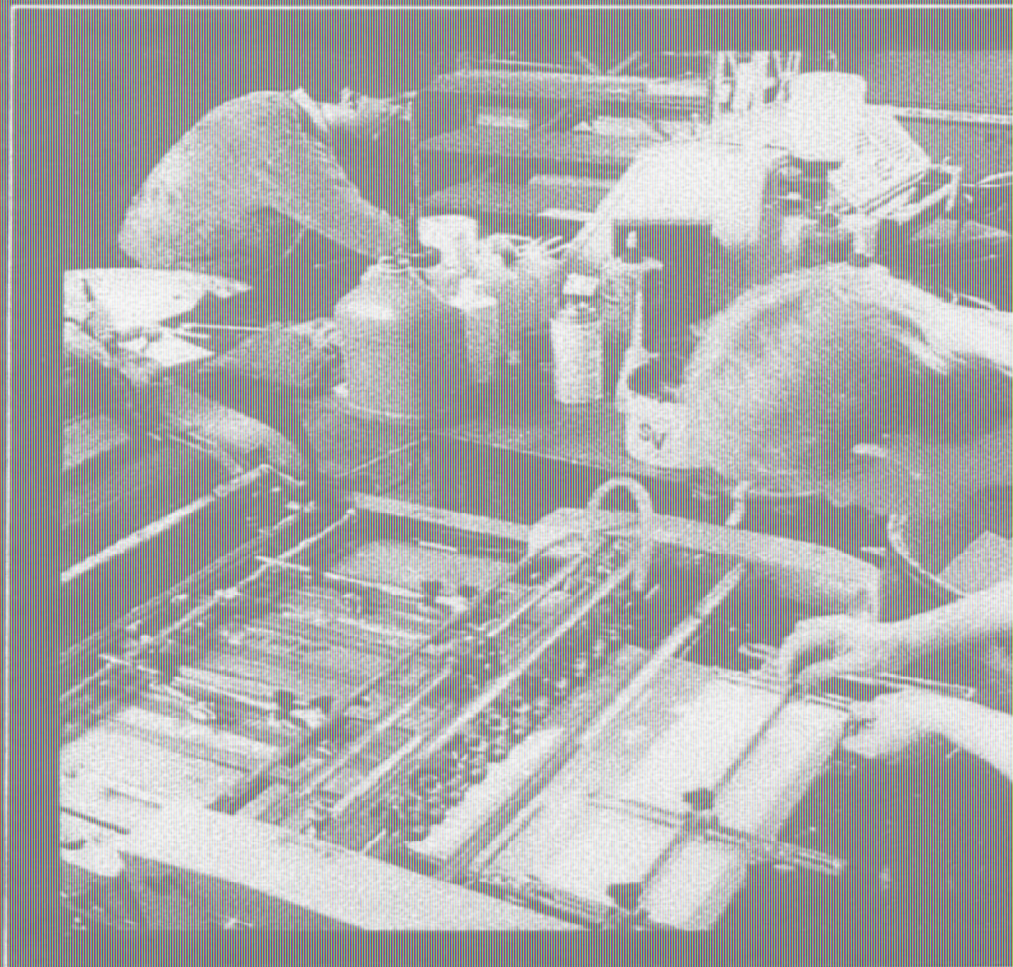


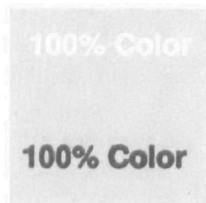


# Printing Management Handbook

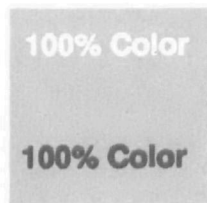
- Paper Samples
- Federal Printing Regulations



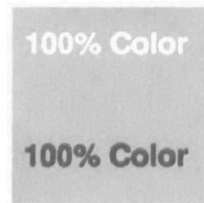
**The boxes shown below illustrate the use of screens. Screens can be used to achieve the effect of several different colors of ink utilizing one color of ink.**



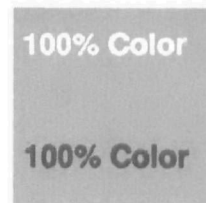
**10% Screen**



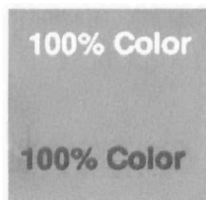
**20% Screen**



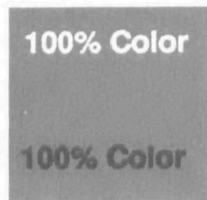
**30% Screen**



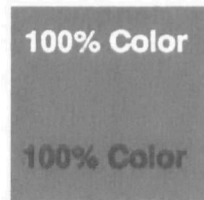
**40% Screen**



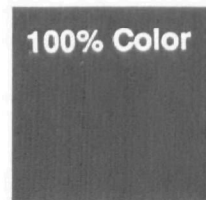
**50% Screen**



**60% Screen**



**70% Screen**



**100% Color**

**All paper samples contained in this publicaion meet EPA minimum standards for recovered material content. Availability of these paper stocks will vary do to local supply/demand and production at the paper mills.**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

**MEMORANDUM**

**SUBJECT:** Printing Management Handbook

**FROM:** James Anderson, Printing Officer, Chief  
Printing and Distribution Section  
Facilities Management and Services Division

A handwritten signature in black ink, reading "James M. Anderson", is positioned to the right of the "FROM:" line.

It is with pleasure that I am able to provide you with this handbook. This publication contains recycled paper samples for all papers approved by the Joint Committee on Printing for use by the Federal government and the Federal Printing regulations contained in both the Title 44 U.S. Code and the Joint Committee on Printing Regulations. Also included with the regulations are the statements requiring two-sided copy and Waste Management and Public Law 101-163 that refers to procurement of printing.

If you have any questions or special printing requirements please contact me or any of my staff at 382-2125.

# CONTENTS

## PAPER STOCKS

### Cover Stocks

White Vellum, 65 lb.  
White Vellum, 50 lb.  
Dutch Blue Vellum, 50 lb.  
Venice Blue Vellum, 50 lb.  
Peach Tan Vellum, 50 lb.  
Sand Gray Vellum, 50 lb.  
Light Gray Vellum, 50 lb.  
Killarney Green Vellum, 50 lb.  
Victoria Green Vellum, 50 lb.  
Pecan Brown Vellum, 50 lb.  
Sun Orange Vellum, 50 lb.  
Canary Yellow Vellum, 50 lb.

### Text Stocks

White Offset, 50 lb.  
White Offset, 60 lb.  
White Offset, 70 lb.  
Blue Writing, 20 lb.  
Green Writing, 20 lb.  
Buff Writing, 20 lb.  
Pink Writing, 20 lb.  
Salmon Writing, 20 lb.  
Yellow Writing, 20 lb.

### Index Stocks

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Buff Index, 110 lb.  
Green Index, 110 lb.  
Pink Index, 110 lb.  
Salmon Index, 110 lb.  
Yellow Index, 110 lb.

## **Ledger Stocks**

White Ledger, 32 lb.  
Blue Ledger, 32 lb.  
Buff Ledger, 32 lb.  
Green Ledger, 32 lb.  
Pink Ledger, 32 lb.  
Salmon Ledger, 32 lb.  
Yellow Ledger, 32 lb.

## **Miscellaneous Paper Stocks**

Artificial Parchment, 47 lb.  
White 25% Rag Bond, 20 lb.

## **REGULATIONS**

Two-sided Copy and Waste Management

Public Law 101-163

Title 44 U. S. Code

Joint Committee on Printing Regulations





**This stock is also available in 65 lb.**

**Canary Yellow Vellum, 50 lb.**

**This stock is also available in 65 lb.**

**Sun Orange Vellum, 50 lb.**

**This stock is also available in 65 lb.**

**Pecan Brown Vellum, 50 lb.**

**This stock is also available in 65 lb.**

**Victoria Green Vellum, 50 lb.**

**This stock is also available in 65 lb.**

**Killarney Green Vellum, 50 lb.**

**This stock is also available in 65 lb.**

**Light Gray Vellum, 50 lb.**

**This stock is also available in 65 lb.**

**Sand Gray Vellum, 50 lb.**

**This stock is also available in 65 lb.**

**Peach Tan Vellum, 50 lb.**

**This stock is also available in 65 lb.**

**Venice Blue Vellum, 50 lb.**

This stock is also available in 65 lb.

Dutch Blue Vellum, 50 lb.

**White Vellum, 50 lb.**

**White Vellum, 65 lb.**



**Yellow Writing, 20 lb.**

**Salmon Writing, 20 lb.**

**Pink Writing, 20 lb.**

**Buff Writing, 20 lb.**

**Green Writing, 20 lb.**

**Blue Writing, 20 lb.**

White Offset, 70 lb.

White Offset, 60 lb.

**White Offset, 50 lb.**



**Yellow Index, 110 lb.**

**Salmon Index, 110 lb.**

**Pink Index, 110 lb.**

**Green Index, 110 lb.**

**Blue Index, 110 lb.**

**Buff Index, 110 lb.**

**White Index, 110 lb.**



**This stock is also available in 44 lb.**

**Yellow Ledger, 32 lb.**

**This stock is also available in 44 lb.**

**Salmon Ledger, 32 lb.**

**This stock is also available in 44 lb.**

**Pink Ledger, 32 lb.**

**This stock is also available in 44 lb.**

**Green Ledger, 32 lb.**

**This stock is also available in 44 lb.**

**Buff Ledger, 32 lb.**

**This stock is also available in 44 lb.**

**Blue Ledger, 32 lb.**



**White 25% Rag Bond, 20 lb.**

**Artificial Parchment, 47 lb.**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 1989

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

MEMORANDUM

SUBJECT: Two-sided Copy and Waste Management

FROM: Charles L. Grizzle *Charles L. Grizzle*  
Assistant Administrator

TO: All EPA Employees

Recycling, waste management, and pollution prevention are concepts and actions that will help conserve our national resources and protect our environment.

At our headquarters buildings and throughout most of our regions and field locations, we are recycling high grade white paper. We have started glass and aluminum recycling efforts at headquarters and at many regional and field locations. Our goal is to develop a comprehensive recycling and waste management program that can be used as a model by other federal and state agencies.

A part of that model program should include two-sided copying whenever possible. This agency produces over 300 million photographic copies each year. Translated into dollars, this amounts to over two million dollars for paper costs alone. Add to this the cost of buying and renting machines, funding repairs, maintenance costs, (not to mention staff time) and you can see the significant dollar resources that are spent in photocopying. One way to help curb those costs is to use two-sided copying whenever possible.

Therefore, I am announcing that henceforth the EPA policy will be to use two-sided copying methods wherever we have that capacity. When equipment is replaced or new equipment purchased, we will ensure that the new equipment has two-sided copying capability.

All Assistant and Regional Administrators and Office Directors should encourage their staffs to use two-sided copying within their organization. Every EPA employee can help by using two-sided copying and by making only the necessary number of copies. Making 9 copies instead of 10, or 18 copies instead of 20, would reduce our total agency copying costs by approximately 10 percent.

Thank you for your cooperation and support.

# Congress of the United States

## Joint Committee on Printing

WENDELL H. FORD, SENATOR FROM KENTUCKY,  
CHAIRMAN

DECONCINI, SENATOR FROM ARIZONA  
GORE, JR., SENATOR FROM TENNESSEE  
TEVENS, SENATOR FROM ALASKA  
MARK O. HATFIELD, SENATOR FROM OREGON

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818 HART SENATE OFFICE BLDG.  
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PAT ROBERTS, REPRESENTATIVE FROM KANSAS  
NEWT GINGRICH, REPRESENTATIVE FROM GEORGIA

RICHARD OLESZEWSKI, DEPUTY STAFF DIRECTOR

90JCP002

January 25, 1990

### TO HEADS OF DEPARTMENTS AND AGENCIES

The Legislative Branch Appropriations Act for Fiscal Year 1990 contains a provision directly affecting Executive Branch printing activities. The provision, identical to ones enacted for Fiscal Years 1988 and 1989, can be found in Section 308 of Public Law 101-163. As before, it requires that printing and related services procured from commercial sources must be obtained, for the most part, exclusively through the U.S. Government Printing Office (GPO).

The measure is intended to ensure GPO's continuing role as the central source for the production and distribution of Federal printing. It also acts to reinforce the Congress' commitment to a centrally managed and fiscally sound program for the collection and dissemination of Government information.

In addition to the more traditional printing activities, these provisions also apply to any typesetting or other printing services (including desk-top publishing services) that may be offered by graphic design contractors or any other service/support contractors. It is important that all service and support contracts issued by agencies clearly address these concerns. In addition, agency-initiated management improvement programs, such as the Department of Defense Model Installation Program and Commercial Activities Program, and the Department of Veterans' Affairs' Pilot Program on Management Efficiency, are subject to the provisions of this law.

A copy of the new statutory provision is printed on the reverse side of this letter. I hope it will help you in developing and maintaining an effective and efficient printing management program for your agency. As always, the Joint Committee on Printing is available to assist you and members of your staff in that effort.

Sincerely,



Wendell H. Ford  
Chairman

(over)

**NOTE:**

**Printing Management and/or the Regional Printing Control Officer  
MUST approve, in advance, any printing procurements  
that are not procured through the U.S. Government Printing Office**

**PUBLIC LAW 101-163—NOV. 21, 1989**

**103 STAT. 1065**

**SEC. 308. (a) None of the funds appropriated for fiscal year 1990 by this Act or any other law may be obligated or expended by any entity of the executive branch for the procurement from commercial sources of any printing related to the production of Government publications (including forms), unless such procurement is by or through the Government Printing Office.**

**(b) Subsection (a) does not apply to (1) individual printing orders costing not more than \$1,000, if the work is not of a continuing or repetitive nature, (2) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (3) printing from commercial sources that is specifically authorized by law or is of a kind that has been routinely procured by or through the Government Printing Office.**

**(c) As used in this section, the term "printing" means the process of composition, platemaking, presswork, binding, and microform, and the end items of such processes.**



**NOTE: Chapter 5 deals with day to day printing procurement. To conserve space, Chapter 5 is the only section of Title 44 provided.**

#### CHAPTER 5—PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING

- Sec.  
501. Government printing, binding, and blank-book work to be done at Government Printing Office.
502. Procurement of printing, binding, and blank-book work by Public Printer.
503. Printing in veterans' hospitals.
504. Direct purchase of printing, binding, and blank-book work by Government agencies.
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#### AMENDMENTS

1976—Pub. L. 94-553, § 105(a)(2), Oct. 19, 1976, 90 Stat. 2599, in item 505 struck out “; copyright” following “plates”.

#### FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON CHAPTER

Authority and responsibilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub. L. 94-575, set out as a note under section 2901 of this title.

§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office

All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

(1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere; and

(2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

Printing or binding may be done at the Government Printing Office only when authorized by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1243.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 111 and 116 (part) (Jan. 12, 1895, ch. 23, §§ 86, 87; 28 Stat. 662; Mar. 1, 1919, ch. 86, § 11, 40 Stat. 1270; July 5, 1949, ch. 296, 63 Stat. 405).

This section incorporates only the first sentence of former section 116. The balance will be found in section 1123 of the revision.

#### CROSS REFERENCES

American Battle Monuments Commission, printing authority, see section 138b of Title 36, Patriotic Societies and Observances.

Engraving and printing currency and security documents by Secretary of Treasury, see section 5114 of Title 31, Money and Finance.

Expenditures or obligations in excess of funds prohibited, see section 1341 of Title 31.

Federal Communications Commission, printing for, see section 154 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

Federal Power Act, expenditures for printing and binding, see section 793 of Title 16, Conservation.

Foreign assistance, use of funds for printing and binding without regard to the provisions of any other law, see section 2396 of Title 22, Foreign Relations and Intercourse.

Form and style of work for departments, see section 1105 of this title.

Joint Committee on Taxation, printing and binding, see section 8021 of Title 26, Internal Revenue Code.

National Science Foundation, publication of scientific and technical information without regard to the provisions of this section, see section 1870 of Title 42, The Public Health and Welfare.

Notes, bonds, and other securities, engraving and printing at the Treasury Department, see section 5114 of Title 31, Money and Finance.

Patent and Trademark Office, limitations and conditions concerning printing and lithographing, see section 1338 of this title.

Peace Corps, use of funds for printing and binding without regard to the provisions of any other law, see section 2514 of Title 22, Foreign Relations and Intercourse.

Printing and binding outside continental United States, Secretary of State to provide when funds appropriated, see section 2669 of Title 22.

Selective Service System, printing for, see section 460 of Appendix to Title 50, War and National Defense.

Senate library, cost limitation on binding for, see section 737 of this title.

Supreme Court, printing and binding, see section 676 of Title 28, Judiciary and Judicial Procedure.

Tax Court reports, publication at Government Printing Office, see section 7462 of Title 26, Internal Revenue Code.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 503 of this title; title 5 section 1304; title 7 section 285; title 16 sections 916f, 961; title 20 sections 954, 956; title 21 section 114c; title 22 sections 272a, 280b, 280i, 280k, 287e, 287r, 290b, 1471, 2024, 2588, 2669; title 33 section 1123; title 42 section 1870.

#### § 502. Procurement of printing, binding, and blank-book work by Public Printer

Printing, binding, and blank-book work authorized by law, which the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1243.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 111a (Feb. 28, 1929, ch. 367, § 1, 45 Stat. 1400).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 460.

#### § 503. Printing in veterans' hospitals

Notwithstanding section 501 of this title, the Administrator of Veterans' Affairs may utilize the printing and binding equipment that the various hospitals and homes of the Veterans' Administration use for occupational therapy, for printing and binding which he finds advisable for the use of the Veterans' Administration.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1243.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 111b (June 16, 1933, ch. 101, § 1, 48 Stat. 302; Feb. 2, 1935, ch. 3, § 1, 49 Stat. 18; Mar. 19, 1936, ch. 156, § 1, 49 Stat. 1182).

#### § 504. Direct purchase of printing, binding, and blank-book work by Government agencies

The Joint Committee on Printing may permit the Public Printer to authorize an executive department, independent office, or establishment of the Government to purchase direct for its use such printing, binding, and blank-book

work, otherwise authorized by law, as the Government Printing Office is not able or suitably equipped to execute or as may be more economically or in the better interest of the Government executed elsewhere.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1243.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 14 (Jan. 12, 1895, ch. 23, § 12, 28 Stat. 602; July 8, 1935, ch. 374, § 1, 49 Stat. 475; Oct. 31, 1951, ch. 654, § 3(10), 65 Stat. 708).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 2253.

