

Aligning the Complementary Processes of Environmental Management Systems and the National Environmental Policy Act

...[I]t is the continuing policy of the Federal Government ...to use all practicable means and measures ...to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

-- National Environmental Policy Act of 1969

This document is provided to all Federal agencies to assist them in aligning Environmental Management Systems (EMSs) elements with the National Environmental Policy Act (NEPA) statement of policy in Section 101 and the analysis and decision processes of Section 102 and incorporating the EMS approach into the NEPA process when establishing, implementing, and maintaining their EMS. The Council on Environmental Quality (CEQ) recognizes the benefits of aligning these complementary processes and encourages Federal agencies to do so where appropriate.

The *National Environmental Policy Act* of 1969 (NEPA) articulates a broad national environmental policy.¹ NEPA also includes requirements for Federal agencies proposing actions “significantly affecting the quality of the human environment” to analyze the environmental impacts of these actions, and of alternatives. These requirements are what associated regulations identify as the “NEPA process.”² The NEPA process includes forecasting the impacts of an action (and alternatives) and identifying mitigation measures for those impacts prior to making decisions and taking action (“predict-mitigate-implement” model). The analyses are documented and available to the public in NEPA environmental documents such as Environmental Assessments (EAs) and Environmental Impact Statements (EISs).

Executive Order 13148 was issued in April 2000, directing Federal agencies to implement EMSs at all appropriate agency facilities. Federal agencies have been complying with the environmental review requirements of NEPA for over 35 years. It is important for Federal agencies to understand the relationship of EMS to NEPA. Consequently, the Council provides this document to help Federal agencies recognize the complementary relationship of EMS and NEPA and how this relationship can support the policies set forth in Section 101 of NEPA and the processes set forth in Section 102 of NEPA and the CEQ NEPA regulations³.

¹ Pub. L. 91-190, 42 U.S.C. §§ 4321-4347, January 1, 1970, as amended.

² 40 C.F.R. § 1508.21.

³ Council on Environmental Quality, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” 40 C.F.R. parts 1500-1508, available at www.NEPA.gov.

An Environmental Management System (EMS)⁴ is a structure of procedures and policies used to systematically identify, evaluate, and manage environmental impacts. An EMS provides order and consistency for organizations to address environmental concerns in a comprehensive manner through the allocation of resources, assignment of responsibilities, and continual improvement of practices, procedures and processes. An EMS for a Federal agency is intended to ensure that all necessary actions are taken to integrate environmental accountability into day-to-day decision-making and long-term planning processes related to the agency's activities, products and services. EMS employs a continuous and rigorous self-monitoring cycle for continual improvement of environmental performance. Improvement is achieved by identifying how the activities, products, and services interact with the environment to cause environmental impacts; by establishing and maintaining environmental objectives and targets; by training staff and clearly defining responsibilities; by instituting operational controls, emergency procedures, and monitoring; and by taking corrective action where necessary to avoid and reduce impacts ("plan-do-check-act" model).

EMSs also use a unique set of terminology. For example, the "cause" in cause-and-effect relationships involving natural resources may be called an "environmental aspect" for EMS purposes. An environmental aspect for a facility could include such things as air emissions, wastewater discharges, or natural resource consumption. Aspects that could result in significant environmental impacts⁵ are one group of aspects termed "significant aspects." Many of the EMS processes are geared toward addressing these significant aspects. This process of identifying and evaluating environmental aspects bears many similarities to the NEPA process of identifying and assessing environmental impacts. In the EMS context, this information is used to not only assess environmental issues, but more so, to actively manage them.

One way to address significant aspects in an EMS is to account for them when setting "objectives and targets" for environmental performance. In an EMS, an objective is essentially a goal established for management of an aspect consistent with policy commitments, and targets are interim goals or milestones for achieving objectives. Objectives and targets in combination with other system checks and controls are the basis for continual improvement in an EMS. Thus, the focus of an EMS is ultimately on the active management of environmental issues that includes monitoring and action based on monitoring results.

