

Subpart 23.7 - Contracting for Environmentally Preferable Products and Services

Parent topic: [Part 23 - Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace](#)

23.700 Scope.

This subpart prescribes policies for acquiring *environmentally preferable products* and services.

23.701 Definitions.

As used in this subpart-

Computer means a device that performs logical operations and processes data. *Computers* are composed of, at a minimum:

- (1) A central processing unit (CPU) to perform operations;
- (2) User input devices such as a keyboard, mouse, digitizer, or game controller; and
- (3) A *computer display* screen to output information. *Computers* include both stationary and portable units, including *desktop computers*, *integrated desktop computers*, *notebook computers*, thin clients, and workstations. Although *computers must* be capable of using input devices and *computer displays*, as noted in paragraphs (2) and (3) of this definition, *computer* systems do not need to include these devices on *shipment* to meet this definition. This definition does not include server *computers*, gaming consoles, mobile telephones, portable hand-held calculators, portable digital assistants (PDAs), MP3 players, or any other mobile computing device with displays less than 4 inches, measured diagonally.

Computer display means a display screen and its associated electronics encased in a single housing or within the *computer* housing (e.g., notebook or *integrated desktop computer*) that is capable of displaying output information from a *computer* via one or more inputs such as a VGA, DVI, USB, DisplayPort, and/or IEEE 1394-2008™, Standard for High Performance Serial Bus. Examples of *computer display* technologies are the cathode-ray tube (CRT) and liquid crystal display (LCD).

Desktop computer means a *computer* where the main unit is intended to be located in a permanent location, often on a desk or on the floor. Desktops are not designed for portability and utilize an external *computer display*, keyboard, and mouse. Desktops are designed for a broad range of home and office applications.

Electronic products means *products* that are dependent on electric currents or electromagnetic fields in order to work properly.

Imaging equipment means the following *products*:

(1) *Copier*—A commercially available imaging product with a sole function of the production of hard copy duplicates from graphic hard-copy originals. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover *products* that are marketed as copiers or upgradeable digital copiers (UDCs).

(2) *Digital duplicator*—A commercially available imaging product that is sold in the market as a fully automated duplicator system through the method of stencil duplicating with digital reproduction functionality. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover *products* that are marketed as digital duplicators.

(3) *Facsimile machine* (fax machine)—A commercially available imaging product whose primary functions are scanning hard-copy originals for electronic transmission to remote units and receiving similar electronic transmissions to produce hard-copy output. Electronic transmission is primarily over a public telephone system but also *may* be via *computer* network or the Internet. The product also *may* be capable of producing hard copy duplicates. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover *products* that are marketed as fax machines.

(4) *Mailing machine*—A commercially available imaging product that serves to print postage onto mail pieces. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover *products* that are marketed as mailing machines.

(5) *Multifunction device (MFD)*—A commercially available imaging product, which is a physically integrated device or a combination of functionally integrated *components*, that performs two or more of the core functions of copying, printing, scanning, or faxing. The copy functionality as addressed in this definition is considered to be distinct from single-sheet convenience copying offered by fax machines. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover *products* that are marketed as MFDs or multifunction *products*.

(6) *Printer*—A commercially available imaging product that serves as a hard-copy output device and is capable of receiving information from single-user or networked *computers*, or other input devices (e.g., digital cameras). The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover *products* that are marketed as printers, including printers that can be upgraded into MFDs in the field.

(7) *Scanner*—A commercially available imaging product that functions as an electro-optical device for converting information into electronic images that can be stored, edited, converted, or transmitted, primarily in a personal computing environment. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover *products* that are marketed as scanners.

Integrated desktop computer means a desktop system in which the *computer* and *computer display* function as a single unit that receives its AC power through a single cable. *Integrated desktop computers* come in one of two possible forms:

(1) A system where the *computer display* and *computer* are physically combined into a single unit; or

(2) A system packaged as a single system where the *computer display* is separate but is connected to the main chassis by a DC power cord and both the *computer* and *computer display* are powered from a single power supply. As a subset of *desktop computers*, *integrated desktop computers* are typically designed to provide similar functionality as desktop systems.

