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

Clarification of Intent of ISO 14001

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 (TC) 207, which is developing the ISO 14000 series of international environmental management standards. These standards have been 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 requirements. The responses reflect U.S. SubTAG 1's understanding of the requirements as intended during its drafting. The process by which the U.S. SubTAG 1 responds to questions is as follows.

1. All questions must be submitted in written or electronic form to:
American Society for Quality (ASQ)
Attention: Standards Team, U.S. ISO 14000 SubTAG 1 P.O. Box 3005
Milwaukee, Wisconsin 53201-3005; or
E-mail: standards@asq.org
2. The name, affiliation, address and phone 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.
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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General

Primary Clause	Question/Answer	Associated Clauses
3.0, General	<p>97-05.A2</p> <p>Question</p> <p>Is Clause 3, Terms and Definitions, binding and, if so, may an auditor determine whether "appropriate" environmental objectives have been set to meet the requirements of definitions 3.2.6?</p> <p>Answer</p> <p>The Introduction to Clause 3, Terms and Definitions states: "For purposes of this document, the following terms and definitions apply." The only Clauses of ISO 14001 against which an organization's conformance is audited are Clauses 4 through 10, EMS Requirements, the terms of which are clarified by the Definitions in Clause 3.</p> <p>With regard to environmental objectives, an auditor is limited to assessing whether the organization conforms to the requirements specified in subclause 6.2. If the environmental objectives are consistent with the environmental policy, and their development has taken into account the organization's significant environmental aspects and associated compliance obligations and considered its risks and opportunities then the objectives are consistent with the standard.</p>	3.2.6, 6.2
General	<p>07-08.A2</p> <p>Question</p> <p>In some places in the Standard, the organization is directed to take certain items into account, while in other places in the Standard, the organization is directed to "consider" certain items. Is there a difference?</p> <p>Answer</p> <p>ISO 14001 uses the word "consider" and the phrase "take into account" with a specific intent. The word "consider" means it is necessary to think about the topic but it can be excluded; whereas "take into account" means it is necessary to think about the topic but it cannot be excluded.</p> <p>As an example, in subclause 6.1.1, when planning its EMS, the organization shall <i>consider</i> the issues referred to in subclause 4.1, "Understanding the organization's context". ISO 14001 requires the organization to think about these issues, but it does not necessarily have to address these issues in its EMS. Alternatively, in subclause 6.1.3, "Compliance obligations" for example, the requirement "take these compliance obligations into account when establishing, implementing, maintaining and continually improving its EMS, means the organization must address its compliance obligations in its EMS.</p>	6.1.1, 6.1.3
General	<p>10-12.A4</p> <p>Question</p> <p>Must an organization have access to the ISO 14001 standard either in hard copy, via computer or by an external source since the organization is certified to that standard?</p> <p>Answer</p>	

An organization seeking to conform to ISO 14001 must have access to information related to the ISO 14001 requirements, including any subsequent revision, so that it can take these requirements into account in establishing, implementing and maintaining its environmental management system.

Several sources of this information are available to an organization including, but not limited to, an electronic or hard copy of the ISO 14001 standard itself.

Clause 4 – Context of the Organization

Primary Clauses	Question/Answer	Associated Clauses
4.1, 4.2	<p>16-08.A1</p> <p>Question</p> <p>Is an organization required to establish a process in order to meet the requirements in 4.1 and 4.2 that it determine its context, relevant interested parties and their needs and expectations?</p> <p>Is an organization required to develop and maintain documented lists of its external and internal issues, its relevant interested parties and their needs and expectations?</p> <p>Answer</p> <p>Subclauses 4.1 and 4.2 do not state a requirement for a process nor does it state a requirement for maintaining or retaining documented information.</p> <p>The intent behind using the word “determine” is that the organization generates information (knowledge) regarding its “understanding of the needs and expectations of interested parties” and of its “external and internal issues.” A secondary intent in changing from the use of the word “identify” in the 2004 edition of ISO 14001 to “determine” in the 2015 edition is to conform to Annex SL management system terminology.</p> <p>The term “determine” implies that the organization make some specific effort to generate information that results in knowledge. While a process is not required for these determinations, whether or not to have a process is a consideration for the organization to make when developing its EMS (See subclause 4.4).</p> <p>The decision to document the knowledge gained or the means of acquiring it is made by the organization by considering subclause 7.5.1, which gives the organization flexibility as to which processes it needs to document and records it needs to keep in order to make the EMS effective. If the organization decides documentation is the best way to give guidance to users and to achieve consistency, then documentation should be considered.</p> <p>Whether documented or not, an understanding of the relevant needs and expectations of interested parties as well as of external and internal issues would be evident in the implemented EMS; for example, in the determination of risks and opportunities that need to be addressed.</p>	7.5

