

CHANGE REQUEST COVER SHEET

Change Request Number: 09-52A

Date Received: 3/25/2009

Title: Environment, Conservation, Occupational Safety, and Drug Free Workplace

Name: Stephany Watson

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Policy OR Guidance: Guidance

Section/Text Location Affected: T3.6.3

Summary of Change: Updates AMS Guidance to incorporate the Office of Environmental Compliance and Safety (AJW- 23) recommendations.

Reason for Change: Updates AMS Guidance to incorporate the Office of Environmental Compliance and Safety (AJW- 23) recommendations.

Development, Review, and/or Concurrence: AJW-23, ANE-1, AEE-200, AJA-431, ALO-200, AJA-451, ARC, and Region and Center Contracting Organizations coordinated through ARC

Target Audience: FAA contracting personnel, and all users of AMS FAST

Potential Links within FAST for the Change: None

Briefing Planned: No

ASAG Responsibilities: None

Potential Links within FAST for the Change: None

Links for New/Modified Forms (or) Documents (LINK 1)

Links for New/Modified Forms (or) Documents (LINK 2)

Links for New/Modified Forms (or) Documents (LINK 3)

SECTIONS EDITED:

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Acquisition Management Policy:

Section 3.6.3 : Environment, Conservation, Occupational Safety, and Drug-Free Workplace [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section A : Environment, Conservation, Occupational Safety, and Drug Free Workplace [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 1 : Contracting for Environmentally Preferable and Energy-Efficient Products, Services and Facilities [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 2 : Responsibilities [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 4 : Notice of Radioactive Material [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 5 : Toxic Chemical Release Reporting [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 7 : Energy Conservation [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 8 : Preference for Recycled Content and Biobased Products [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 9 : Government-owned or Leased Facilities [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 10 : Drug Free Workplace [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Appendix

Section 1 : Appendix - Definitions [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Appendix

Section 2 : Appendix 2 - FAA Affirmative Procurement Program [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Appendix

Section 4 : Appendix - Justification for not Acquiring EPA-Designated Recycled Content Products [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Appendix

Section 5 : Appendix - Sources of Recycled Content and Environmentally Preferable Products [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace (Revision 6, July 2008)

Old Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace (Revision 6, July 2008) *T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace (Revision 6, July 2008)* **New Content:** Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
~~(Revision 6, July 2008)~~ T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace (Revision 6, July 2008)

Section 3.6.3 : Environment, Conservation, Occupational Safety, and Drug-Free Workplace

Old Content: Acquisition Management Policy:

Section 3.6.3 : Environment, Conservation, Occupational Safety, and Drug-Free Workplace New Content: Acquisition Management Policy:

Section 3.6.3 : Environment, Conservation, Occupational Safety, and Drug-Free Workplace Red Line Content: Acquisition Management Policy:

Section 3.6.3 : Environment, Conservation, Occupational Safety, and Drug-Free Workplace

Section A : Environment, Conservation, Occupational Safety, and Drug Free Workplace

Old Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section A : Environment, Conservation, Occupational Safety, and Drug Free Workplace

New Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section A : Environment, Conservation, Occupational Safety, and Drug Free Workplace

Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section A : Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 1 : Contracting for Environmentally Preferable and Energy-Efficient Products and Services

Old Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 1 : Contracting for Environmentally Preferable and Energy-Efficient Products and Services

FAA should acquire environmentally preferable, energy and water efficient, and recycled content products and services when possible. Throughout the acquisition process, FAA should consider:

- (a) Obtaining products and services considered to be environmentally preferable and energy and water efficient;
- (b) Eliminating or reducing the generation of hazardous waste and the need for special material processing;
- (c) Promoting the use of non-hazardous and recovered materials;

- (d) Realizing life-cycle cost savings; and
- (e) Promoting cost effective waste reduction when creating plans, drawings, specifications, standards and other product descriptions authorizing material substitutions, extensions of shelf-life, and process improvements.

New Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 1 : Contracting for Environmentally Preferable and Energy-Efficient Products, Services and Facilities

FAA should acquire environmentally preferable, energy and water efficient, recycled content products and services, EPA compliant facilities whenever possible. Throughout the acquisition process, FAA should consider:

- (a) Obtaining and using renewable energy technology products and services considered to be environmentally preferable and energy and water efficient;
- (b) Eliminating or reducing the generation of hazardous waste and the need for special material processing (including special handling, storage, treatment, or disposal);
- (c) Promoting the use of non-hazardous and recovered materials;
- (d) Realizing life-cycle cost savings;
- (e) Promoting cost effective waste reduction when creating plans, drawings, specifications, standards and other product descriptions authorizing material substitutions, extensions of shelf-life, and process improvements;
- (f) Promoting the use of biobased products; and
- (g) Ensure the offeror's facility is not on the "GSA List of Parties Excluded from Federal Procurement and Nonprocurement Programs".

Red Line Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 1 : Contracting for Environmentally Preferable and Energy-Efficient Products, Services and ServicesFacilities

FAA should acquire environmentally preferable, energy and water efficient, ~~and~~ recycled content products and services, when EPA compliant facilities whenever possible. Throughout the acquisition process, FAA should consider:

- (a) Obtaining and using renewable energy technology products and services considered to be environmentally preferable and energy and water efficient;
 - (b) Eliminating or reducing the generation of hazardous waste and the need for special material processing (including special handling, storage, treatment, or disposal);
 - (c) Promoting the use of non-hazardous and recovered materials;
 - (d) Realizing life-cycle cost savings; ~~and~~
 - (e) Promoting cost effective waste reduction when creating plans, drawings, specifications, standards and other product descriptions authorizing material substitutions, extensions of shelf-life, and process improvements;
 - (f) Promoting the use of biobased products; and
 - (g) Ensure the offeror's facility is not on the "GSA List of Parties Excluded from Federal Procurement and Nonprocurement Programs".
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Section 2 : Responsibilities

Old Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 2 : Responsibilities

a. Program Office/Requisitioner Responsibilities.

(1) Program offices are responsible for identifying hazardous materials and any safety controls that may be required in the delivery of supplies, services, or construction to FAA.

(2) When preparing specifications and purchase descriptions for the acquisition of supplies, services, and construction, program offices should:

- (a) Specify environmentally friendly products and ensure requirements comply with applicable laws (i.e. Clean Air Act);
- (b) Consider energy conservation and efficiency data in acquisition planning; and
- (c) Incorporate FAA and EPA recycled content standards into requirements.

(3) Program offices are responsible for reviewing and revising specifications or requirements during the planning phase of the acquisition to support FAA's procurement of environmentally preferable, energy and water efficient, and recycled content products.

(4) When required by law or FAA policy, program offices are responsible for documenting and certifying compliance with applicable environmental or conservation standards (i.e. the recycled content determination).

b. Contracting Officer Responsibilities.

(1) *Pre-Award.* The Contracting Officer (CO) should ensure:

(a) That procurement request (PR) packages include all required justifications (i.e. recycled content determination);

(b) The solicitation includes all required provisions to support FAA's procurement of environmentally preferable, energy and water efficient, and recycled content products (i.e. applicable standards for energy-consuming products);

(c) All required certifications (i.e. Toxic Chemical Release Inventory Form (Form R) certification or Material Safety Data Sheets (MSDS)) are received prior to contract award; and

(d) That offerors are familiar with FAA's Affirmative Procurement Program (APP) (see Appendix 2) prior to contract award.

(2) *Post Award.* The CO should:

(a) Ensure that all post-award certifications (i.e. minimum content standards) or MSDS are submitted to FAA as required;

(b) Ensure that contractors notify FAA prior to delivering hazardous or radioactive material; and

(c) Cooperate with the Environmental Protection Agency (EPA) and its representatives as required.

(3) *Reporting Clean Air or Water Violations.* If a CO becomes aware of noncompliance with clean air or water standards in a prospective or performing contractor's facilities, the CO must notify and coordinate the award with EPA.

New Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 2 : Responsibilities

a. Program Office/Requisitioner Responsibilities.

(1) Program offices are responsible for identifying hazardous materials and any safety controls that may be required in the delivery of supplies, services, or construction to FAA.

(2) When preparing specifications and purchase descriptions for the acquisition of supplies, services, and construction, program offices should:

(a) Specify environmentally friendly products and ensure requirements comply with applicable laws (i.e. Clean Air Act);

(b) Consider energy conservation and efficiency data in acquisition planning; and

(c) Incorporate FAA and EPA recycled content standards into requirements.

(3) Program offices are responsible for reviewing and revising specifications or requirements during the planning phase of the acquisition to support FAA's procurement of environmentally preferable, energy and water efficient, and recycled content products.

(4) When required by law or FAA policy, program offices are responsible for documenting and certifying compliance with applicable environmental or conservation standards (i.e. the recycled content determination).

b. Contracting Officer Responsibilities.

