

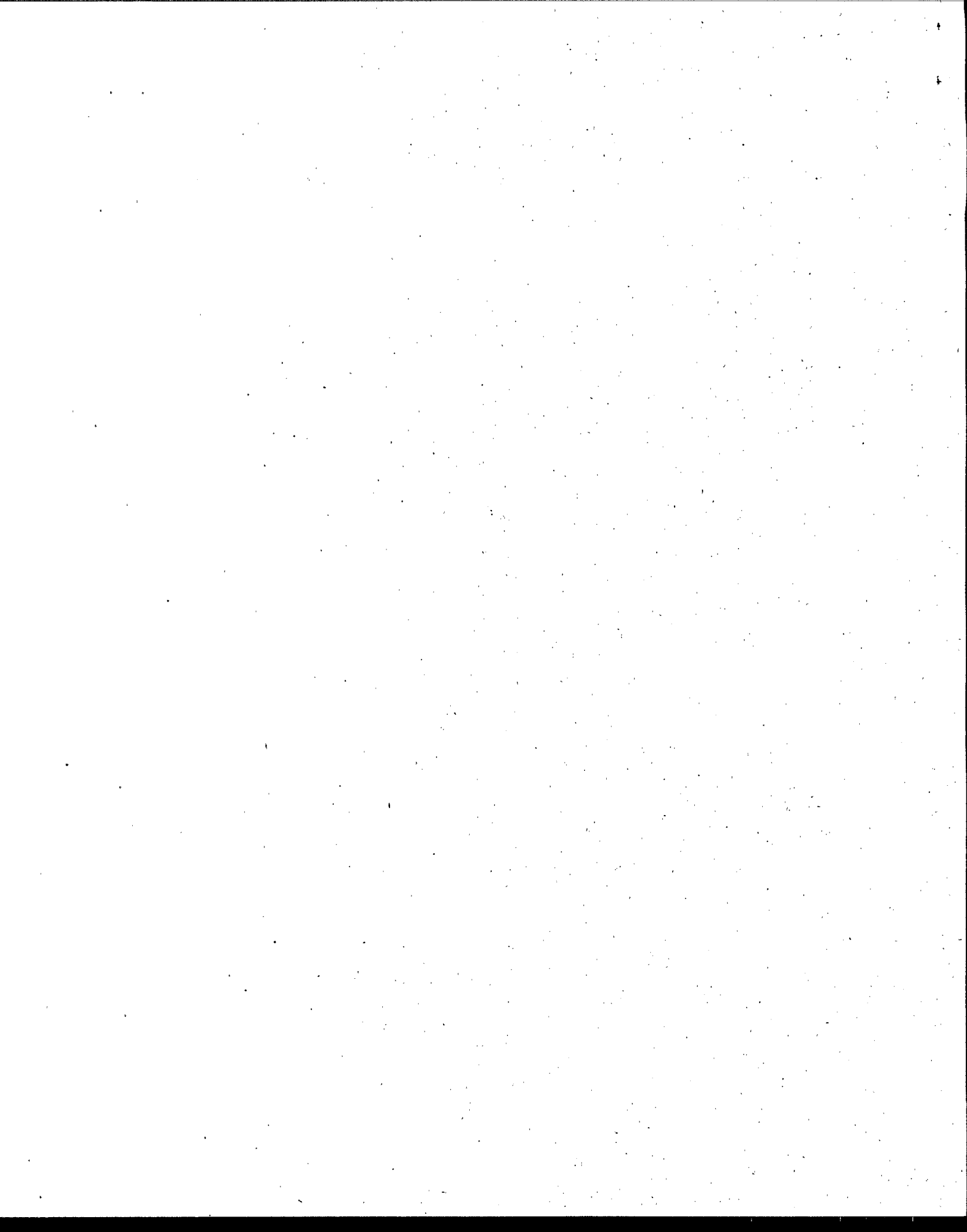


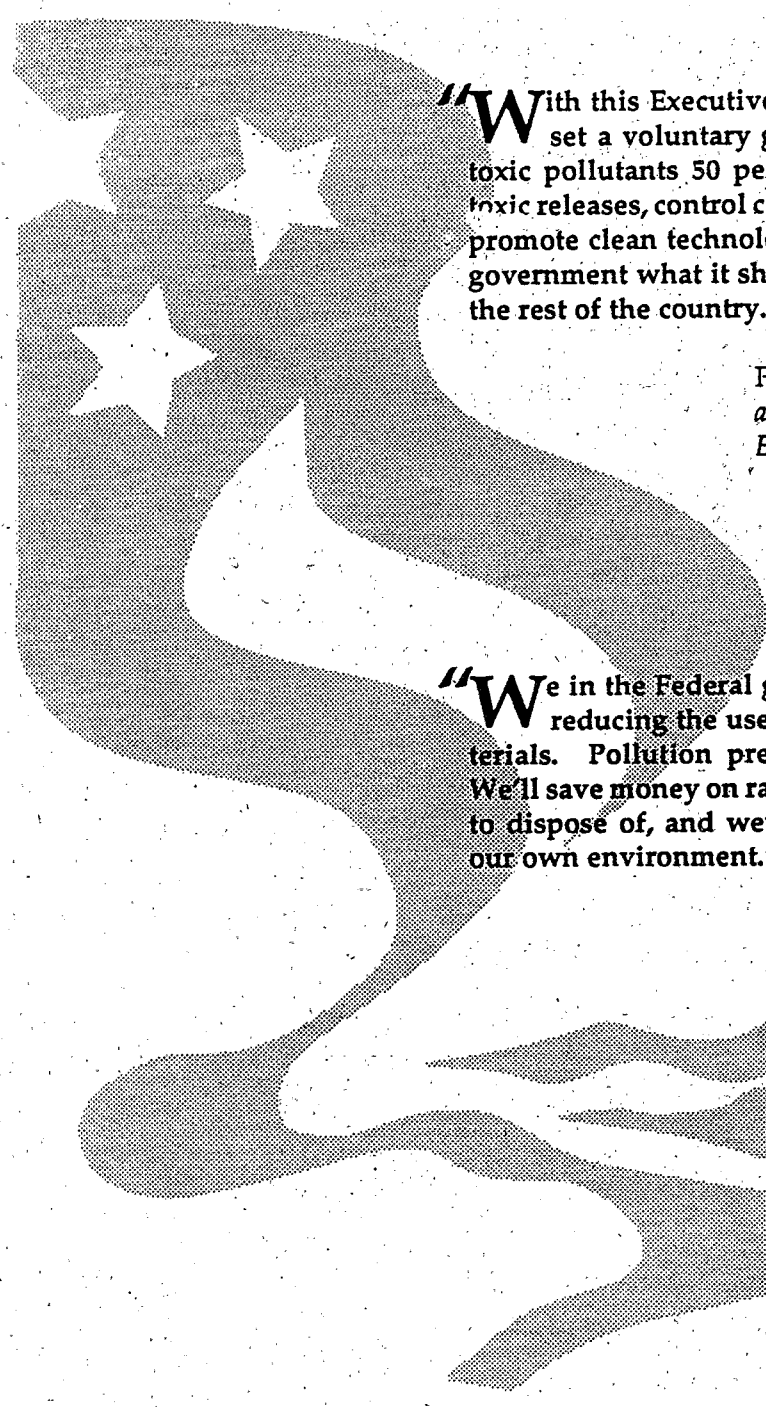
# Pollution Prevention and Right-to-Know in the Government

## Executive Order 12856



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**“With this Executive Order, I ask Federal facilities to set a voluntary goal of reducing their releases of toxic pollutants 50 percent by 1999. This will reduce toxic releases, control costs associated with cleanups, and promote clean technologies. And it will help make our government what it should be — a positive example for the rest of the country.”**

President Bill Clinton  
*announcing the Pollution Prevention  
Executive Order on Earth Day, 1993*

**“We in the Federal government must lead the way in reducing the use of environmentally harmful materials. Pollution prevention makes economic sense. We’ll save money on raw materials, we’ll have less waste to dispose of, and we’ll protect American citizens and our own environment.”**

Carol M. Browner  
*Administrator*

On August 3, 1993, President Clinton signed a new Executive Order pledging the Federal government to protect the environment by preventing pollution at the source. Executive Order 12856 commits the Federal government to publicly report toxic wastes and emissions, and to reduce toxic releases at least 50% by 1999.

Preventing pollution at the source — through substitution of less hazardous materials, improved maintenance, and more efficient production processes — can save millions of dollars in waste management and cleanup costs. Executive Order 12856 allows the Federal government to reap these economic and environmental benefits, which are already being realized by many American manufacturers. It also applies to the Federal government the same principles of public disclosure and accountability that have proven so effective in promoting pollution prevention in the private sector.

Executive Order 12856 was developed with the participation and support of the Department of Defense, Department of Energy, and other Federal agencies. It also responds to a call for action from Senator John Kerry (D-MA) and Representative Mike Synar (D-OK), who led a bipartisan coalition of Congressional colleagues in asking the Federal government to meet the same challenges we have established for the private sector.

