

**Department of Commerce Environmental
Management System
Operating Manual
October 2011**

DRAFT

CONTENTS

Document History Log	3
1.0 Definitions.....	3
2.0 Introduction and Background	4
3.0 Scope.....	6
4.0 Procedures	6
4.1 Environmental Policy.....	6
4.2 Roles, Responsibilities, and Resources	7
4.3 Environmental Aspects, Impacts, Objectives, and Targets	15
4.4 Monitoring and Measurement	17
4.5 Legal and Other Requirements.....	21
4.6 Training	23
4.7 Internal Communication.....	24
4.8 External Communication.....	25
4.9 Document and Record Control.....	26
4.10 Internal Audits	27
4.11 Corrective and Preventive Action.....	28
4.12 Management Review	28
5.0 Acronym guide	30

DOCUMENT HISTORY LOG

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1.0 DEFINITIONS

Agency – The term agency, as used throughout this document, refers to the Department of Commerce.

Bureau or operating unit- The terms bureau and operating unit, as used throughout this document, refer to agencies, bureaus and administrations within the DOC, including the National Oceanic and Atmospheric Administration (NOAA), International Trade Administration, Bureau of Industry and Security, Economic Development Administration (EDA), Minority Business Development Administration, National Telecommunications and Information Administration, Economics and Statistics Administration, Bureau of Economic Analysis, Census Bureau, United States Patent and Trademark Office, National Institute of Standards and Technology (NIST), the National Technical Information Service, the Office of the Secretary (OS), and any successor entity.

Department or DOC – The terms “Department” and “DOC,” as used throughout this document, refer to the entire Department of Commerce, including all subunits and staff.

Environmental Aspect – Element of an organization’s activities, products, or services that can interact with the environment. Environmental aspects of our activities cause environmental impacts. For example, one environmental aspect of DOC office functions is energy consumption to heat and cool buildings. Energy consumption causes acid rain and global warming, two negative environmental impacts.

Environmental Impact - An environmental impact is any change (complete or partial) to the environment, whether adverse or beneficial, resulting from a facility's functional mission or activities.

Environmental Management System (EMS) - "Part of an organization's management system used to develop and implement its environmental policy and manage its environmental aspects." – ISO 14001:2004 standard definition

Higher-tier EMS – EMS implemented at the agency level, bureau level, or other level above the facility level; a higher-tier EMS addresses EMS issues that are best addressed at a high level.

Lower-tier EMS – EMS that falls below the higher-tier EMS; can be facility or bureau-level EMS; the EMS of any DOC subunit would be classified as lower-tier compared to the organizational EMS.

Multi-site EMS – includes multiple facilities, operating units or subordinate organizations. The key attribute of 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, such as a program office or region, having a defined central function at which certain activities are planned, controlled and managed, and a network of local offices or branches at which such standardized activities are fully or partially carried out.

Operating Unit - see *bureau*

Organizational EMS – As used throughout this document, the organizational EMS is the DOC-wide, highest-tier EMS.

Significant Environmental Aspect – an environmental aspect of an organization's activities that can cause a significant environmental impact; significance is determined subjectively.

2.0 INTRODUCTION AND BACKGROUND

This operating manual describes the procedures for implementing the Department of Commerce's (DOC's) organizational Environmental Management System (EMS), including the structure, functions, and chain of command for environmental performance reporting, as per chapter 2 of the DOC [Energy and Environmental Management Manual \(EEMM\)](#): *Environmental Management Systems (EMS)*. The EEMM is a comprehensive guide to

- 1) The Department's environmental management and compliance programs;
- 2) Compliance with environmental laws and regulations applicable to Department operations; and

3) Requirements for compliance with the Department's energy and environmental programs.

An EMS is a formalized set of management processes for maintaining environmental compliance and improving performance. Since 2005, the DOC has utilized EMSs as the framework for establishing policies, goals, and programs to reduce its environmental impacts. The DOC's EMSs support continuous improvement with a "Plan, Do, Check, Act" approach and provide the means to prioritize risk, set objectives, and integrate environmental compliance and management responsibilities into daily operations.

Executive Order (EO) 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, signed in January 2007, requires federal agencies to utilize EMS as the primary management approach for addressing the environmental aspects of internal agency operations.

In 2008, the U.S. Department of Commerce (DOC) committed to the Office of the Federal Environmental Executive (OFEE) its intention to advance sustainability practices by establishing organizational EMSs at appropriate levels, including a Department-wide organizational EMS, in coordination with the implementation of multi-site and facility-level EMSs. The DOC's organizational EMS provides the backbone for engaging management support for DOC-wide environmental performance through well-defined reporting lines and authorities that promote accountability.

In October 2009, the federal community was further challenged to address sustainability in operations with the issuance of EO 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, which includes requirements for:

- Continuation of EMS implementation and inclusion of environmental aspects in internal agency operations and activities, including environmental aspects of energy and transportation functions;
- Establishment of additional and updated agency objectives, targets, and metrics to ensure implementation of the EO; and
- Collection, analysis, and reporting of information to measure performance in the implementation of the EO.

DOC has committed to implementing EMSs across the entire organization for the management of environmental aspects associated with its activities and operations, including those related to greenhouse gas emissions, energy and water use, sustainable building design, vehicle use, chemical use, sustainable acquisition, electronics stewardship, pollution prevention, and waste elimination. DOC's organizational EMS will engage DOC organizations at appropriate levels to promote environmental stewardship and EO compliance.

DOC's organizational EMS provides the structure to manage and measure the execution of the actions and targets being documented in DOC's Strategic Sustainability Performance Plan (Strategic Sustainability Performance Plan). DOC published its first

Strategic Sustainability Performance Plan on September 14, 2010, as per the requirements of EO 13514. The Strategic Sustainability Performance Plan establishes DOC sustainability goals and supporting actions. The Strategic Sustainability Performance Plan is reviewed and updated annually.

The procedures below provide the steps, roles, responsibilities and requirements for executing and maintaining each element of DOC's higher-tier EMS.