(1) *Pre-Award.* The Contracting Officer (CO) should ensure:

(a) That procurement request (PR) packages include all required justifications (i.e. recycled content determination);

(b) The Screening Information Request (SIR) includes all required provisions to support FAA's procurement of environmentally preferable, energy and water efficient, biobased and recycled content products (i.e. applicable standards for energy-consuming products);

(c) All required certifications (i.e. Toxic Chemical Release Inventory Form (Form R) certification or Material Safety Data Sheets (MSDS)) are received prior to contract award;

(d) That offerors are familiar with FAA's Affirmative Procurement Program (APP) (see Appendix 2) prior to contract award; and

(e) Offeror's facilities are Environmental Protection Agency (EPA) compliant.

(2) *Post Award.* The CO should:

(a) Ensure that all post-award certifications (i.e. minimum content standards) or MSDS are submitted to FAA as required;

(b) Ensure that contractors notify FAA prior to delivering hazardous or radioactive material; and

(c) Cooperate with the Environmental Protection Agency (EPA) and its representatives as required.

(3) *Reporting Clean Air or Water Violations.* If a CO becomes aware of noncompliance with clean air or water standards in a prospective or performing contractor's facilities, the CO must notify and coordinate the award with EPA.

Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 2 : Responsibilities

a. Program Office/Requisitioner Responsibilities.

(1) Program offices are responsible for identifying hazardous materials and any safety controls that may be required in the delivery of supplies, services, or construction to FAA.

(2) When preparing specifications and purchase descriptions for the acquisition of supplies, services, and construction, program offices should:

(a) Specify environmentally friendly products and ensure requirements comply with applicable laws (i.e. Clean Air Act);

(b) Consider energy conservation and efficiency data in acquisition planning; and

(c) Incorporate FAA and EPA recycled content standards into requirements.

(3) Program offices are responsible for reviewing and revising specifications or requirements during the planning phase of the acquisition to support FAA's procurement of environmentally preferable, energy and water efficient, and recycled content products.

(4) When required by law or FAA policy, program offices are responsible for documenting and certifying compliance with applicable environmental or conservation standards (i.e. the recycled content determination).

b. Contracting Officer Responsibilities.

(1) *Pre-Award.* The Contracting Officer (CO) should ensure:

(a) That procurement request (PR) packages include all required justifications (i.e. recycled content determination);

(b) The Screening Information Request solicitation(SIR) includes all required provisions to support FAA's procurement of environmentally preferable, energy and water efficient, biobased and recycled content products (i.e. applicable standards for energy-consuming products);

(c) All required certifications (i.e. Toxic Chemical Release Inventory Form (Form R) certification or Material Safety Data Sheets (MSDS)) are received prior to contract award; ~~and~~

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(e) Offeror's facilities are Environmental Protection Agency (EPA) compliant.

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(2) *Post Award.* The CO should:

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Section 4 : Notice of Radioactive Material

Old Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 4 : Notice of Radioactive Material

a. The procurement team will require contractors to notify FAA receiving activities prior to delivering radioactive material so FAA can initiate appropriate safeguards. The CO may waive the notification if the contractor certifies that a notification on prior deliveries is still

accurate. However, the CO may only waive the notice after consultation with cognizant contracting technical representatives.

b. The procurement team should require offerors to specify the number of days in advance of delivery that the receiving activity will be notified of an impending delivery. The determination of the number of days should be done in coordination with the installation/facility radiation protection officer (RPO). The RPO is responsible for insuring the proper license, authorization or permit is obtained prior to receipt of the radioactive material.

New Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 4 : Notice of Radioactive Material

a. The procurement team requires contractors to notify FAA receiving activities prior to delivering radioactive material so FAA can initiate appropriate safeguards. The CO may waive the notification if the contractor certifies that a notification on prior deliveries is still accurate. However, the CO may only waive the notice after consultation with the cognizant contracting technical representatives.

b. The procurement team should require offerors to specify the number of days in advance of delivery that the receiving activity will be notified of an impending delivery. The determination of the number of days should be done in coordination with the installation/facility radiation protection officer (RPO). The RPO is responsible for insuring the proper license, authorization or permit is obtained prior to receipt of the radioactive material.

Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 4 : Notice of Radioactive Material

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b. The procurement team should require offerors to specify the number of days in advance of delivery that the receiving activity will be notified of an impending delivery. The determination of the number of days should be done in coordination with the installation/facility radiation protection officer (RPO). The RPO is responsible for insuring the proper license, authorization or permit is obtained prior to receipt of the radioactive material.

Section 5 : Toxic Chemical Release Reporting

Old Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 5 : Toxic Chemical Release Reporting

a. FAA should purchase supplies and services that have been produced with a minimum adverse impact on community health and the environment. To the greatest extent practicable, FAA should contract with companies that report in a public manner on toxic chemicals released to the environment.

b. Solicitations for competitive contracts and non-commercial supplies or services expected to exceed \$100,000 (including all options) must include, as an award eligibility criterion, a certification by the offeror that:

(1) As the owner or operator of facilities to be used in the performance of the contract that are subject to Form R filing and reporting requirements, the offeror will file, and will continue to file throughout the life of the contract, for such facilities the Toxic Chemical Release Inventory Form (Form R) as described in EPCRA sections 313(a) and (g) and PPA section 6607; or

(2) Facilities to be used in the performance of the contract are exempt from Form R filing and reporting requirements because the facilities:

(a) Do not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

(b) Do not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(c) Do not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

(d) Do not fall within the following Standard Industrial Classification (SIC) codes or their corresponding North American Industry Classification System (NAICS) sectors:

(i) Major group code 10 (except 1011, 1081, and 1094).

(ii) Major group code 12 (except 1241).

(iii) Major group codes 20 through 39.

(iv) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce).

(v) Industry code 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C (42 U.S.C. 6921), 5169, 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis); or

(e) Are not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

c. When it is not practicable to include the Certification of Toxic Chemical Release Reporting in a solicitation or class of solicitations, the Chief of the Contracting Office (COCO) must approve a documented rationale. Before making such a determination for a solicitation or class of solicitations with an estimated value in excess of \$500,000 (including all options), the COCO must consult with the Environmental Protection Agency, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxic Substances (Mail Code 7408), Washington, DC 20460.

d. Award should not be made to offerors who do not certify and report toxic chemical release in accordance with EPCRA and PPA requirements. If the facilities to be used by the offeror in the performance of the contract are not subject to Form R filing and reporting requirements and the offeror fails to notify the CO of this fact, such failure will be considered a minor informality or irregularity.

e. The CO should cooperate with EPA representatives and provide such advice and assistance as may be required to aid EPA in the performance of its responsibilities.

f. EPA, upon determining that a contractor is not filing the necessary forms or is filing incomplete information, may recommend to the COCO that the contract be terminated for convenience. The head of the contracting activity may consider the EPA recommendation and determine if termination or some other action is appropriate.

New Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 5 : Toxic Chemical Release Reporting

a. FAA should purchase supplies and services that have been produced with a minimum adverse impact on community health and the environment. To the greatest extent practicable, FAA should contract with companies that report in a public manner on toxic chemicals released to the environment.

b. SIRs for competitive contracts and non-commercial supplies or services expected to exceed \$100,000 (including all options) must include, as an award eligibility criterion, a certification by the offeror that:

(1) As the owner or operator of facilities to be used in the performance of the contract that are subject to Form R filing and reporting requirements, the offeror will file, and will continue to file throughout the life of the contract, for such facilities the Toxic Chemical Release Inventory Form (Form R) as described in the Emergency Planning and Community Right-to-Know Act (EPCRA) sections 313(a) and (g) and Pollution Prevention Act (PPA) section 6607; or

(2) Facilities to be used in the performance of the contract are exempt from Form R filing and reporting requirements because the facilities:

(a) Do not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

(b) Do not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(c) Do not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

(d) Do not fall within the following Standard Industrial Classification (SIC) codes or their corresponding North American Industry Classification System (NAICS) sectors:

(i) Major group code 10 (except 1011, 1081, and 1094).

(ii) Major group code 12 (except 1241).

(iii) Major group codes 20 through 39.

(iv) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce).

(v) Industry code 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C (42 U.S.C. 6921), 5169, 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis); or

(e) Are not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States

Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

c. When it is not practicable to include the Certification of Toxic Chemical Release Reporting in a SIR or class of SIRs, the Chief of the Contracting Office (COCO) must approve a documented rationale. Before making such a determination for a SIR or class of SIRs with an estimated value in excess of \$500,000 (including all options), the COCO must consult with the Environmental Protection Agency, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxic Substances (Mail Code 7408), Washington, DC 20460.

d. Award should not be made to offerors who do not certify and report toxic chemical release in accordance with EPCRA and PPA requirements. If the facilities to be used by the offeror in the performance of the contract are not subject to Form R filing and reporting requirements and the offeror fails to notify the CO of this fact, such failure will be considered a minor informality or irregularity.

e. The CO should cooperate with EPA representatives and provide such advice and assistance as may be required to aid EPA in the performance of its responsibilities.

f. EPA, upon determining that a contractor is not filing the necessary forms or is filing incomplete information, may recommend to the COCO that the contract be terminated for convenience. The head of the contracting activity may consider the EPA recommendation and determine if termination or some other action is appropriate.

Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 5 : Toxic Chemical Release Reporting

a. FAA should purchase supplies and services that have been produced with a minimum adverse impact on community health and the environment. To the greatest extent practicable, FAA should contract with companies that report in a public manner on toxic chemicals released to the environment.

b. ~~Solicitations~~ **SIRs** for competitive contracts and non-commercial supplies or services expected to exceed \$100,000 (including all options) must include, as an award eligibility criterion, a certification by the offeror that:

(1) As the owner or operator of facilities to be used in the performance of the contract that are subject to Form R filing and reporting requirements, the offeror will file, and will continue to file throughout the life of the contract, for such facilities the Toxic Chemical Release Inventory Form (Form R) as described in *the Emergency Planning and Community Right-to-Know Act (EPCRA)* sections 313(a) and (g) and *Pollution Prevention Act (PPA)* section 6607; or

(2) Facilities to be used in the performance of the contract are exempt from Form R filing and reporting requirements because the facilities:

(a) Do not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

(b) Do not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(c) Do not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

(d) Do not fall within the following Standard Industrial Classification (SIC) codes or their corresponding North American Industry Classification System (NAICS) sectors:

(i) Major group code 10 (except 1011, 1081, and 1094).

(ii) Major group code 12 (except 1241).

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(iv) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce).

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(e) Are not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

c. When it is not practicable to include the Certification of Toxic Chemical Release Reporting in a ~~solicitation~~ SIR or class of ~~solicitations~~ SIRs, the Chief of the Contracting Office (COCO) must approve a documented rationale. Before making such a determination for a ~~solicitation~~ SIR or class of ~~solicitations~~ SIRs with an estimated value in excess of \$500,000 (including all options), the COCO must consult with the Environmental Protection Agency, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxic Substances (Mail Code 7408), Washington, DC 20460.

d. Award should not be made to offerors who do not certify and report toxic chemical release in accordance with EPCRA and PPA requirements. If the facilities to be used by the offeror in the performance of the contract are not subject to Form R filing and reporting requirements and the offeror fails to notify the CO of this fact, such failure will be considered a minor informality or irregularity.

e. The CO should cooperate with EPA representatives and provide such advice and assistance as may be required to aid EPA in the performance of its responsibilities.

f. EPA, upon determining that a contractor is not filing the necessary forms or is filing incomplete information, may recommend to the COCO that the contract be terminated for convenience. The head of the contracting activity may consider the EPA recommendation and determine if termination or some other action is appropriate.

Section 7 : Energy Conservation

Old Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 7 : Energy Conservation

a. The procurement team (CO, program official, legal counsel, and others supporting a program) must make energy conservation a contracting consideration when appropriate. Energy conservation and efficiency data should be considered along with estimated cost and other relevant factors in the preparation of plans, drawings, specifications, and other product descriptions. When procuring energy-using products:

(1) FAA must purchase Energy Star® or other energy-efficient items listed with the Department of Energy's Federal Energy Management Program (FEMP); or

(2) For products that consume power in standby mode and are listed on FEMP's Low Standby Power Devices product listing, FAA must;

(a) Purchase items which meet FEMP's standby power wattage recommendation or document why such items were not purchased; or

(b) If the FEMP has a product without a corresponding wattage recommendation, purchase items which use no more than one watt in standby power consuming mode. If meeting the one watt requirement is impracticable, FAA will purchase items with the lowest standby wattage practicable.

b. When contracting for service or construction that will include the provision of energy-consuming products, FAA will specify products that comply with the standards outlined above.

c. FAA is not required to procure Energy Star® or FEMP-designated products if it is determined in writing by the program official that:

- (1) An Energy Star ® product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or
- (2) No Energy Star® or FEMP-designated product is reasonably available that meets the functional requirements of FAA.

d. Information regarding Energy Star® or FEMP-designated products can be found at the following locations:

- (1) Energy Star®: www.energystar.gov/products; or
- (2) FEMP: www1.eere.energy.gov/femp/procurement/.

New Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 7 : Energy Conservation

a. The procurement team (CO, program official, legal counsel, and others supporting a program) must make energy conservation a contracting consideration when appropriate. Energy conservation and efficiency data should be considered along with estimated cost and other relevant factors in the preparation of plans, drawings, specifications, and other product descriptions. When procuring energy-using products:

- (1) FAA must purchase Energy Star® or other energy-efficient items listed with the Department of Energy's Federal Energy Management Program (FEMP) Product Energy Efficiency Recommendations products list; and
- (2) For products that consume power in standby mode and are listed on FEMP's Low Standby Power Devices product listing, FAA must:
 - (a) Purchase items which meet FEMP's standby power wattage recommendation or document why such items were not purchased; or
 - (b) If the FEMP has listed a product without a corresponding wattage recommendation, purchase items which use no more than one watt in standby power consuming mode. If meeting the one watt requirement is impracticable, FAA will purchase items with the lowest standby wattage practicable.

b. When contracting for service or construction that will include the provision of energy-consuming products, FAA will specify products that comply with the standards outlined above.

c. FAA is not required to procure Energy Star® or FEMP-designated products if it is determined in writing by the program official that:

- (1) An Energy Star ® product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or
- (2) No Energy Star® or FEMP-designated product is reasonably available that meets the functional requirements of FAA.

d. Information regarding Energy Star® or FEMP-designated products can be found at the following locations:

- (1) Energy Star®: www.energystar.gov/products; or
- (2) FEMP: www1.eere.energy.gov/femp/procurement/.

Red Line Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 7 : Energy Conservation

a. The procurement team (CO, program official, legal counsel, and others supporting a program) must make energy conservation a contracting consideration when appropriate. Energy conservation and efficiency data should be considered along with estimated cost and other relevant factors in the preparation of plans, drawings, specifications, and other product descriptions. When procuring energy-using products:

- (1) FAA must purchase Energy Star® or other energy-efficient items listed with the Department of Energy's Federal Energy Management Program (FEMP) *Product Energy Efficiency Recommendations products list*; ~~or~~ *and*
- (2) For products that consume power in standby mode and are listed on FEMP's Low Standby Power Devices product listing, FAA must:
 - (a) Purchase items which meet FEMP's standby power wattage recommendation or document why such items were not purchased; or
 - (b) If the FEMP has *listed* a product without a corresponding wattage recommendation, purchase items which use no more than one watt in standby power consuming mode. If meeting the one watt requirement is impracticable, FAA will purchase items with the lowest standby wattage practicable.

b. When contracting for service or construction that will include the provision of energy-consuming products, FAA will specify products that comply with the standards outlined above.

c. FAA is not required to procure Energy Star® or FEMP-designated products if it is determined in writing by the program official that:

- (1) An Energy Star ® product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or
- (2) No Energy Star® or FEMP-designated product is reasonably available that meets the functional requirements of FAA.

d. Information regarding Energy Star® or FEMP-designated products can be found at the following locations:

- (1) Energy Star®: www.energystar.gov/products; or
- (2) FEMP: www1.eere.energy.gov/femp/procurement/.

Section 8 : Preference for Recycled Content and Biobased Products

Old Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 8 : Preference for Recycled Content and Biobased Products

a. In accordance with Executive Order (E.O.) 13423, “Strengthening Federal Environmental, Energy, and Transportation Management,” FAA procurements of EPA-designated recycled content products will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

(1) *EPA-Designated Products.* FAA’s APP is based on EPA’s Comprehensive Procurement Guidelines (CPG) designations of recycled content products. FAA will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when such products are available competitively within a reasonable time frame, meet reasonable performance standards, or are available at a reasonable price. These products will be purchased containing the percentages of recovered materials (recycled content) indicated in the CPG. EPA’s recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from EPA’s CPG website at www.epa.gov/cpg. The major CPG categories are Paper and Paper Products, Vehicular Products, Construction Products, Transportation (Traffic Control) Products, Park & Recreation Products, Landscaping Products, Office Products, and Miscellaneous Products.

(2) *Biobased Products.* In making procurement decisions, preference is given to such items composed of the highest percentage of biobased products practicable. A decision not to buy these items will be made when it is determined that the items are not available

within a reasonable period of time, fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring office, or are available only at an unreasonable price. A listing of biobased products may be found at <http://ofee.gov/gp/gp.asp>.