#### § 505. Sale of duplicate plates

The Public Printer shall sell, under regulations of the Joint Committee on Printing to persons who may apply, additional or duplicate stereotype or electrotypes plates from which a Government publication is printed, at a price not to exceed the cost of composition, the metal, and making to the Government, plus 10 per centum, and the full amount of the price shall be paid when the order is filed.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244; Pub. L. 94-553, § 105(a)(1), Oct. 19, 1976, 90 Stat. 2599.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 58 (Jan. 12, 1895, ch. 23, § 52, 28 Stat. 608).

#### AMENDMENTS

1976—Pub. L. 94-553 struck out provision that a publication could not be copyrighted if it was reprinted from additional or duplicate plates purchased from the government from which government publications had been printed or if it was reprinted from other government publications.

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 405.

#### § 506. Time for printing documents or reports which include illustrations or maps

A document or report to be illustrated or accompanied by maps may not be printed by the Public Printer until the illustrations or maps designed for it are ready for publication.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 115 (part) (Jan. 12, 1895, ch. 23, § 80, 28 Stat. 621).

This section incorporates only the first clause of former section 115. The balance will be found in section 507 of the revision.

#### § 507. Orders for printing to be acted upon within one year

An order for public printing may not be acted upon by the Public Printer after the expiration

of one year unless the entire copy and illustrations for the work have been furnished within that period.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 115 (part) (Jan. 12, 1895, ch. 23, § 80, 28 Stat. 621).

This section incorporates only the second clause of former section 115. The balance will be found in section 506 of the revision.

#### § 508. Annual estimates of quantity of paper required for public printing and binding

At the beginning of each session of Congress, the Public Printer shall submit to the Joint Committee on Printing estimates of the quantity of paper of all descriptions required for the public printing and binding during the ensuing year.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 36 (Jan. 12, 1895, ch. 23, § 26, 28 Stat. 604).

#### § 509. Standards of paper; advertisements for proposals; samples

The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer, under their direction, shall advertise in six newspapers or trade journals, published in different cities, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing. The Public Printer shall furnish samples of the standard of papers fixed upon to applicants who desire to bid.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 5 (Jan. 12, 1895, ch. 23, § 3, 28 Stat. 601; Mar. 3, 1925, ch. 421, § 1, 43 Stat. 1105).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

#### § 510. Specifications in advertisements for paper

The advertisements for proposals shall specify the minimum portion of each quality of paper required for either three months, six months, or one year, as the Joint Committee on Printing determines; but when the minimum portion so specified exceeds, in any case, one thousand reams, it shall state that proposals will be received for one thousand reams or more.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1954 ed., § 6 (Jan. 12, 1895, ch. 23, § 4, 28 Stat. 601).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

#### § 511. Opening bids; bonds

The sealed proposals to furnish paper and envelopes shall be opened in the presence of the Joint Committee on Printing who shall award the contracts to the lowest and best bidder for the interest of the Government. The committee may not consider a proposal that is not accompanied by a bond with security or certified check in the amount of \$5,000, guaranteeing that the bidder if his proposal is accepted, will enter into a formal contract with the United States to furnish the paper or envelopes specified. The Committee may not consider a proposal from a person unknown to it unless accompanied by satisfactory evidence that he is a manufacturer of or dealer in the description of paper or envelopes proposed to be furnished.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 7 (Jan. 12, 1895, ch. 23, § 5, 28 Stat. 602; June 16, 1938, ch. 477, § 3, 52 Stat. 761).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

#### § 512. Approval of paper contracts; time for performance; bonds

A contract for furnishing paper is not valid until approved by the Joint Committee on Printing. The award of a contract for furnishing paper shall designate a reasonable time for its performance. The contractor shall give bond in an amount fixed and approved by the Committee.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 8 (Jan. 12, 1895, ch. 23, § 6, 28 Stat. 602; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

#### § 513. Comparison of paper and envelopes with standard quality

The Public Printer shall compare every lot of paper and envelopes delivered by a contractor with the standard of quality fixed upon by the Joint Committee on Printing, and may not accept paper or envelopes which do not conform to it in every particular. A lot of delivered paper or envelopes which does not conform to the standard of quality may be accepted by the Committee at a discount that in its opinion is sufficient to protect the interests of the Government.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 9 (Jan. 12, 1895, ch. 23, § 7, 28 Stat. 602; June 20, 1936, ch. 630, title VIII, § 13, 49 Stat. 1553).

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

## § 514. Determination of quality of paper

The Joint Committee on Printing shall determine differences of opinion between the Public Printer and a contractor for paper respecting the paper's quality; and the decision of the Committee is final as to the United States.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 10 (Jan. 12, 1895, ch. 23, § 8, 28 Stat. 602; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

## § 515. Default of contractor; new contracts and purchase in open market

If a contractor fails to comply with his contract, the Public Printer shall report the default to the Joint Committee on Printing, and under its direction, enter into a new contract with the lowest, best, and most responsible bidder for the interest of the Government among those whose proposals were rejected at the last opening of bids, or he shall advertise for new proposals, under the regulations provided by sections 509-517 of this title. During the interval that may thus occur he may, under the direction of the Joint Committee on Printing, purchase in open market, at the lowest market price, paper necessary for the public printing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 11 (Jan. 12, 1895, ch. 23, § 9, 28 Stat. 602; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1121 of this title.

## § 516. Liability of defaulting contractor

Upon failure to furnish paper, a contractor and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of the paper consequent upon his default. The Public Printer shall report every default, with a full statement of all the facts in the case, to the General Counsel for the Department of the Treasury, who shall prosecute the defaulting contractor and his sureties upon their bond in the district court of the United States in the district in which the defaulting contractor resides.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 12 (Jan. 12, 1895, ch. 23, § 10, 28 Stat. 602; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759).

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 515, 1121 of this title.

## § 517. Purchase of paper in open market

The Joint Committee on Printing may authorize the Public Printer to purchase paper in open market when they consider the quantity required so small or the want so immediate as not to justify advertisement for proposals.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1245.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 13 (Jan. 12, 1895, ch. 23, § 11, 28 Stat. 602; Mar. 3, 1917, ch. 163, § 6, 39 Stat. 1121).

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 515 of this title.



# Government Printing & Binding Regulations

Published by the  
Joint Committee on Printing  
Congress of the United States

**NOTE:** Regulations that do not pertain to day to day printing procurement or areas that pertain to Printing Management only have not been included in this section.



# Government Printing and Binding Regulations

Published by the  
**JOINT COMMITTEE ON PRINTING**  
**U.S. CONGRESS**



**No. 25**

**November 1987**

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**U.S. Government Printing Office**  
**Washington : 1987**

100TH CONGRESS  
JOINT COMMITTEE ON PRINTING  
CONGRESS OF THE UNITED STATES

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**PLEASE NOTE:** Wendell H. Ford is currently the Chairman of the JCP and Frank Annunizio is Vice Chairman.

## LETTER OF TRANSMITTAL

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*November 1987.*

To: All Departments

The Joint Committee on Printing hereby transmits Government Printing and Binding Regulations No. 25, effective as of this date. While this volume contains no substantive changes to existing regulations, it does provide updated listings of Government Printing Office regional procurement offices and satellites, and includes copies of circular letters of general applicability that have been issued to departmental administrators since the issuance of the last edition.

As always, constructive suggestions for amendments to these regulations are welcome and invited.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Annunzio". The signature is fluid and cursive, with a large initial "F" and a stylized "A".

FRANK ANNUNZIO,  
*Chairman.*

## **AUTHORITY OF THE JOINT COMMITTEE ON PRINTING**

[Extracts from United States Code, title 44]

### **§ 103. Joint Committee on Printing: remedial powers**

The Joint Committee on Printing may use any measures it considers necessary to remedy neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications.

### **§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office**

All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

(1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere; and

(2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

Printing or binding may be done at the Government Printing Office only when authorized by law.

### **§ 502. Procurement of printing, binding, and blank-book work by Public Printer**

Printing, binding, and blank-book work authorized by law, which the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing.

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## **GOVERNMENT PRINTING AND BINDING REGULATIONS OF THE JOINT COMMITTEE ON PRINTING**

(All references to these Regulations must cite number and paragraph)

*Resolved by the Joint Committee on Printing, under authority of sections 103, 501, and 502, title 44, United States Code, That, except as otherwise provided herein, from and after April 4, 1977, the following shall supersede and repeal all regulations heretofore promulgated by the committee which are inconsistent herewith.*

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## TITLE I: DEFINITIONS

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**1-1. Printing.**—The term “printing” as used in these regulations shall be construed to include and apply to the processes of composition, platemaking, presswork, binding, and microform; the equipment as classified in the tables in Title II and used in such processes; or the end items produced by such processes and equipment.

**1-2. Composition.**—Composition as used in these regulations applies to the setting of type by hot-metal casting, phototypesetting, or electronic character generating devices for the purpose of producing camera copy, negatives, a plate or image to be used in the production of printing or microform.

**1-3. Microform.**—The term “microform,” as used in these regulations, applies to any product, produced in miniaturized image format, for mass or general distribution and as a substitute for conventionally printed material, but not including microfilming of administrative records, accounting reports, or similar items.

**2-1. Duplicating/Copying.**—The term “duplicating/copying” as used in these regulations means that material produced by use of (a) equipment listed in column 2 of the equipment tables and (b) duplicating equipment employing the lithographic process; and automatic copy-processing or copier-duplicating machines employing electrostatic, thermal, or other copying processes: *Provided*, That work exceeding 5,000 production units of any one page, and work exceeding 25,000 production units in the aggregate of multiple pages, shall not be done without prior authority of: (a) the Central Printing and Publications Management Organization as provided in paragraph 30 of these regulations; or (b) the Joint Committee on Printing.

**2-2.** A report shall be forwarded to the Committee not later than 30 days after the close of each quarter, listing individual jobs by title, quantity (pages and copies), date, and where done, which exceed either the 5,000 or 25,000 production units.

**2-3. Microform Duplicating.**—The term “Microform Duplicating,” as used in these regulations, means the production of not

more than 250 duplicates from original microform, as defined in paragraph 7-2.

**3. Department.**—The term “department”, as used in these regulations, means any executive or military department or independent agency and temporary or permanent committees and commissions of the Government.

**4-1. Printing Plant.**—The term “printing plant,” as used in these regulations, means any plant which produces “printing” as defined in paragraph 1, owned or operated wholly or in part by the Government or at Government expense, and shall include all such plants located on property owned or controlled by the Government. No printing plant shall be operated without prior authorization of the Joint Committee on Printing. No plant shall be moved from the building in which it was authorized for operation, or disestablished, without prior authority of the committee. No printing plant may be operated by a commercial contractor without prior approval of the Joint Committee on Printing.

**4-2. Authorized plants** shall be equipped to produce only that work which is not deemed to be commercially procurable. All work that can be procured within the necessary time constraints, except as provided in paragraph 49-2 of these regulations, will be forwarded to the Government Printing Office or its Regional Printing Procurement Office, as the case may be, for commercial procurement under contracts established for that purpose. Departments are required to solicit the opinion of the GPO as to the procurability of their individual printing requirements.

**4-3. Map and Chart Printing Plants.**—These plants are authorized to produce multicolor flat and/or folded maps and charts without referral to GPO procurement offices. In-house production, however, is limited to maps and charts, with all other supporting publications to be procured commercially through the GPO unless otherwise authorized by the Joint Committee on Printing. Only those departments which are authorized to operate map and chart printing plants have the option to procure map and chart work directly from commercial sources or through GPO procurement offices.

**5. Government Printing Office Regional Printing Procurement Office (GPO-RPPO).**—This term means any office, established by the Public Printer in accordance with Joint Committee on Printing authorization, which shall procure Federal printing needs which are determined to be commercially procurable. Except for orders submitted to the GPO Central Office and those placed by departments on direct-deal contracts authorized by GPO, all orders must

be forwarded to the nearest GPO-RPPO. The GPO-RPPO will determine the area of bid competition, considering all factors, including lead-time and transportation costs.

**6. Federal Printing.**—This term means all printing as defined in paragraph 1 for the use of all departments, irrespective of the place of production or procurement origin or ultimate end-use.

Determination as to where Federal printing is to be requisitioned shall be made by the head of each department through a central printing and publications management service, as defined in paragraph 30, in accordance with the collective provisions provided in paragraphs 4, 5, 28, and 46.

**7-1. Production Unit.**—A production unit means one sheet, size 8½ x 11 inches (215 x 280 mm), one side only, one color.

**7-2. Microform Production Unit.**—A production unit for microform, for the purposes of these regulations, is defined as one roll of microfilm 100 feet in length or one microfiche.

**7-3.** All production from presses of whatever size shall be computed on the basis of the unit size of press multiplied by the number of impressions obtained from the individual press concerned. For example:

	<i>Units</i>		<i>Units</i>
11 by 17 inches or less (10¾ x 14¼ maximum image).....	1	19 by 25 inches.....	4
11 by 17 inches or less, tandem (10¾ x 14¼ maximum image).....	2	22 by 29 inches.....	6
11 by 17 inches.....	2	22 by 34 inches.....	8
14 by 20 inches.....	2	23 by 36 inches.....	8
15 by 18 inches.....	2	25 by 38 inches.....	10
11 by 17 inches, tandem.....	4	23 by 36 inches, perfecting.....	16
17 by 22 inches.....	4	34 by 44 inches.....	16
		45 by 48 inches.....	24
		42 by 58 inches.....	28
		48 by 54 inches.....	30

#### ENGLISH-METRIC CONVERSION TABLE

<i>English</i>	<i>Metric Equivalent</i>	<i>English</i>	<i>Metric Equivalent</i>
10¾" x 14¼".....	273 x 362 mm	22" x 34".....	559 x 864 mm
11" x 17".....	279 x 432 mm	23" x 36".....	584 x 914 mm
14" x 20".....	356 x 508 mm	25" x 38".....	635 x 965 mm
15" x 18".....	381 x 457 mm	34" x 44".....	864 x 1118 mm
17" x 22".....	432 x 559 mm	45" x 48".....	1143 x 1219 mm
19" x 25".....	483 x 635 mm	42" x 58".....	1067 x 1473 mm
22" x 29".....	559 x 737 mm	48" x 54".....	1219 x 1372 mm

### TITLE III: GENERAL PROVISIONS

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13. **Advertisements, Commercial.**—No Government publication or other Government printed matter, prepared or produced with either appropriated or nonappropriated funds or identified with an activity of the Government, shall contain any advertisement inserted by or for any private individual, firm, or corporation; or contain material which implies in any manner that the Government endorses or favors any specific commercial product, commodity, or service.

The Committee is of the opinion that commercial advertising is not a proper or authorized function of the Government. Such advertisements are unfair to those who do not so advertise in that, whether intentionally or not, they are frequently made to appear to have the sanction of the Government. Furthermore, the publication of such advertisements is unjust to the public in that the advertisers profit thereby at the expense of the Government, particularly as a considerable number of the publications are circulated free, at least in part, under Government frank. Advertising in Government publications is also unfair to the publishers of other periodicals in that they generally cannot meet such competition, owing to the great advantage possessed by a Government publication. Another reason for objecting is that advertisers are apt to use Government periodicals for the purpose of currying favor with the officers issuing the same or the special class among whom such publications are circulated. This is a temptation that the Government ought not to encourage.

14. **Art Signatures.**—When the size of signatures on freehand art is out of proportion or relation to the design, the copy is unacceptable and shall not be printed unless the signature is removed or sufficiently reduced in size. Signatures of technical illustrators, designers, typographers, or layout artists shall not be printed.

15. **Courtesy Credit Lines.**—Courtesy credit lines are permissible only for uncopyrighted materials contributed or loaned by nongovernmental parties. They shall be subordinate in size of type to that of both text and legends for illustrations. When all materials have

come from a single nongovernmental source, credit lines shall be given only in an undisplayed paragraph.

**16-1. Publication Bylines.**—The printing of Government employees' bylines in Government publications shall be confined to the authors of the articles appearing therein, and to the photographers who have originated the pictures contained therein. The authors' and photographers' bylines shall be printed in exact juxtaposition with the articles or pictures which they have created.

**16-2. Publication Mastheads.**—The printed mastheads of Government publications shall include the name of the publishing department or agency and its issuing bureau, branch, or office, together with the names of the department or agency head and the head of the issuing bureau, branch, or office. Additional names shall include only the names of the executive or managing editor, sports editor, feature editor, photo editor, and art editor, or their editorial equivalent officers by whatever title they are identified, unless otherwise authorized by the Joint Committee on Printing.

**17. Copyright Notices.**—Copyright notices shall be subordinated in size of type to that of both text and legends for illustrations. When privately copyrighted material is reprinted in a Government publication, notice of copyright is essential in order that the public not be misled.

**18-1. Color Printing.**—The committee recognizes that printing in two or more colors generally increases costs. Consequently, it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multi-color printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included.

**18-2. Demonstrably valuable multicolor printing, for the purpose of these regulations, includes the following categories:**

- (a) Maps and technical diagrams where additional color is necessary for clarity.
- (b) Object identification (medical specimens, diseases, plants, flags, uniforms, etc.).
- (c) Safety programs, fire prevention, savings bonds programs, and competitive areas of personnel recruiting.
- (d) Areas wherein clearly identifiable savings in costs can be soundly predicated on multicolor use.
- (e) Printing for programs required by law, whose relative success or failure is in direct ratio to the degree of public response, and where that response can be logically attrib-

utable to the number of colors planned and the manner in which they are proposed to be used.

- (f) Color for promotional or motivational purposes such as programs concerning public health, safety, consumer benefits; or to encourage utilization of Government facilities such as programs for Social Security, Medicare, and certain areas of need for veterans would come within this category.

18-3. Multicolor printing which does not meet the demonstrably valuable contribution requirement of these regulations, includes but is not exclusively limited to the following categories:

- (a) Printed items wherein additional color is used primarily for decorative effect.
- (b) Printed items where additional color is used primarily in lieu of effective layout and design.
- (c) Printed items where additional color is used excessively, i.e., four colors when two or three will fulfill the need; three colors when two are adequate; two colors when one is adequate.
- (d) Printed items wherein the inclusion of multicolor does not reflect careful, competent advanced planning which recognizes the contribution the use of color is expected to make to the ultimate end-purpose.

19. Illustrations.—Illustrations are to be used in Government printed matter only when they:

- (a) Relate entirely to the transaction of public business, and are in the public interest.
- (b) Relate directly to the subject matter and are necessary to explain the text.
- (c) Do not serve to aggrandize any individual.
- (d) Are in good taste and do not offend proper sensibilities.
- (e) Are restricted to the minimum size necessary to accomplish their purpose.
- (f) Illustrate employees actually engaged in an act or service related to their official duties.

