



PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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SIXTEENTH REPORT **OF THE** **JOINT SELECT COMMITTEE ON** **MINISTRIES, STATUTORY AUTHORITIES** **AND STATE ENTERPRISES** **(GROUP 1)**



Ordered to be printed with the
Minutes of the Proceedings
and Notes of Evidence

on the
Administration and
operations of
the Environmental
Management Authority
(EMA)

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The Joint Select Committee on Ministries, Statutory Authorities and State Enterprises
(Group 1)

Contact the Committee's Secretariat

Telephone: 624-7275 Extensions 2277/2288/2282, **Fax:** 625-4672

Email: jscgroup1@ttparliament.org

SIXTEENTH REPORT

OF THE

**JOINT SELECT COMMITTEE ON MINISTRIES,
STATUTORY AUTHORITIES AND STATE ENTERPRISES
(GROUP 1)**

ON

**THE ADMINISTRATION AND OPERATIONS OF
THE ENVIRONMENTAL MANAGEMENT AUTHORITY
(EMA)**

Date Laid: HoR: _____

Senate: _____

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ACRONYMS & ABBREVIATIONS

Abbreviation	Term
CBO	Community Based Organization
CEC	Certificate of Environmental Clearance
EMA	Environmental Management Authority
EIA	Environmental Impact Assessment
EPU	Environment Police Unit
MEWR	Ministry of the Environment and Water Resources
NEP	National Environmental Policy
NGO	Non-Governmental Organization
PETROTRIN	Petroleum Company of Trinidad and Tobago Limited
UWI	University of the West Indies

EXECUTIVE SUMMARY

The Environmental Management Authority (EMA) is mandated to write and enforce laws and regulations for environmental management, to educate the public about the nation's environmental issues, to control and prevent pollution as well as to conserve natural resources. Given the Authority's significant mandate, the Committee, at its 22nd Meeting held on October 25, 2013, agreed to inquire into the administration and operations of the EMA.

The Committee agreed that the following objectives would guide the inquiry:

- i. To ascertain the level of success the EMA has had in executing its responsibilities as per the EMA Act and the National Environmental Policy, with specific reference to prevention of environmental pollution (inclusive of air, water, marine and noise pollution) and illegal quarrying;
- ii. To understand the processes and procedures involved in the acquisition of a Certificate of Environmental Clearance and the criteria to be met in qualifying for same;
- iii. To understand the processes and procedures involved in the performance of an Environmental Impact Assessment (EIA) and under what circumstances are such assessments conducted;
- iv. To determine the role of the EMA in disaster preparedness and management;
- v. To gain an appreciation of the relationship between the EMA and other entities involved in Environmental Management; and
- vi. To ascertain the major challenges hindering the effective administration and operations of the EMA.

In keeping with its method of gathering information, the Committee obtained both oral and written evidence based on the objectives listed above. The Committee was able to analyse some of the issues and challenges relative to the activities of the Authority, including:

- i. deficiencies and weaknesses within the Environmental Management Act and other subsidiary legislations relevant to the Authority;
- ii. a lack of laboratory facilities required to conduct independent testing of water for pollutants; and
- iii. inadequate manpower and other resources for the EMA's monitoring process.

On the other hand, the Committee also took note of some commendable aspects of the Authority's operations such as:

- a. initiatives to reduce noise pollution;
- b. collaboration with other state agencies to deal with the issue of illegal quarrying; and
- c. increasing the number of Certificates of Environmental Clearance that are monitored.

The Committee made particular findings and recommendations commensurate with some of the issues and challenges, which it determined were adversely affecting the operations of the Authority.

The Committee therefore submit this, its sixteenth report, for the consideration and action of the Parliament, the EMA, the Ministry of the Environment and Water Resources and other stakeholders.

MEMBERS OF THE COMMITTEE



Mr. Elton Prescott, SC¹
Chairman



Dr. Dhanayshar Mahabir²
Vice-Chairman



Mrs. Christine Newallo-Hosein³



Mr. Jairam Seemungal, MP



Mrs. Carolyn Seepersad-Bachan, MP



Mr. Gerald Hadeed⁴



Mr. Ganga Singh⁵



Ms. Stacy Roopnarine, MP



Dr. Delmon Baker, MP

¹ Mr. Elton Prescott, SC replaced Mrs. Corrine Baptiste McKnight w.e.f. 23.09.2013

² Dr. Dhanayshar Mahabir replaced Prof. Harold Ramkissoon w.e.f. 23.09.2013

³ Mrs. Christine Newallo-Hosein replaced Mr. Emmanuel George w.e.f. 03.03.2015

⁴ Mr. Gerald Hadeed replaced Mrs. Christlyn Moore w.e.f. 23.09.2013 who replaced Mr. Danny Maharaj w.e.f. October 16, 2012.

