



U.S. Technical Advisory Group to ISO/Technical Committee 207

Clarification of Intent of ISO 14001:2004

BACKGROUND

The U.S. ISO 14000 Technical Advisory Group (TAG) is the American National Standards Institute's (ANSI) sanctioned body to develop and advance the official U.S. position in the International Organization for Standardization's (ISO) Technical Committee 207, which is developing the ISO 14000 series of international environmental management standards. The U.S. delegated to U.S. SubTAG 1 the authority to represent it in Subcommittee 1(SC1) of TC 207, which has produced two standards; ISO 14001 "Environmental Management Systems - Requirements with Guidance for Use", and ISO 14004 "Environmental Management Systems - General Guidelines on Principles, Systems and Support Techniques." These standards have been carefully negotiated over a period of years, with language carefully chosen to reflect delicate compromises and flexibility in their use and application.

Recognizing that questions of intent may arise from time to time in various settings, the U.S. TAG has established a formal process to respond to questions regarding clarification of the ISO 14001 standard.. The responses will reflect U.S. SubTAG 1's understanding of this standard as intended during its drafting. The process by which the U.S. SubTAG 1 responds to questions is documented in Appendix E of the "Supplemental Operating Procedures of the U.S. Technical Advisory Group to ISO/TC 207 – Environmental Management", April 2005 revision. A summary of that process follows.

1. All questions must be submitted in written or electronic form to:

American Society for Quality (ASQ)
Attention: Administrator, U.S. ISO 14000 SubTAG 1
611 East Wisconsin Avenue, P.O. Box 3005
Milwaukee, Wisconsin 53201-3005; or

Fax: 414-273-1734, Attention: Administrator, U.S. ISO 14000 SubTAG 1; or

E-mail: standards@asq.org

2. The name, affiliation, address and phone/fax number of the submitter must be included.
3. Questions should be posed in a question format, as specific as possible, and preferably, in a style to facilitate a concise answer. Questions that are not clear will be returned to the submitter for clarification.

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4. Responses will be prepared by the SubTAG 1 Clarification of Intent Drafting Group, which consists of the Administrator, the U.S. SubTAG 1 Working Group experts who participated in the drafting of the ISO 14001 and 14004 standards, and others, as appropriate, who assisted in the formulation of U.S. positions on these standards and the auditing standards. The Drafting Group shall be chaired by the SubTAG 1 Chair. Responses will be developed based on this group's consensus understanding of the intent of the SC1 Working Group members who drafted the standard.

5. After confirmation by the U.S. SubTAG1 and review by the U.S. TAG, final responses will be provided to the party that submitted the question and will be widely disseminated through the media and other publication channels, including submission to the ANSI/ASQ National Accreditation Program (ANAB).

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PART I:

The questions and answers shown in Part I were developed as clarifications of the ISO 14001:1996 standard. These clarifications remain valid with regard to the ISO 14001:2004 standard. Minor editorial changes have been made, however, in the questions and responses below to reflect changes in section numbers and revised text used in ISO 14001:2004. Clarifications of the ISO 14001:1996 standard that were previously issued but are not valid for ISO 14001:2004 because the intent has changed, have been deleted.

97-05.A1.R99-06

Question

Must objectives and targets be set which are explicitly related to the organization's commitment to pollution prevention or are the scope and content of objectives and targets solely at the discretion of the organization?

Answer

This question refers specifically to the setting of objectives and targets, which is covered by Section 4.3.3 of the standard.

This question, responded to below, also raises the issue that one cannot read a particular sentence or section of the ISO 14001 standard in isolation from the other sections of the standard. There is an interrelationship between the requirements in some sections with the requirements in other sections. This question deals with one of those interrelationships.

Section 4.3.3 does not by itself require that the documented objectives and targets explicitly mention prevention of pollution. However, Section 4.3.3 does require the organization to take into account legal requirements and other requirements to which the organization subscribes when setting its objectives and targets. It also clearly states that the objectives and targets "shall be consistent" with the organization's environmental policy. The environmental policy, which is set by top management in writing and must be implemented and be made available to the public, must include commitments to the prevention of pollution. Therefore, while organizations have the discretion to set their own objectives and targets, they must do so within these parameters.

In addition, Section 4.3.3 is not the only section of ISO 14001 where the concept of prevention of pollution is addressed. The following sections of ISO 14001 are also relevant:

- Section 4.2 Environmental Policy As noted earlier, the top management is required to define the organization's environmental policy which, among other requirements, must include commitments to prevention of pollution, and this policy must be implemented and maintained. Section 4.2 states: "Top management shall define the organization's environmental policy and ensure that it... includes a commitment to...prevention of pollution; ...is documented, implemented and maintained and communicated to all persons working for or on behalf of the organization..."

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- Section 4.3.2 Legal and other requirements An organization must have a procedure for identifying and having access to legal and other requirements applicable to its environmental aspects. Section 4.3.2 states: “The organization shall establish, implement and maintain a procedure to identify and have access to applicable legal requirements and other requirements to which the organization subscribes...related to its environmental aspects.”

