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Subpart 23.7—Contracting for Environmentally Preferable Products and Services

23.700 Scope.

This subpart prescribes policies for acquiring environmentally preferable products and services.

23.701 Definition.

"Biobased product," as used in this subpart, means a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.

23.702 Authorities.

- (a) Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901, *et seq.*).
- (b) National Energy Conservation Policy Act (42 U.S.C. 8262g).
- (c) Pollution Prevention Act of 1990 (42 U.S.C. 13101, *et seq.*).
- (d) Executive Order 13148 of April 21, 2000, Greening the Government through Leadership in Environmental Management.
- (e) Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition.
- (f) Executive Order 13123 of June 3, 1999, Greening the Government through Efficient Energy Management.

23.703 Policy.

Agencies must—

- (a) Implement cost-effective contracting preference programs promoting energy-efficiency, water conservation, and the acquisition of environmentally preferable products and services; and
- (b) Employ acquisition strategies that affirmatively implement the following environmental objectives:
 - (1) Maximize the utilization of environmentally preferable products and services (based on EPA-issued guidance).
 - (2) Promote energy-efficiency and water conservation.
 - (3) Eliminate or reduce the generation of hazardous waste and the need for special material processing (including special handling, storage, treatment, and disposal).
 - (4) Promote the use of nonhazardous and recovered materials.
 - (5) Realize life-cycle cost savings.
 - (6) Promote cost-effective waste reduction when creating plans, drawings, specifications, standards, and other product descriptions authorizing material substitutions, extensions of shelf-life, and process improvements.
 - (7) Consider the use of biobased products.

23.704 Application to Government-owned or -leased facilities.

Executive Order 13101, Section 701, requires that contracts for contractor operation of a Government-owned or -leased facility and contracts for support services at a Government-owned or -operated facility include provisions that obligate the contractor to comply with the requirements of the order. Compliance includes developing programs to promote and implement cost-effective waste reduction and affirmative procurement programs required by 42 U.S.C. 6962 for all products designated in EPA's Comprehensive Procurement Guideline (40 CFR Part 247).

23.705 Contract clause.

Insert the clause at 52.223-10, Waste Reduction Program, in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and all solicitations and contracts for support services at Government-owned or -operated facilities.

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