⁵ Mr. Ganga Singh replaced Mrs. Verna St. Rose-Greaves with effect from October 16, 2012.



Mr. Faris Al-Rawi



Dr. Amery Browne, MP



Mrs. Patricia McIntosh, MP

1. THE COMMITTEE

Establishment

1.1 Section 66 of the Constitution 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.

1.2 Motions related to this purpose were passed in the House of Representatives and Senate on September 17, 2010 and October 12, 2010, respectively, and thereby established, *inter alia*, the ***Joint Select Committee to inquire into and report to Parliament on Ministries with responsibility for the business set out in the Schedule as Group 1, and on the Statutory Authorities and State Enterprises falling under their purview with regard 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.***

Powers

1.3 Standing Orders 71B of the Senate and 111 of the House of Representatives delineate the core powers of the Committee which include *inter alia*:

- to review and report on all matters relating to:
 - a. the statute law relating to the Ministry/body assigned to it;
 - b. the programme and policy objectives of the Ministry/Body and its effectiveness in the implementation of same;
 - c. other matters relating to the management , organization of the ministry or body, as the Committee deems it fit;
- to send for persons, papers and records;
- to adjourn from place to place;

- 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; and
- to communicate with any other Committee of Parliament on matters of common interest.

1.4 The entities which fall under the purview of the Committee are attached as **Appendix I**.

Members

1.5 The Committee comprises the following members:

i. Mr. Elton Prescott, SC	-	Chairman
ii. Dr. Dhanayshar Mahabir	-	Vice-Chairman
iii. Mr. Jairam Seemungal, MP	-	Member
iv. Mrs. Carolyn Seepersad-Bachan, MP	-	Member
v. Ms. Stacy Roopnarine, MP	-	Member
vi. Dr. Amery Browne, MP	-	Member
vii. Dr Delmon Baker, MP	-	Member
viii. Mrs. Patricia Mc Intosh, MP	-	Member
ix. Mr. Ganga Singh	-	Member
x. Mr. Faris Al-Rawi	-	Member
xi. Mr. Gerald Hadeed	-	Member
xii. Mrs. Christine Newallo-Hosein	-	Member

Past Members of the Committee

Name	Period of Service
Mrs. Rudrawatee Nan Ramgoolam	October 12, 2010 – June 27, 2011
Mr. Danny Maharaj	October 12, 2010 – June 24, 2012
Mrs. Verna St. Rose Greaves	September 09, 2011 – October 15, 2012
Mrs. Corinne Baptiste-McKnight	October 12, 2010 – August 01, 2013
Prof. Harold Ramkissoon	October 12, 2010 – August 01, 2013

Ms. Christlyn Moore	October 16, 2012 – September 05, 2013
Mr. Emmanuel George	October 12, 2010 - February 02, 2015

Secretarial Support

1.6 The following officers were assigned to assist the Committee:

- Mr. Julien Ogilvie - Secretary
- Mr. Indar Sieunarine - Assistant Secretary
- Ms. Kimberly Mitchell - Graduate Research Assistant

2 INTRODUCTION

Background

2.1 The Environmental Management Authority (EMA) was established in 1995 by the Environmental Management Act, 1995, which was later repealed and re-enacted as the Environmental Management Act Chapter 35:05. The operations of the authority are also guided by the National Environmental Policy (NEP), 2006. The Authority is mandated to write and enforce laws and regulations for environmental management, to educate the public about the nation's environmental issues, to control and prevent pollution as well as to conserve natural resources.

