



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

In reply refer to
DARS Tracking Number: 2022-O0010

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation—Prohibition on Procurement of Certain Items Containing
Perfluorooctane Sulfonate or Perfluorooctanoic Acid

Effective April 1, 2023, contracting officers shall not procure covered items that contain perfluorooctane sulfonate (PFOS) or perfluorooctanoic acid (PFOA). Therefore, effective immediately, for awards anticipated to occur on or after April 1, 2023, contracting officers shall include the attached solicitation provision and contract clause in all solicitations for acquisition of covered items that contain PFOS or PFOA. Furthermore, contracting officers shall include the attached clause in contracts, task orders, delivery orders, and blanket purchase agreement orders for acquisition of covered items that contain PFOS or PFOA awarded on or after April 1, 2023.

For the purpose of this deviation covered items means.

1. Nonstick cookware or cooking utensils for use in galleys or dining facilities.
2. Upholstered furniture, carpets, and rugs that have been treated with stain-resistant coatings.

This class deviation implements section 333 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283) that prohibits DoD from procuring any covered items containing PFOS or PFOA effective April 1, 2023, and defines “covered items.”

Class Deviation 2022-O0010
Prohibition on Procurement of Certain Items Containing
Perfluorooctane Sulfonate or Perfluorooctanoic Acid

This class deviation remains in effect until incorporated in the Defense Federal Acquisition Regulation Supplement or is otherwise rescinded. My point of contact is Barbara J. Salcido, who may be reached at 571-230-0492 or barbara.j.salcido.civ@mail.mil.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting

Attachments:
As stated

Attachment 1
Class Deviation 2022-O0010

Prohibition on Procurement of Certain Items Containing Perfluorooctane
Sulfonate or Perfluorooctanoic Acid

**252.223-7997 Prohibition on Procurement of Certain Items Containing
Perfluorooctane Sulfonate or Perfluorooctanoic Acid —Representation.**

Effective immediately, for awards anticipated to occur on or after April 1, 2023, include the following provision in all solicitations, including solicitations for the acquisition of commercial products (including commercially available off-the-shelf items) and commercial services using FAR part 12 procedures, for acquisition of covered items that contain perfluorooctane sulfonate or perfluorooctanoic acid.

PROHIBITION ON PROCUREMENT OF CERTAIN ITEMS CONTAINING
PERFLUOROOCTANE SULFONATE OR PERFLUOROOCTANOIC ACID —
REPRESENTATION—REPRESENTATION (DEVIATION 2022-O0010)
(SEP 2022)

(a) Effective April 1, 2023, in accordance with section 333 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283) the Department of Defense may not procure any covered items that contain perfluorooctane sulfonate (PFOS) or perfluorooctanoic acid (PFOA). A covered item includes:

(1) Nonstick cookware or cooking utensils for use in galleys or dining facilities; and

(2) Upholstered furniture, carpets, and rugs that have been treated with stain-resistant coatings.

(b) *Representation.* By submission of its offer, the Offeror represents that it is not providing as part of its offer any covered items containing PFOS or PFOA.

(End of provision)

Attachment 2
Class Deviation 2022-O0010

Prohibition on Procurement of Certain Items Containing Perfluorooctane
Sulfonate or Perfluorooctanoic Acid

252.223-7998 Prohibition on Procurement of Certain Items Containing Perfluorooctane Sulfonate or Perfluorooctanoic Acid.

Effective April 1, 2023, include the following clause in contracts, task orders, delivery orders, and blanket purchase agreement orders including contracts, task orders, delivery orders, and blanket purchase agreement orders, for the acquisition of commercial products (including commercially available off-the-shelf items) and commercial services using FAR part 12 procedures, for acquisition of covered items that contain perfluorooctane sulfonate or perfluorooctanoic acid.

PROHIBITION ON PROCUREMENT OF CERTAIN ITEMS CONTAINING
PERFLUOROOCTANE SULFONATE OR PERFLUOROOCTANOIC ACID
(DEVIATION 2022-O0010)
(APR 2023)

(a) Effective April 1, 2023, in accordance with section 333 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283), the Department of Defense may not procure any covered items that contain perfluorooctane sulfonate (PFOS) or perfluorooctanoic acid (PFOA).

(b) A covered item means the following:

(1) Nonstick cookware or cooking utensils for use in galleys or dining facilities.

(2) Upholstered furniture, carpets, and rugs that have been treated with stain-resistant coatings.

(c) The Contractor shall not provide any covered items containing PFOS or PFOA in performance of this contract, task order, delivery order, or blanket purchase agreement order.

(d) The Contractor shall include the substance of this clause, including this paragraph (d), in subcontracts for any covered item, including subcontracts for commercial products (including commercially available off-the-shelf items) and commercial services.

(End of clause)