

## VA ENVIRONMENTAL MANAGEMENT SYSTEMS

1. **REASON FOR ISSUE:** This handbook prescribes the goals and objectives, procedures, and requirements for Administration and staff office environmental management systems (EMS) within the Department.
2. **SUMMARY OF CONTENTS:** This handbook outlines the procedures, processes, and other key elements necessary to facilitate VA's continual improvement of management and performance with respect to an EMS.
3. **RESPONSIBLE OFFICE:** Assistant Secretary for Management (004), Office of Asset Enterprise Management (044), Green Program Management Service (044E).
4. **RELATED DIRECTIVES:**
  - a. VA Directive 0057, Environmental Management Program.
  - b. VA Directive 0064, Environmental Management Systems.
5. **RECISSIONS:** None.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
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**ENVIRONMENTAL MANAGEMENT SYSTEM HANDBOOK**

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## ENVIRONMENTAL MANAGEMENT SYSTEMS PROCEDURES

### 1. PURPOSE

a. The mission of Department of Veterans Affairs (VA) is to fulfill President Lincoln's promise "To care for him who shall have borne the battle, and for his widow, and his orphan" by serving and honoring the men and women who are America's Veterans. The goal of the Green Management Program Service within VA's Office of Asset Enterprise Management (OAEM) is to lead the Department in becoming a fully sustainable organization. This supports the mission by making more resources available for Veterans' care and optimizing VA stewardship of public resources. The purpose of this handbook is to establish VA program objectives, strategies and tools for implementing and maintaining an Environmental Management System (EMS).

b. This guidance is provided to assist Administrations and staff offices in implementing the EMS requirements of VA Directive 0064, which states that VA shall implement an EMS at all appropriate facilities and at all appropriate organizational levels. It is designed to help Administrations and staff offices develop uniform, effective internal procedures.

### 2. SCOPE

The provisions of this handbook apply to all Administrations and staff offices, including those located in leased space. Each Administration and staff office shall ensure that all subordinate organizations are aware of and comply with this handbook.

### 3. PROGRAM OBJECTIVES, PROCEDURES, AND REPORTING

a. The roles and responsibilities of the Administrations and staff offices as they relate to the objectives of EMS are defined in VA Directive 0064.

b. VA entities shall implement an EMS at all appropriate facilities and at all appropriate organizational levels as the primary management approach for addressing environmental compliance and the environmental aspects of VA's operations and activities, including the environmental aspects of energy and transportation functions. The type of EMS should be aligned with the responsibilities of the organizational level. Appendix A, Guidance on Implementing EMSs "At All Appropriate Organizational Levels" of a Federal Agency Pursuant to EO 13423, describes the different types of an EMS and where and when each type should be used.

c. All VA facilities shall be covered by a facility-level or multi-site EMS, unless the organization requests and receives authorization from the Senior Sustainability Officer to exclude specific facilities. These EMSs shall be based on the framework of the ISO 14001:2004(E) standard.

d. The VA Sustainability Management System shall serve as the higher-tier EMS for the Department. Facility-level and multi-site EMSs shall maintain their own system underneath the higher-tier EMS. The higher-tier EMS shall be based on the framework of ISO 14001:2004(E) but is only required to have those EMS elements that are best addressed and/or implemented at the VA-wide level.

e. An effective EMS requires communication throughout the organization. This communication should include the use of interdisciplinary teams to define, implement, and maintain the EMS. Additionally, clear articulation of environmental roles and responsibilities throughout and among all levels of an organization is required. Furthermore, because suppliers and contractors play an important role in VA's ability to achieve its mission, articulation of roles and responsibilities extends to any suppliers and contractors whose activities are covered by the EMS.

f. Environmental objectives and targets must be created to ensure that sustainable practices are being developed and implemented throughout the organization and in accordance with Executive Orders (EO) 13423 and 13514. They must address, where appropriate, reducing environmental impacts of major, minor, station-level, and non-recurring maintenance construction projects; reducing greenhouse gas emissions; reducing energy consumption; reducing water consumption; increasing the use of renewable energy; reducing petroleum consumption; reducing solid waste generation; reducing the purchase and use of toxic or hazardous chemicals; increasing the use of alternative fuels; improving electronics stewardship; and procuring green products. Targets addressing significant environmental aspects must be specific and measurable over time so that progress may be monitored.

g. Objectives and targets will be incorporated, where applicable, into environmental programs created and implemented at each appropriate level (Department, Administration, staff office, function, and/or facility).

h. An EMS must include a formal process for Administration, staff office, and facility senior managers to review their system. Management reviews must be conducted at least annually. Reviews should be designed to focus management's attention on EMS implementation and effectiveness, including progress on phased implementation, continual improvement of the system, and consideration of organizational changes that have impacted its design or other attributes. The structure and content of management reviews will vary with the size and nature of the organization or facility being reviewed. Results of the management reviews should be documented.

