



TWENTY – SIXTH REPORT OF THE

PUBLIC ACCOUNTS

C O M M I T T E E

FOURTH SESSION OF THE 11TH PARLIAMENT

Examination of the Audited Financial Statements of the Environmental Management Authority for the financial years 2010 to 2012 and the Authority's expenditure and internal controls for the years 2010 to 2018.



Public Accounts Committee¹

The Public Accounts Committee (PAC) established by the Constitution of the Republic of Trinidad and Tobago in accordance with Section 119(4) is mandated to consider and report to the House of Representatives on:

*“(a) appropriation accounts of moneys expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago;
(b) such other accounts as may be referred to the Committee by the House of Representatives or as are authorized or required to be considered by the committee under any other enactment; and
(c) the report of the Auditor General on any such accounts.”*

Current membership

Dr. Bhoendradatt Tewarie	Chairman ²
Mr. Taharqa Obika	Vice-Chairman
Mrs. Ayanna Webster-Roy	Member
Mr. Randall Mitchell	Member
Mrs. Paula Gopee-Scoon	Member
Mr. Adrian Leonce	Member
Dr. Lester Henry	Member
Mrs. Charrise Seepersad	Member

Committee Staff

The current staff members serving the Committee are:

Ms. Keiba Jacob	Secretary to the Committee
Ms. Hema Bhagaloo	Assistant Secretary to the Committee
Ms. Vanna Jankiepersad	Procedural Officer Intern
Mr. Darien Buckmire	Graduate Research Assistant
Mr. Justin Jarrette	Graduate Research Assistant
Ms. Anesha James	Administrative Assistant

Publication

An electronic copy of this report can be found on the Parliament website:

http://www.ttparliament.org/committee_business.php?mid=19&id=230&pid=28

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¹ The PAC of the Eleventh Republican Parliament was established by resolutions of the House of Representatives and the Senate at sittings held on Friday November 13, 2015 and Tuesday November 17, 2015 respectively.

² The Committee held its first meeting on Wednesday December 2, 2015. At this meeting the Committee elected Dr. Bhoendradatt Tewarie as Chairman, in accordance with Section 119(2) of the Constitution of the Republic of Trinidad and Tobago. At that same meeting, the Committee resolved that its quorum should comprise of three (3) Members, inclusive of the Chairman and any other Opposition Member.

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Members of the Public Accounts Committee

ELEVENTH PARLIAMENT,
REPUBLIC OF TRINIDAD AND TOBAGO



Dr. Bhoendradatt Tewarie
Chairman



Mr. Taharqa Obika
Vice-Chairman



Mrs. Ayanna Webster-Roy
Member



Mr. Randall Mitchell
Member



Mrs. Paula Gopee-Scoon
Member



Dr. Lester Henry
Member



Mr. Adrian Leonce
Member



Mrs. Charrise Seepersad
Member

Executive Summary

The Public Accounts Committee (PAC) is the Parliamentary Financial Oversight Committee tasked with the responsibility of examining the Report of the Auditor General and Audited Accounts of Statutory Authorities and Bodies. The Committee presents its Twenty-Sixth Report of the Eleventh Parliament which details its examination of ***the Audited Financial Statements of the Environmental Management Authority for the financial years 2010 to 2012 and the Authority's expenditure and internal controls for the years 2010 to 2018*** and highlights its findings and recommendations.

This report sets out the issues, endorsements and recommendations made by the Committee to improve the EMA's performance. The issues identified in this report were found during the period under examination (2010 to 2018).

During this inquiry, the following issues arose:

1. Improving the financial stability of the EMA by reducing dependence on Government funding;
2. The regulatory role of the EMA;
3. The need to strengthen the EMA's powers of enforcement;
4. The cost of litigation incurred by the EMA;
5. The establishment and balance of the Environmental Trust Fund;
6. The legal authority for the use of the Trust Fund;
7. The distinction between environmental protection and environmental management;
8. The trade-off between industrial development and environmental preservation;
9. The status of the Ecological Risk Assessment exercise being conducted along the southwest coast of Trinidad;
10. The pollution of rivers due to oil drilling activities;
11. The pollution caused by oil and gas drilling operations;
12. The status of recruitment of officers for the Environmental Police Unit;
13. The digitisation of applications for Certificates of Environmental Clearance (CEC);
14. The status of the CEC application for the Sandals project;
15. The EMA's application to the Green Climate Fund (GCF) of the United Nations Framework Convention on Climate Change (UNFCCC);
16. The systems in place to stop illegal quarrying;
17. Internal auditing staff shortages and the filling of vacancies;
18. The major environmental issues faced in different regions of the country;
19. The possibility of contamination of seafood due to pollution in the Gulf of Paria; and
20. The role of the EMA in the promotion of the use of renewable energy.

Based on the Committee's examination the following observation was made:

- ***The Committee notes the sustained and considerable fall in the amount collected by the EMA in respect of violations and damages. The Committee recalls that, at the Public Hearing, the Authority acknowledged that its enforcement capabilities were not as strong as they should be, and that the enforcement clauses in the legislation needed to be amended to better equip the Authority in this regard.***

Based on the Committee's examination the following recommendations were proposed:

- ***The EMA should submit a report identifying the following by July 31, 2020;***
 - a. ***the potential local and international sources of grant funding;***
 - b. ***the Authority's plans to apply for such monies and the relevant timelines;***
 - c. ***the sums involved; and***
 - d. ***the ways in which these sums would strengthen the delivery of the Authority's projects.***
- ***The EMA should submit a copy of its Investment Policy by July 31, 2020;***
- ***The EMA should explain the reason for recent sharp decline in sums collected in respect of violations and damages by July 31, 2020;***
- ***The EMA should provide a forecast/example of how much a progressive penalty scheme would increase revenue collection by July 31, 2020;***
- ***Given that the fees currently in force were established in 2001, the EMA should seek to have the fee structure reviewed. The EMA should consider the possibility of setting higher noise pollution-related fees/penalties to derive more income for the Consolidated Fund and submit a report by July 31, 2020;***
- ***The EMA should identify the desired enforcement-related amendments to the EM Act and provide a status update on its efforts to secure said amendments by July 31, 2020;***
- ***The EMA should provide a status update on the filling of the vacant posts of Senior Internal Auditor and Internal Auditor, and specify the terms of employment to Parliament by July 31, 2020;***
- ***The EMA should develop measures to evaluate the performance of its Internal Audit Unit and report to Parliament by July 31, 2020;***
- ***The EMA should conduct an assessment of the adequacy of its current internal audit staff complement in comparison to other organisations of similar size and report to Parliament by July 31, 2020;***

- *The EMA should report on the development of its Risk Management Policy, including the cost and timeline for the development and implementation of the policy, by July 31, 2020;*
- *The EMA should explain the feasibility and timeline for the establishment of a Risk Management Department by July 31, 2020;*
- *The EMA should indicate whether the new Risk Management Policy will replace or be implemented alongside the QMS, by July 31, 2020;*
- *The EMA should develop an interim Whistle Blower Policy and submit a copy to Parliament by July 31, 2020;*
- *The EMA should create a register identifying the employee or official with access to cash and those who record the cash receipt, cash disbursement or journal entry transactions. This would ensure that incompatible duties are segregated and that employees and officials are prevented from controlling all phases of the accounting function. An update should be submitted to Parliament by July 31, 2020;*
- *The EMA should write to Parliament detailing how it plans to ensure that its bank reconciliations are prepared on a monthly basis by July 31, 2020; and*
- *The EMA should develop a mechanism to specifically ensure that all bank reconciliation statements and cash count schedules are reconciled and signed by the relevant parties, and report to Parliament on the development of this mechanism by July 31, 2020.*

Introduction

Establishment

The PAC of the Eleventh Republican Parliament was established by resolution of the House of Representatives and the Senate at the sittings held on Friday November 13, 2015 and Tuesday November 17, 2015 respectively.

Mandate

The Constitution of the Republic of Trinidad and Tobago mandates that the Committee shall consider and report to the House appropriation accounts of moneys expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago and the report of the Auditor General on any such accounts.

In addition to the Committee's powers entrenched in the Constitution, the Standing Orders also empower the Committee to:

- a) Send for persons, papers and records;
- b) Have meetings whether or not the House is sitting;
- c) Meet in various locations;
- d) Report from time to time; and
- e) Communicate with any other Committee on matters of common interest.

Ministerial Response

The Standing Orders³ provide for the Minister responsible for the Ministry or Body under review to submit within sixty (60) days a paper to the House responding to any recommendations or comments contained in the Report which are addressed to it.

Election of the Chairman and Vice-Chairman

In accordance with section 119(2) of the Constitution, the Chairman must be a member of the Opposition in the House. At the first meeting held on Wednesday December 2, 2015 Dr. Bhoendradatt Tewarie was elected Chairman of the Committee. Mr. Taharqa Obika was elected Vice-Chairman of the Committee on December 13, 2017.

Establishment of Quorum

The Committee is required by the Standing Orders to have a quorum so that any decisions made by the Members during the meetings can be considered valid. A quorum of three (3) Members,

³ Standing Order 110 (6) in the [House of Representatives](#) and 100(6) of the [Senate](#).

inclusive of the Chair or Vice-Chairman, with representatives from both Houses was agreed to by the Committee at its First Meeting.

Determination of the Committee's Work Programme

The Committee agreed to a work programme for the Fourth Session of the Eleventh Parliament during its twenty-ninth meeting held on Wednesday December 12, 2018. These entities included:

1. Telecommunications Authority of Trinidad and Tobago (TATT);
2. National Agricultural Marketing and Development Corporation (NAMDEVCO);
3. National Carnival Commission (NCC);
4. Port Authority of Trinidad and Tobago (PATT)
5. National Lotteries Control Board (NLCB);
6. National Library and Information System Authority (NALIS);
7. Environmental Management Authority (EMA);
8. Ministry of Public Administration and Ministry of Planning and Development (2017 AGD Report ICT Findings);
9. Follow up with:
 - i. Water and Sewerage Authority;
 - ii. Trinidad and Tobago Electricity Commission;
 - iii. Airport Authority of Trinidad and Tobago;
 - iv. Chaguaramas Development Authority;
 - v. Trinidad and Tobago Bureau of standards; and
 - vi. Public Transport Service Corporation.
10. Auditor General's Report 2018;
11. Ministry of Energy and Energy Industries and Ministry of Finance (Revenue Collection);
12. Heritage and Stabilization Fund;
13. National Insurance Board of Trinidad and Tobago (NIB);
14. Sports and Cultural Fund; and
15. The College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT).

The Inquiry Process

The Inquiry Process outlines steps taken by the Committee when discussing the findings in the Audited Financial Statements and Management Letters concerning the Authority's expenditure and internal controls for the years 2010 to 2018. The Inquiry Process agreed to by the PAC included the following steps:

- I. Issues were identified in the Audited Financial Statements and Management Letters of the EMA for the financial years 2010 to 2018;
- II. An Inquiry Proposal was prepared for the selected issues. The Inquiry Proposal outlined:
 - i. Background;
 - ii. Objective of Inquiry; and
 - iii. Proposed Questions.
- III. Questions for written responses were forwarded to the EMA on February 26, 2019 and responses received on March 20, 2019.
- IV. A public hearing was conducted with the relevant witnesses who were invited to attend and provide evidence on March 27, 2019.
- V. Questions for additional responses were sent to the EMA on March 29, 2019 and responses were received on April 24, 2019.
- VI. Report Committee's findings and recommendations to Parliament upon conclusion of the inquiry.
- VII. Carrying out follow-up to monitor progress in the implementation of recommendations made in the Committee's Report.

Profile – Environmental Management Authority (EMA)

Background: Environmental Management Authority

The Environmental Management Authority (EMA) is a State Agency which was created in March 1995 and established by virtue of the Environmental Management Act No 3. This was repealed and re-enacted as the **Environmental Management Act (EM Act) Chapter 35:05 of 2000**.⁴

The Authority facilitates co-operation among persons and manages the environment in a manner which fosters participation and promotes consensus. This includes encouraging the use of appropriate means to avoid or expeditiously resolve disputes through mechanisms for alternative dispute resolution⁵.

The Authority has the task of coordinating, facilitating and overseeing the execution of the national environmental strategy and programmes. In addition to this, the EMA has the responsibility of promoting public awareness of environmental concerns and establishing an effective regulatory regime to protect, enhance and conserve the environment.⁶

The EMA's operations are financed through the Environmental Trust Fund, provided for by sections 72 to 78 of the EM Act.

By virtue of section 16(1) of the EM Act, some of the general functions of the Authority include:

- To develop and implement policies and programmes for the effective management and wise use of the environment, consistent with the objects of the Act;
- Co-ordinate environmental management functions performed by persons in Trinidad and Tobago;
- Promote educational and public awareness programmes on the environment;
- Monitor compliance with the standards criteria and programmes relating to the environment;

⁴ Environmental Management Authority, *Environmental Management Act*, accessed on November 25, 2019. <https://www.ema.co.tt/index.php/programs/legislation/147-environmental-management-act>

⁵ Ministry of Planning and Development, *Environmental Management Authority*, accessed on November 25, 2019: <https://planning.gov.tt/content/environmental-management-authority-ema>

⁶ Verbatim Notes of the Thirty-Fourth Meeting of the Public Accounts Committee held on Wednesday March 27, 2019, page 4

- Take all appropriate action for the prevention and control of pollution and conservation of the environment; and
- Undertake anything incidental or conducive to the performance of any of its functions (as stipulated in section 16 (1) of the EM Act).

