



USAID
FROM THE AMERICAN PEOPLE

MISSION ENVIRONMENTAL OFFICER HANDBOOK

and Guide to Life-of-Project Environmental Compliance for all USAID Staff



March 31, 2009

This publication is made possible by the support of the American People through the United States Agency for International Development (USAID). It The Cadmus Group, Inc. for International Resources Group (IRG) under the Environmental Compliance and Management Support (ENCAP) Program, Contract Number EPP-I-00-03-00013-00, Task Order No. 11. The contents of this publication are the sole responsibility of IRG and do not necessarily reflect the views of USAID or the United States Government.

Cover Photo: Niger River boatman. Segou, Mali. Photo by Wes Wilson 2005

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NOTE: The terminology used in this Handbook is consistent with the ADS. While terms such as, “strategic objective” and “strategic objective team” may no longer be in use, we use these terms herein pending update of ADS 204 and other USAID guidance.

About this Handbook

Dear MEO,

The purpose of this *Handbook* is to provide you with guidance and the resources you need to be as effective as possible in helping your Mission attain and maintain full compliance with USAID's Environmental Procedures and to mainstream environmentally sound design and management (ESDM).

We know that your MEO role is just one of several important and competing responsibilities, and we hope that this *Handbook* makes your MEO role more fulfilling and easier.

This *Handbook* provides you with:

- A basic orientation to USAID's Environmental Procedures and the MEO position.
- Recommendations for coordinating with other USAID staff and partners.
- An orientation to, and recommendations for, implementing the MEO's core role: ensuring that environmental compliance is integrated throughout the project lifecycle.
- An explanation of other MEO duties.
- Suggestions and resources for building your skills and strengthening Mission compliance and compliance capacity.
- a stand-alone briefing on the environmental procedures for use in short mission trainings and to distribute to Mission staff.

As this *Handbook* makes clear, MEOs function primarily as compliance advisors and coordinators. This is a critically important role. Your efforts can mean the difference between being proud of our development efforts or trying to pick up the pieces from a project that failed to live up to expectations—or worse—because sound environmental management measures were not designed or not implemented.

As a compliance advisor and coordinator, your ability to guide others in your Mission to understand and implement USAID's Environmental Procedures is key to your success. MEOs need to work closely with Contracting Officers, Program Officers, Team Leaders and Cognizant Technical Officers (CTOs). It is up to you and Mission staff to establish processes that will facilitate this collaboration. This Handbook provides suggestions to help.

Africa Bureau expects each MEO to be an agent for excellence, and we hope this *Handbook* helps you in that capacity. But it is not intended to be a substitute for in-person assistance: the AFR Regional Environmental Advisors and I are committed to providing all feasible support to your work. Please don't hesitate to ask for our assistance.

Sincerely,

Brian Hirsch
Bureau Environmental Officer
USAID Bureau for Africa

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ACRONYMS

ADS	Automated Directives System	FAA	Foreign Assistance Act
AFR	(USAID Bureau for) Africa	GMO	Genetically Modified Organisms
BEO	Bureau Environmental Officer	IEE	Initial Environmental Examination
CE	Categorical Exclusion	LOP	Life of Project
CFR	Code of Federal Regulations	MCC	Millennium Challenge Corporation
CS	Cooperating Sponsor	MDB	Multi-lateral Development Bank
CTO	Cognizant Technical Officer	MEO	Mission Environmental Officer
DA	Development Assistance	MYAP	Multi-Year Assistance Program
DCHA	(USAID Bureau for) Democracy, Conflict and Humanitarian Assistance	NEPA	National Environmental Policy Act
EA	Environmental Assessment	NIH	National Institute of Health
ECL	Environmental Compliance: Language for Use in Awards and Solicitations	PERSUAP	Pesticide Evaluation Report and Safer Use Action Plan
EIA	Environmental Impact Assessment	PMP	Performance Monitoring Plan
EGAT	(USAID's Bureau for) Economic Growth, Agriculture, and Trade	RALF	Recommended Acceptable Language and Format (for AFR IEEs)
EGSSAA	Environmental Guidelines for Small- Scale Activities in Africa	REA	Regional Environmental Advisor
EMMP	Environmental Mitigation and Monitoring Plan	RCE	Request for a Categorical Exclusion
ENCAP	Environmental Capacity-Building Project	REA	Regional Environmental Advisor
ERF	Environmental Review Form	RFP	Request for Proposals
ESDM	Environmentally Sound Design and Management	RFA	Request for Applications
ETPM	Environmental Procedures Training Manual	SO	Strategic Objective
ESR	Environmental Status Report	SOAg	Strategic Objective Agreement
ETOA	Environmental Threats and Opportunities Assessment	SOW	Scope of Work
		SYAP	Single Year Assistance Program

1. ORIENTATION: USAID's Environmental Procedures and the Mission Environmental Officer

1.1 USAID'S ENVIRONMENTAL PROCEDURES

Section 117 of the Foreign Assistance Act of 1961, as amended, requires that an Environmental Impact Assessment (EIA) process be used to evaluate the potential impact of USAID's activities on the environment prior to implementation, and that USAID "fully take into account" environmental sustainability in designing and carrying out its development programs.

Implementation & Life of Project Requirements

This mandate is codified in Federal Regulations (22 CFR 216 or "Reg. 216")¹ and in USAID's Automated Directives System (ADS), particularly Parts 201.3.12.2.b and 204. These procedures² are USAID's principal mechanism to ensure environmentally sound design and management (ESDM) of development activities, and thus to prevent adverse impacts on the health and livelihoods of beneficiaries or other groups resulting from poor attention to environmental issues in design and operation.³ Compliance with these procedures is mandatory. They apply to every program, project, activity, and amendment supported with USAID funds.

In general, these procedures specify an EIA process that must be applied to all activities before implementation. This process frequently results in environmental management conditions (mitigative measures) that must be implemented and monitored over the life of the activity.

As Table 1 makes clear, environmental compliance is a life-of-project activity—not just a pre-obligation requirement. The internal processes by which Missions and SO Teams must meet these requirements are largely unspecified. Each team or operating unit is expected to develop its own processes or system.

USAID is required by law to "fully take into account" environmental sustainability in designing and carrying out its development programs.

¹ 22 CFR 216 also implements the general requirements of the National Environmental Policy Act (NEPA) as they affect USAID programs. NEPA is a U.S. statute that requires an EIA process for federal actions. FAA 118/119 adds specific requirements concerning activities with potential effects on biodiversity and tropical forests.

² The term "USAID Environmental Procedures" often refers narrowly to 22 CFR 216; here we use the term to refer collectively to the regulation, other FAA requirements, and to the procedures and directives contained in the ADS.

³ For discussion and examples see the training module "Introduction to Environmentally Sound Design and Management," available at http://www.encapafrika.org/ESDM/esdm_course_materials/English/Env-Sound_Design_22Nov05.ppt.

More specifically, these procedures impose the following requirements:

Table 1: Key life-of-project environmental compliance requirements

Requirements	Notes & ADS* Reference
Environmental considerations must be taken into account in activity planning.	<p>ADS 201.3.12.6 and 204.1</p> <p>The result of this process may be changes to design or mitigation measures that will be applied during implementation.</p>
No activity is implemented without approved Reg. 216 environmental documentation (RCE, IEE, or EA)	<p>“Environmental documentation” is the output of an EIA process specified by Reg. 216 and includes: Requests for Categorical Exclusion (RCEs), Initial Environmental Examinations (IEEs), and Environmental Assessments (EAs). Documentation is approved when duly signed by the Mission Director and the Bureau Environmental Officer (BEO).</p> <p>In general, operating units and their heads are responsible for ensuring that approved environmental documentation exists. (ADS 201.3.12.2; 204.3.3.b)</p> <p>For grants and cooperative agreements, the Activity Manager also has this responsibility. (303.2.e)</p> <p>Note that Activity Approval Documents must summarize how environmental review requirements have been met. (201.3.12.15)</p>
All IEE & EA conditions are incorporated in contract instruments	<p>Activity Managers must ensure that environmental conditions are incorporated in procurement instruments. (ADS 204.3.4.a.6; 303.3.6.3e)</p>
All IEE and EA conditions are implemented, and this implementation is monitored and adjusted as necessary	<p>Team Leaders and Activity Managers or Cognizant Technical Officers (CTOs) must ensure that all mitigative measures are implemented over the life of the project. (ADS 204.3.4)</p> <p>(For grants and cooperative agreements, this responsibility is specifically assigned to the CTO. (303.2.f))</p>
Environmental compliance is assessed in annual reports	<p>Annual reports must assess environmental compliance of existing activities (i.e., whether all activities are covered by approved Reg. 216 environmental documentation, whether the mitigation measures specified in IEEs and EAs are being implemented, and whether these measures are adequate).</p> <p>If activities are discovered to be out of compliance, the report must specify actions to be taken to remedy the situation. (ADS 203.3.8.7; 204.3.3.a)</p>
Environmental compliance documentation is maintained	<p>Regulation 216 documentation must be maintained in SO Team files. (ADS 202.3.4.6)</p>

*ADS 204.3.1 requires Agency compliance with Regulation 216.

What about Reg. 216?

“Reg. 216 documentation” figures prominently in Table 1, and a working knowledge of Reg. 216 is essential for MEOs. In short, Reg. 216 defines USAID’s pre-obligation environmental review process for new activities—including new activities that are being introduced into an existing program.

As with all EIA processes, the level of review required under Reg. 216 is scaled to the environmental risk of the proposed activity. For all but the lowest-risk activities, the process usually results in environmental conditions (mitigative measures) that must be implemented and monitored over the life of the activity. These are the IEE and EA conditions noted in Table 1.

The documentation produced by this process (see Figure 1) must be approved by the Mission Director and BEO prior to any “irreversible commitment of resources.”

The remainder of this Handbook assumes that you have a working knowledge of Reg. 216 and the EIA process. If you need an introduction to Reg. 216 or would like a refresher, refer to the resources in Chapter 5 or visit the IEE assistant on the ENCAP website. (<http://www.encapfrica.org/assistant.htm>).

What is “Reg. 216 Documentation?”

