

2007

CPG

COMPREHENSIVE PROCUREMENT GUIDELINES

EPA COMPREHENSIVE PROCUREMENT GUIDELINE PROGRAM

As part of its continuing program to promote the use of recovered materials, the U.S. Environmental Protection Agency (EPA) periodically expands the federal buy-recycled program by adding new items to its Comprehensive Procurement Guidelines (CPG). EPA also revises the designations for CPG items. The CPG designates items in the following eight product categories: paper and paper products, vehicular products, construction products, transportation products, park and recreation products, landscaping products, nonpaper office products, and miscellaneous products. EPA issued the original CPG regulations and the non-regulatory Recovered Materials Advisory Notice (RMAN) in May 1995. RMANs provide purchasing recommendations and guidance for the products designated in the CPG and are updated periodically to reflect market conditions.

In November 1997, EPA updated the original CPG with the publication of *Federal Register* (FR) notices for CPG II and RMAN II, covering an additional 12 items. In January 2000, EPA issued CPG III and RMAN III, covering 18 new items. In April 2004, EPA issued CPG IV and RMAN IV, covering seven new items. Updated RMANs for paper and paper products were published in May 1996 and June 1998. Most recently, in September 2007, EPA issued CPG V and RMAN V, revising its compost designation and adding fertilizer made from recovered organic materials to the landscaping products category. A total of 61 items has been designated. These FR notices may be accessed at <www.epa.gov/cpg/backgrnd.htm>.

Why Does EPA Publish the CPG and RMANs?

To encourage the use of materials recovered through recycling, and thereby help to reduce the amount of waste that must be disposed of, Congress directed government agencies to increase their purchases of recycled-content products. Section 6002 of the Resource Conservation and Recovery Act (RCRA) requires EPA to designate products that can be made with recovered materials and to recommend practices for buying these products. Once a product is designated, procuring agencies are required to purchase it with the highest recovered material content level practicable. More recently, Executive Order (E.O.) 13423, signed on January 24, 2007, directs agencies to implement sustainable acquisition, including the purchase of recycled-content products.



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Who Is Required to Buy Recycled Products?

Under RCRA section 6002 (a), the requirement to purchase an EPA-designated product containing recovered materials applies to “procuring agencies” that spend more than \$10,000 a year on that item. Procuring agencies include all federal agencies, and any state or local agency or government contractor that uses appropriated federal funds. For example, if a county agency spends more than \$10,000 a year on an EPA-designated item, and part of that money is from appropriated federal funds, then the agency must purchase that item made from recovered materials.

The requirement to purchase EPA-designated products applies regardless of the acquisition mechanism used (e.g., it applies to simplified acquisitions or purchases made with government purchase cards). It also applies to the purchase of services in which the EPA-designated products could be supplied or used.

CPG Categories and Designated Items

(Items in italics were designated in CPG V)

Paper and Paper Products

Vehicular Products

Engine Coolants
Rebuilt Vehicular Parts
Re-refined Lubricating Oils
Retread Tires

Construction Products

Building Insulation Products
Carpet Cushion
Cement and Concrete Containing Coal Fly Ash,
Ground Granulated Blast Furnace Slag,
Cenospheres, or Silica Fume
Consolidated and Reprocessed Latex Paint
Floor Tiles
Flowable Fill
Laminated Paperboard
Modular Threshold Ramps
Nonpressure Pipe
Patio Blocks
Polyester Carpet
Railroad Grade Crossing Surfaces
Roofing Materials
Shower and Restroom Dividers and Partitions
Structural Fiberboard

Transportation Products

Channelizers
Delineators
Flexible Delineators
Parking Stops
Traffic Barricades
Traffic Cones

Park and Recreation Products

Park Benches and Picnic Tables
Plastic Fencing
Playground Equipment

Playground Surfaces
Running Tracks

Landscaping Products

Compost Made From Recovered Organic Materials
Fertilizer Made From Recovered Organic Materials
Garden and Soaker Hoses
Hydraulic Mulch
Lawn and Garden Edging
Plastic Lumber Landscaping Timbers and Posts

Nonpaper Office Products

Binders (plastic covered, chipboard, and pressboard)
Office Furniture
Office Recycling Containers
Office Waste Receptacles
Plastic Binders
Plastic Clipboards
Plastic Clip Portfolios
Plastic Desktop Accessories
Plastic Envelopes
Plastic File Folders
Plastic Presentation Folders
Plastic Trash Bags
Printer Ribbons
Toner Cartridges

