

Draft IEE for Sustainable Wellness Program: Health Clinic Construction and Renovation Activity

1. Background and Activity Description

1.1 Purpose and Scope

- This is an activity-level IEE that supplements the existing program PAD-level IEE for the Sustainable Wellness Program in Vietnam (Asia 15-200), as required in the IEE terms and conditions.
- Its purpose is to provide the first review of the reasonably foreseeable effects on the environment and recommend Threshold Decisions for proposed construction and renovation of health clinics

1.2 Background

- As part of the U.S. Government's broader assistance program in Vietnam, USAID has been assisting Vietnamese persons with disabilities (PWDs). USAID/Vietnam intends to support a more inclusive Vietnam by expanding opportunities for persons with disabilities with the help of a private-sector partner. Specifically, USAID/Vietnam hopes to procure services to enhance the health and well-being of Vietnamese persons with disabilities through higher quality and sustainable services, awareness, and advocacy strengthening. This will be achieved through support of policymaking at the national level and more comprehensive programming in provinces of Vietnam.
- The award for assistance to persons with disabilities will focus on: 1) fostering the enabling environment for disability issues to be addressed by national and sub-national policymakers and service providers, including the private sector; 2) delivering assistance and physical, occupational and health (POH) services to persons with disabilities; and 3) improving the capacity of POH service providers.
- Awardees may propose activities in one or more of the following areas:
 - Foster disability rights policies, advocacy, and coordination, including the private sector
 - Deliver services to assist persons with disabilities to participate in society
 - Improve capability to provide quality POS services
- In accordance with the original IEE, the first two areas have been determined to have categorical exclusions. However, the third area, ensuring greater access to POH services, has been recently added. Experience shows that health care facilities, such as clinics are not adequate to meet local demands. Therefore, activities will include construction of a clinic and renovation of an existing clinic.

1.3. Description of Activities:

- Construction: Construction of a three-room building in Tuyen Quang Township to serve as office space for health clinic services. The new building will be adjacent to existing health clinic buildings.
- Renovation: The renovation will be of an existing five-room clinic also in Tuyen Quang Township that will provide new flooring, windows, roofing, wall painting, and the construction of a gated fence to enclose the site.

2. Country and Environmental Information

2.1. Locations Affected

- The construction will occur on a two hectare parcel of land on which there are two existing health clinic buildings. The existing buildings have municipal water and sewer services.
- The renovation will occur to a building that occupies a one hectare parcel of land that belongs to the Township. There are no critical habitats or wetland areas and the building is not within a flood plain. The beneficiary will be villagers from the Tuyen Quang Township.

2.2. Applicable Host Country Environmental Policies and Procedures:

- Vietnam has promulgated a legal and policy framework for environmental protection of development activities, and is party to many international agreements and conventions such as the Convention on Biological Diversity, Convention on Wetlands of International Importance (RAMSAR), the Montreal Protocol for Deletion of Substances that Deplete the Ozone Layer; the United Nations Framework Convention on Climate Change, and the Paris Declaration on Aid Effectiveness. The GVN environmental assessment process is conducted in compliance with Vietnamese law, decrees, circulars, national technical regulations (QCVN), and national technical standards (TCVN).
- The GVN Environmental Impact Assessment (EIA) system is governed by the following primary legal and policy regulations:
 - Law on Environmental Protection (LEP) No. 52/2005/QH11;
 - Decree 80/2006/ND-CP, On Detailed Guideline for Implementation of Some Articles of Law on Environmental Protection;
 - Decree 21/2008/ND-CP, Amending and Supplementing Some Articles of Decree 80/2006/ND-CP; and
 - Circular 05/2008/TT-BTNMT, On Guidelines for Strategic Environmental Assessment, Environmental Impact Assessment, and Environmental Protection Commitments.
- Both the construction and renovation activities have received approval from the Tuyen Quang Township government officials, as well as the local Village Development Committee. There may be other regulations relevant to this program and the implementer will be responsible for the identification and compliance.