4.3 23-05-A2**Question**

Does ISO 14001 clause 4.3 (or any other clause) require the organization to implement an EMS for ALL activities/business lines performed within the physical boundary of its facility? Does ISO 14001 require that all activities within the physical boundaries of a site that can be controlled or influenced are to be included in the scope? Or can an organization choose to limit the scope of its EMS to only certain activities/business lines?

Answer

No, ISO 14001 does not specify the boundaries and applicability of an organization's environmental management system (EMS). An organization has the right to define its boundaries when establishing the scope of its EMS.

ISO 14001:2015 Clause 4.3 requires the organization itself to define and document the boundaries of its EMS, and it can choose to define the scope to include the whole organization, or specific and identified functions or sections of the organization.

However, the scope should not be defined in a way that misleads interested parties. Once the scope is defined it cannot exclude activities, products, or services that have or can have significant environmental aspects, or that evade compliance obligations.

Clause 5 - Leadership

Primary Clause	Question/Answer	Associated Clauses
5.2 – Environmental policy		
5.2	05-05.A1	4.3
Question		
Element 5.2 Environmental Policy states, 'top management shall establish, implement and maintain an environmental policy that, within the defined scope of its EMS, is...' 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 Standard requires that an organization define and document the scope of its EMS (subclause 4.3) and that top management establish, implement and maintain an environmental policy (subclause 5.2). However, there is no requirement in ISO 14001 that an organization include specific wording from its EMS scope statement within its environmental policy.		
As used in subclause 5.2, 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.		

Question

What is meant by the “commitment to fulfill its compliance obligations” in subclause 5.2(d) in ISO 14001?

Answer

The relationship between ISO 14001 and regulatory compliance is addressed in a number of places in ISO 14001. To understand what is meant by the “commitment to fulfill its compliance obligations,” the standard has to be read as a whole and the relationship between the relevant provisions of the standard understood. This commitment is demonstrated through the EMS processes and actions that the organization establishes, implements and maintains to meet ISO 14001 requirements, as follows:

- With an understanding of the needs and expectation of the organization’s interested parties, including regulatory agencies in particular (subclause 4.2), establish, implement and maintain a process to determine and have access to the applicable legal requirements, and to determine how these requirements apply to the organization (subclause 6.1.3). Take these requirements into account when planning its EMS (subclause 6.1.4).
- Establish documented objectives that take into account its legal requirements associated with its significant environmental aspects (subclause 6.2.1). [Note: environmental objectives need not address every legal requirement].
- Plan actions to achieve environmental objectives, including those relating to compliance with legal requirements (subclause 6.2.2).
- Those persons whose work can affect the organization’s ability to fulfill its compliance obligations must be competent based on training, education and/or experience (subclause 7.2).
- Ensure persons doing work under the organization’s control are aware of the implications of not conforming with the EMS, including not fulfilling the organization’s compliance obligations (subclause 7.3).
- Communicate EMS information externally, as required by the organization’s compliance obligations and its own communication process (subclause 7.4.3).
- Establish, implement and maintain a process to periodically evaluate compliance with legal requirements (subclause 9.1.2). These are the legal requirements identified pursuant to subclause 6.1.3.
- Establish, implement and maintain a program for periodically conducting EMS audits, which necessarily include those elements of the EMS that are compliance-related (subclause 9.2).
- React to nonconformities, evaluate the need for action eliminate the cause(s) and implement corrective action needed (subclause 10.2). 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 its commitment to fulfill them. The organization’s EMS must include the components listed above and be properly supported with adequate resources and defined responsibilities (subclause 5.3), documented information (subclause 7.5.1), and evaluation of performance (Clause 9). The commitment to comply is reinforced by the requirement that top management periodically review the adequacy, suitability and effectiveness of the EMS (subclause 9.3).

A legal noncompliance is not necessarily elevated to an EMS nonconformity if, for example, it is identified and corrected by the EMS processes. Compliance-related

nonconformities need to be corrected, even if those nonconformities have not resulted in an actual noncompliance.