Vision⁷

"Stewards of Trinidad and Tobago's natural resources and environment meeting current and future human, ecological and economic needs."

Mission⁸

The Mission of the EMA is to "sustainably manage the natural resources and environment by providing a transparent framework to facilitate policy and decision making in development. This will be undertaken within an approved regulatory system, utilizing intensive public education and a collaborative cross-sectoral approach".

Board of Directors⁹

- Mrs. Nadra Nathai-Gyan (Chairman)
- Ms. Judy Daniel (Deputy Chairman)
- Ms. Althea Thompson
- Mr. Gareth Ottley
- Mr. Gordon Paul
- Ms. Jacqueline Wilson
- Mr. John Julien
- Mr. Ronald Adams
- Dr. Roshan Parasram
- Mr. Nyash Nandlal
- Mr. Hayden Romano

Minister of Planning and Development: The Honourable Dr Keith Christopher Rowley, MP

Accounting Officer: Permanent Secretary – Ms. Joanne Deoraj

⁷ EMA Website, Our Vision, accessed on February 23, 2020: <https://www.ema.co.tt/index.php/corporate-purpose>

⁸ Ibid

⁹ EMA Website, EMA Board of Directors, accessed on February 23, 2020: <https://www.ema.co.tt/index.php/ema-board-of-directors>

Background: Auditor General¹⁰

The Auditor General is required by law to examine and report annually to Parliament on the accounts of Ministries, Departments, Regional Health Authorities, Regional Corporations and such State Controlled Enterprises and Statutory Boards for which the Auditor General is the statutory auditor. The portfolio also includes the audit of:

- The accounts of projects funded partly or wholly by International Lending Agencies;
- All pensions, gratuities and other separation benefits paid by the State in accordance with the Pensions Acts and other Agreements; and
- The grant of credit on the Exchequer Account in accordance with the requirements of section 18 of the Exchequer and Audit Act, chapter 69:01.

The audit services take the form of financial audits, compliance audits and value for money audits intended to promote:

- Accountability;
- Adherence to laws and regulations; and
- Economy, efficiency and effectiveness in the collection, disbursement and use of funds and other resources.

The duties and powers of the Auditor General are defined in the Exchequer and Audit Act Chapter 69:01 of the laws of Trinidad and Tobago.

Auditor General - Ms. Lorelly Pujadas

¹⁰ Auditor General's Department, Appointment, Role and Function, accessed on February 19, 2020: <http://www.auditorgeneral.gov.tt/content/appointment-role-and-function>.

Issues and Recommendations

During the examination of the Audited Financial Statements of the EMA for the financial years 2010 to 2012, and the EMA's expenditure and internal controls for the period 2010 to 2018, the following issues were identified and recommendations proposed:

1. Funding

The Authority explained that 'the only money it takes from the government is fees for applications'.¹¹ The Strategic Plan 2017-2021 identified reliance on funding received from GORTT as a threat, but also indicated that the potential for increased allocation was an opportunity it hoped to pursue¹². The Strategic Plan indicated that the Authority was interested in developing other revenue streams, and highlighted the possibility of receiving grant funding from domestic and/or foreign sources. The Authority was exploring possibilities in this area. This would enable the Authority to have greater access to funds to implement its actions, which was identified as a key challenge.

Additionally, in response to a question about the measures implemented to increase its revenue earning capacity¹³, the Authority indicated that an Investment Policy had recently been approved.

Recommendations:

- i. The EMA should submit a report identifying the following by July 31, 2020:*
 - a. the potential local and international sources of grant funding;*
 - b. the Authority's plans to apply for such monies and the relevant timelines;*
 - c. the sums involved; and*
 - d. the ways in which these sums would strengthen the delivery of the Authority's projects.*
- ii. The EMA should submit a copy of its Investment Policy by July 31, 2020.*

2. Contribution to National Revenue

¹¹ Verbatim Notes of the Thirty-Fourth Meeting of the Public Accounts Committee held on Wednesday March 27, 2019, page 28.

¹² EMA Strategic Plan page 20, in Written Submission to the Committee dated March 20th 2019.

¹³ EMA Responses dated April 24, 2019 to Questions for Additional Information, page 27.

General Fines for Violations

The Authority enforces financial penalties for practices that degrade the environment in violation of the EM Act Section 66(b), (c) and (d). Such sums collected are paid into the Consolidated Fund¹⁴. The annual amount collected has been steadily decreasing in recent years, from a peak of \$2,247,504.55 in 2013 to 172,236.37 in 2018, the latter being the second lowest sum of the decade¹⁵ as seen in the table from the EMA reproduced below. The Authority requested legislative amendments – inter alia to the Water Pollution Rules – to increase its collection capacity, notably by making the penalties progressive¹⁶ according to the extent of the environmental damage caused.

YEAR	FUNDS COLLECTED
2010	\$ 1,709,381.59
2011	\$70,220.56
2012	\$1,006,202.37
2013	\$2,247,504.55
2014	\$1,797,396.81
2015	\$1,794,624.64
2016	\$669,404.83
2017	\$486,990.88
2018	\$172,236.37
TOTAL	\$9,953,962.60

Noise Pollution

In a written submission, the EMA indicated that, from 2016 to 2018, a total of seven hundred and eighty-seven (787) noise pollution complaints were lodged. However, only sixty-nine (69) Notices of Violation (NOV) were eventually issued in relation to those complaints. This was a rate of only 9%. The EMA also highlighted that potential violators have the opportunity to lower their sound output upon warning to come into compliance with the rules, and that this would explain the relatively low number of NOVs in relation to the overall number of complaints.

In order to be granted a variation to exceed the regularly prescribed maximum permissible sound levels for specific purposes and for specific durations of time, the Noise Pollution Control Rules

¹⁴ Ibid, pages 37 and 43.

¹⁵ EMA, Written Submission dated March 20, 2019, Appendix 9.

¹⁶ Verbatim Notes of the Thirty-Fourth Meeting of the Public Accounts Committee held on Wednesday March 27, 2019, page 24.

(NCPR) 2001¹⁷ provide for various application fees. These fees range from \$250.00 for a simple one-off request to annual fees from \$2,500.00 to \$5,000.00 for extended periods of time. Further, Section 16 (2) (f) of the EM Act provides that the beneficiary of a variation may be required to post a bond with the EMA, which would be forfeited in case of violation of the terms of the specific conditions of the variation¹⁸. In a written submission, the EMA further clarified that the value of the bond was \$10,000.00¹⁹.

Observation:

- i. ***The Committee notes the sustained and considerable fall in the amount collected by the EMA in respect of violations and damages. The Committee recalls that, at the Public Hearing, the Authority acknowledged that its enforcement capabilities were not as strong as they should be, and that the enforcement clauses in the legislation needed to be amended to better equip the Authority in this regard²⁰.***

Recommendations:

- i. ***The EMA should explain the reason for recent sharp decline in sums collected in respect of violations and damages by July 31, 2020.***
- ii. ***The EMA should provide a forecast/example of how much a progressive penalty scheme would increase revenue collection by July 31, 2020;***
- iii. ***Given that the fees currently in force were established in 2001, the EMA should seek to have the fee structure reviewed. The EMA should consider the possibility of setting higher noise pollution-related fees/penalties to derive more income for the Consolidated Fund and submit a report by July 31, 2020; and***
- iv. ***The EMA should identify the desired enforcement-related amendments to the EM Act and provide a status update on its efforts to secure said amendments by July 31, 2020.***

3. Internal Audit

The Authority indicated that, while it did have an Internal Audit Unit, said Unit was not staffed following the February 2019 resignation of the Senior Internal Auditor. The post of Internal Auditor was also vacant. Efforts were underway to ensure the posts were filled by May 2019. The

¹⁷ EMA website, The Noise Pollution Control Rules 2001, accessed on June 4, 2019: https://www.ema.co.tt/images/Files/pdf/noise_pollution_control_fees_regulations_2001.pdf

¹⁸ EMA website, Environmental Management Act Chap 35:05, accessed on May 26, 2019: https://www.ema.co.tt/images/Files/pdf/noise_pollution_control_rules_2001.pdf

¹⁹ EMA Responses dated April 24, 2019 to Questions for Additional Information, page 4.

²⁰ Verbatim Notes of the Thirty-Fourth Meeting of the Public Accounts Committee held on Wednesday March 27, 2019, page 20.

EMA indicated that prior to the departure of the Senior Internal Auditor, no financial impropriety had been detected for the previous five (5) years. This was credited to the Authority's Internal Audit function, which ensured that accounting practices were carried out in accordance with Generally Accepted Accounting Principles (GAAP).

Recommendations:

- i. The EMA should provide a status update on the filling of the vacant posts of Senior Internal Auditor and Internal Auditor, and specify the terms of employment to Parliament by July 31, 2020;***
- ii. The EMA should develop measures to evaluate the performance of its Internal Audit Unit and report to Parliament by July 31, 2020; and***
- iii. The EMA should conduct an assessment of the adequacy of its current internal audit staff complement in comparison to other organisations of similar size and report to Parliament by July 31, 2020.***

4. Risk Management Policy

The EMA does not have a Risk Management Policy. Instead, the Authority highlighted its Risk Assessment and Audit Plan which prioritised the examination of business processes which have been assessed as high risk to the EMA²¹, with reference to areas such as financial services, human resources and IT services. Enterprise Wide Risk Management exercises (EWRM) were also conducted. All of these provided the basis for the EMA's Internal Audit activities. Additionally, the Authority achieved certification for the International Organisations for Standardisations (ISO) 9001:2015 standard for managing risk, and developed a Quality Management System (QMS) in line with this standard at a cost of \$332,569²².

The EMA indicated that it would develop a formal Risk Management Policy after the vacancies within the Internal Audit Department were filled²³.

Recommendations:

- i. The EMA should report on the development of its Risk Management Policy, including the cost and timeline for the development and implementation of the policy, by July 31, 2020;***
- ii. The EMA should explain the feasibility and timeline for the establishment of a Risk Management Department by July 31, 2020; and***
- iii. The EMA should indicate whether the new Risk Management Policy will replace or be implemented alongside the QMS, by July 31, 2020.***

²¹ EMA, Written Submission dated March 20, 2019, page 18

²² EMA, Responses dated April 24, 2019 to Questions for Additional Information, page 2

²³ Ibid, page 21

5. Whistle Blower Policy

Although individuals may anonymously report suspicious activities through the Authority's Employee Assistance Programme, the EMA had no explicitly designated Whistle Blower Policy. In this regard, the Authority explained that it was awaiting the passage of Whistle Blower Protection Bill 2019 so that it could subsequently develop its own Policy based on the legislation. The Committee was of the view that an interim system should be implemented while waiting for the Bill to be debated in Parliament.

Recommendation:

- i. The EMA should develop an interim Whistle Blower Policy and submit a copy to Parliament by July 31, 2020.*

6. Segregation of Duties

When questioned as to the existing oversight mechanisms/internal controls implemented given the increase of the Manager's approval limit, (as illustrated in Table 2 below)²⁴, the EMA indicated that "there was no need to increase the oversight mechanism and/or internal control as the existing policies including the scrutiny of the Internal Audit was comprehensive"²⁵:

Table 2

VALUE	AUTHORIZING ENTITY
Not more than \$50,000.00	(Any two) Managing Director, General Manager, Manager, Financial Accountant, Corporate Secretary, Procurement Specialist
\$50,001.00 - \$100,000.00	(Any two) Managing Director, General Manager, Manager, Corporate Secretary
More than \$100,001.00	Tenders Committee/ Board

The Management Letter for the year ended September 30, 2017 revealed that all year end bank reconciliation statements were not signed and dated as "approved" by the Manager – Corporate Services as required by the Authority's Accounting Finance Policies and Procedures Manual. This left room for the risk of cash and/or bank balances being understated/ overstated and also may result in deposits and withdrawals being omitted.

Furthermore, in describing the process to ensure that the cheques were signed by the appropriate persons before being cleared and payments released by the banks, the EMA

²⁴ Ibid, page 26

²⁵ Ibid, page 26

responded that: “there is a signing authority approved by the Board of Directors and submitted to the Financial Institutions. The Assistant Accountants and Administrative Assistant are aware of the limits and ensure cheques are signed only by the persons with the authority to do so”.²⁶ The EMA did not indicate whether the authorizing entities as identified in Table 2 were also the custodians of cash and had an influential role in the record of cash receipt, cash disbursements and journal entry transactions.

Recommendation:

- i. The EMA should create a register identifying the employee or official with access to cash and those who record the cash receipt, cash disbursement or journal entry transactions. This would ensure that incompatible duties are segregated and that employees and officials are prevented from controlling all phases of the accounting function. An update should be submitted to Parliament by July 31, 2020.***

7. Bank Reconciliations

The EMA stated that bank reconciliations were completed by the fifth working day of each month to ensure that the balances in the General Ledger and Bank Accounts matched²⁷, however the 2017 Management Letter suggested that this may not always be the case. It was also stated that no bank reconciliation statements were prepared for the Scotia Bank VTM card account for the year ended 2017.

It is very important to conduct bank reconciliations to spot and correct problems immediately to ensure that the Authority’s accounting records for its cash account correspond to information contained in its bank statement.

