



**U.S. Department
of Transportation**

1200 New Jersey Ave., S.E.
Washington, DC 20590

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-18 from the Federal Acquisition Regulation for FAR Part 23 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
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TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This class deviation (CD) is issued under Federal Acquisition Regulation (FAR) part 1 and Transportation Acquisition Regulation (TAR) part 1201 and authorizes a class deviation to FAR part 23 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 23.
- II. Effective Date:** Immediately.
- III. Background:** On April 15, 2025, [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#) was signed. Section 2 of the E.O. establishes the policy that the FAR "should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed."

The FAR is being updated to:

- Remove language that is not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

FAR part 23, Sustainable Acquisition, Material Safety, and Pollution Prevention, has been revised to enhance clarity and efficiency, and to ensure compliance with current statutory requirements. The updated FAR part maintains existing statutory mandates for energy efficiency, biobased products, energy savings performance contracts, hazardous material identification, and pollution prevention. Requirements related to clean energy and waste reduction, previously driven by the now-revoked E.O. 14057, have been removed.

Statutory requirements and presidential directives retained in the RFO FAR part 23 model deviation include, but may not be limited to, the following:

- 7 U.S.C. § 8102, Biobased Markets Program
- 42 U.S.C. § 6361, Federal Energy Conservation Programs
- 42 U.S.C. § 6962, Resource Conservation and Recovery Act of 1976
- 42 U.S.C. § 8259b, Federal Procurement of Energy Efficient Products
- 42 U.S.C. §§ 7671 et seq, Stratospheric Ozone Protection
- 42 U.S.C. §§ 13101 et seq, Pollution Prevention Act of 1990

The following table is not an exhaustive list but includes notable updates to FAR part 23.

Change	Description
Retained	<ul style="list-style-type: none"> • The following provision and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 52.223-4 (Provision), Recovered Material Certification ○ 52.223-5 (Clause), Pollution Prevention and Right-to-Know Information ○ 52.223-6 remains reserved ○ 52.223-8 remains reserved ○ 52.223-9 (Clause), Estimate of Percentage of Recovered Material Content for EPA-Designated Items ○ 52.223-13 thru 52.223-18 remain reserved
Moved/ Updated	<ul style="list-style-type: none"> • Section 23.000, “Scope of Part”, is updated to align with the new part title. It removes references to “environment”, replaces “sustainable products and services” with “sustainable acquisition” and adds the phrase “preventing pollution”. • Subpart 23.1, “Sustainable Products”, is updated to remove “and Services” from the subpart title. The “Scope of Part” at 23.100 is streamlined and removes redundant references to content covered in FAR part 12. • Section 23.101, “Definitions” is updated to include: <ul style="list-style-type: none"> ○ New definitions: <ul style="list-style-type: none"> ▪ Energy-efficient product ▪ Low standby power device ▪ Sustainable product ○ Definitions updated for clarity: <ul style="list-style-type: none"> ▪ EPA-designated item ▪ USDA-designated product category • Sections 23.102, “Policy”, 23.103, “Procedures”, and 23.104, “Priorities”, streamline and consolidate former sections in this subpart.

	<ul style="list-style-type: none"> ○ 23.102 presents a clear mandate that agencies must procure sustainable products to the maximum extent practicable. ○ 23.103 outlines three direct steps for the contracting officer when procuring sustainable products. ○ 23.104 provides clear priorities for acquisition teams when procuring sustainable products. • Section 23.106, “Restrictions”, provides improved clarity on products the contracting officer is prohibited from purchasing. • Subpart 23.2, “Energy Savings Performance Contracts”, is updated for clarity and efficiency. • Section 23.201, “Definition” is added to provide a formal definition for “Energy savings performance contract”. • Subpart 23.3, “Material Safety”, updates its title from “Hazardous Material Identification, Material Safety Data, and Notice of Radioactive Materials”. The content is updated for clarity, streamlining and/or to remove outdated content. • Subpart 23.4, “Pollution Prevention”, updates its title from “Pollution Prevention, Environmental Management Systems, and Waste Reduction”. The content is updated for clarity, streamlining, and/or to remove outdated content. <ul style="list-style-type: none"> ○ 23.401, “Definitions”, is updated to remove definition of “Federal agency” and add definitions for: <ul style="list-style-type: none"> ▪ “Pollution prevention” ▪ “Toxic chemical” (from 23.001) • The following provision and clauses are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: <ul style="list-style-type: none"> ○ 52.223-1 (Provision), Biobased Product Certification ○ 52.223-2 (Clause), Reporting of Biobased Products Under Service and Construction Contracts ○ 52.223-3 (Clause), Hazardous Material Identification and Safety Data ○ 52.223-7 (Clause), Notice of Radioactive Materials ○ 52.223-11 (Clause), Ozone-Depleting Substances ○ 52.223-12 (Clause), Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners ○ 52-223-23 (Clause), Sustainable Products • The FAR Companion is expected to include best practice and guidance on the following: <ul style="list-style-type: none"> ○ Energy Savings Performance Contracts (ESPCs) ○ Resources for Statutory Environmental Purchasing Programs
Removed	<ul style="list-style-type: none"> • The definitions of “Environmental” and “Greenhouse gas”, previously at 23.001, are deleted, as they were primarily relevant to the now-deleted subpart 23.5.

	<ul style="list-style-type: none"> • “Environmental management systems”, formerly section 23.404 is deleted. This deletion is based on the revocation of E.O. 14057. • “Waste reduction program”, formerly section 23.405 is deleted. This deletion is based on the revocation of E.O. 14057. • “Greenhouse Gas Emissions”, formerly subpart 23.5 is deleted. This deletion is based on the revocation of E.O. 14057. • The following provision and clauses are removed and marked reserved based on the revocation of E.O. 14057 or because they are not required by statute or otherwise essential to sound procurement: <ul style="list-style-type: none"> ○ 52.223-10 (Clause), Waste Reduction Program ○ 52.223-19 (Clause), Compliance with Environmental Management Systems ○ 52.223-20 (Clause), Aerosols ○ 52.223-21 (Clause), Foams ○ 52.223-22 (Provision), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation.
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IV. Required Actions: All DOT Operating Administrations (OAs), the Office of the Secretary of Transportation (OST), and the Office of the Inspector General (OIG), excluding the Federal Aviation Administration (FAA) per TAR 1201.104(d) shall follow [the RFO part 23 model deviation text](#) instead of FAR part 23 as codified at 48 CFR chapter 1. The Council’s RFO part 23 model deviation text is available at [Acquisition.gov/far-overhaul](#) and is incorporated by reference into this CD. A line-out version of the changes may also be found [here](#) for reference.

Heads of the Contracting Activities (HCAs) must ensure this deviation is disseminated to the acquisition workforce and ensure compliance with the requirements in the revised FAR part 23 guidance.

V. Applicability: This CD applies to all DOT OAs, OST, and OIG, excluding the FAA in accordance with TAR 1201.104(d).

VI. Expiration Date: This CD will remain in effect until it is incorporated into the FAR or is otherwise rescinded, whichever occurs first.

VII. Point of Contact: Questions or comments regarding this deviation may be directed to DOTAcquisitionPolicy@dot.gov.