

Environment - International

Revisions to dominant environmental management systems standard evaluated

Contributed by **Sidley Austin LLP**

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The International Organisation for Standardisation (ISO) is reviewing and revising ISO 14001 – the environmental management systems standard that is widely used by the private sector around the world and which is an accepted template for environmental compliance systems in the context of resolving enforcement actions. The proposed changes to ISO 14001 would have a significant impact on the 'installed base' of ISO 14001 environmental management systems, particularly at those facilities that wish to maintain their ISO 14001 certificates, which are verified through third-party auditing (approximately 10,000 in North America and 250,000 worldwide).

All ISO standards are subject to a nominal five-year review period. ISO 14001 was first published in 1996 and last revised in 2004. A committee draft of the upcoming revision to ISO 14001 was released for comment through the ISO process on March 7 2013. This draft includes more specific and prescriptive requirements – a departure from the existing standard which emphasises flexibility in identifying and managing environmental issues. The current effort is significantly influenced by the recently published ISO 26000 standard on social responsibility.

Salient features of the draft include increased emphasis on the following areas:

- Sustainable development and a more prescriptive approach on how ISO 14001 organisations should identify and manage their environmental issues - for example, the existing text obliges organisations to have a top management policy that includes a commitment to "prevention of pollution". The draft expands this commitment to list-specific issues, such as sustainable resource use, climate change mitigation and adaptation and protection of biodiversity and ecosystems.
- Value-chain management outside the boundaries of the organisation - for example, the section on operational control, which deals with the specific procedures that an organisation uses to control its environmental issues, states that organisations "shall ensure that upstream and downstream processes related to significant environmental aspects are controlled or influenced". While the draft contains some qualifying language on this point, ISO 14001-certified facilities will face increased scrutiny from their auditors on how they manage their value chain if this language remains in ISO 14001.
- Integrating environmental issues into organisational strategy and more transparency on how those issues are managed - this would include additional detail on identifying and taking into account the views of interested parties and external communication on environmental issues.

There are several other proposed changes in the draft, most of which can be characterised by imposing more detailed requirements associated with identifying and managing environmental issues and measuring and attaining improved environmental performance. If adopted, these changes will result in closer scrutiny of ISO 14001-certified facilities by third-party auditors and less flexible requirements where ISO 14001-type environmental management systems are implemented in the context of resolving enforcement matters.

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