



ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1523 and 1552

[EPA-HQ-OMS-2025-0037; FRL – 13150-01-OMS]

Update to EPAAR Text of Provisions and Clauses, Signing of Uniform Hazardous Wastes Manifests

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing a new EPAAR, Provision and Clause in Solicitation Provisions and Contract Clauses, and Environmental, Conservation, Occupational Safety, and Drug-Free Workplace. The EPA currently has a local clause, which involves the signing of Uniform Hazardous Waste Manifests for Superfund sites. The new clause will enable contractors to sign the Waste Manifest at EPA worksites for the removal of hazardous and non-hazardous materials at both Superfund and non-Superfund sites. The addition of the new clause will allow work to continue when EPA personnel are not present at the worksite.

DATES: Comments must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may send comments, identified by Docket ID No. **EPA-HQ-OMS-2025-0037; FRL – 13150-01-OMS**, by any of the following methods:

- Federal eRulemaking Portal: <https://www.regulations.gov/> (our preferred method). Follow the online instructions to submit your comments.

E-mail: docket_ofa@epa.gov. Include Docket ID No. **EPA-HQ-OMS-2025-0037; FRL – 13150-01-OMS** in the subject line of the message.

- Fax: (202) 566-9744
- Mail: U.S. Environmental Protection Agency, EPA Docket Center, Office of

Finance and Administration (OFA) Docket, Mail Code 28221T, 1200

Pennsylvania Avenue NW, Washington, DC 20460.

- Hand Delivery or Courier: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m. to 4:30 p.m., Monday – Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Public Participation” heading of the

FOR FURTHER INFORMATION CONTACT: Brandon R. Hawkins, Policy Division, Office of the Chief Procurement Officer (OCPO) (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (202) 250-8897; email address: hawkins.brandon.r@epa.gov.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) is proposing a new EPAAR Clause 1552.223-73 and a corresponding prescription in EPAAR 1523.303-73. The EPA currently has a local clause, EPA-H-11-104, which involves the signing of Uniform Hazardous Waste Manifests for Superfund sites. The new clause will enable contractors to sign the Waste Manifest at EPA worksites for the removal of hazardous and non-hazardous materials at both Superfund and non-Superfund sites. The addition of the new clause will allow work to continue when EPA personnel are not present at the worksite. This will result in cost savings and prevent work stoppages at cleanup sites, enabling the cleanup to continue uninterrupted. To prevent conflicts of interest and fraud, the EPA will implement management controls and address these concerns during the conflict of interest (COI) review for worksite cleanup

procurements.

Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is exempt from review by the Office of Management and Budget (OMB) because this regulation is limited to agency organization, management, or personnel matters.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

D. Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. § 601 et. seq.

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action is revising an existing EPAAR section that will not have a significant economic impact on a substantial number of small entities. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act

This action does not contain an unfunded mandate of \$100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order: Federalism

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

This rule does not have tribal implications as specified in Executive Order 13175. This rule

applies to federal contracting officers at the EPA and does not require consultation or coordination with Indian tribal governments. Thus, Executive Order 13175 does not apply to this

action.

H. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risks.

I. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve the development of technical standards.

List of Subjects

48 CFR Part 1523

Environmental protection, Accounting, Government procurement, Reporting, and recordkeeping requirements.

48 CFR Parts 1552

Environmental protection, Care of laboratory animals, EPA green meetings and conferences, Protection of human subjects, and Government procurement

Stefan Martiyan,

Director,

Office of the Chief Procurement Officer (OCPO).

For the reasons set forth in the preamble, EPA proposes to amend EPAAR parts 1523 and 1552 as follows:

PART 1523—ENVIRONMENTAL, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

1. The authority citations for part 1523 continues to read as follows:

Authority: Sec. 205I, 63 Stat. 390, as amended, 40 U.S.C. 486I.

2. Add § 1523.303-73 to read as follows:

1523.303-73 Signing of Hazardous Wastes Manifests and Non-Hazardous Wastes Manifests (XXX 2026)

Contracting Officers shall insert the contract clause at 1552.223-73 when the contract involves the transportation of hazardous waste material from an EPA Superfund worksite. *Alternate I* shall be inserted when the contract involves the transportation of hazardous waste material from an EPA Non-Superfund worksite. *Alternate II* shall be inserted when the contract involves transporting Non-Hazardous waste material from an EPA worksite. *Alternate II* can be used in conjunction with the main clause or *Alternate I*.

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

The authority citations for part 1552 continues to read as follows:

Authority:5 U.S.C. 301 and 41 U.S.C. 1707.

