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To:

The Secretary,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhavan,
Jor Bagh Road, Aliganj,
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22nd October 2015

Reg: Submission of Comment/Criticism of the Draft Environmental Laws (Amendment) Bill, 2015, circulated by the Ministry on 7th October, 2015 for Public Comments.

Sir/Madam,

The undersigned are representatives of Environment Support Group, a not for profit Public Charitable Trust responding to environmental and social justice concerns in the wider public interest by way of research, training, campaign and advocacy initiatives.

The following are our comments, criticisms, and objections to the proposed draft Environmental Laws (Amendment) Bill, 2015 (hereinafter referred to as ELAB).

1. Parliamentary Committee's recommendations sidestepped or overlooked: At the outset, we would like to draw your attention to the 263rd report of the Department related Parliamentary Standing Committee on Science and Technology, Environmental Forests, which reviewed the November 2014 "*High Level Committee Report to Review Various Acts Administered by Ministry of Environment, Forests and Climate Change*" (hereinafter referred to as HLC).[1] In this Review, the august body of the Parliament harshly criticised the HLC effort as possibly an illegal review of environmental laws and procedures, and found that it was prepared in a hurry, with weak or no public participation, and also that the HLC had over-reached its mandate in several aspects, particularly with regard to reviewing the National Green Tribunal Act, 2010 and Forest Rights Act, 2006, which were not in accordance with the Committee's TOR. The reason why we bring this to your attention now is because the present effort of the Ministry to promote ELAB appears to be a direct outcome of HLC exercise (even though it may not be stated as such, or even denied), as such a law as ELAB was recommended by the HLC, including even providing a prototype. The cautions proposed by the Parliamentary Committee about how an environmental law has to be developed, therefore, are material to this discussion as well. In addition, we stress the critical importance of the Ministry being

1 Both the Subramanian Committee Report, and the 263rd Review Report by Parliamentary Committee, along with ESG's review of the Subramanian report, are accessible at: http://www.esgindia.org/resources/reports/press/indian-governments-high-powered-committe.html

obligated in demonstrating how it has conformed with the Parliamentary Committee's recommendations. A bare reading of the proposed ELAB reveals that the Committee's recommendations have been comprehensively ignored. We stress that the Ministry by its Executive powers may propose legal improvements, but that it is only appropriate that it adopts the advise of an august body such as the Parliamentary Committee, or provides reasons why it cannot. Such deference to the Parliament is simply absent both in the ELAB proposal.

2. Parliament's fears that Ministry bureaucratising Environmental Governance in India: We draw your attention to para 7.3 of the Parliament Committee's Report where it is highlighted with the concern that how Environmental Laws Management Act proposed by the HLC "will be harmonised with the present Environment Protection Act, as well as Water Act, and Air Act" is not clear at all and "is still being worked out". The Parliamentary Committee pungently criticised such methods to revamp environmental regulation in India by HLC, as at para.7.4, where it observed that "(i)n fact, HLC recommendation, and the draft model law, is going to bureaucratize the environmental governance in the country. The HLC did not discuss many details but had time actually to discuss that the head of NEMA and SEMA should be Additional Secretary of the Government of India. A lot more thought needs to go into deciding what kind of an institution this country needs in the future. Already there are National Green Tribunal; District Courts; High Courts and the Supreme Court. The HLC is recommending to add two more institutions, an appellate authority as well as District Courts." Thus emphasising that even though the HLC did not have sufficient time, expertise, experience and input to formulate major and drastic changes in environmental law and jurisprudence, yet it promoted a new law that would over-ride and control all other independently evolved laws relating to environment, pollution control, forest management, forest rights, biodiversity conservation, wildlife protection, etc. The same type of criticism can now be levelled against the Ministry about the manner in which it has now proposed the ELAB.

3. Increased threat of arbitrariness in enforcement: The Parliamentary Committee at para 7.5 had held that "...the HLC report has not holistically addressed the issue of rooting out arbitrariness from the process of enforcement, and that the recommendations of the HLC report do not touch upon the challenge posed by the lack of institutional capacity on the part of regulatory and enforcement institutions to monitor the enforcement of existing laws." Further more, at para 7.7 the Parliamentary Committee in no uncertain terms held that "(t)he HLC has not done a thorough legal audit and is guilty of inadequate review of existing legal architecture and the rich case law". In the same way, it now appears that the Ministry has proposed ELAB, and that without any review and justification for drastically changing the architecture of environmental decision making in India and without any legal audit as well. Such a conclusion can be arrived at because no paper discussing the need for such a law as ELAB has preceded the circulation of its draft. Also, the Preamble of the Draft makes no effort to justify the need for such a law. It is thus presumptuous on the part of the Ministry to promote ELAB disregarding the recommendations of the Parliamentary Committee, and is possibly indicative of its contempt for the Committee's recommendations.

