

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
ENVIRONMENTAL PROTECTION AGENCY
OF THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE
MINISTRY OF THE ENVIRONMENT
OF THE
FEDERATIVE REPUBLIC OF BRAZIL**

The Environmental Protection Agency of the Government of the United States of America, and the Ministry of the Environment of the Federative Republic of Brazil, (the Participants), aiming to improve institutional capacity through technical cooperation on environmental management;

Considering the Agreement Relating to Cooperation in Science and Technology signed on February 6, 1984, which provides in Article III, for the establishment of cooperation in the fields of environment and natural resources, among others, and the Agreement to Amend and Extend the Agreement Relating to Cooperation in Science and Technology signed on March 21, 1994;

Encouraged by the Common Agenda for the Environment, signed in the Joint Declaration between the Participants on October 23, 1995, which recognizes the need to strengthen dialogue and cooperation between Brazil and the United States;

Aware of the discussion of regional and global environmental issues and the need to find long-term economically viable solutions to address these issues through international cooperation, as well as the importance of coordinating and converging actions between the environmental agencies of both countries;

Recognizing the importance of cooperation in order to support and promote the implementation of international commitments of the Participants in environmental and sustainable development, noting the legislation and national policies in force;

Convinced that cooperation between the Participants on Environmental Quality Management may enable the development of mechanisms aimed at environmental protection and sustainable development, generating mutual benefits and strengthening the close relations between the two countries;

Identifying the need to give a greater degree of institutionalization, coordinating and integrating cooperation initiatives in the environmental area previously existing between the two countries;

Have reached the following understandings regarding cooperation:

SECTION 1

The purpose of this Memorandum of Understanding (MOU) is to strengthen and coordinate the efforts of the Participants to effectively protect the environment while promoting economic growth and social development; promoting the role of the private sector in development; and encouraging social inclusion, women's advancement, and environmental justice . This is to be accomplished by promoting technical cooperation between the Participants for the exchange of knowledge, information and experiences for institutional and individual capacity building, particularly focused in the areas of environmental impact assessment, risk analysis, monitoring of atmospheric emissions of major pollutants, social inclusion and environmental justice, among others.

SECTION 2

The Participants acknowledge that the relationship is a nonexclusive framework of cooperation to facilitate collaboration between the Participants. Any activities that the Participants intend to carry out are subject to the respective internal objectives, functions, policies and procedures of the Participants. No provisions herein are to be construed so as to interfere in any way with the Participants' independent decision-making autonomy with regard to their own respective affairs and operations. Any exchange of information between the Participants should be consistent with the internal policies and procedures of the Participants.

SECTION 3

The Participants are already engaged in substantial collaborative work in the areas of urban sustainability and social inclusion. The Participants intend that collaborative work should continue, and new areas of cooperation would be added, including, but not limited to, the following areas:

- Methodology and instruments of environmental impact assessment;
- Environmental impact assessment of major projects of infrastructure in the areas of energy, transport, gas and oil pipelines;
- Modeling, analysis and risk management;
- Methodology and instruments of air quality monitoring;
- Chemical safety, with emphasis on: i) risk monitoring methodology; ii) dangerous waste management and monitoring; iii) contaminated areas; and iv) ecotoxicological monitoring;
- Promoting environmental justice.

SECTION 4

The Participants may use the following forms of cooperation under this MOU:

- i. implementation and /or support of training programs for technical and scientific capacity building in the short, medium and long terms in priority areas of cooperation addressed by the Participants, such as those listed in Article 2;

- ii. participation in meetings and events of technical and scientific interest, organization of missions and visits to training and/or excellence centers, research and/or academic institutions, as well as participation in conferences, seminars and working and discussion groups;
- iii. program development, formation of working groups or joint committees with the interest to carry out analysis, studies and research on priority areas of cooperation;
- iv. other forms of cooperation as mutually decided.

SECTION 5

The Ministry of the Environment of the Federative Republic of Brazil designates the Brazilian Institute of Environmental and Renewable Natural Resources (IBAMA), a Brazilian federal agency with legal personality under Brazilian public law under the Ministry of the Environment, as the institution responsible for implementation and monitoring of activities resulting from this MOU, in coordination with the Ministry of Environment.

SECTION 6

In order to implement this MOU, Participants may, by mutual decision, request the support and participation of all levels of government, as well as nongovernmental organizations, private sector and scientific-academic institutions.

SECTION 7

For purposes of implementing this MOU, the Participants intend to establish a Working Group comprised of three (3) representatives from the Brazil side and three (3) representatives from the U.S. side. The representatives should be responsible for monitoring and coordinating the activities to be implemented under this MOU. The composition of the Working Group should be notified by each Participant to the other by means of Verbal Notes.

SECTION 8

The financing of technical cooperation projects should be decided by mutual consultation, according to the specific nature of each project. Implementation of this MOU and its annexes may be subject to the availability of funding and other resources. This MOU, or any annex that may be developed under this MOU, does not represent any commitment with regard to funding on the part of the Participants. Any such commitment may be reflected in separate arrangement as mutually decided by the Participants. Furthermore, this MOU does not represent any commitment on the part of either Participant to give preferred treatment to the other in any matter contemplated under this MOU or otherwise.

SECTION 9

Sharing of information between the Participants should be in accordance with their respective national laws and regulations.

SECTION 10

This MOU does not impose, nor is it intended to impose, any legal commitments on the Participants.

SECTION 11

Cooperation under this MOU begins upon signature by both Participants and is intended to continue for five (5) years. This MOU may be extended or modified by a mutual decision of the Participants in writing.

Either Participant may discontinue its cooperation under this MOU, at any time, in writing. The Participant seeking to discontinue its cooperation under this MOU should endeavor to provide at least 90 days written notice to the other Participant. If a Participant indicates its decision to discontinue cooperation under this MOU, the discontinuation of cooperation should not affect ongoing projects under development or the validity of the arrangements conducted under this MOU.

Signed at _____, on this ____ day of _____, 2012, in duplicate, in Portuguese and English.

FOR THE ENVIRONMENTAL
PROTECTION AGENCY OF THE
UNITED STATES OF AMERICA:

FOR THE MINISTRY OF ENVIRONMENT
OF THE FEDERATIVE REPUBLIC OF
BRAZIL:
