

*EIA and public participation in  
JAPAN*

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# Process of the EIA Act in Japan

EIA in Japan dated from 1972

1972 Approval of "On the Environmental Conservation Measures

Relating to Public Works" by the Cabinet

1993 Enactment of the "Basic Environment Law"

s.20 required EIA

1997 Enactment of the "Environmental Impact Assessment Law"

1999 Enforcement of "Environmental Impact Assessment Law"

2011 Revision of Environment Impact Assessment

2013 Enforcement of Environment Impact Assessment

# the Number of EIA Cases

	road	river; dam, river works	railway	Airport	Power plant	Waste disposal site	Landfill, Land Reclamation		合計
Total	86	11	18	11	330	7	20	21(9)	497(122)
In the process	10(0)	3(0)	1(1)	1(0)	185(26)	1(0)	4(0)	1(0)	206(27)
Completion	65(20)	7(0)	15(3)	9(0)	111(44)注3)	6(1)	14(2)注3)	15(7)	236(76)
Aborded	11(1)	1(0)	2(0)	1(0)	34(15)	0(0)	2(1)	5(2)	55(19)

**Class 1 projects: EIA**

**Class 2 projects: go to screening process**

# Public participation in the EIA Law

- Any person allows to inspect the relevant documents of scoping/draft EIS at offices of the local government concerned and the project proponent, and web site.
- **Any person** who are concerned about the environment allows to submit his/her opinion.
- **Stakeholders/local people** do not have any special opportunity.
- The act provides public participation opportunity in three stages.

**List of  
projects  
subject to  
the  
Environment  
al Impact  
Assessment  
Law**

**Smaller  
projects than  
class 2 ones  
might be  
subject to EIA  
ordinances of  
prefectures  
or  
municipalities**

	Class-1 project (EIA is always required)	Class-2 project (The necessity of EIA is judged by project)
1. Road		
national expressway	all	
metropolitan expressway	4 lanes or more	
national roads	4 lanes or more, 10km or longer	4 lanes or more, 7.5km-10km
large-scale forest road	2 lanes or more, 20km or longer	2 lanes or more, 15km-20km
2. River		
dam, weir	reservoir area: 100ha or larger	reservoir area: 75ha-100ha
diversion channel, lake-related development	area of land alteration: 100ha or larger	area of land alteration: 75ha-100ha
3. Railway		
shinkansen(super express train)	all	
railway, track	length: 10km or longer	length: 7.5km-10km
4. Airport	runway: 2,500m or longer	runway: 1875m-2500m
5. Power plant		
hydraulic power plant	output: 30,000kw or over	output: 22,500kw-30,000kw
thermal power plant	output: 150,000kw or over	output: 112,500kw-150,000kw
geothermal power plant	output: 10,000kw or over	output: 7,500kw-10,000kw
nuclear power plant	all	
6. Waste disposal site	area: 30ha or larger	area: 25ha-30ha
7. Landfill and reclamation	area: exceeding 50ha	area: 40ha-50ha
8. Land readjustment project	area: 100ha or larger	area: 75ha-100ha
9. New Residential area development project	area: 100ha or larger	area: 75ha-100ha
10. Industrial estate development project	area: 100ha or larger	area: 75ha-100ha
11. New town infrastructure development project	area: 100ha or larger	area: 75ha-100ha
12. Distribution center complex development project	area: 100ha or larger	area: 75ha-100ha
13. Residential or industrial land development by specific organizations	area: 100ha or larger	area: 75ha-100ha