This document highlights key provisions and deadlines, identifies principal agency contacts, and includes a copy of the full text of the Executive Order.

I hope that we can count on your support as the Federal government moves to meet this exciting new challenge.



Carol M. Browner  
Administrator

## **WHY IS THIS EXECUTIVE ORDER IMPORTANT?**

### **It challenges the Federal government to lead by example.**

Executive Order 12856 challenges the Federal government to publicly lead by example through applying source reduction in the management of its facilities and in its acquisition practices. By preventing pollution, the Federal government not only protects the environment, it saves the taxpayers money by reducing waste management costs and long-term liability for expensive cleanup.

### **It applies Right-to-Know laws to the Federal government.**

Federal Right-to-Know laws have applied to the private sector since 1986, but a loophole in the statute exempts facilities owned and operated by the Federal government. Executive Order 12856 ends that double standard by closing this loophole and requiring government facilities to report annually on the amount of toxic chemicals generated as waste or released to the environment.

### **It reflects the government's commitment to being a good neighbor.**

Federal facilities are often an important force in local communities, and sometimes the largest employer. Making these operations publicly accountable under Right-to-Know laws demonstrates the government's commitment to being a good neighbor and to taking steps to reduce the risk of environmental releases.

### **It will reduce exposure to toxic chemical emissions.**

A 50% reduction goal in chemical releases to the environment will reduce exposure to toxic chemical emissions. Federal compliance with Right-to-Know laws will give the public the tools to track progress in meeting these goals.

## **WHAT ARE THE PRINCIPAL REQUIREMENTS OF THE EXECUTIVE ORDER?**

### **Right-to-Know**

- ☐ Federal facilities that manufacture or process 25,000 pounds, or otherwise use 10,000 pounds of toxic chemicals must annually report their releases and off-site transfers as part of the Toxic Release Inventory (TRI) under the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and the Pollution Prevention Act (PPA). This requirement applies to all facilities whether or not they are engaged in manufacturing.
- ☐ These TRI reporting requirements take effect no later than the 1994 calendar year, with the first reports due to EPA July 1, 1995, or earlier.
- ☐ Federal facilities must also comply with the emergency planning and notification requirements of EPCRA. These requirements include notifications to Local Emergency Planning Committees of chemicals stored or used on the facility and an annual chemical inventory reporting requirement.

**"Pollution prevention will make the government operate more efficiently — and ultimately make us better stewards of our nation's resources."**

Representative Mike Synar,  
*D-Oklahoma*

### **50% Reduction Goal**

- ☐ Each Federal agency must establish a voluntary goal to reduce total releases and off-site transfers of toxic chemicals or toxic pollutants 50% by 1999. The Federal agencies must achieve these reductions through source reduction practices to the extent possible.

### **Procurement**

- ☐ Federal agencies are required to review standardized documents--such as military or federal specifications and standards--and identify opportunities to reduce or eliminate the unnecessary use of extremely hazardous substances and toxic chemicals. This review, to be completed by August 3, 1995, will be based on the priorities established in consultation with the EPA.
- ☐ Federal agencies will make all appropriate revisions to these specifications and standards by 1999.
- ☐ Each Federal agency will develop a plan and goals for eliminating or reducing the unnecessary acquisition of products containing extremely hazardous substances or toxic chemicals.
- ☐ Each Federal agency will develop a plan and goals for reducing its own manufacturing, processing, and use of products containing extremely hazardous substances or toxic chemicals.
- ☐ Priorities for all of the obligations will reflect an assessment of relative risk, and the cost and performance of available substitutes.

### **Planning**

- ☐ Each Federal agency must develop a written strategy by August 3, 1994, which includes a policy statement committing the agency to source reduction. The plan must also use pollution prevention as the primary means of achieving and maintaining compliance with Federal, State, and local environmental requirements.
- ☐ Each covered Federal facility must develop a pollution prevention plan by the end of 1995.

### **Recognition**

- ☐ EPA must establish the "Federal Government Environmental Challenge Program," to recognize outstanding facility and employee environmental management and performance.

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"If we are to be leaders, we must lead not only by word, but by example — the Federal government should do not only what we are asking of industry and states, but more."

Senator John Kerry,  
*D-Massachusetts*

## HOW DOES THE EXECUTIVE ORDER RELATE TO THE 33/50 PROGRAM?

### Progress Reports

- ☐ Beginning October 1, 1995, each Federal agency must submit an annual report to EPA on their progress towards meeting the 50% reduction goal and their acquisition goals.
- ☐ EPA must annually report to the President on the government-wide implementation of the Executive Order.

