DOE/S-0133

Strategic Plan to Implement Executive Order 13101

Greening the Department of Energy

through Waste Prevention, Recycling, and Federal Acquisition

November 2000

U.S. Department of Energy
Office of the Secretary

This Plan was prepared by Environmental Management's Office of Technical Program Integration's Pollution Prevention Team in collaboration with a work group consisting of representatives from Headquarters Departmental elements and various DOE sites.

This Plan can be found on the Internet at **http://twilight.saic.com/ap**

The Secretary of Energy
Washington, DC 20585

November 3, 2000

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: BILL RICHARDSON BR

SUBJECT: Greening the Department of Energy Through Waste Prevention, Recycling, and Federal Acquisition

The President has challenged Federal agencies to build environmental stewardship into the daily, decision-making processes of all our activities. By "Greening the Government," we can contribute to building a sustainable, environmentally-healthy economy for the new century. Federal facilities that employ pollution prevention and energy efficiency will save money by enhancing [redacted] productivity while reducing their cumulative impact on the environment.

The Department's environmental policy is to place the highest priority on preventing waste at the source as the most efficient means of preserving our natural resources and protecting public and worker health and safety at our sites. Waste that cannot be prevented will be recycled. Waste that cannot be prevented or recycled should be treated in an environmentally safe manner. Disposal should be used only as a last resort. To come full circle in our recycling programs, we have established an acquisition preference program for environmentally preferable products, including those with recycled content and those that are energy efficient. Soon we will expand our preference program to include bio-based products.

The attached Strategic Plan establishes departmental policy for achieving the requirements of Executive Order 13101, "Greening the Government Through

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I. Executive Summary

This Plan provides strategies and milestones to implement Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, and to achieve the new Secretarial goals for 2005 and 2010. It serves as the principal Secretarial guidance to Department of Energy (DOE) Headquarters, Field Offices, and laboratory and contractor staff to improve sanitary waste prevention, recycling, and the purchase and use of recycled content and environmentally preferable products and services in the DOE.

On November 12, 1999, the Secretary of Energy announced 14 new pollution prevention and energy efficiency leadership goals for the Department. Three of these demonstrate DOE's commitment to the sanitary waste prevention, recycling, and Federal acquisition requirements of Executive Order 13101. In his January 21, 2000 memorandum, the Secretary outlined actions and assigned specific roles and responsibilities for implementing Executive Order 13101 (Appendix A). Additionally, on May 16, 2000, the Department's Procurement Executive issued an Acquisition Letter creating Green Acquisition Advocates to carry out the contracting requirements of Executive Order 13101 (Appendix D).

The Department's approach to implementing the Executive Order, as detailed in this Plan, is as follows:

- *A work breakdown structure is presented.*
- *Tasks (or activities) to accomplish the work breakdown structure are given in Appendix B.*
- *Key milestones are presented in the context of the work breakdown structure.*
- *The milestones and activities name the responsible parties and give due dates.*
- *Actual implementation will take place at the DOE site level. Twelve key activities, as shown in a site checklist, are to be performed by the Recycling Coordinators and the Green Acquisition Advocates to assure program success.*

Overall responsibility for implementing the requirements of Executive Order 13101 rests with the Program Secretarial Officers and the Field Office Managers. The DOE Environmental Executive will provide leadership for the strategies and actions outlined in this plan and will provide support to the Program Secretarial Officers and the Field Office Managers to find common solutions to accomplish the Secretarial goals. The Program Secretarial Offices, working in collaboration with the Field Offices and their cognizant reporting sites, will, as appropriate, provide policy and planning guidance and monitor their sites' progress.

The ultimate success of this Plan rests at the site level with facility Recycling Coordinators and Green Acquisition Advocates, who ensure that implementation is carried out aggressively at the sites. Lessons learned from implementing this Strategic Plan will form the basis for updating and expanding future commitments, strategies, and milestones.

II. Program Overview

This Plan provides strategies and milestones to implement Executive Order 13101, and to achieve the new Secretarial goals for 2005 and 2010. It serves as the principal Secretarial guidance to DOE Headquarters, Field Offices, and laboratory and contractor staff to improve sanitary waste prevention, recycling, and the purchase and use of recycled content and environmentally preferable products and services in the DOE.

DOE is committed to incorporating waste prevention, recycling, and purchasing environmentally preferable products and services into its daily operations. Site Pollution Prevention Plans (required by DOE Order 5400.1) already address waste reduction and recycling activities. Therefore, this Plan primarily addresses the environmentally preferable purchasing requirements of the Executive Order. This Plan provides guidance for implementing these responsibilities in Section IV, Implementation Guidance, in accordance with the Secretarial memorandum of January 21, 2000, shown in Appendix A.

A. Vision

By implementing this plan, DOE will improve and expand diversion of sanitary waste through waste prevention, reuse, and recycling; implement cost-effective procurement programs favoring the purchase of environmentally preferable products and services, including biobased products; and help expand markets for recycled content and environmentally preferable products and services through greater acquisition and use of these products and services.

B. Mandates

Legislation and Presidential direction requiring the purchase of recycled content products have been evolving since 1976, when Congress established a "buy recycled"* law applicable to Federal Government agencies and their contractors. In Section 6002 of the Resource Conservation and Recovery Act, Congress directed Federal agencies to promote recycling by establishing preference programs to acquire products containing recovered materials.

Since 1989, Executive Orders have sought to stimulate Federal progress in these areas. Executive Order 12873, *Federal Acquisition, Recycling, and Waste Prevention*, issued in October 1993, was designed to strengthen Federal response to existing Resource Conservation and Recovery Act mandates to reduce sanitary waste, build markets for recycled content products, encourage new technologies, and protect the environment by increasing purchases of recycled content products. On September 14, 1998, Executive Order 13101, *Greening the Government through Waste Prevention, Recycling, and Federal Acquisition*, was signed by the President. The new Executive Order is designed to further expand the Federal Government's commitment to recycling and buying recycled content and environmentally preferable products, including biobased products.

* *The Resource Conservation and Recovery Act distinguishes between "recycled" and "recovered content." (See Appendix E for the definitions.) However, the two terms are used interchangeably throughout this Plan.*

Executive Order 13101 continued the position of the Federal Environmental Executive. The Federal Environmental Executive, designated by the President, ensures that agencies comply with the requirements of the Executive Order, and chairs the White House Task Force on Greening the Government Through Waste Prevention and Recycling (Task Force). This Plan is based on and supports the Federal Strategic Plan issued by the Task Force. Executive Order 13101 requires that each Federal Agency designate an Agency Environmental Executive who serves at a level no lower than Assistant Secretary. The DOE Environmental Executive (Env. Exec.) leads the Department's implementation of Executive Order 13101. The current DOE Environmental Executive, appointed by the Secretary in December 1997, is Mr. Dan Reicher, Assistant Secretary for Energy Efficiency and Renewable Energy.

C. Goals

On November 12, 1999, the Secretary of Energy announced 14 new pollution prevention and energy efficiency leadership goals for the Department. Three of these demonstrate DOE's commitment to the sanitary waste prevention, recycling, and Federal acquisition requirements of Executive Order 13101:

- *Reduce sanitary waste from routine operations by 75 percent by 2005 and 80 percent by 2010, using a 1993 baseline.*
- *Recycle 45 percent of sanitary wastes from all operations by 2005 and 50 percent by 2010.*
- *Increase purchases of Environmental Protection Agency (EPA)-designated items with recycled content to 100 percent, except when not available competitively, at a reasonable price, or that do not meet performance standards.*

DOE will strive to meet these Department-wide goals as measured by continuous, cost-effective improvement, with the years 2005 and 2010 as interim points of measurement.

D. Performance Measures

Performance measures provide essential feedback to management on progress made toward achieving goals. Performance measures must be relevant, understandable, verifiable, and comparable. The DOE performance measures to meet Executive Order 13101 goals are:

- *Sanitary waste reduction percentage (waste generation compared to the 1993 baseline).*
- *Recycling percentage (quantity of waste recycled divided by quantity of waste generated).*
- *Percentage of EPA-designated items acquired with recycled content (dollars spent on the items with recycled content divided by total dollars spent on the items).*

The above measures are calculated for each site, Field Office, Program Secretarial Office, and for the Department as a whole. Data are submitted annually by DOE sites and are published in the *Annual Report of Waste Generation and Pollution Prevention Progress* and in the *Annual Report for RCRA and Executive Order 13101*. These measures will also be incorporated into DOE submittals for the biennial *Greening the Government Report* to the President and the Resource Conservation and Recovery Act report to Congress.

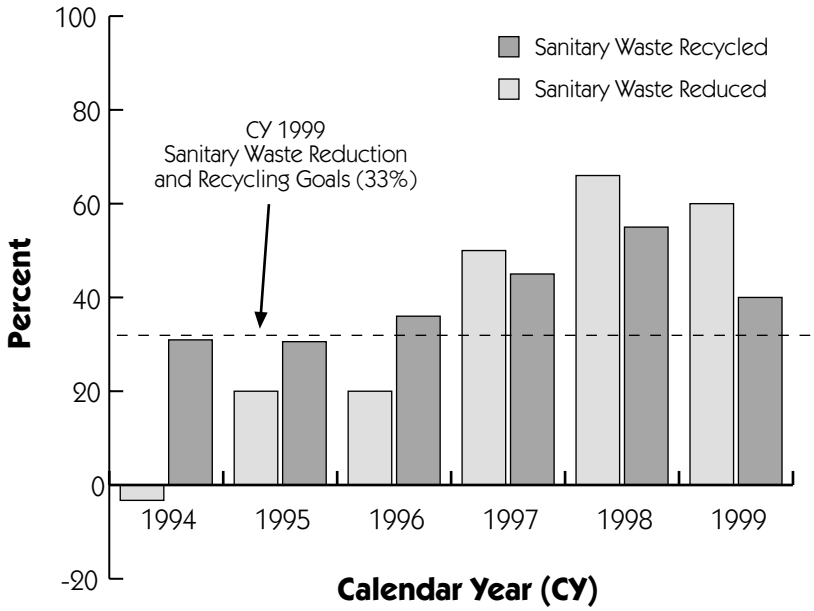
III. Situation Assessment

DOE has made significant progress in waste prevention, recycling, and affirmative procurement. The following sections describe accomplishments in setting and achieving goals, and in developing an infrastructure for waste prevention, recycling, and affirmative procurement activities. However, there is more work to be done to meet the 100 percent requirement for affirmative procurement purchases. Section C describes some of the challenges still to be met.

A. DOE Progress to Date

In 1993, in response to Executive Order 12873, *Federal Acquisition, Recycling, and Waste Prevention*, DOE established an Affirmative Procurement Program and designated an Agency Environmental Executive. The *Department of Energy Affirmative Procurement Program for Products Containing Recovered Materials* was issued in 1993, and updated in 1996, to provide guidance for implementing the Affirmative Procurement Program across the Department. This guidance will be updated again in the near future.

In 1996, the Secretary established waste reduction, recycling, and affirmative procurement goals to be achieved by December 31, 1999 (compared to a 1993 baseline). These goals included reducing sanitary waste generation by 33 percent, recycling 33 percent of sanitary waste, and increasing procurement of EPA-designated recycled products to 100 percent. DOE has met or surpassed most of the 1996 goals. For calendar year 1999, DOE reduced sanitary waste by 59 percent and recycled 39 percent of its sanitary waste **(Figure 1)**.



