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FOREIGN TRIP REPORT

ORNL/FTR-3784

DATE: October 19, 1990

SUBJECT: Report of Foreign Travel of Lorene L. Sigal, Group Leader, Environmental Sciences Division

TO: Alvin W. Trivelpiece

FROM: Lorene L. Sigal

PURPOSE: To participate in the second meeting of an international task force to study the application of the principles of environmental impact assessment (EIA) to policy, plans, and programs.

SITES VISITED: 10/1-10/3/90 Geneva, Switzerland Wiek Schrage
Environmental and Human
Settlements, Division of the
UN Economic Commission for
Europe

ABSTRACT: A proposal to study the application of the principles of environmental impact assessment (EIA) to policy, plans, and programs was submitted by the U.S. Environmental Protection Agency (EPA) to the Senior Advisors on Environmental and Water Problems of the United Nations Economic Commission. On approval, EPA asked Oak Ridge National Laboratory (ORNL) to support its efforts as lead participant on an international task force. ORNL is responsible for overall project management, including development of the report. At the first meeting in Geneva on June 18-19, there were representatives from Austria, Canada, Finland, Norway, Poland, Sweden, and the United Kingdom. The administrative/legal setting for EIA in each country was reviewed. The objectives of the task force were defined, and issues related to the application of EIA at the policy level were discussed. It was decided that the investigation would focus on a review and summary of case studies to determine applicable methods and approaches from which conclusions could be drawn and recommendations could be made.

At the second meeting, in addition to those countries represented at the first meeting, the Commission of Economic Communities, Czech and Slovak Federal Republic, Denmark, Federal Republic of Germany, Hungary, and The Netherlands were represented. A brief review was given by the new

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participants of legal/administrative requirements for EIA in their countries. Case studies were presented by Canada, Finland, The Netherlands, Norway, Sweden, and the United States. Subsequently, there was a lengthy discussion, with little consensus, of differences and similarities of project- and policy-level EIA, which drew on examples from the case studies and professional experiences. It was generally agreed that drafting the report would be a major undertaking and that the review meeting scheduled for February 1991 would probably last five days.

**TASK FORCE ON THE APPLICATION OF THE PRINCIPLES OF
ENVIRONMENTAL IMPACT ASSESSMENT TO POLICIES, PLANS, AND
PROGRAMS—SYNOPSIS OF THE SECOND MEETING, OCTOBER 1—3, 1990**

At their February 1990 session, the Senior Advisors on Environmental and Water Problems of the United Nations Economic Commission for Europe approved a proposal for a task force to study the application of the principles of environmental impact assessment (EIA) to policies, plans, and programs. This is the fourth task force to undertake projects related to EIA.

The first task force, led by The Netherlands, studied the application of EIA at the project level [Application of Environmental Impact Assessment: Highways and Dams (United Nations publication, Sales No. E.87.11.E.14)]. The second, led by Canada, evaluated the benefits of postproject analysis for rendering EIA more effective [Post-Project Analysis in Environmental Impact Assessment (United Nations publication, Sales No. E.90.II.E.6)]. The third, led by the Soviet Union, is currently evaluating methodologies for EIA. This fourth project is being carried out by a task force with the United States as lead country. The U.S. Environmental Protection Agency (EPA) is providing primary support. Oak Ridge National Laboratory (ORNL) is responsible for overall management of the project as well as production of the report. The first meeting of the task force was held in Geneva at the Palais des Nations on June 18—19, 1990. Representatives were present from Austria, Canada, Finland, Norway, Poland, Sweden, the United Kingdom, and the United States. The second meeting was held in Geneva on October 1—3, 1990. In addition to those countries represented at the first meeting, the Commission of Economic Communities, Czech and Slovak Federal Republic, Denmark, Federal Republic of Germany, Hungary, and The Netherlands were represented (see Attachment 1).

At this second meeting, new participants briefly reviewed the legal/administrative setting for EIA in his/her country. The United States submitted for review and comment a draft Annex that summarized EIA as it relates to policies, plans, and programs for countries participating in the first meeting. The Annex will be revised, and new information will be incorporated for inclusion in the draft report, which is scheduled to be in the mail by December 15, 1990 (see Attachment 2).

