

## The significance of Environmental Agencies in the Environmental Impact Assessment process

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Submitted: 17 Sep 2020; Accepted: 25 Oct 2020; Published: 11 Nov 2020

### Abstract

Currently, every country is striving to realize development for its people. Thus, to achieve this the construction of various projects are necessary for the realization of socioeconomic and political development of any country. However, the development of the projects is associated with various environmental challenges that may affect the entire society and the environment. Thus, to cater that there is the need for conducting Environmental Impact Assessment (EIA) that is a tool used to identify the environmental, social and economic impacts of a project before decision-making. To achieve the EIA process, there are Environmental Agencies (EAs) that are designed for dealing with all environment-related issues in the relevant country. Thus, this paper aims at providing the key significances provided by the EAs in the EIA process. The following significances are discussed in this paper: formulation of policies, laws and regulations related to EIA; authorization and certification of the experts or firms of expert for EIA process; registration and screening of the projects for EIA; reviewing Environmental Impacts Statements or reports; preparation of the EIA certificates for approval or disapproval of the projects; conducting environmental monitoring and auditing; and monitoring of the implementation of the decommissioning.

**Keywords:** Decommissioning; Environmental Agencies; Environmental Impact Assessment; Environmental Impact Statement Review; Environmental Impact Statement; Environmental Monitoring and auditing.

### Introduction

The Environmental Agency (EA) is an independent government body which deals with environmental management in the country [1]. To sustain environmental resources, and to defend its use and prevent excessive activities that pollute the environment and degrade it, there must be designated bodies that will have the sole responsibility of regulation [2]. This form of regulation could be through compliance, guidance and enforcement [3]. As such, many national governments placed restraints on activities that caused environmental degradation through governmental, quasi-governmental and non-governmental organizations.

The United States of America was the first country to introduce and establish the Environmental Protection Agency (EPA) for environmental protection in 1970 under the leadership of President Richard Nixon. The functions and duties of EPA were clarified in the National Environmental Policy Act of 1969. This act also established the Council on Environmental Quality in the office of the president, declared a National Environmental Policy, and required

the preparation of an annual environmental report [4].

Beginning in the late 1950s and through the 1960s, Congress reacted to increasing public concern about the impact that human activity could have on the environment [5]. Later in the 1960s, the 1962 publication of *Silent Spring* by Rachel Carson alerted the public about the detrimental effects on the environment of the indiscriminate use of pesticides [6].

All of these concerns led the people and members of Congress to address and take actions to protect the environment. Later on, during the United Nations Conference on the Human Environment (Stockholm Conference) in June 1972, it was agreed to establish the environmental agency which has overall responsibility for environmental problems among United Nations agencies. This is the United Nations Environment Programme (UNEP). UNEP is “the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the

United Nations system, and serves as an authoritative advocate for the global environment” [7].

Currently, almost all countries in the world have EAs which deal with environmental protection in their areas, as shown in Table 1.

**Table 1: Selected countries and their Environmental Agencies**

No.	Country	Name of Environmental Agency	Year of establishment
1.	The USA	The Environmental Protection Agency	1970
2.	Canada	Department of the Environment	1971
3.	Japan	The Environment Agency	1971
4.	Australia	The Environmental Protection Authority	1971
5.	Brazil	National Environment Council	1981
6.	Tanzania	National Environmental Management Council	1983
7.	Ghana	National Environment Management Authority	1994
8.	Uganda	National Environment Management Authority	1995
9.	Trinidad and Tobago	Environmental Management Authority	1995
10.	China	Environmental Protection Department	1998
11.	Kenya	National Environment Management Authority	1999
12.	Liberia	The Environmental Protection Agency	2002
13.	Nigeria	National Environmental Standards and Regulations Enforcement Agency	2007
14.	Norway	Norwegian Environment Agency	2013
15.	Rwanda	Rwanda Environment Management Authority	2013

Source: (Author, 2020)

Thus, paper aims to provide an overview of the significance provided by the environmental agencies in EIA process.