⁴ Executive Order No. 13,148, "Greening the Government through Leadership in Environmental Management," 65 Fed. Reg. 24,593 (Apr. 26, 2000), 3 C.F.R. 241 (2001), available at <http://ceq.eh.doe.gov/nepa/regs/executiveorders.htm>. The Executive Order directs Federal agencies to develop and implement environmental management systems. The ISO 14001 Standard represents a widely-used framework for establishing an EMS. Most Federal agencies are developing EMSs using the ISO 14001 or a similar standard. The ISO standard was issued in 1996 and updated in 2004. References to the standard in this document are citing the 2004 update.

⁵ Note that "significantly" in the NEPA context is defined in 40 C.F.R. § 1508.27 and agency NEPA procedures. In the EMS context "significant" is not defined, but it is not necessarily the same as under NEPA. Consequently, identifying an environmental aspect as significant in the EMS does not necessarily mean that it is "significant" under NEPA.

By contrast, the application of NEPA has generally been viewed as a non-recurring process focused on a specific proposal that terminates with the decision on whether and how to proceed with the proposed action. Generally speaking, agencies have not integrated the NEPA analyses and documents into the ongoing implementation and management of the action. Further, the information and analyses contained in such documents are often not revisited to verify or update the accuracy of the data, predictions or assessments of the efficacy of mitigation options. To a certain extent, the focus of the NEPA process has become the successful production of the NEPA document whose use is limited to the time point a decision is made on the proposal. Therefore, the full value of the resources expended in the NEPA process is frequently not carried over into the actual successful implementation and management of the actions subject to NEPA.

As shown in the table below, the elements of an EMS and of NEPA can support and complement each other, and integration of EMS and NEPA can bring substantial benefits to an agency's environmental performance and further our national environmental policy. For example, the EMS typically requires identification of environmental aspects and significant environmental impacts associated with ongoing activities, products or services, as well as with new proposals. NEPA commonly provides a forecast of the impacts of the proposal and any mitigation measures accompanying the proposal at a discrete proposal design and decision phase. Incorporating an EMS approach into the NEPA process would drive the use of this impact prediction and mitigation information beyond the decision stage and into day-to-day implementation.

Commitments and mitigation measures established in NEPA decision documents (e.g., Findings of No Significant Impact and Records of Decision) can be implemented, tracked and monitored through the EMS because the EMS provides a framework to improve environmental performance in ongoing day-to-day operations through the EMS "operational controls."⁶ The implementation, tracking and monitoring of commitments and mitigation measures can assist in training, internal auditing, identification of appropriate corrective actions and communication with interested parties.

A major component of the NEPA process is communicating and involving the interested public. An EMS can provide numerous opportunities for communicating with the public and serve a major role in providing information about the proposal under consideration and thereby help focus the public involvement.

An EMS can improve the NEPA process through an adaptive management approach for projects that face uncertain or unforeseen conditions⁷ during implementation. Exploiting

⁶ In an EMS, an "operational control" is an operation associated with an identified significant environmental aspect, consistent with the environmental policy, objectives, and targets, to ensure they are carried out under specified conditions. Operational controls are process controls necessary for ensuring the system functions as intended. In industrial processes, a control valve may serve as an operational control. In an environmental decision-making process, a NEPA review may serve as an operational control.

⁷ 40 C.F.R. § 1502.22 provides a procedure for addressing potentially significant adverse effects that are uncertain because needed information is unavailable at the time of the impact analysis. An adaptive management approach, which includes monitoring project implementation, also can address uncertainty by validating impact predictions or mitigation efficacy, and taking corrective actions when necessary.

the complementary elements of the NEPA and EMS processes can help managers make decisions more effectively, reduce environmental impacts, and further the NEPA policy goals and processes.

Finally, it is conceivable that a well constructed EMS can include all the elements of the NEPA process and serve as the basis for complying with NEPA requirements. CEQ encourages innovative efforts to experiment with this concept as agencies develop complementary EMS and NEPA processes.