(3) *Special Requirements for Refined Oil.* FAA fleets must use re-refined oil unless it is not available or does not meet performance needs. This special requirement applies to recycled content products purchased by FAA.

b. *Environmental Substitution Guide for Products.* FAA's APP provides information and guidance on purchasing and using environmentally preferable products and services. FAA's "Environmental Substitution Guide" describes products that are either non-hazardous or have favorable environmental, safety, and health properties, and can be found at employees.faa.gov/employee_services/safety/hazmat/media/ProdSub.pdf.

c. *Recycled Content Determination or Justification for Exemption.*

(1) *Recycled Content Determination.* Program officials are responsible for defining product specifications utilizing FAA's minimum content standards or preference standards when procuring EPA-designated items from outside vendors. The program official makes a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with FAA's preference standards for recovered materials. The completed determination becomes part of the original contract file (see Sample in Appendix 3). A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.

(2) *Justification for Not Buying EPA-Designated Recycled Content Products.*

(a) FAA justifications not to buy recycled content products are to be in writing, and may conclude that recycled content products:

- (i) Are not available competitively;
- (ii) Are not available within a reasonable time frame;
- (iii) Do not meet reasonable performance standards; or
- (iv) Are only available at an unreasonable price.

Written justification is not required for purchases below the threshold level of \$3,000.

(b) The procurement originator and/or CO, as appropriate, are to document the decision not to buy recycled content products. The original copy of the documentation becomes part of the original contract file (see Sample in Appendix

- 2). The procurement originator is responsible for submitting a copy of the form to the responsible program manager.

d. *Recycled Content CPG Items.*

The requirement to purchase recycled-content CPG items applies to all purchases, including those purchases falling under the defined threshold level or made using a purchase card and/or credit card checks. FAA is to provide training and education to its acquisition personnel procuring recycled content products under the defined threshold level, \$3,000.

e. *Federal Supply Sources for EPA-designated Products.*

(1) Established Federal supply sources, such as the General Services Administration (GSA), Government Printing Office (GPO), Javits-Wagner-O'Day (JWOD) Program, the Defense General Supply Center (DGSC), and UNICOR are competitive sources for EPA-designated items and other recycled content products.

(2) These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with APP requirements. Information on Federal supply sources of recycled content and environmentally preferable products is contained in Sample Appendix 5.

f. *Contractors Use of EPA-designated Products.*

(1) The requirement to buy recycled-content items applies to contractors when they are purchasing or supplying EPA designated products for use in the performance of a contract. The contractor is required to monitor and report on its APP-related procurement activities as well as require its applicable sub-contractors to comply with FAA's APP. It is the responsibility of FAA to ensure that appropriate new and existing contracts are revised to include APP compliance provisions.

(2) Because FAA's contractors may procure a majority of the products regulated by EPA's guidelines, FAA COs should ensure that such contractors are familiar with all applicable APP requirements contained in their contracts with FAA. FAA's COs should review with appropriate contractors their role in the procurement of recycled-content products during the initial contract signing period and should reinforce with the contractor the requirements of the E.O. 13423, when appropriate, during subsequent meetings and correspondence.

g. *Life-Cycle Cost Analysis.*

FAA is required to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost should be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc. should be

considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

h. Specification Review/Revision.

(1) FAA program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance FAA's procurement of recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising FAA specifications, program offices should eliminate requirements for virgin materials, express preference for recovered materials to the maximum extent practicable, and allow for the purchase of products containing recovered material.

(2) When developing, reviewing, or revising Federal specifications, product descriptions (including Commercial Item Descriptions), and standards, FAA should consider recovered materials and environmentally preferable purchasing criteria.

(3) When converting to Commercial Item Descriptions (CID) during procurement actions, FAA employees and contractor personnel should ensure environmental factors have been considered and the CID meets or exceeds EPA's recycled content recommendations.

i. Promotion Program.

FAA is responsible for actively promoting its preference for recycled content products. This includes making recycled content product suppliers aware of FAA's preference program, educating program and procurement offices about requirements to procure recycled content products, and providing FAA employees and contractors with information on sources of recycled products. FAA should internally and externally promote its desire to buy recycled products by:

(1) Including explicit recovered materials preference standards for EPA-designated items in appropriate solicitation and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; and

(2) Providing informational materials, statements, and training to program and procurement offices regarding the agency's recovered materials preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.

j. Vendor Procedures.

(1) *Certification.*

COs should ensure that vendors provide written certification that their products meet the minimum content standards in the solicitation documents, maintain copies of the certification documents, and produce copies of the written certification upon request by FAA.

(2) Verification.

FAA will periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews should enable FAA to verify the contractor's compliance with E.O. 13423.

k. Annual Review and Monitoring.

FAA should take the following actions to track its procurement of EPA-designated recycled content products:

- (1) Review available data on purchases from central supply sources, purchases using the government purchase card, and purchases by contractors in the performance of their contracts for each EPA-designated recycled content product that it purchases.
- (2) Assess its progress in achieving FAA goal of purchasing 100 percent recycled content products.
- (3) Determine whether recycled content products are not being purchased due to lack of training of CO(s), purchase cardholders, and/or product specifiers; and provide training as appropriate.
- (4) Determine whether recycled content products are not being purchased due to price, performance, or availability constraints.
- (5) Work with vendors and the White House Task Force on Recycling to identify products that meet FAA's needs whenever performance is the constraint.
- (6) Increase its promotion program and work with the White House Task Force on Recycling to identify sources whenever availability is the constraint.

l. Annual Reports.

- (1) FAA is encouraged to incorporate into its Government Performance Results Act annual performance plan goals:
 - (a) To increase the procurement of products made from recovered materials;
 - (b) For solid waste prevention and recycling or for solid waste diversion; and
 - (c) For increasing the use of environmentally preferable products and services.

(2) FAA is responsible for tracking its purchasing of EPA-designated items and reporting this information annually through DOT to the Federal Environmental Executive (FEE). FAA should also report on its compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally preferable products.

New Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 8 : Preference for Recycled Content and Biobased Products

a. In accordance with Executive Order (E.O.) 13423, “Strengthening Federal Environmental, Energy, and Transportation Management,” FAA procurements of EPA-designated recycled content products will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

(1) *EPA-Designated Products.* FAA’s APP is based on EPA’s Comprehensive Procurement Guidelines (CPG) designations of recycled content products. FAA will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when such products are available competitively within a reasonable time frame, meet reasonable performance standards, or are available at a reasonable price. These products will be purchased containing the percentages of recovered materials (recycled content) indicated in the CPG. EPA’s recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from EPA’s CPG website at www.epa.gov/cpg. The major CPG categories are Paper and Paper Products, Vehicular Products, Construction Products, Transportation (Traffic Control) Products, Park & Recreation Products, Landscaping Products, Non-paper Office Products, and Miscellaneous Products.

(2) *Biobased Products.* In making procurement decisions, preference is given to such items composed of the highest percentage of biobased products practicable. A decision not to buy these items will be made when it is determined that the items are not available within a reasonable period of time, fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring office, or are available only at an unreasonable price. A U.S. Department of Agriculture (USDA) listing of biobased products may be found at <http://www.biopreferred.gov>.

(3) *Special Requirements for Refined Oil.* FAA fleets must use re-refined oil unless it is not available or does not meet performance needs. This special requirement applies to recycled content products purchased by FAA.

b. *Environmental Substitution Guide for Products.* FAA’s APP provides information and guidance on purchasing and using environmentally preferable products and services. FAA’s “Environmental Substitution Guide” describes products that are either non-hazardous or have

favorable environmental, safety, and health properties, and can be found at employees.faa.gov/employee_services/safety/hazmat/media/ProdSub.pdf.

c. Recycled Content Determination or Justification for Exemption.

(1) *Recycled Content Determination.* Program officials are responsible for defining product specifications utilizing FAA's minimum content standards or preference standards when procuring EPA-designated items from outside vendors. The program official makes a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with FAA's preference standards for recovered materials. The completed determination becomes part of the original contract file (see Sample in Appendix 3). A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.

(a) Printing and Writing Paper: FAA promotes complying with the minimum content standards stated in E.O. 13423 when purchasing printing and writing papers (including office paper products and support services that include the supply of written documents:

(i) 30 percent post-consumer fiber;

(ii) 20 percent post-consumer fiber, if papers containing 30 percent post-consumer fibers are not reasonably priced.

(2) *Justification for Not Buying EPA-Designated Recycled Content Products.*

(a) FAA justifications not to buy recycled content products are to be in writing, and may conclude that recycled content products:

(i) Are not available competitively;

(ii) Are not available within a reasonable time frame;

(iii) Do not meet reasonable performance standards; or

(iv) Are only available at an unreasonable price.

Written justification is not required for purchases below the threshold level of \$10,000.

(b) The procurement originator and/or CO, as appropriate, are to document the decision not to buy recycled content products. The original copy of the documentation becomes part of the original contract file (see Sample in Appendix 2). The procurement originator is responsible for submitting a copy of the form to the responsible program manager.

d. Recycled Content CPG Items.