- Section 4.4.6 Operational Control Documented operational controls must be established and maintained where their absence could lead to deviations from the environmental policy and the objectives and targets. Therefore, documented operational controls are necessary where their absence could lead to a deviation from the commitment to prevention of pollution. Section 4.4.6 states: “The organization shall identify and plan those operations that are associated with the identified significant environmental aspects consistent with its environmental policy, objectives and targets, in order to ensure that they are carried out under specified conditions by a) establishing, implementing and maintaining a documented procedure to control situations where their absence could lead to deviation from the environmental policy, objectives and targets...”

- Section 4.5.3 Nonconformity, corrective action and preventive action Procedures need to be established, implemented, and maintained to correct nonconformities. Section 4.5.3 states: “The organization shall establish, implement and maintain a procedure(s) for dealing with actual and potential nonconformity(ies) and for taking corrective action and preventive action.”

Note: The above Q&A originally related to both compliance with regulatory requirements as well as prevention of pollution. The discussion on compliance with regulatory requirements has been moved to the subsequent Q&A 99-03.A1.

97-05.A2

Question

Is Section 3, Terms and Definitions, binding and, if so, may an auditor determine whether "appropriate" objectives and targets have been set to meet the requirements of definitions 3.9 and 3.12?

Answer

The Introduction to Section 3, Terms and Definitions states: “For purposes of this document, the following terms and definitions apply.” The only section of ISO 14001 against which an organization’s conformance is audited is Section 4, EMS Requirements, the terms of which are clarified by the Definitions in Section 3. With regard to objectives and targets, an auditor is limited to assessing whether the organization conforms to the requirements specified in Section 4.3.3. If documented objectives and targets are consistent with the environmental policy, and their development has taken into account or considered the issues listed in paragraph three of Section 4.3.3, objectives and targets are consistent with the standard.

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Note: Clarification 97-05.A3 is not valid with regard to the ISO 14001:2004 standard and is not included here

97-05.A4

Question

Does the requirement that the EMS "be implemented" imply that, in addition to organizational responsibility, there must be individual job assignments and actual performance of assigned jobs?

Answer

Responsibilities for implementing an organization's EMS are addressed in ISO 14001, particularly in Sections 4.3.3 a (responsibility for achieving objectives and targets - this section uses the term "relevant functions and levels" but does not address individual responsibilities), 4.4.1 (definition of roles, responsibility and authorities to facilitate effective environmental management and responsibilities of the designated management representative), 4.5.3 (responsibility for addressing EMS nonconformities - this section does not address individual responsibilities), and 4.6 (top management EMS review responsibility).

The phrase used throughout the standard, "establish, implement and maintain," indicates that establishing a procedure, program, or other activity is not sufficient. It also must be implemented. Therefore, an EMS that conforms to ISO 14001 requirements will (a) assign responsibilities in conformance with the above-referenced Sections and (b) ensure that such jobs are performed. If assigned jobs are not performed (i.e., implemented), the EMS will not be in conformance with stated requirements.

97-05.A5

Question

In determining whether the environmental policy is "appropriate to the nature, scale and environmental impacts of the organization's activities, products and services," is it relevant for an auditor to determine whether the scope of the policy covers all of the management units within the organization being audited?

Answer

The auditor must determine whether the policy is appropriate for all of those management units that are within the scope of the EMS. The sum of those units must be consistent with the Section 3.16 definition of an "organization."

97-05.A6

Question

Does ISO 14001 imply some consideration by the organization of legal requirements for training of employees in establishing competence and training?

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Answer

ISO 14001 in Section 4.4.2 requires the identification of training needs associated with an organization's environmental aspects and its environmental management system. If an organization is legally required to provide certain kinds of training, such training should be identified as a "need."

Note: Clarification 97-05.A7 is not valid with regard to the ISO 14001:2004 standard and is not included here.

Note: Clarification 97-05.A8 is not valid with regard to the ISO 14001:2004 standard and is not included here.

98-03.A1

Question

Does Section 4.3.2 "Legal and other requirements" require that the "facility" (the relevant organization) must have its own direct knowledge of the environmental legal requirements that are applicable to its products in all countries into which they may be exported and not be able to rely on either a related corporate entity which sells the product in a foreign country or an independent importer customer to which it ships the product to have and apply such information?

Answer

This question refers specifically to Section 4.3.2 which requires that "The organization shall establish, implement and maintain a procedure to identify and have access to applicable legal requirements...related to the environmental aspects".

Section 4.3.2 does require the organization to establish, implement and maintain a procedure to identify and have access to legal requirements that are applicable to the environmental aspects of its activities, products and services. Specifically, with regard to products, the Standard does not specify geographic boundaries, nor how the identification and access requirement part of the Standard can be accomplished. It is up to the organization to establish its procedure as to how it will identify and have access to such legal requirements. This may depend largely on the scope of the EMS and the level of control or influence an organization can exercise over its products as stated in Section 4.3.1. If the organization defines its procedure as depending on outside organizations to assist it in meeting that requirement, then that is the choice of the organization. The Standard provides flexibility to the organization to define how such legal requirements will be identified and who will do it.

