



Roles, Responsibilities & Resources

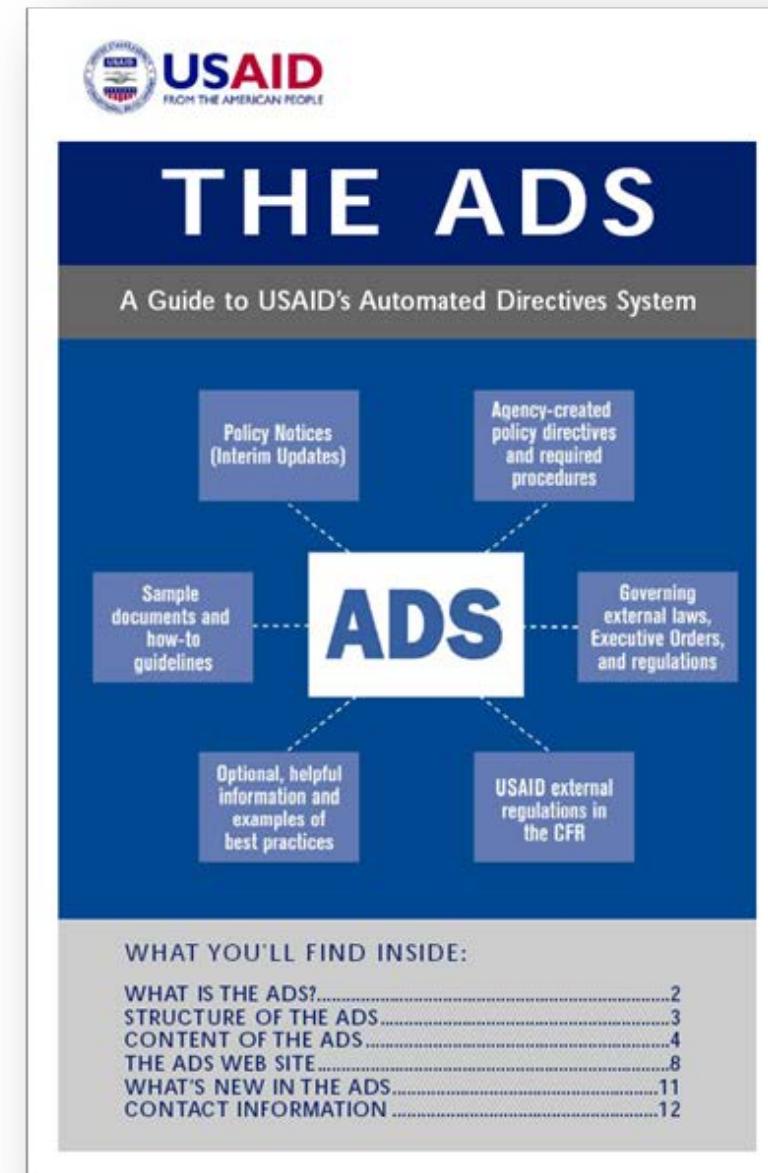


GEMS Environmental Compliance-
ESDM Training Series

Jordan ▪ March 2018

ENVIRONMENTAL COMPLIANCE & THE AUTOMATED DIRECTIVES SYSTEM (ADS)

- USAID's Automated Directives System (ADS) sets out mandatory procedures, roles & responsibilities for:
 - “Upstream compliance:” Design & 22 CFR 216 process.
 - “Downstream compliance:” implementing IEE & EA conditions.



ENVIRONMENTAL COMPLIANCE & THE ADS

ADS 204 (“ENVIRONMENTAL PROCEDURES”) IS THE CORE ADS REFERENCE. BUT ENVIRONMENTAL COMPLIANCE IS MAINSTREAMED THROUGHOUT THE ADS.

Overarching requirement:
Operating units must have systems in place for environmental compliance over life of project & must make sufficient resources available for this purpose

(204.3.4)

COMPLIANCE REQUIREMENT	RESPONSIBLE PARTIES	ADS REFERENCE
Environmental considerations in activity planning	Team Leaders, Activity Managers	201.3.16.3.b 204.3.3
No activity implemented without approved Reg. 216 environmental documentation	COR/AOR/Activity Manager	201.3.16.16.4.i 204.3.1 204.3.3.b 303.3.2.e
IEE & EA conditions incorporated into procurement instruments	COR/AOR/Activity Manager; Agreement Officer	204.3.4.a.6 303.3.6.2e
IEE & EA conditions are implemented, and implementation is monitored & adjusted as necessary	COR/AOR	202.3.6; 204.3.4.b 303.2.f
Environmental compliance documentation is maintained	PO, COR/AOR, Team Leader, MEO	202.3.4.6

