

**United States
Department of Agriculture**

Sustainable Procurement Program

This document describes the affirmative procurement program referred to in the Resource Conservation and Recovery Act of 1976, as amended. It provides guidance on purchasing recycled products, biobased products, computers and other electronics or appliances, energy efficient products, water efficient products, products containing refrigerants, less toxic chemicals, and other products and services that have a reduced environmental impact.



Updated January 2011

**(Replaces earlier versions dated
April 2008, December 2007, & July 2006)**

EXECUTIVE SUMMARY

This document formally updates and revises the United States Department of Agriculture (USDA) Sustainable Procurement Program (SPP), originally established in July 2006 under Executive Order 13101. Sustainable acquisition is defined as the purchasing and use of products:

- With recycled content and that are recyclable;
- That are energy efficient (ENERGY STAR® labeled; Federal Energy Management Program [FEMP]-designated, and low standby power)
- Containing the maximum biobased content practicable;
- That are environmentally preferable;
- That are Electronic Product Environmental Assessment Tool (EPEAT)-registered;
- That are water efficient;
- That do not deplete ozone in the atmosphere; and
- That are non-toxic or less toxic than their alternatives.

Future Greenhouse Gas Accounting

EO 13514 envisions that agencies will be able, at a future date, to account for the greenhouse gas emissions that are embodied in products and services. At a still later date, and subject to Federal Acquisition Regulation (FAR) revisions, USDA will give preference in proposals to those vendors who have reduced greenhouse (GHG) gases relative to an established benchmark for a product or service. A team of Federal agencies is working on a methodology for determining GHG emissions from products that may be in place as early as 2012.

Collectively, these items are referred to as sustainable products and services. The SPP establishes department-wide guidance and implements guidelines for an effective sustainable acquisition program that encompasses the purchasing and use of these sustainable products. USDA's SPP has been developed to ensure that sustainable products will be purchased to the maximum extent practicable and to fulfill the applicable affirmative procurement requirements of the Resource Conservation and Recovery Act; Energy Policy Act; Farm Security and Rural Investment Act as amended by the Food, Conservation, and Energy Act; Clean Air Act; Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management;" EO 13221, "Energy Efficient Standby Power Devices;" and EO 13514, "Federal Leadership in Environmental, Energy, and Economic Performance."

Annually, the USDA purchases billions of dollars of products and services. The Department's use of sustainable products holds the promise of:

- Creating new domestic demand for many agricultural commodities that can serve as feedstocks;
- Spurring the industrial base through value-added agricultural processing and manufacturing in rural communities;
- Enhancing the Nation's energy security by substituting domestically produced biobased products for those made from fossil energy-based products derived from imported oil;
- Stimulating the marketplace and creating new jobs;

- Demonstrating environmental stewardship by substituting sustainable products for less environmentally friendly products;
- Lessening or decreasing negative effects on employee health;
- Saving energy and conserving natural resources; and
- Reducing greenhouse gas emissions.

This SPP is a living document and will be amended as appropriate to implement additional requirements of future laws, Executive Orders, the Federal Acquisition Regulation (FAR), and the Agriculture Acquisition Regulations (AGAR) on the purchasing of sustainable products.

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CONTENTS

EXECUTIVE SUMMARY.....	II
ACRONYMS.....	VI
1. PURPOSE AND AUTHORITIES, APPLICABILITY, SCOPE, ROLES, AND RESPONSIBILITIES.....	1
1.1 PURPOSE AND AUTHORITIES.....	1
1.2 APPLICABILITY.....	2
1.3 PROGRAM IMPLEMENTATION ROLES AND RESPONSIBILITIES.....	2
1.3.1 USDA Deputy Assistant Secretary for Administration.....	3
1.3.2 USDA Senior Procurement Executive.....	4
1.3.3 Agency Heads of Contracting Activities (HCAs) and Heads of Contracting Activity Designees (HCADs).....	4
1.3.4 Contracting Officers.....	5
1.3.5 Program/Requirements Personnel.....	5
1.3.6 Purchase Card Holders.....	6
2.0 AFFIRMATIVE PROCUREMENT PROGRAM.....	7
2.1 POLICY 7.....	8
2.2 SUSTAINABLE PRODUCTS PREFERENCE PROGRAM.....	8
2.2.1 Recycled Content Products.....	8
2.2.2 Energy Efficient Products: ENERGY STAR®-Qualified, FEMP-Designated, and Low Standby Power.....	9
2.2.3 Biobased Products.....	10
2.2.4 Environmentally Preferable Products (EPP).....	11
2.2.5 Electronic Product Environmental Assessment Tool (EPEAT)-Registered Products.....	12
2.2.6 Water Efficient Products.....	13
2.2.7 Non-Ozone Depleting Products.....	13
2.2.8 Non-Toxic or Less Toxic Alternatives.....	14
3.0 STRATEGIES AND TOOLS FOR IMPLEMENTING SUSTAINABLE ACQUISITION.....	14
3.1 SPECIFICATIONS AND REQUIREMENTS.....	14
3.2 SOURCE SELECTION/EVALUATION.....	14
3.3 SMALL BUSINESSES THAT PROVIDE SUSTAINABLE PRODUCTS.....	15
3.4 PROCUREMENT RESOURCES AND TOOLS FOR AGENCY PURCHASERS AND CONTRACTING OFFICERS.....	15
3.4.1 USDA Advantage.....	15
3.4.2 Federal Supply Sources.....	15
3.4.3 Mandatory Purchasing Programs.....	16
3.4.4 USDA’s Procurement Forecast.....	16
3.4.5 Sample Contract Language.....	16
3.4.6 FedBizOpps.....	17
3.4.7 Sustainable Building Design.....	18
3.5 WRITTEN JUSTIFICATIONS.....	18
4.1 OUTREACH.....	19
4.1.1 Senior Leadership.....	19
4.1.2 Greening Web Site.....	19
4.1.3 Success Stories and Best Practices.....	19

4.1.4	Pilots	20
4.1.5	Conference, Agency, and Web Outreach	20
4.2	TRAINING	21
4.2.1	Acquisition Information.....	21
4.2.2	Online Sustainable Acquisition Training.....	21
4.2.3	USDA Green Purchasing Workgroup	21
4.2.4	Biobased Products Training.....	21
4.2.5	Purchase Card Training.....	22
5.0	REVIEWING AND MONITORING THE SPP	23
5.1	ANNUAL MONITORING AND REVIEW	23
5.2	ANNUAL REPORTING	24
5.2.1	Sustainable Acquisition Survey.....	24
5.2.2	Sustainability Plan Self Evaluation.....	25
	APPENDIX A – SPP SUMMARY TABLE.....	27
	APPENDIX B – DEFINITIONS	28
	APPENDIX C – FEDERAL ACQUISITION REGULATION (FAR) SUSTAINABLE ACQUISITION REQUIREMENTS	30
	APPENDIX D – AGRICULTURE ACQUISITION REGULATION (AGAR) SUSTAINABLE ACQUISITION REQUIREMENTS.....	32
	APPENDIX E – USDA DEPARTMENTAL REGULATION: SUSTAINABLE OPERATIONS COUNCIL.....	33
	APPENDIX F – SUCCESS STORIES AND BEST PRACTICES	37
	APPENDIX G – MODEL GREEN LANGUAGE IN A JANITORIAL CONTRACT U.S. FOREST SERVICE—REGION 5.....	39
	APPENDIX H – GUIDANCE FOR PURCHASE CARD HOLDERS	43
	APPENDIX I – SUSTAINABLE ACQUISITION WEBSITES	45

ACRONYMS

AAC	Agriculture Acquisition Circular
AGAR	Agriculture Acquisition Regulation
APHIS	Animal and Plant Health Inspection Service
APP	Affirmative Procurement Program
ARS	Agricultural Research Service
ASA	Assistant Secretary for Administration
BPA	Blanket Purchase Agreement
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CPG	Comprehensive Procurement Guideline
DM	Departmental Management (a USDA organization) or Departmental Manual (a USDA official document)
DoD	Department of Defense
DOE	Department of Energy
DR	Departmental Regulation
EMS	Environmental Management Systems
EO	Executive Order
EPA	Environmental Protection Agency
EPAct	Energy Policy Act
EPEAT	Electronic Product Environmental Assessment Tool
EPP	Environmentally Preferable Products
FAR	Federal Acquisition Regulation
FedBizOpps	Federal Business Opportunities
FEE	Federal Environmental Executive
FEMP	Federal Energy Management Program
FESWG	Federal Electronics Stewardship Working Group
FPDS	Federal Procurement Data System
FSA	Farm Service Agency
FSIS	Food Safety and Inspection Service
FSRIA	Farm Security and Rural Investment Act of 2002
FS	U.S. Forest Service
GPRA	Government Performance Results Act
GEC	Green Electronics Council
GSA	General Services Administration
HCA	Heads of Contracting Activities
HCAD	Head of Contracting Activity Designee
IAS	Integrated Acquisition System
IEEE	Institute of Electrical and Electronics Engineers
IT	Information Technology
LEED	Leadership in Energy and Environmental Design
NIST	National Institute of Standards and Technology
NRCS	Natural Resources Conservation Service

MOU	Memorandum of Understanding
NIFA	National Institute of Food and Agriculture
OCIO	Office of Chief Information Officer
ODS	Ozone Depleting Substances
OFEE	Office of the Federal Environmental Executive
OFPP	Office of Federal Procurement Policy
OMB	Office of Management and Budget
OPPM	Office of Procurement and Property Management
OSDBU	Office of Small and Disadvantaged Business Utilization
PCMS	Purchase Card Management System
PBS	Public Building Service
RCRA	Resource Conservation and Recovery Act
RD	Rural Development
REE	Research, Education, and Economics (USDA mission area)
RMAN	Recovered Materials Advisory Notice
SNAP	Significant New Alternative Policy
SOC	Sustainable Operations Council
SPP	Sustainable Procurement Program
UNICOR	Federal Prison Industries, Inc.
USDA	United States Department of Agriculture

1. PURPOSE AND AUTHORITIES, APPLICABILITY, SCOPE, ROLES, AND RESPONSIBILITIES

1.1 Purpose and Authorities

The purpose of this document is to formally update and revise the United States Department of Agriculture's (USDA) Sustainable Procurement Program (SPP), originally established as the Green Purchasing Affirmative Procurement Program in June 2006. The elements of USDA's sustainable acquisition program include products:

- With recycled content and that are recyclable;
- That are energy efficient (ENERGY STAR®-qualified; Federal Energy Management Program [FEMP]-designated, and low standby power)
- Containing the maximum biobased content practicable;
- That are environmentally preferable;
- That are Electronic Product Environmental Assessment Tool (EPEAT)-registered;
- That are water efficient;
- That do not deplete ozone in the atmosphere; and
- That are non-toxic or less toxic than their alternatives.

This SPP fulfills the affirmative procurement requirements of:

- Section 6002 of the Resource Conservation and Recovery Act (RCRA) of 1976;
- Section 104 of the Energy Policy Act of 2005 (EPA) as amended by the Energy Investment and Security Act of 2007 (EISA);
- Section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA) as amended by the Food, Conservation, and Energy Act of 2008;
- Section 612 of the Clean Air Act (CAA) of 1990;
- Executive Order (EO) 13514, "Federal Leadership in Environmental, Energy, and Economic Performance;"
- EO 13423, "Strengthening Federal Environmental, Energy, and Transportation Management;" and
- EO 13221 "Energy Efficient Standby Power Devices."

The SPP is one of USDA's vital environmental programs, part of the overall USDA sustainable operations program.

