

# Environmental and Social Management Framework

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## Sri Lanka: Skills Sector Development Program

Prepared by the Ministry of Skills Development and Vocational Training and Vocational Training for the Asian Development Bank.

## CURRENCY EQUIVALENTS

(as of 8 November 2017)

Currency unit	–	Sri Lanka rupee/s (SLRe/SLRs)
SLRe1.00	=	\$0.00652
\$1.00	=	SLRs153.4300

## ABBREVIATIONS

ADB	–	Asian Development Bank
CEA	–	Central Environmental Authority
CCD	–	Coast Conservation Department
EA	–	executing agency
EIA	–	Environmental Impact Assessment
ESMP	–	Environmental and Social Management Plan
ESMF	–	environmental and social management framework
ESSP	–	Environmental and Social Safeguard Policy
EPL	–	Environmental Protection License
IA	–	implementing agency
IEE	–	initial environmental examination
GRM	–	grievance redress mechanism
MSDVT	–	Ministry of Skills Development and Vocational Training
NEA	–	National Environmental Act
PAA	–	project approving authority
RBL	–	results-based lending
SPS	–	Safeguard Policy Statement
SSDP	–	Skills Sector Development Program
TOR	–	terms of reference
TVET	–	technical and vocational education and Training
USAID	–	United States Agency for International Development

## NOTES

- (i) The fiscal year (FY) of the Government of Sri Lanka and its agencies ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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## **I. INTRODUCTION**

1. The Environmental and Social Management Framework (ESMF) of the Ministry of Skills Development and Vocational Training (MSDVT) has been developed for the implementation of the Skills Sector Development Program (SSDP). The SSDP is the first medium-term sector development program for 2014 to 2020 that aims to transform Sri Lanka's technical and vocational education and training (TVET) system into a market-responsive and inclusive TVET system. It will help increase the ability of the Sri Lankan workforce and particularly, the ability of young men and women. This key objective is to be achieved by revamping skills education sector to make it efficient, relevant, and capable of meeting local and foreign labor market demands. This transformation in the sector will be driven by improved quality, relevance, and recognition of vocational training, and by introducing enabling policies, systems and structures for the sector.

2. MSDVT is the executing agency (EA) of SSDP and it will be responsible for the overall coordination of SSDP implementation. The MSDVT is the key ministry for skills development and is responsible for (i) quality assurance of public and private TVET providers and (ii) coordinating the extensive network of public TVET providers comprising of over 600 training centers. The Department of Technical Education and Training (DTET), Tertiary and Vocational Education Commission (TVEC), Vocational Training Authority (VTA), National Apprenticeship and Industrial Training Authority (NAITA), University of Vocational Technology (UNIVOTEC), National Youth Service Council (NYSC), Ocean University Sri Lanka (OUSL), Ceylon-German Technical Training Institute (CGTTI), and Sri Lanka Institute of Printing (SLIOP) are implementing agencies (IAs) of SSDP. Other agencies will be added as IAs of SSDP subject to their formal agreement with MSDVT, after a fiduciary capacity assessment is completed and measures to mitigate risks, if any, are identified. Each additional IA will also be required to follow this ESMF in planning and implementing any activities under SSDP.

## **II. SCOPE OF SAFEGUARDS IN SSDP**

3. In terms of physical development, SSDP entails upgrading and refurbishing existing colleges and training centers, and constructing several new buildings. Some of the building refurbishment and construction activities of SSDP would trigger the environmental laws and procedures of the Government of Sri Lanka (government) and Asian Development Bank's (ADB) environmental policy safeguards. However, considering the scope of SSDP, it is unlikely that it would generate significant environmental impacts. Potential environmental impacts of construction and refurbishment activities are site-specific, and any adverse environmental impact or risk can adequately be addressed through mitigation measures. No construction activity will take place in a critical habitat or in an environmentally sensitive area. Any activity which is likely to generate significant environmental impacts will be excluded from SSDP.

4. MSDVT will screen its own land or IA-owned land where construction activities of SSDP will take place to ascertain whether the use of such land would cause any involuntary resettlement impacts. If construction activities are likely to have any adverse impacts on non-titled persons such as squatters, encroachers, and indigenous peoples, or on temporary land users such as sharecroppers, leaseholders, agricultural laborers, vendors, and shepherds, MSDVT will not use such land for SSDP purposes. Moreover, if MSDVT or any government agency had already removed such persons from its own land where SSDP activities will take place in anticipation of ADB support, MSDVT will not use such land for refurbishment or construction activities of SSDP.

5. MSDVT will obtain additional land, if required, for SSDP from the state land pool or from other ministries who own excess land. No such new land will be used for SSDP activities, if the use of such land is likely to have any adverse impact on non-titled persons such as squatters, encroachers, and indigenous peoples, or on temporary land users such as sharecroppers, leaseholders, agricultural laborers, vendors, and shepherds. MSDVT will screen all transfers of state land or land belonged to other ministries to confirm that they are free of encumbrances and no non-titled person or temporary user will be affected by such land transfers, before it takes possession of the land.

6. No SSDP-related refurbishment or construction activity will lead to acquire any land permanently or temporarily from a person, household, business establishment, or from a community. Moreover, no SSDP refurbishment or construction activity will restrict any person's land use or access to legally designated parks or protected areas. No commons, wetlands, or forest lands will be acquired for or used in SSDP's activities. The refurbishment of existing buildings or construction of new buildings neither will block or affect persons' assets, access to assets, income sources, or means of livelihoods.

7. No SSDP-related activity will have any impact on *Vaddhas* (indigenous peoples) or their culture, human rights, economy and society, or on the land that they own, or on the land that they claim as their ancestral domain to which they have a collective attachment. SSDP activities will not restrict their access to protected areas and use of natural resources. SSDP will not physically or economically displace them. It will not initiate any action which leads to commercial development of their cultural resources and knowledge.

### III. SAFEGUARDS PERFORMANCE<sup>1</sup>

8. A safeguard cell consists of an environmental safeguard officer (ESO), chief engineer, and engineers at MSDVT and focal persons from IAs has been operational (as of May 2017, eight coordination meetings were held). ESO conducted several random site visits to 14 sites and monitoring reports were sent to all relevant agencies. These site visits witnessed improvement in safeguard issues over time, and found most of the negative impacts are site specific and reversible. Structured safeguard training has been conducted, starting from the orientation workshop on ESMF in December 2014 followed by a two-day capacity building program for focal persons in 2016 and three workshops conducted in actual sites for 22 contractors, consultants and IA focal persons in 2017.

9. As of December 2016, 33 rehabilitation and 8 new construction sub-projects have been carried out (some are continuation from 2015), and the value of these sub-projects ranged from SLR 0.3 million to SLR 280 million. Of 33 rehabilitation sub-projects, 14 sub-projects over SLR 10 million have completed categorization check list and two were ongoing. Out of 8 new construction sub-projects, four were over SLR 100 million for which IEEs were prepared with the support from ADB TA consultant, and for the rest 4, categorization check list was completed. For two from the latter, environmental screening checklist was also completed to assess the magnitude of environmental sensitivity of the new construction sub-projects. For the proposed sub-projects in 2017, categorization check list was applied to all 37 sub-projects, with 3 of the new construction sub-projects requiring IEE. The IEE was completed by Moratuwa University for the Pandadura project for the Ocean University of Sri Lanka, funded from the program.

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<sup>1</sup> From the Annual Safeguard Performance Report of SSDP – 2016 and Safeguard Performance of SSDP as of April 2017 (available upon request).

10. No involuntary resettlement and indigenous peoples issues are reported and there has been no case of grievances reported. Monthly safeguard check list along with guidelines were developed and distributed to ensure effective monitoring of the IA focal persons and supervision consultants.

11. Areas for further improvement identified during the mid-term review include (i) provision for safeguard actions in the bidding document including contracts for contractors to ensure environmental management plan is followed; (ii) more active regular monitoring by IAs and construction supervision consultants; and (iii) inclusion of green building concepts in building design.

#### **IV. ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK**

##### **A. The Scope of ESMF**

12. This ESMF applies only to SSDP. As SSDP will exclude any activity that would generate any involuntary resettlement impacts or impacts on indigenous peoples, from its subprojects, its focus will primarily be on potential environmental impacts of SSDP, applicable safeguard policy and regulatory measures to deal with them, and how to avoid or at least, mitigate adverse environmental impacts of SSDP, while ensuring environmental soundness and sustainability of SSDP.

##### **B. Environmental and Social Safeguard Policy of SSDP**

13. MSDVT recognizes that refurbishment and construction activities under SSDP would generate adverse environmental impacts to varying degrees depending on the sensitivity of the environment and magnitude of the project. As an environmentally informed and socially responsible ministry of the government, MSDVT is committed to avoid, minimize, or at least to mitigate unavoidable adverse environmental and social impacts of SSDP, if any. By combining national environmental safeguard regulatory framework and ADB's environmental safeguard policy principles, the environmental and social safeguard policy of SSDP will guide screening and categorization, consultation, disclosure, establishment of grievance redress mechanisms, formulation of safeguard plans, implementation, monitoring of results, and adequate reporting of monitoring results.

14. The ESMF focuses on environmental safeguard compliance of SSDP, and is guided by MSDVT's commitment to integrate environmental protection into SSDP activities in a proactive manner in order to contribute towards sustainable development. To achieve a balance among developmental imperatives, environmental sustainability, and social well-being of its operations, MSDVT:

- (i) Will pay close attention to environmental and social considerations of SSDP, and takes action to avoid, minimize, and mitigate environmental and social adverse impacts and risks, if any of SSDP;
- (ii) Is committed to comply with all environmental and social policies, laws, and regulations of the government, and will remain fully responsive to environmental and social safeguard policy requirements of ADB and other development partners; and
- (iii) The procedures outlined in the ESMF will be applied to all subprojects of SSDP.

15. The ESMF provides an enabling mechanism to meet safeguard requirements of SSDP. It defines roles, responsibilities and procedures for screening, avoiding, minimizing and mitigating any potential environmental adverse impact or risk; and to screen and remove any SSDP activity, which is likely to have a significant environmental impact or risk on any involuntary resettlement impact and any impact on indigenous peoples and their communities.

### **C. Objectives of Environmental and Social Management Framework**

16. The key objective of ESMF is to assist EA and IAs of SSDP to identify potential environmental and social impacts early in proposed subprojects, and to guide them in subproject level safeguard planning and implementation. It also guides EA and IAs in monitoring safeguard compliance of SSDP which, in turn, will help identify improvements in safeguard compliance of SSDP, and its weaknesses, if any, that need further attention.

17. The ESMF is a set of guidelines to help MSDVT, IAs, affiliated institutions, colleges, training centers, and district and local government bodies to ensure that SSDP's physical activities are carried out by paying sufficient attention to environmental and social safeguard impacts and risks. ESMF will also help raise the performance level of country safeguard systems which is one of the key objectives of the results-based lending (RBL) modality.

18. ESMF is based on the government's environmental laws, regulations, and environmental assessment procedures found in the National Environmental Act of 1980 (NEA), its amendments of 1988 and 2000, and the Gazette Extraordinary No 772/22 of 24 June 1999 and No 1104 of 5 November 1999. These legal instruments provide guidelines and directions on screening of projects, their categorization into "prescribed" and "non-prescribed" projects, scoping their environmental impacts, formulation of terms of reference (TOR) for environmental assessment, obtaining environmental clearance, and environmental compliance monitoring during project construction and operation phases. ESMF also draws best safeguard practices from the environmental safeguard policy of ADB. ESMF also fills in gaps found in the local environmental safeguard requirements when compared with ADB's environmental safeguard policy principles and best practices. As an RBL program, SSDP has to satisfy applicable safeguard policy principles of ADB, while using local delivery processes and implementing procedures.

19. The ESMF:

- (i) Outlines safeguard best practices that will be applied to SSDP.
- (ii) Provides a screening and categorizing system to screen potential environmental and involuntary resettlement impacts of SSDP, and its potential impacts on indigenous peoples.
- (iii) Helps identify subprojects with potential and significant adverse environmental impacts in order to exclude them from SSDP.
- (iv) Helps identify subprojects with any potential involuntary resettlement and/or impacts on indigenous peoples in order to exclude from SSDP.
- (v) Helps finding whether avoidance or minimization or mitigation of environmental impacts and risks meet ESSP, that is, requirements of environmental laws and regulations of the government, and ADB's ESSP.
- (vi) Creates awareness among MSDVT and its affiliated institutions, colleges, and participating local government agencies about SSDP's safeguards requirements.
- (vii) Guide IAs of SSDP in conducting meaningful consultations with all subproject stakeholders.

- (viii) Guides SSDP personnel in preparing Initial Environmental Examination (IEEs) and Environmental and Social Management Plan (ESMPs) and their implementation.
- (ix) Guides SSDP personnel in disclosing environmental information to all stakeholders.
- (x) Outlines institutional arrangements for implementing safeguard planning instruments, monitoring and reporting, and for undertaking corrective action plans, if any.
- (xi) Helps enhance institutional capacity for safeguard compliance at MSDVT, affiliated institutions and local government agencies, and among SSDP contractors.

## V. THE NATIONAL ENVIRONMENTAL POLICY OF SRI LANKA OF 2003

20. The Constitution of Sri Lanka makes it “the duty of every person in Sri Lanka to protect nature and conserve its riches”. The National Environmental Policy (policy) acknowledges this duty and seeks to provide the direction according to which steps will be taken to conserve and manage Sri Lanka’s environment in all its aspects.

21. The policy renews the commitment of government, in partnership with the people, to effectively to manage the environment for the benefit of present and future generations. The aim of this policy is to ensure sound environmental management within a framework of sustainable development in Sri Lanka. This Policy is supported by many other policies and strategies for other sectors.

22. The policy emphasizes that caring for the environment is the bounden duty of any institution, government or non-government, and of any individual that uses, or otherwise carries out an activity that has an impact on environmental resources.

23. The policy binds all organizations and individuals who use environmental resources or otherwise have an impact on the resources to exercise due care to avoid environmental degradation. The Implementation of the Policy will pave the way for sustainable development.

24. The **policy objectives** are:

- (i) To promote the sound management of Sri Lanka’s environment in its entirety without compromise, balancing the needs for social and economic development and environmental integrity, to the maximum extent possible while restricting inimical activities.
- (ii) To manage the environment by linking together the activities, interests, and perspectives of all groups, including the people, nongovernment organizations (NGOs) and government at both the central and the local levels.
- (iii) To assure environmental accountability.

25. The **policy principles** are:

- (i) The guiding principles of environmental management will be “polluter pays” and the need to reduce consumption, and recycle and reuse materials to the maximum extent possible.

- (ii) When living natural resources are used, it will be ensured that such use is wise, sustainable, and consistent with the integrity of ecosystems and evolutionary processes.
- (iii) When non-living resources are used, it will be ensured that such use is consistent with environmental best-practice, bearing in mind the need to provide also for future generations.
- (iv) Traditional knowledge and practice will be respected in the development of environmental management systems.
- (v) Effective governance will be ensured through the decentralization of environmental management services to the maximum extent possible.

26. **The policy statements are:**

- (i) Resources such as land, water, air, minerals, and biodiversity will be managed in a manner consistent with the viability of ecological processes.
- (ii) Environmental management will be through participatory, transparent, predictable and accountable decision-making processes at all levels.
- (iii) In addition to protecting the environment from abuse, management systems will take into account the need to restore environments damaged in the past.
- (iv) Environmental management systems will be encouraged to be flexible so as to adapt to changing situations and adopt the precautionary principle.
- (v) The economic value of environmental services will be recognized so as to assure the sustainability of such services for the benefit of the people.
- (vi) The state of the environment will continuously be assessed and reported on, through an appropriate institutionalized monitoring framework based on a comprehensive set of indicators
- (vii) The institutional framework for sound environmental management will be strengthened through capacity building, legislative enactments and improved interinstitutional coordination and linkages.
- (viii) “Life cycle” and “cleaner production” principles will be applied to improve the efficiency of natural resource use and to improve environmental quality.

## **VI. ENVIRONMENTAL REGULATORY FRAMEWORK OF SRI LANKA**

### **Environmental Laws**

#### **A. The Constitution of Sri Lanka**

27. The Constitution of Sri Lanka contains several provisions relating to the environment such as Article 18 (“It is the duty of every person of Sri Lanka to protect nature and conserve its riches”) and Article 27 (14) (“The state shall protect, preserve and improve the environment for the benefit of the community”). The 13th Amendment to the Constitution created new institution at the provincial level for environmental protection and management. Each provincial government under this Amendment has legislative and executive powers over environmental matters (Articles 154 (A), 9, 19 and (III) 17). Using such provincial legislative and executive powers, the North Western Provincial Council adopted the North Western Provincial Environmental Authority to supervise and monitor environmental activities in the North Western Province of Sri Lanka. All the relevant Laws are summarized in Appendix 1.



## VII. ENVIRONMENTAL ASSESSMENT PROCESS IN SRI LANKA

28. The environmental assessment is primarily concerned with assessing direct and indirect impacts of a project on the biophysical and human environment, and ensuring that these impacts are addressed by appropriate environmental protection and enhancement measures. The environmental assessment system supports project proponents in incorporating environmental considerations in project planning and in determining environmental impacts of their projects.

