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## PRESS RELEASE

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### **Useful Guide Facilitates Public Participation in Environmental Impact Assessment (EIA)**

Environmental NGOs, Green Beagle (GB), Nature University (NU), IPEN and Arnika released today the *Action Manual for Public Participation in EIA* intended to help the public participate in the EIA process on an effective and rational basis. “Facing China’s already severe environmental situation, we lack not only techniques but more importantly certain organizations’ sense of responsibility for their jobs and society as well as the public’s courage to take action,” explains Xiao Xiong, the main book editor. “This Action Manual provides ‘how to’ advice for community residents so that Chinese law can be fully implemented.” The activity is part of the EU-funded project “Strengthening the capacity of pollution victims and civil society organizations to increase chemical safety in China” (1).

#### **Environmental Impact Assessment (EIA) Lacks Effective Public Participation**

Proposals for new facilities and projects require an EIA process. This includes waste incinerators, chemical plants, and land reclamation projects that threaten migratory birds’ habitats among others. GB and NU have learned about the problems and opportunities in EIA processes from intervening in them for years. “Lack of information transparency and the resulting ineffectiveness of public participation constitute the primary challenges for EIA,” said GB and NU researcher Mao Da. “There are laws and regulations that require responsibility of project owners, EIA service providers and environmental authorities in terms of information disclosure, but the enforcement results are anything but optimistic.”

In the EIA process, the project owner should provide the public with a simplified version of the EIA report to facilitate public participation. However, many project owners do not honestly solicit public opinion and instead actively work to discourage it. For example in Beijing, the owner of the Asuwei waste incineration facility project hid the simplified printed version of the EIA report in an office hardly accessible to



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the public and claimed the action satisfied the public participation requirement. In this case, the public repeatedly insisted and the project owner finally released the report on its website. “This was actually an attempt to violate the EIA law,” said Mao Da. “Project owners should comply with public participation requirements by simply releasing the EIA document on their website as well as through social media such as Weibo.”

The EIA process depends on honest input from the public. However, a rising trend is fake participation that falsely claims complete public support for project. For example a waste incineration facility west of Qinghuangdao City, Hebei Province cited ‘participants’ in the EIA who did not exist. The company faked public participation by claiming involvement of people that had lived elsewhere for years along with a person who died before the survey even started. Finally, the “real people” on the participation list had never actually been consulted. “Fake public participation violates Chinese law and undermines the credibility of project proposals,” said Xie Xinyuan, Green Beagle. “Public right to participation is an integral part of the EIA process and needs substantial improvement for the system to work properly.”

### **A Manual That Helps You Understand Public Participation in EIA**

The *Action Manual for Public Participation in EIA* clearly explains how the EIA process works, what information should be made public, common problems with an EIA report, and how the public can respond and apply for administrative review or start administrative litigation if violations of law occur.

In addition to presenting the EIA procedures in an easy-to-understand manner, the *Manual* explains basic EIA-relevant concepts to help readers understand the responsibilities of project owners, EIA service providers and environmental authorities. Note that an unreasonably planned project location and illegal use of land are not contained within the current EIA process. However, these issues have an environmental impact and thus need to be addressed through new, corresponding systems in the future.

The EIA service provider’s responsibility ends after the EIA report is approved, unless environmental issues still occur even after the project owner implements the project according to the EIA document. Pollution arising from the project after it is



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accepted on a test run basis no longer has anything to do with the EIA service provider, but instead falls under environmental regulation in the operating period.

### **Environmental Organizations Should Play a Greater Role in Public Participation in EIA**

Public participation in EIA processes is guaranteed by Chinese law and essential for successful projects. “The EIA process should take into account the interests of all stakeholders, including the public,” said Mr. Li Enze, an environmental law expert. “NGOs should also persevere in EIA activities, because the processes of applying for information disclosure or administrative review and carrying out administrative litigation are cumbersome, and they can help communities participate in the process.”

Yan Houfu who holds a PhD degree in environmental law from Peking University and is a lecturer at Beijing Normal University offered detailed advice on how to apply this manual.

1) Attention should be paid to the *Interim Measures for Environmental Administrative Approval Hearings* because it is the basis for holding an EIA hearing.

2) The *Planning Environmental Impact Assessment Regulations* provides in Article 13 that the planner shall further demonstrate the feasibility of the plan by such means as a demonstration meeting and/or hearing where there are significant differences between the opinions of other relevant organizations, experts and the public and the EIA conclusions. This provision clarifies the compulsory requirement for holding a hearing.

3) China’s new environmental law provides in Article 65 that the EIA service provider also shall be held responsible when it provides false information which ultimately results in environmental pollution. The EIA service provider will receive even stronger restrictions since it is required to financially compensate for its irresponsible behavior, if any.

4) Attention should also be paid to cases disclosed by the Supreme People’s Court for guiding purposes, such as a case last year in which the competent court voided an EIA approval after the public filed a lawsuit against their opinions having not been asked for in the EIA process.



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“I hope this manual will play a desired role in making authentic public participation in EIA processes a reality,” said Dr. Yan.

### **Action, especially Intervention in Cases, Is the Key**

The *Action Manual for Public Participation in EIA* is designed for use, not just reading. “Our work this year will focus on enabling public participation in EIA processes including a public hearing and an NGO-led EIA public survey,” said Xie Xinyuan. “We hope the *Action Manual* facilitates these efforts and look forward to receiving support from the public, relevant EIA service providers, and environmental authorities. We also look forward to receiving opinions on how to make the *Action Manual* and public participation even more effective.”

### **Footnotes**

- (1) Strengthening the capacity of pollution victims and civil society organizations to increase chemical safety in China is an EU-funded project of IPEN with partners Arnika – Toxics and Waste Programme and Green Beagle that aims to strengthen the capacity of civil society organizations and communities impacted by pollution to increase chemical safety in China. The Project (also known as the China Chemical Safety Project) is being implemented in China over two years with the EU contribution. For more information please visit: <http://ipen.org/projects/china-chemical-safety-project-2012-%E2%80%93-2014>

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