3. Add § 1552.223-73 to read as follows:

1552.223-73 Signing of Hazardous Wastes Manifests and Non-Hazardous Wastes Manifests (XXX 2026)

As prescribed in 1552.303-73, insert the following contract clause when the contract involves the transportation of hazardous waste material from an EPA Superfund worksite.

SIGNING OF UNIFORM HAZARDOUS WASTES MANIFESTS FOR EPA SUPERFUND SITES (XXX 2026)

(a) As directed in writing, via authorized technical direction, by the EPA Contracting Officer Representative (COR), the Contractor is authorized to sign the EPA Form 8700-22), *Uniform Hazardous Waste Manifest*. This form is required in accordance with (40 CFR Part 262) ("Standards Applicable To Generators Of Hazardous Waste") and land ban notifications/certifications/demonstrations (40 CFR Part 268.7 ("Testing, tracking, and recordkeeping requirements for generators, reverse distributors, treaters, and disposal facilities ") and 40 CFR Part 268.9) ("Special Rules Regarding Wastes That Exhibit A Characteristic") for the EPA at Superfund sites which involve off-site transport of hazardous wastes. The Contractor shall sign the manifests and land ban records after writing or printing the phrase "On behalf of the United States Environmental Protection Agency" in the signature block #15 Generator's/Offeror's Certification on the EPA Form 8700-22 *Uniform Hazardous Waste Manifest*. The Contractor shall not be considered a generator of hazardous wastes solely as a result of having signed the manifests or land ban records on behalf of the EPA. Nothing contained in this paragraph shall be construed to create an agency relationship between the Contractor and EPA except with respect to the authorization to sign the manifests and land ban records. This authorization only extends to sites assigned under this contract.

(b) This clause may be inserted in subcontracts.
(End of Clause)

Alternate I (XXX 2026) As prescribed in 1552.303-73, insert the following contract clause when the contract involves the transportation of hazardous waste material from an EPA Non-Superfund worksite.

Alternate I (XXX 2026) SIGNING OF HAZARDOUS WASTE MANIFESTS FOR EPA NON-SUPERFUND WORKSITE

(a) As directed in writing, via authorized technical direction, by the EPA Contracting Officer Representative (COR), the Contractor is authorized to sign the EPA Form 8700-22), *Uniform Hazardous Waste Manifest*. This form is required in accordance with (40 CFR Part 262) ("Standards Applicable To Generators Of Hazardous Waste") and land ban notifications/certifications/demonstrations (40 CFR Part 268.7 ("Testing, tracking, and recordkeeping requirements for generators, reverse distributors, treaters, and disposal facilities ") and 40 CFR Part 268.9) ("Special Rules Regarding Wastes That Exhibit A Characteristic") for the EPA at Non-Superfund sites which involve off-site transport of hazardous wastes. The Contractor shall sign the manifests and land ban records after writing or printing the phrase "On behalf of the United States Environmental Protection Agency" in the signature block #15 Generator's/Offeror's Certification on the EPA Form 8700-22) *Uniform Hazardous Waste Manifest*. The Contractor shall not be considered a generator of hazardous wastes solely as a result of having signed the manifests or land ban records on behalf of the EPA. Nothing contained in this paragraph shall be construed to create an agency relationship between the Contractor and EPA except with respect to the authorization to sign the manifests and land ban records. This authorization only extends to sites assigned under this contract.

(b) This clause may be inserted in subcontracts.

(End of Clause)

Alternate II (XXX 2026) As prescribed in 1552.303-73, insert the following contract clause when the contract involves the transportation of non-hazardous waste material from an EPA worksite.

Alternate II (XXX 2026) SIGNING OF NON-HAZARDOUS WASTES MANIFESTS FOR EPA WORKSITE

(a) As directed in writing, via authorized technical direction, by the EPA Contracting Officer Representative (COR), the Contractor is authorized to sign non-hazardous waste shipping manifest forms and land ban notifications/certifications/demonstrations for the EPA at waste sites which involve off-site transport of non-hazardous wastes. The Contractor shall sign the manifests and land ban records after writing or printing the phrase "On behalf of the United States Environmental Protection Agency" in the signature block. The Contractor shall not be considered a generator of non-hazardous wastes solely as a result of having signed the manifests or land ban records on behalf of the EPA. Nothing contained in this paragraph shall be construed to create an agency relationship between the Contractor and EPA except with respect to the authorization to sign the manifests and land ban records. This authorization only extends to sites assigned under this contract.

(b) This clause may be inserted in subcontracts.

(End of Clause)