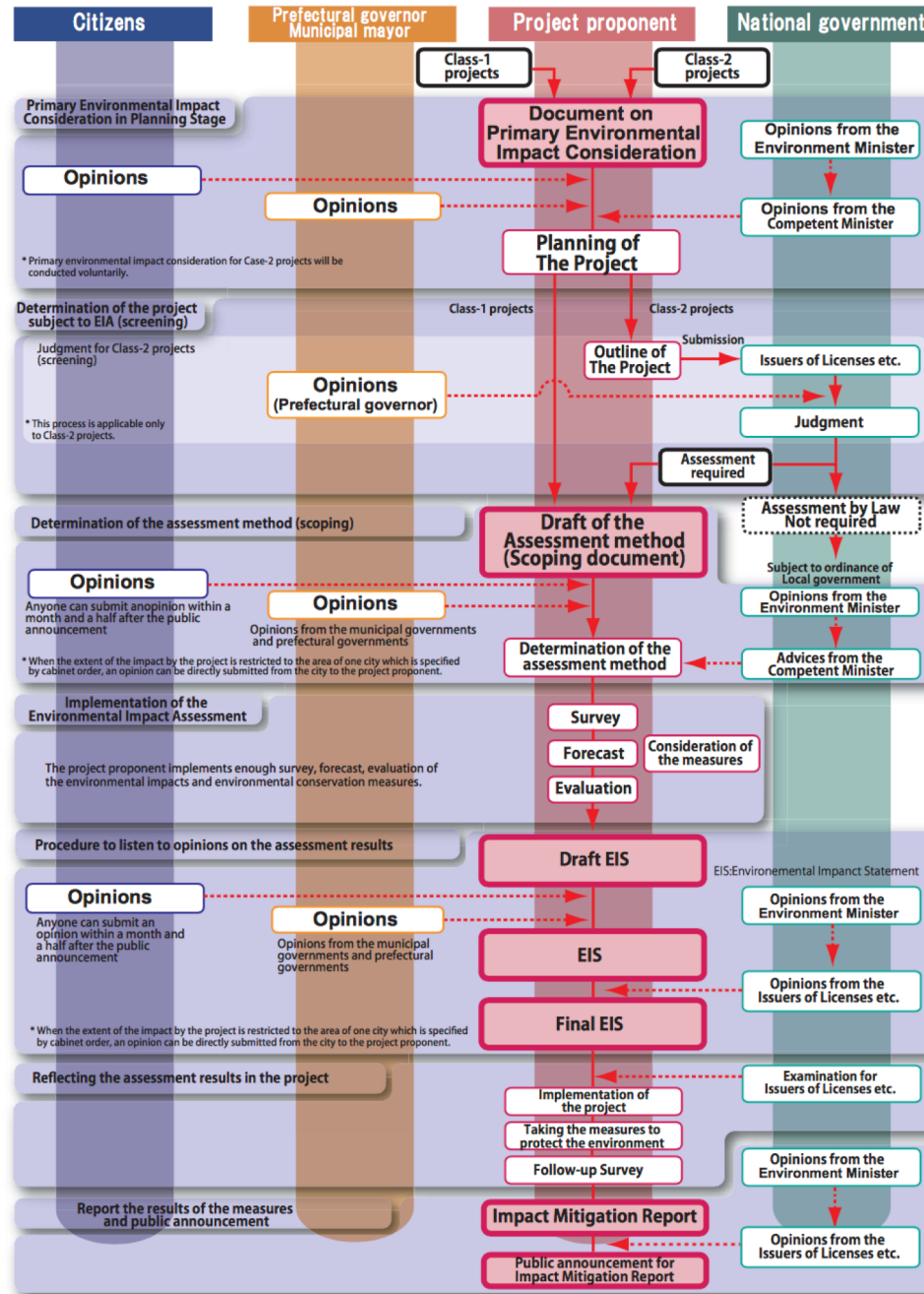
# Flow of the procedure



## Opportunities of public Participation



3Times



Primary environment impact consideration

Screening

Scoping

Draft EIS

