content CPG items applies to all purchases, including those at or below the micro-purchase threshold (\$2,500). However, written justifications are not required for not buying recycled content products. *(Agency name)* shall procure recycled content products when making purchases at or below the micro-purchases threshold.

E.O. 13101 requires agencies making micro-purchases to provide guidance regarding purchasing of recycled-content products. *(Agency name)* shall provide training and education to its acquisition personnel procuring recycled content products in the micro-

purchase area.

#### **4.3.10 Federal Supply Sources**

Established Federal supply sources, such as the General Services Administration (GSA), Government Printing Office (GPO), Javits-Wagner-O' Day (JWOD) Program, the Defense General Supply Center (DGSC), and UNICOR are competitive sources for EPA-designated items and other recycled content products. Procuring recycled content products through these sources offers the following advantages:

- Products have been competitively bid;
- Products meet or exceed EPA minimum content standards for recovered materials; and
- Electronic catalogs identifying CPG Compliant Products.

These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with affirmative procurement requirements. Information on Federal supply sources of recycled content and environmentally preferable products is contained in Appendix B.

#### **4.3.11 Contractors**

The buy recycled requirements apply to contractors when they are purchasing or supplying EPA designated products for use in the performance of a contract. The Federal Acquisition Regulation (FAR) requires agency contracting officers to insert the clause at 52.211-5, Material Requirements, in all solicitations and contracts for supplies that are not commercial items. The FAR also requires agency contracting officers to insert the clause at 52.223-10, Waste Reduction Program, in all solicitations and contracts for contractor operation of government-owned or leased facilities and all solicitations and contracts for support services at Government-owned or operated facilities.

When contractors are purchasing goods on behalf of the Federal agencies with appropriated funds, they need detailed instructions on their responsibilities for implementing the order.

*(In this Section, the agency shall include information that addresses the application of the E.O. to its applicable contracts.)*

This guidance applies to all (*agency name*) operations and contractors. (*Agency name*)'s contracting officers shall ensure that the FAR clauses at 52.211-5, Material Requirements, and 52.223-10, Waste Reduction Program, are inserted appropriately in all applicable solicitations and contracts. Once appropriate provisions are included in

the contract the contractor shall comply with *(agency name)*'s APP as if the contractor were a *(agency name)* entity. Accordingly, the contractor shall be required to monitor and report on its APP-related procurement activities as well as require its applicable sub-contractors to comply with *(agency name)*'s APP. It is the responsibility of *(agency name)* to ensure: (1) appropriate existing contracts are revised to include APP compliance provisions and (2) appropriate new contracts contain APP compliance provisions. Related procurement policy will be provided to *(agency name)*'s contractors as contained in *(agency name)*'s Acquisition Regulation.

Because *(agency name)*'s contractors may procure a majority of the products regulated by EPA's guidelines, *(agency name)* contracting officers shall ensure that such contractors are familiar with all applicable APP requirements contained in their contracts with *(agency name)*. *(Agency name)*'s contracting officers shall review with appropriate contractors their role in the procurement of recycled content products during the initial contract signing period and shall reinforce with the contractor, the requirements of the E.O. 13101 when appropriate during subsequent meetings and correspondence.

#### **4.3.12 Assistance Agreements**

*(Applicable if agency provides assistance funding to State and local agencies.)*

State and local agencies purchasing more than \$10,000 worth of an EPA-designated item in a year, and using some Federal funds for these purchases, are required to establish an affirmative procurement program for those particular items.

For example, State and local agencies may use some funds from *(insert name of agency's assistance program)* to purchase an EPA designated item. If the agency, or the agency's contractors, purchase more than \$10,000 worth of the item in a year and use some Federal funds for these purchases, then they are required to purchase the product containing recovered materials.

#### **4.3.13 Life-Cycle Cost Analysis**

OFPP's Policy Letter 92-4 requires Federal agencies to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost shall be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc., must be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

At this time, life-cycle cost information for EPA-designated items is not yet available.

Until such information is developed and issued, *(agency name)* will rely on minimum content standards or preference standards in EPA's guidelines.

#### **4.3.14 Specification Review/Revision**

*(The conditions outlined in this section are only applicable if there are agency-specific specifications, solicitation provisions, work plans, etc.)*

Agency program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance *(agency name)*'s procurement of recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising *(agency name)* specifications, eliminate requirements for virgin materials; express preference for recovered materials, to the maximum extent practicable; and allow for the purchase of products containing recovered material.

When developing, reviewing, or revising Federal and military specifications, product descriptions (including commercial item descriptions), and standards, *(agency name)* shall consider recovered materials and environmentally preferable purchasing criteria. *(Identify relevant specifications or contract language, such as a green appendix for construction contracts.)*

When converting to Commercial Item Descriptions (CID) during procurement actions, *(agency name)* and *(agency name)* contractor personnel shall ensure environmental factors have been considered and the CID meets or exceeds EPA's recycled content recommendations.

*(Agency name)*'s Environmental Executive must provide a written plan for revising *(agency name)* specifications, standards, or product descriptions identified by the FEE as being inconsistent with Section 6002 of RCRA. These specifications, standards, etc., must be revised within 60 days of receiving notice from the FEE. If revisions cannot be completed within 60 days, *(agency name)*'s Environment Executive must monitor and report progress toward the revision plan. If it is not feasible to revise a specification, *(agency name)*'s Environmental Executive must justify why the specification should not be revised.

#### **4.4 Part 2. Promotion Program**

*(Here the agency shall address the actions it will take to promote its program.)*

Agencies must actively promote their affirmative procurement programs. Promotion should be internal as well as external. Internal promotion can consist of activities such



as wide distribution of copies of an agency's affirmative procurement policy, articles in agency newsletters, workshops to educate employees, and using logos/recycling statements on official stationery and publications. Most importantly, the message must reach field operations, procurement officials, supply and requirements personnel and individuals who purchase material or products with a government credit card.

*(Agency name)'s Environmental Executive is responsible for actively promoting the Agency's preference for recycled content products. This includes making recycled content products suppliers aware of (agency name)'s preference program, educating program and procurement offices about requirements to procure recycled content products, and providing (agency name) employees and contractors with information on sources of recycled products. (Agency name) will internally and externally promote its desire to buy recycled products by (the items listed below are options that can be considered by the agency for promotion purposes):*

- Periodically announcing *(agency name)'s* recovered materials preference program in trade publications, general announcements, recycling journals, and procurement publications,
- Including explicit recovered materials preference standards for EPA-designated items in appropriate solicitation and contract language, specifications, drawings, plans, statements of work, and during contract negotiations.
- Providing informational materials, statements, and training to program and procurement offices regarding the agency's recovered materials preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.
- Providing vendor and product information from established Federal supply sources and outside vendors to program and procurement offices through:
  - Electronic media such as the Agency's procurement office web site and other appropriate systems; and
  - Internal documents and publications; newsletters; and at appropriate conferences, workshops, and meetings.

#### **4.5 Part 3. Procedures for Vendor Estimation, Certification, and Verification**

*(Identify specific procedures to be used to comply with RCRA section 6002 requirements for estimation, certification, and verification. Vendors should make their own arrangements with manufacturers to verify the actual recycled content of products and have such arrangements written into contracts with manufacturers.)*

EPA recommends that procuring agencies require vendors to provide an estimate of the total recycled content of their products and certify that the recycled content meets the

minimum content standards in the agency's solicitation documents. EPA also recommends that agencies establish procedures to verify vendor estimates and certifications. Agencies should verify these estimates and certifications through their normal quality control assurance procedures.

Program and procurement offices shall adopt the following procedures:

#### **4.5.1 Estimation**

*(Agency name)* contracting officers will include in all solicitations and contracts in excess of \$100,000, that include the Federal Acquisition Regulation (FAR) provision 52.223-4, "Recovered Material Certification," the estimation clause at FAR 52.223-9.