Agencies should be guided in their efforts to implement complementary EMS and NEPA processes in a manner that promotes the advantages of each in supporting the national environmental policy of the United States. Examples include:

- Incorporating the NEPA process or process milestones into EMS objectives and targets.
- Identifying the NEPA process as a key element of the EMS, thereby requiring various requirements of the NEPA process be incorporated into the appropriate elements of the EMS.
- Identifying NEPA expertise as a competency required for an agency's practices.
- Maintaining appropriate NEPA documents as EMS procedures and records.⁸
- Incorporating NEPA impact analyses into the EMS aspects identification process.
- Considering EMS aspects in NEPA impact analyses.
- Incorporating mitigation commitments from the EIS record of decision (ROD) or EA finding of no significant impact (FONSI) into the EMS legal and other requirements⁹, objectives and targets, environmental management program(s)¹⁰ and operational controls.
- Incorporating metrics for desired conditions into monitoring and measurement procedures.
- Encouraging EMS and NEPA practitioners to work together in developing EMS and NEPA procedures and processes.

The following description illustrates specific ways EMS and NEPA processes can complement one another to improve how Federal agencies manage their impacts on the environment.

- The NEPA process generally approaches environmental management decisions on a case-by-case basis, and mainly focuses on identifying and mitigating

⁸ NEPA documents such as EIS RODs and EA FONSI s may be appropriate EMS records if they include agency commitments to mitigation resulting in EMS "legal and other requirements," or the NEPA document is integral to an objective or target identified in the environmental management program(s) of the EMS.

⁹ For an EMS, "legal and other requirements" are an organization's applicable legal requirements and other requirements to which the organization subscribes that are related to its environmental aspects. For Federal agencies that undertake projects or programs with the potential to significantly affect environmental resources (have interactions with the environment), NEPA is a legal requirement.

¹⁰ Environmental management program(s) in an EMS are the plans for achieving objectives and targets, including responsibilities for implementation.

“significant” environmental impacts. An EMS addresses the full range of ongoing activities (and products and services) the agency has decided to implement with the intent to continually improve environmental performance by minimizing the adverse effects of its environmental aspects.

- The identification of environmental aspects in the development of an EMS can build on the environmental aspects identified in a previous NEPA analysis of a facility, activity, program or policy. Conversely, a new NEPA analysis can consider the identified environmental aspects in an EMS when assessing potential environmental impacts of a proposed action. The EMS can provide a platform for using the information collected and analyses performed in the NEPA process on a going forward basis in the actual implementation of proposed actions.
- The performance measurements and monitoring conducted as part of an EMS may provide comparable and verifiable data to improve environmental impact predictions in an EA or EIS.
- An EMS provides a systematic framework for an agency to monitor and continually improve its environmental performance. Agencies with an EMS may be able to use data generated through their EMS to establish a record of environmental performance to support, for example (a) identifying categories of actions that normally require an EIS, (b) finding no significant impact when incorporated into an EA, which would preclude the need to prepare an EIS, or (c) establishing a categorical exclusion¹¹ under NEPA which would reduce the need to prepare EAs. Further, where an EIS is needed, the EMS approach of keeping environmental data up-to-date should facilitate the preparation of an EIS.
- Where an EMS has established environmental objectives and targets relevant to resource areas subject to NEPA mitigation measures, the EMS can ensure implementation and performance of mitigation measures through applicable measurement and monitoring programs.
- An EMS can support the implementation of a NEPA “adaptive management” approach when there are uncertainties in the prediction of the impacts or outcome of project implementation, or the effectiveness of proposed mitigation. The adaptive management approach can provide managers with the flexibility to make necessary corrections or adjustments in project implementation, possibly without needing new or supplemental NEPA analyses.

The adaptive management approach (the “predict-mitigate-implement-monitor-adapt” model) adjusts actions to foster desired outcomes and reduce undesired ones.¹² Predictions are based on a potential range of impacts and appropriate

¹¹ 40 C.F.R. §1508.4.