99-03.A1

Question:

What is meant by the "commitment to comply" in Section 4.2(c) in ISO 14001?

Note: As stated in the footnote to **97-05.A1.R99-06** above, this question originally related to compliance with regulatory requirements. Within that context the following clarification, after editorial changes to reflect revised language, continues to be the intent of ISO 14001:2004 standard. The revised language in Section 4.2c of ISO14001:2004, however, clarifies that the commitment to

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comply not only applies to “legal requirements” but also to “other requirements to which the organization subscribes which relate to its environmental aspects”.

Answer

To understand what is meant by the “commitment to comply,” the standard has to be read as a whole and the relationship between the relevant provisions of the standard understood. The relationship between ISO 14001 and regulatory compliance is addressed in a number of places in ISO 14001.

Section 4.2(c) requires that top management define a policy that includes a commitment to comply with applicable legal requirements and with other requirements to which the organization subscribes which relate to its environmental aspects. This commitment must be reflected in the planning process (Section 4.3), implemented (Section 4.4) and maintained through the EMS. The organization must:

- Establish, implement and maintain a procedure to identify and have access to the applicable legal requirements, and to determine how these requirements apply to its environmental aspects. (Section 4.3.2)
- Establish, implement and maintain documented objectives and targets that take into account its legal requirements and are consistent with the policy commitment to comply. (Section 4.3.3) Compliance must be taken into account when setting objectives and targets, though objectives and targets do not need to include all compliance requirements.
- Establish, implement and maintain programs to achieve objectives and targets, including those relating to compliance with legal requirements. (Section 4.3.3) Programs must describe who is responsible for achieving the objectives/targets and how and when they will be achieved.
- Establish, implement and maintain documented procedures necessary to achieve the policy commitment to comply and compliance-related objectives and targets. (Section 4.4.6). Procedures may be necessary to meet compliance requirements that have not been explicitly identified in the objectives and targets.
- Make persons working for or on behalf of the organization aware of the procedures that apply to them, which would include those procedures related to compliance developed pursuant to Section 4.4.6. (Section 4.4.2). Those persons whose work can cause the organization’s significant environmental impacts must be competent based on training, qualifications, education and/or experience. The organization shall identify training needs associated with its environmental aspects and its EMS, and provide training or take other action to meet these needs. To the extent that such work also involves legal requirements, such persons training and competence must also cover the capability to meet those requirements.
- Establish, implement and maintain a procedure to periodically evaluate compliance with legal requirements. (Section 4.5.2.1). These are the legal requirements identified pursuant to Section 4.3.2.
- Establish, implement and maintain a procedure for periodically conducting EMS audits, which necessarily include those elements of the EMS that are compliance-related. (Section 4.5.5).
- Establish, implement and maintain a procedure for dealing with actual and potential nonconformities and for taking corrective action and preventive action. (Section 4.5.3). Detected non-compliance with legal requirements must be corrected.

Taken together, these provisions mean that an organization implementing ISO 14001 must systematically identify and manage its compliance obligations in line with the commitment to comply.

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This system must include the components listed above and be properly supported with adequate resources and defined responsibilities (Section 4.4.1), be documented (Sections 4.4.4 and 4.4.5), measured/monitored, evaluated, and audited (Sections 4.5.1, 4.5.2, and 4.5.5) and have records created and maintained sufficient to demonstrate conformance to these requirements (Section 4.5.4). The top management commitment to comply is buttressed by the requirement that top management periodically review the adequacy and effectiveness of the EMS (Section 4.6).

Therefore, the organization must implement a defined system capable of meeting the top management commitment to comply with applicable legal requirements. This does not mean that the implementing organization has to be in 100% compliance 100% of the time. The organization should not have non-compliance that rises to the level of a systems failure with respect to any of the required components of ISO 14001. Detected non-compliance must be corrected through a defined corrective action procedure. Further, compliance-related systems non-conformities that are detected must be corrected, even if those non-conformities have not resulted in actual non-compliance with the law.

99-03.A2

Question

Must a regulated environmental aspect automatically be considered a significant environmental aspect?

Answer

No. Section 3.6 states that “[a] significant environmental aspect has or can have a significant environmental impact.” ISO 14001 does not establish the criteria for determining significance.

Note: Clarification 99-03.A3 is not valid with regard to the ISO 14001:2004 standard and is not included here.

99-03.A4

Question

Must each objective have a measurable target? Or can an organization have an objective without a measurable target?

Answer

Yes, each environmental objective must have at least one measurable environmental target. The definition of environmental target (Section 3.12) states, "Detailed performance requirement ... that arises from the environmental objectives and that needs to be set and met in order to achieve those objectives." Furthermore, Section 4.5.1 relating to Monitoring and Measurement states that the organization must "establish, implement and maintain a procedure to monitor and measure... The procedure shall include the documenting of information to monitor ... conformance with the organization's environmental objectives and targets." Consequently targets must also be measurable.

