



# 10<sup>th</sup> Report

JOINT SELECT COMMITTEE ON

## FINANCE AND LEGAL AFFAIRS

on an

Inquiry into

**Consumer Awareness, Empowerment and Protection  
Systems**

FIFTH SESSION (2019/2020) OF THE 11<sup>TH</sup> PARLIAMENT

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The Joint Select Committee on Finance and Legal Affairs

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# 10<sup>th</sup> REPORT

OF THE

JOINT SELECT COMMITTEE ON  
FINANCE AND LEGAL AFFAIRS

ON

AN INQUIRY INTO CONSUMER AWARENESS, EM-  
POWERMENT AND PROTECTION SYSTEMS

**Date Laid: HoR:** 01.07.2020

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## ACRONYMS AND ABBREVIATIONS

**Table 1: List of Abbreviations**

<b>Abbreviation</b>	<b>Term</b>
<b>AHPD</b>	Animal Health Production Division
<b>CBD</b>	Cannabidiol
<b>CODEX</b>	CODEX Alimentarius food code
<b>CROSQ</b>	Caricom Regional Standards for Quality
<b>CDC</b>	Centre for Disease Control and Prevention
<b>CES</b>	Container Examination Station
<b>CPP</b>	Certificate of Pharmaceutical Product
<b>CSO</b>	Central Statistical Office
<b>EOI</b>	Expression of Interest
<b>GMO</b>	Genetically Modified Organism
<b>GMP</b>	Good Manufacturing Process
<b>HAACP</b>	Hazard Analysis and Critical Points System
<b>GMP</b>	Good Manufacturing Practice
<b>MOU</b>	Memorandum of Understanding
<b>NAMDEVCO</b>	National Agricultural and Marketing Development Corporation
<b>NGOs</b>	Non-Governmental Organisations
<b>NPMC</b>	National Petroleum Marketing Company
<b>OSHA</b>	Occupational Safety and Health Agency
<b>RIC</b>	Regulated Industries Commission
<b>SSOP</b>	Sanitation Standard Operating Procedures
<b>TBT</b>	Technical barriers to trade
<b>THC</b>	Tetrahydrocannabinol
<b>UNIPET</b>	United Independent Petroleum Marketing Company

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## MEMBERS OF THE COMMITTEE



**Ms. Sophia Chote, SC**  
Chairman



**Mr. Clarence Rambharat**  
Vice-Chairman



**Dr. Lovell Francis, MP**



**Mrs. Vidia Gayadeen-Gopeesingh, MP**



**Mr. Taharqa Obika**



**Dr. Lester Henry**



**Mr. Terrence Deyalsingh, MP**



**Mrs. Cherrie-Ann Crichlow-Cockburn, MP**

## THE COMMITTEE

### COMMITTEE MANDATE AND ESTABLISHMENT

1. Section 66A of the Constitution of the Republic of Trinidad and Tobago declares, that not later than three months after the first meeting of the House of Representatives, the Parliament shall appoint Joint Select Committees to inquire into and report to both Houses in respect of Government Ministries, Municipal Corporations, Statutory Authorities, State Enterprises and Service Commissions, in relation to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.
2. Pursuant to the foregoing provision, motions approved in the House of Representatives and Senate on November 13, 2015 and November 17, 2015, respectively, the **Joint Select Committee on Finance and Legal Affairs** was established.
3. Standing Order 91 of the Senate and 101 of the House of Representatives outline the general functions of a Committee of this nature. They are as follows:
  - a. to examine Bills and review all legislation relating to the relevant Ministries, Departments or Bodies or as may be referred to it by the House;
  - b. to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the assigned Ministries, Departments or Bodies;
  - c. to study the programme and policy objectives of Ministries, departments or bodies and the effectiveness of the implementation;
  - d. to assess and monitor the performance of Ministries, Departments and Bodies and the manner of the exercise of their powers;
  - e. to investigate and inquire into all matters relating to the assigned Ministries, Departments and Bodies as they may deem necessary, or as may be referred to them by the House or a Minister; and

- f. to make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

### SPECIFIC AREAS OF RESPONSIBILITY

4. The Joint Select Committee on Finance and Legal Affairs is mandated to inquire into areas related to Finance, Planning, Trade, Tobago Affairs, Office of the Prime Minister, Attorney General, Justice and Legal Affairs as listed in Appendix IV and V of the Standing Orders of the House of Representatives and Senate respectively.

### POWERS OF THE COMMITTEE

5. Standing Orders 101 of the Senate and 111 of the House of Representatives delineate the general powers of the Committee which include:
  - a. to send for persons, papers and records;
  - b. to sit notwithstanding any adjournment of the House;
  - c. to adjourn from place to place;
  - d. to report from time to time;
  - e. to appoint specialist advisers either to supply information which is not otherwise readily available, or to elucidate matters of complexity within the Committee's order of reference;
  - f. to communicate with any other Committee on matters of common interest; and
  - g. to meet concurrently with any other Committee for the purpose of deliberating, taking evidence or considering draft reports.

### MEMBERSHIP

6. The Committee comprises the following members:
  - i. Ms. Sophia Chote, SC - Chairman
  - ii. Mr. Clarence Rambharat - Vice-Chairman
  - iii. Dr. Lovell Francis, MP
  - iv. Mrs. Vidya Gayadeen-Gopeesingh, MP
  - v. Mrs. Cherrie-Ann Crichlow-Cockburn, MP

- vi. Mr. Terrence Deyalsingh, MP
- vii. Dr. Lester Henry
- viii. Mr. Taharqa Obika

### SECRETARIAT SUPPORT

7. The following officers were assigned to assist the Committee:
- i. Mr. Julien Ogilvie - Secretary
  - ii. Mr. Brian Lucio - Assistant Secretary
  - iii. Ms. Terriann Baker - Graduate Research Assistant
  - iv. Ms. Ria Rampersad- Graduate Research Assistant
  - v. Mrs. Lucinda Leston-Raymond- Administrative Professional

## EXECUTIVE SUMMARY

1. At its 32<sup>nd</sup> Meeting held on November 15<sup>th</sup>, 2019, the Committee resolved to pursue **an inquiry into the measures to facilitate consumer awareness, empowerment and protection systems in Trinidad and Tobago.**
2. The inquiry process involved gathering and collating oral and written evidence from primary and secondary stakeholders as well as from the public. As far as possible, the Committee ensured that oral and written evidence received were relevant to the terms of reference to the inquiry. In this regard the Committee received evidence from several stakeholders, listed as follows:
  - i. Ministry of Trade and Industry (MTI);
  - ii. Ministry of Health (MOH); and
  - iii. Trinidad and Tobago Bureau of Standards (TTBS).
3. Based on the evidence received from the stakeholders listed above, the Committee was able to ascertain the legislative provisions to safeguard consumer rights and advocacy, the strides made in the administration of consumer protection policy and the gaps that are yet to be filled.
4. Some of the issues which the Committee took into account were as follows:
  - i. The need for Consumer Protection Legislation to adequately protect consumers and regulate new and emerging consumer products within the market;
  - ii. The need for the CAD, as the lead Consumer Affairs Body, to formalise partnerships with stakeholders to improve the strength and reach of consumer protection;
  - iii. The delays in the operationalisation of the CFDD lab and the resultant impact on access to quality lab testing facilities, specifically in the area of pesticide use;

- iv. The delays in the development of food labelling requirements;
- v. The need for the TTBS to clearly distinguish its commercial endeavours from its public service responsibilities;
- vi. The inability to ensure agri-food quality and safety in the absence of a National GAP policy to advise on judicious pesticide use;
- vii. The need to develop and implement oversight for a Quality Assurance Framework for locally produced food items;
- viii. The need for the CAD to improve its website, methods of performance evaluation and its efforts to empower vulnerable groups; and
- ix. The need to develop a consumer focussed culture in Trinidad and Tobago.

## SUMMARY OF RECOMMENDATIONS

The following are key recommendations proffered by the Committee:

- A. The New Consumer Protection Legislation should include provisions for the following:
  - i. That the CAD's remit of authority be widened to include all goods and services (excluding food and drugs) but not limited simply to consumer durable goods; and
  - ii. That the legislation place more emphasis on the CAD's role to treat with consumer issues as it relates to the purchase of services by specifying the terms and conditions for its provision, including the actions that could be taken by consumers (through the CAD) against unsatisfactory service<sup>1</sup>.
- B. The MOH and CFDD in particular should consider the establishment of a complaints mechanism and/ or dedicated hotline to furnish the receipt and investigation of consumer complaints as it relates to food and drug items making spurious claims or of dubious quality;
- C. The CFDD should consider the development of an MOU between itself and the Pharmacy Board that is specific to initiating a process of reporting and information exchange as it relates to the regulation of products such as vaping products, CBD oils or its derivatives;
- D. To optimise the staff of the CFDD who are assigned to the unfinished Food and Drug lab, some officers should be designated to assist with conducting Health Inspections particularly during the ongoing Covid-19 Pandemic;
- E. The staff of the CFDD lab may also be engaged in the conduct of efficacy trials to ascertain the levels of application for the judicious use of pesticides. The CAD must also hasten to action the following MOUs:
  - i. The EMA- to clearly delineate the responsibilities and sphere of authority between the CAD and the EMA;
  - ii. CFDD- to collaborate on enhancing the framework for consumer protection and improving communication between the CFDD and CAD, especially as it relates to the administration of CARREX and reporting of unsafe products.
- F. The Ministry of Trade and Industry shall submit a status update on the Legislative Brief to guide the drafting of legislation to establish the TTASCA;

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<sup>1</sup> The Consumer Council UK. "Consumer Information Factsheet 2015". Accessed: April 11, 2020. Available: [https://www.consumercouncil.org.uk/sites/default/files/original/Consumer\\_Factsheet\\_Consumer\\_Rights\\_Act\\_2015.pdf](https://www.consumercouncil.org.uk/sites/default/files/original/Consumer_Factsheet_Consumer_Rights_Act_2015.pdf)

- G. The Ministry of Trade and Industry shall submit a status update on the draft Food Labelling Regulations. The update shall include a timeline to have the regulations tabled in Parliament;
- H. The Ministry of Health shall submit a status update on the reconstitution of the PTCCB. The development of regulations governing the use of pesticides on produce is contingent upon the reconstitution of the Board of the PTCCB. As such, the Ministry of Health should make this a priority;
- I. The CAD consider the following to expand their reach and relevance:
- A dedicated website to launch alongside the New Consumer Protection Policy/Legislation with direct access to all the services provided by the agency including:- requesting lectures/outreach sessions, lodging complaints, previous Quarterly Consumer Complaint Reports, CARREX database, Consumer Protection Legislation, Retail Price Indices and the introduction of a 'Did You Know' section to engage consumers in a simple and reader friendly format;
- J. Using input provided by feedback forms compiled for the years 2016-2019, the CAD should identify the core areas in need of improvement and implement short, medium and long term plans to rectify the agency's areas of weakness as identified by stakeholders;
- K. The CAD should consider establishing a collaborative rapport with active consumer associations (to acquire feedback on policy and various initiatives to be undertaken by CAD) to obtain a grass roots understanding of consumer issues and to use these organisations as a model to encourage the development of similar bodies at both the community and national levels;
- L. The CAD ought to solicit feedback from the public, via a survey administered on their website, to collect information on the areas that could benefit from the conduct of ATPO exercises and use this to develop an internal schedule based on the survey data and recommendations;
- M. The TTBS should liaise with the Ministry of Energy and Energy Industries (MEEI) to include representatives of the MEEI during exercises for the verification of fuel dispensers;
- N. The TTBS should consider collaborating with the manufacturing and agro-processing sectors to formulate and introduce Mandatory Operational Standards as a means of further strengthening the quality assurance framework. If undertaken as pilot initiative, consideration should be given to applying these mandatory standards to the production of commodities with a history of compromised quality. E.g. milk, juices, spices and processed meats;

- O. The TTBS website must clearly identify the for profit training services that the TTLABS are authorised to perform similar to the approach taken to advertise, via a dedicated web page, the services of the TTBS's subsidiary PQSL;**
- P. In the absence of a National Gap Policy, consumers should wash and peel all fruits and vegetables especially those for raw consumption;**
- Q. Given the serious implications on the health of the population, the MOH should exercise the full scope of penalties under the Food and Drug Act, including prosecutions via the Court to discipline business who have committed breaches;**
- R. To reach persons at their point of need, CAD must endeavour to adopt a holistic approach to provide for persons of various vulnerabilities. This may encompass:**
- i. Quarterly meetings of a multi-party working group (including members from the CAD, TATT, RIC, WASA, TTMA, TTCIC, Consumer Associations and other NGO and civil society groups advocating for PwDs, persons living in poverty, elderly and other persons who may be disadvantaged by their social and or economic circumstances) with an agenda dedicated to providing equitable access to consumer rights and protections; and**
  - ii. The CAD must include as a complement to the launch of an independent website, the inclusion of auditory options to provide persons who are blind or with visual impairments access to content;**
- S. The CAD must develop urgently a targeted intervention approach to educate and empower vulnerable populations and to use the data gleaned from the National Consumer Profile Study to launch a special Consumer Education and Outreach agenda for this subset of the population by end of 2020. This programme should encompass education on consumers' rights including the right to satisfaction, access to basic needs, safety, information and protection, to choose, to be heard, to seek redress, to be educated and to a safe and healthy environment. Consumers' responsibilities should also be emphasised including the need to behave ethically, respect the environment, gather information, think critically and to complain or speak out against wrong doing<sup>2</sup>;**
- T. To maximise their reach and effectiveness outside of digital means, CAD may consider alternative means of communication including participation in community led activities, open days in supermarkets and malls as well as radio announcements;**
- U. The Committee recommends that the CAD work more closely with the Central Bank of Trinidad and Tobago to develop and implement consumer support and**

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<sup>2</sup> The Consumer Affairs Commission Jamaica. 'Consumer Laws'. Accessed: April 14, 2020. Available: <https://www.consumeraffairsjamaica.gov.jm/portal/index.php/consumer-laws>

**protection interventions in respect of the fairness of terms and conditions of hire purchase agreements and other financing arrangements offered by commercial entities that do not fall under the Financial Institutions Act;**

- V. The Ministerial Response of the MTI should include details on the progress made thus far in lobbying for the removal of the Common External Tariff (hereinafter CET) and application of 0% duty on some basic food items. The views of the Ministry of Finance (Customs and Excise Division) and the Ministry of Foreign and CARICOM Affairs on the feasibility of this initiative should be included; and**
  
- W. The CAD, the Ministry of Health and other supporting stakeholders must rejuvenate their efforts to engender a greater consumer focused culture among the business community and the wider population. These efforts must involve an increase in the number of targeted outreach initiatives within the nations schools and communities.**

## INTRODUCTION

### BACKGROUND

#### *The Basis for Consumer Protection*

1.1 The United Nations General Assembly in 1985 adopted **guidelines for consumer protection** to facilitate the promotion and protection of consumers' economic interests, an adequate standard for the safety and quality of consumer goods, measures to obtain redress and education and information programmes<sup>3</sup>.

1.2 In this regard, the provision of measures that promote and protect consumers is not only an essential legal function of the welfare state but also drives overall economic growth and competitiveness. The impetus for consumer protection is as equally concerned with the health of the economy as the protection of the consumer<sup>4</sup>.

1.3 **Consumer law and policy** was introduced as an attempt to defend consumers against the abuse of power by traders. State intervention is required to ensure that suppliers behave responsibly and consumers have access to remedy grievances. The rationale for mediation on the part of the State is necessitated in order to ensure economic efficiency<sup>5</sup>, support overall development<sup>6</sup> and to protect and provide for individual rights<sup>7</sup> and social justice<sup>8</sup>.

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<sup>3</sup>University of Minnesota Human Rights Library. "Guidelines for Consumer Protections, UN Department of International Economic and Social Affairs, A/RES/39/248 (1986)." Accessed: December 10, 2019. Available: <http://hrlibrary.umn.edu/links/consumerprotection.html>

<sup>4</sup>Gerant Howells. "The Potential and Limits of Consumer Empowerment by Information." *Journal of Law and Society*. Volume 32, number 3, September 2005. Pgs. 349-370.

<sup>5</sup>United Nations Conference on Trade and Development. "Manual on Consumer Protection." 2016. Accessed: December 16, 2019. Available: <https://unctad.org/en/PublicationsLibrary/webditclp2016d1.pdf>

<sup>6</sup>United Nations Department of Economic and Social Affairs. "United Nations Guidelines for Consumer Protection." 2003. Accessed: December 16, 2019. Available: [https://www.un.org/esa/sustdev/publications/consumption\\_en.pdf](https://www.un.org/esa/sustdev/publications/consumption_en.pdf)

<sup>7</sup>United Nations Conference on Trade and Development. "Manual on Consumer Protection." 2016. Accessed: December 16, 2019. Available: <https://unctad.org/en/PublicationsLibrary/webditclp2016d1.pdf>

<sup>8</sup>United Nations Conference on Trade and Development. "Intergovernmental Group of Experts on Consumer Law and Policy-Working Group on Vulnerable and Disadvantaged Consumers." July 2018. Accessed: December 18, 2019. Available: <https://unctad.org/meetings/en/Presentation/WG%20Vulnerable%20and%20Disadvantaged%20Consumers%20.pdf>

1.4 A **consumer** is defined as, *in relation to any goods, services or accommodation, any person who may wish to be supplied or provided with services or facilities for his own private consumption and which is used otherwise than for the purposes of any business of his* (adapted)<sup>9</sup>.

### ***Legislation as the Foundation for Consumer Protection***

1.5 A **sound legislative framework is paramount to consumer protection**, this not only encompasses aspects of law but also provides for the development of codes and guidelines inclusive of a national consumer policy, the designation of a consumer protection agency, consumer redress initiatives, mechanisms for compliance and enforcement backed by a robust information and consumer awareness programmes<sup>10</sup>.

1.6 Whilst access to information remains at the core of consumer protection, contemporary policies are more focused on the **resolution of information disparities between trader and consumer**<sup>11</sup>. Essentially, consumers should be provided with meaningful access to fair and timely dispute resolution and redress without undue burden or cost<sup>12</sup>. It is equally important to note the impact of the rise of digital technology and the ‘*Internet of Things*’ on consumer protection. Digitisation has had a marked effect on increasing the scope, scale and complexity of regulation, security and data<sup>13</sup>.

## **OBJECTIVES**

1.7 Given the increased focus on consumer rights and protection and the revitalisation of the MTI’s efforts to create a harmonised legislative framework, the Committee agreed that its inquiry will be guided by the following objectives:

<sup>9</sup> Gerant Howells. “The Potential and Limits of Consumer Empowerment by Information.” *Journal of Law and Society*. Volume 32, number 3, September 2005. Pgs. 349-370.

<sup>10</sup> United Nations Conference on Trade and Development. “Manual on Consumer Protection.” 2016. Accessed: December 16, 2019. Available: <https://unctad.org/en/PublicationsLibrary/webditcclp2016d1.pdf>

<sup>11</sup> Gerant Howells. “The Potential and Limits of Consumer Empowerment by Information.” *Journal of Law and Society*. Volume 32, number 3, September 2005. Pgs. 349-370.

<sup>12</sup> Organisation for Economic Co-operation and Development. “Consumer Dispute Resolution and Redress in the Global Marketplace.” 2006. Accessed: December 17, 2019. Available: <https://www.oecd.org/sti/consumer/36456184.pdf>

<sup>13</sup> Consumers International. “The Internet of Things and Challenges for Consumer Protection.” April 2016. Accessed: December 16, 2019. Available: <https://www.consumersinternational.org/media/1292/connection-and-protection-the-internet-of-things-and-challenges-for-consumer-protection.pdf>

1. To assess the adequacy and effectiveness of existing consumer protection legislation and policies;
2. To evaluate the performance of consumer protection agencies managed or controlled by the State;
3. To determine the effectiveness of current provisions for consumer protection to vulnerable groups; primarily:
  - i. Senior Citizens;
  - ii. Those of low literacy/education;
  - iii. Persons with Disabilities; and
  - iv. Rural populations.

### CONDUCT OF THE INQUIRY

1.8 At its Meeting held on February 14, 2020, the Committee convened a Public Hearing with the following entities:

- The Ministry of Trade and Industry;
- Trinidad and Tobago Bureau of Standards; and
- The Ministry of Health.

### WRITTEN SUBMISSIONS

1.9 The Committee received written submissions from the following entities/stakeholders:

- i. The Ministry of Trade and Industry; and
- ii. The Ministry of Health.

The Minutes of the Meetings during which the public hearings were held are attached as **Appendix I and Appendix II.**

## **SUMMARY OF EVIDENCE, FINDINGS AND RECOMMENDATIONS**

## OBJECTIVE 1: TO ASSESS THE ADEQUACY AND EFFECTIVENESS OF EXISTING CONSUMER PROTECTION LEGISLATION AND POLICIES

### United Nations Guidelines for Consumer Protection

1. In 1985, the United Nations General Assembly (hereinafter UNGA) established Guidelines on Consumer Protection in recognising that *“Consumers often face imbalances in economic terms, educational levels and bargaining power and bearing in mind that consumers should have the right of access to non-hazardous products, as well as the right to promote just, equitable and sustainable economic and social development and environmental protection<sup>14</sup>”*.
2. The MTI in meeting their obligations to<sup>15</sup> *“Develop, strengthen or maintain a strong consumer protection policy<sup>16</sup>”* outlined their adherence to these guidelines, principally those highlighted in **Table 1**.

**Table 1: MTI adherence to United Nations General Assembly Guidelines for Consumer Protection**

UNGA Guideline	MTI Adherence
UNGA Guideline 1- <i>Enable consumers to obtain optimum benefits from their economic resources</i>	<ul style="list-style-type: none"> <li>▪ To facilitate comparative shopping the Consumer Affairs Division (hereinafter CAD) publishes a <b>number of price surveys</b> in the supermarket, poultry and hardware sectors on a monthly and quarterly basis via the MTI’s website, social media and newspapers;</li> <li>▪ The CAD conducts lectures and various education and outreach initiatives.</li> </ul>
UNGA Guideline 5- <i>Encourage fair and effective competition to provide consumers with adequate choice and services at the lowest cost</i>	

<sup>14</sup> United Nations Conference on Trade and Economic Development. “United Nations Guidelines for Consumer Protection”. 2016. Accessed: March 20, 2020. Available: [https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1\\_en.pdf](https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1_en.pdf)

<sup>15</sup> MTI Submission dated February 11, 2020

<sup>16</sup> United Nations Conference on Trade and Economic Development. “United Nations Guidelines for Consumer Protection”. 2016. Accessed: March 20, 2020. Available: [https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1\\_en.pdf](https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1_en.pdf)

UNGA Guideline	MTI Adherence
<b>UNGA Guideline 2-</b> <i>Intensify efforts to prevent practices which are damaging to the economic interests of consumers by ensuring adherence to mandatory laws and standards</i>	<ul style="list-style-type: none"> <li>▪ The CAD ensures adherence to the Adverse Trade Practices Order 2000 through ad-hoc monitoring (inspection and evaluation of protocols) by Officers.</li> </ul>
<b>UNGA Guideline 3-</b> <i>Develop, strengthen and maintain measures related to the control of restrictive and other abusive business practices</i>	
<b>UNGA Guideline 6-</b> <i>Protect consumers from contractual abuses (one sided, exclusion of essential rights and unconscionable conditions of credit by sellers)</i>	<ul style="list-style-type: none"> <li>▪ The CAD provides redress through the investigation, mediation and resolution of these types of complaints.</li> </ul>
<b>UNGA Guideline 7-</b> <i>Encourage consumer access to accurate information about the environmental impact of products and services</i>	<ul style="list-style-type: none"> <li>▪ Through the development of National Compulsory Standards for products, the TTBS continues to promote public and industrial welfare, health and safety and the protection of the environment.</li> </ul>

### ***General Acceptance Articles of the World Trade Organisation***

3. The purpose of the *General Acceptance Articles of the World Trade Organisation* (hereinafter WTO) is to protect and promote the interests of consumers without compromising on commitments to international trade principles. These principles are expounded upon in the *Agreement on Technical Barriers to Trade* (hereinafter TBT). As an example, Trinidad and Tobago through the TTBS have notified the members of the WTO on standards which are intended to provide consumers with information and labelling, prevent consumers from deceptive practices and protect the safety of consumers. The standards that have been notified by the TTBS include **liquid chlorine bleach, safety matches, toys and disinfectants**, among others. The standards developed locally as well as those international standards adopted by the TTBS for the period 2016-2019 are attached as Appendix III.

### **Local Legislation for Consumer Protection**

4. The Consumer Protection Framework encompasses several key pieces of legislation which in turn are complemented by the Fiscal Incentives Act and aspects of Investment Promotion Legislation. These core legal components include:
- i. Consumer Protection and Safety Act, Chap. 82:34
  - ii. Hire Purchase Act, Chap. 82:33
  - iii. Misrepresentation Act, Chap.82:35
  - iv. Sale of Goods Act, Chap. 82:30
  - v. Trade Description Act, Chap. 82:04
  - vi. Unfair Contract Terms Act, Chap. 82:37
  - vii. Customs Act, Chap. 78:01
  - viii. Environmental Management Authority Act, Chap. 35:01
  - ix. Food and Drugs Act, Chap. 30:01
  - x. Pesticides and Toxic Chemicals Act, Chap. 30:03
  - xi. Pharmacy Board Act, Chap. 29:52
  - xii. Public Health Ordinance, Chap. 12 No. 4
  - xiii. Standards Act, Chap. 82:03
  - xiv. Water and Sewerage Act, Chap. 54:40
  - xv. Metrology Act, Chap. 82:06
  - xvi. Fair Trading Act, Chap. 81:13

### **The Administration of Core Legal Aspects of Consumer Protection**

5. Whilst the legislation providing consumer protection is indeed extensive, select laws are more directly relevant to consumer affairs. These are outlined below.

#### ***The Fair Trading Act, Chap. 81:13 and its Administration***

6. The Fair Trading Act promotes, protects and maintains competition in the local market. As such, collusion and cartel type arrangements are expressly prohibited. However, a caveat with this provision is that an allegation of collusion can only be

brought by an entity or supplier that has been affected by collusion. The Fair Trading Act, Chap. 81:13 also regulates price fixing in cases where there is proof that an enterprise is using its power within a specific market, to manipulate prices to the detriment of consumers.