¹² The adaptive management approach for NEPA was examined by the recent NEPA Task Force Report. Council on Environmental Quality, “The NEPA Task Force Report to the Council on Environmental Quality – Modernizing NEPA Implementation,” (Sept. 2003), available at <http://www.ceq.eh.doe.gov/ntf>.

implementation adjustments. Adaptive management involves real-time adjustments where the NEPA process has identified a range of possible outcomes, and appropriate adjustments to respond to them. The checking and corrective action elements of the EMS can add the “monitor and adapt” steps to the traditional NEPA “predict-mitigate-implement” model. This approach allows continuous improvement in management effectiveness and in reduction of environmental impacts within parameters established by the NEPA-informed decision.

There will be Federal agencies or facilities that have an EMS but do not prepare EAs or EISs. And there will be proposed actions for which an EA or EIS is required which are not covered by an existing EMS. But where both do exist, and the NEPA “proposed action” is within the scope of the EMS, then the NEPA process is one of the (numerous) requirements and procedures that can be managed as part of the EMS.

This paper concludes with the table provided below. Highlighting the complementary processes is the objective of the table. Understanding the table requires the reader have a basic understanding of both the NEPA analysis and decision document preparation processes and the elements of the ISO 14001 EMS standard (with their associated procedures and requirements). While not all EMSs developed in the Federal sector follow the ISO 14001 model, most have elements that are common to those shown in the tables.

The EMS elements depicted in the left hand column of Table represent those of the International Organization for Standardization EMS standard, ISO 14001. The information presented in the middle column relates to commonalities between the EMS element’s procedures or information requirements and the NEPA elements described in the right hand column. This table will be useful for the NEPA practitioner to identify information and procedures associated with EMS elements that may support the various phases of the NEPA review process and information requirements. The EMS specialist will find the table useful for identifying NEPA review procedures and analyses that can support the development or implementation of EMS procedures and processes. For example, those who develop NEPA analyses for Federal actions may be called on to help characterize an agency’s environmental aspects and impacts for their EMS.

Table
Complementary Elements of the Environmental Management System and National Environmental Policy Act Processes

A more extensive description of implementation in the agency context can be found in the FAA’s paper “Environmental Management Systems and NEPA Adaptive Management” available at <http://www.aee.faa.gov/aee-200/1050-1E/Adaptive.htm>.

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Policy</p> <p>The organization states its commitment to environmental compliance, environmental protection, and continual improvement within the scope of the organization/activities, products and services covered by its EMS.</p>	<p>The EMS Policy Statement defines the scope of the agency’s organization and activities covered by the EMS; this is likely to include activities for which NEPA analyses are required or have been prepared.</p> <p>In Section 101 of NEPA, Congress provided a common environmental policy statement for all federal agencies. This policy statement is a general statement of the federal government’s commitment to continuous environmental improvement and inter-agency coordination in the implementation of that policy.</p>	<p>Several provisions in the CEQ Regulations address the national environmental policy Congress declared for federal agencies in section 101 of the National Environmental Policy Act.</p> <p>The primary provision is at 40 CFR section 1500.2 (Policy).</p> <p>Other relevant provisions include 40 CFR sections 1500.1 (Purpose) and 1507.2 (Agency capability to comply).</p>
<p>Environmental Aspects</p> <p>An EMS includes procedure(s) to identify, and keep up to date environmental aspects and impacts of activities products and services it can control and influence (including ongoing and new projects). Significant aspects must be taken into account in establishing, implementing, and maintaining the EMS.</p>	<p>Under NEPA, an agency evaluates a new project at the proposal stage to identify how it or reasonable alternatives will interact with the environment, and what the related impacts will be. Impacts are characterized as to significance based on criteria specific to the affected resources.</p> <p>An EMS includes procedure(s) that may consider the identification of new impacts or the significance of impacts in existing NEPA documents¹³ when establishing associated significant aspects. Aspects addressed in the EMS should be reviewed and updated as new NEPA reviews are completed or as relevant associated monitoring data become available. Thresholds of impact significance considered in the preparation of an EA or EIS may be considered as significance criteria for the EMS aspects procedure.¹⁴</p>	<p>The aspects can inform the development and preparation of NEPA analyses and documentation described in the CEQ NEPA Regulations at 40 CFR parts 1500-1508. The relevant provisions in the CEQ NEPA Regulations at 40 CFR parts 1500-1508 include sections 1501.2 (Apply NEPA early in the process); 1501.3 (When to prepare an environmental assessment); 1501.4 (Whether to prepare an environmental impact statement); 1501.7 (Scoping); 1502.15 (Affected environment); 1502.16 (Environmental Consequences); and 1507.3(b) Agency procedures. Aspects can also inform an agency’s identification of the types of activities that normally merit an EA or EIS that should be included in its agency NEPA procedures developed in accordance with section 1507.3(b).</p> <p>The completed NEPA process provides information to update the EMS aspects.</p>