4. Over-reaching the Ministry's mandate and undemocratic proposal of ELAB: The Parliamentary Committee had found it extremely disturbing that the HLC had over reached its mandate by considering laws which were not part of its terms of reference and yet proposed various recommendations for their supposed "reforms". For instance at para 7.10

the Parliamentary Committee unequivocally stated that "The Forest Rights Act, 2006 and The National Green Tribunal Act were not part of the mandate of the High Level Committee, but the Committee has given recommendations which refer to the areas which are strictly in the domain of the Forest Rights Act, 2006 and the NGT Act. HLC has overreached its mandate." Based on which the Parliamentary Committee concluded that "Some of the essential recommendations of the HLC have been doubted and would result in an unacceptable dilution of the existing legal and policy architecture established to protect our environment. Further, an impression should not be created that a Committee whose constitution and jurisdiction are itself in doubt, has been used to tinker with the established law and policy. Should the government wish to consider specific areas of environmental policy afresh, it may consider appointing another Committee by following established procedures and comprising of acclaimed experts in the field who should be given enough time to enter into comprehensive consultations with all stakeholders so that the recommendations are credit worthy and well considered which is not the case with the recommendations of High Level Committee under review." Thus the Parliament's august body advised the Ministry not to proceed with any changes in existing environmental laws and policies unless a new Committee was appointed with clear terms, providing sufficient time, ensuring deeply democratic, transparent and accountable debates formed the basis of such a Committee's functioning, and then and only then would the recommendations have merit. Instead, what the Ministry has now done is run away with a part of the HLC recommendations, slapped upon it a few features that appear progressive, but in the end presenting an architecture of environmental decision making that would concentrate power in the Union Ministry of Environment, Forests and Climate Change, and quite in variance with and in fact opposed to the Constitutional schema.

5. Foreign and Indian law firms behind ELAB? It is clear that the Parliamentary Committee was wary of the possibility that the exercise of promoting such a poorly formed law as Environmental Laws Management Act, or its variations, based on minimal debate and appreciation of short and long term impacts, is fraught with various dangers. It was also worried that such an in-transparent exercise could easily become victim to *malafide* intentions. It appears this is the case with the proposal of ELAB. We present to you a recent report in the daily DNA, dated 10 September, 2014 titled *"Government hires top firms to implement T.S.R.Subramanium Report on Environmental laws"*[2], wherein it is reported that the Ministry hired various consultancy firms as technical consultants to implement the HLC recommendations. It is also revealed that these consultants have been paid Rs.1.33 crores to " assist in finalisation of Environment and related Laws". The consultants reportedly are Ernst & Young, Amarchand and Mangaldas & Suresh A. Shroff & Co. If indeed these consultants were involved in formulating the proposed ELAB, it constitutes a fundamental violation of the Constitution of India as making law is a sovereign exercise and the exclusive domain of an elected body or the Government. In no manner or under no circumstance should any vested interest be involved or influence the law making exercise. Now it appears that transnational corporations and corporate law firms have not only been involved in the exercise, but that they have also been paid for the job. If this action indeed holds out to be true, this is nothing short of exposing the environmental regulatory systems of India to the machinations of global powers, and thus could constitute an attack on the India's sovereignty, facilitated by a Union Ministry! If this is true, we condemn it in the strongest possible terms and emphasise that the Ministry must come clean on this with due dispatch

2 This report is accessible at: http://www.dnaindia.com/india/report-government-hires-top-firms-to-implement-tsr-subramanian-report-on-environmental-laws-2124979

and *suo moto* make public all the papers related to contracting these corporations in law making exercises, or any such related work. In any case, since the Ministry as not disputed the article and yet gone ahead and issued the draft ELAB, implicates the Ministry. Those responsible must then be held accountable for exposing a sovereignty of India, and its ecological and economic security, to the machinations of transnational corporations and corporate law firms.

