

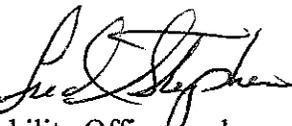


UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer
Assistant Secretary for Administration
Washington, D.C. 20230

DEC 13 2010

MEMORANDUM FOR THE FILE

FROM:

Fred Stephens 
Senior Sustainability Officer and
Deputy Assistant Secretary for Administration

SUBJECT:

Environmental Management System Declaration of Conformance

I am pleased to determine that the Department's headquarters-level, highest-tier environmental management system (EMS) conforms to the requirements of Executive Order (EO) 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, and applicable elements of the ISO 14001:2004(E) standard for EMS. This determination is based on compliance with the following self-declaration requirements set forth in the Council on Environmental Quality's *Instructions for Implementing Executive Order 13423* and supplementary guidance issued by the Office of the Federal Environmental Executive:

- 1) the highest-tier EMS has been subject to a first-party audit;
- 2) the 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.

The Department's EMS underwent an internal audit on November 16-17, 2010. The audit determined that the Department was in conformance with the following elements of Office of the Federal Environmental Executive guidance for highest-tier EMS:

- 1) The Department has set objectives, targets, and metrics in the form of its Strategic Sustainability Performance Plan (SSPP);
- 2) The Department has implemented a monitoring and reporting system to track progress on SSPP goals; and
- 3) The Department has implemented an internal EMS audit system.

The EMS audit identified three non-conformances of the ISO 14001:2004(E) standard:

- 1) The Department's environmental policy has not been established or implemented;
- 2) Roles and responsibilities have not been fully implemented or communicated; and

- 3) The DOC does not have a system in place for reporting compliance with environmental laws and regulations from the bureaus to the headquarters level.

The Department has established corrective action plans (see attachment) to address the above non-conformances. As the Department's Senior Sustainability Officer, I have recognized the audit results and corrective action plans to address the findings, and hereby declare the Department of Commerce's highest-tier EMS to be fully implemented.

The headquarters-level, highest-tier EMS is the primary management system for meeting or exceeding the goals of our Strategic Sustainability Performance Plan, as required by Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, and for maintaining compliance with applicable environmental laws, regulations and other energy and environmental requirements. EMS facilitates continual improvement in the Department's overall environmental performance.

Attachment

**U.S. DEPARTMENT OF COMMERCE
ENVIRONMENTAL MANAGEMENT SYSTEM
INTERNAL AUDIT OF NOVEMBER 17, 2010
CORRECTIVE ACTION PLAN**

ID	CPAR Number	CPAR Type	Source (Audit/Customer/Product or Service Problem)	Process or Procedure	ISO 14001:2004 (E) Element
7	11-004	Corrective	Internal Audit	Environmental Policy Statement	4.2
6	11-003	Corrective	Internal Audit	Training and Internal Audits	4.4.2 and 4.5.5
5	11-002	Corrective	Internal Audit	Evaluation of Environmental Compliance	4.5.2.1 and 4.6
4	11-001	Corrective	Internal Audit	EMS Procedures Manual - Resources, roles, responsibility, and authority	4.4.1
8	11-005	Opportunity For Improvement	Internal Audit	Objectives, Targets, and Programs	4.3.3

CPAR Number	Problem Description	Office Assigned To	Person Assigned To	Date Assigned	Date Due
11-004	DOC currently has only a draft Environmental Policy Statement. The draft has not been established and implemented (signed) by senior management, has not been communicated to DOC employees, and has not been made publicly available.	OSEEP-EMS	Falzetta	11/22/2010	12/8/2010
11-003	Internal audit procedure meets OFEE requirements, but does not meet ISO 14001 requirements for selecting auditors and ensuring they are qualified.	OSEEP-EMS	Falzetta	11/22/2010	12/17/2010
11-002	The environmental compliance status of the organization is not reported to top management.	OSEEP-EMS	Falzetta	11/22/2010	12/6/2010
11-001	EMS manual is written to reflect an Executive Steering Committee (ESC), which has yet to be established. Add an alternate means that reflects current organization, that in lieu of the ESC the SSO will act as top management.	OSEEP-EMS	Falzetta	11/22/2010	12/10/2010
11-005	The DOC has established objectives and targets that meet both OFEE and ISO 14001 requirements. Editing the SSPP to include language regarding significance of environmental aspects would be an opportunity for improvement. That way the SSPP would fulfill requirements for objectives and targets under both OFEE and ISO 14001 and the DOC would have all relevant information contained in one document.	OSEEP-EMS	Falzetta	11/22/2010	12/20/2010

CPAR Number	Number of Extensions	Root Cause
11-004	0	Administrative
11-003		Training
11-002	0	Failure to follow established written procedure (Environmental Management Manual 4.1.5.7)
11-001	0	Administrative - Organizational Effectiveness
11-005	0	System Construction and Validation

