Work Plan for
Sino-US Cooperation in Environmental Law Development, Implementation and Enforcement

As official liaisons for the Working Group of Annex 5 to the MEP-EPA Memorandum of Understanding on Environmental Law Development, Implementation and Enforcement, we enter into a consent to finalize the attached draft work plan.

SIGNED, in duplicate, in both Chinese and English this 20th day of May, 2008, in Beijing

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MOU ANNEX 5 WORK PLAN FOR SINO-US COOPERATION IN ENVIRONMENTAL LAW AND ENFORCEMENT FOR 2008 AND 2009

May 20, 2008

Within the framework of the Ministry of Environmental Protection (MEP)-Environmental Protection Agency (EPA) Memorandum of Understanding (MOU) on environmental cooperation, Annex 5 focuses on environmental law development, implementation and enforcement. This work plan covers the two year period: 2008 and 2009. Cooperation is designed to help China in its efforts to address its most pressing environmental problems. It will focus on exchanges on environmental law and practice to achieve mutual understanding of how US lessons in environmental management institutions and laws might be adapted for application in China.

The Work plan is organized as follows:

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I. Mechanisms of Cooperation
II. Ways of Cooperation
III. Areas of Cooperation*(each section contains: 1 Background; 2 Project Description; 3 Expected Accomplishments; and 4 Participants/Other Potential Partners)
   A. Environmental Enforcement
      (1) Design of Environmental Enforcement Organizations and Inter-departmental Coordination Mechanisms
      (2) Enforcement Assessment System and Capacity Building Standard System
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   A. Working Group and Planning Meetings
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MEP and EPA intend to embark on preparations to implement elements of this Work Plan for the proposed work planning meetings, visits and extended study tours to the U.S. over the two year period, 2008 and 2009. Both EPA and MEP intend to use their best efforts to identify available funding for work under Annex 5 in regard to training, pilot projects, seminars and research activities in the work plan.

I. Mechanism of Cooperation

EPA and MEP will establish a Sino-US Joint Working Group (hereinafter referred to as the Working Group) for consensus on work plan decisions. The Working Group will be jointly headed by the Director General of the Bureau of Environmental Protection and Inspection (MEP) and the Principal Deputy Assistant Administrator of Office of Enforcement and Compliance Assurance (EPA). The Chinese team includes Deputy Directors General from the Bureau of Environmental Supervision, Department of Policies, Laws and Regulations, and the Department of EIA Management. The US team is made up of the Deputy Assistant Administrator from the Office of International Affairs, the EPA General Counsel, the Deputy Regional Administrators of Regions 3,5, or 9, and the Office of Federal Activities within the Office of Enforcement and Compliance Assurance.

Its functions are as follows: drafting the project list and work plan; contacting cooperating institutions; providing information regarding best practices, methods, techniques and technologies; coordinating work on both sides; delivering guidance for the points of contact and project managers; and reviewing working progress reports submitted by the points of contact and project managers.

The Director General of the Bureau of Environmental Supervision (MEP) and the Principal Deputy Assistant Administrator of the Office of Enforcement and Compliance Assurance (EPA) will act as liaison officers.

The Working Group will meet at least once a year to review work progress of the year and lay down plans for the next two year cycle.

II. Ways of Cooperation

Activities under this work plan may include the following means of promoting exchange of experience between the two countries:

A. Visits: Through this mechanism, a proposed delegation of Chinese officials is invited to visit the United States to promote understanding of U.S. environmental laws, institutions and practices including resource requirements, administrative, legal and judicial procedures, technical standards, resource requirements and intergovernmental relationships. Visits are funded by Chinese participants' respective agencies. EPA will design and organize programs in consultation with MEP to meet the goals of this work plan including visits to EPA Headquarters and Regions and, as appropriate, meetings with other federal, state, local or tribal governments, industry and NGOs. Through the MOU Working Group mechanism these visits will be planned and focused on specific MEP goals.

B. Extended Study tours: Through this mechanism, Chinese environmental officials and staff have the opportunity to observe and participate in environmental protection activities over longer time periods, usually from 1-3 months, thereby benefiting from a more in depth experience in the United States. In order to promote continuity and build long term relationships among practitioners in both countries, to the extent possible, EPA will align assignments for extended study tours with associated Regional Offices matched with MEP's area of Regional Supervision Center responsibilities. As with the Visits, Chinese participants in extended study tours are financed by their own organizations. To the extent that funding and time allows, plans for extended study tours in EPA Regional Offices will include a visit to EPA Headquarters to provide a national view of assigned regional office activities.

