

Comprehensive Procurement Guideline Proposed

Soon, federal and many other government agencies will be adding a wide variety of products containing recovered materials to their shopping lists. On April 20, 1994, EPA proposed a *Comprehensive Procurement Guideline* (CPG) that "designates" 21 products, from plastic trash bags to engine coolant for government purchase.

The underlying impetus behind the CPG is the need to stimulate markets for materials collected through recycling programs. President Clinton reiterated this need when he signed Executive Order 12873 on October 20, 1993. In issuing the CPG, EPA will have met one of its major responsibilities under that Executive Order, as well under Section 6002 of the Resource Conservation and Recovery Act (RCRA), the law that authorizes and directs EPA to issue procurement guidelines.

Prior to the President's Executive Order, EPA had issued five procurement guidelines covering paper and paper products, re-refined lubricating oils, retread tires, building insulation products, and cement and concrete containing coal fly ash. In addition to designating new items, the CPG incorporates and reorganizes the five existing procurement guidelines.

Under RCRA, all government agencies, along with their contractors and grantees, that purchase designated items ("procuring agencies") are required to establish a preference for buying the items with recovered material content, if they spend more than \$10,000 a year on an item using appropriated federal funds. To do so, they must develop or revise their existing "affirmative procurement

program." The program must include at least the following four components:

- **Recovered materials preference program.** Procuring agencies must establish a system for buying designated items containing recovered materials. They can do this by using one of three alternative approaches provided in RCRA.
- **Promotion program.** Procuring agencies must actively promote their preference for products made from recovered materials. For example, they can publish articles in newsletters both inside and outside of their agencies, hold employee training workshops, participate in trade fairs, and include statements in bid solicitations.
- **Estimation, certification, and verification program.** Agencies must establish procedures for collecting estimates and certifications from vendors, and for verifying information about the recovered material content of the products they buy.
- **Monitoring.** Agencies must monitor their progress in buying products made from recovered materials and report on their purchases of designated items.

In addition, procuring agencies must review their purchasing specifications for designated items to incorporate requirements for recovered material content, and to remove language that might hinder the purchase of these items. For example, if a specification requires that only virgin plastic resins be used in plastic trash cans, that requirement must be changed to allow for the use of recovered plastic, since such trash cans are now available.

Only the following conditions can exempt procuring agencies from these procurement requirements:

- If an item containing recovered material is only available at an unreasonable price.
- If there is inadequate competition (not enough sources of supply).
- If there would be an unusual and unreasonable delay in obtaining an item.
- If the item does not meet all reasonable performance requirements.

At the same time that EPA proposed the CPG, it published a draft *Recovered Material Advisory Notice* (RMAN). The RMAN lists the ranges of recovered material content within which designated items are commercially available. It also suggests purchasing practices to help government agencies buy these products.

To obtain more information or a copy of the *Federal Register* notices for the CPG or the RMAN, call the RCRA Hotline at 800-424-9346. ☐

Items Designated in the Proposed Comprehensive Procurement Guideline

Vehicular Products

Engine Coolant

Construction Products*

Structural Fiberboard

Laminated Paperboard

Plastic Pipe and Fittings

Geotextiles

Carpet

Floor Tiles

Patio Blocks

Cement Containing Blast Furnace Slag

Transportation Products

Traffic Control Cones

Traffic Barriers

Park & Recreation Products

Playground Surfaces

Running Tracks

Landscaping Products

Hydraulic Mulch

Yard Trimmings Compost

Non-paper Office Products

Office Recycling Containers

Waste Receptacles

Plastic Desktop Accessories

Remanufactured Toner Cartridges

Binders

Plastic Trash Bags

*The CPG also proposed amendments to the existing procurement guideline for building insulation.

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