

MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Recycling, Waste Reduction and Procurement of Environmentally Preferable Products	Number: 205.22 Amended
Date: September 19, 2014	By Direction of:  Sheri Phillips, Secretary of General Services  E. Christopher Abruzzo, Secretary of Environmental Protection
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This directive establishes policy, responsibilities and procedures for commonwealth agency recycling, waste reduction and procurement of environmentally preferable products. Marginal dots are excluded due to major changes.

- 1. PURPOSE.** To establish policies, responsibilities and procedures to ensure that each agency incorporates recycling and waste prevention in the agency's daily operations and works to encourage the agency's procurement of environmentally preferable products.
- 2. SCOPE.** This directive applies to all departments, boards, commissions, councils (hereafter referred to as "agencies") under the Governor's jurisdiction including commonwealth-owned universities, the State Public School Building Authority and the State Highway and Bridge Authority. Legislative, judicial and other independent agencies are also strongly encouraged to comply with this directive for their facilities.
- 3. OBJECTIVES.** To invigorate agency recycling programs; to ensure that agencies are meeting or exceeding the requirements of *Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.101 et seq. (Act 101)* (relating to agency recycling and procurement activities) and to direct commonwealth procurement toward increasing the demand for environmentally preferable products.

4. DEFINITIONS.

- a. **Bio-Based Product.** 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.
- b. **Commonwealth Agency.** All departments, boards, commissions and agencies, commonwealth-owned universities, the State Public School Building Authority and the State Highway and Bridge Authority.
- c. **Department of General Services (DGS), Commonwealth Agency Recycling Office (CARO).** The Office responsible for the implementation, planning and coordination of the commonwealth's enterprise-wide Agency Recycling Program.
- d. **Environmentally Preferable.**
 - (1) 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. The product or service comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal.
 - (2) Products with recycled content.
- e. **Post-Consumer Material.** Any product generated by a business or consumer that has served its intended end use, and that has been separated or diverted from solid waste for the purposes of collection, recycling and disposition.
- f. **Procurement Documents.** Invitations to bid, requests for proposals, requests for quotations, contracts and similar documents.
- g. **Recycled Content.** The portion of goods, supplies, equipment, materials or printing containing post-consumer materials.
- h. **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 the form of raw materials in the manufacture of new products other than fuel for producing heat or power by combustion.
- i. **"Waste Prevention" or "Waste Reduction".**
 - (1) Change in the design, manufacturing, purchase or use of materials or products (including packaging) that reduces the weight or volume or the toxicity of the materials or products before disposal.
 - (2) Decreasing the amount of waste being generated through waste prevention, recycling, or by purchasing recycled and environmentally preferable products.
 - (3) Reuse of products or materials.

5. POLICY.

- a. Pursuant to *Act 101* each agency is required to: establish and implement a source-separation and collection program for recyclable materials produced as a result of agency operations; establish and implement a waste reduction program for materials used in the course of agency operations to the maximum extent practicable and feasible; give due consideration and preference to the use of compost materials in all land maintenance activities which are to be paid with public funds; review and revise procurement procedures and specifications which will to the maximum extent economically feasible encourage the use of goods, supplies, equipment, materials and printing that may be recycled or reused.
- b. Pursuant to *Act 57 of 1998, 62 Pa.C.S. §§ 101-4604*, the *Commonwealth Procurement Code*, DGS establishes procurement policy governing the procurement, management, control and disposal of supplies, services and construction for executive and independent agencies.

6. RESPONSIBILITIES.

a. Agencies shall:

- (1) Participate in the DGS Agency Recycling Program at all agency locations.
- (2) Appoint a Recycling and Waste Reduction Coordinator to be responsible for the implementation of this directive. This person shall act as a liaison between the agency, the Department of Environmental Protection (DEP), and DGS. The head of each agency shall designate the coordinator and notify CARO of their designee.
- (3) Reduce waste disposal throughout all agency operations and programs.
- (4) Give due consideration and preference to the use of compost materials in all publicly-funded land maintenance activities.
- (5) Procure environmentally preferable products whenever practical and economically feasible, including in the construction or renovation of facilities owned by the agency.
- (6) Develop specifications for construction or renovations of leased facilities to ensure Lessors use environmentally preferable products whenever practical and economically feasible.
- (7) Work with CARO to establish the precise nature of its waste stream at each agency location and the best means by which to recycle materials or reduce wastes created.
- (8) Within one year after a product is placed on the USDA Bio-Based Products List, and each year thereafter, estimate agency purchases of products on the list and report agency purchases of such products to CARO.

- (9) Prepare a report to be sent electronically, by October 1 of each year, to CARO on the progress from the prior year in the areas of recycling and waste reduction and provide a report on the status of recycling at all agency locations, including a list of materials being recycled, the approximate amount being recycled and the name of the recycling vendor servicing the location for office paper, cardboard and bottles and cans.
 - (10) Ensure that their government facilities and activities comply with all applicable federal, state and local environmental laws and regulations.
 - (11) Provide sufficient funds to develop and implement its recycling, waste reduction, and environmentally preferable purchasing programs within their respective agencies.
- b. DEP shall:**
- (1) Provide technical assistance to CARO.
 - (2) Assist CARO in coordinating recycling and waste reduction efforts among agencies, and in providing information about potential recycling markets to CARO and agencies.
- c. DGS:**
- (1) **CARO shall:**
 - (a) Develop and publish guidelines for agencies for the development of source separation and collection programs, and waste reduction programs designed to achieve the maximum feasible reduction of waste generated as a result of agency operations. The guidelines for source separation and collection from agencies shall include, at a minimum, the separation and collection of white paper, mixed paper/cardboard, aluminum, plastic, and glass. The published guidelines shall include procedures for collecting and storing recyclable materials; bins or containers for sorting materials; and contractual or other arrangements with buyers.
 - (b) Establish minimum percentages of recycled content for the purchase of goods, supplies, equipment, materials, and printing that is not less than that specified in guidelines adopted by the Environmental Protection Agency (EPA). DGS may use an independent third-party verified life cycle assessment, conforming to the ISO 14040 series of standards to establish higher levels. DGS may also identify other goods, supplies, equipment, materials, and printing not included in the EPA guidelines, that meet the minimum percentage levels for total recycled contents as established by DGS.
 - (c) Prepare and submit to DGS, Bureau of Procurement for publication a list of environmentally preferable products, as designated by quantity of recycled content meeting either the EPA guidelines or DGS purchasing guidelines, whichever reflects the higher recycled content.