CPAR Number	Action Taken To Correct Problem	Action Verification	Date Closed	Objective Evidence Attachment
11-004	The Department's Environmental Policy has been submitted to the Secretary of Commerce for signature. The policy is due to be signed in December 2010. Once signed the policy will be promulgated via website and via broadcast email.			
11-003	The EMS Operations Guide will be revised to ensure that ISO 14001 requirements are accurately reflected.			
11-002	Ensure that all OUs conduct and report environmental compliance status. Evaluate the need for a Department Administrative Order. The status of bureau environmental compliance efforts requested to be submitted by 12/6/10.			
11-001	The initial management review will be presented to the Chairman of the EMS Executive Steering Committee, Mr. Stephens (12/9/2010). The Operations Guide will not be revised since the CFO and DASA have approved the concept of an Executive Steering Committee (ESC). An initial charter for the ESC is attached.			Exec Steering Committee Charter draft (12-1-10)v2.docx
11-005	The Department will continue to use a spreadsheet type arrangement. Using this type of system will ensure adequate visibility to "non-SSPP" objectives and targets. (i.e. training, audits, etc.)	No change, therefore no verification is required.	12/6/2010	



U.S. DEPARTMENT OF COMMERCE

ENVIRONMENTAL MANAGEMENT SYSTEM AND CAPITAL INVESTMENT EXECUTIVE STEERING COMMITTEE CHARTER

U.S. Department of Commerce Environmental Management System
Revision number and date:
Approval:

Executive Steering Committee charter

U.S. DEPARTMENT OF COMMERCE

**ENVIRONMENTAL MANAGEMENT SYSTEM AND CAPITAL
INVESTMENT
EXECUTIVE STEERING COMMITTEE CHARTER**

This Charter sets forth the purpose for the Department of Commerce Environmental Management System (EMS) and Capital Investment Review Executive Steering Committee (ESC). It describes the functions of the ESC members; assigns certain responsibilities and duties for the ESC; and constitutes the framework within which it will function. The Department Senior Sustainability Officer (SSO) serves as the Executive Sponsor for and chair of the ESC.

A. Mission

The ESC will lead the implementation and operation of a Department of Commerce Headquarters EMS program, lead and implement a Capital Investment review program, and advise the Secretary on the health and effectiveness of the Department's environmental programs and capital investments. The ESC 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 (SSPP) goals. Bureau representatives on the ESC will champion EMS within their organizations and report implementation and operation status of lower-tiered Bureau EMS programs to the ESC. Bureau representatives will also report actions that their Bureaus are taking to meet their share of SSPP goals and other related federal mandates.

B. Membership of the EMS and Capital Investment Review Steering Committee

Beginning December 30, 2010, the Department of Commerce SSO shall serve as the Chairperson of the ESC. The Deputy SSO will serve as the Assistant Chairperson. In the event that the Chairperson is absent, the Assistant Chairperson will perform the duties of the Chairperson. The Assistant Chairperson facilitates all meetings and is responsible for developing the agenda and ensuring the project remains on track. The Associate Director, Office of Sustainable Energy and Environmental Programs, will serve as the Recording Secretary (non-voting). The EMS Coordinator and Associate Director, Office of Real Property Programs, shall be members of the Advisory Board in the capacity of technical advisors (non-voting). The remaining members of the ESC are listed below.

1. Chief Financial Officer, Office of the Secretary;
2. Chief Financial Officer, Bureau of Economic Analysis;
3. Chief Financial Officer, Bureau of Industry and Security;
4. Chief Financial Officer, U.S. Census Bureau;

5. Chief Financial Officer, Economic Development Administration;
6. Chief Financial Officer, Economic and Statistics Administration;
7. Chief Financial Officer, International Trade Administration;
8. Chief Financial Officer, Minority Business Development Agency;
9. Chief Financial Officer, National Oceanic and Atmospheric Administration;
10. Chief Financial Officer, National Telecommunications and Information Administration;
11. Chief Financial Officer, National Institute of Standards and Technology;
12. Chief Financial Officer, National Technical Information Service;
13. Chief Financial Officer, U.S. Patent and Trademark Office;
14. Chief Information Officer, Department of Commerce;
15. Chief Procurement Official, Department of Commerce;
16. Chief Budget Officer;
17. Director for Financial Management;
18. Director for Human Resources Management;
19. Director for Program Evaluation and Risk Management; and
20. Office of the General Counsel.

C. Role and Responsibilities

The ESC Officers consist of the Senior Sustainability Officer, the Assistant Chairperson and the Recording Secretary. The responsibilities of each of these positions are listed below.

1. Department Senior Sustainability Officer:

- a. Ensures the Committee functions properly, each meeting is conducted in accordance with the Charter, and that matters are addressed in an orderly, efficient manner;
- b. Engages all his/her committee members and “leads the team;”
- c. May occasionally be called upon to represent the ESC at functions, meetings, etc.
- d. Studies and implements applicable regulations, policies and procedures;
- e. Provides guidance to the EMS Implementation Workgroup during development, implementation, and reporting; and
- f. Finalizes decisions to ensure compliance with policy, procedure and standardization.
- g. With input and recommendations from the other ESC members, the ESC Chair has the authority to assign additional members to the EMS committee as deemed necessary.

