

## Practice of public participation in EIA in China: A case study on effectiveness of IPPE

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**【Abstract】**In order to promote and regulate the practice of public participation in EIA process, MEP of China enacted the IPPE at February 14, 2006. In recent years, the implement of IPPE has played certain active roles, while how about its effectiveness is still not clear. To answer this question, a few EIA reports or EISs were sampled from tens of different EIA consulting agencies, in which the practice and outcomes of public participation were investigated and reviewed according to the requirements of IPPE. Four aspects of the present practice, such as the participants, implementation phase, participating channels, feedback and suggestions, and the design of questionnaires survey were analyzed and summarized. It was found that the quality of public participation practice in EIA in China had been promoted. Based on a comparison to public participation systems of EIA abroad, a few countermeasures were put forward, such as to make a guideline with more details of how to determine the reasonable number of public, to set up a fixed media for information disclose, and to prolong the period for public review of draft EIS etc., in order to improve the effectiveness of public participation in EIA process.

**【Key Words】** EIA; Public Participation; Interim Procedure; Effectiveness

### 1. Introduction

After more than 20 years development, public participation (PP) in environmental impact assessment (EIA) in China has got certain advancements, such as improvement of regulation step by step, promotion of consciousness of PP (Wang et al., 2003).

The requirements to carry out PP in EIA in China can be dated back to *Circular on Strengthening EIA Management of Construction Projects Financed by International Financial Organizations* on June 21, 1993(Li et al., 1998). Since then, several regulations relevant to PP in EIA, including EIA Law of PRC, have been promulgated. Among them, *Interim Procedures of PP in EIA* (IPPE) enacted by Ministry of Environmental Protection of China (MEP) on Feb 14, 2006 (SEPA, 2006) is a milestone, which firstly regulates a clear procedure for carrying out PP in EIA process in China, and a time limit no more than 7 working days for developer or its EIA consultant organization to disseminate their primary information to the public after their contract signing, and a period no less than 10 working days for the public to review the simplified draft EIS after being informed. The advancement of IPPE as compared with EIA Law was listed in Table 1. In Guangdong Province, a local regulation *Advice on Enforcement of PP in Environmental Protection Management on*

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*Construction Project of Guangdong Province* (AEPP) further strengthens the administration of PP in EIA process at Guangdong Province since Dec 29, 2007. In Shanxi Province<sup>1</sup> and Jiangsu Province<sup>2</sup>, similar local rules had been enacted on Sep 9, 2009 and Oct 22, 2012 respectively.

It is very necessary to investigate the practices of PP in EIA and their effectiveness after enforcement of IPPE for several years. In this paper, the contents on PP in EISs were reviewed. PP in the latter stage when the EIS is submitted to the component authority is beyond this study.

Table 1 Advancement of IPPE as compared with EIA Law

Name	Date in effect	Main requirements	Comments
EIA Law	Sep, 2003	It regulates that the state encourages the public to participate in EIA in appropriate ways. Article 21 regulates that the developer shall solicit the public opinions by holding demonstration meetings, hearings or other means before submitting a report of environmental impacts for examination and approval. The report shall include an explanation of why the public opinions are accepted or rejected.	<ul style="list-style-type: none"> <li>● Principle</li> <li>● No details</li> </ul>
IPPE	Feb, 2006	The scope, procedure, forms and time limit of carrying out PP in EIA process are regulated in this rule. Developer or its EIA consultant organization shall disclose their primary information to the public in a period no more than 7 working days after contract made. And summary of EIA shall be provided to the public to review in a period no less than 10 working days. The requirements of different forms such as questionnaire, meeting, public hearing, are regulated.	<ul style="list-style-type: none"> <li>● Operational</li> <li>● Clear time limit</li> <li>● Compulsory information disclose procedure</li> <li>● More details</li> </ul>

## 2. Methods

Sampling investigation method was applied in this study. According to statistics of MEP, there are 1160 qualified consultant organizations with certificate of EIA, including 192 Class A organizations and 968 Class B ones. 200 EISs were casually collected national wide (Table 2), which had been completed by 35 Class A and 59 Class B organizations since 1997 to 2012, including 100 and 100 samples before and after Jan 1, 2006 respectively. The data on PP in EIA process in the sampled EISs were reviewed and analyzed.

## 3. Result and discussion

### 3.1 The public involved or participants

The result of our investigation demonstrated the improvement of PP in EIA in China (Table 3). There were 4% and 8% EISs with no contents on PP for Class A and B consultant organizations respectively before 2006. While since 2006, all the samples have carried out PP in EIA process.

