

Federal Supply Service. This Guide is updated periodically as new items become available. Copies of the GSA "Environmental Products Guide" can be obtained by contacting GSA's Centralized Mailing List Service in Fort Worth, Texas at (817) 334-5215.

In addition to the information provided by EPA and GSA, there are other publicly-available sources of information about products containing recovered materials. For example, the "Official Recycled Products Guide" (RPG) was established in March 1989 to provide a broad range of information on recycled content products. Listings include product, company name, address, contact, telephone, fax, type of company (manufacturer or distributor), and minimum recycled content. Price information is not included. The RPG is available on a subscription basis from American Recycling Market, Inc., (800) 267-0707. Private corporations that have researched recycled product availability may also be willing to make this information publicly available. For instance, as part of the McRecycle USA® program, the McDonald's Corporation established a Registry Service for manufacturers and suppliers of recycled content products. The Corporation has compiled a database of registrants and makes this information available upon request. More information on the McRecycle USA® Registry Service is available by calling (800) 220-3809.

State and local recycling programs are also a potential source of information on local distributors and availability. In addition, state and local government purchasing officials that are contracting for recycled content products may have relative price information. A list of state purchasing/procurement officials has been placed in the RIC and will be updated periodically. Also included in the public docket is a list of states with recycled content products purchasing programs, current as of April 1994. Information is also available from trade associations whose members manufacture or distribute products containing recovered materials. A list of such trade associations is also included in the RIC.

V. Economic Impact Analysis

A. Requirements of Executive Order 12866

Executive Order 12866 requires agencies to determine whether a regulatory action is "significant." The Order defines a "significant" regulatory action as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect, in a material

way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The cost of the rule is below the \$100 million threshold. However, EPA believes that the rule may raise policy issues and, therefore, is considering it a significant regulatory action. To enable the Agency to evaluate the potential impact of today's action, EPA has conducted an Economic Impact Analysis (EIA), discussed below. For more information on the EIA, see "Technical Background Document for the Comprehensive Procurement Guideline."

B. Unfunded Mandates Reform Act of 1995 and Consultation With State, Local, and Tribal Governments

Under section 202 of the Unfunded Mandates Reform Act of 1995 (the Act), Pub. L. 104-4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the Act EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the Act a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not include a Federal mandate that may result in estimated annualized costs of \$100 million or more to either State, local and tribal governments in the aggregate, or to the private sector. To the extent enforceable duties arise as a result of today's rule on State, local and tribal governments, they are exempt from inclusion as Federal intergovernmental mandates if such duties are conditions of Federal assistance. Even if they are not conditions of Federal assistance, such enforceable duties do not result in a significant regulatory action being imposed upon State, local and tribal governments since the estimated aggregate cost of compliance for them are not expected to exceed, at the maximum, \$5.1 million annually. The cost of enforceable duties which may arise as a result of today's rule on the private sector are estimated not to exceed \$130,000 annually. Thus, today's rule is not subject to the written statement requirement in sections 202 and 205 of the Act.

The newly designated items included in the CPG may give rise to additional obligations under section 6002(i) (requiring procuring agencies to adopt an affirmative procurement program and to amend their specifications) for state and local governments and tribal authorities. As noted above, the expense associated with any additional costs is not expected to exceed, at the maximum, \$5.1 million annually. In compliance with E.O. 12875, which requires the involvement of State, local and tribal governments in the development of certain Federal regulatory actions, EPA conducted a wide outreach effort and actively sought the input of representatives of state, local and tribal governments in the process of developing the final designation. Thus, Agency personnel have met with their representatives in a number of different forums. For example, EPA staff involved in development of the CPG spoke and met with attendees at the annual meeting of the National Institute for Government Purchasing, Inc., which includes representatives of government purchasing offices. EPA representatives have met with government officials at trade association gatherings such as the National Recycling Coalition annual conference.

The requirements do not significantly affect small governments because they are subject to the same requirements as other entities whose duties result from today's rule. As discussed above, the expense associated with any additional costs to State, local and tribal