1.0 Purpose

The purpose of this procedure is to define the process used to identify and access environmental Compliance Obligations – as well as to determine how these requirements apply to <COMPANY NAME>. Compliance evaluations are also described in this procedure.

2.0 Scope

This procedure is applicable <COMPANY NAME> operations as defined in the Scope section of the EMS Manual (Section 2).

3.0 Responsibilities

The Environmental Coordinator (EC) in conjunction with Environmental Management Representative (EMR) is responsible for the identifying Compliance Obligations, ensuring access to them, determining how they apply to the environmental aspects and evaluating compliance with them.

1. Forms Used

EF-02A Environmental Compliance Obligations Form

EF-02B Compliance Evaluation Form

EF-02C Legislative Review Log (optional)

1. Procedure

5.1 General: Compliance Obligations are defined in the EMS Manual, Section 5, as any environmental Local, State or Federal-legal requirement *and* non-legal requirement that the sites has subscribed to, that are applicable to the Environmental Aspects of <COMPANY NAME’s> activities, products and services.

5.1.1 Legal requirements include regulations such as those governing wastewater discharges, hazardous/solid waste storage and disposal, air emissions vented outside the facility, oil spill prevention, emergency planning and response, and others.

Regulations do not typically include “laws or statutes’ such as the Clean Air Act, Clean Water Act. These are mandates originating from congress and directed to other government agencies (such as EPA) calling for them to develop rules specific to industries (i.e., Code of federal regulations or CFR, NC State Administrative Code, etc). However, some statues may have direct applicability to industries (i.e., definitions of certain regulatory terms, NC General Statutes, etc).

5.1.2 Typically, non-legal requirements are called for by corporate headquarters, trade associations, customers, the ESI, etc. They include requirements such as becoming ISO 14001 certified (i.e., mandated from customers), adherence to corporate policy statements, customer requirements for prohibiting the use of certain materials in the construction of a product, submitting ESI annual report, and others.

5.2 Initial Listing: The list of Compliance Obligations will be identified through any of a number of mechanisms such as an internal review of historical records, internal discussions and meetings, external consultants, regulatory personnel assistance, compliance assessments etc. The resulting compliance obligation list will be recorded on Form EF-02A by documenting the following information:

* Environmental Requirement: Common name of the compliance obligation.
* Regulatory agency: (EPA, NC DEQ, City of Statesville, etc). This maybe electronically input as a hyperlink to that regulatory agency or to a web page offering guidance.
* Citation: the location of the code (i.e., 40 CFR part 63, 15A NCAC 2Q.0100, etc). This too should be entered as a hyper link to the code (i.e., [www.gpoaccess.gov/CFR](http://www.gpoaccess.gov/CFR) for CFR citations).
* Environmental Aspect(s): List which environmental aspects are associated with this compliance obligation.
* Applicability Trigger: Description of why the compliance obligation is applicable to <COMPANY NAME>.
* General Description of Compliance Obligation: A brief overview of the compliance obligation.

5.3 Accessing the Compliance Obligations: The compliance obligation can be accessed by clicking on the citation listed in the above form – which will take the reader to an internet site displaying the requirement code. For items that this is not possible (especially for non-regulatory compliance obligations), a hardcopy of the code must be available to access the requirement

5.4 Keeping Current with Changing Regulations: Either the EC or EMR will keep abreast of any changes to listed environmental compliance obligations – by periodically reviewing the regulation for updates or changes. Form EF-02C can be used for documenting this review and calls for the following information:

* Environmental Compliance Obligation
* Citation
* Previous Review Date
* Review Date
* Review / Change Announcement Mechanism: (see below)
* Changes / Updates Found: List any applicable changes which need to incorporated into EMS

The review or change announcement - mechanism can be accomplished in a number of ways as described below:

* + 1. Subscribing to an update service: The EC or EMR can subscribe to notification list-serve or similar – that will notify them – if there are any changes – to a given environmental regulation.
    2. Subscribing to the Regulatory Agency Update Service: Most regulatory agencies will provide organizations in their region - with a hardcopy of the regulation – and periodically will send out replacement pages for changed or updated material.
    3. Federal Register Review: The EC or EMR can access the federal register web site and search it for the period in question (i.e., a calendar year), for a specific CFR citation, to determine if any changes have been made to a given regulation. He/she can then review the summary of each change to determine if it is applicable. This is done through the LSA function on [www.gpoaccess.gov](http://www.gpoaccess.gov) (List of Sections Affected)
    4. Other: Other mechanisms of keeping abreast of changing regulations can be used.

During Management Review, the EC or EMR will report on any new or modified Legal requirements applicable to <COMPANY NAME>.

5.5 Compliance Evaluations

The EC or EMR will determine compliance with <COMPANY NAME>’s Environmental Legal and Other requirements using any of the methods listed below:

* Hire a compliance consultant to perform an **External Compliance Evaluation**, or
* Using qualified internal or corporate personnel, conduct an **Internal Compliance Evaluation**, or
* Evaluate compliance against applicable Legislation listed in EF-02A using **Compliance Evaluation Checklist** (Form EF-02B), or
* Any combination of the above

5.5.1 External Compliance Evaluation

* The EMR or designee is responsible for planning, scheduling and implementing External Compliance Evaluations
* The External party will be qualified to perform this type of audit based on education, training, and work experience.
* A final report will be issued by the external party detailing findings – and listing both evidence of compliance as well as non-compliance

5.5.2 Internal Compliance Evaluation

* The EMR or designee is responsible for planning, scheduling and implementing Internal Compliance Evaluation, including the identification of required resources.
* During a compliance evaluations, team members will record information, such as: items checked, individuals interviewed, any possible regulatory non-compliance issues.
* The evaluation team shall promptly notify the EMR or designee of any possible regulatory non-compliance. Upon verification of non-compliance, the Environmental Management Representative shall notify facility management.

5.2.4 Compliance Evaluation Checklist

The EMR or designee may develop a Compliance Evaluation Checklist using Form EF-02B. The checklist will describe the following:

* + - Compliance Obligation Title
    - Citation (if applicable)
    - Compliance Obligation Details
    - Compliance Assessment – make the following conclusions
      * In-Compliance: Records and employee interviews indicate full compliance.
      * Mixed-Compliance: Elements of a compliant approach were present; however some minor requirements have not been fulfilled.
      * Out-of-Compliance: An absence of records or other evidence indicates no compliance with the requirement.
      * Not Applicable: Requirement is not applicable
      * More Information Needed: Additional info is required to make a compliance assessment
    - Finding (a description of evidence used to make the assessment)

Internal personnel will use the above checklist to document either compliance or noncompliance with the specific legal requirement. Evidence of compliance or non-compliance will be listed on the form. Evidence includes records such as hardcopy, computer files, interviews, and other items.

**5.6 Records and Corrective Actions for Non-Compliance Issues**

5.6.1 Records of the compliance status will be maintained. Non-compliances may be documented as system non-conformances and corrected according to EP-11 (Non Conformance, Corrective and Preventative Action)

5.6.2 During each Management Review, the EMR or designee will present a summary of regulatory non-compliances to facility management for review.

6.0 References

ISO 14001:2015; 6.1.3, 9.1.2

1. Related Procedures

**8.0 Records**

ER-02A Compliance Obligations (Design Guidance Step 2a)

ER-02B Compliance Evaluations

ER-02C Legislative Review Log (optional)

**9.0 REVISION HISTORY:**

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| --- | --- | --- | --- |
| **Revision No.** | **Description of Change** | **Page #** | **Date** |
| 1 | Title Changes | 1 | 1/10/2005 |
| 2 | Minor Changes | All | 10/8/2007 |
| 2 | Minor Changes | All | 6/22/2016 |