3.0 SCOPE

The provisions of this manual apply to all Departmental facilities and operating units. The DOC organizational EMS aligns environmental policies, goals, responsibilities, and performance reporting throughout the Department. The organizational EMS is intended to provide flexibility in management approach for operating units in administering their respective systems. DOC's organizational EMS does not supersede the fully-implemented EMS of any DOC subunit, but allows subunit EMSs to be integrated into the Department's EMS schema.

DOC's organizational EMS is based on the International Organization for Standardization (ISO) 14001:2004(E) international standard but comprises only those elements of an EMS that OFEE has suggested are most effectively implemented at the highest level of the Department. These elements include: environmental policy development; objectives, targets and metrics; monitoring and measurement; and management review. Thus, in the procedures below we have summarized the ISO 14001:2004 standard requirement for each element and described any modifications to the standard requirement prescribed by OFEE, White House Council on Environmental Quality (CEQ), or EOs. This EMS has not been designed to meet every element of the ISO 14001:2004 standard. Rather, DOC has chosen to implement only those functions that provide consistency, guidance, and efficiency to improve DOC's environmental performance as a whole.

4.0 PROCEDURES

4.1 Environmental Policy

4.1.1 Purpose

The purpose of this procedure is to document the requirements for DOC's EMS policy and how the policy meets the requirements of an EMS.

4.1.2 Requirement

The ISO 14001:2004(E) standard requires "top management" to "define the organization's environmental policy." The policy must include specific commitments to continual improvement, prevention of pollution, and compliance with legal and other requirements to which the organization

subscribes; be documented and regularly updated; be communicated to all staff and contractors; and be available to the public.

OFEE's October 31, 2008 Guidance on Implementing Environmental Management Systems "At All Appropriate Organizational Levels" of a Federal Agency pursuant to Executive Order 13423 states that the EMS responsibilities of a federal agency headquarters include "*establishing agency-wide policies.*"

4.1.3 Procedure

DOC's environmental policy is signed by the Secretary of Commerce. The policy covers all DOC activities and provides an overall directive to all Commerce operating units for continual improvement and prevention of pollution, as well as a commitment to comply with environmental legislation and executive order requirements. The policy will be reviewed annually for applicability by Department's Senior Sustainability Officer, communicated to all employees, and made available to the public via the DOC EMS website.

4.2 Roles, Responsibilities, and Resources

4.2.1 Purpose

The purpose of this procedure is to define and document the roles and responsibilities of DOC staff in the organizational EMS.

4.2.2 Requirement

The ISO 14001:2004(E) standard states:

"Management shall ensure the availability of resources essential to establish, implement, maintain, and improve the environmental management system. Resources include human resources and specialized skills, organizational infrastructure, technology and financial resources.

Roles, responsibilities, and authorities shall be defined, documented and communicated..."

The OFEE's October 31, 2008 Guidance on Implementing Environmental Management Systems "At All Appropriate Organizational Levels" of a Federal Agency pursuant to Executive Order 13423 states that the EMS responsibilities of a federal agency headquarters include "*communicating how the agency is organized and managed on a day-to-day basis including identification of responsibility for addressing objectives and targets;...ensuring accountability for environmental management, and establishing performance measures...*"

4.2.3 Procedure

The organizational chart below outlines EMS responsibilities within DOC.

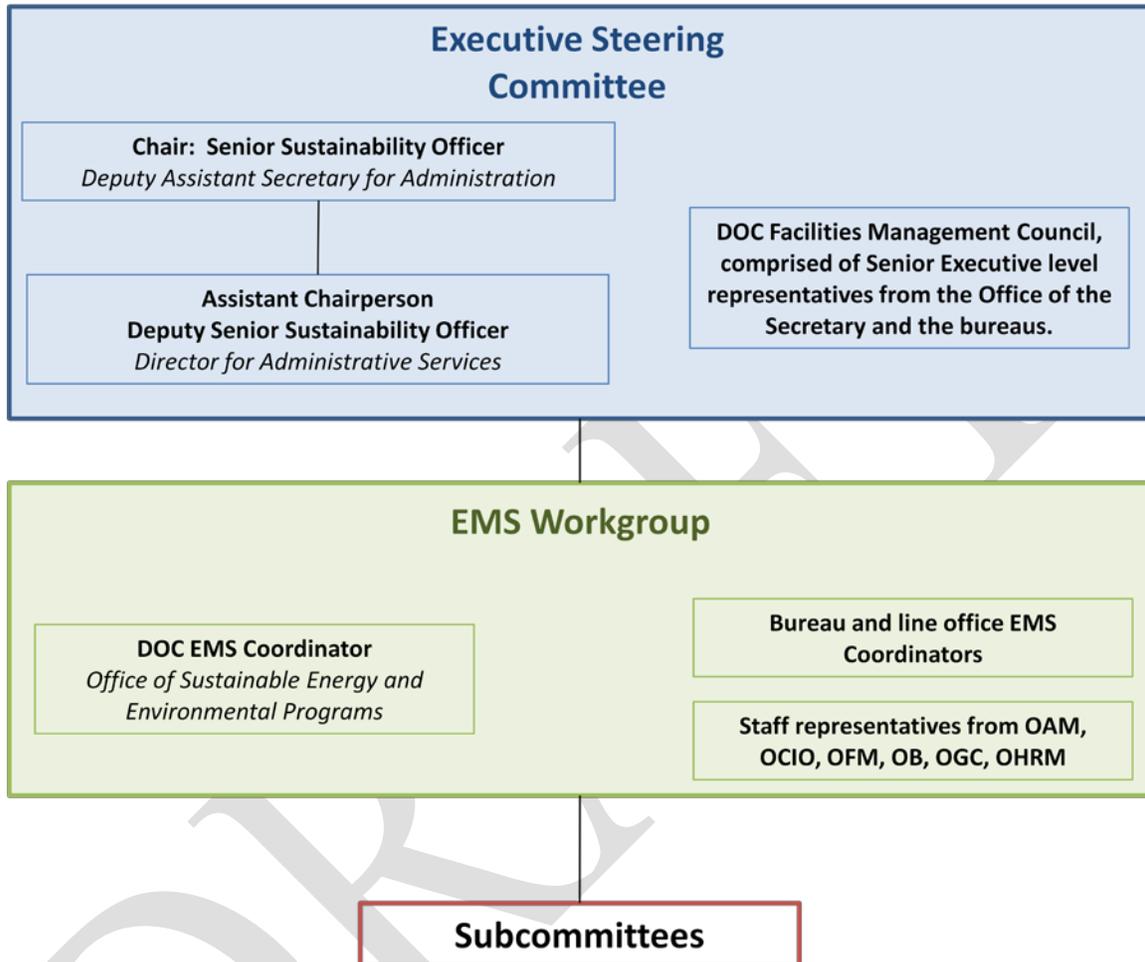


Figure 1: DOC EMS organizational chart.

