



# **DOC Environmental Management System (EMS) Annual Review**

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**December 6, 2011**



## Topics

- Background
- EMS program basic requirements & status
- Audit findings
- Environmental compliance status
- New legal requirements
- External communications (reporting)



# Background

- DOC organizational EMS established in 2010
  - Policy statement signed on December 9, 2010
  - Department conformance declared on December 13, 2010
- NIST and NOAA have subordinate EMS programs that report progress annually via the FedCenter website
  - FY11 review by NOAA in progress, NIST complete



## Key EMS Program Requirements

- Establish & annually review environmental policy – complete
- Define/review EMS responsibilities – complete
- Annual management review – this briefing is the summary of the review
- Establish objectives and targets – complete; update in progress
- Track & manage environmental compliance – in progress
  - Need to procure and implement iEHS (environmental reporting system)
  - Need Bureaus to conduct facility compliance assessments
- Ensure availability of resources – ongoing challenge
- EMS audit & corrective actions – in progress



## Previous Mgmt Review: Follow-Up Actions

- Establish a DOC-HQ EMS Executive Steering Committee
  - Complete: Established Aug 2011
- Publish Energy & Environmental Management Manual (E&EMM) & DAO
  - In progress
    - DAO: Lacking NOAA concurrence only; expected completion date: December 2011
    - E&EMM: All chapters drafted and under Bureau review; expected completion date: March 2012
- Track Bureau regulatory compliance
  - In progress: NOAA leading iEHS procurement for Department



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## **Findings from FY 11 Audit**



# Adequate Resources

- Requirement: “Management shall ensure the availability of resources to establish, implement, maintain, & improve the EMS”
  - \$125K (recurring) for environmental compliance tracking and reporting. Funded by OAS in FY 11, requested but unfunded in FY11/12 and out years
  - \$100K (recurring), requested but unfunded in FY11/12 and out years:
    - \$30K - Third party audits
    - \$30K – Training modules/courses
    - \$20K – Bureau level EMS program assessments
    - \$20K – EMS implementation guide/technical manual for Bureaus
- Audit Finding: “Adequate financial resources have not been allocated in order to achieve a successful EMS”
- Planned Action: Resubmit budget increase request
- Risk: EMS non-conformance status at end of FY12



# Objectives and Targets

- Requirement: Establish objectives and targets based on Commerce's most significant environmental impacts
- Status: Objectives & targets were established at August FMC meeting based on SSPP & OMB Scorecard requirements; progress is assessed through annual January report submission to OMB
- Audit Finding: Need to expand objectives to include non-SSPP goals, especially relating to environmental regulatory compliance
- Planned Actions:
  - Publish E&EMM: Draft E&EMM requires tracking and reporting of all findings of environmental non-compliance at the Bureau level
  - Update objectives and targets to include regulatory oversight and non-compliance reporting



# Communication of Legal Requirements

- Requirement: Identify and communicate applicable legal & other requirements to Bureaus
- Status: Draft E&EMM identifies federal legal requirements applicable to all Bureau facilities and operations
- Audit Finding: Department lacks a simple, comprehensive list or matrix of legal requirements related to activities (e.g. if you do X, you must comply with Y); E&EMM lacks detail on state laws and regulations
- Planned Action: Update the draft E&EMM to include a matrix that indicates applicable federal regulations to Bureaus' facilities/operations at a glance



# Visibility of New Legal Requirements

- Requirement: Keep abreast of updates to relevant environmental laws and regulations
- Status: OAS/OSEEP EMS Program Manager learns of updates via several free electronic registration services and distributes these to key field personnel
- Audit Finding: This procedure is not comprehensive and may not capture all relevant updates
- Planned Action: Procure, implement, and maintain Environmental Compliance Tracking Tool (iEHS). Subscription to iEHS contains Federal and State supplements that drive the development of inspection checklists



# Environmental Compliance Status

- FY11 environmental compliance assessments:
  - NOAA: 6 facility audits – 0 significant findings
  - NIST: 4 program audits – 1 significant finding (HazWaste accumulation areas)
  - OS/OSBM (HCHB): 1 facility audit by the District – 0 significant findings
- Summary: No notices of violation or monetary fines in FY11
- Challenges
  - DOC has lacked a robust compliance program with guidance, reporting requirements, and an inspection schedule
  - Environmental liabilities & risks are unknown
  - Bureaus continue to experience funding constraints
- Planned actions
  - Publish E&EMM: dedicated chapter establishes a comprehensive program
  - Implement and maintain iEHS
  - Conduct and document an environmental liabilities inventory