Note: Clarification 99-03.A5 is not valid with regard to the ISO 14001:2004 standard is not included here

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Note: Clarification 99-03.A6 is not valid with regard to the ISO 14001:2004 standard and is not included here

Note: Clarification 99-03.A7 is not valid with regard to the ISO 14001:2004 standard and is not included here.

02-03.A1

Question

Does ISO 14001 section 4.5.5 require that the organization conduct its internal EMS audit on an annual basis?

Answer

No. Section 4.5.5 requires an organization's environmental management system audits to be conducted at planned intervals. Since the phrase "at planned intervals" is not defined by ISO 14001, these audits may or may not be conducted on an annual basis.

02-03.A2

Question

Does ISO 14001 section 4.5.5 require that the organization conduct its internal EMS audit on an annual basis covering all elements (i.e. full scope) of the ISO 14001 standard?

Answer

This question is in two parts. The first part asks whether ISO 14001 requires an annual audit. See the response to 02-03.A1 for the answer to that question. The second part asks whether an internal EMS audit must cover all elements of ISO 14001 during the audit. The Environmental Management System audit program shall be based on the environmental importance of the activity concerned and the results of previous audits. In order to be comprehensive the audit procedures, according to ISO 14001, shall cover the audit criteria, scope, frequency and methods, as well as the responsibilities and requirements for planning and conducting audits, reporting results, and retaining associated records. ISO 14001 does not require that all elements of ISO 14001 be audited each and every time an audit is conducted, nor does it require that every single element be audited within a one-year period but rather shall take into account the various factors described above. In addition, in determining its environmental management system audit program and procedures, the organization should consider the purpose of the audit, i.e., to determine whether or not the environmental management system 1) conforms to planned arrangements for environmental management including the requirements of this International Standard; and 2) has been properly implemented and is maintained. These factors should be taken into account by the organization in determining the necessity for auditing all elements of ISO 14001 (a) annually, or (b) each and every time an audit is conducted, or (c) over a period that exceeds one year.

04-03.A1

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Question

Is it permissible for a small organization to declare that they have no Significant Aspects and still be conformant to the ISO 14001 standard?

Answer

Although there is no explicit requirement in ISO 14001 that an organization will identify one or more significant environmental aspects, there is an underlying assumption that the organization will do so. The intent of the requirement to determine those aspects that an organization considers significant is to enable the organization to focus attention and resources on its most important environmental aspects, recognizing that not all aspects require or deserve the same degree of management. ISO 14001 does not define “significance” nor does it identify any external or absolute standard for what will be considered significant. Significance is intended to be a relative term. What is significant for one organization may not be for another, and what an organization considers a significant aspect may change over time. The use of ‘significance’ in ISO 14001 was intended to be an aid in managing a range of environmental aspects.

There is no special category of requirements in ISO 14001 for “small” organizations. The requirements for an ISO 14001 EMS, including those regarding significant aspects, are intended to apply to “...all types and sizes of organizations...”

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PART II:

The questions and answers shown in Part II were developed as clarifications of the ISO 14001:2004 standard. One should not infer that these clarifications are valid with regard to the ISO 14001:1996 standard.

05-05.A1

Question

Element 4.2 Environmental Policy states, ‘top management shall define the organization's environmental policy and ensure that, within the defined scope of its EMS, it...’ Does this mean that the policy statement must now include wording from the scope statement to link the operations of a location to the policy statement?

Answer

No. The revised standard requires that an organization define and document the scope of its EMS (Section 4.1) and that top management define an environmental policy (Section 4.2). However, there is no requirement in ISO 14001:2004 that an organization include specific wording from its EMS scope statement within its environmental policy.

As used in Section 4.2, the phrase ‘within the defined scope of its environmental management system’ is intended to promote consistency between the scope statement and the environmental policy. In particular, this phrase reinforces the concept that the policy must be appropriate to the nature, scale and environmental impacts associated with the full range of activities, products and services covered by the EMS scope. It is not necessary to include wording from the scope statement in the policy.

05-05.A2

Question

Is there an expectation in ISO 14001:2004 that compliance with ALL applicable legal and other requirements will be assessed for ALL environmental media over some time frame (e.g., every 3-5 years), or are periodic compliance assessments on a sampling basis (selected based on the environmental importance of activities, history of noncompliance, and other factors) considered adequate?

Answer

ISO 14001 requires the organization to periodically evaluate compliance with all applicable legal requirements (Clause 4.5.2.1) and other requirements to which an organization subscribes (Clause 4.5.2.2) related to its environmental aspects. It does not specify a particular methodology or frequency for doing so. Periodic compliance assessments performed on a sampling basis may satisfy this requirement if, taken together, they cover all applicable legal and other requirements over a period defined by the organization.

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05-05.A3

Question

Company A out-sources part of their production operations (e.g., parts metal coating or painting) to Company B. Company B is a separate company located in a different city/state/country. Is Company B considered “persons working for or on behalf of” Company A? If so, what does ISO 14001:2004 require Company A to do regarding ensuring the competence of Company B? What does ISO 14001:2004 require Company A to do regarding identifying training needs for Company B employees?

