

SECTION 01 62 35 – RECYCLED / RECOVERED MATERIALS

PART 1 - GENERAL

1.01 AFFIRMATIVE PROCUREMENT

Affirmative Procurement (Recycled/Recovered Materials) is a mandatory component of the Air Force pollution prevention program. The AF Installation Pollution Prevention Program Guide includes this goal for Affirmative Procurement: “100% of all products purchased each year in each year in each of U.S. EPA’s Guideline Item’ categories shall contain recycled materials meeting U.S. EPA’s Guideline Criteria.” Currently, reporting of affirmative procurement purchases is limited to contracts having a total value greater than \$100,000, which includes the purchase of any amount of U.S. EPA-designated items. This section contains guidelines for implementing the RCRA, EO, DOD, and Air Force requirements. This Section includes administrative and procedural requirements for submitting Product Data, Samples, and other miscellaneous submittals.

1.02 REFERENCES

The publications listed below form a part of this specification to the extent referenced.

U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

40 CFR 247 Comprehensive Procurement Guideline for Products Containing
Recovered Material

The Resource Conservation and Recovery Act (RCRA), Section 6002 (42 U.S.C. 6962)

Executive Order (EO) 13101, Greening the *Government* through Waste Prevention,
Recycling, and Federal Acquisition.

EO 12873

Federal Acquisition Regulations (FAR)

AF Engineering Technical Letter (ETL) 00-1

Air Force Instruction (AFI) 32-7080

24 July 1995 Air Force Pollution Prevention Strategy

Department of Defense (DOD) Instruction 4715.4, Pollution Prevention

1.03 OBJECTIVES

Government procurement policy is to acquire, in a cost effective manner, items containing the highest percentage of recycled and recovered materials practicable consistent with maintaining a satisfactory level of competition without adversely affecting performance requirements or exposing suppliers' employees to undue hazards from the recovered materials. The Environmental Protection Agency (EPA) has designated certain items which must contain a specified percent range of recovered or recycled materials. EPA designated products specified in this contract comply with the stated policy and with the EPA guidelines. The *Contractor* shall make all reasonable efforts to use recycled and recovered materials in providing the EPA designated products and in otherwise utilizing recycled and recovered materials in the execution of the work.

1.04 EPA DESIGNATED ITEMS INCORPORATED IN THE WORK

Various sections of the specifications may contain requirements for materials that have been designated by EPA as being products, which are or can be made with recovered or recycled materials. These items, when incorporated into the work under this contract, shall contain at least the specified percentage of recycled or recovered materials unless adequate justification (non-availability) for non-use is provided. When a designated item is specified as an option to a non-designated item, the designated item requirements apply only if the designated item is used in the work.

1.05 EPA PROPOSED ITEMS INCORPORATED IN THE WORK

The items listed below have been identified by EPA as being products which are still being researched and are being considered for future Comprehensive Procurement Guideline (CPG) designation. It is recommended that these items, when incorporated in the work under this contract, contain the highest practicable percentage of recycled or recovered materials, provided specified requirements are also met.

1.06 EPA LISTED ITEMS USED IN CONDUCT OF THE WORK BUT NOT INCORPORATED IN THE WORK

There are many products listed in 40 CFR 247 which have been designated or proposed by EPA to include recycled or recovered materials that may be used by the *Contractor* in performing the work but will not be incorporated into the work. These products include office products, temporary traffic control products, and pallets. It is recommended that these non-construction products, when used in the conduct of the work, contain the highest practicable percentage of recycled or recovered materials and that these products be recycled when no longer needed.

1.07 DEFINITIONS

- A. **AFFIRMATIVE PROCUREMENT:** The purchase of environmentally preferable products manufactured from recycled and reclaimed materials.
- B. **ACQUISITION:** The acquiring by construction contract 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. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.
- C. **POSTCONSUMER MATERIAL:** A material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. "Postconsumer material" is a part of the broader category of "recovered material".
- D. **RECOVERED MATERIALS:** Waste materials and by-products which have been recovered or diverted from solid waste, but such term does not include those materials and by-products generated from, and commonly reused within, and original manufacturing process.
- E. **RECYCLABILITY:** The ability of a product or material to be recovered from or otherwise diverted from the solid waste stream for the purpose of recycling.

