

**COMMENTS BY
INSTITUTE OF SCRAP RECYCLING INDUSTRIES, INC. (ISRI)
TO
U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
COMPREHENSIVE PROCUREMENT GUIDELINES
JULY 6, 2020**

Reference: EPA-HQ-OLEM-2019-0589

Thank you for the opportunity to provide these comments to the referenced call for comments that support consideration of an update to the EPA's Comprehensive Procurement Guidelines (CPG)¹.

ISRI is the *Voice of the Recycling Industry*®. ISRI represents 1,300 companies in 20 chapters in the United States and more than 40 countries that process, broker, and consume scrap commodities, including metals, paper, plastics, glass, rubber, electronics, and textiles. With headquarters in Washington, DC, ISRI provides education, advocacy, safety and compliance training, and promotes public awareness of the vital role recycling plays in the U.S. economy, global trade, the environment and sustainable development. In 2018, the latest year with full data, the recycling industry contributed \$110 billion in economic activity, supported more than 500,000 direct and indirect jobs, and produced \$13 billion in federal, state, and local taxes.

Through these comments, ISRI intends to

- Suggest separate EPA rule-making that clearly defines recycling and related terms;
- Support the enhancement of the CPG to reflect current market availability of additional goods made from recycled content and the amount of recycled content that can be incorporated into these products; and
- Promote increased purchases of these products by government procurement officials for purposes of stimulating recycling and doing more to divert end of life materials from landfills through the use of an enhanced CPG.

We encourage EPA to consider initiating a rule-making process for purposes of updating the CPG, and that the comments included herein could be incorporated into that process.

I. DEFINITION OF RECYCLING AND RECYCLED MATERIALS

The CPG is a vitally important resource for promoting sustainability and the resilience of the U.S. manufacturing supply chain, of which recycling is an essential first step. The guidance set out in the CPG for procurement officials in federal, state and local governments provide a critical market for recycled materials; the purchasing of products made with recycled content spurs more recycling activity in the United States.

The recycling infrastructure in the United States touches almost every part of our domestic economy – from retail stores, office complexes, residential neighborhoods, and schools to factories, construction and demolition sites, and military installations. Thus, opportunities to spur more recycling – including through the use of the

¹ <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>

CPG to support the procurement of products made from recycled content – will be visible throughout the economy and society through job creation and economic growth.

In addition to generating significant economic benefits, the recycling industry is a pivotal player in environmental protection, resource conservation and sustainability. U.S. recyclers transformed 138 million metric tons of material from outdated or obsolete products into valuable manufacturing inputs in 2018 (the last year with full data). The use of these recycled commodities reduce the need to mine for ore, cut down trees for paper, extract fossil fuels to produce plastic and otherwise deplete our natural resources. Recycling also reduces the amount of material sent to landfills, preserving that land for better uses. And manufacturing products with recycled material – and stimulating the growth of this manufacturing through government purchases – results in significant energy savings compared with manufacturing with virgin materials, thereby reducing greenhouse gas emissions and making that energy available for other purposes.

Therefore, to understand “recycled content,” and the economic and environmental benefits to be achieved from purchasing goods made with recycled content, we believe it is imperative that EPA pursue a separate rule-making that improves the definitions for ‘recycling’, ‘recyclable’ and ‘recycled material.’ For purposes of these comments – and to consider for rule-making – ISRI defines these terms in the following way:

Recycling is the series of activities during which obsolete, previously used, off-specification, surplus, or incidentally produced materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacture of new products. The series of activities that make up recycling may include collection, processing, and/or brokering, and shall result in subsequent consumption by a materials manufacturer.

A “**Recyclable**” material is an obsolete, previously used, off-specification, surplus, or incidentally produced material for processing into a specification-grade commodity for which a market exists.

Recycled Material is material that was initially obsolete, previously used, off-specification, surplus, or incidentally produced and that has been processed into a specification-grade commodity for use in materials manufacturing.