Answer

This question arises from the use of a new term in ISO 14001:2004 not used in the 1996 version, namely “persons working for or on behalf of” an organization. This phrase, or the slightly modified version “persons performing tasks for it or on its behalf”, appears in three places in the normative clauses of ISO 14001: 2004:

1. the organization’s environmental policy must be communicated to persons working for it or on its behalf (Section 4.2(f))
2. the organization must ensure that persons performing tasks for it or on its behalf that have the potential to cause a significant impact identified by the organization are competent, (Section 4.4.2) , and
3. persons working for or on behalf of the organization must be made aware of certain key provisions of its EMS (Section 4.4.2, a-d).

The phrase “working for or on behalf of” is not defined in ISO 14001:2004. The organization implementing the EMS determines who those persons are, based on the activities, products, and services within the scope of the EMS established by the organization. The overall intent of the phrase is to ensure the organization looks beyond its direct employees and considers other persons performing tasks within that scope when addressing policy, competence, and awareness requirements. The phrase “working ...on behalf of” an organization is not intended to change any legal relationship between the organization and any individual.

The phrase clearly covers an organization’s own employees, including contract and temporary employees. It also could apply to individual contractors, or individuals employed by contractors working for the organization or other suppliers of goods or services **if** those individuals are engaged in tasks within the scope of the organization’s EMS. Persons covered by this phrase will be determined by the organization on a case-by-case basis.

The requirements for communicating policy and ensuring awareness of key EMS provisions apply to all persons performing tasks for or on behalf of the organization within its EMS scope. The requirements related to competency, however, apply only to a subset of such persons: those performing tasks which have the potential to cause one or more of the organization’s significant environmental impacts. For these persons, Section 4.4.2 requires that the organization ensure that they are competent (based on education, training or experience).

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Section 4.4.2 also requires an organization to identify training needs associated with its environmental aspects and its EMS. Although it does not explicitly require identifying training needs of persons who work “on its behalf”, such persons would be included if the tasks they perform are identified as requiring training. This section does not require the organization to provide training to such persons, but it does require that needs for training be identified and met. ISO 14001:2004 does not specify the method or processes that an organization must use to satisfy any of the requirements of Section 4.4.2.

In the example given in the question, Company A would need to determine whether there any tasks being performed by persons within Company B that are related to Company A’s environmental aspects of activities, products or services within its EMS scope. If so, Company A would need to implement some mechanism(s) to communicate its environmental policy to such persons and to make them aware of the particular EMS requirements related to these particular tasks (see Section 4.2.2 a-d). Company A also would need to determine if there are any tasks that can cause one or more of its identified significant environmental impacts that are being performed by persons within Company B. If so, Company A would be required to establish some means of ensuring that those persons are competent to perform those tasks. ISO 14001:2004 does not specify how this should be done. Company A has the discretion to establish a process that best suits its needs.

If the identification of persons working for or on behalf of the organization raises questions of potential legal liability, those should be addressed by the organization’s legal counsel.

05-08.A1

Question

If a document of external origin is referenced in a document determined necessary by an organization for EMS planning or operational purposes, in what ways must such documents be "identified and their distribution controlled"?

Answer

This question refers specifically to Section 4.4.5 (f) which requires the organization to establish, implement and maintain a procedure(s) that, among other things, ensures “documents of external origin determined by the organization to be necessary for the planning and operation of the environmental management system are identified and their distribution controlled”.

The standard does not specify (a) particular way(s) to identify documents of external origin that are necessary or to control their distribution. It is up to the organization to define the procedure (or procedures) it will use. The intent of the standard is that the organization considers and decides if any external documents are necessary for the planning and operation of its EMS. If such documents are identified by the organization, the procedure(s) established must ensure that the information in such documents that is necessary to the EMS is the correct information and is available to those who need it. It is not the intention to require identification and controlled distribution of external documents referenced only for informational purposes. There is no specific requirement for a list of such documents.

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The procedure for identifying and controlling distribution of external documents does not have to be the same procedure used for internal documents. The standard requires only the identification and control of distribution of documents of external origin and does not require the same degree of control for such documents as it does for internal documents that are part of the EMS.

05-08.A2

Question

If an organization verifies the proper functioning of monitoring and measurement equipment used in environmental management, is there an obligation on the part of the organization to retain associated records?"

Answer

This question refers to clause 4.5.1, which requires an organization to “ensure that calibrated or verified monitoring and measurement equipment is used and maintained”, and to “retain associated records.” This requirement must be read in combination with the requirement in Clause 4.5.4 that the organization “establish and maintain records as necessary to demonstrate conformity to the requirements of its environmental management system and of this International Standard, and the results achieved.” The intent of ISO 14001:2004 is that an organization must establish and maintain records that demonstrate it has met the requirement to use calibrated or verified measurement equipment when measuring key characteristics of operations that can have a significant environmental impact. In the example posed with this question, if the flowmeter is monitoring a key characteristic identified by the organization, records demonstrating that the organization has ensured that it is calibrated or verified must be established and retained. This requirement is not altered by whether or not the measurement is a legal requirement.

