

Document reviewed		
Title of the draft being reviewed:	Draft standard and guidelines on the development and application of Environmental Management Systems	
Contact information		
Surname:	Petch	
Given Name:	Eleanor	
Government (if applicable):	United Kingdom	
Organization (if applicable):		
Country:	United Kingdom	
E-mail:	Eleanor.Petch@fcdo.gov.uk	
General Comments		
See cover note attached.		
<p>We would like to highlight that the Environmental Management System (EMS) is closely linked to the suite of environmental Standards and Guidelines to be agreed by Council. It should therefore be noted that although we have provided comments below on this draft document relating to the EMS, we may have more comments, or other views, once we have had an opportunity to see the details contained in the related Standards and Guidelines not yet available for consultation.</p>		
<p>We feel that this is a good example of a draft Standard and Guideline that serves to enhance and operationalise draft Regulation 46.</p>		
<p>Throughout this draft document relating to the EMS there are some terms which are new, or undefined. We have detailed them below. In general, if new terms are introduced it would be beneficial to have these defined so that the user of the Standard or Guideline has clarity on what is required of them.</p>		
<p>To ensure consistency, it would be helpful to ensure that capitalisation is used consistently for Standard and Guideline where the documents in question are created by the ISA. The necessity of this was noted in the Pretoria workshop (2019) to make sure that there was a clear separation between ISA-initiated Standards and Guidelines and international standards.</p>		
<p>Another general suggestion is around the replacement of “goals” by a term that is more inclusive, such as “goals and objectives hierarchy”. This would ensure that the EMS is not constrained by individual definitions of goals. Details are expanded on below.</p>		
Specific Comments		
Page	Line	Comment
Background	4	We note the connection to other environment related Standards and Guidelines and the draft Regulations, and the comment that the environmental suite of Standards and Guidelines are to be reviewed together jointly. We would like clarity on whether comments for this Standard and Guidelines will be reviewed after this consultation, or kept for review after consultation of the other Standards and Guidelines and agreement of the draft Regulations?
Annex I	7	We suggest that “goals” is replaced by a term that is more

		inclusive, such as “goals and objectives hierarchy”. This would ensure that the EMS is not constrained by individual definitions of goals.
Annex I (4)(a)	31	An EMS should include all environmental impacts, not just key ones.
Annex II (II)(6)	98-99	“Framing requirements” should be explained.
Annex II	Fig 1	There appears to be no feedback mechanisms within the process. The EMS should include feedback mechanisms whereby recommendations from reviews or evaluations can be incorporated.
Annex II (III)(A) onwards	117 onwards	We agree that the senior management have a pivotal part to play in EMS. However, we are concerned that focus on senior management negates the need for all employees to demonstrate leadership and commitment to the EMS.
Annex II (III)(B)(11)	135 – 139	As above. We suggest that “ <i>objectives</i> ” are changed to “goals and objectives hierarchy”.
Annex II (III)(B)(11)	142	We would expect environmental objectives to be SMART. This includes being measurable.
Annex II (III)(B)(11)	148 - 153	As above. We consider this too prescriptive in terminology. Using “goals and objectives hierarchy” avoids constraining the EMS.
Annex II (IV) (C)(21) / Annex II (V)(D)(36)	198 / 301	“ <i>annex</i> ” should be capitalised.
Annex II (V)(A)(24)	216	We note that the term “ <i>as low as reasonably practicable (ALARP principle)</i> ” is not used elsewhere in Regulations, Standards and Guidelines that we have seen. It may prove more helpful to use terms common through the rest of the environmental documentation, or provide a detailed glossary on meaning.
Annex II (V)(A)(25)(a)	220	“ <i>Operational criteria</i> ” is unclear as to what should be established. Also relates to (VI)(B)(39).
Annex II (V)(B)	241 - 264	<p>The term “<i>nonconformities</i>” should be defined as this does not occur in the draft Regulations that we have seen.</p> <p>Our understanding is that term is derived from ISO14001 covering deficiencies affecting the efficiency of the EMS. This term should be (a) defined and (b) related, if appropriate, to incidents / notifiable events in the draft Regulations, and whether this a separate reporting cycle.</p> <p>Given that both examples presented relate to environmental damage (246 – 247: “<i>A nonconformity can, for example, consist in discharges from the mining support vessel or the mining operation on the seabed that exceed the environmental acceptance criteria</i>”), we would like clarity on whether “<i>nonconformities</i>” include</p>

		events/incidents unrelated to environmental damage, such as deficiencies that could occur throughout the whole of the EMS.
Annex II (VI)(A)(37)	311	<i>“environmental objectives and standards”</i> - we consider this too prescriptive in terminology. Using <i>“goals and objectives hierarchy alongside Standards and Guidelines”</i> avoids constraining the EMS.
Annex II (VI)(B)(42-43)	339, 343	The term <i>“performance criteria”</i> is first used here. This should be related / defined to <i>“criteria”</i> , <i>“operational criteria”</i> and <i>“environmental criteria”</i> .
Annex II (VII)(A)(50)	383	<i>“First party”</i> , <i>“second party”</i> and <i>“third-party”</i> should all be hyphenated, or all not hyphenated.
Annex II (VII)(A)(52)	396	(50) notes that <i>“Generally, audits can be carried out as first party audits, second party audits and third-party audits:</i> <ul style="list-style-type: none"> • <i>first party audits are internal audits carried out by, and within, the Contractor organisation</i> • <i>second party audits are external audits carried out by the Contractor, auditing its subcontractors and suppliers”</i>. (52) notes that <i>“The programme should cover internal audits (first party) and external audits of subcontractors (second party)”</i> . These seem to contain the same information, and maybe (52) could be omitted.
<i>Additional rows can be added to this table by selecting “Table” followed by “insert” and “rows below”</i>		

Comments should be sent by e-mail to ola@isa.org.jm