

Changes in Environment Impact Assessment over last 5 years

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In news– The Union government made over 100 changes in Environment Impact Assessment Notification in past 5 years.

What is the Environment Impact Assessment(EIA)?

- It is a tool of environmental management forming a part of project approval and decision-making.
- The International Association for Impact Assessment (IAIA) defines an environmental impact assessment as “the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made”.
- The first country to give importance to EIA through its National Environmental Protection Act (NEPA) of 1969 was the United States .
- In India, EIA started in 1976-77 when the Planning Commission asked the Department of Science and Technology to examine the river-valley projects from an environmental angle.
- The Environment Impact Assessment (EIA) Notification, 2006 of India is the governing legal instrument to grant green clearance for establishment or expansion of an industry on the basis of the expected environmental impact of the project.
- The notification was introduced in 1994, and after several amendments, was revised in 2006.

Key changes-

Records of the Union Ministry of Environment, Forest and Climate Change (MoEFCC) show that in the last five years, some **110 changes have been introduced in the 2006 EIA notification**

vide office memorandums. Office memorandums are available in public domain but the changes introduced in them do not have to undergo public consultation since they are not considered an act of change in law.

The year 2022-23 saw the highest number of changes introduced in the 2006 notification in the last five years. Some of the major changes in the 2006 EIA notification introduced vide Office Memorandums over the years are:

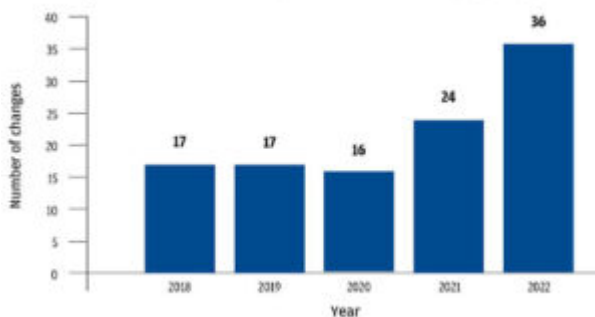
- **Rating system for state environment impact assessment authority (SEIAA):**
 - On January 17, 2022, the Centre rolled out a **star-rating system** for state environment impact assessment authorities (SEIAAs) to make them more efficient, transparent and accountable.
 - A closer look, though, suggests that the **rating system, instead, penalises them for adhering to the 2006 EIA notification**, the blueprint for giving green nod to projects.
 - **The rating system, to be updated every month, is based on seven parameters** that are geared towards pressurising SEIAAs to fast-track clearances, even if it means without due diligence.
- **The faulty compliance module:**
 - MoEFCC released a notification on June 14, 2022, detailing a compliance module for projects granted environmental clearance under the 2006 EIA notification.
 - **The module streamlines the compliance and monitoring process and avoids any delays** in submission of the compliance reports to regulatory authorities.
 - This notification is a step forward in streamlining the process and avoiding any gaps in the timely submission of compliance reports. However, it is not clear if these reports and

supporting documents will be accessible to the public.

- Proponents upload this information on MoEFCC's Parivesh portal, using their unique credentials and, therefore, it may not be available in the public domain.
- **Undermining the public hearing process:**
 - The 2006 EIA notification has **defined the sectors that have to undergo the process of public hearing for project appraisal.**
 - The second component of it is "public hearing", wherein advertisement is given in the local newspapers to hold a gathering, presided over by the district magistrate/district collector/deputy commissioner, to hear the concerns of the stakeholders, especially the local residents, on the project.

TRACK CHANGE

Number of changes introduced in the Environment Impact Assessment Notification, 2006, in past five years



Source: CSE analysis

- The ministry, vide an office memorandum in October 2021, **allowed for 20 per cent expansion in production in mining of minor minerals** (iron, manganese, bauxite and limestone) on the basis of only public consultation.
- **Extra details sought are viewed as a burden:** The Central and state authorities designated to give environmental clearance to the projects can seek extra and additional details from the project proponent if needed, as per the provisions of the 2006 EIA notification.
- **Change in coal source without amendment:**
 - The source of coal for combustion in a coal

thermal power plant is required for estimating the emissions from transport of the coal from mine to the coal thermal power plant.

- In November 2020, **the ministry allowed all coal thermal power plants to change coal source** without accounting for any possible increase in emissions from its long distance transport.
- **Violation cases get recognition under the 2006 EIA notification:**
 - In December 2017, MoEFCC made provision to grant **“post-facto” clearance to the projects that are in violation of the 2006 EIA notification.**
 - Later, in July 2021, MoEFCC issued a standard operating procedure to regulate the projects under violations.
 - However, the procedure not only gives legitimacy to the ongoing violations but also has provision to accommodate future violations, thus effectively compromising the “zero-tolerance for violation” stance.