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.

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.

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.

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).

[68 FR 31645, June 20, 1996, as amended at 68 FR 28083, May 22, 2003]