

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter establishes the policy, requirement and responsibility of Indian Affairs (IA) to manage its day-to-day operations in compliance with all applicable environmental regulations, requirements and standards, to improve upon environmental performance and promote sustainable practices to carry out the mission of IA.
- 1.2 Scope.** This policy applies to all IA Headquarters, Program, and field staff, and the operations and activities under the authority of the Assistant Secretary - Indian Affairs; including programs operated by federally recognized Tribal governments and organizations at IA owned property.
- 1.3 Policy.** It is the policy of Indian Affairs to:
- A.** Implement and maintain Environmental Management Systems (EMS) as the primary management approach for IA operations and activities;
 - B.** Comply with all applicable Federal, State, local and Tribal environmental laws and regulations;
 - C.** Implement sustainable practices for energy efficiency, greenhouse gas emission reduction, renewable energy, water conservation, pollution and waste minimization, recycling, reduction or elimination of use of toxic or hazardous chemicals, petroleum products—use reduction, and green purchasing among others;
 - D.** Integrate environmental, economic, and social considerations into mission – activities to create sustainable, continuously improving and efficient operations.
- 1.4 Authority.** The authority for environmental management responsibilities appears in the following laws and Executive Orders:
- A. Statutes.**
 - (1) Omnibus Appropriations Act, 2009. Title VII General Provisions - Government-Wide Sec. 748. P.L. 111- 8, Mar. 11, 2009.
 - (2) Federal Facilities Compliance Act of 1992, 42 U.S.C. §§6901-6992.
 - (3) Pollution Prevention Act of 1990, 42 U.S.C. 13101 *et seq.*
 - B. Executive Orders**
 - (1) Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance, October 5, 2009.
 - (2) Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, January 26, 2007.
 - (3) Executive Order 12088, Federal Compliance with Pollution Control Standards, October 13, 1978.

C. Guidance.

- (1) 515 DM 4, Environmental Management Systems
- (2) Council on Environmental Quality (CEQ) 2007 “Implementing Instructions and Requirements for E.O. 13423”

1.5 Responsibilities.

A. Assistant Secretary - Indian Affairs discharges the duties of the Secretary with the authority and direct responsibility to protect and preserve Indian trust assets. Provides program and budget support to carry out environmental management; approves the IA Environmental Policy Statement, IA EMS internal audit and external audit reports. Designates a senior leadership official to be responsible for all matters relating to implementing and maintaining IA EMS and E.O. 13423.

B. IA Senior EMS Official responsible for all matters relating to implementing and maintaining IA EMS and E.O. 13423. Represents IA on the DOI Sustainability Council’s Senior Sustainability Advisory Group. Promotes IA environmental compliance, environmental performance improvement, and sustainable practices, initiates the IA annual internal EMS audit, annual conformance reviews, and assures IA representation on the DOI Sustainability Council’s Implementation Committee and Technical Work Groups.

C. Director, Bureau of Indian Affairs and Director, Bureau of Indian Education are responsible for ensuring that appropriate organizational arrangements, resources, and personnel are available to implement environmental compliance and implement and maintain EMS. The Directors serve as the Senior Accountable Official for their Bureau EMS. Heads of bureaus have primary responsibility for implementing and executing EMS in accordance with the Department’s policy. Bureau Directors ensure applicable Executive Orders, EMS, and sustainable practices requirements are communicated to all management levels and require environmental accountability of senior managers.

D. Chief, Division of Environmental and Cultural Resources Management, Office of Facilities, Environmental and Cultural Resources establishes IA’s environmental management policies, guidance, and standards for complying with environmental statutory and regulatory requirements and environmental Executive Orders. Maintains oversight of EMS throughout IA, provides EMS technical assistance and training to BIA and BIE, and conducts EMS program reviews. Manages IA’s federal and Departmental environmental reporting requirements; manages the IA environmental multi-media audit / assessment program for BIA and BIE, and integrates that program into the IA EMS.

E. BIA Regional Directors serve as the senior accountable official for EMS in their Region. Designates the Regional Environmental Scientist responsible for the Region’s EMS reporting requirements; and requires environmental accountability of senior program and Agency managers. Approve the Regional Environmental

Policy Statement and appoint their Region's EMS Cross-Functional Team. Initiate their Region's annual internal EMS audit, and ensure appropriate action to address internal and external audit findings. Formally declare **in writing** conformance with all EMS requirements.

F. BIE Associate Deputy Directors (ADDs) West, Navajo, and East are the senior accountable officials for EMS in the Education Line Offices (ELOs) and schools in their jurisdiction. ADDs require environmental accountability of school administration, faculty, and facility managers for maintaining environmental compliance in day-to-day operations and activities, and direct ELOs to initiate annual internal EMS audits, and ensure the Line Office takes appropriate action to address internal and external audit findings.

G. BIE Education Line Officers approve the Line Office Environmental Policy Statement, appoint their Line Office's EMS Cross-Functional Team, initiate the Line Office's annual internal EMS audit, and ensure appropriate action to address internal and external audit findings. Formally declare **in writing** conformance with all EMS requirements.

H. BIE University, School and Dormitory Administrators manage and maintain their organization's environmental compliance in day-to-day operations and activities with federal, State and Tribal requirements using EMS. Assure their organization identifies its environmental aspects and targets, assures corrective action and identifies opportunities for performance improvement. Coordinate with the DECRM Environmental Staff on environmental management activities.

I. BIA Agency Superintendents, Irrigation Project Office Managers, Justice Service Officers, and Detention Facility Managers manage and maintain their organization's environmental compliance in day-to-day operations and activities with federal, State and Tribal requirements using EMS. Assure their organization identifies its environmental aspects and targets, assures corrective action and identifies opportunities for performance improvement. Coordinate with the Regional Environmental Scientist on environmental management activities.

