

Recycled Content Purchasing Preference

Applies to: Any state office or activity of the executive branch of state government, including state agencies, departments, offices, divisions, boards, commissions, institutions of higher education as defined in [RCW 28B.10.016](#), correctional and other types of institutions ([RCW 39.26.010\(1\)](#)) ([RCW 39.26.100](#)) ([RCW 39.26.102](#)).

Authorizing sources:

- State Law [RCW 39.26.010\(1\)](#)
- State Law [RCW 39.26.255](#)
- State Law [RCW 43.19A.020](#)
- [State Law RCW 43.19A.022](#)
- [State Law RCW 43.19A.120](#)
- [State Law RCW 43.19A.160](#)
- State Rule [WAC 200-300-085](#)

Release date: August 1, 2020

Original effective date: February 1, 2021

Revised effective date: March 3, 2023

Sunset review date: 5 years from original effective date

Approved by:  Tara C. Smith, Director

Reason for Policy

This policy implements the purchasing preference authorized in RCW 39.26.255 and WAC 200-300-085 for competitive purchases of products containing recycled material; and designates specifications for the purchase of products containing recycled material. The intent is to advance recycling through the purchase and use of new products containing or manufactured with recycled materials.

Scope of Policy

The following products categories, as designated by the current [Environmental Protection Agency's Comprehensive Procurement Guidelines \(EPA CPG\)](#) are subject to this policy when purchased under the authority of RCW 39.26:

- (a) Construction products;
- (b) Landscaping products;
- (c) Miscellaneous products (such as awards and plaques, bike racks, blasting grit, industrial drums, manual-grade strapping, mats, pallets, signage, sorbents);
- (d) Non-paper office products;
- (e) Paper and paper products;
- (f) Parks and recreation products;
- (g) Transportation products;
- (h) Vehicular products; and
- (i) Other products as EPA CPG expands the list of designated products

Policy

In establishing environmental requirements and preferences for products that contain recycled materials, agencies shall reference the current [\(EPA CPG\)](#) standard, as the minimum standards for the state of Washington.

1. Preference must be given to the purchase of products that contain recycled materials.

- a. In any competitive procurement for products, identified in the Scope of this Policy, as designated by the current [\(EPA CPG\)](#)
 - i. Such products are required to meet the minimum recommended content levels or product specifications, as designated by the current EPA CPG standard.
 - ii. Agencies shall apply a minimum of 10% preference to each product bid. The preference shall only be applied when the recovered materials percentage bid exceeds one of the recommended content level percentages or the minimum product specification, as designated by the current EPA's CPG standard. See Enterprise Services Procedure No. PRO-DES-255-00A.
 - iii. Preference language must be clearly stated and included in agency procurement requests and solicitations for applicable products issued after the effective date of this policy.
 - iv. Bidders must be required to provide a written statement with their bid about the percentage range of recycled content in the product, specified in 5% increments.

2. Direct Buy Purchases

Prior to purchasing products under the direct buy policy, agencies shall give consideration to products, subject to this policy, that contain the recommended content levels or product specifications, as designated by the current EPA CPG standard.

3. Agencies are not required to apply a preference when:

- a. Using a statewide contract or DES approved cooperative contract, as DES is responsible for applying the preference. Agencies are encouraged to purchase the product(s) available on a statewide contract with the highest amount of recycled content, which meet the agency performance requirements.
- b. Where the agency determines that applying this preference will not encourage the use of more recycled material for documented reasons specified in WAC 200-300-085 including inadequate competition, economics, environmental constraints, lack of quality or availability, the procurement may be exempted from this preference.
- c. State law requires different content level(s), such as:
 - i. In accordance with RCW 43.19A.022, all state agencies shall purchase 100% recycled content white cut sheet bond paper used in office printers and copiers.
 - ii. In accordance with RCW 43.19A.160, state agencies must require the use of compost products to the maximum extent economically feasible to meet the requirements established in RCW 43.19A.120.

Except as follows (reference RCW 43.19A.120):

- Compost products are not available within a reasonable period of time;
- Compost products that are available do not comply with existing purchasing standards;
- Compost products that are available do not comply with federal or state

health, quality, and safety standards;

- Compost purchase prices are not reasonable or competitive;
- The total cost of using compost is financially prohibitive;
- Application of compost will have detrimental impacts on the physical characteristics and nutrient condition of the soil as it is used for a specific crop;
- The project consists of growing trees in a greenhouse setting, including seed orchard greenhouses; or
- The compost products that are available have not been certified as being free of crop-specific pests and pathogens, including pests and pathogens that could result in the denial of phytosanitary permits for shipping seedlings.

d. A non-competitive procurement process is used.

4. Agencies will be required to complete environmental purchasing training.

- a. Within 6 months of the effective date of this policy, personnel who are responsible for competitive procurements and contract management activities shall complete the mandatory training available in the Learning Management System (LMS) and titled WA-State Environmental Procurement Preference. All small purchasers are required to take WA State Small Purchases training which includes environmental requirements as it fits with their job duties.
- b. Employees assigned these responsibilities after the initial 6-month implementation period of this policy shall complete the required training within 90 days of assignment. Specifically, this applies to all new employees, employee's assigned new responsibilities/duties, and employees in new positions, who are responsible for small purchases competitive procurements, and contract management.

5. Agencies will document compliance with this Policy.

- a. Agencies shall use Washington's Electronic Business Solution (WEBS) to report preferences for products containing recycled content that were included in solicitations posted on WEBS; and which of those attributes were included in the resulting awards.
- b. Where an agency determines that it will not apply a recycled material preference, the reasons for this determination will be documented in the procurement file and in WEBS.
- c. Agencies will document and retain purchasing decisions that reflect compliance with RCW 39.26.255, WAC 200-300-085, and this Policy.
- d. The agency's record of compliance with this policy may be factored into an agency's procurement risk assessment.

Procedures

Procedure: [Enterprise Services Procedure PRO-DES-255-00A](#)

Procedure: [Environmental Procurement Preference Calculator](#) - provides guidance on which environmental requirements you need to apply to your specific procurement.

Procedure: [Environmental Preferable Purchasing Desk Aid, which includes:](#)

- [Sample contract Language; and](#)
- [A Bidder Certification Environmental Preference Form](#)

Procedure: [Washington Green Purchasing Guide](#)

Frequently Asked Questions

FAQ: [Recycled Content Purchasing Preference Frequently Asked Questions](#)

History

Adopted

August 1, 2020

Amended

March 1, 2023 (ESSHB 1799, Section 703 – effective June 9, 2022)