20. Cards: Calling, Greeting.—Printing or engraving of calling or greeting cards is considered to be personal rather than official and shall not be done at Government expense.

21. Blank Books.—Blank books not available through General Services Administration but regularly carried in stock by commercial dealers and which require no printing and/or binding operation after receipt of order may be procured without obtaining a waiver from the Government Printing Office: *Provided*, That no

order or orders for each type of blank book exceeds \$500 in any one year.

**22-1. Calendars, Date: Desk and Wall.**—Standardized Government desk and wall calendars are the only calendars which departments are authorized to obtain at Government expense, and shall be ordered from the General Services Administration.

**22-2. Style, size, and format of the standardized wall calendar,** to be procured from the Government Printing Office, shall be subject to approval of the Joint Committee on Printing.

Schedule and appointment sheets are not considered to be calendars.

**23. Certificate of Necessity.**—Section 1103, title 44, United States Code:

When a department, the Supreme Court, or the Library of Congress requires printing or binding to be done, it shall certify that it is necessary for the public service. . . .

**24-1. Correspondence and Liaison With Committee.**—All official correspondence for the consideration of the Joint Committee on Printing is to be signed by the head of the department or a formally designated official. The Committee shall be notified in writing by the head of the department of any official so designated.

In order to ensure prompt delivery, all official correspondence should be addressed as follows:

*Chairman, Joint Committee on Printing  
U.S. Senate Post Office  
Washington, DC 20510-6606*

**24-2. All matters pertaining to printing** (composition, platemaking, presswork, binding, and microform), and the distribution of printed matter, shall be referred to the Committee by and through one designated source in each department.

**25. Form and Style of Work for Departments.**—The head of each department shall cause printing and binding for general use to be standardized. With respect to printing which is requisitioned from the Government Printing Office, attention is again directed to section 1105, title 44, United States Code, which provides that—

The Public Printer shall determine the form and style in which the printing or binding ordered by a department is executed, and the material and the size of type used, having proper regard to economy, workmanship, and the purposes for which the work is needed.

The Government Printing Office Style Manual, approved by the Joint Committee on Printing, was specifically compiled and published to meet the requirements of this law. It is the opinion of the

committee that deviations therefrom generally constitute a waste in public printing and binding.

**26-1. Forms, Standard, Approval and Procurement of.**—Standard forms are subject to the approval of the General Services Administration, or, in certain cases, the General Accounting Office or other responsible agency.

**26-2.** Stock standard forms shall be obtained from the Federal Supply Service (FSS) unless otherwise authorized by the General Services Administration. Deviations from stock standard forms shall be submitted to the FSS for approval prior to procurement through the Government Printing Office.

**27-1. Journals, Magazines, Periodicals, and Similar Publications.**—The committee invites attention to section 1108, title 44, United States Code, relating to periodicals which reads as follows:

The head of an executive department, independent agency or establishment of the Government, with the approval of the President, may use from the appropriations available for printing and binding such sums as are necessary for the printing of journals, magazines, periodicals, and similar publications he certifies in writing to be necessary in the transaction of the public business required by law of the department, office, or establishment. There may be printed, in addition to those necessary for the public business, not to exceed two thousand copies for free distribution by the issuing department, office, or establishment. The Public Printer, subject to regulation by the Joint Committee on Printing, shall print additional copies required for sale to the public by the Superintendent of Documents; but the printing of these additional copies may not interfere with the prompt execution of printing for the Government.

**27-2.** The term "journals, magazines, periodicals, and similar publications", as used in above section, shall be construed as not applying to strictly administrative reports, memoranda, and similar materials, or to strictly statistical materials, and information required exclusively for the official use of the issuing office or service in the transaction of its routine business. Such information shall be construed as being required exclusively for the use of the issuing office or service in the transaction of its routine business if not more than 2,000 copies, or not more than 10 percent of the total quantity printed, whichever is lesser, are for free distribution to other than the issuing department, office, or establishment, its official established auxiliary organizations, and other individuals and organizations required to be kept informed in the transaction of the routine business of the department, office, or establishment.

**28. Legal Requirements.**—Sections 501 and 502, title 44, United States Code:

**SEC. 501.** All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every

executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

(1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere; and

(2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

Printing or binding may be done at the Government Printing Office only when authorized by law.

SEC. 502. Printing, binding, and blank-book work authorized by law, which the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing.

**29. Legality and Necessity.**—No printing, binding, or blank-book work shall be done at the Government Printing Office or at any other printing or binding office, plant, or school of the Government unless authorized by law. (See secs. 501 and 1123, title 44, U.S.C.) All printed matter issued shall be devoted to the work which the branch or officer of the Government issuing the same is required by law to undertake, and shall not contain matter which is unnecessary in the transaction of the public business or matter relating to work which any other branch of the Government service is authorized to perform. (See secs. 1102, 1113, and 1118, title 44, U.S.C.)

**30. Central Printing and Publications Management Organization.**—Heads of departments shall maintain under their direct supervision a central printing and publications management organization with responsibility for the conduct of a coordinated program controlling the development, production, procurement or distribution of materials through the utilization of conventional printing and binding methods or through the utilization of multiple copy microform methods. The central printing and publications management organization also will maintain responsibility and control of duplicating equipment and automatic copy-processing or copier-duplicating machines, as identified in column 2 of the equipment tables. (*Please see JCP letter of February 15, 1979, on p. 57.*)

**31. Mailing Lists.**—All departments shall make necessary revisions in their mailing lists at least once each year in order to eliminate waste in Government funds caused by publications being improperly addressed or mailed to persons no longer desiring them. This method of revision shall require that persons receiving publications indicate that they wish to continue receiving the publication. Failure to reply to a mailing list revision request shall require the elimination of the addressee from the mailing list unless it is necessary in the conduct of official business to continue mailing publications to the addressee. It is the judgment of the Joint Com-

mittee on Printing that the use of titles on mailing lists in lieu of names will reduce the cost of list maintenance.

**32. Mailing: Self-Mailer Technique.**—The penalty or postage indicia and mailing address shall be imprinted directly upon printed materials rather than using separate envelopes for mailing whenever such technique will prove feasible and economical, and in accordance with existing postal regulations.

**33. Neglect, Delay, Duplication, or Waste.**—The attention of the Committee should be promptly called to “any neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications.”

**34-1. Paper, Standardization of.**—The Committee invites attention to section 509, title 44, United States Code, relating to standards of paper, which reads as follows:

The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer, under their direction, shall advertise in six newspapers or trade journals, published in different cities, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing. The Public Printer shall furnish samples of the standard of papers fixed upon to applicants who desire to bid.

**34-2.** The “Government Paper Specification Standards” establishes specification standards of paper for the public printing and binding for the U.S. Government, including paper to be used on copying and duplicating devices as defined in paragraph 2. Unless otherwise authorized by the Joint Committee on Printing, these specifications and standards are mandatory for use by the departments of the Government in the preparation of procurement documents for paper stocks and in specifying paper stocks to be used in printing, binding, or duplicating. It is the opinion of the Committee that types, grades, or weights, other than those given under these standards generally constitute waste in public printing, and it is directed that the procurement or use of such paper types, grades, or weights, for printing, binding, or duplicating be discontinued.

**34-3.** Semiannual and annual contracts for paper, in general, are not in the best interests of the Government. Such procurement practices should be used only when savings in costs are clearly demonstrable.

**34-4.** The Public Printer is authorized and directed to furnish at cost to the departments such copies of these standards, and standard samples, as they may require in the transaction of the public business.

**35-1. Printing Requirements Resulting From Contracts for Equipment and Services.**—The Joint Committee on Printing does not intend that contractors shall become prime or substantial sources of printing for departments or agencies. Therefore, the inclusion of printing, as defined in paragraph 1, within contracts for the manufacture and/or operation of equipment and for services such as architectural, engineering, and research, is prohibited unless authorized by the Joint Committee on Printing.

**35-2.** This regulation does not preclude the procurement of writing, editing, preparation of manuscript copy, or preparation of related illustrative material as a part of contracts; or administrative printing, e.g., forms and instructional materials necessary to be used by the contractor to respond to the terms of a contract. Nor does it preclude recording manuscript copy in digital form for typesetting purposes provided coding instructions have been approved by the Central Printing and Publications Management Office. However, the printing of such material for the Government must be accomplished in accordance with printing laws and regulations.

**35-3.** A requirement for a contractor to duplicate less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages for the use of a department or agency, will not be deemed to be printing primarily or substantially for a department or agency. For the purpose of this paragraph, such pages may not exceed a maximum image size of 10¾ by 14¼ inches.

**35-4.** A requirement for a contractor to produce or procure less than 250 duplicates from original microform, as defined in paragraph 7-2, will not be deemed to be printing primarily or substantially for a department or agency.

**36-1. Printing Requirements Resulting From Grants.**—The Joint Committee on Printing does not intend that grantees shall become prime or substantial sources of printing for the use of departments and agencies. Therefore, the inclusion of printing, as defined in paragraph 1, within grants is prohibited unless authorized by the Joint Committee on Printing.

**36-2.** This regulation does not preclude—

- (a) The issuance of grants by any department or agency for the support of nongovernment publications, provided such grants were issued pursuant to an authorization of law and were not made primarily or substantially for the purpose of having material printed for the use of any department or agency.
- (b) The publication of findings by grantees within the terms of their grants provided that such publication is not pri-

marily or substantially for the purpose of having such findings printed for the use of a department or agency.

- (c) The initiation by departments and agencies of the procurement of writing, editing, preparation of manuscript copy, or preparation of related illustrative material from grantees; or the administrative printing requirements of the grantee required to respond to the terms of the grant. Nor does it preclude recording manuscript copy in digital form for typesetting purposes provided coding instructions have been approved by the Central Printing and Publications Management Office. However, the printing of such material for the Government must be accomplished in accordance with printing laws and regulations.

**36-3.** A requirement for a grantee to duplicate less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages of his findings for the use of a department or agency, will not be deemed to be printing primarily or substantially for a department or agency. For the purpose of this paragraph, such pages may not exceed a maximum image size of 10¾ by 14¾ inches.

**36-4.** A requirement for a grantee to produce or procure less than 250 duplicates from original microform, as defined in paragraph 7-2, will not be deemed to be printing primarily or substantially for a department or agency.

**37. Private or Commercial Work.**—No work of a private or commercial nature may be accomplished at any Government plant even though the Government is reimbursed therefor. (See secs. 1102 and 1118, title 44, U.S.C.)

**38. Publications, by Private Publishers.**—When a department uses appropriated funds to create information for publication, the printing and binding of that information is subject to the provisions of sections 103 and 501 of title 44, United States Code, and it shall not be made available to a private publisher for initial publication without the prior approval of the Joint Committee on Printing.

**39-1. Publications, Free Distribution of.**—Departments shall not make free distribution of any publication to any private individual or private organization in quantities exceeding 50 copies without prior approval of the Joint Committee on Printing. This quantity limitation shall not apply when the production cost of the publication to be distributed is less than \$100.

39-2. Requests for Committee approval shall list the name of the publication, the name of the person or organization desiring the same, and the number of copies desired.

39-3. This restriction includes the free distribution in bulk of any material to private individuals or organizations for redistribution to names on their mailing lists. Committee approval is not required when the initiative for distribution through nongovernmental facilities is taken by departments. (See also sec. 3204, title 39, U.S.C.)

**40. Publications, Identification of.**—All documents and publications printed at Government expense shall have printed thereon the name of the branch, bureau, department, or office of the Government responsible for publishing the same, the date of issuance, the title, subtitle, and series title and number when applicable.

**41-1. Publications, Sale of by Superintendent of Documents.**—The Superintendent of Documents will sell only those publications printed by the Government Printing Office or ordered printed through the Government Printing Office or the Government Printing Office Regional Printing Procurement Offices. This restriction on sale shall not affect the continued Catalog listing by the Superintendent of Documents of publications which are not printed by or ordered printed through the Government Printing Office. Nothing in this paragraph shall be construed as modifying or repealing provisions of sections 1702, 1711, and 1720 of title 44, United States Code.

**41-2. Section 1902, title 44, United States Code provides:**

Government publications, except those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information. Each component of the Government shall furnish the Superintendent of Documents a list of such publications it issued during the previous month, that were obtained from sources other than the Government Printing Office.

To meet the requirement of Monthly Catalog listing of Government publications by the Superintendent of Documents, each agency printing officer shall forward two copies of those types of Government publications cited in section 1902, title 44, United States Code, which are produced or procured through other than GPO sources to the Director, Library Programs Service (SL), Government Printing Office, Washington, DC 20401.

**42. Responsibility for Application and Enforcement of Regulations.**—The head of each department is responsible for the application and enforcement of these regulations and other applicable reg-

ulations and legislative provisions. (*Please see JCP letter of February 15, 1979, on p. 57.*)

**43-1. Stationery, Embossed.**—The Public Printer may furnish, upon requisition, to the President of the United States, members of his Cabinet, and the Department of State (for diplomatic correspondence exclusively), such quantities of embossed stationery as may be necessary for official use. The Comptroller General, the Librarian of Congress, the Public Printer, the head of each permanent commission, independent establishment or board, and the judges of the U.S. Courts may requisition embossed noteheads or letterheads not to exceed 5,000 copies in the aggregate, and envelopes therefor in any one fiscal year: *Provided*, That greater quantities may be furnished upon the approval of the Joint Committee on Printing. The Public Printer shall not honor requests from any Government activity for embossing second sheets or other than standard-size envelopes. No embossed stationery other than listed above shall be produced or procured at Government expense unless authorized by the Joint Committee on Printing.

**43-2.** The provisions apply also to thermographic printing.

**44. Stationery, Personalized.**—The printing of names of officers or officials of the executive or judicial branches of the Government on official stationery and preprinted mastheads may be accomplished only after approval by the Joint Committee on Printing. Addresses and telephone numbers should be omitted in order to allow greater distribution and prevent the creation of “frozen” stocks frequently caused by changes. The Committee directs that no personalized second sheets shall be produced or procured at Government expense.

**45. Stationery: Sizes, Quality, Weight, Printing Thereon, etc.**—The Committee directs attention to the Federal Property Management Regulation which prescribes standards (sizes, grades and weights of paper, and colors of ink and paper) to be used for printing stationery and envelopes for official Government correspondence.

**46-1. Waiver, Purchase of Printing by.**—Section 504, title 44, United States Code provides:

The Joint Committee on Printing may permit the Public Printer to authorize an executive department, independent office, or establishment of the Government to purchase direct for its use such printing, binding, and blank-book work, otherwise authorized by law, as the Government Printing Office is not able or suitably equipped to execute or as may be more economically or in the better interest of the Government executed elsewhere.

46-2. Pursuant to the above, the Public Printer is permitted to return to any department of the Government any written requisition for printing, binding, and blank-book work, otherwise authorized by law, as in his opinion he is neither able nor suitably equipped to execute or which may be more economically, or in the better interest of the Government, procured elsewhere than at the Government Printing Office or one of the Government Printing Office Regional Printing Procurement Offices. In all such instances he is hereby permitted to authorize such Government activity to procure the work direct from other sources. Such waiver, when granted, shall not be construed as an exemption from the provisions of these regulations. Upon all such returned requisitions the Public Printer shall endorse a statement that the action taken is in accordance with the provisions of section 504, title 44, United States Code.

46-3. All procurement by waiver must be identified by number and date of issuance and reported on JCP Form No. 2, "Commercial Printing Report."

46-4. No department requisitioning printing from the Government Printing Office or one of the Government Printing Office Regional Printing Procurement Offices shall anticipate the release of any requisition for direct procurement, until so advised by the Public Printer.

47. **Printing Facilities of Federal Prison Industries, Inc.**—These facilities may be used for the production of unclassified printing. Printing services are available at the following seven locations<sup>2</sup> and may be used by sending a purchase order direct to any one of them:

- c/o Warden; Federal Correctional Institution  
Lompoc, CA 93436
- c/o Warden; Federal Correctional Institution  
Leavenworth, KS 66048
- c/o Warden; Federal Correctional Institution  
Lexington, KY 40511-8799
- c/o Warden; Federal Correctional Institution  
Sandstone, MN 55072
- c/o Warden; Federal Correctional Institution  
Ray Brook, NY 12977
- c/o Warden; Federal Correctional Institution  
Fort Worth, TX 76119-5996

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<sup>2</sup> Since the printing of the 1977 regulations, one plant was deauthorized, and six were added to the Federal Prisons Industries, Inc. There is a printing plant in Ashland, KY, but it is for training only.

c/o Warden; Federal Correctional Institution  
Petersburg, VA 23804-1000

Where the form of purchase order contains the Convict Labor clause that clause should be deleted.



# **EXCERPT FROM**

## **TITLE 44 U.S. CODE**

### **§ 509. Standards of paper; advertisements for proposals; samples**

The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer, under their direction, shall advertise in six newspapers or trade journals, published in different cities, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing. The Public Printer shall furnish samples of the standard of papers fixed upon to applicants who desire to bid.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1244.)

#### **HISTORICAL AND REVISION NOTES**

Based on 44 U.S. Code, 1964 ed., § 5 (Jan. 12, 1895, ch. 23, § 3, 28 Stat. 601; Mar. 3, 1925, ch. 421, § 1, 43 Stat. 1105).

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 515, 1121 of this title.

# **EXCERPT FROM**

## **JOINT COMMITTEE ON PRINTING REGULATIONS**

**34-1. Paper, Standardization of.**—The Committee invites attention to section 509, title 44, United States Code, relating to standards of paper, which reads as follows:

The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer, under their direction, shall advertise in six newspapers or trade journals, published in different cities, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing. The Public Printer shall furnish samples of the standard of papers fixed upon to applicants who desire to bid.

**34-2.** The "Government Paper Specification Standards" establishes specification standards of paper for the public printing and binding for the U.S. Government, including paper to be used on copying and duplicating devices as defined in paragraph 2. Unless otherwise authorized by the Joint Committee on Printing, these specifications and standards are mandatory for use by the departments of the Government in the preparation of procurement documents for paper stocks and in specifying paper stocks to be used in printing, binding, or duplicating. It is the opinion of the Committee that types, grades, or weights, other than those given under these standards generally constitute waste in public printing, and it is directed that the procurement or use of such paper types, grades, or weights, for printing, binding, or duplicating be discontinued.

**34-3.** Semiannual and annual contracts for paper, in general, are not in the best interests of the Government. Such procurement practices should be used only when savings in costs are clearly demonstrable.

