



U.S. Securities and Exchange Commission

March 12, 2025

Class Deviation from Federal Acquisition Regulation to eliminate policies designed to disfavor plastic straws (2025-002)

1. **Purpose:** To issue a class deviation, in accordance with CAAC Letter 2025-02 Supplement 1, regarding Section 2 of Executive Order 14148, "Initial Rescissions of Harmful Executive Orders and Actions", which revoked Executive Order 14057 and Section 2 of Executive Order 14208, "Ending Procurement and Forced Use of Paper Straws."
2. **Effective Date:** Immediately
3. **Expiration Date:** Expires when incorporated into the FAR or is otherwise rescinded.

Background: Section 2 of Executive Order 14148, "Initial Rescissions of Harmful Executive Orders and Actions," of January 20, 2025 (see 90 FR 8237), revoked Executive Order 14057, "Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability," of December 8, 2021. Section 2 of Executive Order 14208, "Ending Procurement and Forced Use of Paper Straws," of February 10, 2025 (see 90 FR 9585), directs agencies to take appropriate action to eliminate policies designed to disfavor plastic straws.

The CAAC Letter was issued by the Chair of the Civilian Agency Acquisition Council to serve as consultation in accordance with FAR 1.404, authorizing agencies to issue a class deviation to ensure compliance with the cited sections of the Executive Orders.

4. **Required Action:** Contracting Officers shall use the following changes:
 - Use the revised definitions in part 2 and follow the revised procedures in parts 11, 18, 23, and 37 as illustrated in the attachment.
 - When issuing new solicitations or contracts, **do not include** the following provisions and clauses:
 - 52.204-8 Annual Representations and Certifications (JAN 2025)

- 52.212-3 Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024)
- 52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (JAN 2025)
- 52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025)
- 52.223-1 Biobased Product Certification (MAY 2024)
- 52.223-2 Reporting of Biobased Products Under Service and Construction Contracts (MAY 2024)
- 52.223-10 Waste Reduction Program (MAY 2024)
- 52.223-19, Compliance with Environmental Management Systems (MAY 2011)
- 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation (DEC 2016)
- 52.223-23, Sustainable Products and Services (MAY 2024)
- When issuing new solicitations or contracts, **include** the following provision and clause deviations, which are provided in the attachment, if applicable.
 - 52.204-8 Annual Representations and Certifications (JAN 2025) (DEVIATION FEB 2025)
 - 52.212-3 Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024) (DEVIATION FEB 2025)
 - 52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)
 - 52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025) (DEVIATION FEB 2025)
 - 52.223-1 Biobased Product Certification (MAY 2024) (DEVIATION FEB 2025)
 - 52.223-2 Reporting of Biobased Products Under Service and Construction Contracts (MAY 2024) (DEVIATION FEB 2025)
 - 52.223-10 Waste Reduction Program (MAY 2024) (DEVIATION FEB 2025)
 - 52.223-23, Sustainable Products and Services (MAY 2024 (DEVIATION FEB 2025))
- Any open solicitations should be amended to include these required provisions and clauses provided in the attachment.
- For existing contracts, agencies should determine the best means to comply with Executive Orders 14148 and 14208.

System updates may lag policy updates. The System for Award Management (SAM)

may continue to require entities to complete representations based on provisions that are not included in agency solicitations, including 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation, and paragraph (t) of 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services. Agencies will not consider or use these representations. Entities are not required to, nor are they able to, update their entity registration to remove these representations in SAM.

In advancement of Section 2 of Executive Order 14208, the removal of requirements related to Executive Order 14057 eliminates all non-statutory sustainability requirements or preferences in purchases of food service wares, including paper straws. In addition to removing requirements related to Executive Order 14057, the attachment also reflects recent updates to Code of Federal Regulation citations for the U.S. Department of Agriculture's BioPreferred® Program, a statutory purchasing preference program.

5. **Authority:** This deviation is issued under the authority of FAR 1.404. The required consultation with the Chair of the Civilian Agency Acquisition Council (CAAC) is satisfied by the CAAC letter 2025-02 Supplement 1.
6. **Deviation:** See Attachment for the changes to the FAR text as revised by this deviation.
7. **Point of Contact:** If you have any questions please contact Debbie Anderson, Procurement Analyst at (202) 551-4295 or andersonde@sec.gov.

Attachment – FAR Deviation Text

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