

Bureau for Africa (AFR) Environmental Compliance Best Practice Standard

USAID is required by court order, executive order[[1]](#footnote-1), and statute to utilize an Environmental Impact Assessment (EIA) process to evaluate the potential impact of USAID’s activities on the environment prior to implementation. The agency must “fully take into account” environmental sustainability in designing and carrying out its development programs. USAID fulfills these requirements through the Agency's environmental procedures. These consist of:

* Federal regulation 22 CFR 216 (or “Regulation 216”), which defines USAID’s pre-implementation EIA process; and
* Mandatory operating policies set out in USAID’s Automated Directives System (ADS), which define implementation of this process and follow-through requirements during project implementation.

In summary, USAID’s environmental procedures for all Operating Units (e.g., Missions and Pillar/Functional Bureaus) require that:

1. Environmental considerations are taken into account in activity planning/early design.
2. Prior to implementation, all activities undergo a formal EIA process defined by 22 CFR 216. This process is documented in 22 CFR 216 documentation and must be duly approved by the Mission Director (or equivalent) and the Bureau Environmental Officer.
3. Environmental mitigation and monitoring conditions resulting from this EIA process are written into procurement instruments (contracts, awards, cooperative agreements, etc.), implemented and monitored.
4. Operating units must report annually on the environmental compliance status of each project in their portfolio.
5. Environmental compliance documentation is maintained and used to actively manage implementation.
6. Per Executive Order 13677, all international programs systematically factor climate-resilience into all procedures and activities, including USAID environmental procedures.[[2]](#footnote-2)

Consistently and effectively applied, the procedures strengthen development outcomes and safeguard ecosystems, environmental resources, human health and welfare, and USAID’s reputation.

## Purpose and Need

Experience across AFR Missions shows that consistent, effective compliance with these requirements and procedures requires a set of Mission capacities, processes, and practices, which are applied to both bilaterally funded activities as well as centrally-funded activities implemented in-country and which the Mission either manages, oversees, and/or otherwise engages significantly (e.g., field mechanisms for centrally-funded programs, trilateral programs, centrally-managed projects, etc.). **Thus, this Best Practice Standard captures both the requirements of USAID’s environmental procedures and these key supporting Mission-level systems.**

**Environmental Procedures Best Practice Reviews (BPRs)** for AFR Missions and programs should be conducted against this BPR. The goal of the BPR is to improve Agency compliance with USAID’s environmental procedures and to better integrate compliance into Mission operations. The BPR also serves as a review of the Mission-based Activity Managers’ (AM’s) and Functional Bureau officers’ participation in the Regulation 216 process because they are important contributors to oversight, management, and capacity building of environmental compliance for activities conducted in-country. The BPR also is a communication tool between the Mission and the Bureau Environment Officer in Washington, DC on environmental compliance highlights and needs. BPRs are voluntary and undertaken at a time chosen by the Mission; however, as part of its response to the Office of Inspector General’s global environmental compliance audit, AFR Bureau has committed that all AFR Missions will undertake a BPR at least every 5 years.

Conducted via a mix of desk review, interviews and field visits, BPRs result in an action planto correct gaps and weaknesses against the standard and thus to improve environmental soundness in program/project design and implementation. BPR Action Plans should be reviewed annually by the Mission Environmental Officer (MEO) to determine implementation status and what additional actions may be required.

## The Best Practice Review (BPR) Standard

The following list provides a comprehensive “gold standard” by which Mission environmental compliance practices should be compared. The standard encompasses the full range of Regulation 216 responsibility for projects implemented by USAID in a particular country including:

* Bilateral, Mission-driven projects that are funded and managed by the Mission, specifically where the Agreement/Contracting Officer (A/CO) and/or Agreement/Contracting Officer’s Representative (A/COR) reside in the Mission;
* Field mechanisms of central programs where the Mission plays a key role in oversight and management through activity managers or country desk officer’s but where the A/CO and the A/COR reside in Washington DC or at a Regional Mission;[[3]](#footnote-3) and
* Centrally-funded/managed programs exclusively from Washington DC where there is no direct Mission manager for a project or activity.