The primary responsibility for sustainable or environmentally preferable, energy, and water efficient purchasing such as Bio-based, Recycled, Energy Star, FEMP designated, WaterSense products, etc., lies with the USDA field offices. The main objective of USDA's sustainable acquisition program is to enhance and sustain its operations by increasing purchases of sustainable products and services to the maximum extent possible. Other objectives include the education of USDA employees, the expansion of the sustainable products market, and

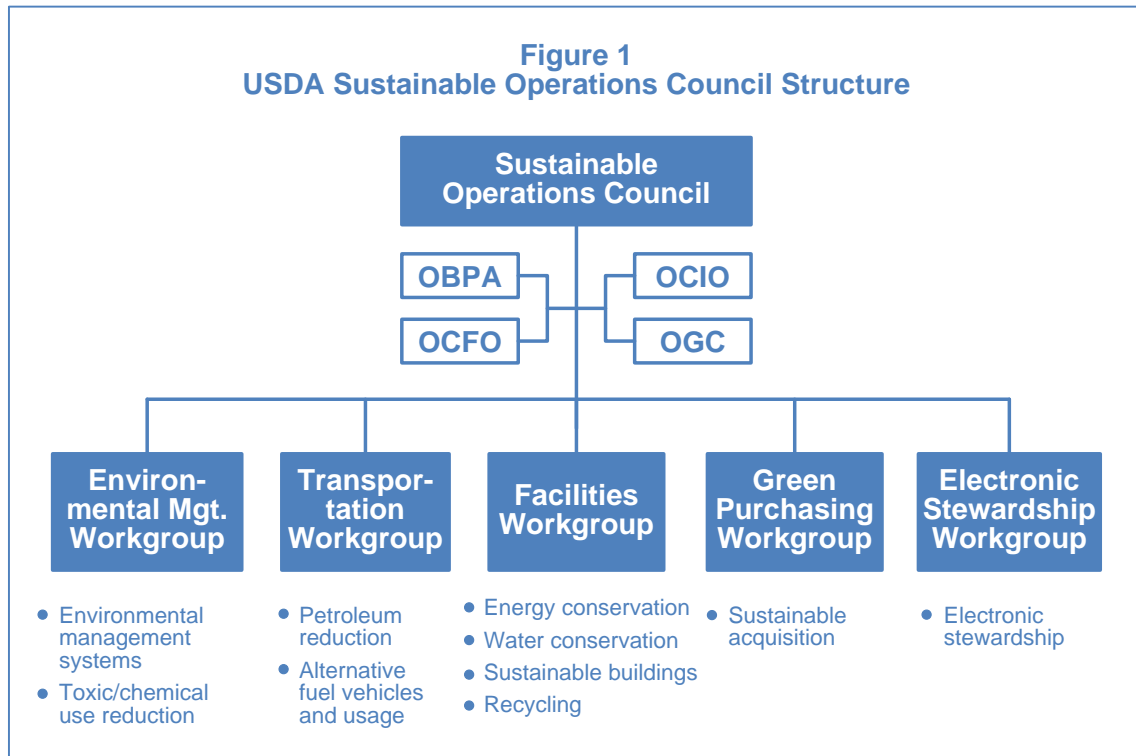
reduction of energy usage. Additionally, the SPP outlines department-wide guidance for an effective sustainable acquisition program. This Plan contains a preference program, a methodology to promote the preference program, and an annual review and monitoring of the effectiveness of the SPP.

1.2 Applicability

The policies outlined in this SPP apply to USDA as a whole and all USDA agencies, program offices, operations offices, sites, and applicable contractors. The policies apply to USDA agency purchases, including those at or below the micro-purchase threshold. The requirements apply to direct purchases through contractors, government purchase cards/fleet cards, support services contracts under which the designated products will be supplied or used, simplified acquisitions, and purchases made through Federal supply agencies. Definitions and web site links that are common to the sustainable acquisition programs are provided in Appendices B and C.

1.3 Program Implementation Roles and Responsibilities

In accordance with Section 1 of EO 13514, the Secretary of Agriculture designated the Deputy Assistant Secretary for Administration as USDA’s Senior Sustainability Officer (SSO). USDA also established a Sustainable Operations Council (SOC), shown in Figure 1, to ensure the accountability and coordination necessary to meet the requirements of EO 13514 and EO 13423. The SSO serves as the lead for the SOC; key SOC members include representatives from each USDA mission area.



There are five workgroups under the direct leadership of the SOC. Workgroup members serve as key points of contact for day-to-day implementation of USDA sustainability initiatives, and assist in the development of recommendations in the formation of policy, direction and guidance. The workgroup representation includes staff members from the Office of Procurement and Property Management, Office of Operations, Office of Chief Information Office, USDA agency headquarters and field offices staff.

The activities of the SOC are coordinated with the Office of Budget and Program Analysis (OBPA), the Office of Chief Information Officer (OCIO), the Office of Chief Financial Officer (OCFO), Office of General Council (OGC), the Senior Real Property Officer, the Real Property Council, and the Procurement Council.

In June 2010, USDA submitted to the Office of Management and Budget a Strategic Sustainability Performance Plan (“Sustainability Plan”) in fulfillment of Section 2 of EO 13514. The Green Purchasing Workgroup is responsible for implementing Goal 8, Sustainable Acquisition, of the Sustainability Plan, which is one of ten contained in the Plan and the Executive Order (see text box at right).

EO 13514 and Strategic Sustainability Performance Plan Goals

1. Scope 1 and 2 Greenhouse Gas Reduction
2. Scope 3 Greenhouse Gas Reduction
3. Develop/Maintain Comprehensive Greenhouse Gas Inventory
4. High Performance Sustainable Design/Green Buildings
5. Regional and Local Planning
6. Water Use Efficiency and Management
7. Pollution Prevention and Waste Elimination
8. Sustainable Acquisition
9. Electronics Stewardship and Data Centers
10. Agency Innovation.

Beyond the formal structure established under EO 13514, USDA recognizes that the responsibility of implementing this SPP lies with every USDA employee. To this end, USDA is actively working to ensure that every person involved in the process—requirements planners, administrative contracting officials, government purchase card holders, and persons requisitioning products or supplies through any source or supply or contract—will be informed of their role in the success of this program. This section outlines the roles for the USDA Assistant Secretary for Administration, Senior Procurement Executive, Head of Contracting Activities (HCAs)/Head of Contracting Activity Designees (HCADs), contracting officers, program/requirements personnel, and purchase card holders.

1.3.1 USDA Deputy Assistant Secretary for Administration¹

- Provides overall Departmental leadership for the sustainable acquisition program;
- Serves as the USDA Senior Sustainability Official responsible for implementing EO 13514 and the authority to implement Federal environmental and energy policy in USDA’s operations;
- Manages policies and guidance on sustainable acquisition programs;

¹Departmental Management has two Deputy Assistant Secretaries. Ms. Robin E. Heard currently serves as USDA’s Senior Sustainability Official.

- Chairs the Sustainable Operations Council (SOC) established in June 2007 to provide executive leadership in implementing EO 13423 and EO 13514;
- Approves and submits annual reports on USDA's progress in implementing Section 6002 of RCRA, section 104 of EPCRA, section 9002 of FSRIA, and EOs 13514 and 13221 based on input from agencies;
- Approves and submits sustainable acquisition reports to OMB's, Office of Federal Procurement Policy (OFPP), Office of the Federal Environmental Executive (OFEE), and DOE; and
- Implements an awareness program to promote sustainable acquisition.

1.3.2 USDA Senior Procurement Executive

- Oversees the SPP;
- Provides Program leadership and coordination for USDA's sustainable acquisition program pursuant to EO 13514;
- Manages development of regulations, policies and guidance on sustainable acquisition programs;
- Consults with HCAs (Heads of Contracting Activities) and HCADs (Heads of Contracting Activity Designees) on sustainable acquisition;
- Ensures that sustainable acquisition requirements are addressed in Agriculture Acquisition Regulations (AGARs) or other policy guidance;
- Develops model language on sustainable acquisition for inclusion in contracts;
- Prepares acquisition strategies and tools to increase agency purchases of green products;
- Coordinates the preparation, review, analysis, and submission of reports on USDA's progress towards meeting the goals of EO 13514 to the OMB, OFEE, and DOE;
- Establishes and implements environmental and energy performance measures and data input to meet EO and OMB scorecard reporting requirements; and
- Provides oversight of SPP training for targeted acquisition audiences.

1.3.3 Agency Heads of Contracting Activities (HCAs) and Heads of Contracting Activity Designees (HCADs)

- Implement provisions of AGARs 423.2, 423.4, and 423.7, and AGAR Advisory Notices No. 82 and 83;
- Implement procurement policies, regulations, and best practices in relation to sustainable acquisition requirements;
- Promote the SPP;
- Provide contracting personnel with the latest information on sustainable acquisition;
- Ensure that contracting personnel are trained in sustainable acquisition and such training is tracked;
- Support and implement the Department's sustainable acquisition goals and performance metrics as outlined in this SPP; and

- Work with OPPM points of contact to review and analyze sustainable acquisition data.

1.3.4 Contracting Officers

- Implement and monitor the SPP as required by the Federal Acquisition Regulation (FAR) Subpart 23.404;
- Comply with all applicable FAR and AGAR requirements (refer to Appendices D and E);
- Ensure that applicable FAR sustainable acquisition language and clauses on sustainable acquisition and SPP requirements are inserted appropriately in all new solicitations and contracts;
- Ensure that applicable FAR sustainable acquisition language and clauses and SPP requirements are included when modifying existing contracts that contain green products;
- Provide guidance to program/technical personnel on applicable procurement requirements and clauses relative to sustainable products and services;
- Comply with procedures for monitoring and annually reviewing the effectiveness of the SPP;
- Ensure that vendors are familiar with SPP requirements contained in their solicitations/contracts; and
- Review with appropriate vendors their role in the procurement of sustainable products and services during the initial contract kickoff and reinforce with the contractor when appropriate during contract performance.

1.3.5 Program/Requirements Personnel

- Implement and monitor the SPP as required by FAR Subpart 23.404;
- Ensure that relevant sustainable acquisition requirements are identified prior to submission to the contracting officer or other source of supply;
- Consult with contracting, environmental, and energy personnel to improve and enhance statements of work or specifications that incorporate sustainable acquisition requirements of Federal laws, regulations, and EOs;
- Eliminate from specifications any exclusion of recovered materials and any requirement that items be manufactured from virgin materials as delineated in section 6002 of RCRA;
- Ensure that specifications require the use of recovered materials to the maximum extent as delineated in section 6002 of RCRA where appropriate;
- Ensure that specifications require the use of biobased products consistent with the requirements of section 9002 of FSRIA where appropriate;
- Consider maximum practicable use of energy and water efficient products, low standby power, biobased, recycled content, environmentally preferable, and non-toxic or low toxic products and services when developing, reviewing, or revising Federal product descriptions (including commercial item descriptions) and standards and describing

government requirements for products and services in accordance with FAR Subpart 11.002;

- Apply life-cycle cost concepts, as appropriate, to determine cost-effectiveness of sustainable products and services;
- Comply with procedures for reviewing the effectiveness of the SPP; and
- Use available boilerplate specifications and sample contract language for contracts.

1.3.6 Purchase Card Holders

- Purchase green products when making purchases, including those at or below the micro-purchase threshold in accordance with FAR Subpart 13.201; and
- Receive training on the requirement to purchase sustainable products and the common sources of supply.

2.0 AFFIRMATIVE PROCUREMENT PROGRAM

2.1 Policy

USDA will provide a procurement preference for recycled content, ENERGY STAR®-qualified, Federal Energy Management Program (FEMP)-designated, low standby power, biobased, environmentally preferable, Electronic Product Environmental Assessment Tool (EPEAT)-registered, water efficient, non-ozone depleting, and non-toxic or less toxic products. This preference shall be established in all USDA contracts as appropriate. Appendix C provides a summary of the Federal Acquisition Regulation (FAR) parts that provide a preference for sustainable products. USDA has updated the Agriculture Acquisition Regulations (AGARs) to include information on sustainable acquisition and will revise AGARs further as more final FAR guidance is published. Appendix D provides information on each AGAR relevant to sustainable acquisition.

President Obama signed Executive Order (EO) 13514, "Federal Leadership in Environmental, Energy, and Economic Performance," on 5 October 2009. [EO 13514](#) does not rescind/eliminate the requirements of [EO 13423](#), "Strengthening Federal Environmental, Energy, and Transportation Management." Instead, it expands on the energy reduction and environmental performance requirements for Federal agencies identified in EO 13423. With regards to sustainable acquisition, EO 13514 requires Federal agencies to ensure that 95 percent of new contract actions be sustainable acquisitions where such products and services meet agency performance requirements. In fulfillment of Section 2 of EO 13514, USDA formulated a Strategic Sustainability Performance Plan ("Sustainability Plan") in June 2010 that includes the following planning table:

Goal 8 – Sustainable Acquisition - Planning Table

Sustainable Acquisition	Unit	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20
New Contract Actions meeting Sustainable Acquisition Requirements	%	-		75	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Energy Efficient Products (ENERGY STAR, FEMP-designated, and low standby power devices)	%	-	90	91	93	95	95	95	95	95	95	95
Water Efficient Products	%	-	-	75	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Biobased Products	%	88	91	95	95	95	95	95	95	95	95	95
Recycled Content Products	%	-	-	75	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Environmentally Preferable Products/Services (excluding EPEAT)	%	-	-	75	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
SNAP/non-ozone depleting substances	%	-	-	75	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

Though the Council on Environmental Quality/Office of Management and Budget (CEQ/OMB) Sustainability Plan Template Tool of April 2010 stipulates that agencies achieve the 95% contract action milestone by FY2011, USDA has determined that the milestone will take longer to reach, as the table shows. OMB approved the above table in September 2010. Section 5.0, Reviewing and Monitoring the SPP, below, details how USDA plans to achieve the 95% milestone. Another item OMB approved is USDA's addition in its SPP of two categories of sustainable products: EPEAT and non-toxic or less toxic alternatives.

