

## *Lower Procurement Limits Campaign, Phase 1: 3<sup>rd</sup> Party Research Effort*

### **Task: Evaluate the success of PCB procurement policies.**

The Spokane River Regional Toxics Task Force (SRRTTF) is a group with members from industry, government, and conservation groups collaborating together to identify and implement solutions to reduce Polychlorinated biphenyls (PCBs) to the Spokane River. These persistent, bio-accumulative, and toxic chemicals (PBTs) have been designated by EPA as probable human carcinogens and are ubiquitous in the environment. In order to reduce PCBs in an effort to attain water quality standards, there must be both beginning-of-life and end-of-life solutions. Some companies and states are implementing policies to reduce levels of PCBs in products as a beginning-of-life solution by including provisions in purchasing specifications. The purpose of this research effort is to perform an investigation of these PCB procurement policies to identify the format, scope of coverage, methods of implementation, and evaluate their efficacy. .

Under the Toxic Substances Control Act of 1976 (TSCA), products cannot exceed an average inadvertent PCB concentration of more than 25 parts per million or an absolute limit of 50 parts per million. In recent years, certain companies and regional governments have voluntarily imposed lower restrictions on PCB content. In 2018, both Apple and Hewlett Packard (HP) adopted policies that lowered the allowable threshold of PCBs in their products to less than 0.1 parts per million. In 2014, Washington State passed RCW 39.26.280, the Preferable Purchasing Law, to require state agencies to purchase PCB-free products where feasible. The Washington State Department of Enterprise Services (DES) manages implementation of the state's PCB procurement policy— *Purchasing Preference for Products and Product Packaging That Do Not Contain Polychlorinated Biphenyls (PCBs)*, which went into effect January 1, 2019. There is some evidence of limited success with an example of when the WA Department of Transportation adopted a policy in 2018 that excluded the use of known PCB-containing yellow road paint. However, achievement on a broad scale across a variety of products is unknown.

Due to the ubiquitous nature of PCBs, it is difficult to find any products that do not contain some level of PCBs. Therefore, the efficacy of these purchasing agreements needs to be closely examined to determine if they are more aspirational than achievable in practice. There are many aspects of these programs that need to be examined including: steps required for initial and ongoing conformance, independent verification methods, monitoring, costs, availability and delays in obtaining products, test methods required for conformance, quality and consistency of products, and other assurances.

The desired outcome of this study is an evaluation of current PCB procurement strategies that will help inform SRRTTF efforts going forward. Success and improvement in the implementation of PCB procurement limits could encourage demand-driven innovation in the markets for lower PCB containing products.

## **Research Questions:**

The following is an initial set of questions to be investigated that may be modified or added to once this project is implemented and under evaluation:

1. What specific products have PCB procurement policies been applied to?
2. Is the procurement policy applied to each individual component that goes into a product, its packaging, support materials such as instruction manuals, sales literature, etc.?
3. How is conformance determined (i.e.: is it done on a component-by-component basis or the product in its entirety, including packaging)?
4. Do these policies encourage technology or process changes to reduce iPCBs during the manufacturing of products?
5. How are limits being enforced?
6. What test methods are being used?
7. What initial and ongoing monitoring is being conducted?
8. How frequently is the ongoing monitoring being conducted?
9. What are the costs associated with the conformance requirements?
10. How have these policies affected manufacturer and product availability?
11. Has the specification caused a change in products being provided and have there been any concerns with quality and performance?
12. If replacement products that conform to the specification are being provided, are there any quality, performance, or other concerns with these replacement products?
13. What are some of the challenges in implementation and management of these lower procurement limit policies?

## **References:**

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4. WA State PCB Purchasing Policy, <http://srrttf.org/wp-content/uploads/2017/11/PCB-PolicyDraft-1.pdf>
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7. Cradle to Cradle Certified Product Standard V.4 // Restricted Substances List, <https://www.c2ccertified.org/resources/detail/cradle-to-cradle-certified-restricted-substances-list>