

SUBJECT: DEPARTMENTAL SUSTAINABILITY

1. PURPOSE. Provide requirements and responsibilities for managing sustainability within the Department of Energy (DOE) to 1) ensure the Department carries out its missions in a sustainable manner that addresses national energy security and global environmental challenges, and advances sustainable, efficient and reliable energy for the future, 2) institute wholesale cultural change to factor sustainability and greenhouse gas (GHG) reductions into all DOE corporate management decisions, and 3) ensure DOE achieves the sustainability goals established in its Strategic Sustainability Performance Plan (SSPP) pursuant to applicable laws, regulations and Executive Orders (EO), related performance scorecards, and sustainability initiatives.
2. CANCELLATIONS. DOE O 450.1A, *Environmental Protection Program*, dated 06-04-08, and DOE O 430.2B, *Departmental Energy, Renewable Energy and Transportation Management*, dated 2-27-08. Cancellation of these directives does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with these directives. Contractor Requirements Documents that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.
3. APPLICABILITY.
 - a. All Departmental Elements.
 - (1) Except as noted in paragraph 3c, this Order applies to all Departmental elements responsible for the management and operation of the Department's facilities, fleets, or facilities construction and demolition or facility infrastructure improvements, including elements of the National Nuclear Security Administration (NNSA).
 - (2) The Administrator of NNSA will ensure that NNSA employees comply with the requirements and responsibilities under this directive. Nothing in this Order will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.
 - b. DOE Contractors. The Contractor Requirements Document (CRD), Attachment 1, sets forth requirements of this Order that will apply to contracts for the management and operation (M&O) of the facilities and fleets or facilities construction and demolition or facility infrastructure improvements, or other contracts under which the contractor manages supply and service acquisitions for Government facilities, fleets or mission operations.

c. Equivalencies/Exemptions for DOE O 436.1.

- (1) Equivalency. In accordance with Section 302 of the Department of Energy Organization Act of 1977, Section 302, and consistent with Secretarial memorandum of January 28, 2011, the Secretary operates and maintains the Power Marketing Administrations (PMAs) electric power transmission systems by and through the PMA Administrators. PMAs shall submit requested information regarding resource use and emissions, and are encouraged to work closely with the Sustainability Performance Office on assisting the Department in achieving its sustainability goals.
- (2) Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC sections 2406 and 2511, and to ensure consistency throughout the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this directive for activities under the Director's cognizance, as deemed appropriate. The Director shall submit requested information regarding resource use and emissions.

4. REQUIREMENTS

- a. Comply with the sustainability requirements contained in EO 13423 (*Strengthening Federal Environmental, Energy, and Transportation Management*), EO 13514 (*Federal Leadership in Environmental, Energy, and Economic Performance*), the National Energy Conservation Policy Act (NECPA), the Energy Policy Acts (EPA) of 1992 and 2005, the Energy Independence and Security Act (EISA) of 2007, and continue to adhere to the inventory and reporting requirements of Section 301 through 313 (including implementing regulations) of the Emergency Planning and Community Right-to-Know Act, the Pollution Prevention Act of 1990 at DOE facilities, related statutory and administrative requirements.
 - (1) Prepare and submit an annual Strategic Sustainability Performance Plan (SSPP) to the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ). The SSPP will describe the actions that the Department will take to achieve its sustainability goals.
 - (a) Define specific goals and milestones in each annual DOE SSPP, including updates of other related initiatives. The goals and milestones will remain in effect unless a subsequent SSPP voids a goal or milestone included in a previous annual submission.
- b. Prepare and submit any other required reports supporting and related data as requested pursuant to the EOs and laws listed above, including Federal agency scorecards.

