

January 19, 2001

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: BILL RICHARDSON

SUBJECT: Implementation of Executive Order 13148, *Greening the Government Through Leadership in Environmental Management*

Executive Order 13148, *Greening the Government Through Leadership in Environmental Management*, was signed by the President on April 21, 2000. This Order establishes new goals and requirements for Federal agencies that complement many Department of Energy (DOE) initiatives under way. These new goals and requirements affirm DOE's approach to improving environmental performance through the use of management systems and aggressive pollution prevention initiatives. DOE experience has shown that the application of a systematic approach to environment, safety, and health management, that includes ambitious pollution prevention goals, results in improved environmental performance and significant cost savings.

The Executive Order complements and reinforces existing DOE programs in that:

- It establishes pollution prevention goals that complement the Pollution Prevention and Energy Efficiency Leadership Goals established for the Department on November 12, 1999.
- It requires the implementation of environmental management systems at our facilities that will strengthen the implementation of Integrated Safety Management at our sites.
- It promotes environmental protection through use of environmental compliance audits or environmental management system reviews.
- It emphasizes that agency policies and environmental compliance audit programs should promote pollution prevention as a means to both achieve and maintain environmental compliance.

The Executive Order also contains several specific new requirements that will have to be incorporated into DOE Directives. Such Directives should be developed or modified to ensure the most cost-effective implementation of EO 13148 as possible. I am assigning responsibility for the implementation of this Executive Order to Departmental Elements as identified in the DOE Notice attached to this memorandum. I encourage implementation of Executive Order 13148 within the framework of Integrated Safety Management.

As we move toward the fulfillment of the goals and requirements of this Executive Order, we will continue to improve DOE's environmental performance while executing our multiple mission programs in a more environmentally sustainable manner.

Attachment

**U.S. Department of Energy**  
**Washington, D.C.**

**NOTICE**

**DOE N 450.4**

Approved: 02-05-01

Expires: 09-01-01

**SUBJECT: ASSIGNMENT OF RESPONSIBILITIES FOR EXECUTIVE ORDER 13148,  
*GREENING THE GOVERNMENT THROUGH LEADERSHIP IN ENVIRONMENTAL  
MANAGEMENT***

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1. **OBJECTIVES.** The Department of Energy (DOE) is committed to leadership in environmental management by integrating environmental accountability into agency day-to-day decision-making and long-term planning processes, across all Departmental missions, activities, and functions. The Department must advance the national policy that, whenever feasible and cost-effective, pollution should be prevented or reduced at the source. DOE must ensure that the goals and requirements of Executive Order 13148, *Greening the Government Through Leadership in Environmental Management*, are incorporated into existing DOE directives, policies, and documents. Such directives, policies, and documents should be written to ensure the most cost-effective implementation of Executive Order 13148 possible. Program secretarial officers (PSOs) and DOE operations/field office managers are responsible and will be held accountable for ensuring implementation of these goals and requirements at their sites.
2. **CANCELLATION.** None.
3. **APPLICABILITY.**
  - a. The provisions of this Notice apply to all DOE elements, including elements of the National Nuclear Security Administration, responsible for oversight of contracts for the management and operation of the Department's facilities.
  - b. DOE Contractors. Contractor requirements are listed in the Contractor Requirements Document (CRD), Attachment 1. Contractors must comply with the requirements listed in the CRD to the extent set forth in their contracts. Contractors are responsible for: (i) compliance with the requirements of the CRD of this Notice regardless of the performer of the work in the contracting chain; and (ii) flowing down the requirements of the CRD of this Notice to subcontracts to the extent necessary to ensure contractors' compliance with the requirements.

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**DISTRIBUTION:**  
All Departmental Elements

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**INITIATED BY:**  
Office of Environment, Safety and Health

4. REQUIREMENTS.

- a. Implement Environmental Management Systems (EMSs) at DOE facilities as part of DOE's Integrated Safety Management (ISM) System.
- b. Incorporate environmental compliance or EMS audits into the line environment, safety and health oversight program required by DOE P 450.5.
- c. Comply with the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act.
- d. Reduce releases and off-site transfers of toxic chemicals<sup>1</sup>
- e. Reduce the use of selected priority chemicals or the generation of selected waste types<sup>2</sup>
- f. Develop a plan to phase out the procurement of Class I ozone-depleting substances (ODSs) including disposition in coordination with the Department of Defense.<sup>3</sup>
- g. Promote sustainable management of Federal facility lands.
- h. Use pollution prevention projects and activities to correct and prevent non-compliance with environmental regulatory requirements.