3. Evaluation of Environmental Impacts

- These development activities are intended to provide benefits for targeted recipients, however, when mis-managed they may cause adverse impacts that can offset intended benefits. Impacts can be direct, indirect, or cumulative. They can also be beneficial or negative. The USAID Sector environmental guidelines are good resources in finding more information on potential impacts for various sectors. The following link is to all sector guidelines: <http://www.usaidgems.org/sectorGuidelines.htm>
- Construction and Renovation:
 - These activities have potential adverse impacts on workers. Worldwide, construction/renovation is a dangerous occupation. In developing countries overall, construction is estimated to be on average 10 times more dangerous than in developed economies. Given the age of building there is likelihood of encountering asbestos containing material, especially on the exiting roof.
 - Typical health and safety risks to construction/renovation workers in developing countries include falls and falling objects, crush injuries from collapses and heavy equipment, flying debris, and exposure to toxics such as solvents, cement dust, lead and asbestos. Climates with increased temperatures may also lead to more health impacts on workers due to extreme heat stress. Occupational injuries and illnesses can permanently deprive construction workers of the ability to earn a livelihood – and are often fatal.
 - Improperly disposed of construction debris can cause degradation to soil, air, and water and poses potential public health risk and negative aesthetic impact.

4. Recommended threshold decisions and mitigation actions, including monitoring and evaluation

- The construction and renovation activities are recommended for a Negative Determination with Conditions threshold determination. When implemented ineffectively they may cause adverse impacts that can offset or eliminate the intended benefits. Mitigating environmental impacts with these activities requires a participatory approach to activity/program design and management. Strong technical design of the projects is also critical. The following are specific conditions to mitigate the potential negative impacts for respective activities.

- All construction and renovation activities will be conducted following principles for environmentally sound construction/renovation, as provided in the USAID Sector Environmental Guidelines - Small Scale Construction, which can be found at: <http://www.usaidgems.org/Sectors/construction.htm>.
- The Implementing Partner (IP) will, in addition to conducting planning in accordance with above-referenced small-scale construction guidelines, analyze potential site-specific environment, health, and safety impact and document this analysis using the attached (see Annex 1) Environmental Review Checklist for Identifying Potential Environmental Impacts of Project Activities and Processes (ERC). This includes completing Section G. Further Analysis of Recommended Action; and if selecting option 2. (Negative Determination with Conditions) completing Section H by preparing a suitable and adequate environmental mitigation and monitoring plan (EMMP). Construction will not begin until the ERC, including an EMMP, is completed and approved by the Agreement Officer's Representative (AOR), in consultation with Mission Environmental Officer (MEO).
- In cases where application of the ERC process to the rehabilitation of existing buildings reveals the presence of asbestos containing materials (ACM), the IP will review the EMMP for Support for Rehabilitation of Existing Facilities with Asbestos Remediation (see Annex 2) for suitability, adequacy, and comprehensive inclusion of necessary environmental, health and safety safeguards. When necessary, a revised EMMP will be sent to the AOR, prior to the start of work. For each site-specific rehabilitation activity where ACM will be encountered, the EMMP attached as Annex 2 to this IEE, or the revised version, if appropriate, will be attached to the signed Certification of No Adverse or Significant Effects on the Environment (See Annex 2) and sent by the implementer to the AOR for his or her records and copied to the MEO. After the IP has finalized its rehabilitation activity involving ACM at a specific site, the IP will sign a Record of Compliance with the EMMP (see Annex 2) certifying that the organization met all applicable EMMP conditions and submit it to the AOR. The AOR will keep the original for the project files and provide a copy to the MEO.
- A USAID Engineer will review all designs prior construction.
- The checklist found at the following website should be used to monitor activities: http://www.usaidgems.org/Documents/VisualFieldGuides/ENCAP_VsIFldGuide--Construction_22Dec2011.pdf
- In addition to the specific conditions enumerated in the Negative with Conditions section, the threshold determinations recommended are contingent on full implementation of the following general monitoring and implementation requirements:
 - Environmental compliance actions and results in USAID solicitations and awards. The Agreement Officer will include language and reference to this IEE in appropriate solicitations and awards. Suggested language for use in solicitation and awards can be found at the following link: <http://www.usaid.gov/ads/policy/200/204sac>
 - IP Briefings on Environmental Compliance Responsibilities. The AOR will provide the IP with a copy of this IEE; the IP will be briefed on their environmental compliance responsibilities by their AOR. During this briefing, the IEE conditions applicable to the IP's activities will be identified.
 - The EMMP will identify how the IP will assure that IEE conditions that apply to activities supported under subcontracts and sub-grants are implemented. (In the case of large sub-grants or subcontracts, the IP may elect to require the sub-grantee/subcontractor to develop their own EMMP.)
 - Integration and implementation of EMMP. The IP will integrate the EMMP into their project work plan and budgets, implement the EMMP, and report on its implementation as an element of regular project performance reporting.