II. COMPREHENSIVE PROCUREMENT GUIDELINES FOR PRODUCT CATEGORIES

Introductory Paragraphs

We recommend the following edits be made to paragraph three of the introductory paragraphs of the CPG Program, with new text indicated with an underline and deleted text indicated with a strike-through:

CPG continues the effort to promote the use of materials originating from the recycling supply chain or that are recovered or diverted from the solid waste stream into the recycling supply chain. ~~recovered from the municipal solid waste stream.~~ Buying products ~~made~~ manufactured with recycled ~~recovered~~ materials ensures that ~~the materials that have been recycled~~ collected in recycling programs will be used again in the manufacture of new products. This is in accordance with the Federal Trade Commission *Guides for the Use of Environmental Market Claims*.² There are 61 products designated in eight categories.

² [16 CFR §260](#)

Justification: The Federal Trade Commission’s *Guides for the Use of Environmental Market Claims* (“Green Guides”) provide a useful resource for product manufacturers and marketers to substantiate claims to environmental-friendliness by linking criteria for such a substantiation. For purposes of the Comprehensive Procurement Guidelines, we are referring to the following sections of the Green Guides:

*IX. Recyclable*³: A claim to recyclability requires that 60% of a market’s population has access to recycling infrastructure. The claim must clearly depict such access as well as what components are recyclable. This aids in substantiating such a claim by a product manufacturer and marketer that the product is in fact recyclable because appropriate recycling infrastructure is in place, thereby providing consumers the assurance they require when deciding to purchase such products and that such products will be recycled at the end of their useful lives.

*X. Recycled Content*⁴: A claim to containing ‘recycled content’ from pre- or post-consumer materials can only be made if such content was actually used in the manufacture of that good. The Green Guides are a useful tool for procurement officers to gain confidence that a product claiming to be made from recycled content indeed was made from it. Furthermore, the section heading recognizes that any market distinction between pre- and post-consumer materials is not necessary or mandated by the marketplace.

Chart Titles and Headings

We recommend that all chart titles replace “Recovered Materials Content” with “Recycled Content.” Furthermore, we recommend that all charts have just one column entitled “recycled content,” eliminating the need for separate columns titled “post-consumer content” and “total materials recovered content.” We recommend these changes be incorporated throughout the CPG; thus, there will be no direct reference to this suggestion in the charts below.

Justification: Recycled materials come from three major sources: residential (*e.g.*, curbside) recycling and solid waste collections, commercial collections, and industrial collections. As noted above, our definition for “recycled material” includes material that was initially obsolete, surplus, or incidentally produced and had been sent for recycling. The same recycling process is required to transform that material into a manufacture-ready form regardless of source (*e.g.*, whether that material that had been used by a person, commercial entity or industrial manufacturer), and the prominent result of diverting from landfill is the same. Furthermore, continuing with the existing CPG’s differentiation between pre- and post-consumer material creates artificial differentiations in cost and pricing that creates biases towards certain materials, thereby potentially creating incentives not to maximize the use of recycled content in the manufacturing process. Lastly, consumers of products made from recycled content do not require the recycled content to come from specific sources, only that it has been supplied from recycling.

³ [16 CFR §260.12](#)

⁴ [16 CFR §260.13](#)

Products⁵

➤ **Construction Products**

New Products: We recommend EPA include the following additional products in the CPG for Construction Products:

Product	Material	Recycled Content
Drainage Tile	Plastic	40%
Corrugated Pipes	Plastic	50-100%
Road Surfacing	Rubber	20%
Pipe Bedding	Glass	20-100%
Underdrain Filtration	Glass	20-100%
Non-Structural Fill	Glass	20-100%
Engineered Fill	Glass	20-100%
Sand-Blasting Material	Glass	100%
Gypsum Board	Paper	100%
Railroad Ties	Plastic	100%
Wall Panels	Aluminum	25-95%
Solar Panel Mounting Frames & Structures	Aluminum	25-95%
Gutters & Downspouts	Aluminum	25-95%
Modular Threshold Ramps & Associated Railings	Aluminum	25-95%
Roofing materials	Aluminum	25-95%

