



February 26, 2008

Office of Federal Procurement Policy
Office of Management and Budget
Room 9013
725 17th Street, NW
Washington, DC 20503

RE: Proposed OFPP Policy Letter

Dear Sir or Madam:

The Soap and Detergent Association (SDA) would like to take this opportunity to comment on the notice *Office of Federal Procurement Policy: Acquisition of Green Products and Services*.

The Soap and Detergent Association is a 100 plus-member national trade association representing the formulators of soaps, detergents and general cleaning products used in household, industrial, institutional and commercial settings, and the companies that supply ingredients and packaging for these products.

Ensuring human health and environmental safety are major priorities for SDA. The organization and its members take this responsibility very seriously. Throughout our 80+ year history, SDA's sound, technical, risk-based research has demonstrated the safe, beneficial and proper use of cleaning products and their ingredients.

It is with this in mind, that SDA submits the following comments on the policy letter. Our general comments address the proposed policy; the specific comments focus on the policy letter itself as it applies to cleaning products and their formulation, production, application and disposal.

Comments on Proposed Policy Letter

General Comments

SDA believes that the definition of environmentally preferred products should be based on broadly accepted scientific methodologies that may vary on a case-by-case basis and may also change with time. The use of simplistic pass/fail standards and criteria are not appropriate when considering the complexity of the environment.

The term "green," whether describing products and services or purchasing policies, has not been defined in this proposed policy letter, nor within the provisions of Executive Order (E.O.) 13423, nor the sections of the various Acts which this policy letter would address. SDA recommends that "green" be deleted from the proposed policy letter as it cannot be singularly or accurately

defined to cover the numerous acquisition areas the policy addresses. In other words, there is not a “one-size-fits-all” definition for “green” that is appropriate for the purposes of the policy.

In section 12 of the policy letter, it states that the letter is “intended only to provide policy guidance to agencies in the exercise of their discretion concerning federal contracting” and is not enforceable. As such, **every** instance of the use of the word “must” or “shall” in the policy letter should be removed and replaced with the word “should” or “may” so as to convey the optional nature of the policy.

SDA recommends that the Office initiate a pilot program to conduct analysis of the environmental preferability of competing products over their entire lifecycles so as to better understand the challenges in making such determinations. The Office should use the lessons learned from such a program as the basis for a functional and truly environmentally beneficial policy.

Specific Comments

Policy Letter

We recommend that “...mandatory and preferred sources...” mentioned in the *Supplementary Information* section be defined in the policy. The reference to sources is mentioned here, but not defined in a specific way anywhere in the policy.

8. Responsibilities

A. General requirements

A.(1)(a) It is not apparent that alternative fuels are environmentally preferable. There are several recent studies which conclude that biofuels as alternative fuels can cause more environmental harm, especially with regard to life cycle greenhouse gases emissions, than conventional petroleum fuels (Fargione et al., 2008, DOI: 10.1126/science.1152747; Searchinger et al., 2008, DOI: 10.1126/science.1151861). The preference for alternative fuels should occur only when the life cycle impacts are known to be less than those for conventional fuels.

A.(1)(b) The identification of biobased products as “green,” that is, environmentally preferable, is misleading in the context of this document. As the federal guideline itself correctly points out, “...not all biobased products are environmentally preferable.” Further, procurement agents can purchase other products if the biobased products are “...not reasonably available within a reasonable period of time, fail to meet the reasonable performance standards of the procuring agencies, or are available only at an unreasonable price.” Therefore, this reference to biobased products should be deleted. At a minimum, the paragraph should be amended to make clear that biobased products are not inherently environmentally preferable (“green”) and should also be judged on performance and price.

If reference to biobased products appears in the policy, this definition should be updated to reflect the modifications made to the Federal Biobased Products Preferred Procurement Program. Now known as the Biopreferred Program, it defines domestic agricultural material to mean content from any country with which the United States has a preferential trade agreement. Further, the reader should also be made aware that this definition of biobased material does not include many of the major raw materials for the cleaning products industry.

A.(1)(f) It will be critical to incorporate exposure in the definition of “toxic or hazardous chemicals materials, or products.” Consideration of toxicity should only be done in the context

of risk assessments. This is especially true for cleaning products, which are typically disposed into wastewater treatment systems and, thus, do not directly enter the environment. The ability of an ingredient in a cleaning product to exert toxicity in the environment is a function of many factors beyond just its toxicity, including the mitigation due to fate mechanisms and dilution levels upon discharge into the environment. Another consideration is the volume of the ingredient used. A chemical that is very toxic but used at low levels may be less harmful than a high-tonnage, moderately toxic chemical. The preference for low or no toxic or hazardous chemicals or materials etc., should be required only in cases where the environmental or human exposure has been demonstrated to be reduced. Likewise, preference might be given to a service which uses the same chemical, but has improved processes which reduce exposure to humans or the environment. Lastly, there is no definition or standard for the terms toxic or hazardous. Without scientific consensus on these terms, the interpretation of less/low toxicity or hazard is left open for debate.

A. (1) (j) Water efficient product or service: the definition of water efficient products needs to account for all life cycle stages, where appropriate.

A. (2) Environmental and energy experts: SDA recommends that the qualifications of experts on environmental and/or energy be defined.

C. Automatic substitution policy: the proposed policy letter requires automatic substitution of green products and services that are functionally equivalent to non-green products and services. A transparent and public process for evaluating the environmental attributes and functionality of competing products should be established in association with this requirement.

For instance, section C. (1) identifies biobased cleaning products as “green”. However, as correctly pointed out in the USDA’s Designation of Biobased Items for Federal Procurement; Proposed Rules, “... agencies should note that not all biobased products are ‘environmentally preferable’.” Therefore, SDA recommends that cleaning products not fall under the automatic substitution policy. Substitution of cleaning products should be on a case-by-case basis using Life Cycle Analysis (LCA) as a tool to determine “green” merit.

F. (3) Fleet and rental car services: alternative fuel use, biolubricants and biobased products should not be specified unless they are shown also to be environmentally preferable by complete LCA, when appropriate.

F. (4) Janitorial services: biobased cleaning products should not be specified in this section unless they are shown also to be environmentally preferable by complete LCA, when appropriate.

F. (5) Laundry services: biobased detergents should not be specified in this section unless they are shown also to be environmentally preferable by complete LCA, when appropriate.

F. (6) Meeting and conference services: biobased products and food sourced from local providers should not be specified in this section unless they are shown to be environmentally preferable by complete LCA, when appropriate.

G. (1) Exemption from requirements: an exemption from the purchase of USDA-designated biobased items should be permitted when there is a non-designated product that is environmentally preferable.

Summary and Conclusions

SDA appreciates the opportunity to comment on the OFPP proposed policy letter. SDA recommends that the definitions be refined based on our input. SDA also recommends that the Office initiate a pilot program where they conduct rigorous analysis of the environmental preferability of competing products over their entire lifecycles so as to better understand the challenges in making such determinations. The Office should use the lessons learned from such a program as the basis for a functional and truly environmentally beneficial policy.

Also, we would like to express our willingness to participate in any voluntary standard setting process for green products. We invite OFPP to contact us about establishing such a process, or with any further questions.

Respectfully submitted,

Kathleen Stanton

Kathleen Stanton
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