C. Research cooperation: Through this mechanism, research will provide a deeper understanding of comparative law, institutions and practice to accomplish goals under this Work Plan. EPA and MEP will identify and, where appropriate, agree to contribute to ongoing collaborative work by SINO-US academic institutions or NGOs that may provide additional context and analysis to benefit MEP-EPA exchanges. EPA and MEP intend to contribute to this research through information sharing (e.g. documents, reports and interviews, presentations and discussion sessions), exchanges. EPA and MEP cooperation will remain independent of these partner institutions, which may not reflect the official views of the respective governments. Research teams will generally include both MEP and EPA staff working with partner organizations in order to explore legal systems and authorities, organization, resources and strategies, different approaches and programs to address the environmental management issues and the evolution of the programs.

D. Training: Through this mechanism EPA can offer China new ways of addressing its environmental problems that empower Chinese officials to adapt internationally accepted principles to their own circumstances, and enhance the capabilities of environmental professionals to carry out their functions. To the extent possible, training will be provided in a manner which leaves China with sustained capacity building capabilities, with consideration of housing future training in universities and by training MEP and Environmental Protection Bureau officials to deliver future courses.

E. Pilots: Through this mechanism MEP intends to initiate pilot projects at the level of Environmental Protection Bureaus of Municipalities or autonomous regions within a single Province at locations identified by MEP to test specific improvements defined for project areas under the Work Plan. Prior to carrying out a pilot, a team from EPA and MEP intend to carry out an assessment of the current situation to describe laws and regulations in place and their implementation, intergovernmental relationships, procedures, permits, enforcement, monitoring, decision making, and resource planning. EPA and MEP project managers intend to develop a detailed account of what will be piloted and what steps need to be undertaken, including how changes and results will be measured. The planning of the pilot includes an approach for applying the results of the pilots to broader applications.

F. Seminars: Through this mechanism EPA can present information on law development, implementation and enforcement approaches with opportunity for small group discussion. At a minimum, this approach is intended to be used to initiate research projects and provide a basis for information on the current situation in the two countries. Seminars generally will be held in China to take the greatest opportunity for official visits in conjunction with work planning sessions. To the extent possible, prepared remarks will be translated and disseminated in China.

G. Other Potential Partners: This Work Plan lists other potential partners with related programs with whom MEP and EPA may seek to engage in the course of their cooperation. Listing is not exclusive nor is it intended to imply an commitment of resources or other means of cooperation by these organizations.

III. Areas of Cooperation

In accordance with Annex 5 to the MEP-EPA Cooperation MOU, and the tasks, targets, investment priorities and policy measures set in the environmental areas by the 11th 5-year Plan for the National Environmental Protection, MEP-EPA environmental law and enforcement cooperation in 2008 and 2009 will focus on 5 major areas: environmental enforcement, legislation, EIA, emergency response and regional environmental management. In these 5 areas, exchanges will be conducted extensively at various levels to promote understanding of regional differences, roles and responsibilities of governments, environmental agencies, businesses and the public. All these areas of cooperation seek to facilitate improvement of China's environmental enforcement and legislation, based on the US experience and should contribute greatly to the energy savings and emissions reductions called for in the 11th 5-year Plan.

Previously, China and the US have cooperated extensively in environmental law and enforcement, including academic research and exchanges, official training, international cooperation, with NGOs, research institutes and local environmental agencies participating in some cooperation programs. Ongoing activities are: enforcement training program at Tsinghua University; Sino-US comparative legal studies by MEP, Shanghai Jiaotong University and Vermont Law School; US study tour by CEMS; US study and training tours organized by MEP and local Environmental Protection Bureaus (EPBs). These activities post effective results, and will be preserved and further integrated in future programs. Integration helps to leverage on the existing cooperative channels to further the scope and depth of Sino-US environmental cooperation.

