EDO Principal Correspondence Control

FROM: DUE: 03/07/03 EDO CONTROL: G20020674
DOC DT: 11/01/02
FINAL REPLY:

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TO:

Agency Heads

FOR SIGNATURE OF : ** GRN ** CRC NO:

DESC:

FY 2002 Reporting on Implementation of the Resource Conservation and Recovery Act Section 6002

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SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-RIDS: EDO-01

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL
PROCUREMENT POLICY

NOV 01 2002

MEMORANDUM FOR FEDERAL AGENCY ENVIRONMENTAL EXECUTIVES
AND AGENCY SENIOR PROCUREMENT EXECUTIVES

FROM: Angela B. Styles
Administrator for Federal Procurement Policy

John Howard
Federal Environmental Executive

SUBJECT: FY 2002 Reporting on Implementation of the Resource Conservation and Recovery Act Section 6002

Section 6002 of the Resource Conservation and Recovery Act (RCRA) requires the Office of Federal Procurement Policy (OFPP) to report to Congress every two years on the actions taken by Federal agencies to implement the statute. Executive Order (E.O.)13101 requires agencies to track and report to the Office of Federal Environmental Executive (OFEE) their purchases of Environmental Protection Agency (EPA)-designated recycled content products. The attached survey combines both reporting requirements. It reflects major changes to streamline the reporting requirements, as recommended by an interagency White House Work Group on Tracking and Reporting.

For FY 2002, all Federal agencies should report on their efforts to implement RCRA Section 6002 and E.O. 13101. However, specific purchasing data collection is only required from the top six procuring agencies: Department of Defense (DOD), Department of Energy (DOE), General Services Administration (GSA), National Aeronautics and Space Administration (NASA), Department of Transportation (DOT) and Department of Veterans Affairs (VA). As in prior years, all other agencies are encouraged to provide the information voluntarily.

For FY 2002, the six reporting agencies are asked to report on the following eight indicator items, rather than the 54 items currently designated by EPA: sanitary tissue products, toner cartridges, concrete, landscaping timbers, park benches/picnic tables, traffic barricades, re-refined lubricating oil, and signage. Each agency must report on purchases of these eight items obtained from sources other than a Federal Source of Supply, such as the GSA and the Defense Logistics Agency. Agencies are also required to report on contract compliance information reported through the Federal Procurement Data System (FPDS); solid waste prevention, recycling and waste minimization programs and practices; management controls; training, auditing and goals. These reporting areas will provide an indication of agencies' internal infrastructure and management controls for ensuring and monitoring compliance with RCRA 6002. General guidance on completing the survey in each of these areas is provided below.

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Federal Procurement Data System Data: Beginning in FY 2002, agencies are required to report to FPDS information on their purchases of EPA-designated items through contracting actions. Although the FPDS data and information requested in this year's RCRA survey are available directly from FPDS – and OFPP may review the FPDS data comprehensively for all agencies – individual agencies are required to provide FPDS data as part of this year's report. Agencies should retrieve and review their own agency data on a quarterly or periodic basis as part of their internal monitoring required by RCRA.

Solid Waste Prevention, Recycling and Waste Minimization: This section is retained from prior RCRA reporting to gauge whether agencies have instituted new or improved solid waste prevention practices, recycling programs, or waste minimization goals and practices. Agencies must also report whether or not they have initiated or participated in any pilots to purchase environmentally preferable products or services, as required by E.O. 13101.

Management Controls: This new section addresses affirmative procurement plans (APP), training, auditing, and measurement tools.

APP. These questions request the status of agencies' affirmative procurement plans and policies as required by RCRA section 6002. RCRA requires agencies to update these plans regularly. They should now include all 54 EPA-designated recycled content products.

Training. As training is key to awareness and implementation, the survey requests information on agencies' efforts to train employees, especially acquisition personnel. It also requests information on whether an agency uses internal or outside sources for training, what percentage of employees have been trained, and how well green procurement requirements are incorporated into existing training for purchase card holders.

Auditing. For the first time, agencies are asked to provide information on their audit activities. Although we expect that few agencies have green purchasing audit programs underway, we are attempting to raise the consciousness and awareness of agencies in how audit programs can assist them in monitoring compliance with green purchasing requirements. To accelerate agencies' understanding of practical audit standards, a sample APP facility audit questionnaire is provided.

Agency Goals. E.O. 13101 directs agencies to establish goals for solid waste diversion, procurement of recycled content products, and the use of environmentally preferable products and services. The new agency goal section asks agencies if they have established goals in these areas. Based on the information previously submitted to the OFEE, we believe that few agencies have goals for purchasing green products, but hope that many will establish them.