Existing Product: We recommend increasing the recycled content for the following existing product, with new text indicated with an underline and deleted text indicated with a strike-through:

... for Building Insulation

Product	Material	Recycled Content
Fiberglass	Glass	20-25% <u>50-90%</u>

Furthermore, please expand the product description for the following product:

Patio Blocks

Patio blocks made from 90-100 percent recycled ~~recovered~~ plastic and 90 to 100 percent postconsumer or rubber are used in patios, decks, garden walkways and trails.

Product	Material	Recycled Content
Patio Blocks	Rubber and Rubber Blends	90-100%
	Plastic and Plastic Blends	90-100%

⁵ The order of these product categories correlates to the order as presented at <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#products>.

➤ **Miscellaneous Products**

New Products: We recommend EPA include the following additional products in the CPG for Miscellaneous Products:

Product	Material	Recycled Content
Totes	HDPE Plastic	50%
Crates	HDPE Plastic	50%
Grocery Bags	LDPE Plastic	20%
Uniforms	Textiles / Plastic	30-100%
Dividers / shields	Plastic	50%
Beverage containers	Plastic	25-100%
	Metal	50-100%
	Glass	20%

Existing Product: We recommend adding an additional material to the following existing product (and, consider removing the footnote):

... for Awards and Plaques

Product	Material	Recycled Content
Awards and Plaques	Aluminum	25-95%

➤ **Nonpaper Office Products**

New Products: We recommend EPA include the following additional products in the CPG for Nonpaper Office Products:

Product	Material	Recycled Content
Cleaning Supply Bottles	HDPE or PET Plastic	25%
Compost Bins	HDPE Plastic	25%
Storage Shelving	Metal	100%
	Plastic	25%
Pencils	Wood, Paper	100%
Encased Writing Implements (including but not limited to Pens, Mechanical Pencils, markers, highlighters)	Plastic	70%
	Steel	100%
	Aluminum	25-95%
Computers (casings)	Plastic	50-100%
Tape dispensers	Plastic	100%
Staplers	Plastic	50%
Floor mats	Plastic	100%

New Sub-Category: Additionally, we encourage the addition of Refurbished Electrical and Electronic Equipment, similar to the existing CPG for “rebuilt vehicular parts” (Sec. B-4), “remanufactured toner cartridges” (Sec. G-3), and “remanufactured or refurbished office furniture” (Sec. G-9).

Refurbished Electrical and Electronic Equipment

Refurbished Electrical and Electronic Equipment includes, but are not limited to, computers, copy machines, fax machines, desk phones, mobile phones, tablets, kitchen appliances and other digital products. These products are available from original equipment manufacturers and third-party recyclers and refurbishers that follow one or more of the internationally-recognized standards for the collection, testing and preparation for reuse of electrical and electronic equipment. These standards are

R2: Currently in its third version, R2 is an electronics recycling, reuse, and refurbishing standard that has been developed by a multi-stakeholder group that addresses many key elements of electronics management with the intention of ensuring more responsible handling of electronic equipment. In addition to key elements of electronics specific recycling and refurbishing, R2 has specific requirements around maintaining quality, environmental, and health and safety management system certifications. There are currently over 800 R2 facilities globally.

E-Stewards: E-Stewards is a standard that is developed and managed by the Basel Action Network. E-Stewards contains many similar requirements as R2, but a notable difference relates to the export of material. There are currently approximately 70 facilities globally certified to E-Stewards.

Recycling Industry Operating Standard™ (RIOS™): RIOS™ is a Quality, Environment, Health and Safety management system certification for recyclers of all commodities. Within the realm of electronics recycling, RIOS™ serves as one of the two options that meets the EHS and Quality components of R2. There are currently over 150 RIOS certified facilities.

