

# Subpart 11.3 - Acceptable Material

Parent topic: [Part 11 - Describing Agency Needs](#)

## 11.301 Definitions.

As used in this subpart—

*Postconsumer material* means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item.

Postconsumer material is a part of the broader category of "*recovered material*." For paper and paper *products*, postconsumer material means "postconsumer fiber" defined by the U.S.

Environmental Protection Agency (EPA) as—

(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; or

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; but not

(3) Fiber derived from printers' over-runs, converters' *scrap*, and over-issue publications.

*Recovered material* for paper and paper *products*, is defined by EPA in its Comprehensive *Procurement* Guideline as "recovered fiber" and means the following materials:

(4) Postconsumer fiber.

(5) Manufacturing wastes such as—

(i) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(ii) Repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

## 11.302 Policy.

(a) Agencies *must* not require *virgin material* or *supplies* composed of or manufactured using *virgin material* unless compelled by law or regulation or unless *virgin material* is vital for safety or meeting performance requirements of the contract.

(b)

(1) When acquiring *products* other than *commercial products* as defined in [2.101](#), agencies *must* require *offerors* to identify used, *reconditioned*, or *remanufactured supplies*; or unused former Government *surplus property* proposed for use under the contract. These *supplies* or property *may* not be used in contract performance unless authorized by the *contracting officer*.

(2) When acquiring *commercial products*, the *contracting officer* *must* consider the customary practices in the industry for the product being acquired. The *contracting officer* *may* require *offerors* to provide information on used, *reconditioned*, or *remanufactured supplies*, or unused former Government *surplus property* proposed for use under the contract. The request for the information *must* be included in the *solicitation*, and to the maximum extent practicable *must* be limited to information or standards consistent with normal commercial practices.

(c)

(1) When the *contracting officer* needs additional information to determine whether *supplies* meet minimum *recovered material* or biobased standards stated in the *solicitation*, the *contracting officer* *may* require *offerors* to submit additional information on the recycled or biobased content or related standards. The request for the information *must* be included in the *solicitation*. When acquiring *commercial products*, limit the information to the maximum extent practicable to that available under normal commercial practices.

(2) For *biobased products*, agencies *may* not require, as a condition of purchase of such *products*, the vendor or manufacturer to provide more data than would typically be provided by other business entities offering *products* for sale to the agency, other than data confirming the biobased content of a product (see 7 CFR 3201.8).

## **11.303 Special requirements for paper.**

(a) The following applies when agencies acquire paper in the *United States* (as defined in [23.001](#)):

(1) Section 2(d)(ii) of Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, establishes a 30 percent postconsumer fiber content standards for agency paper use. Section 2(d)(ii) requires that an agency's paper *products must* meet or exceed the minimum content standard.

(2) Section 2(e)(iv) of Executive Order 13514 requires *acquisition* of uncoated printing and writing paper containing at least 30 percent postconsumer fiber.

(b) *Exceptions*. If paper under paragraphs (a)(1) or (a)(2) of this section containing at least 30 percent postconsumer fiber is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, then the agency *must* purchase-

(1) Printing and writing paper containing no less than 20 percent postconsumer fiber; or

(2) Paper, other than printing and writing paper, with the maximum practicable percentage of postconsumer fiber that is reasonably available at a reasonable price and that meets reasonable performance requirements.

## **11.304 Contract clause.**

Insert the clause at [52.211-5](#), Material Requirements, in *solicitations* and contracts for *supplies* that are not *commercial products*.