#### ***Adverse Trade Practices Order 2000 and its Administration***

7. This order seeks to provide protection to '*Consumers against transactions or goods bearing, or goods in a container bearing, any statement which is invalid by virtue of the Unfair Contract Terms Act, 1985 or any other written law*<sup>17</sup>.' The MTI reported<sup>18</sup> that officers conducted ad-hoc monitoring exercises in order to evaluate the compliance of businesses.

#### ***Metrology Act, Chap. 82:06 and its Administration***

8. This Act provides for the verification of scales and weighing devices which the TTBS commenced via a phased implementation in June 2016. The process involved the completion of stakeholder awareness exercises followed by a period of adjustment upon expiration of which verification exercises would be initiated. Persons were mandated to comply by specific dates following official notices published in the newspapers. Offences committed under the Metrology Act may also be regulated under the Fair Trading Act, Chap. 81:13.

#### ***Food and Drugs Act, Chap. 30:01 and its Administration***

9. The **Food and Drugs Act, Chap. 30:01** provides for the regulation of food, cosmetics and drugs enforced primarily by the **Chemistry Food and Drugs Division (hereinafter CFDD)**. This did not include drugs, such as antibiotics used in the animal sector which is supervised under the Veterinary Public Health Department. Section 4 (1) of the Act states that '*Except as prescribed or exempted by Regulations any person who advertises any food, drug, cosmetic or device to the general public as a*

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<sup>17</sup> Legal Notice No. 125- Adverse Trade Practices Order, Accessed: March 20, 2020. Available: <http://laws.gov.tt/ttdll-web/revision/download/7332?type=amendment>

<sup>18</sup> MTI submission dated March 13, 2020.

*treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in the first schedule is guilty of an offence<sup>19</sup>*. The claim to *'treat, prevent or cure'* is of singular importance as it delineates the type of products that can be regulated. Products not bearing these claims were treated as food items.

10. Amendments to the Food and Drugs Act, Chap. 30:01 was being considered by the Food and Drug Advisory Committee (hereinafter FAC) as well as the legal department of the MOH. A copy of these amendments are available in Appendix IV. These amendments would bring the regulations in alignment with CODEX Alimentarius<sup>20</sup> and the Caricom Regional Standards for Quality (hereinafter CROSQ). Consideration by the FAC included input from its stakeholders including the MOH, Ministry of Agriculture, Land and Fisheries (hereinafter MALF), Trinidad and Tobago Manufacturing Association (hereinafter TTMA), Supermarkets Association of Trinidad and Tobago, Trinidad and Tobago Association of Nutritionists and Dieticians and Trinidad and Tobago Chamber of Industry and Commerce (hereinafter TTCIC).
11. Final approval of the regulations was scheduled to be discussed at a meeting which was scheduled for March 2020. Subsequent to finalisation, discussions with restauranters would be undertaken to determine the feasibility of including the nutritional value of food items on menus, an undertaking that would be the responsibility of the Public Health Inspectorate Division of the MOH.

#### *Appointment of the National Safety Food Coordinating Committee*

12. Closely linked to the overall amendments being made to the Food and Drugs Act was the appointment of a National Food Safety Coordinating Committee<sup>21</sup> (hereinafter NFSCC). Cabinet appointed in 2018, the NFSCC is responsible for coordinating all matters related to food safety and was in the process of working

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<sup>19</sup> Food and Drugs Act, Chap. 30:01.

<sup>20</sup> The Poultry Surveillance Unit utilises CODEX Standards with respect to practices for good animal feeding, materials and supplemental feeding stuffs for milk producing animals and guidelines on the application of risk assessment for feed

<sup>21</sup> Six meetings of the NFSCC as at March 18, 2020

on a food recall strategy in partnership with stakeholders. Further details of this agency can be found in Appendix V.

*Contentious Items under the Food and Drugs Act, Chap. 30:01*

13. The CFDD also had the authority to regulate the importation of certain classes of drugs. As an example, Cannabidiol (CBD) oils containing levels above 0.2% and accompanied by a medical claim would be classified as a drug and must undergo the registration process<sup>22</sup>. The presence of Tetrahydrocannabinol (THC) in CBD oils also transferred the item from a food to a drug, subject to a different regime of testing. Regardless, CBD products were barred or withheld by the MOH and the CFDD was in the process of crafting a policy to guide the treatment of CBD products in the domestic market.
14. The MOH also advised that through the Tobacco Control Unit, products that bore resemblance to tobacco or were found to contain nicotine were forbidden and may be refused import entry, inclusive of vaping oils or other products. However, vaping products were not prohibited and given the increase in usage, a policy to guide its treatment would be considered by the MOH for the future.

*Pesticides and Toxic Chemicals Control Act, Chap. 30:03 and its Administration*

15. The Pesticide and Toxic Chemicals Control Act, Chap. 30:03 contained provisions for the regulation of pesticide residues, however these were never developed. **Given that the CFDD lab was at March 18, 2020 not operational due to a number of outstanding requirements,** the avenues to rigorously test for pesticide levels have been significantly curtailed. The MOH advised that the fire safety certificate, occupational safety and health (hereinafter OSHA) approval, procurement of laboratory equipment, ser-

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<sup>22</sup> The Registration Process is enshrined in law and mandates that goods undergo a process of evaluation in which the Certificates of Analysis, Good Manufacturing Practice (GMP), Certificate Pharmaceutical Products (CPP), clinical research and medical claims are assessed by a Committee to ascertain its safety and efficacy.

vinging/calibration/certification of laboratory equipment, procurement of lab consumables and an air quality test were still outstanding. The timeline to acquire these outstanding deliverables are available in Appendix VI.

16. In the interim, the CFDD advised that local and regional labs such as the Jamaica Drug Testing Lab, Caribbean Regional Public Health Lab (hereinafter CARPHA) and the Trinidad Public Health Lab could be utilised. Meanwhile, the re-opening of the CFDD lab would be undertaken using a phased approach. This would be contingent on the successful procurement of equipment, consumables and statutory approvals, a complete overview of the implementation status of the outstanding deliverables for completion of the lab is available in Appendix VI whilst the key dates are itemised as follows:

- The Food and Microbiology Laboratories- June 2020;
- The Drug Laboratory- Fourth quarter 2020;
- Other Laboratories- (Environment, Toxicology, Excise Laboratory) by 2021.

17. In light of this, a Market Based Survey for Pesticide Residues on Agricultural Produce in Trinidad and Tobago had also been commissioned to guide the judicious use of pesticides locally. The findings and recommendations of which are outlined in Appendix VIII.

### **Role of the CAD and the New National Consumer Policy 2018-2023**

18. In an effort to address the existing gaps in the consumer protection framework, the MTI and the chief executing arm of its consumer initiatives, the Consumer Affairs Division (hereinafter the CAD), developed a National Consumer Policy 2018-2023 which was approved by Cabinet in March 2018. Key documents which informed this policy included UN Guidelines on Consumer Protection, the Caricom Model Consumer Protection Bill and reference studies prepared by various international

and non-governmental organisations (hereinafter NGOs). The new policy and accompanying legislation is expected to achieve the following:

- i. **Establish harmonised Consumer Protection Legislation;**
- ii. **Establish a Tribunal to address consumer issues and complaints;**
- iii. **Execute a nation wide public educational campaign;**
- iv. **Establish formal structures for joint inter-agency collaboration;**
- v. **Ensure that consumers have equitable rights for both goods and digital content; and**
- vi. **Address the issue of product safety through the enforcement of industry codes of practice.**

#### *Proposed Consumer Protection Legislation*

19. The MTI highlighted that consultancy services to **draft the Consumer Protection Legislation** was retained in January 2020 following Expressions of Interest (hereinafter EOI) advertised in November 2019 and work by the consultant commenced on March 11, 2020. The proposed legislation was scheduled to be submitted to the Legislative Review Committee by October 2020.
  
20. A mid-term review of the policy was also earmarked for the end of fiscal 2019/2020 to be held alongside key stakeholders inclusive of the TTBS, CFDD, Regulated Industries Commission (hereinafter RIC), Telecommunications Authority of Trinidad and Tobago (hereinafter TATT) and the Tobago House of Assembly (THA) as well as various NGOs that advocate on behalf of Persons with Disabilities (hereinafter PwD).

#### *Role of the Consumer Affairs Tribunal*

21. Pending proclamation of the new harmonised Consumer Protection Legislation, the Consumer Affairs Tribunal was envisioned to be a quasi-judicial body which would simplify court procedures for redress. At present, the MTI utilises

standardised feedback forms, public education and an internal review of the redress system (every 3 years) to ensure that arbitration and redress systems are fair and effective.

22. The specific proposals to draft the legislation spoke to the composition and functions of the Tribunal but did not elaborate on the sanctions and or remedies that it may be empowered to bestow. The Tribunal will have responsibility for the following:
- Hear, deliberate and resolve complaints on the recommendation of the Director, Consumer Guidance and Protection;
  - Resolve disputes between consumers and suppliers in relation to goods and/or services up to a value of TT\$300,000.00;
  - Provide redress against violations of the legislation; and
  - Dismiss complaints where appropriate.

#### *CAD's Remit of Authority*

23. The CAD did acknowledge that there was an urgent need to strengthen its authority. Notwithstanding their own observations, it was also noted that key aspects of consumer complaints such as the regulation of marketing in relation to products and services and the legislation of price standards in respect of credit card, telephone or mobile rates (the latter of which which fell under the remit of the TATT) was not the responsibility of the CAD.

#### *CAD Collaborations with Other Agencies*

24. The CAD provided assurance of its continued efforts to collaborate with these other stakeholders, such as TATT (through case referrals) and the Chief Veterinary Officer of the Animal Health Production Division (hereinafter AHPD). A draft Memorandum of Understanding (hereinafter MOU) between the CAD and the CFDD had been drafted since 2017, awaiting final comments from the CAD's Director of Consumer Guidance.

### *Role of the MTI in the Development of Codes of Practice*

25. The MTI also highlighted its role in the implementation of various ‘Codes of Practice’ via representation on various committees tasked with finalising policies and guidelines. The MTI was represented on Committees related to the business of the TTBS, CFDD, Central Bank of Trinidad and Tobago (hereinafter CBTT), Pesticides and Toxic Chemicals Control Board (hereinafter PTCCB) and National Marketing and Development Company (hereinafter NAMDEVCO). A complete overview of the MTI’s input in these various committees is provided in Appendix VIII.

### **Role of the TTBS**

26. The TTBS carried the portfolio of both the national accrediting body for laboratories and the National Measurement Institute but did not have jurisdiction over the development of standards for products that fall under the scope of food, drugs and cosmetics. To date, the **Bureau declared 87 compulsory standards** not limited to the construction, electrical and consumer products, textile/garments, petroleum/renewable energy, transport, mechanical and packaging sectors.
27. The TTBS is licensed by the Standards Act, Chap. 82:03 and Standards Regulations (Legal Notice 234 of 2004) to enforce compulsory standards via the entity’s Conformance Assessment Division. These standards were created to meet specific objectives which are enumerated in Appendix IX. Essentially, standards must deliver economic, social or environmental benefits. All manufacturers, importers and distributors were mandated to conform to these requirements and non-compliance is an offence liable upon summary conviction under the above mentioned legislation.
28. Demonstration of compliance to compulsory standards encapsulates product certification (from TTBS or other acceptable certification body), test reports from

accredited laboratories and results of sampling and testing (by TTBS or designated body). The Bureau advised that the current staff complement was adequate to carry out the roles and functions of the Unit which included 50 inspectors, 9 standards officers, 26 inspection assistants and 8 laboratory technicians in the Legal Metrology Inspectorate. As advised by the TTBS, all vacant positions would be filled on an as needed basis.

29. TTBS laboratories were accredited to support the testing of some *Fast Moving Consumer Goods* (hereinafter FMCG) such as safety matches, bleach, laundry detergents and dishwashing detergents. Four other local laboratories were also capable of testing for this category of goods. However, the TTBS pointed out that it was demand for these tests which provided the impetus for laboratories to seek accreditation to supply these services.

### Accreditation of Labs

#### *Trinidad and Tobago Laboratory Accreditation Services*

30. Trinidad and Tobago Laboratory Accreditation Service Division (hereinafter TTLABS) is an affiliate of the TTBS tasked to conduct voluntary accreditation of labs based on requests. The list of labs accredited by TTLABS as at March 03, 2020 are:
- i. Angostura Limited;**
  - ii. Kaizen Environmental Services; and**
  - iii. Caribbean Analytical Services Limited.**
31. It was also mentioned that there were other laboratory services that had received accreditation by international bodies and these are:
- i. TTBS Laboratory Services Division (Accredited by UK Accreditation Service, UK);**
  - ii. TTBS Metrology Division (Accredited by UK Accreditation Service, UK);**
  - iii. CARIRI (Accredited by International Accreditation Service, USA);**

- iv. **St. Augustine Medical Laboratory (Accredited by the Institute for Quality Management in Healthcare, Canada);**
- v. **Victoria Medical Laboratories (Accredited by the Institute for Quality Management in Healthcare, Canada).**

32. The TTBS acknowledged that the lack of a clear distinction between themselves and TTLABS could potentially be a conflict of interest that would need to be addressed should the country wish to obtain international recognition of its lab accreditation programme.

### **TTBS Development of Standards and Specifications**

33. According to the Standards Act, Chap. 82:03 two types of National Standards can be developed *Voluntary Standards* (used by stakeholders at their own discretion lacking the force of law and *Compulsory Standards* (declared mandatory National Standards under the Standards Act, Chap.82:03, sections 18 and 26.
34. Developed by the Standardisation Division, a **Standard** is defined as ‘*A specification declared by the Bureau under Section 16 to be a standard and includes a Caribbean Community Standard*’. A **Specification** on the other hand is ‘*A description of any goods, by reference to its nature, quality, strength, purity, safety, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics, guidelines for a process of practice, tables of date, and a code of practice*’.
35. There are three stages in the standards development process, *Committee, Public Comment and Declaration* stages. The TTBS indicated that collaboration with manufacturers and key stakeholders such as the TTCIC was instrumental not only to solicit feedback but to help manufacturers understand various quality management and conformity assessment principles. Similarly, standardisation

sessions were facilitated to raise awareness of the technical requirements associated with conformity assessment activities<sup>23</sup>.

36. To declare voluntary standards a consensus based process was used during the Committee Stage. Whilst, compulsory standards, which acted as technical regulations, underwent a consultative process in order to engage stakeholders and solicit feedback during the Public Comment stage. The activities associated with each of the stages are outlined in **Table 2**.

**Table 2: Stages of the Standards Development Process**

Stage in the Standards Development Process	Characteristics
Committee Stage-	<ul style="list-style-type: none"> <li>▪ <b>Voluntary standards-</b> a draft standard is developed by a Technical Committee comprising a wide cross-section of stakeholders from the public and private sectors;</li> <li>▪ <b>Compulsory standards-</b> an internal TTBS Advisory Committee comprising mainly of TTBS' Conformity Assessment Divisions and the Standardisation Division develops a draft standard.</li> </ul>
Public Comment Stage-	<ul style="list-style-type: none"> <li>▪ <b>Voluntary standards-</b> comments are invited within a 60 day period from the public upon notification of the draft standard (in accordance with the Standard Act, Chap. 82:03). Comments are then reviewed, addressed by the relevant technical Committee and finalised for review by the Bureau;</li> <li>▪ <b>Compulsory standards-</b> In addition to the invitation for public comments, notifications are relayed to the WTO (under the TBT Agreement) to obtain feedback from members within a 60 day period.</li> </ul>

<sup>23</sup> An example of a Sensitisation Session was the Technical Session related to Biodegradable and Compostable Materials in partnership with ASTM International held in December 2019.

Stage in the Standards Development Process	Characteristics
Declaration Stage-	<ul style="list-style-type: none"> <li>▪ Further comments are integrated, reviewed by the Bureau and the final draft standard approved. Finalised standards may be declared voluntary or recommended as compulsory based on the criteria outlined in the Standards Act, Chap. 82:03;</li> <li>▪ Voluntary standards- upon declaration, voluntary standards are offered for sale by the Bureau either in hard copy or electronically;</li> <li>▪ Compulsory standards- are declared by the Minister of Trade and Industry by Order published in the Gazette.</li> </ul>

### *National Standardisation Strategy*

37. TTBS also developed a *National Standardisation Strategy 2019-2022* (hereinafter NSS) to solidify their goals and objectives as it related to standards development. Patterned after a similar system endorsed by the International Organisation for Standardisation (hereinafter ISO), the NSS took into consideration factors of economic and social importance, critical and future needs, emerging issues as well stakeholders' views. TTBS also outlined the entity's continued efforts to achieve ISO compliance via its initiatives to achieve *ISO 14001 (2015) compliance for environmental management systems* and *Sections 9 and 10 of ISO 17021 conformity assessment requirements for bodies providing audit and certification management systems*.

38. Key policy documents were also consulted during the creation of the NSS including the Vision 2030 National Development Strategy of Trinidad and Tobago, Tobago Infrastructure Investment Strategy, the MTI's Strategic Plan 2016-2020, National Environmental Policy (2018), the National ICT plan 2018-2022 and various other multi-lateral agreements<sup>24</sup>. Further information on the NSS and development of the TTBS's Standards Work Programme is available in Appendix X.

<sup>24</sup> United Nations 2030 Sustainable Development Goals, Montreal Protocol and Paris Agreement

### ***Standards Marks***

39. 'Standards Marks' are applicable only to products that have been certified by the TTBS. The rules governing the use of the electronic image of the 'mark' are outlined in the *Certification Agreement for Voluntary Certifications* or the *Mandatory Product Licensing Requirements for Mandatory Certifications*. Approval must be sought from TTBS for the artwork displaying the 'mark' prior to placement on the product. The use of the 'mark' is reviewed by the TTBS during its surveillance activities.

### **Chemistry Food and Drugs Division**

40. The CFDD is the body responsible for the administration of both the Food and Drugs Act, Chap. 30:01 and Regulations and the Pesticides and Toxic Chemicals Act, Chap. 30:03 and Regulations. It is supported in the execution of its mandate by the FAC and PTCCB.

### ***Food Advisory Committee***

41. The FAC is composed of both pharmaceutical and medical personnel who were central to the registration process which involved an analysis of medical claims and clinical data to determine the suitability of a product. World Health Organisation (hereinafter WHO) and Pan-American Health Organisation (hereinafter PAHO) Guidelines were used together with the Certificates of Analysis to ascertain the safety and efficacy of products. The **Good Manufacturing Practice (GMP)** endorsed by the WHO ensured that products were produced and controlled according to quality standards and this was further augmented by the Certificate of Pharmaceutical Products (hereinafter CPP), an international voluntary agreement to provide assurance to countries participating in the scheme. The FAC consisted of 10 members appointed for a 3 year period ending in September 2020.

42. The FAC in conjunction with the PAHO and FAO (who provided technical support) were also engaged in the implementation of a *Risk based Food Inspection Manual* with

an expected roll out date of March 2020 following stakeholder input received in December 2019. Some of the stakeholders involved included the Ministries of Health and Rural Development and Local Government, including regional corporations, as well as NAMDEVCO, Seafood Industry Development Corporation, TTBS and the Caribbean Poultry Association.

43. The **Antibiotic and Narcotic Committee** in tandem with the FAC took responsibility for generic medical drugs which were also subject to a registration process which included a bio-equivalent study providing assurance that the generic drug behaved in the same way (i.e. safety and efficacy) as the 'branded' drug.

#### ***Food Labelling Sub-Committee***

44. A **Food Labelling Sub-Committee** was also in the process of reviewing draft Food Labelling Regulations particularly with regard to food allergen labelling, date coding, quantitative ingredient declaration and food nutrition labelling claims. This Committee was comprised of representatives from the TTMA, TTCIC, TTBS, CAD, Food Distributors Association, Supermarkets Association, CFDD and Nutrition and Metabolism Divisions of the MOH. The final draft of the labelling regulations was expected to be submitted to the FAC for its review by March 2020.

#### ***Role of the PTCCB***

45. The PTCCB registers all pesticides imported and sold in Trinidad and Tobago. The registration process included an approval of the label by both the Pesticides and Toxic Chemicals Inspectorate and the PTCCB in order to ensure consumers on its safe and judicious use. These requirements were in alignment with *Pesticides Importation Regulations (1987)* and the *TTBS Labelling of Retail Packages of Pesticides Standard*.
46. The PTCCB was also actively engaged in the development of regulations governing the use of pesticides on produce. With specific reference to 12 (1) (c) and (d) of the Pesticide and Toxic Chemicals Control Act, Chap. 30:03, amendments to the

legislation would restrict the sale and use of specific pesticides to the general public. These changes were contingent on the reconstitution of the Board of the PTCCB.

## **FINDINGS**

The Committee took particular note of the following:

- i. There are several loopholes within the existing Consumer Protection Regulatory Framework including:
  - a. An absence of stringent measures (excluding the mandates of the Food and Drugs Act, Chap. 30:03) demanding English translations on non-food product labels;
  - b. Limitations in the scope of authority vested in the CAD to regulate false or misleading statements outside the remit of consumer durable goods; and
  - c. The limited scope of the Food and Drugs Act, Chap. 30:01 to treat with the new and emerging spectrum of herbal and alternative medicinal products.
- i. Food products purporting to boost health or induce weight loss, though misleading, were often protected by product disclaimers exempting them from regulatory control. Action could only be taken by the MOH if a negative impact was found to be associated with a product;
- iii. Despite the MOH's stance to de-bar the entry of CBD products such items had been identified and pulled by MOH inspectors from within the local market;
- iv. Pending the operationalisation of the CFDD lab, staff (93 persons<sup>25</sup>) were temporarily re-assigned with some officers housed at the Trinidad Public Health lab whilst others were engaged in the development of CODEX and CROSQ technical standards;
- v. The CAD as the lead consumer protection body has taken a reactionary approach to collaboration with key stakeholders. Arguably, this is evident by the inordinate

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<sup>25</sup> Excluding 4 watchmen

delays in the actioning of the relevant MOUs and agreements with the CFDD and EMA respectively;

- vi. Despite the export earning potential inherent in the *fast moving consumer goods* (FMCG) market, verification of these standards did not fall under the remit of the TTBS;
- vii. Cabinet approved the introduction of an additional accrediting body through the creation of the Trinidad and Tobago Accreditation Service for Conformity Assessment (hereinafter TTASCA) to maintain the integrity of the country's process of accreditation; and
- viii. It was noted that the creation of suitable standards for the labelling of food items was still under consideration although these shortcomings in the consumer protection regime were highlighted during the Committee's inquiry into Food Fraud Food which was concluded in 2017<sup>26</sup>.

## **RECOMMENDATIONS**

Based on the foregoing the Committee recommends that:

- A. The New Consumer Protection Legislation should include provisions for the following:**
  - i. That the CAD's remit of authority be widened to include all goods and services (excluding food and drugs) but not limited simply to consumer durable goods; and**
  - ii. That the legislation place more emphasis on the CAD's role to treat with consumer issues as it relates to the purchase of services by specifying the terms and conditions for its provision, including the actions that could be taken by consumers (through the CAD) against unsatisfactory service<sup>27</sup>;**

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<sup>26</sup> <http://www.ttparliament.org/reports/p11-s2-J-20170531-FLA-r2.pdf>

<sup>27</sup> The Consumer Council UK. "Consumer Information Factsheet 2015". Accessed: April 11, 2020. Available: [https://www.consumer-council.org.uk/sites/default/files/original/Consumer\\_Factsheet\\_Consumer\\_Rights\\_Act\\_2015.pdf](https://www.consumer-council.org.uk/sites/default/files/original/Consumer_Factsheet_Consumer_Rights_Act_2015.pdf)

- B. The MOH and CFDD in particular should consider the establishment of a complaints mechanism and/ or dedicated hotline to furnish the receipt and investigation of consumer complaints as it relates to food and drug items making spurious claims or of dubious quality;**
  
- C. The CFDD should consider the development of an MOU between itself and the Pharmacy Board that is specific to initiating a process of reporting and information exchange as it relates to the regulation of products such as vaping products, CBD oils or its derivatives;**
  
- D. To optimise the staff of the CFDD who are assigned to the unfinished Food and Drug lab, some officers should be designated to assist with conducting Health Inspections particularly during the ongoing Covid-19 Pandemic;**
  
- E. The staff of the CFDD lab may also be engaged in the conduct of efficacy trials to ascertain the levels of application for the judicious use of pesticides;**
  
- F. The CAD must also hasten to action the following MOUs:**
  - i. The EMA- to clearly delineate the responsibilities and sphere of authority between the CAD and the EMA;**
  
  - ii. CFDD- to collaborate on enhancing the framework for consumer protection and improving communication between the CFDD and CAD, especially as it relates to the administration of CARREX and reporting of unsafe products.**
  
- G. The Ministry of Trade and Industry shall submit a status update on the Legislative Brief to guide the drafting of legislation to establish the TTASCA;**
  
- H. The Ministry of Trade and Industry shall submit a status update on the draft Food Labelling Regulations. The update shall include a timeline to have the regulations tabled in Parliament; and**

- I. **The Ministry of Health shall submit a status update on the reconstitution of the PTCCB. The development of regulations governing the use of pesticides on produce is contingent upon the reconstitution of the Board of the PTCCB. As such, the Ministry of Health should make this a priority.**

## OBJECTIVE 2: TO EVALUATE THE PERFORMANCE OF CONSUMER PROTECTION AGENCIES MANAGED OR CONTROLLED BY THE STATE

### CAD Consumer Empowerment Initiatives

49. The CAD emphasised the importance of their public engagement strategies as a means of informing consumers about current market trends and their rights and responsibilities. The lead consumer affairs regulator provided an overview of their achievements for the period 2016-2019 in furtherance of this mandate.

### *Public Education and Awareness*

50. The CAD advised that outside of special requests, an average of 8-10 lectures were conducted monthly in addition to public education caravans facilitated by the Ministry of Social Development and Family Services. Outreach activities were also carried out at a rate of 1-2 exercises per quarter. These sessions engaged a wide cross-section of the population including community, business, religious, educational, youth development, public and private sector groups as outlined in **Table 3**. Other engagement initiatives included television and radio appearances, participation in events such as CARIFESTA IV, the annual Trade and Investment Convention (TIC) and World Consumer Rights Day.

