



## DOE Order 450.1A Frequently Asked Questions



### Synopsis

On June 4, 2008, the Deputy Secretary approved [Department of Energy \(DOE\) Order \(O\) 450.1A, Environmental Protection Program](#). DOE O 450.1A revises the previous DOE O 450.1 (issued in January 2003) to incorporate and implement the new requirements of:

- [Executive Order \(EO\) 13423, Strengthening Federal Environmental, Energy, and Transportation Management](#) (issued in January 2007), and
- [Instructions for Implementing EO 13423](#) (issued by the Council on Environmental Quality in March 2007).

This Information Brief is part of the roll-out of documents that complement DOE Order 450.1A, such as the [“What’s New in DOE Order 450.1A?” Information Notice](#).

### How does a site demonstrate compliance with DOE O 450.1A?

Compliance with the Order can be demonstrated by the declaration of a fully implemented site environmental management system pursuant to paragraphs 4d(1), (2) and (3) of this Order and paragraphs 1c(1), (2) and (3) of the Contractor Requirements Document (CRD).

### When is full implementation of an Environmental Management System (EMS) required?

June 30, 2009 (see paragraph 4d(2) of the Order).

### Are sites required to have a formal audit of their EMS? Who qualifies as an “outside” auditor?

The "formal audit" of the EMS is to be conducted by a "qualified party outside the control or scope of the EMS." This need not be an International Standards Organization (ISO) registrar. For example, the audit could be conducted by a qualified party from a DOE field or program office, another DOE site, another federal agency, consultant, or any combination thereof.

The Order clarifies language from EO 13423 and adds a reference to the Federal Environmental Executive's memo dated January 15, 2008, "[Clarification of Declaration of Conformance Requirements in Instructions to Executive Order 13423](#)." Specifically, this memo provides clarification of these terms (including “formal audit,” “qualified party,” and “outside the control or scope of the EMS”).

The Federal Environmental Executive provided the following clarification on both of these terms.

**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 14001:2004(e) 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 regulatory and legal requirements 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 at federal facilities or organizations.

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 facility or organization EMS or day-to-day implementation of that 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 requires that the scope of the EMS be defined and those personnel included in that scope would not be considered independent.

The purpose of a formal audit by a qualified auditor outside the scope or control of the EMS is to allow an unbiased and objective review of the EMS to determine if it conforms to the appropriate/selected EMS framework and reflects the EMS in question. These audits may be conducted by the same organization as the parent organization of the EMS in question. For example, a qualified agency headquarters audit team may review the EMS of a facility or organization within that agency or qualified auditors from one facility from a given agency may audit the EMS of another facility within that agency. Others outside the control or scope of the EMS may include a qualified consultant/contractor or some other qualified unbiased party such as individuals from a state or federal voluntary program or from another federal organization.

**Does DOE O 450.1A require DOE EMSs to conform to and implement ISO 14001?**

No, the Order does not require DOE sites to certify conformance to and implementation of ISO 14001. The Implementing Instructions for EO 13423 require DOE sites to implement an EMS, stating that this EMS "shall reflect the EMS elements and framework found in the ISO 14001:2004(E) International Standard or equivalent." This new requirement is included in DOE O 450.1A.

**How do the validation criteria of 450.1A and EO 13423 apply to those sites already registered to the ISO 14001 standard?**

An EMS which is registered to the ISO 14001:2004 standard would meet the requirements for a "formal audit by a qualified party outside the control or scope of the EMS" and for addressing any non-conformances identified. Subsequent EMS registration audits will need to assess the EMS against the full scope of EMS requirements in DOE O 450.1A. However, Section 4c requires consideration of certain specific topics for inclusion in a site's EMS.

**Does DOE O 450.1A apply to contractors other than M&O contractors?**

Yes. The Applicability section, paragraph 3.b of the Order states that the CRD sets forth requirements of this Order that will apply to management and operation, facility management, or other contracts under which the contractor manages Government facilities or fleets.

**Will an EMS that addresses selected sustainable practices suffice? Do all of the sustainability goals have to be achieved? Which sustainable practices do contractors have to pursue?**

Sites need only implement sustainable practices where they are appropriate, taking into account legal requirements, requirements in EO 13423 and its Implementing Instructions, mission performance, and life-cycle costs. The goals in Attachment 2 of DOE O 450.1A are performance-based requirements for site-specific objectives and measurable targets in each DOE site's EMS. Only those goals relevant to site operations and mission activities need be addressed in the EMS with corresponding objectives and measurable targets.

The second paragraph of Attachment 2 provides flexibility in choosing sustainable practices to achieve the sustainable goals. It reads as follows: "The Department is to achieve these performance-based Sustainable Environmental Stewardship goals through site implementation of the accompanying

sustainable practices, as appropriate, and their integration into environmental management systems pursuant to DOE 450.1A and its Contractor Requirements Document (CRD). DOE sites are to consider legal requirements, requirements in EO 13423 and its Implementing Instructions, mission performance, and life-cycle costs when selecting specific sustainable practices for achieving the Sustainable Environmental Stewardship goals. Additionally, sites may identify other sustainable practices appropriate to the site operations and activities, as necessary to achieve the goals."

**Is it the intent of this Order to require contractors to perform Pollution Prevention (P2) operational assessments for each of the sustainability goals every year?**

No, each field office will interpret the Order and CRD on a site-specific basis, as each EMS is site-specific. The Order sets specific responsibilities and requirements, goals and sustainable practices, and annual budgetary responsibilities. Attachment 2 clarifies that field offices and sites should consider legal requirements, requirements in EO 13423 and its Implementing Instructions, mission performance, and life-cycle costs when selecting specific sustainable practices (such as P2 operational assessments) "as appropriate" for achieving the Sustainable Environmental Stewardship goals.

**Since no HQ funding exists for P2 operational assessments, who will provide funding and/or authorize such efforts?**

Pursuant to paragraph 5d(9), the Field Office Manager is to "ensure the site's annual budget request includes the funding and resources needed to implement the requirements of this Order...", which would include P2 operational assessments.

**In paragraph 4b(3), define "tenant, concessionaire or other activities." Does this include other on-site contractors?**

A tenant is "one who temporarily holds or occupies land, a building, or other property owned by another." Examples at DOE sites include: United

States Geological Service (USGS) is a tenant at the Idaho site; the National Science Foundation Gravitational Wave Observatory is a tenant on the Hanford site.

A concession is "the privilege of maintaining a subsidiary business within a certain premise." A concessionaire is "the operator or holder of a concession" such as someone running a cafeteria at a federal agency or a lodge at a National Park.

Site contractors are not included here. They develop, implement and maintain the site EMS pursuant to the CRD, and these requirements flow down to their subcontractors.

*The Office of Environmental Policy and Assistance establishes environmental protection policy for DOE, and provides assistance to DOE elements on implementation of policy and resolution of compliance matters. Please refer any questions and requests for assistance concerning the subject material covered in this Information Notice to:*

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