**34-4.** The Public Printer is authorized and directed to furnish at cost to the departments such copies of these standards, and standard samples, as they may require in the transaction of the public business.



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**Wednesday  
June 22, 1988**

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**Part VII**

**Environmental  
Protection Agency**

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**40 CFR Part 250**

**Guideline for Federal Procurement of  
Paper and Paper Products Containing  
Recovered Materials; Final Rule**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 250**

(SWH-FRL 3385-7)

**Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials****AGENCY:** U.S. Environmental Protection Agency.**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) today is issuing a revised guideline for Federal procurement of paper and paper products containing recovered materials. The revised guideline supersedes the final paper procurement guideline promulgated by EPA on October 6, 1987 (52 FR 37293). It provides for the use of postconsumer recovered materials in most grades of paper; in the case of printing and writing papers, it provides for the use of waste paper, while in the case of cotton fiber papers, it provides for the use of recovered materials.

The guideline implements Section 6002(e) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, which requires EPA (1) to designate items which can be produced with recovered materials and (2) to prepare guidelines to assist procuring agencies in complying with the requirements of Section 6002. Once EPA has designated an item, Section 6002 requires that any procuring agency using appropriated Federal funds to procure that item must purchase such items containing the highest percentage of recovered materials practicable.

This guideline designates paper and paper products as items for which the procurement requirements of RCRA Section 6002 apply. The guideline also contains recommendations for implementing the Section 6002 procurement requirements, as well as the requirements to revise specifications. Revisions to the guideline recommend the use of specific minimum content standards, define "waste paper" and "cotton fiber content papers," and make recommendations regarding data gathering to meet the annual review and monitoring requirement.

**EFFECTIVE DATES:** The revised guideline is effective June 22, 1988. Procuring agencies must implement the requirements of RCRA Section 6002 with

respect to procurement of paper and paper products according to the following schedule:

Completion of specification revisions and development of affirmative procurement programs: June 22, 1989.

Commencement of procurement of paper and paper products in accordance with RCRA Section 6002: June 22, 1989.

**ADDRESS:** The public docket for this guideline may be inspected in Room LG-100, U.S. EPA, 401 M Street, SW., Washington, DC from 9:00 am to 4:00 pm, Monday through Friday, excluding holidays. To review docket materials, the public must make an appointment by calling (202) 475-9327. Materials may be copied from any regulatory docket at a cost of 15 cents per page. Copying totaling less than \$15 is free.

**FOR FURTHER INFORMATION CONTACT:** RCRA Hotline, toll-free, at (800) 424-9346 or at (202) 382-3000. For technical information, contact William Sanjour, Office of Solid Waste, WH-563, U.S. EPA, 401 M Street, SW., Washington, DC 20460, telephone: (202) 382-4502.

**SUPPLEMENTARY INFORMATION:****Preamble Outline**

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**I. Authority**

This revised guideline is issued under the authority of Sections 2002(a) and 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a) and 6962.

**II. Introduction****A. Purpose and Scope**

The Environmental Protection Agency (EPA) today is revising the final paper procurement guideline, which is one in a series of guidelines designed to encourage the use of products containing materials recovered from solid waste. Section 6002 of the Resource Conservation and Recovery Act of 1976, as amended ("RCRA" or "Act"), 42 U.S.C. 6962, states that if a Federal, State, or local procuring agency uses Federal funds to purchase certain designated items, such items must be composed of the highest percentage of recovered materials practicable. EPA required to designate such items and to prepare guidelines to assist procuring

agencies in complying with the requirements of Section 6002.

EPA issued the first of these guidelines, for cement and concrete containing fly ash, on January 28, 1983 (48 FR 4230; 40 CFR Part 249). A second guideline, for paper and paper products containing recovered materials, was issued on October 6, 1987 (52 FR 37293; 40 CFR Part 250); EPA concurrently proposed minimum recovered materials content standards for paper and paper products. A third guideline, for asphalt materials containing ground tire rubber, was proposed on February 20, 1988 (51 FR 6202). A fourth guideline, for engine lubricating oils, hydraulic fluids, and gear oils containing re-refined oils, was proposed on October 19, 1987 (52 FR 38838). EPA also proposed a guideline for procurement of retread tires on May 2, 1988 (53 FR 15624).

Today EPA is revising the final guideline for paper and paper products to incorporate the proposed amendments. Because EPA is changing its recommendation for the preference program component of the affirmative procurement program and this change affects all other requirements and recommendations, the revised guideline supersedes the previous (October 6, 1987) final guideline. Note that most provisions of the October 6, 1987 final guideline are not changed in the revised final guideline; EPA is including a discussion of these provisions in the preamble today as a convenience to the reader.

#### *B. Requirements of Section 6002*

Section 6002 of the Act, "Federal Procurement," directs all procuring agencies that use Federal funds to procure items that contain the highest percentage of recovered materials practicable, and in the case of paper, postconsumer recovered materials, provided that reasonable levels of competition, cost, availability, and technical performance are maintained. Two factors trigger this requirement. First, EPA must designate items to which this requirement applies. Second, the requirement applies only when the purchase price of the item exceeds \$10,000 or when the quantity of such items or of functionally equivalent items purchased or acquired in the course of the preceding fiscal year was \$10,000 or more.

Section 6002(c) requires procuring agencies to obtain from suppliers an estimate of and certification regarding the percentage of recovered materials contained in their products.

Federal agencies responsible for drafting or reviewing specifications for procurement items were required under

Section 6002(d)(1) to review and revise the specifications by May 8, 1986 in order to eliminate both exclusions of recovered materials and requirements that items be manufactured from virgin materials. In addition, within one year after the date of publication of a procurement guideline by EPA, the Federal agencies must revise their specifications to require the use of recovered materials in such items to the maximum extent possible without affecting the intended use of the item.

Section 501 of the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616) added paragraph (i) to Section 6002 of RCRA. This provision requires procuring agencies to develop an affirmative procurement program for procuring items designated by EPA. The program must assure that items composed of recovered materials will be purchased to the maximum extent practicable, be consistent with applicable provisions of Federal procurement law, and contain at least four elements:

- (1) A recovered materials preference program;
- (2) An agency promotion program;
- (3) A program for requiring estimates, certification, and verification of recovered material content; and
- (4) Annual review and monitoring of the effectiveness of the procurement program.

Under Section 6002(e), EPA is required to issue guidelines for use by procuring agencies in complying with the requirements of Section 6002. The EPA guidelines must provide recommendations for procurement practices and information on availability, relative price, and performance.

#### *C. Rationale for Selecting Paper and Paper Products Containing Recovered Materials for a Procurement Guideline*

In the preamble to the fly ash guideline, EPA established criteria for the selection of procurement items for which guidelines will be prepared. Section 6002(e) of RCRA specifically directs the EPA Administrator to issue a procurement guideline for paper, however. The term "paper" is construed by EPA to include paperboard and paper products also. Since Congress already has selected paper and paper products as appropriate subjects for a procurement guideline, it is not necessary for EPA to determine that they are an appropriate subject for a guideline nor to demonstrate that paper and paper products satisfy the EPA criteria.

### **III. Background Information on Using Recovered Materials in Paper and Paper Products**

#### *A. Introduction*

In 1986, about 80 million tons of paper and paper products were consumed in the U.S.A., of which about 21.6 million tons were recovered for recycling and about 50 million tons were disposed of, primarily in municipal solid waste landfills. This is about half of all manufactured product waste appearing in municipal solid waste and about 35 percent of all municipal solid waste discarded (principally from households, commercial businesses, and institutions). By any measure, paper and paper products constitute a major portion of solid waste in this country.

The nation spends more than \$9 billion annually on solid waste disposal. Most communities are running out of landfill capacity, and the siting of new landfills has become very difficult. Thus, activity to promote recovery and reuse of paper and paper products is a matter of national priority both to reduce the cost of disposal and to extend the life of existing landfills.

It should be noted, however, that paper and paper product disposal is not known to be a significant threat to human health or the environment as the wastes are generally nonhazardous in character. Thus, while the disposal of paper does not present an urgent need for immediate solution from the health and environment viewpoint, it is being addressed because many areas of the U.S. are running out of disposal options for all wastes and face serious crises unless the solid waste streams can be reduced and/or disposed of in an acceptable manner.

#### *B. Use of Recovered Materials in Paper and Paper Products*

Within the paper industry and its suppliers, discarded paper recovered for use in manufacturing processes is called waste paper, recyclable paper, or paper stock. It is often kept separate from mixed refuse at the businesses and residences where it is discarded. For example, businesses may separate and bale used corrugated containers to be picked up by a waste paper dealer, and people may separate newspapers in their homes to be donated to a local paper drive for a charity. Some businesses and institutions separate office papers in office buildings by means of a desk top sorting container or other ways. Waste paper that is separated and collected is then customarily transferred to a waste paper dealer, who prepares the paper for

shipment by baling or other means, and sells the waste paper to a paper mill.

At the paper mill, waste paper is mixed with water in a large vessel with rotating beaters at the bottom similar to but larger than a kitchen blender. The beating process separates the paper fibers and forms a slurry pulp. This recycled pulp is similar in appearance to virgin pulp prepared from wood. Recycled pulp is then cleaned and washed as necessary. In some recycling processes, the recycled pulp is washed with chemicals to remove inks, adhesive, and other contaminants. This process is referred to within the paper industry as "deinking". After deinking, the recycled pulp is equivalent to virgin pulp. Both recycled and virgin pulps are formed into paper and paper products in a similar fashion.

Paper products are manufactured from either virgin or recovered materials, or combinations of the two, by various manufacturers. Tests have shown that for a given product grade there is a wide variation in all measurable characteristics depending on particular manufacturers or particular production runs at a given mill. Products from both virgin and recovered materials generally fall into the same range of variability and frequently, they cannot be distinguished by the typical end user.

However, recycled paper fibers do tend to be shorter than virgin fibers because of the recycling process. The short fibers may cause recycled paper to be weaker than an otherwise equivalent virgin sheet, but the sheet will also have a higher opacity. In paperboard products, the recycled grade is sometimes produced at a somewhat higher caliper (thickness) than the equivalent virgin fiber product to ensure similar performance characteristics. Paper and paperboard manufacturers can generally manufacture products that meet customer specifications by taking into account the characteristics of paper made from recovered material. For some products the recycled fiber characteristics are preferred; for most there need not be any differences distinguishable by the end user.

Some recycled fiber is derived from paper containing printing, or from paper that has other materials such as coatings or adhesives on it. Paper made from these recovered materials sometimes does not have quite the same appearance as virgin paper. It is not quite as bright, or as white, or has a grayish or bluish tint, and it is sometimes speckled in appearance. Recycled paper manufacturers can bleach and brighten the paper and clean contaminants from the pulp. Coatings can also be added to the paper surface

to enhance its "whiteness" and "brightness". These processes allow paper made from recovered materials to meet customer specifications.

EPA concludes that as a general rule, paper containing recovered materials can be manufactured to meet customer specifications. Commenters have questioned whether paper made from recovered materials is always available at all locations at a reasonable price. This concern is addressed later in this preamble.

### C. Recovered Materials

As previously explained, RCRA requires EPA to designate items which can be produced with "recovered materials." Section 6002(h) of RCRA divides the universe of recovered paper materials into (1) postconsumer materials and (2) manufacturing, forest residues, and other wastes. Postconsumer materials are items which have passed through their end-use as a consumer item and would include old newspapers, magazines, used corrugated containers, and office waste paper. The Hazardous and Solid Waste Amendments of 1984, amended Section 6002 to require that, in the case of paper, the guideline would maximize the use of postconsumer recovered material.

The second category of recovered paper materials under RCRA—manufacturing, forest residues, and other wastes—are preconsumer wastes. These would include manufacturing wastes like paper and paperboard waste, bag, box and carton waste, printed paper which has never reached the consumer, and obsolete inventories. Other preconsumer waste papers include fibrous byproducts and other forest residues from manufacturing or woodcutting processes. Additional examples of this type of waste paper are those generated by the conversion of goods made from fibrous materials such as waste rope from cordage manufacture and textile mill waste and cuttings used in production of cotton fiber papers.

Preconsumer waste paper use is already at a high level. Increasing the demand for paper products containing recovered materials therefore requires that postconsumer waste paper be used. While the use of postconsumer recovered materials is emphasized in RCRA Section 6002, it is also beneficial to increase the usage of preconsumer waste materials in paper and paper products. Thus, for example, as demand increases for a wider range of paper and paper products, manufacturers of products that are currently made with preconsumer materials will have to use larger quantities of postconsumer recovered materials to meet their raw

materials (i.e., recovered paper) supply needs.

For purposes of the paper and paper products guideline, EPA distinguishes between recovered materials, postconsumer recovered materials, and waste paper. As is explained in more detail below, the term "recovered materials" is comprehensive and, as in the statute, refers to the complete universe of recovered paper products. The term "postconsumer recovered material" similarly is used as defined in RCRA. The term "waste paper," used in connection with printing/writing papers, refers to all postconsumer recovered materials as well as to preconsumer waste paper from some sources. It does not include fibrous byproducts from forestry, waste generated by the conversion of goods made from fibrous material, and fibers recovered from waste water that would otherwise enter the waste stream.

### D. Performance

The performance of printing/writing papers and fiber boxes containing recovered materials is often questioned. As noted in the proposed amendments (52 FR 37337), comments received by EPA suggested that few manufacturers of printing/writing paper would be able to meet a minimum content standard for postconsumer recovered material. As a result, EPA reviewed information about the technical performance of these products.

#### 1. Printing/Writing Papers.

Performance testing of paper containing recovered material is a continuing activity of paper manufacturers. In some instances, the evaluation of the reports of these organizations was complicated by the fact that the recovered materials used were not precisely identified as either postconsumer recovered materials or waste paper. The reports of these organizations indicate, however, that acceptable performance is possible in most grades of paper and paper products made from recovered materials. The use of preconsumer waste paper is common in printing and writing papers, although the use of postconsumer recovered materials is limited.

A common fear is that paper containing postconsumer recovered materials causes difficulty in printing and high-speed copier machines. EPA has reviewed documentation from state printing agencies and private sector printers and has found that this is a common reaction by pressmen. In many states, printers have refused to use

paper made from recovered materials. However, several states have had many years of experience in printing with such paper, after having first overcome adverse reactions by pressmen. These states report that while there is some difficulty in using printing paper containing postconsumer recovered materials, it is no more than with other economy grades of printing paper. Therefore, procuring agencies and agencies that revise and write specifications should carefully identify the performance expected of the product so that acceptance or rejection is based on verifiable tests rather than preconceived perceptions.

EPA has obtained results of laboratory tests for both virgin paper and paper made from recovered materials.<sup>1</sup> These test results provide additional verification that paper made from recovered materials can and does meet the same standards as virgin paper for many categories of printing/writing papers. This is especially true in the economy grades typically purchased in competitive bids by public agencies.

## 2. Fiber Boxes

The primary standards for linerboard (the facing material of corrugated containers) and fiber boxes are set by Uniform Freight Regulations and are measures of basic weight and mullen (burst strength). These standards are currently under review. The contemplated changes would replace the mullen test with a "crush" test that would enable linerboard manufacturers to use a percentage of postconsumer recovered materials. (In fact, there are a few mills including one or more new mills that produce linerboard made of 100 percent postconsumer waste paper.) Federal procurement of kraft linerboard containing postconsumer recovered materials is practicable because it is now produced by a number of manufacturers. In addition about one-quarter of the corrugating medium used to produce boxes is "recycled medium" and contains essentially all postconsumer recovered materials.

## E. Major Federal Purchasers

The major Federal purchasers of paper, and, therefore, the agencies most likely to be affected by this guideline are the Government Printing Office (GPO), which operates under the direction of the Congressional Joint Committee on Printing (JCP); the General Services Administration (GSA); and the Department of Defense (DOD). On advice of its Committee on Paper

Specifications, which includes representatives from GPO, JCP adopts specifications and standards for printing and writing grades of paper. GSA adopts specifications for all other paper and paper products. DOD further reviews these standards and drafts additional specifications, as necessary, to establish military standards for some of the items it procures.

## IV. Discussion of guideline

This section of the preamble summarizes and explains the basis for each section of the revised final guideline and responds to comments received on the proposed amendments to the October 1987 final guideline. Section V discusses recommendations as to price, competition, availability, and performance, while Section VI discusses implementation of the revised guideline.

As used in this and following sections of the preamble, the term "recovered materials" refers to postconsumer recovered materials in the case of most types and grades of paper and paper products, to waste paper in the case of the printing/writing grades, and to recovered materials in the case of cotton fiber paper.

### A. Purpose and Scope

The purpose of this revised guideline is to recommend additional procedures for complying with Section 6002.

This guideline applies to the procurement of paper and paper products containing recovered materials. Included are all paper and paperboard categories except building and construction paper grades. The Agency is including as many items as possible within the scope of the guideline to encourage the paper industry to increase and to improve the production of paper and paper products containing recovered materials.

The final guideline included an illustrative, but not inclusive, list of major paper and paperboard purchase categories falling within the scope of the guideline. It is as follows:

- High Grade Bleached Papers.
  - Printing and writing papers, including memo and duplicator papers
  - Mailing envelopes
  - Memo pads
  - Form bond and manifold business forms
  - Computer paper
  - Xerographic/copy paper
- Newsprint
- Tissue Products
  - Sanitary products, e.g., toilet tissue, paper towels, facial tissue, paper napkins

### Industrial wipers

- Unbleached Paper and Paperboard
- Coarse paper
- Linerboard and corrugating medium
- Corrugated boxes
- Fiber sheets and boxes

In making its decision regarding the scope of this guideline, the Agency considered suggestions from the Government Printing Office and representatives of the printing industry to the effect that performance standards for certain grades of printing and writing paper can currently be met only by virgin paper. It was suggested that EPA exclude these papers on an item-by-item basis. It was also suggested that certain items that must meet stringent standards on noncontamination, such as surgical masks and items coming in contact with wet or oily foods, should be individually identified for exclusion.

RCRA Section 6002(d)(2) requires the use "of recovered materials to the maximum extent possible without jeopardizing the intended use of the item". This statutory provision effectively allows procuring agencies to exclude use of recovered materials from specifications when performance standards for an item cannot be met if recovered materials are included in the content. Although commenters stated that EPA should exclude items, they did not indicate why this statutory provision is inadequate to accommodate the concerns of agencies that draft and review specifications. A determination to exclude a specific item from a recovered materials content requirement may be made by the agency in drafting and reviewing specifications based on standards related to performance. EPA suggests a procedure for establishing such an exclusion in § 250.13 of this guideline. It is further suggested that performance tests be cited and that test results be included in records for the annual review process and in any reporting on the effectiveness of the affirmative procurement program.