¹³ For the purposes of this crosswalk, NEPA documents include Environmental Assessments and related Findings of No Significant Impact, and Environmental Impact Statements and their associated Records of Decision.

¹⁴ See footnote 2.

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Legal and Other Requirements</p> <p>An EMS includes procedure(s) to identify and have access to legal and other requirements related to an organization’s environmental aspects.</p>	<p>NEPA imposes legal requirements, which must be identified as part of the EMS where applicable. Procedures to meet NEPA requirements are in place (e.g., Council on Environmental Quality and agency NEPA regulations and procedures). Project- and program-related NEPA analysis and document preparation processes are conducted in accordance with these procedures.</p> <p>Regulatory requirements applicable to alternatives should be identified in the NEPA analysis (e.g. permitting, endangered species, etc.). Requirements applicable to the chosen alternative can be integrated into the EMS.</p> <p>Mitigation and monitoring commitments made in a ROD or FONSI may be incorporated into the EMS, and carried through the system.</p>	<p>The requirements for complying with the National Environmental Policy Act are found throughout the CEQ NEPA regulations and agency NEPA procedures. The provisions that address the legal status of the NEPA requirements are at sections 1500.6 (Agency authority) and 1506.5 (Agency responsibility) and the agency compliance requirements set out in part 1507.</p> <p>The decisions made after considering the environmental consequences may establish new requirements. Relevant provisions in the CEQ NEPA Regulations include sections 1505.2 (Record of decision in cases requiring EISs); and 1505.3 (Implementing the decision).</p>
<p>Objectives, Targets, and Environmental Management Programs (EMPs)</p> <p>Objectives and targets are established to address significant aspects and legal requirements (unless they can be fully addressed with operational controls), and lead to continual improvement.</p> <p>EMPs identify the means and responsibilities for achieving objectives and targets.</p>	<p>EMS objectives may include complying with all applicable requirements, which would include the NEPA requirements.</p> <p>The NEPA process can provide information to help establish relevant objectives, and the performance measures needed to assess attainment of objectives and targets. Mitigation measures identified in a ROD or FONSI can be incorporated in EMS objectives. EMPs are developed for each objective describing specific tasks, milestones, responsible parties, and measurement parameters. An EMS may use the results of NEPA review and associated monitoring data, where applicable, to update its objectives and targets.</p>	<p>Numerous provisions of the CEQ NEPA regulations require activity and performance that can be used to develop objectives, targets and EMPs. For example, section 1501.8 (Time limits) provides for setting dates for NEPA process milestones (i.e., targets) as well as for completing the process (i.e., objectives).</p>