Given the US experience and the pressing concerns in China's environmental legislation and enforcement, cooperation priorities for 2008 and 2009 are identified as follows:

A. Environmental Enforcement

In 2008 and 2009, priorities in this regard will be the initiation and implementation in 4 project areas:

(A1) Design of Environmental Enforcement System and Inter-departmental Coordination Mechanism

A1.1 Background Information

Enforcement agencies are the major players, design and organization of which serve as the basis for enforcement. The first thing that MEP wants to do is to define the jurisdiction of enforcement agencies, their powers, duties and responsibilities. This includes clear definition of relationships and mechanisms for coordination with other executive and judicial departments to ensure effective implementation of enforcement activities. The design and organization of Office of Enforcement & Compliance Assurance (EPA) and its coordination with other US governmental agencies serves well as reference for China in its reform of enforcement organization.

A1.2 Project Description

MEP is considering future enforcement system improvements, including efforts to enhance coordination between enforcement agencies and other governmental departments in the course of enforcement; strengthen the legal basis for enforcement, train Chinese enforcers at different levels, top officials in particular, in coordinating

capabilities and organizational design capacity; expand functions and roles of MEP and the judicial branch; and improve environmental enforcement training for judges.

EPA intends to summarize US experience, and assist MEP's research and consideration of improvements in its enforcement systems design and management, and inter-departmental and intergovernmental coordination.

A1.3 Expected Accomplishments

MEP and EPA expect that the cooperation under this Work Plan will assist MEP in suggesting and adopting, as appropriate, improvements for its enforcement system design and coordinating mechanisms; improve management and enforcement capacities of enforcement agencies by organization design; enhance enforcers' capabilities in inter-departmental coordination including ways to engage the law enforcement and business community to increase compliance and enforcement program resources; promote cooperation between environmental authorities and the judicial branch, more stringent penalties for environmental crimes and violations for more effective deterrence; and improve coordination between enforcement agencies and other executive agencies.

A1.4 Participants / Other Potential Partners

a. Participants

Office of International Affairs (EPA)
Office of Enforcement & Compliance Assurance (EPA)
Office of General Counsel (EPA)
Regions 3,5,9 (EPA)
Environmental Appeals Board (EPA)
Bureau of Environmental Supervision (MEP)
Regional Environmental Supervision Centers (MEP)
Department of Administration and Personnel (MEP)

b. Other Potential Partners

U.S. Department of Justice
California Environmental Protection Agency
Provincial and municipal EPBs
Environmental Defense Fund
People's University of China

(A2) Enforcement Assessment System and Capacity Building Standard System

A2.1 Background Information

In terms of enforcement resource inputs, China's enforcement agencies differ considerably from those of EPA in staffing, funding and equipment. In terms of input to organization and structural configurations, the EPA follows scientific management theory and principles and has a relatively stable structure. Due to the influence of improvements in administrative structures and changes in the environmental management system, enforcement agencies in China are undergoing significant changes. With increased input in environmental management, sound distribution of resources in establishing an effective and economical environmental management system has become a pressing need. US experience in this respect is helpful to China.

A2.2 Project Description

MEP plans to establish China's Capacity Assessment System for Environmental Enforcement Agencies, and propose a capacity building standard system appropriate to that standardized capacity in terms of organization, staffing, funding and equipment, as a reference for capacity building of enforcement agencies.

Capacity building standards mainly cover enforcement input (staffing, funding and equipment). In view of reality of different agencies, such as jurisdiction,

environmental capacity, types of sources, scale and distribution traits, risk levels and demography, appropriate input shall be designed to serve as reference for enforcement agencies at various levels considering also integrated approaches to achieve high levels of compliance combining enforcement, compliance assistance and other incentives.

MEP plans to establish a sound performance assessment system for enforcement agencies that is able to: a) assess the overall enforcement effectiveness of a particular agency; b) identity factors affecting enforcement effectiveness and, in response to those factors, set up sub-systems correspondingly to analyze enforcement effectiveness for improvement. Elements covered by the assessment system shall include such relation pairs as input and output, process and result, enforcers and enforcement agencies, enforcement agencies and governments, and enforcement agencies at different levels.

EPA intends to contribute to research that will cover three aspects: a) standardized capacity of enforcement agencies; b) capacity assessment of environmental agencies and c) the outcomes of enforcement agency activities, in order to assist MEP to develop a full and in-depth understanding of capacity building and institutional expectations in US environmental enforcement agencies.

A2.3 Expected Accomplishments

MEP and EPA expect that the cooperation under this Work Plan will assist MEP in fully assessing the input-output relations and identifying factors affecting the improvement of enforcement capability; comprehensively appraising enforcement capabilities of the agencies; establishing a viable enforcement assessment system to guide enforcement capacity building; setting up a workable capacity building standard system for China's enforcement agencies to guide sound and economically effective environment enforcement input in China; and improving enforcement capability through the mentioned two systems.

