ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-00149; FRL-4760-5]

Guidance on Acquisition of Environmentally Preferable Products and Services; Solicitation of Comments

AGENCY: Environmental Protection

Agency (EPA). **ACTION:** Notice.

SUMMARY: This document announces a proposed general guidance designed to assist Executive agencies in identification and acquisition of environmentally preferable products. This document also solicits comments from all interested parties on the proposed guidance. The proposed guidance is in response to section 503 of the Executive Order 12873 on Federal Acquisition, Recycling and Waste Prevention.

DATES: All written comments must be received on or before November 28, 1995.

ADDRESSES: Written comments must be submitted in triplicate and identified with docket number OPPTS—00149 to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–G99, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to:ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPPTS-00149. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed guidance may be filed online at many Federal Depository Libraries, additional information on electronic submissions can be found in Unit V. of this document.

FOR FURTHER INFORMATION CONTACT: For general information: Danielle Fuligni, telephone number: 202–260–4172, e-mail: fuligni.danielle@epamail.epa.gov. For computer information: John Shoaff, telephone number: 260–1831, e-mail: shoaff.john@epamail.epa.gov. For green building information: Peter Thompson, telephone number: 260–8612, e-mail: thompson.peter@epamail.epa.gov. For General Services Administration/EPA

Cleaners Project information: Tom Murray, telephone number: 260–1876, e-mail: murray.tom@epamail.epa.gov. Mailing address for all contact persons except for Tom Murray: Environmental Protection Agency, Office of Pollution, Prevention, and Toxics (7409), 401 M St., SW., Washington, DC 20460. Mailing address for Tom Murray: Environmental Protection Agency, Office of Pollution, Prevention, and Toxics (7406), 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Introduction

On October 20, 1993, President Clinton signed Executive Order 12873 entitled "Federal Acquisition, Recycling and Waste Prevention." Section 503 of this Executive Order requires EPA to "issue guidance that recommends principles that Executive agencies should use in making determinations for the preference and purchase of environmentally preferable products.' EPA plans to hold a public meeting in October 1995, in Washington, DC to solicit input from interested parties concerning this proposed guidance. More detailed information about the meeting will be published in the Federal Register at a later date.

II. Process

To implement section 503, EPA established a process to solicit public input from all interested persons and organizations prior to development of the proposed guidance. EPA developed a "concept paper" that outlined preliminary thoughts on how the guidance might be structured and some guiding principles for implementation of section 503. The public was given an opportunity to comment on the concept paper, and over 50 comments were received. EPA also held a public meeting at which over 20 Executive agencies, companies, organizations, and individuals presented testimony.

In addition, EPA held meetings with "stakeholders" to give interested parties an additional opportunity to present their views on how EPA should proceed in developing principles for Executive agencies to use when making determinations for the preference and purchase of environmentally preferable products (EPPs). Meetings were held with over 20 stakeholders companies and organizations. EPA also consulted with the major purchasing agencies. Use of this public process has given EPA an appreciation for the diversity of views and complexity of the issues involving the acquisition of environmentally preferable products. EPA is open to

alternate approaches and welcomes comments on ways to encourage the acquisition of environmentally preferable preferable products.

This proposed guidance is meant to serve as a framework for interested parties to begin a dialogue on environmentally preferability of products and services as it is applicable within the Federal purchasing context. It is also EPA's first comprehensive articulation of its policy on "green" products and as such, it will evolve over time as scientific and technical understanding expands. What follows should serve as a backdrop for comments.

This proposed guidance reflects many months of deliberations and discussions with a wide variety of interested parties, including companies, Executive agencies, academia, environmental organizations, and others. During the process of developing this guidance, it became apparent that different parties had very divergent views on how EPA should go about implementing the Executive Order mandates. Given this, EPA recognizes that the guidance cannot meet all of the needs of all of the interested parties. Instead, the document attempts to capture these many views within a single document while presenting a possible approach that EPA believes will lead to effective implementation of the Executive Order.

EPA's effort to define and apply environmental preferability is not being done in a vacuum. Other initiatives are underway that will impact the Federal government's policies on acquisition and environmental management, most notably the National Performance Review (NPR, also commonly referred to as the "Reinventing Government" initiative). Another initiative is the interim rule amending the Federal Acquisition Regulation (FAR) which will allow consideration of broad environmental factors in acquisition decisions. ¹

At the same time that the Environmentally Preferable Products guidance is being developed, for example, efforts are being made to streamline and simplify the Federal government's procurement process under the NPR. The result will be to reduce the bureaucracy of Federal procurement by delegating additional purchasing authority away from procurement personnel and towards all government employees. To the extent that the streamlining will result in increasing the overall number of

¹ "Federal Acquisition Regulation: Environmentally Preferable Products," Interim Rule, Federal Register (60 FR 28494, May 31, 1995).