- F. RECYCLING: 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 form of raw materials in the manufacture of new products other than fuel for producing heat or power by combustion.
- G. RECYCLED MATERIAL: A material utilized in place of raw or virgin material in product manufacturing consisting of materials derived from postconsumer waste, industrial scrap, material derived from agricultural wastes, and other items, all of which can be used in new product manufacturer.
- H. RECYCLED PRODUCT: A recycled product is one made completely or partially from waste materials or by-products recovered or diverted from the solid waste stream.
- I. WASTE REDUCTION: Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.
- J. PRODUCT: Materials and equipment that will be used in the construction of a project.
- K. PROCUREMENT: The purchase and providing of products to be used in the construction of a project.
- L. UNREASONABLE PRICE: If the cost of the recycled content product exceeds the cost of a non-recycled item, the Air Force considers the cost to be unreasonable. (Air Force Affirmative Procurement Plan)

1.08 DOD AND AIR FORCE REQUIREMENTS

Affirmative Procurement programs are required of all Air Force (USAF) installations. Department of Defense (DOD) Instruction 4715.4, Pollution Prevention, calls for program establishment in accordance with RCRA and EO 12873. Affirmative Procurement is also addressee in Air Force Instruction (AFI) 32-7080, Pollution Prevention Program, and the 24 July 1995 Air Force Pollution Prevention Strategy. The Strategy sets program goals, and the AFI provides program guidance.

1.09 EXEMPTIONS

- A. EPA Recommendations: The U.S. EPA recommends minimum content levels for those items listed in the AETC IMT 47, 20041101, V1, Recovered Materials Determination. These levels are mandatory for Air Force procurements unless one of the following exemptions applies. RCRA provides the following exemptions from the requirement to purchase EPA-designated items:

Web Link: <http://www.e-publishing.af.mil/contentmgmt/download.asp> (PureEdge Viewer)

1. The product is not available from a sufficient number of sources to maintain a satisfactory level of competition (i.e., available from two or more sources).
 2. The product is not available within a reasonable period of time.
 3. The product does not meet the performance standards in applicable specifications or fails to meet reasonable performance standards of the procuring agency.
 4. The product is not available at a reasonable price. For Air Force purposes, "unreasonable price" is defined as follows: If the price of the recycled-content product exceeds the cost of a non-recycled item, then the price is considered unreasonable.
- B. *Contractor* Responsibility: The *Contractor* is responsible for completion of the AETC IMT 51, 20010901, V1) Recovered Materials Exemption with respect to the work and

products being provided. The *Contractor* is responsible for insuring that all sub-contractors comply with this order. The *Contractor* shall provide written documentation to support their decision not to acquire items meeting the minimum content levels. This documentation shall be forwarded to the *Contracting Officer* for review and findings; the *Contracting Officer's Representative* shall return the documentation to the *Contractor* citing the reason(s) for disapproval. The *Contractor* shall resubmit and address the deficiencies.

Web Link: <http://www.e-publishing.af.mil/contentmgmt/download.asp> (PureEdge Viewer)

1.10 U. S. EPA DESIGNATED & PROPOSED ITEMS (<http://www.epa.gov/cpg/products.htm>)

Construction Products: Building insulation products, structural fiberboard products for applications other than building insulation, laminated paperboard products for applications other than building insulation, cement and concrete containing fly ash, carpet made of polyester fiber for use in low-and medium-wear applications, carpet cushion, floor tiles containing recovered rubber or plastic, patio blocks containing recovered rubber or plastic, shower and restroom dividers/partitions containing recovered steel or plastic and reprocessed and consolidated latex paint for specific uses, flowable fill, patio blocks and railroad grade crossing surfaces.

1.11 INTENT

The intent of this section is to increase the awareness of all *Contractors* as to the availability of products manufactured from, or that contain recycled materials, thereby increasing the use of these products in the construction of a project.

1.12 QUALITY ASSURANCE

Companies specializing in the manufacture of products that comply with the requirements of this section shall have a minimum of three (3) years documented experience.

PART 2 - PRODUCTS

2.01 EPA LIST OF PRODUCT SOURCES & INFORMATION:

The following link is a current list of companies that manufacturer products using recycled materials. This list is presented to establish a standard of quality and does not infer that other manufacturers do not qualify. All products intended for use on this project, whether listed or not, shall be submitted to the *Contracting Officer* in accordance with specification Section 01 33 00 SUBMITTALS PROCEDURES.

EPA COMPREHENSIVE PROCUREMENT GUIDELINES PRODUCTS WEBSITE

Web Link: <http://www.epa.gov/cpg/products.htm>

PART 3 - EXECUTION

3.01 INSTALLATION:

All products used shall be installed per manufacturer's preferred instructions.

END OF SECTION – RECYCLED/RECOVERED MATERIALS