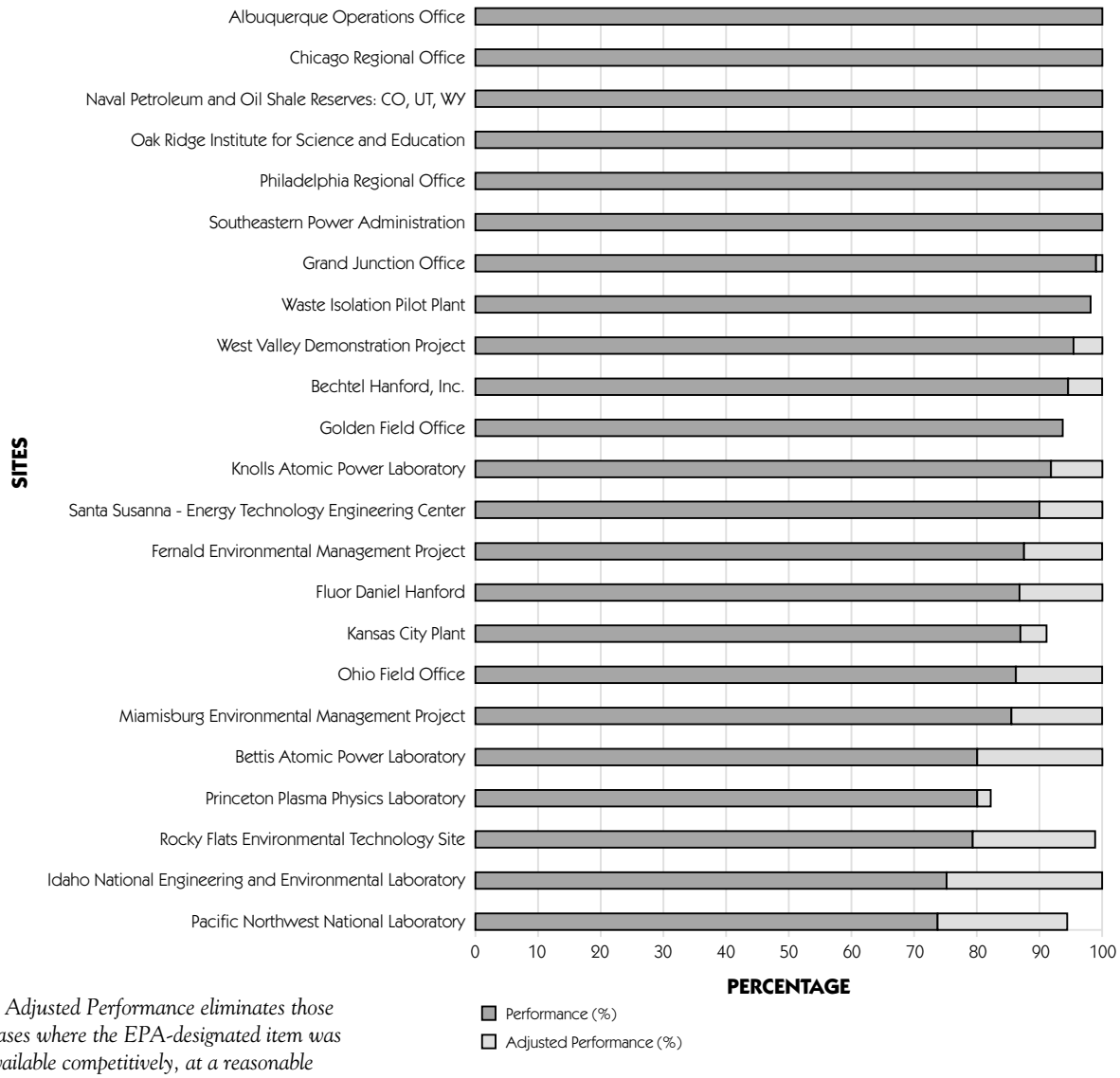
Note: DOE's sanitary waste reduction goal applies to routine operations sanitary waste, and is evaluated against a 1993 baseline. CY 1994 data indicates a 2.2% increase in sanitary waste generation. DOE's recycling goal applies to all sanitary waste (routine operations and cleanup/stabilization waste), and is baselined annually.

Figure 1. Sanitary Waste Reduction (Compared to the 1993 Baseline) and Recycling Performance Measures

In fiscal year 1999, 60 percent of DOE's affirmative procurement purchases contained recovered materials. The Department as a whole has shown steady progress in complying with Section 6002 of the Resource Conservation and Recovery Act (to "buy recycled"), and with its waste reduction and recycling goals. However, there is site-to-site variation, and the need for

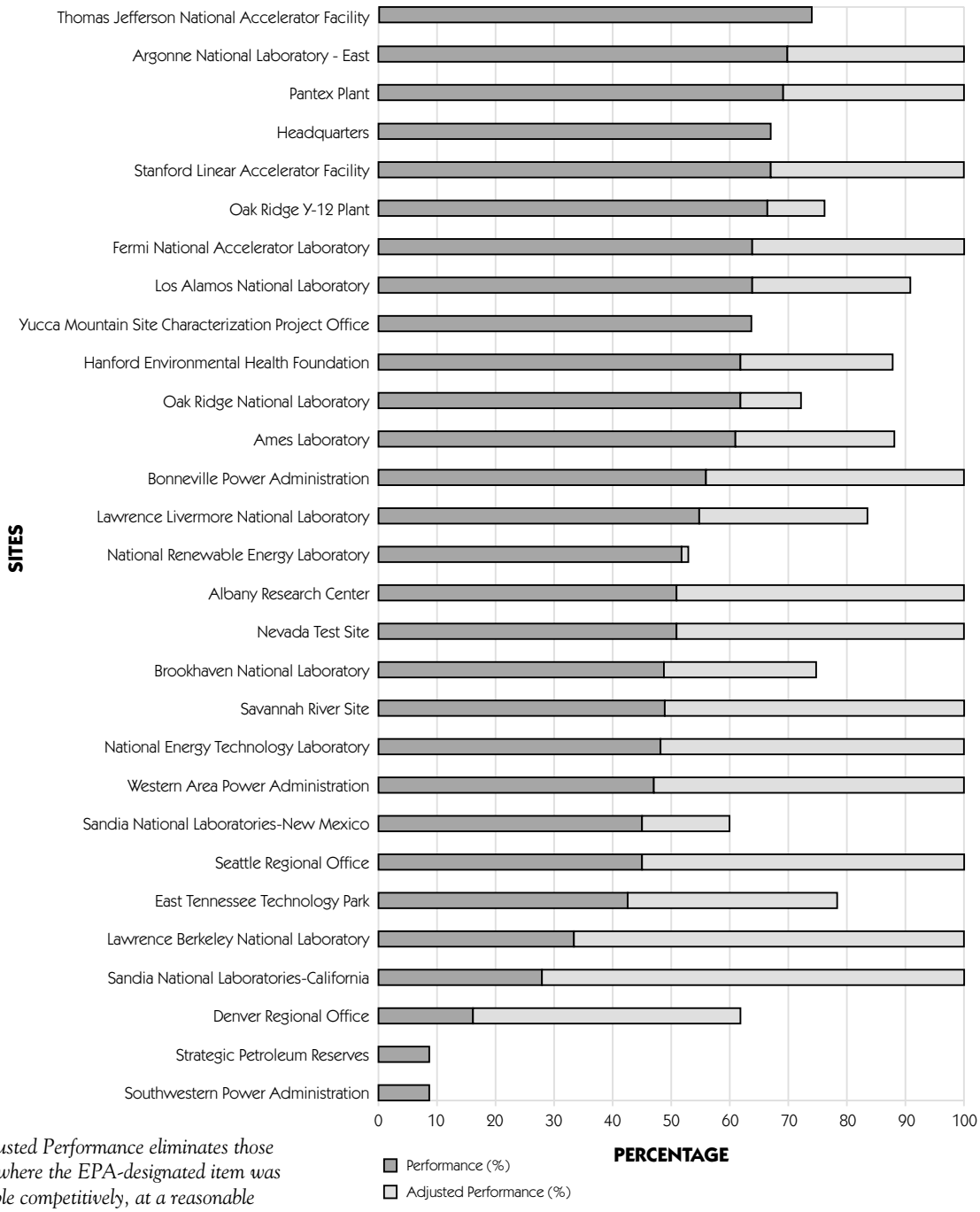
improvement at some DOE sites. In accordance with Executive Order 13101, EPA has begun inspections at Federal facilities for compliance with the "buy recycled" requirements of the Resource Conservation and Recovery Act. DOE sites need to be ready for more such compliance inspections.

Figure 2 shows each site's affirmative procurement performance in fiscal year 1999. While DOE's overall performance appears strong, some sites are still far below the 1999 affirmative procurement goal of 100 percent. The figure shows a wide variation of performance at DOE sites. Not all of this variance may be a direct measure of the relative strength or weakness of each site's program. Data could be influenced by the number of items reported or by the quality of the data collection process. To date there has been no audit performed on sites' reporting processes and data.



Note: Adjusted Performance eliminates those purchases where the EPA-designated item was not available competitively, at a reasonable price, or did not meet performance standards.

Figure 2. Fiscal Year 1999 Affirmative Procurement Performance by Site



Note: Adjusted Performance eliminates those purchases where the EPA-designated item was not available competitively, at a reasonable price, or did not meet performance standards.

Figure 2. Fiscal Year 1999 Affirmative Procurement Performance by Site (cont.)

At the 1999 DOE Pollution Prevention Conference, a set of recommendations was developed to institutionalize Environmentally Preferable Purchasing within the Department of Energy. These recommendations are included in the Implementation Actions provided in Appendix B.

B. Strengths

DOE has established the foundation for implementing waste reduction, recycling and affirmative procurement efforts across the complex. By designating Waste Minimization Coordinators at each Field Office, a network was created for information exchange, awareness/outreach activities, reporting, and related tasks. These representatives serve as an interface between Headquarters and the Field: coordinating pollution prevention programs and initiatives, disseminating funds and policy guidance from Headquarters, and serving as a collection point for data feeding back to Headquarters.

In 1999, at the request of DOE's Environmental Executive, field sites designated Recycling Coordinators at each DOE facility. The Recycling Coordinators, as required by the Executive Order, are responsible for implementing the onsite waste reduction, recycling, and affirmative procurement programs at their facilities. The list of DOE facilities required to have designated Recycling Coordinators is provided in Appendix C.

On May 16, 2000, DOE's Office of Procurement and Assistance Management issued an Acquisition Letter which describes the partnership between acquisition, program, and environmental staff in implementing the "buy recycled" requirements of the Executive Order. In 2000, the head of each Contracting Activity will appoint a procurement representative to serve as the Field Office Green Acquisition Advocate. The Green Acquisition Advocate will be the acquisition expert on "greening the government" initiatives, including DOE's Affirmative Procurement Program and energy efficient products and services. More information about Green Acquisition Advocates is provided in the Acquisition Letter in Appendix D.

The DOE Office of Environmental Management's Pollution Prevention Team developed and currently maintains a Web site for up-to-date information on issues related to waste reduction, recycling, and affirmative procurement. The list of current Recycling Coordinators and Green Acquisition Advocates is maintained at this Web site. Reporting data beginning with fiscal year 1997 is also shown. The Web site's home page is shown in **Figure 3**.

In its Affirmative Procurement Program, DOE has done well in buying recycled paper and paper products. Through its pollution prevention network and central information resources, DOE maintains an infrastructure for implementing waste reduction, recycling and affirmative procurement efforts, and supports a philosophy of continuous improvement.