RCE: Request for Categorical Exclusion

IEE: Initial Environmental Examination

EA: Environmental Assessment

PEA: Programmatic Environmental Assessment

And amendments to any of the above

1.2 WHY IS BEING AN MEO IMPORTANT?

Environmentally sound design and management of USAID activities is essential to successful development outcomes. USAID’s Environmental Procedures are the agency’s principal process to ensure ESDM. As such, USAID views the systematic application of USAID’s Environmental Procedures as key to ensuring lasting benefits from our

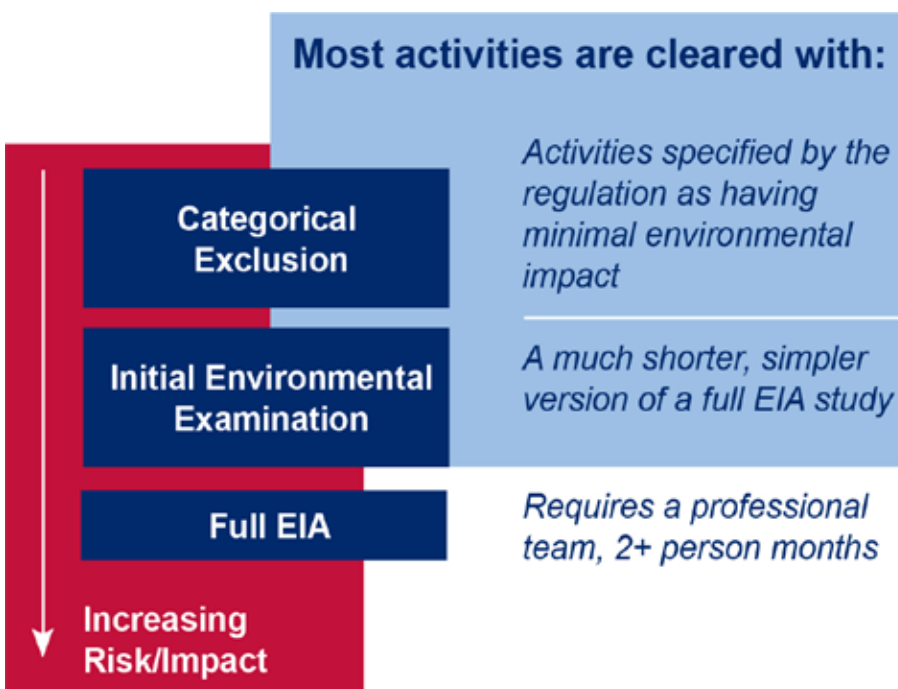


Figure 1: Tiered Review under Reg. 216. Like any EIA system, Reg. 216 features a tiered review system to focus review effort where it is needed.

investments in development activities such as roads, irrigation projects, schools, health clinics, water and sanitation projects, and crop production.

As MEO, your USAID colleagues look to you to be the Mission expert and resource in environmental compliance requirements and general environmental management, monitoring, and reporting. You also have important responsibilities as a gatekeeper. (The role and responsibilities of the MEO position are described in detail below.)

“Your role... can mean the difference between successful investments by your mission and unnecessary, costly mistakes”

By serving as this in-house expert, resource and gatekeeper, you can help make USAID’s investments more sustainable and cost-effective. Your role in overseeing the application of Reg. 216, and your attention to other MEO responsibilities can mean the difference between successful investments by your Mission and unnecessary, costly mistakes.

Who can be an MEO?

A MEO may be a Foreign Service Officer, Personal Services Contractor, Foreign Service National or a Third Country National.

According to ADS 103.3.1.1, with certain limited exceptions, “USPSCs and non-U.S. citizen employees (host country and third country Personal Service Contractors (PSCs) and Foreign Service National (FSN) direct-hire employees) may be delegated any authority, duty or responsibility” delegable to US citizen direct hire employees.”

These limited exceptions do not include the MEO function.

How much time do MEO responsibilities require?

Depending on the size, complexity, and nature of a Mission’s portfolio, MEO duties can range from 10 percent to 100 percent of the MEO’s time.

Typically, MEO duties are only part of the full range of tasks of a USAID staff position.

1.3 THE MEO ROLE: THE BIG PICTURE

ADS 204.3.5 states that each Mission Director is encouraged to formally appoint an MEO.⁴ The MEO plays a key role in ensuring environmental compliance and the environmental soundness of USAID activities. Beyond the ADS requirements, Africa Bureau has additional expectations.

In summary, the Africa Bureau MEO:

1. Serves as a core member of each SO Team, helping them to identify potential adverse impacts resulting from their activities, to prepare necessary environmental analyses, and to monitor implementation of approved environmental mitigation measures.

⁴ In the absence of an MEO, ADS 204.3.5 states that the MEO’s duties fall on the Mission Director. When staffing patterns permit, the Mission Director also may appoint a Deputy MEO to ensure timely operations when the MEO is absent, or when a Mission has a high volume of Reg. 216 tasks that warrant a Deputy MEO. The ADS contains a sample [MEO Appointment Memorandum](#). However, Africa Bureau recommends a more detailed version (see Chapter 4.4).

2. Is the liaison between the SO Team and the REA/BEO, is a direct source of environmental expertise to the SO Team, and, as needed, helps to obtain additional or specialist expertise to aid the SO Team in environmental compliance.
3. Serves as the environmental conscience of the Mission and an environmental resource, acting as an agent for quality control to better integrate environmental issues in program and activity design and implementation.

The following section explains and expands on this summary.

1.4 THE MEO ROLE: THE SPECIFICS

Agency-wide requirements

ADS 204 describes the MEO role as follows.

1. **Compliance advisor:** ADS 204.2.D: “MEOs and REAs are responsible for advising Teams, Activity Managers and CTOs, and Operating Unit heads on:
 - how best to comply with 22 CFR 216 requirements;
 - how Teams, Activity Managers and CTOs can effectively monitor implementation of approved mitigative measures; and
 - how Teams, Activity Managers and CTOs can obtain additional environmental expertise to assist in their 22 CFR 216 compliance responsibilities.”
2. **Mission point of contact with the BEO:** ADS 204.2.D. MEOs and REAs “liaise with their relevant BEO on 22 CFR 216 issues affecting Teams, Activity Managers and CTOs in their Operating Units.”
3. **A member of each SO Team:** ADS 204.3.5. MEOs “serve as a member of each Team in the Operating Unit in order to advise the Teams and their Activity Managers or CTOs on specific needs and approaches to meet 22 CFR 216 requirements.

“MEOs assist and advise Activity Managers or CTOs and their implementing partners and contractors in preparing 22 CFR 216 documents on new activities and monitoring compliance on ongoing activities.

“While the MEO assists and advises, the responsibility and accountability for successfully meeting 22 CFR 216 requirements is shared by the Team Leader and each Activity Manager or CTO while the ultimate responsibility is with the Mission Director.”
4. **Compliance planner:** ADS 204.3.4 specifically requires that Operating Units and SO Teams must collaborate effectively with the MEO during all SO designs and approvals to create a system and adequate resources to ensure

Reg. 216 compliance. (As shown in Table 1 above, compliance does not end with an approved RCE, IEE or EA, but extends over life-of-project.)

- 5. Gatekeeper:** In addition to these advisory functions, the MEO must clear all Reg. 216 documentation developed for Mission programs and projects before it is submitted to the Mission Director. That is, the MEO typically functions as a gatekeeper with regard to the pre-obligation requirements of Regulation 216 compliance.⁵

Therefore, the minimum agency-wide role of the MEO is as a compliance advisor and a “gatekeeper” (quality and completeness reviewer) for Reg. 216 documentation (RCEs, IEEs, EAs and amendments.)

Africa Bureau expectations

Because the MEO is a member of each SO Team, the MEO is necessarily more than a compliance advisor; she or he shares responsibility for the compliance of the Team’s portfolio. Further, the MEO is the team member with the skills and knowledge to understand compliance obligations and environmental best practice. Therefore, Africa Bureau expects that MEOs will be proactive and employ a collaborative approach to achieving compliance and ESDM in the Mission.

This means that MEOs in Africa Region are expected to:

- Track and maintain documentation regarding the compliance status of the Mission portfolio, communicating any problems to SO Team Leaders, Mission Management, and the REA.
- Take the lead in overseeing the preparation of Reg. 216 environmental documentation.
- Take the lead in overseeing compliance monitoring of ongoing activities.
- Support Annual Report (AR) preparation, including analysis for and preparation of the required “Environmental Compliance” section of the AR.
- Act as liaison for the SO Teams with the REA and the BEO.
- When needed, help to obtain additional environmental expertise to assist the SO Team in IEE or EA development or other aspects of environmental compliance.
- In general, serve as the “environmental conscience” of the Mission and help mainstream environmental awareness in decision making.
- Provide support to SO Teams by taking environmental concerns into account to enhance program design, impact and sustainability, and thereby, help to ensure

⁵ This role is specified in the Recommended Mission Environmental Officer Appointment Memorandum (ADS 204.5.1.a)

that unintended consequences are avoided, and that beneficial outcomes are enhanced. (Thus, the MEO function is not limited to compliance.)

- Otherwise serves as an environmental resource for the Mission.

None of these tasks and duties shifts the fundamental responsibility and accountability for environmental compliance; this is shared by the SO Team Leader and each CTO or Activity Manager—and ultimately rests with the Mission Director. However, the MEO must function as a proactive advisor and monitor, taking an active—but targeted—role on SO Teams.

To carry out these tasks and duties effectively, MEOs must establish particular relationships with Mission Management, the BEO and REA, SO Teams, and partners and ensure everyone’s responsibilities are being followed at each stage of the project cycle. The next chapters discuss these relationships and responsibilities in more detail.

Table 2 provides a “quick reference” to key environmental compliance responsibilities of Mission staff.

Fundamental responsibility & accountability for environmental compliance lies with the SO Team Leader and each CTO or Activity Manager—and ultimately with the Mission Director.

Table 2: Guide to Mission Staff LOP Environmental Compliance Responsibilities

Task/responsibility	Responsible party
Incorporate environmental compliance requirements into solicitation and procurement documents	CTO/Activity manager (MEO assists)
Prepare Reg 216 environmental documentation (RCEs, IEEs, and amendments) Note: EAs are typically executed by 3rd-party contractors. Title II IEEs are prepared by implementing partners.	CTO/Activity Manager (MEO reviews/provides advice)
Clear RCEs/IEEs at Mission level	CTO, Activity Manager or Team Leader MEO Mission Director
Clear sub-project/sub-grant Environmental Reviews	Activity Manger MEO (higher-risk activities are forwarded for BEO review)
Ensure Reg. 216 documentation is current and covers all activities being implemented	CTO/Activity Manager
Monitoring to ensure compliance with IEE/EA conditions	CTO/Activity Manager (MEO assists)
Ensure that environmental compliance lessons learned are incorporated in closure reports & environmental compliance issues are included in SOWs for evaluations.	MEO
Prepare environmental compliance section of Mission Annual Reports	MEO
Retain Reg. 216 records	Program Officer, CTO/Activity Manager/Team Leader, MEO



PHOTO CREDIT: MARK STOUGHTON

A simple turbidity monitor helps assess the success of upstream interventions to control erosion and runoff, with the hope of preventing a recurrence of damaging floods. (East Africa.)



PHOTO CREDIT: MARK STOUGHTON

Above: Where no alternative exists to cultivating steep hillsides, a combination of intercropping, agro-forestry and other techniques can prevent erosion and permit sustained high-yield farming.



PHOTO CREDIT: MARK STOUGHTON

Above: Deforestation exposed this area to strong windstorms, destroying the new corrugated roof of the community school and toppling the walls. This inadequate replacement structure is intended to be temporary, but may be in service for many years.

*Not a USAID funded project

2. RELATIONSHIPS: How the MEO Relates to Teams, Partners, and Mission Management

This chapter sets out the way the MEO *should* function and relate to SO Teams, partners, and Mission management. Your situation may not match this ideal. But as an MEO, it is your responsibility to effect change for the better—by building your own skills, by building relationships with SO Teams, and by obtaining formal endorsement and support from Mission management for the full scope of MEO responsibilities (See Chapter 4). In this process, your REA should serve as a key resource.

2.1 THE MEO'S REPORTING LINES

As noted, an MEO's duties are usually part-time. The MEO is likely to have other responsibilities, may be based on one of the Mission teams (or in the Mission's Program Office), and may report to his or her Team Leader/supervisor in the execution of these non-MEO responsibilities.

