§ 80-a. Purchasing of products for municipal use. 1. As used in this section:

a. "Practicable" means capable of being used without violating the following criteria: performance, availability at a reasonable price, availability within a reasonable period of time and maintenance of a satisfactory level of competition.

b. "Secondary material" means any material recovered from or otherwise destined for the waste stream, including but not limited to, post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

2. The municipality shall review the procurement specifications it currently uses to determine whether such require that products be manufactured from virgin materials or exclude products manufactured from secondary materials and shall make such changes, on or before January first, nineteen hundred ninety-one, as may be necessary to ensure that:

a. Where such specifications exclude the use of products manufactured from secondary materials or require that products be manufactured from virgin materials only, such exclusions or requirements be eliminated; provided, however, that specifications need not be revised if the municipality determines that for a particular end use a product containing secondary materials would not meet necessary performance standards.

b. Performance standards, specifications and a product's intended end use are related, and clearly identified when feasible.

c. Specifications are not overly stringent for a particular end use or performance standard.

d. Specifications incorporate or require the use of secondary materials to the maximum extent practicable without jeopardizing the

performance or intended end use of the product; provided, however, where the municipality determines that for a particular end use a product containing secondary materials would not meet necessary performance standards, such specifications need not incorporate or require the use of secondary materials.