Since a major thrust of EO 13514 is to reduce agency emissions of greenhouse gases (GHG), USDA may be required at a future date to quantify GHG emissions that result from the acquisition of supplies and services (if a feasible measurement methodology can be developed). At a still later date, and subject to Federal Acquisition Regulation (FAR) revisions, USDA will give preference in proposals to those vendors who have reduced greenhouse gases relative to an established benchmark for a product or service. A team of Federal agencies, led by the U.S. General Services Administration (GSA), is still developing a methodology for determining GHG emissions from the "supply chain". In July 2010 GSA released a report on GHG emissions from suppliers (see, EO 113514 Section 13: *Recommendations for Vendor and Contractor Emissions*, http://www.fedcenter.gov/kd/Items/actions.cfm?action=Show&item_id=15392&destination=ShowItem). In the report, GSA estimates that the GHG supply chain methodology for products may be in place as early as 2012, at which time USDA will start to account for GHG emissions from its contractors and vendors. GSA states that currently no known GHG methodology exists for services; therefore, at a future date, agencies will determine GHG emissions from services based on corporate GHG emissions until a GHG methodology for services is in place.

2.2 Sustainable Products Preference Program

2.2.1 Recycled Content Products

Recycled content products are products that are made from or contain recovered materials. The goal is to replace virgin materials with recycled materials, including post-consumer materials. Through the Comprehensive Procurement Guidelines (CPG), the Environmental Protection Agency (EPA) manages the program, designating products to which Federal agencies must give preference in their procurements. There are currently more than 60 designated products in eight categories (see text box at right). Examples of designated products include: structural fiberboard, plastic lumber landscaping timbers and post, printing and writing papers, playground equipment, retread tires, and sorbents. The current list of designated products, EPA's guidance, and related technical information can be found on EPA's web site at www.epa.gov/cpg.

Eight CPG Categories

- Paper and paper products
- Vehicular
- Construction
- Landscaping
- Park and recreation
- Transportation
- Non-paper office
- Miscellaneous products

Section 6002 of RCRA requires Federal agencies to procure EPA-designated recycled content items composed of the highest percentage of recovered materials practicable consistent with maintaining a satisfactory level of competition. EO 13423 and the EO 13514 require that each

agency give preference to the purchase of recycled content products designated in EPA's CPG.

There is a certification provision and an estimation clause on recovered material in FAR Subpart 23.406, the Recovered Material Certification provision, at 52.223-4, that is inserted in solicitations that are for, or specify the use of, EPA-designated products containing recovered materials. The Estimate of Percentage of Recovered Material Content for EPA designated products clause, at 52.223-9, is inserted in solicitations and contracts exceeding \$100,000 that include the Recovered Material Certification provision at 52.223-4.

In addition, AGAR 423.403 and 423.404 direct USDA agencies to acquire and use EPA-designated recycled content products and to include in all applicable solicitations and contracts, a preference for products and services, which meet or exceed the EPA purchasing guidelines as contained in the EPA Recovered Materials Advisory Notices (RMANs). AGAR 423.404 reiterates that the threshold for EPA designated items is \$10,000 per year at the USDA departmental, not individual agency level; and stresses that the APP requirements, including the 100% purchase requirements, apply at the individual agency and staff office level.

2.2.2 Energy Efficient Products: ENERGY STAR®-Qualified, FEMP-Designated, and Low Standby Power

ENERGY STAR® is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy. ENERGY STAR® products use less energy to perform the same operation or function than comparable equipment. Before using the ENERGY STAR® logo on a product, a manufacturer must become an ENERGY STAR® partner and self-certify that the product meets ENERGY STAR® performance eligibility criteria. Examples of ENERGY STAR® products include computers, copiers, clothes washers, dishwashers, light fixtures, and compact fluorescent light bulbs. The technical requirements that each product must meet to become ENERGY STAR® qualified are available at www.energystar.gov/products.

Section 104 of The Energy Policy Act (EPA) of 2005 and EO 13514 require that each agency give preference to the purchase of ENERGY STAR® and FEMP-designated energy efficient products. In addition, EO 13221 mandates that each agency, when it purchases commercially available off-the-shelf products that use external standby power devices or contain an internal standby power function, will purchase products that use no more than one watt in standby power-consuming mode.

FAR Part 23 guidance requires that Federal agencies purchase ENERGY STAR® qualified or FEMP designated products when acquiring energy-consuming products. It also states that for products that consume power in a standby mode and are listed on FEMP's Low Standby Power Devices product listing, agencies shall purchase items that meet FEMP's standby power wattage recommendation or document the reason for not purchasing such items; or if FEMP has listed a product without a corresponding wattage recommendation, purchase items which use no more than one watt in their standby power consuming mode.

AGAR 423.202 provides information on ENERGY STAR®, energy efficient, and low standby power products along with the appropriate web site tool but will be revised to reflect the recent FAR changes. USDA also specifies ENERGY STAR® and FEMP designated energy efficient products in information technology solicitations.

2.2.3 Biobased Products

Biobased products are those determined by the Secretary of Agriculture to be commercial or industrial products, feedstocks, or intermediate materials (other than food or feed) that are composed in whole, or in significant part, of biological products or renewable domestic agricultural materials (including plant, animal, and marine materials) or forestry materials. Examples of USDA designated biobased products include mobile equipment hydraulic fluids, roof coatings, diesel fuel additives, penetrating lubricants, water tank coatings, and bedding, bed linens, and towels. USDA is responsible for designating categories of biobased products for which Federal agencies must implement procurement preference programs. Information on these designated products, USDA's guidance, and related documentation can be found at www.biopreferred.gov/.

FSRIA, section 9002 requires that Federal agencies purchase USDA designated biobased items. It also states that each Federal agency that procures any items designated in such guidelines shall, in making procurement decisions, give preference to such items composed of the highest percentage of biobased products practicable, consistent with maintaining a satisfactory level of competition. Section 9002 of the 2008 Food, Conservation, and Energy Act of 2008 reinforced the importance of the Federal procurement preference program for biobased products and expanded the definition of biobased products to include biobased intermediates and feedstocks. EO 13514 requires that each agency give preference to the purchase of biobased products designated by the USDA in the BioPreferredSM Program.

FAR guidance provides a certification provision in FAR Subpart 23.406, Biobased Product Certification, at 52.223-1, that will be inserted in solicitations that require the delivery or specify the use of USDA designated products. FAR Subpart 23.406 states that the Affirmative Procurement of Biobased Products Under Service and Construction Contracts clause, at 52.223-2, will be inserted in service or construction contracts unless the contract will not involve the use of USDA-designated items.

On May, 23, 2006, USDA issued AGAR Advisory No. 82, titled "Requisite Language for Federal Business Opportunities (FedBizOpps) Solicitation Descriptions When Designated Biobased Items Are Included as Part of a USDA Contract Requirement." The Advisory standardized FedBizOpps synopsis language for USDA contract requirements that contain biobased products to improve a business's ability to identify UDSA contract requirements that contain biobased products. (For an electronic version of the Advisory see URL <http://www.usda.gov/procurement/programs/biobased/procurementtools.htm>).

2.2.4 Environmentally Preferable Products (EPP)

Environmentally preferable products (EPP) or services have a lesser or reduced effect on human health and the environment than competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the products or services. Examples of EPP include cleaning products that are non-toxic, non-volatile, and biodegradable; paint with no or low volatile organic compounds; and 100 percent post-consumer paper that is not chemically de-inked and is process chlorine free. EPA manages this program, which maintains a database of products and specifications defined by Federal, state, and local agencies, and other nations. The database can be found at www.epa.gov/epp.

EO 13514 requires that each agency give preference to the purchase of environmentally preferable products. FAR Part 23 states that agencies must maximize the utilization of EPP. In addition, AGAR 423.703 provides policy on the acquisition of EPP; it directs USDA to support Federal sustainable acquisition principles in the acquisition of products and services that are environmentally preferable. AGAR 423.703 stresses that USDA activities will actively promote a preference for EPP in contracts with vendors, in written materials, and other appropriate opportunities.

Green Cleaning: All future procurement of cleaning products and services for USDA facilities requires green cleaning products unless they do not meet mission requirements including in janitorial contracts, so that by the end of FY 2011 all cleaning products in use are green. EO 13423 and EO 13514 require the Federal government to use biobased products and to make its facilities sustainable. There is also a procurement preference for biobased products if they are comparable in price, performance, and availability. Green cleaning, also known as green janitorial or custodial service, is an approach designed to protect the occupants' and workers' health and reduce the impact on the environment, while delivering service comparable to, or better than, traditional cleaning methods. However, unlike a traditional cleaning program, a green janitorial program goes beyond simple appearances to focus on human health and environmental impacts. Green cleaning includes recycled content and bio-based products, and products and services that minimize the use of energy, water, and other resources.

Green cleaning products are products that perform the same functions as conventional cleaning products but are lower emitting, less toxic, biodegradable, and environmentally safer. They include all purpose cleaners, sanitizers, deodorizers, glass cleaners, carpet cleaners, hand soap, laundry detergent, bathroom cleaners and many other commonly used janitorial products. The use of green cleaning products will improve indoor air quality and working conditions by removing a major source of potential exposure to toxic and irritating chemicals, while providing effective and cost competitive cleaning solutions. There are many manufacturers of green cleaning products and they are widely available. USDA's green cleaning product program also includes regularly vacuumed entrance mats and sidewalk cleaning to reduce introduction of dirt thus reducing the need for cleaning chemicals and isolated janitorial closets for the storage of chemicals to reduce employee exposure to fumes.

Green cleaning products include concentrated cleaning chemicals that use ecologically sound packaging; are phosphate-free, non-corrosive, non-combustible, non-poisonous, non-reactive, and non-aerosol; contain no carcinogens, mutagens, or ozone-depleting substances; and are biobased and fully biodegradable. Concentrates are preferable to ready-to-use products and should be used wherever possible. Furthermore, dilution control equipment should be employed to ensure correct dilutions of concentrates and to protect workers from exposure to concentrated chemicals. Follow manufacturers' label instructions. Language for custodial contracts can be found at <http://www.usda.gov/procurement/programs/biobased/CustodialJanitorialFY08.pdf>.

Preference should be given to cleaning products meeting the following Green Seal Standards: GS-37 for Commercial and Institutional Cleaners for those product categories covered by this Standard and GS-34 for Degreasers. (<http://www.greenseal.org/findaproduct/cleaners.cfm>).

Green Meetings: Another component of EPP is Green Meetings, which pertains to office meetings as well as seminars, conferences, and training. Green meeting concepts include: reduction or elimination of handouts; use of electronic media; availability of recycling containers; use of durable food service items; and reuse of linens and towels in hotels. The Forest Service's annual Sustainability Summit, for example, incorporates green meeting principles throughout the conference. Additional guidance from EPA can be found at website http://www.epa.gov/oppt/greenmeetings/pubs/current_init.htm.

2.2.5 Electronic Product Environmental Assessment Tool (EPEAT)-Registered Products

Electronic Product Environmental Assessment Tool (EPEAT) is an application that helps purchasers acquire electronic products based on their environmental attributes. Under IEEE Standard 1680.1 (Institute of Electrical and Electronic Engineers), EPEAT currently registers only desktop computers, monitors and notebooks, all of which must be ENERGY STAR® qualified to be registered. In the future, EPEAT plans to add other electronics to its registry, the first being copiers, printers, and televisions. The EPEAT Program is sponsored by EPA, and managed by staff contracted from the [Green Electronics Council](#). Information about EPEAT is available on the EPEAT web site at www.epeat.net.

EPEAT evaluates electronic products according to three tiers of environmental performance: Bronze, Silver and Gold.² EO 13514 requires that each agency give preference to the purchase of EPEAT-registered electronic products. Agencies are also required to strive to purchase EPEAT Silver-rated electronic products or higher, if available. A FAR case on EPEAT-registered products was published in December 2007. Appendix C contains the pertinent clause from the FAR case.

² The complete set of performance criteria includes 23 required criteria and 28 optional criteria in 8 categories. To qualify for acceptance as an EPEAT product, it must conform to all the required criteria. Manufacturers may pick and choose among the optional criteria to boost their EPEAT baseline to achieve a higher-ranking level.