#### **4.5.2 Certification**

Contracting officers shall assure that vendors (1) provide written certification that their products meet the minimum content standards in the solicitation documents; (2) maintain copies of certification documents; and (3) produce copies of the written certification upon request by *(agency name)*.

Currently, the Federal Acquisition Regulation (FAR) contains a "Recovered Material Certification" provision (FAR 52.223-4) which agency contracting officers shall insert into solicitations for recycled content products and into solicitations that will require the use of EPA-designated products during performance of the contract.

#### **4.5.3 Verification**

*(Agency name)*'s Environmental Executive shall periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews shall enable *(agency name)*'s Environmental Executive to verify the contractors' compliance with E.O. 13101.

### **4.6 Part 4. Annual Review and Monitoring Program**

*(Here, identify the steps for reviewing and monitoring the procurement and usage of recycled content products in accordance with RCRA section 6002(i). Optional data collection may be accomplished for other possible analyses. The review should consist of several components and determine if the maximum recovered material percentage is being achieved. If recycled content products are not being procured and used, the review should disclose why and address what products are being purchased. The review should also identify the recycled content products not being purchased and describe the steps the agency will take in the future to procure these products with recycled content. Additionally, for any recycled content product being procured, the review should determine if the EPA minimum content standard changed with the*

market. See E.O. 13101, Sec. 502)

#### **4.6.1 Data Tracking**

*(Here the agency will describe how it will gather meaningful tracking data.)*

The Department of Energy offers software developed to make tracking data easier. The White House Task Force on Recycling endorses the DOE system. Agencies may copy it or chose to use their own if more appropriate. However, mandatory use of the DOE system may not be in the best interest of each agency. Other innovative means of tracking data are being considered (e.g., incentives) but there are obvious problems associated with accurately capturing data when methods of purchase (i.e., credit cards to formal contracts, centralized to decentralized, locations, and quantities) are so varied. For information on DOE's reporting system contact the White House Task Force on Recycling at (202) 564-1297.

*(Agency name) will take the following actions to track its procurement of EPA-designated recycled content products: (Describe the actions to be taken.)*

#### **4.6.2 Annual Review**

For each EPA-designated recycled content product that it purchases, *(agency name)* will review available data on purchases from central supply sources, purchases using the government purchase card, and purchases by contractors in performance of their contracts. *(Agency name)* will assess its progress in achieving the Executive Order 13101 goal of purchasing 100 percent recycled content products. *(Agency name)* will determine whether recycled content products are not being purchased due to lack of training of contracting officers, purchase card holders, and/or product specifiers. Training will be provided as appropriate. *(Agency name)* also will determine whether recycled content products are not being purchased due to price, performance, or availability constraints. Whenever performance is the constraint, *(agency name)* will work with vendors and the White House Task Force on Recycling to identify products that meet the agency's needs. Whenever availability is the constraint, *(agency name)* will increase its promotion program and work with the White House Task Force on Recycling to identify sources.

### **5.0 Annual Reports**

RCRA Section 6002 requires OFPP to report to Congress biennially on agency implementation of RCRA. E.O. 13101 requires Executive Agencies to report progress towards achieving waste prevention and recycling goals to the FEE. The FEE and OFPP jointly request purchasing data annually for these reports.

Agencies are encouraged to incorporate into their Government Performance Results

Act annual performance plans goals to increase the procurement of products made from recovered materials; for solid waste prevention and recycling or a goal for solid waste diversion; and for increasing the use of environmentally preferable products and services. *(Agency name)* will report on its goals, which are established in Section 6 of this plan, to the FEE annually.

*(Agency name's)* Environmental Executive is responsible for tracking the Department's purchasing of EPA-designated items and reporting this information to the OFPP and the FE. *(Agency name's)* Environmental Executive must also report on *(agency name's)* compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally preferable products. *(Agency name's)* Environmental Executive will justify why designated items have not been purchased, or submit a plan for increasing *(agency name's)* purchases of the EPA-designated item(s).

## **6.0 Optional Additional Sections**

*(The sections below are based on provisions of E.O. 13101 not directly related to procurement. They are optional for the agency's consideration in the development of its APP.)*

### **6.1 Goals**

E.O. 13101, Part 6, requires agencies to establish goals for (1) solid waste prevention and recycling, (2) increasing the procurement of recycled content products, and (3) increasing the use of environmentally preferable products and services. Agencies may establish a diversion goal instead of a goal for solid waste prevention and recycling.

*(Agency name)* establishes the following goals:

- Solid waste prevention
  - By 2005, *(insert goal)*
  - By 2010, *(insert goal)*
- Recycling
  - By 2005, *(insert goal)*
  - By 2010, *(insert goal)*
- Waste diversion *(alternative to solid waste prevention and recycling)*
  - By 2005, *(insert goal)*
  - By 2010, *(insert goal)*
- Procurement of recycled content products  
*(Insert goals. For example, by 2002, all solicitations for architectural and engineering services will require the contractor to specify EPA-designated recycled content products.)*
- Procurement of environmentally preferable products and services *(insert*

goals).

*(If these goals are incorporated into the agency's GPRA goals, insert the following:)*

*(Agency name)* has incorporated into its Government Performance Results Act annual performance plans the goals stated above.

As appropriate, *(Agency name)* will report its progress on obtaining the goals identified above to the FEE for the biennial report specified in Section 302(a)(2) of E.O.13101.

## **6.2 Awards**

*(E.O. 13101, sections 302, 802, and 803 require each Federal agency to develop an internal agency-wide awards program, as appropriate, to reward its innovative environmental programs. Among other things, winners of agency-wide awards will be eligible for the White House Closing the Circle Awards.)*

*(Agency name)* has established an annual awards program to recognize successful and innovative waste prevention, recycling, and affirmative procurement programs throughout the Department. The program is administered by *(agency name)*'s Office of *(agency name)* as part of *(agency name)*'s Waste Minimization/Pollution Prevention program. Award winners are eligible to be nominated for an agency-wide White House Closing the Circle Awards Program and other applicable public and private awards programs.

*(Insert details of timing and procedures for nominations and judging.)*

## **6.3 White House Closing the Circle Awards Program**

The White House Closing the Circle Awards program was developed to recognize Federal employees and their facilities for efforts which resulted in significant impact on the environment in specific categories under E.O. 13101. Every year this program continues to seek and recognize outstanding affirmative procurement, waste reduction, and recycling success stories that can set the example for other Federal facilities to follow. The existing categories are: Waste/Pollution Prevention, Recycling, Affirmative Procurement, Environmental Preferability, Model Facility Demonstrations, Sowing the Seeds for Change, Education and Outreach, Environmental Management Systems, and Life Cycle Assessment/Environmental Cost Accounting.

Each category recognizes efforts made by either an individual Federal employee ("individual award") or teams/groups of Federal employees (including teams made of Federal and contract employees) at government facilities ("team/project award"). Each category has subsets for military and civilian nominations.

*(Agency name) will use the following process to submit nominations for the White House Closing the Circle Awards. (Insert process to be used by Agency to submit nomination for White House Closing the Circle Awards. Options include: (1) submit only winners of the agency's internal awards program, (2) screen all nominations prior to submission to the White House Task Force on Recycling, or (3) allow field operations to self-nominate without prior screening.)*

#### **6.4 Model Facilities**

*(Section 704 of E.O. 13101 requires each agency to establish a model demonstration program incorporating some or all of the following elements as appropriate. Agencies are encouraged to demonstrate and test new and innovative approaches such as incorporating environmentally preferable and biobased products; increasing the quantity and types of purchases of products containing recovered materials; expanding collection programs; implementing source reduction programs; composting organic materials when feasible; and exploring public/private partnerships to develop markets for recovered materials.)*

*(Agency name) has established the following model facility demonstration programs: (insert facility names and model elements, such as recycling and acquisition, at each facility).*

#### **6.5 Waste Prevention and Recycling Programs**

*(Section 705 of E.O. 13101 requires each agency that has not already done so to initiate a program to promote cost-effective waste prevention and recycling of reusable materials in all its facilities, consistent with applicable State and local recycling requirements. Agencies are also required to consider cooperative ventures with State and local government to promote recycling and waste reduction in their community.)*

##### **6.5.1 Waste Prevention Opportunities**

*(Federal agencies are implementing a variety of waste prevention techniques, such as electronic transfer and double-sided copying, electronic acquisition, substitution of products with no or reduced hazardous and toxic constituents, product reuse, and product remanufacturing. In this section, insert waste prevention provisions.)*

- To promote waste prevention, *(agency name)* strongly encourages the electronic transfer of documents and double-sided printing and copying of all documents.
- Agency contracting and program officials shall consider all waste prevention opportunities such as recyclability, reusability, and repairability when acquiring products and services.
- Solicitations and contracts shall include the provision at FAR 52.204-4,

“Printed or Copied Double-Sided on Recycled Paper,” requiring documents to be printed double-sided on recycled paper containing 30 percent postconsumer fiber.