However, in their MEO capacity, the **MEO should report to the Deputy Mission Director and Mission Director.** Direct access to Mission management assists the MEO in the performance of his/her environmental compliance responsibilities by reducing the potential for undue influence from Team Leaders or other Mission staff. The MEO should remain fairly independent to best carry out his/her responsibilities, and a direct link to the Deputy or Mission Director encourages this independence.

In their MEO capacity, the MEO should report to the Deputy Mission Director and Mission Director.

Note: Lessons learned from several Missions indicate that MEOs are optimally effective when based in a Mission's Program Office.

2.2 RELATIONSHIPS WITH THE BEO AND REA

The REA and the BEO are available to the MEO for consultation and technical advice, as needed. The REA in particular is tasked by the ADS with Mission support: REAs “provide supplementary professional support, training, compliance auditing, compliance evaluations, and regional coordination on 22 CFR 216 matters to Mission Directors, Teams, Activity Managers or CTOs, and Mission Environmental Officers” (204.3.5).

For advice and assistance on technical matters, an MEO's first contact should be the REA. If additional technical advice is needed or if the REA is unavailable, the MEO should request assistance from the BEO.

In general, communication (other than the formal document clearance process) among MEOs, REAs, and BEOs is informal and open. Your REA and BEO are available to

provide assistance to help you effectively perform your MEO role.

2.3 PARTICIPATION ON SO TEAMS/OPERATING UNITS

The MEO is a core member of each SO Team.

The MEO is a core member of all SO Teams/Operating Units. However, time clearly does not permit the MEO to participate in all SO Team processes, meetings, and reviews.

Your involvement must be focused on issues related to environmental compliance and ESDM, with the largest part of your time and attention specifically targeted to projects and activities with significant environmental compliance concerns and requirements.

MEO involvement with Operating Units and SO Teams begins with SO design. ADS 204.3.4 mandates that Operating Units and SO Teams collaborate effectively with the MEO during all SO designs and approvals to create a system and adequate resources to ensure compliance with the Agency's Environmental Procedures. Again, compliance is a life-of-project activity, from design to closure as illustrated by Table 1.

Beyond this, **to play a pro-active role on SO Teams, MEOs should:**

- **Be informed of appropriate SO Team meetings** (biweekly/monthly staff/status meetings);
- **Attend SO Team Meetings** focusing on environmentally sensitive activities or those with significant environmental mitigation and monitoring requirements (see Chapter 3).
- **Be involved in portfolio reviews**, especially for SO Teams with environmental concerns (IEE conditions), but even for Teams with none (since regular review of activities to ensure they are still in compliance with the IEE is required). See Chapter 3.
- **Set up and maintain a Mission-wide environmental compliance tracking tool** (see Chapter 3). This is a key resource to structure the MEO's involvement with SO Teams. This tool allows all Mission staff to determine areas of compliance, areas of concern, Reg. 216 requirements, and identify when MEO involvement is needed.
- **Be on the clearance list for all solicitation and award documents.**

Educating the SO Team on the environmental procedures makes all these tasks easier. The Annex to this handbook is a short, stand-alone briefing on the Environmental Procedures. It can be provided as a reference to SO teams and to support short (2-4 hour) mission staff trainings.

2.4 INTERACTION WITH IMPLEMENTING PARTNERS

In most cases, the MEO is not in direct contact with implementing partners, but works via the CTO and/or Activity Manager.

If (1) the partner's activities require significant mitigation measures and monitoring and/

or (2) project staff responsible for environmental compliance (often the monitoring and evaluation staff) have little environmental management and compliance expertise, then the CTO may give the MEO a direct point of contact on project staff. If the MEO concludes that direct contact is needed with an implementing partner, she or he should approach the CTO with this request.

An MEO may conduct site visits (see Chapter 3) without the CTO in attendance. The CTO, however, should be aware of the MEO's intention to conduct a site visit and should be given a copy of the site visit report at the end of the visit.



PHOTO CREDIT: MARK STOUGHTON

Above: At this district hospital, un-screened simple pit latrines (at left) are less than 15m from a newly constructed open air kitchen (at right). (East Africa).

*Not a USAID funded project

3. RESPONSIBILITIES: Facilitating LOP Compliance & Other Duties

USAID's Environmental Procedures establish compliance requirements across the life of project, from design to implementation to closure. In addition, the Procedures establish documentation and annual reporting requirements.

These requirements were set out in Table 1 and are summarized below.

Key elements of LOP environmental 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. IEE/EA conditions are written into contract instruments
4. All IEE and EA conditions are implemented, and this implementation is monitored via field inspections and review of routine project reports submitted by implementing partners.

Practically, this requires that:

- SO-level IEE conditions are mapped to the activity level.
- IEE conditions are translated into Environmental Mitigation and Monitoring Plans (EMMPs).
- Project workplans and budgets provide for implementation of EMMPs.
- PMPs incorporate measures of EMMP implementation.

5. Environmental compliance is assessed in Annual Reports
6. Environmental compliance documentation is maintained.

This chapter discusses each of these elements in turn, with particular attention on the role of the MEO.

The chapter concludes with discussion of the MEO's other duties, and their role as an environmental resource and champion in the Mission.

3.1 ENVIRONMENTAL CONSIDERATIONS ARE ADDRESSED IN PROJECT DESIGN

All USAID projects should be designed to be environmentally sound. This requires

All USAID projects should be designed to be environmentally sound. This requires addressing possible adverse environmental impacts at the design stage.

addressing possible adverse environmental impacts at the design stage. It also requires seeking opportunities—consistent with overall project objectives—to achieve environmental benefits in projects outside the environment sector. For example, there may be opportunities to improve environmental governance in Democracy and Governance projects, and to build an environmental education component into Education projects.

Do not assume that existing IEEs cover new or amended activities.

If there is an existing IEE or EA that fully covers the scope of the proposed activity, potential adverse impacts are addressed by ensuring that the IEE or EA's mitigation measures are built into the project design. (Section(s) 3.3 and 3.4 describe the case when no approved IEE exists for the project being designed.)

MEO Role in addressing environmental concerns in project design

When you are a regular participant of SO Team meetings and portfolio reviews, you will be aware of new project/activity designs. The MEO should proactively engage in the process, ensuring that potential environmental concerns are understood and addressed.

You should particularly bring to the attention of the CTO/Activity Manager/SO Team any mitigation measures already required by existing IEEs or EAs, as these must be addressed and incorporated during the design process.

Beyond IEE requirements, the MEO may recommend other environmental criteria, aspects, and components to incorporate into project design. The CTO/Activity Manager makes the final decision regarding project design. The MEO should be prepared to work closely with the CTO/Activity Manager to finalize language/design elements addressing environmental impacts or achieving environmental benefits.

Reg 216 documentation must be approved for all USAID activities prior to implementation.

3.2 REG. 216 ENVIRONMENTAL DOCUMENTATION IS DEVELOPED AND APPROVED PRIOR TO IMPLEMENTATION

Reg. 216 requires an EIA process for new activities, including new activities being introduced into an existing program or significant modifications to existing activities. The documentation produced by this process (an RCE, IEE, full EA/PEA study, or an amendment to any of these) must be approved by the Mission Director and BEO prior to any “irreversible commitment of resources.”

In general, operating units and their heads are responsible for ensuring that such approved environmental documentation exists (201.3.12.2; 204.3.3.b). For grants and cooperative agreements, the Activity Manager also has this responsibility (303.2.e).

Where existing SO-level IEEs exist, the SO Team cannot assume that these documents fully cover the new activities. As part of the preparation for bid/award (or prior to adding new activities to an existing contract), the SO Team should list out the proposed activities and ascertain the IEE determination and any conditions that apply to each. The results of this exercise can then be documented in a “determinations and conditions”

table. (See sample format below).

If this exercise shows that some of the proposed activities are NOT covered by an existing IEE or EA, an IEE amendment or new Activity-level IEE must be prepared.

The determinations and conditions table can also be incorporated into the solicitation and procurement instruments. (See Section 3.4)

Proposed activity	Determination	IEE/RCE Name	IEE/RCE ref number	Conditions

In general, the CTO/Activity Manager is responsible for preparing environmental documentation, not the MEO.

Note: Activity Approval Documents must summarize how environmental review requirements have been met. (201.3.12.15)

Role of the MEO in preparing Reg. 216 documentation

When an IEE is prepared in-Mission, the MEO should be available to **assist** the CTO/Activity Manager in preparing Reg. 216 documentation. This includes advising and reviewing; identifying likely impacts, best practices, and mitigation measures; as well as also acting as liaison with the REA and BEO when questions and issues arise.

The CTO/Activity Manager is responsible for the compliance of his/her activity with Reg. 216, and must be familiar with the Reg. 216 documentation that is ultimately approved and the means by which it will be applied to each activity. Therefore, **in general, the CTO/Activity Manager is responsible for preparing environmental documentation, not the MEO.**

When IEEs are prepared by implementing partners. For Activity-level IEEs, USAID/Africa Bureau advocates delegation of IEE preparation to implementing partner organizations. Activity implementers are best placed to understand their activity, conduct a thorough and accurate environmental review, and monitor implementation of mitigation measures. In addition, implementing partners, when involved in preparation of Reg. 216 documentation, are more likely to budget for mitigation and monitoring over the life of a project.

Note that if the partner is to prepare the IEE, this should be stated in the contract/grant award. (See below.)

At the request of the CTO/Activity Manager, the MEO should be available to assist implementing partners in preparing Reg. 216 documentation. For activities that may have significant environmental concerns, the MEO may be directly involved in IEE preparation.

For activities with little or no environmental concerns, MEO assistance may be unnecessary. However, implementing partners should be aware of the MEO as a resource and of the requirements of Reg. 216. Even if no environmental concerns are identified in the Activity-level IEE, they may become important in the future.

MEO Role in Development of “Umbrella” IEEs

For “umbrella IEEs” (that is, IEEs that require environmental review of subprojects as they become defined over the life-of-project), the MEO should help to adapt the Africa Bureau Environmental Review Form (or to develop an alternative environmental review mechanism). This is best done in consultation with the REA. See resources to help prepare “Umbrella IEEs” in Chapter 5.

Bringing in extra help when needed. IEEs that address complicated issues such as pesticides, GMOs, drinking water standards, etc. may require special expertise. Via your participation on all SO Teams and because the MEO is tracking environmental documentation development across the Mission (see below), you should be aware of when such needs arise.

When an MEO, in collaboration with a CTO, determines that special expertise is needed, you may first consider approaching the REA, who may be able to provide assistance. If external assistance is needed, you should be the key facilitator/point of contact for bringing in third-party expertise (e.g, an ENCAP- or Mission-funded consultant.)

MEO as gatekeeper. The MEO, in addition to being an advisor and resource for IEE development, is also a gatekeeper: you must sign off on all IEEs prepared for activities in the Mission’s portfolio before they are sent for REA (and then Mission Director and BEO) signature.

MEO role in ensuring activities are covered by approved environmental documentation

The environmental compliance review undertaken by the MEO for the Annual Report (see 3.5, below) should identify any activities being implemented that are not covered by an approved RCE, IEE or EA. If such activities are found, environmental documentation will need to be prepared, which may result in changes to activity implementation. In certain cases, especially where there may be a potential adverse effect to human health and the environment, the MEO may recommend, in consultation with the CTO and Mission management, halting the activity until the environmental documentation is prepared and approved by the BEO.