The Secretary of Commerce is responsible for establishing environmental policy for the DOC.

Senior Sustainability Officer—the Deputy Assistant Secretary for Administration serves as the DOC Senior Sustainability Officer (Senior Sustainability Officer). The Senior Sustainability Officer is designated in the Department’s Strategic Sustainability Performance Plan, which is updated annually. The Senior Sustainability Officer is responsible for:

- Championing EMS needs to DOC senior management;

- Chairing the Executive EMS Steering Committee;
- Approving the annual Strategic Sustainability Performance Plan update;
- Elevating issues outside the purview of the Department's Facilities Management Council to the Department's Management Council
- Approving DOC OMB scorecard submissions;
- Approving bureau designations of appropriate facilities; and
- Approving bureau environmental compliance audit plans.

In addition, in his/her capacity as top management for the EMS, the Senior Sustainability Officer will guide EMS implementation based on an annual review of:

- Results of internal audits;
- Results of evaluations of compliance with legal requirements and other environmental requirements;
- Communications on environmental issues from external interested parties, including complaints;
- DOC's environmental performance;
- The extent to which objectives and targets have been met;
- Status of corrective and preventive actions;
- Follow-up actions from previous management reviews;
- Changing circumstances, including developments in legal and other requirements related to DOC's environmental aspects; and
- Recommendations for improvement.

Deputy Senior Sustainability Officer—The Deputy Senior Sustainability Officer acts as the assistant chairperson for the Executive Steering Committee and is responsible for supporting the EMS as directed by the Senior Sustainability Officer. The Deputy Senior Sustainability Officer is the Director for Administrative Services, Office of the Secretary.

Heads of bureaus and operating units—The head of each DOC bureau or operating unit shall be responsible for:

- Providing a senior management representative to the Executive EMS Steering Committee;
- Providing adequate resources, including budget and personnel, for EMS and Strategic Sustainability Performance Plan implementation within the operating unit; adequate resources shall be defined by the Executive EMS Steering Committee as necessary;
- Ensuring the Operating Unit meets Strategic Sustainability Performance Plan targets;

- Determining appropriate facilities and organizational levels for EMS implementation as per the [Energy and Environmental Management Manual](#); and
- Ensuring operating unit sustainability and greenhouse gas data are reported to the DOC Office of Sustainable Energy and Environmental Programs (OSEEP).

Senior Procurement Official—the DOC’s senior procurement official shall be responsible for:

- Participating in the EMS and Strategic Sustainability Performance Executive Steering Committee;
- Providing adequate resources, including budget and personnel, for EMS and Strategic Sustainability Performance Plan implementation within OAM;
- Track the department’s progress towards its Strategic Sustainability Performance Plan targets for green acquisition; and
- Reporting to OSEEP via the annual sustainability data call.

Chief Information Officer—the DOC’s Chief Information Officer shall be responsible for:

- Participating in the Executive EMS Steering Committee upon invitation;
- Providing adequate resources, including budget and personnel, for EMS and Strategic Sustainability Performance Plan implementation within OCIO;
- Ensuring OCIO meets EMS and Strategic Sustainability Performance Plan targets under its control, including those related to electronic stewardship; and
- Reporting to OSEEP via the annual sustainability data calls.

DOC Environmental Management System (EMS) and Strategic Sustainability Performance Executive Steering Committee (the Committee)-- The Committee will advise the Department Senior Sustainability Officer on the implementation and operation of a Department-wide EMS program. The Committee will use EMS as the management construct to ensure that the Department plans, programs and executes actions required to meet or exceed all Strategic Sustainability Performance Plan and other environmental goals. The Committee will also serve as a senior executive level forum to review, endorse and elevate strategic investments supporting the Strategic Sustainability Performance Plan across the Department that impact all Operating Units. The Committee will advise the Department’s Chief Financial Officer and Operating Unit Chief Financial Officers on the development and vetting of policy to align strategic investments, through the budget process, against Strategic Sustainability Performance Plan goals and related federal mandates. Operating Unit representatives on the Committee will

champion EMS within their organizations and report implementation and operation status of lower-tiered Operating Unit EMS programs to the Committee. Operating Unit representatives will also report actions that their Operating Units are taking to meet their share of Strategic Sustainability Performance Plan goals and other related federal mandates.

The Department's Facilities Management Council shall act as the Committee. The Committee shall include:

- Senior Sustainability Officer/Deputy Assistant Secretary for Administration, Chairperson
- Deputy Senior Sustainability Officer/Director for Administrative Services, Assistant Chairperson
- Chief Financial Officer, Bureau of Economic Analysis;
- Chief Financial Officer, Bureau of Industry and Security;
- Chief Financial Officer, Census Bureau;
- Chief Financial Officer, Economic Development Administration;
- Chief Financial Officer, Economics and Statistics Administration;
- Chief Financial Officer, International Trade Administration;
- Chief Financial Officer, Minority Business Development Agency;
- Chief Financial Officer, National Oceanic and Atmospheric Administration;
- Chief Administrative Officer, National Oceanic and Atmospheric Administration;
- Chief Financial Officer, National Telecommunications and Information Administration;
- Chief Financial Officer, National Institute of Standards and Technology;
- Chief Financial Officer, National Technical Information Service;
- Chief Financial Officer, U.S. Patent and Trademark Office;
- Chief Administrative Officer, U.S. Patent and Trademark Office;
- Chief Information Officer, Department of Commerce;
- Senior Procurement Executive, Department of Commerce;
- Director, Office of Budget, Department of Commerce;
- Director, Office of Financial Management, Department of Commerce;
- Director, Office of Human Resources Management, Department of Commerce;
- Deputy Director, Office of Policy and Strategic Planning, Department of Commerce;
- Director, Office of Program Evaluation and Risk Management, Department of Commerce; and
- Office of the General Counsel, Department of Commerce.

