Bangladesh

EIA profile

Updated to: 26 September 2019

Screening

Screening process

Screening is a required step of the EIA procedues and it is done by the DoE.

The proponent first sends an activity proposal to DoE to form the basis of screening. Screening is based on a list contained in Schedule I of the Environment Conservation Rule (1997). Based on the project features, DoE categorizes the project in any of 4 categories based on location and impact on the environment (a location clearance is required for location and an environmental clearance is required for environmental impacts). These categories include green, orange A, orange B, and red. Projects categorized as green require no location clearence but a environmental clearance. All other categories require a location clearance, and an environmental clearance. Orange A projects requires a layout plan, process flow diagram and outlines of plans for relocation and rehabilitation while green projects do not. The difference between category orange A and B is that category B projects require both an Initial Environmental Examination (IEE) and an EMP for clearance while orange A do not. In addition to the requirement of the orange B category, Red projects require a full EIA.

Once it has decided under which category a project falls, DoE communicates to the proponent if a request for application documents for environmental clearance if needed. The application for the certificate has to be submitted to the concerned divisional officer of the department. A form of such an application is attached in the Environmental Conversation Rules (Form 3).

Sensitive areas

There are provisions for sensitive areas. The ECR (1997) gives the government the mandate and guidance in declaring certain areas sensitive. In such cases a full EIA is required.

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-78

Contents of the starting document

For the initial categorization process of the project, an activity proposal has to be sumitted to DoE. Its content is not specified.

Timeline Screening

Not specified in legislation

Scoping

Scoping process

After an IEE is approved and the proponent has obtained a Site Clearance Certificate for the project, the proponent is allowed to begin preparation works for the project.

For Red category projects, the DoE prepares a Terms of Reference in conjunction with the proponent which is used by the proponent to prepare an EIA. Scoping mainly involves baseline studies.

Contents of the scoping document

Apart from the ToR prepared by DoE, other contents for scoping documents are not specified.

Timeline scoping

The approval of the ToR shall take place within 15 working days from the date of submission.

source

EIS with flowchart.

Assessment

Assessment process

The legal framework does not specify assessment methods. However, the EIA guidelines for Industries advises use of checklists, matrices networks, overlays, environmental index using factor analysis, cost-benefit analysis and simulation modelling. It also suggests methodologies on impact evaluation, prediction and identification of mitigation measures. The guidelines suggest public participation. The public and NGOs are invited (discretionary) to give their views on the draft EIA report that is produced.

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-78

Contents of the EIA report

The proponent is required to address the following:

- baseline studies;
- impact identification;
- impact prediction;
- impact evaluation;
- mitigation measures;
- monitoring program;
- special studies (for example risk assessment, rehabilitation study etc).

Accreditation of consultants

No information.

Review

Review process

Review is internal as the DoE is responsible for it. DoE has constituted a technical committee comprising of the Director (Technical), Deputy Director (Research), Joint Director (Biodiversity) and Project Coordinator (IDCOL). The review criteria are not specified (to be confirmed) .

There are no specific procedural steps for conducting and reviewing EIA in the ECA. Additionally, guidelines for review of non-industrial projects are non-existent and the review process for such projects is said to be on an ad hoc basis. However, the industrial and water sector guidelines give suggestions on reviewing EIA report which the review committee of DoE follows. In general, the DoE offices in each of the six divisions receive applications and issue Environmental Clearance Certificates for proposed investments within that division. The divisional offices verify supporting documents and pass it on to the divisional head, who assigns an inspector for follow-up. For green and orange A category projects, the inspector submits his report to the divisional head who makes a decision within three days of receiving the report. Files for orange B and red category projects are sent to the Senior Chemist/Assistant Director for checking. The files are then forwarded by the divisional office to the Environmental Clearance Committee of the DoE in Dhaka, and then passed to the Director General of the DoE for final clearance. Most Environmental Clearances issued by DoE are from the Dhaka divisional office.

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-78 and World Bank 2006

Review expertise

EIA experts can participate in the review process, if invited by DoE.

source

Kabir SMZ, (2012). A critical evaluation of the environmental impact assessment system in Bangladesh using a holistic approach. University of Newcastle.

Timeline Review

Article 11 of the Environmental Conservation Rules prescribes that for projects under category Red, the EIA report shall be approved or the application for an environmental clearance certificate shall be rejected within 60 working days from when the EIA report was submitted.

