Declaration of Conformance with Executive Order 13423
Challenges for Department of the Army Installations

NDIA Environment, Energy Security and Sustainability Symposium & Exhibition

Linda L. Baetz, EMS-LA
James D. Wood, P.E., EMS-LA

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EMS Requirements - Background

• **EO 13148** – Required Federal Agencies to implement EMS (revoked).
• **DA Policy Guidance** – ISO 14001 to be used for Army EMS implementation
• **EO 13423** – Reinforced EMS implementation at “all appropriate levels” and EMS use as “primary management approach”
• **OFEE EO 13423 Instructions** – Required external audits [initial & follow-up (3-yr cycle)] for declaration of EMS conformance
• **OFEE EO 13514** – This EO **does not rescind/eliminate** the requirements of EO 13423. Instead, it **expands on** the energy reduction and environmental performance requirements for Federal agencies identified in EO 13423
• **DA Policy Guidance** – Declaration of EMS conformance NLT 31 Dec 2009 (declaration may be based on results of internal audit if no external audit scheduled before deadline)
• **External EMS Conformance Audit by Qualified Auditors** (internal audit could be used if no external audit was scheduled prior to 31 Dec 2009 deadline)

• **Installation may Declare EMS Conformance with Unresolved Minor Nonconformance Issues** (Corrective Action Plan must be developed and briefed to senior Leadership prior to declaration of EMS conformance)

• **Installation MUST resolve all Major Nonconformance Issues prior to Declaration of EMS Conformance** (Verification by IMCOM Region/MACOM required)
DA Definitions – Installation EMS Status

- **Fully Implemented EMS** – EMS meets all requirements of EO 13423 to include:
  - (a) EMS has been the subject of formal external audit;
  - (b) all major non-conformance issues identified during that audit have been corrected and the Commander has endorsed a Corrective Action Plan to address unresolved minor nonconformance issues; and
  - (c) Commander has formally declared EMS conformance to ISO 14001:2004 and to DA EMS policy.

- **EMS in Conformance** – EMS conforms to ISO 14001 and to DA EMS requirements, but Commander’s formal declaration of conformance has been based on internal audit (since no external audit was scheduled prior to 31 Dec 2009).
## DA EMS Implementation Status
(as of 31 Dec 2009)

<table>
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<tr>
<th></th>
<th>CONUS</th>
<th>OCONUS</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Appropriate Facilities</td>
<td>123</td>
<td>21</td>
<td>144</td>
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### EMS Declaration Status:

<table>
<thead>
<tr>
<th>Status</th>
<th>CONUS</th>
<th>OCONUS</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>Fully Implemented</td>
<td>40</td>
<td>15</td>
<td>55</td>
</tr>
<tr>
<td>In Conformance</td>
<td>42</td>
<td>15</td>
<td>57</td>
</tr>
</tbody>
</table>
DA Definitions – Nonconformance

• **Major Nonconformance** – Audit evidence indicates one of the following situations:
  – (a) A numbered element of the ISO 14001 standard has not been addressed, or has not been implemented, or is ineffective; or
  – (b) Multiple specific requirements within an element of ISO 14001 have not been addressed, implemented or are ineffective
  – (c) Multiple Minor Nonconformance issues, against an element of the ISO 14001 standard, are observed at multiple locations and indicate a **systemic failure** of the ISO 14001 element in question.
DA Definitions – Nonconformance (Con’t)

- **Minor Nonconformance** – Audit evidence indicates one of the following situations:
  - (a) The element of the 14001 standard has been generally implemented, but a specific requirement within that element has not been fully addressed, implemented or is ineffective; or
  - (b) One or more nonconformance issues to an element of the ISO 14001 standard or to the installation’s own EMS procedures that is **not likely to result in a systemic failure** of the EMS (e.g., a single observed nonconformance or a small fraction of sampled data for an element of the ISO 14001 standard); or
  - (c) One or more DoD/Army requirements have not been addressed, implemented or are ineffective
Typical Areas of Minor Nonconformance

