

Rec. IR3: Eliminate the requirement for contractors to use recycled paper.

Recycled Paper from Interim Report p. 24

Problem

The 1998 NDAA put in place the 30 percent postconsumer-waste requirement for DoD. The FY 2017 NDAA repealed the requirement in statute, yet Executive Order (EO) 13693, Planning for Federal Sustainability in the Next Decade,¹ and the related FAR parts and clause still stand. These regulations constitute an unnecessary contract clause requirement.

Background

Previous executive orders have required use of recycled paper, including EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management² and EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance.³ These EOs were revoked by EO 13693.

Although Congress repealed the statutory requirement for contractors to use 30 percent postconsumer-waste paper, DoD is bound by this requirement because EO 13693 stands. Based on the EO, FAR 4.3, Paper Documents, and FAR 11.303, Special Requirements for Paper, mandate that contractors use 30 percent postconsumer-waste content paper.

Findings

The government increasingly conducts recordkeeping and documentation means.⁴ This change in approach may have contributed to a decrease in the use of paper societywide. According to industry experts, “the amount of paper going to landfills is estimated to have declined by more than half since 2003.”⁵

Conclusions

Administrative changes noted above have produced the desired reduction in paper consumed in conducting government business, which renders the clause requirement in FAR 4.303 unnecessary. It is important to note that although many acquisition regulations, including these, aim to further arguably laudable public policy objectives; the aggregate effect of hundreds of similar regulations is costly for DoD.

¹ Planning for Federal Sustainability in the Next Decade, EO 13693, Sec.3(i)(v) (2015).

² Signed January 24, 2007.

³ Signed October 5, 2009.

⁴ Electronic recordkeeping “provides long-term cost savings (reducing the need for parallel recordkeeping systems, i.e., paper and electronic). While there are costs associated with implementing and maintaining electronic recordkeeping, ERK can reduce or avoid costs for many areas associated with paper filing, including the costs for storage space, materials (e.g., paper, folders, cabinets), and labor.” “Why Federal Agencies Need to Move Towards Electronic Recordkeeping,” National Archives, accessed April 20, 2017, <https://www.archives.gov/records-mgmt/policy/prod1afn.html>.

⁵ “Paper Recovery & Landfill,” Paper Recycles, accessed April 20, 2017, <http://www.paperrecycles.org/statistics/paper-recovery-landfill>.

RECYCLED PAPER OPTION 1: MAKE CHANGE FOR DOD ONLY**Recommendations*****Legislative Branch***

- None required.

Executive Branch

- Revise the provision in EO 13693⁶ as it applies to DoD, that maintains the 30 percent postconsumer-waste requirement to comport with the repeal of that requirement in the FY 2017 NDAA.
- Update the FAR to reflect the current controlling EO.
- Make corresponding changes to the guidance at FAR 4.3, FAR 11.303 and the clause at 52.204-4, Printed or Copied Double-Sided on Recycled Paper.

Implications for Other Agencies

- None.

RECYCLED PAPER OPTION 2: MAKE CHANGE GOVERNMENTWIDE**Recommendations*****Legislative Branch***

- None required.

Executive Branch

- Revise the provisions of EO 13693 to rescind the 30 percent postconsumer-waste requirement.
- Update the FAR to reflect the current controlling EO.
- Make corresponding changes to the guidance at FAR 4.3, FAR 11.303 and the clause at 52.204-4.

Implications for Other Agencies

- All agencies would be relieved of an unnecessary contract clause requirement.

⁶ Planning for Federal Sustainability in the Next Decade, EO 13693, Sec.3(i)(v) (2015).