



April 25, 2014

Alison Kinn Bennett  
Senior Advisor  
Pollution Prevention Division  
Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-0001

Re: EPA-HQ-OPPT-2013-0579

Ms. Kinn Bennett:

The Coalition for Government Procurement (The Coalition) appreciates the opportunity to provide comments on the draft Guidelines for the use of ecolabels and environmental performance standards in Federal procurement.

The Coalition is a non-profit association of firms selling commercial services and products to the Federal Government. Our members collectively account for approximately 70% of the sales generated through the GSA Multiple Award Schedules (MAS) program and about half of the commercial item solutions purchased annually by the Federal Government. Coalition members include small, medium and large business concerns. The Coalition is proud to have worked with Government officials over the past 35 years towards the mutual goal of common sense acquisition.

The Coalition commends the Environmental Protection Agency (EPA) for working with the General Services Administration (GSA) to develop guidelines for the use of ecolabels for agencies to reference when purchasing products. The development of these guidelines is an important step in providing more clarity for vendors in the Federal market. Consistency amongst agencies in how the guidelines are applied is critical. Consistent interpretation and use of the guidelines will provide companies with the information they need to determine which environmental attributes

meet the government's requirements and invest accordingly. We are concerned that if agencies are allowed discretion to interpret and use the guidelines as they wish, individual agencies will require different ecolabels in Federal procurement, as is the case today.

## Proposed Pilot

In order for the EPA's guidelines to be most effective, they should be tailored to specific industries and result in a list of ecolabels that both agencies and vendors can reference when buying/selling in the Federal market.

The Coalition is supportive of the EPA's proposed pilot in which a multi-stakeholder group for a particular industry would convene with a third-party conformity assessment entity to determine which ecolabels (in that industry) conform to the EPA's guidelines. The multi-stakeholder group should be open to representatives from government, industry, academia and the non-profit sector. The assessment conducted by the third-party entity should result in a publically available list of conforming standards and ecolabels that both agencies and vendors can use in the procurement process.

## Services

Federal spending for contract services continues to outpace the procurement of products. In FY 2012, the Federal government spent \$308 billion for contract services compared to \$204 billion in contract obligations for products<sup>1</sup>. In addition to providing market clarity for product vendors, the Coalition recommends that the EPA and GSA work together to address sustainable services. Without appropriate definitions and guidance in this area, a large degree of uncertainty about environmentally preferable purchasing will still remain in the Federal market.

Defining a sustainable service is an incredibly complex undertaking. One approach for the government to consider is to identify a limited number of services where the use of environmentally preferable products is integral to the service delivery.

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<sup>1</sup> "Structure and Dynamics of the U.S. Federal Services Industrial Base, 2000–2012: A Report of the CSIS Defense-Industrial Initiatives Group", Center for Strategic and International Studies, September 2013, [http://csis.org/files/publication/130827\\_Sanders\\_FederalServicesContractingTrends2000-2012\\_Web.pdf](http://csis.org/files/publication/130827_Sanders_FederalServicesContractingTrends2000-2012_Web.pdf).

## The Draft Guidelines

The Coalition has the following comments on Section 2 of the Draft Guidelines for Product Environmental Standards & Ecolabels for Voluntary Use in Federal Procurement.

Section 2: Guidelines for the Environmental Effectiveness of the Standards	
Draft Guideline	Comment
<p><b>1- Functional Performance</b>- <i>Final product standards require that the product’s functional performance is consistent with comparable conventional products or standard industry test methods.”</i></p>	<p>Functional performance is evaluated as part of the standard acquisition process through the technical requirements set by the agency. This criteria is not appropriate for assessing whether a particular ecolabel is appropriate for Federal procurement. In addition, FAR 23.103 Sustainable Acquisition has not been published as a final rule by the FAR Council.</p> <p>Functional performance is oftentimes developed at a system or overall product level and is not available at component or sub-assembly level.</p> <p>There may not be standards available for new innovative products and inventions—an absence of product ecolabels may result in fewer procurements or less optimal alternatives.</p>
<p><b>2- Align with Relevant Standards</b> - <i>To avoid duplication or confusion in the marketplace, standards for green products align with relevant existing standards, including building upon existing, federal, regional, national, and international standards where relevant to the scope and goals of the standard.</i></p>	<p>This guideline is better suited for Section 1 on the process for developing standards. Also, the intent of this guideline is already covered by <i>Section 1, Guideline 13 Good-faith on Conflicts</i>.</p>
<p><b>12- Ingredient Disclosure</b> - <i>The standard encourages manufacturers to disclose ingredients in products (to other businesses in the supply chain and/or consumers).</i></p>	<p>There may be trade secret and company proprietary issues associated with disclosures.</p> <p>Also, manufacturers’ existing business systems may not be designed to track supply chain information at the ingredient level. For these companies, investments would need to be made to update their business systems—which could increase the pricing</p>

	available to the government. Small businesses may find making these changes cost prohibitive.
<p><b>13- Impact Assessment Disclosure</b> - <i>The standard encourages manufacturers to disclose the results of life cycle assessments and other product environmental or human health assessments that have been conducted.</i></p>	<p>There are IP issues associated with the disclosure of this information. Not all Federal contractors will be able to comply.</p> <p>Companies have invested resources in collecting and reporting emissions following GHG Protocol. Establishing different standards would place added burden and cost on industry.</p>

### Flexibility in Demonstrating Conformance

The EPA should allow for some flexibility in how vendors demonstrate conformance with product environmental performance standards and ecolabels criteria. In some instances, it may be more efficient and cost effective for vendors to show that they meet specific criteria set forth in an ecolabel - without having to obtain the actual ecolabel itself. This flexibility would assist small businesses that find attaining ecolabels and environmental certifications a barrier to the Federal market. It would also help vendors that have products with environmental attributes demonstrate that they can meet an agency's needs, even when there is no applicable label for that product.

The Coalition appreciates the opportunity to provide input on the draft Guidelines for the use of ecolabels and environmental performance standards in Federal procurement. If there are any questions, please contact me at (202) 331-0975 or [rwaldron@thecgp.org](mailto:rwaldron@thecgp.org).

Sincerely,



Roger Waldron

President