

SAFETY, HEALTH AND ENVIRONMENTAL MANAGEMENT SYSTEM OPERATING PROCEDURE

Legal and Other Requirements

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ATTACHMENTS: None

A. PURPOSE AND APPLICABILITY

The purpose of this Operating Procedure (OP) is to establish a uniform procedure for identifying and having access to the legal and other requirements that govern EPA Region 7's activities, products, and services (*e.g.*, processes, jobs, or tasks). The final list of the Region's legal and other requirements is used in the identification of its significant environmental aspects (EMS 1006.7210.01), the development and implementation of its Safety and Health Management System (SHMS), and in the development of its objectives, targets, and programs for the Environmental Management System (EMS) and SHMS (SHEMS 1006.7210.05). This OP applies to all areas within the stated scope of the EPA Region 7 SHMS and EMS.

B. DEFINITIONS

All definitions may be found in the document titled *US Environmental Protection Agency Region 7 Safety, Health, and Environmental Management System Terms and Definitions* (SHEMS 1006.9000.02) contained in the Region's EMS & SHMS Manuals. For the purposes of this OP, the following terms apply:

- Activity, Product, or Service
- Code of Federal Regulations (CFR)
- Environmental Aspect
- Environmental Impact
- Federal Register
- Hazard
- Job Hazard Analysis (JHA)
- Legal Requirement
- Management Program (MP)
- Other Requirement
- Risk
- Significant Environmental Aspect

C. PROCEDURAL STEPS

1. The EMS Coordinator and SHMS Coordinator, with assistance from their Associate Coordinators and the Regional Safety & Health Manager (RSHM – SHMS only), will develop the Legal and Other Requirements List by completing the following tasks:
 - a. For the EMS, review the Region's draft Aspect-Process-Management Program (APMP) Matrix to determine if there are new significant environmental aspects (SEAs) and/or management programs (MP) or changes in the processes that contribute to them that could potentially change the most recent version of the Region 7 Legal and Other Requirements List (see EMS 1006.7210.01, *Significant Environmental Aspects*).

For the SHMS, review the Region's activities, products, and services (*i.e.*, processes) identified in the APMP, along with the resulting hazards and risks identified through the Job Hazard Analysis (JHA) process (see SHMS 1006.7210.01, *Hazard Identification, Risk Assessment and Determining Controls*), to determine which safety and health disciplines

(e.g., respiratory protection, ergonomics, industrial hygiene, and hazardous materials/hazardous waste) are applicable to them. Next review the legal and other requirements currently identified in these safety and health disciplines to determine their continued applicability and the potential to broaden the list to include new requirements.

- b. Create a draft Region 7 Legal and Other Requirements List for the system and forward it to the designated Compliance-Focused Subject Matter Experts (SMEs – EMS only) and/or Management Program (MP) Leads (EMS and SHMS) for review/update; if no changes were made, then provide them with the most current list from the previous management system cycle. In conducting the update, the Program Managers and SMEs should consider:
- (1) Federal, state, and local government statutes, regulations, policies, and permits;
 - (2) EPA and General Services Administration (GSA) guidance documents including policies, procedures, and memorandums;
 - (3) Region 7 guidance documents including policies, procedures, and memorandums; and
 - (4) National and international performance and guidance documents.

Copies of the legal and other requirements may be obtained from many sources including, but not limited to:

- (1) The National Archives Web site (statutes, Federal Register, Code of Federal Regulations (CFRs));
- (2) State, local county, and municipality Web sites;;
- (3) Headquarters EPA's Web sites;
- (4) Region 7's R7@Work Intranet and SharePoint sites;
- (5) SME and Program Manager files; and
- (6) EMS Coordinator, SHMS Coordinator, and RSHM files.

NOTE: It is Region 7's policy to *not* view Federal statutes, Executive Orders, and similar instruments that are directed toward the Federal Government as a whole, or specifically to the U.S. Environmental Protection Agency (EPA), as a legal or other requirement. Since their intent is to manage these operations at the Federal Government level, EPA's Safety and Sustainability Division (SSD) responds to them by establishing goals, which are in turn distributed across the Region's and other parts of the organization as Agency-wide policies, procedures, and objectives (goals). As such, Region 7 will include applicable policies and procedures in its list of legal and other requirements, and consider adopting EPA goals during the process of establishing its objectives and programs under SHEMS 1006.7210.05. In addition, the list should include only those requirements that are specifically applicable to the Region. For example, even though the Region's hazardous waste management requirements have their origin in Federal statute (*i.e.*, the Resource Conservation and Recovery Act (RCRA)) and regulations promulgated in Title 40 Code of Federal Regulations (CFR), the State of Kansas has been delegated by USEPA the authority to administer the hazardous waste program. Therefore, the applicable Kansas Administrative Regulations (KARs) are the governing regulations for the Region's operations and are the specific regulations included in the list.

- d. The EMS and SHMS Coordinators prepare their final lists of legal and other requirements (an EMS or SHMS document) by including any additional requirements identified by the SMEs and/or Management Program Leads.
2. The final lists of legal and other requirements should be reviewed and updated at the beginning of each system cycle; whenever new requirements become known to the Coordinator, SMEs, and/or Management Program Leads; or when there are changes to the Region's processes that could alter its need to comply with requirements.

D. RECORDS MANAGEMENT

This OP may result in the generation of EMS or SHMS records. Any records created will be managed in accordance with the most current versions of SHEMS 1006.7210.02, *Document Control*, and SHEMS 1006.7210.17, *Records Management*.

E. QUALITY ASSURANCE AND QUALITY CONTROL

The quality assurance and quality control (QA/QC) success of the legal and other requirements identification process, as detailed in this OP, will be determined through the internal and external conformance audit processes. Deficiencies noted during these audits will be managed through the Region's Corrective/Preventive Action Process as defined in the current version of SHEMS 1006.7210.12.

F. REFERENCES

Current versions of the following references are assumed if no date is provided.

1. ISO 14004:2004(E); *Environmental Management Systems – General Guidelines on Principles, Systems, and Support Techniques*; November 15, 2004
2. OHSAS 18001:2007; *Occupational Health and Safety Management Systems – Requirements*; July 2007
3. US EPA R7, *US Environmental Protection Agency Region 7 Safety, Health, and Environmental Management System Terms and Definitions*, SHEMS 1006.9000.02
4. US EPA R7, *Significant Environmental Aspects*, EMS 1006.7210.01
5. US EPA R7, *Document Control*, SHEMS 1006.7210.02
6. US EPA R7, *Objectives, Targets, and Programs*, SHEMS 1006.7210.05
7. US EPA R7, *Corrective/Preventive Action Process*, SHEMS 1006.7210.12
8. US EPA R7, *Records Management*, SHEMS 1006.7210.17
9. US EPA R7, *Hazard Identification, Risk Assessment and Determining Controls*, SHMS 1006.7210.01