Recommendations:

- i. The EMA should write to Parliament detailing how it plans to ensure that its bank reconciliations are prepared on a monthly basis by July 31, 2020; and***
- ii. The EMA should develop a mechanism to specifically ensure that all bank reconciliation statements and cash count schedules are reconciled and signed by the relevant parties, and report to Parliament on the development of this mechanism by July 31, 2020.***

²⁶EMA, Responses dated April 24, 2019 to Questions for Additional Information, page 31

²⁷ Ibid, page 31

Concluding Remarks

The EMA is encouraged to seize the opportunity to remedy the absence of certain aspects of a beneficial institutional framework, including entity-wide Risk Management and Whistle Blower Policies as well as a Risk Management Department. The Committee commends the Authority for its desire to do its part to make an even stronger contribution to national revenue, while diversifying its own sources of income to finance its operations and initiatives. The EMA is encouraged to step up its enforcement-related initiatives, which would be beneficial both environmentally and for government revenue.

In addition, the EMA needs to take on board the following important issues which have serious implications for environmental management in Trinidad and Tobago and to take action or urge its Ministry to take action as required:

1. The need to strengthen capacity to manage any environmental crises which may occur;
2. The need to enhance public awareness and public education on environmental issues;
3. The EMA has a regulatory role which it needs to perform with greater strength;
4. The Marine Pollution Act needs to be enacted;
5. Illegal quarrying in Trinidad and Tobago needs to be effectively addressed and the EMA should take initiative to facilitate the necessary dialogue required among agencies with varying responsibilities to bring illegal quarrying under control;
6. There are 14 regions in Trinidad and Tobago. The EMA needs to identify the four and five major environmental challenges in each of the 14 regions;
7. The EMA needs to define a meaningful role for itself in the promotion of Renewable Energy; and
8. The EMA needs to follow up vigorously on its application to the Green Climate Fund (GCF) of the United Nations Framework Convention on Climate Change.

This Committee respectfully submits this Report for the consideration of the Parliament.

Sgd.
Dr. Bhoendradatt Tewarie
Chairman

Sgd.
Mr. Taharqa Obika
Vice - Chairman

Sgd.
Mrs. Ayanna Webster-Roy
Member

Sgd.
Mr Randall Mitchell
Member

Sgd.
Mr. Adrian Leonce
Member

Sgd.
Mrs. Paula Gopee-Scoon
Member

Sgd.
Dr. Lester Henry
Member

Sgd.
Mrs. Charrise Seepersad
Member

APPENDIX I – Witnesses

At the public hearing held on Wednesday March 27, 2019, the following witnesses were in attendance:

The Environmental Management Authority

- Ms. Nadra Nathai- Gyan - Chairman
- Ms. Judy Daniel - Deputy Chairman
- Mr. Vyash Nandlal - Chairman Trustees / Director
- Mr. Hayden Romano - Managing Director
- Mr. Wayne Rajkumar - Manager Technical Services
- Ms. Jenell Partap - Manager Legal Services
- Mr. Dale Cozier - Senior Project Manager
- Ms. Vanessa Young - Financial Accountant

Ministry of Planning and Development

- Ms. Joanne Deoraj - Permanent Secretary
- Ms. Jacqueline Weekes-Penco - Director, Planning Division (Ag.)
- Mr. Kirk Baksh - Accountant
- Ms. Sandra Seecharan - Auditor II
- Mr. David Persaud - Environmental Manager,
Environmental Policy and Planning Division

The Auditor General's Department

- Mr. Shiva Sinanan - Assistant Auditor General
- Ms. Anneshah Baksh - Assistant Audit Director

APPENDIX II – Minutes of Meeting

**THE PUBLIC ACCOUNTS COMMITTEE –
FOURTH SESSION, ELEVENTH PARLIAMENT
MINUTES OF THE THIRTY-FOURTH MEETING HELD ON WEDNESDAY, MARCH 27,
2019 AT 10:05 A.M.
IN THE ARNOLD THOMASOS (EAST) MEETING ROOM, LEVEL 6, AND IN THE J.
HAMILTON MAURICE MEETING ROOM, MEZZANINE FLOOR, OFFICE OF THE
PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT
CENTRE, 1A WRIGHTSON ROAD, PORT-OF-SPAIN.**

Present were:

Dr. Bhoendradatt Tewarie	-	Chairman
Mr. Taharqa Obika	-	Vice - Chairman
Ms. Charrise Seepersad	-	Member
Mr. Adrian Leonce	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Ms. Keiba Jacob	-	Secretary
Ms. Vanna Jankiepersad	-	Procedural Officer Intern
Mr. Justin Jarrette	-	Graduate Research Assistant

Excused were:

Mr. Randall Mitchell	-	Member
Dr. Lester Henry	-	Member

Absent was:

Mrs. Ayanna Webster-Roy	-	Member
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COMMENCEMENT

- 1.1 At 10:05 a.m. the Chairman called the meeting to order and welcomed those present. The Chairman informed the Members that Mr. Randall Mitchell and Dr. Lester Henry asked to be excused from the Meeting.

THE EXAMINATION OF THE MINUTES OF THE THIRTY-THIRD MEETING

- 2.1 The Committee examined the Minutes of the Thirty-Third (33rd) Meeting held on Wednesday March 13, 2019.
- 2.2 There being no omissions or corrections, the Minutes were confirmed on a motion moved by Mr. Adrian Leonce and seconded by Ms. Charrise Seepersad.

MATTERS ARISING FROM THE MINUTES OF THE THIRTY-THIRD MEETING

- 3.1 With reference to item 5.4, the Chairman informed the Members that questions for additional information were sent to the National Lotteries Control Board (NLCB) on February 15, 2019 and the deadline for submission was April 5, 2019.
- 3.2 The Chairman informed the Members that there were a number of articles in print and social media following the Committee's Public Hearing with the NLCB. The Chairman advised the Members to review the articles and submit any additional questions they may have to the Secretariat.

PRE-HEARING DISCUSSION RE: THE ENVIRONMENTAL MANAGEMENT AUTHORITY (EMA)

- 4.1 The Chairman informed the Members that the purpose of the public hearing was to examine the Audited Financial Statements of the EMA for the years 2010 to 2012 as well as the expenditure and internal controls for the years 2010 to 2018.
- 4.2 The Members discussed the issues of concern and the general approach for the Public Hearing.
- 4.3 There being no further business for discussion *in camera*, the Chairman suspended the meeting at 10:31 a.m.

EXAMINATION OF THE ENVIRONMENTAL MANAGEMENT AUTHORITY (EMA)

- 5.1 The Chairman called the public meeting to order at 10:41 a.m.
- 5.2 The following officials joined the meeting:

The Environmental Management Authority

- Ms. Nadra Nathai- Gyan - Chairman

- Ms. Judy Daniel - Deputy Chairman
- Mr. Vyash Nandlal - Chairman Trustees / Director
- Mr. Hayden Romano - Managing Director
- Mr. Wayne Rajkumar - Manager Technical Services
- Ms. Jenell Partap - Manager Legal Services
- Mr. Dale Cozier - Senior Project Manager
- Ms. Vanessa Young - Financial Accountant

Ministry of Planning and Development

- Ms. Joanne Deoraj - Permanent Secretary
- Ms. Jacqueline Weekes-Penco - Director, Planning Division (Ag.)
- Mr. Kirk Baksh - Accountant
- Ms. Sandra Seecharan - Auditor II
- Mr. David Persaud - Environmental Manager,
Environmental Policy and Planning Division

The Auditor General's Department

- Mr. Shiva Sinanan - Assistant Auditor General
- Ms. Annesha Baksh - Assistant Audit Director

5.3 The Chairman welcomed officials from the EMA, the Ministry of Planning and Development, the Auditor General's Department, members of the media and the public to the Thirty-Fourth (34th) Meeting with the PAC and introductions were exchanged.

5.4 Key Topics Discussed:

21. The mandate of the EMA.
22. The status of the EMA's audited financial statements.
23. The objectives of the EMA's 2017-2021 Strategic Plan.
24. The annual reports submitted to the Ministry of Planning and Development.
25. The status of rules and regulations including:
 - a. the Draft Waste Management Registration and Permitting Rules; and
 - b. the revision of the Water Pollution Rules 2001.
26. The projects implemented by the EMA including:
 - a. environmental literacy surveys;
 - b. the Recyclable Solid Waste Collection Project (iCARE); and
 - c. the National Climate Mitigation Monitoring Reporting and Verification System.

27. The identification the five major environmental concerns in Trinidad and Tobago as follows:
 - a. waste management;
 - b. air pollution;
 - c. noise pollution;
 - d. land use planning; and
 - e. marine pollution.
28. The EMA's management of environmental crises and the need to strengthen capacity in this regard.
29. Trinidad and Tobago's National Environment Policy (NEP).
30. The link between the NEP and sustainable development, particularly Vision 2030 and the Sustainable Development Goals.
31. The role of the EMA in ensuring that Trinidad and Tobago meets its commitments under the Paris Agreement.
32. The need to continue public education on environmental issues.
33. Improving the financial stability of the EMA by reducing dependence on government funding.
34. The regulatory role of the EMA.
35. The need to strengthen the EMA's powers of enforcement.
36. The inadequacy of the \$10,000 fine in accordance with the Oil Pollution of Territorial Waters Act Chapter 37:03.
37. The \$20 million fine charged under the consent agreement between the EMA and Petrotrin concerning the 2013 oil spill.
38. The need to enact the Marine Pollution Act.
39. The status of subsidiary legislation to the Environmental Management Act.
40. The EMA's use of a collaborative rather than punitive approach to compliance.
41. The EMA's budgetary constraints, due to the decrease in government subvention.
42. The independence of the EMA.
43. The cost of litigation incurred by the EMA.
44. The establishment and balance of the Environmental Trust Fund.
45. The legal authority for the use of the Trust Fund.
46. The EMA's collaboration with the Tobago House of Assembly (THA).
47. The EMA's partnership with public entities to protect biodiversity.
48. The relationship and differences between the EMA and the Institute of Marine Affairs (IMA).
49. The EMA's contribution to national development.
50. The distinction between environmental protection and environmental management.
51. The tradeoff between industrial development and environmental preservation.
52. The status of the Ecological Risk Assessment exercise being conducted along the southwest coast of Trinidad.
53. The status of legislation on marine pollution.
54. The pollution of rivers due to oil drilling activities.
55. The pollution caused by oil and gas drilling operations.
56. The status of recruitment of officers for the Environmental Police Unit.

- 57. The digitization of applications for Certificates of Environmental Clearance (CEC).
- 58. The status of the CEC application for the Sandals project.
- 59. The EMA's application to the Green Climate Fund (GCF) of the United Nations Framework Convention on Climate Change (UNFCCC).
- 60. The systems in place to stop illegal quarrying.
- 61. Internal auditing staff shortages and the filling of vacancies.
- 62. The major environmental issues faced in different regions of the country.
- 63. The possibility of contamination of seafood due to pollution in the Gulf of Paria.
- 64. The role of the EMA in the promotion of the use of renewable energy.
- 65. The potential for use of electric and hybrid vehicles in Trinidad and Tobago.

Please see the attached verbatim notes for the detailed oral submission by the witnesses.

- 5.5 The Committee agreed to send additional questions to EMA for written submission.

[Please see Appendix 1]

- 5.6 The Chairman thanked the representatives from the EMA, the Ministry of Planning and Development and the Auditor General's Department, members of the media, the public and the Members of the Committee for their attendance.

ADJOURNMENT

- 6.1 There being no other business, the Chairman thanked the Members and Witnesses for their attendance and the meeting was adjourned.
- 6.2 The adjournment was taken at 12:35 p.m.

We certify that these Minutes are true and correct.

CHAIRMAN

SECRETARY

March 28, 2019

APPENDIX III – Verbatim Notes

VERBATIM NOTES OF THE THIRTY-FOURTH MEETING OF THE PUBLIC ACCOUNTS COMMITTEE HELD (IN CAMERA) IN THE ARNOLD THOMASOS (EAST) MEETING ROOM AND (IN PUBLIC) IN THE J. HAMILTON MAURICE ROOM, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD, PORT OF SPAIN, ON Wednesday, MARCH 27, 2019, AT 10.41 A.M.

PRESENT

Dr. Bhoendradatt Tewarie	Chairman
Mr. Taharqa Obika	Vice-Chairman
Ms. Charrise Seepersad	Member
Mr. Adrian Leonce	Member
Mrs. Paula Gopee-Scoon	Member
Ms. Keiba Jacob	Secretary
Ms. Vanna Jankiepersad	Procedural Officer Intern
Mr. Justin Garette	Parliamentary Intern

ABSENT

Mrs. Ayanna Webster-Roy	Member [<i>Excused</i>]
Dr. Lester Henry	Member [<i>Excused</i>]
Mr. Randall Mitchell	Member [<i>Excused</i>]

AUDITOR GENERAL'S DEPARTMENT

Mr. Shivan Sinanan	Assistant Auditor General
Ms. Annesah Baksh	Assistant Audit Director

MINISTRY OF PLANNING AND DEVELOPMENT

Ms. Joanne Deoraj	Permanent Secretary
Ms. Jacqueline Weekes-Penco	Director, Planning Division
Mr. Kirk Baksh	Accounting Executive I

Ms. Sandra Seecharan	Auditor II
Mr. David Persaud	Environmental Manager, Environmental Policy and Planning Division

ENVIRONMENTAL MANAGEMENT AUTHORITY

Ms. Nadra Nathai-Gyan	Chairman
Ms. Judy Daniel	Deputy Chairman
Mr. Vyash Nandlal	Chairman Trustees/Director
Mr. Hayden Romano	Managing Director
Mr. Wayne Rajkumar	Manager Technical Services
Ms. Jenell Partap	Manager Legal Services
Mr. Dale Cozier	Senior Project Manager
Ms. Vanessa Young	Financial Accountant

Mr. Chairman: Okay. Good morning everybody. I want to welcome all the officials from the Ministry of Planning and Development, led by the Permanent Secretary; also from the Auditor General's Department, they are with us on my right; the Environmental Management Authority and the members of the public who were here; and most especially the members of the media who convey to the public what these meetings are about. My name is Bhoendradatt Tewarie. I am the Chairman of the PAC and the Member for Caroni Central.