29. The laws, rules, and procedures for environmental assessment (including IEE, EIA, EPLs, etc.) of any project are found in the NEA and its implementing regulations. These are executed by the CEA except for coastal areas which come under CCD. These laws, rules and procedures are supported and elaborated by sector specific laws outlined above and their regulations adopted by the ministries and departments.

30. The NEA of 1980 recommended the adoption of environmental assessment for development projects. The amendment to NEA in 1988, environmental assessment was made mandatory for projects with significant environmental impacts. The types of projects that need EIA are listed in the Gazette Extraordinary No 772/22 and No 1104 of 1993. The project approving agencies are listed in Gazette Extraordinary No 859/14 of 1995 in which ministries with 14 subject areas (e.g., forest, energy, etc.) and eight statutory bodies have been identified. This legislation prescribed 31 categories of projects ("prescribed projects") that need environmental assessment. These projects irrespective of size if located in the coastal zone will undergo the approval process that is laid down in the Coast Conservation Act. However projects located totally outside the Coastal zone will be subjected to the approval process laid down in the NEA. In addition, all industrial projects that are located close to environmental, archaeological, or culturally sensitive areas require full environmental impact assessments irrespective of their magnitude.

31. The evaluation and approval of environmental assessment reports are delegated by CEA to various agencies depending on the nature of the project. Among these PAAs are Ministries of National Planning, Lands, Irrigation, Transport, Highways, Industries, Housing, Energy, Agriculture, Forests, Construction, Fisheries, Aquatic Resources, Plantation Industries, Urban Development authority, Board of Investments, Department of Wildlife Conservation, Forest Department, Urban Development Authority, Geological Survey and Mines Bureau, Ceylon Tourist Board, Mahaweli Development Authority, and CEA. A project proponent cannot perform the functions of PAA for the same project.

32. The environmental assessment process guides projects to report on viable alternatives to ensure that environmentally less damaging options are considered too. In addition, industries that discharge effluents are required to obtain an environmental pollution license (EPL) from the CEA in addition to submitting an EIA/IEE. Whilst the EIA process takes place during project planning, the EPL process technically commences with a formal application one month prior to the commencement of operation. Unlike the environmental assessment requirement, this license is required of existing industries too.

33. Project proponents are responsible for providing relevant and accurate information and data needed to PAA to review and evaluate the project proposal. An effective review depends on timely, full, and accurate data and information provided by project proponents to PAA.

34. PAA conducts scoping of the proposed project to determine its potential environmental impacts. The PAA solicits the participation of those affected, queries the PP for clarification, and decides whether the proposed project should be categorized as a “prescribed” or “non-prescribed” project. If categorized as a prescribed project, PAA will decide based on the significance of potential environmental impacts of the proposed project, whether an EIA is required or a less comprehensive environmental assessment such as an IEE is sufficient to address and resolve identified adverse environmental impacts of the project. It will prepare the TOR of environmental assessment in either case.

35. Project proponents prepare EIA or IEE with the help of specialists according to the approved TOR. Project proponents submit EIA or IEE report to PAA in Sinhala, Tamil or English for review and approval. These reports are translated into the other two national languages.

36. Public disclosure of an environmental assessment report in the form of EIA or IEE for comments and suggestions is done by PAA. Comment and suggestion from the public will be taken into consideration in approving or rejecting the project proposal and if approved, in finalizing environmental assessment reports. The PAA will announce in national newspapers in three national languages that an EIA or IEE is available for inspection by the public and the time frame (30 days) for comments and complaints and suggestions to submit. It will also disclose the location where it could be examined.

37. PAA and/or CEA review an EIA report. An IEE is reviewed by PAA based on the information, strategies of avoidance and mitigation measures and public grievances, comments and recommendations. A review of an environmental assessment report by CEA and/or PAA is guided by the following criteria:

- (i) environmental considerations are integrated into overall project planning;
- (ii) environmental assessment is sound; and
- (iii) proposed environmental mitigation measures are adequate and effective.

38. If the project is controversial, PAA or CEA may decide to conduct public hearings on the project and environmental assessment. PAA or CEA can also initiate a public hearing if it determines that such hearing would assist in verifying EA’s facts and findings, and suggested mitigation measures.

39. PAA in concurrence with CEA decides as to whether a project is to be allowed. An EIA/IEE can be approved subject to conditions which are to be met by PP within the stipulated timeframe. If the project is rejected, an appeal by project proponents is allowed.

40. If the project is approved, project proponents and PAA should monitor the implementation of ESMP which is set out in EA as remedial actions and ensure that meet the standards established.

41. On the whole, the application of environmental laws and regulations to development projects is satisfactory. The environmental assessment process is well understood by government departments, officials, and by the public. The courts have insisted on its proper adherence in important cases such as the Eppawela phosphate mining project. Environmental assessment process has succeeded in introducing mechanisms for transparency, consultation, and disclosure of environmental assessment reports, their results and monitoring reports. It allows the public to review of projects.

42. The environmental training programs conducted by the Ministry of Environment and Renewable Energy, CEA, universities, development partners have produced hundreds of trained environmental professionals in the government and private sectors, among NGOs and academe. In addition, environmental assessment process is being taught at postgraduate level at several local universities.

### **VIII. ADB'S ENVIRONMENTAL SAFEGUARD POLICY PRINCIPLES**

43. As a RBL program, SSDP has to satisfy not only the local environmental laws and regulations, but also the environmental safeguard principles of ADB. The need to comply with ADB's involuntary resettlement safeguard policy principles and Indigenous Peoples safeguard policy principles does not arise in SSDP, as its scope does not include activities that could have potential involuntary resettlement impacts or impacts on Indigenous Peoples.

44. The environmental safeguard policy principles of ADB are embodied in the Safeguard Policy Statement of 2009. It applies to all projects supported by ADB. Safeguard Policy Statement (SPS) aims to (i) help avoid adverse project impacts on the environment and on affected people and communities, (ii) minimize, mitigate and/or compensate for adverse project impacts, if unavoidable, (iii) help borrowers to strengthen their safeguard systems; and (iv) develop their capacity in managing the environmental and social risks.

45. The environmental safeguards policy principles are:

- (i) Use a screening process for each project as early as possible to determine its potential impacts and appropriate environmental assessment.
- (ii) Conduct environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks.
- (iii) Examine alternatives to the project's location, design, technology, and components, and their potential environmental impacts.
- (iv) Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts. Prepare an ESMP to address them.
- (v) Conduct meaningful consultation at the early stage of project preparation that continues during implementation in an atmosphere free of intimidation or coercion, gender inclusive and responsive, and tailored to the needs of disadvantaged or vulnerable groups. Establish a grievance redress mechanism to address complaints and conflict resolution.
- (vi) Disclose draft environmental assessment including the ESMP in a timely manner before project appraisal in an accessible place and in a form understandable to affected persons and other stakeholders. Disclose final environmental assessment and ESMP and their updates to all stakeholders.
- (vii) Implement the ESMP and monitor its effectiveness.
- (viii) Do not implement project activities in areas of critical habitats unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii)

any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.

- (ix) Apply pollution prevention and control technologies and practices consistent with international good practices.
- (x) Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease.
- (xi) Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.

46. The Program is likely to trigger environment safeguard policy principles i,ii,iv,v,vi,vii,ix, and x, and is unlikely to trigger iii, viii and xi.

#### **IX. COMPATIBILITY BETWEEN NATIONAL ENVIRONMENTAL POLICY AND REGULATORY FRAMEWORK, AND ENVIRONMENTAL SAFEGUARD PRINCIPLES OF SPS**

47. The level of compatibility between environmental safeguard principles of SPS and Sri Lanka's environmental policy and regulatory framework is discussed below (Please see Appendix 2 for further details).

48. The National Environmental Policy and Statement is comprehensive and addresses all relevant aspects of environment protection, environmental sustainability and enforcement. The Policy matches the environmental safeguard policy principles of SPS. NEA, its amendments, and sector level legislation that support it have sufficiently transformed the Policy into a satisfactory environmental regulatory framework.

49. The composite government environmental clearance process, in principle, is consistent with ADB's environmental assessment process and public disclosure requirements. EIAs for development projects that are categorized as "prescribed" projects were made mandatory under the NEA in 1993. The prescription is based on the magnitude and potential for adverse environmental impacts of a proposed project. The CEA and PAAs have been reviewing and approving EIAs for prescribed projects since 1993 and has developed a solid technical expertise and capacity for this task with technical assistance projects from United States Agency for International Development (USAID), the Netherlands, ADB, and the World Bank over the past 2 decades.

50. Because of the exclusion of significant adverse environmental impacts from SSDP, some of its construction or renovation activities may get categorized under the local environmental regulatory framework as non-prescribed subprojects requiring no further environmental assessment. Those subprojects that would get categorized a "prescribed" projects will certainly be categorized as projects requiring IEEs, not EIAs, given their anticipated non-significant and minor potential environmental impacts. However, although local environmental assessment system applicable to SSDP is broadly similar to the environmental assessment procedures outlined in SPS, SSDP will follow ESMF's environmental assessment guidelines for site selection, due diligence, design, consultation, disclosure, and monitoring and evaluation of its subprojects. This will ensure that SSDP subprojects comply with both local and ADB's environmental safeguard requirements.

51. Past experience and practicality of environmental assessment for projects under SSDP have shown relatively minor impacts falling within “non-prescribed” projects under the national environmental regulations. Under SSDP, projects of value not exceeding the value of USD 100 million and not falling within an environmentally sensitive area as categorized by ESMF checklists (see Appendix 2 for checklists) will be exempt from IEE and EIA process to minimize the unnecessary financial burden and documentation process which can delay implementation process. However, all development projects will be required to develop an ESMP for implementation during all stages (preconstruction, construction and operation).

52. Though implementation of the ESMP of a subproject will be monitored by the District Environmental Officers of the CEA and the PAA that has approved the IEE and ESMP under a “prescribed” project scenario, SSDP will have to take responsibility for monitoring the SSDP development sub projects as they mostly fall under the “non-prescribed” category under local regulations. ADB will conduct a prior review of a sample of environmental management plans to ensure their compliance with ESMF and then undertake post reviews during routine project monitoring to ensure ESMPs meet the conditions of ESMF thereby meeting local environmental regulatory requirements and ADB’s environmental safeguard policy principles.

53. In the following key areas, Sri Lanka’s environmental assessment display some weaknesses and deficiencies for which the following gap-filling measures are adopted from ADB’s environmental safeguard policy principles.

54. As per NEA and its amendments of 1988 and 2000, and regulations, a project proponent provides project-affected persons and other stakeholders an opportunity to express their views, comments, and complaints before finalizing an environmental assessment report. The review process is 21 days for draft IEE and 30 days for draft EIA. The draft environmental assessment report is usually kept in local government offices, at district CEA offices and CEA head office in Colombo for examination by the public. In the ordinary course of events, the affected public often does not come to know of the project or the environmental assessment report, until it is too late. Often the affected public is not adequately informed of the issues at hand or able to interpret and understand environmental assessment reports. These difficulties are partially alleviated by public hearings where explanations can be provided face-to-face by the project proponents and environmental assessment consultants in local languages. But such hearing is at the discretion of PAA. Moreover, IEEs are not required to be presented for public consultation. These weaknesses can be overcome by following the public consultation and participation, and disclosure procedures of ESMF which direct to conduct meaningful consultations with all stakeholders including project-affected persons of a project. Such consultations must be conducted periodically starting from project planning through implementation and monitoring.

55. The serious consideration of reasonable alternatives is a powerful feature in the environmental assessment process. However, in some projects, the best alternatives are deliberately avoided, narrowing the choice of the best alternative and focusing on a predetermined alternative as the best alternative. This weakness must be corrected by considering “no-project” as also a valid alternative, and also by considering subproject design, location, technology and components and their potential impacts. It is unlikely that the need to consider reasonable alternatives would arise in SSDP subprojects.

56. NEA and related laws take the primary project area to identify its potential impacts and to prepare a TOR for environmental assessment. ADB’s environmental safeguard policy principles take a much wider view of environmental impacts of a project by taking the area of

influence of a project as the area to study. The limited scope of environmental assessment required by local regulatory framework needs to be expanded to a subproject's area of influence encompassing (i) primary subproject sites; (ii) related facilities that SSDP develops and/or controls such as access roads, borrow pits and disposal areas; and (iii) associated facilities that are not funded as part of a subproject, but whose viability and existence depend exclusively on the subproject and whose goods and services are essential for successful operation of the subproject.

57. The local environmental regulatory framework does not prescribe a due diligence or environmental audit to check existing facilities at subproject site(s) to determine whether they could cause or is causing environmental risks and impacts. ADB's environmental policy requests environmental due diligence or audit in such circumstances. If the subproject does not foresee any major expansion except refurbishment of existing buildings and facilities, the due diligence or environmental audit constitutes the environmental assessment for the subproject.

## **X. ENVIRONMENTAL ASSESSMENT AND APPROVAL PROCESS OF SUBPROJECTS OF SSDP**

### **A. Screening and Categorization of Potential Environmental Impacts**

58. During the identification and screening of subprojects, use the screening and categorization system adopted from SPS (Appendix 3) to identify significance potential environmental impacts of subprojects. The impact category is determined by its most environmentally-sensitive component, including direct, indirect, cumulative, and induced impacts within the project's area of influence. The subproject screening and categorization system for SSDP is given below:

- (i) **Category A:** The subproject is likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented, and may affect an area larger than the sites or facilities subject to physical works. EIA and a comprehensive ESMP are required. **(This category of subprojects is excluded from SSDP.)**
- (ii) **Category B:** The subproject is likely to have adverse environmental impacts that are less adverse than those of Category A which are site-specific, few, mostly reversible, and in most cases mitigation measures can be designed more readily than in Category A projects. An IEE and ESMP are required. All subprojects are required to have an ESMP. All projects exceeding SLR100 million or falling within a sensitive site as identified by ESMF checklists will be required to go for an IEE. This figure was circulated and agreed by the engineering team as being substantial enough to consider as at least a medium scale stand alone development project. Anything less is usually associated with rehabilitation work or small scale developments usually on an already developed site. Anything less than this value will still be subject to the preliminary screening and the preparation of an ESMP.
- (iii) **Category C:** The subproject is likely to have minimal or no adverse environmental impacts. No environmental assessment is required although environmental implications of the subproject need to be reviewed. ESMF safeguards checklists will be required as basic preliminary due diligence.

## **B. Consultation and Participation**

59. IAs of subprojects will conduct meaningful consultations with project-affected persons and communities. Stakeholders will be informed about the subproject and the activities that will take place as part of the subproject. For this purpose, IAs will prepare a consultation plan with project-affected persons and other stakeholders in consultation with the Safeguard Cell at MSDVT. Their views, comments and complaints will be entertained and addressed. The proceedings and outcome of such consultations will be recorded. In IEEs, the IAs will summarize the manner in which consultations were conducted, key topics discussed, and the decisions arrived at with participants' support. These decisions will be incorporated in IEEs and ESMPs.

60. IAs will discuss draft IEEs and ESMPs with project-affected persons and communities in event that they are identified as "prescribed projects". IAs will actively seek project-affected persons' participation in formulating IEEs through consultations. In event of a "prescribed project", periodic consultations and grievance redress mechanisms with project-affected persons will be carried out where, IAs will engage them in subproject planning, implementation, and monitoring. Even in event of a "non-prescribed" project, IAs will maintain a grievance and redress mechanism to uptake any complaints and issues during project implementation. In all the above, grievance redress will be monitored periodically by SSDP.

61. Consultations will be conducted in an atmosphere which is conducive to arrive at decisions which are beneficial to the subproject and project-affected persons. Consultations will be free of coercion and intimidation, and is gender-inclusive and tailored to the needs of disadvantaged and vulnerable groups. At the moment, the grievance redress mechanism (GRM) committee has not been set up and should be one of the priority steps. A project sub-committee for safeguards however was initiated with the Ahangama Hotel School Complex and this will be continued for monthly monitoring purposes.

## **C. Guidelines for the Preparation of IEEs**

62. The following are the main steps in formulating an IEE for a subproject with potential environmental impacts. The site-specific issues and the significance of such issues would decide the degree of scale and sensitivity and the magnitude of its potential environmental impacts. Any activity listed in the List of Prohibited Activities in Appendix 4 will be excluded, as they will not qualify for ADB support.

- (i) An executive summary describes the critical factors, significant findings, and recommendations.
- (ii) A summary of applicable environmental policies, laws, regulations, and ADB's safeguard policy principles that are likely to be triggered by the subproject. (IEE could refer to ESMF without reiterating environmental policy and regulatory framework.)
- (iii) Analysis of alternatives is a key component of an IEE. In SSDP, most of the locations of subprojects are already identified; there may be no need to consider alternative sites. However, IAs of the subproject will consider alternatives to the proposed technology, design and operations in terms of their potential environmental impacts, the feasibility of mitigating these impacts, their capital and recurrent costs, and their suitability in local conditions.
- (iv) Description of the subproject— major components such as refurbishment of existing buildings or the construction of new buildings and facilities.

