# Roles, Responsibilities & Resources

GEMS Environmental Compliance-
ESDM Training Series

Ghana ▪ January, 2017

ENVIRONMENTAL COMPLIANCE & THE AUTOMATED DIRECTIVES SYSTEM (ADS)

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

2/20/2017
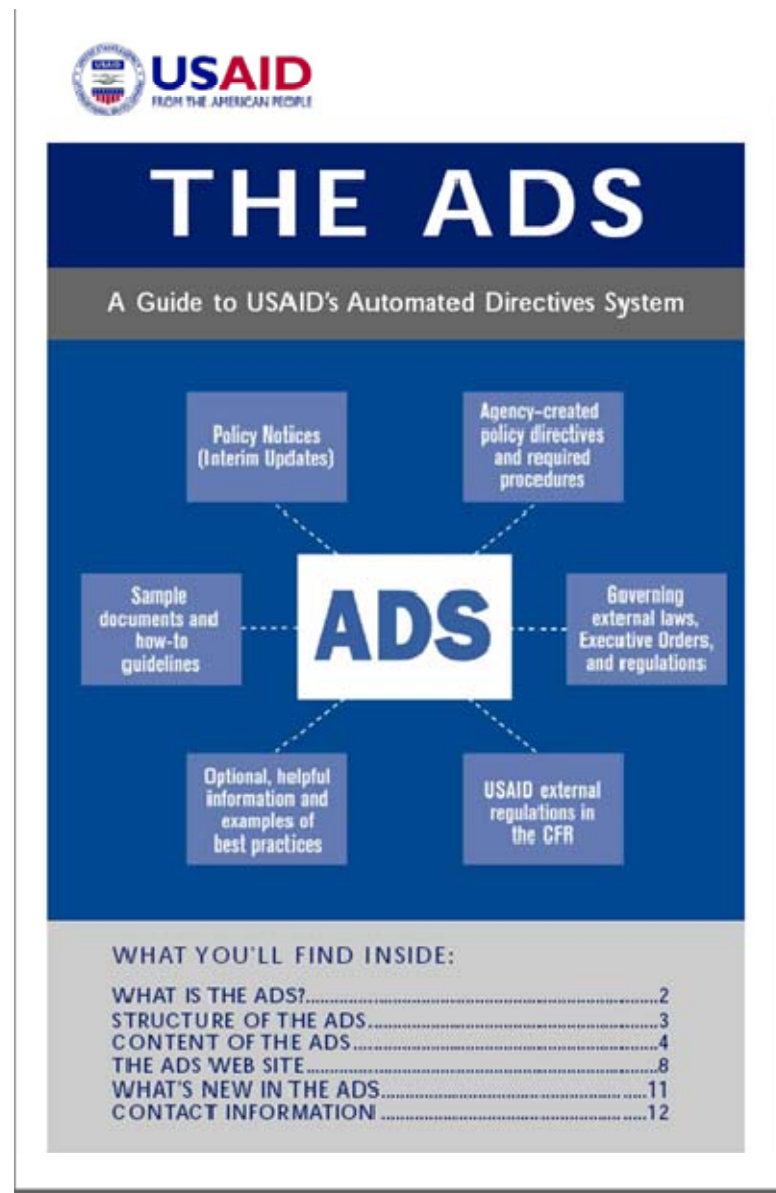
ENVIRONMENTAL COMPLIANCE & THE ADS

ADS 204 ("ENVIRONMENTAL PROCEDURES") IS THE CORE ADS REFERENCE. BUT ENVIRONMENTAL COMPLIANCE IS <u>MAINSTREAMED</u> THROUGHOUT THE ADS.

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

(204.3.4)

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

A NOTE ABOUT RECORD KEEPING

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

MISSION ENVIRONMENTAL OFFICER

- At each USAID Mission

  - *USAID/Ghana* = **Justice Odoi (That's me!)**

- Quality Assurance/Quality Control reviewer for Reg. 216 docs

- Clears Reg. 216 docs before they go to Mission Director

- Mission compliance advisor and coordinator; assists in compliance monitoring

- Mission point of contact to Regional Env. Advisor and Bureau Environmental Officer

REGIONAL ENVIRONMENTAL ADVISOR

- Based in regional Missions

  - *USAID/West Africa* = **Henry Aryeetey (That's him over there)**

- Environmental compliance technical assistance to Missions

- Provides quality assurance and quality control of Reg. 216 documentation before it goes to the Bureau Environmental Officer

BUREAU ENVIRONMENTAL OFFICERS

- Based in Washington, D.C.

    - *USAID/AFR BEO* = **Brian Hirsch**

    - *USAID/DCHA BEO* = **Erika Clesceri**

- Oversee environmental compliance in their Bureau

- Primary decision makers on 22 CFR 216 threshold decisions for activities under the purview of their Bureau

SECTOR TEAMS & MISSION MANAGEMENT

CORS/AORS & ACTIVITY MANAGERS

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

Primary Responsibility for Environmental Compliance

TEAM LEADERS

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

MISSION DIRECTOR

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

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

Agency Environmental Coordinator, Office of the General Counsel

AGENCY ENVIRONMENTAL COORDINATOR (AEC)

Coordinates 22 CFR 216 process and EIS (rare)

Advises regarding the application of Reg. 216 in new

REGIONAL LEGAL ADVISORS (RLAS)

Legal <u>advice</u> on environmental compliance to field staff.