A NOTE ABOUT RECORD KEEPING

- Approved 22 CFR 216 documents are kept in two places
 - in official project files maintained by C/AOR
 - in official BEO files
- 22 CFR 216.10 makes all of these available to the public
 - Agency-wide searchable database of all Reg. 216 docs approved since 2000: <https://ecd.usaid.gov>
- Annual reporting is required

The screenshot shows the USAID Environmental Compliance Database (ECD) homepage. At the top, there's a navigation bar with links for 'WHO WE ARE', 'WHAT WE DO', 'WHERE WE ARE', 'RESULTS & DATA', 'NEWS & INFORMATION', and 'WORK'. The USAID logo is on the left, and the title 'ENVIRONMENTAL COMPLIANCE DATABASE' is on the right, accompanied by a photograph of pink lotus flowers. Below the title, there's a search bar with options for 'Originating Bureau', 'Countries', 'Advanced Search', and 'Reports'. A note says 'Select the bureaus, sub-regions/offices you would like to include in your document search.' There are several sections of checkboxes for different regions and offices:

- Africa (AFR)**: Includes checkboxes for Africa Regional (Washington, DC), East Africa Regional (Nairobi), Sahel Regional (Dakar), Southern Africa Regional (Pretoria), and West Africa Regional (Accra).
- Asia (ASIA)**: Includes checkboxes for Central Asian Republics, East Asia, and South and Central Asia.
- Office of Afghanistan and Pakistan Affairs (OAPA)**
- Democracy, Conflict and Humanitarian Assistance (DCHA)**: Includes checkboxes for American Schools and Hospitals Abroad, Conflict Mitigation and Management, Democracy and Governance, Food for Peace, Global Climate Change, and Office of Foreign Disaster Assistance.
- Bureau for Economic Growth, Education and Environment (E3)**
- Bureau for Policy, Planning, and Learning (BPPL)**
- Europe and Eurasia (E&E)**
- Food Security (BFS)**
- Global Health (GH)**
- Latin America and the Caribbean (LAC)**: Includes checkboxes for Caribbean, Central America and Mexico, and South America.
- Management Bureau (M)**
- Middle East (ME)**
- Office of Innovation and Development Alliances (IDEA)**
- US Global Development Lab (LAB)**

At the bottom, there are dropdown menus for 'Fiscal Year Approved' and 'Environmental Threshold Determination'.



MISSION ENVIRONMENTAL OFFICER

- At each USAID Mission ...
 - *USAID/Jordan = Amer Al-Homoud*
 - *Deputy MEO = Akram Al Qehaiwi*
- Quality Assurance/Quality Control reviewer for Reg. 216 documents
- Clears Reg. 216 docs before upward review (e.g., Mission Director, etc.)
- Mission compliance advisor and coordinator; assists in compliance monitoring
- Mission point of contact to Regional Env. Advisor and Bureau Environmental Officer



REGIONAL ENVIRONMENTAL ADVISOR

- Based in regional Missions
 - USAID/Middle East-North Africa (MENA) = Suzanne Ebert
 - Based at Middle East Regional Platform (MERP) in Frankfurt, Germany
 - Family leave through ~ late April 2018; Jeanette Normand is Acting REA in Suzanne's absence
- Environmental compliance technical assistance to Missions
- Provides quality assurance and quality control of Reg. 216 documentation before it goes to the Bureau Environmental Officer



BUREAU ENVIRONMENTAL OFFICERS

- Based in Washington, D.C.
 - USAID/Middle East = John Wilson
- Oversee environmental compliance in their Bureau
- Primary decision makers on 22 CFR 216 threshold decisions for activities under the purview of their Bureau

SECTOR TEAMS & MISSION MANAGEMENT

CORS/AORS & ACTIVITY MANAGERS

Ensure Reg. 216 documentation in place.
Ensure IEE/EA conditions & compliance requirements incorporated into procurement instruments. Monitor compliance with IEE/EA conditions & modify or end activities not in compliance.



Primary Responsibility for Environmental Compliance

TEAM LEADERS

Oversee CORs/AORs.
Ensure that their teams have environmental compliance system in place.

MISSION DIRECTOR

Ultimately responsible for environmental compliance.
Mandatory clearance on all Reg. 216 environmental documentation.

