



## Department of Energy

Washington, DC 20585

September 18, 2023

### MEMORANDUM FOR DISTRIBUTION

FROM: TODD N. LAPOINTE  
DIRECTOR  
OFFICE OF ENVIRONMENT, HEALTH, SAFETY  
AND SECURITY

A handwritten signature in black ink, appearing to read "T. Lapointe", is written over the printed name and title of the Director.

SUBJECT: Departmental Use of Environmental Management Systems

Executive Order (E.O.) 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, requires Federal agencies to continue to use effective management strategies, such as environmental management systems (EMSs), if they align with and support their agency needs and facilitate implementation and progress toward E.O. goals.<sup>1</sup>

Department of Energy (DOE) Order (O) 436.1A, *Departmental Sustainability*, requires DOE elements to ensure sites use a certified or conforming Environmental Management System as a management framework to implement programs to meet sustainability goals and support the fulfillment of environmental compliance obligations in accordance with approved instructions from the Office of Environment, Health, Safety and Security (EHSS).<sup>2</sup> DOE O 436.1A further directs EHSS to provide technical assistance and issue instructions to support the implementation and maintenance of sites' EMSs and to develop and maintain policies and directives for environmental protection, including the conservation and preservation of natural and cultural resources.

As part of maintaining each Departmental EMS, Departmental elements with EMSs report annually to EHSS on the performance of these EMSs and their integration of applicable sustainability goals, during the fiscal year, by January 31 of the following year. The metrics detailed in *DOE Environmental Management System Metrics* (Attachment 1) are based on metrics developed by the Federal Interagency EMS Community of Practice and have been revised to address changes in E.O. and Site Sustainability Plan goal areas. EHSS will be convening a team to review these metrics on a regular basis.

DOE O 436.1A requires that all EMSs, covering all site activities, are certified to or conform with the International Organization for Standardization's (ISO) 14001, *Environmental Management Systems: Requirements with Guidance for Use* (2015), in accordance with the accredited registrar provisions of the International Standard or the self-declaration instructions provided by EHSS.<sup>3</sup> To support this effort, EHSS requires that each EMS shall be the subject of a formal audit by a qualified party outside the control or scope of the EMS every three years and issue a declaration of conformance memorandum. *DOE Environmental Management Systems*

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<sup>1</sup> Implementing Instructions for Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, August 2022.

<sup>2</sup> DOE Order 436.1, *Departmental Sustainability*, April 25, 2023.

<sup>3</sup> International Standards Organization's (ISO) 14001 International Standard, *Environmental Management Systems: Requirements with Guidance for Use*, 2015.

*Declarations of Conformance Instructions* (Attachment 2) provides guidance for completing these audits and declarations of conformance.

DOE O 436.1A also requires DOE elements to use their EMS to address environmental justice (EJ). Specifically, the Order requires that DOE elements must: (1) ensure disadvantaged communities (DACs) and adverse impacts on those communities that may be exacerbated by DOE operations are identified and documented in site EMSs<sup>4</sup>, and (2) develop and implement EJ programs and activities to secure EJ for disadvantaged communities<sup>5</sup> that have been historically marginalized and overburdened by climate-related impacts.<sup>6</sup> *DOE Instructions for Addressing Environmental Justice and Disadvantaged Communities in EMS* (Attachment 3) provides instructions for fulfilling the EJ requirements.

If EHSS can be of any assistance, please contact Kristoffer Hewitt, Director of the Office of Sustainable Environmental Stewardship, at (301) 550-0993, or [kristoffer.hewitt@hq.doe.gov](mailto:kristoffer.hewitt@hq.doe.gov).

#### Attachments

1. Department of Energy Environmental Management System Metrics
2. Department of Energy Environmental Management System Declarations of Conformance Instructions
3. DOE Instructions for Addressing Environmental Justice and Disadvantaged Communities in EMS

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<sup>4</sup> Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, January 25, 2021.

<sup>5</sup> Departmental elements should use the U.S. Environmental Protection Agency's [Environmental Justice Screening and Mapping Tool](#) to identify EJ communities and develop appropriate EJ programs and implementation strategies.

<sup>6</sup> Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, January 27, 2021.

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## DEPARTMENT OF ENERGY ENVIRONMENTAL MANAGEMENT SYSTEM METRICS

### Introduction

Executive Order (E.O.) 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, requires Federal agencies to continue to use effective management strategies, such as environmental management systems (EMSs), if they align with and support their agency needs and facilitate implementation and progress toward E.O. goals.<sup>1</sup>

Department of Energy (DOE) Order (O) 436.1A, *Departmental Sustainability*, requires DOE elements to ensure sites use a certified or conforming Environmental Management System<sup>2</sup> as a management framework to implement programs to meet sustainability goals and support the fulfillment of environmental compliance obligations in accordance with approved instructions from DOE Environment, Health, Safety and Security (EHSS). DOE O 436.1A further directs EHSS to provide technical assistance and issue instructions to support the implementation and maintenance of sites' EMSs and to develop and maintain policies and directives for environmental protection, including the conservation and preservation of natural and cultural resources.