The requirement to purchase recycled-content CPG items applies to all purchases, including those purchases falling under the defined threshold level or made using a purchase card and/or credit card checks. FAA is to provide training and education to its acquisition personnel procuring recycled content products under the defined threshold level, \$10,000.

e. Federal Supply Sources for EPA-Designated Products.

(1) Established Federal supply sources, such as the SAVES Program, General Services Administration (GSA), Advantage, Government Printing Office (GPO), the Defense Supply Center Richmond, and Ability One Program are competitive sources for EPA-designated items and other recycled content products.

(2) These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with APP requirements. Information on Federal supply sources of recycled content and environmentally preferable products is contained in Sample Appendix 5.

f. Contractors Use of EPA-Designated Products.

(1) The requirement to buy recycled content items applies to contractors when they are purchasing or supplying EPA-Designated products for use in the performance of a contract. The contractor is required to monitor and report on its APP-related procurement activities as well as require its applicable sub-contractors to comply with FAA's APP. It is the responsibility of FAA to ensure that appropriate new and existing contracts are revised to include APP compliance provisions.

(2) Because FAA's contractors may procure a majority of the products regulated by EPA's guidelines, FAA COs should ensure that such contractors are familiar with all applicable APP requirements contained in their contracts with FAA. During initial contract execution, the COs should brief contractors on their role in the procurement of recycled content products. COs may, at any time, when appropriate, emphasize to contractors the importance and requirements of E.O. 13423.

g. Life-Cycle Cost Analysis.

FAA is required to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost should be calculated over the life of the

item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc. should be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

h. Specification Review/Revision.

(1) FAA program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance FAA's procurement of recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising FAA specifications, program offices should eliminate requirements for virgin materials, express preference for recovered materials to the maximum extent practicable, and allow for the purchase of products containing recovered material.

(2) When developing, reviewing, or revising Federal specifications, product descriptions (including Commercial Item Descriptions), and standards, FAA should consider recovered materials and environmentally preferable purchasing criteria.

(3) When converting to Commercial Item Descriptions (CID) during procurement actions, FAA employees and contractor personnel should ensure environmental factors have been considered and the CID meets or exceeds EPA's recycled content recommendations.

i. Promotion Program.

FAA is responsible for actively promoting its preference for recycled content products. This includes making recycled content product suppliers aware of FAA's preference program, educating program and procurement offices about requirements to procure recycled content products, and providing FAA employees and contractors with information on sources of recycled products. FAA should internally and externally promote its desire to buy recycled products by:

(1) Including explicit recovered materials preference standards for EPA-designated items in appropriate SIR and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; and

(2) Providing informational materials, statements, and training to program and procurement offices regarding the agency's recovered materials preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.

j. Vendor Procedures.

(1) Certification.

COs should ensure that vendors provide written certification that their products meet the minimum content standards in the SIR documents, maintain copies of the certification documents, and produce copies of the written certification upon request by FAA.

(2) *Verification.*

FAA will periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews should enable FAA to verify the contractor's compliance with E.O. 13423.

k. *Annual Review and Monitoring.*

FAA should take the following actions to track its procurement of EPA-designated recycled content products:

(1) Review available data on purchases from central supply sources, purchases using the government purchase card, and purchases by contractors in the performance of their contracts for each EPA-designated recycled content product that it purchases.

(2) Assess its progress in achieving FAA goal of purchasing 100 percent recycled content products.

(3) Determine whether recycled content products are not being purchased due to lack of training of CO(s), purchase cardholders, and/or product specifiers; and provide training as appropriate.

(4) Determine whether recycled content products are not being purchased due to price, performance, or availability constraints.

(5) Work with vendors and the EPA to identify products that meet FAA's needs whenever performance is the constraint.

(6) Increase its promotion program and work with the EPA to identify sources whenever availability is the constraint.

l. *Annual Reports.*

(1) FAA is encouraged to incorporate into its Government Performance Results Act annual performance plan goals:

(a) To increase the procurement of products made from recovered materials;

(b) For solid waste prevention and recycling or for solid waste diversion; and

(c) For increasing the use of environmentally preferable products and services.

(2) FAA is responsible for tracking its purchasing of EPA-Designated items and reporting this information annually through DOT to the Federal Environmental Executive (FEE). FAA should also report on its compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally preferable products.

Red Line Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 8 : Preference for Recycled Content and Biobased Products

a. In accordance with Executive Order (E.O.) 13423, “Strengthening Federal Environmental, Energy, and Transportation Management,” FAA procurements of EPA-designated recycled content products will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

(1) *EPA-Designated Products.* FAA’s APP is based on EPA’s Comprehensive Procurement Guidelines (CPG) designations of recycled content products. FAA will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when such products are available competitively within a reasonable time frame, meet reasonable performance standards, or are available at a reasonable price. These products will be purchased containing the percentages of recovered materials (recycled content) indicated in the CPG. EPA’s recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from EPA’s CPG website at www.epa.gov/cpg. The major CPG categories are Paper and Paper Products, Vehicular Products, Construction Products, Transportation (Traffic Control) Products, Park & Recreation Products, Landscaping Products, ***Non-paper*** Office Products, and Miscellaneous Products.

(2) *Biobased Products.* In making procurement decisions, preference is given to such items composed of the highest percentage of biobased products practicable. A decision not to buy these items will be made when it is determined that the items are not available within a reasonable period of time, fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring office, or are available only at an unreasonable price. A ***U.S. Department of Agriculture (USDA)*** listing of biobased products may be found at <http://ofeewww.gov/gp/gpbiopreferred.asp.gov>.

(3) *Special Requirements for Refined Oil.* FAA fleets must use re-refined oil unless it is not available or does not meet performance needs. This special requirement applies to recycled content products purchased by FAA.

b. *Environmental Substitution Guide for Products.* FAA’s APP provides information and guidance on purchasing and using environmentally preferable products and services. FAA’s “Environmental Substitution Guide” describes products that are either non-hazardous or have

favorable environmental, safety, and health properties, and can be found at employees.faa.gov/employee_services/safety/hazmat/media/ProdSub.pdf.

c. *Recycled Content Determination or Justification for Exemption.*

(1) *Recycled Content Determination.* Program officials are responsible for defining product specifications utilizing FAA's minimum content standards or preference standards when procuring EPA-designated items from outside vendors. The program official makes a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with FAA's preference standards for recovered materials. The completed determination becomes part of the original contract file (see Sample in Appendix 3). A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.

(a) Printing and Writing Paper: FAA promotes complying with the minimum content standards stated in E.O. 13423 when purchasing printing and writing papers (including office paper products and support services that include the supply of written documents:

(i) 30 percent post-consumer fiber;

(ii) 20 percent post-consumer fiber, if papers containing 30 percent post-consumer fibers are not reasonably priced.

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(2) *Justification for Not Buying EPA-Designated Recycled Content Products.*

(a) FAA justifications not to buy recycled content products are to be in writing, and may conclude that recycled content products:

- (i) Are not available competitively;
- (ii) Are not available within a reasonable time frame;
- (iii) Do not meet reasonable performance standards; or
- (iv) Are only available at an unreasonable price.

Written justification is not required for purchases below the threshold level of \$310,000.

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(b) The procurement originator and/or CO, as appropriate, are to document the decision not to buy recycled content products. The original copy of the documentation becomes part of the original contract file (see Sample in Appendix 2). The procurement originator is responsible for submitting a copy of the form to the responsible program manager.

d. *Recycled Content CPG Items.*

The requirement to purchase recycled-content CPG items applies to all purchases, including those purchases falling under the defined threshold level or made using a purchase card and/or credit card checks. FAA is to provide training and education to its acquisition personnel procuring recycled content products under the defined threshold level, \$310,000.

e. *Federal Supply Sources for EPA-~~designated~~ Designated Products.*

(1) Established Federal supply sources, such as the SAVES Program, General Services Administration (GSA), Advantage, Government Printing Office (GPO), ~~Javits-Wagner-O~~ #8217160; ~~Day (JWOD) Program~~, the Defense ~~General~~ Supply Center (~~DGSC~~) Richmond, and Ability UNICOR One Program are competitive sources for EPA-designated items and other recycled content products.

(2) These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with APP requirements. Information on Federal supply sources of recycled content and environmentally preferable products is contained in Sample Appendix 5.

f. *Contractors Use of EPA-~~designated~~ Designated Products.*

(1) The requirement to buy recycled-~~content~~ items applies to contractors when they are purchasing or supplying EPA-~~designated~~ Designated products for use in the performance of a contract. The contractor is required to monitor and report on its APP-related procurement activities as well as require its applicable sub-contractors to comply with FAA's APP. It is the responsibility of FAA to ensure that appropriate new and existing contracts are revised to include APP compliance provisions.