- c. Site Sustainability Plans (SSPs). Each site must develop and commit to implementing an annual SSP that identifies its respective contribution toward meeting the Department's sustainability goals. SSPs must:
 - (1) Be completed and submitted to the Sustainability Performance Office (SPO) through the appropriate line management per annual guidance.
 - (2) Account for each individual site's contribution to meeting the sustainability goals and commit appropriate personnel resources, an appropriate financing plan, and establish a timeline for execution coupled with specific performance measures and deliverables.
 - (3) Environmental Management System (EMS). DOE sites must use EMS(s) as a platform for SSP implementation and programs with objectives and measurable targets that contribute to the Department meeting its sustainability goals. Sites must maintain their EMS(s) as being certified to or conforming to the International Organization for Standardization's (ISO) 14001:2004 in accordance with the accredited registrar provisions of the International Standard or the self-declaration instructions found in References 7.o and 7.p, respectively.

- d. Financing. Use, to the maximum extent practicable, alternative financing for energy saving projects, which includes renewable energy, energy efficiency, water-efficiency, high performance sustainable building, pollution prevention, and other sustainability projects.
 - (1) Sites must maintain an assessment of applicable alternative financing mechanisms to be reviewed annually, and updated as appropriate.
 - (2) Verified savings from all sustainability projects must be reinvested, consistent with Federal regulations and DOE guidance, to further additional sustainability projects at that site.

5. RESPONSIBILITIES.

- a. Senior Sustainability Officer (SSO).
 - (1) Fulfills SSO duties as stated by EO 13514.
 - (2) Submits to the Council on Environmental Quality (CEQ) Chair and the Director of the Office of Management and Budget (OMB) the Department's SSPP and the annual inventory of GHG emissions, as required by EO 13514.

- (3) Reports the Department's sustainability performance and progress to the CEQ Chair and the OMB Director and their staff on such schedule and in such format as they require and reports to the Secretary on the adequacy and effectiveness of the SSPP and other sustainability related goals and initiatives.
- (4) Chairs the DOE Senior Sustainability Steering Committee (SSSC) or designates a representative. The SSSC establishes the strategic direction for DOE's sustainability efforts, makes related policy decisions and aligns DOE's business practices with sustainability goals and requirements.
- (5) Participates in the Steering Committee on Federal Sustainability or designates a representative.

b. Director, Sustainability Performance Office.

- (1) Serves as the Department's principal point of contact relating to sustainability.
- (2) Supports the SSO in the execution of duties regarding sustainability including monitoring performance, developing instructions, reporting, data collection and analysis, and implementing and updating the SSPP.
- (3) Reports on DOE sustainability matters in coordination with other Departmental elements, as appropriate.
- (4) Serves on interagency workgroups, councils, boards, and in interactions with other Federal agencies, including OMB and CEQ, or designates DOE's delegate, on sustainability matters.
- (5) Works with the Chief Financial Officer (CFO) to ensure sustainability is considered and represented in Departmental budget guidance.
- (6) Chairs the DOE Sustainability Working Group (SWG), which provides a forum for sustainability discussions, strategies and best practice sharing in

support of DOE's sustainability efforts. The SWG sanctions all DOE corporate sustainability related workgroups.

- (7) Provides technical assistance to support Departmental elements on sustainability issues, including providing data summaries, analysis and projections.
- (8) Assigns activities to appropriate corporate Departmental elements and agreed to by that identified element.

c. Under Secretaries, and the Administrators of the Power Marketing Administrations (PMAs).

- (1) Support the SSO in meeting sustainability goals, the SSPP and this Order through the Program Secretarial Offices (PSOs) and Field Managers, by executing assigned sustainability duties, as applicable.
- (2) Support the SSO in external reporting and communications.
- (3) Plan, resource, implement, monitor, report and manage the achievement of DOE's sustainability goals. PMAs should plan, resource, implement and manage as applicable.
- (4) Ensure reinvestment of verified savings associated with sustainability projects, consistent with Federal regulations and DOE guidance, to further sustainability goal achievement. Reinvestment does not apply to PMAs.
- (5) Ensure the development, review, submission and implementation of SSPs as defined in the SSPP and SSP Guidance.
- (6) Annually develop and submit a composite sustainability plan, based on the SSPs submitted by their respective PSOs (if applicable), including planned actions and program budget allocations, as appropriate.

d. Program Secretarial Officers (PSOs).

