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Solid Waste and
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EPA

Environmental Fact Sheet

AMENDMENT PROPOSED FOR COMPREHENSIVE PROCUREMENT GUIDELINES (CPG)

The Environmental Protection Agency (EPA) proposes to add 13 new items to its CPG, which will make a total of 32 recycled content items designated for procurement. EPA issued the CPG and related draft Recovered Materials Advisory Notice (RMAN) in May 1995. The CPG designated 19 items in seven product categories containing recycled content that government procuring agencies are required to purchase. The 1995 RMAN covered: paper and paper products, vehicular products, construction products, transportation products, park and recreation products, landscaping products, and nonpaper office products. Guidelines for paper and paper products were revised in May 1996.

ITEMS PROPOSED FOR DESIGNATION

Construction Products
- Latex Paint
- Shower and Restroom Dividers

Landscaping Products
- Garden and Soaker Hoses
- Lawn and Garden Edging

Miscellaneous Products
- Pallets

Nonpaper Office Products
- InkJet Cartridges
- Plastic Envelopes
- Printer Ribbons

Park and Recreation Products
- Snow Fencing

Transportation Products
- Channelizers
- Delineators
- Flexible Delineators
- Parking Stops

Section 6002 of the Resource Conservation and Recovery Act (RCRA) establishes a government buy-recycled program. Its purpose is to use federal purchasing power to enhance markets for materials diverted or recovered from the solid waste stream. RCRA requires EPA to (1) designate items that are made with recovered materials, and (2) recommend practices for procuring these items. Once these items are designated, RCRA requires procuring

agencies to develop affirmative procurement programs and begin purchasing the designated items. Procuring agencies are federal, state, and local agencies that use appropriated federal funds to buy designated items, as well as contractors to all three. Item designations are codified in 40 CFR Part 247.

President Clinton reinforced RCRA's buy-recycled components when he issued Executive Order 12873 requiring EPA to designate items containing recycled content, and to recommend ranges of recycled content for each product designated in the CPG.

Affirmative Procurement Program

Affirmative procurement is an agency's strategy for maximizing its purchases of EPA-designated items. These programs should assure that procured items are composed of as much recovered material as possible, under the federal procurement law. Programs should be flexible enough to incorporate newly designated items, and should consist of at least four of the following components:

- A recovered materials preference program;
- An agency promotion program;
- A program for requiring vendors to reasonably estimate, certify, and verify the recovered materials content of their products; and
- A program to monitor and annually review the effectiveness of the affirmative procurement program.

Within one year following EPA designation of items, procuring agencies must revise their specifications to require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of items.

Applicability

Procuring agencies are federal, state, and local agencies, and their contractors, that use appropriated federal funds. The procurement guidelines apply to procuring agencies that spend more than $10,000 a year on a designated item. For example, if a county agency spends more than $10,000 a year on carpet, and part of that money is from appropriated federal funds, then the agency must purchase carpet made from recovered materials.

Purchases unrelated or incidental to the purpose of federal funding are not subject to these requirements. When it is not apparent that the guidelines apply to a purchase, EPA encourages procuring agencies to follow the guidelines to help expand markets for products made from recovered materials.

Program Implementation

A ***preference program*** is the system by which an agency implements its stated preference for purchasing products containing recovered materials. There are three optional types of preference programs.

— A **Minimum Content Standards** Program, which specifies the minimum amount of recovered materials that items should contain. While EPA recommends ranges of recovered materials content, procuring agencies should establish their own standards.

— A **Case-by-Case** Program, which requires purchases from vendors who offer items containing the highest amount of recovered materials available. This policy is generally used when a procuring agency cannot obtain an item meeting its specified minimum content standard.

— A **Substantially Equivalent** Program, which facilitates the purchase of items with no applicable minimum content standards. For example, procuring agencies may establish service contracts for remanufacturing toner cartridges.

Promote the Program

Agencies must actively advertise their desire to buy recycled products, both within their organizations and to product vendors. Internal promotion usually is a broad-based employee education program that affirms an agency's procurement policy through advertising, workshops, agency newsletters, and technical and staff manuals. Examples of external promotion include publishing articles in trade journals, participating in vendor shows or trade fairs, placing statements in bid solicitations, and discussing an agency's procurement policy at bidders' conferences.

Estimate, Certify, Verify, and Monitor the Program

Agencies must establish procedures for estimating, certifying, and, where appropriate, reasonably verifying the amount of recovered materials content used in a product. Programs also must be monitored and tracked to ensure that they are fulfilling their requirements to purchase items composed of recovered materials.

Exclusions

Agencies may elect not to purchase designated items when: the cost is unreasonable; inadequate competition exists; items are not available within a reasonable period of time; or items do not meet reasonable performance specifications.

For More Information

The *Federal Register* notice, the CPG, the RMAN, and this fact sheet are available in electronic format on the Internet System through the EPA Public Access Server. For additional information or to order paper copies of any documents, call the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, 401 M Street, SW, Washington, DC 20460.