As part of maintaining each Departmental EMS, Departmental elements with EMSs report annually to EHSS on the performance of these EMSs and their integration of applicable sustainability goals, during the fiscal year, by January 31 of the following year. The metrics detailed in *DOE Environmental Management System Metrics* (Attachment 1) are based on metrics developed by the Federal Interagency EMS Community of Practice and have been revised to address changes in E.O. and Site Sustainability Plan goal areas. EHSS will be convening a team to review these metrics on a regular basis.

Reporting will continue be completed electronically through DOE's EMS Site Information Database, at <https://ems.projectenhancement.com>. EMS reporting will open on December 1 and close on January 31 for the prior fiscal year.

The Department is using an EMS as a management framework to implement programs to meet sustainability goals and support the fulfillment of environmental compliance obligations. An International Standards Organization (ISO) 14001 conformant EMS utilizes a Plan-Do-Check-Act model, which is an iterative process to: 1) identify environmental aspects and impacts, establish appropriate objectives, develop action plans to address objectives and significant aspects, and secure resources to implement the plans; 2) implement action plans; 3) monitor, measure, and report on progress; and 4) take actions to continually improve the EMS and environmental performance. An EMS is distinct from a Site Sustainability Plan (SSP), which identifies a site's contributions toward meeting the Department's sustainability goals and provides an overview of results/accomplishments, discusses plans, and highlights successes and challenges of site sustainability and climate mitigation efforts.

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<sup>1</sup> Implementing Instructions for Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, August 2022.

<sup>2</sup> International Standards Organization's (ISO) 14001 International Standard, *Environmental Management Systems: Requirements with Guidance for Use*, 2015.

## DEPARTMENT OF ENERGY ENVIRONMENTAL MANAGEMENT SYSTEM METRICS

### Section 1: EMS Performance Metrics

The metrics in the table below represent EMS metric areas that will provide the basis for an evaluation of the performance of the EMS. For each EMS Metric Area listed in the first column, reporting sites will select the applicable performance level that represents the status of the EMS with “A” being the highest score and “D” being the lowest score. Responses to these scored questions are part of the site EMS scoring process.

<i>EMS Metric Area</i>	<i>EMS Metric Area Performance Criteria</i>
<b>1. Environmental Aspects</b>	<p>A. Using an established procedure(s), previously identified activities, products, and services (and their associated environmental aspects) and all newly identified activities, products, and services (and their associated environmental aspects) were evaluated for significance within the past FY. Also, the results of the analysis were documented, and any necessary changes were made or are scheduled to be made.</p> <p>B. Using an established procedure(s), all previously identified activities, products, and services (and their associated environmental aspects) and all newly identified activities, products, and services (and their associated environmental aspects) were evaluated for significance within the past FY. However, at least one of the following is true:</p> <ul style="list-style-type: none"> <li>• The results of the analysis were not documented.</li> <li>• Necessary changes were not made.</li> </ul> <p>C. A procedure is established requiring review of identified activities, products, and services (and their associated environmental aspects) for significance, but that procedure was not exercised within the past FY.</p> <p>D. No established procedure is in place to evaluate activities, products, and services (and their associated environmental aspects) for significance.</p>
<b>2. Environmental Objectives</b>	<p>A. Documented measurable environmental objectives are in place at relevant functions and levels. Additionally, by the end of the FY, at least 80% of them had either already been accomplished or were on schedule to be met.</p> <p>B. Documented measurable environmental objectives are in place at relevant functions and levels. Additionally, by the end of FY, 50 to 79% of them had either already been accomplished or were on schedule to be met.</p> <p>C. Documented measurable environmental objectives are in place at relevant functions and levels. However, by the end of FY, less than 50% of them had either already been accomplished or were on schedule to be met.</p> <p>D. No documented measurable environmental objectives have been established.</p>
<b>3. Operational Controls</b>	<p>A. Within the past FY, operational controls associated with identified significant environmental aspects are established, implemented, controlled, and maintained in accordance with operating criteria.</p> <p>B. Within the past FY, operational controls are established and implemented, but have not been controlled and maintained in accordance with operating criteria.</p> <p>C. Within the past FY, operational controls are established, but have not been implemented, controlled, and maintained in accordance with operating criteria.</p> <p>D. Operational controls have not been established.</p>

