**Procurement of Recovered Materials (200.322)**

A non-Federal entity that is a State agency and its contracts must comply with section 6002 of the Solid Waste Disposal Act. This guideline applies to all procuring agencies and to all procurement actions involving items designated by the Environmental Protection Agency (EPA) at 40 CFR Part 247 where the procuring agency purchases $10,000 or more worth of one of these items during the course of a fiscal year, or where the cost of such items purchased during the preceding fiscal year was $10,000 or more. The $10,000 threshold applies to procuring agencies as a whole rather than to agency subgroups such as regional offices or sub-agencies of a larger department or agency.

Additionally, non-Federal entities are required to:

* Procure solid waste management services in a manner that maximizes energy and resource recovery.
* Establish an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

EPA Products

Per 40 CFR 247, following are the products designated by the EPA to be purchased with the highest recovered material content level practicable:

* ***Paper and paper products-*** This includescommercial/industrial sanitary tissue products, miscellaneous papers, newsprint, paperboard and packing products, printing and writing papers, etc.
* ***Vehicular products-*** This includesengine coolants, rebuilt vehicle parts, re-refined lubricating oils, retread tires, etc.
* ***Construction products-***This includesbuilding insulation, polyester carpet, cement and concrete, consolidated and processed latex paint, floor tiles, flowable fill, laminated paperboard, modular threshold ramps, nonpressure pipe, patio blocks, railroad grade crossing surfaces, roofing materials, shower and restroom dividers/partitions, structural fiberboard, etc.
* ***Transportation products-*** This includeschannelizers, delineators, flexible delineators, parking stops, traffic barricades, traffic cones, etc.
* ***Park and recreation products-***This includespark benches and picnic tables, plastic fencing, playground equipment, playground surfaces, running tracks, etc.
* ***Landscaping products-*** This includescompost and fertilizer made from recovered organic materials, garden and soaker hoses, hydraulic mulch, lawn and garden edging, plastic lumber landscaping timbers and posts, etc.
* ***Non-paper office products-*** This includesbinders, clipboards, file folders, presentation folders, office furniture, recycling containers, office waste receptacles, plastic desktop accessories, plastic envelopes, plastic trash bags, printer ribbons, toner cartridges, etc.
* ***Miscellaneous products-*** This includesawards and plaques, bike racks, blasting grit, industrial drums, manual grade strapping, mats, pallets, signage, sorbents, etc.

Affirmative Procurement Program

Per 42 U.S. Code 6962, an affirmative procurement program shall be developed which will ensure that items composed of recovered materials will be purchased to the maximum extent practicable and which is consistent with applicable provisions of Federal procurement law. Each affirmative program shall contain:

* A recovered materials preference program.
* An agency promotion program to promote the preference program.
* A program for requiring estimates of the total percentage of recovered materials utilized in the performance of a contract.
* Annual review and monitoring of the effectiveness of an agency’s affirmative procurement program.