

## Developments of Interest— May through July 2011

**THIS ARTICLE HIGHLIGHTS** significant environmental regulatory changes and indicators suggesting future changes to the regulatory landscape.

Greening of federal procurement is pushing ahead with recent publication of several significant proposed and final rules and other developments. Highlights include:

- Federal Acquisition Regulations (FAR) requirements for sustainable acquisition with commitments to incorporate green procurement mandates into relevant contracts
- Proposed requirements for contractors to document their purchases of biobased products and supplies under federal contracts
- Department of Defense (DoD) policy making energy use a key consideration and requiring fully burdened lifecycle cost analysis of energy in the design and operation of weapons platforms
- A presidential directive emphasizing procurement of alternative fuel vehicles and use of alternative fuels
- New and expanded voluntary programs such as Energy Star that identify environmentally superior products

New green procurement items of interest since the last issue of *Currents* are as follows:

### Federal Acquisition Regulation; Biobased Procurements— Proposed Rule (13 July 2011)

Would require prime contractors to report annually their biobased products procured under service and construction contracts.

<http://www.gpo.gov/fdsys/pkg/FR-2011-07-13/html/2011-17453.htm>

### Easy Access

**FOR EASY AND** direct access to many of the web addresses included in this regulatory summary, select the “Digital Currents” link next to the “Regulatory Corner” link from *Currents*’ new home on the Internet—the Department of the Navy’s new Energy, Environment and Climate Change web site—at <http://greenfleet.dodlive.mil/currents-magazine>.

### Additional Biobased Items Designated for Federal Procurement (22 July 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-07-22/html/2011-18478.htm>

### Sustainable Acquisition, Federal Acquisition Regulation (31 May 2011)

Interim Rule implements Executive Orders 13514 and 13423. A ninety-five percent compliance goal has been established for contracts within the United States. The energy efficiency and environmental preferences apply only if the product in question meets agency requirements, is cost-competitive, and is available in a timely manner. Weapons systems are exempt from the requirements, and other agency exemptions are available.

<http://www.gpo.gov/fdsys/pkg/FR-2011-05-31/html/2011-12851.htm>

### DoD Operational Energy Strategy (14 June 2011)

DoD components shall document actual and projected energy consumption in current and planned operations, analyze and report lessons learned, and apply to strategic and force planning, requirements, acquisition, and budgeting. DoD to incorporate energy considerations, including tools required by statute, such as the Fully Burdened Cost of Energy, in the requirements and acquisition processes for new vehicles, vessels, aircraft, weapons, and equipment.

<http://www.defense.gov/news/newsarticle.aspx?id=64318>

### Federal Fleet Performance—Presidential Memorandum (24 May 2011)

The memo contains a number of vehicle and fleet efficiency, right-sizing and alternative fuel vehicle and fuel use mandates; electric and plug-in electric hybrid vehicles qualify as alternative fuel vehicles.

<http://www.whitehouse.gov/the-press-office/2011/05/24/presidential-memorandum-federal-fleet-performance>

### Minimizing Use of Hexavalent Chromium (Defense FARS Case 2009-D004) (5 May 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-05-05/html/2011-10882.htm>

### New Energy Star Initiative to Identify the Highest Energy Efficiency Products Within Energy Star Categories (14 July 2011)

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceac8525735900400c27/26e61b6a9a9d8c2d852578cd0057a2aa!OpenDocument>

Global Appliance Efficiency Award Competition for Televisions; Other Categories to Follow (23 June 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-06-23/html/2011-15693.htm>

Additional items of interest (May through July 2011) include the following:

## Air

Stationary Compression Ignition & Spark Ignition Internal Combustion Engines—Standards of Performance (28 June 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-06-28/html/2011-15004.htm>

Plating and Polishing Area Source Facilities National Emission Standard for Hazardous Air Pollutants (20 June 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-06-20/html/2011-15274.htm>

## Climate Change & Energy

American Society of Heating, Refrigerating and Air-Conditioning Engineers 50 Percent Advanced Energy Design Guide for Small to Medium Office Buildings (11 May 2011)

[http://apps1.eere.energy.gov/news/progress\\_alerts.cfm/pa\\_id=530](http://apps1.eere.energy.gov/news/progress_alerts.cfm/pa_id=530)

Department of Energy, Energy Efficient Building Technology Database Under Consideration (26 May 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-05-26/html/2011-13096.htm>

## General

Camp Lejeune Health Survey of Previous Active Duty Personnel Exposed to Contaminated Drinking Water (27 June 2011)

<http://www.atsdr.cdc.gov/sites/lejeune/>

## Occupational Safety and Health Administration (OSHA)

Occupational Injury and Illness Recording and Reporting Requirements—Proposed Rule (22 June 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-06-22/html/2011-15277.htm>

OSHA Standards Improvement Project, Phase III—Final Rule (8 June 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-06-08/html/2011-13517.htm>

Occupational Exposure to Infectious Diseases—Meeting to Consider Rulemaking (5 July 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-07-05/html/2011-16742.htm>

Preventing Occupational Respiratory Disease from Dampness in Buildings—Notice and Request for Comment (18 May 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-05-18/html/2011-12166.htm>

Revisions to General Working Conditions in Shipyard Employment—Final Rule (2 May 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-05-02/html/2011-9567.htm>

## Water

Stormwater Charges—DoD Legal Guidance on Payment of Reasonable Stormwater Charges (20 April 2011)

The relevant memorandums are posted at:

[http://www.p2sustainabilitylibrary.mil/p2\\_documents/signed\\_memo\\_stormwater42011.pdf](http://www.p2sustainabilitylibrary.mil/p2_documents/signed_memo_stormwater42011.pdf).

## Toxic Substances

Petition Made to the U.S. Environmental Protection Agency to Prevent Navy Ship Disposal Under Sink Exercise (SINKEX) (12 July 2011)

[http://www.ban.org/ban\\_news/2011/111205\\_environmental\\_groups\\_petition\\_epa\\_to\\_end\\_navy\\_ship\\_dumping\\_program.html](http://www.ban.org/ban_news/2011/111205_environmental_groups_petition_epa_to_end_navy_ship_dumping_program.html)

## Underground Storage Tanks

Compatibility of Underground Storage Tank Systems with Biofuel Blends (5 July 2011)

<http://www.gpo.gov/fdsys/pkg/FR-2011-07-05/html/2011-16738.htm>

The Naval Facilities Engineering Service Center provides a free Weekly Federal Regulatory Summary that DoD personnel or contractors supporting DoD may receive by e-mail. To subscribe or unsubscribe, contact [NFESCRregulatorySupportDesk@navy.mil](mailto:NFESCRregulatorySupportDesk@navy.mil) or 805-982-2640. [↕](#)

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