

item or application. EPA further recommends that Federal agencies reference such documentation in the contract files for subsequent procurements of the specific item.

In most cases, for the items designated in the CPG, EPA has recovered materials content levels for specific types or grades of items or for certain applications. EPA notes, however, that the intent is not to preclude Federal agencies from procuring other types or grades of items, or from using recovered materials content items for other applications. On the contrary, if a new type or grade of a designated item becomes available containing recovered materials or if a Federal agency discovers a new application for which recovered materials content is appropriate, EPA encourages the agency to revise its specifications or develop new specifications to allow the use of recovered materials in that type or grade of item or that specific application.

#### *Part C—Affirmative Procurement Programs*

EPA recommends that the Environmental Executive within each major procuring agency take the lead in developing the agency's affirmative procurement program and in implementing the recommendations set forth in this RMAN. The basic responsibilities of an Agency Environmental Executive are described in sections 302 and 402 of Executive Order 12873, "Federal Acquisition, Recycling, and Waste Prevention," (58 FR 54911, October 22, 1993). In the absence of such an individual, EPA recommends that the head of the implementing agency appoint an individual who will be responsible for ensuring the agency's compliance with RCRA section 6002 and Executive Order 12873.

RCRA section 6002 and Executive Order 12873 require procuring agencies to establish affirmative procurement programs for each EPA-designated item. EPA recommends that each agency develop a single, comprehensive affirmative procurement program with a structure that allows for the integration of new items as they are designated. Consistent with Executive Order 12873, EPA encourages agencies to implement preference programs for non-guideline items as well, in order to maximize their purchases of recycled content products and foster markets for recovered materials.

*Preference Program:* In Section II of this RMAN, EPA provides specific recommendations for procuring agencies to use when purchasing the EPA-designated items. For most of these

items, EPA recommends that procuring agencies establish minimum content standards based on EPA's recommended recovered materials content levels and the procuring agencies' own research. For other items, the use of minimum content standards is inappropriate, and procuring agencies should establish an alternative program, as recommended by EPA.

In addition, EPA recommends that procuring agencies review their procurement practices and eliminate those that would inhibit or preclude the use of an item containing recovered materials. Specific examples of such procurement practices are provided in the item-specific recommendations, where appropriate.

*Promotion Program:* EPA recommends that procuring agencies include both internal and external promotion in their affirmative procurement programs.

There are several methods that procuring agencies can use to educate their employees about their affirmative procurement programs. These methods include preparing and distributing agency affirmative procurement policies, publishing articles in agency newsletters and publications, including affirmative procurement program requirements in agency staff manuals, and conducting workshops and training sessions to educate employees about their responsibilities under agency affirmative procurement programs.

Methods for educating existing contractors and potential bidders regarding an agency's preference for purchasing products containing recovered materials include publishing articles in appropriate trade publications, participating in vendor shows and trade fairs, placing statements in solicitations, and discussing an agency's affirmative procurement program at bidders' conferences.

*Monitoring:* EPA recommends that procuring agencies monitor their affirmative procurement programs, in accordance with RCRA section 6002(i)(2)(D) and Executive Order 12873, to ensure that they are fulfilling their requirements to purchase items composed of recovered materials to the maximum extent practicable. EPA anticipates that the Federal Environmental Executive and the Office of Federal Procurement Policy will request information from Federal agencies on their affirmative procurement practices. Therefore, EPA recommends that Federal procuring agencies maintain adequate records of procurements that may be affected by

the Executive Order and RCRA requirements.

EPA recommends that procuring agencies track their purchases of products containing recovered materials to establish benchmarks from which progress can be assessed. To maintain adequate records on procurement of products containing recovered materials, EPA recommends that procuring agencies choose to collect data on the following:

- The minimum percentages of recovered materials content in the items procured or offered;
- Comparative price information on competitive procurements;
- The quantity of each item procured over a fiscal year;
- The availability of each item with recovered materials content; and
- Performance information related to recovered materials content of an item.

EPA recognizes that a procuring agency may be unable to obtain accurate data for all designated items. However, the Agency believes that in many cases, estimated data will suffice in determining the effectiveness of the agency's affirmative procurement program.

*Certification:* Certification of the recovered materials content in products is an important mechanism for encouraging the use of recovered materials in finished products. Because each product will be different, EPA recommends that procuring agencies discuss certification with product vendors to ascertain the appropriate period for certifying recovered materials content. EPA recommends that, whenever feasible, the recovered materials content of a product be certified on a batch-by-batch basis or as an average over a calendar quarter or some other appropriate averaging period as determined by the procuring agencies.

## **II. Specific Recommendations for Procurement of Designated Items**

### *Part A—Paper and Paper Products*

Following are the preference program and specifications recommendations from the previous procurement guideline (formerly found at 40 CFR part 250) and a subsequent Procurement Guidelines Advisory issued by EPA on November 20, 1990. On March 15, 1995, EPA issued a draft Paper Products Recovered Materials Advisory Notice (RMAN) in the **Federal Register** (see 60 FR 14182) which contains draft revisions to the Agency's recommendations for paper products. When EPA issues final recommendations for paper and paper