- (d) Inform agencies of market opportunities and marketing procedures for recyclable materials collected from agency operations.
- (e) Identify and encourage opportunities for cooperation among agencies in collection and marketing of recyclable materials. This shall include the preparation and establishment of statewide contracts for recycling markets, and the provision of information on market opportunities for recyclable materials to agencies.
- (f) Collect reports and other information provided by agencies and report to DEP on the progress of agencies in meeting the goals of this directive. CARO shall prepare and submit quarterly reports to DEP concerning the recycling, waste reduction and environmentally preferable purchasing activities of agencies.
- (g) Coordinate appropriate government-wide education and training programs for agencies.
- (h) Take all actions necessary to ensure that the agencies comply with the requirements of this directive.
- (i) Maintain the on-line comprehensive list of agency locations for the purpose of registering the materials and amounts recycled at the locations, the names of recycling vendors servicing the locations and the contact information for the agency recycling contact at the location.
- (j) Hold annual meetings with all agency recycling Coordinators for program updates, accomplishments and reminders.
- (k) Work with the Bureau of Procurement to prepare and establish contracts for the disposition of used white paper, mixed paper/cardboard, aluminum, plastic, and glass, and other recyclable materials.

(2) Bureau of Procurement shall:

- (a) Provide CARO with an annual report concerning actions taken by the bureau to implement the recycled content bidding preference. The report shall include information relating to the quantity and dollar amount of items with recycled content purchased through the bureau throughout the year.
- (b) Publish in the DGS Procurement Handbook procedures in regard to the procurement of environmentally preferable products.
- (c) Publish in the DGS Procurement Handbook items to be procured as a product containing recycled content.
- (d) Publish in the DGS Procurement Handbook the minimum percentages of recycled content that are not less than that specified in guidelines adopted by EPA.

- (3) **Bureau of Real Estate** shall ensure all commonwealth leases for the use of office space and warehouse space comply with the requirements of *Act 101*.

7. PROCEDURES.

- a. **Recycling.** In coordination with DGS, each agency shall ensure that there is a program in place at all central and satellite offices to promote cost-effective recycling of reusable materials in all of its facilities. Recycling programs implemented pursuant to this directive must be compatible with applicable state and local recycling requirements. Agencies are required to have a source separation and collection program for recyclable materials produced as a result of agency operations, including, at a minimum, white paper, mixed paper/cardboard, aluminum, plastic and glass. Agencies should incorporate into their recycling programs efforts to recycle, reuse or refurbish pallets and to collect toner cartridges for remanufacturing. Agencies should also include programs to reuse or recycle, as appropriate, batteries, scrap metal, computer equipment, motor oil, motor coolant, tires and fluorescent lamps and ballasts.
- b. **Waste Reduction.** Each agency shall have a waste reduction program designed and implemented to achieve maximum feasible reduction of waste generated as a result of agency operations. An agency waste reduction program may, for example, include: contracting for services that provide for the take-back of materials at the end of their useful life, i.e. computers and carpeting; utilizing networking options for computer printers in place of purchasing individual printers; and reducing paper use through utilization of electronic copies and double-sided copying. Agencies should also consider reusable packaging and packaging manufactured from recycled content.
- c. **Compost and Mulch Use.** Agencies responsible for the maintenance of public lands in the commonwealth, shall give consideration and preference to the use of compost and mulch materials in all publicly funded land maintenance conducted through staff or through contractual agreements.
- d. **Procurement of Environmentally Preferable Products.** Solicitations and contracts for the procurement of supplies, services and construction must contain requirements for the procurement of products containing recycled content. Agencies should consult Part I, Chapter 22 of *Manual 215.3, Procurement Handbook* for specific instructions.
- e. **Construction Contracts.** All agency contracts for construction, reconstruction, alteration or repair shall include, when appropriate, the requirement that any products that are provided to the agency as a part of the performance of the contract must meet the minimum percentage levels for total recycled content and recycled content as specified in the EPA guidelines or in DGS purchasing guidelines, whichever reflects the higher level of recycled content. For buildings seeking certification under the U.S. Green Building Council's LEED rating system, agencies should seek the resource reuse and recycled content credits.

- f. **Commonwealth-Leased Properties.** When appropriate, each agency shall ensure that specifications for the renovations to facilities to be leased to agencies require that products used in the renovation of the facility, which have been designated by quantity of recycled content as specified in EPA guidelines or DGS purchasing guidelines, must meet the minimum percentage levels for total recycled content as specified in the EPA guidelines or in DGS purchasing guidelines, whichever reflects the higher level of recycled content. For buildings seeking certification under the U.S. Green Building Council's LEED rating system, agencies should seek the resource reuse and recycled content credits instead.

This directive replaces, in its entirety, *Management Directive 205.22*, dated August 29, 2007.