A2.4 Participants / Other Potential Partners

a. Participants

Office of Enforcement & Compliance Assurance (EPA)
Bureau of Environmental Supervision (MEP)

b. Other Potential Partners

EPB of Jiangsu Province
Environmental Defense Fund
People's University of China
Vermont Law School
Pace Law School
INECE
AECEN

(A3) Enforceable Environmental Requirements, Enforcement Procedures and Technical Standards

A3.1 Background Information

Well-defined environmental requirements (i.e. relevant to the problems the requirements seek to prevent or remedy, meeting the minimal national standards, and incorporating compliance monitoring and record keeping into independent inspection) are the basis for compliance with the law. Provincial and city-level EPBs have not yet translated environmental laws and requirements into source-specific requirements, which hinders improvement in enforcement efficiency and violation monitoring as well as accountability of sources, hence the need for source-specific requirements and operational procedures to improve enforcement nationwide.

A3.2 Project Description

MEP plans to draft enforcement guidelines to address major sources and industries; define inspection priorities and operational procedures with corresponding technical support; annul unenforceable rules and regulations while proposing countermeasures; identify technologies and techniques necessary for enforcement, as well as knowledge and skills enforcers need to master such as inspection and evidence gathering skills for different industries, negotiation skills and observation skills; work with MEP/Regional Supervision Centers and local EPBs to implement action plans for key industries for experience and technique accumulation for establishing facility-specific requirements through permit and enforcement mechanisms.

EPA intends to share with MEP its experience, policies and practices to ensure enforceable requirements at all levels of government in the form of both regulations and permits.

A3.3 Expected Accomplishments

MEP and EPA expect that the cooperation under this Work Plan will assist MEP in enhancing the enforceability of environmental laws by removing poorly-defined requirements and regulations and enhancing permit system coverage; formulating enforcement procedural and technical standards in line with existing laws; clearly defining job requirements to guide recruitment of enforcers; improving enforcement standardization and efficiency by technical training for enforcement personnel.

A3.4 Participants / Other Potential Partners

a. Participants

Office of Enforcement & Compliance Assurance (EPA)
Office of General Counsel (EPA)
Bureau of Environmental Supervision (MEP)

b. Other Potential Partners

Chongqing Municipal EPB
Environmental Defense Fund
People's University of China
Tsinghua University

(A4) International Cooperation and International Environmental Enforcement Organizations

A4.1 Background Information

International environmental enforcement networks have played important roles in promoting global and regional exchanges and enforcement capacity of nations. In particular, INECE has been proactively promoting capacity building in different countries, making great efforts in addressing many key enforcement issues and suggesting response measures. China has gained a lot from some participation in INECE meetings. Currently, China is active in AECEN work, greatly enhancing exchange and cooperation. AECEN convened its annual meeting in Beijing in 2007.

INTERPOL's Environmental Crimes Committee provides valuable support to law enforcement officers around the world responsible for environmental criminal enforcement. It is comprised of two working groups: wildlife crimes and pollution crimes. Two years ago, China hosted the INTERPOL Wildlife Crimes Working Group annual meeting. China also has sent representatives to the Pollution Crimes Working Group meetings. MEP's environmental enforcement program supports its involvement in INTERPOL's Environmental Crimes Committee.

A4.2 Project Description

MEP plans to engage in further exchanges with INECE, AECEN and INTERPOL; implement joint programs; draw on international experience through exchanges with international enforcement networks. EPA and MEP will identify opportunities to

exchange practices and approaches through their participation in these international exchanges.

A4.3 Expected Accomplishments

MEP and EPA expect that the cooperation under this Work Plan will assist MEP in integrating China into global enforcement networks and improving its capacity; promoting enforcement capacity of other countries, developing nations in particular, by sharing experience gained in China.

A4.4 Participants / Other Potential Partners

a. Participants

Office of Enforcement & Compliance Assurance (EPA)
Bureau of Environmental Supervision (MEP)

b. Other Potential Partners

INECE
AECEN
INTERPOL

Within its work planning, the Working Group will discuss opportunities that these multilateral efforts present for furthering bilateral exchange.