The purpose of this meeting of the Public Accounts Committee is to examine the audited financial statements of the EMA, the Environmental Management Authority, and we cover the years 2010 to '12, in terms of audited accounts and authority's expenditure and internal controls for the years 2010 to 2018.

The Committee is desirous of hearing the challenges being faced by the key stakeholders at the Environmental Management Authority (EMA), in an attempt to determine some of the possible solutions to these challenges.

The role of the Committee is to help the EMA improve its delivery of services in an efficient, effective and economic manner.

This meeting is being held in public and is being broadcast live on Parliament Channel 11 and Radio 10.5 FM and the Parliament's YouTube Channel, *ParlView*. Viewers and listeners can send their comments related to today's topic by email to parl101@ttparliament.org. They can do it on facebook.com/ttparliament and on Twitter @ttparliament.

What I will do at this point is to ask my colleagues to introduce themselves and then I will ask the members who are here for this engagement to introduce themselves from the Ministry of Planning and Development, Auditor General's Department and the EMA. So I will have my colleagues, maybe starting from the right, introduce themselves, so you who you are dealing with.

[Introductions made]

Mr. Chairman: Okay, and you, starting with Permanent Secretary.

[Introductions made]

Mr. Chairman: Okay, and the members of the EMA.

[Introductions made]

Mr. Chairman: All right, and members of the Auditor General's Department.

[Introductions made]

Mr. Chairman: All right, good morning again to all of you and welcome. I wonder if I could ask the Permanent Secretary if she would ask like to make an opening statement and I will ask the same of the Chairman afterwards.

Ms. Deoraj: Thank you, Chairman and members, and thank you for the opportunity to join with the Environmental Management Authority here today. The Environmental Management Authority is one of the statutory agencies under the purview of the Ministry of Planning and Development and we are very hopeful that we can provide the information and address the concerns of the Committee today in our proceedings. Thank you.

Mr. Chairman: Madam Chairman.

Ms. Nathai-Gyan: Chairman and members of the Public Accounts Committee, good morning and thank you for your invitation. The Environmental Management Authority welcomes this opportunity to meaningfully participate in the work of the Parliament via this public hearing.

I acknowledge that you are in possession of our written responses but I would like to highlight the following:

- The EMA was established 24 years ago with the important task of coordinating, facilitating and overseeing the execution of the national environmental strategy and programmes.
- Promoting public awareness of environmental concerns and establishing an ineffective regulatory regime to protect, enhance and conserve the environment. This, the EMA approaches through cooperation in a manner that facilitates

participation, promotes consensus and by providing opportunities for alternative dispute resolution.

The current board of directors was first appointed in June 2016, and reappointed in 2018. During our first term of office, the board committed to meeting its statutory and other requirements in a timely manner and where outstanding, to bring them to completion. This was successfully achieved, and in the doing so the board recognized the need to identify priority strategic areas of focus, to ensure that the objectives of its 2017 to 2021 strategic plan are achieved. This was facilitated through a blue skies brainstorming session early in its second term, which also benefited from staff participation.

In light of the economic challenges being faced by the country, one area of focus is on improving the financial stability of the EMA, by reducing dependence on government's funding. The Authority draws upon sections 72 to 78 of the EM Act, which provides for the establishment of an Environmental Trust Fund.

Mr. Chairman, and members of the PAC, please permit me to highlight some achievements of the EMA. First, the EMA has successfully completed its financial audit up to 2017, and in accordance with section 14 of the EM Act, submitted all annual reports up to 2017, to our line Ministry, the Ministry of Planning and Development. May I elaborate that these annual reports include an assessment of the state of the environment, notably prepared in-house and the audited statement as well.

We anticipate that the 2018 annual report will be completed and submitted by May 2019, a first-time accomplishment for the EMA.

The second highlight I would like to make would be with respect to the National Environmental Policy, which I am referring to as NEP. This was revised to bring into alignment with the UN Sustainable Development Goals, the Government's own National Development Strategy, known as *Vision 2030*, and to address current environmental issues experienced by citizens. The NEP requires national mobilization to achieve successful implementation. For this, we request and anticipate your support and that of your other parliamentary colleagues.

Environmentally sound waste management is critical for Trinidad and Tobago. With a global and national call to action, the EMA has taken steps to draft the waste management registration and permitting rules. And following the statutory public comment period, comments from stakeholders are currently being addressed. We are cautiously optimistic that these rules will be law by November 2019.

Pursuant to the ruling of the Privy Council in November 2017, in *Fishermen and Friends of the Sea v the Ministry of Planning, Housing and the Environment*, the EMA has revised its Water Pollution Rules 2001 to give effect to the polluter pays principle. The draft revised rules is currently out for public comment. This principle has evolved over time and the revision will close

the gap that presently exists in the application of other modern-day principles of equity, environmental justice and the internalization of cost by those that pollute the environment.

The EMA is also partnering with the Ministry of Planning and Development and will play a critical role as host of the knowledge management system for the National Climate Mitigation, Monitoring Reporting and Verification (MRV) system for Trinidad and Tobago. This system aims to track the progress of efforts to reduce greenhouse gas emissions and the achievement of our nationally-determined contribution in support of the Paris Agreement with TT ratified in February 2018. Through the Green Fund-sponsored recycling Solid Waste Collection project, commonly known as the iCare Programme, the EMA encourages citizens to separate their beverage containers and deposit these recyclable resources in specifically marked collection bins, and this is a first step in public engagement on waste management in Trinidad and Tobago. We are also strategically working with all our stakeholders, including the THA, to address multiple environmental concerns, which have been identified through our various public engagements.

The top five concerns identified were: waste management; air pollution; noise pollution; land use planning; squatting; and marine pollution. Our major challenge, like most other organizations in Trinidad and Tobago today, is budgetary constraints.

In 2016, our transfer from Government was \$46.5 million whilst for this financial year it has been reduced to \$38million, a significant portion of which will be consumed by the cost of litigation. As such, the EMA has been forced to operate within a stringent financial environment. I am coming to a close.

In these challenging times we salute the commitment and dedication of the management and staff of the EMA which continues to perform a myriad of roles and responsibilities that have elevated the EMA to become stewards of the environment in Trinidad and Tobago.

Mr. Chairman, and members, I thank you and look forward to a productive engagement.

Mr. Chairman: Thank you very much, Chair for that comprehensive outline as an opening statement, and thank you Permanent Secretary for your indication of willingness to engage the Committee in a constructive way.

I will start by asking the Deputy Auditor General if you would comment on whether the Auditor General's Department is in receipt of audited accounts from the EMA up to 2017, or how many or what is the situation?

Mr. Sinanan: Thank you, Chair. We are in receipt of audited statements from the private auditors up to 2017. But, as part of the control mechanism before they are forwarded to Committee, we do a review of the auditors' working papers and that is a bit challenging. Because sometimes, like for '14, '15 and '16 we were put off from January to March this year, and even up to April, before we could get to look at the working papers for some of these accounts. But generally we review them, look at the integrity of the work and then the AG will put his covering report and say it is of integrity to present to this Committee.

Mr. Chairman: Okay, so we are likely to get those from the—is the Auditor General's Report of 2018 going to cover any more of those?

Mr. Sinanan: Okay, we propose by end of May for the latest to do 2013 to 2018, review of those, provided we get the cooperation and documentation from the private auditors.

Mr. Chairman: All right. Okay. All right. Do you want to add anything?

Mr. Sinanan: We just would like to say that some of the documents we look for, sometimes the private auditors are unavailable to give it to us. Like recently, we got the management letter for 2013 in March this year. I mean it is a big wait. But then the AG is not going to forward anything to this Committee without these documents being reviewed, referencing back to the working papers and that there is integrity in the product. That is the major keep back with our reviews.

Mr. Chairman: So we are looking possibly at about a one-year wait to bring this up-to-date, sort of, provided all the other documents—

Mr. Sinanan: I would not say one year, maybe two months for the most. We are already in the field with some of the reviews and certain documentation not received as yet. We were promised it by April, which is next week/week after. So by the end of May, we would have up to '17 at least finished and reported on.

Mr. Chairman: Thank you very much. Okay, I will start by asking some general questions. Remember when we do this the public pays attention and many of the questions I ask at the beginning of the meeting is really for public edification. Because people need to know what their institutions are, what they do, what is the value to them, et cetera, before you can get into very detailed stuff about the finances and internal audit and external audit, and stuff like that.

So, I know Chairman, in your own statement you talked about some of the achievements of the EMA and you also identified five challenging issues that you want to address. But, I want to ask you a general question. You have been in existence, as you said, for 24 years. I know your chairmanship dates back only to 2016. But what would you say is the most valuable contribution that the EMA has made or is making to Trinidad and Tobago? And think of it from a public point of view, the citizens' interest in this matter.

Ms. Nathai-Gyan: Chairman, I would say that public awareness would be a major impact that the EMA has made with respect to the recognition of not just what are the environmental concerns but by elaborating the environmental concerns serving as catalyst for change. So, one of the current manifestations of that would be with the iCare Programme, where now you have public and schools, because the EMA now has a network of these bins throughout, island-wide, and in over 150 secondary and primary schools, and we are seeing, you know, that willingness to participate in an action that is impacting in a very positive manner on the environment. So, that I would put as one of the roles, significant role, that the EMA has taken and actually caused a cascade through public and private entities. With your permission, perhaps, the MD can also add to that? With your permission of course.

Mr. Chairman: Yes, if you want to add that is fine.

Mr. Romano: Thank you, Chair. The EMA, when it came into being in 1995, and then the Act went back to Parliament in 2000, because it needed a majority, and from that time of the majority when every Member of that Parliament supported this EMA, this organization, because they recognized the importance of environmental management in development. So the organization with the responsibility for environmental management in Trinidad and Tobago has been forging ahead over the last 24 years as the chairman said, being the beacon of hope with respect to the environment and how we measure that is every time there is an issue with respect to the environment, the first name that the citizens call is the Environmental Management Authority.

Maybe we need to do more work with respect to public education because all environmental issues are not the remit of the EMA. There are some things that are better handled by other pieces of legislation; things like noise, where you have the police involved in terms of the Summary Offences Act; things like marine pollution, which is much better handled in terms of the maritime and territorial waters Act. So I think what the EMA has done, as the Chairman said, is to bring the environmental matters to the fore in Trinidad and Tobago, and as we move along, as we become more developed as an organization, what we are doing is increasing the coordination function in terms of getting all the various agencies involved and understanding what is their role with respect to environmental management.

Mr. Chairman: Okay, I understand you. Public awareness, the main port of call in environmental matters for the citizen for any challenges and you are now sort of trying to coordinate as the main institution the environmental thrust for the nation. But, I think—from the citizens' point of view, have you at any time prevented any atrocity in Trinidad and Tobago on the environmental front? Have you had a crisis that you have managed effectively that you can show? And, what is the value that you have been facilitating or are facilitating in the environmental sphere that the citizen can relate to, that can see a value in?

Mr. Romano: In terms of crises, I think one of the biggest ones that the EMA had to manage, was the oil spill of 2013, the Petrotrin oil spill of 2013, and not only did we manage that incident with other agencies, but recognizing the need for further information, we have continued. And today we are doing an ecological risk assessment between Pointe-a-Pierre and Icacos, so on that whole southwest coast, which will provide the data for us, when there are other incidents and what is taking place in that area. The assessment continues and if you want some further details, we can ask the Manager Technical Services to give you further details, but that came right out of crisis. So we did not only deal with crisis, we actually managed crisis because we need to manage the environment.

Mr. Chairman: I hear you. Okay, let us say in the case of the 2013 spill, I remember we had to bring in international capacity to be able to deal with that. Have we done anything since then to—now that we have had that experience and we know what is required—strengthen capacity and capability and resources for something like that if it were to happen again?

Mr. Romano: Yes, we have. The agencies like the Ministry of Energy and Energy Industries, the Maritime Services Division, the companies in themselves, the various oil companies operating, because remember the EMA is also regulator, and therefore through the Certificate of Environmental Clearance Process, the companies are required to state what will be their response if there was an event to take place. So all those documents are lodged with the EMA. So it has improved, but as always, you know the proof is in the eating and as much as we would not want any incidents to happen, and we think we are doing quite a good job in monitoring compliance, we feel fairly, not comfortable, that we will be able to handle any major incidents that may take place.