The MEO is a member of every sector team (ADS 204.3.5)

Agency Environmental Coordinator, Office of the General Counsel

AGENCY ENVIRONMENTAL COORDINATOR (AEC)

Coordinates 22 CFR 216 implementation & advises regarding the application of Reg. 216 in new situations.

Concurs in AA's appointments of BEOs.

Coordinates EIS process for USAID (rare).

REGIONAL LEGAL ADVISORS (RLAS)

provide legal advice on environmental compliance to field staff. Some regions or missions require RLA clearance on Reg. 216 documents.

ASSISTANT GENERAL COUNSELS (AGCS)

provide legal advice to BEOs & RLAs on environmental compliance in their regions.

When the BEO and MD cannot agree regarding a threshold decision, the issue goes to the Assistant Administrator (AA) with AEC consultation

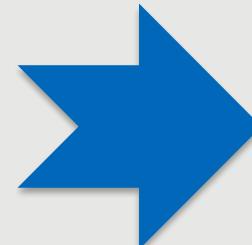
REG. 216 DOCS: WHO WRITES? WHO CLEARS?

- Who writes?

- AOR/COR responsible for ensuring that Reg. 216 documentation in place.
- Can engage a consultant/contractor to develop—Environmental Assessments almost always developed by 3rd-party consultants.
- USAID is responsible for the contents and determinations
NO MATTER WHO DEVELOPS IT!

- Who clears?

- COR/AOR, Activity Manager or Team Leader
- MEO (for Mission)
- REA (depending on Mission/regional policy)
- **Mission Director or Washington equivalent clears**
- **Bureau Environmental Officer concurs.**
Responsibility/authority cannot be delegated.



Required by
Reg. 216

WHO IS RESPONSIBLE?

USAID	IMPLEMENTING PARTNERS
Ensures Reg. 216 documentation in place. Establishes/approves environmental mitigation and monitoring conditions. Verifies compliance.	ALWAYS Implement mitigation and monitoring conditions that apply to their project activities & report to USAID.
IN THE MISSION	
Fundamental responsibility & accountability: <ul style="list-style-type: none">• Sector Team Leader• Activity Managers & COR/AORs• ultimately with the Mission Director MEO: quality and completeness reviewer for Reg. 216 documentation; compliance advisor and coordinator; assists in compliance monitoring.	ALWAYS responsible for design of detailed environmental mitigation and monitoring plan (EMMP) in response to mitigation and monitoring conditions established by the Reg. 216 documentation. SOMETIMES develop Reg. 216 documentation (IEEs, EAs)* for new project components; develop subproject environmental review reports (for sub-grants/sub-projects).

*Title II CSs develop IEEs as part of their MYAPs.

ENVIRONMENTAL COMPLIANCE VERIFICATION/OVERSIGHT BY USAID

I. Prior review/approval of partner-developed:

- **EMMP** → ensure responsive to IEE/EA conditions
- **Project budgets and workplans** → ensure EMMP implementation planned and funded
- **Project Reporting Framework** → ensure environmental compliance reporting requirements are met

- Primary responsibility for ensuring compliance lies with COR/AOR

- MEO will also review/clear where activities are environmentally sensitive and/or IEE/EA conditions are complex.

2. Ongoing review of **partner progress reports** to monitor EMMP implementation

- MEO on distribution list for IP's quarterly/semi-annual project reports

3. Field visits:

- at a minimum, all visits integrate a quick check for significant env. design/management problems
- For environmentally sensitive activities, specific visit(s) to audit against EMMP

- Most field visits are by COR/AOR or M&E Officer

- MEO should visit the most environmentally sensitive activities (REA may assist)

ENVIRONMENTAL COMPLIANCE & PROCUREMENT INSTRUMENTS

ADS Requires...

“Incorporating environmental factors and mitigative measures identified in IEEs, EAs, and EISs, as appropriate, in the design and the implementation instruments for programs, projects, activities or amendments.”

(204.3.4(a)(6)



- **Critical to IP compliance with IEE/EA conditions**
- **BUT: historically, problems in implementation:**
 - Many USAID procurement instruments have NOT adequately addressed environmental compliance
 - Lack of guidance required A/CORs, COs to repeatedly “reinvent the wheel”
 - Partners/contractors fail to budget for environmental requirements

THE SOLUTION...

