



RFO-2025-48

**United States
Department of
Agriculture**

October 15, 2025

Office of the
Assistant Secretary
for Administration

MEMORANDUM FOR USDA CONTRACTING ACTIVITIES

Office of
Contracting and
Procurement

From: Hilary Erickson
Senior Procurement Executive
Office of Contracting and Procurement

1400 Independence
Ave., SW
Mailstop 9308
Room 126-W
Whitten Building

Subject: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 23 in
Support of Executive Order 14275 on Restoring Common Sense to
Federal Procurement

Washington, DC
20250-9308

1. Purpose. This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 23 for purposes of implementing the FAR Council's model deviation to FAR Part 23.

2. Background. [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#), signed April 15, 2025, mandates a comprehensive review and simplification of the FAR.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

3. Summary of Changes. 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 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

Change	Description
Retained	• The following provision and clauses are retained (or remain reserved) with no changes: ○ 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	• 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: ○ New definitions: ▪ Energy-efficient product ▪ Low standby power device ▪ Sustainable product ○ Definitions updated for clarity: ▪ 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. ○ 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.

Change	Description
	• 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. ○ 23.401, “Definitions”, is updated to remove definition of “Federal agency” and add definitions for: ▪ “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: ○ 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: ○ Energy Savings Performance Contracts (ESPCs) ○ Resources for Statutory Environmental Purchasing Programs
Removed	• 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. • “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: ○ 52.223-10 (Clause), Waste Reduction Program

Change	Description
	○ 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.

This table is not an exhaustive list.

4. Instructions.

- The USDA acquisition workforce shall follow the RFO Part 23 and corresponding Part 52 model deviation text instead of FAR Part 23 and Part 52 as codified at 48 CFR Chapter 1. The Council's RFO Part 23 and Part 52 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation.
- For new solicitations and contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at [RFO FAR Part 52](#). Do not include any of the removed provisions or clauses in solicitations and contracts.
- For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the Contracting Officer may be required to separately address certain aspects in the contract.
- Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps

5. Applicability. This class deviation applies to all USDA procurements.

6. Authority. This class deviation is issued under the authority of [E.O. 14275](#), [OMB M-25-25](#), and 48 CFR 1.4, and RFO FAR 1.304.

7. Effective Date. This class deviation is effective November 3, 2025, and remains in effect until rescinded or incorporated into the FAR.

8. Points of Contact. Questions regarding this class deviation may be directed to the USDA Procurement Policy Division at procurement.policy@usda.gov.