MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED NATIONS ENVIRONMENT PROGRAMME
AND
THE ENVIRONMENTAL PROTECTION AGENCY
OF THE UNITED STATES OF AMERICA

WHEREAS the United Nations Environment Programme (hereinafter referred to as UNEP) is the leading organization within the United Nations system in the field of environment;

WHEREAS the mission of the Environmental Protection Agency of the United States of America (hereinafter referred to as EPA) is to protect human health and the environment within the United States and EPA may, consistent with applicable law, cooperate with other nations and organizations to protect the environment globally;

WHEREAS UNEP and EPA (hereinafter collectively referred to as the "Participants") share common goals and objectives with regard to the protection, conservation, enhancement and support of the environment and wish to continue to collaborate to further these common goals and objectives within their respective mandates;

WHEREAS the Participants intend this Memorandum of Understanding (hereinafter referred to as the "Memorandum") to consolidate, further develop and intensify their cooperation and their effectiveness to achieve their common goals and objectives in the field of the environment;

NOW THEREFORE, UNEP AND EPA INTEND TO COOPERATE UNDER THIS MEMORANDUM AS FOLLOWS:

Section 1: Purpose

The purpose of this Memorandum is to provide a framework through which the Participants may continue to cooperate in undertaking specific activities which contribute to the protection of human health and the environment, and through which they may intensify such cooperation.

Section 2: Scope

1. Cooperative activities engaged in pursuant to this Memorandum may involve collaboration in the following areas, among others, as further elaborated by the Participants in accordance with this Memorandum:

    a. **Strengthening Environmental Capacity and National Governance** – Participants intend to build on existing cooperation to promote the building of institutional capacity for environmental protection and management through collaborative activities that

support the development, implementation and enforcement of environmental laws and regulatory instruments.

b. **Creating Healthy Communities** – Participants intend to build on existing cooperation to promote the protection of children and empowerment of vulnerable communities through collaborative activities that encourage identification of communities that may be disproportionately exposed to emissions of toxic substances, reductions in exposures to toxic substances and adoption of long-term sustainable urban growth measures.

c. **Transitioning to a Green Economy** – Participants intend to build on existing cooperation to promote initiatives for advancing toward green economies and resource efficient societies through collaborative activities.

d. **Responding to Global Challenges** – Participants intend to build on existing cooperation to promote short- and long-term strategies to mitigate greenhouse-gas emissions; reduce climate forcers; reduce household energy use (including through improved cookstoves); improve water quality and access to clean water; protect marine environments; and improve coordination of international responses to environmental-crisis response through collaborative activities.

e. **Providing Scientific Leadership** – Participants intend to build on existing cooperation to monitor environmental pollution, conduct environmental assessments, develop sustainable models and standards, and promote capacity building and development of environmental reporting and observation systems through collaborative activities.

2. The areas of cooperation specified above form part of UNEP's mandate and program of work and have been approved by UNEP's Governing Council. They are also priorities for EPA. Some activities under the above-mentioned areas of cooperation are already ongoing between the Participants and may or may not be in need of additional support, whereas other activities in these areas may be new.

3. These areas of cooperation are not intended to be an exhaustive list and should not be taken to exclude or replace other areas of cooperation between the Participants on other issues of common interest.

Section 3: Forms of Cooperation

Cooperation pursuant to this Memorandum may take the following forms, consistent with each Participant's mandate:

- symposia, seminars, workshops and training;
- study tours, exchanges and training programs;
- development of technical and informational materials;

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- collaborative research and demonstration projects;
- collaborative development of scientific publications;
- cooperative research on subjects of mutual interest;
- information exchange;
- needs assessments;
- temporary assignments of personnel from one Participant to another; and
- other forms of cooperation as may be determined jointly by the Participants in accordance with this Memorandum.

Section 4: Management

1. Each Participant expects to designate a Senior Coordinator to serve as the focal point for its cooperation under this Memorandum.

2. For UNEP the Senior Coordinator is to be the Director and Regional Representative, UNEP Regional Office for North America; for EPA, the Senior Coordinator is to be the Assistant Administrator for International and Tribal Affairs.

3. Each Participant may designate a replacement Senior Coordinator at any time upon written notice to the other Participant.

4. The Senior Coordinators should consult to resolve amicably any dispute arising out of or in connection with this Memorandum.

Section 5: Organization of Work

1. The Participants intend to hold regular joint meetings on matters of common interest, with a view to developing, implementing and monitoring their collaborative activities in areas of cooperation under this Memorandum. The Participants intend for such meetings to take place at least once every six months in accordance with an agenda approved by them in advance of each meeting.

2. Additional joint meetings at the expert level are to be encouraged and set up on an ad hoc basis as deemed necessary by the Participants.

3. The Participants intend to develop, as needed, detailed work plans according to the areas and forms of cooperation as set forth in the Memorandum, including key activities and outputs of cooperative projects, scheduling, budget and organizational arrangements.

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4. The Participants may, as appropriate and where mutually acceptable, use the services of other institutions, such as universities and governmental and nongovernmental organizations, to develop and conduct activities under this Memorandum.

