

Affirmative Procurement Plan

**Purchasing Environmentally Preferable Products and
Services at the
U.S. Department of Health and Human Services**



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Executive Summary

The Federal Government purchases more than \$200 billion worth of goods and services each year. The U.S. Department of Health and Human Services (HHS) purchases all kinds of products ranging from office equipment to lab supplies and services such as janitorial and landscaping. HHS is taking a leadership role in its commitment to protect human and environmental health by incorporating responsible environmentally preferable purchasing (EPP) practices into all levels of the procurement process. Adapting these new purchasing practices will produce a win/win situation that benefits end-users and the environment.

HHS' environmental initiatives focus on the following areas: green buildings, which incorporate sustainable design and construction practices into construction and improvements projects; EPP, which incorporates post-consumer recycled content and selecting reusable and durable products; and sustainable operations, which focus on energy conservation measures that have eliminated millions of pounds of air pollutants each year. To reinforce these initiatives, it is HHS' policy to purchase Environmental Protection Agency (EPA)-designated recycled content products (also known as items containing recovered materials) and environmentally preferable products and services to the maximum extent practicable. This will minimize solid waste, prevent pollution, save energy and other resources, reduce greenhouse gas emissions, and encourage public support and participation.

This document formally establishes HHS' affirmative procurement plan (APP) and provides recommendations for implementing a successful program. HHS' APP applies to: a) All agency acquisitions, including micropurchases, in which an EPA-designated item is acquired; b) Contractors operating HHS facilities; c) State and local recipients of assistance funding; and d) Purchase Cardholders.

Preface

Federal agencies are required by Section 6002 of the Resource Conservation and Recovery Act, Executive Order (E.O.) 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," and Federal Acquisition Regulation (FAR) Part 23 to buy certain products containing recovered materials.

This APP establishes HHS' standard procedures for procuring EPA-designated and other environmentally preferable goods and services. It was developed in June 2006 by HHS' Office of Acquisition Management and Policy (OAMP), and reflects input from the Office of Facilities Management and Policy, the Operating Divisions (OPDIVs), and Staff Divisions (Staff Divs). This guidance addresses all Comprehensive Procurement Guideline (CPG) items designated by the EPA. Future updates will be provided as EPA designates additional items. Further, appropriate aspects of this APP will be incorporated into the HHS Acquisition Regulation in the near future.

Questions on compliance and implementation issues in this guidance may be directed to: Linda Stivaletti-Petty, Office of Acquisition Management and Policy at 202-720-1906, or at: Linda.Stivaletti@hhs.gov. Additional information can be found at <http://www.knownet.hhs.gov/acquisition/epp.htm>.

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I. Purpose, Authority, and Applicability

A. Purpose

The goal of HHS' APP is to reduce the adverse environmental impact of our purchasing decisions by buying goods and services from manufacturers and vendors who share our commitment to protect human health and the environment. By including environmental considerations into purchasing decisions, along with the traditional focus on price, quality, performance, and availability, agencies will remain fiscally responsible while promoting practices that improve public health and safety, reduce pollution, conserve natural resources, and support manufacturers and vendors that reduce the adverse environmental impact of their production and distribution systems.

This document **formally** establishes HHS' APP for EPA-designated recycled content products and provides agency-wide guidance for implementing an effective program. The purpose of federal affirmative procurement programs is to increase and expand markets for recovered materials through greater Government preference and demand for products made with such materials, consistent with the demands of efficiency and cost-effectiveness. Expanding markets will reduce the amount of solid waste requiring disposal through the purchase and use of products containing recovered materials.

HHS' APP ensures that items composed of recovered material (also known as recycled content products) will be purchased to the maximum extent practicable, and are consistent with EPA's CPG and Recovered Materials Advisory Notices (RMAN)¹. All pertinent EPA guidelines, including recovered material minimum content standards, have been referenced and incorporated in this APP.

Nothing in this APP shall be used to negate any state or local affirmative procurement requirements more stringent than similar requirements implemented by the Department's APP.

B. Authority

The following documents establish the authority for HHS' APP:

- Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended, (42 U.S.C. 6962).
- Executive Order (E.O.) 13101, "Greening the Government Through Waste Prevention, Recycling and Federal Acquisition."

¹ RMANs provide recommendations and guidance on buying recycled content products. (see <http://www.epa.gov/cpg/about.htm>).

- EPA CPG and RMAN.
- Office of Federal Procurement Policy (OFPP), Policy Letter 92-4 . (“Procurement of Environmentally Sound and Energy Efficient Products and Services”).
- The Federal Acquisition Regulation (FAR).
- Farm Security and Rural Investment Act of 2002, Section 9002

Green purchasing preference programs are supported by the legal and reporting requirements listed in Appendix C of this document.

C. Applicability

Section 6002(a) of RCRA, as amended (42 U.S.C. 6962) and EPA's CPG apply to each procuring agency, defined as "any federal agency, or any state agency, or agency of a political subdivision of a State which uses appropriated federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract." HHS' APP applies to: a) All agency acquisitions, including micropurchases and purchase card transactions, in which an EPA-designated item is acquired; b) Contractors operating HHS facilities (see Section VII(J)(“Contractors”)); and c) State and local recipients of assistance funding (if applicable) (see <http://www.whitehouse.gov/omb/circulars/a102/a102.html>).

- Section 6002(a) of RCRA, as amended (42 U.S.C. 6962) determines those parties responsible for developing and implementing an APP and those responsible for APP compliance. HHS has developed an APP, which shall be implemented by all HHS program offices, contract operation offices, sites, applicable contractors, and state and local recipients of assistance funding. All OPDIVs and StaffDivs must take steps to carry out HHS' APP.
- Section 6002(a) of RCRA states “A procuring agency shall comply with the requirements set forth in this section and any regulations issued under this section, with respect to any purchase or acquisition of a procurement item where the purchase price of the item exceeds \$10,000 or where 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.²”

² The \$10,000 threshold applies to each procuring agency (e.g., HHS) as a whole. If a procuring agency has determined it purchased \$10,000 worth of a designated item or functionally equivalent items during the preceding year, it is subject to RCRA Section 6002. If so, the requirements apply to all purchases of these items occurring in the previous year. If the procuring agency did not procure \$10,000 worth of a designated item in the preceding fiscal year, but purchases \$10,000 or more of a designated item in a single procurement action, then the requirements apply to the single procurement and to all subsequent purchases of the designated item made during the current fiscal year.

II. What is Environmentally Preferable Purchasing?

Buying the most environmentally preferable alternative means HHS will acquire products and services that have a reduced effect on human health and the environment, when compared with competing products and services serving the same purpose. This comparison will consider all phases of the product's life cycle, including raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance, and disposal, including potential for reuse or ability to be recycled. The commodity areas for environmentally preferable purchasing are listed in Appendix G of this document.

In practice, this means seeking products that have minimal or no environmental impact because of the way they are made, used, transported, stored, packaged, and disposed of. It means looking for products that do not harm human health, are less polluting, minimize waste, maximize use of biobased or recycled materials, conserve energy and water, reduce the consumption or disposal of hazardous materials, or have other positive environmental attributes. When determining whether a product is environmentally preferable, the following environmental attributes should be considered:

- Biobased*
- Biodegradable
- Carcinogen-free
- Chlorofluorocarbon (CFC)-free (free of ozone-depleting substances)
- Compostable
- Durable and long lasting
- Energy-efficient
- Fragrance-free
- Heavy metal-free (e.g., no lead, mercury, cadmium)
- Less hazardous
- Less packaging
- Locally manufactured
- Low volatile organic compound (VOC) content
- Non-toxic or minimally toxic
- Made from rapidly renewable materials
- Persistent, bioaccumulative toxic (PBT)-free
- Recyclable
- Recycled content
- Reduced greenhouse gas emissions
- Reduced packaging
- Refurbished
- Resource efficiency
- Reusable
- Upgradeable
- Unbleached or chlorine-free manufacturing processes
- Wood from sustainable harvested forests
- Water-efficient

* On March 16, 2006, the United States Department of Agriculture (USDA) published a final rule in the Federal Register regarding the designation of biobased

items for federal procurement. For additional information, see “Biobased Products” in Appendix B of this document.

EPA’s guiding environmentally preferable procurement principles are:

- Include environmental considerations as part of the normal purchasing process.
- Emphasize pollution prevention as part of the purchasing process.
- Examine multiple environmental attributes throughout the product or service’s life cycle.
- Compare environmental impacts when selecting products and services.
- Collect accurate and meaningful information about the environmental performance of products and services.

Through research and experience, HHS and other federal agencies have determined that environmentally preferable products: are available in sufficient quantities to meet demand; meet appropriate performance requirements; and are priced competitively with their conventional counterparts.

III. Roles and Responsibilities

A. *Federal Environmental Executive*

E.O. 13101 (E.O.) requires federal agencies to expand waste prevention and recycling programs, implement affirmative procurement programs for EPA-designated items, and procure environmentally preferable products and services. The E.O. requires the designation of a Federal Environmental Executive (FEE) to take all actions necessary to ensure agencies comply with the requirements of the E.O. The E.O. also requires the FEE to prepare a biannual report to the President on the actions taken by agencies to comply with the E.O. Under E.O. 13101 and Section 6002 of RCRA, as amended (42 U.S.C. 6962), the FEE and the OFPP shall submit a biannual report to Congress on actions taken by the federal agencies to purchase EPA-designated items.

B. *HHS’ Environmental Executive*

E.O. 13101 requires the head of each major Executive department and major procuring agency to designate an Agency Environmental Executive (AEE), at a level no lower than the Assistant Secretary or equivalent. The Assistant Secretary for Administration and Management (ASAM) is HHS’ AEE. ASAM, in consultation with HHS’ Senior Procurement Executive, is responsible for, among other things:

- Tracking OPDIVs’/StaffDivs’ purchases of EPA-designated guideline items and reporting purchases of such items to the OFEE.

- Updating the Department’s APP guidance within one year of EPA’s designation of new recycled content items.
- Participating in the interagency development of a federal plan to: create an awareness and outreach program for the private sector to facilitate markets for environmentally preferable and recycled products and services; promote new technologies; improve awareness about federal efforts in this area; expedite agency efforts to procure new products identified under E.O. 13101; establish incentives, provide guidance, and coordinate appropriate educational programs for agency employees; and coordinate the development of standard agency reports required by E.O. 13101.
- Reporting to the FEE on the progress of plan implementation.
- Reviewing OPDIV/StaffDiv programs and acquisitions to ensure compliance with E.O. 13101.
- Coordinating all environmental programs in the areas of procurement and acquisition, standards, specification review, facilities management, waste prevention and recycling, and logistics.
- Developing and implementing HHS’ APP within the Department.
- One year after a product is placed on the USDA Biobased Products List, estimating OPDIVs’/StaffDivs’ purchases of products on the list and reporting estimated purchases of such products to the Secretary of Agriculture.
- Developing and coordinating HHS’ Waste Prevention and Recycling Program to implement E.O. 13101.

C. ASAM/OAMP (HHS’ APP Program Manager)

The ASAM/OAMP (HHS’ APP Program Manager) is responsible for:

- Informing OPDIVs/StaffDivs of their responsibilities under HHS’ EPP policy and providing them with information about EPP products and services.
- Developing and coordinating HHS’ APP requirements for procurement and program staff.

- Revising the HHS Acquisition Regulation to reflect the requirements of E.O. 13101.
- Developing procurement strategies to meet HHS' goals to increase the procurement of EPA-designated items made with recycled content and other EPP purchases.
- Ensuring that green purchasing training requirements are implemented within the OPDIVs/StaffDivs and raising staff awareness of the environmental issues affecting procurement.
- Developing and implementing HHS' APP within the Department. Offering ways to improve EPP within the Department and on the part of OPDIVs'/StaffDivs' contractors. Keeping OPDIV/StaffDiv procurement and program staff aware of policy changes.
- Evaluating OPDIV/StaffDiv EPP practices and providing oversight of the OPDIV/StaffDiv APP points of contact. Discussing with OPDIVs/StaffDivs opportunities to increase EPP where relevant, and coordinating outreach/training for staff.
- Establishing and updating Departmental goals for solid waste diversion, recycling, and affirmative procurement; and evaluating the performance of OPDIVs/StaffDivs relative to these goals.
- Working with the AEE to review and analyze green procurement data, including the preparation of the annual report to OFEE.

D. *OPDIV/StaffDiv APP Program Managers*

OPDIV APP Program Managers are responsible for:

- Implementing HHS' APP within their organization and offering ways to improve EPP within the Department and on the part of the Department's contractors.
- Informing staff about EPP training opportunities.
- Coordinating with other components, such as facilities, design/construction, program offices, and environmental offices to ensure that HHS' APP is implemented within their organization and that data are properly recorded on the annual RCRA Report.
- Ensuring that HHS' facilities prevent waste and maximize the success of the recycling programs.

- Implementing an awareness program to promote EPP within OPDIVs/StaffDivs, to include but not limited to: disseminating information about EPP products and services (covering all relevant information on the proper use, handling, recycling and disposal of products); and providing contracting and program staff with the list of EPA-designated items.
- Providing green procurement consultation support to personnel and organizations involved in the purchasing process, including those defining requirements, writing specifications, and purchasing products or services.
- Tracking the development of environmental standards and specifications that HHS can integrate into its purchasing specifications.
- Regularly monitoring and annually reviewing the effectiveness of their APPs.
- Responding to ASAM/OAMP data calls to support overall HHS reporting requirements

E. *Procurement Offices*

Purchasers (including contracting officers, contract specialists, procurement technicians/procurement clerks, and purchase cardholders) are responsible for:

- Ensuring that purchases are in compliance with HHS' APP. Identifying specifications that do not contain EPP products or services and notifying the project officer. Ensuring that specifications that do not contain EPA-designated products containing recovered materials contain a written justification (for purchases above \$2,500 only). (Justifications are not required for purchase cardholders.)
- Ensuring that EPP requirements are in each applicable solicitation and resultant contract; and if they are not, ensuring that a justification is included.
- Maintaining required documents in the contract file to include estimates, certifications, and written justifications for exceptions.
- Employing life-cycle cost analysis, whenever feasible and appropriate, to assist in making product and service selections.

- Providing guidance and facilitating acquisition planning with respect to environmentally preferable goods and services. Assisting in any market research necessary to determine the availability of environmentally preferable goods and services.
- Requiring vendors to certify the percentage of recovered materials used when contracts are awarded wholly or in part on the basis of utilization of recovered materials.
- Arranging for the procurement of solid waste management services in a manner which maximizes energy and resource recovery. For those OPDIVs/StaffDivs that generate heat or mechanical/ electrical energy from fossil fuel in systems that have the technical capability of using energy or fuel derived from solid waste as a primary or supplementary fuel, they shall use such capability to the maximum extent practicable.
- Ensuring that specifications are revised, where appropriate, to include recycled content and other environmentally preferable criteria, such as biobased products.
- Ensuring that: (a) In the award of contracts, preference is given to products containing recovered materials (in lieu of products made of virgin materials) unless justified; and (b) Minimum content standards (which identify the minimum content of recovered materials that an item must contain to be considered for award) are specified.
- Ensuring that solicitations and contracts contain the appropriate provisions and clauses to implement affirmative procurement (FAR Part 23).
- Procuring products (including packaging) that contain both the highest percentage of recovered materials and (where applicable) post-consumer waste -- consistent with performance requirements, availability, price reasonableness, and cost effectiveness.
- Ensuring that EPP purchases are recorded accurately and timely in the Departmental Contract Information System (DCIS).

F. *Program Offices*

Program Offices (Requirements Officials/Project Officers) are responsible for:

- Identifying and documenting whether green products and services are available and can satisfy requirements for price, availability, and performance. (see Appendix A)
- Ensuring that relevant green procurement requirements are identified prior to submission to the contracting office or other source of supply so that final/approved purchase requests properly address all relevant green procurement requirements.
- Consulting early in the procurement process with appropriate parties (e.g., environmental specialists, contract specialists/contracting officers) to facilitate procurement planning and to prepare statements of work or specifications which include: elimination of virgin material requirements; reuse of products; use of recovered materials; energy and water efficiency; recyclability; the use of designated items in the CPG; or other environmentally preferable products or services, such as biobased products.
- Monitoring contract performance to ensure compliance with green procurement requirements in accordance with the terms of the contract.

G. *Head of Contracting Activity*

The Head of Contracting Activity is responsible for:

- Ensuring implementation of HHS' APP within his/her OPDIV. (For those OPDIVs that do not have procurement offices, the primary responsibility for making procurements "green" shall be with the servicing contracting office(s). However, the HCA shall ensure that project officers include "buying green" provisions in applicable request for contracts/acquisition plans.)
- Designating the APP program manager within the OPDIV.
- Ensuring that applicable OPDIV personnel are trained in green procurement and that such training is tracked, managed, and reported.

H. *HHS Environmental Program Manager (residing in ASAM's Office of Facilities Management)*

The HHS Environmental Program Manager is responsible for:

- Serving as the subject matter expert with regard to environmental issues.

- Providing support to the HHS' Environmental Executive in leading the implementation of E.O. 13101 and other "Greening the Government" initiatives.
- Monitoring OPDIV and StaffDIV-level environmental offices to ensure input to and support of their and HHS' APP.