Miscellaneous Products

Awards and Plaques
Bike Racks
Blasting Grit
Industrial Drums
Manual-grade Strapping
Mats
Pallets
Signage
Sorbents

Affirmative Procurement Program – RCRA section 6002 (i)

Affirmative procurement—or buying recycled—is an agency’s strategy for maximizing its purchases of EPA-designated items. The affirmative procurement program also should ensure that designated items purchased are composed of as much recovered materials as possible. Programs should be flexible enough to incorporate newly designated items, and must consist of the following components:

- A recovered materials preference program.
- An agency promotion program.
- Procedures for obtaining estimates and certifications of recovered materials content and, where appropriate, reasonably verifying those estimates and certifications.*
- A program to monitor and annually review the effectiveness of the affirmative procurement program.

Additionally, within 1 year following EPA designation of an item, procuring agencies must revise their specifications to require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.

Green Purchasing Program

Green Purchasing Program (GPP): Under E.O. 13243, agencies are required to develop and implement comprehensive green purchasing plans for purchasing green products and services, including the EPA-designated recycled-content products. A GPP is an agency’s strategy for maximizing its purchases of green products and services, including EPA-designated items. The plan should be developed in a manner that ensures that green products and services are purchased to the maximum extent practicable consistent with federal procurement law.

Several statutes address elements of the federal green purchasing program, including RCRA, the Farm Security and Rural Investment Act of 2002 (FSRIA), and the Energy Policy Act of 1992 and 2002 (EPAAct). Rather than addressing these requirements separately, the Office of Management and Budget and the Office of the Federal Environmental Executive (OFEE) require agencies to develop a comprehensive GPP to address acquisition of products and services. The Office of Federal Procurement Policy, OFEE, and EPA believe that developing a single GPP will substantially reduce procuring agencies’ administrative burdens under RCRA, FSRIA, and EPAAct that result from item designations. In addition, CPG background documents and supporting analyses to each CPG update include detailed guidance on establishing affirmative procurement programs. See page 6 for information on accessing these and other helpful resources.

* The Federal Acquisition Regulation (FAR) requires standard contract language to obtain estimates, certifications, and verifications of recovered materials content of products provided under a contract. See page 5 of this guide for more information on the FAR.

Preference Program

A *preference program* is the system by which an agency implements its stated preference for purchasing products containing recovered materials. RCRA identifies three options for preference programs:

- **Minimum Content Standards** specify the minimum amount of recovered materials that designated items should contain. EPA recommends ranges of recovered materials content that are currently available, and procuring agencies should establish their own standards based on these ranges.
- **Case-by-Case Policy Development** is used when a procuring agency determines that minimum content standards are inappropriate for a specific procurement action. This option allows the procuring agency to establish a separate recovered materials content requirement for the specific procurement action, while still enabling the agency to procure the designated product with the highest amount of recovered materials practicable.
- **Substantially Equivalent Approaches**, such as establishing service contracts for product remanufacturing, are used when minimum content standards are inappropriate. For example, procuring agencies may establish service contracts for remanufacturing toner cartridges.

Promotion Program

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

What Are the Estimation, Certification, Verification, and Monitoring?

Agencies should use standard contract provisions to estimate, certify, and, where appropriate, reasonably verify the recovered materials content in a product procured by an agency. Programs also must be monitored and tracked to ensure that they are fulfilling their requirements to purchase items composed of recovered materials. The E.O. 13423 implementing instructions require agencies to report compliance annually to the Federal Environmental Executive (FEE).

May an Agency Purchase CPG Items That Do Not Contain Recovered Materials?

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

Does the FAR Address Purchasing of Products Designated in the CPG?

Under RCRA section 6002, purchasing of EPA-designated items must be consistent with other federal procurement requirements. The FAR is the primary regulation used by federal executive agencies in their acquisition of supplies and services. On August 22, 1997, a final rule was published in the FR (62 FR 44809) amending the FAR to reflect the federal government's preference for the acquisition of recycled-content, energy-efficient, biobased, and environmentally preferable products and services and to incorporate the requirements of RCRA section 6002. These FAR revisions included solicitation provisions, clauses for obtaining certifications and estimates of recovered materials content from contractors, and a requirement that agencies establish an affirmative procurement program for EPA-designated items. Further FAR revisions are pending, including a revision clarifying that the requirements to purchase EPA-designated items apply to services contracts and construction contracts. The FAR can be accessed electronically at <www.acqnet.gov>; then select the section that includes Part 23 or <www.acqnet.gov/far/index.html>.