05-08.A3

Question

If an organization with an ISO 14001–conforming environmental management system chooses to include requirements that relate to occupational health and safety within its environmental management system and intend for them to be audited in accordance with an ISO 14001 certification/registration process, may auditors raise nonconformities related to occupational safety and health requirements included in the organization’s ISO 14001 system procedures in the context of the certification/registration process? (Note: Refer to the revised text in the Introduction, paragraph 12).

Answer

The question of whether auditors may identify nonconformities related to occupational safety and health requirements that are included in an organization’s ISO 14001 system procedures during an ISO 14001 certification/registration audit, is an issue for the certification body / accreditation body.

That being said, the following qualifications are provided.

- One can determine from the Scope (Clause 1) that ISO 14001 applies only to an environmental management system.

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- Clause 1 identifies seeking certification/registration of an ISO 14001 environmental management system by an external organization as a valid application. It does not stipulate any of the conditions of the certification/registration process, however.
- Clause 3.8 defines an environmental management system as ‘part of an organization’s management system used to develop and implement its environmental policy and manage its environmental aspects’.
- Clause 4.3.2, Legal and other requirements, covers “applicable legal requirements and other requirements to which the organization subscribes related to its environmental aspects”. Some requirements related to environmental aspects could also be occupational health and safety requirements.

Regarding the revision to the Introduction, the referenced paragraph was reworded to reflect current concepts of “aligned or integrated” management systems, and to acknowledge that system integration can apply to other management systems besides occupational safety and health. The exclusion of the specific statement, “Nevertheless, the certification/registration process will only be applicable to aspects of the environmental management system”, was intended to remove the implication that the standard had any authority over the certification process. It was not intended to change the limitation of the scope to aspects of an environmental management system.

05-08.A4

Question

Based on Section 4.3.1 of ISO 14001:2004, would an organization control or be expected to influence environmental aspects in the following situations:

- Would an organization’s headquarters (or corporate office) control or be expected to influence the environmental aspects of its operating facilities?
- Would an organization control or be expected to influence the environmental aspects of its suppliers, including contractors?
- Would a regulatory agency control or be expected to influence the environmental aspects of other organizations subject to its regulatory requirements?

Answer

Clause 4.3.1 of ISO 14001:2004 requires an organization to identify the environmental aspects of its activities, products and services within the defined scope of its environmental management system “that it can control and those that it can influence.” This differs from the 1996 standard which used the phrase “that it can control and over which it can be expected to have an influence.”

The revised language removes one ambiguity in the 1996 version – some users incorrectly interpreted this phrase to imply that views of someone outside the organization must be considered when determining the environmental aspects the organization might influence. The intent of the new phrase in Clause 4.3.1 is to make it clear that the organization makes that determination. Furthermore, as in the 1996 standard, the organization is obligated to identify environmental aspects only for those activities, products and services that are within its EMS scope, which again is decided by the organization (see Clause 4.1). Of these environmental aspects, the organization must decide which it

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can control and which are not within its control. For those of its environmental aspects that it cannot control, the organization must decide if it can exercise influence over them

The Standard does not define criteria that an organization must use to determine its control of or influence over environmental aspects. It is up to the organization to make that determination, on a case by case basis, considering its own unique factors, such as its governance structure, legal or contractual authority, its policies, local or regional issues, its obligations and responsibilities to interested parties, technological issues and implications on its own environmental performance. What might be appropriate for one organization might not be appropriate for others. It is important to note that it is possible for two different organizations or two different organizational units to control or influence the “same” environmental aspect.

In summary, an organization is only responsible for managing its own environmental aspects (those arising from activities, products, and services within its EMS scope) and only those aspects which it can control or which it can influence.

Regarding the three situations posed in the question:

1. Determining “control and influence” within a corporation or other hierarchical organization. For purposes of identifying environmental aspects, the scope of the EMS is the key. It delineates the activities, products, and services from which environmental aspects might arise and for which the organization needs to consider its control or influence.

If the EMS scope is restricted to corporate headquarters, the issue of control or influence pertains to the environmental aspects arising from headquarters’ activities, products and services. It may be that some environmental aspects are not within corporate headquarters control, but instead are controlled by an operating facility. In this case, corporate headquarters must consider whether it can influence those aspects that are within its scope and yet controlled by the operating facility.

If the EMS scope is restricted to one operating facility, the issue of control or influence pertains to that operating facility. It may determine that some environmental aspects are not within the operating facility’s control, i.e., certain aspects may be controlled by another operating unit (such as headquarters or an engineering department). The operating facility must consider whether it can influence those aspects that are within its EMS scope and yet controlled by another unit.

If the EMS scope includes both headquarters and the operating facilities, both headquarters and operating facilities need to consider their collective control or influence over the aspects within the scope of the EMS.