- (v) IEE will be based on current information including an accurate project description, and appropriate environmental and social baseline data. Desk reviews, discussions with project personnel, and field visits and interviews with people in the subproject area will provide the required data and information.
- (vi) Based on the data and information and findings of field visits, the environmental specialist will identify potential impacts and risks of the subproject on physical, biological, socioeconomic, and physical cultural resources. These will be summarized and presented in the IEE.
- (vii) The potential environmental impacts and risks will be reviewed against requirements of all applicable laws and regulations and ADB's environmental safeguard policy principles. It is helpful if a matrix is prepared as part of IEE to indicate what laws and regulations, and ADB's environmental safeguard policy principles are triggered by the potential environmental impacts of the subproject.
- (viii) A subproject's environmental impacts and risks will be analyzed in the context of the subproject's area of influence. This includes primary project sites and related facilities, associated facilities, and areas and communities potentially affected by cumulative impacts from further planned development of the subproject, and areas and communities that will potentially be affected by impacts of unplanned but predictable developments caused by the subproject. Environmental impacts and risks will also be analyzed for all phases of the project cycle.
- (ix) When a subproject involves existing activities or facilities, an environmental specialist who conducts environmental assessment and formulate the IEE will perform an environmental audit or due diligence exercise to determine the existence of any areas where the subproject may cause or is causing environmental risks or impacts. If the subproject does not foresee any new major expansion, but only refurbishment of existing buildings and facilities, the audit or the due diligence report constitutes the environmental assessment of the subproject. (See Appendix 5 for an outline of an environmental audit/due diligence report)
- (x) The IEE will discuss the consultation process undertaken during project design to consult stakeholders, and to disclose subproject information to all of them. The IEE will summarize comments and concerns received from project-affected persons and others, and how these comments and suggestions have been addressed in project design and mitigation measures by paying special attention to the needs and concerns of vulnerable groups including women and the poor. It will also outline how further consultations with stakeholders will be conducted during subproject implementation.
- (xi) IEE will outline the grievance redress mechanism for each subproject with potential environmental impacts. The mechanism or framework will detail ex-officio members of GRM, the guidelines for hearing complaints, the process of GRM, timeframe for hearing and decision making, and budget to be determined by SSDPSSDP and the onset of each sub project.
- (xii) A detailed ESMP (Appendix 6).
- (xiii) A short summary and conclusion drawn from the assessment and provides recommendation.

#### **D. Guidelines for Preparing Environmental Management Plan**

63. Having identified the potential adverse environmental impacts of a subproject, the next step is the preparation of appropriate measures to eliminate, reduce or offset those adverse environmental impacts, guided by environmental best practices. This is done through the



formulation of an ESMP for the subproject as a vital part of IEE. An ESMP provides a link between the impacts predicted and mitigation measures specified to address them. ADB's environmental safeguard policy principles state that a detailed ESMP is essential for Category A projects, but for Category B projects such as SSDP, a simplified ESMP would suffice. While there are no standard formats for ESMPs, its format should fit the subproject's circumstances and requirements. ESMPs are to be prepared after taking into account comments and recommendations from all subproject stakeholders. The type, scale and magnitude of construction under SSDP will vary from subproject to subproject. In preparing an ESMP for a subproject, the following key areas will be addressed by EA/IA and monitored by SSDP (See Appendix 4 for an ESMP format)

64. An ESMP clearly indicates different phases of a subproject's physical activities. For each phase, it includes proposed mitigation measures against adverse environmental impacts and risks, institutional arrangements to deliver them, capacity development and training measures, implementation schedule, cost estimates, environmental monitoring indicators, and reporting requirements. The ESMP will define expected outcomes as measurable events to the extent possible and will include performance indicators or targets that can be tracked over a defined period of time.

### **1. Description of mitigation measures**

65. Feasible and cost effective measures to minimize adverse environmental impacts are specified with reference to each impact identified during environmental assessment. Furthermore, ESMP provides details on the conditions under which the mitigation measure will be implemented. ESMP indicates the type of solution proposed (structural and non-structural) and the phase in which it should become operable (design, construction and/or operational).

### **2. Monitoring program**

66. An environmental performance monitoring program will be a part of the ESMP. It will ensure that the proposed mitigation measures will have the intended results, and comply with national environmental standards and ADB's environmental safeguard policy principles. The monitoring program will have the following components:

- (i) monitoring indicators for evaluating the performance of each mitigation measure;
- (ii) monitoring mechanisms and methodologies;
- (iii) monitoring frequency;
- (iv) monitoring locations;
- (v) safeguard compliance reporting; and
- (vi) budget

67. The ESMP will also highlight guidelines on the types of information required for monitoring the implementation and effectiveness of mitigation measures, how to obtain them and how to provide feedback on such information.

### **3. Institutional arrangements**

68. Institutions responsible for implementing the mitigation measures and for monitoring their performance will be clearly stated in the ESMP. More often, more than one agency will conduct monitoring of subproject activities. In such a situation, a mechanism for institutional coordination will be established. Each agency will be notified of its specific TOR through SSDP.

#### 4. Implementing schedules

69. Timing, frequency, and duration of implementing mitigation measures will be linked to the overall implementation schedule of the subproject.

#### 5. Reporting procedures

70. Feedback mechanisms to inform relevant agencies and institutions on the progress and effectiveness of the mitigation measures will be specified in the ESMP.

#### 6. Cost estimates and sources of fund

71. Implementation of mitigation measures outlined in the ESMP will involve an initial investment cost as well as recurrent costs. The ESMP should include costs estimates for each mitigating measure and also identify source of funding to be provided by SSDP (currently such a mechanism is unavailable, however, recent discussions have been held to support this and has been agreed by the Engineering Division). SSDP will prepare separate cost estimates for ESMP implementation especially for large scale projects involving IEEs or above.

#### 7. Other Specifications in ESMP

72. To avoid illegal extraction of resources required for construction, ESMPs of subprojects will include clauses to ensure that sand, clay, and timber are obtained from authorized locations and sources that are licensed by relevant government authorities. All building construction and refurbishment will adhere to current building and other applicable Codes of Practice (COP) in Sri Lanka that cover the following key environmental issues. To inform building contractors and to ensure that they are responsible to adhere to the following COP, issued by the Institute of Construction, Training and Development (ICTAD), the following COPs will be included in the contract documents:

<b>Code of Practice Number</b>	<b>Activity</b>
SCA/3/1	Irrigation and land drainage
SCA/3/2	Water supply, sewerage & storm water drainage
SCA/3/3	Reclamation works
SCA/3/4	Ground water exploration and exploitation
SCA/4	Building works (Vol. I)
SCA/4	Building works (Vol. II)
SCA/8	Electrical and mechanical works
Any other standard specification of the government	

73. In addition, the contractor will address the following issues under the ESMP:

- (i) electromagnetic radiation— issues such as location of telecommunication towers, and consequences of permitting such towers to be built on top of college buildings, buildings near H/T cables etc;
- (ii) handling, transportation, and use of asbestos (Appendix 7);
- (iii) noise pollution during construction activities;
- (iv) preservation of culturally significant buildings;

- (v) ecological issues at construction sites;
- (vi) transport and access to construction sites;
- (vii) appearance of buildings and sites (aesthetics);
- (viii) floodwater protection provisions;
- (ix) designing appropriate landscaping;
- (x) energy conservation and efficiency;
- (xi) waste disposal, salvage, re use and recycling of materials;
- (xii) avoidance of hazardous materials;
- (xiii) safety, security and fire; and
- (xiv) energy efficient lighting options.

74. Subprojects with construction contracts, together with Bill of Quantities, under Bill No. 01— Preliminary and General Items, a statement must be included to state that the contractor is bound to implement the approved ESMP of the subproject in full. (See Appendix 8 for details). SSDP will be responsible in ensuring this inclusion in the contract documents and making the contractor aware of this requirement prior to awarding the contract. Past experience has shown that the adoption of the above precautions by the contractor is often dependent on the category of the Contractor. The lesser the grade the lower the cost is and often they are small scale contractors who are do not have the commitment towards safeguards. However, there are exceptions to this. For example, the use of asbestos continues and is often transported safely. Only the recommended type of asbestos is used in Sri Lanka. Asbestos handling and disposal of cut pieces is still sometimes poor at the sites. However, there is now a move toward the green building concept which excludes the use of asbestos. Asbestos production will be banned from 2024 in Sri Lanka. With this move SSDP should refrain from using asbestos in upcoming projects.

## XI. ANTICIPATED ENVIRONMENTAL IMPACTS OF SSDP

75. The refurbishment of colleges and the construction of new buildings at college and training center sites could cause the following environmental impacts and risks:

- (i) **Site clearance and preparation.** The sites for the extension of TVET centers do not pose any environmental risks regarding site clearance, as they are already in use. In case of new sites, there can be risks such as drain and waterway blockage during site clearance. Vegetation not properly disposed of could also spread invasive species causing environmental degradation. Pools of stagnant water could generate health risks by creating vector populations. Site clearance could also lead to or aggravate soil erosion, especially during the rainy season.
- (ii) **Soil Erosion and Water Contamination.** Gravel and/or soil brought for any filling purpose, if not properly stored and is exposed to the natural elements can be washed off to nearby streams, paddy lands, rivers and low lying areas causing sedimentation. Storm water congestion on site can create inconveniences to college activities and construction work. Improper placement of college/university/training laboratories and latrines can cause groundwater contamination to streams and drinking water sources. Also waste water generated during construction and from labor camps also contaminate drinking water sources, if not properly treated.
- (iii) **Noise generation.** Refurbishment and construction of structures cause noise, especially when demolishing buildings and loading and transporting materials. During college teaching hours this may create disturbances to classroom activities and to residents living close to the construction sites.

- (iv) **Dust generation.** Demolition of buildings will cause dust. Loading and transportation of debris will increase the dust level. Transportation and storage of new building material also generate dust. Dust pollution poses health hazards to students, workers at sites, and residents in the vicinity.
- (v) **Transport.** Transportation of building materials to and from the site will create noise, dust, and disturbances, and can cause injury to students and damage college property if not adequately managed. Open trucks with sand, gravel, and cement could be main sources of such accidents and pollution. Transportation on narrow roads may hinder travel and accessibility to other residents and road users.
- (vi) **Exposure of construction workers to occupational hazards.** Construction workers are exposed to occupational hazards, if proper safety procedures are not followed. Some training activities at colleges can cause occupational hazards, especially related to the use of sharp objects, hazardous liquids and compounds, and noise generation equipment. Moreover, construction work will take place in the majority of cases on college premises. If labor camps are constructed on such land, location of camps and workers interactions with students could create negative social impacts.
- (vii) **Lack of drainage, soil erosion, sedimentation, and health hazards.** Gravel, sand, and soil brought in to sites for building constructions or resulted from demolitions might, if not properly handled, be washed off to nearby streams, paddy lands, low-lying areas, and wetlands. This can cause sediments blocking natural flows of water and degrading habitats.
- (viii) **Contamination of groundwater and surface water.** Wastewater can contaminate drinking water sources through runoff, if not appropriately channeled into disposal pits or other suitable areas. This risk is particularly high when waste water comes from college laboratories and toilets.
- (ix) **Waste generation.** Any construction will generate construction debris which unless disposed of appropriately and in a timely manner, will pollute adjoining areas, including potentially sensitive sites and residential areas. The lack of proper construction waste disposal could also block natural drainage systems and create breeding grounds for mosquitos and for waterborne diseases. The planned upgrade of science laboratories can pose a risk, as they would increase the quantities of hazardous waste and organic waste. However, the estimated quantities will be very low since any hazardous materials will be used only in training purposes. The lack of appropriate mechanism to dispose hazardous and toxic waste could lead to the contamination of soil and water resources.
- (x) **Resource extraction.** The planned refurbishment and extension of college physical infrastructure will generate a big demand for materials such as sand, clay for bricks, and timber, creating a burden on natural resources in the subproject area. Sand mining in nearby rivers and stream and extraction of gravel from burrow pits and quarries could create adverse environmental impacts on nearby communities.
- (xi) **Damage to aesthetics of site and/or area.** Refurbishment and extension of college buildings could have some impact on aesthetic and scenic characteristics of colleges and their environs. Anticipated disturbances to current aesthetics will be temporary and limited to construction phase. At new sites, the risk of damage is high, if new structures are not consistent with college architectural customs.
- (xii) **Poor sanitary conditions.** Inadequate and nonfunctional washing and toilet facilities expose college students to health risks. A shortage of clean drinking

water will result in dehydration. At new construction sites, stressed conditions will be accentuated unless the sites are planned to avoid shortages of clean water supply.

- (xiii) **Lack of adherence to set standards.** During field visits, a limited number of science laboratories which do not meet occupational health and safety standards such as provision of adequate safety equipment, and chemical disposal processes were found.
- (xiv) **Lack of maintenance in developed infrastructure.** The lack of adequate funds to maintain colleges and training centers leads to their rapid deterioration.

76. The short-term construction-related impacts and risks and safeguard risks of proposed subprojects, outlined above, can be prevented or at least mitigated by adopting standard operational procedures and good construction management practices. Such adoption will require sufficient funds and their proper management.

## XII. SOCIAL SAFEGUARDS

### A. Exclusion of Subprojects with Potential Involuntary Resettlement Impacts

77. To find out whether a subproject has potential involuntary resettlement impacts, its IA will have to screen its activities for past, present, and future involuntary resettlement impacts. In SSDP, the rationale of screening is to exclude any activity that could trigger resettlement impacts. As this exclusion depends on the result of the screening of potential resettlement impacts of each subproject, the IA will have to conduct a due diligence to determine whether or not the subproject would trigger any resettlement impacts.

78. A proposed subproject is assigned to one of the three categories depending on the significance of its potential involuntary resettlement impacts:

- (i) **Category A:** A proposed subproject is classified as category A if it is likely to have significant involuntary resettlement impacts. The involuntary resettlement impacts are considered significant, if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing or (ii) losing 10% or more of their productive assets (income generating). **Subprojects that fall into this category will be excluded from SSDP)**
- (ii) **Category B:** A proposed subproject is classified as category B if it includes involuntary resettlement impacts that are not deemed significant or major. **(Subprojects that fall into this category will also be excluded from SSDP)**
- Category C:** A proposed subproject is classified as category C if it is unlikely to have any involuntary resettlement impacts. Once this status of the subproject is established, no further action is required. **(All subprojects funded under SSDP will fall into this category)**

### B. Involuntary Resettlement Due Diligence

79. The involuntary resettlement due diligence would focus on:

- (i) **Ownership of land that will be used for the subproject.** MSDVT land, land owned by another ministry or department, private land, government land, commercial land, and commons and traditional lands. If the subproject acquires any private, commercial, commons or traditional land, depending upon the

significance of such acquisition, the subproject falls into either category A or B. If category A or B, the subproject will be removed from SSDP.

- (ii) **Types of land tenure.** Titled, leased (short, medium and long-term), tenanted, customary/communal, non-titled (informal settler, squatter, encroacher), and occupied land with government permission for temporary use. If any of the above types of land tenure is found on existing or new land of the subproject, the subproject has involuntary resettlement impacts and falls into category A or B. As a result, the subproject will be removed from SSDP.
- (iii) **Encumbrances attached to land.** If any encumbrance is found, the IA should ascertain whether it would trigger involuntary resettlement safeguards. If it does, the subproject will be excluded from SSDP.
- (iv) **Transfer of Government Land.** If new land is required for the subproject, the date such land was transferred or will be transferred to MSDVT need to be noted in the due diligence report.
- (v) **Land obtained in anticipation of SSDP.** Did any transfers of government/ministry land take place in anticipation of the subproject? If any such land is found, IA should ascertain whether such land included any type of land tenure outlined above. If such categories of tenure were affected, the subproject should be excluded from SSDP.
- (vi) **Temporary Impacts.** Will refurbishment/construction of the subproject have any temporary impacts on livelihood and sources of income of households or access to legally designated parks and protected areas, and common land? If it does, it should be removed from SSDP.

### C. Exclusion of subprojects with impacts on Indigenous People

80. In Sri Lanka, indigenous peoples are known as *Vaddhas*. They are forest dwelling peoples, who mainly live in the Uva and Eastern Provinces of the island, in scattered, small, remote, and semi-permanent settlements. There are no specific policies or laws pertaining to *Vaddhas* in Sri Lanka. They are considered as citizens of Sri Lanka. They live in or close to forests and away from towns, cities, and villages.

81. No college, university, or training center of SSDP is or will be located in the vicinity of Veddhas settlements or on land that they claim as their traditional or ancestral land. As a result, SSDPs subproject activities will not affect their identity, dignity, human rights, ancestral lands, cultural and belief systems, sacred places, indigenous knowledge, and livelihoods in a positive or adverse manner. Therefore, the SSDP will not trigger indigenous peoples safeguard policy principles listed in SPS.

82. In screening of a subproject to ascertain whether Veddhas are present in its physical area or the physical area of the subproject includes some land that are claimed by them as their ancestral or traditional land, IA of the subproject will use the following screening and categorization system to categorize subproject impacts on them.

- (i) **Category A:** A proposed subproject is classified as category A if it is likely to have significant impacts on *Vaddhas*. Significance of impacts is determined by assessing (i) the magnitude of subproject's impact on their (a) customary rights of use and access to land and natural resources, (b) socioeconomic conditions, (c) level of cultural and communal integrity, (d) health, education, livelihood, and social security status; (ii) the level of their vulnerability; and (iii) the impacts on

the recognition of their indigenous knowledge. (**Category A subprojects will be excluded from SSDP**).

- (ii) **Category B:** A subproject is classified as B if it is likely to have limited impacts on the criteria listed above (**Category B subprojects will be excluded from SSDP**).
- (iii) **Category C:** A proposed project is classified as category C if it is not expected to have impacts on Veddhas. They are eligible to be included in SSDP.

