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# Environment, Health & Safety

## Practice Profile

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## ABOUT HSA

The legal profession is changing rapidly in light of market disruption, changing client expectations and technological developments. Established in 2003, HSA's focus on continuing evolution has enabled us to constantly adapt to emerging market dynamics and deliver consistent value to clients.

We are a full-service law firm that prides itself on combining knowledge, experience and expertise to create outcome-oriented solutions and ensure our clients stay ahead of emerging opportunities and risks. Our areas of expertise include Projects, Energy & Infrastructure; Banking & Finance; Restructuring & Insolvency; Corporate & Commercial; Regulatory & Policy; Defence & Aerospace; Dispute Resolution; Environment, Health & Safety; Real Estate; Securities & Capital Markets; Technology, Media & Telecommunications; Taxation and Investigations.

We are a law firm built around people. We embrace collaboration while advising our clients and assemble teams of experts to bring the right talent to address every client issue. Our belief in delivering legal advice that recognizes each clients' strategic goals and business requirements allows us to offer pragmatic and implementable support across our platform of practices and sectors.

We measure our success by the service we provide to clients, irrespective of the size, scope and scale of the matter at hand. We are a team of 30+ partners and over 150 professionals based out of four offices across India's major cities – Delhi, Mumbai, Bengaluru and Kolkata.



**The key strength of the team is that there is partner involvement throughout the course of assignments which ensures quick turnaround of deliverables.**

~ Chambers and Partners



**HSA Advocates is an excellent law firm with proactive approach and exceptional team which provides prompt service and very clear opinions.**

~ Legal 500



**Praised for having 'great knowledge' of the practice area and for 'clear' communication of complicated legal matters to clients.**

~ RSG India Report



# ENVIRONMENT, HEALTH & SAFETY

## IN INDIA

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Over the last few decades, India's focus on modernization of its manufacturing capabilities and enhancing industrial output ensured that environmental concerns were often relegated to the background. However, increasing focus on responsible corporate practices, rise of shareholder activism and deeper integration into the global ecosystem have brought about an enhanced consciousness about environment, health and safety considerations.

Environment, Health & Safety (**EHS**) compliance has now become a business imperative, more so in light of the stringent surveillance and implementation by Indian authorities, which has led to an increased number of enforcement cases of late. There have been numerous instances of fines and operation shut-downs imposed by authorities, and this trend is likely to see an uptick going forward.

Within the broad scope of EHS regulation in India, there are few specific areas that have become critical in the present context. Noteworthy trends include stringent plastic waste management, facilitation of female workers in the workplace, safety with regard to lifting machinery, consolidation of labor laws and promotion of a culture of safety.

Environmental pollution remains a priority concern for businesses, many of whom require specific approvals across all stages of their business lifecycle. From environmental impact assessment, environmental clearance, operating permits/clearances to waste management, lack of compliance at any stage can create significant risk for business and its management.

For proper risk mitigation and management, businesses would be well advised to focus ongoing environmental compliance and ensure necessary permits and clearances from relevant agencies entrusted with protection of environment from pollution and degradation.

### HSA Advantage

- Commercially sensitive approach to balance legal obligations and social goals against clients' strategic aspirations
- Multidisciplinary team of specialists from projects, regulatory and disputes backgrounds
- Experience across a range of industry sectors – mining, oil & gas, power, transportation, manufacturing, etc.

# OUR

## SERVICE OFFERINGS

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Our integrated approach to the practice of Environmental, Health & Safety laws includes a full suite of capabilities encompassing litigation, regulatory and transactional aspects.