6. Fraudster company M/s Ernst and Young involved in proposing ELAB? We wish to remind you that M/s Ernst & Young was involved in criminal fraud by promoting a comprehensively plagiarised Environment Impact Assessment for a dam proposed across Kali River in Dandeli, Karnataka in 2000. We exposed this fraud and filed a formal complaint with the Deputy Commissioner of Uttara Kannada district and with the Ministry demanding criminal action must be initiated against the company.[3] That no action was initiated indicates the complicity of the State administration and of the Ministry in the fraud. We hold that this crime must not go unpunished. What shocks us is that the Ministry has, instead, possibly rewarded fraudster M/s Ernst & Young with a contract to potentially tinker with the basic framework of India's environmental law and policy.

7. ELAB disregards Federalism: We wish to highlight that the manner in which this Bill has been promoted, as well as its contents, mocks the very fundamentals of the federal polity of this country. The basis for allotting responsibilities across the Centre and States is contained in the 7th Schedule of Constitution of India, which also lists concurrent responsibilities. Keeping in view the federal polity of the nation, therefore, the Centre has to respect this separation of powers. The State List in the 7th Schedule of the Constitution of India includes " public health and sanitation", "agriculture, including agricultural education and research, protection against pests and prevention of plant diseases", "preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice", "ponds", and "fisheries", all matters that have a direct or indirect bearing on the local environment and governed by State and Local governments. Important to note is that "agriculture, including agricultural extension" is listed in the 11th Schedule, thus making it an item directly concerning Panchayat Raj institutions (elected rural local bodies) as well. Meanwhile, the 12th schedule lists "urban forestry, protection of environment and promotion of ecological aspects" as a matter of consideration for Nagarpalikas (elected urban municipal bodies) thus granting a greater role for local governments in such matters, even as the Concurrent List of the 7th Schedule require the joint attention of the Centre, States and by implication Local Governments on "protection of wild animals and birds", "prevention of extension from one State to another of infectious or contagious diseases or pests affecting men, animals and plants". The 12th Schedule further lists "public health", thus making urban local bodies jointly responsibly with the State on such matters. Given that biotechnology has a direct and often irreversible impact on all items relating with life forms, biodiversity, life sciences, and traditional knowledge associated with bioresources, it is to be expected that any legislative action of the nature of ELAB cannot at all be an exclusive initiative of the Centre. Yet that is exactly what is proposed now, in content, in the manner in which it is proposed, and also with the emphasis on presenting it in the Winter Session of the Parliament in 2015, All this when there simply has not been any consultation whatsoever with the States and Local Governments about the formulation of this Bill. The ELAB proposal is likely to cause comprehensive confusion in environmental decision making, and confound and potentially

3 Comprehensive documentation of this EIA fraud is accessible at: http://www.esgindia.org/campaigns/press/dandeli-eia-fraud.html

derail prevailing environmental governance system in the country. Besides, it paves the way for the Ministry becoming a playground to the machinations of political expediency attacking the very core of Federal polity given the indisputable fact that the new law concentrates power in Delhi, that too in the hands of the Executive of the Ministry of Environment, Forests and Climate Change.

8. Noteworthy provisions of ELAB can be integrated in existing law: In our review of the HLC Report entitled *"A Non-trivial Threat to India's Ecological and Economic Security"* we had submitted that "(t)here are elements in the Committee's report that are worth taking note of and possibly implementing. But these are few and far between, and a bulk of the Committee's recommendations are based on an extraordinary reliance on the capacity of technical bureaucracy to deliver good environmental governance, on market forces to meet environmental management objectives, on a slew of new regulatory and judicial forums to police the system, without actually making an effort to enquire and justify if such comprehensive makeover in the environmental decision making system is essential at all. Neither does the Committee formulate its tasks clearly, nor does it make any effort to clearly explain the basis of its recommendations. In light of which, what the Committee recommends comes across as a set of confusing proposals which if implemented could confound the environmental governance system quite fundamentally". Similarly, the draft ELAB does have certain noteworthy proposals that could have been easily integrated in India's environmental decision making by amending existing laws.