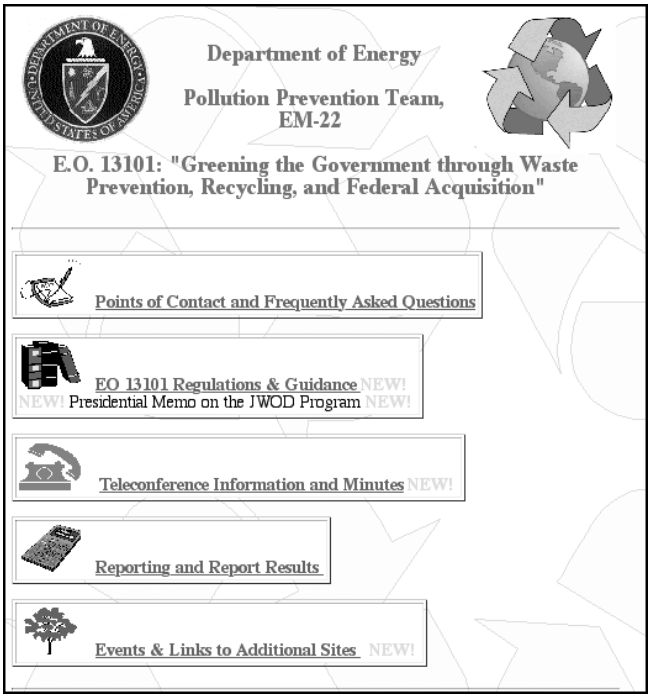


Figure 3. Home Page of DOE's Executive Order 13101 Web Site (http://twilight.saic.com/ap/)

C. Challenges

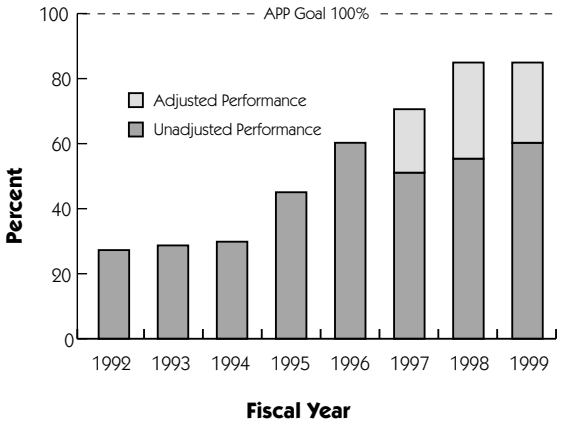
Table 1 shows the Department's "buy recycled" performance in fiscal year 1999 by Comprehensive Procurement Guideline product category. EPA continues to designate new items for the categories shown, such as latex paint in the Construction Products category. In fiscal year 1999, DOE reported on its purchases of 36 Comprehensive Procurement Guideline items. There were instances when DOE sites did not buy the Comprehensive Procurement Guideline items with recycled content because they were not available locally, on a competitive basis, were not cost effective, or did not meet reasonable performance standards. When the total of DOE's purchases of the items is adjusted to allow for all such allowable exemptions, performance figures improve to 85 percent for fiscal year 1999. However, it is important that such exemption determinations be revisited on a regular basis as recycled product markets change and that those items are then purchased with recycled content, as required.

Table 1. Department of Energy Fiscal Year 1999 Buy-Recycled Performance

CPG Category[1]	All Purchases (virgin and recycled)	Purchases with Recycled Content	Exempted Purchases[2]	Percent of Purchases with Recycled Content	Adjusted Percent with Recycled Content[3]
Paper and Paper Products	$12,347,413	$9,345,366	$1,651,042	75.7%	87.4%
Construction Products	$8,805,126	$4,582,739	$3,581,334	52.0%	87.7%
Non-Paper Office Products	$7,596,547	$4,332,426	$2,302,325	57.0%	81.8%
Vehicular Products	$1,927,991	$249,746	$1,493,857	13.0%	57.5%
Pallets	$217,808	$55,878	$134,841	25.7%	67.3%
Transportation Products	$26,864	$23,437	$3,178	87.2%	98.9%
Landscaping Products	$9,601	$1,792	$7,392	18.7%	81.1%
Park and Recreation Products	$3,777	$2,362	$1,415	62.5%	100.0%
Totals	**$30,935,127**	**$18,593,746**	**$9,175,384**	**60.1%**	**85.4%**

[1]*CPG = Comprehensive Procurement Guideline.*
[2]*CPG items not available competitively, at a reasonable price, or did not meet performance standards.*
[3]*Adjusted percent excludes exempted CPG items from calculations, based upon site justification that the product with recycled content was not available competitively, at a reasonable price, or did not meet performance standards.*

The Department's historical performance in buying recycled is shown in **Figure 4**. The "adjusted" performance calculations began with the fiscal year 1997 data, as shown in the figure. The challenge DOE as a whole now faces is that its progress has reached a plateau for the time period fiscal year 1997 through fiscal year 1999. The percentage of exemptions claimed has remained about the same as has the actual percentage of buying recycled. New items have been added during this period, increasing the original five Comprehensive Procurement Guideline items to 36 in fiscal year 1999. The total number of Comprehensive Procurement Guideline items is up to 59 for the fiscal year 2001 report. As a result, different, more creative approaches are needed to continue to improve the Department's performance, and to meet the Congressional and Secretarial goal of 100 percent compliance. The determinations of exemptions should be decreasing in number and percentages of total purchases.



Note: Adjusted Performance eliminates those purchases where the EPA-designated item was not available competitively, at a reasonable price, or did not meet performance standards.

Figure 4. DOE's Affirmative Procurement Program (APP) Performance by Fiscal Year

Today most EPA-designated products are readily available at a reasonable price, and meet reasonable performance expectations. Sites who claim exemptions for 20 percent or more of their total purchases should reexamine their choice of vendors and the products those vendors are supplying. These sites should also seek technical assistance from other sites, DOE Headquarters, and/or the Office of the Federal Environmental Executive to find quality items with recycled content that meet performance standards and are cost effective. Such items are now commonly available throughout much of the country, especially along the East and West coasts, and in the larger metropolitan areas.

Within DOE's Affirmative Procurement Program, performance has been weakest in the areas of construction and vehicular products. DOE sites need to focus their improvement efforts on incorporating the "buy recycled" requirements into all construction contracts and vehicle maintenance operations.

In addition to the above, over the years, several obstacles and barriers to program implementation have been identified, including the following:

- *Need for improved awareness, training, and education.*
- *Need for improved coordination between procurement and technical programs.*
- *Competing budgetary and program priorities.*
- *Need for more comprehensive information on product price, performance, and availability.*
- *Need for requirements to flow down to subcontractors.*

As new barriers are identified, targeted actions to address them will be included in future revisions to this Plan.

IV. Implementation Guidance

All DOE sites are required to comply with the commitments and responsibilities of Executive Order 13101. The guidelines outlined in this Plan will assist in that effort. Each Field Office should ensure that its sites provide their Recycling Coordinators and Green Acquisition Advocates with the support and resources necessary to fulfill these responsibilities. The following sections provide guidance for implementing the actions necessary to meet the objectives of the Executive Order.

A. Work Breakdown Structure

The actions required under Executive Order 13101 are organized into three general categories: Policy Direction, Infrastructure Development, and Program Implementation. **Figure 5** presents the work breakdown structure for these activities. Policy Direction activities are generally performed by Headquarters organizations in coordination with the Field Offices. DOE Field Offices, with support from Headquarters, are responsible for Infrastructure Development activities and overseeing site performance. DOE sites are responsible for Program Implementation. Appendix B provides a complete list of the activities, along with the lead organizations responsible for their implementation.

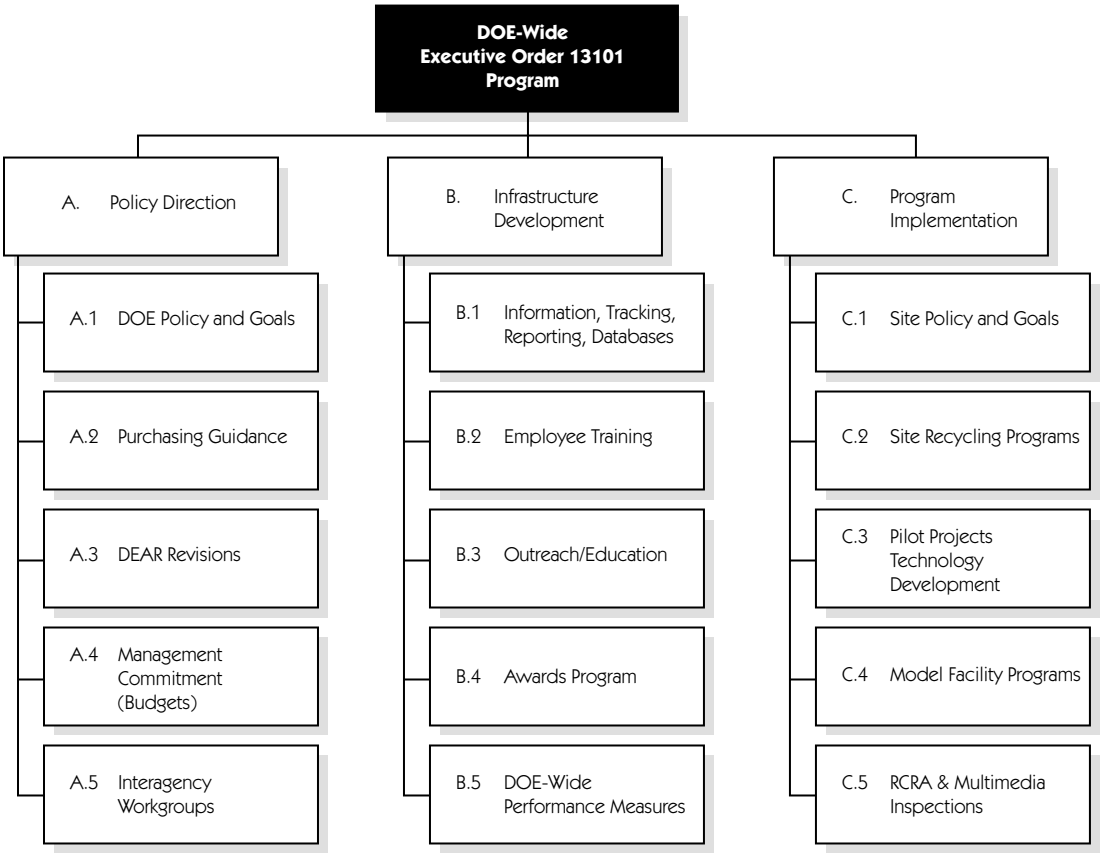


Figure 5. Work Breakdown Structure of DOE's Waste Prevention, Recycling, and Affirmative Procurement Program

Table 2 presents the priority activities for implementing Executive Order 13101. These are the activities most important for building a successful program. Headquarters has established agency-wide policy and goals. Now sites should establish their programs based on the actions in this table, particularly in the Program Implementation category, beginning with the development of site policy and goals. As site programs progress, the additional activities in Appendix B should be included.

B. Roles and Responsibilities

Overall responsibility for implementing the requirements of Executive Order 13101 rests with the Program Secretarial Officers and the Field Office Managers. Day-to-day responsibility to carry out this program at DOE sites rests with the Recycling Coordinators and the Green Acquisition Advocates. The success of this program is built upon an effective partnership between them, as well as the activities they carry out within their respective programs. The Secretary's January 21, 2000 memorandum to all Departmental Elements established senior management roles and responsibilities to assist the Recycling Coordinators. **Table 3** summarizes these responsibilities. The memorandum is provided in Appendix A.

Table 2. Major Milestones for Implementing Executive Order 13101*

WBS Element	Milestone	DOE Lead	Due Date
A.1 DOE Policy and Goals	**Establish goals required by Executive Order 13101**	**Secretary**	**Completed**
	Report progress to Secretary and Federal Environmental Executive	**Env. Exec.**	**Annually**
	Incorporate goals into GPRA documents	**Env. Exec., CFO**	**Annually**
A.2 Purchasing Guidance	Meet 100 percent goal for Affirmative Procurement purchases	PSOs, Field Office Managers	September 2004
	Update Affirmative Procurement Program guidance with new Comprehensive Procurement Guideline items	**Env. Exec.**	**Within one year of EPA designation**
	Modify Affirmative Procurement Program to include biobased products	**Env. Exec.**	**Within one year of USDA final list**
	Contact local vendors, including General Services Administration, for new environmentally preferable products and services	Recycling Coordinators, Green Acquisition Advocates	Annually
	Develop internal procurement and supply procedures to include Comprehensive Procurement Guideline items into all acquisitions	MA	June 2001
A.3 Department of Energy Acquisition Regulations Revisions	**Revise Department of Energy Acquisition Regulations to implement Executive Order 13101**	**MA**	**December 2000**
	Revise site acquisition policies and procedures to require consideration of waste prevention, reuse, recycling, and the use of recycled content and environmentally preferable products including biobased products during acquisition planning	**Field Office Managers**	**March 2001**
	Include Affirmative Procurement requirements in subcontracts	Field Office Managers	As subcontracts are issued or renewed

***Actions listed in Bold are required by RCRA or by the Executive Order**

Table 2. Major Milestones for Implementing Executive Order 13101* (cont.)