The primary focus of the standard is the review of bilateral-Mission driven projects. However, the role of activity managers or Functional Bureau officers (e.g., Bureau for Global Health [GH], Bureau for Food Security [BFS], Power Africa, Food for Peace) serving within the Mission are also captured in these standards (Sections A-F). Additionally, this standard is also designed to function as a stand-alone analysis of centrally-managed programs with limited or no Mission-level staffing [e.g., American Schools and Hospitals Abroad, Office of Foreign Disaster Assistance, Bureau for Economic Growth, Education, and Environment [E3], Global Development Lab [GDL]) as addressed specifically in Section G. *(For brevity, all acronyms are defined at the end of this document.)*

A) Directive environmental documents are in place, accessible, and utilized by Mission staff

1. Environmental Compliance Mission Order generally consistent with AFR good-practice model
2. Mission tracking system exists for all Regulation 216 documents for both bilateral and centrally-funded programs down to the contract/award level. Host country EIA requirements or permits are tracked. The tracking system is accessible to all staff and utilized and contributed by staff, including use by A/CORs to track EMMPs in a centralized system (e.g., intranet or Google) or to share EMMPs with the MEO (e.g., via an Office Point of Contact).
3. MEO, A/COR, and AM have copies of their current IEEs and host country environmental documentation on file (electronic or hard copy, including Programmatic IEEs and central mechanisms)
4. Up-to-date ETOA or FAA 118/119 as part of the CDCS, prepared with MEO involvement or review
5. Mission’s Performance and Monitoring Plan reflects attention to environmental compliance
6. Current Regulation 216 documentation (RCEs, IEEs, EAs, and PERSUAPs) at the appropriate Mission or central level are:
	1. Prepared, approved, and covering all Mission funded- and managed-activities (including Programmatic/Global, Supplemental and/or Country-level IEEs or EAs for IQCs, Mission buy-ins, LWAs, and programs with country level implementation (e.g., PMI).); and
	2. Of clarity and quality sufficient to provide effective guidance to activity implementation.
7. A/CORs and AMs have EMMPs and receive quarterly or bi-annual reports on the effectiveness, deficiencies, changes, or adaptations of EMMPs for each project that includes activities that have a Negative Determination with Conditions

B) USAID staff environmental compliance responsibilities and reporting lines are formally established

1. MEO/dMEO Appointment Memo(s) are in place and are generally consistent with the AFR good-practice model[[4]](#footnote-4)
2. A deputy or alternate MEO is appointed to assist when the MEO is unavailable
3. In the execution of her/his MEO duties, MEO is directly accountable to the Senior Program Officer or senior Mission management
4. MEO feels they have enough time to cover the roles and responsibilities of the MEO positon
5. Environmental compliance responsibilities of A/CORs and Alternate A/CORs are specified in their designation letters and position description, consistent with good-practice AFR environmental responsibilities and they understand and carry out their responsibilities
6. Environmental compliance responsibilities of AMs are specified in their position description and they have discussed allocation of environmental compliance responsibilities with their A/COR
7. Point of contact has been established for each office to facilitate interaction with the MEO and to assist other staff with environmental compliance questions

C) Mission staff and implementing partners are trained in environmental compliance and ESDM

1. Mission staff have been trained and demonstrate competency in USAID and host country environmental compliance and ESDM
2. Refresher training opportunities are provided annually to staff and implementing partners
3. MEO has received formal training in environmental management and/or environmental impact assessment well beyond the level of a one-week workshop and has a strong working knowledge of host country environmental requirements and processes
4. Implementing partners have been trained and demonstrate competency in environmental compliance and ESDM

D) Environmental compliance is integrated in Mission processes, which includes not only Mission-funded projects but all grants, mechanisms, and transactions that the Mission is responsible for overseeing down to the activity –level3

**Design and Award Process**

1. Per ADS 201.3.16.2d and 201.3.16.3b, concept notes, PADs, or Mission planning documents include environmental analyses. The MEO is consulted during the development process including reviewing RFA/Ps, and participating in kick-off meetings
2. IEE conditions are incorporated into solicitations RFA/Ps, PIO and G2G agreements, and transaction support applying the Environmental Compliance Language for Solicitations and Awards Help Document[[5]](#footnote-5), or a process exists for ensuring activity-level IEE will be undertaken by the implementing partner (and included as a task in the RFA/P)
3. MEO is notified in advance when new awards, agreements, and contracts are being issued or when ceilings are raised and requested to comment, including those with Washington A/CORs
4. Mission checklists for new awards, agreements, contracts include confirmation of current and relevant Regulation 216 documentation
5. Implementing partners have copies of their IEEs and EMMPs and environmental compliance is part of award briefings

**Oversight of partners and sub-partners\***

**\****including project implementers operating under a central mechanism but within the Missions area of jurisdiction*

1. Process exists for ensuring Mission or implementing partner develops and implements an EMP/EMMP
2. Mission field visit checklists include environmental compliance and incorporate an environmental site visit form in project M&E, where feasible, and where processes exist to ensure regular monitoring
3. Implementing partner project performance reporting (i.e., quarterly, semi-annual or annual reports) includes a section on environmental compliance based on EMMP implementation. If the Mission has standardized reporting templates, they include environmental compliance
4. Process exists for incorporating IEE conditions into award documents and agreements; and including mitigation and monitoring costs in project budgets
5. A/CORs and/or AMs review program activities annually with the partner and the MEO to determine if activities have been changed or added and whether they are included in the existing IEE or whether an amendment is necessary
6. Compliance documents are reviewed one-year to project closeout to ensure partners focus on environmental sustainability of the project after close

**Overall**

1. MEO, A/CORs and AM have process for collaborating on activities with potential environmental impacts (from design to closure)
2. Environmental compliance is integrated in annual portfolio reviews
3. Environmental compliance/ESDM lessons learned integrated in closure reports, the Development Experience Clearinghouse, and Mission communications (such as websites or social media) where applicable
4. Close-out reports include ESDM challenges, success stories and outstanding environmental compliance issues that could affect sustainability of the project.
5. MEO reviews and considers host country environmental standards for all USAID activities including working through host country permitting processes
6. Process exists between the A/COR and AMs for centrally-funded programs and IQCs, LWAs, and buy-ins to field mechanisms to track and report to USAID Washington on development of the EMMP, implementation of mitigation measures, and continued assessment of potential environmental impacts

E) Internal environmental compliance resources are adequate

1. Adequate financial resources are available to support Mission environmental compliance, including training and analytical support
2. The MEO function is adequately resourced, both in terms of time available for the MEO and support staff and funding for the MEO to undertake field monitoring
3. Funds are available, if needed, for independent monitoring of EMMP implementation for environmentally consequential/complex activities or in difficult to access sites

F) Appropriate progress has been made on previous BPR Action Plans and OIG Audit concerns[[6]](#footnote-6)

1. Mission has developed and implemented the Action Plan as an outcome of the previous BPR. Best processes and practices are still in place
2. If applicable, items proposed in the OIG Audits have been corrected and are still in place

G) special section: Specific compliance Practices for centrally-funded, Field Mechanisms, or FUNCTIONAL Bureau Projects without Mission Representation

This standard explores ways in which to improve environmental procedures; for Washington funded and centrally-managed programs, the final responsibility for Regulation 216 compliance rests with the A/COR in Washington DC. However, best practice dictates that the Mission, as the gatekeeper of any USAID activity in their jurisdiction, still has a role in ensuring adequate and effective environmental oversight. This BPR also provides an opportunity to review the USAID compliance process as a whole, whether it is within the Mission’s direct authority or not. The Mission and the Washington-based representative should strive together to achieve the following standards:

1. A/COR in Washington DC has a POC within the Mission with whom there is an agreement to act as the “eyes and ears” of the centrally-managed project with respect to environmental management issues, where possible. This POC may be the MEO, but also may include office directors in a particular sector, or M&E specialists.
2. Mission tracking system includes all Regulation 216 documents for all centrally-managed projects operating within the Mission’s jurisdiction, regardless of where the project management authority resides.
3. A Mission representative, such as the MEO, Program Officer, or M&E officer, are copied on Regulation 216 documentation (e.g., IEEs, EAs, PERSUAPs) for the centrally-managed programs. This POC retains copies of their current IEEs and host country environmental documentation on file.
4. Mission POC is in place to facilitate communication on central program operations in the country.
5. A/COR has discussed with a Mission representative the process and expectations for assistance with monitoring and oversight of the EMP/EMMP.
6. Resources are available to ensure environmental compliance and oversight at the Mission-level for centrally-managed programs.
7. MEO is notified in advance when new awards, agreements, and contracts for centrally-managed programs pertaining to their country are being issued or when ceilings are raised. The MEO receives a request to provide comment.

**Figure 1.** Documentation that does or should include environmental compliance components at different points in the USAID Program Life Cycle, and therefore, may be reviewed during the BPR process. [[7]](#footnote-7)



Acronyms

A/COR Agreement/Contracting Officer’s Representative

ADS Automated Directives System

AFR USAID Bureau for Africa

AM Activity Manager

BFS Bureau for Food Security

BPR Best Practice Review

CDCS Country Development Cooperation Strategy

CFR Code of Federal Regulations

DCHA Bureau for Democracy, Conflict, and Humanitarian Assistance

dMEO Deputy Mission Environmental Officer

E3 Bureau for Economic Growth, Education, and Environment

EA Environmental Assessment

EIA Environmental Impact Assessment

EMMP Environmental Mitigation and Management Plan

EMP Environmental Management Plan

ESDM environmentally sound design and management

ETOA Environmental Threats and Opportunity Assessment

FAA Foreign Assistance Act

G2G government to government

GDL Global Development Lab

GH Global Health

IEE Initial Environmental Examination

IQC Indefinite Quantity Contract

LWA Leader with Associate

M&E monitoring and evaluation

MEO Mission Environmental Officer

OIG Office of Inspector General

PAD Project Appraisal Document

PERSUAP Pesticide Evaluation Report Safer Use Action Plan

PIO Public International Organization

PMI President’s Malaria Initiative

RCE Request for Categorical Exclusion

RFA/P Request for Application/Proposal

USAID United States Agency for International Development

1. Executive Order 12114--Environmental effects abroad of major Federal actions of Jan. 4, 1979, appear at 44 FR 1957, 3 CFR, 1979 Comp., p. 356 [↑](#footnote-ref-1)
2. Executive Order 13677-- Climate-Resilient International Development actions of September 23, 2014. [↑](#footnote-ref-2)
3. This category applies to projects where there is central funding with country implementation, such as the President’s Malaria Initiative, or a Mission buy-in to an Indefinite Quantity Contract (IQC) or Leader with Associate (LWA). [↑](#footnote-ref-3)
4. http://www.usaidgems.org/rolesRespons.htm [↑](#footnote-ref-4)
5. http://www.usaid.gov/sites/default/files/documents/1865/204sac.pdf [↑](#footnote-ref-5)
6. Audit of Selected USAID Missions’ Efforts to Mitigation Environmental Impact in their Project Portfolios (No. 9-000-11-002-P). http://oig.usaid.gov/sites/default/files/audit-reports/9-000-11-002-p.pdf [↑](#footnote-ref-6)
7. (Image Ref: USAID ADS 200.3.4 v. 7/18/14) [↑](#footnote-ref-7)