Mr. Chairman: We have had other oil spills that are not like this Petrotrin oil spill. It is generally thought that these oil spills come from basically boats on the sea getting rid of their waste; because they might have a problem of some kind you end up with a spill. We had a recent one within the last month and we have had several over the last years. Maybe you can tell me, let us say, how many you have had over the five years. But I am not aware that any culprit has ever been identified in such a situation and that any action has been taken against a perpetrator of such oil spills. Can you tell me something about that? Tell us.

Mr. Romano: No. You are correct, and one of the elements that we have pointed out is the weak legislation. The Parliament had before it, the Maritime—and Deputy Chairman will be able to help me here in terms of the Act—the Shipping Act [*Interruption*]

Ms. Daniel: Marine pollution.

Mr. Romano: The marine pollution Act, which we think is a good piece of legislation and that needs to be debated and put forward as quickly as possible. With respect to incidents, it is always a challenge, because sometimes the vessels are no—

Mr. Chairman: How many—just a ballpark figure—that you have had, let us say over the five years?

Mr. Romano: I mean, I know we have it somewhere in the document. I do not want to guesstimate. Wayne, can you?—we will check for you because I know it is in the document.

Mr. Chairman: All right.

Mr. Romano: But in terms of—I would like to say, because of the better collaboration and cooperation, the most recent incident, the investigations are still to be completed, but it appears that we would be identifying the culprit and will be taking action and this action, of course, under their legislation will be by the Maritime Services Division. So that is something that we are looking cautiously optimistically towards, because it looks like, for the first time, based on the investigations, something will come out. And this is, we suspect, only because the vessel was still in port. Most of the times when these events occur, the vessels leave the jurisdiction and we are unable to take action.

Mr. Chairman: Well—

Mr. Romano: Hold on one minute, Chairman, Deputy Chairman.

Ms. Daniel: Thank you, Chairman. In relation to that particular matter, what we learned is that, what resulted is that we had the cooperation of the Maritime Services Division and also the coast guard, and so on. We formed a committee in an attempt to probably result in litigation.

As my Managing Director pointed out, the challenge is what we recognized, the marine pollution Act. We needed that piece of legislation to be in place. We looked also at our own legislation now, section 70, because we were trying to initiate an action on our side, on the environmental management side, and in it there is also a weakness there preventing us to proceed on our own. So, in all circumstances therefore, we really need the marine pollution Act to be enacted in order to strengthen what actions we may take in the marine environment. Thank you.

Mr. Chairman: All right, well I hope you are able to register a first in terms of actually identifying and taking action. And the issues that you raised about strengthening of legislation, this Committee can take into account, in terms of the recommendations that we give to Parliament and to the Minister responsible. Okay? You wanted to say something, Chair?

11.10 a.m.

Ms. Nathai-Gyan: Yes, thank you Chairman. I listened to, you know, your statement of the public's interest in what is happening. And I think it is very important to raise the matter of the EMA's role in conservation of biodiversity. And I raise it because of the recent role of the EMA in supporting our sister agencies, that is, the Forestry Division, in giving protection to Trinidad's national bird, the Scarlet Ibis, which was recently designated as an environmentally sensitive species, with a fine of \$100,000 and two years imprisonment.

And I think it is very important because the inadequacies of the legislation under those agencies where fines are just like \$2,000, recently raised to \$10,000. So, I think it is a very important role that the EMA plays in providing the support when needed by other state entities to protect our precious biodiversity.

Mr. Chairman: Well, I have a question on the Scarlet Ibis for you, but I will leave it for now. I will go on to my other members here and I will start with Mrs. Gopee-Scoon who expressed an interest in asking some questions.

Mrs. Gopee-Scoon: Thank you very much, and for also your introductions which you made this morning. There are several areas that I wanted to question. You spoke about, Chairman, the environmental justice and, of course, funding. And I also have an interest in your role in terms of national development. But before going there, I want to just go back to the questions raised about the oil spills in 2013, which really affected the people of La Brea and Carat Shed and, of course, the flora, the fauna, the environment and so on. And, I think the Managing Director spoke

about the current ecological risk assessment which is being done. And we are very well aware of some of the investigations which were undertaken by Petrotrin then.

And my simple question is: On the side of the EMA, did all of the investigations result in any litigation? And I would need a direct answer to that, was there any litigation? And again, going back to the legislation and the teeth that you need, because we have had recurring oil spills. I have looked at some of the fines under the Oil Pollution Act of 1990, a fine of up to \$10,000 which is really miniscule in terms of the kind of damage that we have had in the major oil spill of 2013. So, please address me again on the fact of litigation coming out of the 2013 oil spill. And also on the question of fines and their suitability and the necessary teeth that you need to be effective.

Mr. Romano: Thank you for those questions. I will start, I mean, we have our legal manager here who will also assist. With respect to the 2013 spill, the EMA entered into a consent agreement which is how our legislation operates with Petrotrin and there was a fine of, do not hold me to it, I think, Vanessa, \$12 million? There was a fine of \$12million. Well, it was not a fine. It was a charge of \$12 million because this is what the money that is being used in terms of conducting—*[Interruption]*—pardon me? Sorry, \$20 million. Of the \$20 million part of it, I think around \$8 million was fine, and our fines go to the Consolidated Fund, so that went to the Consolidated Fund. And the \$12 million is what we are doing with respect to the research in terms of the ecological risk assessment and there was also remediation to take place of the material that was collected from the spill and that is also taking place.

So, yes, there was a fine to Petrotrin but this came out of a consent agreement which is right out of the EM Act. We are very clear that the \$10,000 fine in the existing legislation is totally inadequate. Hence the reason why we are pushing for Parliament to enact the marine pollution Act. I mean, it is there on the books, it has been there for a little while and it needs to be debated and come out of Parliament.

With respect to the EM Act, the EM Act and its subsidiary legislation is now—well, the EM Act is 24 years old, and the subsidiary legislation is the CEC Rules which we did in 2001; the Water Pollution Rules, which is 2006; the Environmentally Sensitive Areas and Species Rules, which is 2001; the Air Pollution Rules, which is very recent, 2014; and the outstanding which we hope to put in place this year is the Waste Rules.

This legislation when it was put in place is what we would consider soft legislation. There was an expectation that we would have given citizens and businesses time to do the right thing. Because we felt as all Trinidadians living in our little piece of rock we would do the right thing. That is not happening, and therefore we need to update our legislation. And, I mean, very soon we will be coming to the Parliament—I mean, the Water Pollution Rules as the Chairman says, we are—I do not want to say forced, but we were taken to court with respect to the Water Pollution Rules. We lost at the Privy Council. And the Privy Council told us that we had to amend the Water Pollution Rules.

The amendments are out for public comment. There is a request to extend the public comment period to the 12th of next month, April. That is happening, and we expect that the revised water pollution fees and amendments will be in law—will be in place before the end of the year. I would like to pass over to the Deputy Chairman and the Manager, Legal Services, both lawyers, who could tell a little bit more in terms of legislation.

Ms. Partap: Is there anything else that you need clarity on? I think the MD covered the majority of what I needed to say. He spoke about the EM Act, the subsidiary legislation. I mean, under the EM Act what we have, our compliance and enforcement provisions, as the MD, I would like to reiterate what he said. It was always meant to be a collaborative effort with persons who do not comply with the environmental requirements. The purpose of the enforcement sections were really to say, “Okay, you are in violation of the law”. It was never meant to be really punitive, “let us see how you can come to the EMA and we assist you with better environmental management”.

So we have these designated activities, we have 44 designated activities that the EMA has primary jurisdiction over. So you are setting up a poultry farm, you are stock piling, there are a host of them. And once you are involved in these types of activities. The EMA through the certificate of environmental process asks you to put in an application to us, and throughout that process we will give you the conditions whereby you are going to establish your facility to ensure that it complies with all environmental regulations. Certainly, if it is that there is noncompliance through our compliance and enforcement sections, you are served with a notice of violation. And I must say the majority of those persons who have been subject to our enforcement process usually want to settle the matter by way of consent agreement as the MD was saying.

Mrs. Gopee-Scoon: So we have gone a little bit from litigation and legislation, and I know that we can leave the legislation in the capable hands of the Ministry of Planning and Development to bring forward to the Parliament. But you have gone on to something else, and you are talking about some of your—the expansion of your roles and you were talking about the granting of CECs and so on, being one. And so let us establish that you do have a critical role to play in terms of the country’s national development, in terms of industrialization and so on, and again, by the granting of certificates of environmental clearance and also EIAs, environmental impact assessments, and so on.

And I am saying, in the execution of these duties or services as you may want to call them, the question to you now then would be: Do you see yourself as more of a help or a hindrance in terms of national development? Because many times—and what I am questioning here is your efficiency in the conduct of your activities, understanding that there are other parties to these arrangements and who also have responsibilities. But do you see yourself as being more either a help or a hindrance in terms of national development? Have you been efficient in terms of the granting of these CECs and EIAs which are so very important to our national development and our growth? So could you respond to that?

Ms. Nathai-Gyan: With your permission I will take that one. And I think it is a very direct response would be, we see ourselves as a facilitator of development, sustainable development. And I would like to make the point that when this board came into office, you know, it is a culture shift as well that needed to happen even within the EMA. Because, you know, there are those who see the EMA's role as the environmental protection agency. Whereas the EMA was set up for environmental management.

And you asked—so the EMA looks at balancing the environment with development. And you ask about our efficacy, timelines and so on. In many ways we are bound by our standard operating procedures as well as statutory timelines embedded within the legislation in terms of period for public comment, the process itself and so on. Based on the nature scale and location of projects you would find that a project can be—within two months the EMA would have sufficient information to make a determination, but in other instances it may take a year, for example, where there is the need for an environmental impact assessment. But within the EMA there are standard operating procedures which guide so that we are always fair, we put the environment first but we recognize the role of the EMA as balancing development with the environmental concerns, yeah? I hope I answered you?

Mrs. Gopee-Scoon: Yes. You did. But my question really is do you see yourself—I understand your role. Have you been efficient? Are you satisfied that your internal procedures, your mechanisms, your systems allow you to function efficiently so that you are not a hindrance to development?

Mr. Romano: Yes. There is always room for improvement with respect to efficiency. But when we measure how we have done in all our—the granting of our CECs in terms of the timelines that are enshrined in the Act, we are—over 85 per cent of the time we meet our timelines.

I think one of the things, Chairman, that we have to recognize, and the EMA has recognized, is that the EM Act is really a unique piece of legislation because it establishes something called a “national register” because it lends itself to transparency. The national register is available to every citizen in Trinidad and Tobago to come in and visit. And therefore, the EMA with respect to its process must ensure that its processes are followed to the law because any mistakes that we make will be picked up in the national register by citizens and, of course, it could lend itself to litigation on our end.

So we are very clear that we need to achieve the efficiency and we need as the Chairman said, to achieve the balance between the environment and sustainable development.

Mr. Chairman: All right. I will go on to the two Senators because they have questions to ask. But, just something I want to sort of underscore. I get the feeling that you are saying that given the research that has been done on issues like climate change and therefore the issues that have come out, given the Sustainable Development Goals of the United Nations and given the Paris Agreement, that your legislation and the strength and power of the EMA is way, way below what

it needs to be in order to effectively function in a 21st Century world. Am I correct in my interruption or no?

Mr. Romano: We will not be that—I do not want to say drastic. We are saying the legislation needs to be revised.

Mr. Chairman: So, you want the legislation. Do you want the power?

Ms. Nathai-Gyan: Yes.

Mr. Romano: We have the power.

Mr. Chairman: But you just told me you do not have the power.

Mr. Romano: We have the power, but our enforcement capability is just not there.

Mr. Chairman: What do you need?

Mr. Romano: So in terms of what we need, it is that we need to change the enforcement clauses in the legislation to up—

Mr. Chairman: Well then, you do not have the power.

Mr. Romano: Well, okay. Well, let us—

Mr. Chairman: Can you meet the requirements of the Paris Agreement? Can you meet the requirements of the Sustainable Development Goals?

Mr. Romano: How we have done—

Mr. Chairman: I do not want you to be political in your responses. I want real responses.

Mr. Romano: No. We are not being political, Chair. The National Environmental Policy which we have updated and it is—

Mr. Chairman: Either we are for sustainable development or we are not. Either we believe in what is being said about climate change or we are not. Either we are meeting the requirements of the Paris Agreement or we are not. And if we are not then we need these things. We need the strength, we need the legislation, and we need the power. Say so, so that we could make the appropriate recommendations.

Mr. Romano: And Chair, we are in agreement with you that changes are necessary, and changes must be made.

Mr. Chairman: Okay, fine. Now, one more question before I go on to Senator Taharqa. You mentioned over and over again, the legislation, having to do with marine pollution, I think you said. But the Deputy Clerk of the House just checked the legislation. There is no such legislation in the Parliament. Do you know where it is? Is it before the LRC, or did you send it to your Ministry, or what?

Mr. Romano: No, this is not the EMA's legislation, this would be the Maritime Services Division legislation. So we know it is in draft but we are unsure where it is.

Mr. Chairman: You do not know what stage it is?

Mr. Romano: Yeah. We are not sure. Yeah.

Mr. Chairman: But this is another piece of legislation that is essential for you to enforce and therefore to act. Is that correct?

Mr. Romano: That is correct.

Mr. Chairman: Okay. All right. Sen. Taharqa.