(B) Environmental Law

In keeping with China's environmental legislation needs, legal cooperation in this aspect will focus initially on legislation for management of chemicals and legislation for soil pollution control. As time permits, EPA and MEP may undertake cooperation on other environmental laws relevant to the objectives of Annex 5.

B.1 Background Information

China views rapid development of the Chinese chemical industry as requiring an immediate setup of a chemicals management system. Current management of chemicals is limited to occupational safety management of flammable, explosive and acute toxic chemicals. In terms of environmentally managing chemicals, it is limited to end disposal of toxic chemical pollutants and import-export registration of toxic chemicals. China's current dangerous chemical classification system does not fully reflect the potential harm and risk of chemicals to environment and human health. China is in urgent need of systematic and institutionalized management of chemicals that pose potential and long-term harm to human health and environment.

China also views very seriously the need to prevent and control soil pollution, with severe polluted soil in some areas, diversified pollution, pollution caused by old and new pollutants. Control is hard as a result of multiple ways of pollution and complex causes. Soil pollution in China is threatening farm produce safety and human health, thus becoming a factor affecting agricultural production, public health and social stability. At present China is engaged in research on policy measures to control soil pollution, and setting out to legislate in this regard.

The US has accumulated rich experience in legislation and practice with regard to chemical control and soil contamination ever since its implementation of relevant laws and regulations. The US experience in classification of new chemicals, labeling and noticing, risk assessment and management, national standards of key chemicals, environmental monitoring, information disclosure of toxic substances and its environmental emergency prevention and response system, and preventing and controlling soil contamination can be of great value to China in its legislation efforts.

B.2 Project Description

MEP seeks to develop legislation over the next two years to address gaps in chemicals management and soil pollution, prevention and control, and to revise several prominent environmental laws. To do this China will initiate research to analyze in a comprehensive way current Chinese law and regulations governing the two areas and explore key problems; carry out in-depth study of China's legislation and management system design in these two areas.

EPA intends to contribute to this research through exchanges on the US environmental law experience in chemicals management and soil pollution prevention and control, to assist MEP to understand America's approaches and lessons in regard to legislation in the two areas.

In addition, MEP and EPA may exchange experiences on other environmental laws relevant to their cooperation, including EIA as referenced in the next section, as appropriate, and enhance mutual understanding of their respective environmental laws, including cooperating on a comparative study on environmental laws of both countries to provide the basis for potential revision on China Environmental Law.

B.3 Expected Accomplishments

MEP and EPA expect that the cooperation under this Work Plan will assist MEP in exchanges of experiences with the US and raising awareness of chemicals management and soil pollution control among legislators and environmental authorities; speeding up progress on legislation; understanding fully China's problems in these two areas; drawing on US experience in cooperation and information exchange in support of China's efforts to address soil pollution and toxic chemicals and, as appropriate, related implementing documents.

B.4 Participants / Other Potential Partners

a. Participants

Department of Policies and Regulations (MEP)
EPA Office of General Counsel
EPA Office of Pesticides and Toxic Substances
EPA Office of Solid Waste and Emergency Response
EPA Offices of Air and Water
EPA Regional Offices

b. Other Potential Partners

State and municipal environmental departments
US Department of Justice
Shanghai Jiaotong University
Vermont Law School
Other relevant academic institutions
Natural Resources Defense Council (NRDC)
American Bar Association (ABA)

C. Environmental Impact Assessment

C.1 Background Information

Since the promulgation of Law on Environmental Impact Assessment on Sept. 1 2003, China has established an EIA implementation system featuring governmental decision, departmental coordination, environmental supervision and voluntary public compliance. Nevertheless, China notes that problems exist, such as poor implementation of EIA for planning, lack of enforcement capacity, spread of violations, and low public participation. EIA efforts still need strengthening, e.g. strategic

environmental assessment (SEA), and tracking EIA. The US has more than 30 years of experience in EIA, with active participation of virtually all sectors, environmental agencies, energy, housing and urban development, transportation, forestry, etc. In 1980s, EPA conducted an average of 40 SEAs each year. US experience is particularly relevant in China.

C.2 Project Description

MEP intends to strengthen post-project supervision and enforcement procedures for required EIAs; introduce Strategic Environmental Assessment (SEA) and tracking of EIA; develop EIA review and assess implementation procedures for planning; promote public participation in EIA, encourage public participation in environmental decision-making, and review and assess public participation process; discuss possibilities of incorporating EIA into such departments as transportation, forestry, natural resources and energy; design EIA approval courses and conduct training for relevant personnel; design procedures of EIA, planning and decision making for different sectors and industries; adopt geographical information system for pre and post-EIA supervision; collect EIA cases and assess China's EIA.