Decision making

Integration of ESIA into decision-making

The EIA process is linked to several content decisions in Bangladesh. The conduction of a full EIA and thus an EIA approval decision is required for Red category projects only, other category projects (Green, Orange A and B) do not require an EIA report. For these projects, firstly a Site Clearance Certificate has

to be obtained. Once this certificate has been issued, the proponent shall submit the EIA report for approval. Following the EIA approval, the proponent shall apply for an Environmental Clearance Certificate. The application for such an Environmental Clearance Certificate contains among other documents the EIA report, the Environmental Management Plan and a no objection certificate (approval form the local authority). Thereafter, a decision on the issuing of the Environmental Clearance Certificate is taken. Without such an certificate, the proponent shall not have gas line connections and shall no trial production in case of an industrial unit, and in other cases shall not start operation of the project. It is unclear if the issuing of the Environmental Clearance Certificate is a project approval at the same time.

The Director General of the DoE takes the decision on the issuing of the Environmental Clearance Certificate.

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-78 Environmental Conservation Rules (1997)

Decision justification

According to the Environmental Conservation Rules (1997), when an application for an environmental clearance certificate is rejected, appropriate reasons need to be mentioned.

source

Environmental Conservation Rules 1997 (Article 7 (11, 14)

Timeline decision-making

According to the Environmental Conservation Rules (1997), the decision on the issuance of the environmental clearance certificate has to be taken within 60 days from the application for the certificate onwards and thus after the EIA report has been approved.

Possibilities for appeal

The Environmental Courts Acts of 2000 establishes Environmental Appeal Courts for environmental offences (in general). Appeals can also be made to specialised magistrate courts where environmental laws provide for a penalty of an imprisonment not exceeding 2 years or a fine not exceeding 10,000Tk (145USD) or both.

The decision on the issuance of an Environmental Clearance Certificate can be appealed (to be confirmed).

Any person may appeal, within 30 days from the date of issuance of the notice. An appeal fee of 1000 Taka is charged to any appellant including the general public.

source

Environmental Courts Act, 2000 (article11)

Environmental Conservation Rules, 1997 (Article 9)

Follow-up

Compliance monitoring

Clear legal provisions for EIA compliance and monitoring are absent. It is mentioned in the EIA rules that an EMP is required for orange B and red category projects. It needs to be prepared by the proponent and submitted as part of the application of location and environmental clearance. Monitoring is said to be conducted on an ad-hoc basis and there are no specific provisions for green and orange A category projects.

source

Environmental Conservation Rules (Article 7), World bank 2006

Non-compliance penalties

Suspension of clearance is possible. The ECA provides that failure to comply with any part of it may result in the punishment of a maximum of 5 years imprisonment or a maximum fine of 100,000Tk (1,460USD) or both.

source

Environmental Conservation Act (1995), article 15, 16

Stakeholder engagement

Public participation requirements for ESIA process stages

There are no legal requirement for public consultation during EA process or even for provision of information to affected people. The Environmental Conservation Rules do not mention public nor community. However, different guidelines such as the water sector guidelines suggest public participation at the early stage of EIA study and recognise the need to consider socio-cultural, physical and biological impacts. According the EIA guidelines for industries, opportunities for the public to participate are under the discretion of the Director General of DOE.

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-7

ESIA practice

Annual no. of ESIAs

In 2000-2001 DoE processed almost 1,300 environmental clearance certificates.

Central ESIA database

No information

Professional bodies

? NEAB (National EIA Association of Bangladesh): An association of planners, practitioners and enforcement agencies that has been working to create awareness of EIA in all sectors of Government planning. It has assisted in the development and extension of EIA, prescribing a code of conduct for EIA professionals, building national capability and establishing a liaison between EIA practitioners and policy-makers in Bangladesh.

? BELA (Bangladesh Environmental Lawyers Association): Has played a role in the introduction of public interest litigation cases to higher courts (the High Court and the Supreme court). An important achievement won by BELA in response to its appeal was the Supreme Court decision in 1998 to grant citizens and NGOs the right to enforce environmental laws.

? FEJB (Forum of Environmental Journalists, Bangladesh); Has been particularly effective in creating environmental awareness, and a number of State of the Environment Reports have been produced by civil society organizations.

Relevant links

EIA information on the website of the Department of Environment: http://www.doe-bd.org/

Study of the Bangladesh Engineers' Association on the EIA system in Bangladesh

Background information

History of ESIA

In the early and mid 1980s, EIA in Bangladesh was mainly donor driven. In the time, environmental issues started to be seen as much more linked to broader development issues and became institutionalised in 1989 with the establishment of the present Ministry of Environment and Forestry. In line with the general recommendations of the Rio Earth Summit, The National Environmental Policy was framed in 1992. This policy required EIA for all new public and private projects. In 1993, the National Environmental Committee headed by the Prime Minister was formed to address environmental issues at the central level. Several guidelines were prepared in 1990s. Key of these guidelines included: Guidelines on Environmental Issues Related to Physical planning in 1992 and Guidelines for Physical Planning of Rural Areas in Bangladesh in1995. These are said to have had little influence on EIA thus ultimately, the Environmental Conservation Act (1995) and the Environmental Conservation Rules (1997) gave formal status to EIA in Bangladesh. Thereafter, the EIA system had been further developed through amendments of the Act and the Rules and the issuance of the Environmental Court Act in 2000.