WBS Element	Milestone	DOE Lead	Due Date
A.4 Management Commitment (Budgets)	Obtain and obligate funding and resources to implement the requirements of this plan	PSOs, Field Office Managers	Annually
B.1 Information, Tracking, Reporting, Databases	**Report progress to Office of Federal Procurement Policy and Federal Environmental Executive**	**Env. Exec.**	**Annually (in April)**
	Estimate purchases of USDA-listed, biobased products, report to Secretary of Agriculture	**Field Office Managers, MA, Env. Exec.**	**Annually**
	Revisit site exemption determinations to find appropriate CPG items with recycled content	Green Acquisition Advocates	Annually
B.2 Employee Training	Provide training on DOE's Affirmative Procurement Program to procurement and program personnel	Env. Exec., MA	June 2001
B.5 DOE-Wide Performance Measures	Establish site-specific goals and performance measures	Field Office Managers, Recycling Coordinators	December 2000
C.1 Site Policy and Goals	Develop policy and procedures to implement this Strategic Plan	Field Office Managers	September 2001
	Meet waste reduction, recycling, and buy-recycled goals	**Field Office Managers**	**December 2004**
C.5 RCRA & Multimedia Inspections	**Prepare for EPA compliance inspections by completing checklist**	**Recycling Coordinators**	**September 2001**
	Revise internal environmental compliance assessment programs	**EH**	**March 2001**

***Actions listed in Bold are required by RCRA or by the Executive Order**

The Recycling Coordinators are responsible for implementing waste reduction, recycling, and affirmative procurement programs at their sites. They play a central role in planning and organizing environmental activities to comply with Executive Order 13101 and other applicable Federal/State/local laws and regulations. They exercise judgment and broad perspective in applying pollution prevention principles, concepts, and practices related to waste management.

Each DOE Contracting Activity is required to have a Green Acquisition Advocate. The Advocate is to be the procurement expert for all "Greening the Government" activities within the Contracting Activity. This is a partnering approach to working with the site Recycling Coordinator. The Green Acquisition Advocate reviews and approves all justifications for not buying the EPA-designated items with recycled content. The Advocate also educates procurement staff regarding the Department's Affirmative Procurement Program, and promotes environmentally preferable products and services to procurement staff and to customers. DOE's Acquisition Letter requiring Green Acquisition Advocates is applicable to every Federal Contracting Activity. The Department encourages its site operating contractors to also use this approach and designate their own Green Acquisition Advocates.

Table 3. Roles and Responsibilities for Implementing Executive Order 13101

Role	Responsibilities
Secretary	As agency head, ensure that DOE incorporates waste prevention and recycling into its daily operations; designate DOE's Environmental Executive; annually evaluate DOE progress in implementing Executive Order 13101
DOE Environmental Executive (Env. Exec.)	Lead DOE's implementation of Executive Order 13101; report progress to the Secretary, the Federal Environmental Executive, and the Office of Management and Budget
Program Secretarial Officers (DP, EE, EM, FE, NE, NN, NR, RW, SC)	Ensure mission programs meet Executive Order 13101 requirements; issue policy and planning guidance to meet Secretarial goals and implement this Plan; oversee Field Offices' progress
Field Office Managers (AL, CH, GL, ID, NV, OAK, OH, OR, RF, RL, SR, WIPP)	Implement this Plan; meet the Secretarial goals; incorporate Executive Order 13101 requirements in site facility management contracts
Director of Management and Administration (MA)	Lead acquisition aspects of DOE's Affirmative Procurement Program, including awareness and training; revise DEAR as appropriate
Assistant Secretary for Environmental Management (EM)	Support Environmental Executive in implementing Executive Order 13101; serve as point of contact for complex-wide program; collect and analyze site data; and report DOE progress
Chief Financial Officer (CFO)	Provide policy guidance during the budget process on implementing Executive Order 13101; include metrics for Executive Order 13101 in DOE's annual performance plans, and in the Secretary's Performance Agreement with the President
Assistant Secretary for Environment, Safety and Health (EH)	Integrate provisions of Executive Order 13101 into forthcoming DOE Order 450.1
Green Acquisition Advocates	Train procurement staff and promote environmentally preferable and energy efficient products and services
Recycling Coordinators	Implement the waste reduction, recycling, and affirmative procurement programs at their facilities

C. Checklist for Successful Site Programs

The following checklist provides a guide to the site Recycling Coordinator and the Green Acquisition Advocate, who in coordination will carry out the guidelines contained in this Plan:

- *Request adequate resources to carry out this Plan to satisfy the requirements of the Resource Conservation and Recovery Act Section 6002 and Executive Order 13101.*
- *Review the site Pollution Prevention Plan annually, and update the site Plan every three years to reflect current site waste prevention and recycling goals, and resources identified to accomplish those goals.*
- *Communicate the site's waste prevention, recycling and affirmative procurement programs to site personnel and to the surrounding community via such devices as site e-mail, posters, America Recycles Day activities, and the like.*
- *Use Web sites to obtain and share information. Visit leading programs' Web sites to transfer best practices back to the site.*
- *Establish an effective working partnership between program and acquisition staff to ensure that all acquisitions of items designated in the EPA Comprehensive Procurement Guidelines have the EPA recommended content level, as provided in EPA's Recovered Materials Advisory Notices for the items.*
- *Provide training to establish or maintain effective waste prevention, recycling, and affirmative procurement programs at the site.*
- *Contact vendors at least annually for new environmentally preferable products and services as needed by the site.*

- *Be sure that the "buy recycled" requirements are included in all construction and vehicle maintenance contracts.*
- *Track site progress towards meeting DOE's waste reduction, recycling, and "buy recycled" goals. Reward site successes, or take corrective action, as necessary.*
- *Review exemption determinations at least annually to find appropriate Comprehensive Procurement Guideline items with recovered content.*
- *Report annually on site progress in complying with Resource Conservation and Recovery Act and Executive Order 13101 requirements, as well as the Secretarial goals.*
- *Be prepared for and pass EPA/State Resource Conservation and Recovery Act Section 6002 facility compliance inspections.*

D. Program Funding Approach

DOE Field Offices, working with their Program Secretarial Offices, are expected to assign the necessary resources, including personnel, funding, and other policy and programmatic support, in order to achieve the goals of Executive Order 13101. **Table 4** shows the Program Secretarial Offices responsible for funding these efforts at each site. Resources necessary to meet the requirements of Executive Order 13101 should be identified as part of the Program Secretarial Office budgeting process.

Recycling revenues provide a potential funding source. In 1998, Congress reauthorized legislation allowing the Department of Energy to receive and use funds from the sale of materials recovered through recycling or waste prevention programs. The law specifies that the revenue must be used for: (1) acquisition, waste reduction and prevention, and recycling programs [such as those required by Executive Order 13101]; (2) other environmental management programs, including the development and implementation of hazardous waste management and pollution prevention programs; and (3) other employee programs as authorized by law or deemed appropriate by the agency head.

E. Information Resources

The Internet offers many sources of useful information for implementing the activities outlined in this Plan. The Office of the Federal Environmental Executive's Web site is located at **http://www.ofee.gov**. The DOE's Executive Order 13101 home page, located at **http://twilight.saic.com/ap**, provides information as well as links to other pertinent Web sites. The Office of Procurement and Assistance Management site, at **http://www.pr.doe.gov/envhome.htm**, provides information on procurement, including the Federal Acquisition Regulations and the Department of Energy Acquisition Regulations, and links to other sites. The Pacific Northwest National Laboratory has a well-established Web site which includes their *Green Guide*. Located at **http://www.pnl.gov/esp/greenguide**, it includes such useful tips as "How to Trim Your Office Waste." The DOE Richland Operations Office has posted their Affirmative Procurement Strategy for Implementing Executive Order 13101 at **http://www.hanford.gov/polprev/ap.html**. The DOE Complex-wide Materials Exchange is located at **http://wastenot.er.doe.gov/DOEmatex/index.html**. Other sources are listed in Attachment 3 of the Acquisition Letter found in Appendix D.

Table 4. Program Secretarial Offices Responsible for Funding Site-Wide Compliance with Executive Order 13101, Waste Prevention, Recycling, and Federal Acquisition

ALBUQUERQUE OPERATIONS OFFICE
Grand Junction Office ..... EM
Kansas City Plant ..... DP
Los Alamos National Laboratory ..... DP
Pantex Plant ..... DP
Sandia National Laboratories - California ..... DP
Sandia National Laboratories - New Mexico ..... DP
Waste Isolation Pilot Plant ..... EM

CHICAGO OPERATIONS OFFICE
Ames Laboratory ..... SC
Argonne National Laboratory - East ..... SC
Argonne National Laboratory - West ..... NE
Brookhaven National Laboratory ..... SC
Environmental Measurements Laboratory ..... EM
Fermi National Accelerator Laboratory ..... SC
New Brunswick Laboratory ..... NN
Princeton Plasma Physics Laboratory ..... SC

GOLDEN FIELD OFFICE
National Renewable Energy Laboratory ..... EE

HEADQUARTERS
Albany Research Center ..... FE
Atlanta Regional Office ..... EE
Bonneville Power Administration ..... PM
Boston Regional Office ..... EE
Chicago Regional Office ..... EE
Denver Regional Office ..... EE
National Energy Technology Laboratory ..... FE
National Petroleum Technology Office ..... FE
Naval Petroleum and Oil Shale Reserves in CO, UT, and WY ..... FE
Office of Scientific and Technical Information .... SC
Philadelphia Regional Office ..... EE
Seattle Regional Office ..... EE
Southeastern Power Administration ..... PM
Southwestern Power Administration ..... PM
Strategic Petroleum Reserves ..... FE
Western Area Power Administration ..... PM
Yucca Mountain Site Characterization Project Office ..... RW

IDAHO OPERATIONS OFFICE
Idaho National Engineering and Environmental Laboratory ..... EM

NAVAL REACTOR SITES
Bettis Atomic Power Laboratory ..... NR
Knolls Atomic Power Laboratory ..... NR

NEVADA OPERATIONS OFFICE
Nevada Test Site ..... DP

OAKLAND OPERATIONS OFFICE
Lawrence Berkeley National Laboratory ..... SC
Lawrence Livermore National Laboratory ..... DP
Santa Susanna - Energy Technology Engineering Center ..... EM
Stanford Linear Accelerator Center ..... SC

OAK RIDGE OPERATIONS OFFICE
East Tennessee Technology Park ..... EM
Oak Ridge Institute for Science and Education .... SC
Oak Ridge National Laboratory ..... SC
Oak Ridge Y-12 Plant ..... DP
Paducah Gaseous Diffusion Plant ..... EM
Portsmouth Gaseous Diffusion Plant ..... EM
Thomas Jefferson National Accelerator Facility ..... SC
Weldon Spring Site Remedial Action Project ..... EM

OHIO FIELD OFFICE
Fernald Environmental Management Project ..... EM
Miamisburg Environmental Management Project ..... EM
West Valley Demonstration Project ..... EM

RICHLAND OPERATIONS OFFICE
Hanford Site ..... EM
Hanford Environmental Health Foundation ..... EM
Office of River Protection ..... EM
Pacific Northwest National Laboratory ..... SC

ROCKY FLATS FIELD OFFICE
Rocky Flats Environmental Technology Site ..... EM

SAVANNAH RIVER OPERATIONS OFFICE
Savannah River Site ..... EM

DP Defense Programs
EE Energy Efficiency and Renewable Energy
EM Environmental Management
FE Fossil Energy
NE Nuclear Energy
NN Nonproliferation and Nuclear Security
NR Naval Reactors
PM Power Marketing
RW Civilian Radioactive Waste Management
SC Science

V. Conclusion

The Department of Energy is committed to meeting its requirements under Executive Order 13101 and achieving the Secretarial goals for waste prevention, recycling, and Federal acquisition. To reach these objectives, this Strategic Plan provides guidelines for the integrated efforts of the Recycling Coordinators, the Green Acquisition Advocates, DOE Field Offices and their cognizant reporting sites, and the Program Secretarial Offices. The Department will report annually to the Secretary on its progress in implementing this Plan.