**Table 3: MTI Consumer Outreach Initiatives conducted for the period 2016-2019**

Outreach initiative	2016	2017	2018	2019	Total	Target audience
Number of lectures	288	100	207	45	640	YTEPP, Civilian Conservation Corps, University of the Southern Caribbean, Regional life centre, Electrical Association for Women, TTARP, Service Commissions Department, Community Development Division, Senior Activity Centre, MALF, Ministry of Education, HYPE, Child Welfare League, MIC Limited, Point Lisas Training and Enterprises Academy, Environmental Management Authority, National Library, Ministry of Finance, Couva Police Youth Club, WASA, NEDCO, PTSC, Elections and Boundaries Commission, Ministry of National Security
Number of outreach initiatives	11	4	13	19	43	
Number of TV radio appearances	20	16	8	7	51	

51. In 2019, the CAD elicited a concerted effort to educate consumers on **digital safety and protection with respect to online transactions**. Given that current legislation fails to address the issue of digital transactions and in attempting to keep pace with recent advances in ICTs and the digitisation of payments, the CAD envisioned a 'SMART<sup>28</sup>' campaign to encourage consumers to exhibit specific behaviours in the execution of web based proceedings.
52. The CAD was also keen to highlight the success of their public engagement through social media, most notably Facebook. Posting at a rate of 2-3 times weekly, from December 2016 to December 2019 **total subscribers to their page had increased by 2,345 for a total of 11, 102**. The Division was able to make this assessment of their social media reach through monthly consumer engagement assessment reports which showed a steady increase in 'likes' with respect to content posted by the agency.

### *National Consumer Profile Study*

53. In a bid to develop more targeted and effective consumer education initiatives, the CAD had embarked on the development of a National Consumer Profile Study (hereinafter CPS). The intent of the survey is to determine the needs of consumers across income, psycho-social and geographic groups in order to obtain a comprehensive profile of consumers in Trinidad and Tobago. This study will encompass the influence of consumption patterns, attitudes and values within the market and the changes that have arisen since the last CPS since 1997.

### Sources of Consumer Complaints

#### *Warranties*

54. The CAD contributed that warranties was one of the areas that was in need of regulatory enforcement, perhaps through the enactment of an international code that could provide protection across borders. The agency highlighted that warranties were time limited and there was no internationally accepted warranty period. Whilst

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<sup>28</sup> SMART Campaign- Search for potential security risks and privacy issues before purchasing, Make strong and unique passwords for each device, Adjust security settings, Regularly update software and enable automatic updates and Turn off features when not in use.

breach of a warranty had the possibility to be enforced legally, it was essentially a mere promise to the consumer.

55. The Division noted that such a guideline may also provide manufacturers with a model from which to base warranties and improve their competitive advantage within the market place. However, countries adopted different approaches with respect to how warranties were addressed in legislation with some States choosing to do so by way of Consumer Rights Acts (the United Kingdom, hereinafter UK) or by specific laws that were separate to consumer protection legislation (such as in the United States, hereinafter the US).
56. CAD emphasised that provisions were made for the protection of consumers' with respect to warranties vis-a-vis the *Unfair Contract Terms, Act Chap. 82:37* and through lectures on agreements, warranties, contracts and the considerations that should be used to determine product quality and reasonableness of the terms of an agreement. Furthermore, it was highlighted that the proposed new Consumer Legislation would seek to address guarantees for goods, services and digital content.

#### *Vague Contract Terms*

57. The Division also noted the issue of vague contract terms and conditions and advised that this was also an area that could be addressed within consumer protection legislation.

#### *Assessment of Consumer Engagement Initiatives*

58. The CAD surmised that the success of their initiatives to create awareness of the Divisions' role and to empower consumers were determined by an increase in consumer enquiries and complaints especially in rural sub-offices as well as via email, social media and via feedback forms distributed during lectures.

### *Retail Price Indices*

59. The **Retail Price Index (hereinafter RPI)** is a weighted average of the proportionate changes in the prices of a specified basket of goods and services between two periods of time within 15 areas in Trinidad and Tobago. The RPI is obtained from the results of the **Household Budget Survey (HBS)** which is produced by the Central Statistical Office (hereinafter CSO). The last HBS was conducted from May 2008 to April 2009 and required selected respondents to indicate the goods and services purchased by the household within a specified time period.
60. The RPI is the basis from which the CAD conducts its **Retail Price Surveys**. Price surveys are administered to facilitate comparative shopping on a monthly basis in the supermarket, poultry and hardware sectors. These are published monthly on the MTI's website, CAD's social media page and quarterly in the newspapers. Special surveys were also facilitated seasonally on the occasions of Christmas and Divali, as examples. A basket of goods survey enacted by CAD in 2019 to update the Division's listing used for the supermarket retail price survey registered no change to these items. Details on the Retail Price Surveys are available in **Table 4**.

**Table 4: Details on Retail Price Surveys**

<b>Details of Retail Price Survey</b>	<b>Areas Conducted</b>
<b>Monthly Supermarket Retail Price Survey-</b> <i>Prices monitored on 118 items listed in the basket of goods</i>	40 selected supermarkets across 20 areas in Trinidad and 8 in Tobago
<b>Quarterly Hardware Retail Price Survey-</b> <i>Prices monitored on selected structural, electrical, plumbing and decorative items from selected hardware establishments</i>	20 areas across Trinidad
<b>Monthly Poultry Price Survey-</b> <i>Prices monitored on the live poultry market from selected poultry depots.</i>	20 areas across Trinidad

### *Support for Consumer Associations*

61. The CAD emphasised that whilst lectures were coordinated in the past with the El Dorado and Diego Martin Consumer Cooperative Societies, no lectures with consumer rights groups were conducted for the 2018/2019 period. Additionally, there was no relationship with the Consumer Association of Trinidad and Tobago (hereinafter CATT) nor was the CAD aware of any consumer rights associations other than those aforementioned.

### CAD's Treatment of Consumer Complaints

62. The CAD took an active role in the receipt and redress of consumer inquiries and complaints. A consumer hotline was available to register inquiries of which an average of 208 legitimate concerns were received on a monthly basis. However, complaint reports could only be addressed by formal submissions via email, social media or in person at the head office or via any of the five sub-offices.

63. **Consumer advocates** were tasked to receive and file or forward complaints to relevant agencies prior to follow up with customers. In the event that redress was not obtained, **consumer advocates mediated on behalf of consumers to engage suppliers in order to obtain reparations.** The success of these initiatives were captured in the **Quarterly Consumer Satisfaction Surveys** (hereinafter QCSS) produced by the CAD to ascertain whether the service needs of consumers were met as well as the type of redress, length of time for resolution and quality of interaction with consumer advocates.

### *Nature of Consumer Complaints Reported*

64. The CAD highlighted that for the period 2016-2019 there were 2,791 complaints lodged. Some distinguishing features of these complaints can be further categorised as follows:

- A total of 329 complaints were received regarding the telecommunications sector;  
and

- A total of 42 complaints were related to digital transactions.
65. In relation to the receipt of complaints in the telecommunications sector, the CAD pointed out that whilst these were not within their remit to address, the agency was pleased not only to act as an intermediary to forward complaints to the relevant agencies but to educate consumers as part of their public awareness campaigns about the existing avenues for redress.
66. In relation to complaints related to digital transactions the CAD highlighted that complaints related to local online merchants and social media businesses were encouraged, investigated and resolved. However, complaints related to credit card and LINX transactions though common, was outside of their portfolio.

#### *Adverse Trade Practices Monitoring Exercises*

67. Complementary to their consumer protection initiatives, the CAD also mentioned their role in the monitoring of businesses for compliance with the **Adverse Trade Practices Order, 2000** (hereinafter, ATPO). In the instance where a breach was discovered, a warning was issued and the offending business given an opportunity to make amends. Follow up investigations ensured that these remedies were in fact enacted.
68. ATPO exercises were conducted in the 4th quarter of 2017/2018 in which 190 businesses were surveyed these are further classified in *Table 5*. ATPO exercises were halted for the period 2018/2019 but re-commenced in the 2nd quarter of 2019/2020.

**Table 5: Businesses surveyed during ATPO Exercises**

Area	No. of Businesses visited
Gulf City Mall, Gulf View, San Fernando	80
Long Circular Mall, Port of Spain	70
Charlotte Street (currently China Town), Port of Spain	40
Totals	190

### **CAD Focal Point for CARREX**

69. As a member of Caricom, Trinidad and Tobago is part of the Caricom Rapid Alert System for the exchange of Information on Dangerous (non-food) Consumer Goods (hereinafter CARREX), a database in which information is relayed in real time. Whilst the CAD is the national focal point and treats with all issues arising, the MOH also had authority in this arena but reported no complaints of unsafe products.

### **TTBS Enforcement of Verification Standards**

#### ***Verified Products***

70. The TTBS indicated that for the 2018/2019 period 4 products underwent verification including liquid chlorine bleach, roofing sheets (zinc and aluminium zinc alloy coated steel sheets, safety matches and steel framing members (purlins, truss, chords, girts, studs and runners). These products were selected to preserve quality assurance as well as the health and safety of customers. The dates on which these compulsory requirements came into effect and the terms of follow up action are outlined in *Table 6*.

**Table 6: TTBS Verified Products and Follow up Action**

Specification	Date Effectuated	Follow up Action
<b>Liquid Chlorine Bleach</b> (TTBS has the capability to implement a conformity assessment programme)	February 18, 2019	National stakeholder meeting and the initiation of assessments and certifications of compulsory requirements for liquid chlorine were conducted in July 31 and October 01 2019 respectively.
<b>Safety Matches</b> (Certification Programme in place)	November 26, 2013	The specification were for safety matches was undergoing a second revision
<b>Roofing Materials</b> (TTBS has the capability to implement a conformity assessment programme for the product save and except for pre-painted sheets)	October 04, 2012 revised 2019	The specification for steel sheets-zinc and aluminium zinc alloy coated was scheduled for an initial revision.
<b>Steel Framing</b> (TTBS has the capability to implement a conformity assessment programme for the product)		
<b>Hollow Clay Blocks</b>		A national stakeholder meeting and market surveillance pertaining to the development of a specification for hollow clay blocks was scheduled for March 21 and September 2019 respectively.

***Ensuring Certification Compliance- Inspection of Manufacturing Facilities***

71. The Certification Division was responsible for the identification and prioritisation of manufacturing facilities for inspection in connection with voluntary and mandatory certification programmes. In the event that a manufacturer did not conform to the requisite standards, they were required to take corrective action and to submit these to the TTBS for review in order to retain their certification. An overview of such exercises executed over the period 2016-2019 is outlined in *Table 7*.

**Table 7: TTBS Inspection of Manufacturing Facilities**

Type of Manufacturer	2016/2017	2017/2018	2018/2019
Roofing sheets	13	22	24
Safety matches	1	0	1
Liquid chlorine bleach	1	2	2
Steel framing members	1	2	2

**Tested Products**

72. The TTBS also highlighted their concerted efforts to certify the quality of products within the market via testing and provided the following data on locally manufactured products tested as outlined in **Table 8**. An overview of the imported products tested is available in Appendix XI.

**Table 8: Locally manufactured products tested for the period 2016-2019**

Locally manufactured products tested	No. of Tested Products
Roofing sheets and steel framing members	289
Fabrics and garments	51
Bleach	307
Powdered laundry detergents	53
Hand dishwashing liquid	13
Safety matches	20
Hollow clay blocks	1
Paints	13

### TTBS Enforcement of National Compulsory Standards

73. The TTBS recounted their achievements particularly as it related to stakeholder consultations and **enforcement of National Compulsory Standards**. For the period 2016-2019 these were identified as:

- **Full enforcement of:** TTS: 466:2010 *powdered laundry synthetic standard* (survey sampling and testing exercise), TTS 76: Part 1:2005 (the standard used for *fuel oils for burning and lighting*), TTS/ISO 8124 Part 3 2010 *toy standard*;
- **Stakeholder meetings:** Refrigerant stakeholder meeting conducted to inform stakeholders of the testing process, refresher training in refrigerant gas, theory and practical;
- **Committee participation:** Pertaining to standards for alternatives to styrofoam and single use plastics; and
- **Inspections:** H and I steel beams and imported cement and carbon steel bars.

### TTBS Enforcement Achievements of the Metrology Act

74. The **Metrology Act, Chap. 82:06** delegates the responsibility for the verification of weighing devices solely to the TTBS. Checks to weighing devices and fuel dispensers used in trade commenced in June 2016 by Metrology Inspection Officers. In both cases, where the requirements for scales and fuel dispensers were not met, a '*Not for Use in Trade*' sticker was affixed to the device and a notice of failure with a two week remediation deadline assigned to manufacturers. With respect to fuel dispensers, this process was followed in the event that immediate improvements could not be made. Subsequent re-verification checks were then conducted.

75. The TTBS advised that the verification of scales was an annual exercise from the date of first verification. Prior to full implementation, stakeholders were sensitised and given a period to ensure that devices were re-calibrated according to the correct standards. Sample checks aptly entitled '*surveillance*' may also be conducted in any given cycle based on data, consumer complaints or on the advice of the Chief

Inspector. This measure not only ensured that consumers were treated fairly but also engendered trust between businesses and improved consumer confidence. In October 2019 targeted verification of scales used in the Sangre Grande, Chaguanas, Arima, Couva, Penal and Tunapuna markets were initiated. An overview of scale verification exercises conducted for the period 2017-2019 is available in **Table 9**.

**Table 9: Scale Verification Exercises conducted by the TTBS 2017-2019**

Year	Number of Scales Verified	Pass	Fail
2017	1068	992	76
2018	1909	1743	166
2019	1806	1756	50

#### *Verification of Fuel Dispensers*

76. The TTBS pointed out that the verification of fuel dispensers not only benefitted the consumer but also ensured that suppliers were not selling at a loss. The process occurred every six months and required the presence of technicians from the National Petroleum Marketing Company (hereinafter NPMC) and the United Independent Petroleum Marketing Company (hereinafter UNIPET) to provide them with opportunities to rectify and re-calibrate any issues if applicable. It was highlighted however that at the end of June 2019, full compliance had been attained within the fuel sector.

#### Ensuring Quality Assurance of Goods

##### *Product Certification Programmes*

77. Conformity assessment is used to verify a product's level of safety and quality. TTBS also utilised a *Mandatory Certification of Products* to ensure that products complied

with requirements as specified in the National Compulsory Standard. These Product Certification Programmes included a minimum of:

- **Sampling-** samples were collected directly from factories and during market surveillance activities;
- **Label evaluations-** labels were evaluated against the requirements of the relevant compulsory standards;
- **Inspection and Testing-** products were evaluated in a laboratory environment to determine compliance with the standard.

### *Manufacturer's Quality Management System*

78. These systems were assessed annually to ensure that sufficient controls were in place.

An effective system provided greater confidence in the ability of the organisation to consistently produce at a standard that met statutory and regulatory requirements. This was typical of products that posed a high risk to health, safety and environment or where voluminous sampling and testing were infeasible.

79. For the period 2016 to 2019 the TTBS' Laboratory Services Division advised manufacturers regarding the types and methods of quality control related to the production of safety matches, bleach, laundry detergent, purlins, roofing sheets, windows, doors and garments. Such a system would entail:

- A sample of suitable raw materials and components needed for production;
- An assessment of its quality; and
- Identification and control of any non-conforming products.

### **TTBS Treatment of Complaint Reports**

80. The TTBS was empowered by the Section (33)1 of the Standards Act *"to investigate complaints regarding goods referred to it by consumers and staff and may institute legal proceedings against the person supplying defective goods"*. The categories of products associated with the complaints registered included automotive tyres, labelling of pre-

packaged goods and electrical appliances, verifications related to fuel, weighing devices, the quantity of goods as well as electrical products and appliances. An overview of the outcome of complaints received for the period 2016 to 2019 is outlined in **Table 10**.

**Table 10: Categorisation of Complaints received by the TTBS**

Category	2016	2017	2018	2019
Number of Complaints received	39	129	145	7
Number investigated by TTBS	4 (1 unresolved)	3 (1 unresolved)	5	7
Percentage registered, investigated and resolved	75%	66%	100%	100%
Number referred to CAD	34	123	136	-
Number referred to a third party institution	1	3	4	

### ***Rejected or Deficient Goods***

81. In relation to the identification of non-conforming or deficient products a '*Record of Inspection*' was completed by TTBS inspectors containing information on the nature of non-conformities if applicable and the follow up action to be undertaken. In certain situations the input of TTBS management was invoked to communicate further instructions to associated agencies such as Customs and Excise.
82. The corrective measures adopted was dependent on the nature of the non-conformity. For offences, perpetrators may be liable upon summary conviction to fines and imprisonment. With respect to labelling issues the manufacturer/importer was given an opportunity to make the necessary modifications within a specified

time frame. In the event that modification was not possible the following measures were undertaken:

- Importer, distributor or manufacturer was directed to remove non-conforming products from use in Trinidad and Tobago within a specific time frame;
- Non-conforming products were seized and detained according to the legal framework as specified under the Standards Act, Chap. 82:03;
- The sale and distribution of non-compliant products was prohibited; and
- The manufacturer, importer or distributor was directed to issue a product recall, re-ship the products to the supplier and dispose or destroy the non-conforming products in the presence of TTBS officers.

### ***TTBS Product Recalls***

83. The TTBS was also empowered by the Standards Act, 18 of 1997 to '*recall, confiscate or dispose of any products deemed to be dangerous*'. These powers were set to be expanded with the advent of the new Consumer Protection Legislation to equip the Minister with the ability to issue Prohibition and Product Recalls. For the period 2016 to 2019 no locally manufactured, TTBS certified products were subjected to such a recall.

### **TTBS Training and Capacity Building of Businesses**

84. As the lead standards and accreditation agency, TTBS should undertake as part of its duties a mandate to build the capacity of local manufacturers as this would improve the overall competitiveness of the country's products and services. The Bureau highlighted the existence of their strong relationships with the TTMA and TTCIC, noting that both organisations were invited to comment on TTBS *National Standardisation Strategy, Standards Work Programme*, development of local, regional (CARICOM draft regional standards) and in some instances; international standards. These organisations were also encouraged to solicit feedback on various proposals from within their respective network agencies.

85. The Bureau also highlighted their relationship with other agencies to outsource expertise in training. Locally, training was provided by the High Commission of India (ITEC programme) and Caribbean Industrial Research Training Institute (hereinafter CARIRI technical training in the area of conformity assessment) whilst international training was solicited via CROSQ and ISO.

***Requests for Training***

86. The TTBS also emphasised that due to a conflict of interest, neither TTLABS nor the Certification Division could undertake consultancy or advisory services related to the training of manufacturer’s staff in *quality control*. This rule was in accordance with *ISO Standard ISO/IEC 17011- Conformity Assessment*. However, the Laboratory Services Division had trained the staff of manufacturers and organisations in *proper testing and sampling procedures*. Such training was usually done in preparation for the implementation of a certification or inspection scheme on the product in question. The TTBS also advised that its Implementation Division was also contacted by importers to ascertain the requirements for the importation of goods into Trinidad and Tobago.

87. Regardless, it was also reported by the TTBS that TTLABS had offered other types of training services at a cost and the income earned from these endeavours are outlined in **Table 11**.

**Table 11: Income earned by TTLABS for Training Services**

Year	Amount Earned
2016	\$ 42,017.64
2017	\$ 111,199.95
2018	\$ 131,030.97
2019	\$ 123,895.84

### *Premier Quality Services Limited (PQSL)*

88. PQSL is the fully owned subsidiary of the TTBS established as an independent entity to provide enhanced training and consultancy services to organisations in order to maintain the impartiality of the TTBS' Certification Division. The income and expenditure of this subsidiary for the years 2014 to 2019 is highlighted in **Table 12: PQSL Income and Expenditure for the period 2014 to 2019.**

**Table 12: PQSL Income and Expenditure for the period 2014 to 2019**

Year	Amount Earned from Training and Consultancy <sup>29</sup>	Total Expenses <sup>30</sup>	Net Income <sup>31</sup>
2014-2015	\$ 335,217.42	\$ 837,152.18	\$ 663,210.91
2015-2016	\$ 742,973.72	\$ 1,664,565.67	\$ 372,788.50
2016-2017	\$ 442,555.57	\$ 1,589,042.32	\$ 89,462.12
2017-2018	\$ 474,850.01	\$ 1,905,102.36	\$ 700,399.57
2018-2019	\$ 269,716.02	\$ 1,626,019.54	\$ 292,559.92
<b>Total</b>	<b>\$ 2,265,312.74</b>	<b>\$ 1,567,020.39</b>	<b>\$ 858,956.42</b>

### TTBS Collaborations with Other Agencies

89. As the lead agency for product standards and quality development, the TTBS has been entrusted both to ensure the health and safety of consumers as well as to build the capacity of local manufacturers. In fulfilling these duties the TTBS has enacted the following:

- **MOU<sup>32</sup> between the MTI and THA (Consumer Affairs Unit)** for strengthening of collaboration and information sharing between the agencies and to advance the implementation of the National Consumer Policy; and

<sup>29</sup> Figures provided at March 13, 2020.

<sup>30</sup> Figures provided at June 22, 2020

<sup>31</sup> Figures provided at June 22, 2020

<sup>32</sup> Dated November 01, 2019 covering a three year period

- **Finalisation of an MOU between CAD and TTBS.**

### *Enabling Certification of Agencies*

90. The Bureau referenced their engagement with various sectors including construction, agriculture and consumer products and indicated that 16 organisations were undergoing certification to attain *ISO 9001:2015 (quality management systems)*. Moreover, the TTBS had assisted in the development of specific Certification Programmes for key industries as follows:

- *Cocoa Development Company of Trinidad and Tobago Limited (CDCTTL)*- Equipped farmers with the capacity to produce cocoa of an acceptable quality. The TTBS was also engaged in the development and review of the requirements for the quality and certification system and participation in the National Certification Mark Committee;
- *Partnership with Garment Manufacturer*- This pilot project introduced primarily quality management principles to achieve compliance with *TTS 626 Good Management Practices for Micro, Small and Medium enterprises* to improve the efficient use, management and quality of final products;
- *Partnership with the Fashion Industry*- Provided training for 40 emerging fashion designers to identify and select fabric appropriate to its end use;
- *Partnership with Ministry of Agriculture, Land and Fisheries*- Provided training for 40 officers on how to sample and test water, to in turn, direct farmers on how to test water for irrigation purposes;
- *Capacity Building in Tourism Agencies*-
  - Re-introduction of the Trinidad and Tobago Tourism Industry Certification (hereinafter TTTIC) programme on the island of Tobago;
  - Development of a standard including areas of regulations' compliance, areas which affect health and safety, suitable infrastructure and equipment and addressing customer satisfaction and complaints; and

- Service level agreement<sup>33</sup> signed with the Tobago Tourism Agency Limited (hereinafter TTAL) encompassing 3 stakeholder sessions, audit of 12 tourism operators and certification of 6 tourism operators.

**Ministry of Health Achievements- Enforcement of the Food and Drugs Act, Chap. 30:01**

91. For the period **September 2017 to December 2019 there were 25 breaches of the** Food and Drugs Act, Chapter 30:01. These breaches comprised of 22 reports of unsanitary conditions at manufacturing facilities and 3 food items (rice, cheese and condensed milk). Of the food items found to be in contravention of the Act, the former two were deemed counterfeit having contained plastics whilst the latter was misbranded.
92. Of the aforementioned 25 breaches, 5 could not be investigated further due to the non-cooperation of the client to provide the requisite samples. Thirteen samples were analysed and reports generated for the client/consumer, 2 samples were pending further test results, 4 samples were still be analysed and 1 sample of a physical health and safety issue was identified. The commodities for which complaints were received are outlined in **Table 13: Complaint Reports related to Food Product quality**.

**Table 13: Complaint Reports related to Food Product quality**

<b>Company/Product Brand</b>	<b>Product</b>	<b>Company/Product Brand</b>	<b>2018</b>
<b>Kiss Baking Company</b>	Cheese fillers, Coelho Bread/hops,	<b>Silk</b>	Unsweetened vanilla almond milk
<b>Nestle</b>	Orchard fruit punch 250 ml (twice), orange drink 250 ml (twice), apple drink 250 ml (twice)  6 by 250 ml Orchard drinks (3 fruit, 2 apple, 1 orange)	<b>Carib beer</b>	225 ml bottle, Guinness

<sup>33</sup> Signed October 01, 2018 for a one year period

Company/Product Brand	Product	Company/Product Brand	2018
Lacteal	Pineapple yogurt	Associated Brands	1 Bonanza Chocolate
Cheese	1kg block of cheese	Cole Cold	Pear D carbonated drink
Cadbury Dairy Milk	454g (opened sample)	Trinidad Fresh	Orange Juice
Caribbean Cool	Pineapple drink 500 ml	MP	Mayonnaise 200ml
Naisa	Sardines in tomato sauce	Demerara Gold	Cane sugar (open packaged received)

93. The MOH advised that where conclusive evidence of a breach was obtained, audits and random inspections were conducted to determine the robustness of food safety systems (inclusive of potential hazards) at manufacturing sites, supermarkets (specifically storage/warehousing conditions) and items seized and owners/importers made to destroy or re-label under supervision of the Food and Drugs Inspector.

#### **MOH Product Recalls**

94. Product recalls were issued by the MOH for **medicinal drugs**. In one instance, legal action was also taken against a supplier for the importation of a 'bad drug'. The MOH also indicated that for the period 2017 to 2019 there were five food related product recalls. Importation of these products had since resumed following the discontinuation of the product recall by the Centre for Disease Control and Prevention (hereinafter CDC). The MOH also advised that surveillance and inspections, carried out by public health inspectors, had increased at ports of entry via the CFDD Container Examination Station (hereinafter CES) as a consequence of these product recall, episodes which are listed as follows:

- **Processed meat products manufactured in Brazil-corned beef, chicken nuggets(March 23, 2017);**
- **Crab meat imported from Venezuela (July 18, 2018);**
- **Duncan Hines Cake Mix-white, yellow, classic butter, signature confetti 12/15.25 oz) (November 21, 2018); and**
- **Romaine lettuce grown in the USA (November 21, 2018) and romaine lettuce grown in Salinas, California (November 28, 2019).**

### **MOH Auditing or Inspection of Facilities**

95. The MOH also reported that **all poultry processing plants (Arawak I and II, Fine Choice Meats and Nutrimix) were audited twice yearly in the 1st and 3rd quarters** using the preventative food safety *Hazard Analysis and Critical Points System* (hereinafter HAACP) and the *Sanitation Standard Operating Procedures* (hereinafter SSOP) which provided written procedures used to maintain environment and equipment in a sanitary condition. Checks for compliance may also be conducted as part of daily inspections or partial audits. Further meat processing facilities (Erin Farms, Fiedlers, Santa Rosa Foods and other producers) as well as certain abattoirs (Sugarcane Feed Centres and Scarborough) were audited yearly.
96. Smaller facilities such as the UWI Field Station (meat and milk components) were likewise subject to yearly audits with products including Ramsaran’s Dairy Products (audited in 2018) and Creamery Novelties (audited 2019). Nestle Trinidad Limited received thrice yearly comprehensive audits using HAACP and SSOP to satisfy the requirements of their external trading partners.