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<i>EMS Metric Area</i>	<i>EMS Metric Area Performance Criteria</i>
<b>4. Compliance with Regulatory Requirements/ Corrective Actions</b>	<p>An environmental compliance audit program should include an established frequency for review of environmental program elements (e.g., air, water, waste, etc.).</p> <p>A. Within the past FY, an environmental compliance audit program was in place, audits were completed according to schedule, audit findings were documented, and corrective and preventative actions were defined/documentated and on schedule for completion by an established date.</p> <p>B. Within the past FY, an environmental compliance audit program was in place, audits were completed according to schedule or were rescheduled as needed, audit findings were documented, and corrective and preventative actions were defined/documentated. However, the corrective and preventative actions were not always on schedule for completion by an established date.</p> <p>C. Within the past FY, an environmental compliance audit program was in place, but at least one of the following statements is true:</p> <ul style="list-style-type: none"> <li>• Audits were not completed according to schedule, and have not been rescheduled, as needed.</li> <li>• Audit findings were not documented.</li> <li>• No process was established to define/document corrective and preventative actions.</li> </ul> <p>D. No established environmental compliance audit program exists.</p>
<b>5. EMS/ Sustainability Goals Integration</b>	<p><b>Use Section 2: EMS/Sustainability Goals Integration Indicator Worksheet to calculate your score for this Metric:</b></p> <p>A. 80 to 100 percent of applicable sustainability goals are addressed in the EMS.</p> <p>B. 65 to 79 percent of applicable sustainability goals are addressed in the EMS.</p> <p>C. 50 to 64 percent of applicable sustainability goals are addressed in the EMS.</p> <p>D. Zero to 49 percent of applicable sustainability goals are addressed in the EMS.</p>

### Section 2: EMS/Sustainability Goals Integration Indicator Worksheet

The goal areas for EMS reporting are based on the SSP Guidance goal areas. Many of the SSP Goal Areas map to multiple E.O. 14057 goal areas, therefore those goal areas have multiple sets of targets, metrics, and progress milestones. In addition, some of the E.O. 14057 goal areas do not have targets, metrics and progress milestones listed in the implementing instructions, therefore some of the SSP Goal Areas do not have this information listed. For more information on those goal areas, please see the SSP guidance.

These sustainability goal areas may be covered by facilities or headquarters offices. Review and specify if the following SSP goal areas are: 1) applicable and 2) included in the EMS.

Reporting sites will select **Yes** or **No** for each column and line item.

- For question 1, select **Yes** or **No** to specify if the goal area is applicable or not. A goal is “not applicable” (select **No** for question 1) if:
  - Aspect/ability to meet goal does not exist at organization/facility; and/or
  - The goal is fully addressed at a different level of the organization; or fully addressed outside the EMS; or has been fully addressed through prior EMS objectives.
- If applicable (question 1 is **Yes**), then select **Yes** or **No** for question 2 to specify if the goal area is addressed in the EMS. Select **Not Applicable** if the goal area was marked **No** in question 1.

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The resulting calculation is used to determine the A, B, C, or D score for EMS Metric Question 5 in Section 1 of the EMS Application.

Site Sustainability Plan Goal Areas and Progress Metrics from EO 14057		1. Applicability: is the Goal Area Applicable to the EMS?*	2. Integration: is the Goal Area Addressed in the EMS?***
Goal 1 - Energy Management	<p><b>Targets:</b> 100 percent net annual CFE use by FY 2030. 50 percent 24/7 CFE by FY 2030.</p> <p><b>Metrics:</b> CFE percentage of total annual megawatt hours consumed.</p> <p><b>Progress Milestone:</b> Agencies will set net annual CFE progress targets beginning with FY 2023.</p> <p><b>Target:</b> Agency-specific energy use intensity (EUI) target for FY 2030.</p> <p><b>Metric:</b> Site-delivered British thermal units (Btu) consumed per GSF per fiscal year (Btu/GSF/FY).</p> <p><b>Progress Milestone:</b> Agencies will set annual EUI targets beginning with FY 2023.</p>		
Goal 2 - Water Management	<p><b>Target:</b> Agency-specific potable water use intensity (WUI) target for FY 2030.</p> <p><b>Metric:</b> Annual agency potable WUI: gallons (Gal) per GSF per fiscal year (Gal/GSF/FY).</p> <p><b>Progress Milestone:</b> Agencies will set annual WUI targets, beginning with FY 2023.</p>		
Goal 3 - Waste Management	<p><b>Target:</b> 50 percent diversion of non-hazardous municipal solid waste (MSW) by FY 2025, 75 percent diversion by FY 2030. 50 percent diversion of non-hazardous construction and demolition (C&amp;D) debris by FY 2025, 75 percent diversion by FY 2030.</p> <p><b>Metric:</b> Percentage MSW and C&amp;D diverted.</p> <p><b>Progress Milestone:</b> Agencies will track progress annually for MSW and C&amp;D diversion</p>		
Goal 4 - Fleet Management	<p><b>Target:</b> 100 percent of light-duty vehicle acquisitions are ZEVs by 2027. 100 percent medium-duty vehicle (MDV) and heavy-duty vehicle (HDV) acquisitions are ZEVs by 2035.</p> <p><b>Metrics:</b> ZEVs as percentage of annual light-duty vehicle (LDV) acquisitions. ZEVs as percentage of annual MDV and HDV acquisitions.</p> <p><b>Progress Milestone:</b> Agencies will set annual acquisition targets in consultation with CEQ and OMB, beginning in FY 2022.</p>		



