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February 26, 2008

Mr. Jim Daumit
Policy Analyst
Office of Federal Procurement Policy
Office of Management and Budget
Room 9013, 725 17th Street, NW
Washington, DC 20503

Subject: Office of Federal Procurement Policy; Acquisition of Green Products and Services, Proposed OFPP Policy Letter.

Reference: 72 F.R. 73904, dated December 28, 2007.

Dear Mr. Daumit:

The proposed policy letter provides guidance on green purchasing policies and strategies. It requires agencies to identify opportunities and give preference to the acquisition of green products and services, including but not limited to:

- (1) Alternative fuels and alternative fuel vehicles and hybrids;
- (2) Biobased products;
- (3) Energy Star and Federal Energy Management Program (FEMP)-designated products;
- (4) Environmentally-preferable products and services;
- (5) Electronics registered on the Electronic Product Environmental Assessment Tool;
- (6) Low or no toxic or hazardous chemicals or materials or products;
- (7) Non-ozone depleting substances;
- (8) Recycled-content and/or remanufactured products;
- (9) Renewable energy; and
- (10) Water-efficient products.

Additionally, the proposed policy letter:

1.) Requires agencies to first consider mandatory and preferred sources to obtain green products and services that meet their performance needs, and where these sources are unable to meet their needs, to purchase green products and services from other sources.

2.) Requires agencies to implement automatic substitution policies for the purchase of functionally equivalent green products and services in place of non-green products and services ordered through central supply agencies.

3.) Requires GSA, DLA, and other central supply agencies to supply designated green products and phase out any competing non-green products from their catalogs and on-line ordering systems.



4.) Requires agencies to include requirements and preferences for the use of green products in all new service contracts and other existing service contracts as they are recompeted and encourages agencies to incorporate these requirements and preferences into existing contracts as they are modified or extended through options.

5.) Discusses agencies' responsibilities for accurate, complete, and timely reporting.

The Boeing Company has completed its internal review of the proposed policy letter, and we strongly support its goals and objectives. We provide the following written comments hoping to obtain clarifications of several issues, and thereby improving the final policy letter prior to publication.



Specific Comments:

1.) The requirements of the proposed policy letter seem to be duplicative of FAR Case 2006-030, "Electronic Products Environment Assessment Tool" (EPEAT)." The public comment period for this proposed rule closed as of February 25, 2008. We recommend suspending any action regarding this proposed policy letter pending review of the public comments received addressing this open FAR case.

2.) When a contract or solicitation includes performance-based specifications, must a contractor incorporate the policy letter's requirement for "green" products and supply such a product even though there may be less expensive or higher performing (better value) alternatives?

3.) We recommend that subparagraph (G) of the final policy letter be revised to incorporate the exemption authority granted to agency heads in section 8 of the establishing Executive Order 13423, "Strengthening Federal Environmental, Energy and Transportation Management," as follows: "The head of an agency may exempt a purchase from the requirements covered by this policy letter in accordance with the provisions of Section 8(a), (b) and (c) of E.O. 13423. The head of an agency may request an exemption of a purchase from the requirements of this policy letter in accordance with the provisions of Section 8(d) of E.O. 13423."

The Boeing Company appreciates the opportunity of providing public comments to the Office of Management and Budget (OMB) regarding this draft policy letter. Comments or questions regarding these comments should be addressed to Mark Olague at (253) 773-2173 or Bob Briscoe at (312) 544 -2868.

Sincerely,

A handwritten signature in black ink that reads "Warren L. Reece".

Warren L. Reece
Director, Contract Policy & Process