



Millennium Challenge Corporation
Contracts and Grants Management Division
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MEMORANDUM

Date: November 14, 2025

From: Jonathan C. Hamlet
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Contracts and Grants Management Division
Department of Administration and Finance
Millennium Challenge Corporation

To: MCC Contracts and Grants Management Division Staff

Subject: Class Deviation to Implement the FAR Revisions Parts 23 *Sustainable Acquisition, Material Safety, and Pollution Prevention* and 52 *Solicitation Provisions and Contract Clauses* Issued on September 30, 2025

Findings

On April 15, 2025, President Trump signed the [Executive Order \(E.O.\) 14275, “Restoring Common Sense to Federal Procurement”](#) to reform the Federal Acquisition Regulation (FAR). This E.O. further advances the intent of the [E.O. 14192, “Unleashing Prosperity Through Deregulation,”](#) signed on January 31, 2025, which established that the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds and to alleviate unnecessary regulatory burdens placed on the American people.

The E.O. orders the Administrator of the Office of Federal Public Procurement Policy (OFPP), in coordination with the other members of the Federal Acquisition Regulatory Council (FAR Council), the heads of agencies, and appropriate senior acquisition and procurement officials from agencies to amend the FAR to ensure that it contains only provisions that are required by statute or that are otherwise necessary to support simplicity and usability, strengthen the efficacy of the procurement system, or protect economic or national security interests. This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

On May 2, 2025, the Office of Management and Budget (OMB) released its memo M-25-26 “Overhauling the Federal Acquisition Regulation” that directs all agencies to “Generally issue individual or class deviations to implement the FAR Council’s deregulated coverage within 30 days after the Council releases its model deviation text. Provide copies of class deviations to the FAR Secretariat at gsaregsec@gsa.gov for public posting on Acquisition.gov.”

On September 30, 2025, the FAR Council issued completed revisions for [FAR Part 23](#) and [FAR Part 52](#) clause. The RFO FAR Part 23 model deviation text 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 are not 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

Other key changes include:

Retained:

- 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 through 52.223-18 remain reserved

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
- Section 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.
- 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 provisions 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 provisions 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
 - 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.

Determination

To fully comply with the President's E.O.s and the revised FAR Parts 23 and 52, MCC shall follow the [RFO Part 23 model deviation text](#) instead of FAR Part 23 as codified at 48 CFR Chapter 23 and replace the relevant [RFO Part 52 model deviation clause](#) instead of the FAR Part 52 clause as codified at 48 CFR Chapter 52. The FAR Council's RFO Parts 23 and 52 model deviation texts are available at [Acquisition.gov](#), under the "[FAR Overhaul](#)" link.

This deviation applies to all solicitations and new contracts as of November 14, 2025. This deviation does not apply to contracts signed and executed on or before November 13, 2025.

Approval

In accordance with RFO FAR 1.304 *Class deviations*, MCC Contracts Operating Manual (COM) 1.305-3 *Contracts and Grants Management Division MD/SPE*, and the OMB memo M-25-26, the RFO Part 23 model deviation text and the RFO Part 52 model deviation clause are hereby approved effective as of November 14, 2025 for use by all MCC Contracting Officers until final implementation of the FAR update or rescission of this Memo by the SPE. Additional instructions related to this Memo may be issued by the Senior Procurement Executive, Deputy Managing Director, and the Supervisory Procurement Analyst of the MCC CGM Division on an *ad hoc* basis.

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Attachments

OMB Memo M-25-26 *Overhauling the Federal Acquisition Regulation*