5. Where one Participant is organizing a meeting with external participation at which policy matters related to the aims of this Memorandum will be discussed, that Participant should consider, where appropriate, inviting the other Participant to the meeting.

6. Implementation of activities pursuant to this Memorandum may necessitate the execution of subsequent legal instruments between and within the authority of the Participants.

Section 6: Funds, Personnel and Other Resources

1. Each Participant is to bear its own costs of its participation under this Memorandum.

2. The ability of each Participant to carry out any activity under this Memorandum is contingent upon the availability of appropriated funds and other resources.

3. Some of the activities under the Memorandum may, through appropriate funding mechanisms, involve a transfer of funds by or through one or both of the Participants or the use of funds from other organizations.

4. Neither Participant is to engage in fundraising with third parties for activities to be carried out within the framework of this Memorandum in the name of or on behalf of the other Participant.

5. Each Participant is to be solely responsible for the salaries, wages, insurance and benefits of its own employees, personnel, representatives, agents, contractors or other affiliates engaged by the Participant to carry out any project or activities pursuant to this Memorandum.

Section 7: Acknowledgements and Use of Institutional Emblems

1. The Participants intend to have public acknowledgement of the role and contribution of each Participant in all public-information documents related to cooperative projects and activities pursuant to this Memorandum.

2. The Participants intend to communicate regarding the policies of each Participant concerning use of the emblem, logo, official seal, identifier or symbols of each Participant in documentation related to cooperation, and expect that such policies will be respected.

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3. The participants expect that neither Participant will use the emblem, logo, official seal, identifier, symbols or trademarks of the other Participant, its subsidiaries, affiliates, and/or authorized agents in publications and documents produced by the Participants, without the express prior written approval of the other Participant in each instance.

4. In no event does either Participant intend to authorize use of the UNEP emblem or the EPA seal, identifier or symbols for commercial purposes.

Section 8: Intellectual Property

The Participants intend to consult with each other regarding any intellectual property rights that may be derived from collaborative activities pursuant to this Memorandum and reflect the arrangements for those rights in the specific written instruments for the projects or programs in question.

Section 9: General Considerations

1. All activities engaged in by UNEP pursuant to this Memorandum are to be done in accordance with its mandate as provided by the governing rules and regulations of UNEP. All activities engaged in by EPA pursuant to this Memorandum are subject to applicable laws and regulations of the United States of America.

2. This Memorandum is not legally binding and nothing in it obligates the Participants to expend appropriations or other funds or to enter into any contract, assistance agreement or interagency agreement or gives rise to rights or obligations under domestic or international law.

3. Nothing in this Memorandum is intended as a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.

4. Nothing in this Memorandum should be understood to prejudice other existing or future arrangements between the Participants or between any agency of the government of the United States of America and any international organization.

5. Should the United States government and UNEP enter into a framework arrangement regarding environmental cooperation, the Participants intend their cooperation described in this Memorandum to become formalized under the umbrella of that arrangement.

Section 10: Annexes

1. The Participants may jointly develop additional Annexes to the Memorandum to further elaborate their cooperation.

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Section 11: Modification

The Participants intend that any modifications to this Memorandum will be made in writing after joint consultation.

Section 12: Duration

1. Activities under this Memorandum will commence on the last date of signature of the duly authorized representatives and subject to Section 9 are intended to continue for a period of five years from that date. The Participants may at any time review and decide to continue their cooperation.

2. The Participants intend to give each other advance notice of their intent to cease cooperation under this Memorandum. They should consult at least 30 days in advance of ceasing cooperation to determine the effect that ceasing cooperation may have on any activities in progress under this Memorandum.

SIGNED:

For the United Nations Environment Programme

Achim Steiner
Under-Secretary General of the United Nations and Executive Director of UNEP

Date: 21/02/11

For the Environmental Protection Agency of the United States of America

Lisa P. Jackson
Administrator of the EPA

Date: February 21, 2011

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ANNEX I

SELECTED AREAS FOR ENVIRONMENTAL COOPERATION

The following subject areas reflect priorities for environmental cooperation between the U.S. Environmental Protection Agency and the United Nations Environment Programme. The Participants intend this annex to be read in connection with the Memorandum of Understanding between the EPA and UNEP dated 21 February, 2011. Activities may include, but are not limited to the following:

I. **Strengthening Environmental Capacity and National Governance** – Participants intend to build on existing cooperation to enhance institutional capacity for environmental protection and management through collaborative activities that support the development, implementation and enforcement of environmental laws and regulatory instruments.

- International Network for Environmental Compliance and Enforcement (INECE)[1]
- Pollutant Release and Transfer Register (PRTR)[2]
- Flexible Framework for Chemical Accident Prevention/Awareness and Preparedness for Emergencies at the Local Level (APELL)

Participants may explore opportunities for further cooperation in the following areas: (1) the Global Judges Program, (2) development of environmental laws and regulations, (3) Green Customs Initiative, (4) development of institutional frameworks for public access to environmental information and (5) support for Regional Enforcement Networks.