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-7.

Legal framework

Enabling law

The Environmental Conservation Act makes mandatory provisions for environmental clearance of all industrial units and projects.

It has been amended by Act No 12 of 2000 and Act No 9 of 2002. In 2000, the Environment Court Act

(Act No. 11 of 2000) which also contains amendments to the Environmental Conservation Act was issued and further amended in 2002.

source

Links to Laws on the website of MoEF: http://www.moef.gov.bd/html/laws/laws.html

Environmental Conservation Act (1995)

Environmental Conservation Rules (1997)

Environment Court Act (2000)

National detailed regulation

Environmental Conservation Rules (1997) provide a procedure for granting environmental clearance under article 7. These rules were issued by the Minister in charge of the environment and forestry.

The Environmental Conservation Rules (1997) were amended in 2002 and 2003.

The website of the Department of Environment indicates that several further amendments have been made recently. The Rules have been amended in 2012, the Environment Conservation Act in 2010, the Environment Court Act in 2010. Additionally ECA rules for public comments have been drafted.

Remark: These amendments and new guidelines are not available in English. Their content could not be considered for this country profile.

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-78.

Guidelines

There are EIA-related guidelines, which are not legally binding though. These include: (a) EIA guidelines for Industries by the Department of Environment 1997; (b) EIA guidelines on water sector, prepared under the Flood Action Plan, 1992 and updated in 2003;

As part of the BEISP capacity development programme (2006-2010), DoE has drafted EIA guidelines for several sectors including coal mining, gas, pharmaceuticals, cement factories, water and transport sectors. Most of these guidelines are still in draft but DoE intends to finalize and gazette them.

Moreover, the Water Resources Planning Organization (WARPO) and the Local Government Engineering Department (LGED) have developed their own EIA guidelines.

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-78 ADB, 2012. Subproject proposal. Strengthening Environmental Impact Assessment System.

Guide to the Environmental Conservation Act 1995 and Rules 1997, Bangladesh Center for Advanced Studies, 1999.

Sector specific procedures or regulations

No information

Scope of application

EIA is required for all activities (private, public and foreign investment) that fall under the category of red projects as stipulated under schedule one of the Environmental Protection Rules.

Exemptions from application

No information, however the Director General may directly issue an Environmental Clearance, without requiring the mandatory Location Clearance in certain cases. These cases are however not specified.

source

The Environmental Conservation Rules, 1997 (Article 7-4)

Institutional setting

Central ESIA authority

The Department of Environment (DoE) is the responsible body for implementing and enforcing EIA. Under the provision of the Environment Conservation Act, 1995, DoE and its six divisional offices, are authorized to review and approve the EIA reports and to process and issue environmental clearance for all types of industrial units and projects. They are also mandated to formulate environmental guidelines and advise the Government to reject manufacturing processes, materials and substances likely to cause environmental pollution. Other core activities of DoE besides EIA include environmental knowledge management, and enforcement. Within the office of the Director, there is a unit headed by a Deputy Director EIA who coordinates EIA-related services. DoE is the technical arm of the Ministry of Environment and Forest (MoEF) that is responsible for environmental planning and management.

source

Ahmed R and N Harvey, (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-78 Kabir (2012). A critical evaluation of the environmental impact assessment system in Ban

Other key (governmental) parties

The Ministry of Environment and Forest (MoEF) is the principal Government institution to deal with the environmental activities in Bangladesh. It is the final body for all matters relating to National Environmental Policy and regulatory issues. It plays key roles in planning, reviewing, monitoring and environmental initiatives and ensuring that environmental concerns are properly handled. MoEF supervises the DoE and can also formulate policies and rules.

DoE has constituted a technical committee for the review process comprising of the Director (Technical), Deputy Director (Research), Joint Director (Biodiversity) and Project Coordinator (IDCOL)

source

Ahmed R and N Harvey (2004). Evolution of EIA procedures and Practice in Bangladesh. Journal of Impact Assessment and Project Appraisal. Vol 22 No. 1. Pgs 63-78

Payment system

The proponent pays a fee to obtain the environmental clearance certificate, and a fee to renew the certificate once a year for green category projects and once every three years for the other categories

of projects. The fees are paid to the Director General, DOE. The fee for issuance or renewal of the environmental clearance certificate depends on the amount invested in the project. For example, if the investment is between Tk 100,000 (approx 1500 USD) and 500,000Tk the fee for the environmental clearance certificate is 1,500 Tk. Certificate renewal costs one-fourth of the certificate fee. (NB: 1USD=79Tk in Feb 2013).

source

Environmental Conservation Rules, 1997 (Schedule 13)

Contact

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