i. A Declaration of Conformance (see Appendix B) process must be conducted for validating that a facility-level/multi-site EMS has been fully implemented, and it shall then be renewed at least once every three years. The Declaration of Conformance process includes completing an audit of the EMS using a qualified party that is outside the control or scope of the EMS, documenting and reporting audit findings to the senior manager accountable for the EMS, and the senior manager documenting conformance of the EMS to the requirements of EO 13423. A corrective action plan must be established to address any nonconformance that is found; however, there should be no audit findings of significant nonconformance. Once the Declaration of Conformance process has been completed, the senior manager accountable for the EMS must forward a letter through the Administration or staff office to the Director, Green Management Program Service, documenting the Declaration of Conformance. This letter shall include the following information:

(1) Description and scope of the EMS that indicates the size, complexity, and environmental aspects;

(2) Summary of the Declaration of Conformance audit and findings;

(3) Statement that the audit findings were reviewed and corrective action plans have been established;

(4) Statement that the EMS meets the requirements of VA Directive 0064; and

(5) Other pertinent information that supports the Declaration of Conformance.

j. Individuals qualified to conduct an EMS audit may include contractors or government employees that are not assigned to the organization or facility EMS, as well as other individuals not assigned or part of the organization or facility EMS. These qualified individuals must have completed some level of audit training and have an understanding of EMS principles and elements.

k. The lead evaluator for EMS audits must have at least one of the following qualifications:

(1) Completion of formal training in performing EMS audits; or

(2) Credentials as a Certified ISO 14001 Lead Auditor.

l. EMS reporting shall include any information requested by OAEM including data for the EMS annual report, which may contain:

(1) A list of all appropriate facilities and organizations that indicates whether each facility or organization has an existing EMS or is currently developing one;

(2) Progress made in identifying or updating EMS aspects, objectives, and targets;

(3) Progress made in developing or updating environmental training;

(4) The relationship between the EMS and various sustainable practices; and

(5) Other information about EMS experiences, such as:

(a) Lessons learned;

(b) Challenges; and

(c) External communication.

#### **4. STRATEGIES AND TOOLS**

a. Guidance Documents

(1) How to Develop an EMS

(<http://epa.gov/ems/info/index.htm>): EPA's EMS basics website includes reasons to develop an EMS, how to develop an EMS, costs and benefits, etc.

(2) ESHMS Implementation Guidance

([http://www.fedcenter.gov/Documents/index.cfm?id=10574&pge\\_prg\\_id=23878&pge\\_id=3454](http://www.fedcenter.gov/Documents/index.cfm?id=10574&pge_prg_id=23878&pge_id=3454)) The Hierarchical, Organization-focused Environment Safety and Health Management System (ESHMS) Implementation Guidance, prepared by the Office of the Federal Environmental

Executive (OFEE), provides templates and instructions that can be used by Federal agencies to prepare and deploy an ESHMS through sub-units, down to each facility. With appropriate modification by the user, the templates may also be used for the development of a system that addresses environment only (i.e., EMS) or for a system that is implemented at only one level of the organization (e.g., facility). Appendices A and B of this guidance provide a relevant list of example environmental aspects and impacts, respectively.

(3) Examples of Approaches for Proactive Communications in an EMS

[www.fedcenter.gov/Documents/index.cfm?id=8233&pge\\_prq\\_id=10005&pge\\_id=1863](http://www.fedcenter.gov/Documents/index.cfm?id=8233&pge_prq_id=10005&pge_id=1863)): The Implementing Instructions for EO 13423 require agencies to commit to proactive communications with interested parties, ideally as part of their EMS. From 2003 to 2005, the OFEE led a team that created a cross-walk identifying available guidance documents regarding environmental communications. These documents are intended to assist organizations in developing proactive communications procedures and processes using the EMS "Plan, Do, Check, Act" model.

(4) Using Lessons Learned in the Federal Electronics Challenge (FEC) Program to Integrate Electronics into Your EMS

[www.fedcenter.gov/Documents/index.cfm?id=2662&pge\\_prq\\_id=8584&pge\\_id=1863](http://www.fedcenter.gov/Documents/index.cfm?id=2662&pge_prq_id=8584&pge_id=1863)): This tool was developed to address the elements of ISO 14001 EMS Standard in the context of electronic equipment management across the lifecycle of the equipment. The tool provides resources for locating information and FEC program tools to help establish and implement an EMS, specifically the portions that concern electronic equipment management. The tool also provides equivalent activities that can "populate" an EMS and at the same time meet FEC program requirements for recognition.

