



DOE Order 436.1, *Departmental Sustainability* Frequently Asked Questions

Synopsis

On May 5, 2011, the Deputy Secretary approved [Department of Energy \(DOE\) Order \(O\) 436.1, *Departmental Sustainability*](#). DOE O 436.1 cancels DOE O 450.1A, *Environmental Protection Program*, and DOE O 430.2B, *Departmental Energy, Renewable Energy and Transportation Management*, to incorporate and implement the new requirements of:

- [Executive Order \(E.O.\) 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*](#) (issued in October 2009), and to continue compliance with:
- [E.O. 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*](#) (issued in January 2007), and [Instructions for Implementing Executive Order 13423](#) (issued in March 2007);
- the [Energy Independence and Security Act of 2007](#) (EISA);
- the Energy Policy Acts of [1992](#) and [2005](#); and
- other related statutes, administrative and secretarial mandates and priorities.

The development of DOE O 436.1 was supported by the [DOE 2010 Strategic Sustainability Performance Plan \(SSPP\)](#) commitment to promulgate an order requiring sites to revise their environmental management systems, as necessary, to incorporate activities and programs to meet the SSPP's goals and targets.

1. Q: Now that DOE O 436.1 is issued, are the contractor requirements documents (CRD) of DOE O 450.1A and DOE O 430.2B also cancelled?

A: No, while DOE O 436.1 cancels both orders, it stipulates that the CRDs of canceled orders that have been incorporated into a contract remain in effect throughout the term of the contract unless the contract is modified to remove requirements or substitute new requirements.

2. Q: Where can I find the Department's sustainability goals?

A: The Department's sustainability goals are found in the Department's current Strategic Sustainability Performance Plan (SSPP). The SSPP will be updated annually; DOE O 436.1 clarifies that the SSPP goals are in effect until voided by a subsequent SSPP. The SSPP and additional sustainability information are available through the DOE [Sustainability Performance Office](#).

3. Q: What happened to the sustainable environmental stewardship goals of Order 450.1A?

A: The sustainable environmental stewardship goals of DOE O 450.1A and its CRD were established to reflect the sustainable practices stipulated in [E.O. 13423](#), to enhance environmental, energy, and transportation management performance. DOE O 436.1 and the SSPP incorporate, by reference, compliance with the requirements of E.O. 13423 as

well as the newer goals of [E.O. 13514](#). Both E.O.s apply to DOE elements through the Order and to DOE contractors through the CRD, and the Department of Energy Acquisition Regulations (DEAR) which established two new contract clauses [48 CFR 970.5223-7](#), Sustainable Acquisition Program (management and operating [M&O] contracts) and [48 CFR 952.223-78](#), Sustainable Acquisition Program (Non-M&O contracts).

4. Q: What happened to the specific energy, water, building, and transportation requirements and goals listed in DOE O 430.2B?

A: Many of the goals and requirements of Order 430.2B and its CRD were derived from [E.O. 13423](#), the Energy Policy Acts of [1992](#) and [2005](#), the [Energy Independence and Security Act](#), and the [National Energy Conservation Policy Act](#). DOE O 436.1 incorporates these laws and the E.O. by reference and requires compliance with the sustainability requirements they contain. Other requirements, such as using energy savings performance contracts and utility energy service contracts, pursuing Leadership in **Energy and Environmental Design** Gold certification for all new construction and major renovation greater than \$5 million, and producing a pre-established percentage of the Department's electricity from on-site renewable resources are included in the SSPP.

5. Q: What happened to the requirement for executable plans established in DOE O 430.2B?

A: The Site Sustainability Plans (SSPs) take the place of the executable plans. DOE O 436.1 requires SSPs that identify a site's contributions toward meeting the Department's sustainability goals.

6. Q: Is each DOE site individually responsible for achieving every goal in the SSPP?

A: The SSPP goals are assigned to each Under Secretary who is responsible and held accountable for achieving them across his/her respective portfolio of sites. Each site is responsible for contributing to goal achievement through development and implementation of its environmental management system (EMS) and SSP. Field managers submit SSPs to their Program Secretarial Officers who use them to develop composite sustainability plans for their Under Secretaries.

