

Guyana

Country: [Guyana](#) [1]

EIA Law: Environmental Protection Act

Law Link: [Link](#) [2]

EIA Regulations: Environmental Protection (Authorisations) Regulations 2000

Regulations Link: [Link](#) [3]

EIA Guidelines or Other Guidance: Various Ministry guidelines have been published but are not available in electronic format

Projects Requiring EIA: Government projects
Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: "A developer of any project listed in the Fourth Schedule, or any other project which may significantly affect the environment, shall apply to the Agency for an environmental permit. . . ." EP Act, sec. 11(1); Schedule 4. When it is not clear whether a project will significantly affect the environment, the project developer must submit a project summary and the Agency will determine whether it is subject to the EIA requirements or not. EP Act, sec. 11(2)

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: "A developer of any project listed in the Fourth Schedule, or any other project which may significantly affect the environment, shall apply to the Agency for an environmental permit. . . ." EP Act, sec. 11(1); Schedule 4. When it is not clear whether a project will significantly affect the environment, the project developer must submit a project summary and the Agency will determine whether it is subject to the EIA requirements or not. EP Act, sec. 11(2)

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: The project proponent prepares the EIA through a contractor approved by the Environmental Protection Agency. EP Act, sec. 11(4) ("Every environmental impact assessment shall be carried out by an independent and suitably qualified person approved by the Agency")

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: All expenses of the EIA process (including public hearings) are borne by the project developer. EP Act, sec. 11(12)

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: "Every environmental impact assessment shall be carried out by an independent and suitably qualified person approved by the Agency. . . ." EP Act. sec. 11(4)

Conflict of Interest: No

Conflict of Interest Detail: Although Guyana's EIA law requires EIA contractors to be "independent," conflicts of interest are not specifically addressed in detail. See EP Act, sec. 11(4)

Terms of Reference: Yes

Terms of Reference Detail: Following a public scoping procedure, the Agency shall "set the terms and scope of the environmental impact assessment" taking into account any public submissions. The TOR is developed in consultation with the project developer's EIA consultant/contractor. EP Act, sec. 11(8)

Days for Decision Maker Review: Variable (at least 60 days)

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: "The Agency shall publish its decision and the grounds on which it is made." EP Act, sec. 12(2)

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: "A decision by the Agency to issue an environmental permit for a project shall be subject to conditions that are reasonably necessary to protect public health and the environment" and also shall contain "implied conditions." These implied conditions are the authority to cancel or suspend the permit if terms are breached; an obligation on the part of the developer to use most appropriate technology; an obligation on the part of the developer to comply with any directions given by the Agency; and the obligation on the part of the developer to restore and rehabilitate the environment. EP Act, sec. 13(1). See also EP Regulations, sec. 12(1) ("The Agency shall establish in each environmental authorisation such terms and conditions, as required on a case-by-case basis. . . [.]")

Expiry of Decision: 5 years

Expiry of Decision Detail: Unless the authorisation specifies shorter validity or the authorisation is otherwise terminated, it is valid for a period up to five years. EP Regulations, sec. 19. In practice, however, this provision is not enforced.

Financial Assurances or Bond: Sometimes

Financial Assurances Detail: The Agency cannot issue an environmental permit unless it is satisfied that the developer "can pay compensation for any loss or damage which may arise from the project or breach of any term of condition of the environmental permit." EP Act, sec. 13(2). There are bonding provisions associated with environmental authorisations (e.g. permissions to release pollutants or contaminants into the environment).

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: An EIA must contain "an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental factors." EP Act, sec. 11(5)(b)

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cultural impacts

Health impacts

Other

Mitigation: Yes

Mitigation Detail: The EIA must contain "a description of the measures which the proposed developer intends to use to mitigate any adverse effects and a statement of reasonable alternatives (if any), and reasons for their rejection." EP Act, sec. 11(5)(g). Emergency response plans must be included, as well. EP Act, sec. 11(5)(i).

Monitoring Plans: Yes

Monitoring Plans Detail: "[T]he holder of the environmental authorisation shall establish an environmental monitoring programme at the holder's own expense or bear the cost of such programme within such period or at such time and in such manner as the Agency may specify." EP Act Regulations, sec. 12(d)

Draft EIA Available: No

Draft EIA Available Detail: Although a draft EIA is not made available for public review, there is an opportunity for the public to review a project summary and submit comments to the Environmental Protection Agency before the EIA is prepared. See "Scoping" under Public Participation.

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: When the EIA is submitted to the Agency, the project developer must publish a notice in at least one daily newspaper confirming that the EIA has been submitted to the Agency and informing the public that it has 60 days to make submissions. EP Act, sec. 11(10)

Final EIA Available: Yes

Final EIA Available Detail: The GEPA must "maintain and make available to members of the public during normal working hours a register of all environmental impact assessments carried out, environmental authorisations granted and other information. . . ." EP Act, sec. 3(e). The EIA shall be available for inspection for at least five years subject to deletion of information that may disclose intellectual property rights. EP Act, sec. 11(11).

Final EIA Locations: Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: During the course of preparing the EIA, the developer and the EIA contractor shall "provide to members of the public on request, and at no more than the reasonable cost of photocopying, copies of information obtained for the purpose of the environmental impact assessment." EP Act, sec. 11(9).

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: The EPA must publish its final decision and the grounds on which it is made. EP Act, 12(2). The law does not specify where the decision must be published.

Public Scoping: Yes

Public Scoping Detail: Members of the public have 28 days to review and comment on a project summary. The EPA must consider public comments in setting the terms and scope of the EIA. EP Act, sec. 11(6), (7), (8).

Public Review of TOR: No

Public Review of TOR Detail: The public has an opportunity to make submissions before the terms of reference (TOR) is prepared. If they are dissatisfied with the TOR, an appeal may be filed directly with the High Court.

Public Participation Opportunities: Scoping

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Sometimes

Public Meetings Detail:: Public meetings are discretionary and determined by the Environmental Assessment Board. EP Act, sec. 18(2)

Public Input at Meeting: Yes

Criteria to Hold Public Meeting: Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: 60 days

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: EP Act, sec. 11(10) provides 60 days to file submissions to the EPA.

Response to Public Comments: Yes

Response to Public Comments Detail: The Agency must take public submissions into account when deciding whether to approve or reject a project. EP Act, sec. 12(1)

Facilitation of Public Participation: No

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: Any person may file an administrative appeal of the EPA's decision to exempt a project from the EIA requirements. This appeal is filed with the Environmental Assessment Board. See EP Act, secs. 11(3), 18.

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: Citizens may seek judicial review pursuant to the Judicial Review Act 2010 (available at http://www.oas.org/juridico/english/mesicic3_guy_judicial.pdf). Section 5 of the Act outlines broad grounds for relief.

Project Monitoring: Yes

Project Monitoring Detail: The Agency shall take the steps needed to ensure "that the activities authorised by the environmental authorisation do not cause pollution of the environment or harm to human health or become seriously detrimental to the amenities of the locality affected by the activities." EP Act Regulations, sec. 15.

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[1] <https://elaw.org/countries-and-regions/guyana>

[2] <http://faolex.fao.org/docs/pdf/guy39200.pdf>

[3] <http://www.epaguyana.org/epa/regulations2/summary/7-regulations/19-ag-1authorisations-regulations-2000>