However, identifying out of compliance activities via the annual compliance report is an after-the-fact determination. A more proactive approach is preferable to prevent non-compliance in the first place. This encompasses the following actions:

Educating SO Teams. As a member of each SO Team, the MEO should make each team aware that modifications and new activities may require new environmental documentation, and that they should proactively consult the MEO when in doubt.

Tracking new activities/modifications & compliance documentation. Via participation on SO Teams and review of regular project reports (quarterly, semi-

annual, annual), the MEO should be aware of new activities and modifications.

Because the MEO is tracking environmental documentation development and compliance status across the Mission (see 3.6, below), you should generally be aware of the scope of existing environmental documentation.

The MEO should thus be generally aware when new or modified activities are being planned and will require additional environmental documentation (an RCE, IEE, IEE Amendment, or an EA). The MEO should bring these needs to the attention of the SO Team.

Verifying coverage. *Where new activities are implemented under existing SO-level IEE(s) or an EA, the MEO should verify that the SO Team has correctly characterized:*

- RCE/IEE/EA coverage for the new activities, matching activities to determinations and identifying any gaps in coverage.
- Any IEE or EA conditions that apply to the activities, particularly making sure that any SO-level IEE or EA conditions are mapped to the activity level.

As a member of the SO Team, the MEO may be delegated this “mapping” task (see suggested format in Section 3.2, above).

If the MEO becomes aware of an activity proceeding without approved environmental documentation, it is his/her obligation first to inform the Activity Manager and CTO; if there is not prompt action to resolve the issue, the Mission Director and REA should be informed. This will most often happen for activities added to existing projects that are outside the scope of the IEE.

This analysis informs the CTO and MEO of the conditions that must be applied to the project/activity, and whether an amended IEE (or new Activity-level IEE) is required for activities not already included in the SO-level IEE.

The MEO will also be able to verify coverage by reviewing Annual Work Plans (see Section 3.4), especially for projects with the potential to result in adverse environmental impacts, and with complex mitigation measures. Through this mechanism, the MEO can match IEE or EA coverage to actual activities being implemented.

To help determine when an Amended IEE (or Activity-level IEE) is needed, see guidance in the “Frequently Asked Questions” section of the [MEO Resource Center](#) on the ENCAP website.

Note: Reg 216 requires that any ongoing activities found to be outside the scope of the approved Reg. 216 documentation be halted until an amendment to the documentation is submitted and approved by the Mission Director and the BEO.

Activity managers are responsible for assuring that IEE and EA conditions are incorporated into solicitations and awards.

3.3 IEE/EA CONDITIONS AND OTHER COMPLIANCE REQUIREMENTS ARE INCORPORATED INTO PROCUREMENT INSTRUMENTS

The ADS states that Activity Managers are responsible for ensuring that environmental conditions from IEEs and EAs are incorporated into solicitation and award documents. (ADS 204.3.4.a.6; 303.3.6.3e). This is critical to LOP environmental compliance: it ensures that IEE and EA conditions are translated into contractual requirements.

To be effective, environmental compliance language in procurement instruments should also require that:

- The partner verifies current and planned activities annually against the scope of the approved environmental documentation. (This helps ensure that projects do not “creep” out of compliance as activities are modified and added to over their life.)
- Where activities demand environmental management expertise, appropriate qualifications and proposed approaches to compliance/ESDM are addressed in technical and cost proposals.
- The necessary mechanisms for partner implementation of IEE/EA conditions and Mission monitoring of this implementation are operationalized (see box below).

When procurement language includes these provisions, those implementing the activity are made directly accountable for environmental compliance and sound environmental management.

Prerequisites for partner implementation of IEE/EA conditions

These prerequisites are not specified by Reg. 216 or the ADS. But unless they are operationalized, systematic, accountable implementation of IEE/EA conditions is almost impossible:

Complete EMMP exists.

An EMMP (Environmental Mitigation & Monitoring Plan) exists that addresses all IEE and EA conditions (The partners will develop the EMMP when the EMMP is not part of a pre-existing IEE or EA).

Budgets and workplans integrate the EMMP.

Project budgets and workplans provide for EMMP implementation, including any necessary capacity-building.

PMPs measure EMMP implementation.

Appropriate indicators of EMMP implementation are built into PMPs.

For more information about EMMPs, see next box, “What is an EMMP?”.

MEO role

The MEO should work with the CTO/Activity Manager to ensure that procurement

instruments contain environmental compliance requirements meeting the standards above.

The ADS 204 Help Document [“Environmental Compliance: Language for use in Solicitations and Awards”](#) is the recommended resource for this purpose. It provides step-by-step **guidance and boilerplate text to assemble compliance language for any particular solicitation** or award.

Note: The MEO should be on the clearance list for all solicitation and award documents.

3.4 IEE/EA CONDITIONS ARE IMPLEMENTED & IMPLEMENTATION IS MONITORED

SO Teams are required to actively monitor ongoing activities for compliance with approved IEE or EA conditions, and modify or end activities that are not in compliance. (ADS 204.5.4.4.)

Monitoring includes:

- **Initial review** of: (1) the EMMP developed by the partner (or IEE preparer), to ensure that it is responsive to IEE/EA conditions; (2) budgets and workplans to ensure that EMMP implementation is planned and funded; and (3) the PMP, to ensure that it includes EMMP implementation indicators. (See boxes: “Prerequisites for partner implementation of IEE/EA conditions” on page 18 and “What is an EMMP?” below)
- **Ongoing review** of partner progress reports to monitor EMMP implementation (see below)
- **Field visits** to assess EMMP implementation and the adequacy of the mitigation measures themselves. Field visits should be focused on environmentally sensitive activities or activities with complex IEE conditions.

(Some Missions specify annual site visits; other Missions leave it up to the SO Team, particularly the CTO and MEO, to determine the need for and number of site visits.)

The CTO/Activity Manager is responsible for ensuring compliance with IEE/EA conditions. This includes the initial, ongoing and field reviews described above.

Implementing partners are responsible both for implementing the IEE/EA conditions and for reporting on the status of this implementation. Rather than create a separate reporting requirement, EMMP implementation indicators should be integrated into the PMP for the project, and implementing partners should report on EMMP implementation in project status reports (quarterly, semi-annual, or annual report⁶, as applicable).

⁶ The contract/agreement specifies whether the implementing partner is to submit reports on a quarterly or semi-annual basis; annual reporting requirements are less common.

What is an EMMP?

An EMMP may also be known as a Mitigation and Monitoring Plan or Environmental Management Plan. An EMMP brings together in one place all the mitigation measures required by the EA or IEE, establishes indicators or criteria for monitoring the implementation of these measures and their effectiveness, and assigns responsibility for both mitigation and monitoring. As such, the EMMP is essential to “operationalize” the EA or IEE, and should be a part of, or developed for, all EAs and all IEEs that involve a “Negative Determination with conditions.”

Although there is no hard and fast rule, the following information is usually included in EMMPs:

1. Action (expected to result in environmental impacts)
2. Impacts and mitigation measure(s)
3. Indicator(s) (what to monitor)
4. Parties responsible for implementing mitigation measures and for monitoring
5. Monitoring frequency
6. Reporting requirements

A [sample EMMP](#) can be found in the [MEO Resource Center](#).

Role of the MEO in ensuring that conditions are implemented and monitored

The MEO oversees and may assist an SO Team in implementing its monitoring responsibilities.

Support to “initial review.” The MEO should work with SO Teams to ensure that partner workplans, budgets, EMMPs and PMPs meet these criteria. In this process, EMMPs should be cross-checked against applicable IEE/EA conditions to make sure they are complete.

Where activities involve sensitive environmental issues and/or more complicated IEE/EA conditions, you should personally review EMMPs, project workplans, and the reporting commitments contained in the PMP for adequacy. Through the CTO or Activity Manager, implementing partners may request that the MEO be involved in the development of EMMPs.

In general, the MEO and CTO/Activity Manager should discuss and agree on environmental reporting requirements for each activity, and should coordinate with implementing partners to ensure that these requirements are incorporated into regular progress reports.

Support to ongoing review and field monitoring. The MEO monitors compliance by reviewing partner quarterly or semi-annual reports (see box below); and via field visits.

Reviewing quarterly/semi-annual project reports is critical.

The MEO should be on the distribution list for quarterly/semi-annual progress reports submitted by implementing partners.

You should pay particular attention to these reports when the project has an IEE that has complex mitigation measures or is potentially environmentally sensitive.

These reports are the primary means for you to keep up-to-date on the status of the IEE and implementation of conditions. The reports should address environmental compliance status, preferably in a separate, clearly marked section of the status report.

In addition, for environmentally sensitive activities or those with complex IEE conditions, the CTO may schedule coordination meetings between the implementing partner and the MEO to discuss environmental compliance status.

In general, the level of MEO involvement in ongoing review/field monitoring depends on the environmental sensitivity of the activities.

- **For projects/activities that have only Categorical Exclusion(s) or Negative Determination(s)**, the MEO should periodically review project status reports to ensure they remain in compliance with the threshold determination (e.g., verifying that no activities are planned or are taking place outside the scope of the IEE).
- **For projects/activities that have a Negative Determination with conditions or a Positive Determination**, the MEO should review all project status reports, and conduct site visits, as you determine necessary, in collaboration with the CTO/Activity Manager. (The MEO may conduct site visits without the CTO/Activity Manager, but they should always be informed of the visit.)

The MEO should meet with the CTO and implementing partner to expeditiously resolve any compliance issues identified in project status reports or during site visits.

The frequency of site visits depends on the significance of potential environmental impacts and the complexity of mitigation measures. The MEO is responsible for preparing trip reports with specific recommendations for CTOs, SO Teams, and implementing partners. The MEO may request the REA to assist with field inspections.

Site visit form available

The MEO Resource Center on the ENCAP website contains a [sample site visit form](#).

The form supports information-gathering during the visit and reporting after the visit.

MEO role if IEE or EA conditions are not implemented

When conditions established in IEEs or EAs are not being implemented, the activity in question is not in compliance. If you know or believe that IEE or EA conditions are not being implemented (or are being implemented poorly), you should:

- First meet with the CTO/Activity Manager;
- If this fails to resolve the problem, request, via the CTO, a joint meeting with

the CTO and implementing partner;

- If the problem remains unresolved, you should contact Mission management and the REA;
- If the issue still requires resolution, the MEO should contact the BEO.

If you believe that the failure to implement mitigation measures is creating a significant and imminent danger to human health or the integrity of critical environmental resources, you should immediately notify the CTO and Mission Management.

3.5 ENVIRONMENTAL COMPLIANCE IS ASSESSED IN ANNUAL REPORTS

The Annual Environmental Compliance Report constitutes a section of the Mission's Annual Report, as required by ADS sections 203.3.8.7 and 204.3.3.a. It is **prepared by the MEO** with input from SO Teams (CTOs/Activity Managers should review and provide comments). The Annual Environmental Compliance Report has two parts:

- a summary of compliance based on implementation of mitigation measures throughout the year and identification of non-compliance (and identification of corrective steps for these situations); and
- a schedule of actions planned for the following year that will require review and approval by the BEO.

3.6 ENVIRONMENTAL COMPLIANCE DOCUMENTATION IS MAINTAINED

The ADS requires that each SO Team maintain documentation relevant to Regulation 216 compliance in its files (ADS 202.3.4.6).