9. ELAB as Grandmother law a threat to simple architecture of prevailing laws : ELAB's real threat is to the prevailing architecture of environmental decision making as it not only overarches, overreaches and controls the existing Environment Protection Act, 1986, which has for long been held as India's umbrella environmental law, but also encroaches into various jurisdictions of independent judicial fora that were evolved by independent laws, such as the National Green Tribunal Act, 2010. Such interference, and that too by vesting powers of intervention in an Executive, is an unprecedented move in any regulatory system of the country, and surely environmental regulatory processes that probably are the most complex, especially given the nature of nature itself, should never be subjected to the command and control of bureaucracy of a Ministry from Delhi. In the Preamble to the draft ELAB, the objective is presented as that of "providing for an effective deterrent penal provisions and introducing the concept of monetary penalty for violations and contraventions". Nowhere in the preamble is it mentioned that the Ministry proposes to fundamentally change the nature of decision making, in particular those relating to tackling violations of various Environmental Laws. All that is mentioned is that the draft bill proposes amendments in Environment (Protection) Act 1986 and National Green Tribunal Act, 2010. Such vague and sparse justifications for fundamentally altering a law that has served the test of time, namely Environment (Protection) Act, 1986 and another law whose implementation is yet in the initial stages, namely National Green Tribunal Act, 2010, has been made without offering any clear analysis or justification why these laws need to be amended, and in a manner so prescribed in the proposed draft. ELAB is clearly a bad legal proposal for many other reasons as well. There of course are certain provisions that are progressive and their utility may be used by easily incorporating them in prevailing environmental laws; no need to bring in ELAB.

10. The proposal of establishing "adjudicating autority" is without reason or purpose: The proposal to introduce a new "adjudicating authority" is an exercise that will be entirely

guided by the discretion of Ministry officials (Sec 14 D read with Sec 14G of ELAB). Clearly what is being promoted here is an extra-ordinary centralisation of executive power of the Ministry, and the initiation of a process that would culminate in comprehensively dominating environmental decision making in India, and from Delhi. We wish to highlight that such methods attack the federal polity and the Constitutional Mandate for de-centralisation and devolution of power to the States and local governments in matters relating to environmental management, protection of flora and fauna, conservation of natural resources, and traditional knowledge associated with the same.

11. "Adjudicating authority" a bureaucratic forum without competence: This is most evident in the fact that the proposal to introduce a new "adjudicating authority" (per Sec 2 (a) of ELAB) is to be done in a manner wherein the members of the authority are already determined as essentially being bureaucrats or lawyers, not from any of the other disciplines one would believe is warranted for environmental adjudication, viz., ecologists, pollution control experts, social scientists, geologists, environmental scientists, planners, to name but a few which would typically be considered essential to appreciating the complexities of environmental decisions in India. The quality of representation of disciplines and qualification of members of the "adjudicating authority" also presents other problems. As presently proposed, it is weighed in heavily in favour of appointing retired bureaucrats and law officers. In contrast, the National Green Tribunal's are composed of Judicial (retired High Court Judges) and Expert Members (drawn from much more inter-disciplinary backgrounds, which could be further expanded). Quite clearly, there appears to be a rather disturbing unstated reason why the Ministry is promoting the "adjudicating authority", instead of building on the National Green Tribunal Act.

12. No justification for setting up "adjudicating authority"; amending Sec 4 of NGT Act way better: The proposed ELAB offers no justification whatsoever why such a forum as an "adjudicating authority" is needed at all. This needs to be contrasted with the the National Green Tribunal Act, enacted as recently as in 2010, in which at para 6 of its Statement of Object and Reasons the rationale for establishing the Tribunal is explained as that "a need has been felt to establish a specialised tribunal to handle the multi disciplinary issues involved in environmental cases". It is also substantiated at para 5 that the need for setting up the tribunal is because of "large number of environmental cases pending in higher Courts and the involvement of multi disciplinary issues in such cases, the Supreme Court requested the Law Commission of India to consider the need for constitution of specialised environmental Courts." If indeed the task of adjudicating a large number of complex environmental cases that are emerging across the length and breadth of the country, given the worsening environmental quality overall, is a serious challenge, and is growing increasingly complex and unwieldy, the same could be tackled by establishing a Tribunal in every State providing them with all the resources necessary to work as Circuit Benches to cover all districts. Instead, proposing "adjudicating authority" at the State level and then forcing petitioners to approach the Tribunal as an Appellate, simply makes the task of accessing justice extremely complex and unsupportive of the task of settling disputes effectively and efficiently, and in time. The proposal, thus, may simply end up creating a massive back log of cases, and defeating the very idea of enforcing environmental compliance in India. Instead, the Ministry is better off proposing an Amendment to Section 4 of the National Green Tribunal Act, proposing the appointment of sufficient members of the Tribunal so that a Bench can be established in each and every State and Union Territory.