USDA issued an Electronics Stewardship Plan in July 2007 as a collaboration between the Assistant Secretary for Administration and the Acting Chief Information Officer. The plan states that USDA will purchase 95% of electronic products as EPEAT-registered equipment, for products where EPEAT standards exist. USDA is specifying EPEAT-registered products in electronic product procurements, most notably in the hardware Blanket Purchase Agreement (BPA) that the Office of the Chief Information Officer (CIO) administers. The CIO encourages all USDA subagencies to use this BPA, which includes only EPEAT-registered products. The electronic stewardship plan is available at www.greening.usda.gov/elect_steward.htm.

2.2.6 Water Efficient Products

EO 13514 requires that each agency give preference to the purchase of water efficient products, including those meeting EPA's WaterSense standards. WaterSense is a program that identifies and promotes water efficient products that meet criteria for water efficiency and performance. Examples of products that have met the EPA WaterSense label include: high efficiency toilets, sink faucets, showerheads, urinals, and landscape irrigation systems. Information about the WaterSense Program is available on www.epa.gov/watersense.

FAR Subpart 23.202 states that it is the government's policy to acquire supplies and services that promote water efficiency. AGAR 423.202 provides information on water efficient products along with the appropriate web site tool.

2.2.7 Non-Ozone Depleting Products

EO 13514 requires that each agency give preference to the purchase of non-ozone depleting substances, as identified in EPA's Significant New Alternatives Policy (SNAP) program. SNAP reviews alternatives to ozone depleting substances and approves use of alternatives which do not present a substantially greater risk to public health and the environment than the substances they replace or than other available substitutes. SNAP provides lists of acceptable and unacceptable substitutes in the following sectors: fire suppressants, aerosol solvents and propellants, refrigeration and air conditioning equipments, and adhesives and coatings. Information about the SNAP Program is available on www.epa.gov/ozone/snap/index.html.

FAR Subpart 23.803 states that agencies shall give preference to the procurement of alternative products that reduce overall risks to human health and the environment by lessening the depletion of ozone in the upper stratosphere. It further requires that in preparing specifications and purchase descriptions, and the acquisition of supplies and services, agencies shall comply with the requirements of the Clean Air Act and substitute safe alternatives for ozone-depleting substances. FAR Subpart 23.804 states that clause 52.223-11, Ozone-Depleting Substances, will be inserted in solicitations and clauses for ozone-depleting substances or for supplies that may contain or be manufactured with ozone-depleting substances. It also requires that clause 52.223-11, Refrigeration Equipment and Air Conditioners, will be inserted in solicitations and contracts for services when the contract includes the maintenance, repair, or disposal of any equipment or appliance using ozone-

depleting substances. It should be noted that many non ozone depleting substitutes for ODSs have a high global warming potential and EO 13514 requires that their emissions must be tracked and reduced as greenhouse gases.

2.2.8 Non-Toxic or Less Toxic Alternatives

EO 13514, sec 2 (e)(v), states that agencies are to promote pollution prevention by reducing and minimizing the quantity of toxic and hazardous chemicals acquired, used, and disposed of. Using non-toxic or less toxic substances is part of EPA's Pollution Prevention (P2) Program under the authority of the Pollution Prevention Act of 1990. This program also includes modifying production processes, implementing conservation techniques, and reusing materials rather than putting them into the waste stream (<http://www.epa.gov/p2/>). EPA's Design for The Environmental (DfE) Program has identified over 1,000 non-toxic or safer products in such categories as paints, inks, deodorizers, deicers, detergents, consumer cleaning products, and industrial cleaning products (see <http://www.epa.gov/dfc/index.htm>).

3.0 STRATEGIES AND TOOLS FOR IMPLEMENTING SUSTAINABLE ACQUISITION

3.1 Specifications and Requirements

FAR Subpart 11.002 states that executive agencies shall consider maximum practicable use of energy and water efficient, low standby power, biobased, recycled content, and environmentally preferable and non-toxic or less toxic alternative products and services when developing, reviewing, or revising Federal and military specifications, product descriptions (including commercial item descriptions) and standards and when describing government requirements for products and services.

Agency program offices shall develop, review, and revise specifications, product descriptions, and standards during the acquisition planning stage to enhance USDA's procurement of designated recycled content, ENERGY STAR®, FEMP-designated energy efficient, low standby power, biobased, environmentally preferable, EPEAT-registered, water efficient, and non-ozone depleting products. Standards or specifications unrelated to performance or presenting barriers shall be revised or eliminated when reviewing or drafting procurement specifications.

3.2 Source Selection/Evaluation

FAR Subpart 11.002 now states that executive agencies shall consider maximum practicable use of energy and water efficient, low standby power, biobased, recycled content, and environmentally preferable products and services when developing source selection factors.

In order to lead by example, USDA will add source selection factors that can be used when evaluating all service contracts containing recycled content, ENERGY STAR®, FEMP designated energy efficient, low standby power, biobased, EPP, EPEAT-registered, water efficient, and non-

ozone depleting products and alternative fuel vehicles and alternative fuels. USDA will consider a contractor's use and purchasing of the above products as a factor in evaluating the contractor's past performance. Refer to <http://www.usda.gov/procurement/programs/biobased/procurementtools.htm> for a Sample Section L, "Instructions to Offerors" and a Sample Section M, "Evaluation Factors for Award" that contain technical and cost source selection factors incorporating sustainable products.

In the future, and subject to FAR revisions, USDA will plan to use greenhouse gas emissions of products and services as a source selection factor. In response to Section 13 of EO 13514 GSA issued the report *Recommendations for Vendor and Contractor Emissions*, in which GSA estimates that the methodology for determining GHG emissions on a product level may be available as early as 2012. GSA also stated, however, that no known methodology currently exists for determining GHG emissions for services.

3.3 Small Businesses That Provide Sustainable Products

When two or more small businesses exist that can provide recycled content, ENERGY STAR®, FEMP designated energy efficient, low standby power, biobased, environmentally preferable EPEAT-registered, water efficient, and non-ozone depleting products, as a prime contractor, the product should be set aside for small business. Furthermore, large prime contractors should consider small businesses that can provide these products as subcontractors.

3.4 Procurement Resources and Tools for Agency Purchasers and Contracting Officers

3.4.1 USDA Advantage

USDA is working to ensure that USDA Advantage! provides easy access to sustainable products, including designated biobased products. Purchasers may search for sustainable products by icon or keyword. USDA Advantage! is part of USDA's Integrated Acquisition System (IAS) "e-Alliance" initiative, an effort to better leverage USDA spending power to obtain better pricing, ordering methods, and delivery terms for commonly acquired items and services. USDA will continue to work to modify electronic catalogs to accommodate sustainable product data collection and reporting requirements.

USDA Advantage! can be accessed at

https://usdaadvantage.gsa.gov/advgsa/advantage/main/start_page.do?store=USDA.

3.4.2 Federal Supply Sources

USDA will continue to work with other Federal supply sources, such as the General Services Administration [GSA Advantage!](#) and the Defense Logistics Agency's Department of Defense (DoD) [EMALL](#), to include sustainable products and make them easily identifiable. Procuring sustainable products through these sources offers procurement officials the following advantages: (1) products have been competitively bid, and (2) products should meet procurement office's specifications. GSA Advantage! has a section of its website called the

“Environmental Aisle” that displays sustainable products only. Purchasers may also use the various environmental icons to search for products with specific characteristics, such as “biobased” or “recycled”. The Environmental Aisle is available at https://www.gsaadvantage.gov/advgsa/advantage/search/specialCategory.do?BV_UseBVCookie=Yes&cat=ADV.ENV

3.4.3 Mandatory Purchasing Programs

USDA will continue to work to combine the requirements of this SPP with other mandatory programs and certifications, such as [AbilityOne](#) (formerly, JWOD) and Federal Prison Industries, Inc. ([UNICOR](#)) programs, to increase each program’s effectiveness. To this end, USDA has partnered with AbilityOne personnel to incorporate recycled content products into AbilityOne’s product offerings. USDA will work with them on helping to bring to market designated ENERGY STAR®, FEMP designated energy efficient, low standby power, biobased, EPP, EPEAT-registered, water efficient, and non-ozone depleting products.

3.4.4 USDA’s Procurement Forecast

Procurement forecasts that individual USDA agencies and staff offices prepare can be used to identify contract opportunities under which sustainable products could be supplied or used. USDA completed an update of its Procurement Forecast System. The update added two biobased elements that will be used to identify biobased product contract opportunities. The USDA Procurement Forecast has a product description that includes biobased products and whether or not they are included in contracts. The forecast can be found at www.pforecast.net.

3.4.5 Sample Contract Language

USDA is incorporating model contract language on sustainable products and services into contracts. Here are some examples on how USDA has aggressively added sustainable products into their contracts:

1. Biobased Contract Templates: USDA has developed sample biobased language for Vehicle Maintenance, Cafeteria/Food Service, Janitorial, Grounds Maintenance, Minor Construction, and Operation and Maintenance contracts. Sample language is provided for Section C, “Performance Work Statement/ Descriptions/ Specifications”, Section I, “Contract Clauses”, a Performance Requirements Summary, and Section K, “Representations, Certification, and Other Statements of Bidders.” The contract templates can be downloaded at <http://www.usda.gov/procurement/programs/biobased/procurementtools.htm>.

2. HQ Complex Green Contracts: The Performance Work Statement for the Custodial Services and Waste Removal contract at the Headquarters Complex now focuses on the use of sustainable cleaning products and processes. Green cleaning affects all aspects of cleaning to include stewardship; communication; the selection of cleaning chemicals, janitorial equipment, paper, and supplies; procedures and methods in which the cleaning is accomplished; pollution

prevention strategies; and other opportunities that when used reduce the impact on the environment.. The contract requires green cleaning products and processes that include, but are not limited to, products containing recycled content, environmentally preferable products and services, biobased products, and products and services that minimize the use of energy, water, and other resources.

The Performance Work Statement for Operations and Maintenance Services at the Headquarters Complex now contains sustainable acquisition language. Section C emphasizes the procurement of recycled content and environmentally preferable products. USDA commits to: (1) purchase lubricating oils containing re-refined oils, including engine lubricating oils and hydraulic fluids; (2) possible alternative use of biobased (e.g., vegetable oils) in lieu of non-renewable resources of petroleum based products if feasible; (3) strongly encourage the use of products made of recycled paper (30 %post-consumer materials); (4) strongly encourage the procurement of goods made with recovered materials; and (5) reducing energy and water consumption at facilities through the use of energy and water saving devices. USDA also states that the contractor shall establish a refrigerant management program on the use and removal of all refrigerants used in the complex. For information on these sustainable contracts, as well as other environmental initiatives at USDA Headquarters, see http://www.usda.gov/da/HQs_GreenTeam/

3. Green Janitorial Contract: USDA Forest Service Region 5 Regional Office negotiated its Statement of Work with its janitorial contractor to include language requiring the contractor to use environmentally friendly products in the building (see Appendix G). All cleaning products must meet Green Seal Product Standards. All non-chemical products must now conform to the EPA CPG for recovered content. The Agricultural Research Services (ARS) campus at Beltsville, Maryland issued a janitorial contract that requires use of EPP and green cleaning products including: recycled content bathroom tissue, biobased/biodegradable hand soaps, and surface cleaners.

3.4.6 FedBizOpps

USDA uses Business Opportunities (FedBizOpps) to publicize sustainable business opportunities. Vendors seeking Federal markets for their sustainable products and services can also use FedBizOpps.

USDA requires that the contracting officer shall ensure, when biobased products have been included in a contract requirement, that the following two sentences are incorporated into the Synopsis description submitted to the FedBizOpps: “This procurement requires the use of biobased products to the extent that such products are reasonably available, meet agency or relevant industry performance standards, and are reasonably priced. Where available, these products shall first be acquired from among qualified products that fall under the umbrella of items designated through the Federal Biobased Products Preferred Procurement Program.”

3.4.7 Sustainable Building Design

USDA issued a Sustainable Buildings Implementation Plan (SBIP) in August 2007, and revised it in December 2009. This plan outlines additional steps USDA intends to take to fully comply with EO 13423, including implementing sustainable practices for high performance construction, leasing, operation, and maintenance of buildings. The Implementation Plan contains the Five Guiding Principles established in the Federal Leadership in High Performance and Sustainable Buildings Memorandum of Understanding. Sustainable acquisition and the guiding principle “reduce environmental impact of materials” are integral to each other. In order to minimize the environmental impact of materials on the environment, the SBIP states that agencies shall consider using as many sustainable products as possible for any new construction or major renovation project. USDA agencies shall use products meeting or exceeding EPA’s recycled content recommendations for EPA-designated products and USDA’s biobased content recommendations for USDA-designated products. Also, the plan requires that agencies shall use materials with recycled content such that the sum of post-consumer recycled content plus one-half of the pre-consumer content constitutes at least 10 percent (based on cost) of the total value of the materials in the project and shall use biobased products made from rapidly renewable resources and certified sustainable wood products from other products. In addition, agencies shall eliminate the use of ozone depleting compounds during and after construction where alternative environmentally preferable products are available, consistent with either the Montreal Protocol or Title VI of the CAA or equivalent overall air quality benefits that take into account life cycle impacts. The Plan can be accessed at www.greening.usda.gov/performance.htm.

