

# Subpart 23.9 - Contractor Compliance with Environmental Management Systems

## 23.900 Scope.

This subpart implements the *environmental* management systems requirements for contractors.

## 23.901 Authority.

(a) Executive Order 13423 of January 24, 2007, Strengthening Federal *Environmental*, Energy, and Transportation Management.

(b) Executive Order 13514 of October 5, 2009, Federal Leadership in *Environmental*, Energy, and Economic Performance.

## 23.902 Policy.

(a) Agencies *shall* implement *environmental* management systems (EMS) at all appropriate organizational levels. Where contractor activities affect an agency's *environmental* management aspects, EMS requirements *shall* be included in contracts to ensure proper implementation and execution of EMS roles and responsibilities.

(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.

## 23.903 Contract clause.

The *contracting officer shall* insert the clause at [52.223-19](#), Compliance With *Environmental* Management Systems, in all *solicitations* and contracts for contractor operation of Government-owned or -leased facilities or vehicles, located in the *United States*. 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.