The number of the people involved EIA on a project was rising, especially those maybe suffer from its negative environmental impact. The public normally participated in EIA by the manner of questionnaire filling, and the questionnaire design and handout were the business of EIA consultant organization or project developer. There was 54% of EISs before 2006 in which the amount of questionnaires sent out was less than 100, while since 2006 it dropped to 37%. Before 2006, most of the public involved the EIA process were residents or citizens, and the other public members such as representatives of private or public organizations (such as hospital, school, village, community,

<sup>1</sup> <http://www.shanxigov.cn/n16/n1383/n32270/n32570/n33880/9142540.html>

<sup>2</sup> [http://www.jshb.gov.cn:8080/pub/root14/xxgkcs/201210/t20121030\\_217406.html](http://www.jshb.gov.cn:8080/pub/root14/xxgkcs/201210/t20121030_217406.html)

enterprise, etc.) were seldom involved. This situation has changed since the date of IPPE coming into force. The opinions or comments of the organizations within the environmental impact scope of proposed project have become an indispensable part of EIS since 2006. This conforms to the principle “the wider the better” (Furia et al., 2000).

Table 2 Samples basic information

Class	date	Projects & sectors	Population affected
A/27	1997.12 -2005.12	13 regional development projects;8 transportation projects;9 chemical industry projects;5 hydropower projects;6 light industry projects;5 municipal facilities; etc.	240 ~500000
B/35	1998.5 -2005.12	6 municipal facilities ;14 light industry projects;12 chemical industry projects;10 real estate projects; etc.	37 ~32000
A/16	2005.1 -2011.12	12 transportation projects;7 machinery and electronic projects;6 chemical industry projects;8 regional development projects;6 solid waste disposal projects;3 light industry projects;2 hydropower projects;6 municipal facilities; etc.	500 ~150000
B/28	2005.8 -2013.3	13 chemical industry projects;8 machinery and electronic projects;11 real estate projects;7 light industry projects;4 transportation projects;2 livestock breeding projects; etc.	220 ~200000

### 3.2 Timing of PP

Before 2006, PP in EIA normally was carried out by questionnaire filling before draft EIS completed. Since 2006 more than 55% EISs had released their EIA information at early stage, which provided the public an opportunity to participate in EIA at the beginning, and the public had the right to comment on the simplified draft EIS during 10-working-day period after the date of the second notice release. However besides several projects, the overwhelming majority of EISs said that no comments had been received. Questionnaire survey was still the main way of PP since 2006 (Table 3).

### 3.3 Ways of information disclosure and public involved and advice feedback

Because of no legal requirements, the information on EIA for a proposed project was seldom disclosed at the beginning period of EIA process before 2006, except for several World Bank loan projects. 90% of EISs had information disclosure at the beginning period of EIA process since 2006, in which pasting up a notice at the villages or communities nearby the project location was the primary form to disseminate information, and the media such as the newspaper or the Internet was also used. The questionnaire survey approach was applied to solicit the opinions of the public in all of the EISs which having PP contents, while other approaches such as expert workshop, symposium, demonstration meeting, and hearing were seldom used.

### 3.4 Questionnaire design

A good questionnaire shall be simple, capable of reflect the various opinions of the public on the proposed project. Therefore, the questionnaire should be designed according to the conditions and situation of given project. However, it was found that there were 19% of projects in which EIA process the same or almost same questionnaire was used before 2006. There was often no difference in questions designed for the public to answer whether the proposed project was a highway or a chemical plant. Little improvement has been made in this aspect since 2006.

Although in the second notice the primary information on EIS of proposed project are required to present to the public, the questionnaire interviewees maybe do not know clearly these information. So it is necessary to include them in the designed questionnaire. However there were still a few of questionnaires with too simple project introduction even since 2006, nearly 42% without description of environmental impact from characteristic pollutants of the proposed project.

IPPE requires “scope of questionnaire handing out shall conform to the scope of impact caused by the proposed project”. The investigation showed that since 2006 only 30% of EISs had a clear explanation on conformability to the requirement.

Table 3 Investigated result of PP in EISs

	With PP	Time limit Satisfied		Ways of Notice					
		First Notice	Second Notice	Poster	Internet			Newspaper	Booklet
					Governmental website	General website	others		
Class A 1997.12-2005.12	96%	0	0	2%	8%	2%	0	8%	2%
Class B 1998.5-2005.12	92%	0	0	0	0	0	0	0	0
Class A 2005.1-2011.12	100%	54%	68%	68%	46%	12%	50%	32%	2%
Class B 2005.8-2013.3	100%	56%	64%	82%	24%	18%	32%	2%	2%

Table 3 continued.

