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IN THIS ISSUE

A Brief Summary of Attributes Proposed for Consideration by the Joint Group

At the last meeting of the Joint Group on Environmental Attributes, DSS-E asked for proposals for new attributes. To date, the following topics have been proposed:

Organic

Biobased

NESHAP Compliant
(National Emissions Standards for
Hazardous Air Pollutants)

Mercury Free

PBT Alternative
(Persistent, Bioaccumulative & Toxic
pollutant)

CORRECTION

In the last newsletter, the next Joint Group meeting was announced for February 13. This was INCORRECT. The next Joint Group meeting is scheduled for Wednesday, February 12.

Organic

When people think of organic, they usually think of food. This is because organic applies to agricultural products, and food is the largest product category and creates the most public awareness. Virtually everyone who has been to a grocery store in the past few years has encountered a label advertising a product as “organic.” The market share for organic foods has increasing on the order of 20 to 25 percent per year in the U.S. and similarly in many other countries as well. Like the U.S., many countries have, or are developing, standards and certification procedures for agricultural products, that involve farmers, product handlers and processors. In the U.S., the National Organic Program is administered by the US Department of Agriculture (USDA). It Program includes both edible and non-edible products produced with or containing agricultural products.

The Federal Government first began regulating use of the term “organic” with passage of the Federal Organic Foods Production Act of 1990. The Act requires Secretary of Agriculture the authority to regulate use of the term “organic” by establishing standards and to assure that products labeled as organic meet a consistent standard. The Act establishes a National Organic Standards Board, comprised of non-government stakeholders to assist in the development of standards and advise on implementation. It also directs the USDA to establish an organic certification program. The Act is not very lengthy, and is available at: <http://www.ams.usda.gov/oldnop/orgact.htm>.

The most recent rule implementing the Act, the National Organic Program, was published in the Federal Register in December 2000. It establishes a national program to accredit State and private entities as certifying agents. These agents, in turn, certify domestic or foreign organic production or handling operations. The arrangement is an example of “Third Party Certification” discussed at the last Joint Group meeting. The complete list of certifying agents accredited by USDA can be found at: <http://www.ams.usda.gov/nop/CertifyingAgents/Accredited.html>.

The Rule also establishes three types of labels marketers can use on their products: 100 Percent Organic; Organic (must contain at least 95 percent organically produced raw or processed agricultural product) and Made with Organic Ingredients (multi-ingredient products containing between 70 and 95 percent organic agricultural ingredients). In addition to food, personal care products, clothing and other product categories produced with or containing agricultural products can be labeled organic. This could include fuel and additives, such as biodiesel. To date, no federal procurement preference for organic has been established. However, some advocates have noted that the phrase in EO 13101 “It is the national policy to prefer pollution prevention” and the significant pesticide, herbicide and other dangerous substances avoided by use of organic products point in an unambiguous direction. Further, the number of products the Federal government purchases that would qualify as “organic” will grow significantly as the Bioproducts initiative launched by the 2002 Farm Bill gains momentum. For more information, including complete text of the Rules and standards, visit USDA’s excellent web site at: <http://www.ams.usda.gov/nop/>

Biobased Products

The last two newsletters (Nov 2002 and Jan 2003), provided some background and status on the Biobased Products issue. The only additional piece of information to add here is the observation that both the National Organic Program and the Biobased Products program are administered by USDA and consistency will be important to agencies such as DLA and GSA.

NESHAP Compliant

(National Emissions Standards for Hazardous Air Pollutants)

The NESHAPs are emissions standards set by EPA for an air pollutant not covered by National Ambient Air Quality Standards (NAAQS). The NESHAPs were originally required by the 1970 Clean Air Act (CAA) for sources determined to pose adverse risk to human health by the emission of hazardous air pollutants (HAPs). The CAA directed the EPA to set the standard at the level which provides an ample margin of safety to protect the public health. These risk-based NESHAPs are located in 40 CFR 61 (http://www.access.gpo.gov/nara/cfr/waisidx_99/40cfr61_99.html). The NESHAPs program applies to all existing and new/modified sources. Primary standards are designed to protect human health, secondary standards to protect public welfare (e.g., building facades, visibility, crops, and domestic animals). Among the NESHAPs likely to affect DoD operations include Aerospace, Asbestos, Chrome Electroplating, Halogenated Solvents, Perchloroethylene Air Emissions Standards For Dry Cleaning Facilities, Radionuclide Emissions and Wood Furniture Operations. Consumable materials, such as paints, solvents, metals and other hazardous substances are the source of air pollutants. Many of these materials are available through DLA

Mercury Free

Mercury is an elemental heavy metal can result in nervous system damage including tremors, and mood and personality alterations; numbness or tingling in the extremities, sensory loss, loss of coordination or kidney damage. Exposure of the developing fetus can result in neurologic developmental abnormalities in cognitive and motor functions. Whether any of these symptoms actually occur, and their nature and severity, depend on the amount of exposure. Mercury can be found in thermometers, thermostat probes, dental amalgam, gauges and manometers, thermostats, mercury switches and relays, fluorescent lamps, mercury vapor lamps, high pressure sodium lamps, neon lamps and metal halide lamps. When products containing mercury disposed, the mercury doesn't disappear. It gets into the environment from waste incinerators, landfills, or wastewater treatment facilities. EPA is promoting awareness of mercury containing devices, and working with manufacturers to identify alternatives. For more information, some web sites to visit include: <http://www.epa.gov/region02/health/mercury.htm>; <http://www.epa.gov/grtlakes/p2/mercpam.htm>; <http://www.epa.state.oh.us/opp/Mercur.PDF> and <http://www.cleanair.org/mercury/index.html>. An EPA report to Congress (Mercury Study Report to Congress, Dec 1997) lists man-made sources of mercury emissions on Table ES-1, at web site: <http://www.epa.gov/ttn/oarpg/t3/reports/volume2.pdf>.

PBT Alternatives

(Persistent, Biocumulative & Toxic Pollutant)

PBTs are regulated by EPA under the Toxic Release Inventory program, and are reportable under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). The final rule governing PBTs was published in the Federal Register in November 1999, which adds PBTs to the Toxic Release Inventory (TRI) list. The final rule is at: <http://www.epa.gov/fedrgstr/EPA-WASTE/1999/October/Day-29/f28169.htm> Eighteen chemicals and chemical categories are subject to the PBT chemical rule, including pesticides, aromatics (polychlorinated biphenyls, dioxins and others) and the metals mercury and mercury compounds. The PBT rule does not ban these substances, but rather lowers TRI thresholds and imposes special reporting requirements. Further, the *de minimis* exemption provided for under TRI reporting has been eliminated for PBT chemicals. This means that chemicals used even in very low quantities must be reviewed. Because PBTs are part of the TRI program, understanding the issue is not straightforward. Recommended reading includes two EPA websites: <http://www.epa.gov/pbt/> and <http://www.epa.gov/tri/lawsandregs/pbt/pbtrule.htm#rule>.