

ORDER 450.1 ENVIRONMENTAL
PROTECTION PROGRAM
WORKSHOP

OVERVIEW OF DOE POLICY --
USE OF INSTITUTIONAL CONTROLS

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Use of Institutional Controls Policy (DOE P 454.1)

- DOE O 450.1 establishes a general framework for DOE's Environmental Protection Program.
- DOE P 454.1 will provide a framework for the use of institutional controls that will assist DOE in the protection of the public health and the environment.
- Institutional controls are tools to be integrated into the EMS implementation framework.

Institutional Controls

“*Institutional controls*” are mechanisms designed to appropriately limit access to or uses of land, facilities, and other real and personal properties, to protect cultural and natural resources, to maintain physical security of DOE facilities and to prevent or limit inadvertent human and environmental exposure to residual contaminants. *Institutional controls* include methods to preserve knowledge and to inform current and future generations of hazards and risks.

Institutional Controls

- Institutional Controls are a necessary part of DOE's efforts to protect human health and the environment.
- DOE uses institutional controls to:
 - protect the environment;
 - appropriately limit access or uses of land, facilities or other properties;
 - maintain the physical safety and security of DOE facilities; and
 - limit inadvertent exposure to residual contaminants and other hazards.

Institutional Controls Policy

- The first major element of an EMS is a Policy Statement endorsed by top management of the organization.
- The Institutional Controls Policy, when finalized, would demonstrate a written, DOE senior-level management commitment to the effective implementation of institutional controls.

Institutional Controls Policy-- Purpose

- To establish a consistent approach to the implementation, maintenance and reevaluation of institutional controls as an integral part of DOE mission and operational activities;
- To integrate (within an EMS/ISMS) the use of effective institutional controls along with other tools to manage, monitor and transfer lands and property under DOE control;

Institutional Controls Policy-- Purpose cont'd

- To apply institutional controls in a cost-effective way and maximize the use of low-maintenance institutional controls; and
- To indicate DOE's preference for permanent and passive remedies over those requiring active maintenance and long-term commitment of resources.

Institutional Controls Policy -- Content

- Purpose and Scope
- Background
- Policy Section
 - Introductory discussion
 - Implementation Goals
 - Property Issues

Institutional Controls Policy – Content cont'd

Purpose and Scope Section:

- notes that DOE will use Institutional Controls to manage resources, facilities and real and personal properties, and to implement programmatic responsibilities.
- states that P454.1 guides site specific and programmatic decisions for DOE's own planning, maintenance and implementation of institutional controls.

Institutional Controls Policy – Content cont'd

Background Section:

- briefly discusses DOE's role as a Federal land manager and steward of natural and cultural resources.
- notes that in some cases institutional controls may be authorized by various laws, while in other cases DOE has decided to use institutional controls to supplement various activities.
- recognizes that the term "Institutional Controls" is used in the Policy in a broader context than in internal and external regulatory requirements or policies established under statutes.
- gives examples of how DOE uses institutional controls.

Institutional Controls Policy – Content cont'd

Policy Section: *Introductory discussion*

- identifies issues such as limitations on unrestricted use or release of property;
- states DOE policy is to use institutional controls as an essential component of a defense-in-depth strategy for protection;
- notes that institutional controls are not to be used to circumvent or substitute for permanent solutions when they are reasonably achievable;
- states that institutional controls will not be applied, or will be terminated, when DOE determines that they are no longer needed or required.

Institutional Controls Policy – Content cont'd

Policy Section: *Implementation Goals*

- Lists goals for application and implementation of institutional controls.
- Several goals contain provisions closely linked to ISM/EMS approaches, such as those related to planning, maintenance and periodic reevaluations.

Policy Section: *Property Issues*

- identifies issues related to the need for institutional controls on real and personal property and transfer of property issues; clearly states responsibilities of DOE organizations for implementation of the Policy; and
- contains an explicit statement that the Policy is intended to improve internal DOE management.

Institutional Controls Policy – Current Status

- FMC review and comment period ended in September 2002.
- Satisfactory resolution of comments/ concurrence from PSO's except for EM
- Currently working to close with EM.
- When P454.1 is finalized, implementation guidance will be developed.

Institutional Controls Policy – Final word

- It is important that the need for, and use of Institutional Controls be considered when you are implementing an EMS.
- Institutional controls may not always be the best solution, but when they are, we need to use them effectively and within the context of a management system.