### **Environmental Impact Assessment (EIA) process**

According to [8], EIA means “an examination, analysis and assessment of planned activities to ensure environmentally sound and sustainable development”. EIA is a tool used to identify the environmental, social and economic impacts of a project before decision-making. EIA is a planning tool to identify, predict and evaluate potential environmental impacts and mitigation measures in the early stages of proposed projects [9].

EIA was first introduced in the USA under the Environmental Policy Act of 1969 [4]. Since then it has evolved and a variety of off-

shoot assessment techniques have emerged (focusing, for instance on social, biodiversity, environmental health and cumulative effects and risk) acting as a broader impact assessment tool [10]. EIA is a planning tool to identify, predict and evaluate potential environmental impacts and mitigation measures in the early stages of proposed projects

EIA involves key stages which include screening, alternatives, preliminary assessment, scoping, mitigation, main EIA study and Environmental Impact Statement (EIS), review and monitoring [11].

The EIA process major steps are described and presented in Table 2.

**Table 2: Steps for conducting EIA [11]**

Stage	Process	Explanation
1.	Screening	To determine whether, or not a proposed project, should be subject to EIA, and if so, at what level of details
2.	Scoping	To identify the issues and impacts that are likely to be important and to establish terms of reference for EIA In the scoping process, the following issues are identified:- <ul style="list-style-type: none"> <li>• The main stakeholders that might be negatively or positively impacted by the proposed project;</li> <li>• Stakeholders' main concerns regarding the proposed project,</li> <li>• Main project alternatives;</li> <li>• Likely impacts, data requirements, tool and techniques for impact identification, prediction and evaluation;</li> </ul>
		<ul style="list-style-type: none"> <li>• Identify project boundaries in terms of spatial, temporal and institutional aspects;</li> <li>• Ensure that there is adequate stakeholder participation in this and all the other stages of the EIA; and</li> <li>• Prepare a scoping report and terms of reference for the EIA of a proposed project and submits to the EA for approval</li> </ul>
3.	Baseline Study (Examination of alternatives)	<ul style="list-style-type: none"> <li>• To undertake a detailed survey of the existing social, economic, physical, ecological, social-cultural and institutional environment within the project boundary area;</li> <li>• To ensure that adequate stakeholder participation is engaged.</li> <li>• To establish the preferred or most environmentally sound option for achieving the objectives of a proposal</li> </ul>
4.	Impact analysis	<ul style="list-style-type: none"> <li>• To identify and predict the likely environmental, social, and other related effects of the proposed project</li> <li>• To undertake impact identification, impact prediction and evaluation of impact significance following a variety of appropriate techniques and approaches</li> <li>• To ensure that concerns and views from stakeholders are fully taken into account during the assessment of impacts; and</li> <li>• To assess all possible alternatives and their impacts and recommends the most appropriate options.</li> </ul>
5.	Mitigation and impact management	<ul style="list-style-type: none"> <li>• To establish the measures that are necessary to avoid, minimize or offset predicted adverse impacts and where appropriate to incorporate these into an environmental management plan or system</li> <li>• To prepare Mitigation and Enhancement Plan for all significant negative impacts and positive effects, with details about institutional responsibilities and costs were appropriate</li> <li>• To prepare a Monitoring Plan and Environmental and Social Management Plan with details about institutional responsibilities, monitoring framework, parameters, indicators for monitoring, and costs of monitoring were appropriate.</li> </ul>
6.	Evaluation of significance	To determine the importance or acceptability of residual impacts that cannot be mitigated
7.	Preparation of EIS or report	To document the impacts of the proposal, the significance of effects, and the concerns of the interested public and the communities affected by the project
8.	Review of the EIS	To determine whether the report meets its terms of references provides a satisfactory assessment of the proposed project and contains the information for decision-making
9.	Decision making	To approve or reject the proposal and to establish the terms and conditions for its implementation
10.	Follow up	To ensure compliance with the terms and conditions of approval to monitor the impacts of the development and the effectiveness of mitigation measures; and were required to undertake environmental audit and process evaluation to strengthen future EIA applications and mitigation measures and to optimize environmental management