The DOC EMS and Strategic Sustainability Performance Executive Steering Committee will meet at least quarterly and will:

- a. Provide input and Operating Unit perspectives for the overall direction to the DOC's EMS;
- b. Assist the Senior Sustainability Officer in guiding Department-wide policy development and strategic planning to meet Strategic Sustainability Performance Plan goals;
- c. Advise headquarters and assist Operating Units in devising five-year plans to meet the Department's Strategic Sustainability Performance Plan goals;
- d. Review progress on EMS objectives and targets, including Strategic Sustainability Performance Plan and OMB sustainability scorecard goals;
- e. Review Operating Unit budget submissions and implementation plans for Strategic Sustainability Performance Plan goals;
- f. Monitor DOC's environmental compliance status;
- g. Monitor DOC's overall environmental performance;
- h. As needed: review EMS audit results and track corrective actions; review the environmental policy for continuing adequacy and applicability; discuss opportunities for improvement of DOC's EMS and overall environmental performance; review communications from external parties related to sustainability or environmental compliance; review changes in circumstances, such as new environmental laws and regulations, that might affect the EMS or the DOC's environmental performance;
- i. Identify issues and/or policy direction that impact the Department's ability to align strategic investments through the budget process against Strategic Sustainability Performance Plan goals and related federal mandates; and
- j. Oversee and coordinate consistent policy across the Operating Units.

The responsibilities of Committee members include:

- Championing the EMS in their organizations;
- Overseeing implementation of EMS and Strategic Sustainability Performance Plan objectives and targets within their respective Operating Units;
- Monitoring DOC EMS implementation and progress towards Office of Management and Budget (OMB) scorecard goals;
- Periodically briefing the Facilities Management Council on their Operating Unit's progress, plans, and next steps to stay or get to "green" on Office of Management and Budget Sustainability scorecard and Strategic Sustainability Performance Plan metrics; and
- Periodically briefing the Facilities Management Council on EMS implementation and progress within their Operating Unit.

Subcommittees shall be established as necessary to guide implementation of specific EMS and Strategic Sustainability Performance Plan elements.

DOC EMS Coordinator—the DOC EMS Coordinator is appointed by the Associate Director, Office of Sustainable Energy and Environmental Programs, and is responsible for:

- Chairing the DOC EMS Workgroup
- Coordinating DOC-wide EMS implementation
- Reporting on EMS implementation to other agencies such as OMB and OFEE, as required
- Reporting on EMS implementation to the DOC Senior Sustainability Officer and the Committee
- Tracking corrective actions for system deficiencies
- Ensuring that annual reviews of targets and objectives, legal requirements, and the environmental policy are conducted and documented
- Ensuring that EMS training is conducted and documented
- Ensuring that annual EMS audits are scheduled, conducted, and documented
- Maintaining internal audit records

Bureau and Office EMS Coordinator—Operating Units and departmental offices deemed appropriate by the Senior Sustainability Officer shall appoint an EMS Coordinator who shall be responsible for:

- Attending DOC EMS Workgroup meetings
- Advising the DOC EMS Coordinator on DOC-wide EMS implementation

The DOC EMS Coordinator shall maintain a list of current Bureau EMS Coordinators.

Bureau SSPP POCs—Each Operating Unit, as well as the Office of Acquisition Management and the Office of the Chief Information Officer, shall appoint an SSPP Point of Contact (POC) who shall be responsible for:

- Reporting on bureau/office progress on objectives and targets to OSEEP

DOC Fleet Manager—The DOC Fleet Manager is responsible for reporting vehicle fuel use data from the Federal Automotive Statistical Tool (FAST) system to OSEEP.

DOC EMS Workgroup—The members of the EMS Workgroup could include any of the following:

- Bureau EMS Coordinators

- Staff representative from the Office of the Chief Information Officer
- Staff representative from the Office of Acquisition Management
- Staff representative from the Office of Budget
- Staff representative from the Office of Financial Management
- Staff representative from the Office of Human Resources Management
- Staff representative from the Office of the General Counsel
- Staff representative from the Office of Administrative Services, Office of Real Property Programs
- Program Managers from the Office of Sustainable Energy and Environmental Programs
- DOC Fleet Manager
- Line office EMS Coordinators

The DOC EMS Coordinator shall maintain a list of current EMS Workgroup members.

The DOC EMS Workgroup is the forum for communication of EMS and environmental updates between the EMS Coordinator, energy and environmental program managers, bureaus, and staff offices. The overarching responsibilities of the workgroup are to ensure the operation and continual improvement of the EMS, to execute the directives of the Committee, and to serve as an advisory body to DOC management. In meeting this responsibility, the Workgroup shall:

- Provide technical direction to the Department's organizational EMS;
- Provide guidance to bureau-level organizational EMS;
- Recommend objectives and targets to the Senior Sustainability Officer and the Committee;
- Provide status updates to the Senior Sustainability Officer on attainment of objectives and targets, corrective actions, adequacy of the DOC environmental policy, summary of external communications received regarding the DOC EMS, summary of new environmental laws, regulations, and other applicable requirements, and results of internal audits;
- Schedule and conduct at least one internal audit of the DOC EMS annually.

EMS Workgroup members shall represent their organizational components' interests and perspectives on EMS developments and issues through consultation with their organization's management team and staff.

EMS Workgroup subcommittees shall be established as necessary to guide implementation of specific EMS and Strategic Sustainability Performance Plan goals.

DOC Environmental Program Manager—the DOC Environmental Program Manager is responsible for:

- Staying up-to-date with changes in legal and other requirements
- Updating bureau environmental points of contact on relevant changes in legal and other requirements

The Associate Director for the Office of Sustainable, Energy, and Environmental Programs appoints the DOC Environmental Program Manager.

Lead Auditor – The EMS lead for internal audits will be responsible for choosing the audit team members, drafting the audit plan in collaboration with the auditee, submitting the audit report to the EMS Workgroup, and leading the audit.

