DEPARTMENTAL MANUAL

TRANSMITTAL SHEET

PART	SUBJECT	RELEASE NUMBER
515 DM 4	ENVIRONMENTAL QUALITY PROGRAMS	3811
FOR FURTHER INFORMATION, CONTACT Office of Environmental Policy and Compliance	Environmental Management Environmental Management Systems	DATE AUG 13 2008

EXPLANATION OF MATERIAL TRANSMITTED:

This Departmental Manual release, 515 DM 4, updates Departmental policy, responsibilities, and functions on environmental management systems to be conducted on Departmental lands, facilities, operations, and services. On January 24, 2007, the President signed Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management" that replaced Executive Order 13148, "Greening the Government through Leadership in Environmental Management" issued on April 26, 2000. Executive Order 13423 reinforces the requirement for more widespread use of environmental management systems as the framework in which to manage and continually improve sustainable practices. The updated chapter reflects the principles of EO 13423.

James E Cason

Associate Deputy Secretary

FILING INSTRUCTIONS:

Remove:	Insert:
515 DM 4 (2 sheets)	515 DM 4 (3 sheets)

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Part 515: Environmental Management
Chapter 4: Environmental Management Systems

Originating Office: Office of Environmental Policy and Compliance

515 DM 4

4.1 **Purpose**. This chapter sets forth Departmental policy, responsibilities, and functions for implementing environmental management systems (EMS) as a means to promote environmental compliance and sound environmental stewardship throughout the Department.

4.2 **Scope**. The responsibilities and requirements for implementing an EMS as specified in this chapter apply to all bureaus and offices. Bureaus and offices may structure their respective EMS in accordance with Section 4.5 to meet their missions.

4.3 **Authorities**. Executive Order (EO) 13423, "*Strengthening Federal Environmental, Energy, and Transportation Management*," January 26, 2007; and Council on Environmental Quality (CEQ) *Implementing Instructions and Requirements for EO 13423*, March 29, 2007. EO 13423 reinforces the requirement for more widespread use of EMS as the framework to use in planning to prevent pollution, manage environmental compliance, and to continually improve sustainable practices. The CEQ Implementing Instructions and Requirements for EO 13423 directs Federal agencies to implement EMS at all appropriate organizational levels and to ensure the use of an EMS as the primary management approach to address environmental impacts of internal agency operations and activities.

4.4 **Definitions**. For purposes of this chapter, the following definitions shall apply:

A. Appropriate Facility or Organization. Any Federal facility or organization that is subject to compliance with environmental regulation or conducts activities that can have a significant impact on the environment, either directly or indirectly, individually or cumulatively, due to the operations of that facility's or organization's mission, processes, or functions.

B. Environmental Aspect. An element of a bureau or office activity, operation, product, or service that does or could create an environmental impact.

C. Environmental Impact. Any change to the environment, whether adverse or beneficial, resulting from a bureau or office activity, operation, product, or service wholly or partially resulting from bureau or office environmental aspects.

D. Environmental Objective. An overall environmental goal, consistent with the environmental policy and mission, that a bureau or office commits to achieve.

E. Environmental Management Systems. An EMS is a planning tool that helps an organization achieve its environmental compliance obligations and broaden its environmental performance goals, by properly managing its operations and activities. It is not a stand-alone environmental program or a data management program, but links existing and new organizational responsibilities, programs, and activities. The EMS model of "Plan, Do, Check, Act," reflects accepted quality management principles and provides rigor to existing operations and programs to further ensure continual improvement, as found in the ISO 14001:2004(E) standard. The true benefit of the EMS model is that it ensures existing or new programs closely link an organization's environmental and energy footprint with legal and other requirements. Activities include planning, training, monitoring and measuring, and reporting. In addition, senior management plays an active role in evaluating status and progress and making decisions towards continual improvement. An EMS does not guarantee environmental compliance, but it provides the framework and tools to achieve and sustain compliance, thereby reducing liability.

F. Facility. Any building, installation, structure, land, and other property owned or operated by, or constructed or manufactured and leased to, the Federal Government. This term includes a group of facilities at a single or multiple locations(s) managed as an integrated operation, as well as government-owned contractor-operated facilities.

G. Qualified Independent Auditor. An auditor who is outside the control of or scope of the facility or organizational EMS to be audited. Bureaus and offices will be responsible for determining the minimum qualifications for the independent auditors they utilize.

H. Sustainability. Means to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations of Americans.

I. Sustainable Practices. Actions contributing to sustainability such as but not limited to environmental purchasing, resource conservation, pollution prevention, toxics reduction, practices to reduce or control emissions of greenhouse gases, electronic and other product stewardship, sustainable construction and buildings, water and energy conservation, renewable energy and resources, and recycling.

4.5 **Policy**. All bureaus and offices will, at all appropriate organizational levels and/or facilities, develop, implement, and maintain an EMS. An EMS serves as the management framework under which bureaus and offices and their appropriate organizational levels and/or facilities identify, manage, and improve environmental performance including compliance, and sustainable practices. Bureaus and offices may determine and select the type of EMS best suited for their missions; however, an EMS must reflect the elements and framework equivalent to those found in the ISO 14001:2004(E) standard. Bureaus and offices will, where appropriate, and at all appropriate organizational levels and/or facilities, include in EMS objectives, the goals as identified in Section 2 of EO 13423. Each bureau or office must define and identify the appropriate organizational levels and/or facilities where EMS will be developed, implemented,

and maintained in accordance with this chapter. Bureaus and offices must have documented procedures to systematically and objectively determine appropriate organizational levels and/or facilities based on variables such as scope, span of control or influence, functions, operations, and services.

4.6 **Accountability and Responsibilities**.