### Significance of Environmental Agencies (EAs) in the EIA process

The main role of the EAs is to plan and manage the environment in

the respective countries. They are specifically responsible for: - (i) overseeing programs that promote energy efficiency, environmental stewardship, sustainable growth, air and water quality, and pol-

lution prevention; (ii) regulating the manufacturing, processing, distribution, and use of chemicals and other pollutants by guiding industries/businesses that could impact on the environment; (iii) issuing permits on the activities relating to environments; (iv) ensuring compliance with environmental policies, laws and regulations; (v) enforcing environmental laws or regulations through fines, sanctions, and other procedures; and (vi) planning and carrying out scientific research on the environmental related issues.

EIA is one of the components of environmental management. EAs are significant to the EIA processes. EAs play a functional role in ensuring EIA processes are conducted in the manner that they follow respective environmental laws and regulations. The following are the major significance of the EAs in the EIA process: -

#### **Formulation of policies, laws and regulations related to EIA**

A policy is a deliberate system of principles to guide decisions and achieve rational outcome [12]. Law is the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties. Regulation is a directive made and maintained to implement the law. Policies, laws and regulations are the legal frameworks that are key tools for planning and management of EIA process [13]. It is the responsibility of the EA in any country to formulate policy, laws, and regulations on environmental management including EIA and recommend their implementation by the government [14]. EIA takes place within the legal and/or policy frameworks established by individual countries and international agencies. Its practice can be improved through a better understanding of the different arrangements that are made for EIA provision and procedure, and how these can contribute to successful EIA. Those developing or reviewing EIA systems need to be particularly aware of the strengths and weaknesses of existing arrangements and the elements that can improve EIA as a tool to achieve sustainable development.

The formulation of EIA policies, laws and regulations in the process which involve different stakeholders from various disciplines such as engineering, science, agriculture, mining, environment, health, and forestry. The community also is important during policy formulation because communities are implementers of the policies, laws and regulations [15]. The involvement of public participation enhances the good implementation of the EIA laws and regulation in all sectors [16]. For instance, the involvement of the public in the formulation of EIA policies and regulations have improved the EIA process in Malaysia [17].

Moreover, EAs are responsible for the revision of the EIA regulations to improve the existing ones and lead to a better and improved EIA process. For instance, in 2018, the National Environmental Management Council (NEMC) revised EIA regulations of 2005 [18]. These regulations indicated various changes including the categorization of the projects which require or not require EIA before their implementation. Categories include Type A (the category for Mandatory Projects); Type B1 (the category for Borderline Project); Type B2 (the category for Non-Mandatory); and special projects. These categories replaced Type A (Project requiring a mandatory EIA) and Type B (Project requiring Preliminary Environmental Assessment) [18], [19]. All of these changes have improved the EIA process in Tanzania.

#### **Authorization and certification of the experts or firms of expert for EIA process**

EIA is a systematic and scientific process which needs experts who are skillful and experienced in environmental management and engineering [20], [21]. It is, therefore, the responsibility of the EA to authorize and certify the experts or firms of experts with different disciplines such as environmental management, science and engineering; natural, water and forest resource management; sociology; and developmental studies. EIA process requires skilled and experienced consultants with different professionals [22]. Consulting team may consist of individual EIA practitioners with different educational backgrounds and professional experiences to justify the needs of the assessment. Depending upon the complexity of a project, a consulting team may decide to involve subject specialist besides the core EIA professionals [23]. For instance, the EIA process in Tanzania is conducted by the certified and authorized experts or firms of experts recognized by the National Environmental Management Council (NEMC) [24].

The expertise generally needed should encompass areas such as civil and environmental engineering; chemical and environmental engineering; environmental monitoring; life sciences with training in ecology; air pollution meteorology and modelling; and social sciences. EIA practitioners play an essential role in bridging the gap between proponent, the concerning impact assessment regulatory authority and general public interests [25].

