

Abandonment/Destruction

If reported property is not selected by a federal, state, or local government agency, a nonprofit organization, or a member of the general public, GSA will authorize the owning agency to dispose of the property through the Abandon and Destroy (A/D) process.

This action must be processed in accordance with the [federal regulation 41 CFR102-36.305-330](#).

Property must be disposed of in compliance with EPA laws and regulations, using environmentally friendly methods.

For additional assistance, contact a [Personal Property Management Office representative](#) in designated geographic locations.

Abandonment / Destruction by Recycling

If property is not disposed of through use of GSA's utilization, donation, and sales programs, control of the property for ultimate disposal reverts to the owning federal agency. At this point, the agency can dispose of the property through abandonment and destruction procedures or through recycling.

Legislation Background

Relevant legislation includes:

- [FMR 102-38.295](#) outlines the policies governing the sale of federal personal property that has completed all required screening, as well as property to be sold under the exchange/sale authority.
- [Public Law 107-67](#) [PDF - 241KB] provides information on funds recovered through recycling.
- [FMR 102-36.305](#) states rules for abandoning or destroying excess personal property.

Abandonment/Destruction Criteria

Property may be abandoned or destroyed when an [agency official has made a written determination that](#):

- **The property has no commercial value. "No commercial value" means that the property, through an agency's determination, has neither utility nor monetary value (either as an item or as scrap).**
- **The cost of care, handling and preparation of the property for sale would be greater than the expected sales proceeds (estimated fair market value).**

The following restrictions apply:

- You must not abandon or destroy property in a manner that is detrimental or dangerous to public health or safety. Additional guidelines for the abandonment/destruction of hazardous materials are prescribed in 41 CFR 101-42.
- If you become aware of a customer that has interest in purchasing surplus federal property, you must implement sales procedures in lieu of abandonment/ destruction. A written determination to abandon and destroy federal property must be made by an authorized official of your agency and approved by a reviewing official who is not directly accountable for the property.

This documentation provides certification and written substantiation that the property has no further utilization, donation, or sales value. [This documentation is developed by the individual federal agency](#); however, its content should coincide with the criteria and guidelines set forth in 41 CFR 102 – 36.320. Abandonment or destruction of federal excess and surplus property must be documented properly and must meet all audit-trail requirements. Great care should be taken to fully justify, document and trace all actions related to abandonment or destruction.

Finally, in lieu of abandonment/destruction, you may donate such excess personal property to a public body without GSA approval. (A public body is any department, agency, special-purpose district, or other instrumentality of a state or local government; any Indian tribe; or any agency of the federal government). Additionally, if you become aware that a non-public and eligible nonprofit organization has interest in the property, you must contact your GSA Regional Personal Property Management Office, (see www.gsa.gov/ppmo) and implement donation procedures in accordance with 41 CFR 102-37.

Each agency is responsible for determining which property/equipment falls into the Abandonment and Destruction category, as noted in this CFR regulation:

§102-36.305—May we abandon or destroy excess personal property without reporting it to GSA?

Yes, you may abandon or destroy excess personal property when you have made a written determination that the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. An item has no commercial value when it has neither utility nor monetary value (either as an item or as scrap).

If you decide to proceed with A&D, public notification may be required:

§102-36.325—What must be done before the abandonment/ destruction of excess personal property?

Except as provided in 102-36.330, you must provide public notice of intent to abandon or destroy excess personal property, in a format and timeframe specified by your agency regulations (such as publishing a notice in a local newspaper, posting of signs in common use facilities available to the public, or providing bulletins on your website through the internet). You must also include in the notice an offer to sell in accordance with part 101-38 of this chapter.

§102-36.330—Are there occasions when public notice is not needed regarding abandonment/ destruction of excess personal property?

Yes, you are not required to provide public notice when:

- (a) The value of the property is so little or the cost of its care and handling, pending abandonment/destruction, is so great that its retention for advertising for sale, even as scrap, is clearly not economical;
- (b) Abandonment or destruction is required because of health, safety, or security reasons; or
- (c) When the original acquisition cost of the item (estimated if unknown) is less than \$500.

You may also consider donation to a public body in lieu of A&D:

§102-37.560—What is a public body?

A public body is any department, agency, special purpose district, or other instrumentality of a State or local government; any Indian tribe; or any agency of the Federal Government.

§102-37.565—What is the authority for donations to public bodies?

Section 527 of title 40, United States Code authorizes the abandonment, destruction, or donation to public bodies of property which has no commercial value or for which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale.

§102-37.570—What type of property may a holding agency donate under this subpart?

Only that property a holding agency has made a written determination to abandon or destroy (see process in Part 102-36 of this chapter) may be donated under this subpart. A holding agency may not donate property that requires destruction for health, safety, or security reasons. When disposing of hazardous materials and other dangerous property, a holding agency must comply with all applicable laws and regulations and any special disposal requirements in part 101-42 of this title.

§102-37.575—Is there a special form for holding agencies to process donations?

There is no special form for holding agencies to process donations. A holding agency may use any document that meets its agency's needs for maintaining an audit trail of the transaction.

§102-37.580—Who is responsible for costs associated with the donation?

The recipient public body is responsible for paying the disposal costs incident to the donation, such as packing, preparation for shipment, demilitarization (as defined in 102-36.40 of this chapter), loading, and transportation to its site.

Sometimes it is difficult to define a public body and the definition above is vague. A general rule of thumb is that a public body is any federal, state, or local government entity that is supported by taxpayer dollars. This may include certain airports, schools, and libraries. You are not able to donate to nonprofit agencies (such as churches or youth groups) in lieu of abandonment and destruction. There are other options we may also consider if someone else expresses interest in your A&D property, as indicated below:

Other Options:

If an entity expressed interest in your A&D property and they are not a public body, we may be able to utilize one of these other methods to transfer the property:

Donation - If the entity is an eligible donee of the Surplus Donation Program, we can arrange a donation through the State Agency for Surplus Property.

Sale - If the entity is not a public body or an eligible donee (i.e., a for-profit corporation, an ineligible non-profit, or a private citizen), then we can arrange a negotiated sale for the item. In this case you would contact GSA and we would conduct the sale on behalf of your agency.

Abandonment and Destruction Certification

We have reviewed and inspected the item(s) listed on the attached and determined that no further reutilization, donation, or sales potential exists for the property. Abandonment or destruction is necessary or desirable due to the nature of the property. In this case:

- **The value of the property is so little or the cost of care and handling, pending abandonment/destruction, is so great that its retention for advertising for sale, even as scrap, is not economical.**
- **Abandonment or destruction is required due to health, safety, or security reasons.**

Therefore, this office is proceeding immediately with final disposition, Abandonment & Destruction, in accordance with internal guidelines and federal regulations, including U.S. Federal Management Regulations (FMR 102-36.300).

For Federal Electronic Assets (FEA), the above referenced action is being completed in collaboration with a “certified” (R2 or commensurate) recycling vendor and conducted in an environmentally safe manner consistent with proper stewardship of federal personal property as well as federal, state, and local guidelines.

I certify that (identify items) were (abandoned/destroyed) in the manner authorized by 41 CFR 102-36.305-330 and other applicable regulations.

Official’s Signature

Date

I have witnessed the (abandonment/destruction) of the described property in the manner and on the date stated herein.

Date