- *(Agency name)* will utilize electronic acquisition systems to the maximum extent practicable.
- Contracting Officers will include the provision at FAR 52.223.10, “Waste Reduction Program,” in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and in all solicitations and contracts for support services at Government-owned or operated facilities.
- *(Agency name)* vehicle maintenance facilities shall acquire and use engine coolant recycling equipment.
- *(Agency name)* vehicle maintenance facilities shall utilize the Defense Supply Center Richmond’s used oil recycling/re-refined lubricating oil supply contract.

### **6.5.2 Recycling Programs**

*(Agency name)* facilities located *(insert locale and/or state)* must comply with local or state recycling requirements. *(Agency name)* has established waste prevention and recycling programs which are compatible with applicable State and local recycling requirements. *(Name)* has been designated as the recycling coordinator for *(name appropriate facility or installation)*. The Coordinator shall implement or maintain waste prevention and recycling programs at this facility.

## **Index of Exhibits and Attachments**

*(Exhibits 1 and 2 contain forms which are offered as examples only and are not official government forms. If the Agency has agency specific forms that meet the intent of the samples, they should be incorporated as appropriate below. The appendices contain legal and regulatory information including pertinent FAR provisions, Federal sources of products, EPA's designated products, agency contacts and excerpts from the White House Task Force on Recycling's Strategic Plan for Implementing E.O. 13101. Agencies can include all or part of these appendices in their plans.)*

<b>Exhibit/Attachment</b>	<b>Page</b>
<b>Exhibit 1 Recovered Materials Determination (Sample Form) .....</b>	<b>25</b>
<b>Exhibit 2 Justification For Not Acquiring EPA-Designated Recycled Content Products (Sample Form) .....</b>	<b>26</b>
<b>Appendix A Federal Acquisition Regulation Provisions and Contract Clauses ...</b>	<b>28</b>
<b>Appendix B Summary of Legislative and Regulatory Requirements .....</b>	<b>33</b>
<b>Appendix C Federal Sources of Recycled Content and Environmentally Preferable Products .....</b>	<b>38</b>
<b>Appendix D Listing of Agency Recycling Coordinators .....</b>	<b>42</b>
<b>Appendix E EPA-Designated Recycled Content Products.....</b>	
<b>Appendix F Government-wide Strategic Plan.....</b>	<b>45</b>
<b>Appendix G Definitions and Acronyms .....</b>	<b>54</b>



## Exhibit 1 Recovered Materials Determination (Sample Form)

This form is to be completed by the procurement originator when the items or deliverables subject to the Agency's Affirmative Procurement Program for EPA-designated recycled content products are being procured from outside vendors. This form is not required for items requisitioned from established Federal Supply sources.

1. The procurement originator checks off which item(s) apply to the procurement request, and signs and dates the bottom of the form.
2. The completed form becomes part of the contracting office official contract file.

The statement of work/specifications covering this procurement is subject to the *(agency name)*'s Affirmative Procurement Program for EPA-designated recycled content products. The items being procured are *(Agency shall list items purchased under the listed categories)*:

\_\_\_\_\_ Paper and Paper Products

\_\_\_\_\_ Vehicular Products

\_\_\_\_\_ Construction Products

\_\_\_\_\_ Transportation Products

\_\_\_\_\_ Park and Recreation Products

\_\_\_\_\_ Landscaping Products

\_\_\_\_\_ Non-paper Office Products

\_\_\_\_\_ Miscellaneous Products

I hereby certify that the Statement of Work/Specifications for the requisition of materials/services listed above complies with applicable *(agency name)* preference standards for recycled/recovered materials.

\_\_\_\_\_  
Procurement Originator

\_\_\_\_\_  
Date

## Exhibit 2 Justification for Not Acquiring EPA-Designated Recycled Content Products (Sample)

### Instructions

This form is needed only if the item(s) being procured are subject to the Agency's Affirmative Procurement Program for EPA-Designated Recycled Content Products.

1. This form is to be completed by the procurement originator and/or the contracting officer (CO), as appropriate, when the Procurement Originator or CO makes a determination not to purchase a recycled content product.
2. The procurement originator and/or CO must check the appropriate justification(s), provide a written explanation, and sign and date the form.
3. The original form is maintained in the contracting office contract file.
4. The procurement originator must submit a copy of the form to the responsible Agency site/operations program manager.
5. The Agency program manager is responsible for forwarding a copy of each justification form to the Agency's Environmental Executive within 30 days.

Procurement Request No. \_\_\_\_\_

1. To Be Completed By Procurement Originator and/or Contracting Officer

Products containing recovered materials and meeting (*Agency name*)'s preference standards for: (*list product(s) was/were not obtained because: (check appropriate reason)*):

\_\_\_ Products did not meet the Agency's reasonable performance standards (*attach a description of the performance need and explain why a recycled content product will not meet that need, including a brief discussion of research conducted to demonstrate that recycled content products will not meet the need.*)

\_\_\_ Products not readily available.

\_\_\_ Products not available at a reasonable price.

Written justification for Not Procuring Designed Recycled Content Products:

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\_\_\_\_\_  
Signature of Procurement Originator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contracting Officer

\_\_\_\_\_  
Date

Attach Additional Pages If Needed

## **Appendix A      Federal Acquisition Regulation Provisions and Contract Clauses**

### **Printed or Copied Double-Sided on Recycled Paper**

The following FAR provision, "Printed or Copied Double-Sided on Recycled Paper" (52.204-4), shall be inserted in all solicitations and contracts that exceed the simplified acquisition threshold.

Printed or Copied Double-Sided on Recycled Paper (Aug 2000)

(a) *Definitions.* As used in this clause--"Postconsumer material" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material." For paper and paper products, postconsumer material means "postconsumer fiber" defined by the U.S. Environmental Protection Agency (EPA) as--

(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; or

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; but not

(3) Fiber derived from printers' over-runs, converters' scrap, and over-issue publications.

"Printed or copied double-sided" means printing or reproducing a document so that information is on both sides of a sheet of paper.

"Recovered material," for paper and paper products, is defined by EPA in its Comprehensive Procurement Guideline as "recovered fiber" and means the following materials:

(1) Postconsumer fiber; and

(2) Manufacturing wastes such as--

(i) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting

from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and (ii) Repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

(b) In accordance with Section 101 of Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, the Contractor is encouraged to submit paper documents, such as offers, letters, or reports, that are printed or copied double-sided on recycled paper that meet minimum content standards specified in Section 505 of Executive Order 13101, when not using electronic commerce methods to submit information or data to the Government.

(c) If the Contractor cannot purchase high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock meeting the 30 percent postconsumer material standard for use in submitting paper documents to the Government, it should use paper containing no less than 20 percent postconsumer material. This lesser standard should be used only when paper meeting the 30 percent postconsumer material standard is not obtainable at a reasonable price or does not meet reasonable performance standards.

(End of clause)

### **Material Requirements (Aug 2000)**

(a) Definitions. As used in this clause--"New" means composed of previously unused components, whether manufactured from virgin material, recovered material in the form of raw material, or materials and by-products generated from, and reused within, an original manufacturing process; provided that the supplies meet contract requirements, including but not limited to, performance, reliability, and life expectancy.

