PART 2823—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Authority: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

Source: 87 FR 47118, Aug. 2, 2022, unless otherwise noted.

Subpart 2823.2—Energy and Water Efficiency and Renewable Energy

2823.204 Procurement exemptions.

Subpart 2823.3—Hazardous Material Identification and Material Safety Data

2823.303 Contract clause.

2823.303-70 Unsafe conditions due to hazardous material.

Subpart 2823.4—Use of Recovered Materials and Biobased Products

2823.404 Agency affirmative procurement programs.

2823.404-70 Affirmative procurement program for recycled materials.

2823.405 Procedures.

Subpart 2823.7—Contracting for Environmentally Preferable Products and Services

2823.704 Electronic products environmental assessment tool.

Parent topic: SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

Subpart 2823.2—Energy and Water Efficiency and Renewable Energy

2823.204 Procurement exemptions.

The HCA or designee is the agency head for the purposes of executing the written determination not to purchase ENERGY STAR® or Federal Energy Management Program (FEMP)-designated products.

Subpart 2823.3—Hazardous Material Identification and Material Safety Data

2823.303 Contract clause.

2823.303-70 Unsafe conditions due to hazardous material.

The clause at FAR 52.223-3 shall be included in solicitations and contracts that will require delivery of hazardous material as defined in FAR 23.301. In addition, the contracting officer shall insert the clause at JAR 2852.223-70, Unsafe Conditions Due to the Presence of Hazardous Material, in all such solicitations and contracts, where the contract will require the performance of services on Government-owned or Government-leased facilities.

Subpart 2823.4—Use of Recovered Materials and Biobased Products

2823.404 Agency affirmative procurement programs.

2823.404-70 Affirmative procurement program for recycled materials.

(a) *Recovered materials preference program.* Preference will be given to procuring and using products containing recovered materials rather than products made with virgin materials when adequate competition exists, and when price, performance, and availability are equal.

(b) *Promotion program.* The Department of Justice Environmental Executive (DOJEE) has primary responsibility for actively promoting the acquisition of products containing recycled materials throughout DOJ. Technical and procurement personnel will cooperate with the DOJEE to actively promote DOJ's Affirmative Procurement Program.

(c) *Procedures for vendor estimation, verification, and certification—*

(1) *Estimation.* The contractor shall provide estimates of the total percentage(s) of recovered materials for Environmental Protection Agency (EPA) designated items used in products or services provided.

(2) *Certification.* Contracting officers shall provide copies of all vendor and subcontractor certifications required by FAR 23.404 to the DOJEE.

(3) *Verification.* The DOJEE is responsible for periodically reviewing vendor certification documents and waivers as part of the annual review and monitoring process to determine if DOJ is in compliance with EOs 13101 and 13693 and any subsequent amendments.

2823.405 Procedures.

The contracting officer is the approving official for justifications made pursuant to FAR 23.405(b)(2).

Subpart 2823.7—Contracting for Environmentally Preferable Products and Services

2823.704 Electronic products environmental assessment tool.

The HCA or designee is the agency head for the purposes of executing the written determination not to purchase EPEAT®-registered products.