Conducting an assessment requires teamwork and the collaboration of its members, the technical aspects alone do not determine the success or failure of Environmental and Social Impact Assessment (ESIA) performance [26]. Depending on the complexity of the project, sub-contracting of additional experts may be needed for full coverage of all technical aspects, and harmonization among various technical and management specialists is a must [25].

#### **Registration and screening of the projects for EIA**

The registration of the project is an important step in the EIA process. It is project proponents usually submit project proposals to the EAs before actual EIA process [27]. The EA is responsible for receiving applications of the projects' proposal, classifying the projects (the categories of the projects which require or not require EIA differ from one country to another) and screening the scoping reports of the proposed projects' proposals.

Screening is the process of deciding on whether an EIA is required [28], [29]. This may be determined by the size (greater than a pre-determined surface area of irrigated land that would be affected, more than a certain percentage of flow to be diverted or more than certain capital expenditure). Alternatively, it may be based on site-specific information. For example, the repair of a recently destroyed diversion structure is unlikely to require an EIA whilst a major new headwork structure may. Guidelines for whether or not an EIA is required will be country-specific depending on the laws or norms in operation [27]. Legislation often specifies the criteria for screening and full EIA. All major donors screen projects presented for financing to decide whether an EIA is required.

The output from the screening process is often a document called an Initial Environmental Examination or Evaluation (IEE) [30]. The main conclusion will be a classification of the project accord-

ing to its likely environmental sensitivity. This will determine whether an EIA is needed and if so to what detail.

In most cases, the screening process is done under certain project screening criteria. These criteria differ from one country to another. For instance, the following are some screening criteria in Tanzania [18]: - (i) the project will not substantially use natural resources in a way that pre-empts the use or potential use of that resource for any other purpose; (ii) potential residual impacts on the environment are likely to be minor, of little significance and easily mitigated; (iii) the type of project, its environmental impacts and measures for managing them are well understood in Tanzania; (iv) reliable means exist for ensuring that impact management measures can and will be adequately planned and implemented; (v) the project will not displace significant numbers of people, families or communities. Other criteria include (i) the project is not located in, and will not affect, any environmentally sensitive areas such as national parks and wetlands; (ii) the project shall not cause adverse socio-economic impact or environmental degradation; (iii) the project shall not cause significant public concern because of potential environmental changes; and (iv) the project shall not necessitate further development which is likely to have a significant impact on the environment.

In general, the screening process aims at evaluating the project's proposal to know whether it has major environmental concerns which require EIA or not [10].

### Reviewing Environmental Impacts Statements or reports

It is the responsibility of the EA to conduct reviews of the Environmental Impact Statement (EIS) which adhere to the review

criteria and any guidelines that may be issued under the EIA related regulations. This is done after receiving the Environmental Impact Statements or reports of the proposed projects prepared by the environmental expert (s) or firm of experts. The report usually includes a stand-alone non-technical summary, and all technical details, including assessment methodologies, list of consulted stakeholders and their signatures, drawings and terms of references are put in the appendix.

To achieve the reviewing process, EA usually selects or appoints the detailed EIA review panel with the main task of critically reviewing detailed EIA reports and formulate recommendations of the relevant project-approving authority [27]. The detailed EIA review panel is established on an ad hoc basis specifically for a particular project [31]. The panel comprises independent members of relevant disciplines, from different organizations such as universities and NGOs. Detailed EIA reports are also displayed at all EA's offices, as well as at public and university libraries, for public comments. The public is widely notified through the mass media when and where the detailed EIA reports are available for review and comment [32].

The review is a mechanism employed in EIA to judge the adequacy of the process and quality of the EIA report [33]. The review is conducted with reference to legal conformity and good practice. Key objectives of EIA review are to - (i) assess the quality of information contained in the EIA report; (ii) determine how stakeholder concerns have been addressed; (iii) determine if the information is adequate for decision-making; and (iv) identify information gaps and deficiencies. Table 3 present purposes and criteria for review in various stages of the EIA process.