"Reconditioned" means restored to the original normal operating condition by readjustments and material replacement.

"Recovered material" means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

"Remanufactured" means factory rebuilt to original specifications.

"Virgin material" means--

(1) Previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal or metal ore; or

(2) Any undeveloped resource that is, or with new technology will become, a source of raw materials.

(b) Unless this contract otherwise requires virgin material or supplies composed of or manufactured from virgin material, the Contractor shall provide supplies that are new, reconditioned, or remanufactured, as defined in this clause.

(c) A proposal to provide unused former Government surplus property shall include a complete description of the material, the quantity, the name of the Government agency from which acquired, and the date of acquisition.

(d) A proposal to provide used, reconditioned, or remanufactured supplies shall include a detailed description of such supplies and shall be submitted to the Contracting Officer for approval.

(e) Used, reconditioned, or remanufactured supplies, or unused former Government surplus property, may be used in contract performance if the Contractor has proposed the use of such supplies, and the Contracting Officer has authorized their use.

(End of clause)

### **Recovered Material Certification**

The following FAR provision, "Recovered Material Certification" (52.223-4), shall be inserted into solicitations having specifications requiring the use and/or procurement of recovered materials.

#### Recovered Material Certification

As required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(c)(3)(A)(i), the offeror certifies by signing this offer, that the percentage of recovered material to be used in the performance of the contract will be at least the amount required by the applicable contract specifications.

(End of provision)

### **Estimate of Percentage of Recovered Material Content for EPA-Designated Products**

The following FAR provision "Estimate of Percentage of Recovered Material Content for

EPA Designated Products” (52.223-9) shall be inserted solicitations and contracts exceeding \$100,000 that include the provision at 52.223-4. If it is practical to verify the estimate, use the clause with is Alternate I.

Estimate of Percentage of Recovered Material Content for EPA-Designated Products (Aug 2000)

(a) *Definitions.* As used in this clause--

"Postconsumer material" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material."

"Recovered material" means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

(b) The Contractor, on completion of this contract, shall--

(1) Estimate the percentage of the total recovered material used in contract performance, including, if applicable, the percentage of postconsumer material content; and

(2) Submit this estimate to \_\_\_\_\_ [*Contracting Officer complete in accordance with agency procedures*].

(End of clause)

*Alternate I (Aug 2000).* As prescribed in 23.406(b), redesignate paragraph (b) of the basic clause as paragraph (c) and add the following paragraph (b) to the basic clause:

(b) The Contractor shall execute the following certification required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(i)(2)(C)):

CERTIFICATION

I, \_\_\_\_\_ (name of certifier), am an officer or employee responsible for the performance of this contract and hereby certify that the percentage of recovered material content for EPA-designated products met the applicable contract specifications.

\_\_\_\_\_  
[*Signature of the Officer or Employee*]

\_\_\_\_\_  
[*Typed Name of the Officer or Employee*]

[Title]

---

[Name of Company, Firm, or Organization]

---

[Date]

(End of certification)

## **Waste Reduction Program**

The following FAR provision "Waste Reduction Program" (52.223-10) shall be inserted  
:clause:

Waste Reduction Program (Aug 2000)

(a) *Definitions.* As used in this clause--

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

"Waste prevention" means any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

"Waste reduction" means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

(b) Consistent with the requirements of Section 701 of Executive Order 13101, the Contractor shall establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract. The Contractor's programs shall comply with applicable Federal, State, and local requirements, specifically including Section 6002 of the Resource Conservation and Recovery Act (42 U.S.C. 6962, *et seq.*) and implementing regulations (40 CFR part 247).

(End of clause)



## **Appendix B - Summary of Legislative and Regulatory Requirements**

### **Background**

The Resource Conservation and Recovery Act (RCRA) of 1976 addresses management of hazardous waste and non-hazardous solid waste. Recycling is a preferred method of solid waste management and can be encouraged through Federal procurement policies promoting purchasing and using products made from materials typically recovered in home and office recycling programs. Section 6002 of RCRA requires Federal agencies to purchase EPA-designated products containing recovered materials "to the maximum extent practicable."

Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," requires the heads of each Executive agency to incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for recycled content products. Executive Order 13101 requires Federal agencies that have not implemented an affirmative procurement program to ensure that such a program is established and is being implemented, to the maximum extent practicable within 90 days after the date of the Order.

The main goals of RCRA and Executive Order 13101 are to:

- Stimulate private-sector markets for recovered materials through Federal procurement of products containing those materials. Federal procurement also demonstrates the performance and availability of these products.
- Promote cost-effective waste prevention and recycling activities.
- Spur private sector development of new technologies, thereby creating new business and employment opportunities.
- Conserve waste disposal capacity through cost-effective waste prevention and recycling programs.
- Establish Federal waste prevention and recycling leadership.

### **Legislative Requirements**

Section 6002(i) of RCRA and Sections 402 and 403 of Executive Order 13101 require each Federal agency to develop and implement a comprehensive APP with four specified elements. Section 6002(e) of RCRA requires EPA to designate products and provide recommendations for implementing the requirements of Section 6002 of RCRA. Section 6002(c) of RCRA requires each procuring agency to purchase the designated

items composed of the highest percentage of recovered materials practicable. Any decision by a procuring agency not to procure such items shall be based on a determination that such items:

- Are not available within a reasonable period of time;
- Fail to meet the performance standards set forth in applicable specifications or fail to meet reasonable agency performance standards;
- Are only available at an unreasonable price; or
- Are not available from a sufficient number of sources to maintain a satisfactory level of competition (i.e., available from two or more sources).

Further, Section 6002(d) requires all procuring agencies to revise their specifications to eliminate any recovered materials exclusion or any requirement that items be manufactured only from virgin materials.

In accordance with Section 6002 of RCRA and Executive Order 13101 Federal agencies must fulfill several requirements:

- Develop and implement a comprehensive APP, along with policies and procedures for Department-wide implementation.
- Appoint an Agency Environmental Executive to coordinate environmental programs, participate in related Federal committees and workgroups, create an awareness and outreach program, establish incentives, provided guidance, and coordinate preparation of reports.
- Ensure appropriate provisions are included in M&O contracts.

Each agency's APP, as required by Section 6002(i), must contain at least the following four elements. EPA's guidelines provide the following recommendations for implementing these required elements.

### **Preference Program**

RCRA requires agencies to use minimum content standards, case-by-case procurements, or a substantially equivalent alternative, in developing a preference program for each EPA-designated item. For most designated products, EPA recommends a procuring agency use minimum content standards. The exceptions are retread tires, toner cartridges, and pallets for which EPA recommends that agencies arrange for product remanufacturing or for the purchase of a remanufactured product. Case-by-case procurement should only be used if the procuring agency is unable to acquire the item within the limitations described in RCRA.

## **Promotion Program**

EPA recommends that Federal procuring agencies promote their guideline-related preference programs through statements contained in procurement solicitations, discussion of their preference programs at bidder's conferences, publicized preference statements in product-related information services, and press releases.

## **Estimation, Certification, and Verification**

EPA recommends agencies require vendors provide an estimate of the total recycled content of their products and certify the recycled content meets minimum content standards. The FAR contains certification and estimation clauses in sections 52.223-4 and 52.223-9. EPA recommends that agencies use their normal verification procedures to verify vendor estimates and certifications.

## **Annual Review and Monitoring**

Each procuring agency must conduct an annual review and monitor the effectiveness of its APP. EPA recommends that the annual review process include estimates of the quantity of each designated item purchased, relative to the amount of the item purchased containing recovered material, as well as a review of estimations and certifications, and any purchase barriers.

