

## Sustainable Procurement The Federal Procurement Preference Programs

FACT SHEET No. 37-074-0120

**1. What is Sustainable Procurement?** Sustainable or “Green” Procurement is purchasing products and services that have attributes associated with positive environmental and health impacts. Federal agency purchasers in particular must adhere to the established mandatory procurement preference programs described below.

**2. Why buy sustainable products?** There are many reasons to buy sustainably!

- *Health and Environmental Benefits.* Many green products are made with alternatives to petroleum or harmful chemicals; this lessens or eliminates negative impacts to human health and the environment during the products’ storage, use, and disposal. Buying green creates markets for recycled materials and agricultural products, conserves resources, saves energy, saves landfill space, and reduces pollution. It also provides incentive for manufacturers to develop technologies to create new and improved environmentally preferable products.
- *Compliance with Federal Procurement Preference Programs.* The Resource Conservation and Recovery Act directed Federal agencies to develop ‘Affirmative Procurement’ programs to increase the purchase of items containing recycled material in 1976. Since then, other laws and regulations, such as the Farm Security and Rural Investment Act of 2002 and the Federal Acquisition Regulation (FAR), expanded the scope and established additional components of the purchasing preference programs, leading to what we now call Sustainable Procurement. Executive Order 13834 (*Efficient Federal Operations*) requires Federal agencies to acquire, use, and dispose of products and services, including electronics, in accordance with statutory mandates. These requirements ensure that environmental performance and sustainability factors are included for all applicable procurements and acquisitions. These factors include recycled content, biobased, energy/water/fuel-efficient, and environmentally preferable. Purchasers must also consider alternatives to ozone-depleting substances and products with global warming potential. Visit the FedCenter Web site for more information on the preference programs (<http://www.fedcenter.gov/programs/sustainability/>).

**3. How do the Federal Procurement Preference Programs apply?** Federal agencies such as the Department of Defense (DOD) are required to have sustainable purchasing programs to meet the requirements and guidelines of the Federal procurement preference programs. A Department of Defense Instruction (DoDI) issued in October 2016 requires that all DOD personnel meet the purchasing requirements for applicable products (DoDI 4105.72, *Procurement of Sustainable Goods and Services*). This also applies to contractors spending Federal dollars on these items and to contracts that involve the use of these products. To assist purchasers in making procurement decisions, government agencies such as the U.S. Environmental Protection Agency (EPA) identify products with desirable attributes (e.g., Energy Star® for energy efficient products, and Safer Choice for environmentally preferable products). In other cases, agencies designate products that may have sustainable attributes, and it is mandatory for Federal purchasers to choose those products unless exceptions apply (see paragraph 6).

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Use of trademarked name(s) does not imply endorsement by the U.S. Army but is intended only to assist in identification of a specific product.

**4. What are EPA-designated items?** Under the Buy Recycled program, the EPA designates items that, if purchased by Federal agencies, must contain recycled material. This list is called the Comprehensive Procurement Guidelines (CPGs), and the products fall into eight categories: construction, landscaping, office products, paper and paper products, park and recreation, transportation, vehicular, and miscellaneous. The EPA also publishes Recommended Material Advisory Notices (RMANs) that contain recommended recycled content levels for the products (e.g., 30 percent postconsumer recycled content is recommended for office paper). The CPGs and RMANs can be viewed on the EPA Web site at [www.epa.gov/smm](http://www.epa.gov/smm).

**5. What are USDA-designated items?** Under the BioPreferred® program, the U.S. Department of Agriculture (USDA) designates products purchased by Federal agencies that must be biobased (made with renewable agricultural or forestry materials). To date, 139 product categories have been designated under the BioPreferred program within an array of functional areas such as construction, industrial, janitorial, groundskeeping, fleet/transportation, facilities, office, household, personal care, and food service. The USDA also recommends biobased content levels for each product category. The entire biobased product list and recommended content levels can be viewed on the BioPreferred Web site at <https://www.biopreferred.gov/>.

**6. Are there any exceptions to the procurement requirements?** The regulations make allowances so that reasonable requirements of the user can be met. There are three instances where EPA- or USDA-designated products with desired attributes need not be purchased over competing products. These exceptions, referred to as “price, performance and availability,” are:

- The price of the recycled or biobased product is unreasonable.
- The recycled or biobased product does not meet reasonable performance standards.
- The recycled or biobased product is not available within the timeframe required by the user, or at a sufficient level of competition (for contracts).

**7. Where can I find sustainable products?** Federal purchasers may obtain sustainable products from many authorized sources and vendors including General Services Administration (GSA), Defense Logistics Agency, AbilityOne®, FedMall, and onpost supply stores. Purchasers should use search functions to find green products and check labeling and product descriptions for environmental attributes. In addition, contracting personnel should:

- Include sustainable products and practices in contract specifications and performance work statements, to include references/links to mandatory preference product lists.
- Incorporate appropriate FAR provisions and clauses into solicitations and contracts (FAR Parts 52.223-1 through 52.223-19).

**8. Who needs training and where can they get it?** The best way to ensure that personnel follow Sustainable Procurement requirements is to provide training. Periodic refresher training is also recommended to keep up with new EPA and USDA product designations. The Army Public Health Center can provide a list of training opportunities. Personnel who should attend include purchase card holders, procurement and contracting officials, engineers and project managers, contract specification writers, environmental staff, and logistics personnel.

**9. Where can I get technical assistance?** For assistance with Sustainable Procurement, contact:

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