



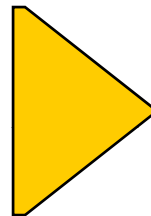
USAID
FROM THE AMERICAN PEOPLE

USAID's Environmental Procedures in Brief

USAID's Env. Review & Sustainability Mandate

❖ §117 of the FAA requires that USAID:

- *utilize an **Environmental Impact Assessment (EIA) process** to evaluate the potential impact of USAID's activities on the environment prior to implementation*
- *“fully take into account” environmental sustainability in designing and carrying out its development programs.*



EIA:

A formal process for: evaluating likely **EFFECTS** of activities or projects on the environment, human health and welfare , and designing means and measures to monitor and mitigate these effects

EIA has many variations—but the basic EIA process and principles internationally standardized.

Institutional response

USAID's ENVIRONMENTAL PROCEDURES

- ❖ are the response to this mandate:
 - 22CFR216 (“Reg. 216”) and
 - Multiple ADS provisions, (especially 201.3.12.2.b and 204.)
- ❖ Compliance is mandatory.
- ❖ With minimal exceptions for international disaster assistance, they apply to every program, project, activity, and amendment supported with USAID funds.



Objective of the Procedures:

Environmentally Sound Design and Management

- ❖ Strengthening project outcomes
- ❖ Avoiding environmental failures
- ❖ Safeguarding the good name and reputation of the agency

Origin of the procedures

1974

In 1974, USAID provided highly concentrated Malathion to poorly trained field workers on an agricultural project in Pakistan

Working without protective equipment in the heat, the workers sprayed each other.

5 died.

1975

Sued by US NGOs, USAID ultimately faced a choice: *develop environmental safeguard procedures or shut down.*

USAID settled out of court, agreeing to develop such procedures.

THE BIG PICTURE:

What do the procedures require?

- 1 The procedures specify an EIA process that must be applied to all activities **before** implementation
- 2 This process frequently results in environmental management conditions (mitigative & monitoring measures).
- 3 These measures must be implemented and monitored over the life of the activity/project (LOP).

Key elements of LOP compliance

- 1. Environmental considerations must be taken into account in activity planning .**
- 2. No activities may be implemented without *approved Reg 216 environmental documentation***
- 3. Any resulting mitigation and monitoring conditions are:**
 - 1. written into contract instruments.**
 - 2. implemented, and this implementation is monitored**

Request for Categorical Exclusion, Initial Environmental Examination, or Environmental Assessment

This documentation is the result of the EIA process defined by Reg. 216

Monitoring via field inspections and review of routine project reports submitted by implementing partners

Key elements of LOP compliance (cont'd)

4. *Environmental compliance is assessed in Annual Reports*
5. *Environmental compliance documentation is maintained.*

Note: all Reg. 216 Env. Documentation must be cleared both at the Mission level (MD) and in Washington by the Bureau Environmental Officer (BEO).



Who is responsible?

Fundamental responsibility & accountability:

- Team Leaders
- each CTO or Activity Manager
- ultimately with the Mission Director.

MEO is generally a compliance advisor and coordinator.

Making compliance happen

❖ In practice, LOP compliance requires:

1. *All CTOs and Activity Managers **know the Reg. 216 Determinations and conditions** assigned to the activities under their purview*
2. ***Team-level compliance planning** (required by ADS)*
3. ***Environmental Compliance Clauses in Procurement Instruments meet key criteria***
4. ***Reg 216 documentation coverage is confirmed** during project designs, amendments, extensions, and during the preparation of the Annual Reports*

Making compliance happen:

Knowing your determinations

Categorical Exclusion	The activity falls into one of the classes of activities enumerated by Reg, 216 as posing low risks of significant adverse environmental impacts, and no unusual circumstances exist to contradict this assumption. The activity has no attached environmental management conditions.
Negative Determination	Per analysis set out in an IEE, the activity is found to pose very low risk of significant adverse environmental impact. The activity has no attached environmental management conditions.
Negative Determination with Conditions	Per analysis set out in an IEE, the activity is found to pose very low risk of significant adverse environmental impact if specified environmental mitigation and monitoring measures are implemented. The activity proceeds on the condition and requirement that these measures (“conditions”) are fully implemented.
Positive Determination	Per analysis set out in an IEE, the activity is found to pose substantial risks of significant adverse environmental impacts. Therefore, the activity cannot proceed until an Environmental Assessment (EA) is developed and duly approved, and then on the condition that environmental mitigation and monitoring measures specified by the EA are fully implemented

Making compliance happen:

Knowing your determinations



*The only activities not assigned determinations are international disaster assistance activities verified as **EXEMPT** from the procedures.*

CTOs and Activity Managers must also be aware of any activities under their purview having exempt status, and when such exempt status will terminate

Making compliance happen: Effective Compliance Language

- ❖ Generally, partners implement, USAID oversees.
- ❖ The same relationship applies in environmental compliance:
 - *Partners implement environmental management measures & monitor effectiveness*
 - *In practice, this requires:*
 - an fully **Environmental Mitigation and Management Plan (EMMP)** responsive to IEE/EA conditions
 - Building the EMMP into the workplan, budget & PMP
- ❖ Procurement instruments must operationalize these partner responsibilities

EMMPs

- Translate the general conditions in the IEE/EA into more specific measures,
- assign implementation responsibilities
- set out monitoring/ reporting measures

Without an EMMP, systematic & verifiable implementation of IEE/EA conditions is almost impossible

Making compliance happen:

Effective Compliance Language

Effective Compliance Language requires that:

- *The partner verifies current and planned activities annually against the scope of the approved Reg. 216 documentation.*
- *Where activities demand environmental management expertise, appropriate qualifications and proposed approaches to compliance are addressed in technical and cost proposals.*
- *The partner develop an EMMP full responsive to all IEE/EA conditions (unless this already exists in the Reg. 216 documentation or will be developed by USAID staff)*
- *Budgets and workplans integrate the EMMP.*
- *PMPs measure EMMP implementation.*

Introducing. . .

ADS Help Document: Environmental Compliance: Language for Use in Solicitations and Awards

NEW!

Environmental Compliance: Language for Use in Solicitations and Awards

ABOUT THIS LANGUAGE

The following recommended language is for use by Cognizant Technical Officers (CTOs), Activity Managers, Contracting Officers (COs), Mission Environmental Officers (MEOs), Program Officers, Bureau Environmental Officers (BEOs), and other USAID staff involved in solicitations, awards, and activity design and management.

Its purpose is to ensure adequate time is provided for environmental review and that environmental factors and mitigative measures identified in approved environmental impact assessment documentation are incorporated in the design and approval of each program and activity before the Operating Unit Team, Activity Manager or CTO makes an irreversible commitment of resources for the program or activity. It also is intended to help improve application of USAID's environmental procedures (22 CFR, 216 or Regulation 216) to create more sustainable and successful implementation of activities, projects, and programs.

- By explicitly enumerating the environmental compliance responsibilities of project implementers, use of this recommended language can help ensure that environmental compliance requirements stemming from the Regulation 216 process are fully integrated into project designs, workplans, and implementation of activities.
- Use of the language also alerts USAID staff and implementing partners early on to the need for a budget to implement environmental compliance measures and to the importance of providing

Available on the ADS server and from

www.encapafrika.org/moEntry.htm.

- ✓ Step-by-step guidance and boilerplate text
- ✓ Produces “effective compliance language” quickly and easily
- ✓ For RFAs/ RFPs/ agreements/ grants/ contracts
- ✓ Optional, not required

“Critical non-compliance” situations



If you believe that. . .