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<b>Site Sustainability Plan Goal Areas and Progress Metrics from EO 14057</b>		<b>1. Applicability: is the Goal Area Applicable to the EMS?*</b>	<b>2. Integration: is the Goal Area Addressed in the EMS?***</b>
Goal 5 - Clean & Renewable Energy	<p><b>Target:</b> All new construction and modernization projects greater than 25,000 GSF must be designed to be a Federal net-zero emission building/facility by FY 2030.</p> <p><b>Metric:</b> Annual percentage and gross floor area of Federal net-zero emissions new construction projects.</p> <p><b>Progress Milestone:</b> Agencies to track progress annually.</p> <p><b>Target:</b> All new construction and modernization projects greater than 25,000 GSF must be designed to be a Federal net-zero emission building/facility by FY 2030.</p> <p><b>Metric:</b> Annual percentage and gross floor area of Federal net-zero emissions new construction projects.</p> <p><b>Progress Milestone:</b> Agencies to track progress annually.</p>		

## DEPARTMENT OF ENERGY ENVIRONMENTAL MANAGEMENT SYSTEM METRICS

Site Sustainability Plan Goal Areas and Progress Metrics from EO 14057		1. Applicability: is the Goal Area Applicable to the EMS?*	2. Integration: is the Goal Area Addressed in the EMS?***
Goal 6 - Sustainable Buildings	<p><b>Target:</b> Net-zero emissions building portfolio by 2045, including 50 percent reduction in GHG by 2032 from 2008 levels.</p> <p><b>Metric:</b> Reduction in annual scope 1 and 2 emissions (MT CO<sub>2</sub>e).</p> <p><b>Progress Milestone:</b> Agencies will set annual emissions reduction targets in consultation with CEQ and OMB, beginning with FY 2023.</p> <p><b>Target:</b> Meet the building performance standards (BPS) by FY 2030.</p> <p><b>Metric:</b> Cumulative percentage of portfolio by floor area by GSF that meets the BPS.</p> <p><b>Progress Milestone:</b> Agencies will set annual BPS targets in consultation with CEQ and OMB, beginning with FY 2024.</p> <p><b>Target:</b> Implement deep energy retrofits in at least 30 percent of owned covered facilities by FY 2030.</p> <p><b>Metric:</b> Percentage of GSF that completed deep energy retrofits, starting from FY 2019.</p> <p><b>Progress Milestone:</b> Agencies will set annual deep energy retrofit targets beginning with FY 2023.</p> <p><b>Target:</b> All new construction and modernization projects greater than 25,000 GSF must be designed to be a Federal net-zero emission building/facility by FY 2030.</p> <p><b>Metric:</b> Annual percentage and gross floor area of Federal net-zero emissions new construction projects.</p> <p><b>Progress Milestone:</b> Agencies to track progress annually.</p> <p><b>Target:</b> All new lease solicitations issued after September 30, 2023 for at least 25,000 rentable square feet (RSF) where the Federal Government occupies at least 75 percent of a building are to be green leases.</p> <p><b>Metric:</b> Percentage of new lease solicitations issued in the fiscal year that are green leases.</p> <p><b>Progress Milestone:</b> Agencies to track compliance annually, starting with FY 2024.</p> <p><b>Target:</b> All new construction and modernization projects greater than 25,000 GSF must apply the Guiding Principles. All renovation projects must apply the Guiding Principles, to the greatest extent technically feasible.</p> <p><b>Metric:</b> Percentage of buildings (new and existing); and Percentage of GSF that qualifies as a Sustainable Federal building.</p> <p><b>Progress Milestone:</b> Agencies will track compliance annually.</p>		