(2) Because FAA's contractors may procure a majority of the products regulated by EPA's guidelines, FAA COs should ensure that such contractors are familiar with all applicable APP requirements contained in their contracts with FAA. ~~FAA~~ During ~~#8217160~~; ~~s~~ COs initial should contract review execution, with the COs appropriate should brief contractors on their role in the procurement of recycled-~~content~~ products ~~during the initial contract~~, signing COs may, period and at any should time, reinforce when with appropriate, emphasize to contractors the contractor the importance and requirements of the ~~E.O. 13423~~, ~~when appropriate~~, ~~during~~ subsequent meetings and correspondence.

g. Life-Cycle Cost Analysis.

FAA is required to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost should be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc. should be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

h. *Specification Review/Revision.*

(1) FAA program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance FAA's procurement of recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising FAA specifications, program offices should eliminate requirements for virgin materials, express preference for recovered materials to the maximum extent practicable, and allow for the purchase of products containing recovered material.

(2) When developing, reviewing, or revising Federal specifications, product descriptions (including Commercial Item Descriptions), and standards, FAA should consider recovered materials and environmentally preferable purchasing criteria.

(3) When converting to Commercial Item Descriptions (CID) during procurement actions, FAA employees and contractor personnel should ensure environmental factors have been considered and the CID meets or exceeds EPA's recycled content recommendations.

i. *Promotion Program.*

FAA is responsible for actively promoting its preference for recycled content products. This includes making recycled content product suppliers aware of FAA's preference program, educating program and procurement offices about requirements to procure recycled content products, and providing FAA employees and contractors with information on sources of recycled products. FAA should internally and externally promote its desire to buy recycled products by:

(1) Including explicit recovered materials preference standards for EPA-designated items in appropriate ~~solicitation~~ **SIR** and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; and

(2) Providing informational materials, statements, and training to program and procurement offices regarding the agency's recovered materials preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.

j. *Vendor Procedures.*

(1) *Certification.*

COs should ensure that vendors provide written certification that their products meet the minimum content standards in the ~~solicitation~~ SIR documents, maintain copies of the certification documents, and produce copies of the written certification upon request by FAA.

(2) *Verification.*

FAA will periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews should enable FAA to verify the contractor's compliance with E.O. 13423.

k. *Annual Review and Monitoring.*

FAA should take the following actions to track its procurement of EPA-designated recycled content products:

(1) Review available data on purchases from central supply sources, purchases using the government purchase card, and purchases by contractors in the performance of their contracts for each EPA-designated recycled content product that it purchases.

(2) Assess its progress in achieving FAA goal of purchasing 100 percent recycled content products.

(3) Determine whether recycled content products are not being purchased due to lack of training of CO(s), purchase cardholders, and/or product specifiers; and provide training as appropriate.

(4) Determine whether recycled content products are not being purchased due to price, performance, or availability constraints.

(5) Work with vendors and the ~~White House Task Force on Recycling~~ EPA to identify products that meet FAA's needs whenever performance is the constraint.

(6) Increase its promotion program and work with the ~~White House Task Force on Recycling~~ EPA to identify sources whenever availability is the constraint.

l. *Annual Reports.*

(1) FAA is encouraged to incorporate into its Government Performance Results Act annual performance plan goals:

(a) To increase the procurement of products made from recovered materials;

(b) For solid waste prevention and recycling or for solid waste diversion; and

(c) For increasing the use of environmentally preferable products and services.

(2) FAA is responsible for tracking its purchasing of EPA-~~designated~~*Designated* items and reporting this information annually through DOT to the Federal Environmental Executive (FEE). FAA should also report on its compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally preferable products.

Section 9 : Government-owned or Leased Facilities

Old Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 9 : Government-owned or Leased Facilities

a. Pursuant to E.O. 13423, every new contract for contractor operation of a Government owned or leased facility should require contractor programs to promote and implement cost-effective waste reduction in performing the contract. In addition, where economically feasible, existing contracts for contractor operation of Government-owned or leased facilities should be modified to provide for cost-effective waste reduction in contract performance.

b. FAA facilities must comply with:

(1) The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11001-11050); and

(2) The Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13101-13109).

c. Every FAA contract that provides for performance on a Federal facility must stipulate that the contractor must provide information necessary for FAA to comply with the emergency planning and toxic reporting requirements of EPCRA and PPA.

New Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

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Red Line Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

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Section 10 : Drug-Free Workplace

Old Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

Section 10 : Drug-Free Workplace

a. *Applicability.* Drug-free workplace requirements apply to all contracts except those performed outside of the United States, its territories, and its possessions; or when application would be inconsistent with international obligations of the U.S. or foreign laws or regulations.

b. *Attestation.* The firm or individual attests to providing a drug-free workplace by their signature on the contract.

c. *Penalties.* After determining in writing that adequate evidence to suspect the specific cause identified exists, the CO may elect to suspend contract payments or to terminate the contract.

(1) The specific cause for suspension of contract payments, termination of a contract, or suspension and debarment is that such a number of contractor employees have been convicted of violations of criminal drug statutes occurring in the workplace to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace.

(2) A determination to suspend contract payments, terminate a contract, or debar or suspend a contractor may be waived for a particular contract, only if such waiver is necessary to prevent a severe disruption of FAA's operation to the detriment of the federal Government or the general public.

New Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

Section 10 : Drug Free Workplace

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Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Environment, Conservation, Occupational Safety, and Drug Free Workplace

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Section 1 : Appendix 1- Definitions

Old Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Appendix*

Section 1 : Appendix 1- Definitions

a. "*Consumer product*" means any article (other than an automobile, as defined in section 501(1) of the Motor Vehicle Information and Cost Savings Act) that consumes energy and is distributed in commerce for personal use or consumption by individuals.

b. "*Covered product*" means a consumer product of one of the following types:

(1) Central air conditioners.

(2) Clothes dryers.

(3) Clothes washers.

(4) Dishwashers.

(5) Freezers.

(6) Furnaces.

- (7) Home heating equipment, not including furnaces.
- (8) Humidifiers and dehumidifiers.
- (9) Kitchen ranges and ovens.
- (10) Refrigerators and refrigerator-freezers.
- (11) Room air conditioners.
- (12) Television sets.
- (13) Water heaters.
- (14) Any other type of product that the Secretary of Energy classifies as a covered product under 42 U.S.C. 6292(b).

c. "*Energy efficiency standard*" means a performance standard that prescribes a minimum level of energy efficiency for a covered product, determined by test procedures prescribed under 42 U.S.C. 6293; and includes any other requirements that the Secretary of Energy may prescribe under 42 U.S.C. 6295(c).

d. "*Energy use and efficiency label*" means a label provided by a manufacturer of a covered product under 42 U.S.C. 6296.

e. "*EPA designated item*" means an item that is or can be made with recovered materials and is listed by EPA in a procurement guideline (40 CFR, chapter 1, subchapter I).

f. "Environmentally preferable" means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

g. "*Manufacture*" means to manufacture, produce, assemble, or import.

h. "*Manufacturer*" as used in this part, means any business that, or person who, manufactures a consumer product.

i. "*Post consumer material*" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Post consumer material is a part of the broader category of "*recovered material content*."

j. "*Recovered material content*" means waste materials and by-products which have been recovered or diverted from solid waste including post consumer material, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

k. "Recycled content products" means recovered material consistent with EPA's Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notices (RMAN).

New Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Appendix*

Section 1 : Appendix - Definitions

a. "Biobased product" means a commercial or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products or renewable domestic agricultural materials (including plant, animal, and marine) or forestry materials.

b. "*Consumer product*" means any article (other than an automobile, as defined in section 501(1) of the Motor Vehicle Information and Cost Savings Act) that consumes energy and is distributed in commerce for personal use or consumption by individuals.

c. "*Covered product*" means a consumer product of one of the following types:

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(13) Water heaters.

(14) Any other type of product that the Secretary of Energy classifies as a covered product under 42 U.S.C. 6292(b).

d. "*Energy efficiency standard*" means a performance standard that prescribes a minimum level of energy efficiency for a covered product, determined by test procedures prescribed under 42 U.S.C. 6293; and includes any other requirements that the Secretary of Energy may prescribe under 42 U.S.C. 6295(c).

e. "*Energy use and efficiency label*" means a label provided by a manufacturer of a covered product under 42 U.S.C. 6296.

f. "*EPA designated item*" means an item that is or can be made with recovered materials and is listed by EPA in a procurement guideline (40 CFR, chapter 1, subchapter I).

g. "Environmentally preferable" means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Environmentally preferable product categories include:

(1) Building and Construction

(2) Carpets

(3) Cleaning

(4) Electronics

(5) Fleets

(6) Food Service

(7) Landscaping

(8) Meetings and Conferences

(9) Office Supplies

(10) Paper

h. "*Manufacture*" means to manufacture, produce, assemble, or import.

i. "*Manufacturer*" as used in this part, means any business that, or person who, manufactures a consumer product.

j. "*Post consumer material*" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Post consumer material is a part of the broader category of "*recovered material content*."

k. "*Recovered material content*" means waste materials and by-products which have been recovered or diverted from solid waste including post consumer material, but such term does not

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Red Line Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
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jk. "Recovered material content" means waste materials and by-products which have been recovered or diverted from solid waste including post consumer material, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

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Section 2 : Appendix 2- FAA Affirmative Procurement Program

Old Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Appendix*

Section 2 : Appendix 2- FAA Affirmative Procurement Program

FAA Affirmative Procurement Program (APP)

a. The Affirmative Procurement Program (APP) is designed to increase and expand markets for recovered materials through greater Government preference and demand for products made with such materials that are consistent and cost-effective. Expanding markets will reduce the amount of solid waste requiring disposal through the purchase and use of products containing recovered materials.

b. FAA's APP ensures that items composed of recovered material (also known as recycled content products) will be purchased to the maximum extent practicable, and is consistent with EPA's Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notices (RMAN). FAA may modify its minimum content standards if it determines that a different standard will allow the purchase of products containing the maximum practicable level of recycled content.

c. The following documents establish the requirements FAA has elected to follow for the APP:

(1) Resource Conservation and Recovery Act, Section 6002.