J. BIA Regional Environmental Scientists provide technical assistance to the Region's Program Offices, Agencies, and Field Offices on EMS. Coordinate environmental management activities for all IA facilities in the Region, including sustainable practices, pollution prevention, environmental remediation, and continual environmental performance improvement. Coordinate annual and quarterly federal and Departmental environmental reporting requirements for the Region. Serve on the Region's EMS Cross-Functional Team and serve as the Region's lead EMS internal auditor.

1.6 Definitions.

A. Declaration of Conformance is a written document which ensures that an EMS has been developed and implemented and is fully operational through a conformance review and statement by the senior EMS official.

B. Environmental Management System (EMS) is a planning tool that helps an organization achieve its environmental compliance obligations and broaden its environmental performance goals, by properly managing its operations and activities. It is not a stand-alone environmental program or a data management program, but links existing and new organizational responsibilities, programs, and activities. The EMS model "Plan, Do, Check, Act," reflects accepted quality management principles and provides rigor to existing operations and programs to further ensure continual improvement, as found in the ISO 14001:2004(E) standard. An EMS includes formal practices such as operational controls (e.g., Standard Operating Procedures) and designated roles and responsibilities that ensure the proper execution and fulfillment of program operations and activities. An EMS includes procedures to track legal and other requirements, facilitate communications, provide training, prepare for emergencies and evaluate compliance. Activities include planning, training, monitoring and measuring, and reporting. In addition, senior management plays an active role in evaluating status and progress and making decisions toward continual improvement.

C. EMS Cross-Functional Team has responsibility for assisting an organization (BIA Region or BIE ELO) maintain its EMS including evaluating the respective Region-wide or ELO-wide aspect significance; developing region-wide or ELO-wide objectives and targets; assuring objectives and targets are consistent with DOI and IA goals; and implementing an internal auditing system. Cross-Functional Team membership should include the BIA Regional Environmental Scientist or BIE ELO, representatives from key program or functional areas (i.e., procurement, facilities, roads, forestry, realty etc.) and BIA Agencies or BIE Schools, with access to their respective program managers to assure that program area and Agency or School identify their environmental aspects and targets.

D. Environmental Policy Statements must embody the organization's commitment to: compliance with laws and applicable requirements; prevention of pollution; and continuous improvement. The policy must be endorsed by senior managers and should reflect the nature and scale of the organization's activities. Once the policy statement has been endorsed by senior managers, it needs to be communicated to all staff and made available to the public.

E. Sustainable Practices are actions contributing to the condition of being "sustainable." Examples of sustainable practices can include but are not limited to measures to ensure full accountability of environmental functions, environmental purchasing, resource conservation, pollution prevention, toxics reduction, practices to reduce or control emissions of greenhouse gases, electronic and other product stewardship, sustainable construction and buildings, water and energy conservation, renewable energy and resources, and recycling.

- 1.7 Standards, Requirements, and Procedures.** The Omnibus Appropriations Act, 2009, codifies the requirement to implement E.O. 13423, mandating it shall remain in effect unless otherwise provided by law. Standards for executing an

EMS are based on Departmental policy, CEQ guidance and on standard ISO 14001 management practices. The following describes the steps necessary to fully implement and maintain and EMS.

A. Standard to Declare a Fully Implemented EMS. For the purpose of conformance to E.O.13423, the EMS will be considered fully implemented upon completing all of the following steps:

- 1) The EMS has been the subject of a formal audit performed by a qualified independent auditor outside the scope or control of the EMS.
- 2) Each audit finding has been identified and acknowledged along with a corrective action plan for deficiencies (or nonconformance) established by the appropriate managers of the organizational levels and/or facilities responsible for implementation of the EMS.
- 3) The appropriate managers of the organizational level responsible for implementing the EMS has formally declared **in writing** conformance with all EMS requirements.

B. Requirements to Maintain an EMS. IA organizations must execute the mandatory requirements for each activity described below.

1) **Conformance Reviews.** Each year, conformance declarations will be assessed and confirmed by managers of appropriate organizational levels (i.e. BIA Region Office and BIE ELO) to ensure that the conditions of conformance are continuing to be upheld at the bureau or office. The yearly conformance declaration reviews are meant to ensure that the EMS continues to be formally evaluated, that resulting findings are being addressed appropriately, and that the EMS is being continually improved.

NOTE: Yearly conformance declarations are not required for the higher-tier, IA EMS as long as the IA EMS is designed to address and support the complete implementation of lower-tier EMSs. As such, the scope of the EMS does not necessarily encompass the specificity, nor level of environmental aspect significance of the lower tier EMS elements, rather those best addressed and/or implemented at the higher level of the organization.

2) **Audits.** Once conformance has been declared, the EMS shall then be audited by a qualified party outside of the control or scope of the EMS at least every three years from the date of the initial declaration. Management system audits concentrate on managerial tools and structures (systems, procedures, policies, trained personnel, lines of communication, etc.) that support the organization's activities, rather than on the performance of the activities themselves. This is not a determination of environmental compliance. Rather it is a process for obtaining audit evidence and objectively evaluating an EMS to determine the extent to which the EMS audit criteria set by the Bureau is fulfilled. The IA EMS need not be audited by a qualified party outside of the

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control or scope of the EMS as otherwise required by E.O. 13423 for facility and multi-site organizational EMS as long as the IA EMS is designed to address and support the complete implementation of lower-tier EMSs.

3) **Annual Reviews and Updates.** Despite a declaration of conformance, a bureau or office must continue to consistently review, maintain and improve its EMS. A declaration of conformance is no longer valid if an EMS is not consistently reviewed, maintained, implemented, and improved on at least an annual basis. The annual review is also referred to as an internal EMS audit.