EPA decided not to include building and construction grades of paper based on several considerations. In reviewing the variety of paper and paper products that are or may be manufactured with a percentage of recovered materials, it became apparent that building and construction grades constitute a significant and distinct industry unrelated to the manufacturing of virtually all other grades of paper and paperboard. The manufacturing, marketing, standards, and testing mechanisms for building and construction grades are different from those for other grades of paper. Any evaluation of the feasibility and

<sup>1</sup> See docket materials dated October 9, 1985 for a description of these tests.

potential effectiveness of a Federal procurement program for these grades would require extensive additional information; in addition, different procurement offices and procedures are involved in the procurement of construction categories. For these reasons, EPA believes that it would be more appropriate to consider building and construction grades of paper in a separate context. Toward this end, EPA studied the feasibility of and is preparing a procurement guideline for building insulation products made from recovered materials including paper.

#### *B. Applicability*

Many of the requirements of Section 6002 apply to "procuring agencies," which is defined in RCRA Section 1004(17) as "any Federal agency, or any State agency or agency of a political subdivision of a State which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract." Under Section 6002(a), the procurement requirements apply to any purchase by a procuring agency costing \$10,000 or more or when the procuring agency purchased \$10,000 worth of the item or of a functionally equivalent item during the preceding fiscal year. EPA believes that its interpretation of this requirement, which is described in more detail below, will provide an effective program without imposing an unreasonable bookkeeping burden on the purchasers and users of paper and paper products.

#### **1. Procuring Agencies**

EPA made two changes to § 250.3 of the final guideline to clarify the circumstances in which Section 6002 of RCRA applies to procuring agencies. First, the statutory definition identifies three types of procuring agencies: (1) Federal agencies, (2) State or local agencies using appropriated Federal funds, and (3) contractors. Federal agencies should note that under this definition, the requirements of Section 6002 apply to them whether or not appropriated Federal funds are used for procurement of items designated by EPA. Section 250.3 has been revised to clarify this issue.

In addition, § 250.3 has been revised to clarify that the requirements of Section 6002 apply to each Federal agency as a whole. This point is particularly important in determining whether the \$10,000 threshold has been reached. For example, the General Services Administration, as a whole, purchases more than \$10,000 worth of paper and paper products during each

fiscal year. Therefore, the requirements of Section 6002 will apply to all GSA procurements of paper and paper products, including procurements by individual regions and subagencies.

#### **2. Direct Purchases**

For the purpose of this guideline, purchases made as a result of a solicitation by a procuring agency for its own general use or that of other agencies (for example, GSA purchases) are considered "direct." EPA believes that a contract for printing is, in part, a paper procurement action because the type of paper to be used is explicitly stated in the contract. (Labor and overhead expenses involved in printing would be considered a service.) Therefore, a Federal agency that provides printing services to other governmental agencies would be subject to this guideline. The guideline leaves the method of calculating the value of paper used in performing a printing contract to the discretion of the agency awarding that contract. This provides a wide latitude. GPO has stated that the value of the paper may be as low as 20 percent or as high as 80 percent of the contract. The value allocated to the paper used in the performance of the printing contract would determine the applicability of the guideline; if that value is \$10,000 or more, the guideline would apply.

#### **3. Indirect Purchases**

EPA revised § 250.3(c)(2) (now § 250.3(d)(2)) to clarify and conform it to Federal grants and contract law. EPA has removed the clause excluding indirect purchases with funds which are not separately accounted for under block grants.

The definition of "procuring agency" in RCRA Section 1004(17) makes it clear that the requirements of Section 6002 apply to "indirect purchases," i.e., purchases by a State or local agency or its contractors using appropriated Federal funds. Thus, the guideline applies to paper and paper products purchases meeting the \$10,000 threshold made by States and their localities or their contractors, subcontractors, grantees, or other persons which are funded by grants, loans, or other forms of disbursements of monies from Federal agencies. However, the guideline does not apply to such purchases if they are unrelated to or incidental to the Federal funding, i.e., not the direct result of the grant, loan, or funds disbursement. An example of a paper purchase unrelated or incidental to Federal funding is where a contractor purchases paper under a grant for construction of a public works project. The paper purchase would not

be subject to the requirements in Section 6002 or this guideline, even though some of the grant funds supporting the contract might be used to finance purchases.

#### **4. The \$10,000 Threshold**

RCRA Section 6002(a) provides that the requirements of Section 6002 apply (1) when the purchase price of an item exceeds \$10,000 or (2) when the quantity of such items or of functionally equivalent items purchased during the preceding fiscal year was \$10,000 or more. Thus, Section 6002 clearly sets out a two-step procedure for determining whether the \$10,000 threshold has been reached. First, a procuring agency must determine whether it purchased \$10,000 worth of paper and paper products during the preceding fiscal year. If so, the requirements of Section 6002 apply to all procurements of paper and paper products occurring in the current fiscal year. Second, if a procuring agency did not procure \$10,000 worth of paper and paper products during the preceding fiscal year, it is not subject to Section 6002 unless it makes a \$10,000 purchase during the current fiscal year. The requirements of Section 6002 apply to the \$10,000 purchase; to all subsequent purchases of paper and paper products made during the current fiscal year regardless of size; and to all procurements of paper and paper products made in the following fiscal year.

Note that Section 6002(a) does not provide that the procurement requirements are triggered when the quantity of items purchased during the current fiscal year is \$10,000 or more. EPA does not believe that Congress intended to require procuring agencies to keep a running tally of procurements of items designated by EPA. Maintaining such a running tally would be very burdensome. Rather, procuring agencies only need to compute their total procurements once at the end of the fiscal year and only if they intend to claim an exemption from the requirements of Section 6002 in the following fiscal year.

#### **5. Functionally Equivalent Items.**

Under RCRA Section 6002(a), the procurement requirements of Section 6002 apply when purchases during the preceding fiscal year of a "procurement item" or "functionally equivalent" procurement items cost \$10,000 or more. In common usage, terms such as "paper" and "boxes" include many items manufactured to meet different performance standards. They may therefore, technically be "functionally

equivalent." (For instance, offset printing paper should not be used for high-speed office copiers.) The variations in grade and types of paper products are numerous. The JCP has specifications for over 50 grades of all types of paper, 23 for printing alone, while GSA estimates that it provides specifications for about 300 paper products. Because few procuring agencies, as defined in the Act, purchase \$10,000 worth of any one grade of paper or any one paper product, EPA believes that restricting the applicability of Section 6002 to purchases based on a narrow, technical definition of functional equivalency would limit the effectiveness of the guideline in meeting the objectives of RCRA.

The Agency has concluded that, in the case of paper and paper products, "functionally equivalent" items should be defined as a category of items having the same or substantially similar end use. EPA has developed a categorization of functionally equivalent items based on this concept of similar end use. For procuring agencies purchasing many grades, the categorization will extend the applicability of the guideline beyond a technically defined "functional equivalency" so that a greater number of procurement actions are affected.

Under § 250.3 of the guideline, each of the following groups of items are "functionally equivalent":

- All grades and types of xerographic/copy paper;
- Newsprint;
- All grades and types of printing and writing paper;
- Corrugated boxes and fiberboard boxes;
- Folding boxboard and cartons;
- Stationery, office papers (memo pads, scratch pads), envelopes, and manifold business forms including computer paper;
- Toilet tissue, paper towels, facial tissue, paper napkins, doilies, and industrial wipers;
- Brown papers and coarse papers.

#### C. Requirements vs. Recommendations

RCRA Section 6002 requires procuring agencies and contracting officers to perform certain activities, such as revising specifications for procurement items. It also requires EPA to prepare "guidelines for the use of procuring agencies in complying with" Section 6002. EPA has incorporated the Section 6002 requirements into the guideline for the benefit of procuring agencies. As a result, the guideline contains two types of provisions: requirements (mandated by Congress in Section 6002) and recommendations (EPA's guidance for complying with the requirements of

Section 6002). As used in this guideline, the verbs "shall" and "must" indicate Section 6002 requirements, while verbs such as "recommend," "should," and "suggest" indicate recommendations for complying with those requirements.

Procuring agencies must comply with the requirements of Section 6002, whereas EPA's recommendations are only advisory in nature. Procuring agencies may choose to use other approaches which satisfy the Section 6002 requirements. EPA believes, however, that if a procuring agency chooses to follow EPA's recommendations, that agency will be in compliance with the Section 6002 requirements.

#### D. Organization of the Revised Guideline

Subpart C of 40 CFR Part 250, which contains EPA's recommendations for implementing the affirmative procurement program requirements of RCRA Section 6002, has been reorganized, as well as revised, for ease of use. The revised subpart contains a separate section for each element of the affirmative procurement program.

#### E. Definitions

Most of the definitions in this guideline are the same definitions used in RCRA and therefore do not require further explanation. Other definitions, such as "paper," incorporate standard industry definitions. A few definitions are further discussed in this section of the preamble.

##### 1. "Paperboard"

One common term used by the industry is "paperboard." This term is used to describe thick paper used in the manufacture of products such as tablet backs, folding boxes, and corrugated boxes. Paperboard is similar in composition and form to paper, but generally refers to sheet that is 0.012 inch thick or thicker. Thus, the term "paper," which is used in the Act, is construed to include paperboard and paperboard products.

##### 2. "Practicable"

Section 6002 requires procuring agencies to procure items composed of the highest percentage of recovered materials *practicable* and to develop programs to assure that recovered materials are purchased to the maximum extent *practicable* (emphasis added). Commenters asked EPA to define the term "practicable" as used in Section 6002. In response, EPA added a definition of "practicable" in the final paper guideline, 52 FR 37297 (October 6, 1987).

EPA's definition of "practicable" combines the dictionary definition with certain statutory criteria for determining practicability. The dictionary definition of practicable is "capable of being used," and EPA believes that Congress intended the term to be defined in this way. Congress also provided four criteria for determining the maximum amount practicable: (1) Performance in accordance with applicable specifications; (2) availability at a reasonable price; (3) availability within a reasonable period of time; and (4) maintenance of a satisfactory level of competition. EPA's definition of "practicable" incorporates these criteria.

##### 3. "Waste Paper"

This category includes all postconsumer recovered materials as defined in RCRA Section 6002(h)(1), plus the two preconsumer categories of "manufacturing, forest residues, and other wastes" as defined in Section 6002(h)(2). EPA has determined that mill broke is specifically excluded from the definition of recovered materials because it is waste generated before completion of the papermaking process. The two non-postconsumer categories are:

(1) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller roles or rough sheets) including envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and.

(2) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

##### 4. "Mill Broke"

EPA has determined that the definition of dry paper and paperboard waste in "recoverable materials" [Section 6002(h)(2)(A)] specifically excludes mill broke, which is any paper waste generated before completion of the papermaking process. Mill broke is commonly returned to the pulping process and is composed of whatever the pulp is derived from, e.g., wood pulp, waste paper, etc. In the final guideline, the definition of "mill broke" makes clear that it is excluded from the term "recoverable materials."

##### 5. "Cotton Fiber"

Cotton fiber papers are one of the oldest types of paper manufactured.

These papers are used for fine stationery, ledger papers, maps, wedding invitations, and the like, and thus occupy a special niche in the printing-writing paper category. By definition and practice of the paper industry, cotton fiber papers must contain at least 25 percent cellulose fibers derived from lint cotton, cotton linters, and cotton or linen cuttings. Some cotton fiber content products are made of 100 percent cellulose derived from recovered cotton sources. Thus, EPA has defined cotton fiber content papers as paper that contains a minimum of 25 percent and up to 100 percent cellulose fibers derived from lint cotton, cotton linters, and cotton or linen cloth cuttings.

#### F. Specifications

##### 1. General

a. *Federal agencies.* RCRA Section 6002(d) contains two requirements for revising specifications for procurement items. First, Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items procured by Federal agencies were required to revise their specifications by May 8, 1986 to eliminate exclusions of recovered materials and requirements that items be manufactured from virgin materials [Section 6002(d)(1)].

Second, within one year after the date of publication of a procurement guideline as a final rule, Federal agencies must assure that their specifications for designated items require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item [Section 6002(d)(2)]. EPA believes that this second requirement is more extensive than the first requirement. Simply eliminating discriminatory provisions, as required by Section 6002(d)(1), is not sufficient to meet all the obligations of Section 6002(d). EPA believes, however, that compliance with the affirmative procurement requirements of Section 6002(i) fulfills the Section 6002(d)(2) requirements because an affirmative procurement program should result in procurement to the maximum extent practicable.

b. *Procuring agencies.* EPA believes that the second specification revision requirement also applies to non-Federal procuring agencies which procure paper and paper products with appropriated Federal funds. Unless their specifications are revised to allow the use of recovered materials in paper and paper products, these agencies will be unable to implement the affirmative procurement requirements of RCRA

Section 6002(c) (1) and (i). For this reason, the guideline provides that all *procuring agencies* (rather than "Federal agencies" as provided in the Act) must assure that their specifications for paper and paper products require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of these items.

Some agencies have moved to require the use of recovered materials; others have felt it sufficient to "permit" and/or "encourage" the use of "reclaimed fibers" or "recovered materials." By adding the requirement that procuring agencies establish affirmative procurement programs for items containing postconsumer recovered materials or other recovered materials, the 1984 amendments to Section 6002 make it clear that simply "permitting" or "encouraging" the use of such materials is not sufficient to assure that specifications require the maximum use of recovered materials "without jeopardizing the intended use of the item." Federal agencies must take affirmative steps to encourage their use.

##### 2. Recommendations

Section 250.12(b) of the guideline presents recommendations for specification revisions to implement the statutory requirements. Unnecessarily stringent specifications must be revised to allow for a higher content of recovered materials. Specifications need not be revised, however, "if it can be determined that for technical reasons, for a particular end use, a product containing such materials will not meet reasonable performance standards." [§ 250.13(a)]

##### 3. Exclusion of Products That Do Not Meet Performance Standards

Specifications sometimes do not clearly state the intended end use of products. For example, paper purchased as printing paper is sometimes used in high-speed copiers with unfortunate results simply because the user did not properly recognize a difference in paper characteristics. In such cases, product specifications should be revised to clearly state an intended end use for a product(s). When using recovered materials, it is important that the correct grades be supplied for the intended end use. EPA recommends that

specifications clearly identify both the expected performance and the specific intended use, especially when the paper is to be used in high-speed copiers.

Certain paper and paper products might not meet the standards of performance necessary for their intended end use if they contain any percentage of postconsumer recovered

materials. Examples of such items are paper which comes into contact with wet or oily food, archival papers, cert map papers, deed papers, and face masks for use in "clean rooms." EPA considered removing these paper items from its designation of items to be covered by the guideline. Unlike construction grade papers, which are excluded on a categorical basis, these papers would have to be excluded on an item-by-item basis. EPA concluded that it does not have the expertise to make such a technical determination, and that such determinations are best left to procuring agencies. (For a related discussion, see the section on minimum content standards for archival papers later in this preamble.)

Section 250.13(b) of the guideline recommends that any agency document any finding that, for a particular end use, an item containing recovered materials will not meet reasonable performance standards and reference the documentation in subsequent solicitations for bids for that item. The documentation should clearly show that the unacceptable performance is caused by properties of the paper itself and not by the equipment with which the paper is used. The documentation should reference specific tests used to judge performance.

##### 4. Specifications Related to Aesthetics

Specifications related to aesthetics, such as whiteness, brightness, color, and dirt count, could serve as impediments to the use of paper containing recovered materials. The American Society for Testing and Materials (ASTM) and the Technical Association of the Pulp and Paper Industry (TAPPI) have established standards for brightness and dirt counts which paper and paper products made from recovered materials can meet. In § 250.12(b), EPA recommends that agencies that draft specifications conduct a careful review of existing specifications related to aesthetics to determine whether they are overly stringent for the product's intended end use, and if so, amend them. Section 250.12(b) references ASTM, TAPPI, and American Institute of Paper Chemistry standards and research.

##### 5. New Specifications

Considerable technological advances are occurring in the paper and paperboard manufacturing industry. These advances are leading to increased utilization of postconsumer recovered materials in many products and the introduction of the use of preconsumer materials in other products, e.g., pulp substitutes and deinking grades of waste

paper and sawdust and other forest residues. For instance, the Railway Association is currently considering a performance test change that would effectively allow more use of recovered materials in fiber (corrugated) boxes. In recent years, the process of manufacturing newsprint with nearly 100 percent postconsumer recovered materials has become common. In § 250.14 of the guideline, EPA recommends that procuring agencies monitor new developments and use them to increase the use of postconsumer and other recovered materials.

### G. Affirmative Procurement Program

Section 6002(i) of RCRA requires procuring agencies to adopt an affirmative procurement program to ensure that paper and paper products containing recovered materials are purchased to the maximum extent practicable. As discussed previously, RCRA Section 6002(h) provides that "postconsumer recovered materials" are a specific subset of "recovered materials." The definition of "postconsumer recovered materials" includes paper, paperboard, and fibrous wastes that have passed through their end use as a consumer item or that enter and are collected from municipal solid waste. "Recovered materials" is a broader term, including postconsumer recovered materials as well as such widely-used waste as manufacturing wastes, forest residue, and other wastes. Because the intent of this guideline is to reduce the municipal solid waste stream, the focus of this guideline is postconsumer recovered materials.

The affirmative procurement program must contain four elements: (1) A recovered materials preference program; (2) a promotion program; (3) procedures for estimation, certification, and verification; and (4) procedures for annual review and monitoring of the program's effectiveness. The following sections explain EPA's recommendations for each element of the affirmative procurement program.

#### 1. Recovered Materials Preference Program

The first of the four requirements of the affirmative procurement program is a recovered materials preference program to maximize the use of recovered materials. The procuring agency may implement the preference program by employing a case-by-case approach, by adopting minimum content standards, or by choosing an approach that is substantially equivalent to the preceding approaches. In the final paper guideline, EPA recommended use of any

of these approaches. Because of comments submitted in response to the original proposed paper guideline, EPA concluded that minimum content standards would comply with the statutory requirements but that the other approaches might not necessarily, 52 FR 37299 (October 6, 1987). Accordingly, EPA proposed to amend the final paper guideline to recommend minimum content standards as guidance to procuring agencies, 52 FR 37335-41 (October 6, 1987).