(5) Contract Language for Including EMS in New Contracts

[www.fedcenter.gov/Documents/index.cfm?id=8498&pge\\_prq\\_id=22014&pge\\_id=1863](http://www.fedcenter.gov/Documents/index.cfm?id=8498&pge_prq_id=22014&pge_id=1863)): Contains proposed language for inclusion in Statements of Work for new on-site contracts.

(6) The Department of Energy (DOE) Headquarters (HQ) Facilities EMS

[www.fedcenter.gov/Documents/index.cfm?id=4039&pge\\_prq\\_id=8588&pge\\_id=1863](http://www.fedcenter.gov/Documents/index.cfm?id=4039&pge_prq_id=8588&pge_id=1863)): Dated December 2005, the scope of the DOE HQ Facilities EMS encompasses two major facilities: 1) the James Forrestal Building, 1000 Independence Avenue, Southwest, Washington, D.C., and 2) the Germantown Main Building, 19901 Germantown Road, Germantown, Maryland. This document details how the EMS process has been implemented at these facilities.

(7) A Brief Overview of EMS and ISO 14001

[www.fedcenter.gov/Bookmarks/index.cfm?id=1727&pge\\_prq\\_id=8592&pge\\_id=1863](http://www.fedcenter.gov/Bookmarks/index.cfm?id=1727&pge_prq_id=8592&pge_id=1863)): This is a senior management briefing developed by OFEE.

(8) Green Environmental Management Systems (GEMS) Guidebook

[http://vaww.ceosh.med.va.gov/01HP/02HP\\_Guidebooks/03\\_Collections/04HP\\_Environmental\\_Engineering/GEMJun2010/GEMSGuidebook2010.pdf](http://vaww.ceosh.med.va.gov/01HP/02HP_Guidebooks/03_Collections/04HP_Environmental_Engineering/GEMJun2010/GEMSGuidebook2010.pdf)): The GEMS Program represents a systematic approach to environmental management, providing a framework to weave existing environmental programs into Veterans Health Administration's (VHA) Environment of Care management processes, which enables the organization to achieve continual improvement in performance. Within the Environment of Care Program, the GEMS Guidebook will provide for environmental regulatory compliance and conformance with VHA policy and EO 13423. This is

a link to the web-based version dated June 2010. Note that this Guidebook should serve as an example of what has been done at VHA, not guidance for what shall be done at other administrations, staff offices, or facilities.

(9) Aligning NEPA Processes with EMS – A Guide for NEPA and EMS Practitioners. ([http://www.fedcenter.gov/kd/Items/actions.cfm?action=Show&item\\_id=6899&destination=ShowItem](http://www.fedcenter.gov/kd/Items/actions.cfm?action=Show&item_id=6899&destination=ShowItem)): This guide provides practitioners with a tool to improve NEPA implementation and achieve the environmental sustainability goals laid out in NEPA and Executive Order 13423. The guide provides examples of how NEPA and EMS together can help federal agencies more effectively manage their environmental responsibilities. For example, identifying environmental aspects in the development of an EMS can build on aspects identified in previous NEPA analyses. Conversely, a new NEPA analysis can consider the identified environmental aspects in an EMS when assessing potential environmental impacts of a proposed future action.

(10) Integrating Green Purchasing into your EMS. (<http://www.epa.gov/oppt/epp/pubs/grn-pur/green-pur-ems1a3a.pdf>): The goal of this report is to help Federal facilities integrate green purchasing into their EMS. The intended audience includes those tasked with implementing an EMS, reducing environmental impacts, meeting green purchasing requirements and/or buying products and services in a Federal facility.

(11) EMS Crosswalk for Underground Storage Tanks (UST). ([http://www.fedcenter.gov/kd/Items/actions.cfm?action=Show&item\\_id=9820&destination=ShowItem](http://www.fedcenter.gov/kd/Items/actions.cfm?action=Show&item_id=9820&destination=ShowItem)): This EPA document provides guidance and examples of how efforts to address UST regulatory requirements and implement best management practices for UST operations can work in concert with EMS implementation.

#### b. Web-based EMS Tools

(1) OAEM Green Management Program. This website features guidance for environmental management, along with fleet management, energy and water management, sustainable building, greenhouse gas emissions reductions, awards programs, and employee education information (<http://www.green.va.gov/>).

(2) VHA Center for Engineering & Occupational Safety and Health (CEOSH). This website is a one-stop reference, networking, and help site for environmental compliance, energy conservation, and other sustainability-related programs and information (<http://vaww.ceosh.med.va.gov>).

(3) EPA's FedCenter. The FedCenter website contains a wealth of environmental management systems ([www.fedcenter.gov/](http://www.fedcenter.gov/)).