## Key New Legal Requirements

- New compliance dates for oil pollution spill prevention, control, and countermeasures (SPCC) plan
  - All subject facilities must implement SPCC plan by November 10, 2011
  - Required to be signed by licensed Professional Engineer
- Status:
  - NOAA: completed
  - NIST: in progress
    - Gaithersburg campus: complete
    - Boulder campus: anticipated completion by March 2012
  - Census: in progress



# Key New Requirements

- Clean Water Act – Total maximum daily load established for nitrogen and phosphorus discharged to the Chesapeake Bay
  - Awaiting state guidance; no immediate action required
- EO 13514 regional and local planning implementing instructions issued September 15, 2011
  - New requirements for 2012 SSPP to demonstrate how “Principles for Sustainable Federal Location Decisions” will be incorporated into facility siting decisions
  - Will be incorporated into next Real Property Management Manual update (target date: June 2012)



## Key New Requirements, con't

- Draft Environmental Justice strategy issued by CEQ on August 4, 2011
  - OGC leading an Department-wide working group to draft and publish Departmental guidance by February 11, 2012
- Climate Change Adaptation implementing guidance issued by CEQ on March 4, 2011
  - Implementation in progress. High level vulnerability assessment completed in September 2011. Next milestone is adaptation plan incorporated in June 2012 SSPP update.
- Print policy issued by the Acting Secretary on June 14, 2011
  - Implemented, tracking in progress



# External Communications

- Office of Management and Budget (OMB) Scorecard – 2011 mid-year received on August 15, 2011
- Preserve America report submitted to Advisory Council on Historic Preservation on September 30, 2011
- Government Accountability Office Renewable Energy Initiatives Data Call – exit brief completed on October 6, 2011
- Final American Recovery and Reinvestment Act report submitted to the Council on Environmental Quality on October 14, 2011
- Commerce FY 11 Strategic Sustainability Performance Plan finalized by OMB on October 25, 2011
- Annual Energy and Environmental Report– Data due from bureaus November 23, 2011; Assimilated report due to OMB by January 31, 2012



# Conclusions

- DOC made progress in FY 11:
  - Added structure to EMS (Executive Steering Committee with formal charter)
  - Drafted guidance to Bureaus (EMS chapter in E&EMM)
- Challenges:
  - DOC lacks a robust compliance program with inspections and reporting guidance
  - Environmental liabilities & risks are unknown
  - Bureaus experiencing funding constraints



## Conclusions

- Next steps:
  - Publish formal guidance (DAO, E&EMM, EMS procedures & implementation manuals)
  - Procure, implement, & maintain environmental compliance reporting system (iEHS)
  - Implement an environmental quality assessment program across all Bureaus
  - Resubmit \$225K base budget increase request
- Risk:
  - Environmental notices of violation and/or monetary fines
  - EMS non-conformance status



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## Backup Slides



# EMS Targets and Objectives

- **FY12 General:**
  - Update 5 Year Plans
  - Publish Departmental Energy and Environmental Policy (DAO and E&EMM)
  - Implement a DOC Fleet Management Information System
  - Implement a DOC Environmental Compliance Reporting System
- **SSPP goals:**
  - Pollution Prevention/Recycling/Waste Diversion (50% by 2015)
  - Green Acquisition (multiple targets, see planning table in SSPP, goal 6)
  - Electronic Stewardship (multiple targets, see planning table in SSPP, goal 7)





# OMB Scorecard & SSPP Goals

- Greenhouse Gas (GHG) Scope 1 & 2 Reduction (21% by 2020 or 1.75% per year)
- GHG Scope 3 Reduction (6% by 2020 or 0.5 per year)
- Energy Intensity Reduction (30% by 2020 or 3% per year)
- Renewable Energy Increase (5% in FY 12, 7.5% in FY 13 and beyond)
- Water Consumption Reduction (26% by 2020, 2% per year)
- Fleet Petroleum Reduction (30% by 2020, 2% per year)
- Sustainable Buildings Increase (15% by 2015, 2% per year)