

Specification Section 972

ORIGINATION

Date: 6-29-2026

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COMMENTARY

S972 contains specific requirements for the acceptance requirements of recycled plastic. Specification 972 does not match the requirements of Florida Statue Section 336.044 which establishes the FDOT authority and guidelines for using recyclable materials in road construction and encourages sustainable practices. The Florida Statute language has been moved to Section 6 and deleted from Section 972. Section 415 has one product type that still reference 972.

INDUSTRY COMMENTS AND RESPONSES

(Please note all comments and responses are verbatim as received. The Specifications Office does not alter typos or grammar.)

BLACK = Comment **BLUE** = Specifications Response **GREEN** = Change Made to Specification

Name: Andrew Pinkham

Date: 8-6-2026

COMMENT: The use of “encourage” in the Section 6 proposal does not meet the active voice-imperative mood requirement of Specification 1-1. It introduces ambiguity, weakens enforceability, and creates the potential for claims and litigation through inconsistent interpretation of material requirements. The removal of Section 972 in its entirety is directly in conflict with the requirements of the Section 6 proposal, which states: “...provided all applicable Specifications requirements are met. The requirements delineated in these Specifications apply regardless of the formulation used.” Deleting Section 972 removes all material constraints governing the use of recycled plastics and permits any formulation without defined acceptance criteria. In other areas of the Specifications, recycled materials are directly addressed and are specifically approved, restricted, or prohibited. Despite the direction and verbiage of legislature, this revision is not editorial in nature and should be tailored to meet FDOT specific guidelines. It changes the basis of acceptance for all materials that incorporate, or may incorporate, recycled plastic materials and should have been vetted through the standard specification revision process, including, but not limited to, C-team discussions, monthly DSME meetings, etc.

RESPONSE: Thank you for your comments. These revisions were reviewed by the appropriate and knowledgeable Department staff and were deemed to be editorial and in conformance with Section 1-1.

The updates in Section 6 incorporate the language from the Florida Statutes. The Department is strengthening its support for the use of recycled materials by expanding the applicability to all

products and materials, rather than limiting the language to only those specifications that referenced Section 972. This approach allows recycled content to be encouraged in any product or material, in any amount. The Statute specifically directs the Department to remove any procedures or specifications that explicitly discriminate against products or materials containing recycled content, unless such measures are necessary to protect the health, safety, and welfare of Florida's residents. Moving the recycled materials provisions to Section 6 removes the previous limitation to items referencing Section 972, making the use of recycled content encouraged for all products and materials without limiting the recycle material type to plastics. The removal of Section 972 affects only the specifications that referenced it. Plastic bar supports and spacers in Section 415 were the sole items impacted, and this specification update aligns with the Section 415 revisions included in this cycle. Other specifications that require or permit the use of recycled plastic in products and materials did not reference Section 972 and therefore remain unchanged. Their recycled content quantity and quality requirements continue to be defined within their respective specifications.

ACTION TAKEN: None