Each agency should complete and return the survey by March 14, 2003 to OFPP, attention: Ms. Cynthia Vallina, vallina@omb.eop.gov, fax # 202-395-3165 and to OFEE, attention: Ms. Dana Arnold, arnold.dana@ofee.gov. We prefer electronic copies of the responses but you may mail hard copies to OFEE, 1200 Pennsylvania Avenue, NW, Mail Code 1600S, Washington, DC 20460. If you have questions regarding the survey, please contact Cyndi Vallina or Dana Arnold at the e-mail addresses listed above.

Attachment

Date Due: March 14, 2003

Date Prepared: _____

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Agency Report for Fiscal Year 2002

Agency or Department _____

Agency Contact _____

Contact Telephone Number _____

Contact E-Mail Address _____

1: **Federal Procurement Data System (FPDS) Data**

a) How many DD 350s or SF 279s did your Agency complete in FY 2002? _____

b) In FY 2002, how many DD 350s or SF 279s had a code in line B12F (for the DD 350) or block 19A (for the SF 279), which indicate whether EPA-designated items will be acquired? _____

c) Provide the number of DD 350s or SF 279s with each code, A-E, in line B12F (for the DD 350) or block 19A (for the SF 279). These codes indicate whether the EPA-designated products must contain the required minimum recycled content, the justification for not requiring recycled content products, or that no EPA-designated products will be acquired under the contract.
A (all EPA-designated products must contain the required minimum recycled content) _____; B (availability) _____; C (price) _____; D (performance) _____; E (no EPA-designated products acquired) _____.

d) How many of the DD 350s or SF 279s coded A, B, C, or D in block B12F (for the DD 350) or block 19A (for the SF 270) also had a code (A or B) in line B12G (for the DD 350) or block 19B (for the SF 279)? _____

e) Provide the number of DD 350s or SF 279s with line B12G (for the DD 350) or block 19B (for the SF 279) coded A or B. _____

f) How has the Agency reviewed the FY 2002 FPDS data for compliance assessment and/or trend analyses?
_____
_____

_____

_____

b) Please describe findings, changes, and/or actions that were a direct result of the assessments or analyses above.

_____

_____

_____

_____

2. Indicator Items for EPA-Designated Recycled Content Products

The General Services Administration and the Defense Logistics Agency will provide data for agency purchases directly from them. Please provide amounts for your agency's purchases from other sources, including GSA schedule contractors and your service contractors, including construction contractors, fleet maintenance contractors, and facilities maintenance contractors.

a) **Paper: Commercial Sanitary Tissue Products**

i) Does your Agency purchase this item (directly or through contracts)? **Yes** ___ **No** ___ If no, skip to next section.

ii) Total dollar amount[1] of these products purchased[2] by your Agency from sources *other than GSA* in FY 2002 **$**_____.

iii) Dollar amount of these products containing recovered materials[3] purchased by your Agency from sources *other than GSA* in FY 2002 **$**_____.

iv) If this product is purchased using an Agency specification, does that specification require the use of recovered materials? **Yes** __ **No** ___ **Not Applicable** ___

v) Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2002? **Yes** ___ **No** ___. If yes, please describe the impediment(s).

_____

_____

_____

b) **Non-Paper Office Products: Toner Cartridges**

i) Does your Agency purchase this item (directly or through contracts)? **Yes** ___ **No** ___ If no, skip to next section.

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1 "Total amount" equals the amount of product without recovered materials plus the amount of product with recovered materials.

2 Within this document, the term purchased includes both direct government purchases, as well as procurement of products through government contracts.

3 The products designated by EPA are commonly referred to as "CPG-items" or "recycled content products." RCRA refers to them as "products containing recovered materials," which is the term used in this reporting document unless a more specific term, such as re-refined oil or retread tires, is used

ii) Total dollar amount of these products purchased by your Agency from sources *other than GSA or DLA* in FY 2002 $_____.

iii) Dollar amount of these products containing recovered materials purchased by your Agency from sources *other than GSA or DLA* in FY 2002 $_____.

iv) If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes __ No ___ Not Applicable ___

v) Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2002? **Yes ___ No ___**. If yes, please describe the impediment(s).