Appendix A

Secretarial Memorandum
on the Implementation of Executive Order 13101
Issued January 21, 2000

The Secretary of Energy
Washington, DC 20585
January 21, 2000

MEMORANDUM FOR ALL DEPARTMENTAL ELEMENTS

FROM: BILL RICHARDSON Bill Richardson

SUBJECT: Implementation of Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition"

Executive Order 13101, entitled "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," assigns the head of each Federal agency the responsibility to incorporate waste prevention and recycling into the agency's daily operations and to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products.

This Executive Order, signed by the President on September 14, 1998, requires the Department of Energy to establish long-term goals for waste prevention and recycling and for buying environmentally preferable products. Executive Order 13123, "Greening the Government through Efficient Energy Management" was signed by the President on June 3, 1999, and I expect additional "Greening the Government" Executive Orders to be signed in the near future. We must work to integrate all of these new requirements into our everyday operations. As a first step, on November 12, 1999, I established pollution prevention and energy efficiency leadership goals to be achieved by 2005 and 2010.

Under Executive Order 13101, the Department is committed to pursuing specific activities and tasks. These commitments, and the associated assignments of responsibilities, are shown in the attachment to this memorandum. I am directing that each Departmental Element undertake activities to ensure that adequate resources are provided so that these commitments will be met. This action has received Field Management Council review and has been appproved for release.

Dan Reicher, the Department's Environmental Executive and Assistant Secretary for Energy Efficiency and Renewable Energy, will oversee implementation of Executive Order 13101. Please give him your full support to ensure the Department's success in this important national initiative.

Attachment

Printed on recycled paper

DEPARTMENT OF ENERGY (DOE) COMMITMENTS AND RESPONSIBILITIES FOR IMPLEMENTING EXECUTIVE ORDER 13101

Under Executive Order 13101, the Department is committed to incorporating waste prevention, recycling, and purchasing environmentally preferable products into its daily operations through the following actions:

(1) Ensure that 100% of DOE purchases of EPA-designated items are acquired with recovered content (affirmative procurement), unless there is written justification that the product is not available competitively, within a reasonable time frame, does not meet appropriate performance standards, or is available only at an unreasonable price (purchases of $2,500 or less are exempt from written justification).

(2) Establish goals for waste prevention, recycling, and affirmative procurement to be achieved by 2005 and 2010.

(3) Develop a DOE-specific strategic plan based on the government-wide Waste Prevention and Recycling Strategic Plan.

(4) Update DOE's Affirmative Procurement Program policy guidance within one year of EPA designation of new items.

(5) Develop a plan to retain and use the proceeds from the sale of recyclables.

(6) Designate a recycling coordinator for each facility. The recycling coordinator shall implement the waste prevention and recycling programs in the Department's strategic plan.

(7) Discontinue all purchases of printing and writing paper with less than 30% postconsumer fiber. If paper containing 30% postconsumer material is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, then paper containing no less than 20% postconsumer material may be purchased.

(8) Provide training to program and procurement personnel on the requirements of EO 13101.

(9) Maintain an Agency-wide Awards Program for waste reduction, recycling, and affirmative procurement.

(10) Estimate purchases of USDA-listed, bio-based products and annually report to the Secretary of Agriculture.

(11) Annually report progress on plan implementation, including purchases of EPA-designated products and goals progress, to the Office of Management and Budget and the Federal Environmental Executive.

ASSIGNMENT OF DOE RESPONSIBILITIES

To meet Federal commitments under Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," the Secretary of Energy assigns the following responsibilities:

Each Program Secretarial Officer, in coordination with DOE Operations/Field Office Managers, shall:

- issue policy and planning guidance to implement DOE's Waste Prevention and Recycling Strategic Plan, including meeting DOE's goals;
- ensure that reporting sites acquire 100% of DOE purchases of EPA-designated items with recovered content, unless there is written justification that the product is not available competitively, within a reasonable time frame, does not meet appropriate performance standards, or is available only at an unreasonable price.
- submit all required reports, plans, and data to the Office of Environmental Management for Departmental integration and DOE-wide reporting; and,
- oversee progress of Operations/Field Offices in meeting the requirements of DOE's Waste Prevention and Recycling Strategic Plan and Executive Order 13101, and provide recognition, or take corrective actions, as necessary.

Each DOE Operations/Field Office Manager, in coordination with their reporting sites and Program Secretarial Officer, shall:

- implement DOE's Waste Prevention and Recycling Strategic Plan, including meeting the Department's goals;
- ensure that each site acquires 100% of DOE purchases of EPA-designated items with recovered content. The only exception is where written justification is kept on file and documented in that site's annual Executive Order 13101 report (purchases of $2,500 or less are exempt from written justification);
- ensure that sites prevent waste, maximize the success of recycling programs, and acquire environmentally preferable products to the greatest extent practicable, including items with recovered content and bio-based products;
- direct printing and writing paper be purchased with at least 30% postconsumer content;
- include the requirements of Executive Order 13101 and DOE's Waste Prevention and Recycling Strategic Plan in all site facility management contracts;
- designate a recycling coordinator at each site with responsibility to implement DOE's Waste Prevention and Recycling Strategic Plan;
- submit all required site reports, plans, and data to the Office of Environmental Management for Departmental integration and DOE-wide reporting with copies to the Program Secretarial Officer; and
- perform self-evaluations of progress in meeting the requirements of DOE's Waste Prevention and Recycling Strategic Plan and Executive Order 13101, and submit annual evaluation reports to the cognizant Program Secretarial Officers and DOE's Environmental Executive.

The DOE Environmental Executive, in coordination with other departmental elements, shall:

- develop and coordinate adoption of DOE-wide goals for waste prevention, recycling, and affirmative procurement to be achieved by the end of Fiscal Years 2005 and 2010;
- update the Department's Affirmative Procurement Program policy guidance within one year of EPA designation of new items;
- conduct an annual Awards Program for waste prevention, recycling, and purchasing of environmentally preferable products;
- develop and coordinate training for program staff on the requirements of Executive Order 13101;
- lead the Department's implementation of the Order;
- develop and coordinate DOE's Waste Prevention and Recycling Strategic Plan to implement the Order;
- annually report progress on plan implementation, purchases of EPA-designated products and goals progress to the Federal Environmental Executive and the Office of Management and Budget;
- estimate and annually report purchases of USDA-listed bio-based products to the Secretary of Agriculture; and,
- submit annual progress reports to the Secretary of Energy.

The Director of Management and Administration, in coordination with other departmental elements, shall:

- serve as the procurement coordination point of contact for all procurement related matters for Headquarters and field federal staff;
- develop and coordinate the Department's Affirmative Procurement Program requirements for procurement staff;
- provide training to procurement staff on the requirements of Executive Order 13101;
- revise the Department of Energy Acquisition Regulations to reflect the requirements of Executive Order 13101; and,
- develop procurement strategies to meet DOE goals to increase the procurement of EPA-designated items made with recycled content;
  - ensure awareness of the Department's Affirmative Procurement Program, when delegating responsibilities outside the procurement organization, e.g., purchase card and electronic commerce programs.

The Assistant Secretary for Environmental Management, in addition to his/her Program Secretarial Officer responsibilities shown above, shall:

- serve as the program coordination point of contact for all program related matters for Headquarters and field federal staff;
- collect and integrate site data and reports into agency-wide assessments and reports; and

- provide support to the DOE Environmental Executive in leading the implementation effort for the Department.

The Chief Financial Officer, in coordination with other Departmental elements, shall:

- provide policy guidance during the Department's annual budget process on DOE implementation of Executive Order 13101; and
- include DOE-wide metrics for this Order in the Department's Annual Performance Plan and in the Secretary's Performance Agreement with the President.

The Assistant Secretary for Environment, Safety and Health, in coordination with other Departmental elements, shall:

- integrate the provisions of Executive Order 13101 into forthcoming DOE Order 450.1, as appropriate, as the Order is finalized.

Appendix B

Implementation Actions

Appendix B. Implementation Actions

Activities required under Executive Order 13101 are presented below in accordance with the work breakdown structure shown in Figure 5. **Actions in bold type are required by RCRA or the Executive Order.** The lead organization responsible for each task is shown in brackets.

A. Policy Direction

Policy Direction activities are generally performed by Headquarters organizations in coordination with the Field Offices.

A.1 DOE Policy and Goals

The Secretary has established specific goals for sanitary waste diversion and affirmative procurement of products that are made with recovered materials. The Secretarial goals are incorporated in this Plan in Section II. Program Overview. [Secretary]

On an annual basis, DOE will evaluate its progress toward attaining these goals. Progress on attaining goals will be reported to the Secretary and to the Federal Environmental Executive for incorporation into the Greening of the Government Report required by Executive Order 13101. [Env. Exec.]

DOE should incorporate these goals into its Government Performance and Results Act (GPRA) annual performance plans and into its Secretarial Performance Agreements with the President. [Env. Exec. and CFO]

A.2 Purchasing Guidance

DOE will ensure that 100% of DOE purchases of EPA-designated items are acquired with recovered content (affirmative procurement), unless there is written justification that the product is not available competitively, within a reasonable time frame, does not meet appropriate performance standards, or is available only at an unreasonable price (purchases of $2,500 or less are exempt from written justification). [PSOs and Field Office Managers]

DOE's Affirmative Procurement Program guidance will be updated within one year of EPA designation of new items. [Env. Exec.]

DOE will incorporate guidance from EPA on environmentally preferable purchasing into its Affirmative Procurement Program. [Env. Exec.]

DOE will discontinue all purchases of printing and writing paper with less than 30% postconsumer fiber. If paper containing 30% postconsumer material is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, then paper containing no less than 20% postconsumer material may be purchased. [PSOs and Field Office Managers]

DOE will provide comments to the USDA's draft list of biobased products for promotion under Executive Order 13101. After the USDA Biobased Products List has been published, DOE will modify its Affirmative Procurement Program to give consideration to these products. [Env. Exec.]

Sites should survey the market for new additions of quality recycled content and environmentally preferable products and services. [Recycling Coordinators and Green Acquisition Advocates]

DOE should incorporate model language on purchasing EPA-designated items with recovered content into standards and specifications used in all acquisitions, after they have been developed by the Task Force. [PSOs and Field Office Managers]

DOE representatives will participate with the Office of Federal Procurement Policy (OFPP) and the Task Force to review language in acquisition plans to identify model language valuable to all sectors of the government and identify acquisition language needed for agency implementation. [EM and MA]

DOE will develop internal procurement and supply procedures, such as directives and revisions to contracts and grants manuals, if necessary, to provide assistance and direction in achieving the goals of Executive Order 13101 and RCRA section 6002. [MA]

DOE will provide tools (developed by the Task Force and GSA) for incorporating the Executive Order directives into real property acquisition and management (i.e., Federal owned/leased space, government owned/contractor operated space, contractor owned/contractor operated space, tenant-maintained space, rehabilitation, renovation and maintenance, and new construction) to agency real property acquisition and management programs. [MA]

A.3 DEAR Revisions

Department of Energy Acquisition Regulations (DEAR) will be amended as appropriate to implement the waste prevention, recycling, and affirmative procurement directives of Executive Order 13101. [MA]

DOE sites should revise their site policies and procedures, as appropriate, to require, during acquisition planning, consideration of waste prevention, reuse, recycling, and the use of recycled content and environmentally preferable products including biobased products. In addition, sites will have six months to implement changes to their acquisition supplements pursuant to the government-wide final FAR revisions. [Field Office Managers]

Affirmative procurement requirements should be included as specified by the Federal Acquisition Regulations and the Department of Energy Acquisition Regulations in all subcontracts where the acquisition of Comprehensive Procurement Guideline items is a significant portion of the contract. This Plan recommends that where acquisition of CPG items comprises 20 percent or more of the total contract value, affirmative procurement requirements apply. [Field Office Managers]

A.4 Management Commitment (Budgets)

In accordance with Executive Order 13148, *Greening the Government Through Leadership in Environmental Management*, DOE shall place a high priority on obtaining funding and resources needed to implement Executive Order 13101. Resources necessary to meet the requirements of Executive Order 13101 should be identified as part of the PSOs budgeting process. [PSOs and Field Office Managers]

DOE has developed a plan to retain and use the proceeds from the sale of recyclables. [CFO]

A.5 Interagency Workgroups

DOE Headquarters will participate in an Executive Order (13101) Interagency Advisory Group (EOIAG), led by the Task Force. The EOIAG will identify waste prevention practices and procedures that can be disseminated to other Federal agencies, such as expanded usage of electronic communication, electronic commerce, and double-sided copying. [EM]

The DOE Environmental Executive will participate in meetings led by the Federal Environmental Executive, at least biannually, to identify proposed improvements, enhance visibility of waste prevention, recycling, and purchasing of recycled content and environmentally preferable products and services, clarify roles and responsibilities, assess and improve accountability, assess goal progress, and share best practices. [Env. Exec.]