13. Complicated appeal mechanism, could amount to delay and denial of justice: The current proposal of establishing "adjudicating authorities" also presents another set of problems that are interlinked. In case one of the parties to a dispute wishes to appeal, they would have to approach the Tribunal. As of now, Tribunals are few and far between, and are poorly supported (in some even toilet facilities are not available). This has put Petitioners at great disadvantage in accessing justice. For instance, the Southern Bench of the Tribunal situated at Chennai caters to the needs of all southern States, and thus, petitioners from Dandeli or Trivandrum or Gulbarga or Vishakapatnam are forced to travel all the way to Chennai on the east coast of India to get their cases heard. It is well established that denial of justiciable forums within an easily accessible distance amounts to denial of justice. Setting up "adjudicating authority" to close this gap does not resolve the problem as the Appellate body is located at substantial distance and operates in a language zone that is alien to most petitioners. Rather than complicate matters, the Ministry could easily have expanded the number of members of the Tribunal and ensured their operation effectively everywhere across this large country. This would also make the whole exercise resource efficient, and avoid wastage of resources for litigants and the State. In addition, it would also avoid needless and repetitive litigation practices.

14. Functioning of "adjudicating authority", and its role as main evidence gatherer, could raised clouds of suspicion: The question of functioning of the "adjudicating authority" raises a serious question. As now proposed at Sec 14 D of the Draft ELAB, the authority would be the main forum for gathering evidence on an environmental concern or dispute. In fact, ELAB proposes that the "adjudicating authority" has major judicial functions of fact finding and gathering evidence *suo moto*, without in the least explaining how this is possible with the quality of experience and expertise of the members as now proposed. Surely, complex decisions involving evidence gathering and determination of relief demand far more competent forums and procedures, than is now presently proposed. On this count too, the expansion of National Green Tribunal to comprehend these demands seem a more optimal approach than the authority presently proposed.

15. ELAB promotes acute centralisation of powers: While this is one part of the problem, the other sticking issue is that per Sec 14 G (1) of the proposed ELAB a "Selection Committee" of the Ministry would appoint members to the "adjudicating authority". Sec 14 G (2) informs us that the "composition of the Selection Committee and procedure to be followed by it for recommending the persons to be appointed as members of the adjudicating authority shall be such as may be prescribed". What this implies is that the Ministry will prescribe by way of a subordinate legislation, such as a Notification that lacks direct Parliamentary oversight and approval, the means, the methods and who will be part of such an authority. True, such subordinate legislations have to be placed in Parliament. But the record is that rarely, if ever, are such legislations reviewed by Parliament. Given that in the current phase of the Parliament, even proper Legislations aren't being discussed and debated, there is hardly any hope that subordinate legislations will receive a critical review. In any case it is abundantly clear that the Ministry is wont to sidestep and ignore recommendations of the Parliament's Committees as is evident in the case by which it has proposed ELAB. Thus, there is little to doubt that the procedures of appointment of the "Selection Committee" and in turn of the "adjudicating authority" will likely be victim to the machinations of political expediency and perhaps even corruption. There is also no judicial oversight in the manner in which the "selection committee" is now constituted. This may be contrasted with the manner in which the National Green Tribunal is constituted, wherein there is a clear and direct Judicial

oversight mechanism.

16. Ministry's over-reliance on subordinate legislation, a serious threat to environmental governance: It is well illustrated by India's experiences with the Environment Impact Assessment Notification, (1994 and 2006)[4] and the Coastal Regulation Zone (1991 and 2010), that the Ministry is given to amending and manipulating such subordinate laws for politically expedient reasons, and in any case without appropriate public and legislative review. Such tinkering with laws, which the Ministry has done scores of times, has left India's environmental regulatory system in a perpetual state of confusion leaving even Judicial forums confounded. If this is indicative of the systemic nature of the Ministry's functioning, and the Ministry given its dubious record cannot be trusted to act in fairness when it claims the privilege of evolving and clarifying basic features of a Statute later, as is the case with ELAB.