II. **Creating Healthy Communities** – Participants intend to build on existing cooperation to promote the protection of children and empowerment of vulnerable communities through collaborative activities that encourage identification of communities that may be disproportionately exposed to emissions of toxic substances, reductions in exposures to toxic substances and adoption of long-term sustainable urban growth measures.

- Partnership for Clean Fuels and Vehicles (PCFV)[3]
- Mercury Partnership[4]

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1 This grant (EPA Grant ID #X-83482101-0) is to the Institute for Governance and Sustainable Development (IGSD), not to UNEP, but UNEP has provided funding to the same NGO to support INECE in the past.

2 The U.S. Environmental Protection Agency's PRTR Program (Toxics Release Inventory Program) can provide UNEP with the same types of services it has in the past and as TRI Program resources will allow. The services are expected to be primarily in-kind, and consist largely of providing ad hoc technical guidance and review of draft documents.

3 [3]UNEP - EPA Grant ID# X4-83415201-4

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- Lead in Paint[5]
- Pollutant Release and Transfer Register (PRTR)

Participants may explore opportunities for further cooperation in the following areas: (1) strategic air monitoring (urban/transboundary), (2) hazardous and nonhazardous waste management, including e-waste and lead in batteries, and (3) information on chemicals in products.

III. **Transitioning to a Green Economy** – Participants intend to build on existing cooperation to promote initiatives for advancing toward green economies and resource-efficient societies through collaborative activities.

- Life Cycle Data Initiatives and methodologies[5]
- Pollutant Release and Transfer Register (PRTR)
- Sustainable Consumption and Production (SCP) through resource-efficiency measures
- Partnership for Clean Fuels and Vehicles (PCFV)
- Sustainable Materials Management
    - Providing expertise to the International Panel for Sustainable Resource Management
    - Promoting collaboration between OECD and UNEP on relevant outputs such as indicators or measures for green growth or materials management.

Participants may explore opportunities for further cooperation in the following areas: (1) sustainable green products and related information/labeling, (2) green buildings and construction partnership work, (3) sustainable urban growth and green infrastructure (including integrated transport and waste management systems initiatives), and (4) sustainability and pollution prevention, resource efficient production, use/consumption, measurement and reporting practices by different industry sectors, supply chains and company specific operations.

IV. **Responding to Global Challenges** – Participants intend to build on existing cooperation to promote short- and long-term strategies to mitigate green house gas emissions; reduce climate forcers; reduce household energy use (including through improved cookstoves); improve water quality and access to clean water and water efficiency in agriculture and industry; protect marine environments; and improve coordination of international environmental crisis response through collaborative activities, including, but not limited, to the following:

- Integrated Assessment of Black Carbon & Tropospheric Ozone and Its Precursors

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4 UNEP - EPA Grant ID# X8-83380401-0 *and* X4-83416701-2

5 UNEP - EPA Grant ID# X4-83416701-2

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- South Asia Black Carbon Project[5]
- Regional Seas Global Program of Action (GPA) for the Protection of Marine Environment from Land-Based Activities (LBA)
- Protection of Arctic Marine Environment[6]
- Expert deployments, provision of equipment and information exchange for environmental crisis response through the Joint UNEP/OCHA Environment Unit (JEU) and the Post-Conflict and Disaster Management Branch (PCDMB)
- Advisory Group on Environmental Emergencies (AGEE)
- Partnership for Clean Fuels and Vehicles (PCFV)

Participants may explore opportunities for further cooperation in the following areas: (1) Partnership for Clean Indoor Air (PCIA)/Global Alliance for Clean Cookstoves: efficiency and emissions, (2) Climate adaptation technology (green infrastructure/green buildings), (3) Chemicals assessment of land-base sources of pollution around the Gulf and Caribbean, (4) GEF projects (the Rio Bravo project), (5) Global biodiversity, (6) ecosystem services valuation, and (7) corporate environmental risk, and (8) support countries' move toward climate resilient and low carbon growth especially through clean technology (e.g. ozone and energy efficiency linkages; methane; appliance upgrades; biofuels; solar water heaters; and transport and fuel efficiency).

V. **Providing Scientific Leadership** – Participants intend to build on existing cooperation to monitor environmental pollution, conduct environmental assessments, develop sustainable models and standards, and promote capacity building and development of environmental reporting and observation systems through collaborative activities.

- UNEP Global Environment Outlook 5 (GEO 5)
- Econinformatics Partnership and Group on Earth Observations (GEO)
- Mercury Emissions Study[7]
- Climate science – black carbon[8]

Participants may explore opportunities for further cooperation in the following areas: (1) Global Environmental Monitoring System (GEMS), (2) endocrine disruptors assessment, and (3) green chemistry and green engineering, and (4) international resource panel research on resource use and resource productivity worldwide.

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6 UNEP - EPA Grant ID# X4-83379801-1

7 UNEP - EPA Grant ID# X4-83416701-2

8 UNEP - EPA Grant ID# X4-83416701-2

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