Subpart 223.5 - GREENHOUSE GAS EMISSIONS

Parent topic: Part 223 - ENVIRONMENT, SUSTAINABLE ACQUISITION, AND MATERIAL SAFETY

223.501 Policy.

223.501-70 Disclosure of greenhouse gas emissions.

(a) Scope. This section implements section 318 of the National Defense Authorization Act for Fiscal Year 2024 (Pub. L. 118-31).

(b) Definitions. As used in this section—

“Greenhouse gas” means carbon dioxide, methane, nitrous oxide, nitrogen trifluoride, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

“Greenhouse gas inventory” means, with respect to an entity or individual, a quantified list of the annual greenhouse gas emissions of the entity or individual.

(c) Prohibition.

(1) Contracting officers must not require, as a condition of contract award, nontraditional defense contractors to disclose a greenhouse gas inventory or any other report on greenhouse gas emissions, unless an exception is made or a waiver is granted in accordance with paragraph (d) or (e) of this section, respectively.

(2) Contracting officers must not consider, as a condition of contract award to nontraditional defense contractors, greenhouse gas emission information that may otherwise be provided in annual representations and certifications in response to the following provisions:

(i) FAR 52.204-7, System for Award Management.

(ii) FAR 52.204-8, Annual Representations and Certifications, paragraph (c)(1)(xix), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.

(iii) FAR 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services, paragraph (t), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals.

(iv) FAR 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.

(d) Exception. The prohibition at paragraph (c) of this section will not apply if a contracting official at least one level above the contracting officer determines that such disclosure is necessary to verify a voluntary disclosure of a greenhouse gas inventory or other report.

(e) Waiver. The head of the contracting activity may issue, on a contract-by-contract basis, a waiver to the prohibition at paragraph (c) of this section, provided that the information relating to

greenhouse gas emissions is directly related to the performance of the contract. In issuing such a waiver, the head of the contracting activity must ensure that any such required information is clearly delineated in the contract.