All DOC Employees—All DOC employees should be aware of the environmental impacts of their activities. All DOC employees are responsible for conducting their work in accordance with the EMS and relevant environmental laws and regulations. DOC employees are also responsible for taking annual EMS awareness and refresher training issued via the Commerce Learning Center.

4.2.4 Allocation of Resources

Through the annual Strategic Sustainability Performance Plan data call operating units, the Office of the Chief Information Officer, and the Office of Acquisition Management will provide OSEEP with details of funding, time, and personnel allocated to EMS and to meeting the Strategic Sustainability Performance Plan targets.

4.3 Environmental Aspects, Impacts, Objectives, and Targets

4.3.1 Purpose

The purpose of this procedure is to document how DOC identifies its significant aspects and sets environmental objectives and targets.

4.3.2 Requirements

The ISO 14001:2004(E) standard requires organizations to establish, implement, and maintain a procedure(s) to identify and document the environmental aspects of its activities and determine those that can have a significant impact on the environment (i.e. significant environmental aspects).

In addition, ISO 14001:2004 requires organizations to establish, implement, and maintain documented, measurable environmental objectives and targets at relevant functional levels within the organization. Objectives and targets must include an action plan (called an environmental management program) that identifies responsibility for achieving each objective and *“the means and time-frame by which they are to be achieved.”*

Section 3 of EO 13423 states *“In implementing the policy set forth in section 1 of this order, the head of each agency shall:*

(b) implement, within the agency, environmental management systems (EMS) at all appropriate organizational levels to ensure (i) use of EMS as the primary management approach for addressing the environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions, (ii) establishment of agency objectives and targets to ensure implementation of this order...”

OFEE’s October 31, 2008 Guidance on Implementing Environmental Management Systems “At All Appropriate Organizational Levels” of a Federal Agency pursuant to Executive Order 13423 states that the EMS responsibilities of a federal agency headquarters include *“establishing agency-wide objectives and targets (e.g. environment, energy, fleet...)”*. This guidance goes on to say *“The agency headquarters may also choose to... 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.”*

The Council on Environmental Quality's implementing instructions for EO 13423 state *“The EMS objectives shall include the goals identified in Section 2 of the E.O.”*

Section J of EO 13514 tasks the heads of federal agencies with *“(i) continuing implementation of formal environmental management systems at all appropriate organizational levels; and (ii) ensuring these formal systems are appropriately implemented and maintained to achieve the performance necessary to meet the goals of this order.”*

4.3.3 Procedure

DOC uses EMS as its primary tool to manage progress towards the goals of EOs 13423 and 13514. For the purposes of the organizational EMS, significant environmental aspects are derived from the federal requirements imposed on DOC as an entity through the Strategic Sustainability Performance Plan, EO 13423, EO 13514, and other requirements and are

listed in the Strategic Sustainability Performance Plan. DOC will re-validate its environmental aspects at least annually prior to setting objectives and targets.

The EMS Coordinator shall recommend measurable DOC-wide objectives for improvement in accordance with the Strategic Sustainability Performance Plan and other environmental requirements to the Senior Sustainability Officer and the Committee. The Senior Sustainability Officer will approve objectives and targets.

DOC-wide objectives and their timeframes are based on EO 13514 goals and OMB sustainability scorecard goals. The department's medium-term objectives and timeframes for completion are stated in its EEMM and SSPP. Short-term objectives (i.e. 1 year or less) are stated in the Department's Sustainability Scorecard submitted to OMB in January and June of each year. Responsibilities for meeting these goals are outlined in EEMM chapter 1 "Strategic Sustainability Performance Plan," which is supported and made enforceable by the Energy and Environmental Management Department Administrative Order (DAO 217-xx). DOC measures progress towards these goals annually through its greenhouse gas and sustainability data call to the bureaus and report to the Department of Energy. The Department projects its progress towards its long-term goals via its five-year implementation plan, which is updated at least annually, or more frequently as new information becomes available. Together this system of documents makes up the Department's environmental management programs as required by the ISO 14001:2004 standard.

The Senior Sustainability Officer will review and approve objectives at least annually. The objectives will provide the bureaus with a clear directive on steps they should take to achieve the Strategic Sustainability Performance Plan goals.

This clause does not preclude DOC subunits from setting their own objectives and targets or in any way override their objectives and targets. DOC subunits with fully implemented EMSs shall set their own objectives and targets based on their evaluated significant impacts. When determining their significant impacts, DOC subunits shall give due weight and consideration to the agency targets.

4.4 Monitoring and Measurement

4.4.1 Purpose

This section defines DOC's procedure for reporting progress with EMS and Strategic Sustainability Performance Plan objectives and targets.

4.4.2 Requirement

ISO 14001:2004 requires organizations to “*establish, implement, and maintain a procedure(s) to monitor and measure, on a regular basis, the key characteristics of its operations that can have a significant impact. The procedure(s) shall include the documenting of information to monitor performance, applicable operational controls and conformity with the organization’s objectives and targets.*”

Section 3(b) of EO 13423 requires the heads of federal agencies to “(b) *implement, within the agency, environmental management systems (EMS) at all appropriate organizational levels to ensure... (iii) collection, analysis, and reporting of information to measure performance in the implementation of this order;*”

Section II.A(1) of CEQ’s EO 13423 implementing instructions state “*The management system will serve as the management framework under which agencies and their facilities or organizations... identify and collect performance measurement information to address the reporting requirements of Section 3(g) of the E.O.*”

OFEE’s October 31, 2008 Guidance on Implementing Environmental Management Systems “At All Appropriate Organizational Levels” of a Federal Agency pursuant to Executive Order 13423 states that the EMS responsibilities of a federal agency headquarters include “*establishing reporting mechanisms that promote accountability for environmental management and measure performance; collecting, analyzing, and reporting agency-wide performance information.*”

4.4.3 Procedure

DOC subunits shall report progress on EMS and Strategic Sustainability Performance Plan objectives and targets to OSEEP in three ways:

- 1) Bureaus shall report on energy, greenhouse gas, and several other performance metrics via the annual energy and environmental report data call in the first quarter of each fiscal year. The DOC Office of Acquisition Management (OAM), the Office of Commerce Services (OCS) and the Office of the Chief Information Officer (OCIO), shall provide OSEEP with updates to their portions of the OMB Sustainability scorecard at the same time. OSEEP will compile this information into the annual greenhouse gas (GHG) report, Resource Conservation and Recovery Act (RCRA) report (if required), and OMB scorecard update. OSEEP shall submit this information to the Department of Energy’s Federal Energy

Management Program (FEMP) and OMB in late first quarter or early second quarter of each fiscal year.