Mr. Obika: Thanks Chair. Good day, again. I want to switch gears to the document you gave us, it is very detailed and it has to do with appendix 13 on the "Employee Breakdown". I know at the beginning the Chairman indicated that you have some financial constraints. When you go to appendix 13 and you turn the first leaf— because there is no page number so I guess it will be the second page—you see vacancies there and the area with what appears to be the largest vacancies would be airways to noise in terms of prorated, that is at the end. And then you have legal compliance and enforcement.

So, for example, you should have 100 environmental police officers. And this has been so for the past five years running, at least from this document, if not more than five years because I cannot assume that it would have been much more than that going back, right? So let us say probably since the EMA has been in existence you have not had full strength environmental police officers. So that means as a country we have never been at full strength. What is required for that? Is that something that you require the police service to be involved in, or you have full control over that area?

Mr. Romano: We have full control over our Environmental Police Unit, who are all SRPs. However, they are funded totally by the EMA. And unless, I mean, we have the budgetary allocations, we are unable to increase.

Mr. Obika: What is the specific role of this regarding the second question I have which is the SDGs. I am seeing under the 17 SDGs, Sustainable Development Goals, we have Goal No. 6, which is Clean Water and Sanitation, and Goal 14, which is Life Below Water. And the Chairman, in opening indicated that marine pollution was earmarked as one of the five main areas.

So, are you funded properly to supervise marine pollution?—because the blue economy is an emerging aspect of our existence as a small island developing state. And if not, could this aspect be funded through any other mechanism? For example, the entities that use the waterways, is there any mechanism given the current confines of the law that allows you to extract fees for simply usage of the waterways? And a complement to that question is with the oil spill in Petrotrin, Petrotrin had a perennial spill, the massive spills were basically above the normal levels. I grew up in Marabella when I went to secondary school in San Fernando. And now that

the refinery is no longer running persons are reporting that they are catching large fish on the Guaracara River.

So the first part of the question: What is the role of the marine police in relation to marine pollution? What powers do you have to charge users of the waterways, whether it be oil exploration, companies or shipping lines?—and any comment regarding the role of the police and the pollution of the rivers in Trinidad?

Mr. Romano: Okay. Let me try. So the EMA in its role as coordinator will engage other agencies who have distinct responsibilities for the environment. For example, the Maritime Services Division. So marine pollution depending on scale, because once the National Oil Spill Contingency Plan comes into play, that is the Ministry of Energy and Energy Industries. But for the smaller spills, we are dealing with the Maritime Services Division. And the EMA really is just a—

Mr. Obika: The Maritime Services Division of where?

Mr. Romano: Of the Ministry of Works and Transport. So the EMA really is performing a coordinating role when it comes to some of those incidents. So in terms of collecting money and that sort of thing, I mean, that is not in the remit of the EMA at all.

With respect to the perennial spills at Petrotrin, once we get any information on a spill we would send a team and investigate, and depending on the—again, the nature or the scale of the spill, the company would either do some sort of cleanup operation if it is a very small spill, or if we need to engage other resources, of course, we will do that.

Ms. Seepersad: Thank you, Chairman. Two questions at this point in time. Jumping off from your comments on pollution, what role does the EMA have in investigating, monitoring the constant pollution, deep water pollution that really is pervasive on the southern and eastern coast of Trinidad? Because that is a fact, there is constant pollution of the water and I do not know what measures, what methods you have in place to monitor and deal with it.

Mr. Romano: Constant deep water pollution. Well, I think we are hoping, or we have an expectation that the ecological risk assessment that we are doing right now, which is really—and maybe Wayne could talk a little bit more about it—between Pointe-a-Pierre and Icacos, well, one of the things that it will identify is something that we know exists, but we do not know the extent of, which is natural seepage. Similarly to how we have the pitch lake where we see the natural seeps, there are also natural seeps in the Gulf of Paria, they have been identified for a lot of years now. To what extent is that responsible for some of the oil that we are seeing in the Gulf in that area? We are hoping that we will get that information from the ecological risk assessment.

Ms. Nathai-Gyan: So I will help his response and indicate that the EMA can assist with respect to the land based sources of pollution, and through its water pollution roles we can regulate what is going in. Okay? Because I think that is what you were asking in terms of—you did not specify what type of pollution, the sources of pollution. So, I am responding that with respect to the land-based sources of pollution, we would be regulating that through the Water Pollution Rules.

And with your permission Chairman, I would like to ask the Manager, Technical Services, to just elaborate a bit about that. So, Wayne.

Mr. Rajkumar: Good morning, all. Just to take up on the question about the pollution you mentioned about deep water pollution of the east coast and other parts of Trinidad, what entails any new development whether it is oil and gas exploration on any of the offshore deep water areas, would have to go through the CEC process, the Certificate of Environmental Clearance Rules. That process is an environmental certification process that assesses the project and institutes mitigation measures to ensure that that development at whatever offshore location, measures would be put in to mitigate and minimize the impacts as much as possible. And that process, there is public involvement in that process as well. So the CEC would be the instrument to manage and mitigate any sort of pollution that will be taken in for new types of development, or any modification, existing oil and gas exploration projects on the east coast, et cetera.

Now, we mention about the amendments to the Water Pollution Rules, especially the fees regulation. So the fees regulations, what we have proposed is a model that has been utilized in the Jamaican jurisdiction, which sort of calculates the amount of pollution, using the “polluters pay” principle, you pay as you pollute. So the more you pollute the more you pay. And the moneys that are collected from those fees will be used to correct environmental damage wherever it occurs in Trinidad and Tobago.

So that is the mechanism for remediating and mitigating pollution in various areas of Trinidad and Tobago. Under the new and revised Water Pollution Rules.

Ms. Seepersad: And those have not been put in place as yet?

Mr. Rajkumar: No. As the Chairman and the Managing Director indicated those rules are still out for public comment and the public comments closes on the 12th of April this year.

Ms. Seepersad: So with regard to the constant pollution that is happening with existing projects, very little is being done to stop that pollution from happening or to monitor it?

Mr. Rajkumar: Well, as I said before, projects that would have had the benefit of the CEC process would have already had measures to mitigate the pollution to the lowest levels. Yes, there is always an impact from any type of development and as we indicated, the ecological risk assessment that is being done for the southwest peninsular, based on the findings of that we are also going to utilize that to do a similar ecological risk assessment for the east coast where it will identify what are the significant chemicals of concern, and then we work to develop further management strategies to further mitigate those things whether it is from natural occurrences or whether it is associated with the Orinoco flow.

11.40 a.m.

As you know, our water quality is influenced a lot by the discharges from the South American peninsula. So that is an important thing that we need to understand, and through this type of research we will be better able to understand what are the major factors influencing.

Ms. Seepersad: What is your time frame for having these studies completed?

Mr. Rajkumar: Well, the ecological risk assessment is an 18-month project that started in April of last year. So by November of this year, we should have completed the study for the south-west peninsula and subsequent to that—once there is available funding because these studies are very expensive—funding will have to be sourced to do a similar for the east coast.

Ms. Seepersad: Chairman, I have one more question. The environmental impact analysis study is done for the new highway projects such as the Toco/Manzanilla project. Did you take into account greenhouse gas emissions? Because, you know, we have to reduce emissions by 15 per cent by 2030. And also, did you make like recommendations for such highway projects with respect to transport like having bus lanes, carpool lanes and those kinds of things—transport recommendations, in an effort to reduce the greenhouse gases?

Mr. Rajkumar: So those EIAs, we would have introduced climate change mitigation adaptation conditions in the terms of reference that would inform the EIA. So those would be built in, in terms of the EIA report, in terms of building the highway to accommodate bus lanes and those things. That would be a feature of the proponent who is building the highway, and I know some of those are considerations that are being entertained in terms of these new highways.

Ms. Seepersad: So the answer is yes?

Mr. Rajkumar: As far as we are aware, yes.

Ms. Seepersad: Okay.

Mr. Chairman: I would go on to MP Leonce now, but I want to ask one quick question before. What is the jurisdictional overlap between the EMA and the IMA when it comes to matters having to do with the ocean?

Ms. Nathai-Gyan: I will take that. The Institute of Marine Affairs is really a research institution. So they would do research and prepare—they also prepare state-of-the-marine-environment reports.

Mr. Chairman: They will influence how you act?

Ms. Nathai-Gyan: Yes. So they would influence policy. They would provide valuable information, but they are not an enforcement agency.

Mr. Chairman: Okay. MP Leonce.

Mr. Leonce: Thanks, Chair. I have been listening and two questions I really have: one concerning the EMA's relationship with their stakeholders. So, for example, the Ministry of Works and the

Marine. Am I to understand correctly that the relationship that you have, it sometimes retards your ability to do proper management of the issues that we deal with in the Marine?

Ms. Nathai-Gyan: Okay, I will take that as well. I will not put it that way. We do recognize that we are a regulatory body as well. However, our role of coordinating we take, very, very—we value it and, therefore, we actually, through a mechanism of the EM Act, we have both memoranda of agreement that we can sign with various—memorandum of understanding with various governmental entities, and we also have a mechanism to appoint Environmental Officers under various Ministries, an action which we have been engaged in over the previous two years, where they actually imbibed the EMA's values and functions within the operations of those entities. So we do so by cooperation with state entities, but we also recognize and keep uppermost our regulatory role as well.

Mr. Leonce: Okay, I understand that. The reason why I am asking is because, who is accountable? Because it is good to have the support of the EMA and the information and the studies which I am understanding is very expensive, but then for proper management and efficiencies and implementation of this, who is accountable? And is the relation—what I am asking is if the relationship where you just give support stymies the implementation of your recommendation.

Also, why I am also asking this is because funding is a major issue, and if you all are spending money doing all these studies and stuff for the benefit of these stakeholders—where I am seeing you all have issues with staff and how to keep staff and how to attract the right people—maybe some of that funding can be geared towards improvement of the management within the EMA, and use some funding from the stakeholders, the different stakeholders—whether it comes from the Ministry of Works and Transport or the various Ministries. I am saying this because after you spend this money, who is accountable for the implementation of these recommendations?

Mr. Romano: A challenge that the EMA faces with everybody we deal with, including the Government, is that we are the regulator. So the EMA does not only regulate the private sector, we also regulate Government who, in many cases, is the largest project developer. And, therefore, the only money that we will take from Government is their fees when they put in their applications for the various projects and the transfer that the Parliament gives us to run the business of the EMA annually.

In terms of getting any other moneys from Government or private sector entities, it is a big challenge for the EMA that we are really looking at, because we cannot be accused of being in the hands of any entity, and that entity would include, of course, the Government of Trinidad and Tobago, except with respect to the transfer which is approved by the Parliament of Trinidad and Tobago. So the EMA values its independence, because if the EMA is not seen to be independent we end up into problems. So as an independent institution we have to be cautious and, therefore, we depend on our conversations with the various agencies to encourage them to use their legislation and to act.

Mr. Leonce: Okay. That was nicely put. *[Laughter]* So then, as the Chair was indicating, then maybe some tweaking of the legislation should be made for you all to have a little more teeth. What are some of the major—because I heard you speak about the draft for maritime—legislative amendments that you all are currently looking at for amendment so that you all could better and effectively do the management as you all are formed to do?

Ms. Partap: Hello. From a compliance and enforcement perspective, in particular, it may very well be—and this is what we have been starting our research on—is to change the whole structure so that we now have more criminal offences. So that, for example, or larger administrative fines for non-compliance with Certificate of Environmental Clearance because, you know, you have conditions in a CEC that are purely administrative whereby they need to notify us of start of works, but then you have the ones where they are a bit more onerous where you must implement certain things. If it is that you do not comply with an administrative requirement—what we are looking at is other jurisdictions where it could be more stringent, and I think that is what we have been looking at all these years.

So compliance and enforcement is a major aspect of improvement in our legislation, because Trinidad and Tobago is a country where it needs to be constantly policed. People do not automatically do the right thing, in particular, for the environment, but if they believe that a big fine is hanging over their head, it may very well be that people decide, okay, let me comply faster because, you know, there is a major financial penalty. So from that aspect that is what we are looking at.

Mr. Leonce: Chairman, last question. Well, basically, you are saying that you have everything more or less in place and it is basically to increase the fines?

Ms. Partap: Well, specifically compliance and enforcement. That is really what I would be referring to. With respect to the other pieces of legislation, we have our fees and regulations. For example, the application fee to apply for a Certificate of Environmental Clearance is just \$500 and that fee has not changed in all these years that we have been in existence. However, different applications require different depths of, you know—a poultry farm application as opposed to maybe an oil and gas application—certain levels of complexity; \$500 cannot cover processing one type of application as opposed to processing a different type of application. We are also looking at amending to increase the amount of application fees that we can charge as opposed to a set standard of a \$500 fee.

Mr. Leonce: Okay. And just going on what was asked earlier, what are you doing or what have you done to improve the efficiency of the CECs and the feedback? Have you incorporated any new technology? Are you moving away from manual? What is being done to improve? Because one of the major issues that has been raised is the length of time—I am happy to hear that you all have been in time complying—but what has or what is being done to improve the efficiencies for these types of applications?

Mr. Rajkumar: So if I could interject. So, we all know that we are into the Fourth Industrial Revolution, which is making everything digital and, you know, things done electronically—submission of application forms electronically, payment, et cetera. So the EMA is looking to develop our capabilities to have these services, similar to what is on TTBizLink through your TTConnect number, et cetera. So we are in the process of doing that and trying to institute a paperless environment to have all our documents electronic versus paper. That in itself would increase the efficiency from the applicant to the EMA and turnaround times in being able to deliver a good customer service. So we are in the process of doing that. We are not there yet, but we are in the process of making our services—

Mr. Leonce: Is there a timeline?