ENVIRONMENTAL COMPLIANCE: LANGUAGE FOR USE IN SOLICITATIONS AND AWARDS (ECL)

- Step-by-step guidance and boilerplate language.
 - For RFAs/ RFPs/ agreements/ grants/ contracts
 - Optional, not required
 - ADS Help Document.
 - Approved by General Counsel.



Environmental Compliance: Language for Use in Solicitations and Awards

An Additional Help for ADS Chapter 204

Revision Date: 05/19/2008
Responsible Office: EGAT
File Name: 204sac_051908

THE ECL GENERATES...

Best
practice
solicitation
language

Requiring that:

Proposals address
**qualifications and proposed
approaches to compliance/
ESDM** for environmentally
complex activities.

Best
practice
award
language

Requiring that:

IP verifies current &
planned activities annually
against the scope of the
RCE/IEE/EA.

The **necessary
mechanisms and
budget** for IP
implementation of IEE/EA
conditions are in place.

To assure that projects do not
“creep” out of compliance as
activities are modified and added
over their life.

Specifically:

1. Complete **EMMP** exists or is developed
2. Workplans & budgets integrate the EMMP
3. Project reporting tracks EMMP implementation

THE ECL STRENGTHENS ENVIRONMENTALLY SOUND DESIGN & MANAGEMENT, AND...

- Provides cost & efficiency benefits to both Mission Staff & Implementing Partners.

USAID STAFF

Avoids the effort, costs and loss of good will that come from imposing “corrective compliance” measures on IPs after implementation has started.

Reduces USAID cost and effort of env. compliance verification/oversight by assuring that IPs integrate environmental compliance reporting into routine project performance reporting.

IMPLEMENTING PARTNERS

Provides clarity regarding environmental compliance responsibilities

Prevents “unfunded mandates”— USAID requirements to implement M&M after implementation has started & without additional budget.

WHO CAN HELP

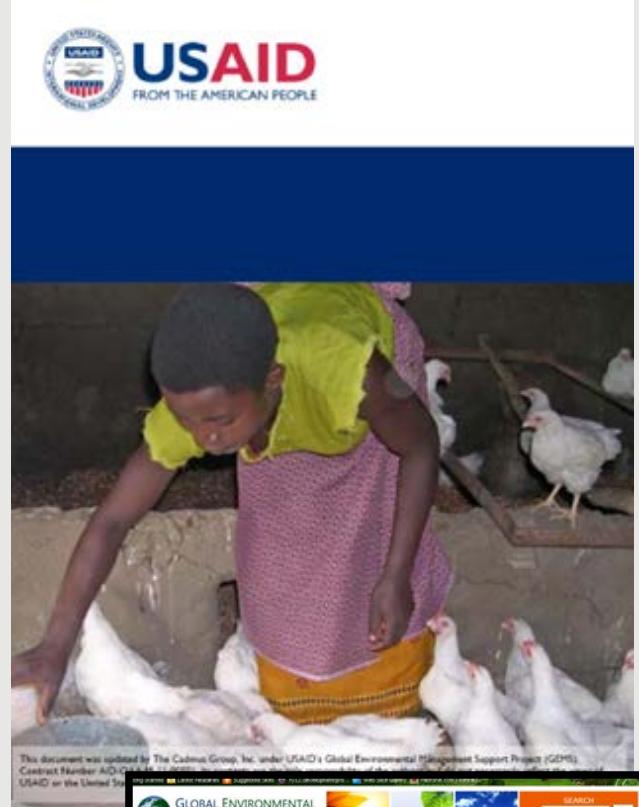
- MEOs in every bilateral Mission AND the BEOs and REAs:



AFR: Brian Hirsch (Walter Knausenberger); Asia: Will Gibson; BFS: Bill Thomas; DCHA: Erika Clesceri; E&E: Mark Kamiya; E3: Teresa Bernhard; GH: Dennis Durbin (acting); LAC: Diana Shannon; M/ODP: Dennis Durbin; Middle East: John Wilson OAPA: Chris Payne; GDL: P.V. Sundareswar.

REFERENCES & USEFUL INFORMATION

- USAID Environmental Compliance & Related Links
www.usaid.gov/our_work/environment/compliance
- 22 CFR 216
www.usaid.gov/our_work/environment/compliance/22cfr216
- ADS Series 200 (with link to Chapter 204)
www.usaid.gov/policy/ads/200
- Plain-language overview of USAID's environmental procedures & the EIA process
www.usaidgems.org
- Sector Environmental Guidelines + many other resources
www.usaidgems.org





USAID
FROM THE AMERICAN PEOPLE