2. Determining “control and influence” with regard to contractors and suppliers. An organization is not responsible for the environmental aspects of its contractors or suppliers; it is responsible only for its own environmental aspects. An organization may have environmental aspects associated with activities within its own EMS scope which are performed by contractors, or environmental aspects arising from materials or services purchased from suppliers. For such aspects, the

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organization must consider what control it might have, e.g. through contracts, and what influence it might have, e.g. through purchasing power.

3. Determining “control and influence” for a regulatory agency. When a regulatory agency identifies environmental aspects associated with its activities, products, and services, it must consider the same issues as other organizations; that is, it must determine the extent of control or influence it has over the identified aspects. It is clear that such an agency may influence or even be perceived to control some environmental aspects associated with organizations that it regulates. The important point is defining the regulatory agency’s environmental aspects that arise from the activities (e.g., setting water quality standards), products (e.g., discharge permits), and services (e.g., inspection) within its EMS scope. Deciding which aspects are under the agency’s control or influence follows the same logic as for other organizations.

05-12.A1

Question

Does clause 4.3.2(b) mean that an organization must demonstrate a linkage, if any, between each aspect and its applicable legal and other requirements? If so, what documentation is required?

Answer

Clause 4.3.2(b) of ISO14001:2004 requires an organization to establish, implement and maintain a procedure to determine how legal and other requirements apply to its environmental aspects. With the inclusion of this new requirement, an organization not only must identify and have access to the requirements that pertain to its environmental aspects, but also know the manner in which these requirements are relevant to its environmental aspects. The intent is that the organization understands these requirements sufficiently to put processes in place to meet them. There is no specific requirement for establishing a “linkage” between each environmental aspect and the identified legal and other requirements.

Regarding documentation, there is no specific requirement in clause 4.3.2(b) of ISO 14001 that these determinations or the resulting information be documented. Clause 4.4.4(e) on Documentation leaves it up to each organization to decide what documents, including records, are necessary to ensure the effective planning, operation and control of processes that relate to its significant environmental aspects. In addition, Clause 4.5.4 on Control of Records requires the organization to keep records in those situations where such records are needed to be able to demonstrate conformity to the requirements of its EMS and ISO 14001 and the results achieved. Since records are not the only means of demonstrating conformity, as affirmed in the Annex note to A.5.4, the organization must decide which situations require such records.

05-12.A2

Question

1. If an organization's scope is identified as a physical location (e.g., the EMS associated with the activities, products and services at 1000 Main St.), would the requirement for communication of the environmental policy in clause 4.2(f) apply only to site employees, and to contractor or supplier

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personnel actually working on site at that location? In other words, can such an organization exclude persons performing work on its behalf if they fall outside of the identified scope of registration, such as:

- (a) other off-site supplier/contractor personnel involved indirectly in on-site projects; and
- (b) independent laboratories who routinely perform off-site analysis related to site environmental aspects?

2. If an organization communicates the environmental policy to off-site contractors and suppliers, would a one-way communication of the environmental policy (e.g. in a letter), including the importance of conformance as described in clause 4.4.2 (a), at least minimally satisfy the policy communication and awareness requirements under 4.2 and 4.4.2, or must there be some confirmation of understanding on the part of the contractor/supplier? Note: Merriam-Webster defines the word communicate as follows: to convey knowledge of or information about: make known.

Answer

Clause 4.2(f) on Environmental Policy states ‘Top management shall...ensure that, within the defined scope of its environmental management system, it [the environmental policy] is communicated to all persons working for or on behalf of the organization...’. The EMS scope defines the boundaries of the organization to which the EMS (and the requirement to communicate policy) applies. Once this scope is defined, all activities, products and services of the organization within this scope are included in the EMS. An organization is required to communicate its policy to all persons working on its behalf if those individuals are engaged in tasks related to the activities, products or services within the scope of the organization’s EMS, whether or not those tasks are actually performed at a location specified in the scope.

Neither Clause 4.2 nor Clause 4.4.2 requires an organization to confirm awareness or understanding of the policy communication. The effectiveness of processes it puts in place to communicate and make persons aware, however, are required to be assessed and reviewed by management (Clause 4.6) for the purpose of identifying and continually improving elements of the EMS, as required by Clause 4.1.

05-12.A3

Question

Does the standard require companies to select internal auditors who are Certified Environmental Engineers, have a background in Environmental Management Programs, or have previous work experience in the environmental field? Based on section 4.5.5 of ISO 14001:2004, "Selection of auditors and conduct of audits shall ensure objectivity and the impartiality of the audit process." I believe that I can use personnel who are trained in conducting audits regardless of their Environmental work experience. I believe that in order to ensure objectivity and impartiality, the internal auditor should be independent of the Environmental group. I also believe that with proper training/education, that the QMS internal audit team can audit the EMS program. Can you provide some clarification on this point?

Answer

ISO14001:2004 does not contain specific requirements on certification, education, or work experience for internal auditors or any other position. Clause 4.4.2 on Competence, Training and Awareness

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requires an organization to “identify training needs associated with its environmental aspects and its EMS”, “provide training or take other action to meet these needs”, and “retain associated records”. Thus, it is the intent of ISO 14001 that the organization decides what training is appropriate for its internal auditors.