83. If screening and categorization of potential impacts of a subproject on indigenous peoples indicate that there are Veddhas in the subproject area, or they have collective attachment to the land where new construction work will take place or the subproject is likely to have any impacts on them, IA will exclude that subproject from SSDP.

### **XIII. INSTITUTIONAL CAPACITY TO ADDRESS ENVIRONMENTAL SAFEGUARD IMPACTS AND RISKS**

#### **A. State Level**

##### **1. EA and IAs**

84. MSDVT will be the EA of SSDP and it will be responsible for the overall coordination of SSDP implementation. The Department of Technical Education and Training (DTET), Tertiary and Vocational Education Commission (TVEC), Vocational Training Authority (VTA), National Apprenticeship and Industrial Training Authority (NAITA), University of Vocational Technology (UNIVOTEC), National Youth Service Council (NYSC), and National Institute of Fisheries and Nautical Engineering (NIFNE) are initially identified as implementing agencies (IAs) of SSDP. Other agencies, if added to the IAs list of SSDP, will follow the ESMF in screening, excluding environmental category A subprojects; and involuntary resettlement and indigenous peoples category A and B subprojects. In order to enhance MSDVT's capacity in coordinating and managing the TVET sector through medium-term sector development program, the Sector Development Division (SDD) was established in 2013.

##### **2. Safeguard Cell at MSDVT**

85. All the state level agencies participating in SSDP and each IA of subproject of SSDP will get advice on safeguard policy issues and safeguard compliance from the Safeguard Cell at MSDVT. This cell was established in 2015 initially with a chief Engineer and supporting engineers supported by ADB Safeguards consultants. Currently the cell constitutes and Chief Engineer, Project Engineer and an Environmental and Social Safeguards Officer and focal point officers of the IAs. The Cell will be operated by an environmental and social safeguard specialist with a basic degree in an environment related field and a masters in environment, development studies or environment/social related field. This officer will have a minimum of 2 years experience in environmental assessment and monitoring. The TOR is provided in Appendix 9. The safeguards officer will work under the supervision of the SSDP Chief Engineer overlooked by the relevant Additional Secretary. Safeguards Cell Organizational Structure is provided in Appendix 10. Cell will be located at MSDVT in Colombo.

86. The Safeguard Cell and the SDD at MSDVT together with focal person at each affiliated institution will be responsible for the (i) preparation of checklists, (ii) monitoring of safeguard compliance ESMP. The Safeguards officer of the Safeguards Cell will be responsible for (i)

conduct of due diligence and preparing reports; and (i) take steps to prepare IEEs and ESMPs. It will also formulate and use safeguards awareness training models on environment and social safeguards.

87. The Cell will ensure that environmental requirements and ESMP are included in contract documents of subprojects with potential environmental impacts. It will also ensure that contractors will adhere to the implementation and mitigation measures listed in subproject ESMPs.

88. The Cell will organize safeguard awareness programs and training sessions for the staff of MSDVT and its affiliated institutions especially on monitoring and reporting and also for subproject level IAs on safeguard requirements and safeguard compliance. A key function of the Cell is to ensure that SSDP will exclude all activities involving involuntary resettlement impact or impact on indigenous peoples. It will also ensure that SSDP will not include any subproject with significant environmental impacts which would trigger the classification at category A for environmental impacts.

89. The Cell will establish direct links with colleges, training centers, and new universities. In addition to conducting safeguard awareness programs, it will develop and maintain a safeguard database, especially for environment, and the data will be shared with college level safeguard officials. It would obtain the services from outside, if required, for environmental assessment, safeguard awareness programs, and training sessions. ADB will help in these endeavors.

### **3. Training Institute/College Level**

90. College and/or Training Center Heads will be responsible for overseeing construction work and to ensure that such works are in compliance with safeguard requirements outlined in this ESMF. The Head will appoint an official as the safeguard focal person who will be in direct contact with the Safeguard Cell at MSDVT for all safeguard issues at the subproject level. The official will coordinate with district and provincial CEA offices, and will be the focal in obtaining permits and licenses and other clearance for subproject activities that would trigger environmental impacts. The safeguard official's key role is to ensure that all new construction activities and refurbishment of colleges and training institutes comply with ESMF in a timely and satisfactory manner.

91. Based on the safeguard application to subproject activities and the training received on safeguard policies, their application and monitoring, training centers and colleges will develop construction-related safeguard courses. Such courses will be developed in consultation with the Safeguard Cell and the Institute for Construction, Training, and Development. Some of these courses will be incorporated into curricular of training center and colleges.

92. The Safeguard Cell at MSDVT will work with safeguard focal officials at the institutions and colleges to complete an environmental management supervision compliance table to systematically record the monitoring of ESMP implementation.

### **XIV. GRIEVANCE REDRESS MECHANISM**

93. At the state level, the CEA is the agency which deals with grievances and complaints regarding environmental safeguard compliance. The CEA has district offices but the district offices often lack resources to carry out safeguard compliance functions. The CEA receives some 10,000 complaints from the public every year. Environmental complaints mainly relate to



dust, noise, and water pollution arising from industrial or commercial activities. The CEA has not received any complaint against the TVET system.

94. Complaints pertaining to environmental adverse impacts are initially dealt with by district CEA offices with the help of line department and agencies. Delays in completion of hearings are frequently noted. Resorting to the court system for redress is always an option available to a grieved party. A few grievances, in each year, reach the Court of Appeal for arbitration.

95. GRM is a part of any project supported by ADB. The GRM is a bottom-up multitiered structure starting from the subproject level to the division level and district levels and finally to the national level. The local environmental regulatory framework does not provide for an institutionalized GRM. Complaints are recorded and disposed by district offices and several such complaints are arbitrated by CEA in Colombo.

96. Environmental safeguard principle states that the project authorities will establish a GRM to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance. This requirement applies to SSDP subprojects. The GRM at a subproject level will have to be scaled to the risks and impacts of each subproject. As a subproject will not generate significant and irreversible environmental impacts and risks, the level of the GRM should commensurate with site-specific environmental issues and the implementation of mitigation measures. The Safeguard Cell at MSDVT will facilitate the establishment of a GRM at each subproject level. Clear responsibility of and organizational structure and responsibilities are to be outlined in a document. To date such a GRM system has not been established but it was discussed and agreed to during the time of updating this ESMF. To date GRM was captured under the IEE process to some degree during consultative meetings where community concerns were tabled.

97. A separate GRM at a subproject level will be established and be supported by IA in cooperation with local government officials, engineers, and the Divisional Secretariat. A GRM Committee will be established which will represent the agencies involved in the subproject and divisional secretariat representative. Safeguard focal person of the subproject will be the secretary to the Committee. Representatives of the project-affected persons will also be members of the Committee. The Committee will give publicity to institutional mechanism. Expenses of Committee meetings will be borne by the IA of the subproject. This kind system will only apply at an IEE/EIA level project (please see Appendix 11 for procedure of GRM for this). On other occasions, the focal point of IA and the safeguards officer of SSDP will maintain close links with project affected people and the Divisional Secretariat with informal discussions where mediation mechanisms will be practiced where needed. At least one such informal meeting will be carried out annually during the project development and implementation and minutes recorded. The Safeguards Cell at SSDP will have the overall responsibility for the GRM. At the point of updating the ESMF, there were no grievances and needs that prevailed at the locations identified.

## **XV. CAPACITY BUILDING AND TRAINING FOR SAFEGUARD COMPLIANCE**

98. As a part of the capacity building provided during the implementation of SSDP, training programs will be conducted at MSDVT, institutions and colleges and/or training centers on environmental and social safeguards policies, and how to prepare safeguard planning and monitoring instruments and implement them. The college level training will focus on the awareness about safeguard requirements among engineers and technical officer. This kind of

training will also be carried out for the local level IAs (VTCs, TC & COT etc.,) wherever construction activities are identified to start .

99. During program review missions, ADB will assess environmental compliance of subprojects and will recommend safeguard strengthening exercises, if required. It will also support the strengthening of the application of environmental safeguard policy principles to subprojects, safeguard compliance, and monitoring of safeguard compliance.

## **XVI. MONITORING AND REPORTING**

100. SSDP supported by ADB's RBL program should ensure that environmental safeguard impacts and risks are adequately addressed. Periodic monitoring by MSDVT of subproject's safeguard compliance, and ADB's assistance in program action plans to address weaknesses will help to enhance country safeguard system's application to SSDP. MSDVT will develop a mechanism with ADB's assistance to reduce safeguard risks through credible results verification mechanism built into SSDP. The exclusion of category A environmental activities and Category A and B involuntary resettlement activities and activities that would impact Indigenous Peoples from SSDP will help reduce these safeguard risks of subprojects.

101. EA of SSDP and ADB will have their own safeguard compliance monitoring systems. At the state level, the Safeguard Cell of MSDVT will develop a safeguard monitoring methodology for SSDP. The monitoring methodology will be a contributing component of the SDD's monitoring and evaluation, and reporting of SSDP activities. The Safeguard Cell will:

- (i) establish and maintain procedures to monitor the progress of implementation of safeguard implementation plans. In SSDP, the key safeguard implementation plan will be ESMP of each subproject. Currently ADB Resident Mission Sri Lanka is in the process of developing an online safeguards monitoring mechanism. The SSDP Safeguards Cell will then link into this system so that monitoring will thereby take place through this system which will be accessible to both ADB and the Safeguards Cell. Safeguards Officer will be responsible for this component ;
- (ii) verify subprojects' compliance with safeguard measures and their progress toward intended outcomes, by the EA with the assistance of IAs;
- (iii) document and disclose monitoring results and identify necessary corrective and preventive actions in biannual monitoring reports. Submit monitoring reports on safeguard measures, as agreed with ADB (Appendix 8);
- (iv) follow-up on these actions to ensure progress toward the desired outcomes.

102. Based on the environmental data and information generated by due diligence and environmental screening exercises at the subproject level, the Safeguard Cell at MSDVT will identify key environmental monitoring indicators. These indicators will be used by each IA of SSDP to monitor biannually safeguard compliance of refurbishment and construction activities of subprojects. The findings will be presented in a report and transmitted to the Safeguard Cell to prepare the bi-annual consolidated Safeguard Monitoring Report of SSDP. This monitoring report will be sent to ADB for review. The Report will be the basis for formulation of corrective actions plans, if required, for a subproject of SSDP.

103. The monitoring data of each subproject will be fed into the safeguard database maintained at MSDVT. Such data will be the baseline for verification of results in the sphere of

environmental safeguard application, adequacy, and sustainability.

104. MSDVT will submit for ADB's review environmental checklists, ESMPs, and monitoring reports. A consolidated environmental compliance reports will be submitted to ADB on a biannual basis. Once SSDP links with the ADB Resident Mission Monitoring System, monitoring reports can be generated from the system. Since SSDP includes investment projects of varied scale, monitoring will also have to be at varied scale/frequency. It is thereby recommended that a safeguards committee be established at the project level to enable more frequent joint inspections. During program review missions, ADB will monitor safeguard compliance of selected subprojects of SSDP and work with program authorities to develop action plans, if significant lapses in safeguard compliance are noted.

## **XVII. DISCLOSURE OF SAFEGUARD DOCUMENTS**

105. The ESMF of SSDP will be disclosed to the public and will be made available for public review at MSDVT, affiliated institutions, and subproject offices. Both draft and final ESMF will be uploaded on the websites of ADB and MSDVT. It will serve as a guidance document for IEE and ESMP formulation.

106. Subproject specific safeguard planning documents—IEEs, ESMPs, mitigation plans, and corrective action plans will be disclosed to project-affected persons and other stakeholders and at the Safeguard Cell of MSDVT, affiliated institutions, and subproject sites where construction work will take place. Environmental safeguard monitoring reports of subprojects too will be disclosed to project-affected persons and other stakeholders, and copies will be made available at subproject offices and MSDVT. These will also be uploaded in the ADB website. In addition, summaries of such reports will be translated into Sinhala or Tamil according to the location of the subproject and made available in a timely manner and in accessible places to inform project-affected persons and others. All such documents will be sent to ADB for review. MSDVT will submit to ADB the following documents for review and disclosure on ADB's website:

- (i) draft IEE (including the draft ESMP);
- (ii) final IEE with ESMP;
- (iii) new or updated IEE and corrective action plans, if any, during subproject implementation; and
- (iv) environmental monitoring reports.

## **XVIII. ESMF UPDATE**

107. MSDVT maintains ESMF on its website and welcomes comments and suggestions on it. It periodically reviews and updates ESMF. Such updates may arise from the need to consolidate field experience accumulated through the application of safeguard principles and EA processes to subprojects, or from significant changes in the government's environmental policy and the regulatory framework, or from the revision of ADB safeguard policy principles. The revision and update of the ESMF will be the responsibility of the Safeguard Cell at MSDVT. Any ESMF revision or update will be done in concurrence with ADB.

# **APPENDICES**

# **APPENDIX 1**

## Relevant National Regulations

National Environmental Act No. 47 of 1980 (and its amendments of 1988)

108. The NEA provides conservation and development guidelines for natural resources management including water, forest, flora and fauna in Sri Lanka. The 1988 amendment appointed the Central Environmental Authority (CEA) as the enforcement and implementing agency of the Act. CEA has special powers to assess and monitor critical environmental conservation programs and to advise the government on environmental protection, conservation, management and development issues.

109. Types of projects that need mandatory environmental clearance (“prescribed projects”) were made public after the amendments to NEA was approved in 1988. The Act 1988 states that all prescribed projects undertaken by any government department, corporation, statutory board, local authority, company, firm or an individual will be required to obtain approval under this Act before their implementation. The approval will have to be obtained from the appropriate project approving agencies (PAAs) who are concerned or connected with such prescribed projects. At present, there are 31 such PAAs to deal with review and approval of environmental plans.

110. Subprojects of SSDP could come under the purview of the following sector level Acts according to the specific circumstances. However, screening, scoping, formulation of initial environmental examination (IEE), environmental management plan (ESMP) and procedures for IEE and ESMP disclosure and public comments will be governed by NEA of 1980 and its subsequent amendments of 1988 and 2000, and by environmental regulations.

### A. Coast Conservation Act No. 57 of 1981

111. The Coast Conservation Act provides for the preparation of coastal zone management plans, regulates and controls development activities within the coastal zone, formulates and executes schemes of work for coast conservation within the coastal zones of the country. This act becomes relevant to projects located wholly or partly within the coastal zone (the area lying within a limit of three hundred meters landwards of the Mean High Water line and a limit of two kilometers seawards of the Mean Low Water line) must undergo the approval process that is laid down by the CCA irrespective of its size. Therefore, any development work taking place within this zone falls under the jurisdiction of CCD. Section 6 of the Act created a Coast Conservation Advisory Council. It advises on all development activities proposed in the coastal zones, reviews coastal zone management plans, and environmental impact assessments of projects that fall within its purview. The current Coastal Zone Management Plan states that the Director of Coast Conservation Department will call for an environmental impact assessment (EIA) when such activities may have potential impacts on the coastal zone.

According to the CCA, Director of the CCD has the discretion to request for an EIA/IEE from the project proponent if the initial screening reveals significant impacts in the coastal areas by the project. The process is very much similar to the NEA except that the Director of the CCD reserves the right to request for an EIA/IEE and also to make the final decision.

Any person desiring to engage in a development activity within the Coastal Zone will be required to obtain a permit issued by the Department prior to commencing the activity. Engaging in any development activity prior to obtaining a permit issued by the Director, and/ or noncompliance

with conditions stipulated in the permit are contravention. The CCA specifies penalties for contravention of the provisions of the Act. Penalties may include fines and imprisonment and/or confiscation of equipment and machinery and /or demolishing of unauthorized structures.

**B. Pradeshiya Sabha Act No. 15 of 1987**

112. Section 12 (2) of the Pradeshiya Sabha Act authorizes the appointment of a committee at the divisional level to advice on environmental matters. Section 105 of the Act prohibits polluting water or any streams, while Section 106 refers to pollution caused by industry and related offences. The Pradeshiya Sabha grants permission for construction activities within its jurisdiction. Such construction will have to comply with environmental requirements stipulated with permits. It also ensures that public health issues are efficiently dealt with and solid waste collection and disposal are appropriately done under this Act.

**C. Flood Protection Ordinance, Act No. 22 of 1955**

113. This ordinance provides necessary provisions to acquire land or buildings or part of any land or building for the purpose of flood protection.

**D. State Land Ordinance, Act No. 13 of 1949**

114. The State Land Ordinance provides guidelines for:

- (i) The protection of natural water springs, reservoirs, lakes, ponds, lagoons, creeks, canals, and aqueducts.
- (ii) The protection of the source, course and bed of public streams.
- (iii) The construction or protection of roads, paths, railways, and other means of internal communication systems.
- (iv) The prevention of soil erosion.
- (v) The preservation of water supply sources.

115. Section 75 of the Ordinance highlights riparian proprietors' rights and duties. The occupier of land on the banks of any public lake or public stream has the right to use water in that water body for domestic purpose, but cannot diverted water through a channel, drain or pipe or by any other mechanical device.

**E. Soil Conservation Act, No. 25 of 1951**

116. The Soil Conservation Act provides for the conservation of soil resources, prevention or mitigation of soil erosion, and for the protection of land against damage by floods and droughts. Under the Act, it is possible to declare any area defined as an erodible area and prohibit any physical construction. The following activities are also prohibited under Act:

- (i) weeding of land or other agricultural practices that cause soil erosion;
- (ii) use of land for agriculture purposes within water sources and banks of streams;
- (iii) exploitation of forests and grassland resources and setting fire in restricted areas.