5. RESPONSIBILITIES.

- a. Program Secretarial Officers, Administrator for Nuclear Security, and DOE Operations/Field Office Managers.
  - (1) Request through the budget process, as reflected in their environment, safety, and health (ES&H) management plans, the funding and resources needed for implementing Executive Order 13148, including funding for Return-on-Investment (ROI) programs, as well as funding to address findings and recommendations from oversight activities conducted in accordance with DOE P 450.5

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<sup>1</sup> DOE will use the P2E2 Leadership goals issued November 1999 for the toxic release inventory (TRI) goal, the waste reduction goals, and the ozone-depleting substances (ODS) goal, along with the Executive order ODS goal.

<sup>2</sup> See footnote 1.

<sup>3</sup> See footnote 1.

- (2) Ensure that sites under their purview include site-specific goals in the ISMS performance measures to contribute to the DOE Pollution Prevention and Energy Efficiency (P2E2) goals used to meet the requirements of Executive Order 13148.
  - (3) Ensure that sites under their purview provide to the Offices of Environment, Safety and Health and Environmental Management the information needed to prepare the annual progress report for the Department.
  - (4) Ensure that sites under their purview develop and implement a pollution prevention ROI program that uses life-cycle assessment concepts and places the highest value on source reduction.
  - (5) Designate a senior staff point of contact for coordinating implementation of Executive Order 13148.
- b. Program Secretarial Officers and the Administrator for Nuclear Security, in coordination with DOE Operations/Field Office Managers.
- (1) Conduct, in conjunction with the existing ISM annual review, to the extent possible, a one-time EMS self-assessment, as required by Executive Order 13148, of Headquarters programs and their field elements (e.g., operations, site, and laboratory).
- c. DOE Operations/Field Office Managers, in coordination with their reporting sites and Program Secretarial Office.
- (1) Conduct, in conjunction with the existing ISM annual review, to the extent possible, a one-time EMS self-assessment, as required by Executive Order 13148, with their PSOs' field elements (e.g., operations, site and laboratory).
  - (2) Within the DOE P 450.5 oversight program, conduct facility environmental compliance or EMS audits at a representative group of operations/facilities for each site under their purview not less than once every 3 years.
  - (3) Establish a process, or use existing mechanisms, to obtain local community advice and to provide outreach for facilities under their purview relevant to aspects of the *Greening the Government* Executive Orders (Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*; Executive Order 13123, *Greening the Government Through Efficient Energy Management*; Executive Order 13148, *Greening the Government Through Leadership in Environmental Management*; and Executive Order 13149, *Greening the Government Through Federal Fleet and Transportation Efficiency*).

- (4) Incorporate the “Guidance” referenced in Executive Order 13148 and found at 60 *Federal Register* 40837, August 10, 1995, into all new landscaping programs, policies, and practices for facilities under their purview, and implement the landscaping provisions of Executive Order 13148.
  - (5) Determine the feasibility of implementing centralized procurement and distribution (e.g., “pharmacy”) programs at facilities under their purview for tracking, distributing, and managing toxic or hazardous materials; where appropriate, implement such programs.
  - (6) Ensure that contractors with an approved ISMS Description update the ISMS Description to include the environmental management expectations of EO 13148, as implemented through this Notice.
- d. The Assistant Secretary for Environment, Safety and Health, in coordination with other DOE elements.
- (1) Develop or revise existing DOE environmental directives, policies, and documents to—
    - (a) incorporate the goals found in Part 2 of Executive Order 13148;
    - (b) provide instructions through the ES&H Supplemental Budget Guidance for the inclusion of the Executive order requirements in ES&H management plans developed by the lead program secretarial office (LPSO), PSO, and field;
    - (c) update DOE environmental compliance and EMS auditing protocols and procedures;
    - (d) maximize the use of safe alternatives to, evaluate present and future uses of, and disseminate information regarding successful efforts in phasing out ODSs;
    - (e) prepare an annual progress report to EPA on implementation of Executive Order 13148.
  - (2) As part of the independent oversight program’s ISM evaluations, measure the effectiveness of DOE Headquarters and field organizations’ implementation of Executive Order 13148.

