



September 5, 2022

Adina Torberntsson
Procurement Analyst
General Services Administration
1800 F. St., N.W.
Washington, D.C. 20405

RE: RIN: 3090-AK60, General Services Administration Acquisition Regulation (GSAR); Single-Use Plastics and Packaging

Ms. Torberntsson:

Thank you for the opportunity to submit comments in response to the Advance Notice of Proposed Rulemaking (ANPR) “General Services Administration Acquisition Regulation (GSAR); Single-Use Plastics and Packaging” published July 7, 2022.

By way of background, The Coalition for Government Procurement (“the Coalition”) is a non-profit association of firms selling commercial services and products to the Federal Government. Its members collectively account for a significant percentage of the sales generated through General Services Administration contracts, including the Multiple Award Schedule program. Members of The Coalition also are responsible for many of the commercial item solutions purchased annually by the Federal Government. These members include small, medium, and large business concerns. The Coalition is proud to have collaborated with Government officials for over 40 years in promoting the mutual goal of common-sense acquisition.

The Coalition supports GSA’s efforts to reduce plastic waste and pollution and address other climate impacts in accordance with Executive Order (EO) 14057 *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*. Many of our members have established programs that have eliminated or reduced the unnecessary use of single-use plastic in packaging. Such plastics—defined here as “plastic materials that are used and then immediately disposed of once the item [whose delivery they support] is delivered”—are, as the ANPR notes, a “significant contributor” to global plastic pollution. Our recommendations highlight for GSA to consider: Federal efforts to increase sustainability in procurement that GSA may emulate; current Federal agency packaging standards/requirements; and relevant potential concerns, such as the cost of compliance for both contractors and purchasers.

Recommendation 1: *Engage with key Federal agencies, especially the U.S. Environmental Protection Agency (EPA), the Council on Environmental Quality (CEQ) and the Federal Acquisition Regulatory Council (FARC), on a government-wide approach to reducing waste, and single-use plastic in particular, in accordance with EO 14057.*

GSA's Sustainability Priorities¹ emphasize the importance of government-wide solutions in achieving the sustainability goals set by the Biden administration in EO 14057. The Coalition supports GSA taking a leadership role in facilitating a dialogue with Federal agencies on how best to increase sustainable procurement government-wide, including how to reduce single-use plastics and packaging under Federal contracts. We also encourage GSA to work with the EPA, CEQ, and other agencies that have expertise in the life cycle and other environmental impacts of packaging supplies, related ecolabels and environmental programs, and other issues that may need to be considered when establishing a single-use plastics and packaging requirement.

We urge GSA to avoid establishing unique requirements for only GSA contracts which would lessen the environmental impact (when it could be more broadly applied) and increase costs if agencies were to adopt different requirements to meet their own waste reduction goals under EO 14057. Further, any increased packaging costs under GSA contracts likely would be passed on to GSA customers in the form of higher prices.

Recommendation 2: *Ensure that any requirements are consistent with the EPA's Environmentally Preferable Purchasing (EPP) program. Imitate the cross-agency, industry-involved process that created the EPP and its recommendations in crafting any new regulations.*

The Coalition recommends that any single-use plastics requirement align with the EPA's Environmentally Preferable Purchasing (EPP) program. The EPP supports customer agencies in meeting their sustainability requirements, like FAR 23.703(b)(1), which requires Federal agencies to "maximize the utilization of environmentally preferable products and services (based on EPA-issued guidance)," as much as practicable. In addition, the EPP provides a list of [Specifications, Standards, and Ecolabels for Federal Purchasing](#) to assist agencies in identifying environmental standards and ecolabels that may be used to procure environmentally preferable goods and services. The standards and ecolabels in this list were developed by both the Federal government and private sector, and they meet the criteria in the EPA's Framework for the Assessment of Environmental Performance Standards and Ecolabels for Federal Purchasing, which was developed, in part, by GSA. Products and services that possess a recommended ecolabel or environmental performance standard are marked with their respective ecolabel in GSA Advantage!, making it simple for Federal customer agencies to make purchases consistent with the FAR, Executive Order 14057, and the Federal Sustainability plan.

The EPA's EPP program is an example of a Federal effort to increase sustainable procurement that was developed in collaboration with other Federal agencies, like GSA, and with input from industry. The program provides Federal agencies across the government with consistent, user-friendly guidance to help them meet applicable sustainability requirements. It is also flexible in that it allows customer agencies the discretion to choose which environmental standard or ecolabel best meets their mission critical need.

As GSA explores how to reduce waste (and single-use plastics in particular), we recommend that, like the EPP program, GSA work with other Federal agencies to address this concern through a government-

¹ GSA's Sustainability Priorities at <https://www.gsa.gov/governmentwide-initiatives/climate-action-and-sustainability/how-gsa-supports-the-administrations-sustainability-priorities>

wide approach that takes industry’s input into consideration and allows agencies and contractors flexibility in how they meet their waste reduction goals.