5.2

97-05.A5

4.3, 3.1.4

Question

In determining whether the environmental policy is "appropriate to the purpose and context of the organization, including the nature, scale and environmental impacts of its 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, as it has been defined by the organization. Once the scope has been defined, all activities, products, and services that fall within its boundaries need to be included. The sum of those units must be consistent with the subclause 3.1.4 definition of an "organization."

Clause 6 - Planning

Primary Clause	Question/Answer	Associated Clauses
6.1 – Actions to address Risks & Opportunities		
6.1.1 General		
6.1.1 16-08.A2		6.1.2, 6.1.3
	<p>Question</p> <p>Does the organization have to identify at least one risk or opportunity that needs to be addressed, i.e. at least one potential adverse effect (threat) or beneficial effect (opportunity) that needs to be addressed?</p> <p>Answer</p> <p>Although there is no explicit requirement in subclause 6.1 of ISO 14001 that an organization will identify one or more risks or opportunities that need to be addressed, there is an underlying assumption that the organization will do so.</p> <p>Risks and opportunities are defined as potential adverse effects (threats) or beneficial effects (opportunities), which may result from environmental aspects, compliance obligations, or from other issues and requirements identified as part of the context of the organization. The intent is for the organization to determine which risks or opportunities it considers to be important to address within its EMS, in order to achieve the intended outcomes of its EMS and support continual improvement.</p> <p>Note: Regarding whether an organization has to identify at least one significant environmental aspect, see COI Error! Reference source not found.</p>	
6.1.1 18-03.A1		6.1.2, 3.2.11, 3.2.2
	<p>Question</p> <p>Does ISO 14001:2015 allow an organization to consider environmental risks and opportunities as environmental aspects, and those aspects that it intends to address, as its significant environment aspects?</p> <p>Answer</p> <p>The definition of “risks and opportunities” is not the same as “significant environmental aspects.” Although related, they should not be treated as identical. ISO 14001 defines risks and opportunities as potential adverse effects (threats) and potential beneficial effects (opportunities). A significant environmental aspect is defined as an environmental aspect (3.2.2) that has or can have one or more significant environmental impact(s), whether adverse or beneficial.</p>	
6.1.2 Environmental Aspects		
6.1.2 99-03.A2		
	<p>Question</p> <p>Must a regulated environmental aspect automatically be considered a significant environmental aspect?</p> <p>Answer</p> <p>No. Subclause 6.1.2 requires an organization to “determine those aspects that have or can have a significant environmental impact, i.e., significant environmental aspects, by using established criteria.” ISO 14001 does not</p>	

establish the criteria for determining significance. Subclause A.6.2 states that environmental criteria are the primary and minimum criteria for assessing environmental aspects, but it is the organization that sets the criteria for determining those that are significant.

6.1.2 04-03.A1

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...”

Note: Regarding whether an organization has to identify at least one risk or opportunity that needs to be addressed, i.e., at least one potential adverse effect (threat) or beneficial effect (opportunity), see COI **Error! Reference source not found.**

6.1.2 16-01.A1

3.3.3

Question

Does ISO 14001 require Life Cycle Assessments (LCAs) to be completed as part of the enhanced life cycle perspective requirements?

Answer

ISO 14044:2006 subclause 3.2.1, defines a life cycle assessment as “a compilation and evaluation of the inputs, outputs and the potential environmental impacts of a product system throughout its life cycle”.

ISO 14001 requires taking a life cycle perspective. In Annex A6.1.2, a life cycle perspective is explained as follows: “This does not require a detailed life cycle assessment; thinking carefully about the life cycle stages that can be controlled or influenced by the organization is sufficient”. The life cycle stages of a product (or service) include acquisition of raw materials, design, production, transportation/delivery, use, end-of life treatment and final disposal (3.3.3). In subclause 6.1.2, ISO 14001 requires the organization to consider these life cycle stages when determining the environmental aspects that it can control or can influence.

