

Subpart 23.4 - Pollution Prevention, Environmental Management Systems, and Waste Reduction

Parent topic: [Part 23 - Environment, Sustainable Acquisition, and Material Safety](#)

23.400 Scope of subpart.

This subpart prescribes policies and procedures for—

- (a) Obtaining information needed for Government compliance with right-to-know laws and *pollution prevention* requirements;
- (b) Contractor compliance with *environmental* management systems; and
- (c) Ensuring *waste reduction* at Federal facilities.

23.401 Definitions.

As used in this subpart—

Federal agency means an *executive agency* (see [2.101](#)).

Federal facility means a facility owned or operated by a *Federal agency* in the *customs territory of the United States*.

23.402 Authorities.

- (a) *Emergency Planning and Community Right-to-Know Act of 1986*, [42 U.S.C. 11001-11050](#) (EPCRA).
- (b) *Pollution Prevention Act of 1990*, [42 U.S.C. 13101-13109](#) (PPA).
- (c) [Executive Order 14057](#), Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, dated December 8, 2021.

23.403 Emergency planning and toxic release reporting.

- (a) Federal facilities are required to comply with the *emergency* planning and toxic release reporting requirements in EPCRA and PPA.
- (b) Pursuant to EPCRA, PPA, and any agency implementing procedures, every contract that provides

for performance on a Federal facility *shall* require the contractor to provide information necessary for the *Federal agency* to comply with paragraph (a) of this section.

23.404 Environmental management systems.

Agencies *may* implement an *environmental* management system (EMS) when it aligns with and supports its agency's mission needs and facilitates implementation and progress toward [E.O. 14057](#) goals. If an agency uses an EMS for contractor operation of Government-owned or -leased facilities or vehicles, and contractor activities affect the agency's *environmental* management aspects—

(a) EMS requirements *shall* be included in contracts to ensure proper implementation and execution of EMS roles and responsibilities; and

(b) The *contracting officer shall*—

(1) Specify the EMS directives with which the contractor *must* comply; and

(2) Ensure contractor compliance to the same extent as the agency would be required to comply if the agency operated the facilities or vehicles.

23.405 Waste reduction program.

To support *pollution prevention* and agency efforts to minimize waste in accordance with [E.O. 14057](#), contracts for contractor operation of Government-owned or -leased facilities or for support services at Government-owned or -operated facilities *shall* require the contractor to promote cost-effective *waste reduction* in all operations and facilities covered by the contract.

23.406 Contract clauses.

(a) Insert the clause at [52.223-5](#), *Pollution Prevention and Right-to-Know Information*, in *solicitations* and contracts that provide for performance, in whole or in part, on a Federal facility.

(b) Insert the clause at [52.223-19](#), *Compliance With Environmental Management Systems*, in *solicitations* and contracts for contractor operation of Government-owned or -leased facilities or vehicles located in the *United States* if an agency uses an EMS and contractor activities affect aspects of the agency's *environmental* management. For facilities located outside the *United States*, the *agency head may* determine that use of the clause is in the best interest of the Government.

(c) Insert the clause at [52.223-10](#), *Waste Reduction Program*, in *solicitations* and contracts for contractor operation of Government-owned or -leased facilities and all *solicitations* and contracts for support services at Government-owned or -operated facilities.