- The IP will assure that sub-contractors and sub-grantees integrate implementation of IEE conditions, where applicable, into their own project work plans and budgets and report on their implementation as an element of sub-contract or grant performance reporting.
- Integration of environmental compliance responsibilities in sub-contracts and grant agreements. The IP will assure that sub-contracts and sub-grant agreements reference and require compliance with relevant elements of the IEE and any attendant conditions.
- Assurance of sub-grantee and sub-contractor capacity and compliance. The IP will assure that sub-grantees and subcontractors have the capability to implement the relevant requirements of this IEE. The IP will, as and if appropriate, provide training to sub-grantees and subcontractors in their environmental compliance responsibilities and in environmentally sound design and management (ESDM) of their activities.
- Implementing Team monitoring responsibility. As required by ADS 204.3.4, USAID will actively monitor and evaluate whether there are new or unforeseen consequences arising during implementation that were not identified and reviewed in accordance with 22 CFR 216. USAID will also monitor the need for additional review. If additional activities not described in this document are added to this program, an amended environmental examination must be prepared and approved.
- New or modified activities. As part of its initial Work Plan, and all Annual Work Plans thereafter, the IP, in collaboration with their AOR, will review all planned and ongoing activities to determine if they are within the scope of this IEE.
- If any IP activities are planned that would be outside the scope of this IEE, an amendment to this IEE addressing these activities will be prepared for USAID review and approval. No such new activities will be undertaken prior to formal approval of this amendment.
- Any ongoing activities found to be outside the scope of the approved Regulation 216 environmental documentation will be halted until an amendment to the documentation is submitted and written approval is received from USAID. This includes activities that were previously within the scope of the IEE, but were substantively modified in such a way that they move outside of the scope.
- Compliance with Host Country Requirements. Nothing in this IEE substitutes for or supersedes IP, sub-grantee and subcontractor responsibility for compliance with all applicable host country laws and regulations for all host countries in which activities will be conducted under the USAID activity.
- The IP, sub-grantees and subcontractor must comply with each host country's environmental regulations unless otherwise directed in writing by USAID. However, in case of conflict between host country and USAID regulations, the latter will govern.
- Commodities. (When possible) the IP will be able to provide evidence commodities are purchased from authorized suppliers; environmental safety and quality certificates confirming to national and/or international standards are available; and recipients of the equipment are informed of environmentally sound use and disposal methods.

5. Limitations of the IEE. This assistance does not cover activities involving:

- Assistance for the procurements (includes payment in kind, donations, guarantees of credit) or use (including handling, transport, fuel for transport, storage. Mixing, loading, application, clean-up of spray equipment and disposal) of pesticides (where pesticides cover all insecticides, fungicides, and rodenticides, etc. covered under the "Federal insecticide, fungicide, and rodenticide Act" FIFRA.) or activities involving procurement, transport, use, storage, or disposal of toxic materials, which will require an amended IEE submitted to Asia/BEO for approval.
- Activities involving support to wood processing, agro-processing, industrial enterprises, and regulatory permitting.

- Assistance, procurement or use of genetically modified organisms (GMOs) will require preparation of biosafety assessment (review) in accordance with ADS 201.3.11. 2(b) in an amendment to the IEE and reviewed by the Agency Biosafety Review Advisor and approved by Asia BEO.
- Development Credit Authority or Global Development Alliance programs.
- Procurement or use of Asbestos Containing Materials (ACM) (i.e. piping, roofing, etc.) Polychlorinated Biphenyl's (PCB) or other toxic/hazardous materials prohibited by US EPA and/or under international environmental agreements and conventions. e.g. Stockholm Convention on Persistent Organic Pollutants as provided at: <http://ehm.pops.int>.
- Activities involving medical waste.
- Agricultural activities.

Any of these actions would require an amendment or supplement to the IEE duly approved by the Asia BEO.