### **MOH Consumer Empowerment and Outreach Initiatives**

97. The MOH via the CFDD indicated that they participate in the TIC to create awareness on pesticide use. Also through the PTCCB, training in collaboration with the UWI was conducted in the *‘Handling and Marketing of Agrochemicals’* as well as in the *‘Use of Pesticides for Pest Control Operators’*.The PTCCB and the Pesticides and Toxic Chemicals Inspectorate also hold an annual week of awareness activities to sensitise

the public on the risks posed by pesticides. Other organisations such as the Agricultural Society of Trinidad and Tobago, Inter- American Institute for Cooperation on Agriculture (hereinafter IICA), FAO, Ministry of Planning and Development and MALF participated to engage and educate various target groups. An overview of these sessions are provided in Appendix XII.

## FINDINGS

The Committee took particular note of the following:

- i. The CAD's efforts to engage and seek redress for consumers on social media, through outreach sessions and in the conduct of quarterly consumer satisfaction complaint surveys are duly noted but more is required to engender a greater degree of trust by consumers;
- ii. CAD must continue to work with stakeholders to formulate the required legislation to provide a regulatory arrangement for treating with consumer compliants related to digital and or internet-based transactions;
- iii. A more robust metric for monitoring the success of their education and outreach initiatives is needed given that the crux of consumer empowerment is built on access to information. The current mechamisms appear to be ad hoc and inconsistent. The use of social media page subscriptions and 'likes' is a narrow avenue to judge success based on the following:
  - It eliminates a key subset of the population that does not have internet access, which encompasses vulnerable persons in need of additional informational support;
  - Page subscriptions and *likes* does not provide a critical appraisal of the CAD's performance; and

- The comments gained from feedback forms post lecture sessions has not been effectively used to improve performance of the CAD;
- iii. Notwithstanding the advocacy and public engagement efforts of the CAD, there appeared to be little presence of consumers' associations or consumer groups;
- iv. The conduct of ATPO exercises by the CAD lacks the conformity of a routine and systematic approach which may negatively affect how favourably these exercises are viewed by the public and their ability to achieve real impact;
- v. Notwithstanding complaint reports received of sub-par diesel and gasoline fuels, the TTBS did not establish any deviations from the standard according to the Certificates of Quality;
- vi. In terms of Manufacturer's Quality Management System, the Committee was encouraged by the existing methods used by the TTBS to monitor and assess the quality of manufacturing processes. The efficiency of these arrangements may be reflected in the fact that for the period 2016 to 2019 no locally manufactured, TTBS certified products were subjected to a recall.
- vii. The training services that TTLABS is able to provide for profit was not clearly distinguished in relation to those which the unit was not authorised to perform in accordance with *ISO Standard ISO/IEC 17011-Conformity Assessment*;
- viii. Agricultural produce for export purposes through NAMDEVCO and a pilot project for cocoa bean testing through CARIRI and the Cocoa Development Company had the benefit of being tested for pesticide levels. However, in the absence of a National GAP policy, such oversight was not applied to crops for local consumption; and

ix. It was observed that several of the food products for which complaints were lodged with the Ministry of Health were manufactured locally. The investigation into some of these complaints were still in progress or were prematurely concluded due to a lack of cooperation on the part of the accused.

## RECOMMENDATIONS:

The Committee recommends that:

- A. **The CAD consider the following to expand their reach and relevance:**
  - **A dedicated website to launch alongside the New Consumer Protection Policy/Legislation with direct access to all the services provided by the agency including:- requesting lectures/outreach sessions, lodging complaints, previous Quarterly Consumer Complaint Reports, CARREX database, Consumer Protection Legislation, Retail Price Indices and the introduction of a 'Did You Know' section to engage consumers in a simple and reader friendly format;**
  
- B. **Using input provided by feedback forms compiled for the years 2016-2019, the CAD should identify the core areas in need of improvement and implement short, medium and long term plans to rectify the agency's areas of weakness as identified by stakeholders;**
  
- C. **The CAD should consider establishing a collaborative rapport with active consumer associations (to acquire feedback on policy and various initiatives to be undertaken by CAD) to obtain a grass roots understanding of consumer issues and to use these organisations as a model to encourage the development of similar bodies at both the community and national levels;**
  
- D. **The CAD ought to solicit feedback from the public, via a survey administered on their website, to collect information on the areas that could**

- benefit from the conduct of ATPO exercises and use this to develop an internal schedule based on the survey data and recommendations;
- E. The TTBS should liaise with the Ministry of Energy and Energy Industries (MEEI) to include representatives of the MEEI during exercises for the verification of fuel dispensers;
- F. The TTBS should consider collaborating with the manufacturing and agro-processing sectors to formulate and introduce Mandatory Operational Standards as a means of further strengthening the quality assurance framework. If undertaken as a pilot initiative, consideration should be given to applying these mandatory standards to the production of commodities with a history of compromised quality. E.g. milk, juices, spices and processed meats.
- G. The TTBS website must clearly identify the for profit training services that the TTLABS are authorised to perform similar to the approach taken to advertise, via a dedicated web page, the services of the TTBS's subsidiary PQSL;
- H. In the absence of a National Gap Policy, consumers should wash and peel all fruits and vegetables especially those for raw consumption; and
- I. Given the serious implications on the health of the population, the MOH should exercise the full scope of penalties under the Food and Drug Act, including prosecutions via the Court to discipline business who have committed breaches.

### **OBJECTIVE 3: TO DETERMINE THE EFFECTIVENESS OF CURRENT PROVISIONS FOR CONSUMER PROTECTION TO VULNERABLE GROUPS; PRIMARILY:**

- i. Senior Citizens;**
- ii. Those of low literacy/education;**
- iii. Persons with Disabilities; and**
- iv. Rural populations.**

#### *What is a vulnerable group?*

100. The concept of a vulnerable group coincides with the notion of disadvantage with the former being *persons in need of special care, support or protection because of age, disability or risk of abuse or neglect...* whilst the latter encompasses *persons or areas in unfavourable circumstances especially with regard to financial or social opportunities*. Such that these categories of persons are often uninformed of their rights and consequently unable to claim them<sup>34</sup>. The UN Guidelines for Consumer Protection places special emphasis on protections for vulnerable populations and highlighted some key measures that States should institute to ensure that all citizens may participate equitably in the domestic market.

#### *Principles for Good Business Practices as it Relates to Vulnerable Groups*

101. The UN Guidelines prescribe that businesses should *avoid practices that harm consumers, particularly with respect to vulnerable and disadvantaged consumers*<sup>35</sup>. However, the CAD acknowledged that a limited study conducted by the agency in 2018<sup>36</sup> revealed a lack of accessible facilities for persons with disabilities and further noted that it was clear that vulnerable groups lacked access to inclusion and information.

102. In terms of providing quality customer service within their own precincts however, the CAD assured that officers were well trained to interface with persons of all

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<sup>34</sup> Intergovernmental Group of Experts on Consumer Law and Policy (IGE Consumer). "Working Group on Vulnerable and Disadvantaged Consumers. July 10, 2018. UNCTAD Secretariat. Accessed: April 14, 2020. Available: <https://unctad.org/meetings/en/Presentation/WG%20Vulnerable%20and%20Disadvantaged%20Consumers%20.pdf>

<sup>35</sup> Ibid.

<sup>36</sup> Study conducted on Customer Service in the Major Appliances, Furniture and Electronics sectors.

backgrounds without bias and that senior level consumer advocates were also trained in Mediation, the techniques of which were filtered down via peer training to other members of staff.

### ***Distribution of Essential Consumer Goods and Resources as it Relates to Vulnerable Groups***

103. The UN Guidelines also exhorted that States *adopt or maintain policies to ensure the efficient distribution of goods and services to consumers; where appropriate, specific policies should be considered to ensure the distribution of essential goods and services where this distribution is endangered, as could be the case particularly in rural areas*<sup>37</sup>. The CAD was keen to highlight their efforts to make affordable essential goods to a wide subset of the population by lobbying for the removal of the Common External Tariff (hereinafter CET) and application of 0% duty on some basic food items for the period January to December 31, 2020<sup>38</sup>. The agency also noted its engagement of business associations such as the Supermarket and Poultry Associations of Trinidad and Tobago to ensure that vulnerable groups were protected in relation to price and market changes.

104. Through its representation on various regulatory and standards committees, CAD was also able to advocate for the needs of vulnerable persons specifically in relation to their input within the wider decision making process. It was also mentioned that stakeholder consultations and survey data were widely used by the agency to ensure that the views of vulnerable groups were appropriately considered in the policy development process. The National CPS was duly envisioned to amend legislation and inform the precision and effectiveness of CAD's consumer

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<sup>37</sup> Intergovernmental Group of Experts on Consumer Law and Policy (IGE Consumer). "Working Group on Vulnerable and Disadvantaged Consumers. July 10, 2018. UNCTAD Secretariat. Accessed: April 14, 2020. Available: <https://unctad.org/meetings/en/Presentation/WG%20Vulnerable%20and%20Disadvantaged%20Consumers%20.pdf>

<sup>38</sup> The list of food items include fish dried, salted or in brine, cheese, teas, fruit juices, yeast, other prepared or preserved meat, canned fish corned beef and preparations for infant use.

education and empowerment initiatives. The Committee noted that the last National Consumer Profile Study was conducted in 1997.

### ***Provision of Education and Information as it Relates to Vulnerable Groups***

105. The UN Guidelines also expressed that *special attention should be given to the needs of vulnerable and disadvantaged consumers, in both rural and urban areas, including low income consumers and those with low or non-existent literacy levels. Consumer groups, businesses and other relevant organisations of civil society should be involved in these education efforts.*

106. Through their decentralised offices and ongoing consumer education programme, CAD was able to engage with and encourage consumers to know their rights, exercise their responsibilities and defend their rights. In so doing, the agency advised consumers about the various means by which this could be achieved, including through membership to or development of consumer associations. Lectures and outreach exercises in partnership with other Ministries<sup>39</sup> were also conducted in rural areas such as Toco, Pt. Fortin, Tableland, Penal/Debe, Mayaro, Moruga, Blanchisseuse and Rio Claro. However, the CAD also conceded that there was a need for a more consumer focussed culture in Trinidad and Tobago.

## **FINDINGS**

The Committee took particular note of the following:

- i. CAD's advocacy on improving the level of service that is provided to PwDs is bereft of a targeted approach specifically in relation to the following:
  - Private sector engagement on improving accessibility within businesses lacks visibility and coherence;
  - CAD's website lacks auditory options for persons who are blind or visually impaired; and

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<sup>39</sup> Ministry of Social Development, Ministry of Community Development Culture and the Arts, Trinidad and Tobago Fire Services and Trinidad and Tobago Police Services.

- Mention of how CAD's renewed efforts to enhance provisions for consumer protection is limited in its advocacy for PwDs and vulnerable groups;
- ii. Of the list of education and outreach sessions provided by the CAD for the period 2016 to 2019 (**Table 3**), there appeared to be a lack of engagement of NGO or civil society organisations catering to PwDs as well as key NGO networks championing the cause of specific vulnerabilities (single father/mother hood, victims of domestic violence, persons in poverty, illiteracy etc.)
- iii. CAD's heavy reliance on social media to engage the public inadvertently eliminates persons who do not have internet access, a demographic which is most likely to be composed of senior citizens, those of low literacy and those living in poverty;
- iv. We commend the efforts of the CAD in lobbying for the removal of the Common External Tariff (hereinafter CET) and application of 0% duty on some basic food items. However, the committee was not sufficiently apprised of the Division's strategy for achieving this desired change;
- v. Given that the last National Consumer Profile Studies were conducted in 1997 (Approximately 23 years ago), it was clear that such studies are a critical method for capturing vital data from the consumer population including vulnerable groups and should therefore be conducted more frequently; and
- vi. Evidence received cited *a lack of a consumer focussed culture* in this country. Notwithstanding the existing strategies employed by the CAD, Ministry of Health and other supporting agencies to educate and sensitise the public, there is a need for a more robust approach.

## RECOMMENDATIONS

The Committee recommends that:

- A. To reach persons at their point of need, CAD must endeavour to adopt a holistic approach to provide for persons of various vulnerabilities. This may encompass:
  - i. Quarterly meetings of a multi-party working group (including members from the CAD, TATT, RIC, WASA, TTMA, TTCIC, Consumer Associations and other NGO and civil society groups advocating for PwDs, persons living in poverty, elderly and other persons who may be disadvantaged by their social and or economic circumstances) with an agenda dedicated to providing equitable access to consumer rights and protections; and
  - ii. The CAD must include as a complement to the launch of an independent website, the inclusion of auditory options to provide persons who are blind or with visual impairments access to content.
  
- B. The CAD must develop urgently a targeted intervention approach to educate and empower vulnerable populations and to use the data gleaned from the National Consumer Profile Study to launch a special Consumer Education and Outreach agenda for this subset of the population by end of 2020. This programme should encompass education on consumers' rights including the right to satisfaction, access to basic needs, safety, information and protection, to choose, to be heard, to seek redress, to be educated and to a safe and healthy environment. Consumers' responsibilities should also be emphasised including the need to behave ethically, respect the environment, gather information, think critically and to complain or speak out against wrong doing<sup>40</sup>;
  
- C. To maximise their reach and effectiveness outside of digital means, CAD may consider alternative means of communication including participation in

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<sup>40</sup> The Consumer Affairs Commission Jamaica. 'Consumer Laws'. Accessed: April 14, 2020. Available: <https://www.consumeraffairsjamaica.gov.im/portal/index.php/consumer-laws>

**community led activities, open days in supermarkets and malls as well as radio announcements;**

- D. The Committee recommends that the CAD work more closely with the Central Bank of Trindad and Tobago to develop and implement consumer support and protection interventions in respect of the fairness of terms and conditions of hire purchase agreements and other financing arrangements offered by commercial entities that do not fall under the Financial Institutions Act;**
  
- E. The Ministerial Response of the MTI should include details on the progress made thus far in lobbying for the removal of the Common External Tariff (hereinafter CET) and application of 0% duty on some basic food items. The views of the Ministry of Finance (Customs and Excise Division) and the Ministry of Foreign and CARICOM Affairs on the feasibility of this initiative should be included; and**
  
- F. The CAD, the Ministry of Health and other supporting stakeholders must rejuvenate their efforts to engender a greater consumer focused culture among the business community and the wider population. These efforts must involve an increase in the number of targeted outreach iniaitives within the nations schools and communities.**

The Committee respectfully submits the foregoing for the consideration of the Parliament.

Mrs. Sophia Chote, SC  
**Chairman**

Mr. Clarence Rambharat  
**Vice-Chairman**

Dr. Lovell Francis, MP  
**Member**

Mrs. Vidia Gayadeen-Gopeesingh, MP  
**Member**

Mr. Taharqa Obika  
**Member**

Mr. Terrence Deyalsingh, MP  
**Member**

Dr. Lester Henry  
**Member**

Mrs. Cherrie- Ann Crichlow-Cockburn, MP  
**Member**

**July 01, 2020**

# APPENDICES

## APPENDIX I

### MINUTES

**MINUTES OF THE THIRTY-THIRD MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, HELD (IN CAMERA) IN THE ARNOLD THOMASOS MEETING ROOM (EAST), LEVEL 2 AND (IN PUBLIC) IN THE LINDA BABOOLAL MEETING ROOM (NO. 2), GROUND FLOOR, THE PARLIAMENTARY COMPLEX, CABILDO BUILDING, ST. VINCENT STREET, PORT OF SPAIN ON FEBRUARY 14, 2020**

#### **PRESENT**

Ms. Sophia Chote, S.C.	Chairman
Mr. Clarence Rambharat	Vice-Chairman
Mr. Terrence Deyalsingh, MP	Member
Dr. Lester Henry	Member
Mrs. Vidia Gayadeen-Gopeesingh, MP	Member
Mr. Taharqa Obika	Member

#### **Secretariat**

Mr. Julien Ogilvie	Secretary
Mr. Brian Lucio	Assistant Secretary
Ms. Ria Rampersad	Parliamentary Intern

#### **ABSENT**

Mrs. Cherrie-Ann Crichlow-Cockburn, MP	Member
Dr. Lovell Francis, MP	Member

#### **COMMENCEMENT**

1.1 The Chairman called the meeting to order at 9:40 a.m.

### **CONFIRMATION OF MINUTES OF THE THIRTY-SECOND MEETING HELD ON NOVEMBER 15, 2019**

- 2.1 The Chairman invited Members to consider the Minutes of the 31st Meeting held on June 28, 2019 and enquired whether there were any amendments.
- 2.2 The following amendments were made:
  - **Page 3, Item 7.1** – Delete the words “**any other business**” the second time it appears.
  - **Page 6, Item XIV** – Replace the word “**was**” with the word “**were**” the first time it appears.
- 2.3 There being no further amendments, a motion for the confirmation of the Minutes was moved by Mr Rambharat and seconded by Mrs. Gayadeen-Gopeesingh.

### **MATTERS ARISING FROM THE MINUTES OF THE THIRTY-SECOND MEETING**

- 3.1 The Chairman enquired whether there were any matters arising from the Minutes:
  - **Page 2, item 3.1, second bullet** – The Chairman reminded Members that the Ministry of Finance to the Sixth Report of the Joint Select Committee on Finance and Legal Affairs was circulated to Members on December 10, 2019. A discussion ensued on whether the Committee should invite the Office of the Procurement Regulator (OPR) to provide an update on the new public procurement regime. Members agreed to give the OPR and the Ministry of Finance more time before proceeding.
  - **Page 2, Item 4.3** – In light of the Judiciary’s response, the Committee agreed to proceed with its report having not conducted any site visits.
  - **Page 3, item 7.3** – The Chairman informed Members that by letter dated January 30, 2020, the Secretariat wrote to the Trinidad and Tobago Manufacturers' Association requesting:
    - written comments on the objectives of the inquiry (deadline of February 17, 2020); and
    - assistance with the execution of a Survey of Local Manufacturers (deadline for responses, February 12 2020).

### **CONSIDERATION OF DRAFT 8TH REPORT ON AN INQUIRY INTO THE ADEQUACY OF MAGISTRATES’ COURTS FACILITIES**

- 4.1 The Chairman reminded Members that an updated Draft of the Committee’s 8<sup>th</sup> Report, containing her proposed amendments was circulated for the consideration of Members on February 05, 2020.

- 4.2 The Chairman proposed that Members review the Report and provide feedback to the Secretariat by Monday February 17, 2020. Members agreed to the Chairman's proposal.

### **PRE-HEARING DISCUSSION RE: AN INQUIRY INTO CONSUMER AWARENESS, EMPOWERMENT AND PROTECTION SYSTEMS**

- 5.1 The Chairman indicated that representatives from the following entities would be appearing before the Committee:
- i. Ministry of Trade and Industry (including officials of the Consumer Affairs Division and the Trinidad and Tobago Bureau of Standards); and
  - ii. Ministry of Health.
- 5.2 Members confirmed receipt of the hard copies of submission made by the entities as well as the Issues Papers prepared by the Secretariat based on the submissions.
- 5.3 A discussion ensued on whether Mr. Deyalsingh, MP was required to recuse himself from the meeting given that the Ministry of Health was present. The Secretary advised that according to precedence, some Ministers have chosen to recuse themselves but having regard to the presence of the Ministry of Trade and Industry, the Minister can pose questions to the latter.

### **OTHER BUSINESS**

#### **Proposed Date and Agenda for Next Meeting**

- 6.1 The Chairman enquired whether there was any other business Members wished to raise any other business.
- 6.2 The Chairman reminded Members that Members that the regular meeting date of this Committee is the 3<sup>rd</sup> Friday of each month. Therefore, the next designated meeting date is Friday March 20<sup>th</sup> 2020. Members then discussed the following options for its next meeting:
- i. Meet with other stakeholders re: Consumer Awareness, Empowerment and Protection Systems;
  - ii. Conduct a site visit; and
  - iii. Proceed to next inquiry.

### **SUSPENSION**

- 7.1 The meeting was suspended at 10:12 a.m.

*[Members proceeded to the Linda Baboolal Meeting Room (No. 2).]*

## **PUBLIC HEARING WITH STAKEHOLDERS RE INQUIRY INTO THE ADEQUACY OF MAGISTRATES' COURT FACILITIES**

- 8.1 The meeting resumed (in public) at 10:30 a.m. in the Linda Baboolal Meeting Room (No. 2).
- 8.2 The following officials were invited to joined the meeting:

### **MINISTRY OF TRADE AND INDUSTRY**

Ms. Frances Seignoret	Permanent Secretary (Ag.)
Mr. Dexter Morgan	Director, Consumer Guidance and Protection
Ms. Dana Iles	Director, Legal Services
Ms. Cassie-Ann James	Manager, Corporate Communications and Event Management
Mr. Nyron Mohammed	Senior Research Strategist
Mrs. Feroza Mathews	Senior Research Officer
Mrs. Claudette Jordan-John	Senior Consumer Advocate, Ag.

### **MINISTRY OF HEALTH**

Ms. Margaret Morales	Deputy Permanent Secretary (Ag.)
Mr. Farz Khan	Director Chemistry Food and Drugs Division
Mr. Adrian McCarthy	Assistant Director, Chemistry Food and Drugs Division
Mr. Hazmath Ali	Registrar, Pesticides and Toxic Chemicals Control Board
Dr. Saed Rahaman	Director, Veterinary Public Health

### **TRINIDAD AND TOBAGO BUREAU OF STANDARDS**

Mr. Derek Luk Pat	Executive Director, Trinidad and Tobago Bureau of Standards
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- 8.3 The following were the key subject areas/issues discussed during the hearing (*for further details, please see the Verbatim Notes*):

#### **(a) Ministry of Trade and Industry (MTI)**

- i. The Trinidad and Tobago Bureau of Standards (TTBS) was the national accrediting body for laboratories. Accreditation is a verification of third party

- competence to conduct a specific conformity or test and in a bid to avoid potential conflicts of interest, Cabinet was considering the introduction of an independent accrediting body;
- ii. Labs may seek accreditation for the performance of specific tests. Manufacturers therefore must conduct due diligence to ascertain the accreditation status of the selected lab and subsequent acceptance of verification by the importing country;
  - iii. Fast moving consumer goods (e.g. Food and Cosmetics) was a major export market for the country but verification of standards within this arena did not fall under the remit of the TTBS. However, some local labs may have this capacity dependent on the specific conformity or test that was required;
  - iv. As the regulator for compulsory standards for gasoline and diesel, the TTBS was aware of consumer complaints in relation to the supply of sub-par diesel. Whilst the Bureau was collaborating with both importers and wholesalers to identify the issue, it was within the purview of the Ministry of Energy and Energy Industries to disseminate information on the matter;
  - v. Nevertheless, based on the Certificates of Quality for gasoline and diesel fuel, the supply of diesel had met the existing standards for quality;
  - vi. Should consumers need to lodge a complaint with respect to the quality of fuels, the TTBS was well-disposed to accept and re-direct complaints to the responsible agency for action;
  - vii. The MTI acknowledged that there was need for a harmonised legislative approach and this had already been set in motion with the launch of the National Consumer Policy 2018-2023;
  - viii. With respect to the enforcement of the Metrology Act, it was noted that whilst there have been no charges laid against persons who have committed offences established under the Act, it may soon be a possibility under the recently proclaimed Fair Trading Act, Chapter 81:13;
  - ix. The TTBS also carried the portfolio of the National Measurement Institute. Thus, the organisation was equipped with a Legal Metrology Inspectorate tasked to ensure the accuracy of scales. The TTBS had conducted such exercises with supermarkets, markets and couriers and was conducting annual verification of the NAMDEVCO markets.
  - x. The TTBS was housed on the e-Teck Industrial estate but had a second location in South Trinidad as well as inspectors that operated out of various ports;
  - xi. Metrology inspectors were based at the e-Teck facility and exercises were carried out according to a system of both scheduled and random checks (the latter of which is based on the discretion of the Chief Inspector and arising out of verification results and consumer complaints);

- xii. With respect to labelling, the Consumer Affairs Division (CAD) was only responsible for the labelling of consumer durable goods especially pertaining to false or misleading statements as specified under the Trade Descriptions Act, Chapter 82:04;
- xiii. With respect to labelling in foreign languages, the CAD advised that there was an absence of adequate local regulations concerning the labelling of products. However, the Council of Trade and Economic Development (COTED) approval of the Caricom Consumer Model Bill provided for this oversight and Trinidad and Tobago was expected to comply with these provisions;
- xiv. Furthermore, the National Consumer Policy proposed new legislation to address the issue of non-English labelling. The draft of the new consumer legislation was scheduled to be completed by October 2020;
- xv. The Retail Price Indices curated by the MTI was based on a basic basket of goods determined using a 2014 survey conducted by the MTI. As part of the process forty-eight (48) supermarkets were surveyed monthly in order to establish the prices of a basic basket of goods;
- xvi. A calculation of the cost of living for a family of four was not conducted in the MTI's formulation of its retail price surveys but may be possible at the level of the Central Statistical Office (CSO) given that certain key elements for a cost of living analysis was also considered in the formulation of the retail price index;
- xvii. The Household Budget Survey (HBS) last conducted in 2008/2009 by the MTI sought only to understand the basic basket of goods that consumers would purchase. A subsequent survey completed in 2019 found no changes to this basic basket of goods;
- xviii. The TTBS in conjunction with FashionTT sought to build competitiveness in the local industry through the development of a standard for the cloth/material utilised by fashion stakeholders;
- xix. In connection with sanitary or phyto-sanitary requirements for export products, the MTI noted that discussions with importers regarding the certification of goods were often lengthy and may require further negotiation or information exchange between trading entities about the registration process;
- xx. The TTBS had jurisdiction over compulsory standards outside of food and pharmaceuticals. In the event that a deficient good was found, the retailer, manufacturer and/or importer would be formally advised to remove the product. Destruction under supervision or re-exportation of said product would then be conducted;
- xxi. Currently the TTBS was assisting in a voluntary product recall issued by an agent regarding electrical safety, the organisation was not aware of any other product recalls;

- xxii. Consumer redress through the CAD for complaints against suppliers related to Hire Purchase Agreements was available online, in person or via telephone. In terms of the re-possession of items, seventy percent (70%) of the hire purchase price paid by consumers would afford them with legal protection against the re-possession of said items by suppliers except in the case of a court order.