MEO Role: Mission-wide environmental compliance tracking

The MEO should support this requirement by serving a centralized environmental compliance recordkeeping role for the Mission. As part of your duties, you should track:

- the status of environmental documentation for each SO Team;
- the mitigation and monitoring measures required by IEEs, EAs, PEAs, PERSUAPs, and sub-project environmental reviews conducted under “umbrella IEEs”; and
- the status of compliance and monitoring.

This information, along with names and contact information for those responsible for monitoring and compliance, should be contained in a **Mission-wide environmental**

compliance tracking matrix or database, and should be updated at least quarterly in consultation with CTOs and SO Teams.

3.7 OTHER DUTIES

Sections 3.1–3.6 summarized LOP environmental compliance requirements, and the MEO’s role in each. In addition, the MEO has other key duties:

Ensuring environmental compliance is addressed in project evaluations and closure reports

During evaluations and the project closure process, the MEO should:

- provide expertise during project evaluations to ensure environmental compliance issues are included in the evaluation SOW and during the evaluation itself;
- provide assistance during project closure to ensure that environmental compliance lessons learned are incorporated into the closure report.

Provide feedback on MDB project proposals/EIAs

EGAT’s Office of Environment and Science Policy coordinates USAID responses to Multilateral Development Bank (MDB) project proposals and related EIA documents. Mission feedback on environmental impact issues is used by USAID/Washington to inform the U.S. vote on MDB projects up for review. inform the U.S. vote on MDB projects up for review.

3.8 THE MEO AS ENVIRONMENTAL RESOURCE AND CHAMPION

In addition to the compliance-related responsibilities and “other duties” described above, the MEO is expected to serve as a general environmental champion and resource for the Mission.

In this role, the MEO is expected to proactively seek out opportunities to improve ESDM of the Mission’s activities and “mainstream” environmental awareness in decision making—thereby enhancing program design, success and sustainability.

For example, the MEO can encourage and advise Teams about building environmental components into their project designs. Environmental components can often be incorporated into governance activities (natural resources governance), trade and agriculture activities (sustainable use), rural livelihoods (natural resources enterprises), and education activities (environmental education). The MEO is usually best placed to provide design advice regarding integration of environmental components to colleagues in non-environmental development sectors.

4. TAKING STOCK, EFFECTING CHANGE

Chapters 2 and 3 set out the MEO's responsibilities, and how the MEO should function and relate to SO Teams, partners, and Mission management. This chapter provides advice and tools to help you be more effective in these responsibilities and relationships.

Room almost always exists to improve environmental compliance and strengthen ESDM in a Mission's portfolio. You can do this by building your compliance and ESDM skills, by identifying other individuals whose compliance and ESDM skills should be strengthened, by building relationships with SO Teams, by obtaining formal endorsement and support from Mission management of the full scope of MEO responsibilities, and by using tools developed to help MEOs and Missions attain and maintain environmental compliance and ESDM for their portfolios. The REA can serve as a key resource in this process.

Room almost always exists to improve environmental compliance and strengthen ESDM in a Mission's portfolio...

4.1 BUILDING YOUR OWN SKILLS

Master the fundamentals

A key first step is to master the basic Reg. 216/ESDM knowledge that the MEO position requires:

- If you need a **basic orientation to Reg. 216**, visit the on-line IEE assistant on the ENCAP website: www.encapafrika.org/assistant.htm.
- **Complete the “required basic reading for MEOs”**: this Handbook, ADS 204 & 201.3.12.2.b, Chapters 1-3 of the *USAID Environmental Procedures Training Manual*.
- **Explore the [MEO Resource Center](http://www.encapafrika.org) on the ENCAP Website** to get a better sense of the resources and guidance available to address compliance and ESDM in a large number of typical USAID-funded activities. Chapter 5 of this Handbook is an orientation to the Resource Center.
- **Get training.** Section 5.2 summarizes the training available to MEOs. For newly appointed MEOs, attending the next regional MEO/USAID Staff training is highly recommended. Visit the ENCAP website training calendar (www.encapafrika.org/calendar.htm) to find the next scheduled MEO/USAID Staff training. Approach Mission management as early as possible to ensure funds are set aside for your participation.

Network with other MEOs, REAs & EIA professionals

MEO training courses & virtual exchange. MEOs who take the MEO/USAID staff training consistently note in their evaluations that the opportunity to exchange experiences and ideas with other MEOs is extremely useful—and that more such exchange would aid MEOs and others involved in environmental compliance to perform their roles more effectively.

This is another reason to participate in the next MEO training course (see above), and to get in touch with MEOs in other Missions implementing similar projects or likely encountering similar issues.

Contact information for MEOs, REAs, and BEOs for all regional bureaus is available from the Agency environmental compliance website and can be accessed at http://www.usaid.gov/our_work/environment/compliance/officers.html.

Networks for EIA professionals. USAID's Environmental Procedures are a specific form of a general EIA process. As an MEO, you are one of a community of EIA professionals all over the world who deal daily with assessing impacts, designing mitigation measures, and monitoring follow-through. Many countries have national associations of EIA professionals, most of which are affiliated with the International Association for Impact Assessment (IAIA). Visit the IAIA website (www.iaia.org) for links to national associations, announcements of regional conferences, links to discussion groups, etc.

Set expectations for yourself

A useful exercise is to list the expectations and objectives you wish to achieve as MEO. For example:

- By year 1, you may wish to see the Mission achieve 50 percent Reg. 216 compliance (as measured by verified implementation of IEE conditions); and by year 2, 100 percent compliance.
- By year 2, you may wish to train all CTOs in the application of Reg. 216.
- In year 1, you may wish to conduct site visits to 20 percent of relevant activities.

Include expectations and objectives that will help you perform your MEO role more effectively. Discussing these expectations and objectives with your Mission supervisor, REA, and BEO, may also be helpful in fulfilling them.

4.2 BUILD SO TEAM SKILLS

Most MEO responsibilities are implemented as a member of, and via, the SO Teams. SO Team awareness of environmental compliance responsibilities and of the importance of ESDM and its application to their sector is essential if you are to be successful in your MEO responsibilities.

If SO Teams in your Mission have not already received a brief training (2-4 hours) on Reg. 216/ESDM, consider delivering such a training yourself. (Or request the REA to assist you.)

Annex 1 to this *Handbook* is a short “Environmental Procedures Briefing for Mission staff” that is fully compatible with this *Handbook* and the Model Mission Environmental Order in the MEO Resource Center. It is intended to support short mission staff trainings and to serve as a post-training reference. Accompanying training slides are available via the “Mission Processes and MEO Responsibilities” section of the MEO Resource Center.

Keep an MEO Notebook

Don't rely on other Mission staff to keep records related to your MEO role. Start an MEO Notebook where you keep a copy of key documents:

- MEO Appointment Memo
- Mission Order on Environmental Compliance
- Field visit notes
- Annual Environmental Compliance Report (as part of the Mission's Annual Report)
- MEO SOW
- EMMPs
- Tracking forms

4.3 STRENGTHEN PARTNER RESPONSIBILITY: ROLL OUT THE “ENVIRONMENTAL COMPLIANCE LANGUAGE” (ECL) FOR PROCUREMENT INSTRUMENTS

Partner implementation of IEE/EA conditions is critical—without it, IEE/EA conditions are meaningless, and USAID's Environmental Procedures are ineffective. This requires that USAID clearly communicate compliance responsibilities to partners, ensure that environmental compliance is planned via an EMMP, and that EMMP implementation is built into project budgets and workplans.

To strengthen the partner role in the environmental compliance process, the Agency has issued the ADS Help Document “Environmental Compliance: Language for Use in Solicitations and Awards” (ECL). The ECL provides step-by-step guidance and boilerplate text to assemble compliance language for any solicitation or award.

Use of contract language generated by the ECL will help ensure that partners are fully aware of their compliance responsibilities, including the need to fully incorporate IEE conditions into budgets, workplans and PMPs. This should help to mainstream environmental compliance into partner project implementation and reporting.

The [ECL](#) is available at the [MEO Resource Center](#) of the ENCAP website.

Working with the CTOs/Activity Managers to build this language into upcoming solicitations will strengthen environmental compliance in your Mission's portfolio—and can relieve some of the environmental compliance burden from Mission staff. (For

more information, see 3.3 “IEE/EA conditions and other compliance requirements are incorporated into procurement instruments.”)

ENCAP may be able to provide technical assistance and training in the use of the ECL in Missions. Please contact your REA for information.

4.4 OBTAIN A STRENGTHENED MEO APPOINTMENT MEMO AND/OR A MISSION ENVIRONMENTAL ORDER

The generic MEO Appointment Memorandum contained in ADS 204 (and used by many Missions) provides only a minimal description of MEO responsibilities.

An MEO Appointment Memorandum that details the MEO’s roles and responsibilities helps empower the MEO in several ways. It:

- provides a clear endorsement of environmental compliance and ESDM as key Mission objectives;
- strengthens the MEO’s role on, and interactions with, SO Teams;
- provides clear justification for the time the MEO spends on his or her MEO responsibilities; and
- makes clear that the MEO reports directly to Mission management on matters of compliance.

If your Appointment Memo is very general (or was not issued), consider approaching Mission management to issue a strengthened memo. A recommended [MEO Appointment Memo](#) can be found at the [MEO Resource Center](#) of the ENCAP website. The [MEO SOW](#) is also available via the Resource Center and can be used as a basis for the Appointment Memo.

A Mission Environmental Order can be used to raise awareness among Mission staff about the MEO role and their roles in application of Reg. 216, and to reinforce the importance to the Agency of ESDM. A [sample mission environmental order](#) are developed to be fully compatible with this MEO Handbook is available via the [MEO Resource Center](#).

Technical assistance may be available from ENCAP to assist in developing a strengthened Appointment Memo or Mission Environmental Order and to provide staff training based on these documents. Contact your REA.

4.5 MEASURE YOUR MISSION: THE “BEST PRACTICE STANDARD” FOR MISSION ENVIRONMENTAL COMPLIANCE CAPACITY

The Africa Bureau has developed a “best practice standard” for environmental compliance capacity at the Mission level. The standard can serve as a guide for MEOs to help:

- identify where your Mission may have environmental compliance shortcomings and gaps; and

[More information on the BPR process](#), including factsheet and powerpoint presentation to explain the process to Mission management and staff, is available via the [MEO Resource Center](#) on the ENCAP website.

- self-evaluate your performance, and determine areas that need strengthening, more focus, and support.

A “best practice review” BPR assesses a Mission’s processes and situation against this standard, identifies weaknesses, and develops an action plan for addressing them. A BPR can be undertaken by the MEO, the REA, or by an external consultant.

The outcome of a BPR is a BPR Action Plan which recommends processes, tasks, and training the Mission should implement to meet the best practice standard. Once the BPR is conducted, the MEO’s role is to help the Mission implement the BPR Action Plan. After the Action Plan items are implemented, the MEO should track them to ensure that the recommended procedures remain in force; and that the standard continues to be met over time. **ENCAP Technical Assistance may be available to facilitate a Best Practice Review.** Contact your REA.

