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## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

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What guidelines or regulations have been issued under RCRA Procurement of recovered materials?

The "Federal Procurement" provision in Section 6002 of the Resource Conservation and Recovery Act is one of the few provisions of the statute that directly mandates resource recovery. In establishing this provision, Congress recognized that the Federal Government is an enormous consumer of certain materials. Hence, procurement practices of Federal agencies can encourage the development of private sector companies which use recovered materials to manufacture products for both the Federal and private sectors.

The provisions of §6002 apply to procuring agencies that purchase designated items when the price of such designated item exceeds \$10,000 or when the cost of such an item purchased during the preceding year exceeded \$10,000. The statute incorporates two mechanisms to accomplish the goal of establishing Federal recycling practices. First, §6002(d) states that all Federal procuring agencies responsible for drafting or reviewing specifications must review and revise their specifications in order to eliminate any unfair discrimination against the use of recovered materials. Second, §6002(e) requires the EPA to designate items that are or can be produced with recovered materials and to set forth recommended procurement practices for such items ("procurement guidelines"). Section 6002(c) requires all procuring agencies which use appropriated Federal funds to procure designated items containing the highest percentage of recovered materials, practicable, provided that reasonable levels of competition, cost, availability and technical performance are maintained. Section 6002(i) requires procuring agencies to adopt an affirmative procurement program to ensure that designated items containing recovered materials are purchased to the maximum extent practicable.

EPA finalized guidelines for cement and concrete containing fly ash on January 28, 1983 (48 FR 4230). Pater and paper products guidelines were proposed on April 9, 1985 (50 FR 14076). Guidelines

for Federal procurement of asphalt materials containing ground tire rubber for construction and rehabilitation of paved surfaces were proposed on February 20, 1986 (51 FR 6202). The EPA has established criteria for selecting additional items for which procurement guidelines will be prepared (48 FR 4231). The criteria are:

- 1) The waste material must constitute a significant solid waste management problem due to volume, degree of hazard or difficulties in disposal;
- 2) Economic methods of separation and recovery must exist;
- 3) The material must have technically proven uses; and
- 4) Federal purchasing power for the final product must be substantial.

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