

APPENDIX A – Suggested CFR Language for ITI FAR Petition

23.704 Sustainable Purchasing of Electronic Products.

(a)

(1) *General.* As recommended by E.O. 13990's directive to take environmental concerns into account in rulemaking, agencies shall acquire electronic products that are listed within the EPA Sustainable Marketplace unless—

(i) There are no conformant products for the applicable category included in sub-section (b)(2); or

(ii) The agency head, in accordance with agency procedures, determines that

(A) Agency technical requirements cannot be met by a product conformant with sub-section (b); or

(B) Acquiring a product that is conformant with sub-section (b) will not be cost-effective.

(2) Subparagraph (a)(1) 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 subpart.

(b) Electronic products shall be admitted to the EPA Sustainable Market Place if they demonstrate conformity with the EPA Guidelines for the Assessment of Environmental Performance and—

(1) The most recent version, with amendments and addendums, of the following applicable Voluntary Consensus Standard:

(i) For computers and displays: IEEE 1680.1 - IEEE Standard for Environmental and Social Responsibility Assessment of Computers and Displays;

(ii) For imaging equipment: IEEE 1680.2 - IEEE Standard for Environmental Assessment of Imaging Equipment

(iii) For televisions: IEEE 1680.3 - IEEE Standard for Environmental Assessment of Televisions;

(iv) For mobile phones: UL 110 - Standard for Sustainability of Mobile Phones;

(iv) For servers: NSF 426 - Environmental Leadership and Corporate Social

Responsibility Assessment for Servers:

(v) For photovoltaic modules and photovoltaic inverters: NSF/ANSI 457 - Sustainability Leadership Standard for Photovoltaic Modules and Photovoltaic Inverters; or

(2) An approved ecolabel.

- (i) For purposes of this subsection, an “approved ecolabel” is defined as any ecolabel deemed satisfactory by the Administrator of the EPA, on a per-product type basis for the product types listed in sub-part (b)(1) as a requirement for the applicable product type(s), to be listed or otherwise recognized by the ecolabel.

23.705 Contract clauses.

(a) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for Contractor use at a Federally controlled facility, only equipment that, at the time of submission of proposals and at the time of award, meets the requirements of 23.704(b) unless an exception in 23.704(a) applies.

(b) Unless an exception in 23.704(a) applies, when purchasing electronic products within the categories listed in 23.704(b)(2), agencies shall insert the following clauses:

(1) Insert the Clause at 52.XXXXXX Acquisition of IEEE 1680.1 compliant Personal Computers and Displays in all solicitations and contracts when computers and displays 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) Insert the Clause at 52.XXXXXX Acquisition of IEEE 1680.2 compliant Imaging Equipment in all solicitations and contracts when imaging equipment (copiers, digital duplicators, facsimile machines, mailing machines, multifunction 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.

(3) Insert the Clause at 52.XXXXXX Acquisition of IEEE 1680.3 compliant 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.

- (4) Insert the Clause at 52.XXXXXX Acquisition of UL 110 compliant Mobile phones in all solicitations and contracts when mobile phones 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.

- (5) Insert the Clause at 52.XXXXXX Acquisition of NSF 426 compliant Servers in all solicitations and contracts when servers 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.

- (6) Insert the Clause at 52.XXXXXX Acquisition of TUV # compliant Photovoltaic Modules and Photovoltaic Inverters in all solicitations and contracts when photovoltaic modules and photovoltaic inverters 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.