

## Partners for Environmental Performance Initiative Fact Sheet

**Goal:** To bring together private sector entities with proven, successful environmental management systems (EMS) as mentors with Federal facilities in order to enhance the Federal EMS development and implementation, and provide an opportunity for all to learn from each other's experiences. The Federal government is strongly committed to using EMS as a tool to improve environmental performance and asset management.

**Benefits:** Both the Federal entity and the private sector mentor will benefit. For the Federal entity, the benefits are mainly learning from one with hands-on experience in developing, implementing, and maintaining, an EMS. For the private sector entity, benefits include: meeting EMS requirements, improved perception by the public and knowledge that they are making government more efficient, thereby improving the use of our national resources. History has repeatedly shown that implementing an EMS is a learning experience for all involved.

**Background:** The concept of the EMS has had a longer history in the private sector than in the Federal sector. For example, where the number of EMS in the Federal sector is in the hundreds, there are over 5000 ISO 14001 certificates in the US, nearly all in the private sector. This is a conservative number in terms of actual EMSs, in that the number of systems certified represents a fraction of those actually implemented. Worldwide, there are over 45,000 certifications. The private sector began EMS implementation using a recognized model in earnest in the mid 1990's, although precursors to ISO 14001 EMSs were being implemented as far back as the early 1980's. Hence, the experience base of the private sector could be a key resource for the federal EMS effort. The Federal government entered the EMS arena in earnest in 2000 with the issuance of Executive Order 13148 on environmental management.

### How the Initiative Works

#### Participant Selection

- Candidate private sector (or other non-Federal) entities that have robust, fully operational EMSs are identified. To help identify the best candidates, state environmental offices, trade associations, and individual companies will be contacted. It is possible that the non-Federal candidates may also include other entities such as non-profits or local governments.
- Federal candidates are identified. The Office of the Federal Environmental Executive (OFEE), or other facilitators will do this through direct inquiry and solicitation of agencies.
- The main task of the facilitators will be to help arrange partnerships, and although encouraged, partnerships are not required to work through a facilitator. Facilitators may be Federal, state, or local government or non-governmental entities that either because of their geographic location, organizational ties, or interest, are willing to promote the concept and introduce prospective candidates. Facilitators are not mentor candidates, and examples also include trade associations, chambers of commerce, or other types of non-profits.
- Where appropriate, a directory or listing of interested candidates will be maintained by OFEE and the facilitating organizations.

#### Project Initiation and Implementation

- Selected participants will sign an informal, non-binding Memorandum of Understanding (MOU) that spells out the project-specific details such as timelines, milestones, and expectations. This document will also note which specific EMS development and implementation steps will be included. The MOU is structured to address potential legal issues such as conflict of interest, non-endorsement of products, and protection from compensation for services claims.
- Non-Federal sector mentors will then share their EMS development experiences, ideas, and techniques with the Federal entity such that the development of the Federal EMS is more efficient, and further ensures success.
- As the project progresses, the Federal entity may be asked to provide brief status reports to OFEE to allow us to monitor the success of the program. The private sector entity may generate additional reports for their own use or as requested by the facilitating organizations.
- At the conclusion of the project, participants will receive formal acknowledgement from OFEE.

## **Partners for Environmental Performance Initiative Frequently Asked Questions-**

- **Why should I participate?** To the Federal entity, the benefits are obvious; that is the availability of a mentor experienced in EMS development and implementation at little to no cost. To the private sector entity, benefits include: meeting EMS requirements, improved perception by the public and knowledge that they are making government more efficient, thereby improving the use of their own tax dollars. In specific cases, it is likely the non-Federal sector entity can learn techniques, ideas, or practices from the Federal entity. History has repeatedly shown that all EMS implementations are learning experiences for all parties involved.
- **How are partnerships determined?** This will be based in large part by matching the available and interested participants according to interests, geography, desired EMS model, and status of implementation
- **Can I exit from the program whenever I want?** Yes, the program and agreement are voluntary. However, as long as you wish to remain in the effort, you need to adhere to the terms. The requirement not to seek reimbursement from the Federal government for information or services provided is binding indefinitely.
- **I am a consultant, can I participate?** No, this is limited to organizations that do not provide related consulting services. However, if you are currently under contract to the Federal government, you may be asked by your client agency to get involved, and that situation is acceptable.
- **What are the legal restrictions?** These will tend to be case specific, and be driven in large part by both the agency and the company partners. There are some basic requirements that will apply in all cases and these will be defined in the agreement letter that is signed between the partners, for example: conflict of interest, non-endorsement of products, and protection from compensation for services claims.
- **Who runs the initiative?** In reality, the partners themselves through their agreement. The intent is that the specific partnerships are self-driven, and accomplish the specific goals of the participants. However overall, the intent is that EMS knowledge is exchanged, and the individual agreements will spell out exactly what the partners desire. There are facilitators throughout the country that will help match partners and provide ongoing guidance. These facilitators may be state environmental agencies, or other groups. In addition, the Office of the Federal Environmental Executive will be in contact with the facilitators and known partners to monitor progress and performance improvements of the initiative. The facilitators will be chosen based on their interest and willingness to promote the concept and facilitate pairing of candidates. How a facilitator adopts the initiative and its expectations of the partners in their scope is between the parties, and not driven by OFEE. However, coordinating through a facilitator is not a condition of participating in the effort.
- **How do I join the initiative?** By contacting the organization where you learned about the initiative, or OFEE directly. In time, there will be postings on OFEE and facilitator websites with contact information in your area.
- **What do I need to make public?** Again, this is in large part up to the partners. However, any information provided to the Federal government can become part of the public record. Site-specific confidentiality requirements will be spelled out in the agreement letters. We do hope however that the partners are willing to share their experiences and successes to encourage others to participate.

