

**423.404-70 Acquisition, Recycling, and Waste Prevention Program (AR&WPP).**

(a) *Applicability.* The AR&WPP applies to all USDA organizations; i.e., USDA mission areas, USDA corporations (as described in 31 U.S.C. 9101), and USDA staff offices not included within a mission area.

(b) *Authority.* The AR&WPP has been established to comply with the requirements of Executive Order 12873 to coordinate all environmental programs in the areas of procurement and acquisition, standards and specification review, facilities management, waste prevention and recycling, and logistics.

(c) *Responsibilities.* (1) Each USDA organization will identify one or more AR&WPP Coordinators in writing to represent the mission area, serve on the Council of Coordinators, and work in conjunction with the USDA Environmental Executive.

(2) Each USDA organization periodically will conduct an audit (survey or inventory) of the waste stream generated by the organization. The goals of the audit are:

(i) To identify and measure the elements of waste generated in its operations;

(ii) To identify processes, equipment, techniques, or materials which generate waste in energy or materials;

(iii) To identify actions which can be taken to reduce and to recycle or recover the wastes generated; and

(iv) To assign time frames to accomplish those actions.

(3) Each USDA organization will implement an avoidance or recovery or recycling program based on the results of the waste stream audit.

(4) Each USDA organization will implement a plan to install on-going waste prevention techniques.

(5) Each USDA organization will ensure that responsibility for preparation, implementation, and monitoring of its affirmative procurement program is shared between program personnel and procurement personnel.

(6) Each USDA organization will establish measurable goals by which the effectiveness of its participation in AR&WPP can be assessed on an annual basis.

(7) Each USDA organization will sponsor annual awards to recognize the most innovative environmental program of the year.

(d) *Acquisition and administration.* (1) Each USDA organization will annually review its product descriptions to enhance the use of recovered materials and environmentally preferable products and services by eliminating from the product description:

(i) Any exclusion of recovered materials, and

(ii) Any requirement that items be manufactured from virgin materials.

(2) Each USDA organization will create a promotion program to internally and externally promote its desire to buy recycled products.

(3) Each USDA organization will implement the USDA electronic acquisition system to reduce waste by eliminating unnecessary paper transactions and to foster accurate data collection and reporting of acquisitions.

(4) Each USDA organization will establish an affirmative procurement program specifically for the needs and requirements of its own organization, to maximize environmental benefits, consistent with price, performance, and availability considerations.

(5) Each USDA organization will ensure that the on-going inspection and production surveillance systems in place will monitor the production or the testing of goods and services to verify the recovered material contents reported.

(6) Each USDA organization will include

(i) Requirements in contracts for contractor operation of Government-owned or leased facilities to provide for waste prevention activities and the recycling of materials and

(ii) Environmental and recycling factors in the selection process for the acquisition and management of real property.

**Subpart 423.5—Drug-Free Workplace**

**423.506 Suspension of payments, termination of contract, and debarment and suspension actions.**

(a) The contracting officer may recommend waiver of the determination

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to suspend payments, to terminate a contract, or to debar or to suspend a contractor.

(b) The recommendation shall be submitted through the HCA to the SPE and shall include a full description of the disruption of USDA operations should the determination not be waived.

(c) The SPE will submit the request for a waiver to the Secretary with a recommendation for action.

### Subpart 423.6—Notice of Radioactive Material

#### 423.601 Requirements.

The HCA shall establish a system of instructions to identify the installation/facility radiation protection officer.

### Subpart 423.7—Contracting for Environmentally Preferable and Energy-Efficient Products and Services

#### 423.704 Policy.

In its acquisitions, USDA will give preference to environmentally preferable and energy-efficient products and services.

## PART 424—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

### Subpart 424.1—Protection of Individual Privacy

Sec.

424.103 Procedures.

424.104 Contract clauses.

### Subpart 424.2—Freedom of Information Act

424.203 Policy.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

### Subpart 424.1—Protection of Individual Privacy

#### 424.103 Procedures.

USDA regulations implementing the Privacy Act are found in 7 CFR, sub-

title A, part 1, subpart G. Contracting officers shall follow these regulations when responding to requests for information or awarding contracts that will involve the design, development, or operation of a system of records on individuals to accomplish agency functions.

#### 424.104 Contract clauses.

When applicable, the contracting officer shall insert the clause at 452.224-70, Confidentiality of Information, in contracts involving confidential information.

### Subpart 424.2—Freedom of Information Act

#### 424.203 Policy.

USDA regulations implementing the Freedom of Information Act are found in 7 CFR, subtitle A, part 1, subpart A. Contracting officers shall follow these regulations when responding to requests for information or awarding contracts that will involve the design, development, or operation of a system of records on individuals to accomplish agency functions.

[61 FR 53646, Oct. 15, 1996. Redesignated at 63 FR 26995, May 15, 1998.]

## PART 425—FOREIGN ACQUISITION

### Subpart 425.1—Buy American Act—Supplies

Sec.

425.102 Policy.

425.105 Evaluating offers.

425.108 Expected articles, materials, and supplies.

### Subpart 425.2—Buy American Act—Construction Materials

425.202 Policy.

425.203-425.204 [Reserved]

### Subpart 425.3—Balance of Payments Program

425.302 Policy.

425.304 Excess and near-excess foreign currencies.

### Subpart 425.4—Trade Agreements

425.402 Policy.