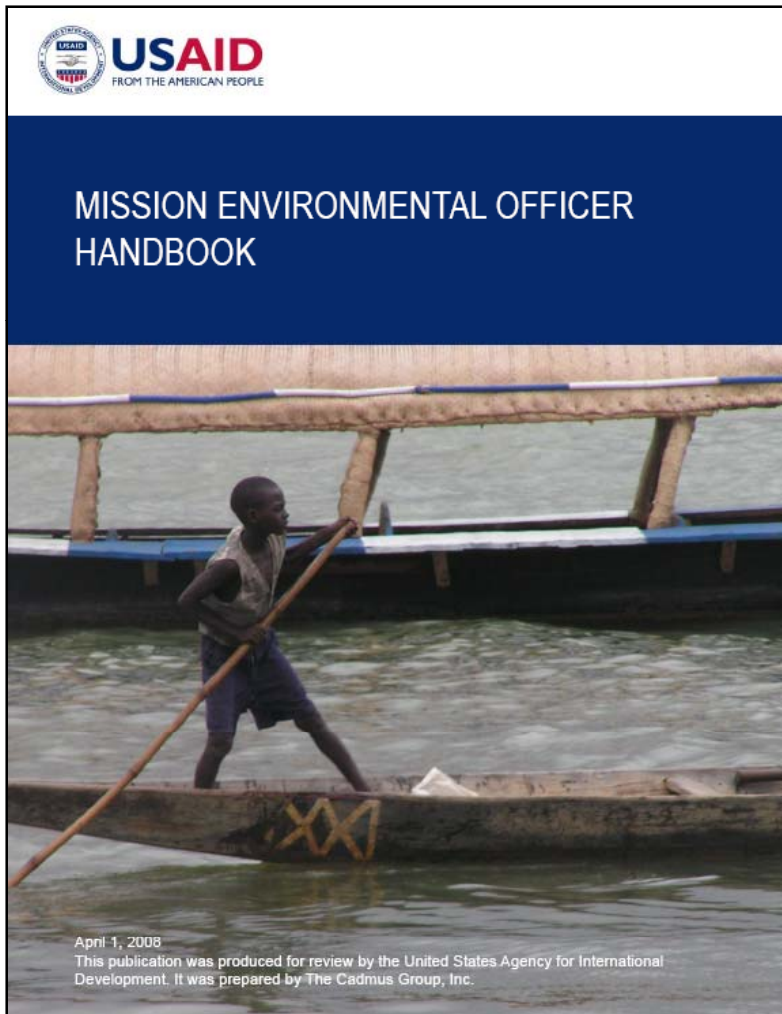
(1) failure to implement mitigation measures OR

(2) unforeseen environmental impacts of project implementation

are creating a significant and imminent danger to human health or critical environmental resources, IMMEDIATELY notify the CTO, MEO and Mission Management.

Resources:

AFR MEO Handbook: A New Guide to LOP Compliance



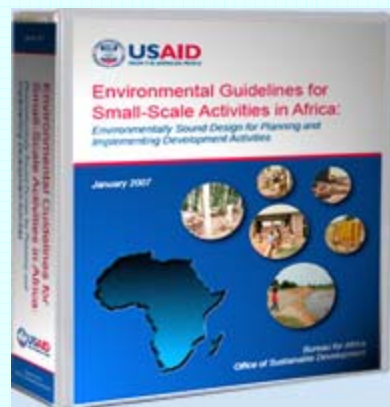
The new *MEO Handbook*:

- ❖ Organized around LOP compliance.
- ❖ Targeted at MEOs, but a useful, concise reference for all
- ❖ Feedback solicited
- ❖ Available on-line via the MEO Resource Center at www.encapafrika.org.

Fully compatible with the model environmental Mission Order.

Resources:

Small-Scale Guidelines: Mitigation & Monitoring design



Available at
www.encapafrika.org

Sector coverage:

Agriculture & Irrigation

CBNRM

Construction

Ecotourism

*Energy Sources for
Development*

*Fisheries and
Aquaculture*

*Forest Management,
Plantations &
Agroforestry*

Healthcare Waste

Housing

*Humanitarian Response
& Disaster Assistance*

Livestock

*Micro & Small
Enterprises (multiple
sectors)*

Pest Management: IPM

*Pest Management:
Safer Pesticide Use*

Rural Roads

*Small Health Facilities
(in draft)*

Schools (in draft)

*Water Supply and
Sanitation*

Resources: MEO Resource Center

NEW!