Mr. Rajkumar: Well, we started through the knowledge management process, we have been able to acquire a software, Microsoft SharePoint and that is the environment we will use to build out our digital system. We have 15 licensed right now and we are up to 250 licences, and we are rolling out that on an incremental basis.

Mr. Leonce: So when you—

Mr. Rajkumar: So we are hoping by the end of this year to start utilizing that service more enterprise wide.

Mr. Leonce: All right. Thanks.

Mr. Chairman: Thank you very much. I want to ask some questions. For every drilling for oil and gas, a CEC has to be prepared before the drilling. Is that correct?

Ms. Nathai-Gyan: Yes.

Mr. Chairman: Okay. So every single drilling exercise that we have, you know, like Juniper or TROC or Angelin and so on, there are mitigation requirements for anticipated pollution. All right? Does that mean that every drilling that takes place in the country actually results in some pollution of some kind?

Mr. Romano: Before we go to Wayne, I can tell you that between 2015 and 2018, we have not been able to identify the size or anything, but there were 377 oil and chemical spills that we have recorded.

Mr. Chairman: Based on the current drilling arrangements?

Mr. Romano: Based on all the current, but this is both oil and chemicals. So chemicals in a warehouse or something, I mean, but 377.

Mr. Chairman: And are the mitigation requirements equal to the challenge that that poses to the ordinary man responding to that?

Mr. Romano: In most instances, the mitigation requirements are in place and, therefore, this is I think why you do not see it out in the newspapers and everything else. In most cases, the mitigation requirements are there. But, please, Wayne.

Mr. Chairman: Okay.

Mr. Rajkumar: Right. So the CEC has conditions that would ensure that once it is being complied with, you will have a residual impact. So it minimizes as much as possible. There are some challenges with some of the operators in terms of they produce water, because the space for treatment on these offshore platforms is not suitable for very elaborate and sophisticated treatment technology. So yes, it can be done but at a very high cost. So there is some residual impact in terms of produced water, some of the pollutants that cannot be treated effectively in certain jurisdictions, and that is why we are saying also that the ecological risk assessment will want to be applied in areas to see what is the impact of those residual pollutants that cannot be effectively treated in an offshore environment. So the point is that there is going to be pollution, but the purpose of the certificate is to ensure that it is minimized to the residual and acceptable level, and collectively that is why you need to do the ecological risk assessment, because you want to see what is the cumulative impact of all these releases.

Mr. Chairman: Okay. But, I mean, from general knowledge of drilling and for oil and gas and its impact, without the specific research information that you are waiting on now from your ecological study, are you able to kind of figure out what are the likely problems that might emerge from a drilling operation by a particular company in a particular place?

Mr. Rajkumar: Right. Yes, so they would be required, as part of the conditions, to submit reports, monitoring reports. Subsequent to the drilling programme they have to submit to the EMA, periodic reports.

Mr. Chairman: And you monitor those?

Mr. Rajkumar: Yes, and we will assess those and look at the veracity of the information that is presented, and if there are any issues we would seek to get clarification on those reports.

Mr. Chairman: Do you have any CECs before you now for drilling in 2019 and 2020?

Mr. Rajkumar: Yes, we certainly have from the various operators.

Mr. Chairman: Okay. I want to ask you something which is that when we had the Sandals controversy in Trinidad and Tobago, part of that controversy had to do with the CEC application for that particular operation. Can you truthfully tell us what was the nature of the issue or challenge or controversy involving that particular entity, this Sandals operation?

Mr. Romano: Chair, the Sandals—and the application did not come from Sandals, the application came from a special purpose company established—

Mr. Chairman: Established to execute?

Mr. Romano: Right. And the application was before the EMA. The EMA responded in terms of further information. So in terms of any controversy, I mean, the EMA has no knowledge in terms of what controversy was there. We had an application before us, we responded to the application with a request for further information as we do with all applications, and subsequent to which we heard that the project was no longer a go. However, to date, we have not received any letter saying that the application is withdrawn. So the application is still before the EMA.

Mr. Chairman: Was the proportion or the parcel of land for the Sandals project—it seems to me that if you make an application like that you would have to identify the parcel of land—was that identified?

Mr. Romano: They did identify the parcel of land and I think some of the further information request was in terms of the scope of the project and to actually show us all the boundaries because, you know, in examining, in reviewing the application, we have to determine whether or not we would require them to conduct an environmental impact assessment.

Mr. Chairman: Okay. Are you able from memory or recall or can you provide to the Committee at some point what was the identifiable parcel of land by the company making the request?

Mr. Romano: Sure. I mean, it is totally available and we could provide. If you are interested we could provide the application to the Committee. It is in the national register.

Mr. Chairman: Yes, okay. Thank you very much.

Mr. Romano: Yes, sure.

Mr. Chairman: And can I ask: What were some of the things that you requested from the company that have not been yet provided?

Mr. Romano: So, some of the things was the scope—the number of rooms because there was some conflict in terms—

Mr. Chairman: It was not identified?

Mr. Romano: Right. The number of rooms in terms of how much water they would be using and what would the water be used for in terms of their wastewater treatment, in terms of the location of some of their structures. I mean, you know, if they could confirm where the structures would be in terms of the amount of acreage they would developing because there were wetlands in the area. So we were concerned in terms of the wetlands. That was it.

Ms. Nathai-Gyan: We will send it.

Mr. Chairman: The information that the EMA, any EMA would want. All right. One more thing. My colleague, MP Leonce, raised the issue of—I think you raised the issue of independence and he then raised the issue of legislation in relation to that. Now, you said a very important thing here which I think the population does not quite understand, which is the EMA is an independent

entity that really addresses environmental issues in relation to development for both private sector and state-related development. As a result, the EMA's business—mandate, perspective, view of the world—has to be what is good for Trinidad and Tobago that manages and balances industrial development requirements and other requirements and environmental conservation consideration. Now, in view of that, in the legislation that you anticipate that will be of value to the EMA, do you think that the issue of the independence and autonomy of the EMA has to be strengthened in that legislation?

Ms. Nathai-Gyan: Chairman, I would like to say that we have been—the EMA has had to take a sort of piecemeal approach to fixing some of its legislation. So currently, the EMA is engaged in looking at its principal legislation and subsidiary legislation in a more comprehensive manner. So I wanted to address when member Leonce spoke that, while we are coming with some piecemeal amendments, we really are taking a bigger look at it—

Mr. Chairman: The bigger-picture view.

Ms. Nathai-Gyan:—looking at the bigger picture. And, in fact, there are some pieces of the legislation that in fact have not even been tested and explored to its fullest, and in my opening statement I would have referred to some sections with respect to even growing the Environmental Trust Fund to incentives and so on and these are areas. Even though it is 24 years, the EMA still considers itself a maturing organization. There is still so much that we can apply, but there is the need for a more comprehensive look, global look. So that is happening currently and we expect, therefore, that through the line Ministry, the EMA would bring some amendments that would be required to bring it more efficient to improve its efficacy and so on.

So, with your permission, I would just like to just add one more point to when member Leonce spoke, and he spoke about, you know, the budgetary concerns, and I wanted to point out that we are not constrained, through the Environmental Trust Fund, by accessing international funds, and we have recently applied to the Green Climate Fund which is an instrument, the financial instrument of the UNFCCC climate change treaty. We have recently applied to become accredited which would put us in a situation, a place, where we can access that international fund, and that would be for climate change mitigation, adaptation projects. So I just wanted to make the point, we are exploring other opportunities to grow our Environmental Trust Fund.

Mr. Chairman: Okay. Good.

Mrs. Gopee-Scoon: Oh, I am sorry. Just a closing question for me. With regard to noise pollution which we have not spoken about at all—we have just come through a wonderful Carnival, good music and so on. I ended up with tinnitus, and I am sure I am not the only person out there that has ended up like that. So as we package our lovely festival and we seek to export it and so on, there are some responsibilities and I look at, again—and Sen. Obika raised the question of your environmental police and I am going to ask a direct question. At Carnival 2019, was any organization or person or a DJ or anybody charged with noise pollution? Because in as much as we want to package this nicely and it all goes well, there are some serious responsibilities.

Ms. Partap: Again, through our compliance and enforcement sections, what individuals or entities that would hosting Carnival events would do is that they would put in an application for a noise variation and there is a certain time period they have to put it in before the event is held which, of course, allows them to exceed the decibel level up to a certain amount for certain times. And, certainly, when our environmental police officers went out and monitored these events, if they were in exceedance of the permitted exceedance, they would have been issued a notice of violation and fined accordingly. I cannot give you the figure but yes, we had a host of notices of violation over the period, yes.

Mr. Romano: Let me say a little bit. So, with respect to noise, 2018 Carnival we would consider successful, because there are some events which although they may have had a variation from the EMA, like an event at the National Stadium where there was fireworks, and that concerns us because nowhere in the application had anything to do with fireworks, and we are even more concerned because the fire service and the police were present for the fireworks and, therefore, maybe, I mean we are not being as successful as we think we are being with respect to our coordination with the other agencies, because noise is really the remit of the Trinidad and Tobago Police Service.

12.10 p.m.

Yes, they have so much more doing that maybe they do not take it as seriously as they should, but we at the EMA, we are trying very hard in terms of the Summary Offences Bill to get the police involved in noise. But, 2018, we want to say in terms of noise, 2018, it was quite successful because most of the promoters were obeying the instructions of the Environmental Police Unit.

Mrs. Gopee-Scoon: Just perhaps you can send to the Parliament any charges, the number of persons, organizations that would have been charged for the last three years so we would have a sense of, you know, whether you were executing your responsibilities with regard to monitoring noise pollution.

Ms. Nathai-Gyan: Yeah.

Mr. Chairman: Sen. Obika.

Mr. Obika: Thanks, Chair. Sticking on the topic of environmental policing, illegal quarrying is a big issue in Trinidad and Tobago, sometimes you would see a place looking pristine and then you pass back and you see part of a hill taken away, does the EMA police that directly or that is for the general police service? And also, well, if the EMA polices it, how many successful convictions, let us say, we have had over the past five years, 10 years?

Mr. Romano: I can say the role of the EMA with respect to quarrying would be through the designated activity number 23, where any person who wants to do quarrying will have to apply for a certificate of environmental clearance which we will monitor. Quarrying though is really the agency that is responsible for quarrying and for licensing of quarries is the Ministry of Energy and Energy Industries. The EMA will go out to investigate with the primary agency, which is the

Ministry of Energy and Energy Industries, and other agencies because the Commissioner of State Lands will be involved, because in some cases this is on state lands. The Forestry Division may be involved, and again we have not been very successful. What we are attempting to do is through the collaborative approach, because any action that you are taking you have to ensure that all the ducks are lined up because there have been instances where action has been taken and the State has lost in the courts because the ducks did not line up. I mean, proper procedures in terms of collection of evidence were not followed. So we are trying to develop, formulate a plan in terms of how to deal with illegal quarries with all the agencies.

Mr. Obika: So just a short follow-up, is there a hotline for quarrying? Because quarrying is a highly capital-intensive affair and there are persons who enter quarrying who could lose their shirt, basically, in business terms, if you stop them, and that serves as a deterrent to persons who want to enter the illegal quarrying endeavour. So if there is a hotline persons can look out for illegal quarrying activities, and many communities are very well aware of them, and they can alert the relevant authorities.

Mr. Romano: Well, I am not sure if there is a hotline for quarrying but the EMA surely has an emergency number, 680-9588, and of course there are also complaints at ema.co.tt where people can report, I mean, any illegal activities or any activities that are resulting in environmental problems.

Mr. Chairman: Okay. Sen. Seepersad.

Ms. Seepersad: Thank you, Chairman. I have two questions, the first relates to the Environmental Trust Fund, do you have a policy which guides how you use the fund given the fact that you all get annual funding from the Government of Trinidad and Tobago?

Mr. Nandlal: Thank you, member. The Environmental Trust Fund is firstly guided by the legislative requirements under the EM Act. Yes, under the requirements of the EM Act. We also have a number of policies that guide us, for example, you would see the EM Act speaks to the excess funds, we have recently instituted an investment policy and guidelines that guides how the fund is utilized. In terms of a policy, we have actually drafted a finance, an accounting policy which is being reviewed at this point in time, and we have some timelines to bring it for approval as well.

Ms. Seepersad: So you also have trustees who manage the fund?

Mr. Nandlal: Yes. There is a board of trustees, and if you look at the EM Act as well too, the board of trustees is appointed out of the board of directors in a similar manner.

Ms. Nathai-Gyan: May I just add, and it is appointment by Her Excellency the President of the Republic of Trinidad and Tobago.

Ms. Seepersad: And you all would submit annual financial statements, and that kind of thing?

Ms. Nathai-Gyan: Yes.

Ms. Seepersad:—that are audited as well?

Ms. Nathai-Gyan: Yes. Those form part of the audited statement.

Ms. Seepersad: The other question I have has to do with your internal audit function, do you have an internal audit schedule and are you following it, and are the reports sent to the board? If you could tell me about as well, is it staffed adequately?