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Resources, Roles, Responsibility and Authority</p> <p>Management must ensure resources are available to establish, implement, maintain and improve the EMS. Roles, responsibilities and authorities must be defined, documented and communicated.</p>	<p>The EMS can identify roles and responsibilities and the resources necessary to carry out NEPA review and decision-making requirements.</p> <p>The EMS can define roles and responsibilities for carrying out the chosen alternative identified in a ROD (EIS) or FONSI (EA).</p> <p>Identifying the resources and responsibility for EMS monitoring activities may assist the NEPA process where monitoring is necessary to allow, for example, an adaptive management approach. A much stronger case can be made for using adaptive management when the responsibilities and resources for carrying it out are clearly identified in the EMS.</p>	<p>The overarching resources, roles, responsibility and authority for complying with NEPA are addressed in the CEQ NEPA regulations at section 1506.5 (Agency responsibility) and part 1507 (Agency Compliance). Several other relevant provisions include sections 1501.5 (Lead agencies) and 1501.6 (Cooperating agencies).</p> <p>The decisions made at the conclusion of the NEPA process, as well as mitigation measures identified in the EA/FONSI and EIS/EIS, can be the basis for new roles and responsibilities that should be added to the EMS.</p>
<p>Competence, Training and Awareness</p> <p>Person(s) performing tasks for the organization or on its behalf that have the potential for significant impacts must be competent as a result of education, training, or experience.</p>	<p>Where NEPA is an integral part of the EMS or linked to the agency’s environmental aspects, appropriate staff must be trained on NEPA and related environmental analysis requirements, how to conduct the process, and how to prepare and document the analysis.</p> <p>Training that is relevant to the achievement of environmental policies, objectives and targets should be provided to all person(s) within and working on behalf of the agency covered by the EMS. Where NEPA reviews or their outcomes are linked to the objectives and targets, the EMS can facilitate the NEPA process by supporting adequate training for NEPA practitioners.</p>	<p>The staff that contribute to, or use information from, the NEPA process should be knowledgeable of the entire CEQ NEPA regulations and agency NEPA procedures as set out in part 1507 (Agency Compliance). In addition, individuals responsible for the management of agency programs and projects that may have a significant effect on the environment need to be aware of specific aspects of the NEPA process, such as those set out in sections 1506.1 (Limitations on actions during NEPA process) and 1506.10 (Timing of agency action).</p>

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Communication</p> <p>Procedures are established in an EMS for internal communication and documenting and responding to relevant external communications. An organization has discretion about communicating externally on significant environmental aspects; however, federal agencies are in a special position to emphasize the importance of ongoing communication and cooperation with the public and interested parties.</p>	<p>NEPA procedures for public comment and public involvement, for example the Scoping stage, and for the Draft and Final EIS, can be part of the EMS procedures for external communication.</p> <p>Progress toward meeting ROD or FONSI requirements/commitments may be shared with the public as part of the ongoing EMS communication procedures.</p> <p>In developing EMS objectives, the agency should consider the views of external interested parties. Comments received during the NEPA review process may provide useful insight when developing objectives.</p> <p>The EMS can be used as a platform for ongoing communication and cooperation with the public and interested parties.</p>	<p>One of NEPA’s goals is to effectively communicate environmental information to decisionmakers and the public and to facilitate involvement in decisions which affect the quality of the human environment (40 CFR section 1500.2).</p> <p>In addition to the mandate that agencies shall make diligent efforts to involve the public in implementing their NEPA procedures set forth in sections 1501.4(b) and 1506.6, the CEQ NEPA Regulations address specific stages of the NEPA process when communication with other agencies and the public are required such as sections 1501.7 (Scoping), 1502.19 (Circulation of the EIS) and 1502.25 (Environmental review and consultation requirements).</p>
<p>Documentation</p> <p>Documentation for the EMS must include documents and records necessary for planning, operation and control of processes related to significant environmental aspects.</p>	<p>NEPA documents may be essential for planning or controlling processes related to significant environmental aspects. As such, EMS documentation would include some, or perhaps many, of an agency’s NEPA documents.</p> <p>The EA/FONSI and EIS/ROD developed during the NEPA process should be reviewed for inclusion in the EMS documentation, particularly when they set out commitments for agency actions.</p>	<p>The CEQ NEPA regulations primarily address the contents of the EA/FONSI in sections 1508.9 and 1508.13, and the contents of EIS/ROD in part 1502. The CEQ NEPA regulations provide for efficient documentation in section 1500.4.</p>