IV. Relationship Between the Environment, Health, and Environmentally Preferable Purchasing

The mission of HHS is to protect the health of all Americans and provide essential human services, especially for those who are least able to help themselves.³ Purchasing decisions have a profound impact on public health and the environment. Consequently, HHS is committed to identifying and procuring products and services that minimize the burden on human health and the environment. There is a direct correlation between purchasing decisions and human health and environmental concerns. Common sense efforts like EPP, which minimize exposure to harmful chemicals that may cause disease, is one way to address this growing concern. Reducing energy consumption also reduces emissions of harmful chemicals such as mercury, smog precursors and particulates.

V. Why Reduce Our Waste Stream?

As a federal agency, HHS' participation in waste prevention and the procurement of recycled content products contributes to sound waste management practices. In its day-to-day operations, HHS has the opportunity and obligation to be environmentally and energy conscious in its selection and use of needed products and services. Becoming a model consumer of recycled content and environmentally preferable products and services will enhance Departmental credibility and demonstrate HHS' commitment to environmental quality.

For the nation to fully recognize the benefits of recycling and resource recovery, there must be commercial markets available for products made from recovered materials. When HHS procures products containing such materials, it helps create demand for those products. This, in turn, promotes markets for materials that would otherwise go to landfills. There also may be direct financial gains to be achieved by HHS and other agencies from the procurement of products containing recovered materials. For example, for the Federal Government as a whole, the dollar value of materials recovered from solid waste has become substantial. Recovered paper and paperboard account for about one-third of the total in both years. In 1996, the market value of recovered paper and paperboard was 24% of the value of all pulp mill shipments. By 1999, the paper industry relied on recovered paper for 36.5% of its feedstock. In addition, buying recycled-content products supports the economy and provides employment, especially for those people who manufacture products made from recovered materials.

³ U.S. Department of Health and Human Services website; available from <http://directory.psc.gov>; Internet.

The extraction and processing of raw materials into manufacturing feedstocks are some of the most energy-intensive activities of industry. Reducing or nearly eliminating the need for these processes would, therefore, achieve huge savings in energy. Recycling aluminum cans, for example, saves 95% of the energy required to make the same amount of aluminum from its virgin source, bauxite. The amount of energy saved differs by material, but almost all recycling processes achieve significant energy savings compared to virgin material production.

Additionally, efficient use of resources may reduce operating costs. For example, maintenance costs for plastic restroom dividers are less than maintenance costs for dividers made from competing materials.

There are additional environmental and financial gains to be achieved on a national level. Promoting waste prevention by purchasing recycled content items can slow the use of virgin material, as well as slow the rate at which the nation's landfills become filled and closed. If organic wastes such as leaves, grass clippings, and paper, are recycled instead of landfilled, we reduce production of methane, a major greenhouse gas. This is especially true for paper since paper takes up roughly one-third of the space in our nation's landfills. Extensive life-cycle analyses find overall emissions from all environmental media to be lower when we use recovered rather than virgin materials. Also, recycling is a highly effective strategy for reducing health risks and pollution resulting from virgin material extraction and processing. The Federal Government's procurement and use of recycled content products also can reduce our nation's dependency on imported raw materials and conserve natural resources.

VI. HHS' Affirmative Procurement Plan

For certain items designated by EPA, Section 6002 of RCRA, as amended (42 U.S.C. 6962), requires procuring agencies to implement an APP consisting of four elements: (1) A preference program; (2) A promotion program; (3) Procedures for estimation, certification, and verification; and (4) Procedures for annual review and monitoring. The sections below describe HHS' implementation of each of these elements.

VII. HHS' Affirmative Procurement Preference Program

A. General APP Policy

As one of the major procuring agencies in the Federal Government, HHS is responsible for complying with the federal requirements to purchase recycled content products. In accordance with Section 402(c) of E.O. 13101, **100% of HHS' purchases must meet or exceed EPA guideline standards unless there is written justification that the products or services:** (a) Are not available competitively or within a reasonable time frame; (b) Do not meet appropriate performance/safety standards; or (c) Are available

only at an unreasonable price (purchases of \$2,500 or less are exempt from written justification). For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

It is HHS' policy to purchase EPA-designated items containing recovered materials (also known as recycled content products)/environmentally preferable products and services to the maximum extent practicable, unless **written justification is provided for not doing so** (see Appendix A). Therefore, for every applicable procurement action, the procurement request originator must justify the decision not to procure a green alternative in accordance with the requirements of the federal green procurement preference program (E.O. 13101). **Purchase cardholders are not required to complete a written justification but shall comply with the “buying green” provisions of this policy.** Recycled content products shall be purchased containing the percentages of recovered materials (recycled content) indicated in EPA's recommended recovered materials minimum content ranges. Language shall be included in applicable solicitations and contracts requiring compliance with HHS' APP and E.O. 13101. A sample of the products that HHS may purchase containing recycled content products is available in Appendix J. A complete listing of recycled content products is available at www.epa.gov/cpg.

The goal of this policy is to reduce the adverse environmental impact of our purchasing decisions by buying goods and services from manufacturers and vendors who share HHS' commitment to protect human health and the environment. By including environmental considerations into purchasing decisions, along with the traditional focus on price, quality, performance, and availability, HHS will remain fiscally responsible while promoting practices that improve public health, reduce pollution, conserve natural resources, and incentivize manufacturers and vendors that reduce the adverse environmental impact of their production and distribution systems. To the maximum extent practicable, preference shall be given to the purchase of EPP goods and services whenever they perform satisfactorily and are available at a reasonable price, unless there are reasons, such as health or safety, not to purchase them.⁴ Thus, purchasers should include environmental considerations as one of the important indicators of a product's or service's overall desirability.

B. Hazardous Materials Prohibitions, Limitations, and Requirements

1. Prohibitions on EPA Priority Chemicals

Section 503(b) of E.O. 13148, “Greening the Government Through Leadership in Environmental Management,” directs EPA to develop a list of priority chemicals “used by the Federal Government that may result in significant harm to human health or the environment and that have known, readily available, less harmful substitutes for identified applications and purposes.” FAR 23.703 supports this action by requiring

⁴ Nothing contained in this HHS' APP shall be construed as requiring a purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

agencies to eliminate or reduce the generation of hazardous waste and promote the use of nonhazardous materials. Under EO 13148, EPA has defined a priority chemical list to include very specific uses of **cadmium, lead, polychlorinated biphenyls (PCBs), mercury, and naphthalene** as follows:

- Cadmium – electroplating processes
- Lead – soldering processes
- PCBs – when used as insulating material (dielectric fluids in electrical equipment such as transformers and ballasts)
- Mercury - aneroid manometers and temperature measuring devices, electronic thermostats, mechanical switches, and ultrasonic and photoelectric sensors
- Naphthalene – pesticides and pesticide applications

HHS prohibits use of these chemicals in the applications and equipment listed above. As a result, whenever procuring equipment/materials as described above, HHS purchasers must look for alternatives to the five priority chemicals or products containing them.

Note, of the chemicals and uses listed above, mercury in manometers and thermometers is probably the most prevalent across the Department given HHS' strong healthcare and research missions. Information on alternatives to mercury-bearing products is available on the NIH Mercury Elimination Campaign website at: <http://ord.od.nih.gov/nomercury/alternatives.htm>

2. Purchase Alternatives to Hazardous Chemicals and Ozone-Depleting Substances

To the **maximum extent practicable**, HHS' OPDIVs/StaffDivs shall purchase alternatives to other hazardous chemicals and ozone-depleting substances (ODS) (as defined by the EPA). The EPA Significant New Alternatives Program (SNAP) (<http://www.epa.gov/ozone/snap/lists/index.html>) lists alternatives to ozone-depleting substances. FAR 23.8 outlines guidance for procurement of items that contain or use ODS. Building construction, renovation and maintenance products; products for metals cleaning, electronics cleaning and precision cleaning; and products used in fire suppression systems might all contain ODS. Thus, in preparing specifications and purchase requests, and in the acquisition of supplies and services, HHS shall ensure that acquisitions comply with the Clean Air Act and substitute safe alternatives to ozone depleting substances.

HHS shall give preference to the procurement of alternative chemicals, products and manufacturing processes that reduce overall risks to human health and the environment by lessening the depletion of the ozone in the upper atmosphere.

3. Hazardous Material Identification and Material Safety Data

The contracting officer shall obtain information during offer evaluations relative to the hazards that may be introduced into the workplace by the supplies being acquired such as:

- (a) Guidelines required by Federal Standard No. 313 (including revisions adopted during the term of the contract) in obtaining hazardous material.
- (b) Supplies identified by an HHS technical representative as potentially hazardous and requiring safety controls.

The successful offeror shall be required to submit Material Safety Data Sheets (MSDS) prior to contract award, unless the offeror certifies that the supplies are not hazardous; and again by the contractor with the supplies at the time of delivery. The contracting officer shall provide a copy of all MSDSs received to the safety officer or other designated individual. (Information about MSDSs is available at: http://www.eh.doe.gov/chem_safety/Msds.html).

C. Implementation of HHS' APP

Contracting officers, program personnel (project officers), and purchase cardholders are all required to comply with the affirmative procurement requirements set forth in Executive Order 13101 and the RCRA. For program offices, the implementation of HHS' APP policy begins with the requirements document generally prepared by the requirements official (typically, the Project Officer/COTR). It is incumbent on the requirements official to ensure that the goods or services being procured either comply with the EPA's CPG (www.epa.gov/cpg) and recommendations concerning EPA's list of designated items, or as appropriate, promote the use of environmentally preferable products or services. The process of promoting environmentally preferable products or services is a collaborative one, involving not just the Requirements Official, but also the contracting officers and the Environmental Program Managers. The first step is for the requirements official to review the EPA list of designated items to determine if there is an item available that meets the standards. If there is none, or if the product or service suggests a justification or waiver is necessary, follow the instructions in Section VII(F) ("Justification for Not Buying EPA-Designated Recycled Content Products/Environmentally Preferable Products and Services") of this plan. This process may involve market research to ascertain the availability of the environmental performance of a product or service, such as life-cycle costing or life-cycle analysis. The level of review and documentation should be commensurate with the product or service's intended use, dollar magnitude of the acquisition, etc. The implementation steps that contracting personnel, purchase cardholders and others need to take are identified below.

1. Implementation Role Identification

The implementation of HHS' APP will be accomplished in the following ways: 1) Environmental and Procurement Offices, through awareness programs

conducted at each OPDIV/StaffDiv; and 2) Requirements Official, through specifications and product descriptions in HHS solicitations, contracts, and where appropriate, in modifications to existing contracts, as required by the FAR.

2. **Review Specifications (Statements of Work), Solicitation Language and Clauses**

The Head of Contracting Activity shall ensure (in both procurement and program offices) that procedures are in place to review every proposed procurement so that, to the maximum extent practicable, specifications and solicitation language include the use of EPP products and services where applicable.

The review must address the following:

- All appropriate solicitation language, FAR and HHS Acquisition Regulation (HHSAR) clauses, and procedures shall be reviewed to ensure they do not conflict with the goals of HHS' APP.

The following FAR requirements are to be included **in applicable solicitations and contracts**: FAR 52.223-11 ("Ozone-Depleting Substances"), FAR 52.223-12 ("Refrigeration Equipment and Air Conditioners"), FAR Part 36 ("Construction and Architect-Engineer Contracts"), FAR Part 23 ("Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace"), FAR 52.223-4 ("Recovered Materials Certification"), FAR 52.223-9 ("Certification and Estimate of Percentage of Recovered Material Content for EPA-Designated Items" – use only in contracts exceeding \$100,000), and FAR 52.223-10 ("Waste Reduction Program"). Additional FAR provisions and contract clauses that are required in applicable solicitations and contracts are listed in Appendix F.

- All products for which the EPA has developed recycled-content recommendations (www.epa.gov/cpg) shall be required to meet or exceed EPA's recommended recycled content percentages unless there is appropriate justification (see Section F below).
- All products for which the Federal Energy Star® program has developed energy-efficient standards (www.energystar.gov) shall be required to meet or exceed the Energy Star® Standard unless there is appropriate justification (see Section F below).
- All products for which the U.S. Department of Agriculture (USDA) has developed biobased recommendations (www.ars.usda.gov/bbcc) shall be required to meet or exceed USDA's recommended biobased percentages, unless there is appropriate justification (see Section F below).

- All appropriate solicitations and resulting contracts shall include language notifying vendors that HHS reserves the right to substitute or add EPA-designated recycled content products/environmentally preferable products and services and if they become available during the course of the contract. The following language (or equivalent) may be used: “The Department and contractor(s) may negotiate during the contract term to permit the substitution or addition of EPA-designated recycled content products/environmentally preferable products and services when such products are readily available at a competitive cost and satisfy the Department’s performance needs.”

3. Balancing Environmental Considerations with Performance, Availability and Cost

HHS is committed to buying EPA-designated recycled content products/environmentally preferable products and services as long as they meet performance requirements and are available within a reasonable period of time at a reasonable cost.

When comparing cost, project officers and contracting officers will not focus exclusively on the initial price. Instead, they will calculate and compare total costs over the life of the item, which includes the initial cost along with maintenance, operating, insurance, disposal, replacement, safety and health, training, hazardous material management, and potential liability costs. Examining life cycle costs will save money by ensuring the total cost of ownership is quantified before making purchasing decisions.

HHS recognizes that competition exists not only in prices, but also in the technical competence of suppliers, in their ability to make timely deliveries, and in the quality and performance, including environmental performance, of their products and services. Balancing these sometimes competing factors means that initial cost is never the only consideration. It also means we will sometimes pay more for higher performing goods and services, including those with superior environmental performance. Health, safety, and environmental attributes of the product throughout the entire lifecycle should be addressed in the procurement planning phase. The following attributes should be taken into consideration: extending product durability; allowing for easy disassembly, recycling, and remanufacturing; helping prevent pollution; energy efficiency; and resource conservation.

Project officers and contracting officers should solicit all businesses that adopt environmentally sound policies and systems, institute proper environmental management and auditing, disclose environmental information, and conform to environmental laws and regulations.

D. Future EPA-Designated Items

RCRA and E.O. 13101 direct EPA to continue to designate items made

from recovered materials, in order to further increase markets for recovered materials. As required by Section 6002 of RCRA, as amended (42 U.S.C. 6962), HHS' Office of Acquisition Management and Policy will incorporate additional items into its APP within one year after new items are designated by EPA.

E. Acquisition Planning

The buy-recycled requirements shall be considered during the acquisition planning stage if non-federal supply sources are used. E.O. 13101 and FAR Part 7 provide that, in developing plans, drawings, work statements, specifications, or other product descriptions, agency offices must consider a broad range of factors including: elimination of virgin material requirements; use of biobased products; use of recovered materials; reuse of product; life-cycle cost; recyclability; use of environmentally preferable products; waste prevention (including toxicity reduction or elimination); and ultimate disposal, as appropriate. These factors should be considered in acquisition planning for all applicable procurements and in the evaluation and award of contracts (i.e., the bidder must be able to cost-effectively satisfy the recovered material content specifications as well as the performance/design specifications outlined in the procurement solicitation).

The process of acquiring environmentally preferable products or services is a collaborative one – encompassing the requirements official, the OPDIV procurement office, and the OPDIV environmental management office. Their actions should be consistent with the “waste management hierarchy” (reduce, reuse, and recycle, in that order).

F. Justification for Not Buying EPA-Designated Recycled Content Products/Environmentally Preferable Products and Services

FAR 23.405 requires agencies to justify, in writing, decisions not to buy recycled content products. The contracting officer must base the justification on the inability to acquire the product or service: (1) Competitively within a reasonable period of time; (2) At reasonable prices; or (3) According to reasonable performance and safety standards in the specifications, provided a written determination by technical or requirements personnel of the performance standard's reasonableness is included with the justification. **Written justification is not required for purchases below the micropurchase threshold.** Written justifications are not required for purchase cardholders.

The requirements official and the contracting officer shall document the decision not to buy recycled content/environmentally preferable products and services. The justification form must be signed and approved **before** the purchase is made. The Request for Contract/Acquisition Plan **must have a copy of the “Justification for Not Purchasing Environmentally Preferable Products and Services and Federal Energy Star® and Energy Efficient Products” (see Appendix A) attached when forwarded to the contracting officer.** The original copy of the documentation becomes part of the contract file. The contracting officer shall forward a copy of the justification (Appendix

A) to the Office of Acquisition Management and Policy, Attn: Procurement Analyst – Environmental Program, 200 Independence Ave., S.W., Washington, D.C. 20201 within 30 days of contract award.

G. Simplified Acquisitions/Micropurchases

The requirement to purchase EPA-designated recycled content products/environmentally preferable products and services applies to all purchases, including those at or below the micropurchase threshold (\$2,500). **However, written justifications are not required for failure to buy EPA-designated recycled content products/environmentally preferable products and services below the micropurchase threshold.** The purchase card may not be used to circumvent this requirement.

E.O. 13101 requires agencies making micropurchases to provide guidance regarding purchasing of recycled-content products. HHS shall provide training and education to its acquisition personnel procuring recycled content products in the micropurchase area. (see Appendix D for green purchasing training resources).

H. Federal Supply Sources

Established federal supply sources, such as the General Services Administration (GSA), Government Printing Office (GPO), Javits-Wagner-O' Day (JWOD) Program, the Defense General Supply Center (DGSC), and UNICOR are competitive sources for EPA-designated items and other recycled content products. Procuring recycled content products through these sources offers the following advantages:

- Products have been competitively bid;
- Products meet or exceed EPA minimum content standards for recovered materials; and
- Electronic catalogs identify CPG-Compliant Products.