Final EIS

# 1st Stage

**Strategic Environmental  
Impact Assessment**

**In  
Plan, Program  
& Policy making**

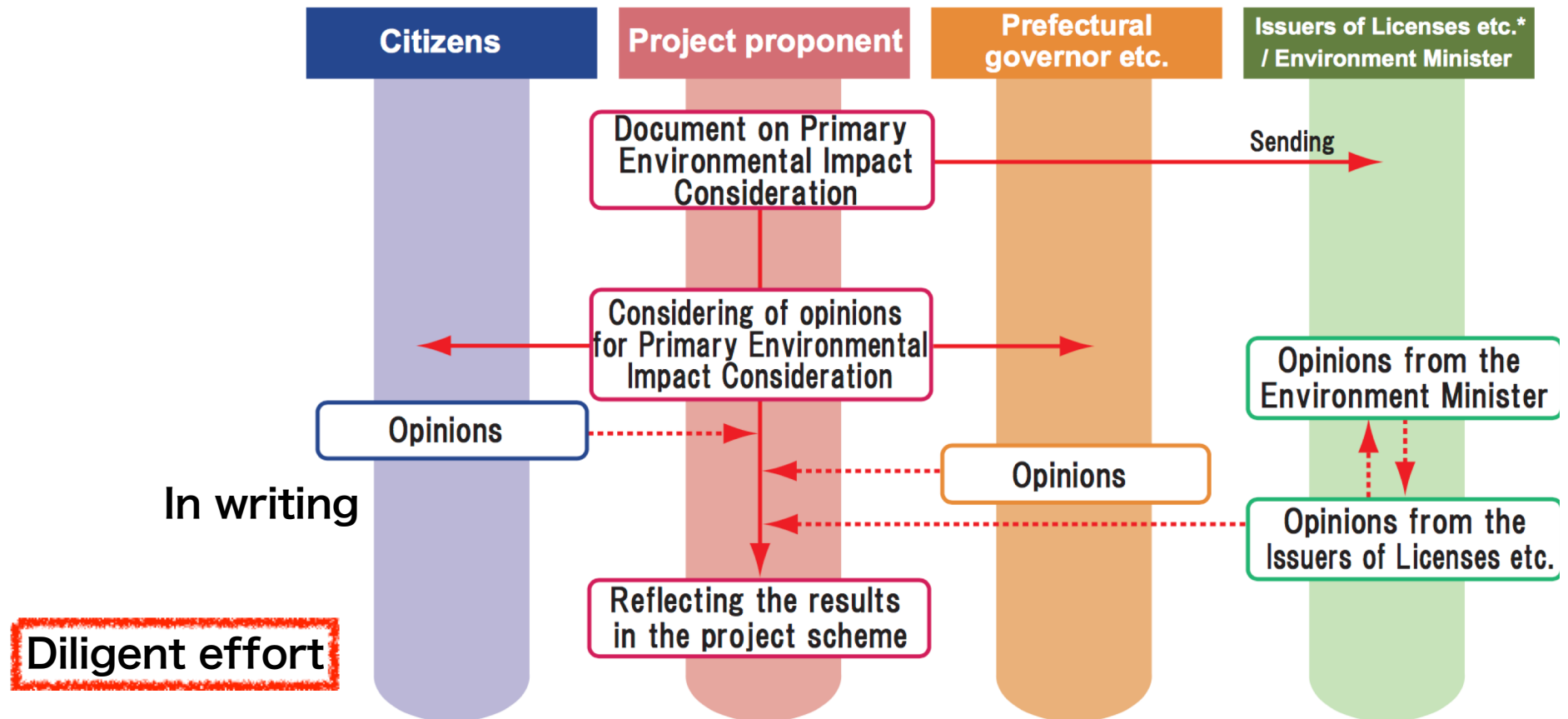
**First environmental  
impact  
consideration**

