

April 11, 2022

The Honorable Robin Carnahan
Administrator
General Services Administration
1800 F Street NW
Washington, DC. 20405

Dear Administrator,

The Biden administration's new directive (EO 14057) and a White House memorandum to federal agency heads addressing sustainable procurement, both issued on December 8, 2021, create an historic opportunity to advance sustainability in government, and promote sustainability and innovation in the private sector. **The undersigned organizations urge you to make implementation of the administration's new policy a top priority for the General Services Administration (GSA).**

Active and sustained GSA follow through is critically important to the success of the President's new policy and to building a truly sustainability-centered federal procurement system. In announcing the policy, the President declared that the federal government will prioritize the purchase of sustainable products, such as "products without added perfluoroalkyl or polyfluoroalkyl substances (PFAS)," and through these actions "provide a large and stable signal to the market for sustainable goods." One goal of the initiative is to "mainstream sustainability within the federal workforce." To those ends, GSA must fully embrace sustainable procurement as a top-tier agency priority, and expeditiously retool GSA's policies and support structure to implement the President's directive.

We have identified four priority actions to help GSA lead the government in achieving successful implementation of the administration's new policy.

Recommendation 1: Establish Sustainable Procurement as a top-tier agency goal.

Some federal sustainability initiatives began years ago, but have yet to be fully embraced across the federal government. GSA is uniquely positioned in the government to improve upon this record. Recently GSA incorporated sustainable acquisition as a "strategic initiative" in its strategic plan. Yet sustainable procurement is not among the agency's "fundamental strategies" or "key performance goals" in GSA's FY 2022-2026 Strategic Plan issued under the Biden Administration, nor does GSA's Fiscal Year 2023 Annual Performance Plan include sustainable procurement as one of 12 performance indicators under Goal 2, "Acquisition."

The administration's EO 14057 provides an opportunity to revitalize GSA's commitment to sustainability and to make sustainability a permanent, and meaningful feature of federal procurement. To do so, GSA must establish sustainable procurement as a central mission focus that is reflected across its regulations, technical assistance, training, and tools for acquisition.

Recommendation 2: Incorporate sustainability requirements into new Multiple Award System (MAS, or “schedule”) contracts and renewals, and phase out MAS contracts that do not meet sustainability criteria.

GSA currently provides tools to help federal agencies identify “green” products, and information on federal purchasing requirements (e.g., bio-preferred, Energy Star, etc.) for purchasing through the MAS. The Sustainable Facilities Tool, in particular, is a valuable resource. But the task of sorting through the schedule and matching up products to multiple sustainability attributes is still a burdensome and challenging responsibility for procurement officials, and there is no efficient mechanism to assure the selection of sustainable products.

As an alternative, we recommend that GSA incorporate sustainability requirements into new contracts and contract renewals so that *only* products that meet sustainability requirements are available through the schedule. For example, for many product categories, safer alternatives to PFAS-containing products are readily available. The new administration policy requires agencies to “prioritize substitutes for products that contain perfluoroalkyl or polyfluoroalkyl substances (PFAS).” The MAS should only include products without added PFAS (*perfluoroalkyl and polyfluoroalkyl substances are synthetic chemicals with at least one fully fluorinated carbon atom*), and contracts for non-conforming products should be phased out. To implement this approach, GSA should work in cooperation with EPA for the evaluation of products using hazard-based certifications that treat PFAS as a class and prohibit their use in every level of the certification. In fact, the executive order itself directs agencies to prioritize “sustainable products and services identified or recommended by the Environmental Protection Agency (EPA).” To preserve competition and stimulate markets for safer alternatives, GSA should proactively announce its plan and schedule for implementing the new MAS contract requirements.

Recommendation 3: Incorporate sustainability into Federal Acquisition Regulations (FAR), tools and training

Federal procurement using the MAS accounts for approximately one-fifth of federal purchasing. Revisions to the FAR are needed to incorporate sustainability requirements more broadly across federal purchasing. The FAR outlines guiding principles and performance standards for federal acquisition and addresses costs, quality, customer satisfaction, competition and other policy objectives. We recommend GSA conduct a systematic review of the FAR to identify changes necessary to incorporate sustainability as a guiding principle for federal purchasing, including the incorporation of sustainability requirements into agency procedures and individual federal

contracts. As an example, to identify safer substitutes for PFAS-containing products, GSA policies should emphasize certifications that prohibit PFAS as a class and prohibit their use in every level of the certification.¹ Likewise, GSA should conduct a “conformity review” of guidance, training and tools for procurement to assure alignment with sustainable product purchasing requirements.

Recommendation 4: Expand tracking and improve reporting on government-wide progress in sustainable procurement

The GSA-operated System for Award Management (SAM) captures performance data on government-wide procurement, including percentage of contract actions and obligations (in dollars) for purchases meeting statutorily prescribed procurement requirements for environmental attributes such as recycled content, bio-based products, and energy efficiency. Reporting to SAM should be expanded to capture the sustainable product purchasing requirements of the President’s new directive, including products that satisfy EPA’s Environmentally Preferable Purchasing program’s standards, specifications, and ecolabels, or recognized certifications that treat PFAS as a class and prohibit their use in every level of certification. In addition, in cooperation with EPA, guidelines for SAM data entry should be updated, and incorporated into training for agency procurement officials. Finally, annual summary data for individual agencies by product category should be published in a user-friendly and searchable format to facilitate year-by-year comparison of agency progress toward meeting fully sustainable procurement performance goals.

In conclusion, the President’s executive order is recognition of both the availability of sustainable products, and power of the federal government to encourage innovation and the introduction of an even greater number of sustainable alternatives. We strongly support the President’s directive, and urge GSA take action to assure successful implementation.

We would be pleased to meet with you at your earliest convenience to discuss GSA’s plans for implementing Executive Order 14057, and to discuss our recommendations in more detail.

Sincerely,

Alaska Community Action on Toxics
Breast Cancer Prevention Partners
Center for Environmental Health
Clean Cape Fear
Clean Production Action
Clean Water Action

¹ Certifications must prevent regrettable product/content substitutions to advance the sustainability goal of the Order.

Ecology Center
Environment America
Environmental Defense Fund
Environmental Working Group
Fight For Zero
Green Science Policy Institute
Healthy Babies Bright Futures
League of Conservation Voters
Merrimack Citizens for Clean Water
Moms for a Nontoxic New York
NC Conservation Network
Oregon Environmental Council
Safer Chemicals Healthy Families
Safer States
U.S. PIRG
Upstream
Zero Waste Washington