## **Regulatory Requirements**

To date, EPA has designated 54 recycled content products or categories of products in the Comprehensive Procurement Guideline (CPG). EPA's Recovered Materials Advisory Notices (RMANs) contain recommendations for Federal agencies to develop and implement affirmative procurement programs for these products. The product designations are codified in 40 CFR Part 247, and the original CPGs can be found in the following Federal Registers:

- CPG 1: 60 FR 21370 (May 1, 1995)
- CPG 2: 62 FR 60962 (Nov 13, 1997)
- CPG 3: 65 FR 3070 (Jan 19, 2000)

Copies of the Federal Registers can be found on EPA's CGP website at [www.epa.gov/cpg](http://www.epa.gov/cpg).

EPA has determined that:

- Federal agency adherence to the practices recommended in the guidelines constitutes compliance with Section 6002 of RCRA.

- The guidelines apply to all Federal agencies, state or local agencies using appropriated Federal funds, and to persons contracting with any such agencies with respect to work performed on behalf of the agencies. Federal agencies are responsible for ensuring appropriate language is contained in contracts requiring contractors to comply with such regulations.
- Procuring agencies should establish minimum recovered material content standards for each guideline item to ensure the recovered material content required in applicable contract specifications is the maximum available without jeopardizing the intended use of the procured item. EPA's RMANs recommend the appropriate minimum content levels for each designated item or the range of content level currently available. When EPA recommends a range, agencies must research the recycled content levels of products available in their local marketplace and set their content standards at the highest level available to them within EPA's recommended range.
- Each procuring agency is required to ensure its procurement specifications for designated items do not unfairly discriminate against the use of recovered materials. Any procurement specifications prohibiting the purchase of recovered materials should be revised. In cases where products containing only virgin materials are needed, the contract specifications should provide justification as to why these products are required.
- Any determination that, for technical or other reasons, a product containing recovered material would not meet reasonable performance standards must be documented.

Pursuant to Section 6002(g) of RCRA, OFPP issued Policy Letter 92-4, "Procurement of Environmentally-Sound and Energy-Efficient Products and Services," establishing Executive branch policies for the acquisition and use of environmentally-sound, energy-efficient products and services. The Letter also provides guidance for Federal agencies to implement Section 6002 of RCRA. The Policy Letter was published in the Federal Register on November 9, 1992. (OFPP Policy Letter 92-4 contains references to Executive Order 12780 which was revoked by Executive Order 12873, which itself was replaced by E.O. 13101. However, the guidance provided by the Policy Letter is still in effect.)

OFPP's Policy Letter also requires Federal procuring agencies when drafting or reviewing specifications for guideline items, to assure they: (1) do not exclude the use of recovered materials; (2) do not unnecessarily require the item to be manufactured from virgin materials; and (3) require the use of recovered materials and environmentally-sound components to the maximum extent practicable without

jeopardizing the intended use of the item. Federal agencies must use product descriptions and prepare contract specifications reflecting cost-effective procurement and use of designated recycled products, in order to encourage bidders to supply products containing recycled material.

## Appendix C Federal Sources of Recycled Content and Environmentally Preferable Products<sup>1</sup>

### General

Thousands of recycled content and environmentally preferable products are available to procuring agencies and their contractors through established Federal supply sources, and new items are continuously being added. Federal sources of EPA-designated items, and other recycled content and environmentally preferable products, are listed in Table B.1

**Table B.1 Federal Sources of Recycled Content and Environmentally Preferable Products**

<b>Products</b>	<b>GSA Federal Supply Service</b>	<b>Defense Supply Center Richmond)</b>	<b>Government Printing Office</b>
Paper & Paper Products	√		√ (printing and writing papers only)
Vehicular Products	√	√	
Construction Products	√	√	
Transportation Products (traffic control)	√		
Park and Recreation Products	√		
Landscaping Products	√	√	
Non-Paper Office Products	√	√	
Miscellaneous Products	√	√	
Environmentally Preferable Products	√	√	√

<sup>1</sup>For additional sources, see *Greening the Government, A Guide to Implementing Executive Order 13101* (published in 2000 by the White House Task Force on Waste Prevention and Recycling, (202) 564-1297).

Preferable Products			(soy-based inks)
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Examples of other environmental products available through GSA's Federal Supply Service include:

- Energy and water saving items; and
- Items that have been chemically reformulated to be less detrimental to the environment.

## GSA Federal Supply Service

GSA produces several publications (Table B.2) to assist customers to identify and requisition products.

**Table B.2 GSA Federal Supply Service Publications**

Publication	Description
GSA Supply Catalog	Contains information on several thousand products available through the Federal Supply Service, including hundreds of recycled content and environmentally preferable products (highlighted in green for easy identification).  Also includes information on requisitioning these products through GSA.
Environmental Products and Services Guide	A separate listing of hundreds of recycled content and environmentally preferable products.
Customer Assistance Guide	A detailed introduction to the Federal Supply Service. Also contains complete listings of regional Customer Service Directors, Customer Supply Centers, and Commodity Centers.
Marketips	A bimonthly bulletin frequently containing information about new recycled content and environmentally preferable products being introduced.  Includes customer training seminars scheduled through GSA's regional



	offices.
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In addition, GSA provides GSA Advantage!, an on-line shopping mall that offers the convenience of purchasing more than one million products and services, including recycled content and environmentally preferable products, to Federal employees with the click of a button. The URL is [www.gsaadvantage.gov](http://www.gsaadvantage.gov).

The FSS publications are available through:

Centralized Mailing List Service (CMLS)

P.O. Box 6477

Fort Worth, TX 76115

Phone: (817) 334-5215

Fax: (817) 334-5227

## Retread Tires

The Army's Tank-automotive and Armaments Command (TACOM) now manages the retread tires program formerly managed by GSA. TACOM offers a Military Retread Program for tactical tires, a Cooperative Tire Qualification Program (CTQP) for non-tactical tires, and a retread facility inspection program, called the Cooperative Plant Quality Certification (CPQC). The CTQP applies to passenger car tires, light truck tires, truck and bus tires, and off-road low speed tires. As with GSA's program, the CTQP tests tires using an on-vehicle test. A Cooperative Approval Tire List (CATL) is published for government use; it lists all the qualified manufacturers brand names, tread class, and codes by tire group. The current listing of qualified manufacturers and brands can be found on the White House Task Force on Recycling's web site, [www.ofee.gov](http://www.ofee.gov), under Recycled Content.

## Government Printing Office

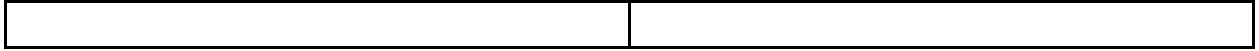
A variety of recycled content printing and writing papers are available through GPO. Procurement originators should work through their Agency field printing organizations to request recycled paper for publications produced through GPO's Regional Printing and Procurement Offices, which are listed in Table B.3.

**Table B.3 GPO Regional Printing & Procurement Offices**

Regional Office	Location	Phone Number
Atlanta	Atlanta, GA	404-605-9160
Boston	Boston, MA	617-720-3680

Chicago	Procurement: Chicago, IL	312-353-3916
Columbus	Columbus, OH	614-488-4616
Dallas	Dallas, TX New Orleans Satellite Office Oklahoma City Satellite Office San Antonio Satellite Office	214-767-0451 504-589-2538 405-231-4146 210-924-4245
Denver	Denver, CO	303-236-5292
Hampton	Newport News, VA	757-873-2800
Los Angeles	Lakewood, CA San Diego Satellite Office	619-497-6050
New York	New York, NY	212-620-3321
Philadelphia	Southampton, PA Pittsburgh Satellite Office	215-364-6465 412-644-2858
San Francisco	San Francisco, CA	415-677-0340
St. Louis	St. Louis, MO	314-241-0349
Seattle	Seattle, WA	206-764-3726





## **Appendix E      EPA-Designated Recycled Content Products**

The following is a listing of EPA-designated recycled content products. Note: EPA's recommended recovered materials minimum content ranges, product specifications, and other product information for the CPG products listed below are found in EPA's RMAN; agencies are encouraged to review and obtain such information for each product from EPA's CPG web site at [www.epa.gov/cpg](http://www.epa.gov/cpg).