• Environmental Aspects (ISO 14001, 4.3.2)

• Legal and Other Requirements (ISO 14001, 4.3.2)

• Objectives, Targets and Programs (ISO 14001, 4.3.3)

• Resources, Roles, Responsibility and Authority (ISO 14001, 4.4.1)
Typical Areas of Minor NC (Con’t)

• Competence, Training and Awareness (ISO 14001, 4.4.2)

• Communication (ISO 14001, 4.4.3)

• Control of Documents (ISO 14001, 4.4.5)

• Operational Control (ISO 14001, 4.4.6)
Typical Areas of Major NC (Con’t) (Corr. Action – Implement Missing EMS Element)

• Monitoring and Measurement (ISO 14001, 4.5.1)

• Nonconformity, Corrective Action and Preventive Action (ISO 14001, 4.5.3)

• Internal Audit (ISO 14001, 4.5.5)

• Management Review (ISO 14001, 4.6)
Environmental Aspects

• **Nonconformance Issue(s)** – The list of environmental aspects and/or significant environmental aspects had not been kept up-to-date (ISO 14001 requirement); and/or previously identified significant environmental aspects were not being reviewed annually (DA requirement).

• **Corrective Action(s) for Resolution:**
  – (1) Evaluate environmental aspects/impacts (IAW Installation EMS procedures) associated with new/modified processes and mission changes; and
  – (2) Annually review significant environmental aspects to ensure that aspects/impacts accurately reflect current Installation processes and missions.
Legal and Other Requirements

• Nonconformance Issue – The list of legal and other requirements (to which the Installation subscribes) was not being maintained.

• Corrective Action(s) for Resolution:
  – (1) Update the list of legal and other requirements to reflect those new laws, regulations, Executive Orders, and policies pertaining to the Installation’s EMS; and
  – (2) Delete obsolete legal and other requirements that no longer pertain to the Installation’s EMS.
Objectives, Targets and Programs

• **Nonconformance Issue** – No responsible party had been identified for each action plan/task; and/or no time-frame(s) had been identified for the Environmental Management Plan (EMP).

• **Corrective Action(s) for Resolution:**
  – (1) Establish and implement EMPs including designation of responsibility for achieving EMS objectives and targets; and
  – (2) Specify the means and time-frame(s) by which EMS objectives and targets are to be achieved.
Resources, Roles, Responsibilities and Authority

- **Nonconformance Issue(s)** – Insufficient resources had been devoted to the EMS; and/or EMS roles, responsibilities and authority had not been established or communicated.

- **Corrective Action(s) for Resolution:**
  - (1) Provide sufficient resources (e.g., personnel, funding, and technological) for EMS implementation, maintenance, and continual improvement; and
  - (2) Appoint a Management Representative and an EMS coordinator; and
  - (3) Communicate EMS roles, responsibilities and authority throughout the Installation-(e.g. use of posters, web pages, etc. with the EMS personnel listed)
Competence, Training and Awareness

• **Nonconformance Issue(s)** – Processes for EMS training (awareness and/or competency) had not been fully implemented; or established training processes were not effective

• **Corrective Action(s) for Resolution:**
  – (1) Identify training needs (associated with environmental aspects and EMS); and
  – (2) Establish and implement processes for competency (based on education, training, and/or experience and retain records); and
  – (3) Establish and implement processes for EMS awareness [persons working for or on behalf of the installation (e.g., contractors/subcontractors)]
Communication

• Nonconformance Issue(s) – EMS external communication procedures were inconsistent with established Public Affairs Office (PAO) external communication procedures; and/or the Installation’s record of decision regarding the external communication of their significant environmental aspects had not been documented.