6.1.2	16-02.A2	
	Question	
	Does ISO 14001 require the organization to apply a life cycle perspective when determining which of its environmental aspects are significant, i.e., in its criteria for determining significance?	
	Answer	
	In subclause 6.1.2 of ISO 14001, an organization needs to consider a life cycle perspective when identifying the environmental aspects that it can control or influence.	
	There is no single method for determining significant environmental aspects. As stated in A.6.1.2, environmental criteria are the primary and minimum criteria for assessing environmental aspects to determine significance. The organization has the autonomy to apply additional criteria, including criteria related to life cycle perspective.	
6.1.2	22-05-A1	3.2.1, 3.2.2
	Question	
	If an operation requires hearing protection would noise be an environmental aspect since humans appears in the definition of environment?	
	Answer	
	Noise from operations that require hearing protection in the workplace is not necessarily an environmental aspect.	
	ISO 14001 defines an environmental aspect as an element of an organization's activities or products or services that interacts or can interact with the environment, and notes that it can cause environmental impact(s), i.e., adverse or beneficial change(s) to the environment. The environment is defined as surroundings in which an organization operates, including air, water, land, natural resources, flora, fauna, humans and their interrelationships.	
	In order to meet the definition of environmental aspect, the noise would therefore need to be an element of the organization's activities, products, or services that	
	a) interacts or can interact with the surroundings in which the organization operates, and	
	b) can cause a change to the organization's surroundings.	
	Worker exposure to noise falls within the realm of occupational health and safety management systems; however, if the noise from the workplace extends to and interacts with the organization's external surroundings, it would meet the definition of an environmental aspect.	
6.1.3	Compliance Obligations	
6.1.3	98-03.A1	6.1.1, 6.1.2
	Question	
	Does subclause 6.1.3 "Compliance obligations" 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 subclause 6.1.3 which requires that “The organization shall determine and have access to compliance obligations related to its environmental aspects”.

With regard to products, the Standard does not specify geographic boundaries, nor how the determination and access requirements can be accomplished by the organization. Subclause 6.1.1 requires the organization to establish, implement and maintain a process to meet the requirements in 6.1.2 – 6.1.4. Therefore, it is up to the organization to establish a process as to how it will determine 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 subclause 6.1.2. If the organization defines its process 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 determined and who will do it.

6.1.3	05-12.A1	6.1.2, 7.5.1
	Question	

Does subclause 6.1.3(a) mean that an organization must demonstrate a linkage, if any, between each aspect and its applicable legal and other requirements (i.e., its compliance obligations)? If so, what documentation is required?

Answer

Subclause 6.1.3(a) of ISO14001 requires an organization to determine and have access to the legal requirements that the organization has to or chooses to comply with (i.e., compliance obligations) related to its environmental aspects. An organization must identify and have access to the requirements that pertain to its environmental aspects, and must also know how these requirements apply to the organization. The intent is that the organization understands these requirements sufficiently to address them in the EMS. ISO 14001 does not require establishing a “linkage” between each environmental aspect and the identified compliance obligations.

Regarding documentation, ISO 14001 subclause 6.1.3 requires the organization to maintain documented information of its compliance obligations. However, there is no specific requirement in ISO 14001 for documenting the determination of how compliance obligations apply. Subclause 7.5.1(b) Documented Information - General leaves it up to each organization to determine the documented information that is necessary to ensure the effectiveness of the EMS.

6.1.3	10-12.A1	7.5.3
	Question	3.2.9

Is ISO 14001 Standard a “compliance obligation” under subclause 6.1.3 and also a document of external origin?

Answer

Yes, ISO 14001 is a “compliance obligation”. ISO 14001 defines compliance obligations (see subclause 3.2.9) to include requirements that an organization has to or chooses to comply with, and notes that these can arise from mandatory requirements as well as voluntary commitments, such as organizational and industry standards, and codes of practice.

ISO 14001 is documented information of external origin. The organization cannot update it on its own. The Technical Committee, through ISO, issues revisions.

6.1.3

12-08.A1

3.2.1

Question

Can an organization address only applicable EPA legal requirements when identifying its legal requirements affecting the EMS and exclude any applicable OSHA requirement when the definition of environment in ISO 14001 states "surroundings in which an organization operates, including air, water, land, natural resources, flora, fauna, humans and their interrelationships"?

Answer

Subclause 6.1.3, "Compliance obligations" requires an organization to determine the legal requirements and other requirements that it has to, or chooses to, comply with related to its environmental aspects. Regulations issued by an "environmental" agency are not necessarily the only legal requirements applicable to environmental aspects. It is not a matter of which agency issues a legal requirement, but rather whether that requirement applies to an identified environmental aspect within the scope of the EMS. While "humans" are included in the definition of environment, not all legal requirements that apply to "humans" are necessarily applicable to its environmental aspects, or part of its EMS.

6.1.4 Planning Action

6.1.4

16-08.A4

6.1.1

Question

In subclause 6.1.4 A(3), which "risks and opportunities" is an organization required to plan actions to address?