- 2) Bureaus, OAM, OCS, and the OCIO shall annually report to OSEEP on progress with Strategic Sustainability Performance Plan and Energy Independence and Security Act (EISA) metrics not covered in the annual report data call via the Strategic Sustainability Performance Plan data call due in the third quarter of each fiscal year.
- 3) Bureaus shall regularly brief the EMS Executive Steering Committee on progress with EMS objectives and targets.

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4.4.4 Approximate Timeline

Due Date (FY)	Action	Responsible
First quarter	Send annual report data call to bureaus, OAM, OCIO, and OCS	DOC Office of Administrative Services (OAS) Director
	Annual report data call due to OSEEP	Bureaus, OAM, OCIO, OCS
	DOC Fleet Manager reports vehicle fuel use data from FAST system to OSEEP	OCS
	EMS internal audit	DOC EMS Coordinator
	EMS management review	DOC EMS Coordinator
	Executive Steering Committee bimonthly meeting: <ul style="list-style-type: none"> Review annual report/scorecard data Bureaus present five-year implementation plans for SSPP goals 	DOC Senior Sustainability Officer
Second quarter	EMS report due to OFEE via FedCenter.gov reporting portal	DOC and all bureaus with fully implemented facility or organizational EMS
	Scorecard due to OMB	DOC Senior Sustainability Officer
	DOC annual report due to the Department of Energy	DOC Senior Sustainability Officer
	Executive Steering Committee bimonthly meeting: <ul style="list-style-type: none"> OSEEP briefs Department internal audit & management review results 	DOC Senior Sustainability Officer
	Validate environmental aspects and recommend objectives and targets	DOC Workgroup
	Send EISA data call to bureaus	OSEEP Associate Director
	Send Strategic Sustainability Performance Plan data call to bureaus, OAM, OCIO, and OCS	DOC OAS Director
Third quarter	Strategic Sustainability Performance Plan and EISA data calls due to OSEEP	Bureaus, OAM, OCIO, and OCS
	Executive Steering Committee bimonthly meeting: <ul style="list-style-type: none"> Bureaus present Strategic Sustainability Performance Plan implementation progress 	DOC Senior Sustainability Officer
	Executive Steering Committee bimonthly meeting: <ul style="list-style-type: none"> Review and validate Department EMS policy 	
	DOC Strategic Sustainability Performance Plan update due to OMB	DOC OAS Director
	DOC EISA update due to DOE	DOC OAS Director
	DOC Strategic Sustainability Performance Plan update due to OMB	DOC OAS Director
Fourth quarter	Scorecard update due to OMB	DOC OAS Director
	Executive Steering Committee bimonthly meeting <ul style="list-style-type: none"> Brief EMS objectives & targets 	DOC Senior Sustainability Officer
	Executive Steering Committee bimonthly meeting <ul style="list-style-type: none"> EMS management review 	DOC Senior Sustainability Officer

4.4.5 Reporting Data Elements

The Energy and Environmental Management Manual (available online at <http://www.osec.doc.gov/oas/orepmp-news.html>) lists data elements that will be requested for both the spring and fall data calls to the bureaus, OAM, OCIO, and OCS.

4.5 Legal and Other Requirements

4.5.1 Purpose

The procedural steps in this section provide for the orderly, reliable and complete collection of requirements that are imposed on DOC by other federal authorities. Unlike a facility-level EMS, which is based on identifying the significant environmental aspects of activities, products and services, the DOC organizational EMS is based on the need to respond to requirements that are imposed on DOC by other federal authorities. The organizational EMS provides the structure to:

- Ensure awareness of those requirements;
- Set objectives and targets;
- Transmit information to DOC bureaus, programs offices, and their respective facilities; and
- Collect performance data.

4.5.2 Requirement

The ISO 14001:2004(E) standard requires federal agencies to “*establish, implement, and maintain a procedure(s)*”

- a) *to identify and have access to the applicable legal and other requirements to which the organization subscribes related to its environmental aspects, and*
- b) *to determine how these requirements apply to its environmental aspects.”*

ISO 14001:2004(E) also requires organizations to “*ensure that these applicable legal requirements and other requirements to which the organization subscribes are taken into account in establishing, implementing, and maintaining its environmental management system.”*

E.O. 13423, Sec. 3(c) requires federal agencies to “*establish within the agency programs for ... (ii) environmental compliance review and audit....*”

The implementing instruction for EO 13423 further state *“Where an EMS exists at the appropriate organization level, the elements of the Compliance Management Plan shall be part of the EMS...”*

and

“Each compliance management plan shall formally include the following elements at the appropriate level:

- A clear, sustained, and up-to-date commitment by senior leadership to achieve and maintain environmental compliance. This commitment shall be integrated into agency strategic plans and agency policies.*
- Clearly articulated roles and responsibilities related to environmental performance at all levels to ensure accountability for less than desired environmental performance.*
- Implementation of an environmental compliance review and audit program that identifies compliance needs and possible root cause of non-compliance.*
- Integration of compliance management system information and resource allocation procedures to ensure that audit findings and possible non-compliance root causes are tracked and addressed, including allocation of funding.”*

4.5.3 Procedure

The Department of Commerce shall provide the bureaus with guidance on applicable environmental laws, regulations, and other requirements through the [Energy and Environmental Management Manual \(EEMM\)](#). The EEMM shall be updated regularly to reflect updates in legal and other requirements.

The DOC Environmental Program Manager is responsible for staying up-to-date with other requirements (aside from legal requirements) to which DOC subscribes. The DOC Environmental Program Manager does this via membership in federal agency groups and listservs such as the Federal Electronic Stewardship Working Group, Fedcenter.gov, and the Sustainable Acquisition and Materials Management Workgroup.

DOC disseminates information on federal legal and other requirements through its Environmental and EMS websites. The EEMM, DOC’s Strategic Sustainability Performance Plan, and links to relevant executive orders, legislation, and other documents are all available on the DOC Environmental and EMS websites.