Case studies were presented by Canada, Finland, The Netherlands, Norway, Sweden, and the United States (see Attachment 3). An additional case study will be submitted by the Federal Republic of Germany. For the draft report, the case studies

will be revised to fit the outline (Attachment 4) that was agreed on during the first meeting of the task force.

After presentation of the case studies, the group agreed that there were no examples in which EIA had been applied to the development of broad government policy. The case studies presented addressed EIA for development of plans and programs at various levels of government. The lack of EIA at the policy level of decision making reflects the lack of formal requirements for EIA at this level in most countries. Even in the United States, where there has been a requirement for policy-level EIA for 11 years, no examples exist. Application of the principles of EIA to major projects having the potential for significant environmental impacts is required and reasonably well established in most of the countries represented on the task force. For countries having well-developed land-use-planning legislation, EIA is likely to be applied to plans and programs at the sectorial/regional levels of government, but in general there are no formal requirements for the application of EIA to government plans and programs.

Based on the task force discussion of the case studies, it was thought that the theory and application of EIA to government plans and programs is not too different from the application of EIA to projects. That is, plans and programs have defined objectives (e.g., a highway transportation plan) and are usually agency or ministry specific. However, the group had major problems reaching agreement about the application of EIA to government policy when (1) the goals are broad (e.g., a national energy strategy with potential global environmental impacts) and (2) the policy requires coordination among federal agencies/ministries. There was considerable discussion about the definitions of policy, plans, and programs which, it was apparent, differ among countries and can be developed at different levels of government (i.e., national, provincial, sectorial/regional, and local).

A suggested definition of policy, for the use of the task force, is "a high-level overall plan embracing the general goals of a governmental body." Policy development is not simple. It is an iterative, often secret, process dictated by other governmental policies and regulations, international agreements, and politics. Likewise, the application of EIA to policy-level decision making will not be simple and will require a unique approach because many of the standard tools for project assessment have limited value for comparing the broad implications of policy-level scenarios for the future.

The major issues related to the nature of policy-level EIA that were raised during the second meeting of the task force are listed below. A matrix that compares the principles of EIA at the policy, plans/programs, and project levels is being distributed to the task force members in an effort to arrive at a consensus on these issues. Members are asked to complete the matrix twice: once based on the case studies and practices in their countries and once based on their professional judgement. Information derived from the matrices will be used to formulate conclusions and recommendations for the draft report.

QUESTIONS RELATED TO POLICY-LEVEL EIA RAISED AT THE SECOND MEETING OF THE TASK FORCE

- How does the degree of environmental consideration differ at the policy, plan/program, and project levels?
- Should we recommend integration of EIA with policy-level negotiation and decision making?
- Should there be broad environmental objectives applied to policy EIA?
 - sustainable development (a balance between environment and growth/economy)
 - minimal effect on climate
 - limits on long-range transport of pollutants
 - other objectives
- Should countries develop environmental policy and who should decide on environmental quality?
- When is it appropriate to institute EIA? Is it when a policy has the potential to affect the environment?
- What is the nature of EIA at the policy level?
 - assessment of impacts that cannot be assessed at the project level (such as impacts that are cumulative, relationships among regional plans, and others)
 - integration of environmental and socioeconomic factors
 - more emphasis on expert judgement and less on monetary evaluation and ranking schemes that integrate socioeconomic and environmental factors into one set of figures
 - qualitative analysis of impacts (positive, negative, or neutral)
- What kind of environmental information is important for analysis of environmental impacts?
 - depends on the policy that is in place
 - a screening approach may be helpful (need, purpose, type, level, and source)
- What are the important factors for assessing the environmental impacts of alternatives? Should there be a requirement to address these factors in policy-level EIA?
 - use of resources (air, water, land, and biota)
 - generation of waste
 - vulnerable areas
 - irreversibility
 - uncertainty (technical and/or regulatory)
 - time (impacts on future generations)
 - space (jurisdictional boundaries)