Recommendation 3: *Ensure that any single-use plastics and packaging requirements harmonize with existing Federal agency packaging requirements or plastic-reduction initiatives, such as MIL STD 2073, the U.S. Navy “Plastics Removal in the Marine Environment (PRIME)” program and Department of the Interior Order No. 3407.*

In tandem with seeking a government-wide solution, GSA should consider existing agency packaging requirements and policies. Examples are MIL STD 2073-1E, the U.S. Navy “Plastics Removal in the Marine Environment (PRIME)” program and the Department of the Interior Order No. 3407, “Department-Wide Approach to Reducing Plastic Pollution:”

- *MIL STD 2073-1E, “Standard Practice for Military Packaging:”* https://quicksearch.dla.mil/qsDocDetails.aspx?ident_number=37232
This DoD standard describes the process for the “development and documentation of military packaging” and governs all applications where “military packaging is required to meet operational demands.” The standard requires single-use plastic be used in several instances for packaging, including as cushioning, wrapping, and as divider films.
- *U.S. Navy “Plastics Removal in the Marine Environment (PRIME)” program:* apps.dtic.mil
The PRIME program was created in response to the Marine Plastic Pollution Research and Control Act of 1987. PRIME collaborates with other agencies to “reduce excess plastic packaging through contract provisions” and specifies alternatives to plastics in Naval Supply Systems (NAVSUP) guidance. PRIME products are included in the broader NAVSUP sustainability guide and are marked with a PRIME symbol in GSA Advantage!. The acquisition of PRIME-labelled products is consistent with Navy acquisition guidance that discourages the purchase of “plastic, plastic products and packaging material containing plastic” for shipboard use.
- *The American Society for Testing and Materials “Practice for Commercial Packaging” standard (ASTM D3951-18):* <https://blog.ansi.org/2018/11/astm-d3951-18-commercial-packaging-dunnage/#gref>. This standard is often referenced in GSA and DoD contracts. A single-use plastics and/or packaging reductions requirement could deviate from this standard practice.
- *Department of the Interior Order No. 3407, “Department-Wide Approach to Reducing Plastic Pollution:”* [SO 3407 \(doi.gov\)](https://www.doi.gov/so/3407).
In response to E.O. 14057, the DOI issued Order No. 3047, which prescribes that the Chief Sustainability Officer, in collaboration with the Bureaus and Offices of the Department, will work to develop and implement sustainable procurement plans “that include specific approaches to phasing out single-use plastic products by the end of 2032” and an associated timeline.

These requirements and policies exemplify the diversity of plastic-related initiatives across the Federal government. Single-use plastics are sometimes required to complete an agency mission (MIL STD 2073-1E), have already been reduced (PRIME), or are an ongoing target of agency action (DOI)—and these are but three aspects of the issue. To ensure that any rulemaking does not conflict with existing efforts by

customer agencies, we encourage GSA to consider these existing plastic-related initiatives and conduct additional market research to identify others.

Recommendation 4: *Exercise caution in restricting particular single-use plastic and packaging items, especially where performance concerns are at issue. Examine the experience of private industry and other regulatory bodies at various levels of government with the elimination of single-use plastic when preparing possible regulations.*

As indicated in the ANPR, GSA's efforts to reduce unnecessary single-use plastics and packaging waste will need to be balanced with requirements that ensure that products are protected during shipping and delivery and that product quality is maintained over time. For example, DoD requires specific packaging to maximize the shelf life of certain items, like computer parts, for 1 to 5 years. It is important to weigh the environmental impacts of plastics and packaging, as well as potential degradation that may occur depending on the type of packaging that is used, when determining how to address single use plastics. Members report that certain single-use plastics may be required to extend the shelf life of certain parts and other products to meet DoD's life cycle requirements.

Recommendation 5: *Consider the potential effects of this regulation on small businesses. If sufficient information is not received via the current ANPR, then consider collecting contractor feedback through solicitations.*

Among the significant concerns that the Coalition has regarding the ANPR is the potential effect of any proposed rule on small businesses. Members report that requirements intended to eliminate or reduce single-use plastic packaging could impose increased costs on contractors if GSA's specifications differ from those in the commercial marketplace. Because of the vast array of products purchased by the Federal government and a dearth of research on packaging costs, we are unable to identify what these costs could be in absolute terms or as a percentage of the purchase price. It also is possible that, in some cases, transitioning to sustainable packaging could even achieve cost reduction.

This uncertainty about costs, coupled with the fact that compliance burdens fall especially heavily on small businesses, means that greater research should be done to understand the effects of any new regulations on the costs paid by contractors for alternative packaging.

Recommendation 6: *Ensure that efforts to reduce single-use plastic do not impose new costs on contractors during the current inflationary period.*

In fiscal year 2022, the U.S. [has experienced levels of inflation](#) not seen in four decades. Consumer prices rose 9.1 percent from June 2021 to June 2022, and inflation in key sectors for procurement, like the defense industrial base, is [likely even higher](#). GSA has recognized and tried to mitigate the effect of inflation on contractors by releasing a Temporary Moratorium Acquisition Letter (MV-22-02) this March that was intended to speed the processing of Economic Price Adjustments (EPAs) by Contracting Officers. Contractors, however, have continued to report delays in receiving EPAs, and forecasts project that inflation will continue to be elevated for at least the next year. Before pursuing measures that will impose new costs on contractors, GSA should ensure that measures such as MV-22-02 are fully implemented so that the burden imposed by inflation has been relieved.

The Coalition sincerely appreciates GSA for considering industry's comments in response to the GSAR Single-use Plastics and Packaging ANPR. If you have any questions, please contact Roger Waldron at rwaldron@thecgp.org or (202) 331-0975.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Waldron", is placed over a light gray rectangular background.

Roger Waldron
President