**F. Mines and Minerals Act No. 33 of 1992**

117. Under this Act, mining falls within the purview of the Geological Survey and Mines Bureau. Mining of minerals including sand must be done with a license issued by the

GSMB. Mining is not permitted within archaeological reserves or within specified distances from such monuments. New mining licenses are subject to the EIA process, if the type and extent of mining is listed under the EIA regulations. Additionally, GSMB has the power to stipulate conditions including cash deposits and insurance policy for the protection of environment. Regulations made by GSMB under the Act cover a variety of environmental stipulations, criteria and conditions for licensing and operating mines. This also covers the disposal of mine wastes. The Act also deals with the health, safety and welfare of miners. Mining rights on public and private land are subject to licensing by GSMB, and all minerals wherever situated belonging to the State. The right to mine public land parcels are subjected to the EA procedures.

### **G. Fauna and Flora Protection Ordinance, Act No. 49 of 1983**

118. The Act provides for the protection, conservation, and preservation of the fauna and flora of Sri Lanka. Under the Ordinance, five categories of protected areas are established, namely, strict nature reserves, national parks, nature reserves, jungle corridors, and intermediate zones. The Section 9 (a) states that “no person or organization, whether private or state, shall within a distance of 1 mile of the boundary of any national reserve declared by an order issued under Section 2 of the Ordinance carry out any development activity of any description whatsoever, without obtaining the prior written approval of the Director”. Each application for a development activity has to follow the procedures stipulated under NEA. An application falls within the meaning of Section 9(a) has to be supported by an Environmental Impact Assessment (EIA) or Initial Environment Examination (IEE) according to the significance of environmental impacts.

### **H. Forest Ordinance, No 17 of 1907 (and amendments)**

119. The Forest Ordinance of Sri Lanka is the law for conservation, protection and management of forest and forest resources. It regulates tree felling, transport of timber, and other forest related matters. The Forest Ordinance was amended by several Acts - Act 34 of 1951, No. 49 of 1954, Act 13 of 1966, Act 56 of 1979, Act 13 of 1982, and Act 84 of 1988. The Act 23 of 1995 replaced the old Ordinance. Under Section 4 of Act 23 of 1995, the Minister who is in charge of forests can declare any specified area of government land or the whole or any specified part of any reserve forest which has unique ecosystems, genetic resources or a habitat or rare and endemic species of flora, fauna, and microorganisms and of threatened species which need to be preserved in order to achieve an ecological balance in the area by preventing landslides and fire hazards. Under Section 5 of the Act, a Forest Officer has powers to stop any public or private watercourse which goes through a reserved forest. It shall be lawful for the District Secretary to determine the amount of compensation to be paid in case that the water course adversely affects the interests or one or more individuals.

120. Under Section 6 of the Act, the following activities are prohibited:

- (i) trespassing or permits cattle to trespass;
- (ii) damage by negligence in felling any tree, cutting or dragging any timber;
- (iii) willfully strips off the bark or leaves from, or girdles, lop, taps, burns or otherwise damages any trees;
- (iv) poisons water;
- (v) mine stone, burns lime or charcoal, or collects any forest produce; and
- (vi) extracts coral or shells or digs or mines for gems or other minerals



**I. National Water Supply and Drainage Board Law of No. 2 of 1974**

121. The National Water Supply and Drainage Board (NWSDB) is the principle water supply and sanitation agency in Sri Lanka. It was established in January 1975 under the Law No. 2 of 1974. NWSDB develops, provides, operates and controls water supply and distributes water for public, domestic and industrial purpose.

**J. National Policy for Rural Water Supply and Sanitation of 2001**

122. The National Policy for Rural Water Supply and Sanitation, approved by the cabinet in 2001, has laid down a framework for water supply and sanitation services to the rural sector, which is defined as any Grama Niladhari Division within a Pradeshiya Sabha area except for those in former town council areas. It provides guidelines on the delivery of minimum water requirements to ensure health, and on levels of service in terms of quantity of water, haulage distance, adequacy of the source, equity, quality, flexibility for upgrade, and acceptable safe water supply systems.

123. The Policy prescribes ventilated, improved pit latrines as basic sanitation facilities and defines other acceptable options that include piped sewer with treatment, septic tanks with soakage pits, water-sealed latrines with disposable pits. For rural water supply and sanitation, the Policy defines the roles and responsibilities of the government, provincial councils, local authorities, community-based organizations (CBO), non-governmental organizations (NGOs), private sector, and international donors. It also sets the scope of regulations for which the provincial councils and local authorities can enact statutes and by-laws.

**K. Prevention of Mosquito Breeding, Act No. 11 of 2007**

124. This Act was enacted to prevent and eradicate mosquito-borne diseases such as dengue. Under this Act, it shall be the duty of every owner or occupier of any premises to remove and destroy open tins, bottles, boxes, coconut shells, split coconuts, used tires, or any other article or receptacle found in such premises, and to maintain water wells in such premises to prevent breeding of mosquitoes. People are also bound to empty any artificial pond or pools at least once in a week. Shrubs, undergrowth and all other types of vegetation other than ornamental vegetation and food plants are to be removed.

**L. The Urban Development Authority, Law, No 41 of 1978**

125. The Urban Development Authority (UDA) promotes integrated planning and implementation of social, economic and physical development of areas which are declared as urban development areas under the UDA Act. UDA provides technical support to local councils who require assistance in developing plans. It has the authority to develop plans when local authorities fail to do. The UDA monitors urban areas, including 1 km. inland from the coasts in all areas of the coastal zone, and develops land use policies for designated development areas.

**M. Municipal Council Ordinances and Acts – Urban Council Ordinance 61 of 1939, Act 29 of 1947, Act 18 of 1979, and Act 13 of 1979**

126. The Municipal Councils and Urban Councils share with Pradeshiya Sabhas powers regarding the approval of buildings plans, control of solid waste disposal, sewerage and other public utilities. Under these laws, new constructions and modifications to current buildings

require approval of Municipal or Urban Council or Pradeshiya Sabha. Municipal and Urban councils follow planning and building guidelines of UDA.

127. The Environmental Policy, NEA and its amendments, and several other pieces of legislation relevant to SSDP outlined above show that environmental policies and the legal or regulatory framework is comprehensive and adequate to address and manage potential environmental impacts and risks associated with its refurbishment and construction activities.

**N. Sri Lanka Land reclamation and development cooperation Act No. 15 of 1968, Act No. 52 of 1982, Act, Act No. 35 of 2006**

This act provides powers to establish Sri Lanka Land Reclamation and Development Corporation. It is responsible for the reclamation and development of low-lying marshy areas while recognizing the need to have adequate retention areas for flood waters. It has powers to undertake construction work and consultancy assignments in the field of engineering; and for matters connected with wetland management. The Corporation also undertakes reclamation and development of lands on a commercial basis to solve the problem of the lack of developed lands essential for development programs.

As per the recent amendment to the act, by act no. 35 of 2006 the corporation will be ESMPowered to take legal action against unauthorized reclamation activities and pollution of inland water bodies as well.

**Q National Heritage Wilderness Areas Act (No. 3 of 1988).**

This act declares a National Heritage Wilderness Areas while it protects and preserves such areas and its resources. Focuses on declaring and protecting wilderness areas.

**R. Irrigation ordinance**

Deals with environment aspect of water and land uses in irrigation agriculture. It is enforced by the Irrigation department.

**S Water Resources Board Act No. 29 of 1964, Amendment No.42 of 1999**

Control, regulation and development (including conservation and utilization) of water resources; prevention of pollution of rivers, streams and other water resources; formulation of national policies relating to control and use of water resources.

## **APPENDIX 2**

**ASSESSMENT OF TVET SAFEGUARD SYSTEM WITH ENVIRONMENTAL SAFEGUARD POLICY PRINCIPLES OF ADB**

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between TVET System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment	Yes	<p>The NEA of 1980, its 1988 amendment and Gazette Extraordinary No. 772/22 and No. 11064 of 1993 provide for screening of each proposed project by a project proponents. The project proponent needs to submit preliminary information about the project to PAA in order to initiate the EIA/IEE process. The project proponents are advised to submit preliminary information at a very early stage in the project cycle. The project proponent could submit the preliminary information through a Basic Information Questionnaire which could be obtained from the CEA Head Office or Provincial/District Offices, or downloaded from the CEA website.</p> <p>As in case of SPS screening criteria, NEA screening guidelines use the type, scale, and magnitude of the proposed project as well as its location in determining the category— prescribed or non-prescribed. If the category is “prescribed”, then the PAA decides whether EIA or IEE should be prepared as part of environmental assessment process. Thus SPS environmental safeguard policy principle is congruent with that of Sri Lanka’s screening process which is applicable to SSDP.</p>	The CEA and PAAs have done this satisfactorily over the past 20 years. The capacity in screening and categorization is present and adequate.
2. Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic, and physical cultural resources in the context of the project’s area of influence.	Yes	<p>PAA provides the TOR for environmental assessment. PAA guide project proponents to select qualified experts to do necessary fieldwork and consultations. SSDP limits its activities to subprojects with limited adverse environmental impacts and will prepare only IEEs. This is the low threshold of “prescribed” projects. The regulatory system applicable to SSDP is adequate for this task.</p>	MSDVT does not have required environmental safeguard expertise. Through hiring qualified specialists to Safeguard Cell and outsourcing the conduct of environmental assessment to competent agencies or persons, this weakness could be overcome. The anticipated adverse environmental impacts of SSDP are not significant.
3. Examine alternatives to the	Partially	Not applicable to the Program’s college refurbishment	See above.

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between TVET System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
project's location, design, technology, components, and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the "no project" alternative.	Yes	activities as it will have all construction works at current sites. If new sites outside the college premises are selected for construction, this principle would trigger. The local environmental regulatory framework through PAA provides sufficient guidelines on examining alternatives to the project location, design, and technology.	
4. Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an ESMP that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators.	Yes	See note on Principle 1 above. Each "prescribed" subproject with environmental impacts will require an EIA or IEE and an ESMP. The environmental regulatory framework provides limited directions on the actual formation of IEE and ESMP when compared with ADB's safeguard requirements, although through TOR, PAA provides guidance for IEE and actions to overcome the adverse environmental impacts. The Program's ESMF will provide sufficient and comprehensive guidance in this regard. The ESMP is considered an integral part of IEE and is not submitted separately to PAA for review. IEE includes all action plans to overcome adverse impacts. Under SSDP, a format of an ESMP is provided and listed in ESMF (Appendix 4).	During consultations and field visits, it was observed that some mitigation measures included in previous programs have not been fully implemented at the college level. The main areas where mitigation had not been fully accomplished include water and sanitation, hazardous waste management, provisions for laboratory safety, and health and safety measures during construction. Management of mitigation measures need to be addressed during the planning phase and during supervision of works. It is important that a budget be allocated for monitoring and implementation of ESMP. Currently the IAs involvement in safeguard monitoring and reporting is weak. A mechanism to stimulate this through the FP of IAs is necessary.
5. Carry out meaningful consultation with affected people and all other stakeholders. Continue consultations during	Yes	The environmental regulatory framework provides limited opportunity for consultation with affected persons and other stakeholders although consultations are part of IEE/EIA formulation and approval under NEA. It is	The Safeguards Cell is the institutional vehicle to ensure consultation with all stakeholders at MSDVT or at its affiliated

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between TVET System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
project implementation.		limited to presenting comments, complaints, and recommendation at the IEE review phase. 21 days are given for such public response in case of an IEE. PAA could hold a public hearing to ascertain facts and to get affected persons views and recommendation which will be incorporated into IEE when final document is prepared. Consultation during implementation of a project is the responsibility of the project proponents and PAA.	institutions or colleges. However, this component remains weak. This needs development as part of capacity development along with allocation of adequate funds. This should be monitored and implemented Safeguard Cell.
6. Disclose a draft environmental assessment (including the ESMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.	Yes	Environmental regulatory framework directs PAA to disclose draft EIA/IEE to the public and to seek their views, comments and recommendations. Public meetings could be organized by PAA for public hearing. The Framework however, does not provide for the disclosure of final EIA/IEE to the public.	Safeguards Cell has to ensure that proper consultations are carried out at the beginning and thereafter with affected people. All documents should be made available in a publicly accessible location and affected people should be informed (ESMF is already uploaded on the website).
7. Implement the ESMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	Yes	Limited scope in the local regulatory framework to monitor the implementation of actions in EIA/IEE and the formulation of corrective actions, if required. The ESMF has elaborated these requirements and provide guidance on this aspect.	ESMPs are currently seldom parts of the contract documents in the building permit process. Hence, the probability that contractors follow good safeguard practices is low. Training and capacity building is needed in the implementation of the ESMP. .

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between TVET System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
8. Do not implement project activities in areas of critical habitats. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. Use a precautionary approach to the use, development, and management of renewable natural resources.	No	<p>The regulatory framework provides for the protection of critical habitats and environmentally sensitive areas.</p> <p>In the case of SSDP, if new sites are considered, the sites will always be on government land. Hence, no development will be planned in sensitive areas, as CEA will not approve such proposals without special precautions and requirements. Projects in environmentally sensitive areas will fall into EIA category of “prescribed” projects under NEA 1980.</p>	Not applicable to SSDP
9. Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank’s Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials. Purchase, use, and manage pesticides based on integrated	Yes	<p>NEA provides sufficient instructions in this regard. Environmental regulatory framework generally meets the World Bank’s Environmental, Health and Safety Guidelines.</p> <p>ESMF will have elaborated them further.</p>	Safeguards Cell to ensure application for relevant environmental approvals and licenses early on in the development cycle.

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between TVET System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
pest management approaches and reduce reliance on synthetic chemical pesticides.			
10. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.	No	<p>The environmental regulatory framework provides for the conservation of physical cultural resources and to protect such resources.</p> <p>Not applicable to refurbishment of existing buildings under SSDP. If new sites are considered, the sites will always be on government land. Hence, no development will be planned in a sensitive or "unexplored" area.</p>	Not applicable to SSDP
11. Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures.	Yes	The local laws and procedures cover sufficiently these aspects.	The implementation is poor due to lack of proper training, financial resources, and control by ICTAD.. This is often beyond the capacity of the Safeguards Cell unless they are in a position to select the higher grade Contractors at a higher cost. Reasonable provisions should be provided in the BID and general conditions of safeguard requirements should be included in the contract (see Appendix 8).

ADB = Asian Development Bank, CEA = Central Environmental Authority, EIA = environmental impact assessment, ESMP = Environmental Management Plan, IEE = initial environmental examination, MSDVT = Ministry of Skills Development and Vocational Training, NEA = National Environmental Act, PAA = project approving agencies, SPS = social safeguard policy, SSDP = Skills Sector Development Program, TOR = terms of reference.

Source: Asian Development Bank.



## **APPENDIX 3**

## INDIGENOUS PEOPLES IMPACT CATEGORIZATION

<b>A. Instructions</b>			
<p>XIX. (i) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO).</p> <p>(ii) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for recategorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.</p> <p>(iii) The project team indicates if the project requires broad community support (BCS) of Indigenous Peoples communities. BCS is required when project activities involve (a) commercial development of the cultural resources and knowledge of indigenous peoples, (b) physical displacement from traditional or customary lands; and (c) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual use that define the identity and community of indigenous peoples.</p> <p>(iv) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.</p>			
<b>XX. B. Project Data</b>			
XXI. Country/Project No./Project Title	X XXIII.		
XXIV.	X XXVI.		
XXVII. Department/ Division	X		
XXIX. Processing Stage	X XXXI.		
XXXII. Modality	X XXXIV.		
<input type="checkbox"/> Project Loan	<input type="checkbox"/> Program Loan	<input type="checkbox"/> Financial Intermediary	<input type="checkbox"/> General Corporate Finance
<input type="checkbox"/> Sector Loan	<input type="checkbox"/> MFF	<input type="checkbox"/> Emergency Assistance	<input type="checkbox"/> Grant
<input type="checkbox"/> Other financing modalities:			
<b>XXXV. C. Indigenous Peoples Category</b>			
XXXVI.			
XXXVII. <input type="checkbox"/> New <input type="checkbox"/> Recategorization — Previous Category <input type="checkbox"/>			
<b>XXXVIII.</b> <input type="checkbox"/> Category A	<b>XXXIX.</b> <input type="checkbox"/> Category B	<b>XL.</b> <input type="checkbox"/> Category C	<b>XLI.</b> XLII. <input type="checkbox"/> Category FI
<b>D. Project requires the broad community support of affected Indigenous Peoples communities.</b>		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>E. Comments</b>			
Project Team Comments:  There are no indigenous people within or in the surrounding areas. This is a rural area with a forest patch.		SDES Comments:	
<b>F. Approval</b>			
<b>Proposed by:</b>		<b>Reviewed by:</b>	
Project Team Leader, {Department/Division} Date:		Social Safeguard Specialist, SDES Date:	
		<b>Endorsed by:</b>	
A.K.S.S.S. Atapattu, Director/Safeguards, TMS Company (Pvt) Ltd Date: 07/04/20		Director, SDES Date:	

<b>Endorsed by:</b>  Director, {Division} Date:	<b>Approved by:</b>	<input type="checkbox"/> Highly Complex and Sensitive Project
	Chief Compliance Officer Date:	

### Indigenous Peoples Impact Screening Checklist

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
<b>A. Indigenous Peoples Identification</b>				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
<b>B. Identification of Potential Impacts</b>				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?				
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)				
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)				

12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?				
<b>C. Identification of Special Requirements</b> <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?				
14. Physical displacement from traditional or customary lands?				
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples ?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?				

