

Appendix C

COMMUNITY RIGHT-TO-KNOW AND POLLUTION PREVENTION

Background

The Federal Government should be a good neighbor to local communities by becoming a leader in providing information to the public concerning toxic and hazardous chemicals/substances at its facilities. The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and the Pollution Prevention Act of 1990 (PPA) established programs to protect public health and the environment by providing the public with important information on toxic chemicals being released by manufacturing facilities into the air, land, and water in its communities. Under EPCRA and PPA, manufacturers are required to submit annual reports on toxic chemical releases and waste management activities to the Environmental Protection Agency (EPA) and the States. Most of the information collected by EPA and the States, pursuant to these laws, is available to the general public upon request.

On August 3, 1993, Executive Order 12856, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements," was signed by President Clinton. The order further promotes the Federal Government's role to become a leader in the field of pollution prevention through the management of its facilities, its acquisition practices, and supporting the development of innovative pollution prevention programs and technologies. Under E.O. 12856, Federal agencies are required to develop and implement comprehensive pollution prevention strategies designed to include source reduction into facilities management and acquisition. In addition, the order required Federal facilities to comply with reporting provisions of EPCRA and PPA, including Toxic Release Inventory reporting and emergency planning requirements. The responsibility for EPCRA and PPA reporting and facilities management vests with individual Departmental bureaus and offices who are responsible for collecting and submitting required reports to EPA and the states. For additional details relating to pollution prevention and community right-to-know requirements, refer to the Department of the Interior's "General Guidance on Pollution Prevention and Right-to-Know, Recycling and Green Acquisition" published in September 1995 by the Office of Environmental Policy and Compliance.

In August 1995, the President signed Executive Order 12969, "Federal Acquisition and Community Right-to-Know." The order mandates Federal agencies to include in contract solicitations an eligibility criterion for competitive acquisitions that are expected to exceed \$100,000. It requires Federal contractors to ensure that Toxic Release Inventory Forms (Form Rs) are filed by covered facilities for the life of the contract.

In addition, offerors must include in their response to the solicitation a certification that the offeror will (if awarded a contract) ensure that its facilities file Form Rs unless otherwise exempt by the order.

Policy

It is the Interior's policy to promote the purchase of supplies and services that have been produced with a minimum adverse impact on community health and the environment. To the maximum extent practicable, Interior contracting activities are to comply with the above laws and orders governing the acquisition of toxic chemical products and related services.

Requirements

To implement the procurement policy of E.O. 12969 requirements, contracting officers shall ensure compliance with solicitation provision and contract clause requirements prescribed in FAR 23.907. FAR provision 52.223-13, "Certification of Toxic Chemical Release Inventory Form (Form R)," shall be included in all applicable competitive solicitations, unless exempted under FAR 23.906. An award shall not be made to an offeror who does not submit the solicitation certification (FAR 52.223-13) as prescribed above. A resultant contract award shall contain FAR clause 52.223-14, "Toxic Chemical Reporting."