## 5. REFERENCES

#### a. Environmental Laws and Regulations

There are a multitude of environmental regulations and requirements that apply to facilities, operations, and locations within VA. A complete listing of all the applicable environmental regulations is too expansive to enumerate here. Federal laws and regulations are available through web-based resources such as Government Printing Office (GPO) Access, <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>. Most environmental-

related regulations will be found in the Code of Federal Regulations, Title 29, Labor; Title 40, Protection of the Environment; and Title 49, Transportation. Hardcopy is available from the GPO. State and local regulations are typically available through state and local environmental agencies.

b. Executive Orders

The executive orders with significant implications to environmental management in effect at the time this handbook was drafted are EO 13423 and EO 13514. A complete list of all environmental EOs can be found through the National Archives accessible at: <http://www.archives.gov/federal-register/executive-orders/disposition.html>.

Instructions for Implementing EO 13423: Strengthening Federal Environmental, Energy, and Transportation Management

([http://www.fedcenter.gov/Documents/index.cfm?id=6825&prg\\_id=20683&pge\\_id=3286](http://www.fedcenter.gov/Documents/index.cfm?id=6825&prg_id=20683&pge_id=3286)):

In accordance with Section 4(b) of EO 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," implementing instructions have been issued to Federal agencies to provide detail and direction in how to fulfill the EO goals and requirements. Section 8 of these instructions is specific to pollution prevention. These instructions are dated March 29, 2007.

c. VA Environmental Directive

VA Directive 0057, Environmental Management Program, establishes VA environmental policies. Its purpose is to set forth a comprehensive Department-wide environmental management policy to comply with Federal mandates and achieve internal goals. It is intended to provide direction to Administrations and staff offices developing and administering their specific environmental programs. The directive establishes policy in the areas of environmental compliance, green purchasing, chemicals management and pollution prevention, electronics stewardship, waste prevention and recycling, and environmental management systems. It also includes reporting requirements and roles and responsibilities.

d. International Standard Organization (ISO) 14001, 2004 Ed, Environmental Management Systems

The ISO 14001, 2004 Ed Environmental Management Systems standard exists to help organizations (a) minimize how their operations (processes etc.) negatively affect the environment (i.e. cause adverse changes to air, water, or land); (b) comply with applicable laws, regulations, and other environmentally oriented requirements, and (c) continually improve their operations.

## 6. DEFINITIONS

a. **Appropriate Facility or Organization.** Any administration or staff office facility, site, multiple-site/facility, or organization that can have a significant impact on the environment (directly or indirectly, individually or cumulatively) due to the operations of that facility's or organization's mission, processes, or functions.

b. **Declaration of Conformance.** A process an organization uses to affirm that its EMS is in conformance with its defined elements. An EMS may be considered fully implemented and in full conformance when the conditions specified in Appendix B have been met.

c. **Environmental Aspects.** Elements of administration or staff office facility activities, products, or services that interact, or may interact, with the environment.

d. **Environmental Impact.** Any change (complete or partial) to the environment, whether adverse or beneficial, resulting from an administration's or staff office's functional mission or activities.

e. **EMS.** A set of processes and practices that enables an organization to increase its operating efficiency, continually improve its overall environmental performance, and better manage and reduce its environmental impacts. This includes impacts due to those environmental aspects related to energy and transportation functions. EMS implementation shall reflect the International Organization for Standardization (ISO) 14001:2004(E) International Standard, which incorporates accepted quality management principles based on the "Plan, Do, Check, Act" methodology – a standard process to identify and prioritize current activities, establish goals, implement plans to meet the goals, evaluate progress, and make improvements to ensure continual improvement.

f. **EMS Policy Statement.** A statement of an Administration's or staff office's commitment to its EMS that includes a policy appropriate to nature, scale, and environmental impacts of its activities, products, and services; a commitment to continual improvement; a commitment to prevention of pollution; and a commitment to comply with environmental legislation, regulations, executive orders, and organization requirements. The policy should be documented, implemented, maintained, communicated to all employees, made available to the public, and signed by a representative of the most senior management within the defined facility or organizational scope of the EMS.

g. **Facility.** Any building, installation, structure, land, and real property that is owned or operated by, or constructed or manufactured and leased to, an administration or staff office. This term includes a group of facilities at a single or multiple location(s) managed as an integrated operation, as well as government-owned contractor-operated facilities.

h. **Facility EMS.** This is the traditional facility-level or site-level EMS (the lowest level). The scope is typically defined by a single organization, with its activities defined by a discreet "fence-line."

i. **Higher-Tier EMS.** The scope of a higher-tier EMS does not necessarily encompass all of the elements of the lowest level (i.e., the field facilities or field-level multisite organizations) under it, just those best addressed and/or implemented at the higher level of the organization.

j. **Multi-Site EMS.** The scope of this EMS is an organization that has multiple facilities or operating units or subordinate organizations. The key attribute for a multi-site EMS is that the environmental aspects of all the activities, products and services of all the units are managed as part of a single EMS. This is due to the organization having a defined central function at which certain activities are planned, controlled and managed, and a network of local offices, branches or locations at which such standardized activities are fully or partially carried out. Functionally, this EMS must still reach workers at all of the facilities, units, and subordinate

organizations and the activities, products, and services performed and provided by the organization.

k. **Sustainable.** Pertaining to the implementation and maintenance of conditions under which humans and nature can exist in productive harmony, permitting the fulfillment of social, economic, and other requirements of present and future generations of Americans.