_____
_____
_____

c) **Construction Products: Concrete**

i) Does your Agency purchase concrete (directly or through contracts, e.g., construction contracts)? **Yes___ No __**
If no, skip to next section.

ii) Total amount of concrete purchased and/or used by your Agency in FY 2002 $_____ and/or _____ cubic yards, and/or total number of contracts awarded that required the use of concrete _____.

iii) Amount of concrete containing coal fly ash and/or ground granulated blast furnace slag purchased and/or used by your Agency in FY 2002 $_____ and/or _____ cubic yards, and/or total number of contracts awarded that required the use of concrete containing coal fly ash or ground granulated blast furnace slag _____.

iv) If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes __ No ___ Not Applicable ___

v) Were there technical impediments to increasing the amount of concrete containing coal fly ash and/or ground granulated blast furnace slag purchased by your Agency in FY 2002?
Yes __ No ___ If yes, please describe the impediment(s).

_____
_____
_____

d) **Landscaping Products: Landscaping Timbers**

i) Does your Agency purchase this item (directly or through contracts or other mechanisms)? Yes ___ No ___ If no, skip to next section.

ii) Total dollar amount of these products purchased by your Agency in FY 2002 $_____.

iii) Dollar amount of these products containing recovered materials purchased by your Agency in FY 2002 $_____.

iv) If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes __ No ___ Not Applicable ___

v) Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2002? **Yes ___ No ___** If yes, please describe the impediment(s).

_____
_____
_____

e) Park and Recreation Products: Park Benches and Picnic Tables

i) Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes ___ No ___** If no, skip to next section.

ii) Total dollar amount of these products purchased by your Agency in FY 2002 $_____.

iii) Dollar amount of these products containing recovered materials purchased by your Agency in FY 2002 $_____.

iv) If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes __ No ___ Not Applicable ___

v) Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2002? **Yes ___ No ___**. If yes, please describe the impediment(s).

_____
_____
_____

f) Transportation Products: Traffic Barricades

i) Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes ___ No ___** If no, skip to next section.

ii) Total dollar amount of these products purchased by your Agency in FY 2002 $_____.

iii) Dollar amount of these products containing recovered materials purchased by your Agency in FY 2002 $_____.

iv) If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes __ No ___ Not Applicable ___

v) Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2002? **Yes ___ No ___**. If yes, please describe the impediment(s).

_____
_____
_____

g) **Vehicular Products: Re-refined Oil**

i) Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes** ___ **No** ___ If no, skip to next section.

ii) Total dollar amount of these products purchased by your Agency in FY 2002 $_____.

iii) Dollar amount of these products containing recovered materials purchased by your Agency in FY 2002 $_____.

iv) If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes __ **No** ___ **Not Applicable** ___

v) Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2002? **Yes** ___ **No** ___. If yes, please describe the impediment(s).

_____
_____
_____

h) **Miscellaneous Products: Signage**

i) Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes** ___ **No** ___ If no, skip to next section.

ii) Total dollar amount of these products purchased by your Agency in FY 2002 $_____.

iii) Dollar amount of these products containing recovered materials purchased by your Agency in FY 2002 $_____.

iv) If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes __ **No** ___ **Not Applicable** ___

v) Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2002? **Yes** ___ **No** ___. If yes, please describe the impediment(s).

_____
_____
_____

3. Solid Waste Prevention, Recycling, and Waste Minimization

a) Did you institute new, substantially improved, or updated solid waste prevention practices in FY 2002?
Yes ___ **No** ___. Please provide an explanation of your response.

_____
_____
_____

b) Does your Agency have sites or facilities with composting programs?
Yes ___ **No** ___. If yes, how many facilities or sites? _____
Estimate the total weight of materials diverted to composting: _____ tons.

c) What percentage of offices/sites operated by your Agency have an active office products recycling program? _____ of _____ sites, which is _____ percent of offices/sites.

d) What percentage of residential housing operated by your Agency have an active household products recycling program? _____ of _____ sites, which is _____ percent of housing. ___ Not Applicable

e) What percentage of demolition projects managed by and/or contracted by your Agency include the recovery of construction materials? _____ of _____ projects, which is _____ percent of demolition projects. ___ Not Applicable

f) What percentage of the total solid waste[4] generated by your Agency was diverted to recycling? _____ of _____ metric tons, which is _____ percent.

g) Does your Agency have an internal awards program in accordance with Executive Order 13101, Section 802? **Yes** ___ **No** ___. Please provide details for your response., of if the response is no, please explain why not.

_____

_____

_____

h) In FY 2002, did your Agency participate in a pilot project to purchase environmentally preferable products or services per the requirements of E.O. 13101, sections 503(b) and 601(c)? **Yes** ___ **No** ___. Please provide details for your response.

