

House Study Bill 85

Conference Committee Text

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1 1 Section 1. Section [18.18](#), Code 1995, is amended to read as
1 2 follows:

1 3 18.18 STATE PURCHASES & RECYCLED PRODUCTS &

~~STARCH BASED~~

1 4

~~PLASTICS AND~~

~~SOYBEAN-BASED INKS.~~

1 5 1. When purchasing paper products, the department

~~of~~

1 6

~~general services~~

~~shall, when the price is reasonably~~

1 7 competitive and the quality as intended, purchase the recycled

1 8 product. The department

~~of general services~~

~~shall also~~

1 9 purchase, when the price is reasonably competitive and the

1 10 quality as intended, and in keeping with the schedule

1 11 established in this subsection, soybean-based inks and

~~starch~~

1 12

~~based plastics,~~

~~plastic products with recycled content~~

1 13 including but not limited to

~~starch based~~

~~plastic garbage can~~

1 14 liners.

1 15 a. By July 1,

~~1989, a minimum of fifty~~

~~1991, one hundred~~

1 16 percent of the purchases of inks which are used for newsprint

1 17 printing services performed internally or contracted for by

1 18 the department

~~of general services~~

~~shall be soybean-based.~~

1 19

~~The percentage of purchases by the department of soybean based~~

1 20

~~inks used for newsprint printing services shall increase by~~

1 21

~~July 1, 1991, to one hundred percent of the total purchases of~~

1 22

~~inks used for newsprint printing services.~~

1 23 b. By July 1,

~~1991, a minimum of twenty five~~

~~1993, one~~

1 24 hundred percent of the purchases of inks, other than inks

1 25 which are used for newsprint printing services, and which are

1 26 used internally or contracted for by the department

~~of general~~

1 27

~~services~~

~~-, shall be soybean-based to the extent formulations~~

1 28 for such inks are available.

~~The percentage of purchases by~~

1 29

~~the department of the soybean based inks, to the extent~~

1 30

~~formulations for such inks are available, shall increase by~~

1 31

~~July 1, 1992, to fifty percent of the total purchases of the~~

1 32

~~inks, and shall increase by July 1, 1993, to one hundred~~

1 33

~~percent of the total purchases of the inks.~~

1 34 c.

~~By July 1, 1989, a minimum of fifteen percent of the~~

1 35

~~purchases of garbage can liners made by the department of~~

2 1

~~general services shall be starch based plastic garbage can~~

2 2

~~liners. The percentage purchased shall increase by five~~

2 3

~~percent annually until fifty percent of the purchases of~~

2 4

~~garbage can liners are purchases of starch based plastic~~

2 5

~~garbage can liners.~~

- By July 1, 1995, a minimum of ten percent

2 6 of the purchases of garbage can liners made by the department

2 7 shall be plastic garbage can liners with recycled content.

2 8 The percentage shall increase by ten percent annually until

2 9 fifty percent of the purchases of garbage can liners are

2 10 plastic garbage can liners with recycled content.

2 11 d. The department

~~of general services~~

- shall report to the

2 12 general assembly on February 1 of each year the following:

2 13 (1)

~~Plastic~~

- A listing of plastic products which are

2 14 regularly purchased by the department

~~of general services~~

- and

2 15 other state agencies for which

~~starch based~~

- recycled content

2 16 product alternatives are available

~~The report shall also~~

2 17

~~include~~

- including the cost of the plastic products purchased

2 18 and the cost of the

~~starch based~~

- recycled content product

2 19 alternatives.

2 20 (2) Information relating to soybean-based inks and

~~starch~~

2 21

~~based~~

- plastic garbage can liners with recycled content

2 22 regularly purchased by the department and other state

2 23 agencies

~~The report shall include~~

- including the cost of

2 24 purchasing soybean-based inks and

~~starch based~~

- plastic garbage

2 25 can liners

~~with recycled content and the~~

~~percentage of inks~~

2 26

~~purchased which are soybean based and the percentage of liners~~

2 27

~~purchased which are starch based~~

~~percentages of soybean-based~~

2 28 inks and plastic garbage can liners with recycled content that
2 29 have been purchased.