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ENVIRONMENTAL MANAGEMENT SYSTEM METRICS**

Site Sustainability Plan Goal Areas and Progress Metrics from EO 14057		1. Applicability: is the Goal Area Applicable to the EMS?*	2. Integration: is the Goal Area Addressed in the EMS?***
Goal 7 - Acquisition & Procurement			
Goal 8 - Investments: Improvement Measures, Workforce, & Community	<p><b>Target:</b> Agency-specific target for scope 1 and 2 emissions reductions delivered through performance contracting by FY 2030<sup>3</sup></p> <p><b>Metric:</b> Annual emissions (MTCO<sub>2</sub>e) reduction expected as a result of projects awarded during the FY.</p> <p><b>Progress Milestone:</b> Agencies will set interim milestones for FY 2024 and FY 2027.</p>		
Goal 9 – Indirect Emissions	<p><b>Targets:</b> Agencies will set individual 2030 GHG reduction targets for scope 1, scope 2, and scope 3 emissions.</p> <p><b>Metrics:</b> Percentage reduction of emissions measured in metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) from the baseline year as established by the E.O.</p> <p><b>Progress Milestone:</b> Agencies will set net annual progress targets based on CEQ guidance.</p>		
Goal 10 - Fugitives & Refrigerants			
Goal 11 - Electronics Stewardship & Data Centers			
Goal 12 - Adaptation & Resilience			
<b>Total number of applicable areas (Total “Yes” in Column 1)</b>			
<b>Total number of addressed areas (Total “Yes” in Column 2):</b>			
<p><b>Scoring:</b></p> <p style="padding-left: 40px;">(total number of “Yes” in Column 2) x 100= _____%</p> <p style="padding-left: 40px;">(total number of “Yes” in Column 1)</p> <p><b>Use the percentage calculated to determine the score for EMS Metric Area 5 in Section 1.</b></p>			
<p><b>Notes:</b></p> <p>*A goal is “not applicable” if:</p> <ul style="list-style-type: none"> <li>- Aspect/ability to meet goal does not exist at organization/facility; and/or</li> <li>- The goal is fully addressed at a different level of the organization or fully addressed outside the EMS or has been fully addressed through prior EMS objectives.</li> </ul> <p>** Goal areas which are considered addressed in the EMS should also be marked as applicable in Column 1.</p>			

<sup>3</sup> The baseline for scope 2 emissions reductions from performance contracts must assume achievement of agency CFE goals.

## DEPARTMENT OF ENERGY ENVIRONMENTAL MANAGEMENT SYSTEM METRICS

### Section 3: EMS Scoring

Using the compilation of scores for reported items in Section 1 above to calculate the overall EMS metric score for a reporting site:

Compilation of Scores	Overall Metric Score
<ul style="list-style-type: none"> <li>• At least 3 A's</li> <li>• No C's or D's</li> <li>• Rest B's</li> </ul>	<b>Green</b>
<ul style="list-style-type: none"> <li>• No D's</li> <li>• No more than 3 C's</li> <li>• Rest A's and B's</li> </ul>	<b>Yellow</b>
<ul style="list-style-type: none"> <li>• Any D's</li> <li>• 4 or more C's</li> <li>• Rest A's and B's</li> </ul>	<b>Red</b>

Site Scoring Methodology:

<b>Green</b>	At least 80% of reporting EMSs are rated as Green
<b>Yellow</b>	At least 60%, but fewer than 80% of reporting EMSs are rated as Yellow or Green
<b>Red</b>	Does not meet minimum percentages for departmental level scoring for Green or Yellow

### Section 4: EMS Experiences (short write-in answers)

- Please provide bulleted statements identifying any EMS best practices. Include details/outcomes. Include no more than four bullets.
- Describe how EMS implementation has enabled your organization/facility to operate more effectively in accomplishing its missions in the past year.
- List the challenges faced when implementing an EMS to accomplish the facility's or organization's mission in the past year.

**DEPARTMENT OF ENERGY  
ENVIRONMENTAL MANAGEMENT SYSTEM  
DECLARATIONS OF CONFORMANCE  
INSTRUCTIONS**

## **Introduction**

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## **Explanation of Terms**

**Formal audit:** A formal audit is one that follows generally accepted practices for EMS audits and has the following critical elements: 1) an audit plan that reflects the scope and schedule of the audit; 2) a review of background documents prior to the actual site visit including a review of the environmental policy and relevant documented information determined by the organization as being necessary for the effectiveness of the EMS; 3) a physical or virtual audit of the facility or organization to determine conformance with the Standard; 4) preparation of an audit report which outlines findings from the audit; and, 5) an out briefing with senior managers from the facility or organization conveying the findings of the audit.

