



Section: Planning

Task 5: We have identified energy-related legal requirements that apply to our operations, have a process to evaluate and update these over time, and evaluated our compliance with them

Getting It Done

- Identify and document all applicable legal and other requirements related to energy in the [Legal and Other Requirements Tracking Matrix](#).
- Assign responsibilities and establish a frequency for reviewing and updating the completed matrix.
- Establish a process to periodically evaluate compliance with all requirements. Use the [Compliance Evaluation Checklist](#) to conduct compliance evaluations and record your organization's results.

Task Overview

ISO 50001 recognizes that energy-related obligations, both legal and voluntary, are an important component of a comprehensive and systematic approach to energy management. The planning requirements of the EnMS include gathering information on the legal requirements and other requirements that apply to your organization's energy use, consumption, and efficiency. There must be processes in place to identify, access, evaluate, and keep current with those requirements.

Identifying and accessing legal and other requirements occurs as the first step in the energy planning process, so that any energy data mandated by those requirements is known and can be input into the energy review. Legal requirements are those embedded in law or otherwise imposed by a governmental entity or regulatory agency. You need to develop a complete picture of your organization's energy-related legal requirements so ongoing compliance with those requirements can be maintained.

In addition to legal requirements, there are a variety of "other requirements" related to energy that an organization may be subject to (e.g., a corporate energy mandate) or may commit to voluntarily (e.g., U.S. Department of Energy [DOE] Superior Energy Performance® or U.S. Environmental Protection Agency [EPA] ENERGY STAR®). The organization's processes for identifying, accessing, evaluating, and keeping abreast of applicable legal requirements must address these "other requirements" as well.

Personnel assigned responsibility for identifying and accessing the various energy-related legal and



other requirements typically also have responsibility for evaluating and updating those requirements. Clearly defined and communicated roles, responsibilities, and authorities are critical for maintaining compliance.

On a routine basis, you need to evaluate your organization’s compliance with the legal and other requirements that apply to its energy use, consumption, and efficiency. The purpose of evaluating compliance is to ensure that your organization is meeting those requirements; and when it is either not meeting or has the potential of not meeting the requirements, appropriate action is taken.

At the completion of this task, you will have...

- Identified and accessed applicable legal requirements
- Identified and accessed other energy requirements
- Established a process for evaluating and updating requirements
- Established a schedule and assign responsibilities
- Conducted compliance evaluations
- Ensured records of results are maintained

This guidance is relevant to Sections 4.4.2 and 4.6.2 of the ISO 50001:2011 standard.

Associated Resources	Short Description
Compliance Evaluation Checklist	A checklist template to document compliance evaluations.
Legal and Other Requirements Related to Energy (example)	This resource provides examples of the energy-related legal and other requirements related to the use and consumption of energy at an industrial facility.
Legal and Other Requirements Tracking Matrix	A blank template for users to begin tracking legal and other requirements.
ENERGY STAR Guidelines for Energy Management	ENERGY STAR Guidelines for Energy Management guidance document.

Full Description

Identify and access applicable legal requirements

This task involves identifying and establishing access to the federal, state, and local legal requirements that apply to your organization’s energy use, consumption, and efficiency. For most organizations, this process is already in place for environmental legal and regulatory requirements. In addition, be aware that a number of environmental regulations, particularly some of those regulating air emissions, are relevant to both the organization’s environmental impacts and its energy uses.



Learn More: **Examples**

- An environmental regulatory permit may dictate a control that consumes energy, but that is not in operation on a continual basis (e.g., overflow pump for stormwater discharge).
- An environmental regulatory permit may specify a specific energy use (e.g., operation of a cyclone under an air permit).
- A regulatory air permit may dictate that a facility burn only a certain type of fuel.

Additional legal requirements that may apply to your organization's energy use and consumption could include local ordinances, zoning laws, or regulations or utility requirements. Building codes may include energy-efficiency requirements for new, modified, or renovated facilities. The [Legal and Other Requirements Related to Energy \(example\)](#) lists a variety of example requirements.

To get started, gather information that answers the following questions:

- What is your organization's existing process for identifying the applicable legal requirements related to energy uses?
- Who in your organization has information on the applicable legal and regulatory requirements related to your energy uses?
- How is this information maintained? Is there a list of these applicable legal and regulatory requirements?
- Who is responsible for ensuring access to the applicable laws and regulations and their requirements? How is this accomplished?
- Who is responsible for keeping this information current?

Once the answers to these questions are obtained, the energy team typically coordinates with the environmental staff and management to evaluate the existing process and make any needed changes, and then assigns responsibilities for identifying, evaluating, and updating those legal requirements. The environmental staff may continue to handle the process for environmental legal requirements that also apply to energy uses, while the management representative may handle specific legal requirements related only to energy.

The [Legal and Other Requirements Tracking Matrix](#) can be used to document the applicable legal and other requirements and other relevant information.

For organizations that do not have an existing process and assigned responsibilities for identifying, evaluating, and updating applicable legal requirements, the starting point for this task is different. First, assign responsibility for these activities to specific personnel. In some cases, the organization may decide to hire external assistance in developing this part of its EnMS.



Learn More: **Resources to help identify applicable legal requirements**

A variety of resources are available to help an organization identify the legal requirements related to its energy uses. These include the following:

- Commercial legal and regulatory updating services
- Websites of federal, state, and local regulatory agencies
- The Code of Federal Regulations (CFR)
- Electronic newsletters
- Trade periodicals
- Trade associations
- Training courses and informational seminars
- Networking relationships with local agencies and officials
- Attorneys and consultants

Ensure that the requirements of applicable legal requirements are easily and readily accessible. Depending on the source of the legal requirement, access may be available through governmental or other websites, commercial or governmental databases, hardcopy or electronic subscriptions, etc.