Welcome to the MEO Resource Center

The MEO Resource Center is a single point of access to a wide range of environmental compliance, best practice, and related references for MEOs. It was created as a companion to the [MEO Handbook](#). Together, the Resource Center and the Handbook are intended to provide USAID Mission Environmental Officers (MEOs) in Africa with the guidance and the resources they need to be as effective as possible in helping their Missions attain and maintain full compliance with USAID's Environmental Procedures and to mainstream environmentally sound design and management (ESDM).

Some of these files are located in the Environment Officer's SharePoint site and require user authorization. Contact your [REA](#) or [REQ](#) for access to the site or for a copy of the document.

- [+/-] [Basic Concepts and Knowledge](#) - Basic information about ESDM, the EIA process, and USAID's Environmental Procedures.
- [+/-] [Reg 216 Documentation Development](#) - Step-by-step guidance, recommended language, and forms and templates for Reg 216 documentation. (RCE, IEE & PERSUAP Development)
- [+/-] [Mission Processes and MEO Responsibility](#) - Resources for Environmental Compliance Best Practice Reviews, Sample MEO appointment memos, SOWs and Mission Environmental Orders
- [+/-] [Mitigation and Monitoring](#) - Principles of Mitigation and Monitoring, EMMP template and guidance, and tools for Mission monitoring of partner implementation of IEE/EA conditions & best practices.
- [+/-] [Training & Contacts](#) - BEO, REA, and MEO names and contact information, Agendas, and full course materials for ENCAP training courses

Compliance Forms
Environmental Review Form Word (201 KB)
Annotated IEE Template with Facesheet Word (48 KB)
Annotated RCE Template with Facesheet Word (39 KB)
Tool Box
IEE Assistant
IEE Archive
Compliance Language for Procurements Word PDF
FAQs
MEO Training Courses
Kasane, Botswana 2005
Cape Coast, Ghana 2007
Bagamoyo, Tanzania 2008
ENCAP Services
ENCAP Mission and Program services Factsheet PDF (105KB)

“a single point of access to a wide range of environmental compliance, best practice, and related references. . .”