EPA intends to assist MEP by sharing US EIA experience; identifying relations among EIA, planning and decision making; offering training in EIA review; and sharing procedures for public involvement.

C.3 Expected Accomplishments

MEP and EPA expect that the cooperation under this Work Plan will assist MEP in drawing on concepts in the US National Environmental Policy Act. Cooperation in support of drafting /implementing (as appropriate) provisions is intended to address: promoting public participation, inter-governmental cooperation, EIA approval implementation tracking, and defining responsibilities, and integrating SEA principles, different alternatives and long-term social, economic and environmental impact into the impact analysis process; strengthening the role of EIA as a tool for sustainable development, and post-project assessment as well as compliance supervision; standardizing the EIA process; promoting public participation at the early stage of environmental decision making; and putting in place supporting technologies to implement the Law on EIA.

C.4 Participants / Other Potential Partners

a. Participants

Office of Enforcement & Compliance Assurance (EPA)
Office of General Counsel (EPA)
Office of Environmental Information
Regions 3,5,9 (EPA)
Department of EIA (MEP)
Department of Policies and Regulations (MEP)
Bureau of Environmental Supervision (MEP)
Regional Environmental Supervision Centers (MEP)

b. Other Potential Partners

Pace Law School
Other U.S. Government Federal Agencies and Departments

D. Environmental Emergency Response Management

D.1 Background Information

With rapid economic development come frequent environmental accidents in China as a result of heavy burden on environmental resources. Environmental problems pose a threat to the building of a harmonious society. The country now has formulated its National Contingency for Environmental Emergencies, established specialized

investigation agencies and included local governments and businesses in a complete set of environmental emergency response system. For all, China still needs to improve its technical reserves and onsite response techniques.

D.2 Project Description

MEP intends to define roles and responsibilities of governments at different levels and different agencies for emergency response to environmental accidents; upgrade equipment and improve response capabilities.

EPA intends to assist MEP strengthen its emergency response capability by sharing emergency response information, such as response system, technologies, early warning, etc.; studying and sharing response policies, laws and experience; offering training in prediction, early warning, and response technologies.

D.3 Expected Accomplishments

MEP and EPA expect that the cooperation under this Work Plan will assist MEP in updating predicting and early warning technologies; improving contingency systems for governments of all levels and businesses of different types; upgrading response related equipment; and enhancing response capabilities. Proposing guidelines for contingency system development and response techniques; developing alternatives for improving response monitoring center development.

D.4 Participants / Other Potential Partners

a. Participants

Office of Solid Waste and Emergency Response (EPA)
Regions 3,5,9 (EPA)
Bureau of Environmental Supervision (MEP)
Center for Environmental Emergency Response and Accident Investigation (MEP)

b. Other Potential Partners

Provincial and city-level EPBs

E. Regional Environmental Management

E.1 Background Information

To coordinate and supervise local environmental agencies and address long-standing local protectionism and fragmentation in environmental management, MEP set up 6 Regional Supervision Centers across China: Eastern, Southern, Northwestern, Southwestern and Northeastern and a Southeastern Center. The Centers represent China's efforts in exploring ways to strengthen environmental implementation and enforcement. The country still lacks experience as to how to strengthen capacity of the Centers, how to deal with the Centers' relations with local enforcement agencies and governments, how to maximize their effectiveness, etc. The US experience with its 10 regional offices is definitely helpful to the Centers' capacity building and development.

E.2 Project Description

EPA intends to share the US experience in regional office authority and management and oversight on environmental issues; share techniques of conducting priority inspection and oversight at a specific regional supervision center; exchange information concerning funding and staffing between EPA Regional Offices and the Centers to assist MEP in providing the Centers with resources needed to perform its duties; lend support to MEP to formulate procedures and establish coordination between the Centers and local environmental agencies in inspection, checking and emergency response; and exchange protection and preservation experience in the Chesapeake Bay, the Great Lakes area and San Francisco Bay.

