

EMISSION REGULATIONS AND ENVIRONMENTAL POLICIES IN NEPAL

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Development Trends in Protection of Environment in Nepal

Nepal is rich in various natural resources. The multi-faced diversity existing within the country is no other than a blessing in disguise for the Nepalese people. The areas within the low lands of Terai up-to the world's top most peak have their own identity. Since decades, these resources have been the assets of the nation as there were very little chances of overusing them due to minimum exposures to the fast pace of development in the world.

Rapid urbanization processes opening ways to massive trade and use of resources marked the opening of doors to look into future to see if anything would be left behind for the coming generations. Such a picture with nothing left for future seemed very near to think of in terms of overusing natural resources.

The Rio Earth Summit in 1992 escalated the feelings brought about in the National 5 year plans for the conservation of environment by the Nepalese policy makers. Different issues for conserving natural resources began to be focused on for the national development activities. Tackling problems of air pollution was one of the major issues put forward by the government.

Background to the Control of Emissions

Haphazard development of the urban areas led to acute problems of solid waste, water pollution, air pollution and noise pollution. In growing cities like Kathmandu, the problem of smoke due to tremendous increase in number of vehicles every year became a major concern of all and created serious problems. Kathmandu, situated inside a bowl shaped valley at the altitude of around 5000 feet above sea level, very quickly exceeded the threshold limits of environmental and health safety. It is due to this that Kathmandu is considered a benchmark for developing environmental understanding for the whole country in Nepal. The rules and regulations for exhaust gases mainly due to vehicles are tried and executed first within the valley.

Activities for monitoring of exhaust emissions in the valley started with a UN project on "Vehicle emission Control in Kathmandu Valley" in 1993. The project aimed at establishing emission standards for the country.

With the establishment of the Ministry of Population and Environment, a number of regulations including standards have been drafted and endorsed in order to be implemented in the context of vehicle emission control.

Environmental Policy of the Country in Relation to Emissions

With a strong back up from the 5-year national plans of the country (mainly the 8th and the 9th 5 year plans), the cases of prevention and control of pollution have been strongly reflected in the Environment Protection Act and Environment Protection Regulations of the country. The Environmental Protection act and the Environment Protection Regulation of the country came into its effect from 1997.

The Act in its clause 7 describes, Prevention and Control of Pollution as,

1. Nobody shall create pollution in such a manner as to cause significant adverse impacts on the environment or likely to be hazardous to public life and people's health, or dispose or cause to be disposed sound, heat radioactive rays and wastes from any mechanical devices, industrial enterprises, or other places contrary to the prescribed standards.
2. If it appears that anyone has carried out any act contrary to sub-section (1) and caused significant adverse impacts on the environment, the concerned agency may prescribe necessary terms in regard there to or may prohibit the carrying out of such an act.
3. If it appears that the use of any types of substance, fuel tools or device has caused or is likely to cause significant adverse impacts on the environment, the Ministry may, by a notification in the Nepal Gazette, forbid the use of such substance, fuel, tools or device.
4. Other provision relating to the prevention and control of pollution shall be as prescribed.

This Act of pollution control has been complemented by article 15 of the Environment Protection Rules of 1997 that is described as "Prohibition to emit waste in contravention of the prescribed standards: No person shall emit or cause the emission of noise, heat radioactive material and waste from any mechanical means, industrial establishment or any other place in contravention of the standards prescribed by the Ministry by notification published in the Gazette."

As per the provision outlined in the Act, Ministries have been formulating laws related to the emission control and the inspection system as when required.

In the past years, the following decisions/regulations have been made and established by the Government in order to combat the ever-growing pollution problem of the country:

1. Standard for inspection of used vehicles

CO = 3% by volume for all except 4.5% for 2-stroke engines – 1995
HC for gasoline vehicles = 1000 ppm for all except
7500 ppm for 2-stroke engines – 2000
Opacity test for diesel exhaust = 65 HSU – 1995
Opacity test for old diesel vehicles (revised) = 75 HSU – 1998

2. Standard for import of vehicles

- Nepal Standard for Mass Emission (EURO 1 based) – 1999
- The vehicles entering into Nepal should not be more than 5 years old

3. Compliance plans

- One and half years' of notice given for banning the use of commercial vehicles older than 20 years in Kathmandu valley by December 2001
- One and half years of compliance period given for changing 2-stroke gasoline vehicles to run on LPG.
- 3 months period given for repair and maintenance of vehicles that fail the emission test before re-testing.

4. Enforcement plans

- Restriction of areas for the emission test failing vehicles from 1995
- Banning of diesel 3-wheelers in Kathmandu valley since September 1999
- Restriction of import of 2nd hand/reconditioned vehicle since December 1999.
- Import of only unleaded fuel in Nepal since January 2000
- 10% annual tax raise for vehicles older than 15 years since August 2001
- Phasing out of commercial vehicles older than 20 years from Kathmandu valley from December 2001
- Banning of 2-stroke 3-wheelers from Kathmandu valley from December 2001

5. Compensation plans

- 99% custom rebate for import of public transport vehicles in Kathmandu against each banned diesel 3-wheelers that abandoned the valley
- Up-to 99% tax rebate for the import of parts that complement the transformation of 2-stroke gasoline engine to run on LPG.
- Only 1% import tax on parts of electric vehicles to be assembled in Nepal
- 100% tax rebate for the import of pollution control aids and devices
- Lesser import tax for mass transport and goods carrier vehicles

Vehicle Inspection Strategy of the Country

Regular Inspection of the Vehicles

In case of private vehicles, the frequency of inspection is once a year to see whether the vehicle is road worthy or not. The same inspection routine for the commercial vehicles is twice a year. The process of inspection of all the vehicles in the country is under the authority of Department of Roads and Transport Management, under His Majesty's Government.

The process of renewing the registration of vehicles is done only after the regular inspection for roadworthiness and the emission check. However, the emission check for the used vehicles is done by the Traffic Police Department.

Vehicles failing to meet the national roadworthiness standards are automatically subjected to repair and maintenance. They are not allowed to run from the very day, as their registration is invalid. The vehicles can be taken to any repair and maintenance shop and brought back for re-check.

Inspection at the time of Import of Vehicles

Vehicles entering into Nepal have to be within the prescribed 1999-Mass Vehicle Emission (EURO 1 based) Standard. This check is performed through the certificate of mass emission norms issued by the exporting country's authorized institution for the manufacturer of that particular unit submitted at the Nepalese custom office.

Vehicles older than 5 years are not permitted to enter into Nepal.

Future plans

As regard to the controlling of emissions in Kathmandu valley, its future holds the expectations of the people of Kathmandu for viewing clear Himalayas with increase in number of visible clear days in a year. The hazy days are expected to be lessened with the banning of all kinds of polluting sources, vehicles in particular.

The first plan is to gradually increase restricted areas for vehicles that fail the emission tests. Government envisages a plan for the failing vehicles to be asked to run outside the ring road and later outside the valley within few years from now.

Besides, focus is given to mass urban transportation within the valley. Traffic management is taken care by improving practices each day. Roads are being repaired and broadened for improving the congestion situation of the area.

Dated: October 31, 2001

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