

the big part of the plan, the budget resolution passed; we've just got to keep fighting it.

NOTE: The exchange began at 7:42 p.m. in the North Portico at the White House. A tape was not available for verification of the content of this exchange.

**Executive Order 12843—
Procurement Requirements and
Policies for Federal Agencies for
Ozone-Depleting Substances**

April 21, 1993

Whereas, the essential function of the stratospheric ozone layer is shielding the Earth from dangerous ultraviolet radiation; and

Whereas, the production and consumption of substances that cause the depletion of stratospheric ozone are being rapidly phased out on a worldwide basis with the support and encouragement of the United States; and

Whereas, the Montreal Protocol on Substances that Deplete the Ozone Layer, to which the United States is a signatory, calls for a phaseout of the production and consumption of these substances; and

Whereas, the Federal Government, as one of the principal users of these substances, is able through affirmative procurement practices to reduce significantly the use of these substances and to provide leadership in their phaseout; and

Whereas, the use of alternative substances and new technologies to replace these ozone-depleting substances may contribute positively to the economic competitiveness on the world market of U.S. manufacturers of these innovative safe alternatives:

Now, Therefore, I, William Jefferson Clinton, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the 1990 amendments to the Clean Air Act ("Clean Air Act Amendments"), Public Law 101-549, and in order to reduce the Federal Government's procurement and use of substances that cause stratospheric ozone depletion, do hereby order as follows:

Section 1. Federal Agencies. Federal agencies shall, to the extent practicable:

- (a) conform their procurement regulations and practices to the policies and requirements of Title VI of the Clean Air Act Amendments, which deal with stratospheric ozone protection;

- (b) maximize the use of safe alternatives to ozone-depleting substances;

- (c) evaluate the present and future uses of ozone-depleting substances, including making assessments of existing and future needs for such materials and evaluate their use of and plans for recycling;

- (d) revise their procurement practices and implement cost-effective programs both to modify specifications and contracts that require the use of ozone-depleting substances and to substitute non-ozone-depleting substances to the extent economically practicable; and

- (e) exercise leadership, develop exemplary practices, and disseminate information on successful efforts in phasing out ozone-depleting substances.

Sec. 2. Definitions. (a) "Federal agency" means any executive department, military department, or independent agency within the meaning of 5 U.S.C. 101, 102, or 104(1), respectively.

(b) "Procurement" and "acquisition" are used interchangeably to refer to the processes through which Federal agencies purchase products and services.

(c) "Procurement regulations, policies and procedures" encompasses the complete acquisition process, including the generation of product descriptions by individuals responsible for determining which substances must be acquired by the agency to meet its mission.

(d) "Ozone-depleting substances" means the substances controlled internationally under the Montreal Protocol and nationally under Title VI of the Clean Air Act Amendments. This includes both Class I and Class II substances as follows:

(i) "Class I substance" means any substance designated as Class I in the *Federal Register* notice of July 30, 1992 (57 Fed. Reg. 33753), including chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform and any other substance so des-

gnated by the Environmental Protection Agency ("EPA") by regulation at a later date; and

(ii) "Class II substance" means any substance designated as Class II in the *Federal Register* notice of July 30, 1992 (57 Fed. Reg. 33753), including hydrochlorofluorocarbons and any other substances so designated by EPA by regulation at a later date.

(e) "Recycling" is used to encompass recovery and reclamation, as well as the reuse of controlled substances.

Sec. 3. Policy. It is the policy of the Federal Government that Federal agencies: (i) implement cost-effective programs to minimize the procurement of materials and substances that contribute to the depletion of stratospheric ozone; and (ii) give preference to the procurement of alternative chemicals, products, and manufacturing processes that reduce overall risks to human health and the environment by lessening the depletion of ozone in the upper atmosphere. In implementing this policy, prior to final promulgation of EPA regulations on Federal procurement, Federal agencies shall begin conforming their procurement policies to the general requirements of Title VI of the Clean Air Act Amendments by:

(a) minimizing, where economically practicable, the procurement of products containing or manufactured with Class I substances in anticipation of the phaseout schedule to be promulgated by EPA for Class I substances, and maximizing the use of safe alternatives. In developing their procurement policies, agencies should be aware of the phaseout schedule for Class II substances;

(b) amending existing contracts, to the extent permitted by law and where practicable, to be consistent with the phaseout schedules for Class I substances. In awarding contracts, agencies should be aware of the phaseout schedule for Class II substances in awarding contracts;

(c) implementing policies and practices that recognize the increasingly limited availability of Class I substances as production levels capped by the Montreal Protocol decline until final phaseout. Such practices shall include, but are not limited to:

(i) reducing emissions and recycling ozone-depleting substances;

(ii) ceasing the purchase of nonessential products containing or manufactured with ozone-depleting substances; and

(iii) requiring that new contracts provide that any acquired products containing or manufactured with Class I or Class II substances be labeled in accordance with section 611 of the Clean Air Act Amendments.