- (1) Support their Under Secretary in the implementation of sustainability goals, targets, milestones, projects and this Order as appropriate and assigned by PSO/NNSA management.
- (2) Work with Field Managers to establish sustainability goals, targets, and milestones.

- (3) Request through the annual internal budgetary processes funding and resources needed to carry out these requirements that are not alternatively funded through Energy Saving Performance Contracts (ESPC), Utility Energy Service Contracts (UESC) or other alternative financing.
 - (a) Annually develop and submit to the Under Secretary a composite sustainability plan, based on the SSPs submitted by their Field Managers, including planned actions and program budget allocations, as appropriate.
 - (4) Ensure all personnel whose actions are affected by this Order receive proper awareness training on its requirements.
- e. Field Managers.
- (1) Prepare, submit and implement the SSP and associated required data. Ensure appropriate quantifiable sustainability and energy goals/targets are integrated into contracting documents, such as the Performance Evaluation and Measurement Plans (or equivalent).
 - (2) Ensure that EMSs covering all site activities are certified to or conform with the International Organization for Standardization's (ISO) 14001:2004 (E) in accordance with the accredited registrar provisions of the International Standard or the self-declaration instructions found in References 7.o and 7.p, respectively, are maintained at sites under their purview.
 - (a) At sites with multiple contracts, where appropriate, designate a lead coordinating contractor to maintain a site-wide EMS that accounts for all site operations.
 - (b) At sites with multiple EMSs, ensure the sustainability objectives and targets established in each are provided for in a consolidated SSP.
 - (3) Monitor site performance in implementing the requirements of this Order and make such information available annually to their PSO/Associate Administrator.
 - (4) Request through the annual internal budgetary processes funding and resources needed to carry out these requirements that are not otherwise financed.

- (5) Seek opportunities at multi-program sites to team to achieve synergistic and beneficial results towards meeting sustainability goals.
 - (6) Ensure that sites under their purview provide the DOE Federal Energy Management Program (FEMP) all contracts for utilities services and modifications to such contracts (excluding administrative or incremental funding modifications) prior to execution for review and concurrence by FEMP and the Office of General Counsel (OGC). For NNSA utility services contracts, FEMP provides expert analysis to NNSA, including their opinion on the acceptability of the contract action. Utilities services must be awarded via DOE prime contract and DOE elements must ensure that all applicable Federal, State, and local laws and regulations are followed. Sites shall communicate to FEMP notice of any forthcoming regulatory actions on the part of their utility service providers. It is the responsibility of the OGC jointly with FEMP to represent all DOE consumer interests by intervening, or otherwise participating in, hearings or proceedings before regulatory bodies for utilities when these proceedings affect DOE operations. Site personnel will support OGC and FEMP in these intervention activities.
 - (7) Notify Contracting Officers of those contracts that must include the Contractor Requirements Document (CRD).
- f. DOE Corporate Partners. The SPO will coordinate and collaborate with corporate partners. The SPO will also assign and delegate activities as appropriate in agreement with that partner, based on partner mission, expertise and experience.
- (1) Director Office of Management partners with the SPO, and
 - (a) Develops and maintains policies and directives for fleet, real property acquisition, maintenance, operations, disposition, and personal property.
 - (b) Develops and maintains a professional development program for Departmental facility managers that includes resource conservation requirements and sustainability practices.

- (2) Chief Health, Safety and Security Officer partners with the SPO, and
 - (a) Develops and maintains policies and directives for environmental protection, including the conservation and preservation of natural and cultural resources.
 - (b) Provides technical assistance in the implementation and maintenance of sites' EMS.
 - (3) Assistant Secretary for Energy Efficiency and Renewable Energy and FEMP partner with the SPO and provide technical assistance. FEMP manages the Department's utility acquisition and management in coordination with the appropriate line management organizations.
 - (4) Chief Information Officer partners with the SPO, and
 - (a) Serves as the Department's lead on the Federal Data Center Consolidation Initiative (FDCCI).
 - (b) Establishes policies and directives that support electronics stewardship, data energy efficiency, and related information technology (IT) sustainability best practices.
 - (5) Chief Financial Officer partners with the SPO, and
 - (a) Ensures requests for funding to carry out the requirements of this Order are prioritized during the formulation of DOE's annual budget request, to include the social cost of carbon.
 - (b) Develops and implements cost savings reinvestment guidance with assistance with the SPO.
 - (c) Coordinates budget data calls related to sustainability with the assistance of the SPO.
- g. Contracting Officers. Incorporate the CRD, in a timely fashion, into all site contracts for the management and operation (M&O) of the facilities and fleets or facilities construction and demolition or facility infrastructure improvements, or

other contracts under which the contractor manages supply and service acquisitions for Government facilities, fleets or mission operations.