### Public Access

- ☐ All strategies, plans, and reports must be made available to the public.

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- ☐ The Environmental Protection Agency's 33/50 program has attracted pledges from over one thousand companies to reduce the release of seventeen industrial toxic chemicals at least 50% by the end of 1995. Executive Order 12856 builds on that immense success, but places a greater emphasis on source reduction as a means of achieving a 50% reduction in all toxic chemical releases by 1999.

### What is Pollution Prevention?

The EPA defines pollution prevention as source reduction and other practices that reduce the amount of pollutants entering a waste stream prior to out-of-process recycling, treatment, or disposal. Prevention includes improvements in manufacturing, such as the substitution of non-toxic hazardous materials, redesign of products to reduce environmental impacts, in-process recycling, modification of equipment, and housekeeping measures such as improved maintenance. It also encompasses increased efficiency in the use of energy and water, and other practices that protect natural resources through conservation.

## HOW WILL THE EXECUTIVE ORDER BE IMPLEMENTED?

- ☐ Each Federal agency will develop a written strategy detailing how it will carry out the requirements of the Executive Order by August 3, 1994.
- ☐ EPA will establish an interagency task force, composed of representatives from EPA, Commerce, Defense, Energy, GSA, OMB, and other agencies, to coordinate implementation.
- ☐ The head of each Federal agency will be responsible for that agency's compliance with the Order.
- ☐ EPA can conduct inspections of Federal facilities and notify Federal agencies of non-compliance.
- ☐ EPA will be issuing Interpretative Guidance on the Order for Federal agencies, EPA Regions, and states in late 1993.

### **What is a Toxic Chemical?**

A toxic chemical is a substance listed in section 313(c) of EPCRA.

### **What is a Toxic Pollutant?**

Toxic pollutants include, but are not necessarily limited to, those chemicals at a Federal facility subject to provisions of section 313(c) of EPCRA. Federal agencies may also choose to include releases of other chemicals such as RCRA hazardous waste or hazardous air pollutants under the Clean Air Act Amendments.

### **What is an Extremely Hazardous Substance?**

An extremely hazardous substance is defined in section 329(3) of EPCRA.

**"I share the President's commitment to making the Federal government, and in particular the Department of Defense, a leader in pollution prevention and fulfillment of Community Right-to-Know laws. This Executive Order supports the efforts of the Defense Department to eliminate pollution at its source."**

Sherri Goodman  
*Deputy Under Secretary of Defense  
Environmental Security*



## KEY DEADLINES

- December 31, 1993 ..... Agencies provide planning list to EPA of facilities covered by the Executive Order
- January 1994 ..... Facilities submit Emergency Notification of Releases of an Extremely Hazardous Substance under Section 304 of EPCRA
- March 3, 1994 ..... Facilities submit Emergency Planning Notification to Local Emergency Planning Committee (LEPC) under Section 302 of EPCRA
- August 3, 1994 ..... Agencies submit pollution prevention strategies to EPA
- August 3, 1994 ..... Facilities submit information for the preparation of Comprehensive Emergency Response Plans under Section 303 of EPCRA
- August 3, 1994 ..... Facilities submit Material Safety Data Sheets under Section 311 of EPCRA
- March 1, 1995 ..... Facilities submit Emergency and Hazardous Chemical Inventory Form under Section 312 of EPCRA
- July 1, 1995 ..... Facilities submit TRI reports under Section 313 of EPCRA
- August 3, 1995 ..... DoD and GSA identify opportunities to revise specifications and standards
- October 1, 1995 ..... Agencies submit first annual progress report
- December 31, 1995 ..... Facilities prepare Pollution Prevention Plans
- 1999 ..... DoD and GSA revise specifications and standards.
- 1999 ..... Agencies reduce total toxic chemicals or toxic pollutants by 50%

### **How Can I Get More Copies of the Executive Order?**

The Order was published in the August 6, 1993 *Federal Register*. Copies are also available from the EPCRA Hotline (1-800-535-0202) and PIES (703-821-4800).