### ➤ **Paper and Paper Products**

- Printing and Writing Papers
- Newsprint
- Tissue and Towel
- Paperboard and Packaging

### ➤ **Vehicular Products**

- Re-refined lubricating oils (engine oils, hydraulic fluids, gear oils)
- Retread tires
- Engine coolants

### ➤ **Construction Products**

- Cement and concrete containing ground granulated blast furnace slag (GGBF)
- Cement and concrete containing coal fly ash
- Flowable fill
- Structural fiberboard
- Laminated paperboard
- Polyester carpet (face fiber)
- Rubber and plastic floor tiles (heavy duty/commercial use)
- Rubber and plastic patio blocks
- Building insulation products
- Shower and restroom dividers
- Consolidated or reprocessed latex paint
- Carpet cushion
- Railroad grade crossing surfaces

### ➤ **Transportation Products**

- Traffic cones
- Traffic barricades
- Channelizers

Delineators  
Flexible delineators

➤ **Park and Recreation Products**

Playground surfaces  
Running tracks  
Plastic fencing  
Park benches and picnic tables  
Playground equipment

➤ **Landscaping Products**

Hydraulic mulch  
Compost made from yard trimmings and/or food waste  
Garden hoses  
Soaker hoses  
Lawn and garden edging  
Plastic lumber landscaping timbers and posts

➤ **Non-Paper Office Products**

Office recycling containers and office waste receptacles  
Plastic desktop accessories  
Toner cartridges  
Binders  
Plastic trash bags  
Printer ribbons  
Plastic envelopes  
Plastic clipboards  
Plastic file boards  
Plastic file folders  
Plastic clip portfolios  
Plastic presentation folders

➤ **Miscellaneous Products**

Pallets  
Sorbents  
Industrial drums  
Awards and plaques  
Mats  
Signs, sign supports, and posts  
Manual-grade strapping

## **APPENDIX F      Government-wide Strategic Plan**

**(Below are excerpts from the Government-wide Strategic Plan. The full plan can be found on the White House Task Force on Recycling Website at [www.ofee.gov](http://www.ofee.gov).)**

### **Implementing Acquisition Planning and Affirmative Procurement**

#### **Acquisition Planning**

##### **Action 1      Federal Acquisition Regulation Revisions**

The Federal Acquisition Regulation (FAR) was amended (62 FR 44809, August 22, 1997) to implement the requirements of section 6002 of RCRA and the directives of E.O. 12873. If necessary, Federal agencies will initiate additional revisions to the FAR and agency supplements to the FAR, as appropriate, to implement the waste prevention, recycling, and affirmative procurement directives of E.O. 13101. The Task Force will coordinate and work with the FAR Council to ensure that appropriate language is developed for publication in the FAR.

##### **Action 2      Model Language**

The Task Force will convene a working group to identify points of contact for standards and specifications, provide model language on products containing recovered materials for incorporation into agency standards and specifications, and identify model contracts/specifications that have government-wide utility. Such contracts may include such examples as a model contract for green building custodial operations or a model contract for waste collection and disposal services. Federal agencies are encouraged to then incorporate the model language into their standards and specifications wherever appropriate.

##### **Action 3      Additional Procurement Tools**

The Task Force, in consultation with USDA, will disseminate information to the agencies regarding the price preference and set-aside tools found in 7 U.S.C. 5909 and used by USDA to develop markets for biobased products. To the extent permitted by law and in keeping with good business practices, agencies will use these tools in acquisitions of recycled content and environmentally preferable products and services.

##### **Action 4      Federal Agency Policy/Procedure Enhancements**

The Office of Federal Procurement Policy (OFPP) and the Task Force will, in coordination with agency representatives, review language in acquisition plans to identify model language valuable to all sectors of the government and identify acquisition language needed for agency implementation. Pilot projects, best practices,

EPP guidance, statutory changes, and listings of recycled content, or biobased products will be continually monitored by the Task Force to ensure that the policy and regulatory language are current and accurate.

Federal agencies will develop internal procurement and supply procedures, such as agency directives and revisions to agency contracts and grants manuals, if necessary, to provide assistance and direction in achieving the goals of E.O. 13101 and RCRA section 6002.

## **Action 5 Real Property Acquisition and Management**

The Task Force will work with GSA's Public Building Service and the Federal agencies to identify tools for incorporating the E.O. directives into real property acquisition and management (i.e., Federal owned/leased space, government owned/contractor operated space, contractor owned/contractor operated space, tenant-maintained space, rehabilitation, renovation and maintenance, and new construction). The Task Force will work with GSA and the agencies to provide these tools to agency real property acquisition and management programs.

### **Affirmative Procurement**

#### **Action 1 Revision to Affirmative Procurement Programs**

In accordance with RCRA section 6002 and E.O. 13101, within one year after EPA designates additional recycled content products in the CPG, Federal agencies shall revise their affirmative procurement programs to incorporate the newly designated products. Such revisions shall include amendments to applicable standards, specifications, and product solicitation documents to allow the purchase of products containing the highest levels of recovered materials practicable.

#### **Action 2 Pilot Projects**

The EPP principles and guidance developed by EPA should be tested by Federal agencies through pilot acquisitions of products or services. Similarly, Federal agencies can use pilot acquisitions of EPA-designated recycled content products as well as recycled content products not yet designated by EPA. Each major procuring agency should engage in a pilot project, alone or in cooperation with other agencies. Each AEE will be asked by the Task Force to carry out one or more pilot projects illustrating the EPP requirements of the E.O. As appropriate, these pilot projects can be used to test product performance, innovative contracting strategies, or internal models to follow in meeting the agency's EPP purchasing goals. The results of these pilot projects will be used to provide practical information for further updating of the EPP guidance as directed by the E.O.



It is anticipated that state and local government agencies or private sector purchasers interested in purchasing environmentally preferable products or services also will conduct pilot acquisitions. In addition, third-party certification organizations are developing criteria for certifying products as "environmentally preferable." EPA, in conjunction with the Task Force, will facilitate the coordination with state and local governments, third-party certification organizations, and private industry to test and evaluate EPP principles.

### **Action 3      Substitution Policies**

To meet the E.O. 12873 directive to purchase paper containing 20% postconsumer fiber, Federal agencies successfully used a strategy of requesting that GSA substitute recycled content copier paper when orders for virgin copier paper were submitted. Federal agencies will identify additional EPA-designated recycled content products for which substitution strategies may be appropriate and request that GSA, DLA, or their local procurement office substitute a recycled content product when a virgin product is ordered.

The Departments of Justice (DOJ) and the Interior (DOI) have requested that DLA substitute re-refined lubricating oil when orders for virgin oil are submitted by Justice or Interior fleets. The Task Force will encourage other Federal agencies to follow the lead of DOJ and DOI in instituting re-refined oil substitution programs.

### **Action 4      Biobased Oils Assessment**

DoD and USDA should continue to assess the viability of adding biobased lubricating oils to DoD's lubricating oil program. After determining that biobased lubricating oils satisfy applicable commercial or military lubricating oil specifications and warranty certifications and are available, DLA should solicit for these oils in keeping with good business practices.

### **Action 5      Expansion of Retread Tire Program**

GSA's Federal Tire Program provided specifications, qualification testing, and schedules for retread tires for trucks, buses, light trucks, and passenger vehicles. The U.S. Army's Tank-automotive and Armaments Command (TACOM) now manages the Federal tire program and is currently offering retread tires for trucks. The Task Force will work with TACOM to expand the scope of the retread tire program to non-tactical vehicular tires, including light truck and passenger vehicle tires.

## **Developing and Enhancing Technologies for Waste Prevention, Recycling, and Recycled Content and Environmentally Preferable Products**

### **Action 1      Agency Programs/Centers**

AEEs of major procuring agencies and heads of other agencies will identify specific assistance programs that could be targeted to develop or improve recycling technologies. The Task Force will look into the feasibility of coordinating the various agency technology programs in respect to recycling technology and encourage the development and dissemination of new technologies through the use of:

- ✓ Agency-specific Small Business Innovative Research (SBIR) programs.
- ✓ The National Institute of Standards and Technology's (NIST) Advanced Technology Program.
- ✓ Intra-governmental as well as public-private partnerships.