3.5 Written Justifications

FAR Subpart 23.404 states that agency affirmative procurement programs must require that 100 percent of purchases of EPA or USDA-designated items contain recovered material or biobased content, respectively, unless the item cannot be acquired: (1) competitively within a reasonable time frame, (2) meeting reasonable performance standards, or (3) at a reasonable price. AGAR 423.404 reinforces this FAR clause regarding exemptions for not purchasing recycled content products. It further requires that the contracting officer shall place in the contract file a written justification when an exemption is used for an EPA designated item or the procurement of a product containing recovered material does not meet or exceed the EPA recovered material content guidelines.

In addition, FAR Subpart 23.204 states that an agency is not required to procure an ENERGY STAR® or FEMP designated product if the head of the agency determines in writing that: (1) no ENERGY STAR® or FEMP designated product is reasonably available that meets the functional requirements of the agency, or (2) no ENERGY STAR® or FEMP designated product is cost effective over the life of the product taking energy cost savings into account.

4.0 PROMOTION PROGRAM

USDA will actively promote a preference for designated recycled content, ENERGY STAR®, FEMP-designated energy efficient, low standby power, biobased, EPP, EPEAT-registered, water efficient, and non-ozone depleting products, and non-toxic and less toxic alternatives and the components of this SPP. Promotion will be internal as well as external and consists of two methods: outreach and training.

4.1 Outreach

4.1.1 Senior Leadership

Strong support of senior leadership is essential to the implementation of sustainable acquisition within USDA. The Assistant Secretary for Administration issued Departmental Regulation 1058-001, "USDA Sustainable Operations Council: Implementing Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management," on 16 January 2009 that emphasized the importance of USDA actions to meet the EO 13423 goals and requirements. See Appendix E.

USDA's Secretary created the Sustainable Operations Council (SOC) in June 2007 to lead the way in reducing the Department's environmental footprint by developing new policies and procedures that will ensure that USDA conducts its activities in an environmentally, fiscally sound, and sustainable manner in accordance with EO 13423. Five working groups, established under the SOC, draft policies, prepare other tools, and report to the SOC. To highlight the importance of the sustainability efforts, including sustainable acquisition, USDA created a Green Purchasing Working Group. The Green Purchasing Workgroup is responsible for developing policy proposals for increasing the Department's purchases of all sustainable products covered by this SPP.

4.1.2 Greening Web Site

USDA has a Sustainable Operation website at www.greening.usda.gov that provides information on the SOC, working groups, sustainable operations, sustainable acquisition, electronic stewardship, environmental management systems, alternative fuels and fleets, energy efficiency, sustainable and high performance buildings, water conservation, and recycling and waste prevention.

4.1.3 Success Stories and Best Practices

Success stories and best practices are an essential part of outreach. Appendix F contains success stories and best practices from a number of USDA subagencies. USDA will continue to compile success stories and best practices and share them on the www.greening.usda.gov website.

4.1.4 Pilots

USDA believes that pilot projects are important tools for reaching personnel and convincing them to procure sustainable products. The FY2011 pilot project, which USDA submitted as part of the Sustainability Plan, is to incorporate biobased language into all janitorial contracts. The Agricultural Research Service, USDA's second largest agency, has already been mandated that all of its janitorial contracts contain biobased language. By the end of FY 2011, USDA projects 95 percent compliance for the Department. In FY 2012, USDA plans to extend this requirement to all construction and operations and maintenance contracts.

4.1.5 Conference, Agency, and Web Outreach

- Provide training on biobased products procurement to reach both program management and acquisition personnel and purchase card holders at events such as GSA Expo (management and acquisition personnel and purchase card holders); Biobased Stakeholders Meeting (sustainable acquisition staff and acquisition personnel); GovEnergy (management and acquisition personnel); Federal Environmental Symposium; EcoBuild, United Soybean Board Stakeholders Meeting; USDA's Deputy Administration Managers (management personnel); Forest Service Sustainability Summit; and GSA SmartPay (management personnel and purchase card holders);
- Partner with the National Institute of Food and Agriculture (formerly, the Cooperative State Research, Education and Extension Service) to provide information to land-grant colleges and other institutions;
- Work with the Office of Small and Disadvantaged Business Utilization, to identify women-owned, small disadvantaged, HUBZone, and service disabled veteran owned small businesses that are sustainable product and services vendors, and define sustainable product and services opportunities for them;
- Develop fact sheets specifically tailored to purchase card holders on how to purchase biobased products, the benefits of biobased products, how to identify biobased products, and actions to promote biobased products;
- Develop fact sheets specifically tailored to USDA employees who review requirements, standards, and specifications on how they can be aware of biobased products and how to identify requirements and standards to include biobased products.
- Create an on-line catalog, the BioPreferredSM Biobased Products Catalog, to help users locate manufacturers of biobased products at www.biopreferred.gov/. When a user clicks on a keyword such as lubricants, product names and description, or biobased content, company names, points of contact, phone numbers, and web sites will be provided.

4.2 Training

USDA training is conducted by a variety of methods, including in-house training sessions, web casts, other Federal training sources such as GSA and commercial training.

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4.2.1 Acquisition Information

Contracting officers are trained to comply with the FAR, including buy-sustainable requirements. The USDA procurement policy web site www.usda.gov/procurement/index.html is a primary means of communicating information to the USDA procurement community. This web site features a “tool kit” which includes a direct link to the BioPreferred Program, “Buy Green” Purchase Card training, and Acquisition Central, www.arnet.gov.

4.2.2 Online Sustainable Acquisition Training

"Purchasing Green Products" training covers eight sustainable products and categories. It is designed for USDA employees, such as procurement professionals and purchase card holders. It can be found on the BioPreferred website using the following link:

http://www.biopREFERRED.gov/AccessTraining_Resources.aspx

4.2.3 USDA Green Purchasing Workgroup

The chair and other speakers use meetings of the USDA Green Purchasing Workgroup to communicate sustainable acquisition guidance and policy to agency members who, in turn, disseminate the information throughout their organizations.

4.2.4 Biobased Products Training

USDA has a number of training resources to assist USDA employees in understanding the BioPreferred procurement preference program. The training programs are available in a variety of formats such as web-based training, classroom training, and videos. You may view the list and descriptions of these training programs at

http://www.biopREFERRED.gov/AccessTraining_Resources.aspx.

Some of the key training resources available include:

- **BioPreferred Federal Procurement Preference Program Training**
Description: An introduction to your responsibilities under the BioPreferred Federal Procurement Preference Training
Format: Web-based Training: Approximately 1 hour

- **Biobased Products in the U.S. Today**
How biobased products are being used in the private sector and state and local governments.
Format: Video; approximately 10 minutes
- **Buying Smart! Using a Lifecycle Checklist**
A useful tool to help determine the total lifecycle costs of biobased products as compared to their non-biobased counterparts.
Format: Video + Lifecycle checklist; approximately 15 minutes
- **BioPreferred Classroom Training**
Description: A resource for instructors who wish to introduce the BioPreferred Procurement Preference Training in a classroom setting
Format: Instructor guide, student guide, slides, and other resources; Approximately 2 hours

4.2.5 Purchase Card Training

Training of USDA’s purchase card holders is the responsibility of the USDA’s Procurement Policy Division and the designated departmental Agency Program Coordinators and Local Agency Program Coordinators. The primary training vehicles are on-line training tools, which include the Purchase Card Management System (PCMS) Micro-Purchase Guide. See Appendix H. The PCMS Micro-Purchase Guide states the USDA policy to buy recycled products, explains why, and gives some examples. DR 5013-6, “Use of the Purchase Card and Convenience Check,” goes further to state the USDA policy on buying environmentally preferable products and services and defines biobased products. In accordance with part 18 of the DR, all non-warranted personnel must complete credit card training to receive a purchase card and micro-purchase authority.

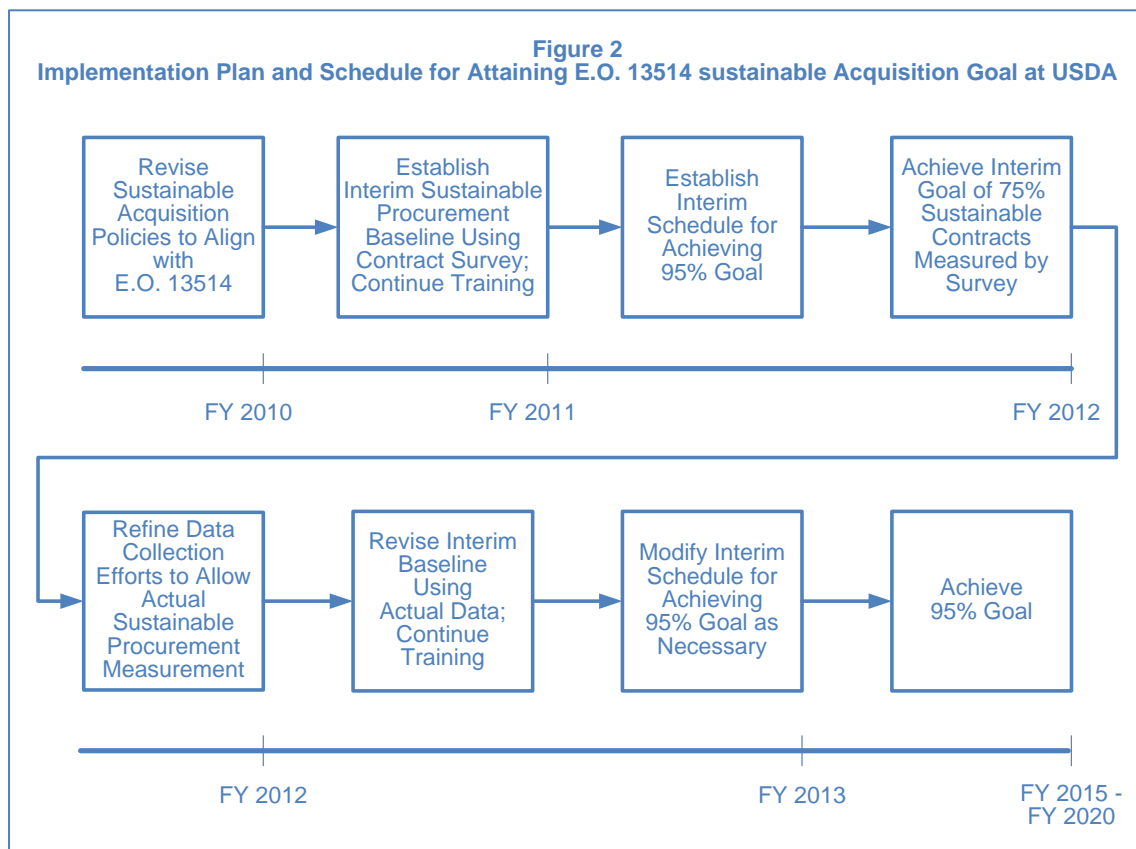
The mandatory contracting officer and purchase card training covers the vast majority of personnel across USDA involved in buying non-commodity supplies and services. USDA purchase card holder “Buy Green Purchase Card Training” may be accessed at <http://fss.gsa.gov/webtraining/trainingdocs/smartpaytraining/green.cfm>.

5.0 REVIEWING AND MONITORING THE SPP

5.1 Annual Monitoring and Review

USDA plans to achieve the EO 13514 goal of having 95 percent of contracts sustainable, but that achievement will take longer than by the end of FY2011 as stipulated by the CEQ Sustainability Plan Template Tool of April 2010. Monitoring and compliance review for the six sustainable products categories will entail the evaluation of a sampling of major contracts from all USDA sub-agencies. USDA practices this method of sampling for the annual OMB Sustainable Acquisition Survey (see 5.2, Annual Reporting, below).

Though the survey method does not yield accurate reporting data, it represents the best USDA can do given the limitations of existing procurement tracking systems. USDA will use the survey mechanism to establish an interim sustainability baseline and schedule for achieving the 95 percent goal, while beginning to modify the Integrated Acquisition System (IAS) to include the data elements required to measure all eight categories of sustainable acquisition. Figure 2, below, is a timeline of USDA's milestones for accomplishing the 95% acquisition goal.