BUREAU FOR AFRICA MISSION ENVIRONMENTAL COMPLIANCE BEST PRACTICE STANDARD

A

Environmental documents are in place, including:

- Environmental Compliance Mission Order;
- MEO Appointment Memo;
- Up-to-date Environmental Threats and Opportunities Assessment (ETOA) or FAA 118/119, prepared with MEO involvement and/or review;
- IEEs at SO level, updated as necessary;
- IEEs at activity level, updated as necessary (if not included in SO-level IEE)

B

Mission staff and implementing partners have capacity to ensure environmental compliance:

- Staff and implementing partners have been trained in Regulation 216/environmental compliance;
- MEO has knowledge of country level environmental assessment legislation and country environmental issues;
- MEO has skills and expertise to identify potential environmental components for Mission SOs and activities;
- A “Deputy” or “Alternate” MEO has been appointed to assist when the MEO is unavailable;
- Opportunities for ongoing training in environmental compliance are provided to staff and implementing partners

C

Processes are in place to ensure environmental compliance:

- MEO reports directly to Mission Director or senior management on matters pertaining to compliance with USAID Environmental Procedures;

BUREAU FOR AFRICA MISSION ENVIRONMENTAL COMPLIANCE BEST PRACTICE STANDARD (CONT.)

- MEO has a Mission-wide tracking process for IEE status, which is readily available to all Mission staff;
- MEO and CTOs/Activity Managers have a process for collaborating on activities with potential environmental impacts (from design to closure);
- Process exists to identify activities that need
- Process exists to identify activities that need amended IEEs (for activities not already covered by an SO level IEE);
- Process exists for ensuring that IEE conditions are incorporated into RFPs/RFAs, or a process exists for ensuring that an Activity-level IEE will be undertaken by the contractor (and that this task is specified by the RFA/RFA).
- Process exists for incorporating IEE conditions into contracts, and for including mitigation and monitoring costs in project budgets;
- Process exists for ensuring Mission or implementing partner develops and implements an Environmental Mitigation and Monitoring Plan/Environmental Management Plan (EMMP/EMP);
- Process exists for reporting to USAID on implementation of mitigation measures and continued assessment of potential environmental impacts (in project semi-annual or quarterly reports).
- Financial resources available to support mission environmental compliance processes, including training, analytical support, MEO travel to assist CTOs with field monitoring, etc. When the MEO reports to a sectoral team (Economic Growth, etc.), these resources would ideally be provided by the Program Office, since the MEO duties support the mission as a whole.

D

The following Mission contracting, project, and review/status documents include environmental compliance language:

- Strategic Objective Agreement (SOAg) approvals;
- Activity Approval Documents (AADs);
- Modified Acquisition and Assistance Request Documents (MAARDs);
- RFPs/RFAs;
- Contracts and cooperative agreements with budget that reflects mitigation and monitoring costs;
- Quarterly or semi-annual reports, submitted by project staff to the CTO;
- Most recent Annual Report submitted by Mission to USAID/W;
- Portfolio reviews, conducted semi-annually;
- Closure report, where lessons learned regarding ESDM and Reg. 216 should be documented; and
- Federal Management Financial Information Act (FMFIA) review, wherein, on an annual basis, every mission conducts a review of all their systems (financial and otherwise, including ADS 204).

5. MEO RESOURCES

5.1 THE MEO RESOURCE CENTER

The [MEO Resource Center](#) on the ENCAP website is a single point of access to a wide range of environmental compliance, best practice, and related references for MEOs.

Materials are organized thematically in 12 major categories, listed below. Subsequent sections of this chapter describe key resources in the shaded categories.

<p>Basic concepts and knowledge</p> <p>Basic information about ESDM, the EIA process, and USAID's Environmental Procedures. Includes this Handbook.</p>	<p>Frequently asked questions</p> <p>Brief answers to and discussions of common environmental compliance questions. Fully searchable with linked resources and documents.</p>	<p>Reg. 216 Documentation Development</p> <p>Step-by-step guidance, recommended language, and forms and templates for Reg 216 documentation.</p>
<p>Contacts & Training</p> <p>BEO, REA, and MEO names and contact information.</p> <p>Agendas and full course materials for ENCAP training courses.</p>	<p>IEE Archive</p> <p>The searchable, on-line BEO Actions Tracker stores the full text of Reg. 216 documents from Africa region.</p>	<p>Sectoral guidance</p> <p>Environmental Best Practices, Impacts Characterization, and design of Mitigation and Monitoring Measures for typical sectoral activities.</p>
<p>ENCAP Services and Assistance</p> <p>ENCAP, an AFR/SD program, provides tools, resources, technical assistance and capacity building to USAID/Africa Missions and partners to strengthen environmental management and environmental compliance.</p>	<p>Mission processes & MEO authority</p> <p>Resources for Environmental Compliance Best Practice Reviews, Sample MEO appointment memos, SOWs and Mission Environmental Orders.</p>	<p>Special compliance topics</p> <p>Guidance and factsheets on umbrella IEEs, EAs, Pesticides procedures, GDA & DCA compliance, and more.</p>
<p>Environmental Compliance & Partner Responsibility</p> <p>Step-by-step guidance and boilerplate language for incorporating partner environmental compliance responsibilities into USAID procurement instruments.</p>	<p>Mitigation and monitoring (M&M)</p> <p>Principles of Mitigation and Monitoring, EMMP template and guidance, and tools for Mission monitoring of partner implementation of IEE/EA conditions & best practices.</p>	<p>USAID Regulations, Procedures and Official Guidance</p> <p>Reg 216, ADS chapters and excerpts relevant to environmental compliance, MYAP Environmental Compliance Guidance, etc.</p>

Note that USAID also maintains an [agency environmental compliance website](#). While the MEO Resource Center provides a significantly larger set of resources and includes links to most material on this agency site, MEOs also should be aware of and familiar with this agency site.

5.2 FREQUENTLY ASKED QUESTIONS (FAQS)

The [FAQ section](#) of the [MEO Resource Center](#) provides brief answers and discussions of more than 20 common environmental compliance questions. Many of the topics have linked resources and documents. A few questions addressed include:

- When is a training or policy activity NOT a categorical exclusion?
- Are “natural” pesticides considered pesticides and does their use and procurement require a Reg. 216 review?
- What special environmental compliance requirements apply to Biosafety and Genetically Modified Organisms (GMOs)?
- Are the environmental review requirements for Title II programs the same as development assistance programs?
- How do I proceed if an EA is required or likely to be required?

5.3 MEO RESOURCES FOR IEE PREPARATION

The “[Reg. 216 Documentation Development](#)” section of the [MEO Resource Center](#) contains guidance, recommended language, and forms and templates for Reg 216 documentation. Three resources are of particular note:

IEE Assistant

The [IEE Assistant](#) is a web-based, graphical tool on the ENCAP website that guides a user through the process of preparing and writing an IEE or Categorical Exclusion request. The IEE Assistant provides step-by-step guidance and linked resources for each stage of the process.

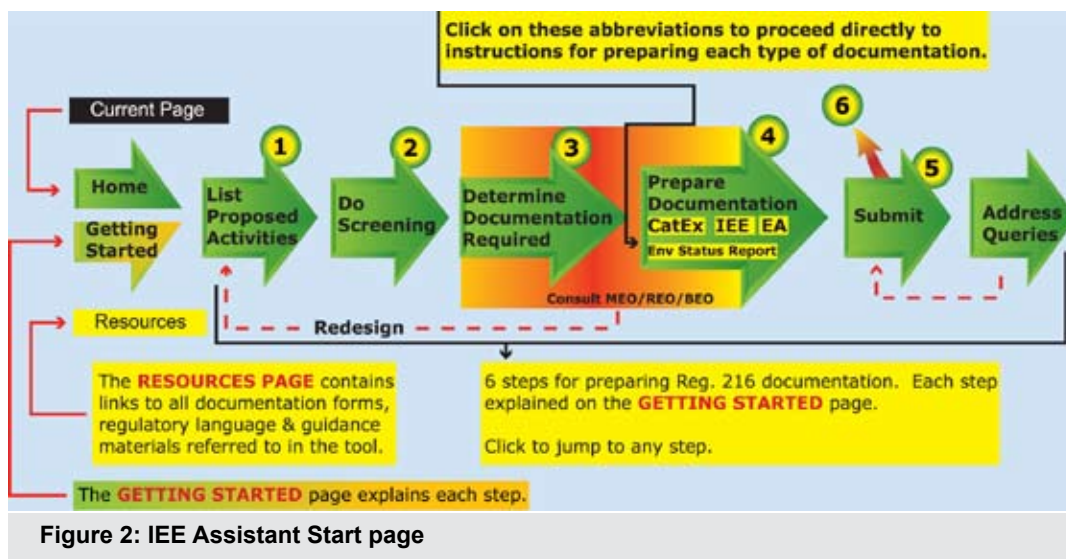


Figure 2: IEE Assistant Start page

Recommended Acceptable Language and Format (RALF) for IEEs

RALF is a collection of “standard” paragraphs, phrases, citations, and formats that are commonly employed and reused in IEEs. It is a useful resource and tool for writing IEEs, particularly for sections *3.0 Evaluation of Project/Program Issues With Respect To Environmental Impact Potential* and *4.0 Recommended Threshold Decisions and Mitigation Actions (Including Monitoring and Evaluation)*.

Using RALF:

1. saves time and effort for IEE writers, allowing more time for analysis and design of mitigation and monitoring conditions;
2. promotes consistency across the region of IEE language used and of risk management decisions, which are embodied in the conditions proposed; and
3. increases the likelihood of IEEs being cleared without substantial edits or rewriting.

The language provided by RALF is recommended, not required, and is meant to ease the burden on IEE preparers, allowing them more time for aspects of the IEE that will result in improved environmental management and increased environmental benefits. The IEE language found in RALF may have to be revised to fit the specific circumstances of the IEE/RCE. RALF is especially useful to less experienced IEE preparers. An IEE preparer may wish to start with RALF language, and amend/abridge/add to as needed.

RALF is a working document, continually changing to reflect Agency guidance, and MEO, CTO, REA, and BEO lessons learned and experience gained.

Environmental Procedures Training Manual (EPTM)

The EPTM is a guide to compliance with Reg. 216 for USAID staff and partners. It provides step-by-step instructions for preparing USAID environmental documentation. You can download a copy of the EPTM from the [MEO Resource Center](#).

5.4 SECTORAL GUIDANCE: ENVIRONMENTAL GUIDELINES FOR SMALL-SCALE ACTIVITIES IN AFRICA

The *Environmental Guidelines for Small-Scale Activities in Africa (EGSSAA)* is the key sectoral guidance resource in the [MEO Resource Center](#).

The EGSSAA is a primary resource for MEOs, CTO/Activity Managers, and implementing partners for design and implementation of small-scale development activities. It includes guidance and resources for a variety of development sectors, including Water & Sanitation, Healthcare Waste, Integrated Pest Management and Safer Pesticide Use, Rural Road Construction, Agriculture and Irrigation, Micro and Small Enterprise support, and many others.

MEOs may wish to refer to it when called on to assist in project design, IEE preparation, and developing or evaluating EMMPs.

5.5 TRAINING AVAILABLE TO MEOS

Technical capacity, training, and “empowerment” of the MEO have a major bearing on whether an MEO is motivated and effective. The Mission may support professional development training, membership in professional associations, e.g., the International Association for Impact Assessment (IAIA; www.iaia.org), and other actions to strengthen an MEO’s capacity and effectiveness.

Through Africa Bureau’s ENCAP project, the Bureau has sponsored training for Mission staff and partners since 1995.