Answer

An organization is not required to plan actions to address every risk and opportunity, only those it has determined need to be addressed. This determination is an output of subclause 6.1.1. An organization retains the authority and accountability to decide how it fulfills the requirements of ISO 14001, including determining which risks and opportunities need to be addressed.

6.1.4

18-03.A2

**5.2, 4.1, 6.1.1,
6.1.3**

Question

Does ISO 14001 require an organization to demonstrate that it has addressed requirements related to environmental aspects, significant environmental aspects, policy commitments, context issues and concerns, risk and opportunities and compliance obligations individually for each corresponding subclause in ISO 14001, or can an organization demonstrate that it has addressed these collectively, through the significant environmental aspects determination process? For example, can an organization consider its policy commitments, context and compliance obligations to inform its determination of significant aspects?

Answer

ISO 14001 does not mandate separate processes or procedures to be used for "addressing" its requirements – provided the requirements are, in fact, addressed. For example, an organization might have a single "environmental

planning” process that addresses a number of requirements set out in Clauses 4 and 6. The organization needs to provide evidence that each of the separate requirements are addressed.

6.2 – Environmental Objectives

6.2.1 97-05.A1.R99-06

6.1.2, 6.1.3, 5.2

Question

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

Answer

This question refers specifically to the setting of environmental objectives, which is covered by subclause 6.2 of the standard.

This question raises the issue that one cannot read a particular sentence or subclause of the ISO 14001 standard in isolation from the other subclauses of the standard. There is an interrelationship between the requirements in some subclauses with the requirements in other subclauses. This question deals with one of those interrelationships.

Subclause 6.2 does not by itself require that the documented objectives explicitly mention environmental protection or prevention of pollution. However, subclause 6.2 does require the organization to take into account its significant environmental aspects and associated compliance obligations when setting its objectives. It also clearly states that the objectives “shall be consistent” with the organization’s environmental policy. According to subclause 5.2 the environmental policy, which is set by top management and must be implemented and be made available to the public, must include commitments to the protection of the environment including prevention of pollution. Therefore, while organizations have the discretion to set their own objectives, they must do so within these parameters.

In addition, setting environmental objectives is not the only way that an organization can support its commitment to environmental protection, including prevention of pollution. An organization can take action within the EMS related to competence, awareness, and communication (see Clause 7, Support); operational planning and control, or emergency preparedness and response (see Clause 8, Operation); or monitoring, measurement, analysis, and evaluation (see Clause 9, Performance Evaluation).

Note: The above COI 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 COI 99-03.A1.

6.2 07-08.A1

Question

Is it a nonconformance if an organization establishes environmental objectives but, at the time of the audit, none relate to an identified significant aspect?

Answer

No. Subclause 6.2.1 requires that significant environmental aspects and compliance obligations be taken into account when establishing and reviewing environmental objectives. It also requires that risks and opportunities be considered. However, it does not explicitly require that there be an objective related to significant aspects, compliance obligations or risks and opportunities at all times. It is the intent of the standard that the organization be able to demonstrate that it has taken significant aspects and compliance obligations into account, and that it considers risks and opportunities in setting objectives. Over time, however, given the required commitment to continual improvement, it would be expected that there would be one or more objectives related to one or more significant aspects, compliance obligations and risks and opportunities to demonstrate conformance to ISO 14001.

6.2	97-05.A2	3.0, 3.2.6
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Question

Is Clause 3, Terms and Definitions, binding and, if so, may an auditor determine whether "appropriate" environmental objectives have been set to meet the requirements of definition 3.2.6?

Answer

The Introduction to Clause 3, Terms and Definitions states: "For purposes of this document, the following terms and definitions apply." The only clauses of ISO 14001 against which an organization's conformance is audited are Clauses 4 through 10, EMS Requirements, the terms of which are clarified by the Definitions in Clause 3.

With regard to environmental objectives, an auditor is limited to assessing whether the organization conforms to the requirements specified in subclause 6.2. If the environmental objectives are consistent with the environmental policy, and their development has taken into account the organization's significant environmental aspects and associated compliance obligations and considered its risks and opportunities then the objectives are consistent with the standard.

Clause 7 - Support

Primary Clause	Question/Answer	Associated Clauses
7.2 – Competence		
7.2	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? Answer ISO 14001 in subclause 7.2 requires the determination 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."	6.1.3

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 doing work under” Company A’s control? If so, what does ISO 14001 require Company A to do regarding ensuring the competence of Company B? What does ISO 14001 require Company A to do regarding identifying training needs for Company B employees?