These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for requirements officials to track and monitor vendor compliance with affirmative procurement requirements. Information on federal supply sources of recycled content and environmentally preferable products is contained in Appendix H.

I. Available HHS Contracts in Compliance with FAR Part 23

In November 2004, HHS awarded several contracts in the strategic sourcing contract portfolio, all requiring contractors to comply with FAR Part 23 entitled, "Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace." For additional information, see Appendix E of this document.

J. Contractors

The buy-recycled requirements apply to contractors when they are purchasing or supplying EPA-designated products for use in the performance of a contract. The FAR identifies various standard clauses to support this. These clauses are described in the remainder of this section and Appendix F provides specific clause language. The FAR requires agency contracting officers to insert the clause at: (a) 52.211-5, Material Requirements, in all solicitations and contracts for supplies that are not commercial items; (b) 52.223-10, Waste Reduction Program, in all solicitations and contracts for contractor operation of government-owned or leased facilities and all solicitations and contracts for support services at Government-owned or operated facilities, and (c) 52.223-5, Pollution Prevention and Right-to-Know Information in all solicitations and contracts.

When contractors are purchasing goods on behalf of federal agencies with appropriated funds, they need detailed instructions on their responsibilities for implementing the order. This guidance applies to all HHS operations and contractors. HHS' contracting officers shall ensure that the FAR clauses at 52.211-5, Material Requirements, and 52.223-10, Waste Reduction Program, are inserted in all applicable solicitations and contracts. It is the responsibility of each OPDIV/StaffDiv to ensure that: (1) Appropriate existing contracts are revised (during contract renewals) to include APP compliance provisions; and (2) Appropriate new contracts contain APP compliance provisions. Once appropriate provisions are included in the contract, the contractor shall comply with HHS' APP as if the contractor were an HHS entity. Accordingly, the contractor shall monitor and report to the contractor on its APP-related procurement activities, and shall require its applicable subcontractors to comply with HHS' APP.

HHS' contracting officers shall review with appropriate contractors their role in the procurement of recycled content products during the initial contract signing period and shall reinforce the requirements of the E.O. 13101 when appropriate during subsequent meetings and correspondence with the contractor. Nothing in HHS' APP precludes a contractor from voluntarily implementing an APP until such time as provisions are incorporated into the contract.

K. Assistance Agreements

State and local agencies purchasing more than \$10,000 worth of an EPA-designated item in a year, and using some federal funds for these purchases, are required to establish an affirmative procurement program for those particular items. For example, state and local agencies may use some funds from one of HHS' grants programs to purchase an EPA-designated item. If the agency, or the agency's contractors, purchase more than \$10,000 worth of the item in a year and use some federal funds for these purchases, then they are required to purchase the product containing recovered materials.

VIII. Promotion Program

HHS' AEE and OPDIV/StaffDiv APP program managers are responsible for actively promoting HHS' APP and the Department's preference for recycled content products. Internal promotion can consist of activities such as wide distribution of copies of the HHS' APP, articles in newsletters, workshops to educate employees, and using logos/recycling statements on official stationary and publications. More important, the message must reach field operations, procurement officials, supply and requirements personnel and individuals who purchase material or products with a Government credit card.

In particular, these promotion efforts include making suppliers of recycled content products aware of HHS' APP, educating program and procurement offices about requirements to procure recycled content products, and providing HHS employees and contractors with information on sources of recycled products. HHS will internally and externally promote the purchase of recycled products by:

- Including explicit recovered materials preference standards for EPA-designated items in appropriate specifications, solicitations and contract language.
- Providing informational materials, vendor and product information, and training to program and procurement offices regarding HHS' recovered materials preference program through: electronic media such as HHS' websites; memos, publications and newsletters; and at appropriate conferences, workshops, and meetings.

A. Green Purchasing Training Requirement at HHS

- 1) Purchase cardholders, Approving Officials (AOs), and Approving/OPCs (A/OPCs)

All new and existing purchase cardholders, AOs, and A/OPCs, regardless of job series, are required to take a course in "Green Purchasing" every two years, dating from the time of their original or refresher training. Green purchasing training provides guidance for purchasing environmentally friendly products. Green purchasing training materials incorporated into a purchase card training course satisfies the green purchasing training requirement; however, the materials must be approved by the HHS Acquisition Career Manager in concert with the HHS Purchase Card Program Coordinator and HHS' Affirmative Procurement Program Manager.

- 2) GS-1102s, GS-1105s, GS-1106s, and Program/Project Managers (Project Officers)

All GS-1102s, GS-1105s, GS-1106s, and Program/Project Managers (Project Officers who are directly involved in monitoring/managing one or more contracts) are required to take a refresher course in “Green Purchasing” every two years and are required to document training received.

Purchase cardholders, AOs, A/OPCs, GS-1102s, GS-1105s, GS-1106s, and Program/Project Managers (project officers) shall document training received. Verification of training will be done on an annual basis. Appendix D of this document lists green purchasing training resources.

B. Other EPP Training

1. HHS KnowNet - The Environmentally Preferable Purchasing Quick Start contains specific instructions on procuring energy-efficient products. Federal Energy Star® and FEMP are included. Individuals from HHS and other federal agencies, as well as contractors, can access this information 24/7. Also, individuals who pre-enroll in The Know Net Learning Management System will be tested on this material.
 - Personal Property Management beginning at http://www.knownet.hhs.gov/log/propmanDR/PPMLAI/UnitFour/Phase2/epp_quickstart.htm
 - Federal Fleet Management beginning at http://www.knownet.hhs.gov/log/propmanDR/PPMLAI/UnitFour/Phase2/epp_quickstart.htm
 - Federal Materiel Management beginning at http://www.knownet.hhs.gov/log/propmanDR/PPMLAI/UnitFour/Phase2/epp_quickstart.htm
2. The Buy Recycled Training Institute – The Buy Recycled Training Institute offers a variety of courses and training on recycling. Available at: http://www.usmayors.org/USCM_projects_services/buy_recycled/contents.htm.

C. Actions for Procurement and Program Personnel and Purchase Cardholders

- Be familiar with EPA-designated and environmentally preferable products and services, and HHS’ APP.

- Keep a list of the EPA-designated and environmentally preferable products and services handy for easy reference when purchasing.
- Maximize your purchases of recycled-content and environmentally preferable products and services by:
 - searching for recycled-content and environmentally preferable products and services in catalogs and online sources, and
 - requesting recycled-content and environmentally preferable products and services from vendors

IX. Procedures for Vendor Estimation, Certification, and Verification

EPA recommends that procuring agencies require vendors to provide an estimate of the total recycled content of their products and certify that the recycled content meets the minimum content standards in the agency's solicitation documents. EPA also recommends that agencies establish procedures to verify vendor estimates and certifications. Agencies should verify these estimates and certifications through their normal quality control assurance procedures.

Program and procurement offices shall adopt the following procedures:

A. Estimation

HHS contracting officers shall insert the clause, 52.223-9, "Estimate of Percentage of Recovered Material Content for EPA Designated Products," in solicitations and contracts exceeding \$100,000 that include the provision, 52.223-4, "Recovered Material Certification." HHS' minimum content standards for designated items shall be specified in the statement of work. Vendors responding to solicitations containing EPA-designated items must meet the minimum content standards. Therefore, a separate estimate from the vendor regarding the percentage of recovered materials in the product is not required unless the product exceeds the minimum content standards specified. In the latter case, these estimates can be used as a means of determining whether products are available with higher percentages of recovered materials than specified in an agency's specification. Estimation provisions do not apply below the simplified acquisition threshold. Contractual data reporting shall be specified in accordance with FAR 52.223-5, Pollution Prevention and Right-to-Know Information.

B. Certification

Contracting officers shall assure that vendors (1) Provide written certification that their products meet the minimum content standards in the solicitation documents; (2) Maintain copies of certification documents; and (3) Produce copies of the written certification upon request by HHS. Currently, the FAR contains a "Recovered Material

Certification" provision (FAR 52.223-4) which HHS contracting officers shall insert into solicitations for recycled content products and into solicitations that will require the use of EPA-designated products during performance of the contract. This "Recovered Material Certification" provision shall be placed in an Online Representations and Certifications (ORCA) with the rest of the contractor's representations and certifications. The provision is as follows: "The offeror certifies, by signing this offer, that recovered materials as defined in Section 23.402 of the FAR will be used as required by the applicable specifications."

C. Verification

ASAM/OAMP's Affirmative Procurement Program Manager shall periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews shall enable HHS to verify the contractors' compliance with E.O. 13101.

D. Exclusions

Federal supply sources such as the General Services Administration (GSA), Government Printing Office (GPO), and Defense General Supply Center (DGSC) have established their own estimation, certification, and verification procedures for EPA-designated items. Therefore, program offices procuring designated items through these supply sources are not required to conduct independent estimation, certification, and verification.

X. Procedures for Annual Review and Monitoring

A. Data Tracking

ASAM/OAMP is responsible for: (a) Tracking HHS' procurement of EPA-designated recycled content products through the Departmental Contracts Information System/Federal Procurement Data System, Next Generation (FPDS-NG); (b) The Department's purchasing of EPA-designated items and reporting of this information to the OFEE; (c) Reporting HHS' compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally preferable products; and (d) Reporting to OFEE why designated items have not been purchased, or submitting a plan for increasing HHS' purchases of the EPA-designated item(s).

B. Annual Review

For each EPA-designated recycled content product, ASAM/OAMP will: (a) Review available data on purchases from central supply sources and purchases by contractors in performance of their contracts; (b) Assess its progress in achieving the Executive Order 13101 goal of purchasing 100% recycled content products; (c) Determine whether recycled content products are not being purchased due to lack of

training of contracting officers & other acquisition staff, purchase cardholders, project officers and/or product specifiers, and provide training as appropriate; and (d) Determine whether recycled content products are not being purchased due to price, performance, or availability constraints. Whenever such constraints exist, ASAM/OAMP will work with the OPDIVs/StaffDivs, HHS vendors, and the White House Task Force on Recycling to identify products that meet HHS' needs. Further, ASAM/OAMP shall evaluate all OPDIV RCRA reports and audit a sample of contracts in order to: 1) Ensure compliance with Section 6002 of RCRA and consistency with the Department goals for recycled-content purchasing, environmentally preferable purchasing, biobased product utilization, and waste prevention; 2) Increase environmental awareness of employees; and 3) Develop corrective action procedures to address deficiencies identified in assessments.

C. Annual Reports

Section 6002 of RCRA, as amended (42 U.S.C. 6962), requires OFPP to report to Congress biannually on agency implementation of RCRA. E.O. 13101 requires Executive Agencies to report progress towards achieving waste prevention and recycling goals to the OFEE. The OFEE and OFPP jointly request purchasing data annually for these reports. The RCRA Report presents the totals of what has been spent on recycled, remanufactured and/or other environmentally preferable purchases. Section XI of this plan speaks to the goals that federal agencies are required to establish under E.O. 13101 and establishes such goals for HHS. ASAM/OAMP will report annually to the FEE on progress toward achieving those goals (in accordance with Section 6002 of the RCRA). Appendix C contains a listing of other reporting requirements.

OPDIV/StaffDiv APP program managers are responsible for coordinating with other OPDIV/StaffDiv components, such as facilities, design/construction, and environmental offices to ensure that: (a) HHS' APP policy is implemented within each OPDIV/StaffDiv; and (b) The responses are properly recorded on the annual OPDIV/StaffDiv RCRA report.

Individual OPDIV/StaffDiv RCRA reports are due to ASAM/OAMP no later than March 10 of each year. The ASAM/OAMP will consolidate the individual OPDIV reports; send one Departmental report to the OFEE, and publish the Department's consolidated RCRA Report on the KnowNet Acquisition Supersite at: <http://www.knownet.hhs.gov/acquisition/epp.htm>. The results of these reports will be used by ASAM/OAMP to identify strengths and weaknesses of HHS' APP, and provide such feedback to OPDIV/StaffDiv procurement and program offices.

XI. Goals

E.O. 13101, Part 6, requires federal agencies to establish goals for (1) Waste Diversion (2) Increasing the procurement of recycled content products, and (3) Increasing the use of environmentally preferable products and services.

HHS' AEE hereby establishes the following goals:

- **Solid Waste diversion**

- By CY 2010, 60% waste diversion (diverting solid waste from disposal).

- **Procurement of recycled content and environmentally preferable products**

- 100% of the EPA designated and environmentally preferable products purchased (including biobased products) must meet the standard for recovered material content if: (a) The price is competitive; (b) The product is readily available; and (c) The performance is comparable to the performance of products made of virgin materials.

A. Tracking Progress to Meet Goals

ASAM/OAMP will track progress toward the achievement of established goals. At a minimum, data will be gathered from the OPDIV RCRA Reports.

B. Future Goal Development

HHS' APP will be updated periodically to set new goals: (a) Due to advances in product performance; (b) Based on improved product pricing; (c) As tracking/reporting systems improve thus making it easier to track purchasing (e.g., via Government purchase card statements).

XII. Awards

A. White House Closing the Circle Awards Program

The White House Closing the Circle Awards program was developed to recognize federal employees and their facilities for efforts resulting in significant positive impact on the environment, in specific categories under E.O. 13101. Each year, this program continues to seek and recognize outstanding affirmative procurement, waste reduction, and recycling success stories that can set the example for other federal employees and facilities to follow. The categories are: Waste/Pollution Prevention, Recycling, Green Purchasing, Environmental Management Systems, and Sustainable Design/Green Buildings.

Each category recognizes the successful environmental practices of an individual federal employee ("individual award"); or either teams/groups of federal employees or teams/groups of federal and contractor employees at government facilities ("team/project award"). Each category has subsets for military and civilian nominations.

B. Federal Electronics Challenge

The Federal Electronics Challenge (FEC) is a voluntary partnership program that

encourages federal facilities and agencies to purchase greener electronic products, reduce the deleterious lifecycle environmental impacts of electronic products during use, and manage obsolete electronics in an environmentally safe way. The overall program goal for partners is to reduce the environmental impacts of electronic products. The FEC and associated tools and guidance will help federal facilities achieve environmental improvements from better management of electronic equipment throughout its life cycle. On November 18, 2004, HHS' Chief Information Officer signed a memorandum of understanding (MOU) with OFEE to participate in the FEC (see http://www.knownet.hhs.gov/acquisition/hhs_epp_postings/FEC2.doc). Currently, some OPDIVs/StaffDivs are participating in the FEC. Information about the FEC is available at: <http://www.federalelectronicschallenge.net/>.

XIII. Model Facilities

Section 704 of E.O. 13101 requires each federal agency to establish a model demonstration program. Agencies are encouraged to: (a) Demonstrate and test new and innovative approaches such as participating in a pilot program for the purchase of a biobased products; (b) Increase the number and variety of procured products containing recovered materials; (c) Expand collection programs (recycling collection); (d) Implement source reduction programs (activities designed to reduce the volume or toxicity of the waste stream including the design and manufacture of products and packaging with minimum toxic content, minimum volume of materials, and/or a longer useful life); (e) Compost organic materials when feasible; and (f) Explore public/private partnerships to develop markets for recovered materials. Any HHS facilities that wish to be considered for this program should contact the ASAM/OAMP.

XIV. Waste Prevention and Recycling Programs

A. Waste Prevention Opportunities

Section 705 of E.O. 13101 requires each federal agency to initiate a program to promote cost-effective waste prevention and recycling of reusable materials in all its facilities (including the acquisition and management of all leased space and in the construction and improvements of buildings), consistent with applicable state and local recycling requirements. HHS will implement this mandate as follows:

- OPDIV/StaffDiv contracting and program officials shall consider all waste prevention opportunities such as recyclability, reusability, and reparability when acquiring products and services.
- Solicitations and contracts exceeding the simplified acquisition threshold shall include the provision at FAR 52.204-4, "Printed or Copied Double-Sided on Recycled Paper," requiring documents to be printed double-sided on recycled paper containing 30%

postconsumer fiber.

- HHS will utilize electronic acquisition systems to the maximum extent practicable.
- Contracting officers shall include the provision at FAR 52.223.10, "Waste Reduction Program," in all solicitations and contracts for: contractor operation of Government-owned or Government-leased facilities, and support services at Government-owned or operated facilities.

B. Recycling Programs

HHS facilities shall comply with local or state recycling requirements. At a minimum, HHS facilities shall recycle the following commodities unless significant barriers exist (e.g., lack of markets, cost): white paper; mixed paper/newspaper; cardboard; aluminum; plastic (#1 PET and #2 HDPE); glass; pallets; scrap metal; toner cartridges; and consistent with applicable hazardous waste regulations, fluorescent lamps and ballasts, batteries, used oil, antifreeze and tires.

Each OPDIV/StaffDiv shall designate a recycling coordinator for each facility, who is responsible for implementing waste prevention and recycling programs specified in the Department's APP. Recycling coordinators are listed in Appendix I. OPDIVs/StaffDivs shall also consider cooperative ventures with each other and with state and local governments to promote recycling and waste reduction in the community.

XV. Energy Conservation Measures and "Buying Green"

A. Policy

OPDIV procurement and program offices shall:

(1) Consider energy efficient products as the first choice in all applicable procurements (including applicable purchase card transactions), unless there are reasons not to do so such as health, safety, performance, and/or cost considerations. Specifications that do not contain the preference towards energy efficient products must have a written justification (see Appendix A), to be maintained in the contract file. When evaluating cost, project officers/requirements officials should not focus exclusively on the commodity price. Instead, compare total costs over the life of the item, which includes the initial cost along with maintenance, operating insurance, disposal, replacement, safety and health, training, hazardous and material management, and potential liability costs.