As discussed in the final paper guideline, 52 FR 37298-37299 (October 6, 1987), Section 6002(i) also requires that any affirmative procurement program be consistent with applicable provisions of Federal procurement law. From time to time, Congress has established preferential procurement programs in order to attain socioeconomic goals. Among those are the Small Business, Labor Surplus Area, and Minority Business procurement programs. EPA considered applying either or both of the mechanisms used in those programs—price preferences and set-asides—to this guideline. A price preference allows the procuring agency to pay a higher price, if necessary, for a specified product from preferred vendors. A set-aside requires the procuring agency to award a certain percentage of its contracts to preferred vendors of a product regardless of price. Price preferences and set-asides are currently being used in some state programs for the procurement of paper and paper products containing recovered materials. As of January 1988, five states and two cities use price preference programs in which products containing recovered materials may cost from 5 to 10 percent more than virgin materials. Two states have set-aside programs, one for paper and paper products, the other for all types of products. These states report that they successfully procure products containing recovered materials.

EPA has considered recommending these programs at the Federal level. However, in the case of existing Federal preferential procurement programs that allow a price preference or set-aside, the Agency found that each had been established under explicit statutory authority or a specific Executive Order. Neither the statutory language nor the legislative history of Section 6002 seems to contemplate the adoption of either price preferences or set-asides, and doing so would conflict with existing Federal procurement regulations.

*a. Case-by-case approach.* As explained in the preamble to the final paper guideline, EPA concluded that it would be rare that equivalent bids

would be submitted for virgin paper and paper products and for paper and paper products containing recovered materials. Thus, a procuring agency could not award the procurement to the vendor offering the product with the highest recovered materials content unless it was the low bid, 52 FR 37299 (October 6, 1987). EPA concluded therefore that wide use of the case-by-base approach or a substantially equivalent alternative might not result in much procurement of paper and paper products containing recovered materials.

After careful consideration of the legal limitations of the case-by-case approach (or a substantially equivalent alternative) as well as the likely impact of such an approach on procurement practices, EPA has determined that procuring agencies which elect to use the recommended minimum content standards will be in compliance with the statutory requirement for a recovered materials preference program assuring procurement of items composed of recovered materials to the maximum extent practicable. Consequently, EPA is withdrawing its recommendation of the case-by-case approach or a substantially equivalent alternative for procurement of paper and paper products. Instead, EPA recommends that procuring agencies adopt minimum content standards.

*b. Minimum content standards.* EPA proposed minimum content standards for 21 categories of selected paper and paper products, 52 FR 37341 (October 6, 1987). EPA today is adopting those standards as its recommendations with the changes indicated below, as well as adding one new category, cotton fiber papers.

For most grades of paper and paper products, EPA is recommending minimum postconsumer recovered materials content standards. In the case of printing/writing grades, EPA is recommending minimum "waste paper" content standards. As explained above, in the case of cotton fiber papers, EPA is recommending a minimum "recovered materials" standard. EPA also has added definitions of "waste paper" and "cotton fiber".

*(1) Legal considerations.* RCRA Section 6002(i)(1) requires that affirmative procurement programs be "consistent with applicable Federal procurement law." EPA was concerned that minimum content standards might violate the Competition in Contracting Act of 1984 (CICA) (10 USC Chapter 137) and the Federal Acquisition Regulation (FAR) (48 CFR Ch. 1). Both provide that specifications restricting what can be

offered by bidders are legally permissible only to the extent that they reflect the Government's minimum needs or are authorized by law. [CICA 2711(a)(1), 48 CFR 10.002(a)(3)(ii).] EPA has concluded that RCRA Section 6002 provides the necessary authorization. See 52 FR 38844 (October 19, 1987). Section 6002(i)(3)(B) expressly permits agencies to establish specifications which restrict bids to those which meet a minimum content standard. Therefore, minimum content standards are not in violation of general Federal procurement law.

CICA requires agencies to use full and open competitive procedures when procuring property and services. The term "full and open competition" means that all responsible sources must be permitted to submit a bid. In the case of a procurement against a restrictive specification, such as a minimum content standard, "full and open competition" means that all responsible sources who can meet the specification can bid. The preference program recommendation in the revised final guideline is consistent with this requirement, since any vendor of paper and paper products can submit a bid as long as the product offered contains the minimum recovered content.

(2) *Methods for establishing minimum content standards.* RCRA provides four criteria for establishing a minimum content standard. Section 6002(i)(3)(B) provides that the minimum content required by a specification must be the maximum available without jeopardizing the intended end use of the item or violating the limitations of Section 6002(c)(1)(A)-(C). Thus, the four criteria are (1) the intended end use of the item, (2) availability, (3) technical performance, and (4) price.

Under the minimum content standards approach, procuring agencies establish specific recovered materials percentages in their specifications. Today EPA is recommending specific standards for procuring agencies to use. Procuring agencies may adopt other standards as long as the statutory requirements are met.

(3) *Basis of recommended minimum content standards.* Beginning in 1971, the U.S. General Services Administration (GSA) established minimum content standards for several types of paper and paper products. The GSA specifications established minimum levels for "reclaimed material" content and for "postconsumer waste" content which was a sub-set of "reclaimed material." In other words, a two-tiered approach was used. The "reclaimed material" and "postconsumer waste" categories correspond to the terms "recovered

materials" and "postconsumer recovered materials," respectively, as used in this guideline.

EPA received comments on its earlier proposed paper guideline that very few manufacturers of printing/writing papers would be willing or able to meet a minimum content standard for postconsumer recovered materials, 52 FR 37297 (October 6, 1987). Thus an alternative was sought for this category.

The source of recovered materials that are commonly used in printing/writing papers differs from the source of recovered materials used in other grades. Pulp substitute is a manufacturing waste, virtually all of which is derived from businesses that convert paper stock into finished products such as books or envelopes. Pulp substitute, as the name suggests, can be used instead of virgin pulp. The quantity of postconsumer recovered materials in pulp substitute is essentially zero. "High grade deinking" is printing scrap, which can include items such as misprinted forms that never reach the ultimate user. The high grade deinking category also includes a significant amount of postconsumer recovered materials, such as office waste paper. However, the paper mill does not always know whether the material is preconsumer or postconsumer because both types of material may be contained in the same bales. Tissue products use most of the postconsumer recovered materials consumed in the high grade deinking category while printing/writing paper producers use much less; many manufacturers of printing/writing papers avoid postconsumer recovered materials altogether. In other words, manufacturers of printing/writing papers tend to use preconsumer waste paper (manufacturing by-products such as pulp substitutes), whereas manufacturers of tissue papers do use postconsumer waste. Tissue products do not have to meet the demands that printing and writing papers do. The contrast between the strength and color requirements for institutional paper towels and offset paper running through a high-speed press illustrates this difference.

EPA contacted virtually every mill known to make printing/writing papers using recovered materials. Almost universally they stated that they preferred not to deal with postconsumer recovered materials under a minimum content standard. Some of the reasons cited were:

- Postconsumer recovered materials are not as predictable in fiber composition or content as other types, so

it is difficult to assure that specifications can be met.

- A mill essentially needs deink capability to use postconsumer recovered materials (whereas pulp substitutes are not normally cleaned in deinking systems).

- Contaminants cannot be controlled as well, and "off spec" products are much more likely to be produced using postconsumer recovered materials.

- Only a few mills handle postconsumer recovered materials successfully enough to overcome these problems consistently.

For these reasons, EPA found that it is not advisable to recommend minimum postconsumer recovered materials content standards for printing/writing grades. EPA is, therefore, recommending a category of recovered materials called "waste paper" for the printing and writing paper grades only.

EPA has concluded that increasing the use of waste paper in the manufacturing of printing and writing papers will in fact allow maximum use of postconsumer recovered materials in those products while it increases the use of postconsumer recovered materials in others, thereby satisfying the intent of RCRA. As more preconsumer waste paper is used for printing and writing papers, there will be less available raw material for other products. As a result, manufacturers will have to use more postconsumer recovered materials as a raw material. Therefore, for printing and writing papers, EPA is recommending a minimum waste paper content.

A document entitled *Background Documentation for Minimum Content Standards* has been placed in the docket and explains the basis for EPA's recommended minimum content standards. It identifies mills producing newsprint or printing/writing papers with postconsumer or waste paper recovered content, respectively, at the time of the preparation of the document. The percentages of both types of recovered materials content in product also have been identified.

Several commenters recommended that EPA adopt the original GSA standards as minimum content standards. EPA used these standards as a reasonable starting place for establishing recommended minimum content standards. However, because of the successful experience by several States in procuring printing and writing paper with recovered materials, EPA proposed a minimum of 50 percent waste paper content.

Commenters from the paper industry objected to the proposed minimum

content standards for printing and writing paper on the basis that they are so high to be practical and that procuring agencies will be unable to obtain adequate competition for all grades at a minimum content of 50 percent waste paper. Procuring agencies supported the minimum content standard proposed, but some stated that they have difficulty in purchase of printing/writing papers in some instances. None of the commenters objecting to the proposed minimum content standards provided data supporting their position, nor did any other commenter provide data from which EPA could conclude that the objections were correct. There might be short-term availability problems for particular types or grades of paper and paper products, but EPA was unable to determine whether and at what levels unavailability problems would occur. Therefore, although EPA considered these comments, the Agency concluded that there was no basis on which to reduce the recommended minimum content. The revised final guideline issued today recommends the 50 percent minimum content standard.

EPA notes that procuring agencies are not required to buy paper and paper products if the procuring agency determines that the product is not reasonably available, there is unsatisfactory competition, or the product is only available at an unreasonable price. These issues are discussed further in Section V of the preamble.

In two categories, EPA proposed no minimum content standards because it believed that there was not sufficient production of these papers with recovered material content to assure a satisfactory level of competition; they are high-speed copier paper and form bond, including computer paper and carbonless. EPA has determined, in the minimum content standards adopted

here today, not to recommend standards for these categories for the reasons previously indicated. Nonetheless, these categories of paper are subject to the requirements of Section 6002. Procuring agencies must promote their preference program for these items. As these items become available at a reasonable price with satisfactory competition, procuring agencies should establish minimum content standards for them. In addition, as the economic situation changes, EPA will consider revising this guideline to recommend minimum content standards for these items.

Manufacturers of corrugated boxes objected to the proposed minimum content standard of 40 percent as being too high. They provided an explanation and rationale for their position, but did not provide an alternative minimum content standard. After a closer examination of the industry structure and practices and historical data, EPA concurs and has reduced this category to 35 percent postconsumer recovered materials. A more detailed basis for this change can be found in the docket for this rulemaking. However, EPA notes that the 35 percent minimum content standard will still require that corrugated boxes contain both recycled corrugating medium and linerboard with postconsumer recovered materials to assure that the minimum content standard is met. Alternately, this standard could be met with only 100 percent recycled linerboard as well. A fuller explanation and analysis has been placed in the docket for this rulemaking.

At the same time, EPA reviewed the proposed minimum content standard for solid fiber boxes and determined that it should be raised from 5 percent to 35 percent. The basis for this change is that the medium or filler between the two liners is made of chipboard, which is a recycled paperboard, and thus consists of postconsumer recovered materials. EPA notes that this product has largely

disappeared from commercial use, but is still produced in small quantities.

A commenter noted that there should be a minimum content standard for cotton fiber content papers because this grade contains recovered materials as defined by RCRA Section 6002. EPA concurs and has added both a definition and a minimum content standard of 25 percent recovered materials.<sup>2</sup> This product category, also commonly known as "rag paper," must contain cotton fibers to qualify by definition as that product. This type of recovered material does not fall under the postconsumer or waste paper definitions. Rather, it falls under the recovered materials definition under Section 6002(h)(2)(D):

manufacturing, forest residues, and other wastes such as . . . (D) wastes generated by the conversion of goods made from fibrous material (e.g., rope waste from cordage manufacture, textile mill wastes, and cuttings).

It has been suggested to EPA that a minimum waste paper content standard should be established for cotton fiber content papers. EPA notes that such a standard might be confusing because the commercial definition of cotton fiber content paper refers to its cotton cellulosic content only. In addition, to the best of EPA's knowledge, use of waste paper in the production of cotton fiber content paper seems to be incidental at best. For these reasons, EPA did not adopt a waste paper content standard for cotton fiber paper.

EPA's recommended minimum content standards are shown in Table 1. Note that EPA has added a column to Table 1 to address recovered materials content in cotton fiber content papers.

<sup>2</sup> The commenter suggested a minimum content standard of 25 percent recovered materials for EPA to recommend. After researching industry practices, EPA concluded that a 25 percent standard is reasonable. Data documenting this conclusion has been placed in the docket for this rulemaking.

TABLE 1.—EPA Recommended Minimum Content Standards of Selected Papers and Paper Products

	Minimum percentage of recovered materials	Minimum percentage of postconsumer recovered materials	Minimum percentage of waste paper <sup>1</sup>
Newsprint	—	40	—
High grade bleached printing and writing papers:			
Offset printing	—	—	50
Mimeo and duplicator paper	—	—	50
Writing (stationery)	—	—	50
Office paper (e.g., note pads)	—	—	50
Paper for high-speed copiers	—	—	50
Envelopes	—	—	50
Form bond including computer paper and carbonless	—	—	50
Book papers	—	—	50

this subject, it is necessary to review the requirements of the statute.

a. *Estimation.* RCRA Section 6002(c)(3)(B) and Section 6002(i)(2)(C) require that, after the effective date of a guideline, contracting officers must require vendors who supply Federal procuring agencies with products covered by the guideline to provide an estimate of the total percentage of the recovered materials utilized in the performance of the contract.

EPA believes that this requirement is for the purpose of gathering statistical information on price, quantity, availability, and performance of products made from recovered materials. EPA further believes that this requirement applies regardless of whether the procurement solicitation specifies that recovered materials can or must be used. Estimates may differ from the minimum recovered materials content specified in certifications. The estimates will provide up-to-date information for the annual review which is required of procuring agencies.

EPA has decided to recommend a limit for retaining these estimates. In other procurement guidelines, EPA has recommended that the estimates be retained for three years. Therefore, in the revised final guideline today, EPA is recommending that procuring agencies retain these data for three years by type of product, quantity purchased, and price paid.

b. *Certification.* The use of certifications is common in government procurement. A certification is written assurance that goods or services delivered will fulfill the contractual requirements. Failure to meet conditions which have been certified can result in penalties to a vendor. RCRA Section 6002(c)(3)(A) requires that after the effective date of this guideline, vendors must "certify that the percentage of postconsumer recovered materials to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractual requirements." In other words, vendors must certify that a minimum percentage of recovered material will be contained in products to be supplied. RCRA Section 6002(i)(2)(C) requires "certification of minimum post-consumer recovered material content actually utilized. . . ."

Together, these sections could be interpreted to mean that multiple certifications will be required: one when bids are offered, and another with each shipment. EPA is concerned that this interpretation could create unnecessary burdens for vendors and procuring agencies, and thus work against the intent of Section 6002. States which

purchase paper and paper products with recovered material content have found one certification sufficient. As an example, New York State requires certification of the content from vendors within six days of a bid opening. Vendors commonly discuss product specifications and availability with manufacturers prior to submitting a bid, so information for certification can be obtained at that time. A vendor can easily certify to a minimum of 0 percent if it does not wish post-consumer recovered material (and in the case of printing/writing paper, waste paper) content to be a factor in its bids. The certification then becomes part of the contract awarded to the successful vendor. EPA has concluded that one certification will fulfill both statutory requirements and, by using it in all instances, procuring agencies can adapt their purchasing programs most easily.

In the final guideline, 52 FR 37300 (October 8, 1987), EPA recommended that procuring agencies require certifications as a condition of a responsive bid when bids are offered. Also, as previously indicated, the successful vendor must estimate the actual recovered materials content in products that are supplied. The estimate may or may not be different than the minimum percentage that is certified.

EPA understands that for both estimation and certification, the vendor will not have direct knowledge of recovered materials content. Only the mill that produces the paper will have that information. However, there is no direct authority in RCRA Section 6002 for the Federal government to require this information from anyone but the vendor. Therefore, the vendor must make its own arrangements for obtaining this information from the mill operator. The legislative history suggests the approach intended, as shown by the following excerpt from the Conference Committee Report on the Hazardous and Solid Waste Amendments of 1984:

In obtaining certification of the percentage of postconsumer materials and the percentage of manufacturing forest residues and other wastes, it is the intent of Section 6002 as amended by this Act that vendors supply the procuring agency with a statement from the mill indicating the percentages used by the mill in producing the paper and their sources of raw material. (H.R. Rep. No. 98-1133, 98th Cong. 2nd Sess. 121 (1984) [emphasis added].)

c. *Verification.* Procuring agencies also are required to establish "reasonable verification procedures for estimates and certifications." [RCRA Section 6002(i)(2)(C)] If these verification procedures include access

to mill operators' records, then the procuring agency must use some authority other than RCRA to inspect these records or must require vendors have an agreement with the mill operator to supply such information or access to the procuring agency.

In general, paper manufacturers maintain records of the feedstocks used in each "run" or "lot" of paper for their own internal quality and specification controls. The optimum mix of recovered and virgin fiber often remains the same for each grade of paper, though variations may occur in individual runs.

In most cases manufacturers will be able to provide a certification to vendors as to the specific fiber content of the product shipped to a customer. It is not intended that the guideline require any additional records to be kept by the mills; the records normally kept should be complete enough to estimate or certify to recovered materials content accurately. However, to simplify the verification procedure and accommodate variations dictated by quality control and supply, the average amount of recovered materials used in each specific product over a one-month period may be used, if necessary, to meet the requirement for verification of estimates. Since mills commonly keep accounting and record summaries on a monthly basis, EPA recommends that the one-month figures be used for estimates of fiber percentages. Should it be necessary to verify the exact content of a specific lot or run of paper, the mill records for that lot or run can then be consulted.

However, if the vendor knows that the recovered materials content of paper or paper products supplied to procuring agencies differs from the monthly average, then the average cannot be used. For example, if the monthly average is 30 percent postconsumer recovered materials content but the paper or paper product supplied contains no postconsumer recovered materials or conversely contains 60 percent recovered content, then the vendor cannot use the monthly average. Use of the average in such instances will be viewed as an attempt to circumvent the requirements of RCRA in supplying paper or paper products to the procuring agency.

Monthly averages cannot be used for certification. Every shipment may not contain recovered materials content equal to or greater than the average. However, the *minimum* percentage of recovered materials used in recycled paper products by the mill can be determined from monthly records for certification purposes.

In the preamble to the final guideline, EPA indicated that it had received comments indicating that in the case of the printing and writing grades, mills sometimes cannot distinguish postconsumer recovered materials from other recovered materials. Consequently, it would be difficult to comply with the estimation and certification requirement to identify postconsumer recovered material content. In most cases, however, mills have detailed knowledge of their raw materials. While postconsumer recovered materials content of every bale of waste paper may not be known to a certainty, mills can make reasonable estimates based on their extensive knowledge of their raw materials. In the revised guideline issued today, EPA has adopted "waste paper" content standards to resolve any inherent fiber identification problems with the printing and writing grades of paper.

#### 4. Annual Review and Monitoring

The fourth requirement of the affirmative procurement program is an annual review and monitoring of the effectiveness of the program. EPA explained these requirements in full in the final paper guideline, 52 FR 37301 (October 6, 1987). The review should include an estimate of the quantity of paper and paper products containing recovered materials purchased during the year.

EPA believes that procuring agencies should review the range of estimates and certifications of recovered materials content provided by vendors during the year. Significant and repeated variations between the minimum content standards, certifications, and estimates would signal that changes in specific minimum content standards may be warranted. EPA further believes that information provided by the estimation requirement will be particularly helpful to procuring agencies when they review their compliance with the requirement to purchase paper and paper products with the highest percentage of recovered materials practicable.

Similarly, if information from estimates received or other data reveal that sufficient bids would have been submitted in response to standards using higher minimum content levels, then the procuring agencies should consider revising their standards accordingly. If there was a lack of competition, the procuring agencies could determine whether the standards must be lowered. This would satisfy the statutory requirements for procuring agencies in RCRA Section 6002(c)(1) and those specific to the minimum content

standards approach in RCRA Section 6002(f)(3)(B).

In the proposed amendments to the paper and paper products procurement guideline, EPA recommended that procuring agencies compile statistical records of paper and paper products procurements. EPA identified six categories of data, recommended that a summary of the data be included in the procuring agency's annual review, and recommended that procuring agencies send a report discussing the findings made during the annual review to the Office of Federal Procurement Policy (OFPP) for inclusion in OFPP's biennial report to Congress. EPA is including this recommendation in the final guideline today, with one exception.

OFPP has informed EPA that it does not have the technical expertise to review the data. For this reason, EPA is no longer recommending that procuring agencies send a report discussing their findings to OFPP. EPA continues to believe that this information will be useful to the public, however. EPA notes that this guideline will apply to State and local procuring agencies and contractors, as explained under "Applicability". Information drawn from the experience of Federal procuring agencies about purchases of paper and paper products containing recovered materials would therefore be useful to State and local purchasing officials and contractors. Accordingly, EPA encourages Federal procuring agencies to make their reports available to the public.

EPA has concluded that one purpose of the requirement that vendors estimate the total percentage of recovered materials is to provide information to procuring agencies that can be used in future procurements. Further, procuring agencies need to keep up-to-date on changes in recycling practices and availability of products containing recovered materials. EPA believes that unless a procuring agency compiles such data, it will not be fulfilling its statutory obligations.

For these reasons, EPA believes that agencies should keep statistical records of paper and paper products procurements to properly implement the intent of Congress in requiring an affirmative procurement program. A summary of these records should be included in the annual review and monitoring of the effectiveness of the program.

Note that for printing/writing papers, the data gathered will pertain to information on *waste paper* content instead of information on postconsumer recovered materials, and for cotton fiber

papers, the data will pertain to *recovered materials* content. For all other categories of paper and paper products, postconsumer recovered materials content should be used.

A program for gathering statistics need not be elaborate to be effective. However, agencies should monitor their procurements to compile data on the following:

- (a) The percentage of recovered materials in the products procured or offered;
- (b) Comparative price information on competitive procurements;
- (c) The quantity of each item procured over a fiscal year;
- (d) The availability of the paper and paper products to procuring agencies;
- (e) Type of performance tests conducted, together with the categories of paper and paper products containing recovered materials that failed tests, the percentage of total virgin products and products containing recovered materials, respectively, that failed each test, and the nature of the failure;
- (f) Agency experience with the performance of the procured products.

The Government Printing Office has informed EPA that every shipment of paper or paper products is tested. Because of the number of shipments received (shipments are received on a daily basis, with multiple shipments often being received on any given day), it would be a burden for procuring agencies to retain the results of each of these tests. Instead, procuring agencies should identify the performance tests used and maintain records, by test, on the percentage of failures by paper and paper products containing recovered materials and on the nature of these failures.

EPA recommends that each procuring agency prepare a report on its annual review and monitoring of the effectiveness of its procurement program. As part of the report, agencies using the case-by-case approach or a substantially equivalent alternative should demonstrate that their preference program results in procurement of paper and paper products containing recovered materials to the maximum extent practicable. Agencies using the minimum content standards approach should determine whether their minimum content standards should be raised, lowered, or remain constant for each item. The basis for these determinations should be a review of the data compiled on recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.

Agencies should also document specification revisions made during the reporting period.

The revised final guideline issued today incorporates the recordkeeping recommendations. In § 250.23, paragraph (d) identifies the six categories of records. In § 250.24, paragraph (c) recommends that the annual review include a summary of the data compiled in each category and that the results of the annual review be made available to the public.

A commenter stated that the recordkeeping provisions should be requirements rather than recommendations. The commenter argues that EPA has full authority to make the recordkeeping provisions requirements and that the statutory basis is as firm as the basis for stating in § 250.23 that contracting officers must require vendors to submit estimates and certifications of re-refined oil content. EPA disagrees. Section 6002 clearly identifies what is required of procuring agencies, and recordkeeping is not included. On the other hand, contracting officers are required to obtain estimates and certifications from vendors. Section 6002 does not authorize EPA to require anything of procuring agencies, let alone recordkeeping. Thus, EPA can only recommend that procuring agencies keep records on procurements of items containing recovered materials.

#### V. Price, Competition, Availability, and Performance

As described above, Section 6002(c)(1) of RCRA provides that a procuring agency may decide not to purchase an item designated by EPA if it determines that the item is available only at an unreasonable price, a satisfactory level of competition cannot be maintained, the item is not reasonably available within a reasonable period of time, or the item fails to meet the performance standards. EPA has considered the effect of these limitations on paper and paper products containing recovered materials.

Commenters stated that EPA is required under Section 6002(e) to provide detailed information about the availability, price, and performance of paper and paper products containing recovered materials. EPA has determined that such information varies significantly over short periods of time. Paper and paper products are made from virgin and recovered commodities which fluctuate in value according to supply and demand within the national and international economies. Even relative prices between paper products made with virgin or recovered fibers are subject to short-term fluctuations. Also,

availability of paper and paper products made from recovered materials is a result of demand. Recent consolidation within the paper industry, the development of this guideline, and current activity to legislate preferences for recycled products at the state and local level, can all affect availability. Therefore, specific information about price and availability would not remain accurate long enough, at this point in time, to be useful in a guideline. General information is presented in this section. Information about performance has been obtained and is discussed above in Section III of the preamble.

#### A. Price

Section 6002 provides that a procuring agency may not purchase a designated item if the price is "unreasonable." Commenters on several of the procurement guidelines stated that a "reasonable price" includes price preferences. Each procuring agency may decide whether or not a "reasonable price" includes a price preference. RCRA Section 6002 does not provide explicit authority to EPA to authorize or recommend payment of a price preference or to create a set-aside. Therefore, unless an agency has an independent authority to provide a price preference or to create a set-aside, EPA believes that a price is "unreasonable" if it is greater than the price of a competing product made of virgin material.

However, it should be borne in mind that, when product specifications require a recovered material content, there is no way to guarantee that every item procured under those specifications was procured at a price no greater than the price that would have been paid in the absence of those specifications. On the contrary, EPA expects that there will be fluctuations in price in both directions. Therefore, EPA interprets the reasonable price provision of RCRA Section 6002(c)(1)(C) for those specifications to mean that there is no projected or observed long-term or average increase over the price of comparable items that do not contain recovered materials.

#### B. Competition

As with price, determinations of "satisfactory" competition must be made in accordance with Federal procurement law. For example, 48 CFR Part 14, Sealed Bidding, allows for award of bids even when a small number of bids have been received; see 48 CFR 14.407-1. In the case of negotiated contracts, 48 CFR 15.804-3(b) provides that competition exists if offers are solicited; two or more responsible

offerors that can satisfy the Government's requirements submit price offers responsive to the solicitations expressed requirements; and these offerors compete independently for a contract to be awarded to the responsible offeror submitting the lowest evaluated price.

The existing level of competition for paper and paper products containing recovered materials varies depending on the product. For a large majority of products, both virgin and recycled products coexist in the marketplace, with some manufacturers producing products from all-virgin materials, some using only recovered materials, and others using both. Thus, the minimum content standards will automatically exclude many potential bidders that market only virgin products. The percentage of bidders excluded depends on how the minimum content standards are set. EPA knows of no analytical methods of accurately setting minimum content standards that are low enough to assure satisfactory competition, and yet high enough to maximize the use of recovery materials, except through experience. Thus, EPA and procuring agencies must learn through trial and error how best to insure competition while fulfilling the primary goal of this guideline.

#### C. Availability

The Agency does not believe that procuring agencies should have to tolerate any unusual or unreasonable delays in obtaining paper or paper products containing recovered materials. The experiences of GSA and of states with affirmative procurement programs have shown that these products are generally available at all locations. One possible exception mentioned by some states is printing and writing paper. In some cases, delays have been incurred because of low levels of storage or warehousing in the vicinity of the procurement depot. However, as affirmative procurement programs prove effective, printing and writing papers containing waste paper should become more widely and consistently available, as are other paper and paper products containing postconsumer recovered materials.

Some commenters have suggested that EPA should provide assistance to procuring agencies in determining availability by identifying potential suppliers and by encouraging these suppliers to bid on government contracts. EPA has placed in the dock for this rulemaking lists of mills that manufacture paper or paper products using recovered materials, especially

printing and writing paper and tissue products. EPA will not place a list of mills in the guideline itself, however, because one purpose of the guideline is to encourage new suppliers, not to promote existing suppliers, and thus to encourage greater use of recovered materials. Procuring agencies also are in direct contact with paper vendors on a regular basis and can seek this information directly.

#### D. Performance

Product performance is discussed above in Section IV.E of the preamble.

#### VI. Implementation

Different parts of Section 6002 refer to different dates by which procuring agencies must have completed or initiated a required activity: (1) May 8, 1986 (i.e., 18 months after enactment of HSWA); (2) one year after the date of publication of an EPA guideline; and (3) the date specified in EPA guidelines. As a result, there is some confusion with respect to which activities must be completed or initiated by each date. This section of the preamble explains these requirements.

First, under Section 6002(d)(1), Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items must eliminate from such specifications any exclusion of recovered materials and any requirements that items be manufactured from virgin materials. This activity was required to be completed by May 8, 1986.

Second, procuring agencies must assure that their specifications for procurement items designated by EPA require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item [Section 6002(d)(2)]. In addition, procuring agencies must develop an affirmative procurement program for purchasing items designated by EPA, in this instance, paper and paper products containing recovered materials [Section 6002(i)(1)]. Both of these activities must be completed within one year after the date of publication of a guideline by EPA. Because the revised guideline issued today supersedes the final guideline issued on October 6, 1987, specification revisions and development of an affirmative procurement program for paper and paper products must be completed within one year from today.

Third, after the date specified by EPA in the applicable guideline, procuring agencies that procure items designated by EPA must begin procurement of such items containing the highest percentage of recovered materials practicable. [Section 6002(c)(1)]. In addition,

contracting officers must require vendors to submit estimates and certifications of recovered materials content [Section 6002(c)(3)].

With respect to this third set of requirements, EPA believes that procuring agencies should begin to procure paper and paper products containing recovered materials as soon as the specification revisions have been completed and the affirmative procurement programs have been developed. As stated, these latter activities must be completed within one year after publication of a guideline. Again, because the revised guideline published today supersedes the final guideline published on October 6, 1987, to be consistent with the statutory requirements, EPA has concluded that affirmative procurement should begin one year from today.

To clarify this point, EPA has added § 250.25 to the final guideline which states procuring agencies must begin procurement of paper and paper products containing recovered materials one year from the date of publication of this revised guideline as a final rule.

EPA expects cooperation from affected procuring agencies in implementing this guideline. Under Section 6002(g) of RCRA, the Office of Federal Procurement Policy (OFPP), in cooperation with EPA, is responsible for overseeing implementation of the requirements of Section 6002 and for coordinating it with other Federal procurement policies. OFPP is required to report to Congress on actions taken by Federal agencies to implement Section 6002.

#### VII. Summary of Supporting Analyses

##### A. General

The preamble to the final paper guideline included a discussion of the technical material supporting the guideline, 52 FR 37305 (October 6, 1987). That material is applicable to the revised guideline as well. In addition, as indicated in the preamble, EPA has added technical material supporting the revised minimum content standard for corrugated boxes and solid fiber boxes, as well as the cotton fiber paper minimum content standard.

##### B. Environmental and Energy Impacts

Concerns about the high volumes and cost of solid waste disposal and the difficulty many communities are having in locating new disposal sites, as well as Congressional mandate, were the chief reasons for the final paper guideline. EPA has not concluded that there will be any significant environmental impact, positive or negative, from the Federal

procurement of paper and paper products containing recovered materials.

The energy advantage varies from product to product and mill to mill as well as between users of virgin and recovered materials. Recycled feedstocks seem to be a minor factor. EPA has concluded that the energy efficiency between mills, be they virgin or recycling, is greater than the difference in energy efficiency between the two types of mills, which tends to reduce the importance of this issue.

##### C. Volume Reduction and Cost Impacts of Reducing Paper Disposal in Landfills

This was explained in full in the preamble to the final paper guideline, 52 FR 37304 (October 6, 1987).

##### D. Executive Order No. 12291

Under Executive Order (E.O.) No. 12291, regulations must be classified as major or nonmajor. E.O. No. 12291 establishes the following criteria for a regulation to qualify as a major rule:

1. An annual effect on the economy of \$100 million or more;
2. A major increase in costs or prices for consumers; individual industries; Federal, state, or local government agencies; or geographic regions; or
3. Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Federal purchases of paper and paper products do not constitute a large enough share of these markets for industry to make manufacturing decisions that are not otherwise economically feasible in order to meet Federal procurement requirements. In fact, some Federal procurement policies have been modified in recent years to conform more closely to common commercial standards for some paper products, e.g., toilet tissue. The flexibility allowed to the procuring agencies in implementing an affirmative procurement program should make it possible to make adjustments if any adverse market dislocation or decrease in competition should occur.

Because of the number of items included in the paper and paper product categories and the number of procurement actions taken by procuring agencies each year, some agencies may find it necessary to initially allocate additional resources to implement this guideline. However, the flexibility allowed and the practices recommended in this guideline are intended to avoid on-going increased expenditures by

procuring agencies. For example, EPA has recommended that the procedure for estimating and certifying recovered materials content be simple and that it be consistent with the procuring agency's usual contracting procedure.

On the basis of the above information and on more extensive data in the rulemaking docket, the Agency earlier concluded that the final paper guideline was a nonmajor rule. The revisions to the guideline have not changed this conclusion.

This document has been submitted to the Office of Management and Budget (OMB) for review as required by E.O. No. 12291.

#### *E. Regulatory Flexibility Act*

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., whenever an agency publishes a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (i.e., small businesses, small organizations, small governmental jurisdictions), unless the Administrator certifies that the rule will not have significant economic impact on a substantial number of small entities.

Because of the \$10,000 threshold, EPA does not expect a substantial number of small entities to be affected by this guideline. The Agency also believes that the flexible approach to procurement of paper and paper products containing recovered materials provided for in this guideline will not impose a significant regulatory or economic burden on small procuring agencies, manufacturers, vendors, or contract printers. Detailed information on this assessment can be found in the RCRA docket for this guideline.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this guideline will not have a significant economic impact on a substantial number of small entities. Therefore, this guideline does not require a Regulatory Flexibility Analysis.

#### **List of Subjects in 40 CFR Part 250**

Forest and forest products.  
Government contracts, Government procurement, Packaging and containers, Paper, Postconsumer materials, Recovered materials, Recycling, Resource recovery, Waste paper.

Dated: June 16, 1988.

Lee M. Thomas,  
*Administrator.*

For the reasons set out in the Preamble, Part 250 of Title 40 of the

Code of Federal Regulations is revised to read as follows:

# code of federal regulations

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Protection of  
Environment

40

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**PART 250**

Revised as of July 1, 1989



## **PART 250—GUIDELINE FOR FEDERAL PROCUREMENT OF PAPER AND PAPER PRODUCTS CONTAINING RECOVERED MATERIALS**

### **Subpart A—General**

- Sec.
- 250.1 Purpose.
- 250.2 Designation.
- 250.3 Applicability.
- 250.4 Definitions.

### **Subpart B—Revisions and Additions to Paper and Paper Product Specifications**

- 250.10 Introduction.
- 250.11 Elimination of recovered materials exclusion.
- 250.12 Requirement of recovered materials content.
- 250.13 Exclusion of products containing recovered materials that do not meet reasonable performance standards.
- 250.14 New specifications.

### **Subpart C—Affirmative Procurement Program**

- 250.20 General.
- 250.21 Recovered materials preference program.
- 250.22 Promotion program.
- 250.23 Estimates, certification, and verification.
- 250.24 Annual review and monitoring.
- 250.25 Implementation.

**AUTHORITY:** 42 U.S.C. 6912(a) and 6962.

**SOURCE:** 53 FR 23561, June 22, 1988, unless otherwise noted.

### **Subpart A—General**

#### **§ 250.1 Purpose.**

(a) The purpose of this guideline is to assist procuring agencies in complying with the requirements of section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conserva-

tion and Recovery Act (RCRA), as amended, as that section applies to paper and paper products designated in § 250.2 of this part.

(b) This guideline contains recommendations for implementing the requirements of section 6002 of RCRA, including the revision of specifications and the establishment of an affirmative program for the procurement of paper and paper products containing recovered materials. The guideline also makes recommendations concerning solicitations for bids and estimation, certification, and verification procedures. In addition, the guideline sets dates for implementation.

(c) The Agency believes that adherence to the practices recommended in the guideline constitutes compliance with section 6002 of RCRA, as it relates to the purchase of paper and paper products containing recovered materials.

#### **§ 250.2 Designation.**

Under section 6002(e)(1) of RCRA, paper and paper products are designated as items which can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of section 6002 of RCRA. As used in this guideline, the term "paper and paper products" does not include building and construction paper grades.

#### **§ 250.3 Applicability.**

(a) This guideline applies to all paper and paper products purchased with appropriated Federal funds.

(b)(1) This guideline applies to all procuring agencies and to all procurement actions involving paper and paper products where the procuring agency purchases \$10,000 or more worth of one of these items during the course of a fiscal year, or where the cost of such items or of functionally equivalent items purchased during the preceding fiscal year was \$10,000 or more.