• Corrective Action(s) for Resolution:
  – (1) Ensure that EMS external communication procedures reflect the Installation’s actual business practices (i.e., existing PAO procedures related to external communications); and
  – (2) Document the Installation’s record of decision regarding external communication of significant environmental aspects (e.g., EQCC meeting minutes, EMS manual, etc.)
Control of Documents

• **Nonconformance Issue(s)** – EMS document control processes had not fully implemented or established document control processes were ineffective (e.g., overly complicated)

• **Corrective Action(s) for Resolution:**
  – (1) Establish and implement EMS document control processes (e.g., intranet-based EMS Manual and procedures; processes for the development/revision of EMS documents; schedules for the periodic review of EMS documents; processes for archiving/retaining EMS document retained for historical purposes, etc); and
  
  – (2) Ensure that Installation document control processes address “documents of external origin” (if related to the EMS)
Operational Control

• **Nonconformance Issue** – Documented operational controls (e.g., SOPs) had not been established for all of the Installation operations associated with the identified significant environmental aspects

• **Corrective Action(s) for Resolution:**
  – (1) Establish and implement documented operational controls (stipulating operating criteria) for those operations associated with significant environmental aspects (e.g., recycling SOP if solid waste generation is a significant environmental aspect); and
  – (2) Establish procedures relating to significant environmental aspects of Installation goods/services (and communicate those procedures and requirements to suppliers/contractors)
Monitoring and Measurement

• **Nonconformance Issue** – Monitoring and measurement processes had not been fully implemented for all of the key characteristics of those Installation operations associated with the identified significant environmental aspects

• **Corrective Action(s) for Resolution:**
  – (1) Identify all key characteristics (of those operations associated with significant environmental aspects); and
  – (2) implement monitoring and measurement processes for those key characteristics; and
  – (3) calibrate/maintain monitoring and measurement equipment (e.g. scales if solid waste generation is a significant environmental aspect) and retain associated records
Nonconformity, Corrective Action and Preventive Action

• **Nonconformance Issue(s)** – Processes had not been fully implemented to deal with actual and potential EMS nonconformities (both conformance and compliance) and to take appropriate corrective and prevention actions

• **Corrective Action(s) for Resolution:**
  – **(1)** Establish and implement EMS nonconformity and corrective/preventive action processes; and
  – **(2)** Document the results of corrective/preventive actions and track the status of those actions until EMS nonconformities are resolved; and
  – **(3)** Review the effectiveness of corrective/preventive actions
Internal Audit

- **Nonconformance Issue(s)** – Individuals assigned as internal auditors were not sufficiently independent of the activity being audited (to ensure the impartiality of the audit process) (ISO 14001 requirement); and/or internal EMS audits were not being conducted annually (DA requirement)

- **Corrective Action(s) for Resolution:**
  - (1) Provide EMS internal auditor training to all individuals assigned as EMS internal auditors; and
  - (2) Ensure that the EMS internal auditors are independent of the activities/operations that they are assigned to audit; and
  - (3) Conduct an internal EMS conformance audit (all elements of the ISO 14001 standard) annually (as a minimum)
Management Review

• **Nonconformance Issue(s)** – EMS management reviews with senior Leadership did not address all mandatory topics (ISO 14001 requirement); and/or EMS management reviews were not being conducted annually (DA requirement)

• **Corrective Action(s) for Resolution:**
  – (1) Develop a management review agenda that addresses all of the mandatory topics specified in ISO 14001:2004, Section 4.6; and
  – (2) Conduct EMS management reviews with Installation senior Leadership annually (as a minimum)
Lessons Learned

• Installations with limited Command emphasis for the EMS tended to have the most Major Nonconformance issues.

• Installations that had experienced a loss/turn-over of their EMS Management Representative tended to have Major Nonconformance issues (i.e., no effective EMS Champion).

• Installations with ineffective internal communication processes tended to also have Major Nonconformance issues.
Questions

Linda L. Baetz, EMS-LA
(410) 436-5234
linda.baetz@us.army.mil

James D. Wood, P.E., EMS-LA
(410) 569-3325
jim.wood@us.army.mil

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