(2) Consider, as the first choice for all applicable requirements, using power from renewable sources such as geothermal, wind, solar, and biomass energy.

(3) Review every applicable procurement requirement so that contract specifications, clauses, and solicitation language address: (a) Products for which the Environmental Protection Agency Energy Star® program has developed energy efficient standards; and (b) Federal Energy Management Program (FEMP)-rated energy efficient products as directed by the Energy Policy Act (EPAAct) of 2005. This includes ensuring compliance with FAR Part 23.203. According to FAR 23.203, procurement of products that consume power in a standby power mode must be listed on FEMP's Standby Power Devices product listing (<http://www.ofee.gov/textonly/whats/energy.htm>). In addition, specifications that do not meet FEMP's standby power wattage standards must have a written justification (see Appendix A).

(4) Include language in all appropriate solicitations and contracts notifying vendors that HHS reserves the right to substitute available, cost-competitive energy-efficient products at anytime during the period of performance, so long as the substitution satisfies the contract's performance requirements.

The following website

(http://www.knownet.hhs.gov/acquisition/hhs_epp_postings/EnergyConservationHHS.doc) provides further detail regarding HHS' policy on contractual and logistical implementation of energy conservation measures.

B. Goals

- HHS shall increase purchase of power from renewable sources, including geothermal, wind, solar, and biomass energy to 5 percent of total electricity consumption by 2010.

Also, HHS shall follow the major energy and water conservation goals under EPAAct 2005 as follows:

- Reduce building annual energy use per square foot by 2% from FY 2006-2015 when compared to an FY 2003 baseline.
- Install electric metering in HHS buildings by 2012, when life-cycle cost effective.
- Design new buildings to be 30% more energy efficient than ASHRAE standards or the International Energy Code, when life-cycle cost effective.
- Purchase 3% of annual electricity consumed from a renewable source in FY 2007-2009, increase to 5% in FY 2010-2012, and increase to 7.5% in FY 2013 and thereafter. (Installing renewable energy capacity counts toward these percentage goals).

HHS shall follow the major energy and water conservation goals under EO 13123 as follows:

- Reduce building energy use per square foot in standard facilities by 35% by 2010 when compared to an FY 1985 baseline.
- Reduce energy consumption of industrial and lab facilities by 25% by 2010 when compared to an FY 1990 baseline.
- Meet Federal Energy Star® building criteria to the maximum extent practicable.
- Use renewable energy sources to generate the equivalent of 2.5% of facility electricity consumption by 2010.
- Implement best management practices for water efficiency in 100% of federal facilities by 2010.

XVI. EPP in HHS Fleets

A. General

HHS maintains a variety of vehicles to support its mission. HHS' strategy to implement Executive Order 13149 (E.O. 13149 ensures that the Federal Government exercises leadership in the reduction of petroleum consumption through improvements in fleet fuel efficiency and the use of alternative fuel vehicles and alternative fuels) consists of increasing the acquisition of alternative fueled vehicles (AFV), increasing the use of alternative fuel in vehicles, acquiring vehicles with increased miles per gallon, reducing the number of vehicles that get very low miles per gallon (downsizing vehicles) and eliminating vehicles through more efficient use of vehicles (downsizing fleets). For additional information on HHS' Strategy to Implement E.O. 13149, see: http://www.ogam2000.com/log/AgencyPolicy/HHSLogPolicy/DraftRevisedSubmittedtoDOE_Kerr_013103--REV1.pdf.

B. Policy

OPDIV procurement and program offices shall incorporate, to the maximum extent practicable, EPP into Departmental specifications, solicitation language, clauses and contracts for the HHS fleets. These sustainable practices include integrating fuel-efficient hybrid electric or alternatively-fueled vehicles into the HHS fleets and using recycled-content or biobased automotive lubricants (using reclaimed engine coolant). See the following website:

http://www.knownet.hhs.gov/acquisition/hhs_epp_postings/EnergyConservationHHS.doc

OPDIVs/StaffDivs are required to: a) Lease and/or buy, for HHS fleets, GSA light-duty, fuel-efficient hybrid electric or alternatively-fueled vehicles offering the "best" miles-per-gallon (mpg) in the marketplace; and b) Use recycled-content or biobased automotive lubricants (such as reclaimed engine coolant). In addition, fleet cardholders shall consider as their first choice in all procurements green products (which includes

buying recycled oil, retread tires, and alternative fuel (e.g., ethanol) unless these products are: a) Not available; b) Not available within a reasonable time frame; c) Do not meet appropriate performance/safety standards; or d) Available only at an unreasonable price.

C. Goals

For information regarding goals established for the HHS fleet, see http://www.knownet.hhs.gov/acquisition/hhs_epp_postings/EnergyConservationHHS.doc

XVII. EPP in HHS Hospitals and Labs

Every day, health care facilities purchase large volumes of products and services. Often unknowingly, hospitals and labs may purchase items that are toxic. Consequently, HHS is implementing EPP in its hospitals and labs by seeking and procuring substitutes for toxic chemicals such as mercury and PVC-containing products and eliminating harmful and unnecessary packaging.

One useful tool to identify the environmental impacts of the products being used in the health care industry is a system called the Health Care Environmental Purchasing Tool (HCEPT). The HCEPT assists health care facilities in measuring the environmental profile for each product and can help health care facilities identify products that contain mercury. The HCEPT can be downloaded free of charge at the following website: http://www.nihe.org/hcept_tool/tool.html. For additional information on EPP in hospitals and other health care facilities, please see the Hospitals for a Health Environment website at <http://www.h2e-online.org/>, which provides resources and support for mercury and waste reduction programs. Additional information is available from Health Care Without Harm (available at: <http://www.noharm.org/greenpurchasing/resources>).

A. Policy

See section VII (B) for HHS' prohibition on the purchase of toxic chemicals.

In alignment with E.O. 13101, HHS shall:

- Reduce total hospital waste volume by 30% by 2008 and by 50% by 2010. (Note: Air pollutants, specifically mercury and other persistent, bioaccumulating, toxic substances (PBTs), have been detected in emissions from medical waste incinerators. Medical waste incinerators are the country's fourth largest source of mercury releases, and hospitals generate 1% of the national municipal solid waste stream).⁵

- By 2010, reduce medical waste incineration by 75% in HHS hospitals and labs. Use an appropriate alternative technology, and adopt a waste-management framework that places a high priority on waste segregating and minimization. (For alternatives to

⁵ National Institutes of Environmental Health Sciences [on-line]; Environmental Health Perspectives, "Can Environmental Purchasing Reduce Mercury in Health Care?", September 2002; available from <http://ehp.niehs.nih.gov/docs/2002/110-9/toc.html>; Internet.

medical waste incineration, see the following website:
<http://www.noharm.org/nonincineration>. Chapter 4 of this website states that medical waste should not be incinerated due to the availability of viable alternatives that are safer, cleaner, do not produce dioxin, and are just as effective at disinfection.)

- Achieve 100% EPP in HHS hospitals and labs unless there are reasons preventing it (such as the unavailability of the product; product is not available within a reasonable time frame; health or safety issue; performance standards; or unreasonable costs.)

- Eliminate nearly all hospital and lab-generated mercury waste by 2010.

Appendix A

Justification for Not Purchasing Environmentally Preferable Products⁶ and Services and Federal Energy Star® and Energy Efficient Products

Instructions: Executive Order 13101 requires that 100% of purchases of designated items meet or exceed EPA guidelines unless written justification is provided. This justification is needed only if the items/services being procured are subject to HHS' APP for purchasing: environmentally preferable products and services, products for which the Federal Energy Star® program has developed energy efficient standards, FEMP-rated energy appliances and products under the EPA Act of 2005, and other fuel/energy efficient⁷ products (such as light-duty, fuel-efficient hybrid electric or alternatively-fueled vehicles). **Written justification is not required for purchases below the micropurchase threshold of \$2,500.**

1. This template is to be completed by the requirements official and the contracting officer (CO) **prior** to the purchase, when the requirements official and CO make a joint determination not to purchase environmentally preferable products and services and fuel/energy efficient products.
2. The requirements official and CO must check the appropriate justification(s), provide a written explanation, and sign and date the form.
3. The original justification shall be included in the contract file.
4. The contracting officer or requirements official/project officer must forward a copy of the signed justification to the Office of Acquisition Management and Policy, Attn: Procurement Analyst – Environmental Program, 200 Independence Ave., S.W., Washington, D.C. 20201.

Please place a check mark next to the applicable justification:

- Items/products/services could not be competitively acquired within a reasonable period of time.
- Items/products/services could not be obtained at reasonable prices.
- Items/products/services could not meet all reasonable performance standards in the specification (attach a description of the performance standards and explain why an environmentally preferable product or service or a fuel/energy efficient product will not meet those standards).
- Items/products/services could not meet applicable Section 508 standards.
- Items/products/services present safety or health risks.
- Items/products/services are not readily available.
- Items/products/services cannot meet/do not contain the security standards required.
- Other (please specify)

Contracting Officer

Date

Requirements Official/Project Officer

Date

⁶ Environmentally preferable products include EPA-Designated Recycled Content Products. (see <http://www.epa.gov/cpg/products.htm>).

⁷ Fuel/Energy-efficient products include purchasing, for HHS fleets, GSA light-duty, fuel-efficient hybrid electric or alternatively-fueled vehicles offering the "best" miles-per-gallon in the marketplace. (see http://www.knownet.hhs.gov/acquisition/hhs_epp_postings/EnergyConservationHHS.doc).

In the space provided below, please provide a Justification for Not Purchasing environmentally preferable products or services, Federal Energy Star® Program products, FEMP-rated⁸ energy appliances and products under the EPAct of 2005, and for HHS fleets, GSA light-duty, fuel-efficient hybrid electric or alternatively-fueled vehicles offering the “best” miles-per-gallon in the marketplace. (Include name and title of person preparing the justification).

⁸ According to the FAR Part 23.203, for products that consume power in a standby power mode and are listed on FEMP’s Standby Power Devices product listing, specifications that do not meet FEMP’s standby power wattage standards must have a written justification. (see http://www.eere.energy.gov/femp/procurement/eep_standby_power.cfm).

Appendix B

Summary of Legislative and Regulatory Requirements

Background

The RCRA of 1976 addresses management of hazardous waste and non-hazardous solid waste. Recycling is a preferred method of solid waste management and can be encouraged through federal procurement policies promoting purchasing and using products made from materials typically recovered in home and office recycling programs. Section 6002 of RCRA requires federal agencies to purchase EPA-designated products containing recovered materials “to the maximum extent practicable.”

Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," requires the heads of each Executive agency to incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for recycled content products. Executive Order 13101 requires federal agencies that have not implemented an affirmative procurement program to ensure that such a program is established and is being implemented, to the maximum extent practicable within 90 days after the date of the Order.

The main goals of RCRA and Executive Order 13101 are to:

- Stimulate private-sector markets for recovered materials through federal procurement of products containing those materials. Federal procurement also demonstrates the performance and availability of these products.
- Promote cost-effective waste prevention and recycling activities.
- Spur private sector development of new technologies, thereby creating new business and employment opportunities.
- Conserve waste disposal capacity through cost-effective waste prevention and recycling programs.
- Establish federal waste prevention and recycling leadership.

Legislative Requirements

Section 6002(i) of RCRA and Sections 402 and 403 of Executive Order 13101 require each federal agency to develop and implement a comprehensive APP with four specified elements. Section 6002(e) of RCRA requires EPA to designate products and provide recommendations for implementing the requirements of Section 6002 of RCRA. Section 6002(c) of RCRA requires each procuring agency to purchase the designated

items composed of the highest percentage of recovered materials practicable. Any decision by a procuring agency not to procure such items shall be based on a determination that such items:

- Are not available within a reasonable period of time;
- Fail to meet the performance standards set forth in applicable specifications or fail to meet reasonable agency performance standards;
- Are only available at an unreasonable price; or
- Are not available from a sufficient number of sources to maintain a satisfactory level of competition (i.e., available from two or more sources).

Further, Section 6002(d) requires all procuring agencies to revise their specifications (as applicable) to eliminate any recovered materials exclusion or any requirement that items be manufactured only from virgin materials.

In accordance with Section 6002 of RCRA and Executive Order 13101, federal agencies must fulfill several requirements:

- Develop and implement a comprehensive APP, along with policies and procedures for Department-wide implementation.
- Appoint an Agency Environmental Executive to coordinate environmental programs, participate in related federal committees and workgroups, create an awareness and outreach program, establish incentives, provided guidance, and coordinate preparation of reports.
- Ensure appropriate provisions are included in M&O contracts.

Each agency's APP, as required by Section 6002(i), must contain at least the following four elements (listed below). EPA's guidelines provide the following recommendations for implementing these required elements.

Preference Program

RCRA requires agencies to use minimum content standards, case-by-case procurements, or a substantially equivalent alternative, in developing a preference program for each EPA-designated item. For most designated products, EPA recommends a procuring agency use minimum content standards. The exceptions are retread tires, toner cartridges, and pallets for which EPA recommends that agencies arrange for product remanufacturing or for the purchase of a remanufactured product. Case-by-case procurement should only be used if the procuring agency is unable to acquire the item within the limitations described in RCRA.

Promotion Program

EPA recommends that federal procuring agencies promote their guideline-related preference programs through statements contained in procurement solicitations, discussion of their preference programs at bidder's conferences, publicized preference statements in product-related information services, and press releases.

Estimation, Certification, and Verification

EPA recommends agencies require vendors provide an estimate of the total recycled content of their products and certify the recycled content meets minimum content standards. The FAR contains certification and estimation clauses in sections 52.223-4 and 52.223-9. EPA recommends that agencies use their normal verification procedures to verify vendor estimates and certifications.

Annual Review and Monitoring

Each procuring agency must conduct an annual review and monitor the effectiveness of its APP. EPA recommends that the annual review process includes estimates of the quantity of each designated item purchased, relative to the amount of the item purchased containing recovered material, as well as a review of estimations and certifications, and any purchase barriers.

Regulatory Requirements

To date, EPA has designated 54 recycled content products or categories of products in the CPG. EPA's RMANs contain recommendations for federal agencies to develop and implement affirmative procurement programs for these products. The product designations are codified in 40 CFR Part 247, and the original CPGs can be found in the following Federal Registers:

- CPG 1: 60 FR 21370 (May 1, 1995)
- CPG 2: 62 FR 60962 (Nov 13, 1997)
- CPG 3: 65 FR 3070 (Jan 19, 2000)

Copies of the Federal Registers can be found on EPA's CGP website at www.epa.gov/cpg.

EPA has determined that:

- Federal agency adherence to the practices recommended in the guidelines constitutes compliance with Section 6002 of RCRA.
- The guidelines apply to all federal agencies, state or local agencies using appropriated federal funds, and to persons contracting with any such agencies with respect to work performed on behalf of the agencies.

Federal agencies are responsible for ensuring appropriate language is contained in contracts requiring contractors to comply with such regulations.

- Procuring agencies should establish minimum recovered material content standards for each guideline item to ensure the recovered material content required in applicable contract specifications is the maximum available without jeopardizing the intended use of the procured item. EPA's RMANs recommend the appropriate minimum content levels for each designated item or the range of content level currently available. When EPA recommends a range, agencies must research the recycled content levels of products available in their local marketplace and set their content standards at the highest level available to them within EPA's recommended range.
- Each procuring agency is required to ensure its procurement specifications for designated items do not unfairly discriminate against the use of recovered materials. Any procurement specifications prohibiting the purchase of recovered materials should be revised. In cases where products containing only virgin materials are needed, the contract specifications should provide justification as to why these products are required.
- Any determination that, for technical or other reasons, a product containing recovered material would not meet reasonable performance standards must be documented.

Pursuant to Section 6002(g) of RCRA, OFPP issued Policy Letter 92-4, "Procurement of Environmentally-Sound and Energy-Efficient Products and Services," establishing Executive branch policies for the acquisition and use of environmentally-sound, energy efficient products and services. The Letter also provides guidance for federal agencies to implement Section 6002 of RCRA. The Policy Letter was published in the Federal Register on November 9, 1992. (OFPP Policy Letter 92-4 contains references to Executive Order 12780 which was revoked by Executive Order 12873, which itself was replaced by E.O. 13101. However, the guidance provided by the Policy Letter is still in effect.) OFPP's Policy Letter also requires federal procuring agencies, when drafting or reviewing specifications for guideline items, to assure they: (1) Do not exclude the use of recovered materials; (2) Do not unnecessarily require the item to be manufactured from virgin materials; and (3) Require the use of recovered materials and environmentally-sound components to the maximum extent practicable without jeopardizing the intended use of the item. Federal agencies must use product descriptions and prepare contract specifications reflecting cost-effective procurement and use of designated recycled products, in order to encourage bidders to supply products containing recycled material.