- **IEE Preparation/Sub-Project Environmental Review:** The “Environmental Assessment and Environmentally Sound Design and Management” (EA-ESDM) course is a 4–5 day, field-focused training for USAID partner organizations. It teaches basic EA skills, how to apply these skills to the development of IEEs or sub-project environmental reviews required by USAID Environmental Procedures, and how to integrate the EA process into project design and implementation to improve project outcomes.

EA-ESDM courses are held for specific Missions and Mission programs. However, new MEOs are welcome, and are encouraged to contact the organizers and make arrangements to attend these courses.

- **LOP Compliance/IEE Implementation.** This is also a 4-5 day, field-focused training, and is intended for USAID Mission staff and partners. It introduces LOP environmental compliance requirements and--via integrated field work and classroom exercises and sessions--it particularly emphasizes on mitigation and monitoring skills, and implementation and monitoring of IEE and EA conditions.

LOP Compliance/IEE Implementation courses are held for specific Missions and Mission programs. However, new MEOs are welcome, and are encouraged to contact the organizers and make arrangements to attend these courses.

- ENCAP also offers a **USAID staff course**, specifically targeting Africa Bureau MEOs and other USAID staff involved in Reg. 216 application, and focuses on current issues of concern to them. See <http://www.encapafrika.org/coursepage.htm> for a sample of courses available, agendas, and course material.
- **Pesticide/IPM/PERSUAP training, Cleaner Production training, an “Enterprise, Trade and Environment” course, and other sectoral trainings** (rural roads, water and sanitation, etc.) can be organized for Mission and implementing partner staff depending on demand and available funds.

For a list of upcoming courses and contact information, visit the ENCAP training calendar at <http://www.encapafrika.org/encapCalendar.htm>.

In addition to ENCAP training courses, MEOs should track the availability of courses sponsored by IAIA (www.iaia.org). For assistance on specific issues, request a visit or a telephone consultation with the REA.

5.6 ENCAP SERVICES

ENCAP, an AFR/SD program, provides tools, resources, technical assistance and capacity building to USAID/Africa Missions and partners to strengthen **environmental management** and **environmental compliance**. This Handbook was developed by ENCAP, as were the other resources and trainings described above.

To learn more about ENCAP, or to access ENCAP tools and guidance that are freely available to Mission staff and partners, visit the ENCAP website, www.encapafrika.org.

ENCAP *technical assistance, training and other services* are available to Missions on a subsidized basis, with Missions providing a cost-share or in-kind contribution. Missions may also engage ENCAP program partners directly, via Task Order buy-in or direct contracts.

These services are:

1. Assistance in conducting Mission Environmental Compliance Best Practices Reviews (BPRs). A BPR identifies gaps in Mission environmental compliance, develops an Action Plan to address these gaps, and usually includes short staff trainings.
2. Assistance in implementing BPR Action Plans.
3. Assistance in incorporating partner environmental compliance responsibilities into procurement instruments.
4. Design and evaluation of EMMPs for compliance with IEE and EA conditions.
5. Development and review of Reg. 216 documentation, including IEEs, PERSUAPs, and EAs.
6. Development of sub-project environmental review processes for small grant programs and associated training as required by “umbrella IEEs.”
7. Support for integrated pest management (IPM), safer pesticide use and compliance with USAID’s pesticide procedures.
8. Preparation of FAA 118/9 (Environmental Threats and Opportunities) Assessments.
9. Conduct of environmental due diligence in support of GDA activities.
10. Program design and evaluation support to incorporate environmental concerns and Reg. 216 compliance, including application of environmental

voluntary standards, cleaner production, corporate social responsibility codes and standards, and other approaches to greening business and trade.

Other related technical assistance is available upon request. To request subsidized ENCAP assistance or services, contact your Regional Environmental Advisor. To contact the ENCAP core team, email encapinfo@cadmusgroup.com.

ANNEX 1: ENVIRONMENTAL PROCEDURES BRIEFING FOR MISSION STAFF: A SHORT, STAND-ALONE TRAINING AID AND REFERENCE

ABOUT THIS BRIEFING

Africa Bureau strongly recommends that all Mission Staff receive at least a brief (2-3 hr) orientation training to USAID's environmental procedures. MEOs are encouraged to organize such trainings in their mission. The trainer may be the MEO, the REA or a specialized consultant (e.g. from AFR/SD's ENCAP environmental technical support program.)

The briefing that follows was developed by ENCAP in response to a need identified by MEOs and REAs for succinct briefing materials to support such mission staff trainings, and to serve as a post-training reference.

Towards these ends, it:

- summarizes the environmental procedures in plain language, and
- sets out the roles and responsibilities of organizational units and functions in the Mission in achieving and assuring compliance.

This Briefing is closely based on and fully compatible with the new template Environmental Compliance Mission Order adopted by Africa Bureau. It is also fully compatible with this MEO Handbook. This briefing is also available for download on the MEO Resource Center (www.encapafrika.org/meoEntry.htm).

As noted in the text, the plain-language summary in this Briefing does not supersede the statutory, regulatory and ADS language that governs and constitutes USAID's environmental procedures. This language may be accessed via the MEO Resource Center.

If an Environmental Compliance Mission Order based on the new template has been or is being issued by Mission management, simply use the Mission Order as the training reference rather than this briefing.

Neither this Briefing, nor the Mission Order, nor the MEO Handbook teach how to develop "Reg 216 documentation" (Requests for Categorical Exclusion (RCEs), IEEs, and EAs.) The focus is instead on the "big picture" of LOP compliance, particularly implementation of IEE and EA conditions. The assumption is that most mission staff

with program responsibilities will not be developing RCEs, IEEs or EAs, but all have significant responsibilities for assuring that IEE and EA conditions are implemented.

If the training will address Reg. 216 documentation development, training materials and an on-line support tool are available on the ENCAP website:

- IEE Assistant (on-line support tool for development of RCEs and IEEs). www.encapafrika.org/assistant.htm.
- Reg. 216 training presentations. See the following presentations developed for Regional USAID staff trainings: “Overview of Reg. 216;” “Practice with Screening & Getting Started with the On-line IEE Assistant;” and “Pointers and Pitfalls: A Guide to Successful & Effective IEEs.” All are available at <http://www.encapafrika.org/tzWorkshop.htm>.

While direct URLs are provided above, these resources can also be accessed via the MEO Resource Center.

The MEO Resource Center is referenced extensively in the text. The entire contents of the ENCAP website, including the MEO Resource Center, are available on a flashdrive (memory stick) from ENCAP. Where compatible with mission IT policy, we recommend copying the site from the flashdrive to a convenient location on a mission server, allowing all staff quick access. The briefing contains placeholder text to insert the server file location.

For comments or questions on this briefing please contact the ENCAP core team at encapinfo@cadmusgroup.com. For assistance or consultation regarding organizing a staff training in your mission, please contact your Regional Environmental Advisor.

Please note that the text in green highlight should be updated before distribution.

USAID Environmental Procedures Briefing for USAID/XXX Staff

Contents

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Attachments:

- 1. Environmental Compliance Language for Use in Solicitations and Awards*
- 2. Annotated Environmental Mitigation and Monitoring Plan (EMMP) Template*

Acronyms

ADS	Automated Directives System	EMMP	Environmental Mitigation & Monitoring Plan
BEO	Bureau Environmental Officer	ESDM	Environmentally Sound Design and Management
CFR	Code of (US) Federal Regulations	IEE	Initial Environmental Examination
CTO	Cognizant Technical Officer	LOP	Life-of-Project
EA	Environmental Assessment	MEO	Mission Environmental Officer
ECL	Environmental Compliance Language for Use in Solicitations and Awards (ADS 204 help document)	PMP	Performance Monitoring Plan
EIA	Environmental Impact Assessment	REA	Regional Environmental Advisor
		Reg. 216	22 CFR 216

About this Briefing

All USAID Missions and operating units are required to fully implement and comply with USAID’s mandatory environmental procedures. This briefing is intended to support short mission staff trainings in these procedures and to serve as a succinct post-training reference. Towards these ends, it:

- ✓ summarizes the environmental procedures in plain language, and
- ✓ sets out the roles and responsibilities of organizational units and functions in the Mission in achieving and assuring compliance.

This briefing is closely based on and fully compatible with the new model *Environmental Compliance Mission Order* adopted by Africa Bureau. The plain-language summary in this *Briefing* does not supercede the statutory, regulatory and ADS language that governs and constitutes these procedures. This language may be accessed via <http://www.encapafrika.org/meoEntry.htm> or [provide internal server filelink](#).

Legal Authority for and Purpose of USAID's Environmental Procedures

Section 117 of the Foreign Assistance Act of 1961, as amended, **requires** that USAID use an Environmental Impact Assessment (EIA) process to evaluate the potential impact of the Agency's activities on the environment **prior** to implementation, and that USAID "fully take into account" environmental sustainability in designing and carrying out its development programs. This mandate is codified in Federal Regulations (22 CFR 216 or "Reg. 216") and in USAID's Automated Directives System (ADS), particularly Parts 201.3.12.2.b and 204.

These procedures are USAID's principal mechanism to ensure environmentally sound design and management (ESDM) of development activities. Put another way, they are USAID's principal mechanism to prevent USAID-funded activities from having significant, unforeseen, avoidable or mitigable adverse impacts on critical environmental resources, ecosystems, and the health and livelihoods of beneficiaries or other groups. They strengthen development outcomes and help safeguard the good name and reputation of the Agency.

Compliance with these procedures is mandatory. With limited exceptions for international disaster assistance, they apply to every program, project, activity, and amendment supported with USAID funds or managed by USAID. USAID/XXX is fully committed to their systematic and complete implementation.

Environmental Compliance Requirements over Life of Project

In general, the procedures specify an EIA process that must be applied to all activities *before implementation*—including new activities introduced into an existing program or substantive changes to existing activities. This pre-implementation EIA process, defined by Reg. 216, frequently results in environmental management requirements (mitigative measures) that must be implemented and monitored over the life of the activity.

Specifically, EXCEPT for international disaster assistance activities verified as EXEMPT from the procedures, the procedures impose the following compliance requirements over life of project (LOP):

1. **Environmental considerations must be taken into account in activity planning.** (ADS 201.3.12.6 & 204.1).
2. **No activity is implemented without approved Reg. 216 environmental documentation. This documentation must be approved PRIOR to any irreversible commitment of resources.** (ADS 204.3.1).

This documentation is the output of the EIA process specified by Reg. 216 and takes one of three forms: Request for Categorical Exclusion, Initial Environmental Examination (IEE) or Environmental Assessment (EA).

Documentation is approved ONLY when it is signed by the Mission Environmental Officer, the Mission Director AND the Bureau Environmental Officer. As a condition of approval, most IEEs and all EAs contain environmental mitigation and monitoring requirements ("IEE or EA conditions") for at least some of the activities they cover.

Note that Activity Approval Documents must summarize how environmental documentation requirements have been met. (ADS 201.3.12.15).

3. **All IEE and EA conditions are incorporated in procurement instruments.** (ADS 204.3.4.a.6; 303.3.6.3e).
4. **All IEE and EA conditions are implemented, and this implementation is monitored and adjusted as necessary.** (ADS 204.3.4; 303.2.f).

