Supplementary Comments from the Sustainable Purchasing Leadership Council
on the U.S. Environmental Protection Agency’s

Draft Guidelines for Product Environmental Performance Standards and Ecolabels
for Voluntary Use in Federal Procurement

Docket Identification Number EPA-HQ-OPPT-2013-0579-0001

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Background:

The Sustainable Purchasing Leadership Council (SPLC) is a not-for-profit organization that convenes a diverse, multi-stakeholder, expert community to define institutional leadership in sustainable purchasing. Our membership, staff, and other stakeholders collaborate to create a shared program of guidance, measurement, and recognition for leadership in sustainable purchasing. To the extent possible, we seek to engage, align with, build upon, and strengthen the array of existing efforts and initiatives in the marketplace that support, directly or indirectly, the exercise of institutional leadership in sustainable purchasing, including environmentally preferable purchasing. In that context, we recognize the value of environmental performance standards and ecolabels as important tools to support purchasers in their efforts to exercise leadership in sustainable purchasing, and we welcome the efforts of EPA and other stakeholders to develop Draft Guidelines that bring clarity to the assessment and appropriate application of such standards and ecolabels. Our comments are intended to support and advance these collective efforts.

Overview:

These comments are one of three sets of comments submitted by SPLC independently or jointly with other organizations: 1) these comments, which were prepared by SPLC staff to convey how SPLC, as an organization, views the Draft Guidelines as a whole; 2) a report by SPLC staff on a series of conversations with its members and other stakeholders about the content of individual guidelines; and 3) comments jointly developed with others and submitted by RESOLVE, describing a potential collaboration among SPLC and other organizations on an implementation pilot for the guidelines.

The comments submitted here, which are distinct from the other two sets of comments, are intended to convey how SPLC as an organization, based on its mission and perspective, views the Draft Guidelines. Please note that these comments do not represent the consensus perspective of the SPLC membership. The comments are an interpretation, by SPLC staff, of the general attitude of a leadership-oriented organization such as SPLC toward the proposed Draft Guidelines.
These comments do not address individual guidelines, but rather respond to the Draft Guidelines, as a whole. Recognizing the tremendous effort invested by EPA and its stakeholders in the development of these Draft Guidelines, these comments offer suggestions for enhancing the likelihood that the Draft Guidelines will achieve the laudable objectives that presumably brought EPA and its stakeholders together to make this significant investment.

Comments:

The Draft Guidelines should include a preface or application guidance document that explains their intent and appropriate context of use. In the absence of clear framing guidance about their intent and appropriate use, the Draft Guidelines are unlikely to achieve their presumed objectives. The remainder of comments below largely pertains to the content of such a proposed preface or application guidance document.

The Draft Guidelines’ preface should explicitly state the Guidelines’ larger purpose. The immediate purpose of environmental performance standards and ecolabels, in general, is to differentiate environmentally preferable products from the status quo in the marketplace, and the immediate purpose of the Draft Guidelines is to differentiate among such environmental performance standards and ecolabels. Presumably, however, the larger purpose of environmental performance standards and ecolabels and, by extension, the Draft Guidelines, is to achieve meaningful levels of overall reduction in the environmental impacts associated with production, distribution, use, and disposal of purchased products at the scale of the economy, as a whole. If they do not achieve this larger purpose, then any market differentiation that they support is inconsequential from an environmental perspective. This larger purpose should therefore be clearly stated as an integral part of the Guidelines. Such a clear statement would enable more effective understanding of the individual guidelines and would support assessment of the extent to which application of the overall Draft Guidelines—and use of the environmental performance standards and ecolabels to which they refer—achieve the larger purpose of economy-scale environmental impact reductions.

Finally, because there are specific guidelines with reference to human health, EPA should explicitly state in such a preface that its intention is to not only address environmental performance, but also performance from a human health perspective.

The Draft Guidelines’ preface should explicitly state the basis for differentiating baseline guidelines from leadership guidelines. The current version of the Draft Guidelines does not adequately explain the basis for differentiating baseline guidelines from leadership guidelines.

The basis for differentiating baseline guidelines from leadership guidelines should reference the larger purpose of the Draft Guidelines and the environmental performance standards and ecolabels to which they refer. If, as suggested above, the larger purpose of the Draft Guidelines—and the environmental performance standards and ecolabels to which they refer—is, indeed, to achieve meaningful
reductions in economy-wide environmental impacts, then it might be logical to assume that this larger purpose should be the basis for differentiating between baseline guidelines and leadership guidelines. Baseline guidelines, for example, might be understood as those guidelines that are a necessary prerequisite for an environmental performance standard or ecolabel to function as a tool to differentiate the environmental preferability of products in the marketplace. These baseline guidelines might not, however, consider how much of an environmental improvement over the status quo a particular performance standard or ecolabel represents. Leadership guidelines, on the other hand, might be understood as those guidelines that serve to differentiate environmental performance standards and ecolabels that, if applied to all relevant products across the economy, would result in a significant improvement in overall environmental impacts.