**D. Anticipated project impacts on Indigenous Peoples**

<b>Project component/</b>	<b>Anticipated positive effect</b>	<b>Anticipated negative effect</b>
---------------------------	------------------------------------	------------------------------------

activity/ output		
<b>1. LIST ALL PROJECT COMPONENT / ACTIVITY / OUTPUTS HERE</b>	<b>---- INDICATE EFFECTS TO IPS OR PUT N/A AS NECESSARY</b>	
2. there are no impacts on the Indigenous community		
3.		
4.		
5.		

Note: The project team may attach additional information on the project, as necessary.

**INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION**

Date: \_\_\_\_\_

**A. Instructions**

- XLIII. (i) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO).  
(ii) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for recategorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.  
(iii) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.

**XLIV. B. Project Data**

XLV. Country/Project No./Project Title	XLVI. : XLVII.	_____
XLVIII.	XLIX. : L.	_____
LI. Department/ Division	LII. : LIII.	_____
LIV. Processing Stage	LV. : LVI.	_____
LVII. Modality	LVIII. : LIX.	_____

[ ] Project Loan      [ ] Program Loan      [ ] Financial Intermediary      [ ] General Corporate Finance  
[ ] Sector Loan      [ ] MFF      [ ] Emergency Assistance      [ ] Grant  
[ ] Other financing modalities:

**LX. C. Involuntary Resettlement Category**

LXI.  
LXII.                                       New                      [ ] Recategorization — Previous Category [ ]

<b>LXIII.</b> Category A	<b>LXIV.</b> Category B	<b>LXV.</b> Category C	<b>LXVI.</b> Category FI
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**D. Comments**

Project Team Comments:	SDES Comments:

**E. Approval**

<b>Proposed by:</b>	<b>Reviewed by:</b>
Project Team Leader, {Department/Division}	Social Safeguard Specialist, SDES
Date:	Date:
	<b>Endorsed by:</b>

Social Development Specialist, {Department/Division} Date:	Director, SDES Date:	
<b>Endorsed by:</b>	<b>Approved by:</b>	<input type="checkbox"/> Highly Complex and Sensitive Project
Director, {Division} Date:	Chief Compliance Officer Date:	

### Involuntary Resettlement Impact Categorization Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?		-		
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? Yes If yes, approximately how many? _____	[ ]	No	[ ]	
Are any of them poor, female-heads of households, or vulnerable to poverty risks? Yes	[ ]	No	[ ]	

Are any displaced persons from indigenous or ethnic minority groups?  
Yes

[ ] No [ ]

Note: The project team may attach additional information on the project, as necessary.

### Rapid Environmental Assessment (REA) Checklist

#### Instructions:

(i) The project team completes this checklist to support the environmental classification of a project. It is to be attached to the environmental categorization form and submitted to the Environment and Safeguards Division (SDES) for endorsement by the Director, SDES and for approval by the Chief Compliance Officer.

(ii) This checklist focuses on environmental issues and concerns. To ensure that social dimensions are adequately considered, refer also to ADB's (a) checklists on involuntary resettlement and Indigenous Peoples; (b) poverty reduction handbook; (c) staff guide to consultation and participation; and (d) gender checklists.

(iii) Answer the questions assuming the "without mitigation" case. The purpose is to identify potential impacts. Use the "remarks" section to discuss any anticipated mitigation measures.

Country/Project Title:

Sector Division:

Screening Questions	Yes	No	Remarks
<b>A. Project Siting</b> Is the project area...			
▪ Densely populated?			
▪ Heavy with development activities?			
▪ Adjacent to or within any environmentally sensitive areas?			
• Cultural heritage site			
• Protected Area			
• Wetland			
• Mangrove			
• Estuarine			



Screening Questions	Ye s	No	Remarks
<ul style="list-style-type: none"> <li>• Buffer zone of protected area</li> </ul>			
<ul style="list-style-type: none"> <li>• Special area for protecting biodiversity</li> </ul>			
<ul style="list-style-type: none"> <li>• Bay</li> </ul>			
<p><b>B. Potential Environmental Impacts</b> Will the Project cause...</p>			
<ul style="list-style-type: none"> <li>▪ impacts on the sustainability of associated sanitation and solid waste disposal systems and their interactions with other urban services.</li> </ul>			
<ul style="list-style-type: none"> <li>▪ deterioration of surrounding environmental conditions due to rapid urban population growth, commercial and industrial activity, and increased waste generation to the point that both manmade and natural systems are overloaded and the capacities to manage these systems are overwhelmed?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ degradation of land and ecosystems (e.g. loss of wetlands and wild lands, coastal zones, watersheds and forests)?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ dislocation or involuntary resettlement of people?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ disproportionate impacts on the poor, women and children, Indigenous Peoples or other vulnerable group?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ degradation of cultural property, and loss of cultural heritage and tourism revenues?</li> </ul>			

Screening Questions	Ye s	No	Remarks
<ul style="list-style-type: none"> <li>▪ Occupation of low-lying lands, floodplains and steep hillsides by squatters and low-income groups, and their exposure to increased health hazards and risks due to pollutive industries?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ water resource problems (e.g. depletion/degradation of available water supply, deterioration for surface and ground water quality , and pollution of receiving waters?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ air pollution due to urban emissions?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ risks and vulnerabilities related to occupational health and safety due to physical, chemical and biological hazards during project construction and operation?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ road blocking and temporary flooding due to land excavation during rainy season?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ noise and dust from construction activities?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ traffic disturbances due to construction material transport and wastes?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ temporary silt runoff due to construction?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ hazards to public health due to ambient, household and occupational pollution, thermal inversion, and smog formation?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ water depletion and/or degradation?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ overpaying of ground water, leading to land subsidence, lowered ground water table, and salinization?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ contamination of surface and ground waters due to improper waste disposal?</li> </ul>			

Screening Questions	Yes	No	Remarks
<ul style="list-style-type: none"> <li>▪ pollution of receiving waters resulting in amenity losses, fisheries and marine resource depletion, and health problems?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ large population influx during project construction and operation that causes increased burden on social infrastructure and services (such as water supply and sanitation systems)?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ social conflicts if workers from other regions or countries are hired?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ risks to community health and safety due to the transport, storage, and use and/or disposal of materials such as explosives, fuel and other chemicals during operation and construction?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ community safety risks due to both accidental and natural hazards, especially where the structural elements or components of the project are accessible to members of the affected community or where their failure could result in injury to the community throughout project construction, operation and decommissioning?</li> </ul>			

## A Checklist for Preliminary Climate Risk Screening

Country/Project Title:

Sector :

Subsector:

Division/Department:

Screening Questions	Score	Remarks <sup>2</sup>
<b>Location and Design of project</b>	Is siting and/or routing of the project (or its components) likely to be affected by climate conditions including extreme weather related events such as floods, droughts, storms, landslides?	
	Would the project design (e.g. the clearance for bridges) need to consider any hydro-meteorological parameters (e.g., sea-level, peak river flow, reliable water level, peak wind speed etc)?	
<b>Materials and Maintenance</b>	Would weather, current and likely future climate conditions (e.g. prevailing humidity level, temperature contrast between hot summer days and cold winter days, exposure to wind and humidity hydro-meteorological parameters likely affect the selection of project inputs over the life of project outputs (e.g. construction material)?	
	Would weather, current and likely future climate conditions, and related extreme events likely affect the maintenance (scheduling and cost) of project output(s) ?	
<b>Performance of project outputs</b>	Would weather/climate conditions, and related extreme events likely affect the performance (e.g. annual power production) of project output(s) (e.g. hydro-power generation facilities) throughout their design life time?	

Options for answers and corresponding score are provided below:

Response	Score
Not Likely	
Likely	
Very Likely	

Responses when added that provide a score of 0 will be considered low risk project. If adding all responses will result to a score of 1-4 and that no score of 2 was given to any single response, the project will be assigned a medium risk category. A total score of 5 or more (which include providing a score of 1 in all responses) or a 2 in any single response, will be categorized as high risk project.

**Result of Initial Screening (Low, Medium, High):** \_\_\_\_\_ **Medium** \_\_\_\_\_

**Other**

**Comments:** \_\_\_\_\_

\_\_\_\_\_

<sup>2</sup> If possible, provide details on the sensitivity of project components to climate conditions, such as how climate parameters are considered in design standards for infrastructure components, how changes in key climate parameters and sea level might affect the siting/routing of project, the selection of construction material and/or scheduling, performances and/or the maintenance cost/scheduling of project outputs.

Prepared by: \_\_\_\_\_

## ENVIRONMENT CATEGORIZATION

Date: \_\_\_\_\_

### A. Instructions

- (i) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO). OM F1/OP on *Safeguard Review Procedures* (paras. 4-7) provides the requirements on environment categorization.
- (ii) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for recategorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.
- (iii) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.

### B. Project Data

Country/Project No./Project Title : \_\_\_\_\_

Department/ Division : \_\_\_\_\_

Processing Stage : \_\_\_\_\_

Modality : \_\_\_\_\_

Project Loan       Program Loan       Financial Intermediary       General Corporate Finance

Sector Loan       MFF       Emergency Assistance       Grant

Other financing modalities: \_\_\_\_\_

### C. Environment Category (please tick one category based on the set of criteria in [OMF1](#) (paras. 6-7))

New       Recategorization — Previous Category

--	--

Category A

--	--

Category B

--	--

Category C

--	--

Category FI

### D. Basis for Categorization/ Recategorization (please, attach supporting documents):

- REA Checklist
- Project and/or Site Description
- Other: Pictures

### E. Comments

Project Team Comments Factory take water from natural streams	RSES Comments				
<b>F. Approval</b>					
<b>Proposed by:</b> <b>Endorsed by:</b>  Project Team Leader, {Department/Division}                      Director, RSES Date:                      Date:					
<b>Endorsed by:</b>  Director, {Division} Date:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;"> <b>Approved by:</b> </td> <td style="width: 30%; padding: 5px;"> <input type="checkbox"/> Highly Complex and Sensitive Project                 </td> </tr> <tr> <td style="padding: 5px;">                 Chief Compliance Officer Date:             </td> <td></td> </tr> </table>	<b>Approved by:</b>	<input type="checkbox"/> Highly Complex and Sensitive Project	Chief Compliance Officer Date:	
<b>Approved by:</b>	<input type="checkbox"/> Highly Complex and Sensitive Project				
Chief Compliance Officer Date:					

## **APPENDIX 4**

## ADB PROHIBITED INVESTMENT ACTIVITIES LIST

The following investment activities will not qualify for ADB support:

- (i) Production or activities involving harmful or exploitative forms of forced labor<sup>3</sup> or child labor;<sup>4</sup>
- (ii) Production of or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements or subject to international phase outs or bans, such as (a) pharmaceuticals,<sup>5</sup> pesticides, and herbicides,<sup>6</sup> (b) ozone-depleting substances,<sup>7</sup> (c) polychlorinated biphenyls<sup>8</sup> and other hazardous chemicals,<sup>9</sup> (d) wildlife or wildlife products regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora,<sup>10</sup> and (e) trans boundary trade in waste or waste products;<sup>11</sup>
- (iii) Production of or trade in weapons and munitions, including paramilitary materials;
- (iv) Production of or trade in alcoholic beverages, excluding beer and wine;<sup>12</sup>
- (v) Production of or trade in tobacco;<sup>10</sup>
- (vi) Gambling, casinos, and equivalent enterprises;<sup>10</sup>
- (vii) Production of or trade in radioactive materials,<sup>13</sup> including nuclear reactors and components thereof;
- (viii) Production of, trade in, or use of unbonded asbestos fibers;<sup>14</sup>
- (ix) Commercial logging operations or the purchase of logging equipment for use in primary tropical moist forests or old-growth forests; and
- (x) Marine and coastal fishing practices, such as large-scale pelagic drift net fishing and fine mesh net fishing, harmful to vulnerable and protected species in large numbers and damaging to marine biodiversity and habitats.

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<sup>3</sup> Forced labor means all work or services not voluntarily performed, that is, extracted from individuals under threat of force or penalty.

<sup>4</sup> Child labor means the ESMPloyment of children whose age is below the host country's statutory minimum age of ESMPloyment or ESMPloyment of children in contravention of International Labor Organization Convention No. 138 "Minimum Age Convention" ([www.ilo.org](http://www.ilo.org)).

<sup>5</sup> A list of pharmaceutical products subject to phaseouts or bans is available at <http://www.who.int>.

<sup>6</sup> A list of pesticides and herbicides subject to phaseouts or bans is available at <http://www.pic.int>.

<sup>7</sup> A list of the chemical compounds that react with and deplete stratospheric ozone resulting in the widely publicized ozone holes is listed in the Montreal Protocol, together with target reduction and phase-out dates. Information is available at <http://www.unep.org/ozone/montreal.shtml>.

<sup>8</sup> A group of highly toxic chemicals, polychlorinated biphenyls are likely to be found in oil-filled electrical transformers, capacitors, and switchgear dating from 1950 to 1985.

<sup>9</sup> A list of hazardous chemicals is available at <http://www.pic.int>.

<sup>10</sup> A list is available at <http://www.cites.org>.

<sup>11</sup> As defined by the Basel Convention; see <http://www.basel.int>.

<sup>12</sup> This does not apply to investee companies who are not substantially involved in these activities. Not substantially involved means that the activity concerned is ancillary to an investee company's primary operations.

<sup>13</sup> This does not apply to the purchase of medical equipment, quality control (measurement) equipment, and any equipment for which ADB considers the radioactive source to be trivial and adequately shielded.

<sup>14</sup> This does not apply to the purchase and use of bonded asbestos cement sheeting where the asbestos content is less than 20%.



## **APPENDIX 5**

**OUTLINE OF AN ENVIRONMENTAL AUDIT/DUE DILIGENCE REPORT**

- I. EXECUTIVE SUMMARY
- II. SUBPROJECT DESCRIPTION
- III. ITS PAST AND CURRENT ACTIVITIES
- IV. SUMMARY OF NATIONAL ENVIRONMENTAL LAWS, REGULATIONS, AND STANDARDS AND ADB SAFEGUARD PRINCIPLES APPLICABLE
- V. AUDIT AND SITE INVESTIGATION PROCEDURE
- VI. FINDINGS AND AREAS OF CONCERN
- VII. CORRECTIVE ACTION PLAN TO ADDRESS AREAS OF CONCERN
- VIII. BUDGET/COST
- IX. TIMEFRAME

**APPENDIX 6:**

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
<b>1. PLANNING PHASE</b>				
<b>a) Forest Land</b>	<p>Damage to vegetation and ecosystems</p> <p>Contributing to potential flooding</p> <p>Sedimentation of streams and surface water</p> <p>Contamination of water supplies</p> <p>Biodiversity loss</p>	<p>Design so as to minimize clearing or disturbance</p> <p>Avoid destroying rare or unique species</p> <p>Consult with local populations about current use of forest and preferences for preservation</p>	<p>Evaluation of designs and plans</p> <p>Observation and reporting</p>	<p>Head, College</p> <p>Divisional Engineer/TO</p> <p>Contractor</p> <p>Forest Department, CEA</p>
<b>b) Wetlands</b>	<p>Damage to ecosystems</p> <p>Sedimentation of streams and surface water</p> <p>Contamination of water supplies</p> <p>Biodiversity loss</p> <p>Contributing to flooding potential</p>	<p>Find alternative site. Wetlands and riparian ecosystems (those sited next to a body of water) are extremely sensitive. Wetlands provide important environmental services such as water storage, bird and animal habitat, flood control, and filtering toxins and nutrients from runoff</p> <p>If no alternative is available:</p> <ul style="list-style-type: none"> <li>• Set back any infrastructure as far as possible from the water body/wetland and minimize the amount of wetland destroyed by infrastructure construction.</li> <li>• Revegetate as soon as possible</li> </ul>	<p>Evaluation of designs and plans</p> <p>Observation and reporting</p>	<p>Head, College</p> <p>Divisional Engineer/TO</p> <p>Contractor</p> <p>Sri Lanka Land Reclamation and Development Corporation</p>
<b>c) Hilly landscape with sloppy terrain</b>	<p>Sedimentation of streams and surface water</p> <p>Contamination of ground and</p>	<p>Design facility and apply construction practices that minimize risks, e.g., use sand stacks or hay to control erosion during construction</p>	<p>Evaluation of designs and plans</p> <p>Observation and</p>	<p>Head, College</p> <p>Divisional Engineer/TO</p> <p>Contractor</p>