- Is a no-action alternative appropriate?
- Should there be alternatives to the policy or alternatives within the policy or no alternatives?
- How should policy-level alternatives that are legally or politically (economically or socially) difficult be addressed?
- How can alternatives be compared in a way that is meaningful to the public?
- What constitutes "public participation" at the policy level?
 - individuals, interest groups, advisory committees, or sectorial/regional governments
- How should public input be integrated into policy EIA?
- How can EIA be applied to secret policy-level negotiation and decision making?
 - publish white papers
 - publish environmental statement at the time a policy is announced
 - apply EIA at the level of plans/programs that implement policy
- What is the effect of changing policy on EIA?
 - reevaluation and supplemental review
- How can the effectiveness of policy-level EIA be determined?
 - reelection of public officials

ATTACHMENT 1

TASK FORCE ON THE APPLICATION OF EIA PRINCIPLES TO POLICIES, PLANS, AND PROGRAMS

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¹Mr. Cerveny is leaving the Federal Environmental Agency on 20 September 1990.

ATTACHMENT 2

SCHEDULE FOR THE TASK FORCE ON THE APPLICATION OF
EIA PRINCIPLES TO POLICIES, PLANS, AND PROGRAMS1990

November 15 Participants submit additional information to L. L. Sigal.
 December 15 Rough draft of the report in the mail (L. L. Sigal and participants via telephone and FAX for clarification).

- EIA systems
- case study summaries
- conclusions
- recommendations

1991

February 4–8 Third task force meeting in Geneva. Review draft report and recommend revisions.

June 10–14 Fourth task force meeting in Washington, DC. Review report for final approval.

Mid-July Submit final report to task force members.

September Final report to the translators.

November Submit final report to the Experts on Environmental Impact Assessment (a group established by the senior advisor in 1981).

1992

March Submit final report to the Senior Advisors on Environmental and Water Problems of the United Nations Economic Commission for Europe.

? Publication.

ATTACHMENT 3

**CASE STUDIES PRESENTED AT THE SECOND MEETING (OCTOBER 1—3, 1990)
OF THE TASK FORCE ON THE APPLICATION OF THE
PRINCIPLES OF ENVIRONMENTAL IMPACT ASSESSMENT
TO POLICIES, PLANS, AND PROGRAMS**

Canada FEARO	Providing the Balance of Power: Ontario Hydro's Plans to Serve Customers' Electricity Needs (1990)
Environment Canada	Preliminary Screening Document for the Prairie Habitat Joint Venture North American Waterfowl Management Plan
Finland	The Kangasala-Project: EIA—Principals in Operational and Economic Planning
The Netherlands	2nd Provincial Waste Plan Utrecht (PWP II Utrecht)
Norway	Opening of the Barents Sea South for Petroleum Activities
Sweden	The Role of Environmental Impact Assessment in the Road Planning Process
United States	Case Study: The Powerplant and Industrial Fuel Use Act of 1978

ATTACHMENT 4

OUTLINE FOR CASE STUDIES

Title

The main elements of the study are summarized as follows:

Title:

Type of action:

Action characteristics:

Proponent:

Competent authority:

Main environmental impacts involved:

Decision/results

- I. General Information on the Action
- II. Planning Process (regulations, responsibility, screening, etc.)
- III. Initiation of the PEIA Process (history of the process)
- IV. Responsibility for Preparation of the PEIA
- V. Content of the PEIA (may be table of contents)
- VI. Description of the Proposed Action and Alternatives
- VII. Selection Process for Alternatives
- VIII. Description of the Existing Environment (What aspects were addressed?)
- IX. Scoping
- X. Description of the Environmental Impacts of the Proposed Action, Alternatives, and Assessment (comparison)
 - (a) Impact identification
 - (b) Methods used for predicting impacts
 - (c) Methods used for comparing the environmental effects of the various alternatives
- XI. Review and Public Participation
- XII. Decision Making
- XIII. Monitoring
- XIV. Time/Costs

ITINERARY

9/27-28/90	Travel from Knoxville to Geneva, Switzerland
9/29-30/90	Rest days/weekend
10/1-3/90	Task Force meeting
10/4/90	Travel from Geneva, Switzerland, to Knoxville

END

DATE FILMED

11 / 08 / 90