Identify and access other requirements

The basic process for identifying and accessing the voluntary programs or other energy-related requirements subscribed to by your organization is much the same as it is for legal requirements. Roles, responsibilities, and authorities are assigned, and sources for accessing the text of the applicable requirements are determined. Information on the voluntary commitments and “other requirements” that apply to your organization’s energy uses is maintained and kept accessible. Often, this information is included in the list (or database or other compilation) of applicable legal requirements as a separate section or coded as a non-legal or voluntary requirement. The [Legal and Other Requirements Tracking Matrix](#) can be used to document the applicable other requirements and associated information.

Learn More: **Examples of voluntary commitments and other requirements**

Examples of voluntary commitments and other requirements related to an organization’s energy uses include the following:

- Voluntary standards (e.g., ISO 50001)
- Certification programs (ISO, Trade Group, etc.)
- Corporate energy requirements (e.g., energy conservation, energy performance reporting)



- LEED Certification (Existing Building & Maintenance)
- ENERGY STAR® Facility (U.S. EPA)
- State Greenhouse Gas (GHG) goals
- State Environmental or Energy Performance Programs
- Better Buildings, Better Plants (U.S. Department of Energy)
- Superior Energy Performance (U.S. Council for Energy Efficient Manufacturing)

The process for identifying the applicable “other energy-related requirements” subscribed to by your organization involves clearly defined communication channels between management (who commit on behalf of the organization) and the energy team (or other personnel responsible for the organization’s compliance with those requirements). Typically, the agency, non-governmental organization, trade association, or other organization responsible for the program or requirements will provide access to the program requirements and related resources.

Establish a process for evaluating and updating requirements

Evaluating energy-related legal and other requirements, whether they are current, new, or changed, involves first a review of their applicability. Second, if determined to be applicable, what those current, new, or modified requirements mean for your organization’s facilities, equipment, systems, processes, and personnel needs to be evaluated. Once the evaluation is completed and those impacts are understood, the actions needed to comply with those requirements are implemented. This can include, for example, additional or modified training, operational controls, measuring and monitoring, calibration, and record-keeping.

The recommended approach for effectively managing this part of the EnMS is to incorporate both the evaluation and updating processes into your organization’s change management processes. Keep in mind that it isn’t just new or changed legal and other requirements that may trigger changes in your EnMS. Changes in your organization’s activities, facilities, equipment, systems, and processes (including those resulting from energy projects) can also trigger changes in the legal and other requirements that apply to your operations.

You need to set defined intervals for reviewing legal and other energy requirements. Some organizations set a minimum review schedule (e.g., quarterly, semi-annually), but will keep the information on legal requirements up to date on an ongoing basis. Monitoring for new or changed legal requirements sometimes can be accomplished using electronic newsletters or e-mail update notifications from regulatory agencies or other sources. Reviews for updates to voluntary programs or other energy requirements subscribed to by your organization usually are conducted on an established frequency. Be sure to maintain evidence that the reviews have been conducted.

Establish a schedule and assign responsibilities



Compliance with legal and other energy-related requirements subscribed to by your organization must be evaluated at planned intervals. There is no required frequency; you determine the appropriate interval for the evaluations. The planned intervals may be different for different sets of requirements. Although compiling and submitting required regulatory reports generally is not considered evaluation of compliance with legal requirements, decisions on planned internal schedules for compliance evaluations typically take into account the required timing for such reports.

It is imperative that roles, responsibilities, and authorities for planning, conducting, and maintaining the results of compliance evaluations are defined and communicated to the appropriate personnel. Depending on the type of legal and other requirements that apply, compliance evaluation responsibilities and authorities may be dispersed across multiple positions. For example, the environmental manager may have overall responsibility for evaluating compliance for legal requirements that involve both environmental and energy issues, while the energy manager may be responsible for evaluating compliance with the energy requirements of local building codes.

Your organization may already have processes in place for periodic auditing or evaluation of compliance. For example, such processes may be in place for environmental or safety and health regulatory requirements. Appropriately leveraging any existing processes can be a more efficient use of resources than starting from scratch.

Conduct compliance evaluations

Consider either developing or obtaining checklist tools to assist in the compliance evaluation process. Checklists for auditing legal requirements (particularly for federal regulations) are often available either commercially or on the Internet. Customized checklists can be created by taking each requirement and developing questions that can be asked or evidence to be examined (e.g., records) to determine whether that requirement is being met. The [Compliance Evaluation Checklist](#) can be a useful starting point for the development of customized checklists.

When evaluations of compliance determine that one or more requirements are not being met, corrective action is taken to eliminate the source of the problem. Sometimes a situation may exist where there is no evidence of a nonconformity, but there are indications that a potential problem could arise based on current conditions. In this case, initiating a preventive action to further investigate the issue and take any needed actions can be appropriate. See [Corrective Actions](#) for additional information on corrective action and preventive action.

The results of these evaluations must be reviewed by top management as part of the management review process. [Management Review](#) provides information about the management review process.

Maintain records of results



The results of the compliance evaluations must be recorded and maintained. How the results are recorded, including the format and level of detail, is up to you. One approach is to prepare a high-level summary that indicates whether or not concerns or non-compliances were found and whether or not corrective or preventive actions to address them have been undertaken and completed.