Answer

This question arises from the phrase “persons doing work under its control.” This phrase, appears in four places in the normative clauses of ISO 14001:

1. the organization must determine the necessary competence of persons doing work under its control that affects its environmental performance and its ability to fulfill its compliance obligations, and ensure that these persons are competent on the basis of appropriate education, training or experience, (subclause 7.2, a-b) , and
2. persons doing work under the organization’s control must be made aware of certain key provisions of its EMS (subclause 7.3, a-d).
3. the organization must ensure its communication process(es) enable(s) persons doing work under the organization’s control to contribute to continual improvement (subclause 7.4.2, b).
4. the organization must provide relevant information and training related to emergency preparedness and response, as appropriate, to relevant interested parties, including persons working under its control (subclause 8.2, f).

The phrase “doing work under the organization’s control” is not defined in ISO 14001. 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 competence and awareness requirements. The use of this phrase 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 ensuring competence, awareness, its internal communication process, and information or training on emergency preparedness and response in 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 can affect its environmental performance and its ability to fulfill its compliance obligations. For these persons, subclause 7.2 requires that the organization ensure that they are competent (based on education, training or experience).

Subclause 7.2 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 subclause 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 does not specify the method or processes that an organization must use to satisfy any of the requirements of subclause 7.2.

In the example given in the question, Company A would need to determine whether there are 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 make them aware of the particular EMS requirements related to these particular tasks (see subclause 7.3 a-d). Company A also would need to determine if there are any tasks that can affect its environmental performance or ability to fulfill its compliance obligation, or, are related to emergency preparedness and response 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 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 doing work under the organization’s control raises questions of potential legal liability, those should be addressed by the organization’s legal counsel.

7.5 – Documented Information

7.5.3	10-12.A2	6.1.3
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Question

Are the compliance obligations identified under subclause 6.1.3 also documented information of external origin under subclause 7.5.3?

Answer

Yes, as long as the source of the documented information that contains the compliance obligations is generated, documented and controlled by an entity external to the organization.

7.5.3	05-08.A1	
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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 controlled?

Answer

This question refers specifically to the last paragraph of subclause 7.5.3 which requires the organization to ensure “Documented information of external origin determined by the organization to be necessary for the planning and operation of the environmental management system shall be identified, as appropriate, and controlled”.

The standard does not specify (a) particular way(s) to identify documented information of external origin that is necessary or to control this information. It is up to the organization to define the process (or processes) it will use. The intent of the standard is that the organization considers and decides if any external documented information is necessary for the planning and operation of its EMS. If such documented information is identified by the organization, the process(es) established must ensure that the documented information 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 control of external documented information used only for reference purposes.

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

7.5.1 18-03.A3

Question

If a small business such as a fast food franchise, automotive dealership, flower shop, funeral home, grocery store, pizza shop, etc. - were to adopt ISO 14001, what level of documentation should they provide to demonstrate conformity to ISO 14001?

Answer

ISO 14001 subclause 7.5.1 requires an organization to include documented information required by the Standard, and any other documented information determined by the organization as necessary for effectiveness of its EMS. The specific documentation required by the Standard is described within the applicable clauses of the Standard. For example, information about environmental aspects that must be documented is found in subclause 6.1.2.

The Standard recognizes that the extent of documented information can differ from one organization to another due to a number of reasons, including the size of the organization. For that reason, in some clauses of the Standard it provides flexibility for an organization to determine the extent of documented information required. In these specific cases, it is incumbent upon the organization to determine the level of documentation required to ensure its EMS is implemented as planned and determine the records necessary to provide objective evidence of conformance to ISO 14001 requirements. Regardless of size, an organization may determine it needs additional documents and records, over and above what is required by the Standard to ensure its EMS is effective.

For ease in reference, the following lists provide the minimum documented information, either documents or records, that is required by ISO 14001 and the applicable clause that specifies the requirement. Where the Standard offers flexibility to the organization, the applicable text is noted in italics.

An organization shall maintain documentation of:

- the scope of its EMS (see 4.3);
- its environmental policy (see 5.2);
- the process(es) needed to meet requirements of subclause 6.1.1 through 6.1.4, to the extent necessary to have confidence they are carried out as planned (see 6.1.1);

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- the risks and opportunities that it determines need to be addressed (see 6.1.1);
 - environmental aspects and associated environmental impacts, criteria used to determine significant environmental aspects, and its significant environmental aspects (see 6.1.2);
 - its compliance obligations (see 6.1.3);
 - its environmental objectives (see 6.2.1);
 - the operational control processes needed to meet EMS requirements and to implement the actions identified in subclause 6.1 and 6.2, to the extent necessary to have confidence the processes have been carried out as planned (see 8.1);
 - the process(es) needed to prepare for and respond to potential emergency situations, to the extent necessary to have confidence the process(es) is (are) carried out as planned (see 8.2).