In addition, Federal agencies will access government centers (e.g., Electronic Commerce Resource Centers (ECRCs), NIST manufacturing centers, SBA centers, GSA commodity centers) for promotion of new technologies.

## **Action 2      Financing**

Federal agencies will identify and advocate existing and new financing options, such as grants and loans, for manufacturers of recycled content and environmentally preferable products. Such mechanisms as targeting funding within various assistance, demonstration, and research and development programs could be explored.

## **Developing and Promoting Outreach and Training Programs**

### **Action 1      Agency Environmental Executives and Executive Order Inter-Agency Advisory Group**

The FEE will convene the AEEs at least biannually to identify proposed improvements, enhance visibility of waste prevention, recycling, and purchasing of recycled content and environmentally preferable products and services, clarify roles and responsibilities, assess and improve accountability, assess goal progress, and share best practices. The FEE will prepare, with the input of the AEEs, a calendar of events through which publicity can be offered to further the goals of E.O. 13101.

Under E.O. 12873, the FEE convened monthly meetings of representatives of Federal agencies, known as the Executive Order Inter-agency Advisory Group, to discuss issues and share information pertaining to implementation of the E.O. The FEE will continue to convene monthly meetings of the EOIAG to facilitate implementation of E.O. 13101. One or more meetings of the EOIAG will be dedicated to sharing communications tools and strategies. Examples of successful tools and strategies will be included in the Greening of the Government Report required by E.O. 13101.

### **Action 2      Communication Tools**

The FEE web site, [www.ofee.gov](http://www.ofee.gov), will be maintained to disseminate information

pertinent to implementation of E.O. 13101, including the Greening the Government publication, the Recycling for the Future: Consider the Benefits publication, the Recycling for the Future: It's Everybody's Business publication, Closing the Circle News, agency success stories, links to related web sites, and upcoming events. The Task Force will provide links from the FEE web page to appropriate agency and other web sites.

The Task Force will develop articles on waste prevention, recycling, and affirmative procurement of recycled content and environmentally preferable products and services. The Task Force also will publicize achievements and progress in recycling in five major newspapers and magazines in addition to Trade Publications by 2000.

The Task Force will request that publishers of commercial calendars mark America Recycles Day along with holidays and other special events.

The Task Force, in conjunction with an inter-agency steering committee, will continue to sponsor Federal agency sessions on waste prevention, recycling, affirmative procurement, and other E.O. related topics to be presented during the annual National Recycling Congress (i.e., the NRC-FEE Confluence sessions).

The Task Force and the E.O.IAG will identify other appropriate conferences and seek opportunities to present sessions to target Federal audiences. The Task Force will convene a work group on an annual basis to explore (1) an appropriate series of informational and educational sessions, in addition to the annual NRC-FEE Confluence; and (2) a theme or otherwise coordinated series of exhibition floor presentations to optimally present to Federal, state, and local governmental officials the "state of the Order". These talks, speakers, booth assets, and concepts will be made available for presentation at other events.

The Task Force will sponsor a traveling exhibit on recycled content and environmentally preferable products and services and offer the exhibit to Federal agencies on a temporary basis for use at conferences to uniformly promote and advertise products and activities related to E.O. 13101.

The Task Force, in consultation and collaboration with Federal agencies, will conduct educational sessions on the attainment of goals, success stories, and lessons learned. The Task Force also will publicize success stories on agencies that have aggressive goals, i.e., USPS and DoD, to other Federal agencies. These success stories will be disseminated via the Internet, newsletters, conferences, seminars, and educational and training sessions.

The Task Force will periodically sponsor a meeting for the purpose of evaluating progress on the implementation of E.O. 13101 and recommending changes to this Plan. The Task Force will work with GSA and GPO to obtain data on performance

testing of paper containing 30% postconsumer fiber. The Task Force will educate agencies about performance and availability through outreach and education programs.

In addition to DLA's current advertising processes, and through sessions developed for conferences and events promoting other aspects of E.O. 13101, the Task Force will, in coordination with DLA, continue to promote the availability and use of re-refined oils.

TACOM will prepare and disseminate information on its retread tire program. The Task Force will help TACOM to publicize its retread tire activities. Presentations will be made by TACOM representatives at conferences, seminars, and events such as the Federal sessions during the National Recycling Congress.

EPA will post information about the EPP pilot projects and their goals, along with periodic progress updates, on the Internet to make the information available to the widest possible audience. Presentations, project videos, or project tours, as appropriate, will be offered at conferences and events during the year in order to disseminate information about the pilots to other Federal agencies. The Task Force will disseminate information about the pilot projects through such mechanisms as the "Closing the Circle" Newsletter and the Internet in order to recognize the most effective/progressive/innovative projects.

USDA will work with the Task Force to conduct workshops to educate the Federal community on the benefits of using and purchasing biobased products, including educational sessions, conferences, seminars, and events such as the annual Federal sessions during the National Recycling Congress.

### **Action 3      Agency Communication Initiatives**

The key to the development and subsequent implementation of improved affirmative procurement programs for recycled content and environmentally preferable products and services is through comprehensive awareness and training provided to acquisition and procurement personnel as well as program personnel. The Federal community must be made aware that it is the responsibility of both entities to ensure the success of an affirmative procurement program.

AEEs of major procuring agencies and heads of other agencies will ensure that their agencies develop and implement internal/external communication programs to educate agency personnel and contractors about complying with E.O. 13101. Agencies must use one or more of the following tools, and others, as appropriate:

- ✓ Electronic broadcast messages.
- ✓ Articles in agency newsletters.
- ✓ Upgrade and improve agencies' main web sites to provide information and notices on waste prevention, recycling, and affirmative procurement of

- ✓ recycled content and environmentally preferable products and services.
- ✓ Publications, speeches, commitments, and presentations in association with agency and national events such as "America Recycles Day" and the "National Recycling Challenge."
- ✓ Educational and outreach sessions at conferences and seminars, such as the annual NRC-FEE Confluence sessions, the annual DoD and DOE Pollution Prevention (P2) conferences, and the Department of Veterans Affairs Acquisition conference. The topics will include the environmental and economic benefits of waste prevention, recycling, and affirmative procurement of recycled content and environmentally preferable products and services.
- ✓ Best Practices Guides.

#### **Action 4    Training**

Acquisition, procurement, supply, and program personnel receive training from various sources, specifically, the Federal Acquisition Institute (FAI), the Defense Acquisition University (DAU), and in general, through agency provided training programs. The Task Force will work with FAI and DAU to develop or modify courses to reflect E.O. 13101 and other environmentally-related E.O. directives. The Task Force will:

- ✓ Develop curriculum required to satisfy Section 801 of E.O. 13101.
- ✓ Review, analyze, and evaluate the existing training courses and materials from each training facility. Emphasis shall be placed on those courses deemed appropriate for immediate modification in order to satisfy the requirements of the curriculum developed.
- ✓ Identify courses for modification.
- ✓ Evaluate course content as it relates to the established curriculum.
- ✓ Submit recommendations for curriculum changes.

The Task Force, when invited, will train contracting officers in the DoD Contracting 301 Course starting in January 1999. Each agency will use training to educate the relevant program and acquisition personnel such as credit card holders about the requirements of E.O. 13101 and section 6002 of RCRA. Training can consist of agency-sponsored workshops, electronic training, manuals, contracting officer warrant maintenance programs, or training offered by FAI, DAU, or other organizations.

The Task Force will coordinate with the FAI and the DAU to incorporate the buy-recycled requirements and the EPP guidance into the training plans for buyers, supply/logistics personnel, and program managers responsible for activities which use or incorporate EPA-designated recycled content products and services and products and services targeted by the EPP guidance. The training will include use of EPA's recycled content product procurement guidelines, EPA's EPP guidance, and acquisition of products and services labeled by self-certification or third-party certification

organizations as environmentally preferable products or services.