B. Infrastructure Development

DOE Field Offices, with support from Headquarters, are responsible for Infrastructure Development activities.

B.1 Information, Tracking, Reporting, Databases

DOE will report annually its progress on plan implementation, including purchases of EPA-designated products and goals progress, to the Office of Management and Budget's Office of Federal Procurement Policy (OFPP) and the Federal Environmental Executive. DOE's Environmental Executive will submit the report. Field Offices will provide data input. [Field Office Managers, MA, Env. Exec.]

DOE will estimate purchases of USDA-listed, biobased products and annually report to the Secretary of Agriculture. [Field Office Managers, MA, Env. Exec.]

DOE sites should purchase CPG items with recycled content as the default in all specifications. [MA, Field Office Managers]

Sites should establish processes with documentation to ensure that exemptions from purchasing the designated products with recycled content are recorded, reviewed, and solutions for future purchases of that product are sought. All justification statements should be approved by the Green Acquisition Advocates. [Field Office Managers, Green Acquisition Advocates]

B.2 Employee Training

DOE shall provide training to program management as needed to ensure awareness of the requirements of Executive Order 13101.

DOE will provide comprehensive awareness training to acquisition and procurement personnel as well as program and contractor personnel. DOE personnel will be made aware that it is the responsibility of both entities to ensure the success of an affirmative procurement program. [Env. Exec., MA]

This training should be included in all established training systems for management and staff (new employee training, office staff training, etc.) [MA, Field Office Managers]

B.3 Outreach/Education

DOE sites should develop and implement internal/external communication programs to educate personnel and contractors about complying with Executive Order 13101.

Sites can use one or more of the following tools, and others, as appropriate: [Field Office Managers]

- *Electronic broadcast messages.*
- *Articles in agency/site newsletters.*
- *Web sites to provide information and notices on waste prevention, recycling, and affirmative procurement of recycled content and environmentally preferable products and services.*
- *Publications, speeches, commitments, and presentations in association with DOE-sponsored and national events such as Earth Day, America Recycles Day, and DOE's annual Pollution Prevention Conference.*

B.4 Awards Program

Each DOE site should have its own award/reward program for achievements in waste reduction, recycling, and affirmative procurement. [Field Office Managers]

DOE will continue to sponsor its annual Pollution Prevention Awards Program to reward/recognize progress in implementing the provisions of Executive Order 13101. [Env. Exec., EM]

DOE will publicize the awards program. [EM]

Winners from the DOE awards program will be submitted to the White House Closing the Circle Awards Program. [EM]

B.5 DOE-Wide Performance Measures

DOE Field Offices, working with their sites, should establish usable performance measures to assess progress in achieving Secretarial goals and Executive Order requirements. (See Section F. Performance Measures) [Field Office Managers, Recycling Coordinators]

A "buy recycled" performance measure should be incorporated into the performance plans for federal employees, managers, and contractors who are responsible for designating or purchasing CPG items. [PSOs, Field Office Managers]

C. Program Implementation

DOE sites are responsible for program implementation. Activities are coordinated by the Recycling Coordinators, with support from the Green Acquisition Advocates, Headquarters, and the Field Offices.

C.1 Site Policy and Goals

Each site should establish policy and procedures, as appropriate, to implement this Strategic Plan. [Field Office Managers]

Each site is responsible for meeting its waste reduction, recycling and "buy recycled" goals as stated in its Site Pollution Prevention Plan. [Field Office Managers]

C.2 Site Recycling Programs

As required by Executive Order 13101, the Recycling Coordinator shall implement the waste prevention, recycling, and Affirmative Procurement programs in the Department's strategic plan and

provide Field input to Headquarters. A substantial portion of the Recycling Coordinator's time should be devoted to waste prevention and recycling activities. [Recycling Coordinators]

DOE sites are encouraged to use available web sites (e.g., **http://twilight.saic.com/ap** and **http://epic.er.doe.gov/epic/**) and participate in periodic teleconferences to facilitate discussion and information sharing. [Recycling Coordinators]

DOE sites will implement cost-effective recycling programs. [Recycling Coordinators]

Site recycling programs should include activities to recycle, reuse, or refurbish pallets; collect toner cartridges for remanufacturing; and reduce or recycle, as appropriate, batteries, scrap metal, and fluorescent lamps and ballasts. [Recycling Coordinators]

DOE and its contractors with internal vehicle maintenance operations should implement policies of acquiring and using re-refined lubricating oils that meet performance standards or DLA's re-refined oil closed-loop contracts. Sites that contract for vehicle maintenance will require contractors to supply re-refined lubricating oils. Sites that have or enter into vehicle leases, where the lease provides for vehicle maintenance, will require contractors to supply re-refined lubricating oils during vehicle maintenance. Sites also will educate credit card holders about the requirements to use re-refined lubricating oil. [Recycling Coordinators, Green Acquisition Advocates]

All DOE sites should, as appropriate, establish Affirmative Procurement teams with team members from the Sustainable Design, Pollution Prevention, Facilities, Procurement, Legal, and Planning programs. The teams will be led by the Recycling Coordinators and the Green Acquisition Advocates. [Field Office Managers]

Recycling Coordinators should coordinate all Affirmative Procurement Program activities with the site Green Acquisition Advocates. [Recycling Coordinators, Green Acquisition Advocates]

C.3 Pilot Projects, Technology Development

DOE should test the Environmentally Preferable Purchasing (EPP) principles and guidance developed by EPA through pilot acquisitions of products or services, where appropriate. Similarly, DOE can use pilot acquisitions of EPA-designated recycled content products as well as recycled content products not yet designated by EPA. DOE will engage in a pilot project, either alone or in cooperation with other agencies. These pilot projects can be used to test product performance, innovative contracting strategies, or internal models to follow in meeting DOE's EPP purchasing goals. The results of these projects will be used to provide practical information for further updating of the EPP guidance as directed by the Executive Order. [Recycling Coordinators, Green Acquisition Advocates]

The DOE Environmental Executive will identify to the Task Force specific assistance programs that could be targeted to develop or improve recycling technologies. [Env. Exec.]

C.4 Model Facility Programs

DOE should establish a template for sites to use as a guide in setting up their Affirmative Procurement Programs. [Env. Exec.]

DOE will continue to include model facilities as a category in the annual DOE Pollution Prevention Awards Program. [EM]

The DOE Environmental Executive will provide information on DOE's model facility programs to the Office of the Federal Environmental Executive. [Env. Exec.]

Representatives from DOE will participate with the interagency work group to identify industry model facilities that can be showcased so that the Federal government can identify additional improvements or practices that could be added to their model facility programs. [EM]

C.5 RCRA and Multimedia Inspections

In 1999, EPA began conducting inspections of DOE facilities to evaluate compliance with section 6002 of RCRA, specifically, the procurement of CPG items. DOE sites should prepare for these inspections by completing the Facilities Questionnaire contained in the EPA Inspection Guidance. Information about EPA's inspection program is available on the Internet at **http://twilight.saic.com/ap**. [Recycling Coordinators]

DOE sites should revise their internal environmental compliance assessment programs to include RCRA 6002 compliance review protocols. [EH]

Appendix C

Facilities Requiring a Recycling Coordinator

Appendix C. Facilities Requiring a Recycling Coordinator

Federally-Operated Facilities

Albany Research Center
Albuquerque Operations Office
Atlanta Regional Office
Bonneville Power Administration
Boston Regional Office
Chicago Regional Office
Chicago Operations Office
Denver Regional Office
Environmental Measurements Laboratory
Golden Field Office
Headquarters
Idaho Operations Office
National Energy Technology Laboratory
National Petroleum Technology Office
Naval Petroleum and Oil Shale Reserves, CO, UT, & WY
Nevada Operations Office
New Brunswick Laboratory
Oak Ridge Operations Office
Oakland Operations Office
Office of River Protection
Office of Scientific and Technical Information
Ohio Field Office
Philadelphia Regional Office
Richland Operations Office
Rocky Flats Field Office
Savannah River Operations Office
Seattle Regional Office
Southeastern Power Administration
Southwestern Power Administration
Western Area Power Administration

Contractor-Operated Facilities

Ames Laboratory
Argonne National Laboratory - East
Argonne National Laboratory - West
Bettis Atomic Power Laboratory
Brookhaven National Laboratory
East Tennessee Technology Park
Environmental Measurements Laboratory
Fermi National Accelerator Laboratory
Fernald Environmental Management Project
Grand Junction Office
Hanford Site
Idaho National Engineering and Environmental Laboratory
Kansas City Plant
Knolls Atomic Power Laboratory
Lawrence Berkeley National Laboratory
Lawrence Livermore National Laboratory
Los Alamos National Laboratory
Miamisburg Environmental Management Project
National Renewable Energy Laboratory
Nevada Test Site
New Brunswick Laboratory
Oak Ridge Institute for Science and Education
Oak Ridge National Laboratory
Oak Ridge Y-12 Plant
Pacific Northwest National Laboratory
Paducah Gaseous Diffusion Plant
Pantex Plant
Portsmouth Gaseous Diffusion Plant
Princeton Plasma Physics Laboratory
Rocky Flats Environmental Technology Site
Sandia National Laboratories - California
Sandia National Laboratories - New Mexico
Santa Susanna - Energy Technology Engineering Center
Savannah River Site
Stanford Linear Accelerator Center
Strategic Petroleum Reserves
Thomas Jefferson National Accelerator Facility
Waste Isolation Pilot Plant
Weldon Spring Site Remedial Action Project
West Valley Demonstration Project
Yucca Mountain Site Characterization Project Office

Appendix D

Acquisition Letter on Greening the Government Requirements in Contracting

Department of Energy
Acquisition Regulation

No. AL-2000-03
Date 05/16/00

ACQUISITION LETTER

The Procurement Executive is issuing this Acquisition Letter through a delegation from the Secretary and under the authority of the Federal Acquisition Regulation (FAR), Section 1.301(a)(2).

Subject: Greening the Government Requirements in Contracting

References	Title
Executive Order 13101	Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition
Executive Order 13123	Greening the Government Through Efficient Energy Management
FAR 23.2	Energy Conservation
FAR 23.4	Use of Recovered Materials
FAR 23.7	Contracting for Environmentally Preferable and Energy Efficient Products and Services
FAR 52.223-4	Recovered Material Certification
FAR 52.223-9	Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items
FAR 52.223-10	Waste Reduction Program
DEAR 970.2304	Use of Recovered/Recycled Materials.
DEAR 970.5204-39	Acquisition and Use of Environmentally Preferable Products and Services

When is this Acquisition Letter (AL) Effective?

This AL is effective 10 business days after the date of issuance.

When Does this Acquisition Letter Expire?

This AL is in effect until it is canceled or rescinded.

AL 2000-03 (05/16/00)

Whom Do You Contact for More Information?

Contact Richard Langston of the Office of Procurement and Assistance Policy, on 202-586-8247 or via e-mail at **richard.langston@pr.doe.gov.** A list of Internet information resources is attached to this AL.

What is the Purpose of This Acquisition Letter?

The purpose of this Acquisition Letter is to establish a Green Acquisition Advocate who will be appointed by the Head of the Contracting Activity and will serve as a procurement expert and team member for Greening the Government initiatives within each DOE Contracting Activity. The role of the Green Acquisition Advocate is not to replace or assume the responsibilities of the Recycling Coordinators or Energy Coordinators but to ensure that the procurement organization is an informed and supportive team member.