Existing Products: We recommend the following edits to a product currently in the CPG, with new text indicated with an underline and deleted text indicated with a strike-through:

Office Recycling Containers and Waste Receptacles

Recycling containers and waste receptacles are used to collect and transport waste and recyclable materials in offices all across the country – ~~either in for use~~ deskside, or as larger, more centralized indoor containers and as large outdoor containers that await collection and transport. These items can be made from recovered paper, plastic steel or aluminum.

... Office Recycling Containers and Office Waste Receptacles

Product	Material	Recycled Content
<u>Recycling Containers and Waste Receptacles</u>	Plastic	20 – 100%
	Steel ¹	25 – 30 <u>100%</u>
	<u>Aluminum</u>	<u>25-95%</u>
	Paper:	
	- Corrugated	25-50%
	- Solid Fiber Boxes	40%
	- Industrial Paperboard	40-100%

¹The recommended ~~recovered materials~~ recycled content levels for steel in this table reflect the fact that the designated items ~~are~~ can be made from steel manufactured in a Basic Oxygen Furnace (BOF), ~~Steel from which the BOF process~~ contains 25-30 percent total recycled content ~~recovered materials, of~~

~~which 16 percent is post-consumer steel, or from steel manufactured in an Electric Arc Furnace (ARF), steel from which contains up to 100 percent total recycled content.~~

Note: This revised footnote regarding steel should be incorporated throughout all the Comprehensive Procurement Guidelines.

We also recommend increasing the recycled content for the following product, with new text indicated with an underline and deleted text indicated with a strike-through:

Product	Material	Recycled Content
Plastic Trash Bags	Plastic	10 <u>20</u> -100%

➤ **Paper and Paper Products**

New Product: We recommend EPA include the following additional product to the CPG for Paper and Paper Products:

Product	Material	Recycled Content
Sticky Notes	Paper	30 – 100%

Existing Products: We recommend increasing the recycled content for the following products, with new text indicated with an underline and deleted text indicated with a strike-through:

... for Bristols

Product	Material	Recycled Content
File Folders (manila and colored)	Paper	30 – 100 %

... for Paperboard and Packaging Products

Product	Material	Recycled Content
Carrierboard ³	Paper	10 <u>80</u> -100%

³Although carrierboard made from unbleached kraft contains up to only 25 percent recovered fiber, ~~while the purchase of~~ carrierboard made from recycled paperboard that contains up to 100 percent recovered fiber is encouraged.

U.S. Postal Service Boxes: Additionally, we strongly recommend that the U.S. Postal Service switch from white top to brown kraft boxes. This will have a significant, positive impact on environmental preservation and landfill diversion of materials due to the volume of such boxes used throughout the U.S. postal system.

➤ **Park and Recreation Products**

New Products: We recommend EPA include the following additional products in the CPG for Park and Recreation Products:

Product	Material	Recycled Content
Recycling Bins ¹	Steel	100%
	HDPE Plastic	50%
Trash Bins ¹	Steel	100%
	HDPE Plastic	50%
Compost Bins	HDPE Plastic	25%

¹The recommended ~~recovered materials~~ recycled content levels for steel in this table reflect the fact that the designated items ~~are~~ can be made from steel manufactured in a Basic Oxygen Furnace (BOF), ~~Steel from which the BOF process contains 25-30 percent total recycled content recovered materials, of which 16 percent is post consumer steel,~~ or from steel manufactured in an Electric Arc Furnace (ARF), steel from which contains up to 100 percent total recycled content.