2.2 In accordance with the Environmental Management Act, Chapter 35:05, the general functions of the EMA are to:

- make recommendations for a National Environment Policy;
- develop and implement policies and programmes for the effective management and wise use of the environment, consistent with the objects of the Environmental Management Act;
- coordinate environmental management functions performed by persons in Trinidad and Tobago;
- make recommendations for the rationalisation of all government entities performing environmental functions;
- promote educational and public awareness programs on the environment;
- develop and establish national environmental standards and criteria;
- take all appropriate action for the prevention and control of pollution and conservation of the environment;
- establish and coordinate institutional linkages locally, regionally and internationally;
- perform such other functions as are prescribed; and
- undertake anything incidental or conducive to the performance of any of the foregoing functions.

2.3 Given the importance of the environment and the EMA being primarily responsible for its care, the Committee agreed that an inquiry into the operations of the EMA was necessary.

2.4 The Committee identified the following as the objectives of this inquiry:

Objectives

- i. **To ascertain the level of success the EMA has had in executing its responsibilities as per the EMA Act and the National Environmental Policy, with specific reference to prevention of environmental pollution (inclusive of air, water, marine and noise pollution) and illegal quarrying.**
- ii. **To understand the processes and procedures involved in the acquisition of a Certificate of Environmental Clearance and the criteria to be met in qualifying for same.**
- iii. **To understand the processes and procedures involved in the performance of an Environmental Impact Assessment (EIA) and under what circumstances are such assessments conducted.**
- iv. **To determine the role of the EMA in disaster preparedness and management.**
- v. **To gain an appreciation of the relationship between the EMA and other entities involved in Environmental Management.**
- vi. **To ascertain the major challenges hindering the effective administration and operations of the EMA.**

Conduct of the Inquiry

2.5 The Committee held two (2) public hearings with representatives of the EMA and the Ministry of the Environment and Water Resources on July 18, 2014 and November 07, 2014.

2.6 In preparation for the inquiry, the Committee communicated with the EMA to solicit written responses to specific pre-hearing questions. The written responses received were used as the basis for some of the questions posed by Committee Members during the hearings.

2.7 The Committee also wrote to specific stakeholders to acquire written comments on the Inquiry Objectives listed above. Written submissions were received from *Fishermen and Friends of the Sea*.

2.8 The EMA was represented by the following officials:

- | | |
|--------------------------------|---|
| ➤ Dr. Allan Bachan | Chairman |
| ➤ Mr. Michael Rooplal | Deputy Chairman |
| ➤ Mr. Leroy Baptiste | Director |
| ➤ Mr. Philip Vilain | Director |
| ➤ Ms. Gayatri Badri-Maharaj | Managing Director (Acting) |
| ➤ Mr. Hayden Romano | General Manager, Technical Services |
| ➤ Ms. Claudina De Leon-James | Manager, Corporate Services |
| ➤ Mr. Mark Aggerholm | General Manager, Administration and
Support Services |
| ➤ Mr. Frances Mitchell-Wanliss | Manager, Permit Monitoring,
Complaints and HSE |

2.9 The Ministry of the Environment and Water Resources was represented by Dr. David Persaud, Environmental Manager.

2.10 The Minutes of the meetings during which the public hearings were held are attached as ***Appendix II.***

2.11 The Verbatim Notes of Evidence received during the two (2) hearings are attached as ***Appendix III.***

3. KEY ISSUES, FINDINGS AND RECOMMENDATIONS

1. Success achieved in the Execution of its mandate

Current approach to executing its responsibilities

- 3.1 To protect ecosystems and human health, the Authority must ensure that all sectors (government, business and the public) comply with existing permits, rules, regulations and laws designed to protect and conserve the environment. This is achieved by monitoring relevant activities, permit conditions and enforcement where there is non-compliance. With expanding development projects, the EMA is responsible for ensuring that there is compliance through monitoring and enforcement.
- 3.2 The EMA has been operating under the Environmental Management Act for the last nineteen (19) years. During this period, deficiencies and weaknesses have been identified within the Act and the other pieces of subsidiary legislation. Modifications to these pieces of legislation are required in order for the Authority to discharge its functions more efficiently and to provide an enhanced legal basis for enforcement.
- 3.3 Officials of the Authority were of the view that environmental issues have changed over the years and the population is more sensitive to and aware of these issues. As a result of these changes, the Authority has been lagging in terms of its ability to adapt or respond to the changing demands of environmental management.
- 3.4 Historically, the Authority's primary focus has been the permitting process, not on the execution of its core functions, namely compliance, monitoring and enforcement. As a result, the Authority has been streamlining its resources with a view to attending to its mandate in a more holistic manner.