2 30 e. For purposes of this section "recycled content" means
2 31 that the content of the product contains a minimum of thirty
2 32 percent postconsumer material.

2 33 2. a. As used in this subsection, unless the context
2 34 otherwise requires:

2 35 (1) "Recycled paper" means a paper product with not less
3 1 than fifty percent of its total weight consisting of secondary
3 2 and postconsumer material. At least ten percent of the total
3 3 weight of recycled paper shall be postconsumer materials.

3 4 (2) "Postconsumer material" means only those products
3 5 generated by a business or consumer which have served their
3 6 intended end uses, and which have been separated or diverted
3 7 from solid waste for the purposes of collection, recycling,
3 8 and disposition. Postconsumer material does not include
3 9 manufacturing wastes.

3 10 (3) "Secondary material" means fragments of finished
3 11 products or finished products of a manufacturing process which
3 12 has converted a resource into a commodity of real economic
3 13 value, and includes postconsumer material but does not include
3 14 excess virgin resources of the manufacturing process.

3 15 b. The department, in conjunction with recommendations
3 16 made by the department of natural resources, shall purchase
3 17 and use recycled printing and writing paper so that

~~twenty~~

3 18

~~five percent by January 1, 1990,~~

~~fifty percent by January 1,~~

3 19 1992, seventy-five percent by January 1, 1996, and ninety
3 20 percent by January 1, 2000, of the volume of printing and
3 21 writing paper purchased is recycled paper.

3 22 c. The department shall adopt standards for the allowable
3 23 content of postconsumer and secondary material of recycled
3 24 paper which shall conform with but may be more stringent than
3 25 the American society for testing and materials standards.

3 26 d. The department shall establish a prioritization
3 27 procedure for the purchase of recycled paper which provides
3 28 for a five percent differential in the cost of the purchase of
3 29 paper which has been recycled through the use of a
3 30 nonchlorinated process.

3 31 e. If a provision under this subsection results in the
3 32 limitation of sources for the purchase of printing and writing
3 33 paper to three or fewer sources, the department may waive the
3 34 requirement in order to purchase necessary amounts of printing
3 35 and writing paper.

4 1 f. The department of general services, in conjunction with
4 2 the department of natural resources, shall review the
4 3 availability of a higher percentage content of postconsumer
4 4 content printing and writing paper and shall, by rule, adjust
4 5 the percentage requirement accordingly.

4 6 g. Notwithstanding the requirements of this subsection
4 7 regarding the purchase of recycled paper, the department shall
4 8 purchase acid-free permanent paper in the amount necessary for
4 9 the production or reproduction of documents, papers, or
4 10 similar materials produced or reproduced for permanent
4 11 preservation pursuant to law.

4 12 3. The department of general services, in conjunction with
4 13 the department of natural resources, shall review the
4 14 procurement specifications currently used by the state to
4 15 eliminate, wherever possible, discrimination against the
4 16 procurement of products manufactured with recovered materials

4 17

~~starch based plastics,~~
- and soybean-based inks.

4 18 4. The department of natural resources shall assist the
4 19 department of general services in locating suppliers of
4 20 recycled products

~~, starch based plastics,~~
- and soybean-based
4 21 inks and collecting data on recycled content

~~, starch based~~

4 22

~~plastic,~~
- and soybean-based ink purchases.

4 23 5. Information on recycled content shall be requested on
4 24 all bids for paper products issued by the state and on other
4 25 bids for products which could have recycled content such as
4 26 oil, plastic products, including but not limited to starch-
4 27 based plastic products, compost materials, aggregate,
4 28 solvents, soybean-based inks, and rubber products.

4 29 6. The department of general services, in conjunction with
4 30 the department of natural resources, shall adopt rules and
4 31 regulations to carry out the provisions of this section.

4 32 7. All state agencies shall fully cooperate with the
4 33 departments of general services and natural resources in all
4 34 phases of implementing this section.