A. Office of the Solicitor. The Office of the Solicitor is responsible for providing legal review and guidance in implementing and complying with 515 DM 4.

B. Assistant Secretary - Policy, Management and Budget. The Assistant Secretary - Policy, Management and Budget is responsible for policy and oversight of Departmental compliance with 515 DM 4.

C. Program Assistant Secretaries. Program Assistant Secretaries are responsible for ensuring adequate program support, resources, and funding for the development and implementation of EMS.

D. Office of Environmental Policy and Compliance. The Office of Environmental Policy and Compliance is responsible for overseeing, producing, and coordinating policy guidance and instructions to implement 515 DM 4.

E. The Department's EMS Council. The EMS Council is authorized under Environmental Compliance Memorandum 03-02, dated February 3, 2003, and consists of representatives from bureaus and offices. It is chaired by the Office of Environmental Policy and Compliance and assists in the implementation of the policy in this chapter.

F. Heads of Bureaus and Offices. Heads of bureaus and offices have primary responsibility for implementing and executing EMS in accordance with the policy in this chapter. Heads of bureaus and offices will ensure that resources and funding are identified and requested in their budgets for environmental compliance and the implementation of EMS programs. They must ensure that the requirements in this chapter are communicated to all management levels and that the requirements are reflected in their programs. They must also determine appropriate organizational levels and/or facilities for EMS implementation. They must ensure that the EMS program as a whole is reviewed and updated at least annually. Heads of bureaus and offices must appoint a senior leadership official who is responsible for all matters pertaining to implementation of EMS as well as the provisions of EO 13423 and the CEQ Implementing Instructions and Requirements for EO 13423.

G. Managers of Appropriate Organizational Levels and/or Facilities. It is the responsibility of managers of appropriate organizational levels and/or facilities as determined in Section 4.5 (e.g., headquarters/ region/ area/ field office managers, district managers, refuge/hatchery managers, park superintendents) to ensure that an EMS is implemented at their appropriate organizational level and/or facility. Also, managers of appropriate organizational levels and/or facilities are responsible for review and confirmation of the Declaration of Conformance as specified in Section 4.8 of this chapter.

4.7 **Compliance**. Compliance is a key function of EMS. Where EMS exists at the appropriate organizational level and/or facility, environmental compliance reviews and audits, along with the elements of any environmental compliance management plan, will be incorporated into an EMS. However, when no EMS exists, bureaus and offices must develop and implement environmental compliance management plans as defined in Section III of the CEQ Implementing Instructions and Requirements for E.O. 13423.

4.8 **Declaration of Conformance**. A declaration of conformance indicates that the EMS has been successfully developed and implemented. The goal is to ensure that EMS implementation requirements under EO 13423 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. A fully implemented EMS must be maintained and improved on a continuing basis. If an EMS is no longer actively being implemented, then the facility or organization is no longer in conformance.

A. For the purpose of conformance to E.O. 13423, the EMS will be considered fully implemented upon completion of all of the following steps:

(1) The EMS has been the subject of a formal audit performed by a qualified independent auditor outside the scope or control of the EMS.

(2) Each audit finding has been identified and acknowledged along with a corrective action plan established by the appropriate managers of organizational levels and/or facilities responsible for implementation of the EMS.

(3) The appropriate managers of organizational levels and/or facilities responsible for implementation of the EMS has formally declared in writing conformance with all EMS requirements listed in Section 4.5 of this Departmental Manual Chapter, and Section II of the CEQ Implementing Instructions and Requirements for E.O. 13423.

B. Once conformance is declared, the EMS must be audited by a qualified independent auditor at least every three years from the date of the initial declaration. Conformance declarations will be reviewed and reaffirmed annually by the manager responsible for the implementation of EMS at each appropriate organizational level and/or facility to confirm that an EMS is fully implemented and functional.

4.9 **Tenant, Contractor, and Concession Activities.**

A. Where tenant, contractor, and concession activities affect bureau or office environmental aspects or sustainable practices of its operations, those activities will be addressed in the development, implementation, and maintenance of the EMS at the appropriate organizational level and/or facility.

B. Where bureau or office units are located as tenants within a General Services Administration (GSA) owned facility, the bureau or office will address coordination with the

GSA as appropriate to control significant environmental aspects and further sustainable practices in support of the goals of EO 13423.

4.10 **Training**. Each bureau and office must ensure that personnel (including contractors and concession operators) who are responsible for, or who impact the environmental, receive the appropriate level of EMS training, as determined by the bureau or office, as well as any necessary refresher training on the goals of EO 13423.

4.11 **EMS Implementation.**

A. Bureaus and offices that previously identified "appropriate facilities," under the former EO 13148, "Greening the Government through Leadership in Environmental Management," and were underway with EMS implementation, shall ensure that their EMS is fully implemented and maintained in accordance with the provisions of Section II of the CEQ Implementing Instructions and Requirements for EO 13423. Any revision to EMS implementation for previously identified appropriate facilities requires the head of the bureau or office to submit an updated plan and schedule for EMS implementation to the Director, Office of Environmental Policy and Compliance, for review and approval.

B. Heads of bureaus and offices that had not identified "appropriate facilities" as described above shall ensure their EMS is fully implemented according to a plan and schedule submitted by the head of the bureau or office to the Director, Office of Environmental Policy and Compliance, for review and approval. The Director, Office of Environmental Policy and Compliance will then consult with the Office of the Federal Environmental Executive on any changes to schedules.

4.12 **Performance Measures and Reporting**. Bureau and office EMS implementation will be measured through the Office of Management and Budget Environmental Stewardship Scorecard, the Department's internal management review process, and the agency EMS report, requested annually by the Office of the Federal Environmental Executive and the Environmental Protection Agency.