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**Qualified party:** Those conducting the audit should be competent and have the proper and relevant skills to carry out that task. They should have a working knowledge and understanding of both the ISO 14001:2015 EMS Standard and general management system auditing methodologies and techniques. It is preferable that the auditor(s) have an education or background that reflects general environmental science and technology relevant to the facility or organization to be audited, as well as knowledge of compliance obligations that might apply to the facility or organization to be audited. It is appropriate and, in many cases, recommended that the audit be conducted by a team of individuals who collectively have the appropriate skills and knowledge. While not required, formal ISO 14001 Lead Auditor Training and general auditing skills training are recommended for those conducting EMS audits.

**Outside the control or scope of the EMS:** To ensure that the audit is independent and objective, those conducting the audit should not have been involved in the development of the EMS or day-to-day implementation of the EMS. Likewise, the auditors should not otherwise work in the facility or organization where the EMS is implemented or have any direct responsibility associated with the EMS being reviewed. In other words, ISO 14001:2015 requires that the scope of the EMS be defined, and personnel included in that scope would not be considered outside the control or scope of the EMS.

**Findings accepted by the Field Manager or other appropriate senior manager:** This step indicates that the EMS has been audited, and information on whether the EMS is in conformance has been presented to the Field Manager or other appropriate senior manager, for their consideration and action. It is strongly encouraged that the findings also be reviewed and accepted by any contracted organization which is responsible for maintaining the EMS. In order for the EMS process to be effective and worthwhile, the findings from the formal audit must be presented to senior decision makers with authority over policy and resources within the EMS and, in order to address the findings and affirm their EMS commitment to continual improvement, those individuals must follow through on recommendations.

**Field Managers or other appropriate senior manager declare conformance to EMS requirements:** Once the findings from the audit have been “accepted,” the Field Manager or other appropriate senior manager, should declare conformance with ISO 14001:2015 by stating that the facility or organization has maintained an EMS, conformant with ISO 14001:2015, consistent with DOE O 436.1A via a Memorandum-to-File.

### **ISO 14001 Registration**

If an EMS is ISO-registered, then the registrar constitutes a qualified party outside the control or scope of the EMS. The registrar conducts a full audit every three years (as well as interim audits at regular intervals). The most recent registration audit meets the three-year audit requirement.

**DEPARTMENT OF ENERGY  
ENVIRONMENTAL MANAGEMENT SYSTEM  
DECLARATIONS OF CONFORMANCE  
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### **Selecting an Auditor**

If an EMS will not be registered to ISO 14001:2015, the organization will need to identify a qualified auditor(s) outside the control or scope of the EMS. It is appropriate and, in many cases, recommended that the audit be conducted by a team of individuals who collectively have the appropriate skills and knowledge (see explanation of “Qualified party” above).

For example, members of a qualified audit team might come from:

- A DOE Field/Site office;
- A DOE Program Secretarial Office (PSO);
- Another DOE site;
- The contractor’s corporate parent(s); or
- A private consultant.

An exception would be the case where the DOE site office, program office, or corporate parent was significantly involved in the process or details of developing or implementing the EMS.

An independent oversight or audit office of the organization covered by the EMS is not “outside the control or scope” of the EMS, and so is ineligible to conduct the independent external audit.

### **Timing of Declarations**

All Departmental EMSs shall submit a memo declaring conformance to ISO 14001:2015 within three years of their last memo. Departmental EMSs shall submit a declaration of conformance memo every three years thereafter. The deadline for subsequent declaration of conformance memos is three years from the last declaration.

### **Format for Declarations**

DOE O 436.1A assigns responsibility to Field Managers to ensure implementation of EMSs [§5.f.(2)]. For sites or organizations not under the purview of a Field Manager, an appropriate senior manager should ensure implementation of EMS. The Field Manager, or other appropriate senior manager, should maintain appropriate records documenting:

1. Completion of the required three-year independent external EMS audit, and
2. The Field Manager’s or other appropriate senior manager’s determination that the EMS conforms to the ISO 14001:2015 standard.

The attached Memorandum-to-File templates (see Attachments 2a and 2b) may be used to document conformance based on:

1. Registration to the ISO 14001:2015 standard by an ISO registrar; or
2. Completion of a formal audit by a qualified party outside the control or scope of the EMS.

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If the audit is conducted by an ISO registrar, and the audit identifies no major non-conformances, then the registrar will issue a certificate of registration. This document supports the Field Manager's or other appropriate senior manager's declaration of conformance (see Attachment 2a). If the ISO registrar identifies non-conformities which prevent the issuance of a certificate of registration, the Field Manager or other appropriate senior manager must wait until the necessary corrective actions are completed and the ISO registrar issues a certificate of registration, to make a declaration of conformance.