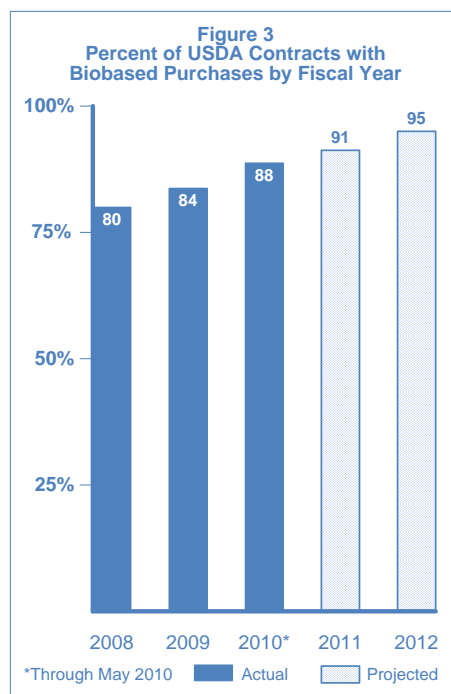


In addition to surveying USDA agencies regarding the largest non-commodity contracts, USDA also searches the Federal Procurement Data System (FPDS) for sustainable procurement actions. Annually, USDA records over 60,000 contract actions worth over \$5 billion in the FPDS;

however, almost half of this dollar amount is related to the procurement of commodities, such as meat, poultry, dairy products, vegetables, and nuts. Commodities aside, we can potentially find sustainable products and services in many of the FPDS contract actions representing over 50% of USDA contract dollar value.

As deliverables for the 2010 OMB Environmental Stewardship Scorecards, USDA provided OMB with 22 contracts containing sustainable products and services. USDA searched FPDS for construction, supply, O & M, food service, and repair contracts and then contacted the contracting personnel for more detailed information. Members of the Green Purchasing Workgroup also provided sample sustainable contracts. Compliance with this deliverable helped USDA achieve a “green” rating for both status and progress in 2010. Starting in FY2011 OMB will replace the three scorecards—Energy, Transportation, and Environmental Stewardship—with a single scorecard, rating agencies on compliance with the goals and objectives of EO 13514.

USDA also monitors FedBizOpps (<https://www.fbo.gov/>) to ensure that solicitations contain biobased and other sustainable products language. In an FY2010 survey that USDA conducted, over 85% of appropriate contracts had biobased clauses in them; the contracts surveyed were for construction, janitorial, and maintenance and repair services. By FY2012 USDA plans to increase to 95% the number of contracts containing biobased clauses, as illustrated in the Figure 3, to the right.



5.2 Annual Reporting

5.2.1 Sustainable Acquisition Survey

OMB transmits a data call, called the Sustainable Acquisition Survey, to agencies annually on their purchasing of recycled content and biobased products, specifications, Affirmative Procurement policy, training, auditing, and goals. USDA has inserted two biobased elements into its USDA Integrated Acquisition System (IAS) in order to better capture those contracts that contain biobased information. USDA has worked with OMB’s Office of Federal Procurement Policy and OFEE personnel to insert biobased data elements to the Sustainable Acquisition Survey. There are questions on: (1) whether biobased products, other than biobased fuels were purchased or tested; (2) policies, procedures, or plans that have been amended to implement the procurement of biobased products as required by section 9002 of FSRIA; (3) training about biobased products procurement; and (4) the goal for purchases of biobased products.

The FY2009 Sustainable Acquisition Survey report, in which USDA surveyed 33 contracts worth

an aggregate of \$68 million, showed that 94 percent by dollar value of the appropriate contracts had sustainable products and/or services in at least one sustainability category; 17 percent by dollar value of the contracts sampled were inappropriate for sustainable product or service use.

5.2.2 Sustainability Plan Self Evaluation

EO 13514 requires agencies to report annually to OMB on the implementation status of their Sustainability Plans. The following is USDA’s initial Self Evaluation submitted in June 2010 as part of our Sustainability Plan:

I. Evaluation Determination

Does your plan provide/consider overarching strategies and approaches for achieving long-term sustainability goals?	Y
Does your plan identify milestones and resources needed for implementation?	Y
Does your plan align with your agency’s 2011 budget submission?	Y
Is your plan consistent with your agency’s FY 2011 budget and appropriately aligned to reflect your agency’s planned FY 2012 budget submission?	Y
Does your plan integrate existing EO and statutory requirements into a single framework and align with other existing mission and management related goals to make the best use of available resources?	Y
Does your plan provide methods for obtaining data needed to measure progress, evaluate results, and improve performance?	Y

II. Description

The following tables describe USDA’s completed and planned actions to achieve the sustainability and energy standards for success on the OMB Scorecard.

Status of Current Scorecard Items (Sustainable Acquisition only)

Category	Planned Actions for OMB Scorecard Jan 2010 – Jun 2010	Target Completion
Environmental	Track number of people taking green purchasing training on AgLearn.	June 30, 2010
	Provide 12 contracts containing the 6 green designated product/services & representing all USDA agencies.	June 30, 2010
	Agencies continue to buy EPEAT products from our Blanket Purchase Agreement, helping to meet 95% procurement target	Ongoing

Category	Planned Actions for OMB Scorecard July 2010 – Dec 2010	Target Completion
Environmental	Revise green purchasing training to include EO 13514 requirements	Dec 2010
	Provide 10 contracts containing six designated products/services representing all USDA agencies	Dec 2010
	Revise Green Purchasing Affirmative Procurement Plan to include EO 13514 requirements	Dec 2010
	Begin formulating preliminary baseline for 6 green product categories based on contract survey	Dec 2010
	Continue to buy EPEAT products from the blanket purchase agreement, helping to meet our 95 percent procurement target	Dec 2010
	Conduct green purchasing training, monitoring, and corrective action; review $\geq 5\%$ applicable FY11 Q1 contract actions to demonstrate compliance with 95% sustainable acquisition goal.	Dec 2010

Category	Planned Actions for OMB Scorecard Jan 2010 – Jun 2011	Target Completion
Environmental	Coordinate with AgLearn to test revised training	June 2011
	Provide 10 contracts containing six designated products/services representing all USDA agencies	June 2011
	Obtain preliminary baseline of 6 green product categories	June 2011
	Continue to buy EPEAT products from the blanket purchase agreement, helping to meet our 95 percent procurement target	June 2011

APPENDIX A —SPP SUMMARY TABLE

Sustainable Product Categories	Federal Manager	Federal Acquisition Regulation (FAR Clauses)	Agriculture Acquisition Regulation (AGAR)	Federal Policy EO 13514* EO 13423*	USDA Policy DR-1058-001 (Sustainable Operations Council)*
Recycled Content	EPA	52.223-4 52.223-9 52.223-17	Part 423	-Resource Conservation and Recovery Act of 1976 (RCRA): 42 USC §6962	- Sustainable Buildings Implementation Plan (SBIP)
Energy Efficient (Energy Star, FEMP, & low standby power)	DOE EPA	52.223-15	Part 423	- Energy Policy Act of 2005 (EPA): 42 USC §6361 - Energy Independence and Security Act of 2007 (EISA): 42 USC §17001 - EO 13221	- DR-5500-001 - SBIP
Biobased	USDA	52.223-1 52.223-2	-Part 423 -Part 410 -Advisory #82	- Farm Security and Rural Investment Act of 2002 (FSRIA): 7 USC §8102 - Food, Conservation, & Energy Act of 2008: 7 USC §8102	- DR-5013-006 - DR-5023-002 - SBIP
Environmentally Preferable	EPA		Part 423		- DR-5013-006 - SBIP
EPEAT (Electronic Product Environmental Assessment Tool)	EPA	52.223-16	<i>Advisory to be issued</i>		- DR-3170-001 - Electronics Stewardship Plan
Water Efficient	EPA		Part 423		- DR-5500-001 - SBIP
Non-Ozone Depleting Substances	EPA	52.223-11 52.223-12		- Clean Air Act of 1970 (CAA): 42 USC §17401	- DM-5600-001 - SBIP
Non-Toxic or Less Toxic Alternatives	EPA		N/A	- Pollution Prevention Act of 1990: 42 U.S.C. §13101	-DM-5600-001

*Pertains to all covered products

APPENDIX B — DEFINITIONS

Acquisition – procuring by contract, as defined in Part 2 of the Federal Acquisition Regulation, 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.

Biobased Product – a commercial or industrial product or intermediate feedstock (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.

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

Environmental Management System – a set of processes and practices that enable an organization to increase its operating efficiency, continually improve overall environmental performance and better manage and reduce its environmental impacts, including those environmental aspects related to energy and transportation functions. EMS implementation reflects accepted quality management principles based on the “Plan, Do, Check, Act,” model found in the ISO 14001:2004(E) International Standard and using a standard process to identify and prioritize current activities, establish goals, implement plans to meet goals, evaluate progress, and make improvements to ensure continual improvement.

Environmentally Preferable – products or services that have a lesser or reduced effect on human health and the environment when compared to competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, product, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of a product or service. Rapidly renewable and sustainably harvested products are examples of environmentally preferable products.

EPA Designated Item – an item designated by EPA in a Comprehensive Procurement Guideline and for which EPA recommended procurement practices, including recovered materials content levels, in a Recovered Materials Advisory Notice (RMAN).

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

Life Cycle Cost – the sum of the present values of capital costs, installation costs, operating costs, maintenance costs, and disposal costs over the lifetime of the project, product, or measure.

Ozone-Depleting Substances – any substance designated as a class I or Class II substance by the EPA in 40 CFR Part 82.

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

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

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.

Sustainable - to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations. Sustainable with regard to buildings also means incorporating the Five Guiding Principles of Sustainable High Performance Buildings. The Five Guiding Principles for new buildings are:

1. Use integrated design and commissioning
2. Optimize energy efficiency using measurement and verification
3. Protect and conserve water
4. Enhance indoor environmental quality
5. Reduce the environmental impact of materials in Federal buildings.

For more information on the Five Guiding Principles see the High Performance and Sustainable Buildings Guidance at http://www.wbdg.org/pdfs/hpsb_guidance.pdf

**APPENDIX C —
FEDERAL ACQUISITION REGULATION (FAR) SUSTAINABLE ACQUISITION
REQUIREMENTS**

Federal Acquisition Regulation (FAR)	Summary
Part 2	Contains definitions for biobased, energy-efficient, energy efficient standby power device, environmentally preferable, ozone-depleting substances, and recovered material.
Part 7	Requires agency planners to consider energy efficient products and services, products containing energy efficient standby power devices, products containing recovered materials, biobased products, and environmentally preferable products and services.
Part 11	<p>Requires agencies to consider maximum practicable use of energy and water, low standby power, biobased, recycled content, and environmentally preferable products and services when developing, reviewing, or revising specifications, product descriptions (including commercial item descriptions) and standards, describing government requirements for supplies and services and developing source selection factors.</p> <p>Requires that for 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, the minimum content standard must be no less than 30 percent post-consumer materials.</p> <p>May require offerors to submit additional information on the recycled or biobased content or related standards. May require vendors for biobased products to provide information on life cycle costs and environmental and health benefits.</p>
Part 12	May use provisions and clauses contained in Part 23 regarding the use of recovered material and biobased products when appropriate for the commercial item being acquired.
Part 13	Apply procurement requirements in Subparts 23.2, 23.4, and 23.7 to purchases at or below the micro-purchase threshold.