**Table 3: The purpose and objectives of review at each stage of the EIA process [33]**

No.	Stage in the EIA process	Purpose	Criteria for review
1.	Scoping	Define the scope of the assessment	<ul style="list-style-type: none"> <li>Have all issues been captured?</li> <li>Is there a logical differentiation between issues that are going to be assessed and those that will not?</li> <li>Is there a logical linkage between the issues identified and the terms of reference for the assessment?</li> </ul>
2.	Assessment	Conduct the assessment as defined by scoping	<ul style="list-style-type: none"> <li>Have all the issues raised during scoping been addressed and is there a logical linkage between the issues and the assessment?</li> <li>Is the assessment technically and scientifically valid?</li> <li>Does the assessment address the terms of reference?</li> <li>Is the assessment clear and easy to follow?</li> </ul>
3.	Decision	Project authorization or decline	<ul style="list-style-type: none"> <li>Is the decision logically based on the content of the EIA?</li> <li>Are there clear reasons given for the decision?</li> <li>Are the conditions of the decision logical and practical?</li> </ul>
4.	Implementation	Implementation of the EIA recommendations and conditions of the authorization	<ul style="list-style-type: none"> <li>Is there proper provision for the implementation of the recommendations/conditions in the form of an environmental management plan (EMP)?</li> <li>Have the recommendations/conditions been implemented?</li> </ul>
5.	Stakeholder engagement	Present opportunity for stakeholders to participate in the EIA process	<ul style="list-style-type: none"> <li>Have all stakeholders been identified?</li> <li>Is there a fair opportunity for participation including clear documentation and adequate opportunity for comment?</li> <li>Is there a logical mechanism for including the issues raised in the assessment and proving an indication of how the issue was addressed?</li> </ul>

The review can add value to the EIA process by acting as a quality assurance instrument and ensuring the credibility of the process. It can also be used to impart authority and public confidence in the EIA findings. The purpose of the review is to determine whether the information is sufficient for decision-making. The type of information needed for decision-making includes:-

- i Description of the project proposal and activities; ii descriptions of the baseline environmental conditions;
- ii Identification, quantification and evaluation of impacts;
- iii Identification and evaluation of the full range of reasonable alternatives; and
- iv Description of mitigation measures.

Moreover, EAs should take into account on generic review principles that can be applied in the EIA process which include consistency, logic, sufficiency, efficiency, assumptions, credible, purposive, rigorous, practical, relevancy, cost-effectiveness, focus, adaptive, participatory, transparent and systematic [33]. The task of review is also to judge whether information has been communicated in a comprehensible, accessible and readable report [34]. The ultimate objective of the review is to improve quality and EIA practice. During the review process, the EAs may call for a public hearing and public review of the EIS under conditions and procedures stipulated under relevant EIA regulations. After reviewing, most of the EA submit a review report to the Minister related to the environment with its recommendations and all documents used in the review, for approval or disapproval.

### **Preparation of The EIA Certificates for Approval or Disapproval of the Projects**

The EA is responsible to prepare certificates to the project proponents to whether the project is approved or disapproved [35]. This process is done after a critical review of the EIA report by the detailed EIA review panel appointed by EA, as shown in section 2.4. The Final EIA report must include all issues raised at the review process and answers preferred to them by the proponent, including any amendments to the report of the EIA study.

Following the submission of a satisfactory final EIA report, the EA, may in consultation with the proponent set several conditions [36]. Such conditions may provide for the establishment of a follow-up programme (mitigation compliance and monitoring plan) with specified tasks to be undertaken in the construction, operational and decommissioning phases of the development [37]. Penalties, as stipulated in the relevant EIA laws and regulations, may also be invoked for failure to adhere to the conditions of approval [38]. The criteria for disapproval shall include non-compliance with EIA guidelines and regulations and the environmental unsustainability of the project. In most countries, the Minister responsible with Environment is the one who approves the EIA reports or other official such Director of Environment Assessment Department may approve on the consent or behalf of the Minister, as it is in Nigeria [39]. After the approval of the report, the project's proponent is issued with a certificate of approval with the conditions to follow during the implementation of the project.