Notebook computer means a *computer* designed specifically for portability and to be operated for extended periods of time either with or without a direct connection to an AC power source. Notebooks *must* utilize an integrated *computer display* and be capable of operation off of an integrated battery or other portable power source. In addition, most notebooks use an external power supply and have an integrated keyboard and pointing device. *Notebook computers* are typically designed to provide similar functionality to desktops, including operation of software similar in functionality to that used in desktops. Docking stations are considered accessories for *notebook computers*, not *notebook computers*. Tablet PCs, which *may* use touch-sensitive screens along with, or instead of, other input devices, are considered *notebook computers*.

Personal computer product means a *computer*, *computer display*, *desktop computer*, *integrated desktop computer*, or *notebook computer*.

Television, or TV, means a commercially available electronic product designed primarily for the reception and display of audiovisual signals received from terrestrial, cable, satellite, Internet Protocol TV (IPTV), or other digital or analog sources. A TV consists of a tuner/receiver and a display encased in a single enclosure. The product usually relies upon a cathode-ray tube (CRT), liquid crystal display (LCD), plasma display, or other display technology. Televisions with *computer* capability (*e.g.*, *computer* input port) *may* be considered to be a TV as long as they are marketed and sold to consumers primarily as televisions.

23.702 Authorities.

- (a) Resource Conservation and Recovery Act (RCRA) ([42 U.S.C.6901](#), *etseq.*).
- (b) National Energy Conservation Policy Act ([42 U.S.C.8262g](#)).
- (c) *Pollution Prevention Act* of 1990 ([42 U.S.C.13101](#), *etseq.*).
- (d) Farm Security and Rural Investment Act of 2002 (FSRIA) ([7 U. S.C. 8102](#)).
- (e) Executive Order 13221 of July 31, 2001, Energy Efficient Standby Power Devices.
- (f) Executive Order 13423 of January 24, 2007, Strengthening Federal *Environmental*, Energy, and Transportation Management.
- (g) Executive Order 13514 of October 5, 2009, Federal Leadership in *Environmental*, Energy, and Economic Performance.

23.703 Policy.

Agencies *must*-

- (a) Implement cost-effective *contracting* preference programs promoting energy-efficiency, water conservation, and the *acquisition* of *environmentally preferable products* and services; and
- (b) Employ *acquisition* strategies that affirmatively implement the following *environmental* objectives:

- (1) Maximize the utilization of *environmentally preferable products* and services (based on EPA-issued guidance).
- (2) Promote energy-efficiency and water conservation.
- (3) Eliminate or reduce the generation of hazardous waste and the need for special material processing (including special handling, storage, treatment, and disposal).
- (4) Promote the use of nonhazardous and *recovered materials*.
- (5) Realize life-cycle cost savings.
- (6) Promote cost-effective *waste reduction* when creating plans, drawings, specifications, standards, and other product descriptions authorizing material substitutions, extensions of shelf-life, and process improvements.
- (7) Promote the use of *biobased products*.
- (8) Purchase only plastic ring carriers that are degradable ([7 USC 8102\(c\)\(1\)](#), 40 CFR part 238).