Green Purchasing Legal and Other Requirements

| Product Category | Legal and Other Requirements |
|--|--|
| Recycled Content http://www.epa.gov/cpg/about.htm | Section 6002 of the <i>Resource Conservation and Recovery Act (RCRA)</i> ; <i>E.O. 13101, Greening the Government through Waste Prevention, Recycling and Federal Acquisition</i> ; Federal Acquisition Regulation (FAR), Parts 7, 11, 23. |
| Environmentally Preferable http://www.epa.gov/epp/ | E.O. 13101, <i>Greening the Government through Waste Prevention, Recycling and Federal Acquisition</i> ; FAR, Parts 7, 11, 23. |
| Energy efficient http://www.energystar.gov http://www.eere.energy.gov/femp/procurement/ | E.O. 13123, <i>Greening the Government through Efficient Energy Management</i> ; <i>Federal Acquisition</i> ; Federal Acquisition Regulations (FAR), Part 23; E.O. 13221, <i>Energy Efficient Standby Power Devices</i> |
| Biobased http://www.biobased.oce.usda.gov/public/index.cfm | Section 9002 of the <i>2002 Farm Security and Rural Investment Act</i> ; E.O. 13101, <i>Greening the Government through Waste Prevention, Recycling and Federal Acquisition</i> |
| Alternative fuels Fuel efficiency http://www.eere.energy.gov/vehiclesandfuels/EPAAct/Federal/ http://www.eere.energy.gov/EE/transportation.html | Section 303 of <i>The Energy Policy Act of 1992 (EPAct)</i> ; Executive Order 13149, <i>Greening the Government through Federal Fleet and Transportation Efficiency</i> |
| Non-ozone depleting substances http://www.epa.gov/ozone/snap/general/index.html | Section 613 of the <i>Clean Air Act</i> |
| Priority Chemicals http://www.ofee.gov/wpr/chemical.htm | Section 503, Executive Order 13148, <i>Greening the Government through Leadership in Environmental Management</i> |

Source: EPA, "Integrating Green Purchasing into Your Environmental Management System" available at <http://www.epa.gov/epp/pubs/grn-pur/green-pur-ems2.htm>

Guiding Principles for Green Procurement:

- National Energy Conservation Policy Act (42 U.S.C. 8262g)
- Pollution Prevention Act of 1990 (PPA 42 U.S.C. 13101 and 13102, s/s et seq. (1990).
<http://www.epa.gov/opptintr/p2home/p2policy/act1990.htm>.
- FAR Part 23, Subparts 2, 4, 7, 8, 9, and 10:
 - Energy and Water Efficiency and Renewable Energy. Subpart 23.2.
http://www.arnet.gov/far/current/html/subpart_23_2.html.
 - Use of Recovered Materials. Subpart 23.4
http://arnet.gov/far/current/html/Subpart_23_4.html
 - Energy and Water Efficiency and Renewable Energy. Subpart 23.2.
http://www.arnet.gov/far/current/html/Subpart_23_2.html

Use of Recovered Materials. Subpart 23.4.

http://www.arnet.gov/far/current/html/Subpart_23_4.html

Contracting for Environmentally Friendly Products and Services. Subpart 23.7.

http://www.arnet.gov/far/current/html/Subpart_23_7.html

Ozone-Depleting Substances. Subpart 23.8.

http://www.arnet.gov/far/current/html/Subpart_23_8.html

Contractor Compliance with Toxic Chemical Release Reporting. Subpart 23.9.

http://www.arnet.gov/far/current/html/Subpart_23_9.html

Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements. Subpart 23.10.

http://www.arnet.gov/far/current/html/Subpart_23_10.html

● **Executive Orders**

Waste Prevention, Recycling, Federal Acquisition (E.O. 13101, September 14, 2000)

<http://www.ofee.gov/E.O./13101.htm>

Energy Efficient Management (E.O. 13123, June 3, 1999)

<http://www.ofee.gov/E.O./13101.htm>

Developing and Promoting Biobased Products and Bioenergy (E.O. 13134, August 12, 1999) <http://ceq.eh.doe.gov/nepa/regs/E.O.s/E.O.13134.html>

Leadership in Environmental Management (E.O. 13148, April 21, 2000)

<http://www.epa.gov/fedsite/E.O.13148.htm>

Federal Fleet and Transportation Efficiency (E.O. 13149, April 21, 2000)

<http://ceq.eh.doe.gov/nepa/regs/E.O.s/E.O.13149.html>

Energy Efficient Standby Power Devices (E.O. 13221, July 31, 2001)

<http://www.ofee.gov/E.O./E.O.13221.pdf>

Products manufactured from recovered materials

In the RCRA of 1976, Congress provided a mechanism to increase Government purchasing of recycled products. RCRA Section 6002 is designed to promote recycling by increasing purchases of products containing recovered materials. RCRA also requires EPA to designate products that can be made with recovered materials and to recommend practices for buying these products.⁹ As a result, EPA maintains the Comprehensive Procurement Guidelines, a list of designated recycled-content products, and the RMANs

⁹ See 40 CFR Part 247

that recommend the recycled-content levels that purchasers should specify when buying these products. EPA is required to consider a variety of criteria to determine which items it will designate in the CPG, including: availability, the potential impact on the solid waste stream, economic and technological feasibility of producing the item, and other uses of the recovered materials.

EPA provides a recommended range of recycled content for more than 50 products in eight categories:

1. Construction Products
2. Landscaping Products
3. Non-paper Office Products
4. Paper and Paper Products
5. Park and Recreation Products
6. Transportation Products
7. Vehicular Products
8. Miscellaneous Products

Beginning in FY 2004, federal agencies are required to report to OFPP and the OFEE on their purchases of products that meet the recycled content standards in the EPA's Comprehensive Procurement Guidelines.¹⁰ Additional information is available from the CPG website at <http://www.epa.gov/cpg/products.htm>.

Environmentally Preferable Products

Section 102 of E.O. 13101 states "...agencies shall comply with executive branch policies for the acquisition and use of environmentally preferable products and services and implement cost-effective procurement preference programs favoring the purchase of these products and services."¹¹ Environmentally preferable refers to products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal of the product.¹² Environmentally preferable products minimize waste, conserve energy or water, and reduce the amount of toxics disposed or consumed. The category includes products that are less toxic, as well as those products that are reusable, rechargeable, and remanufactured. Services, such as closed loop delivery systems that reduce packaging waste, also fall within the category of environmentally preferable.

Additional information and procurement resources are available at EPA's Environmentally Preferable Purchasing website at <http://www.epa.gov/epp>.

¹⁰ http://www.ofee.gov/gp/RCRA_Report_2003.pdf

¹¹ Text of EO 13101 at www.ofee.gov

¹² E.O. 13101, Section 201

Energy Efficient Products

Listed below are draft guidelines from the FEMP regarding Compliance with the Energy Policy Act 2005, Section 104, Energy –Efficient Procurement Requirements.

Section 104 of the Energy Policy Act of 2005 (Public Law 109-58) requires federal agencies to procure only products that are Federal Energy Star® qualified or meet energy efficiency specifications set by the Department of Energy’s FEMP. This requirement applies to energy-consuming products and equipment that are purchased directly by agencies from federal supply agencies and commercial sources, as well as to indirect acquisitions carried out under construction, renovation, services contracts and any purchases using government credit cards. The Act also directs the General Services Administration and the Defense Logistics Agency to supply only Federal Energy Star® qualified or FEMP designated products.

Section 104 of the Energy Policy Act of 2005 requires the Department of Energy to issue guidelines to help agencies incorporate energy efficiency purchasing requirements into all of their relevant transactions. Because a wide variety of agency personnel make procurement decisions, these requirements must be incorporated widely and through a number of different vehicles. Agency employees authorized to purchase products in any capacity are required to fulfill these requirements.

Currently, Federal Energy Star® and FEMP cover sixty-two types of products. Federal Energy Star® criteria and lists of qualifying products can be found at: <http://www.energystar.gov/products>. For FEMP-designated products, the efficiency criteria and other information for buyers can be found at: <http://www.eere.energy.gov/femp/procurement/>

Federal Agency Requirements

The EPAAct 2005 purchasing requirements apply to all types of agency acquisitions of energy-consuming products covered by Federal Energy Star® or FEMP. These transactions include direct purchases as well as acquisitions of energy-consuming products and equipment made as part of larger contracts (e.g., construction, renovation, and service or maintenance contracts). Agencies with existing multi-year contracts or contracts with multiple option years should modify these contracts to require Federal Energy Star® and FEMP designated products.

Direct Purchases

All direct acquisitions of relevant products must meet the section 104 requirements. Direct purchases include small purchases made with a procurement card, government issued credit card, or other means; purchases from GSA, DLA or other sources; basic ordering agreements; and competitive solicitations.

Construction, Renovation, and Service Contracts

Agencies must incorporate the Federal Energy Star® and FEMP specifications in standard language for solicitations, offer evaluation criteria, and contract documents that include provision of energy-consuming products for federal use. Such contracts include those for construction, design, design/build, renovation or improvements; facility maintenance and operation; as well as energy savings performance contracts (ESPCs) and utility energy service contracts (UESCs). Model language for solicitations and contracts can be found at both the Federal Energy Star® and FEMP web sites.

Guide Specifications and Project Specifications

Agencies must incorporate the Federal Energy Star® and FEMP product requirements into all guide specifications for construction, major renovation, retrofit, or services contracts that call for provision of energy-consuming equipment. These criteria must also be included in guide specifications and project specifications for construction projects, and where applicable, in lease agreements for buildings or equipment. This includes build to lease contracts, such those used to implement the Military Housing Privatization Initiative (MHPI). Some of these requirements are already incorporated in existing specifications such as the Unified Federal Guide Specifications (http://www.wbdg.org/design/ufg_specs.php) and EPA's Federal Guide for Green Construction Specifications (<http://www.wbdg.org/design/greenspec.php>). Where agencies rely on other existing specifications or guides, they should modify them to incorporate these requirements.

Training and Outreach: Agencies are strongly encouraged to update their training programs for procurement and contracting officials and other authorized purchasers, to include information on the EPA Act 2005 requirements and the energy efficiency criteria for Federal Energy Star® qualified and FEMP-designated products. Agencies should also notify their vendors of the federal requirements for energy-efficient purchasing.

Exceptions and Reporting: EPA Act provides an exception to the purchasing requirements when the head of an agency finds in writing that a Federal Energy Star® or FEMP-designated product is not cost-effective over the life of the product, or that no Federal Energy Star® or FEMP-designated product is reasonably available that meets the agency's functional requirements.

Federal Energy Star® and FEMP qualified products are lifecycle cost-effective under normal use conditions; however, if a product will be used in a specialized way or for very limited hours, an exception may be warranted. Agencies should use the lifecycle cost analysis methods prescribed by 10 CFR 436.

Equipment designed or procured for combat or combat-related missions may also be exempt from EAct requirements. This exemption would normally be limited to military-unique equipment for which commercial off-the-shelf products may not be suitable. Agencies shall record and summarize information on all energy-efficient purchasing exemptions as part of their annual reporting to FEMP and to the OMB.

Requirements for FEMP and Energy Star®

FEMP and the EPA/DOE Energy Star® program will continue to maintain up-to-date listings of relevant product categories and associated specifications. As needed, FEMP and Energy Star® will identify new product categories for energy-efficient federal purchasing, and establish or update technical efficiency criteria and other information for agencies to use. For the majority of products, FEMP's energy efficiency requirements will be the same as the criteria for the Energy Star® label; however, in a few cases, FEMP will provide additional criteria, Energy Star® such as low standby power, that apply to federal purchasing.

In addition, the Energy Star® program and FEMP will provide assistance to GSA and DLA to help them identify relevant product categories and specifications as well as inform federal buyers and vendors of the new requirements under EAct 2005.

Federal Acquisition Regulations

Energy-efficient purchasing requirements are currently included in Part 23 of the FAR, based on the provisions of Executive Orders 13123 and 13221. The FAR needs to be modified to reflect the new legislative requirements of EAct (see Attachment 2). DOE is putting forward a proposed FAR case to implement these regulations.

Biobased Products

Section 9002 of the 2002 Farm Security and Rural Investment Act directs federal agencies to purchase USDA-designated biobased products and to report on those purchases, as well. The final rule was published in the Federal Register on March 10, 2006 and designated the following six biobased items that must receive special consideration when making purchases by federal agencies: mobile equipment hydraulic fluids; biobased roof coatings; water tank coatings; diesel fuel additives; penetrating lubricants; and bedding, bed linens and towels.

The biobased products program mirrors the approach taken by EPA's Comprehensive Procurement Guidelines for designating products with recovered content. The proposed USDA guidelines are established in the new 7 CFR part 2902, "Guidelines for Designating Biobased Products for Federal Procurement."

Following the issuance of final guidelines and designation of items by the USDA, federal agencies are required to add a biobased products preference program to their agency's APP. APP requirements include a preference program, a promotion program, an annual review of the effectiveness of the APP, and tracking and reporting on purchases of biobased products. Many federal agencies already purchase and use biobased products including food service items, biodiesel, ethanol, and cleaning products.

In addition, E.O. 13134, Developing and Promoting Biobased Products and Bioenergy, requires USDA, DOE and other agencies to support environmentally sound research and development of biobased products and energy. Access the Federal Biobased Products Preferred Procurement website at <http://www.biobased.oce.usda.gov/public/index.cfm>.

Alternative fuels and fuel efficient vehicles

Section 303 of the EPCRA of 1992 generally requires that 75% of the general use vehicles acquired by each agency for its fleet should be Alternative Fuel Vehicles (AFV). Executive Order 13149, "Greening the Government through Federal Fleet and Transportation Efficiency," requires that each agency operating 20 or more motor vehicles within the United States reduce its entire vehicle fleet's annual petroleum consumption by at least 20% by the end of FY 2005, compared with FY 1999 petroleum consumption levels. This may be accomplished through the use of the alternative fuels in light, medium, and heavy-duty vehicles; the acquisition of vehicles with higher fuel economy, including hybrid vehicles; the substitution of cars for light trucks; an increase in vehicle load factors; a decrease in vehicle miles traveled; and/or a decrease in fleet size. Agencies are required to submit strategies for meeting the targets of the E.O., and also must report compliance annually with both EPCRA and E.O. requirements. Additional information is available at: <http://www.eerre.energy.gov/EE/transportation.html>.

The Vehicle Buyer's Guide for Fleets is designed to educate fleet managers and policy makers about alternative fuels and vehicles and help them determine whether the EPCRA of 1992 affects them. The guide is available at <http://www.ccities.doe.gov/vbg/fleets>.

Non ozone-depleting substances

Section 613 of the Clean Air Act requires federal organizations to ensure that procurement regulations conform to the policies and requirements of Title VI of the Clean Air Act and to maximize the substitution of safe alternatives for ozone-depleting substances. Under the Significant New Alternatives Policy (SNAP) Program, EPA has published Lists of Substitutes for Ozone-Depleting Substances in multiple categories including refrigeration and air conditioning, solvents cleaning, foam blowing, fire suppression and explosion protection, and aerosols. In addition, each federal entity must certify to OMB that procurement regulations have been

modified appropriately. For further information visit <http://www.epa.gov/ozone/snap/general/index.html>.

Priority Chemicals

Section 503(b) of Executive Order 13138, “Greening the Government Through Leadership in Environmental Management,” directed EPA to develop a list of priority chemicals “used by the Federal Government that may result in significant harm to human health or the environment and that have known, readily available, less harmful substitutes for identified applications and purposes.”

EPA recommends that federal agencies begin their efforts by focusing on reducing specific uses of cadmium, mercury, lead, naphthalene, and PCBs as follows:

- Cadmium – electroplating processes
- Mercury – aneroid manometers and temperature measuring devices
- Mercury – electronic thermostats, mechanical switches, and ultrasonic and photoelectric sensors
- Lead – soldering processes
- Napthalene – pesticides and pesticide applications
- PCBs – when used as insulating material (dielectric fluids in electrical equipment such as transformers and ballasts)

Appendix C

Green Purchasing Reporting Requirements

Federal agencies are required to submit annual reports on their green purchasing activities as described in the chart, below:

| Green Purchasing Reporting Requirements | |
|--|---|
| Legal Requirement | Reporting Requirements |
| RCRA Section 6002 E.O. 13101 | Annual report on: Purchases of EPA-designated recycled content products Progress in solid waste prevention, composting, and recycling Progress in purchasing environmentally preferable products Progress in purchasing biobased products other than fuels Policy or procedure for implementation of the Affirmative Procurement Program (APP) APP Training APP compliance audits Agency goals http://www.ofee.gov/gp/rcra04.pdf |
| Energy Policy Act of 1992 (EPAct) | Annual alternative fuel vehicle (AFV) acquisition report. http://www.eere.energy.gov/vehiclesandfuels/EPAct/state/reporting.shtml |
| Farm Security and Rural Investment Act of 2002 | Requirements for reporting on purchases of designated biobased products to be determined. |
| E.O. 13123 | Annual implementation plan, energy scorecard, and energy management data report to the President and Congress. http://www.eere.energy.gov/femp/about/annual_report.cfm |

Appendix D

Green Purchasing Training Resources

- OFEE offers green purchasing training (<http://www.ofee.gov/gp/gptraining.ppt>) to contracting, environmental, and facilities staff. The training primarily addresses purchasing of recycled content, biobased, and environmentally preferable products and also touches on purchasing of energy efficient products. It discusses the legal framework underlying the green purchasing programs, the pertinent FAR provisions, the common myths about green purchasing, the specifics of the green purchasing programs, federal facility green purchasing examples, and product sources, including mandatory sources.
- OFEE and the U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM) developed a green purchasing train-the-trainer program, which has been presented to more than 30 federal agency environmental and procurement staff. The program consists of a [PowerPoint presentation](http://www.ofee.gov/gp/train-the-trainer.ppt) (<http://www.ofee.gov/gp/train-the-trainer.ppt>) and an accompanying [script](http://www.ofee.gov/gp/train-the-trainerscript.rtf) (<http://www.ofee.gov/gp/train-the-trainerscript.rtf>). In addition to addressing the units discussed in OFEE's green purchasing training, it discusses the types of training appropriate for different audiences, compliance, program implementation, and goals and metrics.
- The Defense Logistics Agency offers "Buying Green: A Multi Functional Approach to Pollution Prevention." To order the manual or obtain more information on training call (614) 692-5969, 1-800-458-7903, or (269) 961-7046 or fax (269) 961-7055.
- "What is Green Purchasing, Anyway?" is an online training course providing an introduction to the federal green purchasing program for contracting personnel, purchase cardholders, facility and fleet managers. HHS University offers "What is 'Green Purchasing' anyway?" a free, online class that takes about 2.5 hours and provides a certificate for successful completion.

