
PURPOSE

This document lists federal legislation, regulation, rules, and Executive Orders that are applicable to the purchasing, operation and maintenance, and end-of-life management of electronic equipment. This resource also includes electronics stewardship best management practices that the Federal Electronics Challenge (FEC) promotes, and which may assist federal agencies and facilities in meeting the listed requirements.

FEDERAL LEGISLATION, REGULATIONS AND RULES

Resource Conservation and Recovery Act

Recycling and Federal Procurement

The Resource Conservation and Recovery Act (RCRA) of 1976 recognizes the importance of recycling and purchase of recycled content products. RCRA Section 6002 requires Federal agencies to give preference in their purchasing programs to products and practices that conserve and protect natural resources and the environment.

Related FEC Best Practices

- The FEC encourages environmentally sound recycling of broken and obsolete electronic equipment and components, accessories, supplies and packaging.
- The FEC encourages the purchase of electronic equipment and components, accessories, supplies and packaging with recycled content, including equipment registered with the Electronic Product Environmental Assessment Tool (EPEAT®).

Solid Waste

The RCRA regulations (40 CFR Part 246) specify that high-grade paper generated by office facilities of over 100 office workers must be separated at the source of generation, separately collected, and sold for the purpose of recycling.

Related FEC Best Practices

- The FEC encourages the use of duplex printing features to reduce paper usage, and the recycling of paper waste.

Hazardous Waste

The RCRA regulations (40 CFR Parts 260-266) specify how hazardous waste is identified, listed and managed. It includes standards for generators and handlers of hazardous waste. 40 CFR Part 268 identifies hazardous wastes that are restricted from land disposal.

The U.S. Environmental Protection Agency (EPA) issued a final rule on cathode ray tubes (CRTs) to streamline RCRA management requirements for recycling used CRTs and glass removed from CRTs. The regulations now exclude these materials from the RCRA definition of solid waste if certain conditions are met.

Related FEC Best Practices

- The FEC encourages the reuse of electronic equipment when possible, and the environmentally responsible recycling of broken and obsolete electronic equipment and components. Electronics sent for reuse or recycling are not regulated as hazardous wastes.
- If federal agencies choose to destroy or dispose of their electronic equipment in a landfill or incinerator, they must comply with RCRA hazardous waste regulations, if they are applicable.

Universal Waste

The RCRA regulations (40 CFR Part 273) contain the universal waste program, a set of streamlined management requirements for batteries, pesticides, mercury-containing equipment, and lamps.

Related FEC Best Practices

- The FEC encourages the reuse of electronic equipment and components, when possible, and the environmentally responsible recycling of broken and obsolete electronic equipment and components.

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 was enacted by Congress to give EPA the ability to track industrial chemicals produced or imported into the U.S. EPA screens these chemicals and can require reporting or testing of those that may pose an environmental or human-health hazard. EPA can ban the manufacture and import of those chemicals that pose an unreasonable risk.

Related FEC Best Practices

- The FEC encourages the purchase of electronic equipment and components, accessories, supplies and packaging with reduced or no toxic materials, including EPEAT-registered equipment.
- The FEC encourages environmentally sound recycling of broken and obsolete electronic equipment and components, accessories, supplies and packaging, in order to ensure proper disposal of toxic materials.

Pollution Prevention Act

The Pollution Prevention Act (PPA) of 1990 requires EPA to promote source reduction strategies in federal agencies and identify opportunities to use federal procurement to encourage source reduction.

Related FEC Best Practices

- The FEC encourages the purchase of electronic equipment and components, accessories, supplies and packaging with reduced or no toxic materials, including EPEAT-registered equipment.
- The FEC encourages the purchase of ENERGY STAR® qualified and/or Federal Energy Management Program (FEMP) designated electronic equipment, and the enabling of power and resource management features (e.g., duplex printing) on equipment in use.
- The FEC encourages use of best management practices for data centers.
- The FEC encourages environmentally sound recycling of broken and obsolete electronic equipment and components, accessories, supplies and packaging; reducing the volume of hazardous and non-hazardous waste generated and disposed of.

Government Performance and Results Act

The Government Performance and Results Act (GPRA) of 1993 holds federal agencies accountable for using resources wisely and achieving program results. GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public.

Related FEC Best Practices

- The FEC requires Facility Partners to complete a baseline survey and annually report to the FEC on their electronics stewardship activities.
- The FEC publishes an annual report of partner accomplishments based on the annual reporting data submitted by Facility Partners.

Information Technology Management Reform Act/Clinger-Cohen Act

The Information Technology Management Reform Act (ITMRA)/Clinger-Cohen Act (CCA) of 1996 requires heads of Federal agencies to link information technology (IT) investments to agency accomplishments and establish a process to select, manage and control their IT investments.

Related FEC Best Practices

- The FEC encourages the use of lifecycle approaches to IT management, including: electronics stewardship; information technology asset management; and total cost of ownership analysis.
- The FEC encourages use of best management practices for data centers.

Energy Policy Act of 2005

The Energy Policy Act of 2005 (EPAct 2005) directs the Department of Energy and EPA to identify and designate energy-efficient products. EPAct 2005 also requires the acquisition and use of these products by all federal agencies.

Related FEC Best Practices

- The FEC encourages the purchase of EPEAT-registered, ENERGY STAR qualified, and/or FEMP designated electronic equipment, and the enabling of power and resource management features on equipment in use.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (EISA) reaffirmed and clarified federal agencies' responsibility to procure energy efficient products as provided for in the Energy Policy Act of 2005. EISA also codified the Executive Order 13423 goals for reducing energy use in federal buildings.