An organization shall retain records as evidence of:

- competence, as appropriate (see 7.2);
 - communications, as appropriate (see 7.4.1);
 - monitoring, measurement, analysis and evaluation results, as appropriate (see 9.1.1);
 - compliance evaluation result(s) (see 9.1.2);
 - implementation of the audit program, and the audit results (see 9.2);
 - the results of management reviews (see 9.3);
 - the nature of identified nonconformities and any subsequent actions taken, and the results of any corrective action (see 10.2).
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Clause 8 - Operation

Primary Clause	Question/Answer	Associated Clauses
8.1 – Operational Planning and Control		
8.1	<p>17-03.A1</p> <p>Question</p> <p>The operational control clause of ISO 14001:2004 (subclause 4.4.6) referred to identifying and planning those operations associated with significant environmental aspects. The operational planning and control clause of ISO 14001:2015 (subclause 8.1) refers to processes needed to meet environmental management system requirements. Does the revised standard still refer to control of the organization's operational processes?</p> <p>Answer</p> <p>As was the case in ISO 14001:2004 subclause 4.4.6, subclause 8.1 in the revised standard remains focused on planning and controlling the operations of an organization. The organization decides the controls needed for operational processes associated with its significant environmental aspects, compliance obligations, risks and opportunities that need to be addressed, and environmental objectives. These operational processes are controlled by establishing operating criteria and implementing methods to meet the criteria.</p>	
8.1	<p>16-08.A3</p> <p>Question</p> <p>What is an outsourced process? Is every process or service obtained from an external provider an outsourced process?</p> <p>Answer</p> <p>ISO 14001 defines "outsource" as "make an arrangement where an external organization performs part of an organization's function or process" (see subclause 3.3.4). A process or service obtained from an external provider is not necessarily an outsourced process. Outsourced processes can be viewed as a subset of these externally provided processes or services.</p> <p>Criteria that an organization can use to distinguish outsourced processes from other processes and services are described in Annex A.8.1, which states that an outsourced process is one that fulfils all of the following:</p> <ul style="list-style-type: none"> • it is within the scope of the environmental management system; • it is integral to the organization's functioning; • it is needed for the environmental management system to achieve its intended outcome; • liability for conforming to requirements is retained by the organization; • the organization and the external provider have a relationship where the process is perceived by interested parties as being carried out by the organization. 	3.3.4
8.1	<p>16-02.A1</p> <p>Question</p> <p>If an organization does not have any outsourced processes, to what extent does clause 8.1 apply? Do the requirements in the paragraph starting "consistent with a life cycle perspective" only apply to outsourced processes?</p>	

Answer

If an organization has no outsourced processes, the only requirements of subclause 8.1 that are not applicable to its EMS are:

- The org shall ensure that outsourced processes are controlled or influenced.
- The type and extent of control or influence to be applied to the processes shall be defined within the environmental management system.

All of the other requirements in subclause 8.1 are independent of whether a process is outsourced or not, including the requirements in the paragraph starting with 'Consistent with a life cycle perspective...'

8.1**16-08.A5****6.1.2****Question**

Does the phrase, "consistent with a life cycle perspective" in subclause 8.1, Operational Planning and Control mean that an organization needs to consider a life cycle perspective a second time, with regard to operational planning and control?

Answer

There is no requirement in subclause 8.1 that the organization undergo an activity to reconsider a life cycle perspective. There is also no requirement for a formal life cycle assessment (see COI **Error! Reference source not found.**). The four bullets in subclause 8.1 paragraph 4, a) to d) specify requirements that are typically associated with specific life cycle stages.

Clause 9 – Performance Evaluation

Primary Clause	Question/Answer	Associated Clauses
9.1.2 – Evaluation of Compliance		
9.1.2	05-05.A2 Question Is there an expectation in ISO 14001 that compliance with ALL applicable compliance obligations 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 evaluate the fulfillment of its compliance obligations (subclause 9.1.2). 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 compliance obligations over a period defined by the organization.	
9.1.2	12-08.A2 Question Is the intent of the requirement in subclause 9.1.2, "Evaluation of Compliance" that only those working for or on behalf of the organization conduct the	

evaluation(s) of compliance, or can these evaluations include those conducted by regulatory authorities?