Sec. 4. Responsibilities. Not later than 6 months after the effective date of this Executive order, each Federal agency, where feasible, shall have in place practices that, where economically practicable, minimize the procurement of Class I substances. Agencies also shall be aware of the phaseout schedule for Class II substances. Agency practices may include, but are not limited to:

(a) altering existing equipment and/or procedures to make use of safe alternatives;

(b) specifying the use of safe alternatives and of goods and services, where available, that do not require the use of Class I substances in new procurements and that limit the use of Class II substances consistent with section 612 of the Clean Air Act Amendments; and

(c) amending existing contracts, to the extent permitted by law and where practicable, to require the use of safe alternatives.

Sec. 5. Reporting Requirements. Not later than 6 months after the effective date of this Executive order, each Federal agency shall submit to the Office of Management and Budget a report regarding the implementation of this order. The report shall include a certification by each agency that its regulations and procurement practices are being amended to comply with this order.

Sec. 6. Exceptions. Exceptions to compliance with this Executive order may be made in accordance with section 604 of the Clean Air Act Amendments and with the provisions of the Montreal Protocol.

Sec. 7. Effective Date. This Executive order is effective 30 days after the date of issuance. Although full implementation of this order must await revisions to the Federal Acquisition Regulations ("FAR"), it is expected that Federal agencies will take all appropriate actions in the interim to implement those aspects of the order that are not dependent upon regulatory revision.

Sec. 8. Federal Acquisition Regulatory Councils. Pursuant to section 6(a) of the Office of Federal Procurement Policy Act, as amended, 41 U.S.C. 405(a), the Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council shall ensure that the policies established herein are incorporated in the FAR within 180 days from the date this order is issued.

Sec. 9. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable by a non-Federal party against the United States, its officers or employees, or any other person.

William J. Clinton

The White House,
April 21, 1993.

[Filed with the Office of the Federal Register, 10:18 a.m., April 22, 1993]

NOTE: This Executive order was published in the *Federal Register* on April 23.

Executive Order 12844—Federal Use of Alternative Fueled Vehicles
April 21, 1993

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Energy Policy and Conservation Act, as amended (42 U.S.C. 6201 *et seq.*), the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 *et seq.*), the Energy Policy Act of 1992 (Public Law 102-486), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Federal Leadership and Goals. The use of alternative fueled motor vehicles can, in some applications, substantially reduce pollutants in the atmosphere, create significant domestic economic activity and stimulate jobs creation, utilize domestic fuel sources as defined by the Energy Policy Act of 1992, and reduce vehicle maintenance costs.

Moreover, Federal action can provide a significant market impetus for the development and manufacture of alternative fueled vehicles, and for the expansion of the fueling infrastructure necessary to support large

numbers of privately owned alternative fueled vehicles.

The Federal Government can exercise leadership in the use of alternative fueled vehicles. To that end, each agency shall adopt aggressive plans to substantially exceed the alternative fueled vehicle purchase requirements established by the Energy Policy Act of 1992.

Sec. 2. Alternative Fueled Vehicle Requirements. The Federal Government shall acquire, subject to the availability of funds and considering life cycle costs, alternative fueled vehicles in numbers that exceed by 50 percent the requirements for 1993 through 1995 set forth in the Energy Policy Act of 1992. The Federal fleet vehicle acquisition program shall be structured with the objectives of: (a) continued reduction in the incremental cost associated with specific vehicle and fuel combinations; (b) long-term movement toward increasing availability of alternative fueled vehicles produced as standard manufacturers' models; and (c) minimizing life cycle costs in the acquisition of alternative fueled vehicles. In addition, there is established, for a period not to exceed 1 year, the Federal Fleet Conversion Task Force, a Federal interagency implementation committee to be constituted by the Secretary of Energy, in consultation with a Task Force Chairman to be named by the President. The Task Force will advise on the implementation of this Executive order. The Task Force will issue a public report within 90 days setting forth a recommended plan and schedule of implementation and, no later than 1 year from the date of this order, in cooperation with the Secretary of Energy, file a report on the status of the conversion effort.

Sec. 3. Alternative Fueled Vehicle Acquisition Assistance. Within available appropriations, and as required by the Energy Policy Act of 1992, the Secretary of Energy shall provide assistance to other agencies that acquire alternative fueled vehicles. This assistance includes payment of incremental costs of alternative fueled vehicles, including any incremental costs associated with acquisition and disposal. All vehicles, whether conversions or purchases as original equipment