17. Problematic lack of rationale in grading environmental violations: There is an effort to grade environmental violations as minor, non-substantial and substantial, as at Sec 2 (eb), (ec) and (I) respectively. Besides the semantic explanation of the terms involved, the actual qualification of these terms in appreciating damage caused, and providing appropriate relief and punishment, is to "be determined in the manner as may be prescribed". Given that this is a core part of the proposed ELAB, and has major bearing on how civil/administrative and criminal determination of violations are to be made, it is natural to expect rationale from the Ministry. None exist. Thus, it is difficult, nay impossible, to offer any logical comment or criticism on such terms as "minor" "non-substantial" and "substantial", and mere semantics of such critical terms in law can only be made sense of when they are characterised by indisputably verifiable and measurable factors. None are offered. It is only when such material is available can the appropriateness of monetary penalty and criminal punishment for offences be appreciated. But in the overall sense it is always a good approach to make serious fines and penalties a deterrent against environmental violation.

18. Increase in quantum of fines and punishment a positive step forward, and can be achieved by amending existing laws: The proposal to comprehensively and substantially increase quantum of penalty and criminal punishment for environmental violations is a good step forward. But there needs to be a built-in mechanism to periodically review the quantum so that it is not stuck in time and appears ridiculously low in time. All this can be achieved by amending existing punitive laws independently, and without adding another layer of confusing and confounding legal-speak as is the case with ELAB.

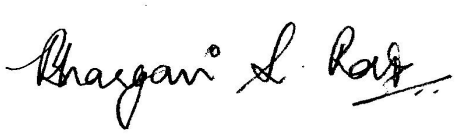
In summary, we submit that whenever there is a proposal to reform existing environmental law, or to make new law, there has to be a Discussion Paper that articulates the new visions and presenting perceived pros and cons. Besides, and importantly, the paper must clarify how the proposed reform will advance Access to Environmental Information, Participation and Justice. This is hardly the case with ELAB. We propose that to amend existing laws directly to incorporate new measures, without resorting to a grandmother law such as ELAB, would cause least confusion to people as they are familiar with existing laws. Reading the proposals made through ELAB into existing laws, or *vice versa*, will only confuse, confound and derail environmental governance in India, and potentially energise the worsening environmental quality of the country. The proposal for setting up another

4 A comprehensive review of the Environment Impact Assessment Notification, 2006 by Environment Support Group, entitled "Green Tapism", is accessible at: http://static.esgindia.org/campaigns/Greentapism/contents.pdf

layer of decision making, such as the vaguely worded "adjudicating authority", the employment of the rather para-statalist term "authority", and the whole notion of how this is to be set up by the Ministry exclusively through its "selection committee", are highly regressive provisions and are best relegated to the legal dustbins of the Ministry.

Finally, the Ministry owes it to the people of India the basic courtesy of consulting them with full compliance with the Principle of Free, Prior and Informed Consent. Issuing a Notification[5] announcing a Draft Bill that fundamentally alters the basic structure of environmental governance in India, and that too only through online dissemination whilst providing a mere two weeks for comment/criticism, and making no parallel efforts whatsoever to reach out to States and Union Territories, environmental regulatory organisations, and various other competent forums for comment/criticism, is not the way to propose and make laws. Particularly those that have a direct bearing on protection of Fundamental Rights, environmental conservation, wildlife protection, conservation of biodiversity and associated traditional knowledge and in tackling pollution.

Yours truly,



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Environment Support Group

Copy:

1. Prime Minister's office
2. Department related Parliamentary Standing Committee on Science and Technology, Environment and Forests
3. Parliamentarians
4. Chief Minsters of all States and Lt. Governors of all Union Territories
5. Environment Ministers of all States
6. Chief Secretaries of all States and Union Territories
7. Principal Secretaries of Environment Departments of all State and Union Territories
8. Principal Chief Conservator of Forests of all States and Union Territories
9. Chairperson, Central Pollution Control Board
10. Chairperson, National Biodiversity Authority
11. Chairpersons of all State Pollution Control Boards
12. Media and the wide public

5 A copy of this Notification with the Bill is accessible at this link: http://www.moef.nic.in/sites/default/files/ScanJobInvitation%20of%20comments%20Draft%20Environment%20Law.pdf