



# Environmental Fact Sheet

## EPA Proposes Comprehensive Procurement Guideline

EPA is proposing a Comprehensive Procurement Guideline (CPG) which designates 21 items. Once the CPG is finalized, procuring agencies will be required to develop affirmative procurement programs, or modify their existing programs, to assure that designated items are purchased with the highest percentage of recovered materials

practicable. To assist procuring agencies with purchasing the designated items, EPA has concurrently published a draft Recovered Materials Advisory Notice (RMAN) which recommends procurement practices and ranges of recovered materials content levels within which the designated items are available.

### 21 Designated Items

#### Vehicular Products

- Engine Coolants

#### Construction Products

- Structural Fiberboard  
and Laminated Paperboard

- Plastic Pipe and Fittings

- Geotextiles

- Carpet

- Floor Tiles and Patio Blocks

- Cement Containing Blast

- Furnace Slag

- Building Insulation\*

#### Transportation Products

- Traffic Control Cones  
and Barriers

#### Park and Recreation Products

- Playground Surfaces  
and Running Tracks

#### Landscaping Products

- Hydraulic Mulch

- Yard Trimming Compost

#### Non-paper Office Products

- Office Recycling Containers  
and Waste Receptacles

- Plastic Desktop Accessories

- Remanufactured Toner Cartridges

- Binders

- Plastic Trash Bags

\*Amended to establish content levels for fiberglass and increase levels for rockwool.



**Recycled/Recyclable**  
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at least 50% recycled fiber

## Background

Congress set forth the provisions of Section 6002 of the Resource Conservation and Recovery Act (RCRA) to increase government purchases of recycled products. This, in turn, stimulates markets for materials recovered from solid waste by using the power of government purchasing. Under the statute, EPA is required to designate items that can be made with recovered materials and to recommend practices for procuring these items. Once an item is designated by EPA, procuring agencies are required to buy the item with the highest recovered materials content level practicable.

EPA has previously issued five guidelines designating the following specific items for procurement by procuring agencies: (1) paper and paper products; (2) re-refined lubricating oils; (3) retread tires; (4) building insulation products; and (5) cement and concrete containing coal fly ash.

President Clinton reiterated the need to develop markets for products made with recovered materials when he signed Executive Order 12873 on October 20, 1993. Among other things, the Order establishes an expedited process by which EPA designates items and issues recommendations for procuring these items.

Under the new process, EPA designates items that are or can be made with recovered materials by issuing a **Comprehensive Procurement Guideline** (CPG). To assist federal agencies in

procuring items designated in the CPG, EPA will provide procurement recommendations, such as recommended recovered materials content levels, by issuing **Recovered Materials Advisory Notices**.

## To Whom Do These Proposed Guidelines Apply?

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

Purchases unrelated or incidental to the purpose of federal funding are not subject to the procurement guidelines. However, when it is not apparent whether a purchase is subject to RCRA, EPA encourages procuring agencies to follow the guidelines to help expand markets for products made of recovered materials.

## What is an Affirmative Procurement Program?

An affirmative procurement program is an agency's strategy for maximizing its purchases of an EPA-designated item. The affirmative procurement programs should be developed in a manner

that assures that the agencies purchase items composed of recovered materials to the maximum extent practicable consistent with federal procurement law. In fulfilling this requirement, EPA recommends that each agency develop one comprehensive affirmative procurement program with a structure that provides for the integration of new items as they are designated.

Each affirmative procurement program must consist of at least four components:

- 1. a recovered materials preference program,**
- 2. an agency promotion program,**
- 3. a program for requiring vendors to reasonably estimate, certify, and verify the recovered materials content of their product, and**
- 4. a program to monitor and annually review the effectiveness of the affirmative procurement program.**

Additionally, within one year after EPA designates an item, RCRA Section 6002 requires that procuring agencies revise their specifications to require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.

## **Preference Program**

A preference program is the system by which an agency implements its stated "preference" for purchasing products containing recovered materials. The statute provides three options for a preference program.

- **Minimum Content Standards** - identify the minimum content of recovered materials that an item should contain. In the draft RMAN, EPA recommends ranges of recovered materials content levels within which the proposed designated items are available. However, it is the procuring agency's responsibility to establish its own minimum content standards.

- **Case-by-case Policy Development** - policy of awarding contracts to the vendor offering an item composed of the highest percentage of recovered materials practicable. This approach is generally used when a procuring agency has been unable to purchase a designated item at the minimum content standard it has established for that particular designated item.

- **Substantially Equivalent Alternative** - used where minimum content standards are inappropriate. For example, in the draft RMAN, EPA recommends that agencies establish service contracts for remanufacturing of toner cartridges.

### **Promotion Program**

Agencies must actively promote their desire to buy recycled products, both within the agency and externally to product vendors. Internal promotion may consist of initiatives such as wide distribution of copies of the agency's affirmative procurement policy, articles in agency newsletters and technical and staff manuals, and workshops to educate employees. Examples of external promotion are publishing articles in trade journals, participating in vendor shows and trade fairs, placing statements in solicitations, and discussing an agency's affirmative procurement program at bidders' conferences.

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

Agencies must establish procedures for estimating, certifying, and, where appropriate, reasonably verifying the amount of recovered materials content utilized in the performance of a contract.

### **Procedures to Monitor and Review the Procurement Program**

Procuring agencies must monitor their affirmative procurement programs to ensure that they are fulfilling their requirements to purchase items composed of recovered materials. In addition, Executive Order 12873 requires the Environmental Executive of each federal agency to track and report on agency purchases of designated items.

### **When May an Agency Purchase Items Not Containing Recovered Materials?**

Procuring agencies may choose not to purchase a guideline item containing recovered materials if: the item's price is unreasonable; there is inadequate competition; obtaining the designated item results in unusual and unreasonable delays; or the item does not meet all reasonable performance specifications.

### **For More Information**

To obtain further information, or a copy of the Federal Register notices for the CPG or RMAN, please call the RCRA Hotline Monday through Friday, 8:30 a.m. to 7:30 p.m. EST. The national toll-free number is (800) 424-9346; for the hearing impaired it is (TDD) (800) 553-7672. In Washington, D.C., the number is (703) 412-9810 or TDD (703) 412-3323.