E.3 Expected Accomplishments

MEP and EPA expect that the cooperation under this Work Plan will assist MEP in defining work relations between and among MEP, the Regional Supervision Centers

and local agencies; defining roles, duties and responsibilities and promoting coordination and efficiency; improving enforcement capacity and qualification of Center personnel; proposing work programs to improve organization and mechanism of the regional environmental management agencies.

E.4 Participants / Other Potential Partners

a. Participants

Office of International Affairs (EPA)
Office of Enforcement and Compliance Assurance (EPA)
Office of General Counsel (EPA)
Regions 3,5,9 (EPA)
Bureau of Environmental Supervision (MEP)
Environmental Protection Supervision Center (MEP)

b. Other Potential Partners

State and local Environmental Agencies in the US
Provincial and Municipal Environmental Protection Bureaus in China
Asian Development Bank

IV. Schedule

Planned activities will be carried out based upon availability of funds. At this time it is recognized that EPA funding currently limits participation to proposed work group and work planning sessions, visits, extended study tours and contributions of information to proposed research topic areas. Any further commitments must await identification of appropriate funding sources.

A. Working Group and work planning meetings

The 1st Working Group meeting will be held in the US in March 2008 to discuss work plan for the years 2008 and 2009. The 2nd meeting will be convened in China in March 2009 to review work in 2008 and discuss work to be done in 2009 and 2010. In May 2008, U.S. and Chinese project managers will meet in China to discuss needs of both sides and build consensus on proposed projects. Project managers and participants will be assigned and projects initiated.

B. Visits

Two visits are scheduled to the US by the Chinese teams of about 10-15 persons visiting for approximately two weeks.

The 1st visit is scheduled for the latter part of 2008, when the Chinese team, composed of legislators, EIA officials and environmental supervisors, intends to conduct exchanges with the US team on chemicals management, soil pollution control, EIA and regional environmental supervision through meetings in both Headquarters and Regions. Seminars will also be held to introduce the US experience.

The 2nd delegation for early 2009 consists of MEP and local enforcers who are also participants in the cooperative or pilot projects. Through talks, discussions and onsite visits, an understanding can be gained from US EPA regional offices (institutions, legal authority, operations, duty allocation etc.); workings of USEPA, relationships between regional offices and state EPAs, compliance by businesses; legal authorities, duties and tasks of US government, environmental agencies, businesses and the public in enforcement; enforcement procedures and cost control, enforcement performance appraisal, control and management of industry-specific and business-specific pollution; information regarding online monitoring of sources such as technology, management, oversight, and policy measures; environmental enforcement system and laws; capacity

building, including enforcement capacity assessment and provision of enforcement equipment; US environmental emergency response, such as response system, technologies, early warning, etc.

C. Training

Subject to the availability of funds, 3 training sessions will be held in China focusing on enforcement techniques and standards for certain industries, emergency response early warning and control, and EIA management, respectively. Trainees of the 1st, 2nd and 3rd session will be agency enforcers, emergency response management personnel, and EIA management personnel, respectively.

D. Extended Study Tours

Two sessions of extended study tours will be organized for Chinese participants in the US, spanning 1 to 3 months.

The 1st session will target agency enforcers on enforcement techniques and standards for certain industries.

The 2nd session is for enforcers from the Regional Supervision Centers, focusing on regional environmental supervision.

E. Seminars

EPA and MEP intend to hold two seminars on enforcement. The 1st one is scheduled for May 2008 when the US team visits China, which will fully introduce basic situation in both countries to promote mutual understanding, and will preliminarily discuss some key issues of the research projects.

The 2nd seminar will be held in March 2009, i.e. the 2nd visit by the US team, to report on results and progress of all initiated projects and to discuss key and touch problems confronted in each project.

F. Research Projects

MEP and EPA will try to find partners to initiate research in 6 thematic areas:

- legislative studies including soil pollution control and toxic chemicals;
- SEA and tracking EIA;
- environmental enforcement institution design and inter-departmental coordination;
- enforceable environmental requirements, enforcement procedures and technical standards;
- environmental enforcement assessment and capacity building standard system;
- prediction and early warning technologies for environmental emergency response.

G. Pilot Projects

MEP intends to initiate three pilot projects in 2008:

- enforcement assessment system and capacity building standard system project;
- industry-specific enforcement technology and standards project;
- SEA and tracking EIA project.

EPA and MEP intend to carry out baseline assessments of the current situation in 2008 and to develop the actual pilots in 2009 based upon arrangements by project managers for the respective work project areas.