Ability of the EMA to regulate and manage environmental challenges associated with air, water, marine and noise pollution and illegal quarrying

Air Pollution

- 3.5 During the public hearing, the EMA indicated that it had little jurisdiction over air quality as the Air Pollution Rules have not yet been enacted, although the Rules have been submitted to the Ministry of the Environment and Water Resources for review. In the absence of these Rules, the Authority can only take action if air pollution is a condition of a Certificate of Environmental Clearance (CEC).
- 3.6 Subsequent to the hearing, the Committee noted that the *Air Pollutions Rules, 2014* were finally published in the *Gazette* on January 23, 2015.⁶ The Rules were made in accordance with various sections of the Environmental Management Act and are subject to Negative Resolution of Parliament. This implies that unless these Rules are annulled by a resolution of Parliament within 40 days of their publication they remain in force. No motion to annul these rules was filed.
- 3.7 The Committee noted that the Rules provide for, among other things:
- a. the Register of Air Pollutants;
 - b. an obligation on an operator of an 'Emitter Facility' to register such facility with the Authority;
 - c. the procedures to be observed in the execution of an Air Quality Assessment;
 - d. an operator to apply for a permit or a variation of his permit pursuant to a Notice of Operation Changes;
 - e. an applicant or operator who is aggrieved by a decision of the Authority to appeal to the Environmental Commission on certain grounds;
 - f. an operator to meet the requirements of the Rules, notwithstanding the grant of a Certificate of Environmental Clearance under the Act.

⁶ http://www.ema.co.tt/new/images/pdf/air_rules2k14.pdf

FINDINGS AND RECOMMENDATIONS

- 3.8 The Committee welcomes the fact that the Air Pollution Rules are finally in effect and also noted that the provisions of the Rules, if enforced effectively, have the potential to significantly enhance the Authority's ability to monitor and control the level of emissions of air pollutants.

A. The Committee recommends that the Authority conduct a public awareness campaign to ensure that relevant stakeholders and by extension, the general public, are sensitized about the main provisions of the Air Pollution Rules, 2014. Greater public awareness should certainly assist the Authority in attaining greater compliance.

Water Pollution

- 3.9 The main tool available to the Authority to regulate Water Pollution is the *Water Pollution Rules, 2001* as amended by the *Water Pollution (Amendment) Rules, 2006*. These Rules are intended to address pollution from point source discharges. These rules require that persons identified as water polluters under the Water Pollution Rules register with the Authority thus providing information on the spatial distribution, magnitude and extent of water pollution in Trinidad and Tobago.
- 3.10 After 'Source Registering', the polluter/applicant would need to provide data for a period of three years to prove he is a polluter. The EMA would then decide if the schedules of the Water Pollution Rules are being met or a 'Permit to Pollute' is required. A permit is a licence that allows the permit holder (permittee) to continue operations under controlled conditions whilst working within a specified timeframe towards compliance with the Second Schedule (of the Rules).
- 3.11 It was reported that the permitting process is protracted as the entity making the application is required to submit to the Authority, information on the status of the effluent and the water it discharges. The Authority does not have the laboratory facilities required to conduct independent tests.

- 3.12 The Authority believes that the legislation would be more effective if polluters and potential polluters were given a permit or licence and penalized for any breaches instead of having to prove that they pollute. The Authority cited Petrotrin as an example of a company that has the potential to be a polluter but yet had to provide information and conduct tests before a permit could be issued.
- 3.13 The Authority can take action regarding water pollution if the entity guilty of polluting is operating under a CEC. If the operation is not subject to a CEC, the Environmental Management Act along with its rules would come into effect. Notwithstanding that, it was submitted that the legislation is lenient and the Authority believes that it does not allow for the proper management of the environment.
- 3.14 The Authority has undertaken an *Ambient Water Quality Standards Project* with the University of the West Indies to identify the extent of water pollution from the watershed management approach. A *Non-Point Source Pollution Control Programme* is also being developed in collaboration with the Water Resource Agency⁷ to identify the impact of potential developments and whether permits are required to regulate certain activities.

