

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1523 and 1552

[FRL-5260-5]

Acquisition Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This document proposes to add coverage to the EPA Acquisition Regulation (EPAAR) on energy-efficient computer equipment. This proposed rule is necessary for ensuring that all purchases of microcomputers, including personal computers, monitors, and printers meet "EPA Energy Star" requirements for energy efficiency, unless exempted.

DATES: Written comments on this proposed rule must be received on or before September 25, 1995.

ADDRESSES: Comments should be addressed to the Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attn: Paul Schaffer (Mail Code 3802F). Comments may also be transmitted electronically by electronic mail (e-mail) to Schaffer.paul@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments will also be accepted on disk in Wordperfect in 5.1 file format or ASCII file format. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments of the proposed rule may be filed online at many Federal Deposit Libraries.

FOR FURTHER INFORMATION CONTACT: Paul Schaffer at (202) 260-9032.

SUPPLEMENTARY INFORMATION:

A. Background

Executive Order 12845 (April 23, 1993) requires the Federal Government to purchase only microcomputers, including personal computers, monitors and printers, which meet "EPA Energy Star" requirements for energy efficiency.

B. Executive Order 12866

This final rule is not a significant regulatory action as defined in Executive Order 12866. Therefore no review is required at the Office of Information and Regulatory Affairs within OMB.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not propose any information collection

requirements which would require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Regulatory Flexibility Act

The EPA certifies this proposed rule does not exert a significant economic impact on a substantial number of small entities. The proposed rule establishes EPA policy for purchasing microcomputers, including personal computers, monitors, and printers which must meet "EPA Energy Star" requirements for energy efficiency. The "Energy Star Program" is a voluntary partnership effort with the computer industry, which includes small entities, to promote the introduction of energy-efficient personal computers, monitors, and printers which can reduce air pollution caused by utility power generation. The "Energy Star Program" has no barriers to entry for small entities to procure or develop the necessary technology or components to manufacture Energy Star compliant computers, monitors and printers. Therefore, no regulatory flexibility analysis has been prepared.

E. Unfunded Mandates

This proposed rule will not impose unfunded mandates on state or local entities or others.

List of Subjects in 48 CFR Parts 1523 and 1552

Environmental Conservation, and Environmental Safety, Solicitation Provisions and Contract Clauses.

For the reasons set out in the preamble, Chapter 15 of Title 48 Code of Federal Regulations is proposed to be amended as set forth below:

1. The authority citation for Parts 1523 and 1552 continues to read as follows:

Authority: Sec 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

2. Subpart 1523.70 is added to read as follows:

PART 1523 ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE.

Subpart 1523.70—Energy-Efficient Computer Equipment

1523.7000 Background.

(a) Executive Order 12845 requires the Federal Government to purchase only microcomputers, including personal computers, monitors and printers, which meet "EPA Energy Star" requirements for energy efficiency. This equipment is often identified by the Energy Star TM logo and is capable of

entering and recovering from an energy-efficient low power state.

(b) The EPA Energy Star Computer Program is a voluntary partnership effort with the computer industry to promote the introduction of energy-efficient personal computers, monitors, and printers which can reduce air pollution caused by utility power generation, and ease the burden on building air conditioning and electrical systems. The Energy Star Program is designed to be a self-certifying computer industry program, policed informally by the computer industry itself.

(c) FIRM Bulletin C-35 (dated 11/19/93) describes procedures that will promote the acquisition of energy-efficient microcomputers and associated computer equipment.

1523.7001 Policy.

(a) The "Energy Star" Executive Order *applies* to the following equipment:

- (1) Personal Computers (stand-alone).
- (2) Personal Computers (end-user on network).
- (3) Notebook and other portable computers.

(4) PC printers—laser, inkjet or dot matrix (stand-alone or networked).

(5) High-speed printers used on a PC network (less than approximately 20 pages per minute).

(6) Monitors (CRT or Flat-panel LCD).

(b) "Energy Star" requirements *do not* apply to the following equipment:

- (1) Workstations.
- (2) File servers.
- (3) Mainframe equipment.
- (4) Minicomputers.

(5) High-speed printers used with mainframe computers (30 or more pages per minute).

(6) Mainframe or "dumb" terminals.

(7) X-terminals.

(c) All new acquisitions for microcomputers, including personal computers, monitors, and printers shall contain specifications which meet EPA Energy Star requirements for energy efficiency unless a waiver has been obtained in accordance with internal Agency procedures.

(d) The Energy Star requirement also applies to all applicable equipment ordered from GSA Schedule Contracts, open market buys, Bankcard purchases (Bankcard purchases of equipment in excess of \$1,000 are prohibited), contractor-acquired property where title reverts to the Agency upon completion of the contract, and Government-furnished property.

1523.7002 Waivers.

(a) There are several types of computer equipment which technically fall under the current Energy Star