While OSEEP keeps the bureaus informed of updates to federal legislation and other requirements via the methods described above, bureaus are also subject to state laws, county ordinances, and other applicable environmental requirements specific to their operations and geographical location. Facilities

are responsible for staying up-to-date with their local requirements. DOC facilities are responsible for compliance with environmental laws, regulations, and other requirements.

4.5.4 Procedure for Facility Environmental Compliance Audits

As per Energy and Environmental Management Manual chapter 22 “environmental compliance,” bureaus shall determine the frequency of environmental compliance audits at their facilities based on size and complexity of their facilities and risk of non-compliance with environmental laws and regulations based on the nature of their mission.

Operating units will establish and implement a schedule for conducting facility self-audits of environmental compliance. Environmental compliance audits shall be scheduled and conducted using an environmental compliance tool such as iEHS. These tools generate audit questionnaires, store audit results, and track completion of corrective actions to address non-compliances. The use of an online tool will allow OSEEP to report the environmental compliance status of all DOC facilities to senior management.

4.6 Training

4.6.1 Purpose

The purpose of this procedure is to provide guidelines for periodic environmental awareness and competency training related to the EMS within the Department.

4.6.2 Requirement

The ISO 14001:2004(E) standard requires that all persons working for or on behalf of an organization that have the potential to cause (a) significant environmental impact(s) be competent and that the organization retain associated records. ISO 14001 also requires all staff and contractors to receive regular EMS training.

Section 3 of EO 13423 states “*In implementing the policy set forth in section 1 of this order, the head of each agency shall... (c) establish within the agency programs for (i) environmental management training...*”

4.6.3 Procedure for Environmental Stewardship Training

OSEEP will publish environmental stewardship training through the Commerce Learning Center (CLC) at <https://doc.learn.com>. This training

covers the basics of EMS, DOC-wide significant environmental impacts, pollution prevention, and roles and responsibilities. Contractors without access to the CLC can access and complete the training from the OSEEP website. The CLC will maintain training records for all staff and contractors who take the training through the CLC portal.

4.6.4 Procedure for Verifying Employee Competency

ISO 14001:2004 requires organizations to ensure that employees are competent for the tasks they are required to perform, if these tasks have the potential to cause a significant environmental impact. Competency can be assessed based on training, experience, or education. This is assessed at the Department of Commerce during the hiring process. Hiring managers verify the competency of applicants for a position before hiring, and competency training is tracked by the Office of Human Resources Management.

4.7 Internal Communication

4.7.1 Purpose

The purpose of this procedure is to define how the DOC communicates internally about the EMS.

4.7.2 Requirement

The ISO 14001:2004(E) standard requires organizations to "establish, implement, and maintain a procedure(s) for...internal communication among the various levels and functions of the organization."

4.7.3 Procedure for Reporting

Bureau Strategic Sustainability Performance Plan points of contact report on progress with objectives and targets to OSEEP and the DOC Executive EMS Steering Committee primarily via the methods described in "Monitoring and Measurement" above. Progress with objectives, targets, and EMPs is reviewed during EMS Workgroup and Executive EMS Steering Committee meetings. Bureau EMS Coordinators communicate with others within their bureaus according to the bureau's established procedures.

4.7.4 Procedure for DOC Updates to Bureaus

OSEEP communicates internally about objectives, targets, and the EMS through the DOC website. The website contains internal DOC documents relevant to the EMS, objectives and targets, and pollution prevention, as well

as links to external documents such as regulations and informational websites. OSEEP regularly updates the EMS Workgroup about new issues via the workgroup meetings and e-mail. OSEEP maintains other internal documents on its shared drive.

4.8 External Communication

4.8.1 Purpose

The purpose of this procedure is to define how DOC communicates externally about its organizational EMS.

4.8.2 Requirement

The ISO 14001:2004(E) standard requires organizations to "establish, implement, and maintain a procedure(s) for...receiving, documenting, and responding to relevant communication from external interested parties."

The implementing instructions for EO 13423 state: "To facilitate communication between Federal agencies, their stakeholders, and their neighbors, as part of the EMS, agencies shall commit to proactive communications with interested parties. EMSs should support appropriate inclusion of local participation, consistent with the objectives of E.O. 13352 of August, 2004, *Facilitation of Cooperative Conservation*."

4.8.3 Procedure

DOC's external communication falls into two categories: communication with external stakeholders/the public and reporting to other federal agencies. DOC makes relevant information about its EMS available to the public via the DOC OSEEP website and its Energy and Environment Quarterly newsletter, which is also posted on the website. Information requests from the public shall be managed through Operating Unit procedures established for specific categories of requests such as the Freedom of Information Act (FOIA), Congressional correspondence, and other controlled correspondence. FOIA requests shall be handled according to the U.S. Department of Commerce FOIA Reference Guide, available online at <http://www.osec.doc.gov/omo/foia/foiarequest.htm>.

OSEEP reports to OMB on progress with specific objectives and targets through scorecard assessments every six months, the annual energy and sustainability report, and annual Strategic Sustainability Performance Plan updates. OSEEP generates additional environmental reports as necessary for OMB and other agencies.

4.9 Document and Record Control

4.9.1 Purpose

The purpose of this procedure is to ensure that only the latest authorized version of EMS documents are used for DOC's EMS and that previous versions are neither in use nor in circulation among staff. This section also specifies DOC's procedures for maintenance of records necessary for the EMS. Each EMS document should have an approval and signature page.

4.9.2 Requirement

The ISO 14001:2004(E) standard requires organizations to establish procedures for document review and approval; identify revision status; ensure only current versions are in use; and control documents of external origin necessary for the EMS. ISO 14001:2004(E) also requires organizations to establish procedure(s) for "identification, storage, protection, retrieval, retention, and disposal of records."

4.9.3 Procedure

Issue date and version number shall be identified on all departmental EMS documents. Obsolete EMS documents that are retained will be retained electronically in an archive directory separately from the controlled electronic copy. The Associate Director, Office of Sustainable, Energy, and Environmental Programs must approve all departmental EMS documents prior to issue.

All current DOC EMS documents will be available on the DOC EMS website, and each EMS document will state this information in the header or footer. The date of issue will be printed on each page of a controlled document.

