

Subpart 23.8 - Ozone-Depleting Substances and Greenhouse Gases

Parent topic: [Part 23 - Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace](#)

23.800 Scope of subpart.

This subpart-

(a) Sets forth policies and procedures for the *acquisition* of items that-

(1) Contain, use, or are manufactured with *ozone-depleting substances*; or

(2) Contain or use *high global warming potential hydrofluorocarbons*; and

(b) Addresses public disclosure of greenhouse gas emissions and reduction goals.

23.801 Authorities.

(a) Title VI of the Clean Air Act ([42 U.S.C. 7671](#), *et seq.*).

(b) Section 706 of Division D, title VII of the Omnibus Appropriations Act, 2009 (Pub.L.111-8).

(c) Executive Order 13693 of March 25, 2015, Planning for Federal Sustainability in the Next Decade.

(d) *Environmental* Protection Agency (EPA) regulations, Protection of Stratospheric Ozone (40 CFR part 82).

23.802 Policy.

It is the policy of the Federal Government that *Federal agencies*—

(a) Implement cost-effective programs to minimize the *procurement* of materials and substances that contribute to the depletion of stratospheric ozone and/or result in the use, release or emission of *high global warming potential hydrofluorocarbons*;

(b) Give preference to the *procurement* of acceptable alternative chemicals, *products*, and manufacturing processes that reduce overall risks to human health and the environment by minimizing—

(1) The depletion of ozone in the upper atmosphere; and

(2) The potential use, release, or emission of *high global warming potential hydrofluorocarbons*;

(c) Lead efforts to reduce greenhouse gas emissions at the Federal level in accordance with Executive Order 13693; and

(d) In order to better understand both direct and indirect greenhouse gas emissions that result from Federal activities, require *offerors* that are *registered in the System for Award Management (SAM)* and received \$7.5 million or more in Federal contract awards in the prior Federal fiscal year to-

(1) Represent whether they publicly disclose greenhouse gas emissions;

(2) Represent whether they publicly disclose a quantitative greenhouse gas emissions reduction goal; and

(3) Provide the website for any such disclosures.

23.803 Procedures.

In preparing specifications and purchase descriptions, and in the *acquisition* of *products* and *services*, agencies *shall*-

(a) Comply with the requirements of title VI of the Clean Air Act, section 706 of division D, title VII of Pub. L. 111-8, Executive Order 13693, and 40 CFR 82.84(a)(2), (3), (4), and (5);

(b) Substitute acceptable alternatives to *ozone-depleting substances*, as identified under [42U.S.C.7671k](#), to the maximum extent practicable, as provided in 40 CFR 82.84(a)(1), except in the case of Class I substances being used for specified essential uses, as identified under 40 CFR 82.4(n);

(c) Unless a particular contract requires otherwise, specify that, when feasible, contractors *shall* use another acceptable alternative in lieu of a high *global warming potential* hydrofluorocarbon in *products* and *services* in a particular end use for which EPA's Significant New Alternatives Policy (SNAP) program has identified other acceptable alternatives that have lower *global warming potential*; and

(d) Refer to EPA's SNAP program for the list of alternatives, found at 40 CFR part 82, subpart G as well as supplemental tables of alternatives (available at <http://www.epa.gov/snap>).

23.804 Contract provision and clauses.

(a) Except for contracts for *supplies* that will be delivered outside the *United States* and its *outlying areas*, or contracts for *services* that will be performed outside the *United States* and its *outlying areas*, insert the following clauses:

(1) [52.223-11](#), *Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons*, in *solicitations* and contracts for-

(i) Refrigeration equipment (in product or service code (PSC) 4110);

(ii) Air conditioning equipment (PSC 4120);

- (iii) Clean agent fire suppression systems/equipment (e.g., installed room flooding systems, portable fire extinguishers, aircraft/tactical vehicle fire/explosion suppression systems) (in PSC 4210);
- (iv) Bulk refrigerants and fire suppressants (in PSC 6830);
- (v) Solvents, dusters, freezing compounds, mold release agents, and any other miscellaneous chemical specialty that *may* contain *ozone-depleting substances* or *high global warming potential hydrofluorocarbons* (in PSC 6850);
- (vi) Corrosion prevention compounds, foam sealants, aerosol mold release agents, and any other preservative or sealing compound that *may* contain *ozone-depleting substances* or *high global warming potential hydrofluorocarbons* (in PSC 8030);
- (vii) Fluorocarbon lubricants (primarily aerosols) (in PSC 9150); and
- (viii) Any other *manufactured end products* that *may* contain or be manufactured with *ozone-depleting substances*.

(2) 52.223-12, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners, in *solicitations* and contracts that include the maintenance, service, repair, or disposal of-

- (i) Refrigeration equipment, such as refrigerators, chillers, or freezers; or
- (ii) Air conditioners, including air conditioning systems in motor vehicles.

(3) 52.223-20, Aerosols, in *solicitations* and contracts-

- (i) For *products* that *may* contain *high global warming potential hydrofluorocarbons* as a propellant, or as a solvent; or
- (ii) That involve maintenance or repair of electronic or mechanical devices.

(4) 52.223-21, Foams, in *solicitations* and contracts for-

- (i) *Products* that *may* contain *high global warming potential hydrofluorocarbons* or refrigerant blends containing *hydrofluorocarbons* as a foam blowing agent, such as building foam insulation or appliance foam insulation; or
- (ii) *Construction* of buildings or facilities.

(b) The provision at 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation, is required only when 52.204-7, *System for Award Management*, is included in the *solicitation* (see 52.204-8, Annual Representations and Certifications).