Operationally, this requires that:

- ✓ *Conditions established in program- (“FO”-)-level IEEs and EAs are mapped to the activity level;*
- ✓ *Environmental Mitigation and Monitoring Plans (EMMPs) are developed at the project or activity level to implement these conditions. EMMPs set out the mitigation measures required by the IEE/EA; indicators or criteria for monitoring their implementation & effectiveness; and the parties responsible for implementation & monitoring;*
- ✓ *Project workplans and budgets specifically provide for implementation of EMMPs; and*
- ✓ *PMPs incorporate measures of EMMP implementation.*

USAID/XXX mission policy is that each of these prerequisites for successful implementation of IEE and EA conditions will be executed in full.

An annotated EMMP template is attached to this Briefing and also available at www.encapafrika.org/meoEntry.htm and [provide internal server filelink](#).

5. Environmental compliance is assessed in annual reports. (ADS 203.3.8.7; 204.3.3.a).

Annual reports must assess environmental compliance of existing activities, including whether all activities are covered by approved Reg. 216 environmental documentation, whether the mitigation measures specified in IEEs and EAs are being implemented, and whether these measures are adequate. If activities are discovered to be out of compliance, the report must specify actions to be taken to remedy the situation.

6. Environmental compliance documentation is maintained in Program area Team files. (ADS 202.3.4.6).

A more extensive discussion of LOP environmental compliance requirements is found in the Bureau for Africa’s *Mission Environmental Officer Handbook*, available via www.encapafrika.org/meoentry.htm and [provide internal server filelink](#). A hardcopy of the handbook is available for loan from the Mission Environmental Officer.

Responsibilities for Implementation

Primary responsibility: Team Leaders, CTOs, and Activity Managers. The ADS makes clear that primary responsibility and accountability for environmental compliance is shared by the USAID staff acting in the capacities of Team Leader and each CTO or Activity Manager. This includes assuring that Reg. 216 documentation is developed and in-place for activities under their purview.

Specific responsibilities established by the ADS and Mission policy for these positions are set out in the table below. All USAID/XXX staff are obliged to fulfill the enumerated environmental compliance responsibilities attendant to their position.

Final responsibility: Mission Director. Final responsibility for environmental compliance lies with the Mission Director. The Mission Director must approve all Reg. 216 documentation for Mission activities.

Field Implementation: Contractors and Implementing Partners. Environmental management must be an integral part of project implementation, and thus field implementation of environmental mitigation is the responsibility of contractors/IPs with oversight from USAID.

Advice & Gatekeeping: Mission Environmental Officer (MEO). The MEO (1) is a core member of each mission program team and serves the team as an environmental compliance advisor; (2) serves as a gatekeeper (quality and completeness reviewer) for Reg. 216 Documentation and must clear all

documentation before submission to the Mission Director; and (3) is the primary point of Mission contact with the Bureau Environmental Officer and the Regional Environmental Advisor (see “Environmental Compliance Resources and Key Contacts,” below).

A more complete description of MEO roles and responsibilities is provided by the Bureau for Africa’s MEO Handbook, available via www.encapafrika.org/meoEntry.htm and [provide internal server filelink](#).

Regional Environmental Advisors (REAs). REAs advise MEOs and program teams on environmental compliance, including development of Reg. 216 documentation and monitoring protocols, and can assist teams in obtaining additional environmental expertise when required. REAs also help to monitor the mission’s implementation of the Agency’s Environmental Procedures. The MEO is the liaison with the REA on behalf of program teams. The REA supporting XXXX is based in USAID/(EA/WA/SA), CITY.

Bureau Environmental Officers (BEOs). The BEOs, based in Washington, DC, must clear all Reg. 216 documentation for activities under the purview of their Bureau. USAID/XXXX activities are under the purview of the AFR, EGAT, GH and DCHA Bureaus.

Environmental Compliance Responsibilities of Team Leaders, CTOs, Activity Managers and the MEO

Compliance action	Responsible parties
<p>Prepare Reg 216 environmental documentation.</p> <p>Reg 216 documentation includes:</p> <ul style="list-style-type: none"> ✓ Requests for Categorical Exclusions (RCEs) ✓ Initial Environmental Examinations (IEEs) ✓ Environmental Assessments (EAs) ✓ Amendments to all of the above 	<p>CTO/Activity Manager (MEO reviews/provides advice).</p> <p>EXCEPT:</p> <ul style="list-style-type: none"> ✓ Teams may engage partners or outside contractors to prepare IEEs under the supervision of the CTO/Activity Manager. <u>The use of external expertise is RECOMMENDED for complex programs and activities.</u> ✓ EAs are almost always prepared by 3rd-party contractors. ✓ Title II IEEs are prepared by Implementing Partners as part of their MYAP submissions.
<p>Approve and Clear Reg. 216 Documentation.</p>	<p>All of the following must clear:</p> <ul style="list-style-type: none"> ✓ CTO, Activity Manager or Team Leader ✓ MEO ✓ Mission Director ✓ Bureau Environmental Officer
<p>Clear sub-project/sub-grant Environmental Reviews.</p>	<p>Activity Manager AND MEO</p> <p>(Activities identified by the sub-project/sub-grant screening process as “high risk” are forwarded for REA & BEO review and clearance.)</p>
<p>Incorporate environmental compliance requirements into procurement documents.</p>	<p>CTO/Activity manager (MEO assists.)</p>
<p>Ensure Reg. 216 documentation is current and covers all activities being implemented.</p>	<p>CTO/Activity Manager</p>
<p>Assure an EMMP addressing all relevant mitigation and monitoring conditions is</p>	<p>CTO/Activity Manager (MEO may review)</p>

Compliance action	Responsible parties
developed, and reflected in workplan, budget, and PMP.	Contractors/IPs will in most cases develop EMMPs for CTO/Activity Manager review. If they do not, this responsibility falls directly on the CTO/Activity Manager.
Monitoring to ensure partner/contractor compliance with IEE/EA conditions.	CTO/Activity Manager (MEO assists)
Ensure that environmental compliance lessons learned are incorporated in closure reports & environmental compliance issues are included in SOWs for evaluations.	MEO
Prepare environmental compliance section of Mission Annual Reports.	MEO, with support from CTOs and Activity Managers.
Maintain environmental compliance documentation.	Program Officer, CTO/Activity Manager/Team Leader, MEO

Additional Directives and Responsibilities to Assure LOP Compliance

To assure that the LOP compliance elements listed in the table above are well-implemented, the following directives and responsibilities apply Mission-wide:

1. **Awareness of Activity Determinations and Conditions.** It is the responsibility of each CTO and Activity Manager to know the **Reg. 216 Determination, including any conditions**, assigned to the activities under their purview. These conditions are assigned in the Reg. 216 documentation that applies to the activity. The possible determinations are enumerated in the table below:

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 <i>if</i> 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.

The only activities not assigned such 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.

2. **Team-level Compliance Planning & Compliance Verification Systems.** As specified by ADS 204.3.4, each program team must collaborate effectively with the MEO during all program designs and approvals to create a system and secure adequate resources to ensure LOP environmental compliance.

This system must include: EMMP review and approval; assuring the budgets provide for EMMP implementation, and that PMPs integrate measures of EMMP implementation. Environmental compliance verification will be part of field visits/inspections.

Note that several general and sector-specific tools exist to support field and desk assessment and tracking of partner environmental compliance. Use of these tools is recommended and may be required in some circumstances. Examples include the “Environmental Mitigation and Monitoring Tracking System” (developed in the Southern Africa region for compliance monitoring of Indoor Residual Spraying activities and the general “Site Visit Guide and Report Template.” Both are available at www.encapafrika.org/meoentry.htm (Mitigation and Monitoring section) or [provide internal server filelink](#). Contact the MEO for more information.

3. **Functional specifications for Environmental Compliance Clauses in Procurement**

Instruments. The ADS states that CTOs and Activity Managers are responsible for ensuring that environmental conditions from IEEs and EAs are incorporated into solicitation and award documents (ADS 204.3.4.a.6; 303.3.6.3e). Beyond this, **it is Mission policy that environmental compliance language in all solicitation and award instruments specifically requires that:**

- ✓ The partner verifies current and planned activities annually against the scope of the approved environmental 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 fully responsive to all IEE/EA conditions, unless this already exists in the Reg. 216 documentation or will be developed by Mission program staff.
- ✓ Budgets and workplans integrate the EMMP.
- ✓ PMPs measure EMMP implementation.

The ADS help document *Environmental Compliance Language for Use in Solicitations and Awards* (ECL) provides a combination of step-by-step guidance and standard text to assemble environmental compliance language meeting these requirements for any solicitation or award. Its use is strongly recommended.

The ECL and an annotated EMMP template are attached to this Order and also available at www.encapafrika.org/meoentry.htm and [provide internal server filelink](#).

- ### 4. **Confirming Reg. 216 documentation coverage in the course of project designs, amendments, extensions, and during the preparation of the Annual Reports.** During these exercises, the Team should review planned/ongoing activities against the scope of existing, approved Reg. 216 documentation and either: (1) confirm that the activities are fully covered or (2) assure that such documentation is developed and approved *prior* to implementation. For activities begun under a disaster assistance exemption, the Team must confirm that their exempt status still applies.

*Activities modified or added during project implementation may require new or amended Reg. 216 documentation. Maintaining Reg. 216 documentation coverage of all activities is critical, as the ADS requires that ongoing activities found to be outside the scope of approved Reg. 216 documentation **be halted** until an amendment to the documentation is approved by the Mission Director and the BEO.*

Critical Non-Compliance Situations

If any USAID/XXX staff member believes that (1) failure to implement mitigation measures or (2) unforeseen environmental impacts of project implementation is **creating a significant and imminent danger to human health or the integrity of critical environmental resources**, **IMMEDIATELY notify the CTO, MEO and Mission Management.**

Environmental Compliance Resources and Key Contacts

The on-line MEO Resource Center contains a wide range of environmental compliance and best practice materials, including step-by-step guidance for development of Reg. 216 documentation and sectoral guidance for design of environmental mitigation and monitoring measures. The Center is hosted on Africa Bureau's ENCAP website (www.encapafrika.org/meoEntry.htm) and copied in full at [insert internal server filelink.](#)

Reg. 216 documentation for Mission programs is posted at [insert internal server filelink.](#)

Key contacts. As of [INSERT DATE](#), key environmental compliance contacts for USAID/XXX are as follows. Up-to-date contacts are available via www.encapafrika.org/meoEntry.htm.

Mission Environmental Officer	Insert name, email and extension
Regional Environmental Advisors (REAs)	<p>East and Central Africa (USAID/EA, Nairobi) Chris Dege: cdege@usaid.gov; David Kinyua: dkinyua@usaid.gov</p> <p>Southern Africa R (USAID/SA, Pretoria) Camilien J.W. Saint-Cyr: csaint-cyr@usaid.gov*</p> <p>West Africa (USAID/WA, Accra) Ron Ruybal: rroybal@usaid.gov</p>
<i>*providing support pending recruitment of a West Africa REA</i>	
Bureau Environmental Officers (BEOs; Washington, DC)	<p>Bureau for Africa (AFR/SD) Brian Hirsch: bhirsch@usaid.gov</p> <p>Bureau for Economic Growth, Agriculture & Trade Bureau (EGAT): Joyce A. Jatko: jjatko@usaid.gov</p> <p>Democracy, Conflict and Humanitarian Assistance (DCHA): Erika Clesceri: eclesceri@usaid.gov</p> <p>Global Health (GH/HIDN) Theresa Bernhard, tbernhard@usaid.gov</p>

For more information, please visit
<http://www.encapafrika.org>

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