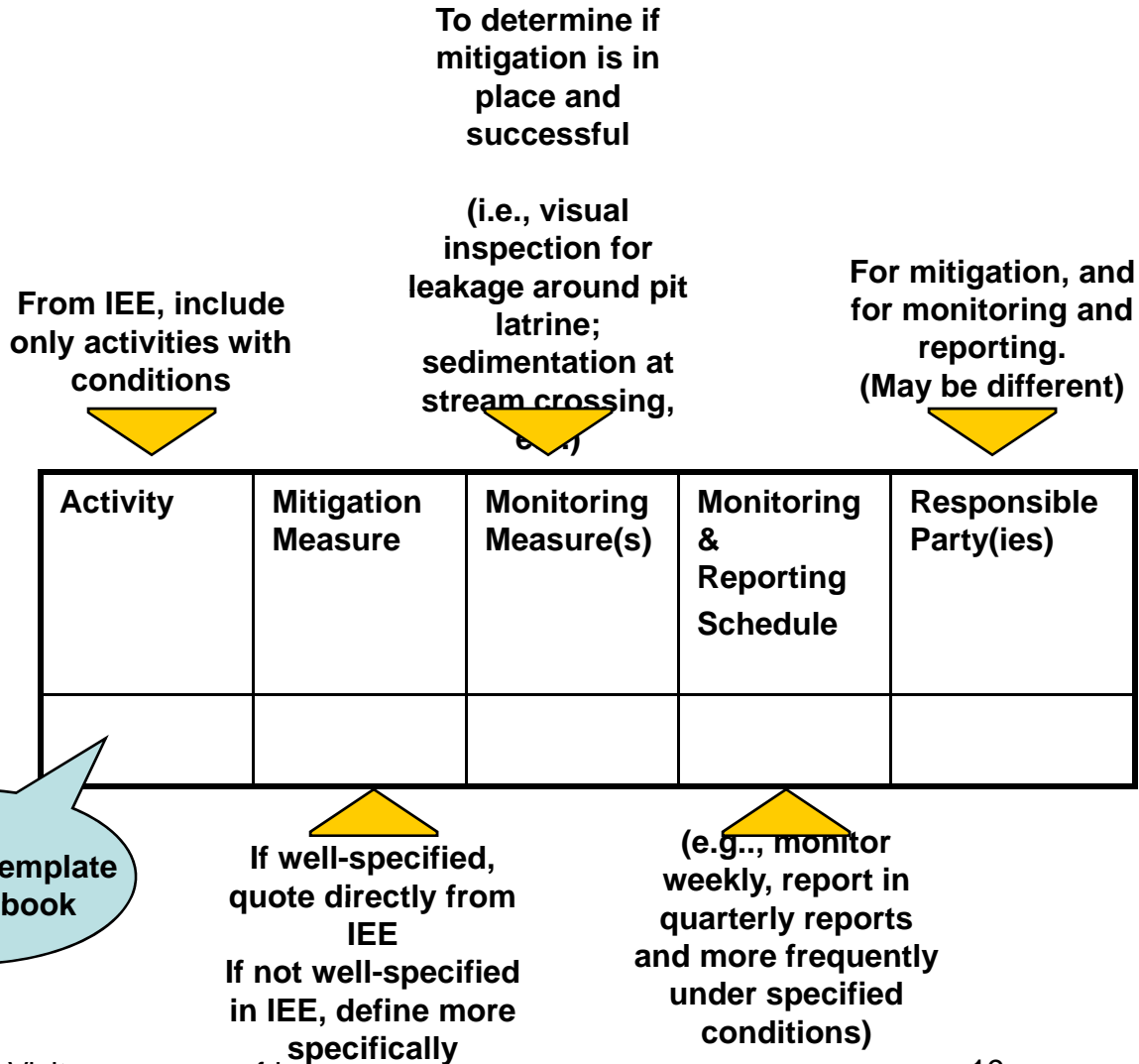
www.encapafrika.org/meoentry.htm

Supplemental slides

What is an EMMP?

An EMMP sets out:

- ALL the mitigation measures required by the IEE/EA
- indicators or criteria for monitoring their implementation & effectiveness
- who is responsible for mitigation & monitoring.



Env “Failures” Example: Health care facilities

- ❖ **Goal:**
Improve public health
- ❖ **Risk:**
Endanger the health of patients and the community with **poor facilities design & **improper waste management****

