



Office of the Chief
Acquisition Officer

Date: January 26, 2026

From: Darnese M. Wilkerson, Chief Acquisition Officer *DMW*

To: Office of the Chief Acquisition Officer (OCAO)

Subject: CLASS DEVIATION (CD) in Support of Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement" - Deviation to FAR Part 23, Sustainable Acquisition, Material Safety, and Pollution Prevention

1. Purpose

This Class Deviation (CD) implements the FAR Council's model deviation text for FAR Part 23, Sustainable Acquisition, Material Safety, and Pollution Prevention. This action aligns with Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement," and the Revolutionary FAR Overhaul (RFO) initiative.

The revised FAR Part 23 is revised for clarity, 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.

2. Background

EO 14275, signed on April 15, 2025, established a policy that the FAR should contain only provisions required by statute or those essential for sound procurement. To implement this EO, the Office of Federal Procurement Policy (OFPP) is leading the Revolutionary FAR Overhaul (RFO) initiative, supported by the Federal Acquisition Regulatory Council. The initiative aims to eliminate unnecessary regulations and policies across all levels of the federal government.

Further guidance was provided by OMB Memorandum M-25-26, "Overhauling the Federal Acquisition Regulation," issued on May 2, 2025.

FAR Streamlining

As part of the RFO, the FAR will be streamlined to include only statutory requirements. Non-statutory content moved to new buying guides, collectively known as the Strategic Acquisition Guidance (SAG). The Council will first issue model deviation guidance by FAR part, followed by formal rulemaking through the notice and comment process. Agencies have 30 days to issue class deviations based on the model text once released.

A. Streamlining Agency Acquisition Supplements: Agencies must streamline their FAR supplements by removing regulations not based on statute or executive orders and by aligning

with the FAR Council’s deviation guidance. Supporting policies must also be updated to reflect these changes. This is an excellent opportunity for NARA to formally publish a streamlined NARA FAR Supplement, ensuring consistency with the new FAR.

B. FAR Buying Guides and Supplemental Companion Guides (CG): As the FAR and agency supplements are streamlined, helpful non-regulatory content will be moved to these new FAR Buying Guides. These guides will offer practical instructions and best practices for implementing effective contracting methods, including those related to competition. The RFO Part 23 model deviation text is a plain language version that will be adhered to by all NARA contracting personnel.

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 |
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| Retained | <ul style="list-style-type: none"> ● The following provision and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 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 | <ul style="list-style-type: none"> ● 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: <ul style="list-style-type: none"> ○ New definitions: <ul style="list-style-type: none"> ▪ Energy-efficient product |

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| | <ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Low standby power device ▪ Sustainable product ○ Definitions updated for clarity: <ul style="list-style-type: none"> ▪ 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. <ul style="list-style-type: none"> ○ 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. ● 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. <ul style="list-style-type: none"> ○ 23.401, “Definitions”, is updated to remove definition of “Federal agency” and add definitions for: <ul style="list-style-type: none"> ▪ “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: <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> ○ Energy Savings Performance Contracts (ESPCs) ○ Resources for Statutory Environmental Purchasing Programs |
| <p>Removed</p> | <ul style="list-style-type: none"> ● 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. |

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| | <ul style="list-style-type: none"> ● “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: <ul style="list-style-type: none"> ○ 52.223-10 (Clause), Waste Reduction Program ○ 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. |
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This table is not an exhaustive list.

4. Instructions

- The NARA acquisition workforce shall follow the RFO Part 23 deviated text instead of FAR Part 23 as codified at 48 CFR Chapter 1, Subchapter B, Part 8. The FAR Council’s RFO text is available at [FAR Overhaul - FAR Part 23 - Acquisition.gov](https://www.far.gov/far-overhaul-far-part-23-acquisition.gov) and is incorporated by reference into this deviation.
- For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR part 52.
- 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

The requirements in this Class Deviation (CD) apply to all solicitations and contract actions issued or awarded on or after **February 1, 2026**.

6. Authority

This class deviation is issued under the authority of Executive Order 14275 and OMB Memorandum M-25-26, 48 CFR Subpart 1.4.

7. Effective Date

This CD is effective as of the date signed and shall remain in effect until the provisions of the RFO are formally implemented in the FAR through a final rulemaking.

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cc: NGC