

200 KAR 5:330. Purchase of goods, supplies, equipment, materials and printing with minimum recycled content.

RELATES TO: KRS 45A.500-45A.540

STATUTORY AUTHORITY: KRS 45A.520

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.520 requires the Finance and Administration Cabinet to promulgate administrative regulations establishing a minimum recycled material content to be used by every state agency when purchasing goods, supplies, equipment, materials, and printing. KRS 45A.520 further provides that if the United States Environmental Protection Agency has established a minimum recycled content for certain products, then the Finance and Administration Cabinet shall adopt at a minimum, those standards established by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended. This administrative regulation establishes requirements concerning recycled material content.

Section 1. Definitions. (1) "Mill broke" means any paper generated in a paper mill prior to completion of the paper manufacturing process which is unsuitable for end use applications and is subsequently reused in the paper manufacturing process.

(2) "Postconsumer waste" means products or materials which have been discarded by a consumer.

(3) "Recovered fly ash" means the component of coal which results from the combustion of coal, and is the finely divided mineral residue which is typically collected from boiler stack gases by electrostatic precipitator or mechanical collection devices.

(4) "Recovered material" means those materials which have been separated, diverted or removed from the solid waste stream after a manufacturing process.

(5) "Recovered paper material" means paper products and paper byproducts which, if not recovered, would otherwise be solid waste, and which are intended for sale, use, reuse, or recycling, whether such materials or byproducts require subsequent separation and processing, excluding the virgin content of mill broke and sawdust.

(6) "Re-refined oil" means used oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process.

(7) "Solid waste stream" means a path of discarded material from point of origin to ultimate disposition.

(8) "State agency" is defined by KRS 45A.505.

Section 2. Minimum Recycled Content for State Agency Purchases. Except as provided under KRS 45A.510, any goods, supplies, equipment, materials and printing purchased by a state agency shall contain the following minimum recycled content:

(1) Xerographic paper (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(2) Carbonless printing paper (all sizes and colors) shall contain thirty (30) percent recovered paper material.

(3) Flat sheet printing papers.

(a) Paper, offset and opaque (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(b) Paper, text (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(c) Paper, parchtex (all sizes and colors) shall contain fifty (50) percent recovered paper material of which fifteen (15) percent shall be postconsumer waste.

(d) Paper, cover, antique or wove or text (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(e) Paper, index (all sizes and colors) shall contain fifty (50) percent recovered paper material of which twenty (20) percent shall be postconsumer waste.

(4) Business papers.

(a) Paper, mimeographic (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(b) Paper, spirit process (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(c) Paper, rag bond (all sizes) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(d) Paper, sulfite bond (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(5) Computer paper.

(a) Continuous stock paper, carbon interleaved (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent is postconsumer waste.

(b) Continuous stock paper, plain (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(6) Miscellaneous office supplies.

(a) Blotters, desk (all sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(b) Calendars (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(c) File pockets (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(d) Notebook filler (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(e) Angular heavy celluloid tab folder (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which thirty (30) percent shall be postconsumer waste.

(f) File folder (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which thirty (30) percent shall be postconsumer waste.

(g) Hanging folder (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which thirty (30) percent shall be postconsumer waste.

(h) Open shelf file folder (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which thirty (30) percent shall be postconsumer waste.

(i) Top tab folder (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which thirty (30) percent shall be postconsumer waste.

(j) Two (2) inch expansion bottom gusset folder (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which thirty (30) percent shall be postconsumer waste.

(k) Twenty-five (25) point classification folder (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which thirty (30) percent shall be postconsumer waste.

(l) Guides, index monthly (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(m) Indexes, alphabetical (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which twenty (20) percent shall be postconsumer waste.

(n) Mailing tubes (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent is postconsumer waste.

(o) Memo books (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(p) Memo case (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent is postconsumer waste.

(q) Memo sheets (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(r) Notebooks, three (3) hole punched (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(s) Notebooks, stenographic (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(t) Fan folded notes (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(u) Columnar green pads (all types and sizes) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(v) Desk pads (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(w) Scratch pads (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer material.

(x) Adding machine paper (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(y) Tablets (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(z) Tags, shipping (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(aa) Wallet, elastic cord (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(bb) Wallet, expanding, string tie (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(cc) Legal pads, legal (all types, all sizes, all colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(dd) Telephone message pads (all types, sizes and colors) shall contain fifty (50) percent recovered paper material of which ten (10) percent shall be postconsumer waste.

(7) Toilet tissue shall contain fifty (50) percent recovered paper material of which twenty (20) percent shall be postconsumer waste.

(8) Paper towels shall contain fifty (50) percent recovered paper material of which forty (40) percent shall be postconsumer waste.

(9) Napkins shall contain fifty (50) percent recovered paper material of which thirty (30) percent shall be postconsumer waste.

(10) Industrial wipes shall contain fifty (50) percent recovered paper material of which forty (40) percent shall be postconsumer waste.