### **Conducting Environmental Monitoring and Auditing**

Monitoring is the systematic and routine collection of data during project implementation to establish whether an intervention is moving towards the set objectives or project goals [40]. Auditing is the process of assessment and ascertaining of financial, opera-

tional, and strategic goals and processes in organizations to determine whether they comply with the stated principles in addition to them conforming with organizational and more importantly, regulatory requirements [41].

It is the responsibility of the EA to conduct environmental monitoring to evaluate the performance of the mitigation measures following the prepared Environmental and Social Management Plan as well as Monitoring Plan [42]. To achieve this, the following are considered:-

- The monitoring includes the verification of impacts, adherence to approved plans, environmental standards and general compliance of terms and conditions set out in the EIA certificates;
- A project developer should also undertake monitoring of the implementation of the project to ensure if mitigation measures are effective;
- Both the developer and the EA should collect data that may be used in future projects and for environmental management;
- Mechanisms for stakeholder participation during the monitoring and auditing process must be defined and followed through;
- The EA and the developer undertake environmental audits for the project. The auditing exercise may focus on the following areas:-
  - i. Implementation/enforcement audit, which takes place when the EA verifies if the mitigation measures and levels of pollution are within limits;
  - ii. Performance/regulatory audit that entails identification of compliance to relevant legislation or safety standards;
  - iii. Impact prediction audits check the accuracy and efficacy of the impact prediction by comparing them with monitored impacts;
  - iv. The EA collects and compiles information arising from auditing for future use;
  - v. Project developer collects data from the auditing and compiles information for project management and also for submission to the EA.

The monitoring and auditing involve other stakeholders such as local government authorities where the projects are implemented. This improves the sustainability of the project and avoids any environmental management misconduct by projects' proponents during the project implementation [43]. Thus, monitoring and auditing ensure compliance with the terms and conditions of approval to monitor the impacts of the development and the effectiveness of mitigation measures. Moreover, they strengthen future EIA applications and mitigation measures and to optimize environmental management.

### **Monitoring of The Implementation of the Decommissioning**

Decommissioning is the end of project life [44]. The decommissioning report should be prepared either as part of the EIS or separately, indicating how impacts will be dealt with, including costs of mitigation measures, issues on the welfare of workers, or resource users [45]. The project developer undertakes the decommissioning of the project as per the proposals stipulated in the EIA. Monitoring provides information as to what the status of a particular program, project or policy is at any moment, or is going to be over time, and how well the functioning of various processes in

the project, including the resources allotted for it, relates to targets and deliverables.

It is the responsibility of the EA to continue monitoring the implementation of the decommissioning plan, including rehabilitation of the land and other resources that were affected by the project. This is to ensure that the area where a project was implemented is rehabilitated and left environmentally safe for human and natural resources.

### Conclusion and Remarks

EAs are important for running not only EIA processes but also to be the custodian of all issues related to the environment in the relevant country. EAs have responsibilities to advise the governments on all matters relating to the environment and how should be done to improve the environment from environmental planning and management. Despite the vital roles played by these EAs, they are facing some challenges, especially in developing countries. These challenges include the shortage of skilled and experienced personnel, inadequate financial resources, low commitment and political will of the governmental leaders, and poor cooperation among the stakeholders. Thus, it is important to address these challenges by increasing financial and human resource. Moreover, there is a need for more commitment and political will among the governmental leaders in addressing environmental issues.

### Acknowledgements

The author thank African Union and Pan African University Life and Earth Sciences Institute for the award of PhD Scholarship; and the National Institute for Medical Research, Tanzania for granting study leave for the author. Moreover, the author thanks Prof Chris O. Ikorukpo and Prof A.S. Gbadegesin and Ms Witness Gerald Mushi for their support in writing this paper.

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