1. Assistant Chairperson

- a. Manages and oversees operations of the ESC;
- b. Assists in planning and conducting all ESC meetings;
- c. Assumes the responsibilities of the Chairperson in his/her absence;

- d. Assists the Chairperson as required; and
- e. Develops and distributes meeting agenda.

2. Recording Secretary (Non-voting member)

- a. Maintains records pertaining to the ESC; and
- b. Keeps accurate and concise records/minutes of each ESC meeting that must include the following:
 - 1) Date and location of meeting;
 - 2) Time meeting was called to order;
 - 3) Names of those in attendance;
 - 4) Approval of minutes of previous meeting (as read, printed, or corrected);
 - 5) Verbatim statement of motion(s) with name(s) of initiator and person who seconds the motion;
 - 6) Passage or failure of motion and whether or not the vote was unanimous or ruled by the majority;
 - 7) Action items to include the action, responsible party and due date; and
 - 8) Time of adjournment.
- c. Distributes meeting minutes after approval.

The responsibilities of ESC members include:

- a. Champions the EMS in their organizations;
- b. Oversees implementation of SSPP objectives and targets; and
- c. Monitors DOC EMS implementation and the Office of Management and Budget (OMB) scorecard progress.

D. Committee Functions

Members will be officially appointed and relieved by written notice from the Chairperson or the head of their operating unit.

The Committee will adhere to the following guidelines:

- a. Provide overall direction to the DOC's EMS;
- b. Review progress on EMS objectives and targets, including SSPP and OMB sustainability scorecard goals;
- c. Approve EMS objectives and targets;
- d. Monitor DOC's environmental compliance status;
- e. Monitor DOC's overall environmental performance;
- f. At least annually review EMS audit results and track corrective actions;
- g. Annually review the environmental policy for continuing adequacy and applicability;

- h. At least annually discuss opportunities for improvement of DOC's EMS and overall environmental performance;
- i. At least annually review communications from external parties related to sustainability or environmental compliance;
- j. At least annually review changes in circumstances, such as new environmental laws and regulations, that might affect the EMS or the DOC's environmental performance;
- k. Develop and manage the Department's Capital Asset Master Plan;
- l. Assess the adequacy of current property management systems to adequately track non-real property Capital Assets held by the Department; and
- m. Ensure that the Department obtains a complete inventory of all capital and real property assets.

E. Meetings

Meetings of the Advisory Board will be held quarterly, unless otherwise recommended by the group. Members should attend each meeting; if a member cannot be present for a meeting, a representative from his/her organization should attend in his/her absence. Meeting minutes shall be recorded and distributed in a timely fashion to all ESC members.

F. EMS Implementation Workgroup

The ESC shall establish an EMS Implementation Workgroup (EMSIW). The DOC EMS Implementation Workgroup is the forum for communication of technical 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 ESC, and to serve as an advisory body to DOC management. In meeting this responsibility, the workgroup shall:

Membership of the EMSIW

The EMS Coordinator shall serve as the Chairperson of the EMSIW. The remaining members of the EMSIW are listed below.

- i. Bureau EMS Coordinators
- ii. Staff representative from the Office of the Chief Information Officer
- iii. Staff representative from the Office of Acquisition Management
- iv. Staff representative from the Office of the Budget
- v. Staff representative from the Office of Human Resources Management
- vi. Staff representative from the Office of the General Counsel

- vii. Staff representative from the Office of Administrative Services, Office of Real Property Programs
- viii. Office of Sustainable Energy and Environmental Programs, Program Managers
- ix. Line office EMS Coordinators

b. Roles and Responsibilities

i. EMS Coordinator:

- 1. Ensures that the EMSIW functions properly and that matters are addressed in an orderly, efficient manner;
- 2. Represents the EMSIW at the ESC meetings and reports on progress and obstacles; and
- 3. Coordinates the execution of the directives and policies of the ESC.

ii. EMSIW Members

- 1. Actively participate in workgroup tasks;
- 2. Represent their organization, its mission and functions in the EMS management effort;
- 3. Report status of Bureau EMS and environmental compliance efforts; and

c. Workgroup Functions

The workgroup will perform the following functions:

- i. Provide technical direction to the Department's organizational EMS;
- ii. Provide guidance to bureau-level organizational EMS;
- iii. Recommend objectives and targets to the ESC;
- iv. Provide status updates to the ESC 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. This shall be done at least annually at the management review.
- v. Schedule and conduct at least one internal audit of the DOC EMS annually.

d. Meetings

Meetings of the EMSIW will be held quarterly, unless otherwise recommended by the group. Members should attend each meeting; if a member cannot be present for a meeting, a representative from his/her organization should attend in his/her

absence. Meeting minutes shall be recorded and distributed in a timely fashion to all EMSIW members.

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