Records shall be maintained as detailed in their topical sections in this manual, including on the DOC website, on OSEEP's shared drive, and other locations. Records shall be legible, identifiable, and easily retrieved for use or inspection.

4.10 Internal Audits

4.10.1 Purpose

The purpose of this procedure is to document how DOC conducts internal evaluations of conformance with its organizational EMS and environmental policy. **This procedure only applies to audits of the DOC organizational EMS and does not address audits of any other DOC subunit.**

4.10.2 Requirements

The ISO 14001:2004(E) standard requires an organization to periodically evaluate whether its EMS conforms to the relevant requirements and is appropriately implemented and maintained.

Section C(1) of CEQ's implementing instructions for EO 13423 state *"For the purpose of conformance to E.O. 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..."*

Section C(2) states *"Once conformance has been declared, the EMS shall then be audited by a qualified party outside of the control or scope of the EMS at least every three years from the date of the initial declaration."*

OFEE's October 31, 2008 Guidance on Implementing Environmental Management Systems "At All Appropriate Organizational Levels" of a Federal Agency pursuant to Executive Order 13423 states that *"a higher-tier EMS should be audited periodically by a qualified party from within the organization (also called an internal or first-party audit) to ensure its elements are carried out as planned, but need not be audited by a qualified party outside of the control or scope of the EMS (also called an external or second-party audit) as otherwise required by E.O. 13423 for facility and multi-site EMSs. This exemption applies as long as the higher-tier EMS is designed to address a limited number of elements that support the implementation of complete, lower-level facility and/or multi-site EMSs."*

4.10.3 Procedure

The DOC will conduct audits of its EMS at least annually, or more frequently as appropriate. The DOC EMS Workgroup will choose the lead auditor and assist the lead auditor in choosing the audit team members. The EMS Workgroup will also determine the scope of internal audits of the Department's organizational EMS. The lead auditor will be responsible for choosing the audit team members, drafting the audit plan, and submitting the

audit report to the EMS Workgroup. Audit records shall be retained by the DOC EMS Coordinator.

Audits will review, at a minimum, the DOC EMS manual, policy, objectives, targets, and metrics, audit procedure, and management review procedure to ensure all are in accordance with federal guidance.

4.11 Corrective and Preventive Action

4.11.1 Purpose

The purpose of this chapter is to define responsibilities and procedures for investigating and documenting EMS non-conformances and for initiating and completing corrective and preventive actions.

4.11.2 Requirement

The ISO 14001:2004(E) standard requires organizations to establish procedures for dealing with actual and potential non-conformances with EMS requirements. Results of corrective and preventive actions must be documented and their effectiveness reviewed.

4.11.3 Procedure

The DOC EMS Coordinator will track corrective and preventive actions that arise from internal and external audits of the Departmental EMS as well as those that arise outside of the audit cycle via a table or database. An entry in the corrective and preventive action table/database shall be completed for each corrective or preventive action (CPA) identified. The CPA entry shall record the root cause of the non-conformance, and specify an action plan and deadline for taking corrective/preventive action. The effectiveness of corrective and preventive actions taken shall be reviewed periodically. The CPA table shall be maintained on the OSEEP shared drive.

4.12 Management Review

4.12.1 Purpose

The purpose of this procedure is to specify the requirements for senior management review of the EMS to ensure its continuing effectiveness, suitability, and adequacy.

4.12.2 Requirement

The ISO 14001:2004(E) standard requires top management to regularly review an organization's EMS, including opportunities for improvement; environmental policy; objectives and targets, and the extent to which these have been met; results of internal audits and environmental compliance evaluations; status of corrective and preventive actions; changing circumstances; and follow-up actions from previous management reviews.

Section II.A(2) of CEQ's EO 13423 implementing instructions state "*Once implemented, an EMS shall be reviewed and updated annually or more frequently, as appropriate, by senior leadership accountable for implementation of that EMS. This annual management review...*"

4.12.3 Procedure

DOC senior management will provide resources and guidance for the departmental EMS. Operating units shall provide resources and guidance for their respective subunit EMSs. The DOC Senior Sustainability Officer will act as top management for the EMS. At least annually the DOC EMS Coordinator and/or OSEEP Associate Director will brief the Senior Sustainability Officer on the status of the EMS. These topics may be covered in multiple briefings throughout the year or summarized in a single annual briefing. At a minimum, the management review will include:

- Progress on departmental objectives and targets
- Reporting to OMB and OFEE, including the Strategic Sustainability Performance Plan and scorecards, and any relevant communications from other external interested parties
- Results of internal audits
- Recommendations for improvement
- Relevant changes in legislation, regulations, or other circumstances affecting the EMS
- Follow-up actions from previous management reviews
- DOC's environmental compliance status

During (the) management review briefing(s), the Senior Sustainability Officer will provide guidance on future EMS direction. Management review records will be kept on the OSEEP shared drive.

5.0 ACRONYM GUIDE

CEQ	President's Council on Environmental Quality
CLC	Commerce Learning Center
CPA	Corrective or Preventive Action
DOC	U.S. Department of Commerce
DOE	U.S. Department of Energy
EISA	Energy Independence and Security Act
EMP	Environmental Management Program
EMS	Environmental Management System
FAST	Federal Automotive Statistical Tool
FEMP	Federal Energy Management Program
FY	Fiscal year
EEMM	Environmental Management Manual
EO	Executive Order
GHG	Greenhouse gas
ISO	International Organization for Standardization
NIST	National Institutes for Standards and Technology
NOAA	National Oceanic and Atmospheric Administration
OAM	Office of Acquisition Management, U.S. Department of Commerce
OAS	Office of Administrative Services, Office of the Secretary, U.S. Department of Commerce
OCIO	Office of the Chief Information Officer, U.S. Department of Commerce
OCS	Office of Commerce Services, Office of Administrative Services, Office of the Secretary, U.S. Department of Commerce
OFEE	Office of the Federal Environmental Executive
OMB	President's Office of Management and Budget
OSEEP	Office of Sustainable Energy and Environmental Programs, Office of Administrative Services, Office of the Secretary, U.S. Department of Commerce
POC	Point of contact