**In  
Planning of  
location, scale of  
the project**



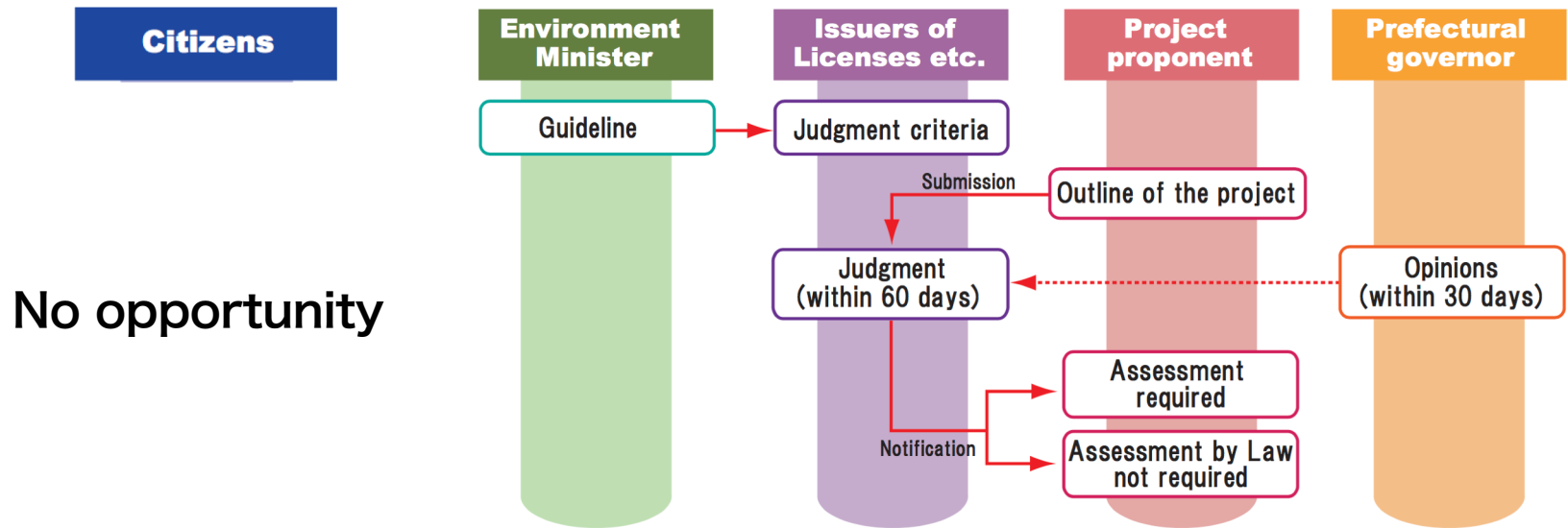
**Distinguished feature?**

# First Stage

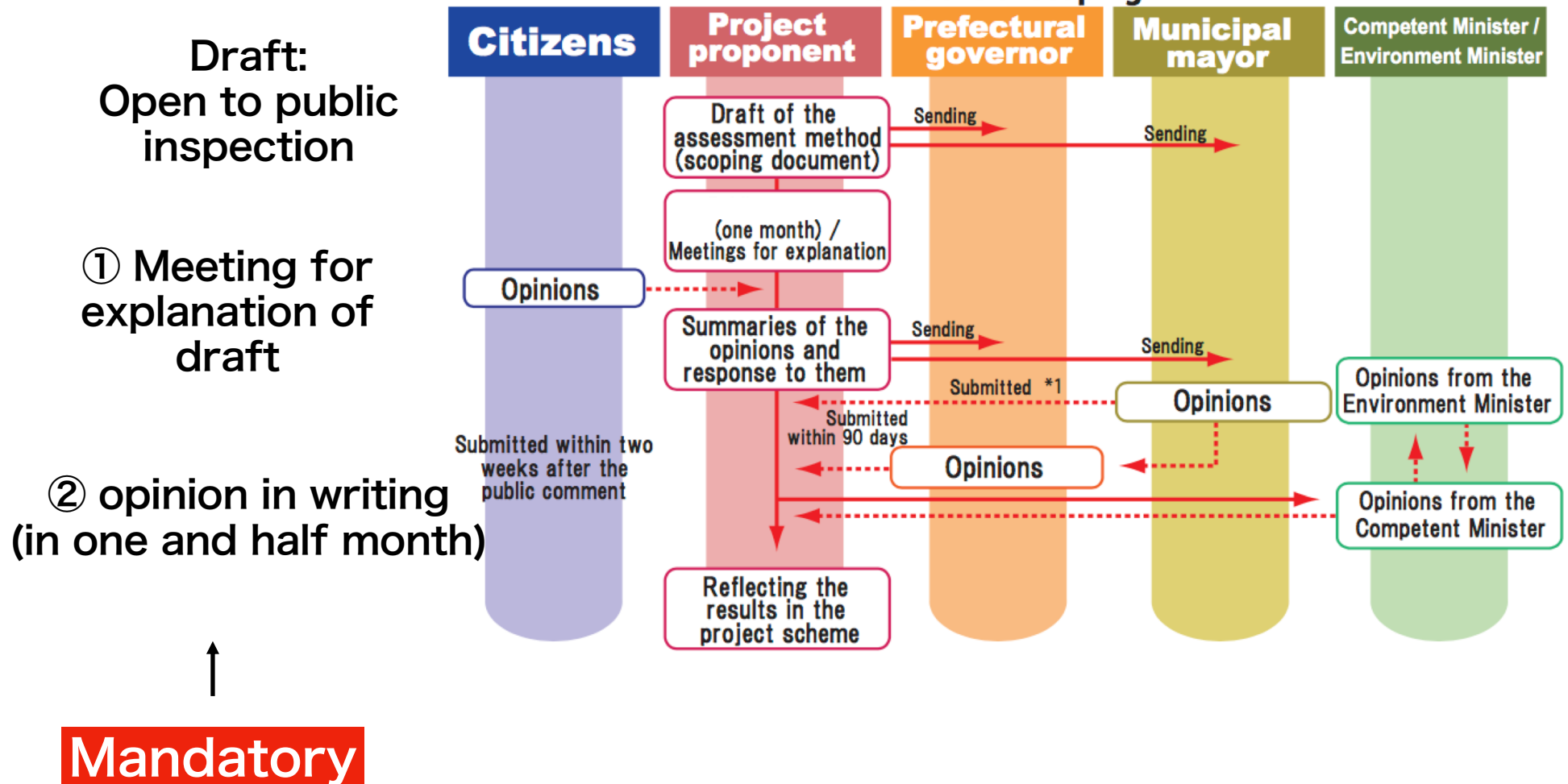




# 1st stage of EIA Screening



# 2nd Stage: Scoping



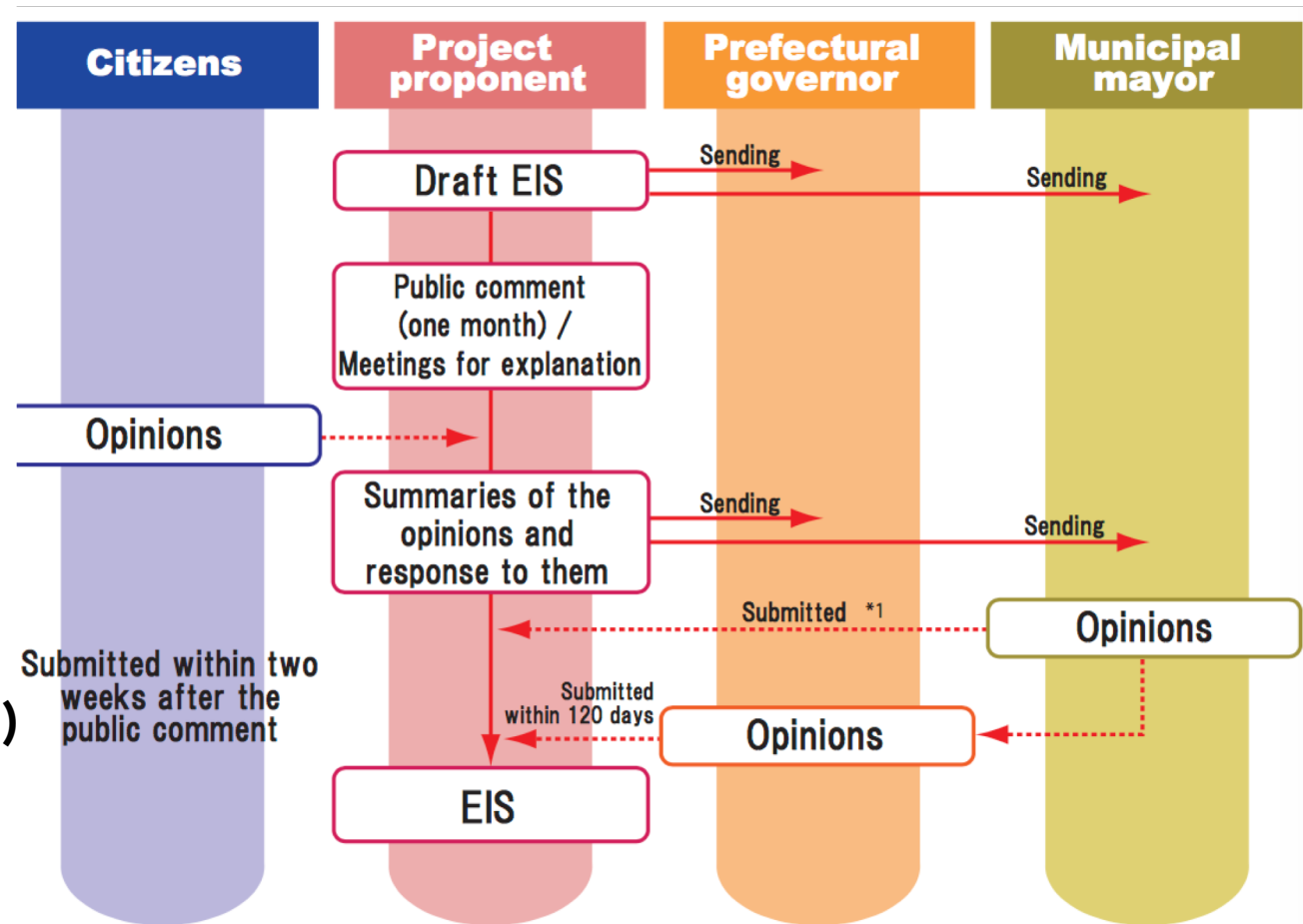
# 3rd Stage: Draft EIS

Draft:  
Open to public  
inspection

① Meeting for  
explanation of  
draft EIS

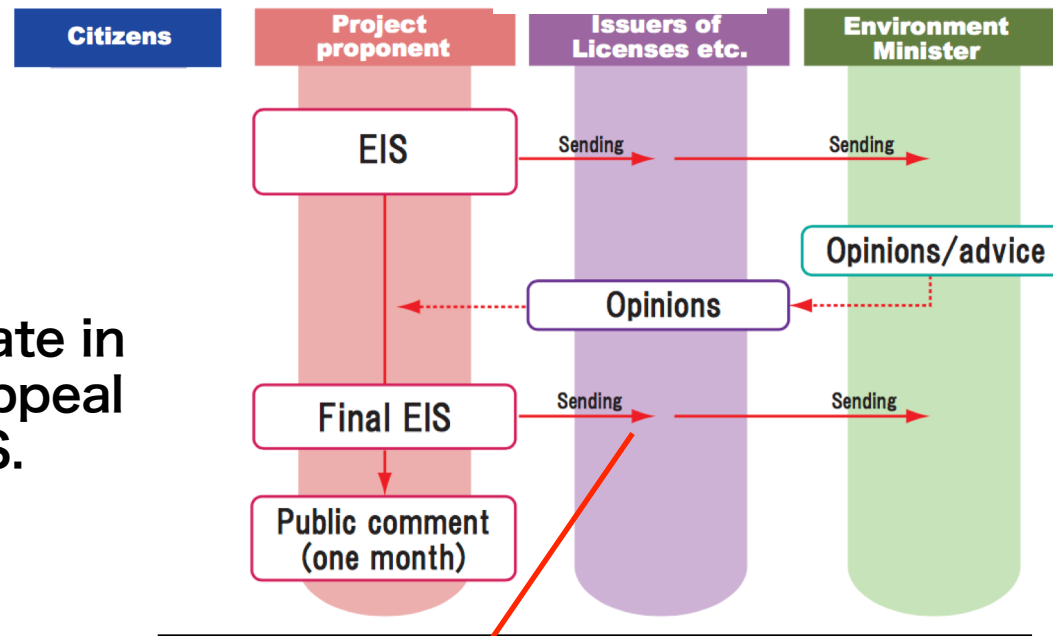
② opinion in writing  
(in one and half month)

**Mandatory**



# Final EIS and Appeal

The public has no opportunity to participate in final EIA process or appeal against the final EIS.



Environmental  
Consideration

Decision making  
of the project

Consideration of  
requirements of  
the acts relating  
to the project

# Access to Judicially System

- Persons who have standing to sue are able to claim the illegality of EIA procedure or EIS.
- Persons who only submitted his/her opinion to a project proponent have no standing to sue, but persons who have any legal interest to seek the revocation of the license of the project or other relevant administrative decisions.

# Conclusion 1

- Any person can submit his/her opinion to the project proponent and
- allow to inspect the relevant documents.
- Submission of opinions by the public in EIA process in Japan is interpreted as only provision of the information which the public hold concerning the environment. In following process, any person who submitted their opinions are given no opportunity of objection against the replies of project proponents.

# Conclusion 2

- But generally saying, our public participation is weak, poor and inadequate.
- Really important actors in our EIA are prefectural governors, mayors and the Environmental Minister.
- Their opinions are considered seriously.

Thank you very much  
for your attention