Ms. Nathai-Gyan: So I will take part of it. I would just like to say, we do have an internal audit department. At this point in time it is unstaffed because our Internal Auditor just resigned because for better opportunities, and we are actively, at this point in time, recruiting. In fact, the last part of our competency-based recruitment process is taking place next week so we expect to have our Internal Auditor back on board shortly. We do have an audit schedule which we follow. Actually, we have an audit committee of the board chaired by one of the directors, comprising members of the board as well and supported by the internal audit department. With the question of adequate staffing, we have addressed that. We would like to in fact increase it, and we have addressed that. It forms part of a revised organizational structure that we have recently completed and it is now before the Minister for her consideration.

Mr. Chairman: Okay. A couple of things, a follow-up on this trust fund matter:

Five members of the board of directors of the Authority other than the Managing Director shall be designated by the President to act as trustee.

So the presidential appoints are really from the existing board? Is that correct?

Ms. Nathai-Gyan: Yes, correct.

Mr. Chairman: Okay. And basically they are responsible for the trust fund?

Ms. Nathai-Gyan: Yes. So we monitor the trust fund. In fact, we prepare our annual trustees report. We monitor the accounts on a monthly basis through the board's procedures.

Mr. Chairman: Okay. And then with regard to the trust fund and finances it says, it talks about incentive measures, demonstration projects, emergency response activities, public awareness, I just want a response from you on whether the purposes for which the money in the trust fund is being used are indeed for those purposes. And if they are for anything else, would you say what they are?

Ms. Nathai-Gyan: Chairman, at this point in time the trust fund, it is mainly funded through the transfer, because I made mention earlier that we have not really begun to explore the various avenues there are for growing the trust fund.

Mr. Chairman: Okay.

Ms. Nathai-Gyan: So it is basically the transfers and the fees, the fees that are collected, for example, with the applications for CECs, the fees under the Water Pollution Rules, and so on. So

at this point in time the trust fund would really be used for the day-to-day operations of the EMA as it is allowed under section 72. There is no excess at this point in time or a leeway to do much.

Mr. Chairman: Okay. How much money do you have in those funds?

Ms. Nathai-Gyan: So at this point it is one fund with several accounts, and I would transfer you to the financial accountant who can give you that information.

Mr. Chairman: The reason I asked is because based on 2012 you have about \$46 million in that, I think.

Ms. Nathai-Gyan: Yeah. So—

Mr. Chairman: So I wanted to know if it was more significant than that.

Ms. Young: Currently we have \$9.4 million in our operating account.

Mr. Chairman: For the fund?

Ms. Young: For the fund.

Mr. Chairman: Okay. All right. I have some other different questions for you. I know that you mentioned there are five issues that you are kind of focused on right now, but what are the main conservation challenges and issues that we should be concerned about or that you are concerned about, and I want you to identify the main geographical areas in which these present a problem.

[Laughter]

Mr. Romano: Chair, why we laugh because, you know, we—

Mr. Chairman: Well, I seem to have amused you a lot this morning.

Ms. Nathai-Gyan: You have. You have.

Mr. Romano: Because, Chair, you know, we come to the Parliament and we hope the Parliament will lead in terms of not having plastic bottles because this is a major issue that we all face on a day-to-day basis, so I think waste, on the whole, came out as the number one issue. And it was not scientific in terms of—it was complaints that the EMA have received. It was based on our public consultations when we did the national—to revise the National Environmental Policy, and it was based on an environmental literacy survey that we did, again, in terms of revision of the National Environmental Policy. So that is how we came up with these items, so the number one was waste. How we are dealing with waste at the EMA is we expect that the waste rules will be law before the end of the year, and that is the only piece of subsidiary legislation that is still outstanding in the EM Act. The second item was enforcement legislation and implementation. It tells us that we need to do the amendments to the EM Act in terms of enforcement so that we give ourselves more power and maybe have, you know, criminal offences in the Act.

Mr. Chairman: Well, I am glad you say that now because when I asked you if you want more power, “yuh tell meh no”.

Mr. Romano: You know, power is a difficult word, eh, maybe I do not like this “power” word. I mean, it is to give us—

Mr. Chairman: If you use power judiciously the country would be fine.

Mr. Romano: Okay.

Mr. Chairman: It is the abuse of power that is a problem. Power itself is not a problem.

Mr. Romano: Thank you, Chairman. The third one was what the member brought up which is noise pollution, and noise pollution we are dealing with against in terms of all the collaboration with all the agencies. The fourth one was water pollution and that is being handled through the revision of the Water Pollution Rules. And the fifth one was just education, and the education, we want to say, is not only for the EMA, but we also think it is important for parliamentarians.

Mr. Chairman: Consciousness raising.

Mr. Romano: Yeah.

Mr. Chairman: But I asked you a question about geographical areas though, are there any problems that can be geographically identified that need to be attended to.

Mr. Romano: Of course. When we talk about quarrying, we are talking basically about the North-Eastern Region, simply because that is where the resources are in terms of the sand and gravel resources. In terms of oil pollution—

Mr. Chairman: Do any of the quarries replenish? Let us say the quarries dig up an acre and take all the gravel, and so on, from it, do they replenish that acre before they go on to the next one or about five at a time, or something like that?

Mr. Romano: It is something that in the CECs that we are now stressing on rehabilitation, we also have an International Waters and Ecosystem Management project where the EMA are with Global Environment Facility funding is actually doing a demonstration area of how you can rehabilitate and how you can rehabilitate both efficiently and effectively. So that is a project that we are doing with GEF funding, and the pilot site is in National Quarries. So, I think—

Mr. Chairman: What other geographical areas have issues?

Mr. Romano: In terms of other geographical areas, Gulf of Paria, in not only with respect to oil pollution, but remember that is the industrial side.

Mr. Chairman: Industrial?

Mr. Romano: That is the industrial pollution side.

Mr. Chairman: Can that problem be solved?

Mr. Romano: Of course. I think through studies, like the ecological risk assessment, we can identify where the problem is coming from and therefore we could have a more focused—

Mr. Chairman: But would that not require all the companies to comply?

Mr. Romano: And hence, as you say, I mean, once we have the information we can now start taking action.

Mr. Chairman: And you believe that is doable because they say that the fish from that area is not really edible.

Mr. Romano: Well, the evidence that we have so far in terms of testing the fish does not, I mean—

Mr. Chairman: Does not say that?

Mr. Romano: Does not support that.

Mr. Chairman: Okay. So you have scientific evidence to say—

Mr. Romano: We have scientific evidence.

Mr. Chairman:—that the pollution is not so heavy as to contaminate the fish?

Mr. Romano: Exactly. As to contaminate—correct. Yes.

Mr. Chairman: And shrimp?

Mr. Romano: I am not going to go to shrimp because we did not test the shrimp, or we have not tested the shrimp.

[Mr. Romano confers with EMA officials]

Are we testing shrimp in this?

Mr. Rajkumar: Yes.

Mr. Romano: With the ecological risk assessment that we are doing now—

Mr. Chairman: You know the Gulf is a major area for shrimp farming, for shrimp fishing?

Mr. Romano: We do. Yes. Yes. So, for the study between Pointe-a-Pierre and Icacos, we are actually testing shrimp.

Mr. Chairman: So we should get some information on that to give comfort to the citizens, “food for the table” kind of thing?

Mr. Romano: Well, yes. I mean, but let us be careful, you know, “one swallow does not a summer make”. I mean, this is one set of testing. The challenge is always the resources but we need to continue it to have the information.

Mr. Chairman: All right. So where else we have the problem, north-eastern region with this quarries—

Mr. Romano: Yeah. The Gulf of Paria in terms of the industry.

Mr. Chairman: We have the problem in the Gulf with the fish and shrimps.

Mr. Romano: I think those are the major—I think those are the two “hot spots”, if you want to call them that.

Mr. Chairman: Are the coastal erosion issues under your jurisdiction in any way?

Mr. Romano: Not really. I mean, not directly.

Mr. Chairman: Okay.

Mr. Romano: So the IMA would be doing all the research in terms of doing the profiles—

Mr. Chairman: So they will do the research and the Ministry of Works and Transport is involved?

Mr. Romano: Correct, in terms of the Coastal Protection Unit.

Mr. Chairman: All right. What about—you wanted to say something, PS? Sorry.

Ms. Deoraj: Yes, thank you, Chair. I just wanted to indicate there is a project where it is the Integrated Coastal Zone Management committee, which is an integrated committee of the Ministry of Works and Transport, the Ministry of Planning and Development and several of the other agencies, looking at an integrated approach to dealing with coastal management. So, yes, pollution; yes, in terms of remediation along the coastlines, and things like that. So that will be a more coordinated response.

Mr. Chairman: Okay, so this is for both Trinidad and Tobago?

Ms. Deoraj: Trinidad and Tobago, yes.

Mr. Chairman: Okay. Another thing I wanted to—is the EMA involved in facilitating, supporting, encouraging, pushing the country in the direction of anything related to solar, wind or renewable energy projects and investments, and can you do that? Do you have the power, the authority, the influence, the—can you do that because that is important?

Mr. Romano: We do it indirectly through the CEC process because we are pushing, you know, climate-smart development in the CEC process. We had one project in terms of a pilot with respect to solar, that is still to be completed in terms of the highway, the police surveillance bays,

but other than that we are very active in terms of the various committees that the Ministry of Energy and Energy Industries has with respect to a recycling and renewable energy.

Mr. Chairman: PS, you want to say something on that?

Ms. Deoraj: Yes, Chair. Again, these are all policy decisions and policy interventions, so, yes, EMA would not be directly responsible for that, but as the Ministry of Planning and Development, we are working with several entities. We actually will be working with the European Union on one of the projects, solar panelling. We are also doing a number of other things with the public transportation, but with Trinidad and Tobago—and I think it is a question that you had asked earlier about Trinidad and Tobago's contribution, national determined contributions, there are about three areas that we have direct interventions with, which would be including transportation, and that sort of transportation network will speak towards the dealing with climate mitigation along the lines. And of course an integrated approach again to ensuring that we do the addressing of the climate change issues in a coordinated way across the different Ministries and agencies, as well as the private sector and civil society. So, it will not be within the remit of only the EMA, they would be one of our partners but not the only agency that would be involved in this.

Mr. Chairman: Okay. And given that pollution from cars is one of our main problems in Trinidad and Tobago and per capita we are pretty bad internationally—I mean, I know that there is significant conversion over an extended period of time, or perhaps not significant conversion, but I know that there is a thrust towards conversion over a fair number of years to CNG, but given the abundance of electricity supply in Trinidad and Tobago, and given the cleanness of that, might we not begin to—and since we import all our vehicles anyway, might we not think—well, first of all, what is the thinking about CNG versus electric, and might we not think about electric in terms of the future of the country?

Ms. Deoraj: Yes, Chair, we are looking at those options, but maybe Dr. Persaud would be better equipped to answer the interventions that we are doing in this area.

Mr. Chairman: Okay.

Dr. Persaud: Yes, you are correct, Mr. Chairman, CNG, I would consider, a transitional fuel, so moving from the gasoline and diesel-powered vehicles to CNG is a cleaner burning fuel, and then the—well, the thrust is to move from that to zero emission vehicles, which would be electric and hybrids. And I think you would notice some intervention has been taken place in that regard and you would see certain hybrid vehicles, and so forth, on the nation's roadways already, certain dealerships and stuff are offering those vehicles. So there is movement in that direction and the public is taking up those sort of incentives to go towards electrics and hybrid vehicles.

Mr. Chairman: All right. Could I ask my colleagues if they have any final questions before we close?

Mrs. Gopee-Scoon: No.

Mr. Chairman: We okay? All right. I want to thank you very much, Permanent Secretary, Chairman and board members, CEO and other officials from the Ministry of Planning and Development for not just attending but participating fully. I am glad that the hesitation about what the EMA needs gave way to perhaps a more factual assertion of position. Because, I mean, when we come to these committees what happens is that based on what you say we make recommendations. The recommendations then go to Parliament and specific issues are raised with the Minister responsible, or if there is more than one Minister we also raise those, and then we get a response, you know. They might say, “Yes, we can; no, we cannot; we could do this but not this”, or whatever, and that involves an engagement which can affect what actually happens, and it is important to be, you know, very straightforward here so that we get the truth and we could then deal with the facts.

I thought that you were forthright in your answers and you gave us a lot of information. The environment is a very, very, important thing and the EMA is a critical institution. My own view is that the EMA does not have the teeth or the resources, based on all the documents that I see here, nor does it have the financial means. We did not interrogate all of those issues but that is clear from the documentation, and the environmental issues are going to become more challenging as we go forward. We are an island and that has its own problems. We are the most industrialized island in the Caricom basically and that creates another set of problems, and the balance between environmental considerations and developmental opportunities and challenges are very real, and the way you manage the industrialization from the way the world is going—well, in the context of where the world is going but recognizing that we are a fossil-fuel based economy that wants to transform; the way you manage that is very, very, critical and the EMA becomes vital in that regard. So this is a very important issue. You are a very important institution and it really has to do with the sustainability of the nation afterwards.

So, we thank you for participation. We thank you for your answers and your comments on the issues that we raised. I thank all my colleagues for their own very pointed questions. We thank the members of the public gallery for being here, and, most of all, we thank the press, and we hope that they will convey to the population the important things that came out of this particular meeting that is of interest to the population. The environment should be a concern for everybody and sustainable development should be a concern of everybody in the society. So I thank you again, and this meeting is now adjourned. Thank you very much.

12.36 p.m.: *Meeting adjourned.*