This Acquisition Letter assigns appropriate roles and responsibilities for the Green Acquisition Advocates and the DOE procurement community as they partner with other DOE personnel to implement Government-wide Greening the Government initiatives. Currently there are two Executive Orders (discussed below) which the Green Acquisition Advocates should take an active role in promoting and implementing. Two additional Greening the Government Executive Orders were issued on April 21 and 22, 2000. They are entitled Greening the Government Through Fleet and Transportation Efficiency and Greening the Government Through Leadership in Environmental Management. It is anticipated that additional requirements will be added to this Acquisition Letter to implement these new Orders but it is too early to give specifics.

What is the Background of this Acquisition Letter?

The Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6962, requires Federal agencies to establish programs to promote recycling and to procure products with recycled content when available. RCRA assigned the Environmental Protection Agency (EPA) the responsibility of identifying such products through the use of a designated products list known as the Comprehensive Procurement Guidelines. Executive Order 13101, Greening the Government Through Waste Prevention, Recycling and Federal Acquisition, was issued to improve Federal use of recycled products and environmentally preferable products and services. The Program is generally referred to as the Affirmative Procurement Program as that name was used by the Office of Federal Procurement Policy to describe the Program in OFPP Policy Letter 92-4. It promotes teamwork on the part of the acquisition community (procurement, program, supply, facility management, construction, etc.) to assure the success of the recycling initiative. Section 402 requires that Agency Affirmative Procurement Program implementation responsibilities be shared between program, procurement, and other personnel. It requires Federal agencies to use their acquisition program as a tool to increase and expand markets for recovered materials through greater Federal preference and demand for such products. The Executive Order also requires the Department of Agriculture to establish a similar program for bio-based products.

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Executive Order 13123, Greening the Government Through Efficient Energy Management, promotes the acquisition of energy efficient products and services. It requires the Federal government to provide leadership by significantly improving its energy management to save dollars and to reduce emissions that contribute to air pollution and global climate change. It provides that the Federal government as a major consumer will promote energy and water efficiency and the use of renewable energy products and will foster markets for emerging technologies. It requires Federal agencies, when acquiring energy using products, to acquire Energy Star labeled products. If Energy Star labeled products are unavailable, agencies will acquire products in the upper 25% of energy efficiency as designated by the Federal Energy Management Program. It encourages the procurement of renewable energy including solar energy. It also promotes the use of Energy Savings Performance Contracts to improve the energy efficiency of Federal facilities.

Guidance Included in this Acquisition Letter

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I. What is Current Acquisition Policy Relative to Greening the Government Requirements?

A. Executive Order 13101, Greening the Government Through Waste Prevention, Recycling and Federal Acquisition

(1) Executive Order 13101 replaces Executive Order 12873. The requirements of the earlier Order and the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6962, are presently described in Subpart 23.4, Use of Recovered Materials, of the Federal Acquisition Regulation (FAR). A rulemaking is in process to amend the FAR. The amendment will increase from 20% to 30% the required recovered material content of printing and writing paper, add the EPA Internet address for the list of designated products, revise the content certification requirement at FAR 52.223-9, extend the coverage to support service contractors providing services within a Federal facility, and update the clause at FAR 52.223-10. DOE will undertake a rulemaking to amend the Department of Energy Acquisition Regulation (DEAR) to ensure that its coverage is current with the more recent Executive Order and FAR rulemaking.

(2) The Environmental Protection Agency maintains a list of products available with recycled content which Federal agencies are required to purchase. The EPA Internet information resource **http://www.epa.gov/epaoswer/non-hw/procure/index.htm** includes the list of products and other useful information. This program has been instrumental in promoting the development of new products with recycled content such as floor coverings, fencing materials, hoses and shipping pallets. Another example is printing and writing paper with recycled content. Federal agencies must procure recycled paper with a post consumer recovered content of not less than 30%. Federal contractors are encouraged to print and copy double-sided using such paper pursuant to a clause at FAR 52.204-4. For other than facility management contracts, the FAR provides both a solicitation provision and contract clause to be used when contracting for products with recovered materials. The solicitation provision at FAR 52.223-4, Use of Recovered Materials, must be used to obtain the offeror's certification that it will supply materials with the minimum recovered material content. The contract clause at FAR 52.223-9, Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Item, should be used to obtain the contractor's certification upon contract completion. The preceding requirements are applicable to Federal acquisitions only. DOE facility management contractors participate in DOE's Affirmative Procurement Program pursuant to DEAR 970.2304 and report their purchases pursuant to the clause at DEAR 970.5204-39. The Department has a longstanding commitment to 100% compliance in the acquisition of EPA designated products.

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(3) The Affirmative Procurement Program has annual reporting requirements. The EM Pollution Prevention Team has developed an electronic reporting system for this purpose. Information about DOE's Affirmative Procurement Program and its reporting system may be found at **http://twilight.saic.com/ap/**. All purchases, including micropurchases, must be reported. The Green Acquisition Advocate and the Recycling Coordinator should coordinate as appropriate to ensure that any work process changes at their site are implemented in a manner which will continue to support this special reporting requirement.

(4) FAR 23.706 requires that all contracts for operation of a Government facility contain the clause at 52.223-10 entitled "Waste Reduction Program." Facility management contracts for operation of a DOE facility must also contain the clause at 970.5204-39 which provides for the contractor's participation in the DOE Affirmative Procurement Program.

(5) Prime support service contracts awarded for performance at a Government-owned site should contain the clause at FAR 52.223-10. They should also contain the clause at DEAR 970.5204-39 if the purpose of the contract includes the procurement of any of the items designated in the EPA Comprehensive Procurement Guidelines. In such circumstances, the on site support service contractor will participate in DOE's Affirmative Procurement Program and report such purchases. If none of these products will be procured under the contract, the clause at FAR 52.223-10 may be used alone.

(6) When acquiring items designated in the EPA Comprehensive Procurement Guidelines, that is, products with recycled content, the solicitation should specify the minimum recovered materials content contained in EPA's Recovered Materials Advisory Notice for the product. FAR 23.404(d) provides that products that meet or exceed the EPA guidelines are to be procured unless it is impossible to acquire the item (i) within a reasonable period of time, (ii) at a reasonable price, (iii) from a reasonable number of competitive suppliers, or (iv) to meet performance specifications. If proposals received are unacceptable due to unreasonable price or other factors, a to procure the product with only virgin content will be documented and approved by the Green Acquisition Advocate pursuant to FAR 23.404(b)(3). A copy of the justification should be furnished to the Assistant Secretary, Energy Efficiency and Renewable Energy, who is the DOE Environmental Executive. This may be accomplished by forwarding a copy to the Affirmative Procurement Program Office, EM-22 and maintaining a copy at the site. Justifications for acquisitions below the micropurchase ceiling need not be formally documented.

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B. Executive Order 13123, Greening the Government Through Efficient Energy Management

(1) This Executive Order calls for Federal leadership in energy and water efficiency, the use of renewable energy products, and the fostering of markets for emerging technologies. It calls for each agency to reduce its greenhouse gas emissions by 30%. It establishes energy efficiency improvement goals for each agency. The goals are 30% by 2005 and 35% by 2010. It calls for expanded use of renewable energy in Federal facilities. It also calls for reduced use of petroleum products through the use of renewable energy sources and alternate fuel sources.

(2) The requirements of this Executive Order are the subject of a rulemaking to amend the FAR. There are two contracting initiatives discussed in Executive Order 13123. The first is energy and water efficient products and the second is Energy Savings Performance Contracts.

(3) The Executive Order requires that agencies, when acquiring energy using products, acquire either ENERGY STAR® labeled products or, if ENERGY STAR® labeled products are unavailable, acquire products in the upper 25% of energy efficiency as designated by the Federal Energy Management Program. The ENERGY STAR® Program is a joint program managed by EPA and DOE. The Program works with industry to promote energy conservation. Products meeting certain criteria are allowed to use the ENERGY STAR® trade mark label. Among the best examples of these products are personal computers and monitors. When left unattended, these products "fall asleep," cutting their energy consumption to as little as four watts. Many ENERGY STAR® labeled office printers and copiers also offer fast and reliable duplex (2 sided) printing capabilities. The ENERGY STAR® Home Page, **http://energystar.gov/**, contains a list of products and manufacturers. The Federal Energy Management Program is a DOE Program focusing on the Federal government's energy and water consumption. It includes large products such as office building sized heating and cooling equipment and water saving products. The energy and water using products for which efficiency designations are maintained may be reviewed at **http://www.eren.doe.gov/femp/procurement/**. When contracting for the design, construction, and maintenance of Federal facilities, contractors should be made aware of these requirements regarding energy using equipment. Pending completion of the FAR rulemaking, contracting activities should use the Executive Order, this Acquisition Letter, and the Internet information sites as their guidance for purchasing energy using products.

(4) The second contracting initiative in Executive Order 13123 is the Energy Savings Performance Contract. Energy Savings Performance Contracts (ESPCs) allow Federal agencies to improve energy efficiency in their facilities at no direct capital cost. Private sector energy service companies (ESCOs) finance the capital cost and install the retrofits. The ESCOs are paid a fixed price out of the energy savings generated by the energy

conservation measure. These contracts are competitively awarded at fixed prices and may have performance periods of up to 25 years. While summary level coverage of ESPCs is being added to the FAR, it will provide that the controlling regulation for this contract type is 10 CFR 436 Subpart B. Several Regional Super ESPCs and technology specific ESPCs have been awarded competitively. These multiple award contracts permit the energy service contractor to identify projects. These ordering agreements are available for the use of all DOE contracting activities as well as other Government agencies. The U.S. Army Corps of Engineers, Huntsville, Alabama District, also has awarded ordering agreements which may be used by DOE contracting activities or other Federal agencies. If a DOE contracting activity does not wish to use these ordering agreements, the Federal Energy Management Program has also prequalified numerous ESCOs that are eligible to compete for ESPCs. The Home Page for these and other energy efficiency funding alternatives may be found at **http://www.eren.doe.gov/femp/financealt.html**. The Green Acquisition Advocate should assist facility and procurement personnel in their consideration of possible ESPC opportunities. The FAR rulemaking will not change current Energy Savings Performance Contracts as it will refer readers to the DOE regulations. Contracting activities shall use 10 CFR 436, Subpart B, the Executive Order, this Acquisition Letter and the Internet information site as their guidance. **Note:** 10 CFR 436.30 contains an out of date reference to an ESPC sunset. The sunset date for use of the ESPC authority has been extended to 2003.

II. Who Is Responsible For Implementing the Executive Orders?

(A) The Secretary of Energy, by February 5, 1999 memorandum, has appointed the Assistant Secretary for Energy Efficiency and Renewable Energy, as the DOE Environmental Executive. The Environmental Executive has the following duties:

- coordinating all environmental programs relating to waste prevention, recycling, and, acquisition;
- translating the Federal Strategic Plan for Executive Order 13101 into a specific implementation plan for the Department; and,
- evaluating the Department's programs and acquisitions to ensure compliance with the Order.

(B) In addition to the above duties, the DOE Environmental Executive monitors and reports to the Federal Environmental Executive and the Director of the Office of Federal Procurement Policy regarding DOE's progress in the purchase of EPA designated items with recovered content.

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(C) The Pollution Prevention Team, in EM-22, has lead responsibility for management of the Affirmative Procurement Program. The Federal Energy Management Program, EE-90, has lead responsibility for energy efficiency and Energy Savings Performance Contracts. While these Offices have lead responsibility, the procurement community must play a substantive role in assisting program elements to successfully accomplish these programs. To ensure that this occurs, this AL provides roles and responsibilities for the procurement community.

III. What Must the Head of the Contracting Activity Do to Implement this AL?

(A) The Head of each Contracting Activity shall appoint a Green Acquisition Advocate who will:

- serve as the procurement expert on Greening the Government initiatives including products with recovered/recycled content, i.e., the Affirmative Procurement Program, and energy efficient products and services including ESPCs;
- educate the procurement staff regarding all Greening the Government initiatives including the Affirmative Procurement Program and energy efficient products and services including ESPCs; and,
- promote environmentally preferable and energy efficient products and services including ESPCs to the procurement staff and customers.