Existing Product: We recommend an update to recycled content amount of the following existing product, with new text indicated with an underline:

... for Park Benches and Picnic Tables

Product	Material	Recycled Content
Park Benches and Picnic Tables	Aluminum	<u>25-95%</u>

➤ **Transportation Products**

New Products: We recommend EPA include the following additional product in the CPG for Transportation Products:

Product	Material	Recycled Content
Motor Oil Bottles	HDPE Plastic	25%
Signs for Building, Street, Road & Traffic	Aluminum	25-95%

➤ **Vehicular Products**

Through innovation, auto manufacturers in the United States are using far more recycled content throughout the vehicle than ever before. Steel sourced in the United States is more than 70% made from scrap. Aluminum and specialty steel are used to improve an auto’s fuel efficiency through light-weighting. Plastics are being used in vehicle insulation and to make fabric and cushion for seats. Recycled rubber is used for sealants. The performance of these autos are not compromised when incorporating these recycled components, and we recommend that the incorporation of recycled content in automobiles be a requirement for fleet purchases.

III. CRITERIA AND PROCESS FOR PRODUCT DESIGNATION

We recommend the following edits, with new text indicated with an underline and deleted text indicated with a strike-through:

Criteria for Selecting Items for Designation

1. Use of Materials Found in Recycling & Solid Waste Collections - All products must be manufactured with recycled materials originating from the recycling supply chain or that are recovered or diverted from the solid waste stream into the recycling supply chain. ~~Particular attention is paid to those items produced from materials that are a significant component of the waste stream.~~
2. Economic and Technological Feasibility and Performance - EPA conducts research to verify that the product is available containing recycled ~~recovered~~ materials and that the product is likely to meet government specifications, industry-run recyclability certifications and performance requirements. It also is important for the product to be priced competitively and for there to be more than adequate competition among suppliers of the product.
3. Impact of Government Procurement - EPA considers the potential impact that government purchasers might have in minimizing the solid waste stream if they purchase a product made with recycled content ~~recovered materials~~. For example, although widgets might be made from 100 percent postconsumer materials, if the government does not buy widgets, EPA is not likely to designate them because designation would not contribute to a reduction in the solid waste stream.
4. Availability and Competition - The items EPA selects for designation are available from national, regional, or local sources. The relative availability of an item influences the ability of a procuring agency to secure an adequate level of competition when procuring it.
5. Other Uses for Recycled ~~Recovered~~ Materials - EPA also considers the possibility of one recycled ~~recovered~~ material displacing another recycled ~~recovered~~ material as feedstock, thereby resulting in no net reduction in materials requiring disposal; the diversion of recycled ~~recovered~~ materials from one product to another, possibly creating shortages in feedstocks for one or both products; and the ability of manufacturers to obtain recycled ~~recovered~~ materials in sufficient quantity to produce the item under consideration.
6. Other Considerations - Price is a factor affecting the availability of a recycled ~~recovered~~ material, including the availability and costs of material feedstocks, energy costs, labor costs, rate of return on capital, transportation charges, and the quantity of the item ordered. In addition, EPA does not intend to designate experimental or developmental products until it can be shown that they meet all of EPA's selection criteria. EPA also considers comments from end users, manufacturers, distributors, the general public, and other interested parties through a formal rulemaking process to designate items.

This entire process usually spans at least one year.

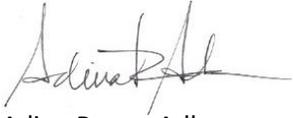
IV. CONCLUSION

We reiterate our hope that a rule-making on the definition of 'recycling', 'recyclable' and 'recycled material' will be considered as a support to the goals trying to be achieved through the EPA Comprehensive Procurement Guidelines. We also look forward to engaging in a rule-making process with EPA in which the comments provided herein – which includes proposed additional products that are available in the marketplace and made from recycled content as well as changes to recycled content levels in existing products – could be incorporated to enhance the CPG. Doing so will stimulate additional recycling in the United States, which will lead to greater environmental and economic benefits for the United States. It is vital to the overall success of the U.S. recycling

industry that government procurement help to drive demand for recycled materials, which will, in turn, drive more opportunity for growth in recycling.

We thank you for the opportunity to provide these comments and suggestions. If we can answer any questions or provide any additional information, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Adina Renee Adler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Adina Renee Adler
Vice President of Advocacy