### **Who Can I Contact For More Information?**

#### **For EPCRA Information**

Emergency Planning and Community Right-to-Know  
Hotline

..... (800) 535-0202 (National)  
..... (703) 412-9877 (Virginia)

#### **For Federal Facility Information**

Jim Edward or Will Garvey ..... (202) 260-8790

#### **For Pollution Prevention Information**

Pollution Prevention Information  
Clearinghouse ..... (202) 260-1023  
Pollution Prevention Information  
Exchange System ..... (703) 821-4800

#### **For Department of Defense Information**

Andy Porth  
Office of the Assistant Deputy Under Secretary of Defense  
(Pollution Prevention) ..... (703) 756-2969

Federal Register

Vol. 58, No. 150

Friday, August 6, 1993

**Presidential Documents****Title 3—****The President**

Executive Order 12856 of August 3, 1993

**Federal Compliance With Right-to-Know Laws and Pollution Prevention Requirements**

WHEREAS, the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001-11050) (EPCRA) established programs to provide the public with important information on the hazardous and toxic chemicals in their communities, and established emergency planning and notification requirements to protect the public in the event of a release of extremely hazardous substances;

WHEREAS, 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 and extremely hazardous substances at Federal facilities; and in planning for and preventing harm to the public through the planned or unplanned releases of chemicals;

WHEREAS, the Pollution Prevention Act of 1990 (42 U.S.C. 13101-13109) (PPA) established that it is the national policy of the United States that whenever feasible, pollution should be prevented or reduced at the source, that pollution that cannot be prevented should be recycled in an environmentally safe manner; that pollution that cannot be prevented or recycled should be treated in an environmentally safe manner; and that disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner;

WHEREAS, the PPA required the Administrator of the Environmental Protection Agency (EPA) to promote source reduction practices in other agencies;

WHEREAS, the Federal Government should become a leader in the field of pollution prevention through the management of its facilities, its acquisition practices, and in supporting the development of innovative pollution prevention programs and technologies;

WHEREAS, the environmental, energy, and economic benefits of energy and water use reductions are very significant; the scope of innovative pollution prevention programs must be broad to adequately address the highest-risk environmental problems and to take full advantage of technological opportunities in sectors other than industrial manufacturing; the Energy Policy Act of 1992 (Public Law 102-486 of October 24, 1992) requires the Secretary of Energy to work with other Federal agencies to significantly reduce the use of energy and reduce the related environmental impacts by promoting use of energy efficiency and renewable energy technologies; and

WHEREAS, as the largest single consumer in the Nation, the Federal Government has the opportunity to realize significant economic as well as environmental benefits of pollution prevention;

**AND IN ORDER TO:**

Ensure that all Federal agencies conduct their facility management and acquisition activities so that, to the maximum extent practicable, the quantity of toxic chemicals entering any wastestream, including any releases to the environment, is reduced as expeditiously as possible through source reduction; that waste that is generated is recycled to the maximum extent practicable; and that any wastes remaining are stored, treated or disposed of in a manner protective of public health and the environment;

Require Federal agencies to report in a public manner toxic chemicals entering any wastestream from their facilities, including any releases to the environment, and to improve local emergency planning, response, and accident notification; and

Help encourage markets for clean technologies and safe alternatives to extremely hazardous substances or toxic chemicals through revisions to specifications and standards, the acquisition and procurement process, and the testing of innovative pollution prevention technologies at Federal facilities or in acquisitions;

NOW THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the EPCRA, the PPA, and section 301 of title 5, United States Code, it is hereby ordered as follows:

#### Section 1. *Applicability.*

1-101. As delineated below, the head of each Federal agency is responsible for ensuring that all necessary actions are taken for the prevention of pollution with respect to that agency's activities and facilities, and for ensuring that agency's compliance with pollution prevention and emergency planning and community right-to-know provisions established pursuant to all implementing regulations issued pursuant to EPCRA and PPA.

1-102. Except as otherwise noted, this order is applicable to all Federal agencies that either own or operate a "facility" as that term is defined in section 329(4) of EPCRA, if such facility meets the threshold requirements set forth in EPCRA for compliance as modified by section 3-304(b) of this order ("covered facilities"). Except as provided in section 1-103 and section 1-104 below, each Federal agency must apply all of the provisions of this order to each of its covered facilities, including those facilities which are subject, independent of this order, to the provisions of EPCRA and PPA (e.g., certain Government-owned/contractor-operated facilities (GOCO's), for chemicals meeting EPCRA thresholds). This order does not apply to Federal agency facilities outside the customs territory of the United States, such as United States diplomatic and consular missions abroad.

1-103. Nothing in this order alters the obligations which GOCO's and Government corporation facilities have under EPCRA and PPA independent of this order or subjects such facilities to EPCRA or PPA if they are otherwise excluded. However, consistent with section 1-104 below, each Federal agency shall include the releases and transfers from all such facilities when meeting all of the Federal agency's responsibilities under this order.