### Advisory

- Periodic assessment of compliance in view of evolving regulatory framework
- Regulatory advisory support in respect of entire spectrum of environmental laws and environmental regulatory framework in India
- Advise on environmental clearance for proposed projects as well as for expansion/modernization of existing projects
- Environmental Impact Assessment (**EIA**) including the appraisal process
- Regulatory oversight for specific waste categories such as electronic, biomedical, hazardous, plastic, solid, construction etc.
- Proactive assessment and preparedness advisory for sweeping changes in the new e-waste management procedures
- Representations before think tanks, R&D organizations, central/state governments on issues relating to environmental policy and drafting of appropriate laws in India

### Permits/consents/due diligence

- Gap-assessment and corrective measures for optimal compliance
- Advise on permits and consents required from various regulatory authorities under various environmental laws
- Proactive risk mitigation in respect of environmental and regulatory risks
- Suggestive and corrective measures on environmental irregularities and violations along with advising on appropriate solutions

### Dispute resolution

- Representation before National Green Tribunal (**NGT**), Supreme Court, High Courts and other judicial fora



# OUR PRACTICE

## HIGHLIGHTS

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### **ASIAN DEVELOPMENT BANK (ADB)**

On acting as trustee of the Asia Pacific Carbon Fund, in relation to numerous CERs purchase transactions in India including with IL&FS Ecosmart Ltd, VRL Logistics, Himachal Pradesh Power Corporation etc

### **ASICS CORPORATION**

On advising through Baker & McKenzie, GJBJ Tokyo Aoyama Aoki Koma Law Office (Gaikokuho Joint Enterprise), Tokyo Legal, legal advice on, use, sale and manufacturing etc. of certain shoe products using certain chemical substances in India, and related advisory services

### **AVANTOR PERFORMANCE MATERIALS INDIA**

On all environmental matters in relation to the development and subsequent operation of its FDA approved pharma ingredients manufacturing facility located at Panoli, Gujarat, as well as its second facility located at Dehradun, Uttarakhand

### **BAKER & MCKENZIE**

On the preparation of the India Chapter of the Global Carbon Capture & Storage Institute, Australia - Legal and Regulatory Indicator

On Environmental multi-jurisdictional regulatory analysis for mining and smelting facilities

### **CATERPILLAR USA**

In relation to the environmental audits of its manufacturing facilities located in India, advising on all environmental law related matters. In addition, advised Caterpillar USA in relation to its solid waste management project in India, provided advice on laws and regulations relating to municipal solid waste management in India

### **CLINTON FOUNDATION**

On the all environmental law and CDM project advisory matters vis-a-vis the Gujarat Solar Park Project as well as the Rajasthan Solar Park Projects, respectively

### **DOW CORNING, USA**

On environmental diligence of their Pune facility, conducting detailed research on diverse environmental laws to identify current registry requirements of Dow Corning Pune Facility and preparing detailed report on the same, including on chemical import for hazardous chemicals

### **FLINT GROUP NORTH AMERICA CORPORATION**

On its global environmental project and review the environmental reports for India, prepared by Environ, from an Indian law perspective

### **MANAGING EMISSIONS**

On all their CER purchase transactions in India, including preparing their template ERPA's both as a buyer as well as a seller of CERs and VERs and advising on all related CDM law and regulatory related aspects

### **MERCK & CO**

On the environmental due diligence in relation to the potential acquisition of an Indian pharmaceutical company having its manufacturing facility in Gujarat

### **MB POWER (MADHYA PRADESH)**

On representing before NGT, Principal Bench against a petition seeking quashing of the Environmental Clearance, granted in favor of a Thermal Power Project

### **XEROX INDIA**

On legal advisory services pertaining to E-Waste Rules, 2016 and implementation related matters in respect of its Indian operations and businesses

# HSA

## AT A GLANCE

### Full-service capabilities



**BANKING & FINANCE**



**PROJECTS, ENERGY & INFRASTRUCTURE**



**COMPETITION & ANTITRUST**



**PROJECT FINANCE**



**CORPORATE & COMMERCIAL**



**REAL ESTATE**



**DEFENCE & AEROSPACE**



**REGULATORY & POLICY**



**DISPUTE RESOLUTION**



**RESTRUCTURING & INSOLVENCY**



**ENVIRONMENT, HEALTH & SAFETY**



**TAXATION**



**INVESTIGATIONS**



**TECHNOLOGY, MEDIA & TELECOMMUNICATIONS**

### Global recognition



### Pan-India presence

#### New Delhi

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