23.704 Electronic products environmental assessment tool.

- (a)
 - (1) *General*. As required by E.O.s 13423 and 13514, agencies, when acquiring an electronic product to meet their requirements, *shall* meet at least 95 percent of those requirements with Electronic Product *Environmental* Assessment Tool (EPEAT®)-registered *electronic products*, unless-
 - (i) There is no EPEAT® standard for such product;
 - (ii) No EPEAT®-registered product meets agency requirements; or
 - (iii) The *agency head* has provided an exemption in accordance with [23.105](#).
 - (2) *Contracting officers*, when acquiring an electronic product, except as specified in paragraphs (a)(1)(i), (ii), or (iii) of this section, *shall* acquire an EPEAT®-registered electronic product, unless the agency determines, in accordance with agency procedures, that the EPEAT®-registered product will not be cost effective over the life of the product.
 - (3) This section applies to *acquisitions* of *electronic products* to be used in the *United States*, unless otherwise provided by agency procedures. When acquiring *electronic products* to be used outside the *United States*, agencies *must* use their best efforts to comply with this section.
- (b) *Personal computer products, imaging equipment, and televisions*. These are categories of EPEAT®-registered *electronic products*.
 - (1) The IEEE 1680.1™-2009 Standard for the *Environmental Assessment of Personal Computer Products*, the IEEE 1680.2™-2012 Standard for the *Environmental Assessment of Imaging Equipment*, and the IEEE 1680.3™-2012 Standard for the *Environmental Assessment of Televisions*-
 - (i) Were as issued by the Institute of Electrical and Electronics Engineers, Inc., on March 5, 2010;

October 19, 2012, and October 19, 2012, respectively;

(ii) Are voluntary consensus standards consistent with section 12(d) of Public Law 104-113, the "National Technology Transfer and Advancement Act of 1995", (see [11.101\(b\)](#));

(iii) Meet EPA-issued guidance on *environmentally preferable products* and services; and

(iv) Are described in more detail at

<https://www.epa.gov/greenerproducts/recommendations-specifications-standards-and-ecolabels-federal-purchasing>.

(2) A list of EPEAT® product categories and EPEAT®-registered *electronic products* that are in conformance with these standards can be found at

<https://www.epa.gov/greenerproducts/recommendations-specifications-standards-and-ecolabels-federal-purchasing>.

(3) EPEAT® *electronic products* are designated "bronze-," "silver-," or "gold-" registered.

(4) Agencies *shall*, at a minimum, acquire EPEAT® bronze-registered *products*.

(5) Agencies are encouraged to acquire EPEAT® silver- or gold-registered *products*.

23.705 Contract clauses.

(a) Insert the clause at [52.223-10](#), *Waste Reduction Program*, in all *solicitations* and contracts for contractor operation of Government-owned or -leased facilities and all *solicitations* and contracts for support services at Government-owned or -operated facilities.

(b)

(1) Unless an exception applies in accordance with [23.704\(a\)](#), insert the clause at [52.223-13](#), *Acquisition of EPEAT®-Registered Imaging Equipment*, in all *solicitations* and contracts when *imaging equipment* (copiers, digital duplicators, facsimile machines, mailing machines, multifunction devices, printers, and scanners) will be-

(i) Delivered;

(ii) Acquired by the contractor for use in performing services at a Federally controlled facility; or

(iii) Furnished by the contractor for use by the Government.

(2) Agencies *may* use the clause with its *Alternate I* when there are sufficient EPEAT® silver- or gold-registered *products* available to meet agency needs.

(c)

(1) Unless an exception applies in accordance with [23.704\(a\)](#), insert the clause at [52.223-14](#), *Acquisition of EPEAT®-Registered Televisions*, in all *solicitations* and contracts when televisions will be-

(i) Delivered;

(ii) Acquired by the contractor for use in performing services at a Federally controlled facility; or

(iii) Furnished by the contractor for use by the Government.

(2) Agencies *may* use the clause with its *Alternate* I when there are sufficient EPEAT® silver- or gold-registered *products* available to meet agency needs.

(d)

(1) Unless an exception applies in accordance with 23.704(a), insert the clause at 52.223-16, *Acquisition of EPEAT®-Registered Personal Computer Products*, in all *solicitations* and contracts when *personal computer products* will be-

(i) Delivered;

(ii) Acquired by the contractor for use in performing services at a Federally controlled facility; or

(iii) Furnished by the contractor for use by the Government.

(2) Agencies *may* use the clause with its *Alternate* I when there are sufficient EPEAT® silver- or gold-registered *products* available to meet agency needs.