Note: Although not required by ISO 14001, guidance on selection and competence of internal auditors can be found in ANSI/ISO/ASQ QE 19011S-2004, clause 7, Competence and evaluation of auditors.

06-04.A1

Question

Clarification 99-03.A4 states, "Yes, each environmental objective must have at least one measurable environmental target." Is it permissible to incorporate the required environmental target in the documented environmental objective and to not expressly identify it as an environmental target? For example, an organization establishes a calendar year 2006 objective of reducing its air emissions of Pollutant XXX from 1,000 tons to 900 tons.

Since Section 4.3.3 (2nd paragraph) states that: "The objectives and targets shall be measurable, where practicable ..." isn't it possible to have an environmental target that is not measurable, i.e., when it can be demonstrated that it is not feasible to measure it?

Answer

The standard does not preclude an organization from incorporating the target in the documented environmental objective.

By including the caveat “where practicable”, ISO 14001:2004 acknowledges that there may be situations when it may not be feasible for an organization to measure a target.

06-04.A2

Question

Element 4.4.6 states that an organization is required to identify and plan those operations that are associated with their identified significant environmental aspects, in order to ensure that they are carried out under specified conditions. Does this require that an organization implement operational controls over sub-contractors, when the relevant activity related to the identified significant aspect(s) is sub-contracted out to a supplier? Example: hazardous waste generated from plating activities has been identified as a significant aspect. The plating activity is outsourced.

Answer

As noted in the question, Clause 4.4.6 requires an organization to identify and plan operations associated with identified significant environmental aspects, consistent with its policy, objectives & targets, in order to ensure that they are carried out under specified conditions. As stated in sub-clause (c) of 4.4.6, this is accomplished in part by “establishing, implementing and maintaining procedures related to identified significant aspects of goods and services used by the organization”.

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Assuming that the activity (in this case, “plating”) is within the organization’s EMS scope and that the organization has determined that it can either control or influence (see COI 05-08.A4) the environmental aspect (in this case, “hazardous waste generated from plating”), the organization must establish and implement procedures describing how it will properly manage the identified significant environmental aspect associated with the goods or service provided by the supplier (contractor). The organization must also communicate to the relevant supplier(s) any procedures and/or requirements the organization has established that are applicable to the environmental aspect, as required by Clause 4.4.6. It is not intended that the organization manage the supplier’s internal operations or establish, implement and maintain operational control procedures within the supplier’s organization.

It should be noted that the controls established by the organization in such cases are not limited to procedures. They might take various forms including contract requirements or material specifications, among others. The details of these controls would depend on the specific relationship between the organization and the supplier.

06-12.A1

Question (paraphrased):

With respect to communication with external parties in clause 4.4.3, what is the difference between a ‘processes for external communication’ (as specified in ISO 14001:1996) and ‘methods for external communication’ (as specified in ISO 14001:2004)? Does this change add any new requirement, or was the intent to use a better word to convey the same concept?

Answer:

Applying common dictionary definitions to the requirement in clause 4.4.3 for external communication about significant environmental aspects, a ‘process’ implies a series of actions or operations that results in an end, while a ‘method’ is a way, technique or process of or for doing something. In this context, the term ‘method’ was intended to provide more flexibility. This change in terminology was not intended to add any new obligation for users.

06-12.A2

Question (paraphrased):

Depending on the clause, ISO 14001 sometimes requires a ‘procedure’ and other times require a ‘documented procedure’. ISO 14001 defines a procedure as a “specified way to carry out an activity or process”. The definition includes the note, “procedures can be documented or not”. Please clarify what is meant by a procedure that is not documented.

Answer:

The 2004 revision of ISO 14001 eliminated all instances of the term ‘documented procedure’ except in clause 4.4.6 on Operational Controls. As in the 1996 version, clause 4.4.6 of ISO 14001:2004 requires documented procedure(s) to control situations where their absence could lead to deviation from the environmental policy, objectives and targets.

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‘Document’ is defined in clause 3.4 as information and its supporting medium (such as paper, magnetic, electronic or optical computer disc, photograph or master sample, or a combination thereof). A documented procedure is a specified way to carry out an activity or a process that has been, for example, transcribed onto paper, recorded onto an electronic or optical computer disc, or captured in (a) photograph(s). An undocumented procedure is one which has not been transferred onto one of the media listed (for example, verbally communicating the steps to perform an activity or process).

06-12.A3

Question: If work is performed on multiple shifts that 4.4.6 Operational control is required, or 4.4.7 Emergency preparedness and response may be necessary, does 4.5.5 Internal audit require that all shifts be included in the organization’s internal audits?

Answer:

ISO 14001:2004 contains no specific requirement to conduct an internal audit of all shifts. The organization must decide on the appropriate scope of its internal audits to meet the requirements of clause 4.5.5 and its own needs for audit information. For additional clarification, refer to COI 02-03.A2 on the topic of internal auditing.
