

4.3.2 LEGAL AND OTHER REQUIREMENTS

WHY LEGAL REQUIREMENTS ARE IMPORTANT

One of the core commitments an organization must make in its environmental policy is to comply with relevant legislation and regulations. To assure compliance, a prerequisite is to be aware of legal and regulatory obligations. In addition, legal and related requirements must be considered when the organization sets its environmental objectives and targets. Apart from these ISO 14001 specifications, failure to comply with the law, either through ignorance of it or by neglect, can be very costly for an organization, in terms of money, time, lost production, loss of customer confidence, reputation, and public relations. In other words, compliance with environmental legislation and regulations is the right thing to do.

WHAT IS MEANT BY LEGAL AND OTHER REQUIREMENTS

Legal Requirements

These cover:

- National, regional/provincial, and local government laws and regulations concerning environmental and ecological matters
- Operating licenses, permits, and approvals issued by government
- International standards and conventions (e.g., Kyoto Agreement on greenhouse gases; Montreal Convention on ozone-depleting substances; Basel Convention on

International Trade in Hazardous Wastes; Biodiversity Convention; Trade in Endangered Species Convention)

- Legal obligations arising from contracts to which the organization is a party.

Other Requirements

These may include:

- Environmental policies and commitments made by industry associations of which the organization is a member
- Codes of practice in industries with which the organization is involved (e.g., pulp and paper, mining, oil and gas, chemical or pharmaceutical manufacturing)
- Non-legal agreements with governments and communities
- Voluntary compliance agreements, for example with local communities or non government organizations (NGO)
- Internal company policies and procedures, including those of the parent organization.

TRACKING AND MAINTAINING AWARENESS OF LEGAL REQUIREMENTS

Tracking Legal Requirements

There are several avenues that can be followed to acquire and ensure currency in legal and other

requirements. Personnel in an organization's legal department may assist in this task, for instance by perusing legal journals for the latest updates and predictions, and should be 'in the loop' to review and critique the legal registry that will eventually be produced. It may be expedient to use the services of a commercial legal search agency to identify references to relevant legislation and regulations.

Industry associations in which the organization has membership may also be useful sources of information on existing legislation and regulations that affect the specific kinds of activities they are involved in, and on immediate, forthcoming, and proposed changes to legislation. Government agencies may publish information bulletins on new or planned legislation, and on interpretations of current laws and regulations. And regular personal contacts with key people in appropriate government departments can help an organization 'keep its ears to the ground' and be forewarned about upcoming government initiatives.

Creating and Maintaining Legal Awareness in an Organization

Once conduits have been established to sources of information on relevant environmental legislative and regulatory requirements, procedures must be set up to file the documents, summarize the key sections in everyday language, and provide access to the information for everyone in the organization who needs to be aware of their responsibilities for maintaining legal compliance. This will normally include senior executives, operations department heads, environmental and waste management department personnel, and could include shipping/receiving and

purchasing/procurement, maintenance, training and human resources staff.

A registry of legal requirements should be set up, with links to pertinent operations, environmental aspects and environmental impacts, so that when environmental objectives and targets are, legal compliance is taken into account.

SUMMARY OF KEY POINTS

- The Environmental Policy commits an organization to comply with relevant environmental legislation and regulations.
- When setting environmental objectives and targets, the organization must take into account legal, regulatory, and other requirements relating to environmental compliance.
- Consequently, the organization must have a procedure to identify, access, and keep up to date on relevant environmental legislative and regulatory requirements, and on other commitments resulting from memberships in industry associations, agreements with interested parties, and contracts that impart environmental obligations.
- Responsibility must be assigned for maintaining a registry of legal and other requirements.
- Legislation should be summarized in lay terms for distribution to personnel in the organization whose work may impact the environment, and those who can make or break compliance with environmental permits or laws by their actions or omissions.