What Is the Difference Between Items Designated in the CPG and Environmentally Preferable Products?

All CPG products are required to have recovered-content material. Recovered-content material is one of a number of environmentally preferable attributes products may have. E.O. 13423 directs agencies to purchase a range of green products and services, including recycled-content products and environmentally preferable products and services. Environmentally preferable is defined in the March 28, 2007 E.O. 13423 Implementing Instructions as 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." The criteria for environmentally preferable products include multiple attributes such as energy use; conservation of resources; impacts on air, water, and land; and use of toxic or hazardous constituents. While all recycled-content products are green products, they might not be as environmentally preferable as others in a given situation where an agency has a functional need emphasizing a different energy or environmental attribute, such as no volatile organic compound content. However, recovered-content products can have additional environmentally preferable attributes.

How Can I Get More Information?

This resource guide and the following resources on buying recycled-content products can be accessed on the Internet.



Information Available from EPA

- **The CPG:** <www.epa.gov/cpg>. This site describes EPA's effort to facilitate the procurement of products containing recovered materials, including information on CPG and RMANs, and an online database of manufacturers and suppliers of designated items. Links to all of the CPG and RMAN FR notices are available on the Web site at <www.epa.gov/cpg/backgrnd.htm>.
- **Federal Register (FR):** <www.epa.gov/cpg/backgrnd.htm> and <www.epa.gov/epaoswer/non-hw/procure/about.htm>. Notices promulgating CPG I (60 FR 21370) and RMAN I (60 FR 21386), May 1, 1995. FR notices promulgating CPG II (62 FR 60961) and RMAN II (62 FR 60975), November 13, 1997. FR notices promulgating CPG III (65 FR 3070) and RMAN III (65 FR 3082), January 19, 2000. FR notices promulgating CPG IV (69 FR 24028) and RMAN IV (69 FR 24039), April 30, 2004. FR notices promulgating CPG V (72 FR 52475) and RMAN V (72 FR 52561), September 14, 2007.
- **Environmentally Preferable Purchasing (EPP):** <www.epa.gov/epp>. EPA's EPP program encourages and assists federal agencies in purchasing environmentally preferable products and services. The site explains EPA's proposed guiding principles for including environmental performance in purchasing decision-making, and posts case studies of successful pilot projects in both the public and private sectors.



Other Government Sources

- **Background Document for the Final CPG V and Final RMAN V:** <www.regulations.gov/fdmpublic/component/main>. This document contains a summary of all supporting analyses used by EPA to issue the final CPG V and final RMAN V.
- **OFEE:** <www.ofee.gov>. OFEE's mission is to advocate, coordinate, and assist environmental efforts of the federal community in waste preven-

tion, recycling, affirmative procurement of CPG items, and the acquisition of recycled and environmentally preferable products and services.

- **Greening the Government: A Guide to Implementing Executive Order 13101:** <<http://ofee.gov/eo/greening.pdf>>. This guide provides detailed information on the requirements of E.O. 13101, which established a process for amending the CPG and issuing RMANs. E.O. 13101 preceded E.O. 13423 and established many requirements and definitions that are still in effect. Updated in February 2001, the E.O. is available from OFEE at <www.ofee.gov>.
- **Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management:** <http://ofee.gov/eo/eo13423_main.asp>. Published in January 2007, this Order replaced E.O. 13101 and requires federal agencies to purchase green products and services, including recycled-content products, energy- and water-efficient products, biobased products, and environmentally preferable products and services. Although E.O. 13423 revoked E.O. 13101, EPA continues to follow certain procedures of E.O. 13101 since they are consistent with the requirements of RCRA 6002 (e).
- **Federal Green Purchasing Program:** <www.ofee.gov/gp/gp.asp>. This program assists federal agencies to promote the acquisition of recycled-content, environmentally preferable, and biobased products; non-ozone depleting substances; and products containing alternatives to certain priority chemicals. Training tools and other green purchasing guidance are available.
- **U.S. General Services Administration (GSA) Environmental Products Overview:** <www.gsa.gov/Portal/gsa/ep/channelView.do?pageTypeId=8207&channelPage=/ep/channel/gsaOverview.jsp&channelId=-12972>. GSA offers a variety of environmental products and services to its federal customers to assist them in their efforts to comply with procurement responsibilities outlined in federal environmental laws and regulations. This overview contains information about environmentally oriented products and services in the Federal Supply Service Supply System. To access GSA Advantage!, GSA's Internet-based ordering system, and order any GSA product, visit <www.gsaadvantage.gov>.