

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 247**

[FRL-5198-7]

RIN 2050-AE16

**Comprehensive Guideline for Procurement of Products Containing Recovered Materials**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** Today, the Environmental Protection Agency (EPA) is promulgating a final regulation designating the following 19 items that are or can be made with recovered materials: Engine coolants, structural fiberboard, laminated paperboard, carpet, floor tile, patio blocks, cement and concrete containing ground granulated blast furnace slag, traffic cones, traffic barricades, playground surfaces, running tracks, hydraulic mulch, yard trimmings compost, office recycling containers, office waste receptacles, plastic desktop accessories, toner cartridges, binders, and plastic trash bags. The CPG also consolidates the designations from EPA's five earlier procurement guidelines, which were previously codified at 40 CFR parts 248, 249, 250, 252, and 253. These five items, in addition to the 19 new items designated today, will be incorporated into a new Comprehensive Procurement Guideline codified at 40 CFR part 247.

This regulation is issued under the authority of section 6002(e) of the Resource Conservation and Recovery Act (RCRA). This action will promote recycling by using government purchasing to expand markets for recovered materials. RCRA section 6002 requires EPA to designate items that are or can be produced with recovered materials and to recommend practices for the procurement of designated items by procuring agencies. Once EPA designates an item, RCRA section 6002 requires that any procuring agency, when using appropriated Federal funds to procure that item, shall purchase it with the highest percentage of recovered materials practicable.

Executive Order 12873 sets forth procedures for EPA to follow in implementing RCRA section 6002(e). Specifically, it calls for EPA to designate section 6002 items in a Comprehensive Procurement Guideline (CPG) and to provide recommended procurement practices in a related Recovered Materials Advisory Notice (RMAN).

For the items designated in today's rule, EPA is issuing a Recovered Materials Advisory Notice (RMAN), which is published in the notice section of today's **Federal Register**. This RMAN includes EPA's consolidated recommendations to procuring agencies for meeting their section 6002 obligations with respect to the new and existing designated items. In the case of most designated items, the RMAN contains recommended minimum recovered materials content levels. For other items, an alternative approach is recommended. In addition, the RMAN revises the recommended recovered materials content levels originally contained in the building insulation guideline issued in 1988. The purpose of the recommendations contained in the RMAN is to assist procuring agencies in fulfilling their obligations under RCRA section 6002 and Executive Order 12873 to purchase designated items composed of the highest percentages of recovered materials practicable.

**EFFECTIVE DATE:** The Comprehensive Procurement Guideline is effective on May 1, 1996.

**ADDRESSES:** The public record for this rulemaking (Docket Number F-95-PRMF-FFFFF) is located at the following address: U.S. Environmental Protection Agency, RCRA Information Center (RIC), Room M2616, 401 M Street SW., Washington, DC 20460.

The RIC is open from 9 a.m. to 4 p.m. Monday through Friday, except for Federal holidays. To review docket materials, the public must make an appointment by calling (202) 260-9327. Materials may be copied for \$0.15 per page.

**FOR FURTHER INFORMATION CONTACT:** "Comprehensive Procurement Guideline—Supporting Analyses" is the primary supporting document for the final Comprehensive Procurement Guideline. Today's **Federal Register** notice and the supporting document will be available in electronic format on the Internet System through the EPA Public Access Server at [gopher.epa.gov](http://gopher.epa.gov). For a paper copy of the **Federal Register** notice or "Comprehensive Procurement Guideline—Supporting Analyses," please contact the RCRA Hotline at 800-424-9346, or, in the Washington, DC metropolitan area, (703) 412-9810. Paper copies also are available in the RCRA Docket at the address listed in the previous section.

For general information, contact the RCRA Hotline. For technical information on individual item designations, contact the following EPA staff: Yard trimmings compost, Plastic

pipe and fittings, Geotextiles, Carpet, Floor tile and Patio blocks, Playground surfaces and Running tracks, Temporary traffic control devices—Terry Grist, (703) 308-7257; Engine coolant—Tracy Bone, (703) 308-7259; Cement and concrete containing ground granulated blast furnace slag and Hydraulic mulch—Dana Arnold, (703) 308-7279; Structural fiberboard and Laminated paperboard, Office recycling containers and Office waste receptacles, Plastic desktop accessories, Toner cartridges, Binders, and Plastic trash bags—Beverly Goldblatt, (703) 308-7278. For all other technical information, contact Beverly Goldblatt at (703) 308-7278, or Terry Grist at (703) 308-7257.

**Accessing Internet**

1. Through Gopher: Go to: [gopher.epa.gov](http://gopher.epa.gov)

From the main menu, choose "EPA Offices and Regions". Next, choose "Office of Solid Waste and Emergency Response (OSWER)". Next, choose "Office of Solid Waste". Then, choose "Non-Hazardous Waste—RCRA Subtitle D". Finally, choose "Procurement/CPG".

2. Through FTP: Go to: [ftp.epa.gov](http://ftp.epa.gov)

Login: anonymous  
Password: Your Internet Address  
Files are located in directories/pub/gopher. All OSW files are in directories beginning with "OSW".

3. Through MOSAIC: Go to: <http://www.epa.gov>

Choose the EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions". Next, choose "Office of Solid Waste and Emergency Response (OSWER)." Next, choose "Office of Solid Waste". Then, choose "Non-Hazardous Waste—RCRA Subtitle D". Finally, choose "Procurement/CPG".

4. Through dial-up access:

Dial 919-558-0335. Choose EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions". Next, choose "Office of Solid Waste and Emergency Response (OSWER)". Next, choose "Office of Solid Waste". Then, choose "Non-Hazardous Waste—RCRA Subtitle D". Finally, choose "Procurement/CPG".

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

- I. Authority
- II. Background
  - A. Purpose of the Procurement Guidelines
  - B. RCRA Section 6002
  - C. Executive Order 12873
  - D. Other Requirements and Policies