



Environmental Management Systems

Key issues

Business must take responsibility for the environmental impacts of its activities. Continual management of environmental impacts requires a structured approach. Environmental Management Systems (EMSs) provide a way for businesses to do this.

Many organisations choose to operate in-house, or informal, EMSs to manage their environmental impacts. Others use the recognised worldwide standard ISO 14001, or go on to achieve a higher standard through the EU Eco-Management and Audit Scheme (EMAS). EMAS requires, for example, legal compliance, independent verification and public access to company environmental reports.

However, there are widely recognised concerns about the ability of EMSs to secure good environmental performance, and particularly compliance with environmental legislation.

We believe legal compliance and good environmental performance are fundamental requirements of an EMS. We formally recognise EMSs certified by UKAS-accredited bodies in our risk-based approach to regulation through the OPRA (Operator and Pollution Risk Appraisal) scheme. This is because our studies prove that the documentation of an EMS makes it quicker and easier for us to regulate a site or company.

There are still a number of unanswered questions in relation to EMSs. Studies suggest that sites with EMSs don't necessarily provide better compliance with permit conditions, have fewer incidents or better general environmental performance than those that do not have EMSs. However, the scope of a site EMS will often address issues that go beyond regulatory requirements. It may be that by introducing an EMS, a site's environmental performance will improve at a faster rate than if it does not implement one. Further work is needed to understand these issues better.

The standards of environmental performance provided at a site with an EMS will be determined in part by the certification body. We do not believe there is sufficient consistency in approach between the various certification bodies or that enough of them pay adequate attention to compliance with legislation in their reviews of site performance.

The Environment Agency's role

Government guidance to the Environment Agency states that it should "take account of robust EMSs, in particular the Eco-Management and Audit Scheme (EMAS) and ISO 14001". It also says that our objectives shall be "to develop in conjunction with government a risk-based, proportionate, consistent, efficient and cost-effective approach to the regulatory process". We are consultee for all EMAS applications in England and Wales, and can prevent a company registering if it is not complying with environmental legislation. We can have a company suspended from the EMAS register if it subsequently breaches legislation. We have a role in maintaining public

confidence in formal EMSs by working with Government, business and the certification industry to highlight weaknesses in this process and to maintain and improve standards.

We strongly encourage the implementation and use of robust EMSs. A robust EMS should lead to improved environmental performance, including better and more consistent legal compliance.

We fully support EMAS (which incorporates ISO 14001) and recognise its additional emphasis on legal compliance, environmental performance and public environmental reporting.

We take account of site EMSs through our OPRA scheme. Firms with a recognised EMS are awarded additional points in the OPRA scoring system. EMAS receives the highest number of points, followed by ISO 14001 and then companies' own in-house systems.

Our regulatory approach at any site will always be informed by the observed standards of environmental protection and management, including permit breaches, incidents and complaints from the public.

We will use our powers under the regulations to suspend companies from their EMAS registration when they break the law. This will be carried out in accordance with our enforcement and prosecution policy. We will also raise poor legal compliance of companies with the certification organisations for ISO 14001 EMSs.

Solutions – we call for:

- greater uptake of EMSs by business and industry;
- EMSs to be more robust and effective.

To achieve this we need:

- industry to recognise the benefits of EMSs;
- third party certification schemes to focus on legal compliance and improvements in environmental performance when they review sites' performance;
- greater consistency between the different certification schemes and agreed minimum competency standards;
- a co-ordinated approach to the recognition of EMSs at a European level;
- Government to push for higher standards of certification, through bodies such as UKAS (United Kingdom Accreditation Service).

We have set ourselves targets to help increase the proportion of waste and process industry sites regulated by us that have externally verified EMSs.

Background

In September 2004, there were 65 EMAS registered companies in the UK, and 4,019 registered sites in Europe. This compares to approximately 5,500 ISO 14001 certificates in the UK and about 23,000 in Europe. Germany has the most EMAS (1,675) registered organisations. Austria has the highest number of EMAS certificates per head of population. Globally there are over 66,000 ISO 14001 certificates.

The different types of EMS

An organisation can set up its own EMS or it may choose a recognised system that can be externally verified. There are two main standards: **ISO 14001** and **EMAS**.

ISO 14001 is the international standard specification for an EMS and is used and recognised worldwide. It requires:

- an assessment of the environmental impacts of an organisation;
- the development of an environmental policy;
- an environmental improvement programme with objectives and targets;
- clearly defined roles for all employees;
- procedures to control activities that might have a significant impact;
- defined systems for record keeping and document control;
- periodic auditing of the system;
- a formal review of the system's effectiveness by senior management.

The specification for EMAS is the same as for ISO 14001 but it also requires an environmental report to be published, which is optional under ISO 14001, and places more emphasis on pollution prevention and legal compliance. Regulatory bodies are consulted before an organisation can be registered under EMAS and can object to a company's registration if it is not complying with legal requirements.

A full EMS may be inappropriate for a small business. We also support schemes such as Acorn, Green Dragon and BS8555 that use a phased approach to implementation of EMAS. We are developing support systems and documentation that will help farmers develop their own farm-specific EMS.

The Environment Agency's Internal EMS

Our own management system is certified to both ISO 14001:1996 and ISO 9001:2000 and we are aiming for EMAS registration by mid 2005.

Benefits

EMSs can benefit a company or organisation by:

- facilitating greater awareness of legislative requirements as all relevant legislation should be identified and plans put in place to achieve compliance;
- identifying the potential for cost savings through improved efficiency in the use of materials and energy;
- providing a better understanding and greater control of processes thereby reducing emissions and the risk of pollution incidents;
- improving its public image as environmental performance is increasingly important to, amongst others, customers, insurers and local residents.

EU LIFE project - remas

We are leading a European LIFE project, remas, investigating links between environmental management and performance. Over a three year period the project team will work with industrial sites across Europe to identify whether EMSs provide benefits to the regulator and to the environment that would then allow an EMS to be formally recognised in a regulatory regime.

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