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
	<p>surface water supplies</p> <p>Cause erosion and damage to terrestrial and aquatic ecosystems during construction or use</p>	<p>Pay particular attention to potential erosion and redirection of water flows during design and construction. Re-vegetate as soon as possible</p> <p>Maintain design features</p>	reporting	
<b>d) Site prone to flooding</b>	<p>Be destroyed and/or subject workers or inhabitants to risk of injury or death</p> <p>Cause environmental damage from accidental release of toxic, infectious or otherwise harmful material during flooding</p> <p>Contaminate drinking water</p>	<p>Find alternative site or design infrastructure so it is raised above flood plain, if possible. Design infrastructure to minimize risk, e.g. design with proper grading and drainage</p> <p>Maintain design features such as drainage structures</p> <p>Avoid constructing sanitation or other facilities that will use and store harmful materials at flood-prone areas</p> <p>Choose dry sanitation options or closed disposal systems, instead of wet ones such as septic tanks or detention ponds</p>	<p>Evaluation of designs and plans</p> <p>Observation and reporting</p>	<p>Head, College</p> <p>Divisional Engineer/TO</p> <p>Contractor</p>
<b>e) Area and/site prone to landslides</b>	<p>Expose workers or inhabitants to risk of injury or death</p> <p>Cause environmental damage from accidental release of toxic, infectious or otherwise harmful material</p> <p>Contaminate water supplies</p>	<p>Find alternative site on stable ground if not possible</p> <p>Design infrastructure to minimize risk, e.g., plant trees all around facility</p> <p>Maintain protective design features</p> <p>Avoid constructing sanitation or other facilities that will use and store hazardous or bio hazardous materials</p>	<p>Evaluation of designs and plans</p> <p>Observation and reporting</p>	<p>Head, College</p> <p>National Building Research Organization</p> <p>Divisional Engineer/TO</p> <p>Contractor</p>

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
		<p>at landslide-prone sites</p> <p>If that is not possible:</p> <ul style="list-style-type: none"> <li>• Design storage area so that hazardous materials are stored in leak- proof containers.</li> <li>• Chose dry sanitation options or closed disposal systems, instead septic tanks</li> </ul>		
<b>f) Cutting trees for clearing land as well as for materials for reconstruction</b>	<p>Loss of trees and vegetation may lead to:</p> <ul style="list-style-type: none"> <li>• Disaster related issues (i.e. soil erosion, landslides).</li> <li>• Lack of ventilation and shading to students and teachers</li> </ul>	<p>Consider alternate options to reduce the loss of trees and vegetation</p> <p>A green fence will be raised with native tree species around the school/training centers</p> <p>Plant the same species of trees and vegetation as compensatory measures</p> <p>Minimize use of wood for construction</p> <p>Use local materials as much as possible</p> <p>Innovations shall be integrated in the design plan</p> <p>Make schools more child and environmentally friendly Contractor will supply kerosene or LPG at camps and restrict cooking and heating using firewood</p>	<p>Trees planted</p> <p>Progress reports</p>	Head, College
<b>g) Worker welfare</b>	Lack of proper worker welfare	Worker welfare facilities to be	Check for such facilities	Head, IA

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
<b>facilities at the construction site</b>	facilities including toilets, meal room, first aid, etc may lead to social issues within the school community and lack of worker satisfaction and safety	included in the design and construction plan  Provision of temporary toilet with washing facility for the construction workers	on construction site	Divisional Engineer/TO  Contractor
<b>h) Disaster Management</b>	Extreme climate (e.g. cyclone, storm surge), natural disasters (e.g. earthquake), and fire may cause damage to lives and properties	Adoption of appropriate adaptation and disaster risk reduction strategy, emergency preparedness and recovery, training/orientation program for trainers and students on climate change, disaster and earthquake, etc.  Construction of college/training centers with disaster/cyclone shelter to cover the urgent needs of community, student, and trainers  School building located in the cyclone and earthquake prone areas should be designed and constructed in way to be disaster and earthquake resilient or “climate-proof”  Create awareness about natural calamities and extreme climate to trainers and students  Fire safety management and mock drill  Ensure emergency equipment and facilities like fire extinguisher/water hose, first aid boxes, whistles, torchlights, etc are readily available	Disaster Management Plan for the Institute	Head, IA  Disaster Management Centre

<b>2. DESIGN PHASE</b>				
<b>a) Provision of health and sanitary services in school</b>	<p>Discharge untreated or insufficiently treated sewage would result in:</p> <ul style="list-style-type: none"> <li>• Contaminates drinking water (ground and surface)</li> <li>• Spreads diseases</li> <li>• Degrades aquatic ecosystems</li> </ul>	<p>Number of sanitary facilities comply with national standards</p> <p>Obtain building certification standards and requirements of the local authority</p> <p>Avoid sites where water table is high or underlying geology makes contamination of groundwater likely</p> <p>Choose dry sanitation options or closed disposal systems instead of wet ones such as septic tanks or detention ponds</p> <p>Ensure adequate and maintained sanitary facilities. Maintain required ratio of male and female toilets</p> <p>Maintain the drainage system cleanly without water logging</p>	<p>Check whether there is adequate number of sanitary facilities provided with respect to the student population</p>	<p>Head, IA Divisional Engineer/TO</p> <p>Contractor</p>
<b>b) Construction of Laboratories</b>	<p>Lack of properly designed disposal mechanisms for chemical and other waste may lead to contamination of surface and ground water resources</p> <p>Lack of safety measures within the design will lead to fire and increase occupational safety hazards</p>	<p>Design with proper storage, handling and treatment facilities</p> <p>Avoid site near wetlands or bodies of water</p>	<p>Review the design plans and inspect the siting of the building initially</p>	<p>Head, IA Divisional Engineer/TO</p> <p>Contractor</p>
<b>c) Construction of sports grounds</b>	<p>Water logging may subject workers or student to risk of injury or death</p> <p>Will be a breeding ground for mosquitoes and other vectors due to</p>	<p>Adopt a well-planned drainage system to avoid water logging</p> <p>During level and land transformation adopted mitigation measures to avoid</p>	<p>Site visit and observation air quality monitoring</p>	<p>Head, IA Initially Divisional Engineer/TO</p> <p>Contractor</p>



	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
	flooding	dust generation  Take measure to limit particulate emission and noise generation		
<b>3. DEMOLITION PHASE</b>				
<b>a) Refurbishment /renovation of school facilities</b>	Spoil material generated would obscure the landscape may be a health risk to the surrounding community and the student population.	Deposal of solid waste according to the guidelines of the local authority.  Make arrangements with the local authority for disposal of waste.  Demarcate an area for waste collection until deposal within the construction premises and practice waste minimization practices such as recycling and composting.	Spot check and site observations on a quarterly basis.	Head, IA Divisional Engineer/TO  Contractor
<b>b) Safe handling of asbestos</b>	Health and safety hazards with loose asbestos fibers for the workers.	Follow the rules outlined in the NEA. (Guidelines are also provided as part of the ESMF)  Where needed, only bonded asbestos cement sheeting that contains less than 20% of asbestos should be used in any construction under this project Where possible go for alternatives.		Divisional Engineer/TO  Contractor
<b>4. CONSTRUCTION PHASE</b>				

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
<b>a) Expansion of institute facilities involving new construction within already existing premises</b>	<p>Lack of solid waste management on site can lead to the lack of general cleanliness due to waste material resulting from the demolition of old buildings</p> <p>The waste material would be hazardous to the children's health and safety (i.e. injuries from corroded metal waste)</p>	<p>Make arrangements with the local authority on disposal of solid waste generated during construction</p> <p>Observation of cleanliness and good housekeeping practices onsite</p> <p>Demarcated waste storage area in operation</p> <p>Under no circumstances should the solid waste be burned on site</p>	<p>Solid waste storage is demarcated</p> <p>All construction solid waste removed at end of construction</p>	<p>Head, IA Divisional Engineer/TO</p> <p>Contractor</p>
	Dust generation during construction activities may impact workers and community	<p>Wet down and spray water in construction as required</p> <p>Take steps to avoid dust emissions during loading and unloading of construction material</p>	<p>Observations—controlled dust emissions and the spraying of water</p> <p>Check whether the construction material is stored properly to avoid dust emission</p>	<p>Head, IA Divisional Engineer/TO</p> <p>Contractor</p>
	Transportation of construction materials may block the access roads and may lead to accessibility problems	<p>Construction materials and machinery should not be placed in a manner that blocks any roads, paths, or local accesses</p> <p>Unloading of construction materials should be carried in a manner and time so as to avoid blockage of roads/paths/access</p> <p>Waste must not be placed on the road</p>	Observation and field check	<p>Head, IA Divisional Engineer/TO</p> <p>Contractor</p>
	Construction noise can disturb surroundings and the institute environment	Conduct work during daytime and if possible during non-operational hours. Adhere to noise levels	Noise at boundary should not exceed 55 decibels (A) or as specified under	Head, College Divisional Engineer/TO

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
		stipulated under NEA and adopt mitigation measures that would be mentioned in the CEA recommendation letter on site based on the each project that will be undertaken	the NEA	Contractor
	Injury due to lack of occupational safety measures and also health risks	Workers should adopt necessary safety measures  First aid provisions will be made available on site	Check for existence of first aid measures in the premises  Check whether the workers are using the safety gear that is provided	Head, College Divisional Engineer/TO  Contractor
	Occupational safety issues: <ul style="list-style-type: none"> <li>Noise generated from cement pre-casting machines concrete, pilling may pose an occupational health issue</li> <li>Activities such as loading and unloading shuttering and metal poles and handling of heavy objects may result in accidental injury or crushing</li> <li>In the absence of non-functional sanitary facilities, health issues may arise among the student population</li> </ul>	Train maintenance and operation-staff to monitor and repair machines so that it will increase the efficiency of the machines while reduce the vibration and noise. Noise levels should be maintained within stipulated limits for the construction site  Train the workers on occupational risks involved in lifting heavy construction equipment and occupation risk and safety measures in the project site and environment. Train the workers on managing risks, emergencies anon first aid	All workers are inappropriate safety attire	Head, College Divisional Engineer/TO  Contractor
<b>b) Development of water infrastructure (expected to be</b>	Setting up of a storage facility will require water for worker consumption and potential cleaning	Well should be metered and the Water Resources Board consulted on appropriate extraction levels	Review water extraction rates and cross check with Water Resources	Head, IA Divisional Engineer/TO

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
<b>minimal)</b>	of equipment	<p>Water in the well should be periodically monitored for quality and quantity</p> <p>To ensure minimal wastage of water, train maintenance and operation staff to monitor and repair leaks from cracked containment structures, broken pipes, faulty valves and similar structures</p> <p>A suitable sump and overhead tank should be constructed taking into account the daily requirement of water to ensure uninterrupted water supply</p>	<p>Board recommendations</p> <p>Dug wells should maintain at least 2 meters of water depth to maintain drinking water quality</p> <p>Periodic water quality testing (also indicated under construction)</p>	<p>Water Resources Board/ National Water Supply and Drainage Board</p> <p>Contractor</p>
	Unprotected wells can lead to safety and health issues	Dug well(s) within premises should have a protective wall and appropriate covering to prevent external material from entering the well	Well protected water sources in place and maintained	<p>Head, IA</p> <p>Divisional Engineer/TO</p> <p>Contractor</p>
	Arsenic contamination in drinking water may cause health related problems	<p>Analyze local surrounding arsenic test results and recommend for tube-wells or not</p> <p>Adopt rain water harvesting, ponds and filter, and piped water supply</p> <p>After installation of tube-wells, presence of arsenic in the drinking will be tested and be used only if it satisfies the Sri Lanka standards</p>	Water Quality Test Reports	<p>Head, College</p> <p>Divisional Engineer/TO</p> <p>Contractor</p> <p>Water Resources Board</p> <p>Medical Officer of Health/Public Health Inspector</p>

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
<b>5. OPERATION AND MANAGEMENT PHASE</b>				
<b>a) Solid waste management</b>  <b>Domestic solid waste disposal</b>	<p>Lack of management of domestic waste water may cause health risks and obscure the landscape</p> <p>Since solid waste collection will not be on a daily basis, there is risk of solid waste piling up on site</p> <p>These can lead to an increase in vector population and health risks</p>	<p>Waste is disposed by the Local Authority</p> <p>Adhere to CEA guidelines of waste disposal applicable to the cement precasting industry</p> <p>Ensure demarcated solid waste storage area with source separation for organic waste and other domestic non-organic waste. This storage facility should be able to accommodate solid waste up to 7 days.</p>	<p>Construction waste disposed of weekly on schedule and in arrangement with the Local Authority</p> <p>Cleanliness and good housekeeping practices on site</p> <p>Review solid waste management plan in place and in operation during site visits</p>	<p>Head, College Divisional Engineer/TO</p> <p>Contractor</p>
<b>Domestic liquid waste disposal</b>	<p>Lack of disposal of the domestic waste water will result in health issues to the worker</p>	<p>Ensure that the domestic wastewater is directed to soakage pits in conformance to local authority guidelines</p>	<p>Check the design plans for cesspits and soakage pits</p>	<p>Head, IA Public Health Inspector from the local authority</p>
<b>Hazardous waste disposal</b>	<p>Lack of a disposal mechanism for chemical waste may lead to pollution of surface water resources and land due to leachate</p> <p>Potential for increase health risk of students and teachers</p> <p>Lack of a disposal mechanism for computer and IT-based waste management</p>	<p>Disposal of chemical waste according to the stipulated guidelines under NEA on Hazardous waste regulation.</p> <p>Explore the private and public partnership on disposal mechanism on the hazardous waste for a nominal fee</p> <p>Identify a check list and standard mechanism for disposal of hazardous chemical waste</p> <p>Establish a central deposit for the collection of hazardous waste so that</p>	<p>Checking for adoption of existing disposal guidelines and plans</p>	<p>Head, IA</p>

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
		disposal will be easier		
<b>b) Advance level and Ordinary level Science Laboratory</b>	<p>Lack of properly designed disposal mechanisms for chemical waste may lead to contamination of surface and ground water resources</p> <p>Lack of safety measures within the design will lead to fire and increase occupational safety hazards</p>	<p>Ensure regular maintenance on the gas tubes, taps to ensure the maintenance of the fume cupboards</p> <p>Provision of safety measures in the design such as good ventilation and thermal circulation</p> <p>Take measure to install fire extinguishers</p> <p>Display the laboratory safety manual so that students and teachers can follow</p> <p>Provision of safety wear - face mask, goggles, and noise isolating ear plugs.</p>	Checking for adoption of existing disposal guidelines and plans	
<b>c) Sanitary facilities</b>	<p>Discharge of untreated or insufficiently treated sewage, and due lack of maintenance of sanitary facilities may lead to:</p> <ul style="list-style-type: none"> <li>• Contamination of drinking water (ground and surface)</li> <li>• Spreading of diseases among the student population and surrounding community</li> <li>• Degradation of aquatic ecosystems</li> </ul>	<p>Ensure proper maintenance of the sanitary facilities</p> <p>To ensure proper function and operation, train maintenance and operation staff to monitor and repair leaks from cracked containment structures, broken pipes, faulty valves, and similar structures</p> <p>Provide a suitable sump and overhead tank, taking into account the daily requirement of water to ensure uninterrupted water supply for the sanitary faculties</p> <p>A minimum distance of 15 meters</p>	Observation and site reports to check the proper maintenance of pipes in sanitary facilities	

	<b>Environmental impacts</b>	<b>Mitigation measure(s)</b>	<b>Monitoring sources</b>	<b>Responsible party(ies)</b>
		<p>should be maintained between a tube-well and a latrine to prevent contamination of water resources. In case of shallow hand tube-wells, this distance should be 20 meters as horizontal filters are used in this type of tube-wells</p> <p>Water supply is available in the toilets</p>		
<b>d) Canteen</b>	Lack of domestic waste management may lead to land and water contamination and increase vector-borne diseases and obscure the aesthetic beauty of the school environment and give rise to odor	Adopt domestic waste management mitigation measures discussed above	Adopt domestic waste management monitoring measures discussed above	Head, College
	Lack of training in canteen commodity handling can lead to wastage and hygiene issues	<p>Provide training in food handling to minimize wastage</p> <p>Ensure that food handlers maintain personal hygiene and inform the supervisor in case an employee is sick or has an injury</p> <p>Maintain good house-keeping practices as per the food hygiene regulations</p>	Check for compliance and adoption of procedures as indicated under the National Regulation on Food (Hygiene) 2011 under the Food Act, No. 26 of 1980	Head, College Public Health Inspector

CEA = Central Environment Authority, ESMF = Environmental and Social Management Framework, NEA = National Environmental Act, TO = Technical Officer.

Source: Asian Development Bank.

## **APPENDIX 7**



## **ASBESTOS USE IN CONSTRUCTION: GUIDELINES**

1. The main risks of exposure to asbestos is where fibers are easily made air borne under little pressure, such as cutting of Asbestos Cement (AC) products that can release fibers. Renovations, repairs, and decommission of buildings containing AC products such as roof sheets can pose a risk.

2. Health hazards from breathing asbestos dust include:

- (i) Asbestosis— a lung scarring disease
- (ii) Form of cancer such as mesothelioma.

3. In AC corrugated sheets, the fiber is present in the non-friable form which means that fiber is embedded in cement and cannot be easily air borne. Such materials are known to have little health risk once (i) the roof has been completed and (ii) given that material is in good condition and not disturbed.

4. Although the World Bank Group's Good Practice Note on Asbestos, and its Health and Safety Guidelines do not encourage the use of asbestos products in construction, in light of the practical uses for construction of college infrastructure, the costs, its availability in local markets and lack of feasible alternatives, the use of asbestos is the most feasible option at some worksites. However, to minimize the health risks that asbestos products do pose, the following guidelines adapted from the World Bank's Health and Safety Guidelines and other sources are recommended to be followed. As Sri Lanka has no regulations regarding the use of Asbestos, the use of International Labour Organization (ILO) convention guidelines as stated above are recommended as well.