	Forms of public opinions soliciting					Questionnaire survey		Questionnaire design			Questionnaire survey before Second Notice
	Questionnaire	Public meeting	Public hearing	Expert review workshop*	others	Amount	Percent of affected popul.(%)	Entirety of project info.	Entirety of interviewee info.	Pertinence of questionnaire	
Class A 1997.12-2005.12	94%	12%	4%	58%	10%	20~650; 22 less than 100	0.05%~26.5%; <1%, 14(35%)	19%	91%	82%	---
Class B 1998.5-2005.12	96%	0	2%	35%	2%	20~200; 32 less than 100	0.96%~54%	29.5%	89%	80%	---
Class A 2005.1-2011.12	100%	18%	4%	16%	6%	50~1500; 15 less than 100	0.1%~20%; <1%, 14(35%)	48%	93%	87%	72%
Class B 2005.8-2013.3	100%	2%	2%	6%	0%	43~150; 22 less than 100	0.03%~27%; <1%, 22(54%)	68%	96%	80%	34%

\* This refers to EIA implementation outline review.

#### **4. Measures and suggestions**

As mentioned above, the investigation witnessed the improvement of practice of PP in EIA process in China. However there are still a few shortcomings waiting to be improved further. Firstly, how many persons involved are reasonable? If 1000 residents dwell in a region where maybe impact by a proposed project, so how many representatives of them are sufficient? There is no answer in IPPE or AEPP. Guideline on PP in EIA with more details of how to determine the reasonable number of public shall be made as soon as possible. The local rule of Jiangsu Province *Advice on Strengthening Public Participation in Environmental Protection of Construction Project* shed light on determination of how many questionnaires shall be handed out. It regulates that the quantity of questionnaires handed out shall be no less than 200 for proposed project which maybe cause serious environmental impact, and no less than 150 for that without significant negative impact, and no less than 100 for the other project.

Considering information disclose, the prevailing practice is to release notice on EIA on the Internet, some of which are websites of the EIA consultant organizations, and some of which are websites of the proposed project developer. Normally the visitors of these websites are limited. Therefore it is of great necessity to set up a fixed media like Federal Register of USA. Though the Internet is a quick form or channel of information propaganda, but there are local residents who don't use computer, the elders in particular. So notice post or booklet handing out at local dwelling sites should be used simultaneously.

The third problem is time limit for PP in EIA. With contrast to the similar requirement in advanced countries or regions, it is a bit short or not plenty for the public to comment. In USA, usually a forty-five-day period is provided for the public to comment the draft EIS (Ferrey, 2003), and in California and Washington DC are 30~90 days and 30~45 days respectively (Kreske, 1996). We recommend that the period for public review of draft EIS should prolong to at least 30 days. And not only the present simplified EIS but also the draft EIS, final EIS should be open to the public except for those contents related to business or other secrets. Two recent cases shed a light on the openness of EIS. In one case, Environmental Protection Bureau of Guangzhou exceeded the time limit to reply the application of EIS disclosure of Likeng MSW Incineration Plant from Ms. Chen, who was a member of NGO in China, was judged of having broken the regulation by Yuexiu District Court (Chen et al., 2013). In the second case, Department of Environmental Protection of Guangdong Province promised to provide a free copy of the full EIS of Likeng MSW Incineration Plant Phase II Project to the applicant (Ling, 2013).

Questionnaire design should be handled according to the actual situation of given project.

Regulations requirements on PP in EIA should be strengthened further.

#### **5. Conclusion**

Several regulations relevant to PP in EIA have been promulgated in China. The contents on PP in a few EISs were studied to investigate the practices of PP in EIA and their effectiveness.

The investigation showed the regulations on PP in EIA in China promoted the quality of PP practice in EIA. The opinions of organizations within the environmental impact scope of proposed project have become an indispensable part of EIS since 2006. More than 90% of EISs had information disclose at the beginning period of EIA process since 2006. The questionnaire survey approach was commonly used to solicit the public opinions. There were 19% of projects using same or almost same questionnaire before 2006, and little improvement has occurred since 2006. Regulations requirements on PP in EIA should be strengthened further. Guideline with more details shall be made soon.

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