6. DEFINITIONS.

- a. DOE site: For purposes of this Order, Site refers to the DOE entity which conducts operational activities including contractor operated DOE owned or leased facilities as discrete locations across the U.S. In the case of Government Owned Government Operated (GOGO) facilities (including Power Administrations), it refers to the DOE operating organization.
- b. Environmental Management System (EMS): An EMS is a management tool enabling an organization of any size or type to:
 - Identify and control the environmental impact of its activities, products or services,
 - Improve its environmental performance continually, and to
 - Implement a systematic approach to setting environmental objectives and targets, to achieving these and to demonstrating that they have been achieved.
- c. Field Managers: The terms “field office” and “field office managers” are used interchangeably to indicate the DOE field office with direct management and oversight of operational activities. “Field” may have various other designations, including operations office, site office, service centers, and project office.
- d. Sustainability: “...to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations.” (EO 13514). For purposes of this Order, sustainability is broadly defined as those actions taken to maximize energy and water efficiency; minimize chemical toxicity and harmful environmental releases, particularly GHG; promote renewable and other clean energy development; and conserve natural resources while sustaining assigned mission activities
- e. Strategic Sustainability Performance Plan: An annual plan that prioritizes DOE actions pursuant to Section 8 of EO 13514. The SSPP outlines how the Department will implement its energy and environmental sustainability goals.
- f. Exemptions in paragraph 3(c) of this Order refer to exemptions per DOE Order 251.1C.

7. REFERENCES.

- a. Executive Order 13514, Federal Leadership in Environmental, Energy and Economic Performance, October 9, 2009.
<http://www1.eere.energy.gov/femp/pdfs/eo13514.pdf>
- b. Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, January 24, 2007.
http://www.hss.doe.gov/pp/epp/EO_13423.pdf
- c. Executive Order 12344, *Naval Nuclear Propulsion Program*.
<http://www.archives.gov/federal-register/codification/executive-order/12344.html>
- d. Instructions for Implementing Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, March 28, 2007.
http://www.fedcenter.gov/kd/Items/actions.cfm?action=Show&item_id=6825&destination=ShowItem
- e. Strategic Sustainability Performance Plan, Department of Energy, September 2010. http://www.energy.gov/media/DOE_Sustainability_Plan_2010.PDF and additional annual plans
- f. Title XXXII of P.L. 106-65, National Nuclear Security Administration Act, as amended. <http://uscode.house.gov/download/pls/50C41.txt>
- g. Energy Policy Act of 1992. P.L. 102-4866.
- h. Energy Policy Act of 2005. P.L. 109-58.
- i. National Energy Conservation Policy Act. P.L. 95-91.
- j. Energy Independence and Security Act of 2007. P.L.110-140.
- k. Department of Energy Organization Act of 1977, Section 302. P.L. 95-91.
[http://frwebgate.access.gpo.gov/cgibin/usc.cgi?ACTION=RETRIEVE&FILE=\\$\\$xa\\$\\$busc42.pt2.wais&start=11572122&SIZE=20439&TYPE=PDF](http://frwebgate.access.gpo.gov/cgibin/usc.cgi?ACTION=RETRIEVE&FILE=$$xa$$busc42.pt2.wais&start=11572122&SIZE=20439&TYPE=PDF)
- l. Emergency Planning and Community Right-to-Know Act or Title III of Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C 11001, et seq.
<http://frwebgate.access.gpo.gov/cgibin/usc.cgi?ACTION=BROWSE&TITLE=42USCC116>
- m. DOE Order 430.1B, *Real Property Asset Management*, Chg. 2, April 25, 2011.
<https://www.directives.doe.gov/directives/current-directives/430.1-BOrder-bc1/view>