4 35 8. The department

~~of general services~~
-, by January 1, 1993,

5 1 shall seek an agreement with the agencies of the states of
5 2 Minnesota and Wisconsin authorized to purchase general use
5 3 items for state agencies, to provide for the cooperative
5 4 purchase of recycled products.

5 5 9. The department

~~shall~~

-, whenever technically feasible,
5 6 shall purchase and use degradable loose foam packing material
5 7 manufactured from grain starches or other renewable resources,
5 8 unless the cost of the packing material is more than ten
5 9 percent greater than the cost of packing material made from
5 10 nonrenewable resources. For the purposes of this subsection,
5 11 "packing material" means material, other than an exterior
5 12 packing shell, that is used to stabilize, protect, cushion, or
5 13 brace the contents of a package.

5 14 Sec. 2. Section [216B.3](#), subsection 12, Code 1995, is
5 15 amended to read as follows:

5 16 12. Manage and control the property, both real and
5 17 personal, belonging to the department. The commission shall,
5 18 according to the schedule established in this subsection, when
5 19 the price is reasonably competitive and the quality as
5 20 intended, purchase soybean-based inks and

~~starch based~~

- 5 21

~~plastics~~

- plastic products with recycled content, including but
5 22 not limited to

~~starch based~~

- plastic garbage can liners. For

5 23 purposes of this subsection, "recycled content" means that the

5 24 content of the product contains a minimum of thirty percent

5 25 postconsumer material.

5 26 a. By July 1,

~~1989, a minimum of fifty~~

- ~~1991, one hundred~~

5 27 percent of the purchases of inks which are used for newsprint

5 28 paper for printing services performed internally or contracted

5 29 for by the commission shall be soybean-based.

~~The percentage~~

- 5 30

~~of purchases by the commission of soybean based inks used for~~

- 5 31

~~newsprint printing services shall increase by July 1, 1991, to~~

- 5 32

~~one hundred percent of the total purchases of inks used for~~

- 5 33

~~newsprint printing services.~~

- 5 34 b.

~~By July 1, 1989, a minimum of fifteen percent of the~~

- 5 35

~~purchases of garbage can liners made by the commission shall~~

- 6 1

~~be starch based plastic garbage can liners. The percentage~~

- 6 2

~~purchased shall increase by five percent annually until fifty~~

- 6 3

~~percent of the purchases of garbage can liners are purchases~~

- 6 4

~~of starch based plastic garbage can liners.~~

- By July 1, 1995,

6 5 a minimum of ten percent of the purchases of garbage can

6 6 liners made by the commission shall be plastic garbage can

6 7 liners with recycled content. The percentage purchased shall

6 8 increase by ten percent annually until fifty percent of the

6 9 purchases of garbage can liners are plastic garbage can liners

6 10 with recycled content.

6 11 c. By July 1,

~~1991, a minimum of twenty five~~

~~1993, one~~

6 12 hundred percent of the purchases of inks, other than inks
6 13 which are used for newsprint printing services, and which are
6 14 used internally or contracted for by the commission, shall be
6 15 soybean-based to the extent formulations for such inks are
6 16 available.

~~The percentage of purchases by the commission of~~

~~6 17~~

~~the soybean based inks, to the extent formulations for such~~

~~6 18~~

~~inks are available, shall increase by July 1, 1992, to fifty~~

~~6 19~~

~~percent of the total purchases of the inks, and shall increase~~

~~6 20~~

~~by July 1, 1993, to one hundred percent of the total purchases~~

~~6 21~~

~~of the inks.~~

6 22 d. The commission shall report to the general assembly on
6 23 February 1 of each year, the following:

6 24 (1)

~~Plastic~~

~~A listing of plastic products which are~~

6 25 regularly purchased by the commission for which

~~starch based~~

6 26 recycled content product alternatives are available

~~The~~

~~6 27~~

~~report shall also include~~

~~, including the cost of the plastic~~

6 28 products purchased and the cost of the

~~starch based~~

~~recycled~~

6 29 content product alternatives.

