



# 22 CFR 216: Environmental Impact Assessment

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# So . . . What Is 22 CFR 216?

- ◆ Title 22 of the Code of Federal Regulations, Part 216
- ◆ It is USAID's procedures to undertake environmental impact assessment of our programs

# Who Is Responsible?

- ◆ Every USAID officer who has any role with USAID funded projects
- ◆ Every partner who seeks USAID funds
- ◆ USAID has a small staff of environmental professionals who provide advice and hold program/technical/procurement officers accountable
- ◆ General Counsel and Inspector General staff provide additional support to environmental officers

# Why bother?

- ◆ It is state-of-the-art development
- ◆ It produces optimal results
- ◆ It avoids harming people
- ◆ It avoids negative economic growth
- ◆ It avoids diplomatic problems
- ◆ It engenders public trust in USAID
- ◆ It allows USAID to exist
- ◆ It is the law

# What Does 22 CFR 216 Say?

- ◆ Every program, project, activity or amendment must undergo environmental impact assessment prior to obligation of funds
- ◆ Potential impacts must be considered and mitigative measures or design changes incorporated
- ◆ This process is documented in writing and is open to the public

# And What Else?

- ◆ Decisions are recommended by a Mission Director and approved by a Bureau Environmental Officer in AID/W
- ◆ Impact assessment is a two-step process – an initial assessment is undertaken at the beginning of design, and if needed a more detailed assessment may be required

# More . . .

- ◆ The initial assessment is called either a request for Categorical Exclusion (CE) for certain non-controversial types of projects, or an Initial Environmental Examination (IEE) for projects that may have limited potential impacts
- ◆ Projects that are identified as having potentially substantive impacts progress to a Scoping Exercise (Scoping)

# More . . .

- ◆ A Scoping Exercise results in a statement of work for an Environmental Assessment (EA)
- ◆ In rare cases, a project may require an Environmental Impact Statement (EIS) undertaken under domestic U.S. regulations



# More . . .

- ◆ Public participation is an important element for a number of reasons:
  - It ensures all issues are surfaced
  - It builds civil society and trust
  - It creates buy-in for the project which optimizes results

# Record Keeping

- ◆ Copies of all approved 22 CFR 216 documents are kept in two places:
  - The official project files maintained by the SO team
  - The official BEO files maintained by the BEO
- ◆ 22 CFR 216.10 makes all of these available to the public

# Can A Clever Person Avoid It?

- ◆ No. While pressures will arise sometimes to obligate money or design quickly, not undertaking 22 CFR 216 assessment is foolish since it results in bad project design, wasted money, potential harm to real people, setting back economic development, creating political damage and placing the entire Agency at risk
- ◆ It is also bad for a person's career

# Case Study - Zaragosa Well

## 1/29/04 Site Visit

- ◆ Replacement well drilled for 500 families
- ◆ 20 meters from old collapsed well and 15 meters from heavy traffic road
- ◆ 5 meters downhill from large truck repair and recycling yard and large horse stable
- ◆ Sewage emptying untreated into stream
- ◆ Stream used for irrigating export crop strawberries
- ◆ Hepatitis A and diarrheal diseases are endemic

# Was the well a good idea?

- ◆ The idea was good – people need clean and reliable water
- ◆ **But**, the environmental impacts were not adequately considered resulting in the project causing far more harm to the citizens than the good it did
- ◆ Overall, the people of Zaragosa would have been better off without the “help” in the way it was provided

# What harm?

- ◆ The new well was drilled in the same unstable sediments as the old and closer to vibrations from the large road. It will likely collapse and the investment will be lost and trust from the people damaged
- ◆ The new well will provided unhealthy water soon as the pollution from the stable and the oil, transmission fluid, cleaning agents, etc. from the truck repair yard

# More . . .

- ◆ Hepatitis A and other fecal based diseases will be increased with the larger flow of untreated sewage into the stream
- ◆ The town's strawberry exports to the U.S. will likely be stopped soon when they are discovered to have sewage residues and disease on them from the irrigation. The entire county's strawberry exports could be ended at that time as well

# So Where Do I Get A Copy Of 22 CFR 216?

- ◆ 22 CFR 216 is found in ADS Chapter 200
- ◆ It is on the USAID internal and external websites
- ◆ [http://www.usaid.gov/our\\_work/environment/compliance](http://www.usaid.gov/our_work/environment/compliance)
- ◆ A Spanish translation is on the websites



# Is 22 CFR 216 Integrated Throughout The ADS?

- 22 CFR 216 requirements are integrated into USAID planning, implementing, evaluating and environment directives. ADS Chapters 200, 201, 202, 203, 204
- 200.4.1 – 22 CFR 216 is included in the Agency mandatory references
- 201.3.12.2 – 22 CFR 216 environmental reviews required for all actions prior to obligations



# More . . .

- 201.3.12.2 – Biosafety assessment and approval for any proposed procurement or use of Genetically Modified Organisms (GMO) prior to and informing 22 CFR 216 analysis
- 201.3.12.6 – 22 CFR 216 findings and requirements incorporated into activity designs
- 201.3.12.13 – 22 CFR 216 deferrals approved by a BEO at design stages must be completed before approving activities or disbursing funds



# More . . .

- 201.3.12.14 – When funds not obligated at SO level, 22 CFR 216, must be completed prior to obligation
- 201.3.12.15 – Activity Approval Documents (AADs) summarize 22 CFR 216 requirements
- 202.3.4.6 – SO teams accountable for maintaining copies of 22 CFR 216 documentation



# More . . .

- 202.3.6 – SO teams and CTOs accountable for actively managing and monitoring 22 CFR 216 determination compliance
- 203.3.7.2 – Vulnerability issues for portfolio reviews include whether activities are in compliance
- 203.3.8.7 – 22 CFR 216 compliance is required in determining whether an SO or activity is meeting its targets. If not in compliance, steps necessary to come into compliance are required



# And more . . .

- ADS Chapter 204 - 22 CFR 216 implementation:
  - Describes roles and responsibilities of various officials in missions, regional posts and AID/W
  - Describes decision making authorities



# Does 22 CFR 216 apply to GDA?

- Yes!
- In cases with joint USAID-Partner funding
  - 22 CFR 216 applies directly
- In cases with unlinked parallel funding
  - due diligence to ensure USAID associates itself only with environmentally and socially responsible partners applies



# Questions And Discussion