**Guidance on Implementing Environmental Management Systems  
“At All Appropriate Organizational Levels” of a Federal Agency  
pursuant to Executive Order 13423  
October 31, 2008**

**1. Purpose of This Guidance**

This document is provided as guidance to assist federal agencies in meeting the Executive Order (E.O.) 13423 *Strengthening Federal Environmental, Energy, and Transportation Management* requirement to implement an environmental management system (EMS) at all appropriate organizational levels. This document does *not* provide policy, either new or interpretive.

Executive Order (E.O.) 13423 and the E.O. 13423 Implementing Instructions issued by the Chairman of the Council on Environmental Quality (*Instructions*) require that:

“each [federal] agency shall, at all appropriate organizational levels, including agency, sub-agency, bureau, service, command, and/or facility, develop, implement, and maintain an environmental management system (EMS) to be used to identify and address agency environmental, transportation, and energy issues.”

– CEQ *Instructions*, pp 6-7

This guidance is provided to assist federal agencies in:

- identifying how they manage their environmental responsibilities throughout their agency, and
- determining at what level or levels of their agency it is appropriate to implement an EMS or EMSs.

**2. Managing Federal Agency Environmental Responsibilities**

Federal agencies manage their environmental responsibilities at multiple levels. These levels generally include:

- Highest level: federal agency or department headquarters-level (the cabinet-level or other top management level);
- Middle level(s): bureaus, services, commands, administrations, or other sub-agency organizations (there may be more than one level here); and
- Lowest level: field facilities or field-level organizations.

At the highest level, a federal agency headquarters has some inherent environmental management responsibilities relative to implementation of E.O. 13423. These responsibilities include:

- establish agency-wide policies;
- establish agency-wide objectives and targets (e.g., environment, energy, fleet);
- communicate how the agency is organized and managed on a day-by-day basis including identification of responsibility for addressing objectives and targets;

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- ensure accountability for environmental management, and establish performance measures;
- establish reporting mechanisms that promote accountability for environmental management and measures performance;
- collect, analyze and report agency-wide performance information;
- establish a process to ensure that all agency EMSs are in conformance with E.O. 13423.

The agency headquarters may also choose to provide procedural guidance (model procedures, templates, spreadsheets), or establish agency-wide management programs to address certain environmental aspects, such as environmental aspects of energy use, acquisition and procurement, and fleet, facilities, and electronics management.

At the middle level(s) between the highest and lowest levels, the bureaus, services, commands, administrations, or other sub-agency organizations also assume roles in managing the environmental responsibilities of the agency. The middle level(s) should adopt or make reference to agency requirements, and may also:

- establish environmental policy for the sub-agency, within the agency-wide policy,
- establish sub-agency objectives and targets to address agency-wide objectives and targets,
- address its unique set of significant environmental aspects,
- establish procedures for the sub-agency organization
- allocate resources necessary to ensure EMS implementation and successful pursuit of objectives and targets, and
- collect, analyze, and report sub-agency performance information.

There may be more than one tier of such “sub-agency” management organizations.

The bureau, service, command, administration, or other sub-agency organization may also choose to provide guidance (model procedures, training, templates, spreadsheets), or to establish sub-agency management programs to address certain environmental aspects.

At the lowest level, field facilities or field-level organizations are where most agency activities are performed, products are created, and services are provided. The lowest level should adopt or make reference to higher level requirements, and may, for its specific circumstances, also:

- establish environmental policy for the facility or field level organization, within the agency-wide policy and that of any applicable middle level(s);
- identify environmental aspects of its activities (including energy and fleet);
- identify legal and other requirements applicable to that organization’s aspects;
- establish environmental objectives and targets;
- implement environmental programs to achieve those objectives and targets;

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- implement operational controls for activities which could cause significant environmental impacts;
- provide training to employees whose activities could cause significant environmental impacts;
- conduct internal audits of the EMS; and
- conduct annual reviews with top management (at that level) to ensure the continuing adequacy, suitability, and effectiveness of the EMS.

As an agency examines the levels at which management functions are best-accomplished and where implementation of an EMS would be appropriate, there are several factors and issues to consider. The following list provides examples of questions that an agency can use to consider in determining the levels at which management functions are best-accomplished. (These may be different for different agencies, and may be different for different bureaus, services, or commands within the same agency.)