- (3) Prepare guidance for conducting the EMS self-assessment (one-time gap analysis) and prepare the related summary report. Additionally, prepare guidance for the annual progress report required by Executive Order 13148.
- e. The Assistant Secretary for Environmental Management, in addition to his/her PSO responsibilities shown above, accomplish the following, in coordination with other Departmental elements.
  - (1) Coordinate the development of a pollution prevention ROI program throughout the Department, to be implemented, subject to the availability of appropriated funds, by the PSOs.
  - (2) Develop an internal DOE-wide awards program to reward innovative programs and individuals showing outstanding environmental leadership in implementing Executive Order 13148.
  - (3) Collect reports from all DOE sites on waste generation and pollution prevention progress for inclusion in the Department's Executive Order 13148 annual progress report to EPA.
- f. The Director of Management and Administration, in coordination with other DOE elements, develop or revise existing DOE directives, policies and documents to accomplish the following.
  - (1) Amend DOE's personal property management policies and procedures to preclude the Department's disposal of ODSs without prior coordination with the Department of Defense.
  - (2) Include training on the provisions of Executive Order 13148 in the standard senior-level management training for program managers, contracting personnel, procurement and acquisition personnel, facility managers, contractors, and other personnel as appropriate. The National Environmental Training Office (NETO) is also available to provide standardized training on the provisions of Executive Order 13148.
  - (3) Include the successful implementation of pollution prevention, community awareness, and environmental management in the position descriptions and performance evaluations for appropriate Senior Executive Service (SES) and career Headquarters managers and operations office/field office managers.

g. Chief Financial Officer

- (1) Incorporate DOE's Pollution Prevention Energy Efficiency Leadership Goals, found in the Secretarial memo dated November 12, 1999, into the Department's Strategic and Annual Performance Plans required by the Government Performance and Results Act of 1993, starting with performance plans accompanying the FY 2002 budget.
- (2) Ensure that Executive Order 13148 budget requirements reflected in the LPSO, PSO, and field site's ES&H management plans, or other budget process, are included in the DOE 2003 budget request, and in subsequent budget requests.

h. The Director, Office of Worker and Community Transition, in coordination with other DOE elements. Coordinate disposition of critical Class I ODSs with the Department of Defense.

6. CONTACT. For information about this Notice, call the Office of Environmental Policy and Guidance at 202-586-7301.



SPENCER ABRAHAM  
Secretary of Energy

## **CONTRACTOR REQUIREMENTS DOCUMENT**

### **DOE N 450.4, ASSIGNMENT OF RESPONSIBILITIES FOR EXECUTIVE ORDER 13148, *GREENING THE GOVERNMENT THROUGH LEADERSHIP IN ENVIRONMENTAL MANAGEMENT***

Department of Energy (DOE) contractors are expected to comply with the following requirements:

1. Implement an Environmental Management Systems (EMS) at the DOE facility as part of a Integrated Safety Management System.
2. Incorporate environmental compliance or EMS audits into the contractor line environment, safety and health oversight program required by DOE P 450.5.
3. Comply with the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act.
4. Reduce releases and off-site transfers of toxic chemicals.<sup>1</sup>
5. Reduce the use of selected priority chemicals or the generation of selected waste types.<sup>2</sup>
6. Assist the Department in developing a plan to phase out the procurement of Class I ozone-depleting substances (ODSs) including disposition in coordination with the Department of Defense.<sup>3</sup>
7. Assist the Department in promoting sustainable management of Federal facility lands.
8. Use pollution prevention projects and activities, as appropriate, to correct and prevent non-compliance with environmental regulatory requirements.

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