(11) Building insulation.

(a) Cellulose loose-fill and spray-on shall contain seventy-five (75) percent postconsumer waste.

(b) Product shall contain Perlite composite board twenty-three (23) percent postconsumer waste.

(c) Plastic rigid foam.

1. Polyisocyanurate/polyurethane shall contain the following:

a. Rigid foam: nine (9) percent recovered material.

b. Foam-in-place: five (5) percent recovered material.

c. Glass fiber reinforcer: six (6) percent recovered material.

2. Phenolic rigid foam shall contain five (5) percent recovered material.

- (d) Rock wool shall contain seventy-five (75) percent recovered material.
- (12) Engine lubricating oils shall contain twenty-five (25) percent re-refined oil.
- (13) Hydraulic fluid shall contain twenty-five (25) percent re-refined oil.
- (14) Gear oils shall contain twenty-five (25) percent re-refined oil.
- (15) Plastic sign blanks shall contain 100 percent postconsumer waste.
- (16) Envelopes (all types, sizes and colors) shall contain fifty (50) percent recovered material.
- (17) Doilies (all types, sizes and colors) shall contain fifty (50) percent postconsumer waste.
- (18) Corrugated boxes (all types and sizes) shall contain thirty-five (35) percent postconsumer waste.
- (19) Fiber boxes (all types and sizes) shall contain forty (40) percent postconsumer waste.
- (20) Recycled paperboard (all types and sizes) shall contain eighty (80) percent postconsumer waste.
- (21) Brown papers (all types and sizes) shall contain five (5) percent postconsumer waste.
- (22) Pad backing (all types and sizes) shall contain ninety (90) percent postconsumer waste.
- (23) Aluminum bars shall contain twelve (12) percent recovered material.
- (24) Aluminum bolts and nuts shall contain twelve (12) percent recovered material.
- (25) Aluminum channels shall contain twelve (12) percent recovered material.
- (26) Aluminum handrail post shall contain twelve (12) percent recovered material.
- (27) Aluminum sign blanks shall contain twelve (12) percent recovered material.
- (28) Aluminum sign panels shall contain twelve (12) percent recovered material.
- (29) Aluminum pipe shall contain twelve (12) percent recovered material.
- (30) Hot-mix asphalt shall contain ten (10) percent postconsumer waste or recovered material.
- (31) Cement shall contain five (5) percent replacement of cement by weight with recovered fly ash.
- (32) Concrete cribbing shall contain five (5) percent replacement of cement by weight with recovered fly ash.
- (33) Gabionss shall contain ten (10) percent postconsumer waste or recovered material.
- (34) Glass beads shall contain fifty (50) percent postconsumer waste.
- (35) Guardrail, guardrail post, and component parts shall contain twenty (20) percent postconsumer waste or recovered material.
- (36) Metal bridge planks shall contain ten (10) percent postconsumer waste or recovered material.
- (37) Metal pipe shall contain ten (10) percent postconsumer waste or recovered material.
- (38) Ready-mix concrete shall contain five (5) percent replacement of cement by weight with recovered fly ash.
- (39) Reflective powder shall contain fifty (50) percent postconsumer waste.
- (40) Slag (boiler) shall contain 100 percent postconsumer waste or recovered material.
- (41) Sign brackets shall contain ten (10) percent postconsumer waste or recovered material.
- (42) Steel cribbing shall contain ten (10) percent postconsumer waste or recovered material.
- (43) Steel piling shall contain ten (10) percent postconsumer waste or recovered material.
- (44) Steel post, sign and delineator shall contain ten (10) percent postconsumer waste or recovered material.
- (45) Steel, open grid flooring shall contain ten (10) percent postconsumer waste or recovered material.
- (46) Railroad rails shall contain 100 percent postconsumer waste or recovered material.

Section 3. State Agency Contracts for Construction, Repair, Renovation, and Demolition of Public Facilities and Improvements to Public Real Properties. In accordance with KRS 45A.525, every state agency shall require, to the extent practicable, that every person, corporation, or other

entity with whom it enters into a contract for building, altering, repairing, improving or demolishing any public structures or buildings or other improvements to any public real property, shall use goods, supplies, equipment, materials, and printing to fulfill the contract, which meet the requirements for minimum recycled content established in Section 2 of this administrative regulation.

Section 4. Projects Financed with Commonwealth Bond Proceeds. In accordance with KRS 45A.530, every state agency authorized to issue bonds shall require, to the extent practicable, that every project within the Commonwealth, fifty (50) percent or more of the cost of which is financed with the proceeds of bonds issued by the agency, be undertaken with goods, supplies, equipment, materials and printing which meet the requirements for minimum recycled material content established in Section 2 of this administrative regulation. (18 Ky.R. 1255; Am. 1894; eff. 1-10-92; 30 Ky.R. 687; 1471; eff. 1-5-2004; Crt eff. 2-26-2020.)