- How are other management functions, such as budget or strategic planning, carried out? Are they centralized? Decentralized?
- Are operations and activities somewhat standardized and uniform throughout the agency or sub-organization?
- Does the agency or any of its sub-agencies have facilities with significant environmental aspects with on-site staff?
- Does the agency or any of its sub-agencies have many facilities conducting similar activities?
- At what level(s) do significant environmental aspects occur?
- At what level(s) are significant environmental aspects controlled (including budget and resource allocation and operational decisions)?
- Are some environmental aspects of functions managed at different levels than others (e.g., hazardous chemicals, fleet management, and building design and construction)?
- What level(s) is (are) most appropriate for providing guidance?
- What level(s) would benefit from established, common procedures?
- What level(s) are appropriate to establish such common procedures?
- What are opportunities for economies of scale and to reduce duplication of effort, and at what level(s) do those opportunities exist?
- What actions can be taken, and at which level(s), to best ensure ownership of the EMS at the operational level?

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### 3. Appropriate Organizational Levels for EMS

E.O. 13423 requires federal agencies to implement EMSs “at all appropriate organizational levels.” To meet this requirement, federal agencies must examine how the EMS process can be used to better manage their environmental responsibilities and compare it to how environmental responsibilities are currently managed. That examination includes identifying and focusing on the functions of organizational levels above the “appropriate facility” level(s) specified in E.O. 13148. That examination is intended to identify any gaps in their agency-wide system for managing environment responsibilities and identify ways to improve the efficiency and effectiveness of the EMSs they implemented previously. Results of that effort may indicate a need to implement an EMS or EMSs at the higher or middle levels of the agency.

The purpose of implementing EMSs at organizational level(s) higher than those at which EMSs were established under E.O. 13148 would generally be to document and address environmental functions that are performed at those higher organizational levels. Such EMS’s would then simply *overarch* but not replace any of those lower level EMSs. Please see Section 4, *EMS Typology*, below, for additional guidance on EMS structuring.

Higher-level organizational EMSs, may better align environmental policies and goals throughout an agency. They also provide opportunities to realize economies of scale such as developing and providing training, tools, and templates for one or more higher organizational levels, instead of independently developing those materials for each EMS. For example, EMS procedures can be centrally-developed and provided to lower level EMSs to tailor for their own specific needs, as can training for the leadership, policy, general awareness, and environmental management representative elements of the EMS. Agencies can also choose to standardize nomenclature to help foster a better and more common understanding of the environmental risks associated with its activities, products, and services and those of its contractors and concessionaires.

The CEQ *Instructions* provide criteria for an agency to use in deciding what level(s) are appropriate to implement EMSs. The criteria focus on identifying the level(s) of an agency at which:

Where an agency’s environmental issues, including the goals identified in section 2 of the E.O., are *best addressed in management of the operational elements of its facilities or organizations*, and/or where pursuit of sustainable practices is *best carried out at the facility or organizational level*,”  
[then] the agency shall ensure that all appropriate facilities or organizations develop, implement, and maintain an EMS.

“Where an agency’s environmental issues, including the goals identified in the E.O., are primarily represented in the *administrative, decision-making, and/or*

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*business infrastructure actions* of that agency or its component organizations, and/or where pursuit of sustainable practices is *best carried out at the agency or component level*, [then] the agency shall develop, implement, and maintain an EMS at that level to respond to those issues and opportunities.”

“Where appropriate, agencies may develop, implement, and maintain an EMS at both the organizational or facility level and at the agency or component level.”

–CEQ *Instructions*, p 7 [italics and indents added]

As the last sentence above indicates, an agency may find it appropriate to develop EMSs at the facility level and at higher organizational levels, even at the highest level, the agency. In the end, it is each Federal agency that, based upon its missions and needs, determines the level or levels at which it will establish its EMSs.

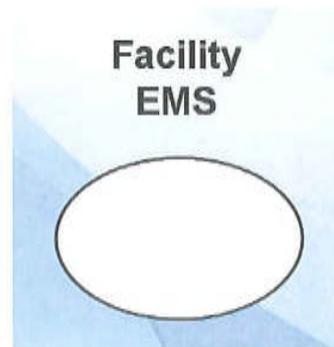
**4. EMS Typology**

This guidance identifies and describes three basic, generic types of the environmental management system. These types provide a consistent conceptual framework, and consistent terminology, to support an agency's analysis of the appropriate level(s) of the organization to implement EMS(s). The intent is to provide flexibility across the federal sector for agencies to establish and implement EMSs, and to follow the fundamental ISO 14001 approach of implementing EMS within any form of an “organization,” rather than to prescribe a rigid box or redefine that approach.

The typology set out below is intended to encompass both existing EMSs and new and/or additional EMSs that might be used to fill the gaps in an agency’s overall management system.

