

### Subpart 23.10—Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements

#### 23.1000 Scope.

This subpart prescribes policies and procedures for obtaining information needed for Government—

- (a) Compliance with right-to-know laws and pollution prevention requirements;
- (b) Implementation of an environmental management system (EMS) at a Federal facility; and
- (c) Completion of facility compliance audits (FCAs) at a Federal facility.

#### 23.1001 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 13148 of April 21, 2000, Greening the Government through Leadership in Environmental Management.

#### 23.1002 Applicability.

The requirements of this subpart apply to facilities owned or operated by an agency in the customs territory of the United States.

#### 23.1003 Definitions.

As used in this subpart—

“Federal agency” means an executive agency (see [2.101](#)).

“Priority chemical” means a chemical identified by the Interagency Environmental Leadership Workgroup or, alternatively, by an agency pursuant to Section 503 of Executive Order 13148 of April 21, 2000, Greening the Government through Leadership in Environmental Management.

#### 23.1004 Requirements.

- (a) E.O. 13148 requires Federal facilities to comply with the provisions of EPCRA and PPA.
- (b) Pursuant to E.O. 13148, and any agency implementing procedures, every new contract that provides for performance on a Federal facility shall require the contractor to provide information necessary for the Federal agency to comply with the—
  - (1) Emergency planning and toxic release reporting requirements in EPCRA, PPA, and E.O. 13148;
  - (2) Toxic chemical, priority chemical, and hazardous substance release and use reduction goals of Sections 502 and 503 of Executive Order 13148; and
  - (3) Requirements for EMSs and FCAs if the place of performance is at a Federal facility designated by the agency.

#### 23.1005 Contract clause.

- (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) Use the clause with its Alternate I if the contract provides for contractor—
  - (1) Operation or maintenance of a Federal facility at which the agency has implemented or plans to implement an EMS; or
  - (2) Activities and operations—
    - (i) To be performed at a Government-operated Federal facility that has implemented or plans to implement an EMS; and
    - (ii) That the agency has determined are covered within the EMS.
- (c) Use the clause with its Alternate II if—
  - (1) The contract provides for contractor activities on a Federal facility; and
  - (2) The agency has determined that the contractor activities should be included within the FCA or an environmental management system audit.

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