To take the class, you must log on to the HHS Learning Portal. For directions for logging on, go to <<http://learning.hhs.gov/lms.html>>. Once logged on, select 'Course Catalog', then 'Catalog and Registration'. Then search on 'green purchasing'. This should pull up the class "What is 'Green Purchasing' anyway?" Select 'Register', then switch to "My Info" from the menu bar at the top of the page. Then select "Current Registrations". From here you should see the class listed and be able to begin the course.

- DoD Green Procurement Training Resources
<https://www.denix.osd.mil/denix/Public/ES-Programs/Pollution/Procurement/GPP/menuitem5.html>
- If you would like to arrange for a green purchasing train-the-trainer presentation at your OPDIV/StaffDiv, contact Dana Arnold at OFEE at arnold.dana@ofee.gov.
- For green purchasing training for purchase cardholders and for additional green purchasing training resources visit <http://www.ofee.gov/gp/training.html>

Appendix E

November 2004

HHS Announces Contract Awards Furthering its Commitment to “Buying Green” Products

The Department of Health and Human Services (HHS) is pleased to announce the awards of several contracts in the strategic sourcing contract portfolio, all containing language in each solicitation/award that the contractor shall comply with the FAR Part 23 entitled, “Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace.”

HHS’ Program Support Center’s (PSC) has established a portfolio of HHS-wide Blanket Purchase Agreements (BPAs) against the GSA Federal Supply Schedule (FSS) contracts to purchase the following commodities listed below:

IT Peripherals - HHS has awarded a BPA to Westwood Computer Corporation to provide IT Peripherals Hardware products. The commodities available under this BPA include monitors, printers, data storage, routers/switches, input devices (keyboards/mice), memory, handheld computers, KVM, projectors, scanners, digital cameras, network accessories and miscellaneous gear. (This BPA does not offer software, desktop and laptop computers, or servers). Westwood Computer Corporation’s website address is: <http://www.westcomp.com/dhhs>.

Office Supplies - HHS has awarded a BPA to Staples to provide office supplies, toner and copier paper. To order office supplies, please visit the following website: <http://www.stapleslink.com>.

Office Equipment - HHS has awarded BPAs to Konica Minolta and Ricoh Business Systems for the purchase or lease of office equipment (copiers and fax machines) and the maintenance of these items. Konica’s website address is: <http://www.kmbs.konicaminolta.us>. Ricoh Business System’s website address is: <http://www.ricoh-usa.com>.

Office Furniture - HHS has awarded two BPAs for the purchase of office furniture. One BPA was awarded to Lewis Alan and the other BPA was awarded to Solution Planning & Contract Environments (SPACE). These BPAs provide a range of office furniture products and services, including: seating, desks, and tables; computer workstations; executive office furniture; filing and storage cabinets; modular and systems furniture; product management and planning; design and layout; and installation and disposal. The website address for Lewis Alan is: <http://www.lewisalan.com>. SPACE’s website address is: <http://www.spaceinc.net>.

Custodial Products - HHS has awarded a BPA to Cleanwise for the purchase of janitorial and sanitary (Jan San) supply products, including: brooms and handles; carpet care;

chemical management dispensers; cleaners, deodorants and dispensers; disinfectants; floor care; pads and machines; general cleaners; hand and body soaps; industrial supplies; seat covers; toilet tissue; towels; and vacuum cleaners. Cleanwise's website address is: <http://www.cleanwise.com>

Document Management - HHS has awarded a document management pilot BPA to Ricoh Business Systems. (This pilot applies to Office of the Secretary and the Program Support Center offices in Washington, D.C. and the Parklawn Building in Rockville, MD only). The pilot will analyze ways in which HHS offices manage document workflow and output. The primary focus of this pilot is on products and services that enable in-office copying, faxing and printing, and other internal and external duplication services. Ricoh's website address is: <http://www.ricoh-usa.com>.

Additional information on any of these BPAs is available at the following website: <http://intranet.hhs.gov/ssc>

FAR Part 23 prescribes acquisition policies and procedures supporting the Government's program for protecting and improving the quality of the environment by:

- “(a) Controlling pollution;
- (b) Managing energy and water use in Government facilities efficiently;
- (c) Using renewable energy and renewable energy technologies;
- (d) Acquiring energy-and water efficient products and services, environmentally preferable products, and products that use recovered materials; and
- (e) Requiring contractors to identify hazardous materials.”

The full text of FAR Part 23 can be accessed at the following website:
www.arnet.gov

“Green Purchasing” requirements and language included in each solicitation/award listed above:

Green purchasing requirements and language were included in each solicitation/award of BPAs listed above that the contractor shall comply with the FAR Part 23 entitled, “Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace.”

In order to comply with the RCRA and Executive Order 13101, the contractor shall provide quarterly reports to DHHS on purchase of any of the items designated by the EPA as recycled content products. A listing of these products can be found at the following website: www.epa.gov/cpg. The list currently includes, but is not limited to, commercial/industrial sanitary tissue products, plastic trash bags, and paperboard and packaging products. The contractor shall be solely responsible for ensuring all reports reflect the applicable products on the list at the time of reporting.

A separate report shall be provided quarterly for each designated product and shall

include the following information (for the current quarter and cumulative contract-to-date):

- Has this product(s) been purchased by HHS under this contract?
- Total dollar amount of this product(s) purchased by HHS under this contract.
- Total dollar amount of this product(s) containing recovered materials purchased by HHS under this contract. Note that the products designated by EPA are commonly referred to as “CPG-items” or “recycled content products.” RCRA refers to them as “products containing recovered materials,” which is the term used for reporting purposes.
- If this product(s) is purchased using agency specification, does the specification require the use of recovered materials?

Appendix F

Federal Acquisition Regulation Provisions and Contract Clauses

Printed or Copied Double-Sided on Recycled Paper

The following FAR provision, "Printed or Copied Double-Sided on Recycled Paper" (52.204-4), shall be inserted in all solicitations and contracts that exceed the simplified acquisition threshold.

Printed or Copied Double-Sided on Recycled Paper (Aug 2000)

(a) *Definitions.* As used in this clause--"Postconsumer material" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material." For paper and paper products, postconsumer material means "postconsumer fiber" defined by the EPA as--

(1) Paper, paperboard, and fibrous materials 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; or

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; but not

(3) Fiber derived from printers' over-runs, converters' scrap, and over-issue publications.

"Printed or copied double-sided" means printing or reproducing a document so that information is on both sides of a sheet of paper.

"Recovered material," for paper and paper products, is defined by EPA in its Comprehensive Procurement Guideline as "recovered fiber" and means the following materials:

(1) Postconsumer fiber; and

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

(b) In accordance with Section 101 of Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, the contractor is encouraged to submit paper documents, such as offers, letters, or reports, that are printed or copied double-sided on recycled paper that meet minimum content standards specified in Section 505 of Executive Order 13101, when not using electronic commerce methods to submit information or data to the Government.

(c) If the contractor cannot purchase high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock meeting the 30% postconsumer material standard for use in submitting paper documents to the Government, it should use paper containing no less than 20% postconsumer material. This lesser standard should be used only when paper meeting the 30% postconsumer material standard is not obtainable at a reasonable price or does not meet reasonable performance standards.

(End of clause)

Material Requirements (Aug 2000)

(a) Definitions. As used in this clause--"New" means composed of previously unused components, whether manufactured from virgin material, recovered material in the form of raw material, or materials and by-products generated from, and reused within, an original manufacturing process; provided that the supplies meet contract requirements, including but not limited to, performance, reliability, and life expectancy.

"Reconditioned" means restored to the original normal operating condition by readjustments and material replacement.

"Recovered material" means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

"Remanufactured" means factory rebuilt to original specifications.

"Virgin material" means--

(1) Previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal or metal ore; or

(2) Any undeveloped resource that is, or with new technology will become, a source of raw materials.

(b) Unless this contract otherwise requires virgin material or supplies composed of or manufactured from virgin material, the contractor shall provide supplies that are new, reconditioned, or remanufactured, as defined in this clause.

(c) A proposal to provide unused former Government surplus property shall include a complete description of the material, the quantity, the name of the Government agency from which acquired, and the date of acquisition.

(d) A proposal to provide used, reconditioned, or remanufactured supplies shall include a detailed description of such supplies and shall be submitted to the contracting officer for approval.

(e) Used, reconditioned, or remanufactured supplies, or unused former Government surplus property, may be used in contract performance if the contractor has proposed the use of such supplies, and the contracting officer has authorized their use.

(End of clause)

Recovered Material Certification

The following FAR provision, "Recovered Material Certification" (52.223-4), shall be inserted into solicitations having specifications requiring the use and/or procurement of recovered materials.

Recovered Material Certification

As required by the RCRA of 1976 (42 U.S.C. 6962(c)(3)(A)(i), the offeror certifies by signing this offer, that the percentage of recovered material to be used in the performance of the contract will be at least the amount required by the applicable contract specifications.

(End of provision)

Estimate of Percentage of Recovered Material Content for EPA-Designated Products

The following FAR provision "Estimate of Percentage of Recovered Material Content for

EPA Designated Products" (52.223-9) shall be inserted solicitations and contracts exceeding \$100,000 that include the provision at 52.223-4. If it is practical to verify the estimate, use the clause with is Alternate I.

Estimate of Percentage of Recovered Material Content for EPA-Designated Products
(Aug 2000)

(a) *Definitions.* As used in this clause--

"Postconsumer material" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material."

"Recovered material" means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

(b) The Contractor, on completion of this contract, shall--

(1) Estimate the percentage of the total recovered material used in contract performance, including, if applicable, the percentage of postconsumer material content; and

(2) Submit this estimate to _____ [*Contracting Officer complete in accordance with agency procedures*].

(End of clause)

Alternate I (Aug 2000). As prescribed in 23.406(b), redesignate paragraph (b) of the basic clause as paragraph (c) and add the following paragraph (b) to the basic clause:

(b) The Contractor shall execute the following certification required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(i)(2)(C)):

CERTIFICATION

I, _____ (name of certifier), am an officer or employee responsible for the performance of this contract and hereby certify that the percentage of recovered material content for EPA-designated products meet the applicable contract specifications.

[Signature of the Officer or Employee]

[Typed Name of the Officer or Employee]

[Title]

[Name of Company, Firm, or Organization]

[Date]
(End of certification)

Waste Reduction Program

The following FAR provision “Waste Reduction Program” (52.223-10) shall be inserted into all solicitations and clauses:

Waste Reduction Program (Aug 2000)

(a) *Definitions.* As used in this clause—

"Recycling" means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of products other than fuel for producing heat or power by combustion.

"Waste prevention" means any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

"Waste reduction" means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

(b) Consistent with the requirements of Section 701 of Executive Order 13101, the contractor shall establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract. The contractor's programs shall comply with applicable federal, state, and local requirements, specifically including Section 6002 of the Resource Conservation and Recovery Act (42 U.S.C. 6962, *et seq.*) and implementing regulations (40 CFR part 247).

(End of clause)

Appendix G

Commodity Areas for EPP

HHS is committed to ensuring that EPP considerations for products and services are included in specifications, solicitation language, clauses, and contracts. The following is a list of commodity areas in which EPP must be considered (this list is not all inclusive). Green products or services must be considered as the first choice in all procurements, unless there are reasons otherwise (such as the unavailability of products/services, health, safety, performance standards or unreasonable costs). In the case where green products or services are not acquired, the reason for not selecting an EPP product or service must be documented. (see Appendix A).

- Recycled-content products identified by the U.S. EPA
- Energy-efficient products listed by the Energy Star® program (www.energystar.gov)
- Building renovation and new construction
- Cleaning products and services (biodegradable, less hazardous)
- Furniture (refurbished)
- Hybrid electric or alternative fuel vehicles
- Landscaping products and services (less hazardous)
- Office products (recycled content, less hazardous)
- Paint (less hazardous) (e.g., Green Seal's paint standard)
- Paper (recycled content, process chlorine free)
- Pest management products and services (less hazardous)
- Products that do not contain persistent, bioaccumulative, toxic compounds
- Products that do not contain wood from endangered forests
- Renewable electricity
- Vehicle maintenance products and services (such as refined motor oil)

Other commodity areas are listed in the RCRA Report available at the following website: <http://www.fedcenter.gov/Documents/index.cfm?id=3144>

Appendix H

Federal Sources of Recycled Content/Environmentally Preferable Products

General

Thousands of recycled content and environmentally preferable products are available to procuring agencies and their contractors through established federal supply sources, and new items are continuously being added. Federal sources of EPA-designated items, and other recycled content and environmentally preferable products, are listed below.

Federal Sources of Recycled Content and Environmentally Preferable Products

| Products | GSA Federal Supply Service | Defense Supply Center (Richmond) | Government Printing Office |
|---|----------------------------|----------------------------------|---|
| Paper & Paper Products | X | | X (printing and writing papers only) |
| Vehicular Products | X | X | |
| Construction Products | X | X | |
| Transportation Products (traffic control) | X | | |
| Park and Recreation Products | X | | |
| Landscaping Products | X | X | |
| Non-Paper Office Products | X | X | |
| Miscellaneous Products | X | X | |
| Environmentally Preferable Products | X | X | X (soy-based inks) |

(For additional sources, see *Greening the Government, A Guide to Implementing Executive Order 13101* (published in 2000 by the White House Task Force on Waste Prevention and Recycling))

Examples of other environmental products available through GSA's FSS include:

- Energy and water savings items; and

- Items that have been chemically reformulated to be less detrimental to the environment.

GSA Federal Supply Service

GSA produces several publications (see below) to assist customers in identifying and requisitioning products.

GSA Federal Supply Service Publications

| Publication | Description |
|---|---|
| GSA Supply Catalog | Contains information on several thousand products available through the Federal Supply Service, including hundreds of recycled content and environmentally preferable products (highlighted in green for easy identification). Also includes information on requisitioning these products through GSA. |
| Environmental Products and Services Guide | A separate listing of hundreds recycled content and environmentally preferable products. |
| Customer Assistance Guide | A detailed introduction to the Federal Supply Service. Also contains complete listings of regional Customer Service Directors, Customer Supply Centers, and Commodity Centers. |
| Marketips | A bimonthly bulletin frequently containing information about new recycled content and environmentally preferable products being introduced. Includes customer training seminars scheduled through GSA's regional offices. |

In addition, GSA provides GSA Advantage!, an online shopping mall that offers the convenience of purchasing more than one million products and services, including recycled content and environmentally preferable products, to federal employees with the click of a button. The URL is www.gsaadvantage.gov.

The FSS publications are available through:

Centralized Mailing List Service (CMLS)
P.O. Box 6477
Fort Worth, TX 76115

Phone: (817) 334-5215
 Fax: (817) 334-5227

Retread Tires

The Army’s Tank-automotive and Armaments Command (TACOM) now manages the retread tires program formerly managed by GSA. TACOM offers a Military Retread Program for tactical tires, a Cooperative Tire Qualification Program (CTQP) for nontactical tires, and a retread facility inspection program, called the Cooperative Plant Quality Certification (CPQC). The CTQP applies to passenger car tires, light truck tires, truck and bus tires, and off-road low speed tires. As with GSA’s program, the CTQP tests tires using an on-vehicle test. A Cooperative Approval Tire List (CATL) is published for government use; it lists all the qualified manufacturers brand names, tread class, and codes by tire group. The current listing of qualified manufacturers and brands can be found on the White House Task Force on Recycling’s web site, www.ofee.gov, under Recycled Content.

Government Printing Office

A variety of recycled content printing and writing papers are available through GPO. Requirements officials/project officers should work through their agency field printing organizations to request recycled paper for publications produced through GPO's Regional Printing and Procurement Offices, which are listed below.

GPO Regional Printing & Procurement Offices

| Regional Office | Location | Phone Number |
|-----------------|--|--|
| Atlanta | Atlanta, GA | 404-605-9160 |
| Boston | Boston, MA | 617-720-3680 |
| Chicago | Procurement: Chicago, IL | 312-353-3916 |
| Columbus | Columbus, OH | 614-488-4616 |
| Dallas | Dallas, TX New Orleans Satellite Office Oklahoma City Satellite Office San Antonio Satellite Office | 214-767-0451 504-589-2538 405-231-4146 210-924-4245 |
| Denver | Denver, CO | 303-236-5292 |
| Hampton | Newport News, VA | 757-873-2800 |
| Los Angeles | Lakewood, CA San Diego Satellite Office | 619-497-6050 |
| New York | New York, NY | 212-620-3321 |
| Philadelphia | Southampton, PA Pittsburgh Satellite Office | 215-364-6465 412-644-2858 |
| San Francisco | San Francisco, CA | 415-677-0340 |
| St. Louis | St. Louis, MO | 314-241-0349 |
| Seattle | Seattle, WA | 206-764-3726 |

Unicor – Unicor is a mandatory source of products for federal agencies. Unicor provides everything from computer furniture, circuit board assemblies, and computer demanufacturing to exterior signage, toner cartridges, environmental testing, textiles, printing and laundry services. Call 1-800-827-3168. Website: <http://www.unicor.gov>.