- **Is there a fee to participate?** No, the only costs would be the direct expenses and staff time needed to meet the goals of a specific partnership. Note that the non-Federal sector partner will not be able to obtain reimbursement from the Federal government for any services or expenses incurred.
- **Why should I get involved in such an initiative?** There is much to gain from sharing experiences and knowledge. See the Fact Sheet for more information.
- **Why is the Federal government interested in participating in such partnerships?** First, the Federal government is committed to using EMS as a tool to improve environmental performance and asset management. Secondly, we realize there is much valuable experience to learn from the non-Federal sector that has been involved with EMS for much longer than we have. The more efficiently we implement our EMSs, the more efficiently we spend our resources- the taxpayer's resources. We also believe in the goodwill that stems from such partnerships.
- **What about regulatory compliance concerns?** The specific issues will be spelled out in the agreement. However note that when teamed with regulatory agencies, especially EPA, discovering non-compliances or violations in the process of working together may require action and disclosure. The non-Federal partner needs to take this into consideration before entering into the agreement. The same applies for other issues such as any contractual relationships between the organization and the government.
- **Can we work as teams, or only as one-on-one?** Partnerships must be one-on-one; however there is a possibility of an educational and information sharing conference.
- **Do we have to guarantee a certified EMS?** No; and actually it does not even need to be in accordance to ISO 14001. As partnerships are identified and participants paired up, the desired EMS and the existing EMSs will be matched as best as possible.
- **How can I become a facilitator?** By contacting OFEE at 202-564-1297.

**Partners for Environmental Performance  
Memorandum of Understanding (MOU) Draft Template**

This Memorandum of Understanding (MOU) defines the scope of the partnership between \_\_\_\_\_ and \_\_\_\_\_ as it relates to the **Partners for Environmental Performance** mentorship initiative between the private and public sector. This effort intends to bring together non-Federal sector entities with proven, successful environmental management systems (EMS) as mentors with Federal facilities in order to enhance the Federal EMS development and implementation, and provide an opportunity for all to learn from each other's experiences.

**Scope of MOU**

The overall expectations of this effort are that:

- Non-Federal sector mentors will then share their EMS development experiences, ideas, and techniques with the Federal entity, such that the development of the Federal EMS is more efficient, and further ensures success. The non-Federal sector entity will benefit not only from learning from the Federal experiences, but should also realize enhanced public perception.
- As the project progresses, the Federal entity will provide brief status reports to the Office of the Federal Environmental Executive (OFEE) to allow us to monitor the success of the program. The non-Federal sector entity may generate additional reports for their own use.
- At the conclusion of the project, participants will receive formal acknowledgement from OFEE.

**Specific Tasks and Deliverables**

*Insert partnership-specific expectations, tasks, and deliverables, including any conditions of confidentiality, disclosure, conflicts of interest, or security)*

**General Conditions**

- \_\_\_\_\_ (name of Federal partner) and \_\_\_\_\_ (name of non-Federal partner) understand that they will bear their own expenses when participating in the **Partners for Environmental Performance** activities and \_\_\_\_\_ (name of non-Federal partner) agrees that it will not submit a claim for compensation for services rendered to the Federal Government to The Environmental Protection Agency (EPA), Council on Environmental Quality, or any Federal agency. In addition, \_\_\_\_\_ (name of non-Federal partner) understands that the Federal agencies participating in **Partners for Environmental Performance** cannot endorse the purchase or sale of \_\_\_\_\_ (name of non-Federal partner) products or services.
- This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity against (Name of Federal partner) or EPA, their officers or employees, or any other person. This MOU does not direct or apply to any person outside \_\_\_\_\_ (Name of Federal Partner) and EPA.