The Task Force, in consultation and collaboration with Federal agencies, will prepare training materials for credit card holders concerning the requirements of E.O. 13101 and section 6002 of RCRA. The Task Force will publicize success stories and lessons learned associated with credit card holders and their purchases of recycled and environmentally preferable products and services.

Additionally, the Task Force will work with GSA and TACOM to develop for agency fleet managers detailed guidance on the acceptability and availability of re-refined oils, biobased oils, and retread tires. Presentations will be made at conferences, seminars, and meetings aimed at fleet managers such as GSA's Fedfleet and events such as the Federal sessions during the NRC-FEE Confluence, the DOE and DoD P2 conferences, and meetings of the National Defense Industries Association.

### **Action 5      Summits**

Under E.O. 12873, the FEE sponsored recycled paper summits to disseminate information about the performance, price, and availability of copier paper containing 20% postconsumer fiber. The FEE also sponsored a re-refined lubricating oils summit, which helped to dispel myths about re-refined oil performance, including the belief that use of re-refined oil would void engine warranties. The summits resulted in Federal agency usage of tools, such as substitution policies, that greatly increase compliance with E.O. 12873. The Task Force will identify the need for additional paper summits to address specific issues associated with the E.O. 13101 directive to purchase paper containing 30% postconsumer fiber (i.e., progress in production and sales or declines in sales). The Task Force, in consultation with the EOIAG, will identify additional recycled content or environmentally preferable product areas for which summits will be useful in providing performance, availability, and other pertinent information.

### **Action 6      Partnering**

The Task Force will partner with industry and non-governmental organizations to identify and examine additional way to achieve the goals of E.O. 13101.

## **Establishing Goals for Waste Prevention, Recycling, and Affirmative Procurement**

### **Action 1      Agency Goals**

Federal agencies will establish specific goals for (1) waste prevention and recycling or solid waste diversion, (2) affirmative procurement of products that are made with recovered materials, and (3) procurement of environmentally preferable products and services for which a pilot project has been successfully completed. On an annual basis, agencies will evaluate their progress toward attaining these goals.

Progress on attaining goals will be reported by the Federal agencies to the FEE for incorporation into the Greening of the Government Report required by E.O. 13101.

The Task Force will publicize agency goals and progress. Agency goals should be incorporated into each agency's strategic plan.

## **Action 2      Government Performance and Results Act Goals**

Federal agencies are strongly encouraged to incorporate these goals into their Government Performance and Results Act (GPRA) plans. The Task Force will develop model language on GPRA goals that will be disseminated to the Federal agencies to use as deemed appropriate.

## Appendix G Definitions and Acronyms

**Acquisition** - acquiring by contract 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 established 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. [Executive Order 13101]

**Affirmative Procurement Program (APP)** - agency program assuring that EPA-designated recycled content products will be purchased to the maximum extent practicable, consistent with Federal law and procurement regulations. [RCRA, Section 6002]

**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 materials and recovered material contained in the major constituents of the product. [EPA Guidelines]

**Comprehensive Procurement Guidelines** - regulations issued by EPA pursuant to Section 6002 of RCRA identifying items produced (or which can be produced) with recovered materials. [E.O. 13101 and RCRA, Section 6002]

**Designated Item** - a product or category of products designated by EPA in the Comprehensive Procurement Guideline and whose procurement by government agencies will help to create markets for materials recovered from solid waste.

**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. [Executive Order 13101]

**Estimation** - quantitative determination made by vendors of the total percentage of recovered material contained in offered products. [EPA Guidelines]

**Executive Agency or Agency** - an Executive agency as defined in 5 U.S.C 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense. [Executive Order 13101]



**Federal Supply Source** - any supply source managed by a Federal agency such as the General Services Administration, Government Printing Office, Defense Logistics Agency, or Javits-Wagner -O' Day Program. [FAR Guidance]

**Green Hierarchy** - the logical order by which waste prevention and effective environmental practices are applied.

**Life-Cycle Assessment** - the comprehensive examination of a product's environmental and economic effects throughout its lifetime including new material extraction, transportation, manufacturing, use, and disposal. [Executive Order 13101]

**Life-Cycle Cost** - the amortized annual cost of a product, including costs associated with capital, installation, operations, maintenance, and disposal, discounted over the lifetime of the product. [Executive Order 13101]

**Minimum Content Standard** - the minimum recovered material content of a product. The standard must be high enough to assure the recovered material content required is the maximum available without jeopardizing the intended item use of the product. [RCRA, Section 6002]

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

**Postconsumer Material** - a material or finished product that has served its intended use and has been discarded for disposal or recovery having completed its life as a consumer item. "Postconsumer material" is a part of the broader category of "recovered materials". [Executive Order 13101]

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

**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. [OFPP Policy Letter 92-4]

**Procurement Preference Program** - the first element of an agency affirmative procurement program, in which an agency expresses a preference for purchasing recycled content products designated by EPA. (RCRA, Section 6002)

**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. [RCRA, Section 1004]

**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. [Executive Order 13101 and RCRA, Section 1004]

**Recovered Materials Advisory Notice (RMAN)** - guidance issued by EPA which recommends the range of recycled content that should be in products designated in the Comprehensive Procurement Guideline. RMAN also contain other EPA recommendations pertinent to purchasing recycled content products, such as reference to specifications established by government agencies or standards setting organizations. [EPA Guidelines and OFPP Policy Letter 92-4]

**Recyclability** - the ability of a product or material to be recovered or otherwise diverted from the solid waste stream for the purpose of recycling. [Executive Order 13101]

**Recycled Material** - a material utilized in place of raw or virgin material in product manufacturing (See "Recovered Material.")

**Recycling** - the series of activities, including collection, separation, and processing, by which products or other 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). [Executive Order 13101]

**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. [RCRA, Section 1004]

**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. [EPA Guidelines]

**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.) [EPA Guidance]

**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. [EPA Guidelines]

**Virgin Material** - a mined or harvested raw material to be used in manufacturing.

**Waste Prevention** - (also known as "source reduction") any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their toxicity before they become municipal solid waste. Waste prevention also refers to the reuse of products or materials. [Executive Order 13101]

**Waste Reduction** - preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products. [Executive Order 13101]

### Acronyms

AEE	Agency Environmental Executive
APP	Affirmative Procurement Program
CATL	Cooperative Approval Tire List
CFR	Code of Federal Regulations
CID	Commercial items Descriptions
CMLS	Centralized Mailing List Service
CO	Contracting Officer
CPG	Comprehensive Procurement Guideline
CPQC	Cooperative Plant Quality Certification
CTQP	Cooperative Tire Qualification Program
DAU	Defense Acquisition University
DOD	Department of Defense
DOE	Department of Energy

DOI Department of the Interior  
DOJ Department of Justice  
DSCR Defense Supply Center Richmond  
ECRC Electronic Commerce Resource Center  
E.O. Executive Order  
EOIAG Executive Order Interagency Advisory Group  
EPA Environmental Protection Agency  
FAI Federal Acquisition Institute  
FAR Federal Acquisition Regulation  
FEE Federal Environmental Executive  
FR Federal Register  
FSS Federal Supply Service  
FY Fiscal Year (October 1 through September 30)  
GPO Government Printing Office  
GPRA Government Performance and Results Act  
GSA General Services Administration  
JWOD Javits-Wagner-O'Day  
M&O Management and Operating (Contractor)  
NIST National Institute of Standards and Technology  
NRC National Recycling Congress  
OFPP Office of Federal Procurement Policy  
OMB Office of Management and Budget  
RCRA Resource Conservation and Recovery Act

RMAN Recovered Materials Advisory Notice

SBA Small Business Administration

SBIR Small Business Innovative Research

TACOM Tank-Automotive and Armaments Command

USDA U.S. Department of Agriculture

USPS U.S. Postal Service