(2) This guideline applies to Federal agencies, to State or local agencies using appropriated Federal funds, and to persons contracting with any such agencies with respect to work performed under such contracts. Federal

agencies should note that the requirements of RCRA section 6002 apply to them whether or not appropriated Federal funds are used for procurement of items designated by EPA.

(3) The \$10,000 threshold applies to procuring agencies as a whole rather than to agency subgroups such as regional offices or subagencies.

(c) For purposes of the \$10,000 threshold, each item listed in each category below is considered to be functionally equivalent to every other item in the category:

(1) All grades and types of xerographic/copy paper;

(2) Newsprint;

(3) All grades and types of printing and writing paper;

(4) Corrugated and fiberboard boxes;

(5) Folding boxboard and cartons;

(6) Stationery, office papers (e.g., memo pads, scratch pads), envelopes, and manifold business forms including computer paper;

(7) Toilet tissue, paper towels, facial tissue, paper napkins, doilies, and industrial wipers; and

(8) Brown papers and coarse papers.

(d) Procurement actions covered by this guideline include:

(1) All purchases of paper and paper products made directly by a procuring agency or by any person contracting with any such agency with respect to work being performed under such contract, for example, contract printing; and,

(2) Indirect purchases of paper and paper products made by a procuring agency, such as purchasing resulting from Federal grants, loans, and similar forms of disbursements of monies that the procuring agency intended to be used for the procurement of paper or paper products.

(e) Purchases of paper and paper products that are unrelated or incidental to Federal funding, i.e., not the direct result of a Federal contract, grant, loan, funds disbursement, or agreement with a procuring agency, are not covered by this guideline.

**§ 250.4 Definitions.**

As used in this guideline, the following terms shall have the meaning indicated below:

(a) "Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 *et seq.*;

(b) "Bleached papers" means paper made of pulp that has been treated with bleaching agents;

(c) "Bond paper" means a generic category of paper used in a variety of end use applications such as forms (see "form bond"), offset printing, copy paper, stationery, etc. In the paper industry, the term was originally very specific but is now very general.

(d) "Book paper" means a generic category of papers produced in a variety of forms, weights, and finishes for use in books and other graphic arts applications, and related grades such as tablet, envelope, and converting papers;

(e) "Brown papers" means papers usually made from unbleached kraft pulp and used for bags, sacks, wrapping paper, and so forth;

(f) "Coarse papers" means papers used for industrial purposes, as distinguished from those used for cultural or sanitary purposes;

(g) "Computer paper" means a type of paper used in manifold business forms produced in rolls and/or fan folded. It is used with computers and word processors to print out data, information, letters, advertising, etc. It is commonly called computer printout;

(h) "Corrugated boxes" means boxes made of corrugated paperboard, which, in turn, is made from a fluted corrugating medium pasted to two flat sheets of paperboard (linerboard); multiple layers may be used;

(i) "Cotton fiber content papers" means paper that contains a minimum of 25 percent and up to 100 percent cellulose fibers derived from lint cotton, cotton linters, and cotton or linen cloth cuttings. It is also known as rag content paper or rag paper. It is used for stationery, currency, ledgers, wedding invitations, maps, and other specialty papers;

(j) "Cover stock" or "Cover paper" means a heavyweight paper commonly used for covers, books, brochures, pamphlets, and the like;

(k) "Doilies" means paper place mats used on food service trays in hospitals and other institutions;

(l) "Duplicator paper" means writing papers used for masters or copy sheets in the aniline ink or hectograph process of reproduction (commonly called spirit machines);

(m) "Envelopes" means brown, manila, padded, or other mailing envelopes not included with "stationery;"

(n) "Facial tissue" means a class of soft absorbent papers in the sanitary tissue group;

(o) "Federal agency" means any department, agency, or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including a government corporation, and the Government Printing Office;

(p) "Fiber or fiberboard boxes" means boxes made from containerboard, either solid fiber or corrugated paperboard (general term); or boxes made from solid paperboard of the same material throughout (specific term);

(q) "Folding boxboard" means a paperboard suitable for the manufacture of folding cartons;

(r) "Form bond" means a light-weight commodity paper designed primarily for business forms including computer printout and carbonless paper forms. (See manifold business forms);

(s) "Industrial wipers" means paper towels especially made for industrial cleaning and wiping;

(t) "Ledger paper" means a type of paper generally used in a broad variety of recordkeeping type applications such as in accounting machines.

(u) "Manifold business forms" means a type of product manufactured by business forms manufacturers that is commonly produced as marginally punched continuous forms in small rolls or fan folded sets with or without carbon paper interleaving. It has a wide variety of uses such as invoices, purchase orders, office memoranda, shipping orders, and computer printout;

(v) "Mill broke" means any paper waste generated in a paper mill prior to completion of the papermaking process. It is usually returned directly

to the pulping process. Mill broke is excluded from the definition of "recovered materials;"

(w) "Mimeo paper" means a grade of writing paper used for making copies on stencil duplicating machines;

(x) "Newsprint" means paper of the type generally used in the publication of newspapers or special publications like the *Congressional Record*. It is made primarily from mechanical wood pulps combined with some chemical wood pulp;

(y) "Office papers" means note pads, loose-leaf fillers, tablets, and other papers commonly used in offices, but not defined elsewhere;

(z) "Offset printing paper" means an uncoated or coated paper designed for offset lithography;

(aa) "Paper" means one of two broad subdivisions of paper products, the other being paperboard. Paper is generally lighter in basis weight, thinner, and more flexible than paperboard. Sheets 0.012 inch or less in thickness are generally classified as paper. Its primary uses are for printing, writing, wrapping, and sanitary purposes. However, in this guideline, the term paper is also used as a generic term that includes both paper and paperboard. It includes the following types of papers: bleached paper, bond paper, book paper, brown paper, coarse paper, computer paper, cotton fiber content paper, cover stock or cover paper, duplicator paper, form bond, ledger paper, manifold business forms, mimeo paper, newsprint, office papers, offset printing paper, printing paper, stationery, tabulating paper, unbleached papers, writing paper, and xerographic/copy paper.

(bb) "Paper napkins" means special tissues, white or colored, plain or printed, usually folded, and made in a variety of sizes for use during meals or with beverages;

(cc) "Paper product" means any item manufactured from paper or paperboard. The term "paper product" is used in this guideline to distinguish such items as boxes, doilies, and paper towels from printing and writing papers. It includes the following types of products: corrugated boxes, doilies, envelopes, facial tissue, fiberboard boxes, folding boxboard, industrial

wipers, paper napkins, paper towels, tabulating cards, and toilet tissue;

(dd) "Paper towels" means paper toweling in folded sheets, or in raw form, for use in drying or cleaning, or where quick absorption is required;

(ee) "Paperboard" means one of the two broad subdivisions of paper, the other being paper itself. Paperboard is usually heavier in basis weight and thicker than paper. Sheets 0.012 inch or more in thickness are generally classified as paperboard. The broad classes of paperboard are containerboard, which is used for corrugated boxes; boxboard, which is principally used to make cartons; and all other paperboard;

(ff) "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

(gg) "Practicable" means capable of being used consistent with: performance in accordance with applicable specifications, availability at a reasonable price, availability within a reasonable period of time, and maintenance of a satisfactory level of competition;

(hh) "Printing paper" means paper designed for printing, other than newsprint, such as offset and book paper;

(ii) "Procurement item" means any device, good, substance, material, product, or other item, whether real or personal property, that is the subject of any purchase, barter, or other exchange made to procure such item;

(jj) "Procuring agency" means any Federal agency, or any State agency or agency of a political subdivision of a State that is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract;

(kk) "Recovered materials" means waste material and by-products that have been recovered or diverted from solid waste, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process. In the case of paper and

paper products, the term "recovered materials" includes:

(1) Postconsumer materials such as:

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

(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste; and

(2) Manufacturing, forest residues, and other wastes such as:

(i) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(ii) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

(iii) Fibrous by-products of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

(iv) Wastes generated by the conversion of goods made from fibrous material (e.g., waste rope from cordage manufacture, textile mill waste, and cuttings); and

(v) Fibers recovered from waste water that otherwise would enter the waste stream;

(ll) "Recyclable paper" means any paper separated at its point of discard or from the solid waste stream for utilization as a raw material in the manufacture of a new product. It is often called "waste paper" or "paper stock." Not all paper in the waste stream is recyclable; it may be heavily contaminated or otherwise unusable.

(mm) "Specification" means a detailed description of the technical re-

quirements for materials, products, or services that specifies the minimum requirement for quality and construction of materials and equipment necessary for an acceptable product. Specifications are generally in the form of a written description, drawings, prints, commercial designations, industry standards, and other descriptive references;

(nn) "State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(oo) "Stationery" means writing paper suitable for pen and ink, pencil, or typing. Matching envelopes are included in this definition.

(pp) "Tabulating cards" means cards used in automatic tabulating machines; "Tabulating paper" means paper used in tabulating forms for use on automatic data processing equipment;

(qq) "Toilet tissue" means a sanitary tissue paper. The principal characteristics are softness, absorbency, cleanliness, and adequate strength (considering easy disposability). It is marketed in rolls of varying sizes or in interleaved packages;

(rr) "Unbleached papers" means papers made of pulp that have not been treated with bleaching agents;

(ss) "Waste paper" means any of the following "recovered materials":

(1) Postconsumer materials such as:

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

(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste; and

(2) Manufacturing, forest residues, and other wastes such as:

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

lope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and;

(ii) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

(tt) "Writing paper" means a paper suitable for pen and ink, pencil, typewriter or printing;

(uu) "Xerographic/copy paper" means any grade of paper suitable for copying by the xerographic process (a dry method of reproduction).

## Subpart B—Revisions and Additions to Paper and Paper Product Specifications

### § 250.10 Introduction.

This subpart offers guidance to Federal agencies that draft or review specifications for paper and paper products. As used in this subpart, the term "postconsumer recovered materials" refers to waste paper in the case of printing and writing papers and to recovered materials in the case of cotton fiber papers.

### § 250.11 Elimination of recovered materials exclusion.

By May 8, 1986, each Federal agency was required to assure that its specifications do not unfairly discriminate against the use of postconsumer recovered materials. At a minimum, except as provided in § 250.13 of this part, each Federal agency was required to:

(a) Revise those specifications, standards, and procedures that require that paper and paper products contain only virgin materials to eliminate this restriction; and

(b) Revise those specifications, standards, and procedures that prohibit using postconsumer recovered materials in paper and paper products to eliminate this restriction.

**§ 250.12 Requirement of recovered materials content.**

(a) Within one year of publication of this revised guideline, paper and paper product specifications must require the use of postconsumer recovered materials to the maximum extent possible without jeopardizing the intended end use of the paper or paper product.

(b) Specifications that are unnecessarily stringent for a particular end use and that bear no relation to function, such as brightness and whiteness for copy paper, should be revised in order to allow for a higher use of postconsumer recovered materials. Specifications that bear no relation to function should be revised according to the agency's established review procedure. In determining the relationship to function of existing specifications, Federal agencies should make maximum use of existing voluntary standards and research by organizations such as the American Society for Testing and Materials' Committees D6, D10, and F5; the Technical Association of the Pulp and Paper Industry; and the American Institute of Paper Chemistry.

**§ 250.13 Exclusion of products containing recovered materials that do not meet reasonable performance standards.**

(a) Notwithstanding the requirements of §§ 250.11 and 250.12 of this part, Federal agencies need not revise specifications to allow or require the use of postconsumer recovered materials if it can be determined that for technical reasons, for a particular end use, a product containing such materials will not meet reasonable performance standards.

(b) Any determination under this section should be documented by the drafting and reviewing agency and be based on technical performance information related to a specific item, not a grade of paper or type of product. Agencies should reference such documentation in subsequent solicitations for the specific item in order to avoid repetition of previously documented points.

**§ 250.14 New specifications.**

When paper or a paper product containing postconsumer recovered mate-

rials is produced in types and grades not previously available, specifications should be revised to allow use of such type or grade, or new specifications should be developed for such type or grade. EPA recommends that procuring agencies monitor new developments and use them to increase the use of postconsumer recovered materials as appropriate.

**Subpart C—Affirmative Procurement Program****§ 250.20 General.**

(a) Within one year after the date of publication of this revised guideline, procuring agencies which procure paper and paper products must establish an affirmative procurement program for such items. The program must meet the requirements of section 6002(i) of RCRA, including the establishment of a preference program; a promotion program; procedures for obtaining estimates and certification of postconsumer recovered materials content and for verifying the estimates and certifications; and an annual review and monitoring program. This subpart provides recommendations for implementing section 6002(i).

(b) As used in this subpart, the term "postconsumer recovered materials" refers to waste paper in the case of printing and writing grades and to recovered materials in the case of cotton fiber papers.

**§ 250.21 Recovered materials preference program.**

(a)(1) EPA recommends that procuring agencies establish minimum recovered materials content standards that assure that the postconsumer recovered materials content required is the maximum available without jeopardizing the intended end use of the item or violating the limitations of Section 6002(c)(1) (A) through (C) of the Act.

(2) EPA recommends that procuring agencies set their minimum content levels at the highest levels that meet the statutory requirements but no lower than the levels shown in Table 1.

TABLE 1: EPA RECOMMENDED MINIMUM CONTENT STANDARDS OF SELECTED PAPERS AND PAPER PRODUCTS

	Minimum percentage of recovered materials	Minimum percentage of postconsumer recovered materials	Minimum percentage of waste paper <sup>1</sup>
Newsprint.....		40	
High grade bleached printing and writing papers:			
Offset printing.....			50
Mimeo and duplicator paper.....			50
Writing (stationery).....			50
Office paper (e.g., note pads).....			50
Paper for high-speed copiers.....			( <sup>2</sup> )
Envelopes.....			50
Form bond including computer paper and carbonless.....			( <sup>2</sup> )
Book papers.....			50
Bond papers.....			50
Ledger.....			50
Cover stock.....			50
Cotton fiber papers.....	25		
Tissue products:			
Toilet tissue.....		20	
Paper towels.....		40	
Paper napkins.....		30	
Facial tissue.....		5	
Doilies.....		40	
Industrial wipers.....		0	
Unbleached packaging:			
Corrugated boxes.....		35	
Fiber boxes.....		35	
Brown papers (e.g., bags).....		5	
Recycled paperboard:			
Recycled paperboard products including folding cartons.....		80	
Pad backing.....		90	

<sup>1</sup> Waste paper is defined in Section 250.4 and refers to specified postconsumer and other recovered materials.

<sup>2</sup> EPA found insufficient production of these papers with recycled content to assure adequate competition.

(3) Minimum content standards should be reviewed annually based on procurement experiences, including data compiled on postconsumer recovered materials content, as recommended in § 250.23(c) of this part.

(b) The recommendations in paragraphs (a) (1) and (2) of this section, as well as any other affirmative procurement program that an agency may adopt, are subject to the following limitations provided in section 6002(c)(1) of RCRA:

(1) Maintenance of a satisfactory level of competition;

(2) Availability within a reasonable period of time;

(3) Ability to meet the performance specifications in the invitation for bids;

(4) Availability at a reasonable price.

(c) Procuring agencies should make determinations regarding competition and availability in accordance with the

Federal Acquisition Regulation (FAR), 48 CFR Ch. 1 *et seq.*

#### § 250.22 Promotion program.

EPA recommends that procuring agencies consider all possible promotional methods including the following:

(a) A special notation prominently displayed in any paper or paper product procurement solicitation or invitation to bid.

(b) A statement in each paper specification defining "postconsumer recovered materials," "waste paper," or "recovered materials," as applicable, as they are defined in § 250.4 of this part.

(c) A brief statement in advertisements of bids describing the preference program. Such advertisements should be placed in the *Commerce Business Daily* and periodicals commonly read by vendors of paper and

paper products containing postconsumer recovered materials.

(d) Catalog listings of available products (such as GSA's Office Supplies) indicating which paper or paper product contains postconsumer recovered materials.

(e) Discussion of the preference program at bidders' conferences or similar meetings of potential bidders.

(f) Announcements in recycling journals, trade magazines, and procurement publications.

#### **§ 250.23 Estimates, certification, and verification.**

(a) Agencies must require vendors to estimate the total percentage of postconsumer recovered materials in paper and paper products supplied to them.

(b) Agencies must require vendors to certify the minimum postconsumer recovered materials to be used in the performance of a contract.

(c) There must be reasonable verification procedures for estimates and certifications, e.g., the procuring agency may state in solicitations for bids that, in the case of a bidder's protest, all estimates and certifications will be subject to audits of mill records.

(d) For each paper or paper product procured, agencies should maintain the following records:

(1) The percentage of postconsumer recovered materials in the products procured or offered;

(2) Comparative price information on competitive procurements;

(3) The quantity of each item procured over a fiscal year;

(4) The availability of the paper and paper products to procuring agencies;

(5) Type of performance tests conducted, together with the categories of paper or paper products containing postconsumer recovered materials that failed the tests; the percentage of total virgin products and products containing postconsumer recovered materials, respectively, that failed each test; and the nature of the failure;

(6) Agency experience with the performance of the procured products.

#### **§ 250.24 Annual review and monitoring.**

(a) Each procuring agency must conduct an annual review and monitoring

of the effectiveness of its affirmative procurement program.

(b) EPA recommends that the annual review include the following items:

(1) An estimate of the quantity of paper and paper products purchased containing postconsumer recovered materials and the total quantity of paper and paper products purchased.

(2) A review of the variation between estimates and certifications of postconsumer recovered materials content in paper and paper products purchased during the year. If the variations are significant, procuring agencies should determine whether minimum content standards can be introduced or raised without causing a long-term increase in price.

(c) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make the report available to the public. The report should contain the following information:

(1) If the case-by-case approach is being used, a demonstration that they procure paper and paper products containing postconsumer recovered materials to the maximum extent practicable. The basis for this determination should be a review of the data compiled on recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.

(2) If the minimum content standards approach is being used, a determination of whether the minimum content standards in use should be raised, lowered, or remain constant for each item. The basis for these determinations should be a review of the data compiled on postconsumer recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.

(3) Documentation of specification revisions made during the year.

#### **§ 250.25 Implementation.**

(a) Procuring agencies must complete specification revisions in accordance with RCRA section 6002(d)(2) and development of affirmative pro-

curement programs in accordance with RCRA section 6002(i) within one year from the date of publication of this revised guideline.

(b) Procuring agencies must begin procurement of paper and paper products containing postconsumer recovered materials in compliance with RCRA section 6002, one year from the date of publication of this revised guideline.