7. Q: DOE O 436.1 requires Environmental Management Systems (EMS). What is the relationship between a site's EMS and its SSP?

A: An EMS is the platform a site uses to establish its specific sustainability programs with objectives and measurable targets that contribute to achieving the sustainability goals. The SSP describes the specific actions (i.e., projects and practices) necessary to attain the EMS's objectives and measurable targets.

8. Q: Is there still a requirement that EMSs reflect the elements and framework of the International Organization for Standardization (ISO) 14001:2004?

A: [E.O. 13423](#) and its [implementing instructions](#) remain in effect; the instructions state that the EMS shall reflect the elements and framework found in ISO 14001:2004(E). DOE O 436.1 provides sites the option of maintaining EMSs as either (a) certified to the ISO 14001 standard in accordance with the related accredited registrar provisions, or (b) self-declared in conformance to the ISO 14001 standard in accordance with the instructions for self-declaration of conformance issued by the Office of the Federal Environmental Executive.

9. Q: If a site chooses to self-declare conformance to the ISO 14001 standard in lieu of certification by an ISO-accredited registrar, are audits still required as they were under O 450.1A?

A: Yes, the [Instructions for Implementing Executive Order 13423](#), pursuant to Sec. 4(b) of [E.O. 13423](#), contain the declaration of EMS conformance audit provisions for sites seeking full implementation of their EMS as well as the requirement that sites that have been self-declared in conformance undergo an audit every three years by a qualified party outside of the control or scope of the EMS. Both the instructions for implementing E.O. 13423 and instructions for self-declaration of conformance with ISO 14001 are listed in the DOE O 436.1 references (section 7). [Also see Q&A #3 & #8.]

10. Q: Is every contractor at a site required to have an EMS?

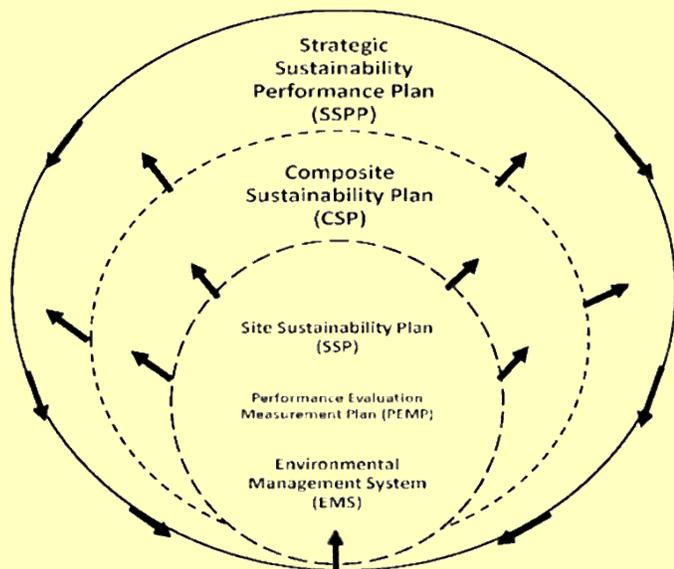
A: Not necessarily. At sites with multiple contracts, the site manager has the discretion to and is responsible for (a) designating a lead coordinating contractor to maintain a site-wide EMS that accounts for all site operations and requiring non-lead contractors to participate in the development and implementation of that site-wide EMS, or (b) determining that all contractors shall develop and implement an EMS.

11. Q: What happened to the provision in DOE O 450.1A on compliance with applicable laws and regulations?

A: DOE must comply with applicable environmental laws, regulations, and other legal requirements, including regulatory permits, attendant pollution abatement controls, and compliance monitoring. The scope of an EMS certified or conforming to the ISO 14001:2004 standard includes (a) legal requirements (e.g., applicable laws and regulations), and (b) other requirements to which the organization subscribes (e.g., the SSPP and DOE directives such as DOE O 436.1).

12. Q: How will DOE O 436.1 be integrated into contracting documents?

A: Field managers are responsible for ensuring appropriate quantifiable sustainability goals and targets are integrated into contracting documents, such as Performance Evaluation and Measurement Plans or equivalent documents.



Please refer any questions and requests for assistance concerning the subject material covered in this Information Notice to:

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