1-104. To facilitate compliance with this order, each Federal agency shall provide, in all future contracts between the agency and its relevant contractors, for the contractor to supply to the Federal agency all information the Federal agency deems necessary for it to comply with this order. In addition, to the extent that compliance with this order is made more difficult due to lack of information from existing contractors, Federal agencies shall take practical steps to obtain the information needed to comply with this order from such contractors.

#### Sec. 2-2. *Definitions.*

2-201. All definitions found in EPCRA and PPA and implementing regulations are incorporated in this order by reference, with the following exception: for the purposes of this order, the term "person", as defined in section 329(7) of EPCRA, also includes Federal agencies.

2-202. *Federal agency* means an Executive agency, as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

2-203. *Pollution Prevention* means "source reduction," as defined in the PPA, and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

2-204. *GOCO* means a Government-owned/contractor-operated facility which is owned by the Federal Government but all or portions of which are operated by private contractors.

2-205. *Administrator* means the Administrator of the EPA.

2-206. *Toxic Chemical* means a substance on the list described in section 313(c) of EPCRA.

2-207. *Toxic Pollutants*. For the purposes of section 3-302(a) of this order, the term "toxic pollutants" shall include, but is not necessarily limited to, those chemicals at a Federal facility subject to the provisions of section 313 of EPCRA as of December 1, 1993. Federal agencies also may choose to include releases and transfers of other chemicals, such as "extremely hazardous chemicals" as defined in section 329(3) of EPCRA, hazardous wastes as defined under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6986) (RCRA), or hazardous air pollutants under the Clean Air Act Amendments (42 U.S.C. 7403-7626); however, for the purposes of establishing the agency's baseline under 3-302(c), such "other chemicals" are in addition to (not instead of) the section 313 chemicals. The term "toxic pollutants" does not include hazardous waste subject to remedial action generated prior to the date of this order.

#### Sec. 3-3. *Implementation.*

3-301. *Federal Agency Strategy*. Within 12 months of the date of this order, the head of each Federal agency must develop a written pollution prevention strategy to achieve the requirements specified in sections 3-302 through 3-305 of this order for that agency. A copy thereof shall be provided to the Administrator. Federal agencies are encouraged to involve the public in developing the required strategies under this order and in monitoring their subsequent progress in meeting the requirements of this order. The strategy shall include, but shall not be limited to, the following elements:

(a) A pollution prevention policy statement, developed by each Federal agency, designating principal responsibilities for development, implementation, and evaluation of the strategy. The statement shall reflect the Federal agency's commitment to incorporate pollution prevention through source reduction in facility management and acquisition, and it shall identify an individual responsible for coordinating the Federal agency's efforts in this area.

(b) A commitment to utilize pollution prevention through source reduction, where practicable, as the primary means of achieving and maintaining compliance with all applicable Federal, State, and local environmental requirements.

3-302. *Toxic Chemical Reduction Goals*. (a) The head of each Federal agency subject to this order shall ensure that the agency develops voluntary goals to reduce the agency's total releases of toxic chemicals to the environment and off-site transfers of such toxic chemicals for treatment and disposal from facilities covered by this order by 50 percent by December 31, 1999. To the maximum extent practicable, such reductions shall be achieved by implementation of source reduction practices.

(b) The baseline for measuring reductions for purposes of achieving the 50 percent reduction goal for each Federal agency shall be the first year in which releases of toxic chemicals to the environment and off-site transfers of such chemicals for treatment and disposal are publicly reported. The baseline amount as to which the 50 percent reduction goal applies shall be the aggregate amount of toxic chemicals reported in the baseline year for all of that Federal agency's facilities meeting the threshold applicability requirements set forth in section 1-102 of this order. In no event shall the baseline be later than the 1994 reporting year.

(c) Alternatively, a Federal agency may choose to achieve a 50 percent reduction goal for toxic pollutants. In such event, the Federal agency shall delineate the scope of its reduction program in the written pollution prevention strategy

that is required by section 3-301 of this order. The baseline for measuring reductions for purposes of achieving the 50 percent reduction requirement for each Federal agency shall be the first year in which releases of toxic pollutants to the environment and off-site transfers of such chemicals for treatment and disposal are publicly reported for each of that Federal agency's facilities encompassed by section 3-301. In no event shall the baseline year be later than the 1994 reporting year. The baseline amount as to which the 50 percent reduction goal applies shall be the aggregate amount of toxic pollutants reported by the agency in the baseline year. For any toxic pollutants included by the agency in determining its baseline under this section, in addition to toxic chemicals under EPCRA, the agency shall report on such toxic pollutants annually under the provisions of section 3-304 of this order, if practicable, or through an agency report that is made available to the public.