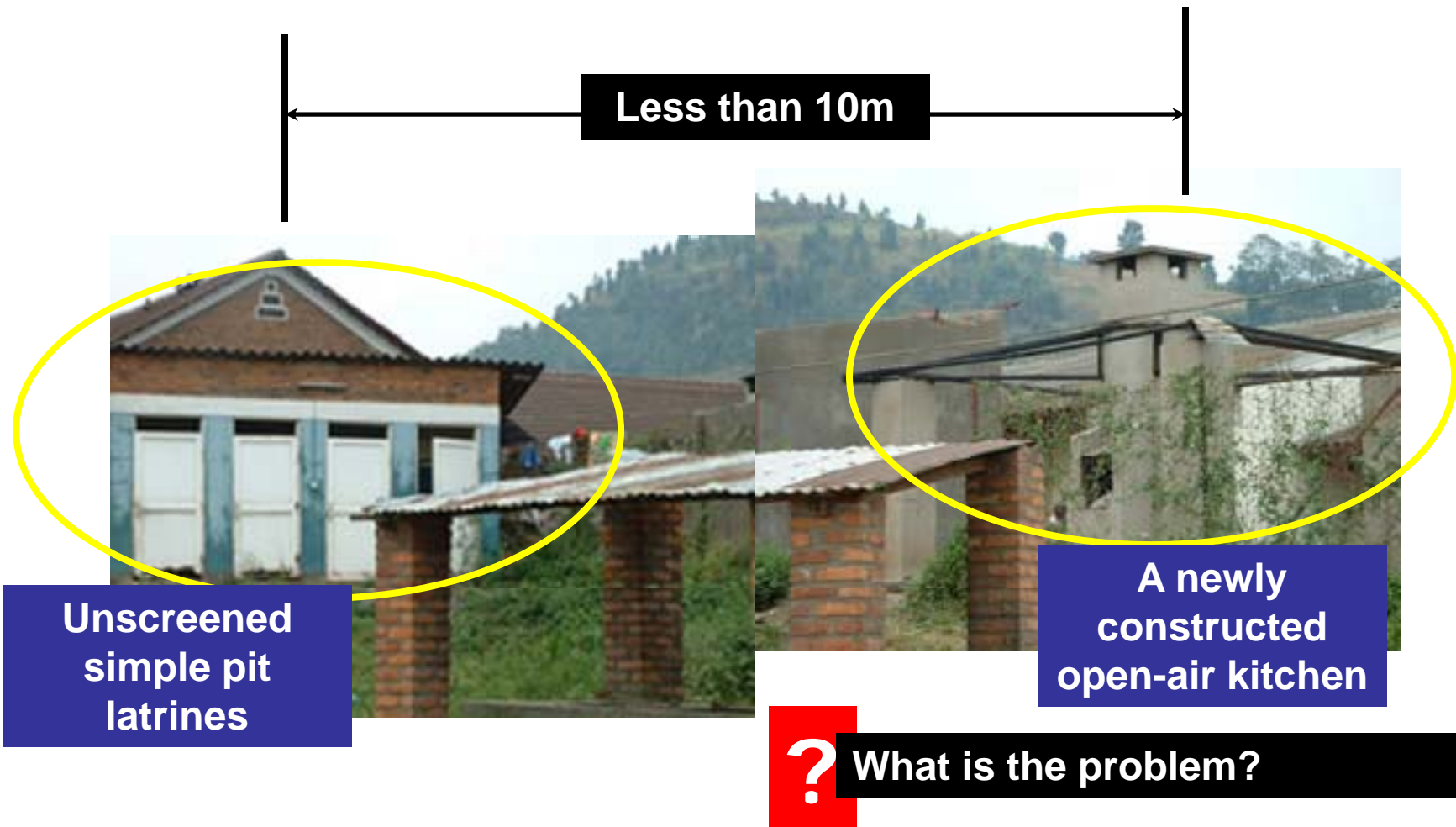


An unused incinerator. . .

surrounded by needles & other medical waste (open access to livestock, ~15m from households)



Env “Failures” Example: Health care facilities



Env “Failures” Example: Water & Sanitation

- ❖ **Goal:**
Improve/preserve public health & quality of life
- ❖ **Risks:**
Endanger public health, degrade water supply, with **poor design** and **operation**



Env “Failures” Example: Community Reforestation

An activity intended
to improve the
environment!

- ❖ **Goals:**
Conserve soil & prevent erosion, provide building materials & fuel, reduce risk/impacts of flooding
- ❖ **Risks:**
 - *Deplete water table,*
 - *Displace local plants and vegetation,*
 - *Intensify use of pesticides*
 - *Increase community vulnerability*



Is this a
nice picture?

Env “Failures” Example: Community Reforestation



**Unfortunately
not.**

**Progressive
blight
(80% mortality)
in the shade
trees, an aging
monoculture**

**High-quality
organic shade-
grown coffee**

Unforeseen long-term vulnerabilities created by monoculture reforestation will likely affect thousands of small coffee producers.