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

Sub-Category: Public Participation in Development of Environmental Laws

Name of Good Practice: **Public Participation in the Development of Environmental Laws, Policies, and Regulations**

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

Implementing Actors: National Ministries; National Legislatures

Location: Multiple Countries

Description: Allowing for public participation in the formulation of environmental laws, regulations and policies is a good practice that can lead to better-informed decisions that reflect the public’s interests and values. Many countries have adopted comprehensive public participation procedures that apply to this context.

For example, in Chile, Article 70 of the Environmental Framework Law provides that the Ministry of Environment should encourage and facilitate public participation in the formulation of policies, plans and environmental quality standards. To give effect to this provision, the Ministry created a website called e-PAC which allows citizens to participate in the adoption of all environmental quality standards and pollution prevention or rehabilitation plans. Each proposed rule or regulation is open for a 60 day consultation period on the website, where any person can submit comments or provide relevant data or information to the Ministry. In Greece, the government in 2009 launched the Open Governance Project, which requires, among other things, that draft regulations, including environmental regulations, be made available online for public consultation where citizens can post comments, suggestions, and criticisms. According to the project’s website, “all submitted comments are gathered and assessed by competent authorities and in many cases they are incorporated in the final regulations.” The website indicates that since the project’s launch, 153 deliberations have taken place by 14 ministries, with approximately 67,929 citizens posting comments. In the United States, the Administrative Procedures Act (APA) (1946) sets out requirements for public participation in the development of many federal rules, including environmental rules. The APA requires the relevant federal agency to publish a notice of proposed rulemaking, after which the public has the opportunity to submit written comments, data, views, or arguments which the agency must consider. Although the rules do not specify the time period for submitting comments, federal agencies typically leave the comment period open for 30 to 60 days.

**Further Information:** Chile’s e-PAC website can be found at: <http://epac.mma.gob.cl/Pages/Home/index.aspx>; the Greek Open Governance website: <http://www.opengov.gr/en/>; the APA can be found at: <http://www.law.cornell.edu/uscode/text/5/part-I/chapter-5>.