(d) The head of each Federal agency shall ensure that each of its covered facilities develops a written pollution prevention plan no later than the end of 1995, which sets forth the facility's contribution to the goal established in section 3-302(a) of this order. Federal agencies shall conduct assessments of their facilities as necessary to ensure development of such plans and of the facilities' pollution prevention programs.

**3-303. Acquisition and Procurement Goals.** (a) Each Federal agency shall establish a plan and goals for eliminating or reducing the unnecessary acquisition by that agency of products containing extremely hazardous substances or toxic chemicals. Similarly, each Federal agency shall establish a plan and goal for voluntarily reducing its own manufacturing, processing, and use of extremely hazardous substances and toxic chemicals. Priorities shall be developed by Federal agencies, in coordination with EPA, for implementing this section.

(b) Within 24 months of the date of this order, the Department of Defense (DOD) and the General Services Administration (GSA), and other agencies, as appropriate, shall review their agency's standardized documents, including specifications and standards, and identify opportunities to eliminate or reduce the use by their agency of extremely hazardous substances and toxic chemicals, consistent with the safety and reliability requirements of their agency mission. The EPA shall assist agencies in meeting the requirements of this section, including identifying substitutes and setting priorities for these reviews. By 1999, DOD, GSA and other affected agencies shall make all appropriate revisions to these specifications and standards.

(c) Any revisions to the Federal Acquisition Regulation (FAR) necessary to implement this order shall be made within 24 months of the date of this order.

(d) Federal agencies are encouraged to develop and test innovative pollution prevention technologies at their facilities in order to encourage the development of strong markets for such technologies. Partnerships should be encouraged between industry, Federal agencies, Government laboratories, academia, and others to assess and deploy innovative environmental technologies for domestic use and for markets abroad.

**3-304. Toxics Release Inventory/Pollution Prevention Act Reporting.** (a) The head of each Federal agency shall comply with the provisions set forth in section 313 of EPCRA, section 6607 of PPA, all implementing regulations, and future amendments to these authorities, in light of applicable guidance as provided by EPA.

(b) The head of each Federal agency shall comply with these provisions without regard to the Standard Industrial Classification (SIC) delineations that apply to the Federal agency's facilities, and such reports shall be for all releases, transfers, and wastes at such Federal agency's facility without regard to the SIC code of the activity leading to the release, transfer, or waste. All other existing statutory or regulatory limitations or exemptions on the application of EPCRA section 313 shall apply to the reporting requirements set forth in section 3-304(a) of this order.

(c) The first year of compliance shall be no later than for the 1994 calendar year with reports due on or before July 1, 1995.

**3-305. *Emergency Planning and Community Right-to-Know Reporting Responsibilities.*** The head of each Federal agency shall comply with the provisions set forth in sections 301 through 312 of EPCRA, all implementing regulations, and future amendments to these authorities in light of any applicable guidance as provided by EPA. Effective dates for compliance shall be: (a) With respect to the provisions of section 302 of EPCRA emergency planning notification shall be made no later than 7 months after the date of this order.

(b) With respect to the provisions of section 303 of EPCRA all information necessary for the applicable Local Emergency Planning Committee (LEPC's) to prepare or revise local Emergency Response Plans shall be provided no later than 1 year after the date of this order.

(c) To the extent that a facility is required to maintain Material Safety Data Sheets under any provisions of law or Executive order, information required under section 311 of EPCRA shall be submitted no later than 1 year after the date of this order, and the first year of compliance with section 312 shall be no later than the 1994 calendar year, with reports due on or before March 1, 1995.

(d) The provisions of section 304 of EPCRA shall be effective beginning January 1, 1994.

(e) These compliance dates are not intended to delay implementation of earlier timetables already agreed to by Federal agencies and are inapplicable to the extent they interfere with those timetables.

**Sec. 4-4. *Agency Coordination.***

**4-401.** By February 1, 1994, the Administrator shall convene an Interagency Task Force composed of the Administrator, the Secretaries of Commerce, Defense, and Energy, the Administrator of General Services, the Administrator of the Office of Procurement Policy in the Office of Management and Budget, and such other agency officials as deemed appropriate based upon lists of potential participants submitted to the Administrator pursuant to this section by the agency head. Each agency head may designate other senior agency officials to act in his/her stead, where appropriate. The Task Force will assist the agency heads in the implementation of the activities required under this order.

**4-402.** Federal agencies subject to the requirements of this order shall submit annual progress reports to the Administrator beginning on October 1, 1995. These reports all include a description of the progress that the agency has made in complying with all aspects of this order, including the pollution reductions requirements. This reporting requirement shall expire after the report due on October 1, 2001.

**4-403. *Technical Advice.*** Upon request and to the extent practicable, the Administrator shall provide technical advice and assistance to Federal agencies in order to foster full compliance with this order. In addition, to the extent practicable, all Federal agencies subject to this order shall provide technical assistance, if requested, to LEPC's in their development of emergency response plans and in fulfillment of their community right-to-know and risk reduction responsibilities.

**4-404.** Federal agencies shall place high priority on obtaining funding and resources needed for implementing all aspects of this order, including the pollution prevention strategies, plans, and assessments required by this order, by identifying, requesting, and allocating funds through line-item or direct funding requests. Federal agencies shall make such requests as required in the Federal Agency Pollution Prevention and Abatement Planning Process and through agency budget requests as outlined in Office of Management and Budget (OMB) Circulars A-106 and A-11, respectively. Federal agencies should apply to the maximum extent practicable, a life cycle analysis and total cost accounting principles to all projects needed to meet the requirements of this order.

4-405. *Federal Government Environmental Challenge Program.* The Administrator shall establish a "Federal Government Environmental Challenge Program" to recognize outstanding environmental management performance in Federal agencies and facilities. The program shall consist of two components that challenge Federal agencies: (a) to agree to a code of environmental principles to be developed by EPA, in cooperation with other agencies, that emphasizes pollution prevention, sustainable development and state-of-the-art environmental management programs, and (b) to submit applications to EPA for individual Federal agency facilities for recognition as "Model Installations." The program shall also include a means for recognizing individual Federal employees who demonstrate outstanding leadership in pollution prevention.

*Sec 5-5. Compliance.*

5-501. By December 31, 1993, the head of each Federal agency shall provide the Administrator with a preliminary list of facilities that potentially meet the requirements for reporting under the threshold provisions of EPCRA, PPA, and this order.

5-502. The head of each Federal agency is responsible for ensuring that such agency take all necessary actions to prevent pollution in accordance with this order, and for that agency's compliance with the provisions of EPCRA and PPA. Compliance with EPCRA and PPA means compliance with the same substantive, procedural, and other statutory and regulatory requirements that would apply to a private person. Nothing in this order shall be construed as making the provisions of sections 325 and 326 of EPCRA applicable to any Federal agency or facility, except to the extent that such Federal agency or facility would independently be subject to such provisions. EPA shall consult with Federal agencies, if requested, to determine the applicability of this order to particular agency facilities.

5-503. Each Federal agency subject to this order shall conduct internal reviews and audits, and take such other steps, as may be necessary to monitor compliance with sections 3-304 and 3-305 of this order.

5-504. The Administrator, in consultation with the heads of Federal agencies, may conduct such reviews and inspections as may be necessary to monitor compliance with sections 3-304 and 3-305 of this order. Except as excluded under section 6-601 of this order, all Federal agencies are encouraged to cooperate fully with the efforts of the Administrator to ensure compliance with sections 3-304 and 3-305 of this order.

5-505. Federal agencies are further encouraged to comply with all state and local right-to-know and pollution prevention requirements to the extent that compliance with such laws and requirements is not otherwise already mandated.

5-506. Whenever the Administrator notifies a Federal agency that it is not in compliance with an applicable provision of this order, the Federal agency shall achieve compliance as promptly as is practicable.

5-507. The EPA shall report annually to the President on Federal agency compliance with the provisions of section 3-304 of this order.

5-508. To the extent permitted by law and unless such documentation is withheld pursuant to section 6-601 of this order, the public shall be afforded ready access to all strategies, plans, and reports required to be prepared by Federal agencies under this order by the agency preparing the strategy, plan, or report. When the reports are submitted to EPA, EPA shall compile the strategies, plans, and reports and make them publicly available as well. Federal agencies are encouraged to provide such strategies, plans, and reports to the State and local authorities where their facilities are located for an additional point of access to the public.

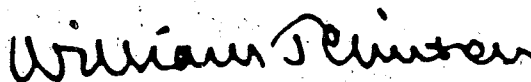


**Sec. 6-6. Exemption.**

6-601. In the interest of national security, the head of a Federal agency may request from the President an exemption from complying with the provisions of any or all aspects of this order for particular Federal agency facilities, provided that the procedures set forth in section 120(j)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9620(j)(1)), are followed. To the maximum extent practicable, and without compromising national security, all Federal agencies shall strive to comply with the purposes, goals, and implementation steps set forth in this order.

**Sec. 7-7. General Provisions.**

7-701. Nothing in this order shall create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,

August 3, 1993.

[FR Doc/ 93-19069

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