

those categories, and consolidated five earlier item designations.¹ At the same time, EPA also published a notice of availability of the first RMAN (RMAN I) (60 FR 21386). On November 13, 1997, EPA published CPG II (62 FR 60962), which designated an additional 12 items. At the same time, EPA published an RMAN II notice (62 FR 60975). Paper Products RMANs were issued on May 29, 1996 (61 FR 26985), and June 8, 1998 (63 FR 31214). On January 19, 2000, EPA published CPG III (65 FR 3070), which designated an additional 18 items. At the same time, EPA published an RMAN III notice (65 FR 3082). On August 28, 2001, EPA published a proposed CPG IV (66 FR 45256), which proposed to designate an additional 11 items. At the same time, EPA published a draft RMAN IV notice (66 FR 45297). EPA expects to promulgate the final CPG IV and sign a notice concerning the availability of RMAN IV in the near future. For more information on CPG, go to the EPA Web site at <http://www.epa.gov/cpg/>.

Today, in CPG V, EPA is proposing to revise the current compost designation to include compost made from manure or biosolids, and designate fertilizers made from recovered organic materials. EPA is also proposing to consolidate all compost designations under one item called "compost made from recovered organic materials." Once finalized, today's RMAN V will serve as companion guidance to the previous RMANs.

EPA, once again, wants to stress that the recommendations in this notice are just that—recommendations and guidance to procuring agencies in fulfilling their obligations under RCRA section 6002. The designation of an item as one that is or can be produced with recovered materials and the inclusion of recommended content levels for an item in the RMAN does not compel the procurement of an item when the item is not suitable for its intended purpose. RCRA section 6002 is explicit in this regard when it authorizes a procuring agency not to procure a designated item which "fails to meet the performance standards set forth in the applicable specification or fails to meet the reasonable performance standards of the procuring agencies." Section 6002(1)(B), 42 U.S.C. 6962(c)(B).

¹ Between 1983 and 1989, EPA issued five guidelines for the procurement of products containing recovered materials, which were previously codified at 40 CFR parts 248, 249, 250, 252, and 253. These products include cement and concrete containing fly ash, paper and paper products, re-refined lubricating oils, retread tires, and building insulation.

A. What Is the Methodology for Recommending Recovered Materials Content Levels?

In providing guidance in the RMANs, the Executive order directs EPA to present "the range of recovered materials content levels within which the designated recycled items are currently available." Based on the information available to the Agency, EPA generally recommends ranges that encourage manufacturers to incorporate the maximum amount of recovered materials into their products without compromising competition or product performance and availability. EPA recommends that procuring agencies use these ranges, in conjunction with their own research, to establish minimum content standards for use in purchasing the designated items. EPA generally recommends ranges rather than minimum content standards. The items for which recommendations are being proposed today are generally made exclusively from recovered materials (e.g., manure, biosolids, etc.). Therefore, recommended ranges of recovered materials are not appropriate for these items.

EPA reviewed publicly available information, information obtained from product manufacturers, and information provided by other government agencies regarding the use of recovered materials in the items proposed for designation in CPG V.

More information on EPA's methodology for issuing RMANs is contained in "Background Document for Proposed CPG V and Draft RMAN V," found in the RCRA public docket for this notice and on EPA's CPG Web site at <http://www.epa.gov/cpg/>.

B. What Are the Definitions of Terms Used in This Proposed Action?

Definitions for the revised definition of "compost" and the new definition of "organic fertilizer" covered in this RMAN V are included in the proposed CPG V published in the proposed rule section of today's **Federal Register**.

C. What Comments Is EPA Requesting?

EPA requests comments, including additional supporting documentation and information, on the types of recovered materials identified in the item recommendations, and other recommendations, including specifications, for purchasing the designated items containing recovered materials.

IV. Supporting Information and Accessing Internet

The index of supporting materials for today's proposed CPG V is available in

the OSWER Docket and on the Internet. The address and telephone number of the OSWER Docket are provided in the **SUPPLEMENTARY INFORMATION** section above. To access information on the Internet, go to the EPA Dockets Web site at <http://www.epa.gov/edocket/>. The index and the following supporting materials are available in the OSWER Docket and on the Internet:

"Background Document for Proposed CPG V and Draft RMAN V," U.S. EPA, Office of Solid Waste and Emergency Response, March 2003.

Copies of the following supporting materials are available for viewing at the OSWER Docket only:

"Recovered Materials Product Research for the Comprehensive Procurement Guideline V," Draft Report, December 2002.

Dated: November 25, 2003.

Michael O. Leavitt,
Administrator.

Recovered Materials Advisory Notice V

The following represents EPA's recommendations to procuring agencies for purchasing the items designated by EPA in the Comprehensive Procurement Guideline V (CPG V), in compliance with section 6002 of the Resource Conservation and Recovery Act (RCRA) and Executive Order 13101. These recommendations are interested to be used in conjunction with RMAN I (60 FR 21386, May 1, 1995), the Paper Products RMAN (61 FR 26985, May 29, 1996), the Paper Products RMAN II (63 FR 31214, June 8, 1998), RMAN II (62 FR 60975, November 13, 1997), RMAN III (65 FR 3082, January 19, 2000), and RMAN IV, once it is issued. Refer to the previous RMANs or the Code of Federal Regulations at 40 CFR part 247 for definitions, general recommendations for affirmative procurement programs, and recommendations for previously designated items. EPA has a Web site for the CPG program that provides information on all designated items and RMAN recommendations, including a consolidated RMAN. This information can be found at www.epa.gov/epg.

Contents

- I. General Recommendations
- II. Specific Recommendations for Procurement of Designated Items
- Part F. Landscaping Products
 - Section F-2. Compost Made From Recovered Organic Materials (Revised).
 - Section F-6. Fertilizers Made From Recovered Organic Materials.

I. General Recommendations

General recommendations for definitions, specifications, and affirmative procurement programs can