**Facility EMS:**

This is the traditional facility-level or site-level EMS. The scope is typically defined by a single organization, with its activities defined by a discrete “fence-line.” In ISO 14001 terms, the “organization” covered is located at a single site. Under E.O. 13148 this was known as an “appropriate facility” EMS. However, under E.O. 13423, this could also be a headquarters facility EMS where headquarters personnel work and the focus of the EMS is on the headquarters facility operations, as opposed to the headquarters programmatic (e.g., policy-making or resource allocation) authorities.



**Guidance on Implementing Environmental Management Systems  
 “At All Appropriate Organizational Levels” of a Federal Agency  
 pursuant to Executive Order 13423  
 October 31, 2008**

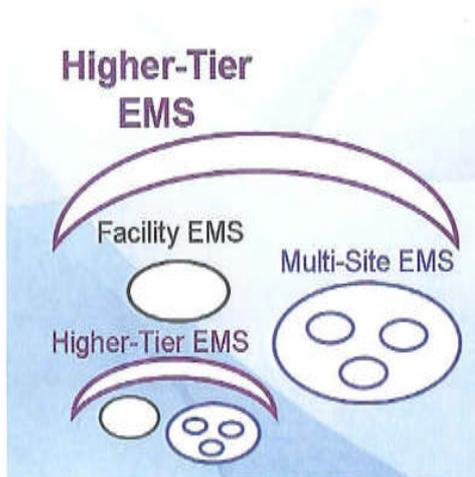
**Multi-Site Organization EMS:**

The scope of this EMS is an organization that has multiple facilities or operating units or subordinate organizations. (Individually they may or may not each have been considered to be an *appropriate facility* under E.O. 13148.) The key attribute for a Multi-Site Organization EMS is that the environmental aspects of all the activities, products and services of all the units are managed as part of a single EMS. This is due to the organization having a defined central function at which certain activities are planned controlled and managed, and a network of local offices, branches or locations at which such standardized activities are fully or partially carried out. Functionally, this EMS must still reach workers at all of the facilities, units, subordinate organizations, and the activities, products, and services performed and provided by the organization.



**Higher-Tier EMS:**

In this typology, the lowest level (i.e., the field facilities or field-level multi-site organizations) maintain their own EMSs. However, an additional Higher-Tier EMS is created to address issues which are best addressed at that higher level, which can be either a middle level or the highest level of the agency. The scope of the Higher-Tier EMS does not necessarily encompass all of the EMS elements of the lowest level under it, just those best addressed and/or implemented at that higher level of the organization. Note that a Higher-Tier EMS can overarch another Higher-Tier EMS.



To summarize, this Typology describes three basic, generic types of management systems that together can be used to depict the architecture for how an agency’s EMSs and EMS responsibilities will be deployed throughout their agency.

APPENDIX B

CLARIFICATION OF DECLARATION OF CONFORMANCE REQUIREMENTS IN  
INSTRUCTIONS TO EXECUTIVE ORDER 13423

January 15, 2008

**Issue:** The language in the Declaration of Conformance provision in EO 13423 has raised questions about what is necessary to fulfill the requirements of that section. The section states:

*C. Declaration of Conformance*

*(1) Full implementation. For the purpose of conformance to EO 13423, an EMS shall be considered fully implemented when (1) it has been the subject of a formal audit by a qualified party outside the control or scope of the EMS, (2) audit findings have been recognized by the appropriate level of the agency implementing the EMS, and (3) the appropriate senior manager accountable for implementation of the EMS has declared conformance to EMS requirements.*

**Discussion:** The goal of the declaration of conformance requirement in EO 13423 is to ensure that declarations of conformance in implementing the EMS requirements of the EO are based on credible evidence and findings regarding proper development and effective implementation of an EMS and that individuals declaring conformance are accountable for that statement. Under EO 13423, each EMS must reflect the ISO 14001:2004(e) EMS Standard and any declaration of conformance must be consistent with the EO requirements. The need for credibility and accountability remains, and EO 13423 responds to that need in the requirement for declaration of conformance once full implementation has occurred.<sup>1</sup>

As of January 1, 2009, any Federal facility or organization stating that it has “declared conformance with” EO 13423 must have met the requirements for that declaration set forth in the EO 13423 Instruction. Declarations made under EO 13148 do not meet the requirements of EO 13423.

The purpose of this issue paper is to clarify the terms used in the EO 13423 Instruction relative to declaration of conformance and outline some of the principles that apply to a declaration of conformance under the EO.