_____

_____

_____

4. Management Controls

a) Affirmative Procurement Policy

i) Does your Agency have a documented policy or procedure for the implementation of the affirmative procurement program (APP) required by section 6002 of RCRA? **Yes** _____ **No** _____

ii) Does the Agency policy define responsibility for:

(1) Conducting awareness training? **Yes** _____ **No** _____

(2) Incorporating APP requirements into specifications and contracts? **Yes** _____ **No** _____

(3) Establishing and measuring progress toward APP objectives? **Yes** _____ **No** _____

(4) Reporting progress? **Yes** _____ **No** _____

(5) Management review? **Yes** _____ **No** _____

If the answer to any question is no, please explain why not.

_____

4 "Solid waste" refers to municipal solid waste as defined by EPA. Please indicate if your Agency is including other materials, such as construction and demolition debris.

iii) Does your Agency have a requirement to routinely update the affirmative procurement policy? **Yes** _____ **No** _____ If so, is the APP policy reviewed/updated in accordance with this plan? **Yes** _____ **No** _____ Has the Agency affirmative procurement policy been updated within the past three years? **Yes** _____ **No** _____

iv) Please attach a copy of or provide the URL for the website for your Agency APP policy.

_____

b) Training

i) Who is responsible for conducting training of agency personnel with respect to the buy-recycled requirements? _____

ii) How many acquisition personnel have documented APP training within the past three years? _____ of _____ personnel, which is _____ percent.

iii) Is training provided by agency personnel, an outside source (e.g., Defense Acquisition University's contracting officer training courses), or both? _____

iv) What percentage of purchase card holders have documented APP training within the past three years, as required by Executive Order 13101? _____ of _____ personnel, which is _____ percent.

v) Who provides the training to purchase card holders? _____

vi) How is training of purchase card users documented?

_____

c) Auditing

i) What percentage of Agency facilities conducted and documented contracting and/or environmental audits[5] for APP compliance during this reporting period? _____ percent

ii) Does the Agency conduct trend analysis of audit, training, and FPDS data to assess APP program effectiveness? **Yes** ___ **No** ___

iii) What types of trends are realized as a result of findings from these audits?

_____

_____

_____

iv) Are audit findings reported to senior facility management? **Yes** _____ **No** _____

v) Are corrective actions from these audit findings tracked by senior facility management? **Yes** _____ **No** _____

5 Includes internal, corporate, external, or other audits

vi) Provide a copy of or the URL for the website for your Agency APP audit protocol, procedure, or other similar program document[6].

_____

d) Agency Goals

i) As required by E.O. 13101, what is your agency's goal for solid waste diversion by 2005? _____ By 2010? _____

ii) What is your agency's current recycling or diversion rate? _____

iii) What is your agency's goal to increase the procurement of EPA-designated recycled content products?

_____

_____

iv) As required by E.O. 13101, does your agency have a goal for increasing the use of environmentally preferable products? Y_____ N_____ If yes, what is the goal? _____ How are you measuring progress toward the goal?

_____

6 A sample audit protocol is attached; however, use of this protocol is not mandatory.

APP Facility-Level Audit Questions

1. Policy:
   a) Does your facility have policy specifically requiring an Affirmative Procurement Program (APP), and compliance with RCRA 6002 and EO 13101?
2. Planning:
   a) Has your facility established objectives/targets for APP performance (or purchases of CPG items/materials with recycled content) that are consistent with the nature and quantity of purchases normally made by your facility?
   b) Do you have a process for routine review and updating of APP objectives/targets?
3. Implementation and Operation:
   a) Does your facility have an APP awareness training program?
   b) Is your APP awareness training program tailored specifically to the nature and quantity of purchases typically made by your facility?
   c) Does your facility's APP policy assign responsibility for implementation of the APP awareness training program to a specific person/office?
   d) Is the APP awareness training program provided in initial and refresher training to all personnel involved with preparation of specifications/ statements of work, purchases with government credit cards, contracting/ procurement?
   e) Does your facility's policy provide a process for measurement of progress toward APP objectives?
   f) Does your facility's policy assign responsibility for routine measurement, evaluation, and reporting of APP performance data?
4. Checking and Corrective Action:
   a) Has your facility incorporated APP requirements into self-assessments, compliance inspection protocols, and management system audit protocols?
   b) Do your inspection protocols include evaluations of APP awareness training, performance measurement, and responsibility/accountability?
   c) Does your APP policy call for routine self-assessments of the effectiveness of awareness training and the completeness and integrity of APP performance data?
   d) Do your self-assessment, compliance inspections, and management system audit procedures include requirements for follow-up action and documented closure of deficiencies in APP?
5. Management Review:
   a) Do you have a process for management review of APP performance data?
   b) Does the management review process provide facility senior leadership with accurate and timely data regarding your facility's APP performance?
   c) Does your management review process include provisions for feedback and policy changes to ensure continuous improvement in APP performance?