**(b) Ministry of Health**

- i. In relation to the safety of 'health' enhancement products and supplements, the Ministry of Health indicated their adherence to guidelines provided by regional and international standards as well as the evaluation of the Food and Drug Advisory Committee to determine the safety and efficacy of products;
- ii. The Food and Drug Advisory Committee was composed of both pharmaceutical and medical personnel who carried out a robust registration process involving the analysis of medical claims and clinical work to determine the suitability of the product;
- iii. The guidelines emanating from developed countries as well as regional and international organisations such as the Pan-American Health Organisation (PAHO) and the World Health Organisation (WHO) were used together with the certificate of analysis (originating from the manufacturer or an accredited lab) to give the MOH assurance of consistent and credible reliance with respect to the safety and efficacy of a product;
- iv. In the instance that further testing was required, the Food and Drug Committee may access the accredited lab services of the Jamaica Drug Testing Facility, Caribbean Public Health Agency (CARPHA) or Caribbean Industrial Research Institute (CARIRI) to conduct some of the testing that was required as part of the registration process;
- v. The Chemistry Food and Drug Division (CFDD) lab was currently non-operational and was undergoing a second round of tendering for the provision of services in order to receive Fire Certificate Clearance. The lab was expected to be opened in the second quarter of fiscal 2020;
- vi. In the interim, the CFDD enlisted the assistance of the Trinidad Public Health Lab, Mt. Hope Veterinary Sciences Centre, CARIRI as well as private labs to conduct tests;
- vii. Employees of the non-functioning lab were re-assigned with some employees now housed at the Trinidad Public Health Lab. Employees housed at the 92 Frederick Street Office were otherwise involved in the development of Standard Operating Procedures for accreditation or were engaged in the development of CODEX and Caricom Regional Organisational Standards for Quality (CROSQ) technical standards;

- viii. Those persons that had been assisting with the development of standards had been in receipt of in house training and capacity building to equip them with the requisite skills to execute these tasks;
- ix. With respect to the labelling of food and drug items, the CFDD was given the responsibility under the Food and Drugs Act, Chapter 30:01 for products issuing a medical claim to 'cure, treat or prevent' in both Trinidad and Tobago. If no such claims were made the product became by default a food item;
- x. The Food and Drugs Act, Chapter 30:01 also prescribes that products originating from countries where English was not the official language include English translations on any panel apart from the bottom panel;
- xi. The Food and Drugs Act, Chapter 30:01 was currently under review. Proposed modifications include improvements in the recall system and the labelling requirements of food products. Meanwhile, the provision of nutritional profiles and caloric content of foods in restaurants fell under the ambit of the Public Health Inspectorate;
- xii. Food products purporting to achieve rapid or otherwise unbelievable results without any conclusive evidence or additional information may be construed as misleading;
- xiii. Food additives or food supplements with these types of claims may be assessed as general claims and are often subject to disclaimers that exclude them from regulatory control;
- xiv. The MOH would only take action if there was a negative impact associated with the drug; such as the removal of certain energy drinks containing high amounts of caffeine or other stimulants from the market;
- xv. The registration process would also require that drug manufacturers include the relevant contraindications or adverse side effects associated with the product;
- xvi. The Anti-biotic and Narcotic Committee in tandem with the Food and Drug Advisory Committee took responsibility for the recommendation of generic drugs. Generic products were usually copies of 'innovator' or branded drugs. These brand drugs upon initial entry into a market; was accompanied by all the relevant information proving the safety and efficacy of that drug;
- xvii. As part of the registration process, generic products must provide a bio-equivalent study to prove that the drug behaved similarly to the brand drug thereby providing assurance that the generic product was indeed reliable;
- xviii. The MOH had issued product recalls in the past for specific drugs and there was one recent instance where legal action was taken against a supplier for the importation of a bad drug. However, the MOH pointed out that the decision to ban any drug may be based on a number of factors extraneous to its safety and efficacy, such as its appeal to children;
- xix. The generic company Apotex was an example of one company that provided all the research regarding the safety and efficacy of their products;

- xx. The MOH had noted the increase in usage of vaping oils and products. Through communication with the Tobacco Control Unit, the product was disallowed if according to the Certificate of Analysis was found to contain nicotine;
- xxi. At the point of entry, the MOH may decide to refuse entry or withhold products that bear resemblance to tobacco or tobacco like substances. The MOH also advised that whilst there was no prohibition policy on vaping products, it would be something for future consideration by the Ministry;
- xxii. Similarly, with respect to the sale of CBD oils, the CFDD had taken the position that any product containing CBD levels above 0.2% accompanied by a medical claim was classified as a drug and must undergo the registration process;
- xxiii. Currently CBD products were barred or withheld by the MOH, however the Ministry acknowledged that such products were seen and pulled by inspectors from the local market;
- xxiv. The CFDD was in the process of developing a policy to treat with such and was unable to advise on the safety or efficacy of CBD related products for use in the domestic market;
- xxv. The presence of THC within CBD products would also transfer the product from a food to a drug item which would then be subject to a different regime of testing;
- xxvi. Trinidad and Tobago was currently without a national 'Good Agricultural Practices' (GAP) policy which would provide not only the necessary infrastructure to test for pesticides but to guide farmers in the judicious use of pesticides to their crops;
- xxvii. The Pesticides and Toxic Chemicals Act, Chapter 30:03 had provisions for the regulation of pesticide residues but these were never developed;
- xxviii. In the absence of regulations, the PTCCB had correlated maximum residues with the rate of application to be used on crops;
- xxix. The UWI had also assisted in the conduct of efficacy trials which attempted to ascertain the minimum level of pesticides that could be sprayed on crops and this information was then relayed to potential importers for evaluation as part of the registration process before the product was able to enter the market;
- xxx. The National GAP Committee was working toward the development of a voluntary National GAP policy and standard to be marketed by NAMDEVCO and to develop a national monitoring system for pesticide use;
- xxxi. The demands for the testing of pesticides was quite rigorous as tests must be developed in accordance with the specific pesticide. A robust pesticide analysis system would therefore require all the available standards to test all the available pesticides on the market. The problem of the non-functioning lab had indeed limited capacity in this regard;
- xxxii. Pesticides were banned under the guidance of two primary international standards the Rotterdam and Stockholm Conventions. Pesticides listed under

- the Rotterdam Convention had been phased out and were no longer imported into Trinidad and Tobago;
- xxxiii. Developing countries therefore relied heavily on the direction of international conventions yet may choose to take different stances on pesticides according to preference;
- xxxiv. The PTCCB had duly taken such action on specific active ingredients in pesticides namely chlorpyrifos which was found to have adverse impacts on children and pregnant women in addition to chromated copper arsenate, a carcinogen. The PTCCB also highlighted their stance against the non-importation of known carcinogens;
- xxxv. Controversial pesticide 'Round-up' or glyphosate had not presented itself as an issue in Trinidad and Tobago due to the fact that its use was inconsistent with usage in the United States. Glyphosate was sprayed on Genetically Modified Organisms (GMO) crops to prevent the growth of weeds. Conversely, in Trinidad and Tobago, glyphosate was used on fallow land. The contention with glyphosate was therefore mainly within the United States as the European Union had also granted a five-year extension on its registration;
- xxxvi. Crops for export were tested for pesticides through systems established by NAMDEVCO. Testing of cocoa beans was also being piloted through the collaboration of the Cocoa Development Company and CARIRI;
- xxxvii. These levels of protections were not yet in place for goods for local consumption hence the urgent need for the implementation of the GAP policy;
- xxxviii. The 'Standards' part of the GAP was completed and work was currently underway on the 'National Guidance Document' that would inform those engaged in agricultural production on the various aspects of crop development;
- xxxix. Approximately thirty to fifty (30-50) farmers had been trained in Integrated Pest Management (IPM) through the Inter-American Institute for Cooperation on Agriculture (IICA) and the Cropper Foundation. Likewise, a 2016 Global Environmental Facility /Food and Agricultural Organisation (GEF/FAO) project had been training farmers in IPM and developing alternatives to highly hazardous fungicides. The project was also active in Jamaica where farmers were seeking to develop alternatives to insecticides;
- xl. To reduce food pesticide residues, it was advised that consumers wash and/or remove the outer layer of skin on produce;
- xli. The MOH also provided feedback on the importation of meat principally chicken and remarked on the high per capita rate of chicken consumption. Twenty percent (20%) of local chicken consumption was imported; and
- xlii. Inspections were conducted at ports of entry via the CFDD Container Examination Station (CES), the public health inspector may pull a product for testing or further evaluation based on appearance or if the documentation or certificates of wholesomeness was somehow deficient.

8.4 Closing remarks were made by the Chief officials.

8.5 The Chairman thanked the officials for their attendance.

### **ADJOURNMENT**

9.1 The meeting was adjourned at 12:18 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

March 14, 2020

## APPENDIX II

### VERBATIM NOTES

**VERBATIM NOTES OF THE THIRTY-THIRD MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS HELD, (IN PUBLIC) IN THE LINDA BABOOLAL MEETING ROOM (NO. 2), GROUND FLOOR, OFFICE OF THE PARLIAMENT, PARLIAMENTARY COMPLEX, CABILDO BUILDING, ST. VINCENT STREET, PORT-OF-SPAIN ON FRIDAY, FEBRUARY 14, 2020 AT 10.30 A.M.**

#### PRESENT

Ms. Sophia Chote SC	Chairman
Mr. Clarence Rambharat	Vice-Chairman
Mr. Terrence Deyalsingh	Member
Mrs. Vidya Gayadeen-Gopeesingh	Member
Dr. Lester Henry	Member
Mr. Taharqa Obika	Member
Mr. Julien Ogilvie	Secretary
Mr. Brian Lucio	Assistant Secretary
Ms. Ria Rampersad	Parliamentary Intern

#### ABSENT

Mrs. Cherrie-Ann Crichlow-Cockburn	Member
Dr. Lovell Francis	Member

#### MINISTRY OF TRADE AND INDUSTRY

Ms. Frances Seignoret	Permanent Secretary Ag
Mr. Dexter Morgan	Director, Consumer Guidance and Protection

Mr. Derek Luk Pat	Executive Director, Trinidad and Tobago Bureau of Standards
	Ms. Dana Iles Director, Legal Services
Ms. Cassie-Ann James	Manager, Corporate Communications and Event Management
Mr. Nyron Mohammed	Senior Research Strategist
Mrs. Feroza Matthew	Senior Research Officer
Mrs. Claudette Jordan-John	Senior Consumer Advocate Ag.

### MINISTRY OF HEALTH

Ms. Margaret Morales	Deputy Permanent Secretary
Mr. Farz Khan	Director, Chemistry, Food and Drugs Division
Mr. Adrian Mc Carthy	Assistant Director, Chemistry, Food and Drugs Division
Mr. Hazmath Ali	Registrar, Pesticides and Toxic Chemicals
Dr. Saed Rahaman	Director, Veterinary Public Health

**Madam Chairman:** Good morning all, apologizes for the late start. The meeting is reconvened, and I would like to welcome all of you here this morning. This is the Thirty-Third Meeting of the Joint Select Committee on Finance and Legal Affairs. This is our first public hearing into our enquiry into consumer awareness, empowerment and protection systems. The Committee wishes to welcome officials and representatives of the Ministry of Trade and Industry and the Ministry of Health. From left to right, I will invite you all to introduce yourselves to the members of the listening and viewing public.

*[Introductions made]*

**Madam Chairman:** And I cannot tell if the gentleman to the back is sitting at a desk or just observing. [*Crosstalk*] Thank you. My name is Sophia Chote, and I am the Chairman of this Committee and I will now ask members of the Committee to introduce themselves to you, starting from my left.

[*Introductions made*]

**Madam Chairman:** I know that we all in this room, we are aware of what are the objectives of the enquiry, but for the members of the listening public, listening and viewing public, I am going to read out the three objectives of the enquiry:

1. To assess the adequacy and effectiveness of existing consumer protection legislation and policies;
2. To evaluate the performance of consumer protection agencies managed or controlled by the State; and
3. To determine the effectiveness of current provisions for consumer protection to vulnerable groups, primarily senior citizens, those of low literacy or education persons with disabilities and rural populations.

The process of our enquiries usually begins with an opening statement from the chief officials representing the various entities which come before us. So I would ask Ms. Frances Signoret to make an opening statement.

**Ms. Signoret:** Thank you very much, Madam Chair. Good morning once again. The Ministry of Trade and Industry is appreciative of this opportunity to participate in this enquiry into consumer awareness, empowerment and protection systems. We understand the importance of achieving the objectives set out which dovetail the tenets of the National Consumer Policy 2018/2023 which are:

1. To harmonize and modernize the existing legal and regulatory framework for consumer protection;
2. To ensure consumers are sufficiently well informed and empowered;

3. To harness and provide accessible and efficient redress systems for consumer protection issues; and
4. To eliminate and discourage unfair business practices.

These objectives are further reinforced in the Trinidad and Tobago Trade Policy, 2019/2023, which highlights among several action points: engendering confidence amongst consumers, including those engaged in ecommerce; enhancing private sector compliance with international standards and regulations and proclamation of the Fair Trading Act.

Today's meeting of the JSC is timely, given the proclamation this week of the Fair Trading Act, which allows the Fair Trading Commission to now officially receive and investigate complaints of anti-competitive conduct. The benefits of an effective commission will likely lead to lower prices, higher quality goods and services which all will redound to the consumer's benefit. This complements the work of the Consumer Affairs Division of the Ministry of Trade and Industry and the Trinidad and Tobago Bureau of Standards. The Ministry of Trade and Industry is cognizant of the significant roles to be played by all the agencies in empowering and protecting consumers. We look forward to the recommendations which will emanate from today's session and they will undoubtedly be valuable as the Ministry of Trade and Industry prepares for World Consumer Rights Day which is annually commemorated on March 15<sup>th</sup>. Thank you Chair.

**Madam Chairman:** Thank you. Ms. Morales.

**Ms. Morales:** Thank you Chair. Good morning, once more. I wish to thank you for granting us the opportunity to appear before this Committee to contribute on the discussion on consumer awareness, empowerment and protection systems. The Ministry of Health recognizes that the Government's public health response requires an alignment of policies, practices and systems across various Ministries and agencies

which form part of the national food control system to provide adequate protection of the consumer, and this increases our ability to trade intra-regionally and internationally. This will enable better choices with respect to food and the protection of all citizens.

Toward this end, the Ministry of Health, through the Chemistry Food and Drugs Division, the Veterinary Public Health Unit and the Public Health Inspectorate, continues to update regulations, policies, systems and practices to ensure the protection of the population against unsafe foods, adverse practices of food fraud, misuse of toxic chemicals and pesticides and false product information. These potential risks adversely impact the overall health of the population and it is critical that all the systems and regulatory controls be fully instituted amongst the various entities. It is also important for us to collaborate with the other agencies such as the Ministry of Agriculture, Land and Fisheries, the Ministry of Trade and Industry, and the Customs and Excise Division, and to share resources to safeguard the health of the population.

The Ministry is, therefore, committed to the provision of public health functions as part of its obligation to preserving and maintaining the overall health of the population and to working with the other public sector entities in achieving this objective. We look forward to today's session and to getting feedback from the Committee as we move forward. Thank you, Madam Chair.

**Madam Chairman:** Thank you both. Now, I just want to make it clear, in case the officials from the Ministry of Health have any concerns. While the Minister is a member of this Committee, he will not be participating in any part of the enquiry, which deals with questions pertaining to the functioning of departments under his Ministry. Sen. Obika.

**Mr. Obika:** Thanks Chair. If I can go straight to the response from the Ministry of

Trade and Industry, on page 32, Item 20, it has to do with the response to the question about the number of accredited labs in Trinidad and Tobago and, you know, there is—not to give life to any rumours—but there are stories about the number of accredited labs that we have in the country. I cannot place a number on it without having proper information, but I saw that there was one lab that got accredited last year—I am not sure exactly what was their area of focus—in San Fernando.

The question is, notwithstanding the response, labs help us when we are exporting to have confidence. So if the labs, besides being accredited locally, are these labs recognized with our major trading partners, export partners? I will give a simple example. Jamaica exports, via Grace Kennedy, beverages and so on to new markets in West Africa, for example, and in the Far East, they are looking at. We have companies that export as well. Although SM Jameel produces in South Africa, they may have other companies that export, for example, Sacha Cosmetics to West Africa and other new markets. Are the labs that we have here accredited with our major trading partners? That is one issue. And are we comfortable with the ability to test products for new entrepreneurs who create new products for the local market? So one is for export and one is the local market, our capacity.

**Madam Chairman:** Who will take that question?

**Ms. Signoret:** Madam Chair, I would like ask Mr. Luk Pat of the Trinidad and Tobago Bureau of Standards to respond.

**Mr. Luk Pat:** And morning again. If I may, accreditation is the third-party attestation of competence to conduct a particular conformity assessment test. So you will hear the term used “accredited laboratories” and there are various types of laboratories, and in this particular case we can say laboratories to test certain aspects for specifications of certain products. Accreditation, there are recognized accreditation

bodies throughout the world. At present, the Trinidad and Tobago Bureau of Standards is the national accrediting body. There is a Cabinet-approved process taking place now to separate due to conflicts of interest where there would be an independent accreditation body locally here in Trinidad and Tobago. So, just as a bit of context.

In terms of, to attempt to answer the question, the accreditation process is to do with the test. So a lab may do several tests and they may see fit to seek accreditation for a particular test. In the case of the items that you would have mentioned, depending on the standards required by the export—the country to which our local manufacture may be targeting—they may require validation of those—conformities to those specifications. The manufacturer can choose to have those tested at any lab that it has accreditation to that test anywhere in the world, and it is up to them to ensure that the importer recognizes that particular test from that particular entity and there is system by which that can be done.

**Mr. Obika:** We have—because I know this is a very—I do not want it to seem as if it is an ambush question, right, but even if there is no response today, if you can get it in future it will be helpful. For example, in the Fast Moving Consumer Goods section—so this specifically has to do with our major trading partners—are we comfortable that notwithstanding the opportunity to go to labs in other territories, are we comfortable that the labs that are accredited in Trinidad and Tobago have the preferred status that is required to enter the markets of our major export partners for fast-moving consumer goods which is a main part of our manufacturing sector?

**Mr. Luk Pat:** So, in Trinidad and Tobago, there are a number of labs that are accredited to specific tests, which includes the Bureau of Standards, CARIRI and a few others as well. It would really depend on the test itself or the requirement to

ascertain whether it meets the needs of the trading partners. So, in FMCG, fast-moving consumer goods, if you were to use food or cosmetics, I am not in a position to say if it is present. I am simply aware that there are some labs in Trinidad and Tobago that are accredited to specific tests. I can speak on behalf of the Bureau of Standards that we have some, and they are to do with conformity assessment for other products, construction goods, et cetera. So, I am not in a position to speak specifically to what tests—if there are labs that are accredited to those specific tests for FMCG products, but I could find out.

**Mr. Obika:** I will be grateful for that. And if I may ask one last question, it has to do with the popular issue of the quality of fuel being tested, Chair, in terms of if there is any reporting mechanism where the public can have access to information on an ongoing basis given that we are importing fuel as to the quality of diesel, for example, because you are having—I do not want to say rumours because they are not substantiated—that the quality of the diesel is subpar and is affecting the owners and so on. Is there any mechanism by which members of the public can get information as to the quality of the diesel that they are using in their vehicles?

**Mr. Luk Pat:** TTBS is aware of the complaints. As the regulator for the compulsory standards for gasoline and diesel, we are actively engaging with the importer as well as the wholesaler on the matter. As to access for the information, I believe that it would be through the Ministry of Energy and Energy Industries that would have to be able to disseminate that information. We at the bureau have access to what are called certificates of quality for the imported fuel, against our role in ensuring that they meet the existing compulsory national standards for both gasoline and diesel fuel.

**Mr. Obika:** Are you satisfied that they have met the quality required for diesel, in particular, for example, and super and premium?

**Mr. Luk Pat:** Based on the checks that we have done so far, we get the certificates of quality regularly. They meet the existing standards that pertain to them.

**Madam Chairman:** Okay. Mr. Luk Pat, I do not want to put you on the spot, but it seems to me as though there is considerable overlap in terms of where complaints can be made and where complaints have to be addressed. Is it that if someone has a complaint about the quality of diesel, let us say, which they purchased at a gas station, they come to you? Is it that they come to the TTBS to lodge their complaint or do they go to the Ministry of Energy and Energy Industries?

**Mr. Luk Pat:** Chair, the consumer, from what I have observed over the last say 12 months, they typically go to the Ministry of Energy and Energy Industries or they may go directly to the wholesalers. We have had some come to us. What typically has been happening, because we at the TTBS consider it one of our high-priority sectors, that of fuels, we have been monitoring social media pages regularly and we typically would collaborate with the key stakeholders—Ministry of Energy and Energy Industries, NP, Unipet, et cetera—on those matters to be able to work towards identifying the issue in a comprehensive manner and one that we are coming together understand the different facets.

**Madam Chairman:** Sure. But what I am trying to ascertain is this. Someone listening to this programme, for example, who wants to make a complaint or who in the future may think that they want to make a complaint, where is the best place for them to go, to you?

**Mr. Luk Pat:** Given that TTBS is—that fuel falls under a compulsory standard, TTBS would certainly be one of the, I would say, key points for which consumers can interface and we do have a consumer liaison officer who would take the complaints, disseminate it to the right people for action.

**Madam Chairman:** Excellent. Thank you very much.

**Mrs. Gayadeen-Gopeesingh:** Good morning again. I have seen the submission from the Ministry of Trade and Industry and there is really a suite of consumer protection legislation. We have the Consumer Protection and Safety Act, we have the Hire Purchase Act, the Misrepresentation Act and so. Are these laws really providing a harmonized legal framework for consumers? And, more particularly, the Metrology Act, how effective is this Act? Because of my number for years in practice, I have never seen a person walked into court with a scale as an exhibit, because under the Metrology Act, you would have persons going around checking parlour and supermarket and shops and so to see whether scales have been calibrated. Take, for example, if a person says he gets five ounces less than a pound of cabbage, what does he do? Who sees about whether the weight that has to be given to the consumer is the weight that he receives and is not that he is deceived? So, firstly, how effective are these laws and is it that under any of these laws any person has been brought before the courts for the commission of any offence?

**Ms. Signoret:** Member, thank you for the question. I think it is very pertinent for all consumers. In terms of the suite of legislation, it has been acknowledged that there is need for a harmonized approach and that is currently in train, based on the new consumer policy for 2018 to 2023. The specifics with respect to metrology that, as far as we are aware, it does not appear to have been anyone who has been brought before the courts. What is provided for—perhaps it may fall under the new Fair Trading Act in terms of what is possible now that the Act has been proclaimed and the commission is now able to investigate unfair practices—that is a measure, that is going to be an opportunity to have complaints made to the Fair Trading Commission for the investigations to take place and for an approach to be made to the court. Now, this was an Act that was just proclaimed this week, but that may be one avenue that can be pursued. Perhaps the TTBS can speak to some of the work that they do

in terms of the testing of the scales and so on.

**Mr. Luk Pat:** Good morning again member. So the Trinidad and Tobago Bureau of Standards is also the National Measurement Institute and we are governed apart from the Standards Act and Regulations, the Metrology Act and Regulations. We have a division that is called the Legal Methodology Inspectorate, and one of the key duties is to ensure that the devices used in trade are accurate and that consumers pay, in terms of the weight measurements rather, get what they paid more.

The inspectorate has been working assiduously over the years since the proclamation to ensure that those scales, that they are calibrated accurately and we cover groceries, supermarkets and couriers. We recently embarked on going throughout the entire municipal and NAMDEVCO marketplaces. We are, I would say, approximately two-thirds the way through on the first cycle. It is an annual verification process. To my knowledge, I am not aware of any person or organization that has been brought before the court on a related matter.

**Mrs. Gayadeen-Gopeesingh:** The Legal Metrology Inspectorate, I believe when I read through the document says that it is located—we have different geographical locations. Honestly, I do not know what this inspectorate is, because I need to be guided. Is this inspectorate sufficiently resourced to deal with all these different institutions that they have to go to? And if it is located in specific geographical areas, what criteria are used to determine this inspectorate is in Curepe or on is in Tunapuna or one is in Penal? What criteria you used? Because from the readings, I am seeing they are located at specific geographical locations. Is that so?

**Mr. Luk Pat:** Member no that is not the case. Our primary location is on the e Teck Industrial estates in Macoya. That is our main base. We do have a south office as well. We have inspectors not in the legal metrology at what we call different ports for other types of inspection, but as it relates to legal methodology, no. We operate

out of one base and the activities are done based on scheduling. So there are deliberate verification activities that are scheduled with the various entities. So they are aware when we are coming, but there are also what we called market surveillance, where those are random and determined by the Chief Inspector based on information coming out of the results of those verifications as well as any consumer complaints.

**Madam Chairman:** The Vice-Chairman has a question.

**Mr. Rambharat:** Thank you very much. My colleague, the Minister of Health, has been all over the country talking about non-communicable diseases, and the way in which the rise and the chronic position we find ourselves in. I am very concerned about some of the things that I see in pharmacies, supermarkets, gyms and they relate to energy drinks, energy bars, products that will make you slim very quickly, products that will melt belly fat in seven days, super greens, omega products, 12 essential oils. Every morning when I turn on the television, I see somebody peddling some omega, some oil product. My question is in relation, specifically, to the growing interest in weight loss and fitness in this country, what measures are in place to protect consumers, to protect the public, to inform the public about the risks of these “get slim quick and boost your energy products” that are proliferating the supermarkets, the pharmacies, the gyms, the parlours and everywhere else in the country?

