Category: **Obligation to Facilitate Public Participation in Environmental Decision-Making**

Sub-Category: Public Participation in Environmental Impact Assessment

Name of Good Practice: **Public Participation in Environmental Impact Assessment Procedures**

Key Words: Access to Information, Consultation, Impact Assessment, Internet, Participation

Implementing Actors: National Ministries; Sub-National Governments

Location: Multiple Countries

Description: Most States have adopted environmental impact assessment (EIA) laws, in accordance with principle 17 of the Rio Declaration, which states that “environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.” Allowing for public participation and consultation during the EIA process can lead to better informed decisions that reflect the public’s interests, concerns and values. Many countries have adopted comprehensive public participation procedures in relation to their EIA laws.

For example, India amended its EIA law in 2006 to require a public consultation period once a draft EIA is prepared under the law. Public consultation consists of a public hearing and a period for written presentations/comments from the concerned public and provides a legal space for them to come face-to-face with the project proponent in the presence of regulatory bodies and express their concerns. Since 2006, the government has organized 565 public hearings. In Trinidad and Tobago, the Certificate of Environmental Clearance Law of 2001 (CEC) governs the EIA procedure for potential environmental and human impacts from 44 categories of activities. The CEC provides the public with the opportunity to submit comments on a proposed project’s EIA for up to at least 30 days after notice for comment is advertised in daily newspapers. The government also holds public consultations, depending on the scale of the project and the circumstances surrounding the application for an environmental clearance. The United States adopted the National Environmental Policy Act (NEPA) in 1970 which, among other things, governs the EIA procedure for applicable federal agency projects and actions. For projects requiring EIAs, federal agencies must provide public notice of EIA-related hearings, conduct public meetings, provide relevant documents, and set deadlines for comments and appeals. The public typically can provide comments on the initial scoping report for a project and on the draft EIA, as well as file administrative appeals of a final decision by the agency and ultimately seek judicial review.

**Further Information:** More information about the U.S. NEPA is available at: <https://ceq.doe.gov/>; information on India’s EIA procedure: <http://envfor.nic.in/division/introduction-8>; the CEC of Trinidad and Tobago at: <http://www.ema.co.tt/new/index.php/legal/legislation/certificate-of-environmental-clearance>.