ASSISTANT GENERAL COUNSELS (AGCS)

Legal advice to BEOs & RLAs on environmental compliance

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

REG. 216 DOCS: WHO WRITES? WHO CLEARS?

- **Who writes?**

  – AOR/COR responsible for ensuring that Reg. 216 documentation in place.

  – Can engage a consultant/contractor to develop—Environmental Assessments almost always developed by 3rd party consultants.

  – USAID is responsible for contents/determinations NO MATTER WHO DEVELOPS IT!

- **Who clears?**

  – COR/AOR, Activity Manager or Team Leader

  – MEO (for Mission)

  – REA (depending on Mission/regional policy)

  – **Mission Director** or **Washington equivalent** clears

  – **Bureau Environmental Officer** concu... Responsibility/authority cannot be delegated.

<div style="background:red;color:white;">Required by Reg. 216</div>

WHO IS RESPONSIBLE?

USAID

Ensures Reg. 216 documentation in place. Establishes/approves environmental mitigation and monitoring conditions. Verifies compliance.

IN THE MISSION

Fundamental responsibility & accountability:

- Sector Team Leader

- Activity Managers & COR/AORs

- ultimately with the Mission Director

MEO: quality and completeness reviewer for Reg. 216 documentation; compliance advisor and coordinator; assists in compliance monitoring.

More on IP Responsibilities...

IMPLEMENTING PARTNER RESPONSIBILITIES

IMPLEMENTING PARTNERS

ALWAYS responsible for design of detailed environmental mitigation and monitoring plan (EMMP) in response to mitigation and monitoring conditions established by Reg. 216 documentation.

ALWAYS responsible for implementing mitigation and monitoring conditions as set forth in the approved EMMP and reporting to USAID on status of EMMP implementation (within environmental compliance section in regular annual reports, or in the ESR for Title II projects).

SOMETIMES develop Reg. 216 documentation (IEEs, EAs)* for new project components; develop subproject env. review reports (for subgrants/ subprojects).

*Title II IPs develop IEEs as part of their DFAPs.

- Implement any and all environmental compliance and safeguard stipulations included in the contract or agreement

- Strongly encouraged to hire an environmental management/ compliance specialist to oversee EMMP integration, implementation, and monitoring

- Upon request, coordinate with AOR/COR + MEO to carry out periodic environmental "spot-check" visits to project sites

IMPLEMENTING PARTNER RESPONSIBILITIES: BUDGETING

Aligning Budgets for Implementing Environmental Compliance Safeguards in USAID Development Food Assistance Programs

This publication was produced for review by the United States Agency for International Development (USAID). It was prepared with support from Sun Mountain International under USAID's Global Environmental Management Support (GEMS) project.

- **BUDGETING**: A critical step required to ensure the EMMP is integrated, implemented, and monitored accordingly.

- **RESOURCE TO HELP**: USAID/DCHA developed a Toolkit to assist its partners to incorporate the costs of environmental safeguards and management tasks into project budgets

- Although examples are targeted to FFP projects, the toolkit has application across the agency

ENVIRONMENTAL COMPLIANCE VERIFICATION/OVERSIGHT BY USAID

1. Prior review/approval of partner-developed:

    – **EMMP →**
    ensure responsive to IEE/EA conditions

    – **Project budgets and workplans →**
    ensure EMMP implementation planned and funded

    – **Project Reporting Framework →**
    ensure environmental compliance reporting requirements are met

- **Primary responsibility for ensuring compliance lies with COR/AOR**

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

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

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

3. **Field visits**:

    – at a minimum, <u>all visits </u>integrate a quick check for significant env. design/management problems

    – For environmentally sensitive activities, specific visit(s) to audit against EMMP

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

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

WHO CAN HELP

- MEOs in every bilateral Mission AND the <u>BEOs</u> and <u>REAs</u>:

AFR: Brian Hirsch (Walter Knausenberger/Alexis Erwin); **Asia & ME:** Will Gibson; **BFS:** Bill Thomas; **DCHA:** Erika Clesceri; **E&E:** Mark Kamiya; **E3:** Teresa Bernhard; **GH:** Rachel Dagovitz; **LAC:** Jessica Rosen (interim); **M/ODP:** Dennis Durbin; **OAPA:** Gordon Weynand; **GDL:** Dan Evans.

REFERENCES & USEFUL INFORMATION

- USAID Environmental Compliance & Related Links
  www.usaid.gov/our_work/environment/compliance

- 22 CFR 216
  www.usaid.gov/our_work/environment/compliance/22cfr216

- ADS Series 200 (with link to Chapter 204)
  www.usaid.gov/policy/ads/200

- Plain-language overview of USAID's environmental procedures & the EIA process

- Sector Environmental Guidelines + many other resources
  www.usaidgems.org

USAID Kasia McCormick

Global Environmental Management Support (GEMS) Project
GEMSCORETeam@cadmusgroup.com