

materials content level recommendations for purchasing these 19 items.

Prior to 1993, EPA combined item designations and related purchasing recommendations in one **Federal Register** notice and codified both the designations and recommendations in the Code of Federal Regulations. As required by Executive Order 12873, "Federal Acquisition, Recycling, and Waste Prevention," (58 FR 54911, October 22, 1993), EPA is using a new procedure for designating items and for providing purchasing recommendations for those items. While the designations will be codified in the Code of Federal Regulations, the recommendations will be available in guidance documents known as Recovered Materials Advisory Notices. In the draft RMAN (59 FR 18893), EPA established a framework for consolidating the recommendations for newly-designated items with the existing recommendations for paper and paper products, re-refined lubricating oil, retread tires, building insulation products, and cement and concrete containing coal fly ash. EPA stated that the RMAN would incorporate the then-current recommendations (see 59 FR 18893, April 20, 1994). Thus, the RMAN appended to this notice contains both recommendations for the 19 new items and recommendations consolidated from the five existing procurement guidelines. These consolidated recommendations replace the recommendations in the existing guidelines.

On March 15, 1995, EPA published a **Federal Register** notice of the availability of a draft Paper Products Recovered Materials Advisory Notice (60 FR 14182). When final, the recommendations in the Paper Products RMAN will replace the recommendations found in Part II.A of today's RMAN.

Dated: April 21, 1995.

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Administrator.

### Recovered Materials Advisory Notice

The following represents EPA's recommendations to procuring agencies for purchasing the items designated in the Comprehensive Procurement Guideline (CPG) in compliance with section 6002 of the Resource Conservation and Recovery Act (RCRA).

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### I. General Recommendations

#### Part A—Definitions

As used in this Recovered Materials Advisory Notice:

*Act* or *RCRA* means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C 6901 *et seq*;

*Federal agency* means any department, agency, or other instrumentality of the Federal government; any independent agency or establishment of the Federal government including any government corporation; and the Government Printing Office;

*Person* means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, Federal agency, State, municipality, commission, political subdivision of a State, or any interstate body;

*Postconsumer material* means a material or finished product that has served its intended use and has been diverted or recovered from waste destined for disposal, having completed its life as a consumer item.

*Postconsumer material* is a part of the broader category of *recovered materials*.

*Postconsumer recovered materials*, for purposes of purchasing paper and paper products, is a subset of the broader term *recovered materials*, as defined in RCRA section 6002(h), and means:

(1) Paper, paperboard and fibrous wastes 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; and (2) All paper, paperboard and fibrous wastes that enter and are collected from municipal solid waste;

*Procuring agency* means any Federal agency, or any State agency or agency of a political subdivision of a State, which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract;

*Recovered materials* means waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process;

#### Part B—Specifications

EPA recommends that Federal agencies review and revise their product specifications with a view to eliminating unnecessary stringency as well as requirements which bear no relation to function in order to allow for the use of recovered materials. Specifications that bear no relation to function should be revised according to the agency's established specifications review procedures. EPA further recommends that, in reviewing an existing specification's provisions pertaining to function, Federal agencies refer to existing voluntary standards and research by organizations such as the American Society for Testing and Materials (ASTM), the American Association of State Highway and Transportation Officials (AASHTO), the Technical Association of the Pulp and Paper Industry (TAPPI), and the American Institute of Paper Chemistry.

Federal agencies that reference Commercial Item Descriptions (CIDs) or appropriate industry standards should continue to reference them when purchasing designated items. However, agencies should review or modify CIDs and industry standards, as appropriate, to be certain that the use of recovered materials is allowed.

Under RCRA section 6002, Federal agencies need not revise specifications to allow or require the use of recovered materials if it can be determined that for technical reasons, for a particular end use, a product containing such materials will not meet reasonable performance standards. EPA recommends that Federal agencies document such determinations and that the determination be based on technical performance information (including any product testing) pertaining to a specific