

The Honorable Billy Tauzin
U.S. House of Representatives
Washington, D.C. 20515-1803

Dear Congressman Tauzin:

Thank you for your letter of November 29, 2000, forwarding a request from your constituent, C.F. Dahlberg, Jr. Mr. Dahlberg asked whether there were any Federal regulations governing the use of federal highway monies to encourage the purchase of recycled products. His company is involved in re-galvanizing guardrails for highways and he specifically wanted to know if there were any current regulations that promote the use of recycled guardrails and guardrail posts.

The Federal government is committed to purchasing recycled-content products in order to promote end-use markets for recovered materials. On September 14, 1998, President Clinton signed Executive Order 13101, **AGreening the Government Through Waste Prevention, Recycling, and Federal Acquisition.** This Order requires government agencies to purchase recycled-content and other environmentally-preferable products. The Order also elevates implementation of waste prevention and recycling to a new, White House-level Steering Committee that is chaired by a Federal Environmental Executive. The Federal Environmental Executive serves to oversee government actions taken to comply with the Order. I have enclosed a copy of Executive Order 13101 for your information. More information on activities taken to implement the Order may be obtained from the Office of the Federal Environmental Executive at (202) 260-1297, or by accessing their website at www.ofee.gov.

Under section 6002 of the Resource Conservation and Recovery Act (RCRA) and the President's Executive Order, the Environmental Protection Agency (EPA) issues guidelines for the Federal procurement of products containing recovered materials. These guidelines identify and designate recycled products and provide recommendations to procuring agencies for purchasing these items. Once designated, procuring agencies are obliged to buy the items with the highest percentage of

RO 14520

recovered materials practicable. EPA has designated a total of 54 items, many of which are used in highway applications. Information on EPA's guidelines program is available on our website at www.epa.gov/cpg.

To date, we have not designated guardrails in our procurement guidelines, but we would consider designating them in the future if provided the necessary information. I have enclosed a copy of our September 20, 1995 *Federal Register* notice which identifies the type of information we need to evaluate a product for inclusion in our guidelines. I would suggest that Mr. Dahlberg review this notice and provide the information identified for our review. Mr. Dahlberg may also consider arranging a meeting with the Federal Highway Administration (FHWA), through the Office of the Federal Environmental Executive, to discuss this matter with them. It is conceivable that the FHWA could serve as a conduit of information to State Departments of Transportation concerning the merits and integrity of re-galvanized guardrails and/or promote this service through the Federal Highway Trust Fund program.

I appreciate your interest in this matter and hope this information is helpful to you and your constituent.

Sincerely,

Elizabeth A. Cotsworth, Director
Office of Solid Waste

Enclosures

RO 14520