**Clarification of terms:**

**Formal audit:** A formal audit is one that follows generally accepted practices for EMS audits and has the following critical elements: 1) an audit plan that reflects the scope and schedule of the audit; 2) a review of background documents prior to the actual site visit including review of the EMS policy statement and relevant planning documents such as the list of significant

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<sup>1</sup> It is important to note that declaration of conformance indicates that the EMS has been successfully developed and implemented. A fully implemented EMS must be maintained and improved on a continuing basis, and agencies may elect to require additional declarations based on periodic audits required by the EO. If an EMS is no longer actively being implemented, then the facility or organization is no longer in conformance.

aspects, objectives, and targets and environmental management plans; 3) a physical audit of the facility or organization to determine **conformance** with the Standard, **consistency** between the elements of the EMS as they are implemented within the facility or organization, and **continual improvement** of the EMS; 4) preparation of an audit report which outlines findings from the audit; and, 5) an out-briefing with senior managers from the facility or organization conveying the findings of the audit.

**Qualified party:** Those conducting the audit should be competent and have the proper and relevant skills to carry out that task. They should have a working knowledge and understanding of both the ISO 14001:2004(e) EMS Standard and general management system auditing methodologies and techniques. It is preferable that the auditor(s) have an education or background that reflects general environmental science and technology relevant to the facility or organization to be audited as well as knowledge of regulatory and legal requirements that might apply to the facility or organization to be audited. It is appropriate and, in many cases, recommended that the audit be conducted by a team of individuals who collectively possess the appropriate skills and knowledge. While not required, formal ISO 14001 Lead Auditor Training and general auditing skills training are recommended for those conducting EMS audits at Federal facilities or organizations.

**Outside the control or scope of the EMS:** To ensure that the audit is independent and objective, those conducting the audit should not have been involved in the development of the facility or organization EMS or day-to-day implementation of that EMS. Likewise, the auditors should neither otherwise work in the facility or organization where the EMS is implemented nor have any direct responsibility associated with the EMS being reviewed. In other words, ISO 14001 requires that the scope of the EMS be defined, with those personnel included in that scope not being considered independent.

The purpose of a formal audit by a qualified auditor outside the scope or control of the EMS is to allow an unbiased and objective review of the EMS to determine whether or not it conforms to the appropriate/selected EMS framework and reflects the EMS in question. These audits may be conducted by the same organization as the parent organization of the EMS in question. For example, a qualified agency headquarters audit team may review the EMS of a facility or organization within that agency, or qualified auditors from one facility from a given agency may audit the EMS of another facility within that agency. Others outside the control or scope of the EMS may include a qualified consultant/contractor or some other qualified unbiased party such as individuals from a state or federal voluntary program or from another federal organization.

If a facility or organization has not had the opportunity to have the audit conducted by an auditor outside the scope of the EMS because of lack of funds, the facility or organization may wish to state that the system has been internally audited and findings shared with management as an indication of progress, but they cannot formally declare conformance until the external audit has been conducted and recognized at the appropriate level of the agency implementing the EMS.

**Findings have been recognized at the appropriate level of the agency implementing the EMS:** This step indicates that the EMS has been through at least one full cycle of implementation, and information on whether the EMS is *suitable*, *adequate*, and *effective* has been presented to senior management for their consideration and action. In order for the EMS

process to be effective and worthwhile, the findings from the formal audit must be presented to senior decision makers with authority over policy and resources within the EMS **AND**, in order to address the findings and affirm their EMS policy commitment to continual improvement, those individuals must follow through on recommendations.

Declaration of conformance should also reflect the severity of the non-conformances. Although an EMS can be considered conformant even with some minor non-conformances, it is necessary that corrective actions be defined and planned, and that senior management commit to these actions. Major findings, such as systemic problems with an element(s) or completely missing an element(s), will lead to the system being non-conformant, and conformity with the EO should not be formally declared. A trained auditor can distinguish between major and minor non-conformances. Minor non-conformances would not hinder formal declaration as long as corrective action is defined, planned, and endorsed (i.e., “recognized”) by senior management.

**Appropriate senior manager accountable for implementation of the EMS has declared conformance to EMS requirements:** Once the findings from the audit have been “recognized at the appropriate level,” the senior manager responsible for the EMS should declare conformance with the EO by stating that the facility or organization has implemented an EMS consistent with the goal established by EO 13423 to implement an EMS at appropriate organizational levels. The declaration may take the form of a signed statement or letter affirming that the EMS has been properly developed and implemented. Facilities and organizations should strongly consider making such declarations available to the public.

### ***Conclusion***

It is important to remember the goal of an audit is to ensure that 1) the EMS is being implemented in accordance with the ISO EMS Standard; 2) implementation of the EMS is consistent across all elements of the Standard; and 3) opportunities for improvement of the EMS are identified and pursued. The audit is a management tool that provides the information necessary to correct problems and find opportunities for continual improvement. Likewise, the conformance declaration process ensures that those representing the EMS as being in conformance with the goals of the EO have adequate basis to publicly support that statement and are accountable for that statement. Our credibility as public servants relies on the robustness of this declaration.