



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2004

MEMORANDUM:

OFFICE OF
THE ADMINISTRATOR

SUBJECT: Role of Environmental Management Systems in Permits and Rules

TO: Assistant Administrators
General Counsel
Inspector General
Chief Financial Officer
Associate Administrators
Regional Administrators
Staff Office Directors

Environmental Management Systems are a powerful business tool that help integrate environmental considerations into the day-to-day decisions and practices of different types of organizations and improve environmental performance and compliance. The Agency's policy, pursuant to the EPA Position Statement on EMSs (May 15, 2002), is to promote the voluntary adoption of EMSs across a wide range of organizations and settings (<http://www.epa.gov/ems/policy/position.htm>).

In this memorandum, I am reaffirming EPA's commitment to help organizations adopt EMSs designed to achieve improved environmental performance and compliance, communication with stakeholders, and pollution prevention at reduced cost. Additionally, I am announcing a complementary effort to partner with states, tribes, and territories to objectively test the role of EMSs in environmental permits and rules. Many states have already begun exploring this area, and our mutual goal is to gain experience and data about the broader implications of EMSs in regulatory programs.

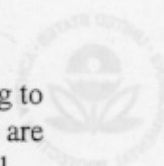
This effort is consistent with a number of the principles for increasing our environmental progress through a "better way" as articulated in the Administrator's 500-Day Plan. For example, EMSs are aimed at achieving results, not programs; they promote compliance, not just enforcement; they will often entail collaboration with others; and they can help us lead to a "change of heart" by helping those implementing EMSs to see how environmental stewardship is good for business and good for society.

I ask that each program and regional office focus on three EPA priorities:

- Promote adoption of EMSs – EPA now actively promotes EMSs through a wide array of assistance, recognition, and enforcement programs. We should continue to look for opportunities to help organizations in other ways.



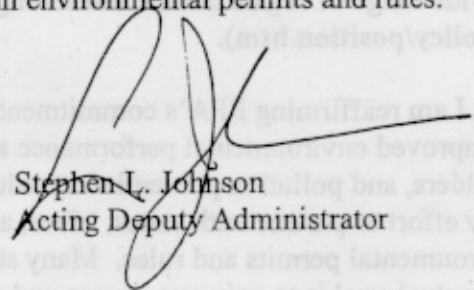
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- Implement at EPA facilities – Each program and regional office should be working to adopt high-quality, effective EMSs at our facilities. Under OARM leadership, we are now developing EMSs at about 34 EPA facilities and will meet the deadline of full implementation prior to the 2005 deadline contained in Executive Order 13148.
- Integrate EMSs into environmental programs – EPA supports ways to use EMSs to improve environmental performance, including OECA’s use in enforcement settlements, OW’s work with municipalities, OPEI’s work in Performance Track, sectors and small business programs, and a wide range of regional projects. We should continue these efforts and find additional opportunities to link the power of EMSs with our core program work.

Attached is the *Strategy for Determining the Role of EMSs in Regulatory Programs*. This strategy will build on EPA’s substantial success working to promote EMSs in a wide range of programs and situations. Our intent is to encourage well-designed experimentation in permits and rules based on a defined set of principles and policy ideas to test. EPA does not intend to mandate the use of EMSs in permits or rules. Voluntary programs will remain the primary way EPA promotes EMS use.

The National Center for Environmental Innovation will work with all of you to implement the strategy, in partnership with interested states, tribes, and territories. Our goal will be a limited number of carefully designed projects that can help inform future policy decisions about the appropriate role of EMSs in environmental permits and rules.



Stephen L. Johnson
Acting Deputy Administrator

Attachment