Related FEC Best Practices

- The FEC encourages the purchase of EPEAT-registered, ENERGY STAR qualified, and/or FEMP designated electronic equipment, and the enabling of power and resource management features on equipment in use.
- The FEC encourages use of best management practices for data centers.

Omnibus Appropriations Act of 2009

The Omnibus Appropriations Act of 2009 combined bills funding the operations of each of the Cabinet departments, except Defense, Homeland Security, and Veteran Affairs, into a single appropriation bill. Section 748 of the Omnibus Appropriations Act states that Executive Order 13423 shall remain in effect except as otherwise provided by law after the date of the enactment of the Act.

Related FEC Best Practices

- The FEC is designed to assist federal agencies and their facilities in meeting all of the electronics stewardship requirements of E.O. 13423.

Federal Acquisition Regulation

The Federal Acquisition Regulation (FAR) has a number of requirements relevant to purchase of federal electronic equipment. Please see the FEC resource, *FAR Clauses Applicable to Electronics Stewardship*, available at: <http://www.epa.gov/fec/resources/farprov.pdf>.

Federal Management Regulation

The Federal Management Regulation (FMR) has a number of requirements relevant to the disposition of federal electronic equipment. Please see the FEC resource, *Overview of GSA Personal Property Disposal Process for Federal Electronics*, available at: http://www.epa.gov/fec/resources/gsa_eolfact.pdf.

EXECUTIVE ORDERS

Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (October 5, 2009)

Executive Order (E.O.) 13514 sets federal goals in the areas of greenhouse gas emissions, water use efficiency and management, pollution prevention and waste elimination, regional planning, high performance sustainable buildings, sustainable acquisitions, electronics stewardship, and environmental management. The electronics stewardship requirements of the E.O. mandate that Federal agencies 1) ensure procurement preference of EPEAT-registered, ENERGY STAR qualified, and FEMP designated products; 2) enable power management, duplex printing, and other environmentally preferable features on electronics; 3) use environmentally sound disposition practices for surplus and excess electronics; and 4) implement best management practices for servers and data centers. While E.O. 13514 does not revoke E.O. 13423, it does set more stringent goals in some areas.

Related FEC Best Practices

- The FEC is designed to assist federal agencies and their facilities in meeting all of the electronics stewardship requirements of E.O. 13514.

Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007)

E.O. 13423 sets federal goals in the areas of energy efficiency, acquisition, renewable energy, toxics reductions, recycling, sustainable buildings, water conservation, fleets, and electronics stewardship. The electronics stewardship requirements of the E.O. mandate that Federal agencies 1) meet at least 95 percent of electronic equipment requirements through the purchase/lease of EPEAT-registered electronic products, unless there is no EPEAT standard for such product; 2) enable the ENERGY STAR features on agency computers and monitors; 3) establish and implement policies to extend the useful life of agency electronic equipment; and 4) use environmentally sound practices with respect to disposition of agency electronic equipment that has reached the end of its useful life. E.O. 13423 also requires federal agencies and their facilities to use their Environmental Management Systems (EMS) to ensure implementation of the E.O.

Related FEC Best Practices

- The FEC is designed to assist federal agencies and their facilities in meeting all of the electronics stewardship requirements of E.O. 13423.
- The FEC provides resources on how to incorporate electronics stewardship in to an EMS.

Executive Order 13212, Actions To Expedite Energy-Related Projects (May 18, 2001)

E.O. 13212 requires executive departments and agencies to take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy.

Related FEC Best Practices

- The FEC encourages the purchase of EPEAT-registered, ENERGY STAR qualified, and/or FEMP designated electronic equipment, and the enabling of power and resource management features on equipment in use.

Executive Order 13221, Energy Efficient Standby Power Devices (July 31, 2001)

Under E.O. 13221, agencies must purchase products that use no more than one watt in their standby power consuming mode when purchasing commercially available, off-the-shelf products that use external standby power devices or that contain an internal standby power function. If such products are not available, agencies must purchase products with the lowest standby power wattage while in their standby power consuming mode. The Department of Energy's Federal Energy Management Program (FEMP) determines required standby power levels for federal procurement of products that consume standby power.

Related FEC Best Practices

- The FEC encourages the purchase of electronic equipment that meets FEMP low standby power requirements, and the enabling of power saving features on equipment in use.

Executive Order 12999, Educational Technology: Ensuring Opportunity for All Children in the Next Century (April 17, 1996)

E.O. 12999 directs all Federal agencies, to the extent permitted by law and where appropriate, to transfer computers and related peripheral tools determined to be excess to the needs of the agency directly to schools and nonprofit educational organizations. A key feature of the order (see Section 2(d)) is the requirement that Federal agencies keep track of the computer equipment transferred and report this to the U.S. General Services Administration (GSA).

Related FEC Best Practices

- The FEC encourages the donation of working equipment to schools and nonprofit educational organizations through GSA's Computers for Learning program.

REFERENCES

The text of federal legislation is available at: <http://www.gpoaccess.gov/uscode/>.

The text of federal regulation is available at: <http://www.gpoaccess.gov/cfr/>.

Information about the Final Rule on Cathode Ray Tubes is available at:
<http://www.epa.gov/epawaste/hazard/recycling/electron/index.htm>.

The text of Executive Orders is available online from the National Archives, at:
<http://www.archives.gov/federal-register/executive-orders/disposition.html>.

CONTACT INFORMATION

If you have questions related to this resource or need other assistance with the Federal Electronics Challenge, please contact your Regional Champion: <http://www.epa.gov/fec/technical.html>.

Visit the FEC online: <http://www.epa.gov/fec/>

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