(2) Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management."

(3) Environmental Protection Agency Comprehensive Procurement Guidelines; and Farm Security and Rural Investment Act of 2002, Section 9001, 9002.

d. The APP applies to all FAA program offices, operations offices, facilities, and applicable contractors.

e. FAA has chosen to comply with EPA's procurement guidelines (whose total annual purchases (for each designated item) exceeded \$10,000 in the current fiscal year or exceeded \$10,000 in the

previous fiscal year). The procurement requirements identified in EPA's guidelines will be applied to FAA as a whole and all FAA program offices, operation offices, facilities, and applicable contractors should be responsible for implementing the procurement requirements outlined in both AMS/FAST and EPA's guidelines.

f. Pursuant to E.O. 13423 and under the APP, FAA has designated an Agency Environmental Executive, (API-1), responsible for, among other things:

- (1) Agency implementation of the buy-recycled requirements and other requirements;
- (2) Working with the Federal Environmental Executive (FEE) and the Task Force through DOT in furthering implementation of the E.O.; and
- (3) Tracking the Agency's purchases of EPA-designated guideline items and reporting through DOT the FAA's purchases of such items to the FEE.

g. *Future EPA-designated Items.* FAA intends to incorporate additional items into its APP within one year after new items are designated by EPA.

New Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Appendix*

Section 2 : Appendix 2 - FAA Affirmative Procurement Program

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(4) FAA Administrator's Policy Statement on Pollution Prevention.

d. The APP applies to all FAA program offices, operations offices, facilities, and applicable contractors.

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f. Pursuant to E.O. 13423 and under the APP, FAA has designated an Agency Environmental Executive, (AEP-1), responsible for, among other things:

(1) Agency implementation of the buy-recycled requirements and other requirements;

(2) Working with the Federal Environmental Executive (FEE) and the Task Force through DOT in furthering implementation of E.O 13423.; and

(3) Tracking the Agency's purchases of EPA-designated guideline items and reporting through DOT the FAA's purchases of such items to the FEE.

g. *Future EPA-designated Items.* FAA intends to incorporate additional items into its APP within one year after EPA has designated new items.

h. Office Supplies. FAA policy encourages the purchase of office supplies through the Strategic Sourcing for the Acquisition of Various Equipment and Supplies (SAVES) program. Environmentally preferable products are available through SAVES and are especially annotated.

Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace Appendix

Section 2 : Appendix 2 - FAA Affirmative Procurement Program

FAA Affirmative Procurement Program (APP)

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b. FAA's APP ensures that items composed of recovered material (also known as recycled content products) will be purchased to the maximum extent practicable, and is consistent with EPA's Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notices (RMAN). FAA may modify its minimum content standards if it determines that a different standard will allow the purchase of products containing the maximum practicable level of recycled content.

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f. Pursuant to E.O. 13423 and under the APP, FAA has designated an Agency Environmental Executive, ([APIAEP-1](#)), responsible for, among other things:

(1) Agency implementation of the buy-recycled requirements and other requirements;

(2) Working with the Federal Environmental Executive (FEE) and the Task Force through DOT in furthering implementation of ~~the~~ E.O. **13423**; and

(3) Tracking the Agency's purchases of EPA-designated guideline items and reporting through DOT the FAA's purchases of such items to the FEE.

g. *Future EPA-designated Items.* FAA intends to incorporate additional items into its APP within one year after **EPA has designated** new items.

h. Office Supplies. FAA policy encourages the purchase of office supplies through the Strategic Sourcing for the Acquisition of Various Equipment and Supplies (SAVES) program.

Environmentally preferable products are ~~designated by~~ available through EPA SAVES and are especially annotated.

Section 4 : Appendix 4 - Justification for not Acquiring EPA-Designated Recycled Content Products

Old Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Appendix*

Section 4 : Appendix 4 - Justification for not Acquiring EPA-Designated Recycled Content Products

Procurement Request No. _____

Products containing recovered materials and meeting FAA's preference standards for: *(list product(s) was/were not obtained because: (check appropriate reason):*

___ Products did not meet the FAA's reasonable performance standards *(attach a description of the performance need and explain why a recycled content product will not meet that need, including a brief discussion of research conducted to demonstrate that recycled content products will not meet the need.)*

___ Products not readily available.

___ Products not available at a reasonable price.

Written justification for Not Procuring Designed Recycled Content Products:

Signature of Procurement Originator

Date

Contracting Officer

Date

New Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

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Appendix

Section 4 : Appendix - Justification for not Acquiring EPA-Designated Recycled Content Products

Procurement Request No. _____

Products containing recovered materials and meeting FAA’s preference standards for: *(list product(s) was/were not obtained because: (check appropriate reason):*

___ Products did not meet the FAA’s reasonable performance standards *(attach a description of the performance need and explain why a recycled content product will not meet that need, including a brief discussion of research conducted to demonstrate that recycled content products will not meet the need.)*

___ Products not readily available.

___ Products not available at a reasonable price.

Justification for Not Procuring Designed Recycled Content Products:

Signature of Procurement Originator

Date

Contracting Officer

Date

Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Appendix

Section 4 : Appendix 4- Justification for not Acquiring EPA-Designated Recycled Content Products

Procurement Request No. _____

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Products containing recovered materials and meeting FAA's preference standards for: (list product(s) was/were not obtained because: (check appropriate reason):

___ Products did not meet the FAA's reasonable performance standards (*attach a description of the performance need and explain why a recycled content product will not meet that need, including a brief discussion of research conducted to demonstrate that recycled content products will not meet the need.*)

___ Products not readily available.

___ Products not available at a reasonable price.

Written justification.

Justification for Not Procuring Designed Recycled Content Products:

Signature of Procurement Originator

Date

Contracting Officer

Date

Section 5 : Appendix 5- Federal Sources of Recycled Content and Environmentally Preferable Products

Old Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace

Appendix

Section 5 : Appendix 5- Federal Sources of Recycled Content and Environmentally Preferable Products

General

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Thousands of recycled content and environmentally preferable products are available to procuring agencies and their contractors through established Federal supply sources, and new items are continuously being added. Federal sources of EPA-designated items, and other recycled content and environmentally preferable products, are listed in Table B.1

Table B.1 Federal Sources of Recycled Content and Environmentally Preferable Products

Products	GSA Federal Supply Service	Defense Supply Center Richmond	Government Printing Office	Javits-Wagner O'Day Program	UNICOR
Paper & Paper Products	X		X (printing and writing papers only)	X	
Vehicular Products	X	X			X
Construction Products	X	X			
Transportation Products (traffic control)	X				
Park and Recreation Products	X				
Landscaping Products	X	X			
Non-Paper Office Products	X	X		X	X
Miscellaneous Products	X	X			

Environmentally Preferable Products	X	X	X (soy-based inks)		
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Examples of other environmental products available through GSA's Federal Supply Service include:

Energy and water saving items; and

Items that have been chemically reformulated to be less detrimental to the environment.

GSA Federal Supply Service

GSA produces several publications (Table B.2) to assist customers to identify and requisition products

Table B.2 GSA Federal Supply Service Publications

Publication	Description
GSA Supply Catalog https://www.gsaadvantage.gov	Contains information on several thousand products available through the Federal Supply Service, including hundreds of recycled content and environmentally preferable products (highlighted in green for easy identification). Also includes information on requisitioning these products through GSA.
Environmental Aisle https://www.gsaadvantage.gov/advgsa/advantage	A separate listing of hundreds of recycled content and environmentally preferable products.
Marketips http://apps.fss.gsa.gov/pub/marketips.cfm	A bimonthly bulletin frequently containing information about new recycled content and environmentally preferable products being introduced. Includes customer training seminars scheduled through GSA's regional offices.