(B) A list of additional responsibilities which may be performed by the Green Acquisition Advocates is provided at Attachment 1.

IV. What must the Contracting Officer Do to Implement the AL?

(A) When reviewing and drafting solicitations and contract documents, the Contracting Officer should ensure that the appropriate provisions and clauses are contained in their solicitations and contracts.

(B) Contracting Officers should work with requirements personnel, contracting personnel and contractor personnel to be certain that all are aware of their responsibilities in this area. A Greening the Government Contracting Checklist is provided at Attachment 2.

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V. What Tools Are Available to Help Us?

(A) There are numerous information tools available on the Internet to assist you. There is a listing of these at Attachment 3.

(B) The Office of Procurement and Assistance Management has developed a brochure explaining the acquisition related requirements of Executive Order 13101 and its impact on DOE's acquisition community. The brochure can serve as an environmental acquisition introduction for all acquisition personnel, i.e., procurement, program, supply, finance etc.. It may be downloaded from http://www.pr.doe.gov/envhome.htm A similar brochure entitled *Buying Energy Efficient Products* has been developed by the Federal Energy Management Program and can be viewed at **http://www.eren.doe.gov/femp/procurement/** .

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Attachment 1

SAMPLE GREEN ACQUISITION ADVOCATE ACTIVITIES

- Ensure that personnel at the contracting activity are aware of products designated in the EPA Comprehensive Procurement Guidelines for procurement with recycled content, as well as the ENERGY STAR® and Federal Energy Management Program products.

- Ensure that Purchase Card Program training includes awareness of and support for the Affirmative Procurement Program and the ENERGY STAR® and Federal Energy Management Program initiatives.

- Support program initiatives to promote employee support of the environmental and energy efficiency initiatives through informational displays and promotional activities.

- Support program initiatives to include Affirmative Procurement Program, ENERGY STAR®, and Federal Energy Management Program accomplishments in local Home Pages, Intranet sites, newsletters, et cetera.

- Support initiatives to promote participation in OFPP or other agency sponsored pilot acquisitions of environmentally preferable, including energy efficient, products.

- Promote a team approach among the component members of the local acquisition community including procurement, property, environment, program, supply, facilities, construction, etc.

- Promote the maximum possible consideration of a broad range of environmental factors in developing plans, drawings, work statements, specifications, or other product descriptions for use at the facility. Include such factors as elimination of virgin material requirements, use of biobased products, use of recovered materials, reuse of products, life cycle cost, recyclability, use of environmentally preferable products, waste prevention (including toxicity reduction or elimination) and ultimate disposal.

- Coordinate with the Recycling Coordinator to ensure that local procedures provide for purchase cardholders to report their Affirmative Procurement Program transactions pursuant to that Program's reporting requirements.

- Review and approve, when justified, justifications to acquire other than an EPA designated item because it is impossible to acquire the item (i) within a reasonable period of time, (ii) at a reasonable price, (iii) from a reasonable number of competitive suppliers, or (iv) to meet performance specifications.

- When planning contracts for the production or purchase of electricity, consider the purchase of electricity from clean energy sources including 1) renewable energy sources; 2) less greenhouse intensive, non petroleum energy sources such as natural gas; and 3) clean, more efficient fossil energy technologies.

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Attachment 2

GREENING THE GOVERNMENT CONTRACTING CHECKLIST

✔ Ensure that all acquisitions of items designated in the EPA Comprehensive Procurement Guidelines have the EPA recommended content level as provided in EPA's Recovered Materials Advisory Notices (RMANs) for the items.

✔ In conjunction with requirements personnel, consider aggregating purchases of EPA designated, environmentally preferable, or energy efficient items to the extent that such action will promote economy or efficiency.

✔ Ensure that Facility Management contracts include the environmental preference clause of DEAR 970.5204-39 and that facility management contractor personnel are aware of the program and their responsibilities under the Affirmative Procurement Program.

✔ When developing acquisition plans, ensure that Greening the Government requirements are addressed. Include such factors as elimination of virgin material requirements, use of biobased products, use of recovered materials, reuse of products, life cycle cost, recyclability, use of environmentally preferable products, water savings, waste prevention (including toxicity reduction or elimination) and ultimate disposal. Consider whether ENERGY STAR® products or products designated in the upper 25% of energy efficiency by the Federal Energy Management Program are available.

✔ Review procurement requests to ensure that, when acquiring items designated in the EPA Comprehensive Procurement Guidelines, recovered content requirements are specified or that a written justification is provided as required by FAR 23.404(b)(3). Justifications may be based upon a finding that an item with recycled content cannot be used because such an item is i] unavailable within a reasonable time ii] unreasonably priced iii] not available from a reasonable number of sources to maintain a satisfactory level of competition or iv] unable to meet performance standards. A copy of the justification should be furnished to the Assistant Secretary, Energy Efficiency and Renewable Energy, who is the DOE Environmental Executive. This may be accomplished by forwarding a copy to the Affirmative Procurement Program Office, EM-22, and maintaining a copy at the site.

✔ When procuring paper products, comply with Section 505 of the Executive Order which mandates a minimum recycled content of 30% (this may be reduced to 20% only if the 30% content product is not reasonably available, does not meet reasonable performance requirements, or is unreasonably priced).

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- ✔ When procuring vehicle or heavy equipment lubricants, coolants or tires, purchase re-refined, bio-based, or retread products to the maximum practical extent.
- ✔ When issuing contracts for vehicular or heavy equipment maintenance, specify that re-refined or bio-based coolants and lubricants and retread tires will be used to the maximum practical extent.
- ✔ When procuring electricity, consider the purchase of electricity from clean energy sources including 1) renewable energy sources; 2) less greenhouse intensive, non petroleum energy sources such as natural gas; and 3) clean, more efficient fossil energy technologies.

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Attachment 3

INTERNET INFORMATION RESOURCES

DOE Internet Resources

http://www.pr.doe.gov/envhome.htm is the Office of Procurement and Assistance Management information site which includes hyperlinks to all of the sites listed here

http://twilight.saic.com/ap is the EM Pollution Prevention Team special page dealing with Executive Order 13101. Their page contains an extensive listing of DOE and contractor personnel with recycling duties and experience which can serve as an information network tool.

http://www.energystar.gov/ is the ENERGY STAR® information site.

http://www.eren.doe.gov/femp/ is the Federal Energy Management Program information site.
http://www.eren.doe.gov/femp/procurement contains FEMP product energy information
http://www.eren.doe.gov/femp/financealt.html contains extensive Energy Savings Performance Contract information

http://www.pr.doe.gov/pr3.html is the DOE Purchase Card Guide

EPA Internet Resources

http://www.epa.gov/cpg/ is EPA's Comprehensive Procurement Guidelines information site. It describes EPA's designated products, their specifications, their sources of supply and other useful information.

http://www.epa.gov/opptintr/epp/ is an EPA training site for Environmentally Preferable Purchasing

Facility Management Information Sites

http://www.inel.gov/national/p2/ is maintained by Idaho National Engineering and Environmental Laboratory.

http://www.pnl.gov/national/p2/ is maintained by Pacific Northwest National Laboratory

Other Information Resources

http://www.ofee.gov/ is the Federal Environmental Executive's site - it has many hyperlinks

http://www.hnd.usace.army.mil/ is the Huntsville, AL office of the Army Corps of Engineers information site. They also award ordering agreements for Energy Savings Performance Contracts.

Appendix E

Definitions

Appendix E. Definitions

Acquisition means acquiring by contract with appropriated funds for supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated.

Affirmative Procurement is an agency's strategy for maximizing its purchase of recycled content products in accordance with Section 6002 of the Resource Conservation and Recovery Act. The buy recycled requirement applies to Federal agencies, State and local agencies using Federal monies, and their contractors.

Agency means an executive agency as defined in 5 U.S.C. 105. Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

Biobased Product means a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, or marine) or forestry materials.

Closing the Circle means Closing the Recycling Loop. The closed loop consists of recycling, manufacturing products with recycled content, and buying products with recycled content.

Comprehensive Procurement Guideline (CPG) is part of EPA's continuing effort to promote the use of materials recovered from solid waste. Through the CPG, EPA designates items that must contain recycled content when purchased by Federal, State, and local agencies, or by government contractors using appropriated Federal funds. Under Executive Order 13101, EPA is required to update the CPG every two years. (Also referred to as EPA-designated items.)

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.

EPA-Designated Item means a product or category of products containing recovered materials that has been designated by EPA in the Comprehensive Procurement Guideline. (Also referred to as CPG items.)

Executive Order 13101 is entitled, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," and was signed by the President in September 1998.

Executive Order Interagency Advisory Group is an interagency group that serve as advisors to and coordinate with the Federal Environmental Executive on Executive Order implementation.

Green Acquisition Advocate is appointed by the Head of the Contracting Activity and serves as the procurement expert and team member for Greening the Government initiatives within each Contracting Activity.

Major Procuring Agencies means any executive agency that procures over $50 million per year in goods and services.

Model Facility is an organization or activity who has made an outstanding contribution to waste prevention, recycling, and affirmative procurement through its leadership, investment in resources, and change in culture.

Pilot Project means a trial of a waste prevention, recycling, or affirmative procurement practice.

Pollution Prevention means "source reduction" as defined in the Pollution Prevention Act of 1990 (42 U.S.C. 13102), and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation. Within DOE, pollution prevention incorporates waste minimization by including recycling.

Postconsumer Material means a material or finished product that has served its intended use and has been discarded for disposal for recovery, and is part of the broader category of recovered material.

Procuring Agency means any Federal agency, or any State agency or agency of a political subdivision of a State which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract.

Recovered Materials means waste materials and by-products that have been recovered or diverted from solid waste, but such item does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process [42 U.S.C. 6903 (19)].

Recycling Coordinator is required by Executive Order 13101 to be designated for each facility and shall implement or maintain site waste prevention and recycling programs.

Recycling means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of materials in the manufacture of new products other than fuel for producing heat or power by combustion.

Task Force refers to the White House Task Force on Greening the Government Through Waste Prevention and Recycling. Led by the Federal Environmental Executive, this interagency work group makes policy recommendations, facilitates implementation, and communicates information regarding Executive Order 13101.

Virgin Material means previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal ore, or any undeveloped resource that is, or with new technology will become, a source of raw materials.

Waste Diversion means the prevention of sanitary waste from disposal at landfills through any one or any combination of the following methods: composting, mulching, recycling, reuse, and donation.

Waste Minimization Coordinator facilitates any action that economically reduces the amount or toxicity of waste, either through physical means or through administrative controls.

Waste Prevention means any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

Appendix F

Acronyms

Appendix F. Acronyms

AL Albuquerque Operations Office

CFO Chief Financial Officer

CFR Code of Federal Regulations

CH Chicago Operations Office

CPG Comprehensive Procurement Guidelines

DEAR Department of Energy Acquisition Regulations

DLA Defense Logistics Agency

DOE Department of Energy

DP Defense Programs

EE Energy Efficiency

EH Environment, Safety and Health

EM Environmental Management

EO Executive Order

EOIAG Executive Order Interagency Advisory Group

EPA Environmental Protection Agency

EPP Environmentally Preferable Purchasing

FAR Federal Acquisition Regulations

FE Fossil Energy

FY Fiscal Year

GL Golden Field Office

GPRA Government Performance and Results Act

GSA General Services Administration

ID Idaho Operations Office

MA Management and Administration

NE Nuclear Energy

NN Nonproliferation and Nuclear Security

NR Naval Reactors

NV Nevada Operations Office

OAK Oakland Operations Office

OFPP Office of Federal Procurement Policy (within the Office of Management and Budget)

OH Ohio Field Office

OR Oak Ridge Operations Office

PM Power Marketing

PSO Program Secretarial Officer

RC Recycling Coordinator

RCRA Resource Conservation and Recovery Act

RF Rocky Flats Field Office

RL Richland Operations Office

RO Regional Office

RW Civilian Radioactive Waste Management

SC Science

SR Savannah River Operations Office

U.S.C. United States Code

USDA U. S. Department of Agriculture

WBS Work Breakdown Structure

WIPP Waste Isolation Pilot Plant