6 30 (2) Information relating to soybean-based inks and

~~starch~~

~~6 31~~

~~based~~

~~plastic garbage can liners with recycled content~~

6 32 regularly purchased by the commission

~~The report shall~~

6 33

~~include~~
- including the cost of purchasing soybean-based inks
6 34 and

~~starch based~~
- plastic garbage can liners

~~with recycled~~
- with recycled
6 35 content and the

~~percentage of inks purchased which are~~

7 1

~~soybean based and the percentage of liners purchased which are~~

7 2

~~starch based~~
- percentages of soybean-based inks and plastic
7 3 garbage can liners with recycled content that have been
7 4 purchased.

7 5 e. The department of natural resources shall review the
7 6 procurement specifications currently used by the commission to
7 7 eliminate, wherever possible, discrimination against the
7 8 procurement of products manufactured with

~~starch based~~

7 9

~~plastics~~
- recycled content and soybean-based inks.

7 10 f. The department of natural resources shall assist the
7 11 commission in locating suppliers of

~~starch based plastics~~

7 12 products with recycled content and soybean-based inks, and
7 13 collecting data on recycled content

~~, starch based plastic,~~

- and

7 14 soybean-based ink purchases.

7 15 g. The commission, in conjunction with the department of
7 16 natural resources, shall adopt rules to carry out the
7 17 provisions of this section.

7 18 h. The department of natural resources shall cooperate
7 19 with the commission in all phases of implementing this
7 20 section.

7 21 Sec. 3. Section [262.9](#), subsection 4, Code 1995, is amended
7 22 to read as follows:

7 23 4. Manage and control the property, both real and
7 24 personal, belonging to the institutions. The board shall
7 25 purchase or require the purchase of, when the price is
7 26 reasonably competitive and the quality as intended, and in
7 27 keeping with the schedule established in this subsection,
7 28 soybean-based inks and

~~starch based plastics~~

- plastic products

7 29 with recycled content, including but not limited to

~~starch~~

7 30

~~based~~

~~plastic garbage can liners. For purposes of this~~

7 31 subsection, "recycled content" means that the content of the
7 32 product contains a minimum of thirty percent postconsumer
7 33 material.

7 34 a. All inks purchased that are used internally or
7 35 contracted for by the board shall be soybean-based to the
8 1 extent formulations for such inks are available.

8 2 b.

~~By July 1, 1989, a minimum of fifteen percent of the~~

8 3

~~purchases of garbage can liners made by the board shall be~~

8 4

~~starch based plastic garbage can liners. The percentage~~

8 5

~~purchased shall increase by five percent annually until fifty~~

8 6

~~percent of the purchases of garbage can liners are purchases~~

8 7

~~of starch based plastic garbage can liners.~~

~~By July 1, 1995,~~

8 8 a minimum of ten percent of the purchases of garbage can
8 9 liners made by the board shall be plastic garbage can liners
8 10 with recycled content. The percentage shall increase by ten
8 11 percent annually until fifty percent of the purchases of
8 12 garbage can liners are plastic garbage can liners with
8 13 recycled content.

8 14 c. The board shall report to the general assembly on
8 15 February 1 of each year, the following:

8 16 (1)

~~Plastic~~

~~A listing of plastic products which are~~

8 17 regularly purchased by the board for which

~~starch based~~

8 18 recycled content product alternatives are available

~~The~~

8 19

~~report shall also include~~

~~, including the cost of the plastic~~

8 20 products purchased and the cost of the

~~starch based~~

~~recycled~~

8 21 content product alternatives.

8 22 (2) Information relating to soybean-based inks and

~~starch~~

-
8 23

~~based~~

- plastic garbage can liners regularly purchased by the
8 24 board

~~The report shall include~~

~~, including the cost of~~
8 25 purchasing soybean-based inks and

~~starch based~~

- plastic garbage
8 26 can liners

~~with recycled content and the~~

~~percentage of inks~~

-
8 27

~~purchased which are soybean based and the percentage of liners~~

-
8 28

~~purchased which are starch based~~

- percentages of soybean-based
8 29 inks and plastic garbage can liners with recycled content that
8 30 have been purchased.