Federal Acquisition Regulation (FAR)	Summary
Part 23	States that it is policy that agencies shall assure the use of products containing recovered materials and biobased products to the maximum extent practicable without jeopardizing the intended use of the product while maintaining a satisfactory level of competition at a reasonable price. Part 23 also requires that Federal agencies purchase, ENERGY STAR® or FEMP designated product and products that consume power in a standby mode and are listed on FEMP's Low Standby Power Devices product listing. Part 23 also states that agencies must maximize the utilization of environmentally preferable products and services. Shall give preference to the procurement of alternative products that reduce overall risks to human health and environment by lessening the depletion of ozone.
Part 36	Comply with requirements of FAR SubPart 23.2 when drafting facility design solicitations and contracts that include the specifications of energy-consuming products.
Part 42	Requires the government to monitor contractor compliance with specifications or other contractual requirements requiring the delivery or use of environmentally preferable products, energy-efficient products, products containing recovered materials, and biobased products.
FAR Clauses Include:	<p>Affirmative Procurement:</p> <p>52.223-1 Biobased Product Certification</p> <p>52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts</p> <p>52.223-4 Recovered Materials Certification</p> <p>52.223-9 Estimate of Percentage of Recovered Material Content For EPA Designated Products (Use only on contracts exceeding \$100,000)</p> <p>52.223-11 Ozone-Depleting Substances</p> <p>52.223-12 Refrigeration Equipment and Air Conditioners</p> <p>52.223-15 Energy Efficiency in Energy-Consuming Products</p> <p>52.223-16 IEEE Standard 1680 for the Environmental Assessment of Personal Computer Products (EPEAT Registration)</p> <p>52.223-17 Affirmative Procurement of EPA-designated Items in Service and Construction Contracts</p> <p>Recycled Content Paper:</p> <p>52.204-4 Printed or Copied Double-Sided on Recycled Paper</p> <p>Support Services and Operations and Maintenance Contractors:</p> <p>52.223-10 Waste Reduction Program</p>

**APPENDIX D —
AGRICULTURE ACQUISITION REGULATION (AGAR) SUSTAINABLE
ACQUISITION REQUIREMENTS**

AGAR	Summary
423.202	Provides information on ENERGY STAR®, energy efficient products, and low standby products and the applicable web site.
423.403	States the policy of USDA to acquire and use EPA-designated recycled content products.
423.404	Mandates the Affirmative Procurement Program applicability to USDA agencies and staff offices.
423.404a	Requires that USDA agencies will include in all applicable solicitations and contracts, a preference for products and services which meet or exceed the EPA purchasing guidelines as contained in the EPA product RMANS. Provides that agencies may choose an evaluation factor preference in accord with their agency needs. States that agencies will eliminate virgin material requirements in contract specifications and replace them with a statement of preference for recycled materials.
423.404b	Requires that USDA agencies will actively promote a preference for recovered materials, environmentally preferable products, and biobased products in contracts with vendors, in written materials, and other opportunities.
423.404c	States that agencies will provide in writing reasonable estimates, certification, and verification of recovered material used in the performance of contracts.
423.404d	States that agencies will provide an annual assessment of the effectiveness of their APP actions in increasing the purchase and use of EPA designated products.
423.404e	States waiver provisions for not purchasing EPA designated products.
423.404f	States that purchasing of EPA designated products applies to all purchases, including those at or below the micro-purchase threshold.
423.405	Provides guidance that the APP requirements apply at the individual USDA agency and staff office level.
423.703	States that USDA will support Federal sustainable acquisition principles in the acquisition of products and services that are environmentally preferable or that are biobased content products and services. Establishes that USDA agencies will actively promote the preference for environmentally preferable and biobased products in contracts with vendors, in written materials, and other opportunities.

**APPENDIX E —
USDA DEPARTMENTAL REGULATION:
SUSTAINABLE OPERATIONS COUNCIL**

DEPARTMENTAL REGULATION		Number: 1058-001
SUBJECT: USDA Sustainable Operations Council – Implementing Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management	DATE: January 16, 2009	
	OPI: Departmental Management	

1. PURPOSE

This Departmental Regulation (DR) permanently authorizes the Sustainable Operations Council (SOC) to provide additional emphasis, senior-level leadership, and coordination on sustainable operating policies department-wide. The DR sets forth the policy, roles, and responsibilities in Secretary's Memorandum 5500-002, Implementing Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management.

2. BACKGROUND

On January 24, 2007, President George W. Bush signed Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management." The order establishes goals in the areas of energy efficiency, acquisition of biobased and other environmentally preferable products, renewable energy, reducing the use of toxic and hazardous chemicals, recycling, sustainable buildings, electronics stewardship, alternative fuels, fleet management, and water conservation. In order to provide leadership to USDA agencies in conducting these types of activities and implementing policies that assist USDA in complying with the EO, Secretary's Memorandum 5500-002 was issued on September 17, 2007 to establish the United States Department of Agriculture Sustainable Operations Council.

EO 13423 requires the Department of Agriculture (USDA) to conduct its environmental, transportation, and energy-related activities under the law in support of its respective missions in an environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner. The EO requires USDA to develop and implement environmental management systems (EMS) and sustainable practices that adhere to the requirements specified in the EO. The collective involvement and support of all USDA agencies and staff offices through the SOC are required to support these goals.

- a. The EO requires that the head of each executive branch department and agency implement the policy cited above by taking the following actions:
 - (1) Designate a senior civilian officer to be responsible for implementation of the EO within the agency and assign the designated official the authority and duty to monitor and report to the head of the agency on implementation activities;
 - (2) Implement sustainable practices for: energy efficiency and reductions in greenhouse gas emissions; renewable energy, including bioenergy; water conservation; acquisition of green products and services; waste prevention and recycling; reduced use of toxic and hazardous chemicals and materials; high performance/sustainable design buildings; vehicle fleet management including use of alternative fuel vehicles and fuels and reductions in petroleum consumption; and electronics stewardship;
 - (3) Implement EMS at all appropriate organizational levels within the Department;
 - (4) Use EMS as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions; and
 - (5) Establish within the agency programs for: environmental management, training, environmental compliance review and audit, and leadership awards.
- b. The EO directs the Chairman of the Council on Environmental Quality (CEQ) and the Director of the Office of Management and Budget (OMB), in consultation with the Steering Committee on Strengthening Federal Environmental, Energy, and Transportation Management, to issue implementing instructions to the heads of agencies.
- c. Three OMB scorecards—Environmental Stewardship, Energy Management, and Transportation Management—measure USDA (and other federal department and agency) progress towards the goals of the EO
- d. Pursuant to EO 13423 and the OMB scorecards, USDA must use EMS as the primary management approach to address environmental aspects of internal agency operations, including the collection, analysis, and reporting of information to measure performance in the implementation of the EO.
- e. Secretary's Memorandum 5500-002 designated the Assistant Secretary for Administration (ASA) as the Senior Official accountable for the effective implementation of EO 13423 within the Department. The ASA is the designated official for all information and communications regarding EO

13423 and USDA's responsibilities under the EO. The ASA, through the SOC, will develop and implement policies, procedures, processes, reporting mechanisms, and required actions that meet the goals and requirements established by EO 13423 and the implementing instructions issued by the CEQ and OMB.

- f. It shall be USDA's policy to comply with the goals and requirements established by EO 13423 and the implementing instructions issued by the CEQ and OMB consistent with the actions ordered below.

3. ACTIONS ORDERED

The following actions are hereby ordered:

- a. The Sustainable Operations Council (SOC) is reauthorized and the ASA shall continue to chair the SOC. The SOC shall advise the ASA and provide ongoing senior management involvement and coordination to agencies' EMS and sustainable operations programs.
- b. The Council shall meet quarterly to provide ongoing senior management involvement in sustainable operations programs, such as energy efficiency, fleet management, BioPreferred procurement, chemical reduction plans, and other areas as appropriate.
- c. The ASA will determine the membership of the SOC Executive Committee (Voting Members). Current members include (but are not limited to) the following:
 - Assistant Secretary for Administration, Chair
 - Deputy Under Secretary for Conservation, Natural Resources and Environment
 - Deputy Administrator for Management, Agricultural Research Service
 - Deputy Under Secretary, Rural Development
 - Deputy Administrator for Marketing and Regulatory Programs, Animal and Plant Health Inspection Service
 - Deputy Chief for Business Operations, Forest Service
 - Director, Global Change Program Office, Office of the Chief Economist
 - Director, Office of Procurement and Property Management
 - Director, Office of Operations, Departmental Administration
- d. The efforts of the Council are supported by the following staff-level working groups: Facilities, Sustainable acquisition, Environmental Management, and Transportation. The composition and content of the working groups may be changed as need necessitates.

- e. USDA shall establish and implement environmental, energy, and transportation management performance measures and begin data collection to meet EO and OMB scorecard reporting requirements, utilizing EMS as the primary management approach.
- f. USDA shall develop a timeline for, and implement, environmental management systems at all appropriate organizational levels as directed by the ASA and the SOC.
- g. Each landholding agency shall, in the three-year rolling timeline established under EO 13327, include in its building block plan, which is incorporated into the USDA Asset Management Plan, a description of how the EO 13423 goals and performance measures applicable to design, construction, and operation of real property facilities will be met.
- h. USDA agencies shall manage Departmental real and personal property assets consistent with the goals and objectives of EO 13423 and the Department's implementing instructions.

4. ABBREVIATIONS

ASA Assistant Secretary of Agriculture for Administration

CEQ Council on Environmental Quality

DR Departmental Regulation

EMS Environmental Management Systems

OMB Office of Management and Budget

SM Secretary's Memorandum

SOC Sustainable Operations Council

5. CANCELLATION

This Departmental Regulation (DR) replaces Secretary's Memorandum 5500-002, Implementing Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management dated September 17, 2007.

6. EFFECTIVE DATE

The provisions of this DR are effective immediately.

APPENDIX F — SUCCESS STORIES AND BEST PRACTICES

USDA Sustainable Acquisition Success Stories and Best Practices

1. USDA Headquarters Modernization (Washington, DC): The Office of Operations plans to obtain LEED-CI Silver certification for this project, which will have biobased jute ceiling tiles, FSC-certified wood, recycled content carpet, recycled content drywall, as well as a 75% diversion rate of construction and demolition debris.
2. USDA Headquarters Operations and Maintenance Contract (Washington, DC): This Office of Operations O&M contract uses biobased solvents, degreasers, and hydraulic fluid.
3. Forest Service Administrative Building (Watersmeet, Michigan): The Forest Service is seeking LEED-NC Gold certification for this building, which features 100% recycled content blown-in cellulose insulation, toilet partitions and lockers made of 100% recycled content HDPE plastic, recycled content carpet, and biobased substrate for doors and cabinets.
4. Forest Service Ranger Station (Sandpoint, Idaho): The Forest Service is seeking LEED-NC Silver certification for this new building, which used concrete with coal fly ash added, crushed concrete as a parking lot base material, and recycled content carpet.
5. Forest Service Road Paving (Illinois): The Forest Service had the contractor crush the old asphalt from this road and use it as road bedding for the new paving.
6. NRCS “Green” Leased Office Space (Pasco, Washington): The Natural Resources Conservation Service had this leased building built to LEED standards, including recycled content in the sheetrock, insulation, ceiling tile, and carpet; fly ash in the concrete, night-sky compliant exterior lights, and high-efficiency electric heat pump.
7. Sustainable Office Supplies (throughout the U.S.): In FY2010 USDA office purchased off the Blanket Purchase Agreement with OfficeMax a total of \$3.3 million dollars worth of the following sustainable office supplies: recycled content office paper, folders, note cards, deskpads, boxes, envelopes, pens, and pencils. Also on the list were remanufactured inkjet and toner cartridges.
8. REE Sustainable Products Policy (throughout the U.S.): The Research, Education, and Economics (REE) Mission Area adopted a policy of purchasing all green cleaning products so that, except where they do not meet mission requirements, by the end of FY 2010, all cleaning products in use, including in custodial contracts, in all REE facilities are green. This includes ARS, National Agricultural Statistics Service, Economic

Research Service, and National Institute of Food and Agriculture. This was an integral part of the agency-wide program to make ARS buildings sustainable. This program included walk off mats, separated janitor closets, and environmentally friendly cleaning equipment. The large majority of locations have adopted green cleaning early with excellent results.

9. ARS Appalachian Farming Systems Research Center (Beaver, West Virginia): This research center used biobased roof coating on their facility's metal roofs. Their first use was a successful test on an 80x40 steel building, with a 4-12 roof pitch. They used it extensively the next year at their main location as well as their research farms finishing in FY 2009.
10. Agricultural Research Station (Salinas, California): Installed Denix 12 biobased laboratory countertops during a laboratory renovation and found them to be easier to work with than, and as durable as, conventional laboratory countertops.
11. ARS Laboratory (Temple, Texas): Purchased biobased roof coating and is using it to coat the roofs of three large metal buildings that are prone to leaking. ARS is working with the United Soybean Board to measure temperatures inside the buildings before and after the application of the roof coating to document its effectiveness as a high-albedo roofing.
12. ARS Appalachian Fruit Research Station (Kearneysville, West Virginia): ARS North Atlantic Area is working with an A-E firm on, and ARS has designed for and bid upon, biobased water tank coatings in the water tower for the laboratory. Installation is scheduled for FY2010.
13. ARS Animal Bioscience Building on the campus of Montana State University (Bozeman, Montana): This facility has been designed to incorporate biobased building products. The 35% design was completed in FY2009 and the project is awaiting complete construction funding from Congress.
14. ARS Central Great Plains Research Station (Akron, Colorado): Installed HeatLoc Soy biobased spray polyurethane foam insulation in a new headhouse building.
15. Southern Regional Research Center (New Orleans, Louisiana) and Sugarcane Research Unit (Houma, Louisiana): ARS installed Icynene® biobased spray foam insulation in Louisiana as part of their hurricane recovery work. ARS plans on using the biobased insulation in Houma and elsewhere.
16. Cropping Systems Research Laboratory (Lubbock, Texas): ARS installed Demilec Heatlok® Soy spray polyurethane insulation in 11 buildings and structures at the. This insulation keeps out not only the heat, but also the West Texas dust!