5. ILO asbestos convention requirements include:

- (i) Work clothing to be provided by ESMPloyers.
- (ii) Double changing rooms and wash facilities to prevent dust from going home on street clothes.
- (iii) Training of workers about the health hazards to themselves and their families,
- (iv) Periodic medical examinations of workers.
- (v) Periodic air monitoring of the work environment, with records retained for 30 years.
- (vi) Development of a work plan for demolition work, to protect workers and provide for proper waste disposal.
- (vii) Protection from retaliatory and disciplinary measures of workers who remove themselves from work because of their fear that they are exposed to serious health risks.

### **A. Construction Phase**

- (i) To minimize the risk of damage of AC sheets for roofing, transportation of material must be done with care. Where possible, sheets should be transported in airtight containers or with dust covers.
- (ii) During installation of sheets, ensure that damage is minimized. Use of power tools to drill holes that may release particles needs to be kept to the minimum.

- (iii) Use a protective sheet (i.e. insulation foil) between the AC sheets and the classrooms and lecture theaters to reduce the risk of minute particles entering the rooms.
- (iv) Workers who handle and install AC sheets should take precautions to minimize exposure by wearing protective masks and showering to minimize spread of dust. Work clothes used during the installation of sheets should be washed and workers change to clean clothes before leaving the construction site.
- (v) Workers should be made aware of the risks of AC sheets, and how to minimize these risks.

## **B. Decommissioning**

- (i) Contractors should dispose of waste containing asbestos in a manner that does not pose a health risk to the workers concerned or the population in the vicinity. Disposal at approved landfills and prompt burial under various levels of material apply to friable asbestos waste. Contractors should consult the Local Authority and Central Environmental Authority to obtain guidance on proper disposal of material.
  - (ii) Contractor should be encouraged to develop an asbestos management plan that identifies the content (whether it is in friable form and has potential to release fibers), and proper removal procedures.
  - (iii) During the removal of A C sheets, workers should wear proper protective gear such as masks and shower to prevent the spread of dust. Clothes worn during this process should be washed and workers should change into clean clothes prior to leaving construction site.
  - (iv) Workers who are, or have been, exposed to asbestos in their occupational activities should be provided, in accordance with national laws and practices, with such medical examinations as are necessary to supervise their health in relation to the occupational hazard, and to diagnose occupational diseases caused by exposure to asbestos. For the prevention of disease and functional impairment related to exposure to asbestos, all workers assigned to work involving asbestos exposure should be provided with:
    - (v) a preassignment medical examination:
      - periodic medical examinations at appropriate intervals (at least every 3 years);
      - other tests and investigations, in particular chest radiographs and lung function test, which may be necessary to supervise their state of health in relation to the occupational hazard and to identify early indicators of disease caused by asbestos; and
      - a copy of their medical records.
5. The above requirements will be based on the type of construction and its magnitude. The Ministry of Education and Provincial Ministries should apply above guidelines to the extent practical, within the context of the specific construction requirements

## **APPENDIX 8**

## ENVIRONMENTAL SAFEGUARD REQUIREMENTS IN CONTRACTS

1. The following environmental safeguard requirements are to be included in contracts as part of Environmental Management Plan.

### A. General

- (i) The Contractor and contractor's employees adhere to the mitigation measures set down in ESMP and take all necessary measures required to prevent harm, and to minimize the impact of operations on college, training center, and university environment.
- (ii) The Contractor shall avoid the use of heavy or noisy equipment and/or activities during teaching hours at college, training center or university.
- (iii) The contractor, on completion of construction should take full responsibility in ensuring a clean and safe construction premises.

### B. Disposal of solid waste and debris

- (i) All construction debris and residual spoil material including any left earth shall be disposed by the contractor at a location approved by the Local Authority for such a purpose.
- (ii) The debris and spoil shall be disposed in such a manner that (i) waterways and drainage paths are not blocked; (ii) the disposed materials will not be washed away by floods; and (iii) such materials should not cause public nuisance.

### C. Protection of Ground Cover and Vegetation

Contractor shall provide necessary instructions to his workers not to destroy ground vegetation cover unnecessarily.

### D. Soil Erosion

- (i) Contractor shall take all steps necessary to ensure the stability of slopes including those related to temporary works.
- (ii) Work that will lead to heavy erosion shall be avoided during the rainy season. If such activities need to be continued during rainy season, prior approval must be obtained from implementing agencies and local authorities by submitting a proposal on actions that will be undertaken by the contractor to prevent erosion.
- (iii) The work, permanent or temporary, shall consist of measures as per design to control soil erosion, sedimentation and water pollution. Typical measures would include grass cover, slope drains, retaining walls etc.

### E. Labor Camps

- (i) Labor camps shall be provided with adequate and appropriate facilities for disposal of sewage and solid waste. The sewage systems shall be properly designed, built and operated so that no pollution to ground or adjacent water

bodies/watercourses takes place. Garbage bins shall be provided in the camps and regularly emptied. Garbage should be disposed of in a hygienic manner.

- (ii) Contractor shall ensure that all camps are kept clean and hygienic. Necessary measures shall be taken to prevent breeding of vectors and diseases.
- (iii) Contractor shall report any outbreak of infectious disease of importance at a labor camp to the Medical Officer of Health (MOH) or to the Public Health Inspector (PHI) of the area immediately.
- (iv) Contractor shall remove the labor camps fully after its need is over, empty septic tanks, if instructed by the engineer shall be closed, remove all garbage, and debris; and clean and restore the area back to its former condition.

#### **F. Dust Management**

- (i) To prevent dust pollution during the construction period, the Contractor shall carry out regular watering of the construction site and shall cover material stocks onsite to prevent dust and other particles getting airborne.
- (ii) All vehicles delivering materials shall be covered to avoid spillage and dust emission.

#### **G. Health and Safety**

- (i) Contractor shall take necessary actions to prevent breeding of mosquitoes at places of work, labor camps, material stores, etc. Stagnation of water in all areas including gutters, used and empty cans, and containers shall be prevented.
- (ii) Contractor shall keep all places of work, labor camps, plus office and store buildings clean and devoid of garbage to prevent breeding of rats and other vectors such as flies.
- (iii) Construction vehicles, machinery, and equipment shall be used and stationed only in designated areas of the work site and should not pose any danger to students, teachers, and administrative staff.
- (iv) Material stockpiles shall be located sufficiently away from the areas frequently used by students, teachers, and administrative staff.
- (v) Construction sites should be fenced out temporarily in order to avoid any risk posed to students, teachers and administrative staff from construction activities.
- (vi) The contractor shall enforce vehicle speed limits for construction vehicles in areas near and inside construction premises

#### **H. Sourcing of Raw Material**

The contractor shall ensure that all raw materials such as sand, rubble, metal, and timber required for the construction of the building are sourced from licensed sources. If the contractor plans to operate own quarry/sand pit, all necessary approvals should be obtained from relevant authorities.

## **APPENDIX 9**

## **TOR for the Environment and Social Safeguards Officer**

### **Qualifications**

Basic degree in an environment related field such as environmental science, planning, agriculture, zoology, botany, geography or related field. A master degree in environment, development studies or environment/social related field will be an added advantage.

### **Experience**

Minimum 2 years' experience in environment and/or social related work. Engagement in IEE or EIAs will be an added advantage.

### **Duties and Responsibilities**

1. Coordination of all Safeguards related work associated with the SSDP. Convening of meeting for the safe guard cell to identify the activities under the action plan.
2. Categorize all development projects based on the environment and social impacts.
3. Follow the Environment and Social Management Frameworks (ESMF)
4. Prepare resettlement plans in event that there is land acquisition and there is resettlement.
5. Should adopt and check for national and donor related compliances by reviewing policies and legislation in place.
6. Review all checklists provided by the IA focal points
7. Prepare Initial Environmental Examination and EMPs for all projects involving construction activities. Includes activities that involve the coordination and facilitate IEE procedures
8. Provide operational support to staff for them to fulfill the compliance requirements of effective integration of social issues and environmental and social assessments.
9. Carry out safeguards monitoring of the ongoing activities bi annually.
10. Participate in preparing management responses to inspection panel reports and required monitoring activities for the sub projects.
11. Carry out safeguards awareness training from time to time and be involved in capacity building and training activities relation to safe guard. This includes training of safeguards among the institutions and maintenance staff.
12. Extraction of EMP from the IEE report and formulate the EMPs for all the development sites and distribution of relevant level for the implementation.
13. Support in activities that involve the inclusion of safeguards into the curricular of the training institutions of the IAs

### **TOR for the Project Engineers at the safe guard cell**

1. Monitoring of the EMP on a biannually for each of the site that is managed under SSDP
2. Support the functions of the safeguard cell in EMP Implementation. This includes participation at the safe guard cell monthly meetings and identification of possible training needs for the field staff in the FP
3. Above duties should be carried out apart from engineering the duties assigned by the chief engineer

### **TOR for the Focal points of the IP – Engineer / TO**

The main role of the Focal points of the IP (FP) is to act as “catalyst” to assist the process of safe guards monitoring in a respective site. While FPs may be directly involved in implementing certain environmental regulations and activities including the enforcement of environment and social safety , their contribution should focus on aiding enforcement of the EMP and identify strategies and work methods that will enable and build further capacity of contactor and post operational management staff to integrate safeguard concerns into their construction and operational activities on each project site.

### **Managerial Issues:**

#### **1. Appointing Focal Points**

The Chief engineer of SSDP is responsible for appointing a Focal Point. At headquarters, consultation with Safe guards cell and Environment and Social Safeguards is useful. Environmental and social Safe guards needs will be informed by the Assistant Director ministry of skill development , so that timely and necessary information, briefings and other support can be provided.

#### **2 . Allocating Time and Resources**

The Chief engineer SSDP needs to ensure that adequate time, conditions and financial resources are allocated so that the Focal Point can perform the tasks required. It is also important that managers bear in mind that these functions are not be regarded as a add-on to an already- full workload.

#### **3. Activities and Capacity Building**

Ideally, FPs should be systematically involved in meetings and decision-making processes related to programming of EMP activities of the project or site under construction, as these are critical entry points for social and environmental safe guard mainstreaming.

### **Terms of Reference**



The following are lists from which some possible tasks can be identified and agreed by the manager and focal points in their TORs.

1. Identification of civil works and renovations pipeline in their institution.
2. Obtain land title clearance before commencement of a project
3. Perform environmental and social checklist and submit to safeguards cell. FP will be responsible for the carrying out of these check list of new as well as existing sites and if there are problem issues encountered should contact the safe guard cell.
4. Responsible for obtain approval from local authorities and respective government agencies , CEA, CCD etc
5. Prepare basic information and questioner (BIQ) for CEA. Will be responsible for completion and submission of the BIQ once it is approved by the environmental and social safeguard officer in the safeguard.
6. Carry out random monitoring and checks at the field sites based upon the EMP. This is to validate the site engineers reporting process.
7. Pursue relevant approvals/clearances etc.
8. Obtain approval for project implementation from the respective local authorities and line agencies
9. Monitoring of EMPs on a regular basis and reporting

### **Consultant Project Engineers**

#### **Terms of Reference**

The following are lists from which some possible tasks can be identified and agreed by the Consultant Project Engineers in their TOR

1. Provide regular monitoring of the site on a monthly basis to focal point project engineer
2. Coordinate with the contactor to ensure that environmental and social safeguards are adopted during the construction phase.

**APPENDIX 10**

## **TERMS OF REFERENCE: SAFEGUARD CELL**

1. The Cell will directly engage two full-time specialists— environmental and social development. The safeguards officer should have a Masters level degree in environmental science/engineering/sociology/economics/planning with at least 2 years of field experience in development projects and programs. Previous experience in conducting environmental assessment and preparing Environmental Impact Assessment/Initial Environmental Evaluation, Environment Management Plan and obtaining environmental clearance is an added qualification. The Social development specialist should be able to conduct socioeconomic surveys, social audits and monitoring of development results of subprojects.

2. The Safeguard Cell will deliver the following services:

- (i) Conduct or supervise safeguard compliance review of each subproject.
- (ii) Check adequacy and effectiveness of initial environmental evaluation, due diligence reports, environmental audits, and environmental management plans.
- (iii) Prepare gender checklists, conduct gender inclusive socioeconomic surveys, and develop social development indicators to monitor gender inclusiveness of development outputs and targets.
- (iv) Prepare sector-specific checklists, guidelines, reporting formats, and reports.
- (v) Coordinate with implementing agencies in environmental in assessment, monitoring, and review, as required.
- (vi) Prepare safeguard progress and performance reports.
- (vii) Recruit and coordinate with safeguard training specialists.
- (viii) Update Environmental and Social Management Framework based on Skills Sector Development Program's operational experience.

**ESMP COMPLIANCE REPORTING TABLE**

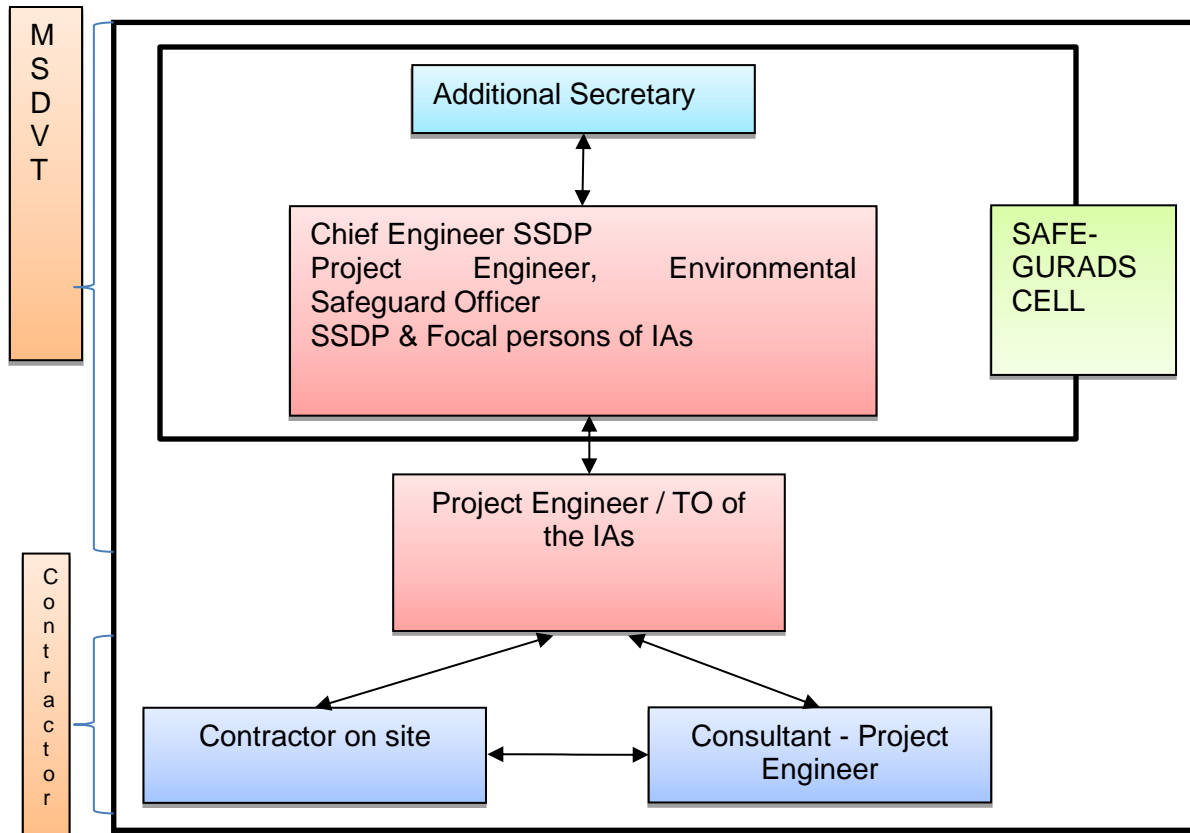
Name of person filling the table

Date of visit

Name of Subproject, and Location Details:

Contractor's name and details:

<b>Construction Activity (from ESMP)</b>	<b>Environmental Issue</b>	<b>Mitigation Measures proposed in the ESMP (From ESMP)</b>	<b>Monitoring Parameter</b>	<b>Monitoring Method</b>	<b>Describe level/ degree of compliance</b>	<b>Reasons for non-compliance</b>	<b>Suggestions for improvement</b>	<b>Any other Remarks</b>



## **APPENDIX 11**

The GRM will be responsive to affected-persons' needs, and to facilitate this, it will develop approaches which would enable all affected persons to gain access to GRM. Cultural appropriateness of the constitution of the Committee and procedures of hearings will be governed by cultural traditions in the project area. A feedback mechanism has to be built into GRM to check how its clients treat it and their acceptance of GRM as an impartial and fair mechanism open to all project-affected persons.

128. The GRM Committee will address affected persons' concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no cost or without retribution.

129. Each complaint will be recorded and acknowledge by the GRM Committee Secretary. A complaint will be dealt with within 4 weeks and the decision of the GRM Committee will be conveyed to the complaint in writing.

130. A decision of the Committee could be appealed to the District level CEA Office for relief. If not satisfied with the district level decision, the complainant could appeal to CEA in Colombo.

131. The GRM will not impede an affected-person's access to Sri Lanka's judicial or administrative remedies.