8 31 d. The department of natural resources shall review the
8 32 procurement specifications currently used by the board to
8 33 eliminate, wherever possible, discrimination against the
8 34 procurement of products manufactured with

~~starch based~~

-
8 35

~~plastics and~~

- soybean-based inks.
9 1 e. The department of natural resources shall assist the
9 2 board in locating suppliers of

~~starch based plastics~~

- recycled
9 3 content products and soybean-based inks and collecting data on
9 4

~~starch based plastic~~

- recycled content and soybean-based ink
9 5 purchases.
9 6 f. The board, in conjunction with the department of
9 7 natural resources, shall adopt rules to carry out the
9 8 provisions of this section.
9 9 g. The department of natural resources shall cooperate
9 10 with the board in all phases of implementing this section.
9 11 Sec. 4. Section [307.21](#), subsection 4, paragraphs a and c,
9 12 Code 1995, are amended to read as follows:
9 13 a. Provide centralized purchasing services for the
9 14 department, in co-operation with the department of general
9 15 services. The administrator shall, when the price is
9 16 reasonably competitive and the quality as intended, purchase
9 17 soybean-based inks and

~~starch based plastics~~

~~- plastic products~~

9 18 with recycled content, including but not limited to

~~- starch-~~

-
9 19

~~- based~~

- plastic garbage can liners, and shall purchase these

9 20 items in accordance with the schedule established in section

9 21 18.18. However, the administrator need not purchase garbage

9 22 can liners in accordance with the schedule if the liners are

9 23 utilized by a facility approved by the environmental

9 24 protection commission created under section 455A.6, for

9 25 purposes of recycling. For purposes of this subsection,

9 26 "recycled content" means that the content of the product

9 27 contains a minimum of thirty percent postconsumer material.

9 28 c. The department shall report to the general assembly by
9 29 February 1 of each year, the following:

9 30 (1)

~~- Plastic~~

- A listing of plastic products which are

9 31 regularly purchased by the board for which

~~- starch based~~

-
9 32 recycled content product alternatives are available

~~- The~~

-
9 33

~~- report shall also include~~

- including the cost of the plastic

9 34 products purchased and the cost of the

~~- starch based~~

- recycled

9 35 content product alternatives.

10 1 (2) Information relating to soybean-based inks and

~~- starch-~~

-
10 2

~~- based~~

- plastic garbage can liners with recycled content

10 3 regularly purchased by the department

~~- The report shall~~

-
10 4

~~- include~~

- including the cost of purchasing soybean-based inks

10 5 and

~~- starch based~~

- plastic garbage can liners with recycled

10 6 content

~~- , the percentage of inks purchased which are soybean-~~

-
10 7

~~- based and the percentage of liners purchased which are starch-~~

~~based~~

~~and the percentages of soybean-based inks and plastic
garbage can liners with recycled content that have been
purchased.~~

EXPLANATION

This bill removes a requirement that state agencies, including the state board of regents, purchase a minimum percentage of starch-based garbage can liners and instead requires that by July 1, 1995, a minimum of 10 percent of the purchases of garbage can liners shall be plastic garbage can liners with recycled content. The percentage required to be purchased increases by 10 percent annually until 50 percent of the purchases of garbage can liners are plastic garbage can liners with recycled content. The bill defines "recycled content" to mean that a minimum of 30 percent of the content of the product consists of postconsumer material. The bill amends provisions which direct the department of general services, the department for the blind, the state board of regents, and the state department of transportation to comply with the directive.

BACKGROUND STATEMENT

SUBMITTED BY THE AGENCY

The mandate to buy starch-based plastics was introduced as a measure to promote the use of starch-based plastics and generate another value-added market for corn. In particular, starch-based garbage bags were to be purchased by the state to help create a market for the product. Since then, Iowa is the only state that sets goals for procurement of starch-based plastic garbage can liners. State agencies are forced to pay a premium for these bags and must purchase a large minimum order in order to comply with the law. Continued purchases cannot be justified on economic or environmental grounds. Recycled content has become a very common feature of products, however, and given the need for markets for such products in order to support the efforts to collect more recyclables, it makes sense to require their use.

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