

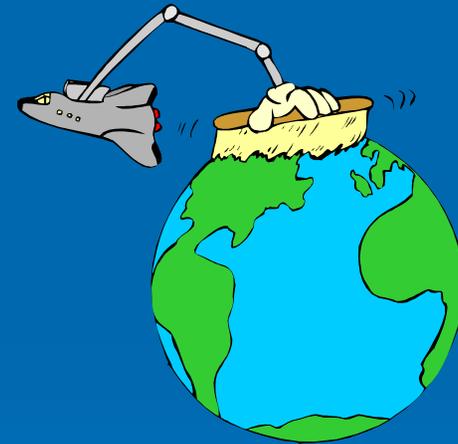


Executive Order 13423

Strengthening Federal
Environmental, Energy and
Transportation Management

Executive Order 13423 Replaces the Greening the Government Series of Executive Orders

- 13101 Recovered Materials
- 13123 Energy Efficiency
- 13148 Environment
- 13149 Transportation



BUT

- 13221 Standby Power was retained



Two Parts Involved

Executive Order

- States Policy
- Establishes Goals
- Assigns Responsibilities for Agencies, CEQ, OMB, OFEE

Implementing Instructions

- 12 Instructions
- 47 pages of details



What's Really New?

- Electronic Stewardship
 - Very Broad
 - Electronic Product Environmental Assessment Tool (EPEAT)
- WaterSense Product Labeling Program
- Plug-In Hybrid Vehicles
- Sustainable Design, High Performance Buildings

Highlights of the Executive Order

- Goals — 95% of Our Purchases of Electronic Products Must Meet EPEAT Standards
- Duties of Agency Head — Ensure All Contracts for Operation of Government-owned Facilities or Vehicles Require Contractor to Comply with All Provisions of the Order [Section 3(e)]



Highlights (continued)

- Duties of OMB — Amend the FAR
- Duties of OFEE — Continue Reports to the President on 2 Year Cycle



Highlights of Implementing Instructions

- Instruction I – Introduction. This devotes itself to the various interagency working groups set up to monitor implementation.
- Instruction II – Environmental Management System. DOE G 450.1.



Instructions (continued)

- Instruction III – Compliance Mgmt. Plans. Not Used in DOE.
- Instruction IV – Reporting and Monitoring.
- Instruction V – Training.



Instructions (continued)

- Instruction VI – Energy and Water Management.
 - EnergyStar Products
 - FEMP Designated Products
 - WaterSense Products **[New]**
 - ESPCs and UESCs

- FAR was amended to include a provision and clause for contracts involving energy using products on November 23, 2007!

Instructions (continued)

- Instruction VII – Acquisition and Green Product Designations
 - Part A. This assigns OFPP responsibility to develop a Policy Letter and amend the FAR.
 - Part B. This is a list of areas for which there are established procurement preference programs, only WaterSense is new. They are:
 - Recycled content products designated by EPA
 - Biobased content products designated by USDA
 - EnergyStar and FEMP designated energy efficient products

Instructions (continued)

- WaterSense products
- Energy from renewable sources
- Environmentally preferable products and services including EPEAT-registered electronic products
- Alternative fuel vehicles and alternative fuels
- Products with low or no toxic or hazardous constituents, and
- Non-Ozone Depleting Substances

Instructions (continued)

- Part C – Standards, Coordination and Review of Green Products
 - Printing and Writing Paper = 30% Post Consumer Content – EPA Will Review
 - EPA Designated Products – EPA Will Review Products and Eliminate any Obsolete Listings



Instructions (continued)

- Part D – Program Coordination, Guidance and Models
 - Coordination – EPA, USDA and DOE are required to actively coordinate their efforts to avoid duplicative or conflicting designations.
 - Guidance – EPA, USDA and DOE are to provide better technical guidance for meeting program requirements.
 - Model Programs – Promotes group efforts to introduce new products.



Instructions (continued)

- Instruction VIII – Pollution Prevention
 - This continues guidance from the earlier Order regarding minimizing the use of toxic and hazardous chemicals, ozone-depleting substances and the Emergency Planning and Community Right to Know Act.
- Instruction IX – Solid Waste Diversion and Recycling
 - This too continues coverage from the prior Order.



Instructions (continued)

- Instruction X – Sustainable Design/High Performance Buildings **[New]**
 - Focus of an Interagency Working Group
 - Sustainable Designs for New, Existing and Rental Buildings.



Instructions (continued)

➤ Instruction XI – Vehicle Fleet Management

- Most of this is a continuation of the efforts under EO 13149 to improve the fuel efficiency of the conventionally fueled fleet vehicles and to increase the use of alternate fuel vehicles and alternative fuels
- Plug-In Hybrid Vehicles **[NEW]** – The Administration has pledged to Industry that the Government will acquire these vehicles when they become commercially available.

Instructions (continued)

- Instruction XII – Electronics Stewardship **[NEW]**
 - Product of the Federal Electronics Challenge, an Interagency Working Group
 - Major Emphasis EPEAT
 - Life Cycle Approach – Consider material content and disposal issues
 - EPEAT FAR Case Already In Process



How Does This Get Implemented

(List is In Order of Issuance)

- DOE Acquisition Guide – Chapter 23
- OFPP Policy Letter
- FAR Amendment





DOE Acquisition Guide

- Chapter 23 was reissued June 2007
 - It was rewritten to reflect the organization of the new Executive Order and its Implementing Instructions. It continues our use of the Green Acquisition Advocates.



OFPP Policy Letter

➤ OFPP Policy Letter

- Will be published for public comment
- When finalized expect overlap with Guide which may be reissued



FAR Amendment will add:

- Biobased Preference Program (FAR Case 2004-032 was completed November 7, 2007 making this this part of the Affirmative Procurement Program)
- FAR Case 2005-39 Clarifies that EPA Designated Items are to be used in Construction and Services Contracts

FAR Amendment (continued)

- Implementation of 2005 Energy Policy Act (FAR Case 2006-008 was published November 23, 2007 adding an Energy Efficiency Clause for All Contracts for Energy Using Products Including Supply, Construction, Renovation and Services)
- Environmental Stewardship (EPEAT FAR Case 2006-30 in process)
- Sustainable Design/High Performance Buildings

FAR Amendment (continued)

- Water Sense Labeling Program
- Plug-In Hybrid Vehicles



REPORTING

Annual DOE Report to OFPP and OFEE

- Combines
 - Federal Purchases from FPDS
 - Contractor Purchases from EPP



REMEMBER



- Environmentally Preferable Purchasing
- Environmentally preferable products or services have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

Affirmative Procurement

- The policy and practice of purchasing goods made with recycled or biobased materials

Example:

Paper with 30%
Post-consumer
Content



Environmentally Preferable Products Include All of These

- Alternative fuel vehicles and alternative fuels required by the Energy Policy Act of 2005:
- Biobased products designated by the U.S. Department of Agriculture in the BioPreferred program
- Energy from renewable sources required by the Energy Policy Act of 2005
- Energy Star® products and FEMP-designated energy-efficient products

Environmentally preferable products and services,
including EPEAT-registered electronic products

Non-ozone depleting substances, as identified in
EPA's Significant New Alternatives Program

Products with low or no toxic or hazardous
constituents, consistent with section VIII.A of the
implementing instructions for Executive Order
13423

Recycled content products designated in EPA's
Comprehensive Procurement Guidelines

Water-efficient products



Conclusion

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