Answer

The intent of subclause 9.1.2 is that an organization will determine how it will periodically evaluate compliance, and can choose to include evaluations conducted by internal staff, consultants, and/or regulatory agencies. An organization can use information from regulatory agency audits/inspections as part of its compliance evaluation process, but cannot rely on such audits/inspections alone.

Periodic compliance assessments performed on a sampling basis (for example, those conducted internally, by consultants, and/or by regulatory agencies) may satisfy the requirement of subclause 9.1.2 if, taken together, they cover all applicable legal requirements over a period defined by the organization.

9.2 – Internal Audit

9.2 06-12.A3

Question

If work is performed on multiple shifts that 8.1 Operational planning and control is required, or 8.2 Emergency preparedness and response may be necessary, does 9.2 Internal audit require that all shifts be included in the organization's internal audits?

Answer

ISO 14001 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 subclause 9.2.2 and its own needs for audit information. For additional clarification, refer to COI 02-03.A2 on the topic of internal auditing.

9.2.2 02-03.A1

Question

Does ISO 14001 subclause 9.2 require that the organization conduct its internal EMS audit on an annual basis?

Answer

No. Subclause 9.2.2 requires an organization to establish the frequency of its environmental management system audits. Since the "frequency" is not defined by ISO 14001, these audits may or may not be conducted on an annual basis.

9.2.2 02-03.A2

Question

Does ISO 14001 subclause 9.2 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 COI 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 takes into consideration the environmental importance of the process concerned, changes affecting the organization, and the results of previous audits. According to ISO 14001, in order to be comprehensive, the audit program 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 documented information. 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 that the program shall be established with consideration of the various factors described above.

In addition, in determining its environmental management system audit program, the organization should consider the purpose of the audit, i.e., to determine whether or not the environmental management system conforms to 1) the organization's own requirements for its environmental management system; 2) the requirements of this International Standard, and whether or not the environmental management system has been effectively implemented and maintained. These factors should be considered by the organization in determining the necessity for auditing each element of ISO 14001 and at what frequency, e.g., (a) annually, or (b) each and every time an audit is conducted, or (c) over a period that exceeds one year

9.2

05-12.A3

7.2

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 subclause 9.2 of ISO 14001, "Select auditors and conduct audits to 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

ISO 14001 does not contain specific requirements on certification, education, or work experience for internal auditors or any other position. Subclause 7.2 on Competence, requires an organization to "determine the necessary competence of persons doing work under its control that affects its environmental performance..."; "ensure that these persons are competent on the basis of appropriate education, training or experience", "where applicable, take actions to acquire the necessary competence, and evaluate the effectiveness of the actions taken"; and, "retain appropriate documentation as evidence of competence". These actions can include the provision of training, mentoring, reassignment and hiring or contracting competent persons. Thus, it is the intent of ISO 14001 that the organization decides what education, training or experience, including certifications, 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 ISO 19011.

Question

Can a recently hired environmental manager be considered objective and impartial in conducting an internal audit of the organization's EMS, considering that it was developed and maintained by their predecessor?

Answer

Yes, an internal auditor is considered objective and impartial providing they can demonstrate freedom from responsibility for the activity being audited, or freedom from bias and conflict of interest, consistent with ISO 14001 definition 3.4.1 audit, Note 3 to entry.

Clarification provided in ISO 14001:2015 Annex A.9.2 states that auditors "should be independent of the activity being audited, wherever practicable, and should in all cases act in a manner that is free from bias and conflict of interest." Further guidance in ISO 14004:2016 Clause 9.2 states that internal audits "should be planned and conducted by an objective and impartial auditor or audit team... selected from within the organization or from external sources."

In addition, ISO 19011:2018 Guidelines for Auditing Management Systems, Clause 4e) describes independence as the basis for the impartiality of the audit and objectivity of the audit conclusions, and notes that:

- "For internal audits, auditors should be independent from the function being audited if practicable. Auditors should maintain objectivity throughout the audit process to ensure that the audit findings and conclusions are based only on the audit evidence;" and
- "For small organizations, it may not be possible for internal auditors to be fully independent of the activity being audited, but every effort should be made to remove bias and encourage objectivity."

Clause 10 - Improvement

Primary Clause	Question/Answer	Associated Clauses
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