If the audit is conducted by another qualified party outside the control or scope of the EMS, there are several possible outcomes.

1. The audit identifies no non-conformances. Based on this, the Field Manager or other appropriate senior manager can declare the EMS to be in conformance with ISO 14001:2015 (see Attachment 2b); or
2. The audit identifies some minor non-conformances. Based on this, the organization implementing the EMS must develop and adopt a Corrective Action Plan; then the Field Manager or other appropriate senior manager can declare the EMS in conformance with ISO 14001:2015 (see Attachment 2b); or
3. The audit identifies one or more major non-conformances. Based on this, the organization implementing the EMS must develop and complete a Corrective Action Plan. The Field Manager or other appropriate senior manager must verify its completion, prior to declaring the EMS to be in conformance with ISO 14001:2015.

The declaration of conformance memo should reflect the severity of any non-conformances found during the formal audit. Although an EMS can be considered conformant even with some minor non-conformances, it is necessary that corrective actions be defined and planned, and that senior management commit to these actions. Major findings, such as systemic problems with an element(s) or completely missing elements, will lead to the system being non-conformant and conformity should not be declared. A trained auditor can distinguish between major and minor non-conformances. Minor non-conformances would not hinder declaration as long as corrective action is defined, planned, and endorsed or accepted by the Field Manager or other appropriate senior manager.

A copy of the Memorandum-to-File should be sent to the EMS contact in the appropriate PSO, where applicable; to the director of the Office of Sustainable Environmental Stewardship (EHSS-21); and to the director of the Sustainability Performance Office (SPO).

### **Establishing a New EMS**

If a site is implementing an EMS for the first time, it should plan to complete an external audit one year after implementation of the EMS. A declaration of conformance memo should be issued within six months after completion of the external audit.



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**Ending an Existing EMS**

If a site is expected to no longer be under the purview of the Department by the time their next declaration of conformance memo is due, a declaration of conformance is not necessary. The site should consult with its PSOs and EHSS-21 of the site transition or closure, and cessation of the associated Departmental EMS.

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**Attachment 2a  
Three-Year EMS Declaration Memorandum Template:  
ISO 14001:2015 Registered**

Date: [Date]

From: [Name], [Field/Site Office] OR [Other Appropriate Senior Manager]

To: File

Subject: Declaration that [Contractor/Organization/Site] EMS conforms to the ISO 14001:2015 standard

This memorandum documents that the Environmental Management System (EMS) for [Contractor/Organization/Site] conforms to the International Organization for Standardization's (ISO) 14001:2015 standard, on the basis of its registration to the standard by an accredited ISO registrar. This satisfies the requirements of DOE O 436.1A, §§ 4.d.(1) and 5.f.(2).

The most recent full registration audit was conducted by [Name of ISO registrar], and certificate of registration [###] was issued on [Date]. A copy of the certificate is attached.

The scope of the EMS includes [specify e.g.: on- and off-site activities of employees and contractors, tenants and concessionaires, environmental remediation activities].

[Name], [Field/Site Office] OR  
[Other Appropriate Senior Manager]

Attachment: [Copy of ISO 14001:2015 Certificate of Registration]

cc: [Name of EMS Contact], [Program Secretarial Office]  
[Name], Director, Office of Sustainable Environmental Stewardship (EHSS-21)  
[Name], Director, Sustainability Performance Office (SPO)

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**Attachment 2b  
Three-Year EMS Declaration Memorandum Template:  
Formal Audit by a Qualified Party**

Date: [Date]

From: [Name], [Field/Site Office] OR [Other Appropriate Senior Manager]

To: File

Subject: Declaration that [Contractor/Organization/Site] EMS conforms to the ISO 14001:2015 standard

This memorandum documents that the Environmental Management System (EMS) for [Contractor/Organization/Site] conforms to the International Organization for Standardization's (ISO) 14001:2015 standard, on the basis of the results of a formal audit by a qualified party outside the control or scope of the EMS, and of my oversight of the EMS. This satisfies the requirements of DOE O 436.1A, §§ 4.d.(1) and 5.f.(2).

The audit was conducted on [Dates]. The audit report is attached. Based on my review of the audit results, and my oversight of the EMS, I find that the EMS conforms to the ISO 14001:2015 standard.

The scope of the EMS includes [specify e.g.: on- and off-site activities of employees and contractors, tenants and concessionaires, environmental remediation activities].