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Control of Documents</p> <p>Documents required by the EMS must be controlled using procedures to, among other things, approve documents for adequacy, and update and re-approve as necessary.</p>	<p>For NEPA documents required for the EMS, there must be an established procedure for ensuring adequacy, and a process for updating and re-approval if necessary.</p>	<p>In addition to the process for finalizing EISs described in the Council on Environmental Quality NEPA regulations at sections 1502.9 and 1505.2, the provisions that may help in developing document control procedures for ensuring adequacy and for re-approving and updating NEPA documents include sections 1502.9(c) (supplemental statements), 1502.20 (Tiering), and 1502.21 (Incorporation by reference).</p>

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Operational Control</p> <p>Procedures are established to ensure operations related to significant aspects do not deviate from environmental policy or objectives and targets.</p> <p>Procedures are required for any operation where their absence can lead to a deviation from EMS requirements.</p>	<p>Procedures to perform the NEPA process may be part of an EMS’s operational controls.</p> <p>Specific activities and operations (including mitigation) described in a NEPA document can be incorporated into EMS operational procedures.</p>	<p>The NEPA process is a key operational control. Agency identification of actions that normally require an EA or EIS, or are categorically excluded, are the foundation for using NEPA as part of an environmental management program’s system of operational controls.</p> <p>The CEQ NEPA regulations describe procedures for conducting the NEPA process to review proposed operations – including, but certainly not limited to: Part 1501 NEPA and Agency Planning; Part 1502 Environmental Impact Statement; and Part 1505 NEPA and Agency Decisionmaking.</p> <p>The procedures can also include steps to ensure information regarding aspects developed during preparation of an EA or EIS is reviewed for inclusion in the aspects inventory.</p> <p>The following sections provide examples of operational controls that may be included in the EMS: 1501.8 (Time limits); 1505.1 (Agency decisionmaking procedures); 1506.1 (Limitations on actions during NEPA process); 1506.2 (Elimination of duplication with State and local procedures); 1506.5 (Agency responsibility (for information to applicants; for applicant prepared EAs; for contractor prepared EISs)); and 1506.10 (Timing of agency action).</p>

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Emergency Preparedness and Response</p> <p>Procedures are required for identifying potential emergencies and accidents and for preventing adverse environmental impacts from those emergencies and accidents.</p>	<p>Many NEPA analyses are done for actions with potential for accidents or other types of emergency situations. Contingency plans or emergency response plans in the NEPA document, and decisions made regarding what action or alternative to take (e.g., per the ROD), could be used to inform emergency preparedness and response procedures for an EMS.</p>	<p>The EMS procedures developed for emergency planning should include provisions for using the NEPA emergency procedures set out in the CEQ NEPA regulations at section 1506.11.</p>
<p>Monitoring and Measurement</p> <p>An EMS includes procedures to monitor and measure key characteristics of its operations that can have significant environmental impacts. Procedures are to include monitoring of performance, operational controls, and conformance with objectives and targets.</p>	<p>Existing EMS monitoring data may inform analysis and support predictions of environmental impacts throughout the NEPA process.</p> <p>An essential component of the NEPA adaptive management model (i.e., predict, mitigate, implement, monitor and adapt) is monitoring to assess whether predictions of environmental effects are correct, and that any mitigation implemented is functioning as intended. Monitoring activities implemented for an EMS may subsume or complement the monitoring needed to accomplish adaptive management in the NEPA process.</p>	<p>Performance metrics related to activities identified in the EIS ROD (including mitigation measures) developed pursuant to Part 1505, or in the decision document following an EA FONSI based on mitigation measures, may be part of the EMS evaluation process to ensure that activities associated with EMS objectives and targets or operational controls are occurring as planned, and the intended results are being achieved.</p> <p>Other relevant provisions of the CEQ NEPA regulations address:</p> <ol style="list-style-type: none"> (1) when supplemental analyses should be prepared (section 1502.9(c)); (2) how to deal with incomplete or unavailable information (section 1502.22); and (3) methodology and scientific accuracy (section 1502.24).