**Madam Chairman:** I would think that is something for the Ministry of Health.

**11.00 a.m.**

**Ms. Morales:** Thank you, Madam Chair. I will have to refer that question to the Director of the Chemistry, Food and Drugs Division.

**Mr. Khan:** Good morning, members. As it relates to these items there with regard to energy drinks, there are international and regional standards that are applicable for energy drinks and in Trinidad and Tobago we would use those same guidelines regarding energy drinks. As part of the registration process, which is in law, all of

those omegas would have to go through a thorough registration process, which is quite robust, that has to go to an evaluation committee known as the Drug Advisory Committee that has experts from different areas both in terms of pharmaceutical as well as the medical field.

They would do the due deliberation in going through certificate of analysis, JMP, CPP and look at the medical and the medical claims, also clinical research that has been done and some of these products also goes to the committee for evaluation. Pending that evaluation, a recommendation is then made to the Minister for the approval based on the safety and the efficacy of this particular drug in case of the Omega XL and that suite of pharmaceutical products.

So that is the regulatory function and the regulatory process that pertains at the Chemistry, Food and Drugs Division, Ministry of Health.

**Madam Chairman:** I have an enquiry, how do you test?—because I am looking at when we last spoke, this was in 2017, I believe, and we had done a site visit to your division. So at that time it was contemplated that we would have had a national public health lab within five years but in any event, the building that we had visited and toured with you was expected to be ready for testing by the end of 2017, so is it at that building, that testing is done?

**Mr. Khan:** We would answer part of the question and the other part, I would ask the Deputy Director to elaborate on that particular issue.

**Madam Chairman:** Sure.

**Mr. Khan:** So when we look internationally, there is the whole concept of reliance and we look at WHO guidelines, and we look at the reliance from regulatory authorities that would have done a certain degree of testing in great detail and based on this particular reliance—and the concept is an international concept that is used worldwide. So when a drug comes into Trinidad for registration, we use the concept of

reliance from either PAHO, WHO or even some of the more developed regions within the Americas, Europe, and that gives us a certain degree of confidence in terms of the safety and the efficacy of a particular drug.

So they use that together with the certificate of analysis that would originate from an accredited lab or could also originate from the manufacturing facilities that have been issued with something called a “certificate of pharmaceutical product” that gives the assurance that this particular product that is entering our market would have gone through a certain degree of testing and it would have met the WHO requirements with respect to safety and efficacy of the drug.

**Madam Chairman:** Okay. Mr. Khan, I think that it is important for us when we are engaged in these enquiries to be very clear about what we are saying and I think someone may have perhaps been mistaken when you made your initial contribution into thinking that there was some sort of evaluation being done here. Am I to understand it that what you are talking about is the reliance on certification from accredited systems?

**Mr. Khan:** If I may add also, we also have the opportunity through the Jamaica Drug Testing Laboratory where we can actually send samples through our Ministry to the testing lab situated in Jamaica where it is controlled under CARPHA that will give us also that sort of testing results that is required for and it is used in terms of the registration process.

**Madam Chairman:** But you did not quite answer what I asked you. But is it then that there have been instances where the committee is asked to say, “Okay, this product is all right to go on the market”, and the committee looks at the accredited tests done in other jurisdictions and the committee says, “Okay, well, this looks good to us so we can move forward?”, and there have been other instances when further testing needs to be done in which case you go to the Jamaican facility, is that how it

works?

**Mr. Khan:** Yes. So once we receive accredited test results, based on the international concept of accreditation, there is confidence in those results. In terms of the test method that has been used, the quality management programme that has been instituted at the facility, the accreditation gives you that assurance. So the test results are valid and are acceptable internationally once that particular test method as well as the lab has the accreditation under ISO or some other international certification body.

So, yes, we would use both opportunities, the regional testing, the testing from foreign markets and accredited labs and manufacturing facilities. We also have the opportunity locally to use, for instance, CARIRI—also has capacity to do some level of drug testing, and we also have that opportunity to access CARIRI in conducting some of the analysis that would be required in terms of the registration process.

**Mr. Rambharat:** Okay. Thank you. To Consumer Affairs and to Mr. Khan, I am going back to what I asked originally. So based on what you have said in terms of testing, certifying, accreditation, and so on, somebody going into a pharmacy, for example, SuperPharm, you go and you see a display, a very large display, somebody going in there and seeing a product advertised as, “Removes belly fat in seven days”; the certification, accreditation testing process has established that a consumer purchasing that product will have all the belly fat removed in seven days?—because that is what they say on the labels, all these labels. You go into GNC, you go into all these stores and you see things, you will see products, for example, with “moringa” and the labels and the advertising makes a lot of claims; the labels, and this deals with Bureau of Standards, it deals with Consumer Affairs, it deals with public health. Consumers looking at those products and making a decision to purchase it, do they have some assurance that these products will do what it is said they

will do or are the consumers in our country at risk by being fleeced by importers, retailers and advertisers of products that will not do what the advertisements and labels claim they would do?

**Madam Chairman:** Who is prepared to go to the wicket? Who would have thought Mr. Morgan is best placed? Perhaps we can hear from you, Mr. Morgan.

**Mr. Morgan:** Good morning, everyone. With respect to labels, the Consumer Affairs Division is not responsible for labels as it relates to food and drug items. We look at labels in terms of consumer goods, consumer durable goods verily. So if it is you purchased a particular product, let us say, and it says it is manufactured in the USA per se, under the Trade Descriptions Act, if it is not manufactured in the USA we would see that as what you call a false or misleading statement and based on that, we have responsibility in that regard. But with respect to food items and drug items, that is outside of our jurisdiction.

**Madam Chairman:** Well then, may I enquire quality control especially in the organic food industry, who is responsible for that, which agency?

**Mr. Khan:** Okay. So under the remit of the Food Act and regulation, it would fall under our remit in terms of being a drug or a food. Now, in terms of medical claims, there is a definition of what a medical claim is, it deals with either to mitigate, cure or treat. So if on a particular label there is not any indication or a claim or an advertisement that this product can either cure, mitigate or prevent, it falls out of the realm of a drug and it falls into now a food item. Now, based on the requirements and the legislative remit under the Food Act and regulation, in the case of a product purporting to reduce or eliminate or manage some sort of, as the Minister mentioned, “belly fat”, then there is not any conclusive evidence provided that this product can actually do what it is claiming to do.

So it would fall under food and drug, and also it would be a bit misleading to

the public unless there is additional information that is related to the product that gives further advice in terms of what are the other dietary requirements that needs to take place in conjunction with the use of this particular product.

**Madam Chairman:** Thank you. Member Obika.

**Mr. Obika:** Thank you, Chair. My question has to do with the statement from Mr. Khan, Director of Chemistry, Food and Drugs, regarding efficacy and safety because many things you may take may be very efficient in fixing the issue that you have but it may have some side effects. A case in point would be Omega XL. Omega XL, from my experience, worked but then I spoke to someone months after who told me that there is a significant side effect that had to do with fertility. After having two children, I would like to have more so I stopped taking it. The issue is are we—but I am not saying that it is true but because I do not know, I cannot take it. You know when you watch television you see the Americans when they advertise medication they give you the laundry list of side effects so you can make up your mind definitely if you really want to take it. Do we have that requirement to provide the side effects for medicine?

**Mr. Khan:** Yes. Again, if I go back to the registration process, it is part of the registration process in requirement that the insert would indicate all of the contrary interdiction and also all of the adverse action or reaction that could happen if it is you consume this particular product. So there is information regarding that.

**Mr. Obika:** But you do not see it because, for example, you would see a half an hour advert and a half an hour segment running and you would not see any special effort to point out any side effects of note. So I do not know if there is something that we can do to fix that problem.

**Madam Chairman:** Sure. Before we go to Dr. Henry, I think as we lawyers say it, you have to read the small print. So, Dr. Henry.

**Dr. Henry:** Okay. Good morning, everyone. I am kind of on the same team for the benefit of the public. When one has to make a decision between buying brand drugs and so-called “generic drugs”, is there any confidence that the generic brand is as good as the brand? As they say, how does the public feel assured about these things? Who is responsible for making us feel confident then under CDAP or if you are buying out of your own pocket, you know, because the price differences can be quite significant?

**Mr. Khan:** So, again, within the Ministry of Health you also have the antibiotic and narcotic committee, you also have the Drug Advisory Committee and a similar registration process, be it for branded products as well as generics also go through these two committees that comprise of experts within the respective field. And again, it will go through the safety data, the clinical data certification, certificate of analysis to make a determination and advise accordingly in terms of the safety and the efficacy of this particular drug.

So based on those two robust systems, and I can say it is a robust system, it gives the assurance to the consumer that, be it the branded or the generic, would give the assurance to the consumer that the product is safe and also the efficacy of the drug is also there also.

**Madam Chairman:** Have there been instances, recent instances or while you have been at the Food and Drugs Division, have there been instances that you know of where a particular product was found not to have met the standards that it was supposed to have met? And if you found such a product, what was the Division’s response to that?

**Mr. Khan:** So, yes, within the last year or two we have had a number of cases regarding pharmaceuticals and there was one in particular that was very prominent in the news and both print as well as the electronic media. The Ministry of Health

through its investigation, through its inspectorate, was able to pick this product from a particular location, would have done the due diligence and then would have sent forward, through our legal department, to the DPP to determine what legal action can be taken against the importer for bringing this product into the market and then selling the product onto the market and having some serious adverse impact on consumers who would have consumed the product.

And also apart from that, through our international collaboration with other entities, we have been able to pick up a number of products and also have national recall that is advertised in the newspaper. Our Inspector would go to the pharmacies to determine where there is any at the point of sale, seize those items and then go through in terms of the destruction and further action taken against the particular person or importer.

**Dr. Henry:** I was going to let—I thought Dr. Rahaman was going to make a comment here.

**Dr. Rahaman:** Yes. Good morning, Madam Chair, and members of the Committee. Just to add to the Director's comments concerning— you have two sets of products that come to the Drug Advisory Committee, so you will have an innovator product, that is a new product. When that product comes for registration, it is the first time that that product is out. The dossiers in clinical information that is provided for that drug comprises all the levels of approvals, whether it be clinical trials, stability studies, you name it. When a generic product is produced, it is a copy of that product but we bear in mind that the manufacturing process, together with excipients or inert ingredients do affect a drug and the way it behaves in the bod, and for that reason the generic drug companies must provide what is called a “bioequivalence study”.

So without a bioequivalence that drug will not be registered by the Drug Ad-

visory Committee. The bioequivalence study will show that compared to the innovator, the uptake, the distribution is exactly the same for their product as the innovator, and it is only then that we will say, “Okay, we can rely on the safety and efficacy of that”. Sometimes we may have recalls for something that has nothing do with the efficacy of the drug but because of something simple. So when we have our drug advisory meetings, for example, the drugs are in front of us. Sometimes a drug is scored and it has to be taken half.

You may try to break that tablet in half and it may crumble. So it is not just active ingredients but the way it is formulated, the way it is presented. Sometimes we may prevent drugs from being registered because the labelling is appealing to children because of the colour scheme or cartoon. So it is not just only on efficacy but the committee looks at all levels and where this can impact positively or negatively on public health.

**Dr. Henry:** Thanks a lot for that intervention.

**Mrs. Gayadeen-Gopeesingh:** I could just follow up with Dr. Rahaman. Apotex, does Apotex provide information on the efficacy of a drug? Because Apotex deals with generic drugs. Does it provide it for local consumers?

**Dr. Rahaman:** So you are asking considering our special subpopulation or does it provide that information in general?

**Mrs. Gayadeen-Gopeesingh:** In general.

**Dr. Rahaman:** In general, they do provide all their data for efficacy, safety. Some generic companies do their own clinical trials. Generally, if they are copying an innovator, they do not and they will just do bioequivalence and also send the innovator’s clinical study to show that the parent compound does this particular action and behaves in a certain way.

So they do not need to repeat a clinical trial but they need to show that their

drug is as good as; even dissolution studies, how fast does the pill take to dissolve in water compared to the innovator. We check those things as well to make sure that in all aspects, not just chemical composition but in physical properties that the innovator and the generic are equivalent.

**Madam Chairman:** But Dr. Rahaman, could you help me with one bit of clarification then. If it falls into the category of food, looks like a drug, we think it is a drug; the average person might think it is a drug but it falls into the category of food because of the way in which it is defined, how is that tested or how do we find out whether there are standards for that kind of thing? And what those standards are and are the standards met, for example? Is there a means by which that is tested?

**Dr. Rahaman:** Okay. So things that do not fall under the remit of being a drug will be a food additive or would be considered a food or a food supplement. Sometimes you would see, if you have looked at the labelling for things coming out of the United States, you will see a clear definition by the FDA at the bottom. The FDA does not, you know, either say yay or nay to the claims being made because the claims are general claims to say that something improves metabolic function is general. It does not say whether you have to exercise with that, whether that will happen dependent on this particular population or not and so, there is a disclaimer on all these food supplements that take them away from that sort of regulatory control.

However, if they do provide a negative impact then we will step in. So, for example, when energy drinks were now coming out onto the market, at the Food Advisory Committee we had a plethora of food drinks coming out. Many of them contained constituents that are actually in the amount that they had, for example caffeine were in the level of a drug, and therefore, they were pulled off the market because having 2,500 milligrams of caffeine in an energy drink— you know, even some of the ones that are on the market right now had different types of formulations

that were a little stronger than the regular drinks, those shot preparations, and those were pulled off—some of them were pulled off the market because of either they had caffeine or they had other stimulants that can be negative or deleterious to someone's health. And so it is a narrow line but we try to see what falls into drugs, what falls into supplements, and even if they are a supplement whether that supplement taken in the way it is meant to be taken is safe.

It is important from the consumer awareness point of view that consumers do read the label because, for example, let us take a common thing that you will see, being diabetic friendly, which is something you will see on the market, does not mean that you can drink the entire carton. Right? If you have a glass and you have diabetes, it would not cause severe problems to you but if you chose to drink four or five glasses then obviously there is a cumulative effect. And so we cannot safeguard against what people do on their own, but what we try to look at is how the product is intended to be used and whether or not the claims they are making are in fact valid.

**Madam Chairman:** Mr. Khan, just to get back to you. I do not want to hog the microphone, I am going to allow members to ask their questions, but just one thing because I forgot to ask you earlier. Remember I had taken you back to our 2017 visit, is the lab up? Is it up and running?

**Mr. Khan:** All right. So I will ask the Deputy Director to give some information in terms of the current status of the lab.

**Mr. Mc Carthy:** Right. So good morning again, Chair. At this stage, the lab is not functional. We are at the stage where we are doing tenders, tender evaluations. One, in particular, is an item that the fire services had requested that we install is a gas detector system so we are in the process of doing those tenders. Once we get that done then the fire services would do their due diligence and hopefully we would get our fire safety certificate. We have other tenders for equipment and consumables

ongoing right now so once that is completed we expect that the lab will be reopened in the second quarter of this year.

**Madam Chairman:** So in the interim, who does your testing? Where is it done? CARIRI or it depends?

**Mr. Khan:** So if I may add also, regarding the gas detector, only in 2019, that particular issue was raised with the electrical inspectorate so it is a new issue that came in that the Ministry of Health is actually dealing with. We had gone into tenders and this is the second—the first tender, we did not really receive the number of bids or the appropriate bids so it went again for another tendering round to determine whether we can get the appropriate provider. So with regard to testing, we would normally use the public health lab, Trinidad Public Health Laboratory which is under the Ministry of Health.

We would also use other partners, for example, CARIRI. There is a lab at the Mount Hope veterinary science centre that we use for testing. CARIRI also is an option that is available to us and there are also private labs within Trinidad that has some competencies especially for microbiological analysis that we would also access and use those results in making a determination on a particular product that comes beforehand or before us for determination.

**Mr. Rambharat:** Thank you very much. The other area I want to ask about is the vaping products. I drive around the country and I see stores selling vaping products. My questions are two, what standards are applicable to vaping products on sale in the country including oils, and two, what advisories are in place for the consumers in relation to vaping and vaping products?

**Mr. Khan:** Okay. So regarding vaping products and vaping oil, as you rightly said, there is an increase in usage of this particular product that we have seen. Based on communication with the Tobacco Control Unit, our position is that we look at the

level of nicotine that is present in a particular vaping product. If it contains nicotine then our position at the Ministry of Health is that it is not allowed. So an importer brings in the vaping product, it has to come with a certificate of analysis again to determine what is the level of nicotine in this particular product. Once there are nicotine products or nicotine in this particular product then it falls similar to cigarette or something resembling cigarette based on the Tobacco Control Act.

So based on that, that is the position of the Ministry of Health and the Chemistry, Food and Drugs Division to prohibit, and not eliminate, but at the point of entry into the country through the border system, we would hold those products, and in instances we may also refuse entry of those products into the market. But internationally we see that some countries have banned vaping because of the clinical adverse impact on that. Nationally, I do not think there is a policy at this point in time but definitely at the Food Advisory Committee we could possibly table that as one consideration in terms of developing a national policy regarding the vaping and the reported negative side effects in other jurisdictions.

Locally, we have not had any report locally but I know internationally there had been reports internationally of some of the negative side effects using the vape and vaping process.

**Mrs. Gayadeen-Gopeesingh:** I will revert to the Chemistry, Food and Drugs Division. In the absence of a lab, where are those—I believe 85 workers you have there, where are they housed and what are the functions or the daily work that the scientific lab assistants and chemists do given the absence of a lab? What are their roles and functions?

**Mr. Khan:** So in terms of our human resource that would have been functioning within the lab, we had a number of employees who were redeployed or reassigned, for example, they were reassigned at the public health lab, Trinidad Public Health

Laboratory— also involved in doing other work regarding the quality infrastructure because we are hoping that at one point in time or some point in time we can become accredited so we are developing the quality infrastructure within our organization that would entail developing of SOPs, developing of procedures in alignment with accreditation and becoming ready for accreditation.

Also, we have a number of the lab personnel involved in developing standards and assisting us in developing standards, for example, Codex, Codex Alimentarius of which Trinidad and Tobago is a member of Codex; they develop food standards. So we have a number of those persons that are doing a lot of technical research in advising and also participating at the level of Codex as well as CROSQ that is responsible for developing standards for the region. And that is where they are presently at and they are housed at the 92 Fredrick Street, Port of Spain.

**11.30 a.m.**

**Mrs. Gayadeen-Gopeesingh:** These persons who have been redeployed, do they have the skill set to do that list of things that you say that they are going to do. Are they trained to do those things?

**Mr. Khan:** Right. So in the case of the redeployment or the reassignment, those would have been scientific assistant, so they would be performing similar functions that they would have done at the lab. All right? Subsequently, they have been called back to the division to prepare for the opening of the lab, and also to assist with the quality infrastructure that we see that is required at this point in time.

So through in-house training and meeting, face to face meetings, video conferences, they would gain some of the competencies that are required to conduct some of the other activities that I mentioned regarding [*Inaudible*], as well as codex standards.

**Mr. Rambharat:** The other area, I just want to say that I am not asking anything

about some of the traditional consumer issues in relation to food, because we had an enquiry into food fraud that covered a lot of those things and I am really touching on things that have developed since then.

So other question I have is in relation to CBD oils being on sale in Trinidad and Tobago. Is there CBD oil available for sale in Trinidad and Tobago? And what— is it legal? And what is happening in relation to it from a consumer point of view?

**Mr. Khan:** Okay. Probably I can start from the position the Chemistry, Food and Drugs Division and by extension the Ministry of Health. Our position at this point in time is that, CBD, once it makes a making medical claim, once based on WHO guidelines is above point .2 per cent, then it falls within the realm of a drug, and would require it to through the registration process.

So our position is that we would normally hold all CBD products that enters for entry into the market, into the local/domestic market, we would not allow those to enter, we would hold, in some cases we may refuse entry also, but it is a fact that we are seeing a number of CBD products on the market. And through the inspectorate, of which we have approximately 13 inspectors would do the due diligence in terms of the market surveillance and the pharmacovigilance to determine whether these products are in the market. And we have pulled products from the market that purports to be CBD or CBD products, but I have to acknowledge that there are CBD products, and it is an issue that we are looking at to see how best to treat with, and within a short time through even the drug advisory committee we would be developing a policy and guidelines to cover and cater for CBD products and other similar like products that are entering the market.

**Mr. Rambharat:** I just want to be clear. If a consumer sees CBD oil or a CBD product on the shelf anywhere being offered for sale, that is illegal. Is that the position?

**Mr. Khan:** So the position is that it has not been evaluated by the Chemistry, Food and Drugs, so we were unable to verify the safety, as well as the efficacy and the use of the product within the domestic market at this point in time. Right. And also in terms of the THC which is basically the more dangerous part of the cannabis plant or the hemp plant, the THC, if it contains THC then it falls within the realm of the drug inspectorate and falls under narcotic; that requires a different regime of assessment also.

**Madam Chairman:** Could I enquire, your scope covers Tobago as well?

**Mr. Khan:** Yeah. So being a vertical service, yeah, we do cover both Trinidad, as well as Tobago.

**Mrs. Gayadeen-Gopeesingh:** Since we are dealing with food, let us look at fruits, vegetables, root crops. Do you all take a basket of these goods and test for pesticide level? And if it done, what is the maximum residue legal of pesticide that ought to be found in the fruit? Let us take for example, you know, tomatoes it is said it is a fruit. Right? Let us take, for example, you have pineapple and so, what is the maximum residue level? And what is the maximum that was ever found beyond the maximum level?—if I am making sense there. There is a threshold, what is it, the amount that is found beyond the threshold for any of these crops?

**Mr. Khan:** Okay. So I will pass—I will take that question to Mr. Hazmath Ali who is the registrar, but just to mention that at the codex level there is a technical committee known as the Codex Committee on Pesticidal Residues. It is the international body that would set pesticide residues on food and food products, and we would use the guidelines of that sort of information and the standard that is set by this committee of which I mentioned, we do participate in some of these committees, and one of these committees, but we participate in, but I will pass the question to Hazmath.

**Mr. Ali:** Good morning, Committee. Before I answer the question with regard to

pesticide, maximum pesticide levels on crops and in particular your question on tomatoes, I just wanted to set a baseline. Unfortunately, Trinidad and Tobago, in order to check for maximum residue limits of pesticides in crops, we need to really have a national GAP standard developed and a national GAP policy in place. It is the baseline by which agricultural production takes place, and GAP meaning good agricultural practices. Pesticide use and judicial pesticides are dependent on your GAP policy, and it also creates the baseline for which farmers will be applying pesticide on their produce.

In saying that, under the Pesticides and Toxic Chemical Act provisions are there for the development of regulations as it pertains to pesticide residues however, those regulations were never developed.

In the absence of those regulations what the Pesticides and Toxic Chemical Control Board has been going as part of the registration procedure for pesticides, is actually looking at the maximum residues that can be used and correlating them against the rate of application to be used on the crop. That has also been substantiated by the use of the University of the West Indies to assist with efficacy trials and to look at the minimum levels of pesticides that could be actually sprayed on the crop, and the would-be importer would then bring that back to the board for evaluation. So it is really done before the pesticide is brought on the market and before it is registered.

What we have started doing in Trinidad and part of the national GAP committee, and we have started developing a national GAP policy and a national GAP standard with the hope of that standard being implemented. It is a voluntary standard, but with the hope of it being implemented and, of course, guided through the auspices of NAMDEVCO as the marketing agency, and therein after have a national monitoring system for pesticide residues.

Of course, unfortunately with the laboratory being non-functional at this time it is also a challenge, but pesticide residues—and this is where I will answer your question—it is very specific to the actual pesticide, and the requirements for the laboratory it is huge. To sustain a pesticide residue lab, you need to have all the available standards for all the available pesticides that you have on the market, coupled with very sensitive equipment that could check each one of those pesticides and approve test methods. So it is a very robust and rigorous system that is required for doing adequate and justice to a pesticide residue analysis system.

**Madam Chairman:** Dr. Henry.

**Dr. Henry:** Yes, director, I just wanted to ask, if we have a problem in Trinidad and Tobago of usage of pesticides that were banned in places like the US and so on; do we have that problem and to what extent do we have that problem?

**Mr. Ali:** All right. So with regard to banned pesticides, pesticides are banned internationally by two major conventions. One, the Rotterdam Convention which speaks to the Prior Informed Consent of certain hazardous pesticides, an x-ray of that convention has a list of pesticides that countries are asked to either take a national action on whether ban or propose some restriction with regard to its use.

The other convention is the Stockholm Convention. Now certain countries take certain positions on different pesticides for different reasons. Probably there are new formulations that are available within the country that would rival the old formulation. The use of the pesticides is no longer required and hence you would ban it, but in the Third World and developing countries we rely heavily on guidance from the international bodies like the Rotterdam and like the Stockholm. In Trinidad and Tobago all the pesticides that are listed under the Stockholm Convention, and all that are listed under the Rotherham Convention have been phased out, and they are no longer imported into Trinidad.

The Pesticide and Toxic Chemical Control Board has also take action on a couple pesticide active ingredients, because of poor use, one of those being an active ingredient called chlorpyrifos which has been traditionally used for the control of termites, but we have found that certain persons were using that particular active ingredient in homes which was causing adverse effects on children and in pregnant women. These were studies that were done by the USEPA. So that was one. The other one was an active ingredient used to treat telephone poles, chromated copper arsenate, it is a carcinogen, and one of the actions by the pesticide board is not registering any carcinogens in Trinidad, and that was another action that was taken by the board.

**Madam Chairman:** Thank you.

**Mr. Obika:** Chair, I have a question for food and drug, I believe. It has to do with the response from the Ministry of Health on page 8, item J, near the bottom of the page regarding the facilities inspected regarding meat and processed—but it is meat I want to focus on because the response speaks to Arawak, Choice Meat, Nutramix. But what about the importers?

**Madam Chairman:** Member, I think we should try to not use—

**Mr. Obika:** The names.

**Madam Chairman:**—the names.

**Mr. Obika:** Well it was because—

**Madam Chairman:**—because there may be other companies with similar problems and—

**Mr. Obika:** No. No.

**Madam Chairman:**—and by calling their names—

**Mr. Obika:** But I was being complimentary.

**Madam Chairman:** [*Laughter*]

**Mr. Obika:** So that is the only thing.

**Madam Chairman:** Well, you know. I would prefer if we do not.

**Mr. Obika:** Okay, then. So it was not to disparage them. I was speaking to the ones that were not named, but I take the guidance. Basically, I am speaking to imported meats, because I could remember clearly when I went to do a session in Chemistry, Food and Drugs a time ago when I wanted to get a food badge and the person, not naming the brand, they specifically told each and every participant not to sell a particular brand of meats that was on the market, chicken that is, that was on the market that was imported. And I want to know what is done regarding imported meats in terms of inspections. I think it had to do with the age of the meats before it reaches Trinidad and Tobago.