**APPENDIX G —
MODEL GREEN LANGUAGE IN A JANITORIAL CONTRACT
U.S. FOREST SERVICE—REGION 5**

IV. CLEANING PRODUCTS AND CONTRACTOR SUPPLIED MATERIALS

A. CHEMICAL PRODUCTS

The Contractor must comply with Section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA); Food, Conservation, and Energy Act of 2008; Executive Order (EO) 13423, “*Strengthening Federal Environmental, Energy, and Transportation Management*,” EO 13514, “*Federal Leadership in Environmental, Energy, and Economic Performance*,” and the Federal Acquisition Regulation to provide biobased products. All custodial cleaning products required in the performance of this SOW shall be biobased and meet as a minimum, Green Seal Product Standards (<http://www.greenseal.org>). Biobased products that are designated for preferred procurement under USDA’s BioPreferred program must meet the required minimum biobased content standards as listed below:

Adhesive and Mastic Removers (BP)	58% - Minimum Biobased Content
Graffiti and Grease Removers (BP)	34% - Minimum Biobased Content
Hand Cleaners and Sanitizers- Hand Cleaners (BP)	64% - Minimum Biobased Content
Hand Cleaners and Sanitizers- Hand Sanitizers (BP)	73% - Minimum Biobased Content
Sorbents (BP)	89% - Minimum Biobased Content
Carpet and Upholstery Cleaners - General Purpose (BP)	54% - Minimum Biobased Content
Carpet and Upholstery Cleaners - Spot Removers (BP)	7% - Minimum Biobased Content
Glass Cleaners (BP)	49% - Minimum Biobased Content
Bathroom Cleaners (BP)	74% - Minimum Biobased Content
Floor Strippers (BP)	78% - Minimum Biobased Content
Dust Suppressants (BP)	85% - Minimum Biobased Content

The Contractor shall provide a list of all chemical products proposed for use under this contract to the COR for review and approval. If it is determined that a product does not meet Government performance requirements, the Contractor shall submit a proposed alternative that would meet the performance requirements with the lowest environmental impact for evaluation and acceptance. Any products currently in use that do not meet minimum biobased standards shall be replaced once the current supply is exhausted. The Contractor shall not use any materials, chemicals, or compounds which the COR determines would be unsuitable for the intended purpose or harmful to the surfaces to which applied or, as might be the case for such items as paper or soap products, unsatisfactory for use by occupants.

The Contractor shall maintain the smallest possible inventory of chemical products as necessary to meet immediate needs. All chemical containers will have the appropriate label, tag or marking prominently displayed that indicates the identity, safety and health hazards. The label used to identify the product must be identical to the product name on the material safety data sheets (MSDS).

Portable containers which contain a small amount of chemical need not be labeled if they are used immediately during that shift, but must be under the strict control of the contractor employee using the product.

At the start of the contract, the Contractor shall provide the COR of an inventory of all cleaning products and chemicals to be used and stored on the premises. The inventory shall include the following information:

- Name of the manufacturer
- Brand name
- Intended use
- Chemical Trade Name
- Quantities stored on-site and location of storage area
- Copies of the product MSDS.

The inventory shall be updated when ever products are added or removed from use.

B. NON-CHEMICAL PRODUCTS

All non-chemical products proposed for use under this contract must conform to the Environmental Protection Agency (EPA) Comprehensive Procurement Guidelines (CPG) (<http://www.epa.gov/cpg>) for recovered (recycled) content, if the products are CPG-designated items. Requirements for bathroom tissue, paper towels, industrial wipes, and trash bags are explicitly stated below:

1. Bathroom tissue -The bathroom tissue must contain at least 20-100% recovered fiber, including at least 20-60% post-consumer fiber.
2. Paper Towels -The paper towels must contain at least 40-100% recovered fiber, including at least 40-60% post-consumer fiber.
3. General Purpose Industrial Wipes -The general purpose industrial wipes must contain at least 40-100% recovered fiber, including at least 40% post-consumer fiber.
4. Plastic trash bags -The plastic trash bags must contain at least 10-100% post-consumer content.

For non-chemical products that are not CPG-designated, it is desirable for those products to meet the desired objective (e.g., ability to clean effectively) *and* contain the highest-possible amounts (by percentage) of recovered material(s) and post-consumer content, unless specific content requirements are set by the Forest Service. Additional information on recycled content products is available at the California Integrated Waste Management Board's Recycled-Content Product Directory webpage (<http://www.ciwmb.ca.gov/rcp/>).

C. BIOBASED PRODUCT CERTIFICATION

The Contractor shall execute the following certification required by the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(c) (3) :

I, _____(name of certifier), am an officer or employee responsible for the performance of this contract and I hereby certify that biobased products (within categories of products listed by the United States Department of Agriculture in 7 CFR part 2902, subpart B) to be used or delivered in the performance of the contract, other than biobased products that are not purchased by the officer as a direct result of this contract, will comply with the applicable specifications of other contractual requirements.

{Signature of the Officer or Employee}

{Typed Name of the Officer or Employee}

{Title}

{Name of Company, Firm, or Organization}

{Date}

D. EQUIPMENT

The Contractor shall furnish all necessary cleaning equipment including: power-driven floor-scrubbing machines, waxing and polishing machines, and vacuum

cleaners. If available, equipment utilized under this contract shall be Energy Star qualified or meet the Department of Energy's Federal Energy Management Program (FEMP) Energy-Efficient product requirements.

All equipment shall be of the size, type, and condition customarily used in this work, shall conform to all applicable safety codes, and shall meet the approval of the COR. All vacuum cleaners shall be equipped with High Efficiency Particulate Air (HEPA) filters able to trap at least 99.97 percent of all particles 0.3 microns in size and larger that are collected by the vacuum cleaner. All vacuum cleaners used during normal office hours (7 a.m. to 6 p.m.) shall be rated to produce noise levels no greater than 65 dB(average) at a distance of 6' 6" from the unit.

The Contractor is responsible for maintaining all equipment in good working order, in accordance with manufacturer recommendations. HEPA filters in vacuum cleaners will be changed on a regular basis in accordance manufacturer specifications so as to maintain optimal performance.

Any defective equipment shall be brought to the attention of the COR within two hours of knowledge by the Contractor, and repaired or replaced at the Contractor's expense within 72 hours.

APPENDIX H — GUIDANCE FOR PURCHASE CARD HOLDERS

Both Congress and the President have directed Federal agencies to be good stewards of the environment by conserving energy and other precious natural resources. In this regard, Executive Order 13514, "Federal Leader" mandates "green" purchasing, even at the micro-purchase level.

"Buying Green" is easy for USDA cardholders; most of these products are available through the USDA blanket purchase agreement (BPA) at the USDA Advantage! Website: [USDA Advantage! Login](#)

There are six components to the Federal sustainable acquisition program:

- Recycled content products
- Energy Star® and FEMP-designated energy efficient products
- Electronic Products Environmental Assessment Tool (EPEAT)-designated products (computers and monitors)
- Biobased products
- Environmentally preferable products and services
- Non-ozone depleting substances

Recycled content products

The Resource Conservation and Recovery Act requires the purchase of recycled content products designated by the Environmental Protection Agency (EPA). These products are also known as Comprehensive Procurement Guideline or CPG items, which is EPA's list of designated products. Examples of recycled content products are recycled content copier paper and other paper products, notebook binders, and remanufactured toner cartridges. Refer to <http://www.epa.gov/cpg/> for the list of products, EPA's recommendations, and suppliers.

Energy efficient products

The Energy Policy Act of 2005, as well as DR 5500-001, requires agencies to purchase Energy Star® products or energy-efficient products designated by the Department of Energy's Federal Energy Management Program (FEMP), as well as products that use minimal standby power. For products that qualify see www.energystar.gov and <http://www.eere.energy.gov/femp/procurement/>. Products that must be energy efficient include scanners, printers, and refrigerators. Additionally, EO 13423 requires USDA to purchase

Electronic Products Environmental Assessment Tool (EPEAT)-registered electronics for desktop computers and laptops. Refer to <http://www.epeat.net/> for a list of EPEAT-registered products.

Biobased products

BioPreferred was created by the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill), and expanded by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) to increase the purchase and use of biobased products. The United States Department of Agriculture manages the program. Under the preferred procurement program, BioPreferred designates items, or generic groupings of biobased products, that are required for purchase by Federal agencies and their contractors. As a part of this process, the minimum biobased content is specified and information on the technical, health, and environmental characteristics of these products are made available on the BioPreferred Web site. Beginning in 2009, biobased intermediate ingredients and feedstocks were included in the designation process. These intermediates are used to make finished consumer products. [Click here](#) for the list of designated products, USDA's recommendations, and additional information.

Environmentally preferable products and services

EO 13423 emphasizes the significance of environmentally preferable purchasing (EPP). Products in this category can be viable alternatives to products that contain hazardous materials or toxic chemicals, such as green cleaning products, mercury-free thermometers, or refurbished furniture. Refer to <http://www.epa.gov/opptintr/epp/> for products and services, as well as suppliers, meeting EPP standards.

Non-ozone depleting substances

Although we have been very successful in reducing releases of ozone-depleting substances (ODSs), the ozone hole over the Antarctic is still huge. EPA identifies alternatives to ODSs through its Significant New Alternatives Policy (SNAP) program and provides recommendations for specific products, such as refrigerants and fire extinguishers. Refer to <http://www.epa.gov/Ozone/snap/index.html> for the list of products and alternatives.

APPENDIX I — SUSTAINABLE ACQUISITION WEBSITES

Topic	Description	Website
PRODUCTS		
Sustainable Products	Spreadsheet that organizes Federally-designated sustainable products by use in contracts	http://www.fedcenter.gov/Documents/index.cfm?id=11767&page_prg_id=26960
Recycled Content	Comprehensive Procurement Guidelines (CPG) Recycled Products	http://www.epa.gov/cpg/ http://cpg.epa.tms.icfi.com/user/cpg_search.cfm
Biobased	USDA BioPreferred SM Home Page Biobased Products	http://www.biopreferred.gov/ http://www.catalog.biopreferred.gov/bioPreferredCatalog/faces/jsp/catalogLanding.jsp
Energy Efficient	Energy Star Products FEMP (Federal Energy Management Program) Low Standby Power Products	http://www.energystar.gov/products http://www1.eere.energy.gov/femp/procurement/index.html http://www1.eere.energy.gov/femp/technologies/standby_power.aspx
Environmentally Preferable	Environmentally Preferable Purchasing (EPP) EPP Products	http://www.epa.gov/opptintr/epp/ http://yosemite1.epa.gov/oppt/epstand2.nsf
EPEAT	Electronic Product Environmental Assessment Tool	http://www.epeat.net/
Water Efficient	Water Sense Water Efficiency	http://www.epa.gov/watersense/ http://www1.eere.energy.gov/femp/program/waterefficiency.html
Non-Ozone Depleting	SNAP (Significant New Alternatives Program)	http://www.epa.gov/ozone/snap/
Non-Toxic and Less Toxic Alternatives	EPA Pollution Prevention EPA Design for the Environment	http://www.epa.gov/p2/ http://www.epa.gov/oppt/dfef/
GUIDANCE & RESOURCES		
Procurement	USDA Advantage GSA Advantage AbilityOne (formerly, JWOD) UNICOR Defense Logistics Agency Agriculture Acquisition Regulation (AGAR) Federal Acquisition Regulation (FAR) Federal Procurement Data System Federal Business Opportunities (FedBizOpps)	https://www.usdaadvantage.gsa.gov/ https://www.gsaadvantage.gov/ http://www.jwod.org/ http://www.unicor.gov/ http://www.dscr.dla.mil/userweb/dscrld/epa/EPSearch.asp http://www.usda.gov/procurement/policy/agar.html https://www.acquisition.gov/far/ https://www.fpds.gov/fpdsng_cms/ https://www.fbo.gov/
Policy	USDA Sustainable Operations USDA Procurement Policy FedCenter	http://greening.usda.gov/ http://www.usda.gov/procurement/policy/index.html http://www.fedcenter.gov/programs/buygreen/
Standards	Green Seal National Institute of Standards and Technology LEED (US Green Building Council) Whole Building Design Guide	http://www.greenseal.org/programs/government.cfm http://www.nist.gov/ http://www.usgbc.org/displaypage.aspx?CategoryID=19 http://www.wbdg.org/design/greenspec.php
Training	USDA Sustainable Acquisition Training BioPreferred Training Resources Defense Acquisition University Federal Acquisition Institute	http://www.energyworkshops.org/Green_Purchasing_Training/ http://www.biopreferred.gov/AccessTraining_Resources.aspx http://training.dau.mil/ http://www.fai.gov/
	45	