[Name], [Field/Site Office] OR  
[Other Appropriate Senior Manager]

Attachment: [Report of the Formal Audit by a qualified Party Outside the Control or Scope of the EMS]

cc: [Name of EMS Contact], [Program Secretarial Office]  
[Name], Director, Office of Sustainable Environmental Stewardship (EHSS-21)  
[Name], Director, Sustainability Performance Office (SPO)

# DEPARTMENT OF ENERGY

## INSTRUCTIONS FOR ADDRESSING ENVIRONMENTAL JUSTICE AND DISADVANTAGED COMMUNITIES IN ENVIRONMENTAL MANAGEMENT SYSTEMS

### Introduction

Executive Order (E.O.) 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, requires Federal agencies to continue to use effective management strategies, such as environmental management systems (EMSs), if they align with and support their agency needs and facilitate implementation and progress toward E.O. goals.<sup>1</sup>

Department of Energy (DOE) Order (O) 436.1A, *Departmental Sustainability*, requires DOE elements to ensure sites use a certified or conforming Environmental Management System<sup>2</sup> as a management framework to implement programs to meet sustainability goals and support the fulfillment of environmental compliance obligations in accordance with approved instructions from DOE Environment, Health, Safety and Security (EHSS). DOE O 436.1A further directs EHSS to provide technical assistance and issue instructions to support the implementation and maintenance of sites' EMSs and to develop and maintain policies and directives for environmental protection, including the conservation and preservation of natural and cultural resources.

DOE O 436.1A also requires DOE elements to use their EMS to address environmental justice (EJ). Specifically, the Order requires that DOE elements must<sup>3</sup>: (1) ensure disadvantaged communities (DACs) and adverse impacts on those communities that may be exacerbated by DOE operations are identified and documented in site EMSs, and (2) develop and implement EJ programs and activities to secure EJ for disadvantaged communities that have been historically marginalized and overburdened by climate-related impacts. *DOE Instructions for Addressing Environmental Justice and Disadvantaged Communities in EMS* (Attachment 3) provides instructions for fulfilling the EJ requirements.

### Addressing DACs and EJ in EMS

**EMS Policy:** Sites should include consideration of EJ and potential negative environmental impacts on communities with environmental justice concerns (EJ communities) and DACs in their EMS policy.

**External Stakeholders and Communication:** Sites should include any identified EJ communities/DACs as external stakeholders in their EMS documentation. In addition, the site should include in its communication processes and plans, how they outreach to and engage with EJ communities and DACs.

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<sup>1</sup> Implementing Instructions for Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, August 2022.

<sup>2</sup> International Standards Organization's (ISO) 14001 International Standard, *Environmental Management Systems: Requirements with Guidance for Use*, 2015.

<sup>3</sup> DOE Order 436.1, *Departmental Sustainability*, April 25, 2023.

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**Risks and Opportunities:** Sites should include an examination of impacts to nearby EJ communities/DACs when reviewing risks and opportunities and ensure mitigation plans are properly communicated to identified community stakeholders.

**Aspects:** In examining aspects and impacts of activities, products, and services, sites should include whether there are impacts to nearby EJ communities/DACs and how any potential impacts can be mitigated, monitored, and/or evaluated over time.

**Objectives:** Sites should consider including relevant Justice40 Initiative (J40) and EJ priorities as EMS objectives.

### Coordinating with Existing Efforts

Site EMS representatives should work with their EJ colleagues to ensure that outreach to EJ communities is reflected in the EMS.

Sites that have [Justice40 covered programs](#), should work with their Justice40 colleagues to ensure consistency. Sites that do not have [Justice40 covered programs](#) should use CEQ's [Climate and Economic Justice Screening Tool \(CEJST\)](#) to identify the census tracts near their site that are considered disadvantaged. They can also use the DOE DAC score to better understand the burdens experienced by census tracts identified in the CEJST tool using the [DOE Disadvantaged Community Reporter](#).

### Definitions of Affected Communities from the Relevant Executive Orders (E.O.)s

E.O. 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*

- “Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*

- “Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts. It is therefore the policy of my Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care. “

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OMB Interim Implementation Guidance for E.O. 14008<sup>4</sup>

- defines a community as either: (1) Geographic: a group of individuals living in geographic proximity (such as census tract), or (2) Common condition: a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions.
- For the “geographic” definition of community, pursuant to the Interim Implementation Guidance and OMB guidance M-23-09, DOE recognizes as disadvantaged those census tracts identified by the White House Climate and Economic Justice Screening Tool (CEJST), which is located at <https://screeningtool.geoplatform.gov/>.
- For the “common condition” definition of community, federally recognized tribal lands and U.S. territories are categorized as disadvantaged in accordance with OMB’s Interim Implementation Guidance.

E.O. 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*

“(b) “Environmental justice” means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:

- (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.”

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<sup>4</sup> From DOE’s [Justice40 Initiative](#) page