



Harmonizing Chinese Regulatory EIA and International Practice

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Chinese Regulatory EIAs

- **Planning EIAs**
 - Regional developments
 - Industries developments
- **Project EIAs**
 - Full text EIA reports
 - Standard EIA forms (+ key EIA Report elements)
 - Environmental registration
- **Strategic EIA**
 - (non-mandatory, a few pilots cases conducted)

International EIA Categories (World Bank OP4.01)

- **Category A**
 - Sensitive, irreversible, diverse, unprecedented
- **Category B**
 - potential adverse environmental impacts less adverse than those of Category A projects
 - impacts are site-specific
 - few if any of them are irreversible
- **Category C**
 - minimal or no adverse environmental impacts

International Practices (1)

- **For Projects**
- **Environmental, Social and Health Impacts Assessment (ESHIA)**
- **Commonly Recognized Requirements/Recommendations**
 - Financial Institutions: World Bank, IFC, Equator Principles Financial Institutions, etc.
 - Professional Associations/Organizations: IAIA, ICMM, etc.

International Practices (2) – Best Practices

- **IAIA Definitions**

- Principles of Environmental Assessment Best Practice
- Public Participation International Best Practice Principles
- Health International Best Practice Principles

International Practices (3) - Requirements from IFC

- Equator Principles, 2006
- Sustainability Policy, 2006
- Disclosure Policy, 2006
- Performance Standards, 2006
- Parts I & II of Pollution Prevention Abatement Handbook, 1998
- 62 EHS Industry Sector Guidelines and 1 General, 2007 (replaced Part III of the Pollution Prevention and Abatement Handbook, 1998)

Requirements for Regulatory EIA

National Laws and Regulations

- Over 40 laws covering environmental, ecological, nuclear, radiation, and cultural heritage elements, and hundreds of related regulations

Local Regulations

- Various regulations in 32 provinces and 14 cities with local Congress to promulgate local environmental regulations

National EIA Guidelines

- Guidelines for General Rules, Air, Noise, Ecology, Surface Water and Environmental Risk; Industry Sector Guidelines and some planned ones under preparation or public comments.

National Standards

- Quality Standards: Water, Air, Soil, Noise;
- Pollutants Discharge/Emission Standards;

Local Standards

- Various Pollutants Emission or Discharge Standards are in place in some provinces

IFC ESHIA Process Note

- **Screening and Scoping**
- **Stakeholder Identification and Data Gathering**
- **Impact and Risk assessment (including health & safety, and labor issues)**
 - Local physical environmental issues
 - Local social-economic issues
 - Regional and global environmental issues (trans-boundary issues, Green-house Gas issue)
 - Third party impacts including supply chain
- **Management and mitigation measures**
- **Disclosure**
 - IFC Disclosure on website before Board approval
 - Client disclosure in local media and local language

Regulatory EIA Process Note

- **Eight (8) EIA permitting rules must be followed:**
 - 1 Master Plan and Planning EIA ;
 - 2 Industry Policy;
 - 3 Cleaner Production;
 - 4 Mass Loading Control;
 - 5 Baseline Quality;
 - 6 Compliance- discharge;
 - 7 Environmental Risk;
 - 8 Public Consultation.
- **EIA Outline is not required, but it is recommended for large and complicated project with potential significant permitting obstacles.**
- **Seasonal monitoring may be the major factor to lengthen the permitting schedule.**
- **Disclosure**
 - Project information must be disclosed for 10 working days within 7 days after the EIA study is commissioned
 - Public consultation shall be organized by either the project proponent or the EIA institute after the bulletin or brief EIA report is publicized for 10 working days, via one of the following ways:
 - 1 Public survey, such as a questionnaire;
 - 2 Expert consultation;
 - 3 Workshops;
 - 4 Debates;
 - 5 Public hearing.
 - EIA summary information will be disclosed for 10 days before the EIA is approved by MEP or local EPB.

Major Differences between EIA and ESHIA (1) – Assessment Process

- **Timing of involving assessment**
 - Concept phase vs. Feasibility study phase
- **Interfaces with designing activities**
 - Alternatives vs. Amendments
- **Identification and involving stakeholders**
 - Stakeholders vs. “Public”
 - Consultation vs. “Participation”

Major Differences between EIA and ESHIA (2) – Coverage

- **Targeted Components**
 - Environmental, public health and safety issues vs. Mainly physical environmental issues
- **Geographic Coverage**
 - Local, regional and global vs. Local (and regional)
- **Time scale**
 - Project life circle vs. Construction and operation
 - Cumulative concerns vs. Project concerns
- **Types of Impacts**
 - Both positive and negative impacts vs. Negative impacts

Major Differences between EIA and ESHIA (3) – Effectiveness of Reports

- **Approval**
 - Public (& finance sponsor) vs. Government
- **Actions Guidance**
 - ESH management plan vs. Management plan
 - For project owner actions vs. Governmental supervision recommendations

Suggestions for Bridging Gaps

- **Conducting EIA and ESHIA simultaneously**
- **Bringing an EIA to ESHIA through:**
 - more efforts on stakeholders consultation
 - more efforts on ESH management plan (significant efforts are expected)
 - incorporating Chinese Occupational Health Disease Hazards Assessments (ODHA) and Occupational Safety Pre-Assessment (SPA) ---- only limited information could be used