Government Printing Office

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A variety of recycled content printing and writing papers are available through GPO. Procurement originators should work through their Agency field printing organizations to request recycled paper for publications produced through GPO's Regional Printing and Procurement Offices, which are listed in Table B.3.

Table B.3 GPO Regional Printing & Procurement Offices

Regional Office	Location	Phone Number
Atlanta	Atlanta, GA	404-605-9160
Boston	Boston, MA	617-720-3680
Charleston	N. Charleston, SC	843-743-2036
Chicago	Chicago, IL	312-353-3916
Columbus	Columbus, OH	614-488-4616
Dallas	Dallas, TX	214-767-0451
	Oklahoma City Satellite Office	405-610-4146
	San Antonio Satellite Office	210 675-1480
Denver	Denver, CO	303-236-5292
Hampton	Newport News, VA	757-873-2800
Los Angeles	Lakewood, CA	619-497-6050
New York	New York, NY	212-264-2252
Philadelphia	Southampton, PA	215-364-6465
San Francisco	San Francisco, CA	415-677-0340
San Diego	San Diego, CA	619-209-6178
Seattle	Seattle, WA	206-764-3726

New Content: Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace
Appendix*

Section 5 : Appendix - Sources of Recycled Content and Environmentally Preferable Products

General

Recycled content and environmentally preferable products are available to procuring agencies and their contractors through established supply sources. Table D.1, entitled "Supply Sources of

Environmentally Preferable Products", provides an overview of EPA's Comprehensive Procurement Guidelines.

GSA Advantage:

GSA Advantage provides direct access to environmentally preferable products that comply with all Federal environment regulations. See GSA Advantage's environmental catalog.

Defense Supply Center Richmond:

The Defense Logistics Agency's (DLA) Defense Supply Center in Richmond, Virginia, has hundreds of available environmentally preferable products in its supply system. See the products listed in DLA's Environmental Product Catalog.

Government Printing Office:

The Government Printing Office (GPO) Online Paper Store offers 30 percent post consumer waste copier paper (in white and six colors) to Federal organizations. The environmentally friendly xerographic copier paper is available from GPO's web-based online system website.

AbilityOne Program (formerly the Javits-Wagner-O'Day (JWOLD) Program)

The AbilityOne Program provides environmentally preferable products available from its website.

SAVES Program:

General office supplies are contractually available to FAA through the SAVES Program. This program especially annotates environmentally preferable products with symbols to indicate items containing recycled material content, for example. Ordering details for each SAVES contract are located on the FAA Employee website **(FAA only)**.

TableD.1 Supply Sources of Environmentally Preferable Products

Products	GSA Advantage	Defense Supply Center Richmond	Government Printing Office	AbilityOne Program	SAVES Program
Paper & Paper Products	X		X (printing and writing papers only)	X	X
Vehicular Products	X	X			
Construction Products	X	X			
Transportation Products (traffic control)	X				
Park and Recreation Products	X				
Landscaping Products	X	X			
Non-Paper Office Products	X	X		X	X
Miscellaneous Products	X	X		X	X
Environmentally Preferable Products	X	X	X (soy-based inks)	X	X

See the Energy Star Program and BioPreferred Program websites for additional sources of other environmentally preferable products.

GSA Federal Supply Service

GSA produces several publications (Table D.2) to assist customers to identify and requisition products.

Table D.2 GSA Federal Supply Service Publications

Publication	Description
GSA Supply Catalog	<p>Contains information on several thousand products available through the Federal Supply Service, including hundreds of recycled content and environmentally preferable products (highlighted in green for easy identification).</p> <p>Also includes information on requisitioning these products through GSA.</p>
GSA Marketips	<p>A bimonthly bulletin frequently containing information about new recycled content and environmentally preferable products being introduced.</p> <p>Includes customer training seminars scheduled through GSA's regional offices.</p>

Government Printing Office

A variety of recycled content printing and writing papers are available through GPO. Procurement originators should work through their Agency field printing organizations to request recycled paper for publications produced through GPO's Regional Printing and Procurement Offices, which are listed in Table D.3.

Table D.3 GPO Regional Printing & Procurement Offices

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	Oklahoma City Satellite Office	405-610-4146
	San Antonio Satellite Office	210 675-1480
Denver	Denver, CO	303-236-5292
Hampton	Newport News, VA	757-873-2800
Los Angeles	Lakewood, CA	619-497-6050
New York	New York, NY	212-264-2252
Philadelphia	Southampton, PA	215-364-6465
San Francisco	San Francisco, CA	415-677-0340
San Diego	San Diego, CA	619-209-6178
Seattle	Seattle, WA	206-764-3726

Red Line Content: Procurement Guidance:

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace Appendix

Section 5 : Appendix 5- ~~Federal~~ Sources of Recycled Content and Environmentally Preferable Products

General

~~Thousands of recycled~~**Recycled** content and environmentally preferable products are available to procuring agencies and their contractors through established **supply sources. Table D.1, entitled "Supply Sources of Environmentally Preferable Products", provides an overview of EPA's Comprehensive Procurement Guidelines.**

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GSA Advantage:

GSA Advantage provides direct access to environmentally preferable products that comply with all Federal supply environment sources regulations. Access to GSA Advantage's environmental catalog is available at: <https://www.gsaadvantage.gov/advgsa/advantage/search/specialCategory.do?cat+ADV.EN>.

Defense Supply Center Richmond:

The Defense Logistics Agency's (DLA) Defense Supply Center in Richmond, and Virginia, new has items hundreds of available environmentally preferable products in its supply system. Products listed in DLA's Environmental Product Catalog are continuously available on being its added website at: <http://www.dscr.dla.mil/userweb/dscrld/epa/epinfo.htm>.

Government Printing Office:

The Government Printing Office (GPO) Online Paper Store offers 30 percent post consumer waste copier paper (in white and six colors) to Federal sources organizations. of The EPA environmentally friendly xerographic copier paper is available from GPO's web-designated based items, online and system other at: recycled <http://www.gpo.gov/onlinepaperstore>.

AbilityOne content Program and (formerly the Javits-Wagner-O'Day (JWOLD) Program)

The AbilityOne Program provides environmentally preferable products available from its website at: <http://www.jwoldcatalog.com>.

SAVES Program:

General office supplies are contractually available to FAA through the SAVES Program. This program especially annotates environmentally preferable products with symbols to indicate items, for example, containing recycled material content. Ordering details for each SAVES contract are listed in located on Table the FAA B Employee Website: <https://employees.faa.gov/saves/>.

Table B ~~Table D.1~~ Federal Supply Sources of Recycled Content and Environmentally Preferable Products

Products	GSA Federal Supply Service <u>Advantage</u>	Defense Supply Center Richmond	Government Printing Office	Javits-Wagner <u>AbilityOne</u> ’160; Day Program	UNICOR <u>SAVES</u> <u>Program</u>
Paper & Paper Products	X		X (printing and writing papers only)	X	X
Vehicular Products	X	X			X
Construction Products	X	X			
Transportation Products (traffic control)	X				
Park and Recreation Products	X				
Landscaping Products	X	X			
Non-Paper Office Products	X	X		X	X
Miscellaneous Products	X	X		X	X
Environmentally Preferable	X	X	X	X	X

Products			(soy-based inks)		
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Examples Additional sources of other environmentally environmentally preferable products available through GSA's Federal Supply Service also include:

Energy and water Star saving Program: items <http://www.energystar.gov/purchasing>; and

Items that have been chemically reformulated to be less detrimental to the BioPreferred environment Program: <http://biopreferred.gov/Catalog.aspx>.

GSA Federal Supply Service

GSA produces several publications (Table BD.2) to assist customers to identify and requisition products.

Table BD.2 GSA Federal Supply Service Publications

Publication	Description
GSA Supply Catalog https://www.gsaadvantage.gov	Contains information on several thousand products available through the Federal Supply Service, including hundreds of recycled content and environmentally preferable products (highlighted in green for easy identification). Also includes information on requisitioning these products through GSA.
<u>Environmental Aisle</u> https://www.gsaadvantage.gov/advgsa/advantage	<u>A separate listing of hundreds of recycled content and environmentally preferable products.</u>
Marketips http://apps.fss.gsa.gov/pub/marketips.cfm	A bimonthly bulletin frequently containing information about new recycled content and environmentally preferable products being introduced. Includes customer training seminars scheduled through GSA's regional offices.

Government Printing Office

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Table [B.D.3](#) GPO Regional Printing & Procurement Offices

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	Oklahoma City Satellite Office	405-610-4146
	San Antonio Satellite Office	210 675-1480
Denver	Denver, CO	303-236-5292
Hampton	Newport News, VA	757-873-2800
Los Angeles	Lakewood, CA	619-497-6050
New York	New York, NY	212-264-2252
Philadelphia	Southampton, PA	215-364-6465
San Francisco	San Francisco, CA	415-677-0340
San Diego	San Diego, CA	619-209-6178
Seattle	Seattle, WA	206-764-3726