

# 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.