- n. Guidelines Establishing Criteria for Excluding Buildings from the Energy Performance Requirements of Section 543 of the National Energy Conservation Policy Act as Amended by the Energy Policy Act of 2005 issued on January 27, 2006. http://www1.eere.energy.gov/femp/pdfs/exclusion_criteria.pdf
 - o. International Standards Organization's (ISO) 14001:2004(E) International Standard, *Environmental Management Systems: Requirements with Guidance for Use*. http://www.iso.org/iso/catalogue_detail?csnumber=31807
 - p. *Instructions for Self-Declaration of Conformance with ISO 14001:2004(E)*, Office of the Federal Environmental Executive, January 15, 2008. http://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&Item_ID=8864
 - q. 48 CFR 970.5204-2, Laws, Regulations and DOE Directives.
 - r. 48 CFR 970.5223-7 or 952.223-78, Sustainable Acquisition Program.
 - s. 48 CFR 970.5223-6, Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management.
8. CONTACT. Sustainability Performance Office, Office of Energy Efficiency and Renewable Energy, at 202-586-8645.

BY ORDER OF THE SECRETARY OF ENERGY:



DANIEL B. PONEMAN
Deputy Secretary

APPENDIX A

ACRONYMS

ANSI	American National Standards Institute
ASHRAE	American Society of Heating, Refrigerating and Air-Conditioning Engineers
CD	Critical Decision
CEQ	Council on Environmental Quality
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
CIO	Chief Information Officer
CRD	Contractor Requirements Document
DESC	Defense Energy Support Center
DOE	U.S. Department of Energy
EISA	Energy Independence and Security Act
EMS	Environmental Management System
EO	Executive Order
EPAct	Energy Policy Act of 1992 or 2005
ESPC	Energy Savings Performance Contract
FDCCI	Federal Data Center Consolidation Initiative
FEMP	Federal Energy Management Program
GHG	Greenhouse Gas
GOGO	Government-Owned Government-Operated
GSA	General Services Administration
ISO	International Organization for Standardization
NECPA	National Energy Conservation Policy Act

NNSA	National Nuclear Security Administration
OMB	Office of Management and Budget
SPO	Sustainability Performance Office
SSCC	Senior Sustainability Steering Committee
SSO	Senior Sustainability Officer
SSP	Site Sustainability Plan
SSPP	Strategic Sustainability Performance Plan
UESC	Utility Energy Service Contract

Attachment 1

CONTRACTOR REQUIREMENTS DOCUMENT

DOE O 436.1, DEPARTMENTAL SUSTAINABILITY

The provisions of the Contractor Requirements Document (CRD) apply to Department of Energy

(DOE) contractors. Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this CRD and flowing down the CRD requirements to subcontracts to the extent necessary to ensure contractor compliance with these requirements.

1. Reporting. The contractor must establish and implement activities that support the Department's required submittal of reports and data and implementation of sustainability goals specified by DOE in the contract. The contractor must also meet the requirements of the Emergency Planning and Community Right-to-Know Act.
2. The contractor must establish and implement the following activities:
 - a. Site Sustainability Plans (SSPs). Contractors must develop or support development and commitments to identify their respective contributions toward meeting the Department's sustainability goals. Contractors must integrate their SSP with their operational plans.
 - b. Environmental Management Systems (EMS). Contractors must develop and implement an environmental management system (EMS) that is certified to or conforms with the International Organization for Standardization's (ISO) 14001:2004 in accordance with References 7.o and 7.p, respectively. Site sustainability goals must be integrated into the EMS's.

When deemed appropriate by the Contracting Officer, a contractor having an EMS that is certified to the International Organization for Standardization's (ISO) 14001:2004 standard in accordance with the accredited registrar provisions of the International Standard may allow the CRD not to be included in their contracts. In such cases, sustainability goals will flow down to contractors via established contractor performance management processes or other contract mechanisms.