**Dr. Rahaman:** Okay. So, I will answer that question later in my discourse, just to give you a little feedback so that you understand. First of all, from the Ministry of Health, we are looking at giving as much protection for our consumers and our local public. If we look at the consumption level of chicken in this country, we are probably the highest per capita consumers of chicken in the world. Currently we are processing—consumers are eating one million heads of chicken per week in Trinidad. Of that, only 20 per cent or 200,000 heads are imported. It means that 800,000 are locally produced and that is where our major effort it.

When you see the facilities that we talked about full-time inspection and audit inspection being provided, that covers half a million of those heads of chicken per week. So because of resource constrains, human resource and otherwise, we try to target the areas that will get greatest bang for the buck. From the import level we use different methodologies to provide that. So the first is through the import permit process, and that is governed by the Ministry of Agriculture, Land and Fisheries. So the Ministry of Agriculture, Land and Fisheries will issue an import permit to allow

particular products to come in, and in that import permit they will state what are the conditionalities for particular product.

So, for example, processing date, how long past processing would it be allowed. So that is controlled through the import permit process. Once an import permit is granted and the product is allowed entry into the country, then at the port of entry that is where the product will go to the Chemistry, Food and Drugs CES station, and once the documentation is in order, certificates of wholesomeness, for example, most of our imported products come from the US. Probably 95 per cent of the chicken that is coming in, is coming from the US, and so they will have a USDA health certificate to accompany that; so just as we have equivalence with drugs, we look at that.

If however through organoleptic examination, the public health inspector or the food and drugs inspector who is there on site determines that there is something that looks, smells, you know, does not appeal to our normal senses, then that product will be pulled either for testing or for further evaluation.

**Madam Chairman:** Dr. Henry.

**Dr. Henry:** I was going back to the explanation given by the director. What about something like Roundup that has been in very controversial between Europe and America in particular? Have we dealt with that issue? What do you say to the public on that?

**Mr. Ali:** Roundup or the active ingredient glyphosate, yes, has been quite controversial at the US in particular. While the United States was taking action or persons were taking action against Monsanto the manufacturer, you had the European Union given a five-year extension on its registration. Right? So in looking at the information, the Pesticides and Toxic Chemical Control Board looked at the information coming out from FSA which is the European Food Safety Authority, and evaluations

done by the USEPA.

To date, we have not had any information coming out from the bodies of science, and those bodies would be the International Chemical Review Committee under the Rotterdam Convention, as well as the Stockholm Convention.

Usually if there is a serious risk to public health by a particular active ingredient it gets to these conventions, you know of course, by lobby from different trading blocks, and then a decision is made which guides the various parties to these conventions. Right?

In Trinidad and Tobago the position is that the way Roundup or glyphosate is being used is not consistent with the way it is being used in the United States. Roundup in Trinidad or glyphosate cannot be used in crop production. If you were to apply Roundup to your crop, you would kill it. Right? We would use Roundup in Trinidad and Tobago to control weeds in fallow land basically.

In the United States and other jurisdictions you have genetically-modified food where they are resistant to glyphosate and the Roundup or the glyphosate is sprayed over the crop to control the weeds thereby having those residues in that food, even at the point of processing. Fortunately for Trinidad and Tobago we do not have GMOs being grown here, and as such we do not have the issue of Roundup being used within a crop-production cycle.

**Dr. Henry:** Okay. Thanks for that clarification, but I just want to comment on the issues I have in terms of eating tomatoes or cucumber with the skin on, you know. Can I rest assured that it is okay? I mean, how safe is that?—as opposed to peeling the cucumber and then eating.

**Mrs. Gayadeen-Gopeesingh:** So, I will just follow up with the same pesticide, and I just want to reconfirm what you have said. Because of the difficulty in testing these food crops and in the absence of a pesticide lab, no crops, food crops are tested for

residue levels. Is that so?—no crops in Trinidad. And if that is so, what happens with the cocoa beans that have to be exported?

**Mr. Ali:** All right. So testing for export is something that takes place. NAMDEVCO, of course, being the national agency, has a system in place where exporters will have those exported crops tested. We also have with regard to cocoa being exported out of Trinidad, work was being done through the Cocoa Development Company and CARIRI to have testing done on the beans for export. What we are concerned about would be the produce as being sold locally on the market, hence the reason why we are so adamant in developing our national GAP, and ensuring that farmers follow a very comprehensive system for production in Trinidad and Tobago.

The question Dr. Henry asked with regard to peeling of the fruit and the pesticide residues being on the fruit, it is a real concern, and it is something that all of us need to be cognizant of in terms of how you consume your food. Washing is one way to remove some of the residues. Using something like an organic-based product on a cucumber will definitely leave residues within the wax layer. So it is a matter of concern, and, yes, we would advocate even peeling some of those fruits before you consume them.

**Madam Chairman:** Could I ask, since you spoke about the development of the GAP, how much more time will you take to have something in place?

**Mr. Ali:** Currently, the national standard has been completed. What we are working on, in fact, next week we have work being done of the national guidance document, so there are various components of the GAP that we have various agencies working on. Of course, my agency is working on the development of the use of pesticides and the judicious use of pesticides, and we are developing that guidance document where the, you know, it is not highly technical, so the average person can actually use the document if they are going into crop production, and they want guidance on

how to apply pesticides to their crop, and it is like that for the entire document. It is quite comprehensive, and I think we took the time to go through every part of our crop production cycles to ensure that the farmers would be fully advised in terms of what they need to do when they are growing their crops.

**Mrs. Gayadeen-Gopeesingh:** Again, with pesticides. Do you engage personnel like from ECA or personnel from the Ministry of Agriculture, Land and Fisheries, more particularly the extension officers because they work directly with farmers? And what about setting up some, perhaps some pilot project where these farmers could come and you could do integrated pest management with these farmers. Is that so at all?

**Mr. Ali:** So currently in the Caribbean there is a GEF globally environmental facility FAO project that has been ongoing since 2016. There are five main components of the project, the first one being the export of obsolete pesticides from the region. Just for information, the region exported over 300 tonnes of obsolete pesticides in 2016 and 2017. Trinidad and Tobago exported 87 tonnes on pesticides from Trinidad and Tobago in 2016. Right?

A part of that project, one of the components deals with looking at alternatives to highly hazardous pesticides. We have two components of that part of project, one being executed in Trinidad where we are looking at alternatives to fungicides, chemical fungicides, and the other part being executed in Jamaica where they are looking at alternatives to chemical insecticides. And part of that development is actually to have farmer days where the farmers will actually come out and see what are the techniques available under IPM, and some good agricultural practices, as well as alternatives to pesticides using, you know, other methods of control to control pests on their crops. Right? So that has been ongoing under the FAO project.

IECA has been partnering with a foundation such as the Cropper Foundation

and farmers under that particular project has been trained in GAP. At the Sugarcane Feed Centre we had about, between 30 to 50 farmers that attended the training session, and it is projects like those that are ongoing, apart from what we do, you know, on our day-to-day basis with in the division.

**Dr. Henry:** Yes. My next question is probably more appropriate for the Consumer Affairs Division of the Ministry of Trade and Industry. In terms of the labelling of products, I noticed in some groceries now you are getting a lot of products that have different languages, in fact, and you are struggling to find the English to see what is actually in the product. Have we addressed that issue or what is going on with that?—because certain forms, types of pasta and on, and it is very difficult to figure out what they are saying in terms of products labelled in foreign languages.

**Mr. Morgan:** Good morning, again. Currently, there is no legislation dealing with ensuring that labels have—that they should be written in plain English. However, we have recognised that shortcoming and in developing our national consumer policy which was approved by Cabinet in 2018, we have proposed new consumer legislation that will deal with that particular issue, that all labels with respect to particular goods should be written in plain English language.

Currently, the legislation is being considered and we have hired a consultant and we expect that new consumer legislation, the draft legislation should be presented sometime in the month of October.

However, we also recognise that under the consumer model bill which was approved by the COTED, the Council for Economic and Trade Development, Caricom they have addressed that issue, and we are expected as a member state to implement the provisions of that particular legislation.

**Madam Chairman:** Thank you. I believe there is a question from member Obika, but I believe, director, you wish to make a clarification on something?

**Mr. Khan:** Yeah. In the Act and regulation there is stipulation for labelling requirements. It also makes provision for, if a product is manufactured in a country where the language is not English, that the foreign language can be placed on the label, however, there must be labelling in English on any panel except the bottom panel. So it makes provision for dual labelling in terms of the languages.

And just to add, presently at the food advisory committee we are working on a number of labelling registrations, amendment to the current which is basically there are about four different regulations dealing with labelling, as well as an entire suite of recalled requirements to put into the legislation to make it more firm and robust.

**Madam Chairman:** A clarification, member Obika.

**Mr. Obika:** Thanks, Chair. This question is for the Ministry of Trade and Industry, Consumer Affairs Division, I would assume. It has to do with the submission from the Ministry of Trade and Industry on page 4 regarding the retail price index, but it is really about what is not there, and it draws me back to, in 2006 when I was calculating inflation for Tobago, the requests from the division of finance was that we compute the cost of living for a family of four, the cost of medical expenses for a retiree, the cost for a family to keep a child in primary school, secondary school, university and the monthly cost, including, of course, the cost of rent within that, so it is not just feeding, but also rent and transportation.

And I see that you conduct retail price surveys, is it within your purview or is it within the information that is available to you to produce a best guesstimate, I guess, or a best estimate of cost of living in dollar value for a family of four and these other items that I requested.

**Mr. Morgan:** Good morning. Our survey that we conduct, basically we look at a basket of goods. Right? What we have done, we did a survey in 2014 and we came

up with a basic basket of goods. And that basket of goods we will survey monthly 48 supermarkets throughout Trinidad and Tobago, and we would collect the prices for these goods, and we will publish those prices. It is basically done for comparative purposes as the case may be, and keeping under review the ongoing of food prices, but with respect to coming up with the question that you asked, that is under the remit of the Consumers Affairs Division, it more falls squarely in the remit of the Central Bank and the CSO.

**12.00 noon**

**Mr. Obika:** Could I, Chair, then ask, because I recognize a colleague Mr. Mohammed, an economist, is it possible at the level of the Ministry to provide some guidance where that is concerned? So, for example, if a trade unionist wants to understand if their members are being paid wages that they can subsist on, it can help them in negotiations. If a policymaker at the Ministry of Social Development and Family Services wants to appreciate if a family really needs food support, this metric could provide them with some assistance if they can see, because it is beyond poverty-line measures. It is really starvation, living measures, so they can understand if support is required or not. So, I do not know if our economist at the Ministry can provide that?

**Ms. Signoret:** Actually, before Mr. Mohammed, if Mr. Mohammed said anything on that matter, I would just want to recognize that the CSO and the Central Bank would not want to go against something for which they have a primary remit, so our comments would be comments.

**Mr. Mohammed:** So, thank you, Chair, and thank you members. Yes, it is possible, probably not at the level of the Ministry of Trade and Industry because of resources and so forth, and because of the nature of the study that will be required to be undertaken. You know CSO normally calculates this information, and I cannot see why it

would not be possible to do it at the level of a household of four, because just as you outlined, all those elements that they spoke about, rent, transportation, food and a whole other range of items normally that encompasses household expenditure is considered for the calculation of the retail price index. So, at the level of a household of four I do not think that that is impossible or difficult to do at all, at the level of the Central Statistical Office.

**Madam Chairman:** I must enquire, I see in the paper provided by the Ministry of Trade and Industry, you said that the last household budget survey was conducted in 2008/2009, would that kind of survey be relevant to what member Obika asked about?

**Mr. Mohammed:** The survey was conducted basically to look at determining the basic basket of goods that consumers in Trinidad and Tobago would purchase, and it was stopped at that particular point. So what we would do in terms of collecting the goods, the supermarket goods, we would get from the consumers, through our surveys, as to what is the basic goods that they would produce, and we use that to do our prices survey.

**Madam Chairman:** Seeing that the mechanism of the household budget survey is no longer useful, there is another mechanism that is used?

**Mr. Mohammed:** Well, as recent as 2019, we did a next survey, and when we conducted that survey we recognized that the basket of goods, basic basket of food goods remained the same. So there were no changes recommended in that particular basket of goods.

**Madam Chairman:** I have a small question for the Ministry of Trade and Industry, because a lot is being said about the promotion of our fashion industry, and you said in your reports under quality in local manufacturing, you said there was a pilot project which was initiated with one garment manufacturer, could you tell us a little

more about that?

**Ms. Seignoret:** Madam Chair—

**Madam Chairman:** Page 20, paragraph two.

**Ms. Seignoret:** Thank you—I think that might be referring to the standard that was developed—

**Madam Chairman:** Yes.

**Ms. Seignoret:**—and the TTBS actually worked along with the fashion industry, coordinated by FashionTT to develop that standard in terms of the, if I am not mistaken, the cloth that was used, the type of material that they would want stakeholders to be aware of, and the importance of ensuring that the standard is adhered to, as that makes the stakeholders more competitive ultimately, locally, regionally and beyond. Perhaps, I do not know if TTBS wishes to expand on that—

**Mr. Mohammed:** That is correct.

**Ms. Seignoret:**—but that essentially is the issue, and we are really, as you have mentioned, Madam Chair, seeking to build competitiveness of the entire non-energy sector, including fashion.

**Dr. Henry:** Okay, another question I have for the Ministry of Trade and Industry, is that in terms of our products, our export products, have we encountered problems in terms of sanitary, phytosanitary measures in terms of getting our products into foreign markets, and I am sure there are some technocrats in the Ministry of Trade and Industry would understand what I mean, in terms of the value, the quality of the products.

**Ms. Seignoret:** Thank you, member. The requirements for entry into foreign markets vary, and in some instances there have been requirements for certification in other jurisdictions. That is a process that can sometimes be lengthy. If it is an issue that may need some sort of explanation or further negotiation, that is a process also

that the business community will undertake. Sometimes if it is brought to the level of the Ministry of Trade and Industry, there may be a discussion with another Government in terms of assisting in overcoming those areas. Perhaps it might be a matter of having more information on the registration process for a particular good as the case may be.

**Mrs. Gayadeen-Gopeesingh:** This question is directed to TTBS: What action is taken when inspectors find deficient or rejected goods? What action is taken? That is one, and two: For the last maybe two to three years, were there locally manufactured goods that had to be recalled?

**Mr. Luk Pat:** The TTBS has jurisdiction for products that fall under compulsory standards, outside of food pharmaceuticals, so in detection of any non-conforming product, whether at the ports or through our local product certification programmes, our market surveillance, the retailers would be formally advised to remove the product. We would contact whoever the importer or manufacturer is and indicate such, and that those products will have to be removed, and depending on the item we would treat at such in terms of having it re-exported or destroyed under supervision. As it relates to a product recall, for the time I have been at the bureau I have not seen any product recalls, however at the moment there is a product that has come to our attention to do with electrical safety where the agent is conducting a voluntary recall, and we are advising them as to how to go about proceeding with that.

**Mr. Rambharat:** Thank you very much. Very quickly I want to thank you for the comprehensive written submissions, they were very helpful to me and I am sure my colleagues. Mr. Hazmatt Ali, you have done exceptionally well for the viewing and listening public in relation to the agricultural products. I thank you for that, you actually help me too. Appendix IV on the Ministry of Health's submission deals with

the draft food nutrition labelling regulations, and I found it to be very comprehensive, and I really hope that we could see them being approved and become part of the law.

There is one question I wanted to, these regulations deal with pre-packaged products, and in particular those that make health and nutrition claims. I wanted to know from all of you, what is proposed or being considered for food that is sold in restaurants, fast food outlets and on the roadside? Because pre-packaged food products make nutritional claims, or health claims, or so on, but just as much food is sold via these outlets, restaurants, fast food and roadside vendors and so on, and what is being considered, because for example, on menus, that nutritional value and information relating to food and health is disclosed on menus and on menu boards and so on, and in particular what is being considered in relation to the disclosure of calorie content in meals which are sold in these places? I see people every day consuming these products from coffee shops and so on. Just looking at it may cause you to put on about 10 or 15 pounds, just looking at the product, and I am worried that our citizens are not aware that some of these international brands, and local brands offering these products that look nice, and some of them contain fruit, some contain vegetables, have the calorie equivalent of a weak supply of your recommended daily consumption. So, I just want you to note that in relation to those things.

**Ms. Morales:** Chair, a lot of these issues fall under the Public Health Inspectorate. I will ask the members here to provide the response to the extent that they can, and we have taken a note of the questions and if you would permit, we can provide some of those in writing.

**Madam Chairman:** Certainly, that will be fine. Sen. Obika.

**Mr. Obika:** Thanks, Chair. My final question, whilst it may not have been presented in the responses, the Hire Purchase Act is one of the things that falls under the remit

of the Consumer Affairs Division, and there are countless stories of citizens getting menacing calls from agents acting on behalf of companies that sell items on hire purchase when they have varying degrees of debt, sometimes they may have paid even more than the value of the item and so on. What recourse do they have where this is concerned?

**Mr. Morgan:** Well, consumers have the option to lodge a complaint with the Consumer Affairs Division, who would investigate the complaint with the view of providing the best redress for the consumer that the consumer would have requested. So they can lodge their complaints via our Facebook page, they can call us on our 800 toll free line, they can send in complaints via emails, or they could go to any of our varying offices throughout Trinidad and Tobago. Lodge a complaint, and we would represent them before the supplier.

**Mr. Obika:** And the other thing is, does the law prevent persons from seizing items at certain hours at night and so on? Because sometimes they have a habit of going at particular times for maximum impact, in terms of embarrassment to persons. So, what does the law state regarding repossessing of the items?

**Mr. Morgan:** Well, with respect to repossessing of items, the law specifically states that if the consumer would have paid more than 70 per cent of the hire purchase price, the supplier cannot repossess the item unless he or she gets a court order.

**Mr. Obika:** When you say hire purchase price, for example let us say an item is selling for a \$1,000, are you saying up to \$700 of the \$1,000?

**Mr. Morgan:** No.

**Mr. Obika:** Or after they made all the payments, they would have paid \$2,000, so if they pay \$1,400?

**Mr. Morgan:** The hire purchase price would include the cash price and any interest charged.

**Mr. Obika:** Thank you.

**Madam Chairman:** Okay, I think that is it for questions, so I will invite closing remarks, first from Ms. Morales, and then from Ms. Seignoret.

**Ms. Morales:** Thank you, Madam Chair, members of the Committee—Chair, and members of the Committee, we wish to thank you for your comments and feedback. There have been a lot of probing questions that have certainly generated some thought, and we commit to reviewing all of the recommendations and comments with a view to improvement in terms of promoting and maintaining regulatory control with respect to the protection of consumers and the implementation of modern practices. Also, we recognized the need to work in close collaboration with our counterparts in the other Ministries and agencies, and particularly the Consumer Affairs Division. So, the discussions have provided a great insight to us into the execution of our public health functions, and we remain committed to working with our counterparts to promote and maintain regulatory control. I would like to thank you again, Chair, and members of Committee.

**Ms. Seignoret:** Thank you very much, Madam Chair. On behalf of my colleagues of the Ministry of Trade and Industry, and of course the Trinidad and Tobago Bureau of Standards, we want to express our sincere appreciation for this opportunity. It has been very enlightening for us as well, hearing from the colleagues of the Ministry of Health. In our opening remarks we also needed to emphasize the importance of inter-agency collaboration, and today's discussion also highlights that as well as the importance of having areas, avenues, for redress. Areas where consumers can complain, and (a), be ensured of follow-up, and that also means that we perhaps do need to step up our efforts in terms of consumer awareness, and if only to educate all, that there are measures in place where one can seek redress, and where one can be comforted that elements are in place for the protection of the consumer. We do look

forward to moving on the areas that we identified here this morning, and we want to take this opportunity once again to thank you all for this opportunity for a very enlightening exchange of views. Thank you, Madam Chair.

**Madam Chairman:** I want to thank all of you for the invaluable information provided and provided in a way which I think is palatable to people looking on and listening. I wish to commend you on making that special effort to ensure that members of the public looking on and listening will understand that sometimes the complicated concepts that you are talking about. I want to thank the Committee members, support staff, media, viewing public, and persons in the public gallery for attending and participating. There being no other business, the Meeting is now adjourned.

**12.18 p.m.:** *Meeting adjourned.*

## Appendix III

### Standards Formulated by the TTBS for the Period 2016-2019

Standard	Year	Status		Justification
		Voluntary	Compulsory (Enforced by TTBS)	
<b>TT6 76: Part 13:2016-</b> <i>Requirements for Labelling Part 13: Labelling of Electrical Appliances (3<sup>rd</sup> Revision)</i>	2016		√	<ul style="list-style-type: none"> <li>This national standard specifies labelling requirements for all electrical appliances produced, used or imported in Trinidad and Tobago;</li> <li>Developed to prevent fraud or deception arising from misleading labelling and to protect the consumer's health and safety.</li> </ul>
<b>TTS 641:2017-</b> <i>Driveaway gates-Specification</i>	26-09-17	√		<ul style="list-style-type: none"> <li>This standard specifies minimum requirements for driveway gates including requirements for design, fabrication, finishes, installation and safety features;</li> <li>This standard was developed to address concerns in the national community regarding the high number of accidents and fatalities associated with the failure of driveway/sliding gates.</li> </ul>

Standard	Year	Status		Justification
		Voluntary	Compulsory (Enforced by TTBS)	
<b>TTS 94-1:2017-</b> <i>Advertising Part 1- General Re- quirements (3<sup>rd</sup> Revision)</i>	12-04- 17	√		<ul style="list-style-type: none"> <li>▪ This standard specifies the minimum requirements for the content and presentation of advertisements published, aired or accessed on local media;</li> <li>▪ The purpose of this standard is to address the challenges to maintain fair, responsible and honest relationships with consumers and improve the quality of advertisements while effectively communicating brands, ideas and information.</li> </ul>
<b>TTS 637-1:2017-</b> <i>Sites and attrac- tions- Part 1: Gen- eral requirements</i>	12-04- 17	√		<ul style="list-style-type: none"> <li>▪ This standard specifies the minimum requirements for the operations of tourist attractions that are manned and managed and promoted by the operator for leisure, adventure, recreational, amusement or therapeutic purposes;</li> <li>▪ The standard aims to improve the quality of tourism and address aspects of the facilities and services provided.</li> </ul>
<b>TTS 637-2:2015-</b> <i>Sites and attrac- tions Part 2: Re- quirements for tourist infor- mation offices</i>		√		<ul style="list-style-type: none"> <li>▪ It specifies requirements for facilities and services relating to tourist information offices;</li> <li>▪ It is intended to raise the quality of service from sites and attractions and helps the consumer in obtaining value for money.</li> </ul>

Standard	Year	Status		Justification
		Voluntary	Compulsory (Enforced by TTBS)	
<b>TTCS 1:2018</b> , <i>Sodium hypochlorite solution (liquid chlorine bleach)- Compulsory requirements</i>	15-10-2018		√	<ul style="list-style-type: none"> <li>This standard sets out the compulsory requirements the mechanisms to demonstrate compliance as well as the measures to be taken in the event of non-compliance;</li> <li>The standards aims to protect the consumer against health and safety risks as well as ensure acceptable product quality.</li> </ul>
<b>TTS 58: 2018</b> - <i>Liquid chlorine bleach (sodium hypochlorite solution)- Specification (4<sup>th</sup> Revision)</i>	15-10-2018	√		<ul style="list-style-type: none"> <li>This voluntary standard supports the application of compulsory standard TTCS 1:2018;</li> <li>It specifies the requirements and test methods for scented and unscented sodium hypochlorite solutions, labelling requirements and characteristics of containers for cleaning and sanitising in a residential or other environment.</li> </ul>
<b>TTS 598: 2019</b> - <i>Cold-formed steel framing members for structural applications- Specification (1<sup>st</sup> Revision)</i>	2019		√	<ul style="list-style-type: none"> <li>This standard specifies the requirements for cold formed steel framing members (manufactured from steel sheets, zinc or aluminum zinc alloy) for use in structural applications such as in roof and wall framing;</li> <li>The applicable criteria are to protect the consumer from health and safety issues and to ensure product quality. Included are requirements steel sheet sectional parameters, member characteristics, sampling, testing, labelling and compliance.</li> </ul>

Standard	Year	Status		Justification
		Voluntary	Compulsory (Enforced by TTBS)	
<b>TTS 69: 2019-</b> <i>Profiled steel sheets for roofing and siding applications- Specification (2<sup>nd</sup> Revision)</i>	2019		√	<ul style="list-style-type: none"> <li>▪ This standard specifies the minimum requirements for metallic coated steel sheets profiled for roofing and siding applications. It included requirements for characteristics pertaining to the sheets, metallic and paint coatings, dimensions and labelling;</li> <li>▪ This criteria is to protect the consumer and ensure product quality.</li> </ul>
<b>TTS 578: 2019-</b> <i>Guide to the Selection of Fabrics (1<sup>st</sup> Revision)</i>	2019	√		<ul style="list-style-type: none"> <li>▪ This national standard provides the guidelines for the selection of fabrics for varied uses and includes information on components, construction, sustainability and finishes.</li> <li>▪ This standard is to support the development and improve the quality of the local fashion industry.</li> </ul>

Standard	Year	Status		International Standard Adopted	Justification
		Voluntary	Compulsory (Enforced by TTBS)		
<b>TTS/NFPA 52: 2017</b> -Specification for compressed natural gas (CNG) vehicular fuel systems (1 <sup>st</sup> Revision)	24-04-2017	√		<ul style="list-style-type: none"> <li>This standard is a modified adoption of NFPA 52 2013 edition (Vehicular Natural Gas Fuel Systems Code).</li> </ul>	<ul style="list-style-type: none"> <li>This national standard applies to the design, installation, operation and maintenance of CNG engine fuel systems dispensing systems and associated storage;</li> <li>This standard was formulated to support the initiative by the Ministry of Energy and Energy Industries and the NGC CNG Company Ltd to develop the necessary infrastructure for CNG to become a major vehicular fuel on the market;</li> <li>It is a voluntary standard of which the MEEI has the responsibility for enforcement.</li> </ul>

Standard	Year	Status		International Standard Adopted	Justification
		Voluntary	Compulsory (Enforced by TTBS)		
TTS/CRS 54: 2016- Specification for cement			√	<ul style="list-style-type: none"> <li>▪ This standard is adopted from CROSQ Regional standard CRS 54: 2014, cement specification</li> </ul>	<ul style="list-style-type: none"> <li>▪ This standard specifies requirements for hydraulic cements used primarily in the construction industry;</li> <li>▪ It includes requirements for compressive strength, physical and chemical properties, packaging, labelling and the means of determining compliance;</li> <li>▪ This standard applies to Portland and blended cements and not to ASTM C150M Type IV cement.</li> <li>▪ The rationale for the compulsory status is to protect public or industrial health, welfare or safety</li> <li>▪ TTBS is responsible for the enforcement of this standard.</li> </ul>

Standard	Year	Status		International Standard Adopted	Justification
		Voluntary	Compulsory (Enforced by TTBS)		
<b>TTS 646: 2019-Cocoa Beans-Sampling</b>	2019	√		<ul style="list-style-type: none"> <li>▪ This standard is a modified adoption of <b>ISO 2292: 2017, Cocoa beans sampling</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ This standard is intended to support the drive towards national certification of cocoa quality and the establishment of a recognised brand for Trinidad and Tobago cocoa</li> <li>▪ The development of this standard was encouraged by the Cocoa Development Company Limited of Trinidad and Tobago, the Cocoa Research Centre-University of the West Indies (St. Augustine) and the Cocoa Research Section of the Research Division Ministry of Agriculture, Land and Fisheries.</li> </ul>

Standard	Year	Status		International Standard Adopted	Justification
		Voluntary	Compulsory (Enforced by TTBS)		
<b>TTS 647:2019- Cocoa Beans-Specification and Quality Requirements</b>	2019	√		<ul style="list-style-type: none"> <li>This standard is a modified adoption of ISO 2451: 2017- Cocoa beans specification and quality requirements</li> </ul>	<ul style="list-style-type: none"> <li>See above.</li> </ul>
<b>TTS/UL 467-:2019- Grounding and Bonding Equipment</b>	2019	√		<ul style="list-style-type: none"> <li>This standard is a modified adoption of UL 467, Edition 10 (2013) Grounding and bonding equipment.</li> </ul>	<ul style="list-style-type: none"> <li>This standard applies to grounding and bonding equipment for use in accordance with TTS 171: Part 1: 2015, Trinidad and Tobago Electrical Wiring Code-Part 1-low voltage installations;</li> <li>It is intended to support the regulatory framework for electrical safety. It is intended for application by the electrical inspectorate Division, Ministry of Public Utilities.</li> </ul>

## Appendix IV

### Amendments to the Food and Drugs Act, Chap. 30:01

#### Minister to make Regulations for the Recall of Food, Drugs, Cosmetics and Medical Devices

Regulations to include:

#### Definitions

"Mandatory recall" means a recall....