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Evaluation of Compliance</p> <p>The EMS must include procedures to periodically evaluate compliance with applicable legal and other requirements.</p>	<p>Where NEPA compliance is an applicable legal or other requirement within the EMS, procedures developed for the EMS must address how the agency will evaluate compliance with NEPA. This can lend support to the agency’s NEPA implementation efforts.</p> <p>The EMS would also evaluate compliance with other applicable environmental laws.</p>	<p>An agency’s responsibilities to comply with NEPA requirements are specifically addressed in Part 1507.</p> <p>Other compliance responsibilities identified in the CEQ NEPA regulations include the responsibility to develop alternatives when there are unresolved conflicts concerning alternative uses of resources (section 1501.2) and the responsibility to implement mitigation that is committed as part of the decision (section 1505.3).</p>
<p>Nonconformity, Corrective and Preventive Action</p> <p>The EMS must include procedures for identifying and correcting nonconformities, mitigating their environmental impacts, and defining actions to avoid nonconformity occurrence. The procedures must also define requirements for reviewing the effectiveness of the corrective and preventive actions taken.</p>	<p>Findings, conclusions, and recommendations reached as a result of monitoring and audits of the EMS are the basis for corrective and preventive actions and the systematic follow-up to ensure their effectiveness. For agency actions reviewed under NEPA and also covered by an EMS, monitoring and adaptation associated with the NEPA adaptive management process may fall squarely within the purview of an EMS’s preventive and corrective action program.</p> <p>In cases where NEPA procedures are key to maintaining operational controls or meeting objectives and targets, and are not being followed, corrective action should be identified and taken. Changes in procedures as a result of corrective action must be documented.</p>	<p>NEPA requirements are assessed as part of ongoing reviews. Nonconformance in conducting the NEPA process would be addressed by corrective and preventative actions. Relevant provisions of the CEQ NEPA regulations include sections 1502.9(c) (preparation of supplemental analyses), 1503.4 (responding to comments), and 1506.1 (limitations that should be included in instructions to applicants).</p> <p>The checking and corrective action elements of an EMS may also identify instances where environmental mitigation commitments in the EIS ROD or EA FONSI are not being implemented and nonconformance in implementing actions would be addressed by the corrective and preventative actions (see section 1505.3).</p>

EMS Element	EMS and NEPA Complementary Examples	NEPA
<p>Control of Records</p> <p>An EMS includes procedures for maintaining records necessary to demonstrate conformance with the EMS standard.</p>	<p>To the extent that NEPA documents are EMS records, they should be maintained in accordance with EMS records management procedures.</p>	<p>Procedures for controlling NEPA documents that are EMS records can be added to the agency NEPA procedures developed in accordance with the provisions in the CEQ NEPA regulations sections 1505.1 (Agency decisionmaking procedures), and 1507.3 (Agency procedures) and should include procedures for filing records (section 1506.9) and incorporation by reference (section 1502.21).</p>
<p>Internal Audits</p> <p>An EMS defines audit programs and processes to assess the EMS itself (e.g., assessing conformity to the EMS standard) at planned intervals. The results of audits must be presented to management.</p>	<p>Commitments for mitigation made pursuant to the NEPA process may be reviewed in an EMS audit where such commitments are linked to objectives and targets or operational controls in the EMS. In these cases, the EMS audit is another means for ensuring that agency commitments made under NEPA are appropriately implemented.</p> <p>As part of the EMS audit, NEPA processes may be spot-checked and evaluated, and adjustments made to those processes if necessary.</p>	
<p>Management Review</p> <p>Senior management reviews the EMS at planned intervals to ensure suitability and effectiveness. Reviews assess the need for change in EMS policy or objectives and targets.</p>	<p>NEPA procedures that are relevant to maintaining operational controls or meeting objectives and targets should be included in the management review.</p>	<p>Management review of the EMS is an opportunity to assess the effectiveness of the NEPA program, adjust procedures to take advantage of NEPA/EMS synergy, and enhance areas in which NEPA and EMS procedures are complementary.</p> <p>This review can address the agency capability to comply set out in section 1507.2.</p>