Javits Wagner O’Day (JWOD) – The JWOD Program creates jobs and training opportunities for people who are blind or who have other severe disabilities, empowering them to lead more productive and independent lives. Its primary means of doing so is by

requiring Government agencies to purchase selected products and services from nonprofit organizations employing such individuals. For JWOD items, contact information: (703) 603-7740; fax (703) 603-0655; e-mail to info@jwod.gov. Website: <http://www.jwod.gov> or for the main page <http://www.jwod.com> for the electronic catalog.

Defense Logistics Agency – The DLA has hundreds of environmental products in its supply system ranging from citrus based degreasers to natural conservation products. Examples of green products by DLA category include petroleum, oils, and lubricants; remanufactured/recycled laser printer toner cartridges; reusable batteries and battery accessories; aircraft cleaning compounds; recycled lumber products; natural conservation products.

- Environmentally Preferred Product Catalog 1-800-345-6333.
- Energy Efficient Lighting Catalog 1-800-DLA-BULB or <http://www.dscr.dla.mil/catalogs/catalog.htm>

Small Business Administration (SBA) – website: <http://www.pro-net.sba.gov>

Biobased Products Information – website: <http://www.ars.usda.gov/bbcc>

Appendix I

Listing of Agency Recycling Coordinators

| Organization | Recycling Coordinator(s) |
|--|--|
| (Insert name(s) of organization(s), facility(ies), or installation(s) appropriately below) | (Insert name, title, address, phone number, and e-mail address of recycling coordinator(s), appropriately below) |
| | |
| | |

Appendix J

EPA-Designated Recycled Content Products

The following is a listing of EPA-designated recycled content products. Note: EPA's recommended recovered materials minimum content ranges, product specifications, and other product information for the CPG products listed below are found in EPA's RMAN; agencies are encouraged to review and obtain such information for each product from EPA's CPG web site at www.epa.gov/cpg.

- **Paper and Paper Products**

- Printing and Writing Papers
- Newsprint
- Tissue and Towel
- Paperboard and Packaging

- **Vehicular Products**

- Re-refined lubricating oils (engine oils, hydraulic fluids, gear oils)
- Retread tires
- Engine coolants

- **Construction Products**

- Cement and concrete containing ground granulated blast furnace slag (GGBF) or coal fly ash
- Cement and concrete containing coal fly ash
- Flowable fill
- Structural fiberboard
- Latex paint
- Floor tiles
- Carpet
- Structural fiberboard
- Patio blocks
- Laminated paperboard
- Polyester carpet (face fiber)
- Rubber and plastic floor tiles (heavy duty/commercial use)
- Rubber and plastic patio blocks
- Building insulation products
- Shower and restroom dividers/partitions
- Consolidated or reprocessed latex paint
- Carpet cushion
- Railroad grade crossing surfaces

- **Transportation Products**

Traffic cones
Traffic barricades
Parking stops
Flexible delineators
Railroad grade crossings/surfaces
Channelizers
Delineators
Flexible delineators

- **Park and Recreation Products**

Playground surfaces
Running tracks
Plastic fencing
Park benches and picnic tables
Playground equipment

- **Landscaping Products**

Hydraulic mulch
Compost made from yard trimmings and/or food waste
Garden hoses
Soaker hoses
Lawn and garden edging
Plastic lumber landscaping timbers and posts

- **Non-Paper Office Products**

Office recycling containers and office waste receptacles
Plastic desktop accessories
Toner cartridges
Binders
Plastic trash bags
Printer ribbons
Plastic envelopes
Plastic clipboards
Plastic file boards
Plastic file folders
Plastic clip portfolios
Plastic presentation folders

- **Miscellaneous Products**

- Pallets

- Sorbents

- Industrial drums

- Awards and plaques

- Mats

- Signs, sign supports, and posts

- Manual-grade strapping

- Strapping and Stretchwrap

Appendix K

Environmental Labeling and Certification Programs

In addition to reviewing EPP products through EPA's CPG, there are various certification programs and environmental labeling to review EPP products. Some are listed as follows:

- Consumers Union – www.eco-label.org. Evaluates the growing number of environmental labels against objective criteria to measure the validity of the label and the independence of the standard setting and certification organizations that are developing them.
- EnerGuide – <http://oee.nrcan.gc.ca/energude/> - Establishes energy efficiency guidelines for hundreds of consumer products.
- Environmental Choice – www.environmentalchoice.com – Establishes environmental standards and awards its eco-label to products meeting its standards; currently has more than 20 standards and hundreds of certified products.
- Forest Stewardship Certification (FSC) – www.fscus.org – Sets standards for “forest friendly” practices and, through independent verifiers, certifies forests that are managed consistent with its standards. Forest-based products that originate from FSC-certified forests are also eligible for FSC-certification.
- Green Seal – www.greanseal.org – Establishes environmental standards and awards its “green seal of approval” to products meeting its standards. Green Seal has created environmental standards for more than 30 product categories and regularly publishes its *Choose Green Reports*, which evaluate the environmental impact of products and recommend products that appear to meet its standards.
- PowerSmart – www.bchydro.com – Identifies energy-efficient products and strategies to reduce energy consumption.
- Scientific Certification Systems – www.scscertified.com – Provides independent verification of environmental claims.

Appendix L

Definitions and Acronyms

Acquisition - Acquiring by contract using appropriated funds for supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, or demonstrated and evaluated. Acquisition begins when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation, selection of sources, contract award and financing details, contract performance and administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract. [Executive Order 13101]

Affirmative Procurement Program (APP) - Agency program assuring that EPA-designated recycled content products will be purchased to the maximum extent practicable, consistent with federal law and procurement regulations. [RCRA, Section 6002]

Biobased Product – The Executive Order 13101 defines a biobased product as “a commercial or industrial product (other than food or feed) that utilizes biological products or renewable animal, marine, or forestry materials.”

Biodegradable – Biodegradable means the ability of a substance, material, or product ingredient to readily decompose by the action of microbes.

Carcinogen - A substance known to cause cancer in humans.

Certification - Provided by offerors/bidders/vendors, it is written documentation certifying the percentage of recovered materials contained in products or to be used in the performance of the contract is at least the amount required by applicable specifications or other contractual requirements. Certification on multi-component or multi-material products should verify the percentage of postconsumer materials and recovered material contained in the major constituents of the product. [EPA Guidelines]

Chlorofluorocarbon (CFC) – CFC refers to the family of compounds of chlorine, fluorine, and carbon. CFC's contribute to the depletion of stratospheric ozone layer, and have been used as an ingredient for refrigerants, solvents, and for blowing plastic-foam insulation and packaging.

Chronic Toxicity - Capable of producing illness from repeated exposure.

Components of the Federal Green Procurement Preference Program - Recovered material; environmentally preferable; energy efficient (Energy Star® and Energy

Efficient Stand-by Power Devices); biobased products; alternative fuels and fuel efficiency; and non-ozone depleting substances.

Comprehensive Procurement Guidelines - Regulations issued by EPA pursuant to Section 6002 of RCRA identifying items produced (or which can be produced) with recovered materials. [E.O. 13101 and RCRA, Section 6002]

Designated Item - A product or category of products designated by EPA in the Comprehensive Procurement Guideline and whose procurement by Government agencies will help to create markets for materials recovered from solid waste.

Energy Efficient Product - A product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level meeting U.S. Federal Government standards.

“Energy Star® certified” – “Energy Star® certified” means a product meets the energy efficiency standards set forth by the United States Environmental Protection Agency for compliance with its Energy Star® program.

Environmentally Preferable - Products or services having a lesser or reduced effect on human health and the environment when compared with competing products or services, serving the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or product or service disposal. [Executive Order 13101]

EPA-designated Item – An EPA-designated item means a product or category of products containing recovered materials that has been designated by the EPA in the Comprehensive Procurement Guidelines.

Estimation - Quantitative determination made by vendors of the total percentage of recovered material contained in offered products. [EPA Guidelines]

Executive Agency or Agency - An Executive agency as defined in 5 U.S.C 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense. [Executive Order 13101]

Federal Supply Source - Any supply source managed by a federal agency such as the General Services Administration, Government Printing Office, Defense Logistics Agency, or Javits-Wagner -O’ Day Program. [FAR Guidance]

Green Building Practices – “Green Building Practices” means the incorporation of environmental, health, and waste prevention criteria in building design, site-planning and preparation, materials acquisition, construction or remodeling, deconstruction, and waste disposal.

Green Hierarchy - The logical order by which waste prevention and effective

environmental practices are applied.

Greenhouse Gases - Any of several dozen heat-trapping trace gases in the earth's atmosphere that absorb infrared radiation. The two major greenhouse gases are water vapor and carbon dioxide; lesser greenhouse gases include methane, ozone (O₃), CFCs, and nitrogen oxides.

Green Products/Services - For the purposes of this document, green products and services are defined as products and services meeting the requirements of one or more of the components of federal green procurement preference program: the RCRA Section 6002; E.O.s 13101 (including traditional Affirmative Procurement and Environmentally Preferable Products), 13134, 13221, 13123, 13148, 13149 and 13150; Electronic Stewardship requirements; the Buy-Bio requirements of the Farm Security and Rural Investment Act of 2002, Section 9002; and any federal procurement preference programs implemented after the date of this document.

“Hazardous materials” – Hazardous materials means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant threat or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Integrated Pest Management – “Integrated Pest Management” means use of a combination of pest control methods including improved sanitation, mechanical, physical, biological, or chemical means.

Life-Cycle Assessment - The comprehensive examination of a product's environmental and economic effects throughout its lifetime including new material extraction, transportation, manufacturing, use, and disposal. [Executive Order 13101]

Life-Cycle Cost - The amortized annual cost of a product, including costs associated with capital, installation, operations, maintenance, and disposal, discounted over the lifetime of the product. [Executive Order 13101]

Lubricants – The definition of “lubricants” is motor oil (refined motor oil) and refined lubricants such as hydraulic and transmission fluids and similar oils.

“Major Procuring Agencies” – “Major procuring agencies” shall include any executive agency that procures over \$50 million per year of goods and services.

Manufacture – “Manufacture” means to produce, assemble, or import a consumer product.

Manufacturer – A manufacturer means any business that, or person who, manufactures a consumer product.

Material Safety Data Sheet (MSDS) - Written or printed material about a product that includes information on the product's physical and chemical characteristics; physical and health hazards; exposure limits; whether the product contains carcinogenic ingredients above a certain threshold; precautions for safe handling and use; control measures; emergency and first aid procedures; the date of preparation of the MSDS or the last change to it; and the name, address, and telephone number of the manufacturer.

Minimum Content Standard - The minimum recovered material content of a product. The standard must be high enough to assure the recovered material content required is the maximum available without jeopardizing the intended item use of the product. [RCRA, Section 6002]

Model Facility – A “model facility” is an organization or activity who has made an outstanding contribution to waste prevention, recycling, and affirmative procurement through its leadership, investment in resources, and change in culture.

Performance Specification - A specification stating the desired product operation or function but not specifying its construction materials.

Persistent Bioaccumulative Toxics (PBTs) - Toxic chemicals that persist in the environment and increase in concentration through food chains as larger animals consume PBT-laden smaller animals. They transfer rather easily among air, water, and land, and span boundaries of programs, geography, and generations. As a result, PBTs pose risks to human health and ecosystems. They are associated with a range of adverse human health effects, including effects on the nervous system, reproductive and developmental problems, cancer, and genetic impacts. They include heavy metals and chemicals such as mercury, dioxins, and PCBs (polychlorinated biphenyls).

Pilot Project – A pilot project means a trial of waste prevention, recycling or affirmative procurement practice.

Pollution Prevention – Pollution prevention means “source reduction” as defined in the Pollution Prevention Act of 1990 (42 U.S.C. 13102), and other practices that reduce or eliminate the creation of pollutants through: (a) Increased efficiency in the use of raw materials, energy, water, or other resources, or (b) Protection of natural resources by conservation.

Postconsumer Material - A material or finished product that has served its intended use and has been discarded for disposal or recovery having completed its life as a “recovered material.” [Executive Order 13101]

Postconsumer Recycled Content - Percentage of a product made from materials and byproducts recovered or diverted from the solid waste stream after having completed their usefulness as consumer items and used in place of raw or virgin material. Postconsumer recycled content includes materials (such as paper, bottles, and cans) collected for recycling.

Practicable - Capable of performing in accordance with applicable specifications, available at a reasonable price and within a reasonable period of time, and while a satisfactory level of competition with other products is being maintained. [EPA Guidelines]

Preference - When two products or services are equal in performance characteristics and price, the Government, in making purchasing decisions, will favor the more environmentally-sound or energy efficient product. [OFPP Policy Letter 92-4]

Preference Standard - The highest practicable minimum content standard for products. When minimum content is impractical to calculate, preference is for the presence of a recovered material or an environmentally-preferable trait.

Price Preference – Price preference means a percentage of increase in price that an entity will pay to obtain a designated product or service.

Processed-Chlorine Free Paper – Processed-Chlorine free paper refers to paper that is manufactured using a percentage of post-consumer recycled paper fiber (that may contain residues of chlorine) and is whitened without adding chlorine or chlorine derivatives.

Procurement Preference Program - The first element of an agency affirmative procurement program, in which an agency expresses a preference for purchasing recycled content products designated by EPA. (RCRA, Section 6002)

Procuring Agency - Any federal or state agency, or agency of a state's political subdivision using appropriated federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract. [RCRA, Section 1004]

Product Lifecycle - The attributes that affect a product over its life span, including raw material acquisition, manufacturing, distribution, use, maintenance, and ultimate disposal of the product. (Compare with Lifecycle Cost.)

Recovered Material - Waste materials and by-products recovered or diverted from solid waste, excluding those materials and by-products generated from, and commonly reused within, an original manufacturing process. [Executive Order 13101 and RCRA, Section 1004]

Recovered Materials Advisory Notice (RMAN) - Guidance issued by EPA which recommends the range of recycled content that should be in products designated in the Comprehensive Procurement Guideline. RMAN also contain other EPA recommendations pertinent to purchasing recycled content products, such as reference to specifications established by government agencies or standards setting organizations. [EPA Guidelines and OFPP Policy Letter 92-4]

Recyclability - The ability of a product or material to be recovered or otherwise diverted from the solid waste stream for the purpose of recycling. [Executive Order 13101]

Recyclable materials – Materials that are capable of being recycled and which would otherwise be processed or disposed as solid waste.

Recycled Material - A material utilized in place of raw or virgin material in product manufacturing (See “Recovered Material.”)

Recycled products – Goods that contain materials that have been diverted from the solid waste stream, including post-consumer materials and materials generated in industrial processes.

Recycling - The series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use as raw materials in the manufacture of new products (other than fuel for producing heat or power by combustion). [Executive Order 13101]

Recycled Oil – Recycled oil means used oil that has been prepared for reuse as a petroleum product by refining, reclaiming, reprocessing or other means provided that the preparation or use is operationally safe, environmentally sound and complies with all laws and regulations.

Refurbished Product - A product that has been completely disassembled and restored to its original working order while maximizing the reuse of its original materials.

Remanufactured products – Products or equipment partially or fully manufactured from existing product materials where such materials are cleaned, repaired, rebuilt or restored, and reused in the new product or equipment.

Renewable Materials - Materials made from plant-based feedstock capable of regenerating in less than 200 years such as trees and agricultural products. Rapidly renewable resources, such as grain-based feedstocks, regenerate in fewer than 2 years.

Resource Conservation and Recovery Act (RCRA) Section 6002 – RCRA Section 6002 requires EPA to issue Comprehensive Procurement Guidelines that list designated items that are or can be made with recovered materials. See <http://www4.law.cornell.edu/uscode/42/ch82.html>

Reusable Product – A reusable product means a product, such as a washable food or beverage container or a refillable ballpoint pen, than can be used several times for an intended use before being discarded.

Requirements Official – The individual or organization responsible for defining the requirements for a purchase or acquisition program. This term includes, but is not limited

to, acquisition program managers, project officers, and all contract specification writers/reviewers.

Retreaded Tire – A retreaded tire means any tire that uses an existing casing for the purpose of vulcanizing new tread to such casing that meets all performance and quality standards in the Federal Motor Vehicle Safety Standards determined by the U.S. Department of Transportation.

Solid Waste - Garbage, refuse, sludges, and other discarded solid materials, including those from industrial, commercial, and agricultural operations, and from community activities. This excludes solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flow, etc. [RCRA, Section 1004)

Source Reduction (also see “pollution prevention”) – Source reduction is defined as any practice: (i) Reducing the amount of hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and (ii) Reducing the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

Specification - A clear and accurate description of the technical requirements for materials, products, or services including the minimum requirement for materials’ quality and construction and any equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references. [EPA Guidelines]

Sustainable - An action is sustainable if it satisfies present needs without compromising the ability of future generations to meet their needs.

Sustainable Products/Materials - Products or materials that a life cycle analysis determines is ecological, economical, and equitable.

United Soybean Board (USB) – The USB has prepared a “Biobased Products Best Practices Guide.” The guide is available at <http://www.soybased.org/bestpractices/>.