19.(1) Where the Minister believes on reasonable grounds that a product regulated under an Act or provisions that the Agency enforces or administers by virtue of Section 11 poses a risk to public, animal or plant health, the Minister may, by notice served on any person selling, marketing or distributing the product, order that the product be recalled or sent to a place designated by the Minister."

"Product Withdrawal" means a firm's removal from further sale or use of a marketed product that does not violate legislation administered or enforced by the Food and Drugs Division. It is not considered to be a recall.

"Public Warning" is a news release that pertains to a specific food recall. The title of this form of communication is "WARNING". The public warning is issued for those recalls requiring the recall of a product to the consumer level.

## Minister to make Regulations for the Recall of Food, Drugs, Cosmetics and Medical Devices

"Recall" (verb tense) means for a firm to remove from further sale or use, or to correct, a marketed product that contravenes legislation administered and/or enforced by Food and Drugs Division.

"Recall" (noun tense) denotes the process of recalling the affected product and encompasses all tiers of the affected product distribution system.

"Recall Classification" means the numerical designation, i.e. Class I, Class II or Class III, assigned to a particular product recall to indicate the relative degree of health risk presented by the product being recalled.

"Recall Depth" means the level to which a recall is conducted (consumer, retail, distribution).

"Recalling firm" denotes a responsible firm which is accountable for the implementation of a recall.

"Stock Recovery" means a firm's removal or correction of a violative product that has not been marketed or that has not left the direct control of the firm. It is not considered to be a recall.

"Violative Product" is product that violates legislation administered or enforced by Food and Drugs Division.

"Voluntary Recall" means a recall that is initiated and carried out by the recalling firm without ministerial order.

### Recall Classifications

"Class I" is a situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death.

"Class II" is a situation in which the use of, or exposure to, a violative product may cause temporary or medically reversible adverse health consequences or where the probability of serious adverse health consequences is remote.

"Class III" is a situation in which the use of, or exposure to, a violative product is not likely to cause any adverse health consequences.

## Minister to make Regulations for the Recall of Food, Drugs, Cosmetics and Medical Devices

Market withdrawal: occurs when a product has a minor violation that would not be subject to FDA legal action. The firm removes the product from the market or corrects the violation. For example, a product removed from the market due to tampering, without evidence of manufacturing or distribution problems, would be a market withdrawal.

Medical device safety alert: issued in situations where a medical device may present an unreasonable risk of substantial harm. In some case, these situations also are considered recalls.

### Recall Orders

Recall order

Contravention of recall order

Notification of order

(1) Where the Minister believes on reasonable grounds that a product regulated under an Act or provisions that the Agency enforces or administers by virtue of Section 11 poses a risk to public, animal or plant health, the Minister may, by notice served on any person selling, marketing or distributing the product, order that the product be recalled or sent to a place designated by the Minister."

(2) Any person who contravenes a recall order reference to in subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding six months or to both

(3) For greater certainty, a recall order is not a statutory instrument for the purpose of the Statutory Instruments Act, but no person shall be convicted of an offence under subsection (2) unless the person was notified of the order.

## Appendix V

### Terms of Reference of the National Food Safety Coordinating Committee

Advise the Minister with responsibility for food safety on the performance of the food safety system including legislation and steps to resolve policy and operational conflicts

Develop National Food Safety Strategic Plans for the efficient functioning of the multiple-agency system including plans for mobilising adequate resources for the operation and sustainability

Make recommendations for:

- A) Rationalisation of roles and functions of regulatory agencies;
- B) Sharing of resources across institutions to improve efficiency of the food system;
- C) Communication strategies to support integration of the food safety system and real time sharing of data and information;
- D) Development of Memoranda of Understandings between agencies;

Monitor execution of agreed roles and functions among regulatory agencies;

Develop national food safety early warning and emergency response plans and coordinate emergency food safety preparedness response in consultation with the national agency with responsibility for disaster preparedness and response

Recommend investigations of food safety issues and coordinate the investigation

Identify national research priorities and collaborate with stakeholders to commission and undertake priority research;

Prepare high level reports on the performance of the integrated food safety system for the Minister

**Committee members:-**

**Cabinet appointed**

**Ministry of Health-** Mr. Neil Rampersad (**Chairman**), Mr. Farz Khan (**Alternate**);

**Ministry of Agriculture, Land and Fisheries-** Ms. Carla Marcelle Boyce, Dr. Lana Gyan (**Alternate**);

**Ministry of Rural Development and Local Government-** Mr. Mitra Sooklal (**Public Health Inspectorate**), Ms. Natasha Howard (**Alternate**);

**Ministry of Trade and Industry –** Ms. Vanessa Rampersad, Ms. Shanna Ramesar-Beharry (**Alternate**);

**Ministry of Tourism-** Mr. Edward C. Lee Tang, Ms. Jameela Martin (**Alternate**);

**Ministry of Public Utilities- Water and Sewerage Authority-** Ms. Denetra Beckles, Ms. Tiffany Bobb (**Alternate**);

**Ministry of Finance-Customs and Excise Division-** Ms. Lilita Narine Chattergoon, Ms. Cindy Alexander (**Alternate**);

**Ministry of Planning and Development-** Ms. Catherine Joseph (**on pre-retirement leave**); Mr. Christopher Williams (**Alternate**)

**Tobago House of Assembly-** Ms. Melissa Agbeko, Ms. Sandra Williams (**Alternate**)

**Co-opted Members**

Director Veterinary Public Health- Ministry of Health- **Dr. Saed Rahaman**

Trinidad and Tobago Bureau of Standards- **Ms. Adrienne Stewart**

**PAHO-** Dr. Taraleen Malcolm

**FAO-** Mr. Devern Calvin Smith

**IICA-** Dr. Lisa Harrynanan

## Appendix VI

### Implementation Status of Outstanding Deliverables for Completion of CFDD laboratory

Requirement	Status	Activity to be Completed	Time Period
<i>Fire Safety Certificate</i>	<p>The installation of the gas detection system was tendered twice (November and January) with no outcome;</p> <p>Awaiting report from Fire Services to commence the tendering process</p>	<p>Request for Proposal for Supply and Installation of Gas Detectors for the laboratory building;</p> <p>Evaluation of Tenders received of the proposals for the supply and installation of gas detectors;</p> <p>Award of tender to successful company;</p> <p>Supply and installation of gas detectors by the successful company;</p> <p>Inspection of laboratory building by the Fire Services Department.</p>	May 2020
<i>OSHA Approval</i>	<p>Awaiting report from the Fire Services to commence the approval process</p>	<p>Approval process by Certificate to the OSHA;</p> <p>Training to be conducted first approximately 45 persons</p>	May 2020

<b>Requirement</b>	<b>Status</b>	<b>Activity to be Completed</b>	<b>Time Period</b>
<i>Procurement of Laboratory Equipment</i>	Awaiting the revised technical specifications to complete the RFP for tendering by mid-April 2020	Request for Proposals for supply and commissioning of laboratory equipment;  Evaluation of tenders received from proposals for the supply and commissioning of laboratory equipment;  Award of tender to the successful company;  Supply and commissioning of laboratory equipment by successful company.	August 2020
<i>Servicing/calibration/certification of laboratory equipment</i>	The North West Regional Health Authority's biomedical team to conduct an assessment and provide report on the status of the equipment to be completed by April 2020	Evaluation of tenders received for the proposals for the servicing/calibration/certification of laboratory equipment;  Award of tender to the successful company;  Servicing/calibration/certification of laboratory equipment by successful company.	August 2020
<i>Procurement of laboratory consumables</i>	When all of the above equipment is being sourced the consumables will be procured thereafter to ensure timely operationalisation	Request for Proposals for supply of consumables;  Evaluation of tenders received for the proposals for the supply of consumables;  Award of tender to the successful company;  Supple of consumables to the successful company	August 2020

## Appendix VII

### Findings and Recommendation of the Market Based Survey for Pesticide Use

#### Findings and Recommendations of the Market Basket Survey for Pesticide Residues on Agricultural Produce in Trinidad and Tobago

<p>1. <b>Recommendation-</b> Update regulations/legislation on pesticides in particular the implementation of the maximum residue level (MRL) for pesticides in food in the first instance and thereafter, 'minor' crops such as some root crops and 'exotic' condiments, fruits and vegetables.</p>	<p><b>Status-</b> Work has commenced with the Cocoa Development Company on the MRLs of certain pesticides in cocoa beans for export. Also through the Inter- American Institute for Cooperation on Agriculture (IICA) training has been conducted with farmers with regards to Good Agricultural Practice (GAP) and pesticides use in an attempt to provide pesticides safe produce for sale at a super-market chain under a Cropper Foundation project</p>
<p>2. <b>Recommendation-</b> Improvement of the pesticide registration process. This requires a new organisation of the risk assessment with independent experts; risk management tasks including registration of officers and the implementation of new rules with specific crop, data supervised trials on residues, protection of surface and groundwater, preservation of wildlife and beneficial organisms such as bees</p>	<p><b>Status-</b> The technical team is utilising the FAO's pesticides registration toolkit to assist with the registration of pesticides as noted in the report. The Coordinating Pesticides Control Board of the Caribbean (CGPC) has also established in collaboration with the FAO a technical working group of experts to assist member states with the evaluation of the pesticide dossiers</p>
<p>3. <b>Recommendation-</b> To initiate Pesticide Residue Monitoring Surveillance activities. One first priority could be the search for residues of organochlorine (OC) insecticides that have been use in the past, in particular the former sugar cane plantations and to determine the prevalence for such residues in soil and root crops such as cassava. This work can be done using currently available methods in the CFDD lab</p>	<p><b>Status-</b> This activity is still outstanding. However, recommendations have been made to the Global Environmental Facility through the Ministry of Planning and Development as a Potential National Project as it relates to Persistent Organic Pollutants (POPs) and the Stockholm</p>

**Findings and Recommendations of the Market Basket Survey for Pesticide Residues on Agricultural Produce in Trinidad and Tobago**

**4. Recommendation-** To design an official Pesticide Residue Monitoring Programme for the improvement of local produce through the creation of a working group with recognised expertise including universities, experimental stations and extension officers to start brainstorming on what could be done in Trinidad and Tobago. Also, the organisation of demonstration projects with pilot farms that are using the best technology in GAP and Integrated Pest Management (IPM) under local conditions.

Lastly the development of a marketing policy to promote enormous richness and diversity in fruits, vegetables, condiments and honey for the preparation of functional foods and the production of healthy nutrients such as vitamins, minerals and polyphenols and create a better image of local produce that is safe and compliant with acceptable international standards.

**Status-** Currently work is ongoing in the development of a National GAP policy for Trinidad and Tobago as well as national GAP Standard through the Trinidad and Tobago Bureau of Standards

**5. Recommendation-** Ensure the proper functioning of the laboratory which includes the following:

- Upgrade laboratory equipment;
- Initiate Proficiency Testing activities; and
- Prepare a first internal audit of the lab.

**Status-** Pending re-opening of the Environment lab scheduled for second quarter of 2021, CARIRI has capacity to conduct residue analysis on some pesticides groups. Also with the commissioning of a new Pesticides Residue Laboratory in Guyana in 2019 discussions are on-going for collaboration.

## Appendix VIII

### MTI Committee Representation

<p>International Committees:</p> <ul style="list-style-type: none"> <li>Consumer Safety and Health Network (CSHN) – Management Committee member</li> </ul>	<p>The Director Consumer Guidance and Protection attended the Sixth Annual Regular Meeting of the CSHN, followed by the International Workshop entitled “Product Safety in the Markets of the Americas and Consumer Protection” held on November 20-22, 2019 in Santa Domingo.</p>	<p>Attendance at these events was to allow Trinidad and Tobago to benefit from the region’s body of knowledge and experiences in an effort to strengthen the country’s surveillance capacity regarding consumer product safety.</p>
<ul style="list-style-type: none"> <li>World Food Day Committee</li> </ul>	<p>The Director Consumer Guidance and Protection sits on this committee convened by the Ministry of Agriculture, Land and Fisheries.</p>	<p>The purpose of this committee is to raise awareness of food security not only nationally but internationally and the many initiatives that are being implemented towards ending world hunger.</p>
<p>Local Committees:</p> <ul style="list-style-type: none"> <li>Trinidad and Tobago Bureau of Standards (TTBS) Committee</li> </ul>	<p>Officers of the Consumer Affairs Division serve on the following Committee of the TTBS:</p> <ul style="list-style-type: none"> <li>National Standard for roofing sheets</li> <li>National Standard for Waterborne paints</li> <li>Advertising Committee</li> </ul>	<p>Members’ attendance at these committees (TTBS and CFD) was to assist the TTBS in developing National Standards for various products/ components which may have pose a health and safety issue for consumers.</p>
<ul style="list-style-type: none"> <li>Chemistry, Food and Drugs (CFD) Committee</li> </ul>	<p>An officer of the Consumer Affairs Division served on the following Committee of the CFD:</p> <ul style="list-style-type: none"> <li>Packaging and labelling committee</li> </ul>	
<ul style="list-style-type: none"> <li>Central Bank of Trinidad and Tobago (CBTT)</li> </ul>	<p>An officer of the CAD attends council meetings at the CBTT – Payment System Council.</p>	<p>The aim of this Council is to work towards moving citizens away from cash and cheque transactions and towards electronic payments.</p>
<ul style="list-style-type: none"> <li>The National Agricultural Marketing and Development Corporation (NAMDEVCO)</li> </ul>	<p>An officer of the CAD attends ‘Good Agricultural Practices’ (GAP) committee meetings at NAMDEVCO.</p>	<p>This committee is working towards ensuring that farmers are Gap Certified so that they meet the standards for exporting their produce.</p>
<ul style="list-style-type: none"> <li>National Productivity Council (NPC)</li> </ul>	<p>The Director Consumer Guidance sits on the NPC.</p>	<p>The aim of the NPC is geared towards improving this country’s productivity and competitiveness.</p>
<ul style="list-style-type: none"> <li>Pesticides and Toxic Chemical Control Board (PTCCB)</li> </ul>	<p>The Director Consumer Guidance sits on the PTCCB.</p>	<p>The mandate of the PTCCB is the implementation and enforcement of those Regulations under the Pesticides and Toxic Chemicals Act.</p>

## Appendix IX

### TTBS Justification for Standards

Sector/Industry	Name of Standard	Justification
<b>2019-2020</b>		
Electrical	Electrical cables	The existing National Standards for electrical cables are obsolete and need to be revised to ensure that it is up to date. To support the regulatory framework for electrical safety. These National Standards are also reference standards in the Trinidad and Tobago Electrical Wiring Code for Low Voltage Installations and they are important to ensure the safety of electrical installations. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Electrical	Lead acid starter batteries	The existing National Standard is obsolete and needs to be revised to ensure that it is up to date. To ensure public safety and to ensure that the consumer is receiving value for money when purchasing this product. The standard covers both safety and performance requirements. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Construction	Structural steel products	To improve product quality and ensure safety and performance of the product. To improve building resilience given the increasing risks posed by natural disasters, e.g. earthquakes and hurricanes. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.

Sector/Industry	Name of Standard	Justification
<b>2019-2020</b>		
Construction	Carbon steel bars	To improve product quality and ensure safety and performance of the product. To improve building resilience given the increasing risks posed by natural disasters, e.g. earthquakes and hurricanes. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Construction	Paint - Water Borne	To Improve product quality and ensure safety and performance of the product. To ensure that the consumer receives value for money when purchasing the product.
Construction	Paint - Solvent Borne	To improve product quality and ensure safety and performance of the product. To ensure that the consumer receives value for money when purchasing the product.
Consumer products	Laundry detergents	To improve product quality and ensure safety and performance of the product. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Agriculture	Pesticides – Labelling	To assist in protection of the environment. To improve compliance to Environmental Agreements. To ensure that adequate information is given to the consumer. To prevent fraud or misrepresentation arising from misleading labelling. To support the regulatory mandate of the Pesticides and Toxic Chemicals Inspectorate.

Sector/Industry	Name of Standard	Justification
<b>2019-2020</b>		
Health, Safety, Security and Environment	Sizing of garments used in PPE	To Improve product quality and ensure safety and performance of the product.
Health, Safety, Security and Environment	Biodegradable products	To assist in protection of the environment. To ensure the availability of safe and environmentally friendly alternatives to specific expanded polystyrene products. To support the Ministry of Planning and Development in the implementation of the proposed ban of expanded polystyrene products.
Health, Safety, Security and Environment	Flammable refrigerants	To ensure safety and performance of the product. To support the implementation of the Montreal Protocol. To support the National Ozone Unit in its implementation activities.
Energy Efficiency and Renewable Energy	Energy Efficiency Labelling of CFLs and LEDs	To improve product quality. To support the Government's policy related to energy efficiency and energy conservation and assist in climate change mitigation initiatives.
Energy Efficiency and Renewable Energy	Energy Efficiency Labelling of Refrigerators	To improve product quality. To support the Government's policy related to energy efficiency and energy conservation and assist in climate change mitigation initiatives.
Energy Efficiency and Renewable Energy	Energy Efficiency Labelling of Air Conditioners	To improve product quality. To support the Government's policy related to energy efficiency and energy conservation and assist in climate change mitigation initiatives.

Sector/Industry	Name of Standard	Justification
<b>2019-2020</b>		
Oil, Gas and Petrochemicals	Diesel	To improve product quality. To ensure the availability of high quality and environmentally friendly fuels on the local market. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Oil, Gas and Petrochemicals	Gasoline	To improve product quality. To ensure the availability of high quality and environmentally friendly fuels on the local market. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Oil, Gas and Petrochemicals	DME and related products	To improve product quality. To ensure the availability of high quality and environmentally friendly fuels on the local market.
Textiles	Labelling and advertising of textiles	To ensure that adequate information is given to the consumer. To prevent fraud or misrepresentation arising from misleading labelling. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
<b>2020-2021</b>		
Electrical	Panelboards	To improve product quality and ensure safety and performance of the product. To support the regulatory framework for electrical safety.
Construction	Ready-mix concrete	To improve product quality and ensure safety and performance of the product. To improve building resilience given the increasing risks posed by natural disasters, e.g. earthquakes and hurricanes. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.

Sector/Industry	Name of Standard	Justification
<b>2019-2020</b>		
Construction	Concrete aggregates	To improve product quality and ensure safety and performance of the product. To improve building resilience given the increasing risks posed by natural disasters, e.g. earthquakes and hurricanes. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Construction	Cement	To improve product quality and ensure safety and performance of the product. To improve building resilience given the increasing risks posed by natural disasters, e.g. earthquakes and hurricanes. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Consumer products	Automotive engine oil	To improve product quality and ensure safety and performance of the product. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Agriculture	Adoption of regional grading products	To ensure that adequate information is given to the consumer. To ensure that the consumer receives value for money when purchasing the product.
Agriculture	Fertilizer standards	To ensure that adequate information is given to the consumer. To ensure acceptable product quality. To ensure that the consumer receives value for money when purchasing the product.

Sector/Industry	Name of Standard	Justification
<b>2019-2020</b>		
Health, Safety, Security and Environment	Protective clothing and equipment	To ensure that adequate information is given to the consumer. To ensure acceptable product quality. To ensure that the consumer receives value for money when purchasing the product.
Energy Efficiency and Renewable Energy	Solar water heaters	To improve product quality. To support the Government's policy related to energy efficiency and energy conservation and assist in climate change mitigation initiatives.
Energy Efficiency and Renewable Energy	Electric vehicles - batteries	To improve product quality. To support the Government's policy related to energy efficiency and energy conservation and assist in climate change mitigation initiatives.
Oil, Gas and Petrochemicals	LPG storage and use	To protect the consumer or user against danger to health or safety To protect public or industrial health, welfare or safety
Textiles	Labelling of footwear	To ensure that adequate information is given to the consumer. To ensure acceptable product quality. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
<b>2021-2022</b>		
Electrical	Meter bases	To improve product quality and ensure safety and performance of the product. To support the regulatory framework for electrical safety.

Sector/Industry	Name of Standard	Justification
<b>2019-2020</b>		
Electrical	Standby generators	To improve product quality and ensure safety and performance of the product. To support the regulatory framework for electrical safety.
Construction	Hollow clay blocks - horizontal core	To improve product quality and ensure safety and performance of the product. To improve building resilience given the increasing risks posed by natural disasters, e.g. earthquakes and hurricanes. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Consumer products	Liquid chlorine bleach	Improve product quality and ensure safety and performance of the product. To ensure that the consumer receives value for money when purchasing the product. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Energy Efficiency and Renewable Energy	Photovoltaic modules	To improve product quality. To support the Government's policy related to energy efficiency and energy conservation and assist in climate change mitigation initiatives.
Energy Efficiency and Renewable Energy	Auxiliary systems for Electric vehicles	To improve product quality. To support the Government's policy related to energy efficiency and energy conservation and assist in climate change mitigation initiatives.
Oil, Gas and Petrochemicals	Gas cylinders	To protect the consumer or user against danger to health or safety To protect public or industrial health, welfare or safety

Sector/Industry	Name of Standard	Justification
<b>2019-2020</b>		
Textiles	Labelling of garments	To ensure that adequate information is given to the consumer. To prevent fraud or misrepresentation arising from misleading labelling. To facilitate enforcement by TTBS' Conformity Assessment Divisions.
Emerging areas of standardization	Sustainable building products	To improve product quality and ensure safety and performance of the product. To assist in the protection of the environment.

## Appendix X

### TTBS Process to Develop the National Standards Development Plan



## Appendix XI

### TTBS Imported Products Tested

Imported products tested	No. of Products Tested
Reinforcing steel bars	916
Fabrics and garments	354
Footwear	61
Decorative lights	43
Electric fans	108
Electric gloves	119
Hotsticks	30
Stove	1
Electric powered beverage cooler	2
Refrigerator	1
Lead acid starter batteries	2
Bleach	100
Powdered laundry detergents	109
Hand dishwashing liquid	36
Refrigerant	12
Cement	394
Structural steel beams	89
Paints	34

## Appendix XII

### MOH Outreach Activities

<i>Outreach Programmes</i>	<i>Date Conducted and Number of Attendees</i>
Farmer outreach programmes with Agricultural Society of Trinidad and Tobago	<p><i>January 21, 2020- Felicity- 25 farmers</i></p> <p><i>October 9, 2019-UTT, Centeno, 25 farmers</i></p> <p><i>September 10, 2019- Aranguez</i></p> <p><i>June 6, 2019- Orange Grove 25 farmers</i></p>
GAP training for farmers under the Cropper Foundation with IICA	<i>May 2019- Sugar Cane Feed Centre, Longdenville- 30 farmers</i>
Training for Agro-shops on the safe storage and sale of pesticides	<i>October 17, 2019-MALF Penal in collaboration with Extension services, MALF, 15 agro-shops</i>
Global Environmental Facility (GEF)/FAO training in Integrated Pest Management (IPM) and developing alternatives to fungicides	
<p>5. <b>Recommendation-</b> Ensure the proper functioning of the laboratory which includes the following:</p> <ul style="list-style-type: none"> <li>• Upgrade laboratory equipment;</li> <li>• Initiate Proficiency Testing activities; and</li> <li>• Prepare a first internal audit of the lab.</li> </ul>	<p><b>Status-</b> Pending re-opening of the Environment lab scheduled for second quarter of 2021, CARIRI has capacity to conduct residue analysis on some pesticides groups. Also with the commissioning of a new Pesticides Residue Laboratory in Guyana in 2019 discussions are on-going for collaboration.</p>