The baseline guidelines, taken together, should support thresholds of environmental performance that enable credible claims of environmental preferability and discourage ‘greenwashing.’ ‘Greenwashing’ refers to the practice of exaggerating or misstating the relative environmental benefits of a particular action, product, or process. Presumably, the immediate purpose of any credible environmental performance standard or ecolabel is to enable credible claims of environmental preferability by attesting to the improved environmental performance of a product relative to the status quo, thereby prevent greenwashing. However, if an environmental performance standard or ecolabel sets a threshold for environmental performance that is not a significant improvement on the status quo, the standard or ecolabel itself becomes an instrument of greenwashing. Presumably, one purpose of the Draft Guidelines is to minimize this possibility by establishing a set of baseline guidelines whose application would ensure that all environmental performance standards and ecolabels that followed the baseline guidelines could be expected to produce a significant level of environmental improvement over the status quo. The baseline guidelines, taken together, should therefore support thresholds of environmental performance that achieve such improvements.

The Draft Guidelines’ preface should explicitly state whether the Guidelines are to be used to identify ‘leadership standards.’ The Draft Guidelines do not clearly state whether EPA intends that the Guidelines be used to characterize certain performance standards or ecolabels as ‘leadership standards’ on the basis of assessment against these guidelines. Many stakeholders in the marketplace are in active conversation about the distinction between ‘leadership’ standards and ‘lowest-common-denominator’ standards. To date, SPLC has not participated actively in these conversations, but we recognize that our efforts to define leadership in sustainable purchasing will necessarily engage this topic. Clarity would be helpful from EPA regarding its attitude toward the use of these Draft Guidelines to identify ‘leadership standards’ and if simply meeting the baseline requirements, taken together, would constitute a leadership standard. This would be particularly relevant to any contemplated implementation pilot.
The Draft Guidelines’ preface should identify their intended audience and appropriate conditions for their application in the context of other available strategies for environmental impact reduction.

Purchasers, whether within the Federal Government or not, who seek to meaningfully reduce the overall environmental impacts associated with their purchased goods and services, are presumably a key potential user of the Draft Guidelines. Purchasers may achieve this larger purpose of overall impact reductions through a variety of strategies, such as, to name but a few: demand management or reduction, efficiency improvements, servicing, user education and training, supplier engagement, performance requirements, insourcing, or preferential purchasing. Environmental performance standards and ecolabels can particularly help purchasers to implement this last strategy, preferential purchasing, and the Draft Guidelines can bring important clarity to the execution of this strategy. It is important to recognize, however, that environmental performance standards and ecolabels may not exist—and may not even be the most appropriate or efficient environmental impact reduction strategy—for a variety of environmentally relevant categories of purchasing. The Draft Guidelines should explicitly acknowledge this reality and position the Draft Guidelines—and the environmental performance standards and ecolabels to which they refer—as only one of many tools available to purchasers to achieve the shared larger purpose of reducing overall environmental impacts of purchased products.

Any implementation pilot for the Draft Guidelines should include consideration of the context of the Guidelines’ potential use by institutional purchasers.

As noted in the Overview to this document, SPLC has collaborated with a number of other organizations to support a submission by RESOLVE describing one potential approach for an implementation pilot. SPLC supports this approach and would be happy to collaborate on such an implementation pilot, subject to alignment on scope, budget, roles, and funding. SPLC would be particularly interested in ensuring that the implementation pilot is designed to identify: a) those conditions, contexts or purchasing categories in which the guidelines would likely be a useful tool to support meaningful reductions in environmental impacts and/or meaningful improvements in environmental, social, and economic (ESE) outcomes; and b) conditions, contexts or purchasing categories in which the guidelines would likely not be a useful tool to support these objectives. This would be an important aspect of understanding the relative value of the Draft Guidelines as a sustainable purchasing support tool.

Pilot implementation of the Draft Guidelines could build upon existing work already contemplated or underway by SPLC.

Over the next two years, SPLC will be convening a series of Technical Advisory Groups (TAGs) to develop practical guidance for leadership in sustainable purchasing for priority purchasing categories. SPLC will also be developing an overall framework for sustainable purchasing that includes guidance on how to integrate category-level guidance into overall purchasing decisions. The overall framework could be relevant for the design of the proposed pilot and for the development of the type of preface to the Guidelines suggested above. SPLC’s category-specific TAGs, on the other hand, might efficiently serve as a ready-made formal or informal testing ground for application of the Draft Guidelines.