Unreasonable Price - When recycled product cost is greater compared to virgin material cost. (Unreasonable price is not a factor when minimum content standards are specified in the statement of work/procurement request, because price estimates will only be obtained from vendors who can supply products meeting recovered material content requirements.) [EPA Guidance]

Verification - Procedures used by procuring agencies to confirm both vendor estimates and certifications of the percentages of recovered material contained in the products supplied to them or to be used in the performance of a contract. [EPA Guidelines]

Virgin Material - A mined or harvested raw material to be used in manufacturing.

Volatile Organic Compound (VOC) – A VOC means an organic compound characterized by a tendency to readily evaporate into the air, contributing to indoor air pollution and photochemical smog.

Waste paper – 1) All post-consumer materials (such as discarded copy paper); 2) manufacturing wastes generated after the completion of the paper making process, and; 2) Finished paper and paper board from obsolete inventories.

Waste Prevention - (Also known as "source reduction") Any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their toxicity before they become municipal solid waste. Waste prevention also refers to the reuse of products or materials. [Executive Order 13101]

Waste Reduction - Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products. [Executive Order 13101]

Water Efficient - A product that is in the upper 25% of water efficiency for all similar products, or that is at least 10% more efficient than the minimum level meeting U.S. Federal Government standards.

Acronyms

| | |
|-----------|--|
| AEE | Agency Environmental Executive |
| APP | Affirmative Procurement Program |
| CATL | Cooperative Approval Tire List |
| CFR | Code of Federal Regulations |
| CID | Commercial Items Descriptions |
| CMLS | Centralized Mailing List Service |
| CO | Contracting Officer |
| CPG | Comprehensive Procurement Guideline |
| CPQC | Cooperative Plant Quality Certification |
| CTQP | Cooperative Tire Qualification Program |
| DAU | Defense Acquisition University |
| DOD | Department of Defense |
| DOE | Department of Energy |
| DOI | Department of the Interior |
| DOJ | Department of Justice |
| DSCR | Defense Supply Center Richmond |
| ECRC | Electronic Commerce Resource Center |
| E.O. | Executive Order |
| E.O.I.A.G | Executive Order Interagency Advisory Group |

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|-------|--|
| EPA | Environmental Protection Agency |
| EPP | Environmentally Preferable Purchasing |
| FAC | Federal Acquisition Circular |
| FAI | Federal Acquisition Institute |
| FAR | Federal Acquisition Regulation |
| FEE | Federal Environmental Executive |
| FR | Federal Register |
| FSS | Federal Supply Service |
| FY | Fiscal Year (October 1 through September 30) |
| GPO | Government Printing Office |
| GPRA | Government Performance and Results Act |
| GSA | General Services Administration |
| JWOD | Javits-Wagner-O'Day |
| M&O | Management and Operating (Contractor) |
| NIST | National Institute of Standards and Technology |
| NRC | National Recycling Congress |
| OFPP | Office of Federal Procurement Policy |
| OMB | Office of Management and Budget |
| P.L. | Public Law |
| PVC | Polyvinyl Chloride |
| RCRA | Resource Conservation and Recovery Act |
| RFP | Request for Proposal |
| RMAN | Recovered Materials Advisory Notice |
| SBA | Small Business Administration |
| SBIR | Small Business Innovative Research |
| TACOM | Tank-Automotive and Armaments Command |
| USDA | U.S. Department of Agriculture |
| USPS | U.S. Postal Service |
| VMF | Vehicle Maintenance Facility |

Appendix M

Resources

Agency for Toxic Substances and Disease Registry (ATSDR). - Top 20 Hazardous Substances: ATSDR/EPA Priority List for 1999. - <http://www.atsdr.cdc.gov/cx3.html>

Alternative Fuels Data Center (AFDC) – The AFDC is a comprehensive resource for alternative fuel and vehicle information needs. Available at: <http://www.eere.energy.gov/afdc/>.

Alternative Fuel Vehicles – <http://www.afdc.doe.gov/>

Alternative and Less Hazardous Products for Medical Applications. Sustainable Hospitals Project. http://www.sustainablehospitals.org/HTMLSrc/IP_factsheet_contents.html#epp

Association for Healthcare Resource and Materials Management. Health Care Environmental Purchasing Tool - <http://www.ahrmm.org/ahrmm/products/HCEPT/index.html>

Biobased Products Purchasing Program - http://www.biobased.oce.usda.gov/public/about_us.cfm, <http://www.ofee.gov/gp/bioprod.html>

Biobased SuperCenter
<http://www.biobased.org/association>

Consumer's Choice Council – An association of environmental, consumer, and human rights groups from 25 countries that supports ecolabeling and seeks to ensure that consumers have the information they need to purchase greener, more socially just products. – <http://www.consumerscouncil.org>

Database of Environmental Information for Products and Services, EPA
<http://yosemite1.epa.gov/oppt/epstand2.nsf>

Defense Logistics Agency (DLA)
<http://www.dscr.dla.mil/products/epa/htms/pocs.htm>

Department of Defense – DoD E-Mail
<https://emall.prod.dodonline.net/scripts/emLogon.asp>

Department of Energy's "Buying Energy Efficient Products" –
<http://www.eren.doe.gov/femp>

Draft Federal Guide for Green Construction Specs
<http://www.wbdg.org/design/greenspec.php>

Electronic Product Environmental Assessment Tool (EPEAT) - EPEAT is a tool for evaluating the environmental performance of electronic products throughout their life cycle. The tool was developed to meet the growing demand by large institutional purchasers to buy greener electronic products. It is expected to gain wide acceptance in IT (information technology) purchasing by federal and state government. Available at: <http://www.epeat.net/> or at www.epa.gov/oppt/epp.

Energy Conservation websites - 1) EnerGuide - <http://oee.nrcan.gc.ca/energguide/index.cfm>. This website establishes energy efficient guidelines for hundreds of consumer products; 2) PowerSmart - <http://bchydro.com> - This website identifies energy efficient products and strategies to reduce energy consumption; 3) Energy Star® - Energy Star® products are available at the following website: www.energystar.gov; 4) FEMP – <http://www.eere.energy.gov/femp/procurement> - This website provides information on the Federal Energy Management Program; and 5) The HHS Intranet "Energy Conservation and Management" site at: <http://intranet.hhs.gov/energy>

Environmentally Preferable Purchasing (EPP) information from EPA
<http://www.epa.gov/epp>

EPA's Comprehensive Procurement Guidelines (CPG) – This is EPA's Recycled content database - <http://www.epa.gov/cpg>

EPA's EPP Database - Database of environmental information on products and services - www.epa.gov/epp/tools/database.htm

EPA's EPP Tool Suite – <http://www.epa.gov/opptintr/epp/tools/toolsuite.htm>

EPA's Greenscapes - Guidance on environmentally preferable landscaping
<http://www.epa.gov/epaoswer/non-hw/green/howto.htm>

EPA's Green Building Site - <http://www.epa.gov/oppt/greenbuilding/>

EPA Green Meetings - <http://www.epa.gov/oppt/greenmeetings/>

EPA's Green Power Partnership - Provides assistance and recognition to organizations that demonstrate environmental leadership by choosing green power. - <http://www.epa.gov/greenpower/>

EPA's Smartway Transport Program - Challenges companies shipping products and the truck and rail companies delivering these products to improve the environmental performance of their freight operations.

<http://www.epa.gov/smartway>

EPP Guides for Green Purchasing of Copiers -

<http://www.epa.gov/oppt/epp/pubs/copiers/copiers.htm>

EPPnet listserv providing subscribers with quick access to information such as: availability of product specifications, vendors of particular products, pricing information, and strategies to achieve procurement goals

<http://www.nerc.org/eppnet.html>

Executive Order 13101 – “Greening the Government Through Waste Prevention, Recycling and Federal Acquisition” Available at:

<http://www.ofee.gov/E.O./13101.htm>

Executive Order 13123 - “Greening the Government Through Efficient Energy Management” Available at: <http://www.ofee.gov/E.O./E.O.13123.pdf>

Executive Order 13148 – “Greening the Government Through Leadership in Environmental Management.” Under E.O. 13148, federal facilities are using environmental management systems to ensure compliance; manage environmental, energy, and health and safety issues, and reduce risks and costs. Available at: <http://ceq.eh.doe.gov/nepa/regs/E.O.s/E.O.13148.html>

Executive Order 13149 – “Greening the Government Through Federal Fleet and Transportation Efficiency” Available at:

<http://ceq.eh.doe.gov/nepa/regs/E.O.s/E.O.13149.html>

Executive Order 13221 – “Energy Efficient Standby Power Devices.” This E.O. directs agencies to purchase devices with minimal standby power at or below one watt, where available. DOE's list of these “vampire” devices is available at:

<http://www.eren.doe.gov/femp/procurement>. Available at:

http://nodis3.gsfc.nasa.gov/displayE.O..cfm?Internal_ID=E.O._13221

FAR clauses applicable to Environmentally Preferable Purchasing -

http://www.knownet.hhs.gov/acquisition/hhs_epp_postings/farprov.pdf

Federal Agency Compliance Guidance

<http://www.ofee.gov/E.O./rcra2.htm>

Federal Agency EPP Summary List – Lists agency contacts for service or product category. <http://www.epa.gov/epp/pubs/fed-agency-epp-list.pdf>

Federal Electronics Challenge - A voluntary partnership program that encourages federal facilities and agencies to purchase greener electronic products, reduce impacts of electronic products during use, and manage obsolete electronics in an environmentally safe way. - <http://www.federalelectronicschallenge.net/>

Federal Green Construction Guide for Specifiers – Address the need for a comprehensive approach for procuring green building products and construction services within the Federal Government. The guide will help federal agencies meet their project-specific environmental goals & mandates including: Federal Leadership in High Performance and Sustainable Buildings Memorandum of Understanding; EPA’s Final Guidance on Environmentally Preferable Purchasing; Greening of Government Executive Orders; EPA’s Comprehensive Procurement Guidelines for recovered content; USDA’s Biobased Purchasing Program; ENERGY STAR & DOE Federal Energy Management Program (FEMP) Product Efficiency Recommendations; Energy Policy Act of 2005; ASTM, LEED, Green Globes, and other rating systems and standards; and other ‘best practices’ as determined via industry and public. Available at: <http://fedgreenspecs.wbdg.org>.

Federal Logistics Information System (FLIS) – <http://www.jgenvatt.dla.mil>. A database of more than 7 million supply items developed by the Defense Logistics Agency. This database educates consumers about the specific environmental attributes of a product. In keeping with EPP guidelines, products are assigned up to three environmental attributes.

General Services Administration (GSA) Environmental Programs– <http://www.gsa.gov> (first select “Buying through GSA;” Then select “Environmental Products and Services.”)

Global Ecolabeling Network – A non-profit network of ecolabeling organizations worldwide. - <http://www.gen.gr.jp>

Green Purchasing tools and resources from OFEE - <http://www.ofee.gov/gp/gp.htm>

Green Contract Language for more than 600 products and services – <http://www.epa.gov/epp/databas.htm>

Green Seal Organization
<http://www.greenseal.org/>

GSA Advantage!®
<http://www.gsaadvantage.gov>

[GSA Environmental Products Guide](#) - GSA Environmental Products Overview
Click [here](#) to go to that page.

Health Care Environmentally Preferable Purchasing (EPP) Network Information Exchange Bulletin. Massachusetts Office of Technical Assistance.

<http://www.mass.gov/ota/otapubs.htm#eppnet>

HHS KnowNet Acquisition Supersite – This website is the Department’s web portal for environmentally preferable purchasing information. -

<http://www.knownet.hhs.gov/acquisition/Default.htm>

HHS Policy on the Handling of and Disposal of Hazardous Material/Hazardous Waste - <http://www.knownet.hhs.gov/log/LMM/103-42.htm>

Hospitals for a Healthy Environment - <http://www.h2e-online.org/about/history.htm>

How to Do EPP in Hospitals - Hospitals for a Healthy Environment.-

<http://www.h2e-online.org/tools/epp1.htm>

How to Evaluate Green Labeling and Marketing Claims – Refer to the Environmental Labeling Primer on OFEE’s website:

<http://www.ofee.gov/gp/EnvLabelingPrimer.pdf>

INFORM – A research organization that provides information on ways to reduce the environmental impacts of the U.S. economy through improved product design and greener purchasing. - <http://www.informinc.org/>

NIH Mercury Elimination Campaign – Lists of alternatives to mercury containing products <http://orf.od.nih.gov/nomercury/alternatives.htm>

North American Commission for Environmental Cooperation, Trade in Environmentally Preferable Goods and Services Project – Aims to build North American markets for renewable energy and other green products and facilitates green trade through ecolabeling and green purchasing. –

http://www.cec.org/programs-projects/trade-environ_econ.

Non-Ozone Depleting Substances –

<http://www.epa.gov/ozone/snap/lists/index.html>

Ocean Blue Foundation for Green Meetings - <http://bluegreenmeetings.org>

Office Supplies, Environmentally Preferred, Online Procurement, EPA -

http://www.epa.gov/epp/pubs/buying_green_online.pdf

Office of the Federal Environmental Executive (OFEE) – This site contains federal agency EPP links. - <http://www.ofee.gov/>

Paper Calculator - " The "Paper Calculator" calculates the U.S. average energy and wood consumption and environmental releases summed across the full "life

cycle" of each of five major grades of paper and paperboard. For a given grade, it allows the user to compare the environmental impacts of papers made with different levels of post-consumer recycled content, ranging from 0% (i.e., virgin paper) to 100%. Available at: <http://www.ofee.gov/recycled/cal-index.htm>.

Purchasing for Pollution Prevention Project. INFORM. -
http://www.informinc.org/p3_00.php

Resource Conservation Alliance – <http://www.rca-info.org/gpp.html>

Sample language for Environmentally Preferable Purchasing Attributes –
<http://www.epa.gov/oppt/epp> or <http://www.epa.gov/epp/tools/toolsuite.htm>

Sample solicitation “green” language for an IT hardware procurement -
<http://www.blm.gov/natacq/IT/>

Searchable database of vendors who sell or distribute CPG-designated products with recycled content - <http://www.epa.gov/cpg/database.htm>

Significant New Alternative Policy (SNAP) Program -
<http://www.epa.gov/ozone/snap/lists/index.html>

Supplier Database for Recycled Content (CPG Designated) Products, EPA -
<http://www.epa.gov/cpg/database.htm>

Technical assistance from FEMP -
<http://www.eere.energy.gov/femp/services/services.cfm>

Water Efficiency Program, EPA -
<http://www.epa.gov/owm/water-efficiency/index.htm>

Appendix N

Environmental Points of Contact at HHS

| Office | Point of Contact | Phone | E-mail |
|---|---|------------------------------|---|
| Office of Acquisition Management and Policy(OAMP)/OS | Linda.Stivaletti@hhs.gov | 202-720-1906 | Linda.Stivaletti@hhs.gov |
| Office for Facilities Management and Policy (OFMP)/OS | Design/Construction & Sustainable Buildings: Diane Stewart | 202-205-4773 | Diane.Stewart@hhs.gov |
| | Energy: Scott Waldman | 202-619-0719 | Scott.Waldman@hhs.gov |
| | Environmental Quality and Compliance: Eric Haukdal | 202-690-6551 | Eric.Haukdal@hhs.gov |
| | Facilities O&M (including Solid Waste recycling operations): James Windsor Bill Kraynak | 202-205-4834 202-205-5340 | James.Windsor@hhs.gov William.Kraynak@hhs.gov |
| OPDIV Acquisition Points of Contact | | | |
| OPDIV Facilities Points of Contact | | | |
| ACF | Curtis Coy | 202-401-9238 | Ccoy@acf.hhs.gov |
| FDA | Dave Dwyer | 301-827-7052 | Ddwyer1@OC.FDA.gov |
| IHS | Gary Hartz | 301-443-3024 | Gary.Hartz@IHS.gov |
| AHRQ | Bruce Immerman | 301-427-1794 | Bimmerman@ahrq.gov |
| NIH | Juanita Mildenberg | 301-496-6186 | Mildenbj@mail.nih.gov |
| SAMHSA | Kathleen Milenkowic | 240-276-1011 | Kmilenko@samhsa.gov |
| HRSA | Steven Pelovitz | 301-443-2053 | Steven.Pelovitz@hrsa.hhs.gov |
| AoA | Valerie Ramos | 301-357-3414 | Valerie.Ramos@aoa.gov |
| PSC | Heather Ransom | 301-443-5283 | Hransom@psc.gov |
| CMS | Linda Schmidt | 410-786-5223 | Lschmidt@cms.hhs.gov |
| CDC | Edward Stehmeyer | 404-498-2650 | byzy@cdc.gov |

Appendix N (continued)

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|--|---|---|---|
| <p>OPDIV Environmental Points of Contact</p> <p>CDC NIH FDA IHS HRSA SAMHSA CMS ACF PSC AoA AHRQ</p> | <p>David Ausdemore William “Kenny” Floyd Don Demers John Smart Mike Pontell Mike Daniels James Cratty Don Deering Glenn Phillips Sophia Hurt Deborah Voight</p> | <p>404-639-1464 301-496-3537 301-827-1006 301-443-4076 301-443-1575 240-276-0759 410-786-5746 202-401-1063 301-443-6340 202-357-3413 301-427-1822</p> | <p>Dja4@cdc.gov FloydW@mail.nih.gov Ddemers@oc.fda.gov John.Smart@ihs.gov Mpontell@hrsa.gov Mike.Daniels@samhsa.hhs.gov Jcratty@cms.hhs.gov Ddeering@acf.hhs.gov Gphillips@psc.gov Sophia.Hurt@aoa.hhs.gov Dvoight@ahrq.gov</p> |
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Appendix O

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