FINDINGS AND RECOMMENDATIONS

- 3.15 In contrast to the absence of Air Pollution Rules for several years, the Authority has had the benefit of Water Pollution Rules since 2001. However, it appears that the impact these Rules have had on limiting/controlling the amount of hazardous substances released into water course streams is dubious. The Authority admitted that the Rules require further amendment to allow it to grant a permit on certain conditions and to penalize for any breaches of these conditions, as opposed to having the polluter/applicant prove that it pollutes and issuing a permit on that basis.
- 3.16 The Committee was seriously concerned that the onus of proof that an entity is a polluter was placed on the entity itself and, even worse, that the Authority does not have the necessary facilities to conduct independent water tests.

⁷ http://www.wasa.gov.tt/WASA_WRA.html

3.17 The Committee is mindful that due to inadequate manpower and other resources, the Authority will not be able to monitor all applicants for a permit. Therefore prioritizing registered entities which have the highest risk potential or propensity to pollute may be the obvious and most effective approach to be adopted. The Committee took note of the various water protection/preservation initiatives the Authority was engaged in along with other public bodies and trust that they will be managed to completion and will reap tangible benefits.

- A. It is recommended that the Authority take the necessary steps to revise the 'permit procedure' provided for in the Water Pollution (Amendment) Rules, 2006 as is proposed in its written submission to the Committee.**
- B. The Committee also recommends that the authority review and update its register of Water polluters or permit holders with a view to prioritizing the monitoring of those operators/entities whose operations present a high risk of pollution.**
- C. In the absence of sufficient manpower to effectively enforce the conditions of a permit or the provisions of the Rules, it is suggested that members of the public be made aware of the standard conditions of a Water Pollution Permit and also be encouraged to report suspected cases of the release of environmentally hazardous substances into water courses. In addition, members of the public should be encouraged to provide evidence to support their report by taking photographs or a video recording.**

Noise Pollution

3.18 The Committee was informed that under the Noise Pollution Rules (Clause 9), the Operator of the facility is the person charged with the responsibility of applying for a Noise Variation as oppose to the event promoter or the person conducting the event. If a variation is granted for an event, members of the EPU would visit and monitor that event. Given the

current capacity of the EPU, not all events can be monitored and events with a history of violations are given priority in terms of monitoring.

- 3.19 A flaw in the monitoring process is that monitoring has to be done continuously for thirty (30) minutes to register a legitimate reading. The Authority suggested that the Rules should be amended to reduce the monitoring period.
- 3.20 There is a public misconception about the EMA's role in noise pollution. The Authority has jurisdiction over events for which an application for a Noise Variation Permit was made and granted. All other incidents of noise pollution, including those emanating from the use of fireworks and firecrackers, fall under the jurisdiction of the Trinidad and Tobago Police Service. The EMA has been working with the Police Service to allow for greater intervention relative to noise pollution. The Authority has held numerous meetings with the Police Service as well as regional Corporations.
- 3.21 The Authority does not have the capacity to field all calls from the public on a fulltime basis. An internal committee is working on a "24/7 complaints hotline" to deal with noise and other environmental complaints. The Authority anticipates that the hotline would become operational within two (2) months. Electronic monitoring was also being considered by the committee.
- 3.22 It was also noted that the EMA is attempting to streamline certain non-regulatory and regulatory initiatives to reduce the prevalence of noise pollution in the country. These include:
- i. a Voluntary Code of Practice (which was expected to be completed by September 2014);
 - ii. Public Relations campaigns aimed at increasing awareness of the dangers of excessive noise (on going);
 - iii. collaborating with the Port of Spain and San Fernando City Corporations for the purpose of appointing Environmental Inspectors (stalled);

- iv. collaborating with the Trinidad and Tobago Bureau of Standards to develop mandatory standards for frequency and vibrations related to industrial equipment and plants (not implemented. To be reviewed);
- v. at the Magistrates' Court level, the EMA will seek to have 'Noise Variation' included in the processing of applications for the grant and renewal of annual liquor and dancehall licences;
- i. collaborating with its line Ministry to enact the required amendments to the Noise Pollution Rules.

FINDINGS AND RECOMMENDATIONS

3.23 With respect to the monitoring of Noise Variations, the Committee concurs that the period of minutes required for registering a variation is too long and should be reduced. In the absence of adequate numbers of Environmental Police to monitor all events, the Authority must empower members of the public to be able to lodge complaints via convenient methods such as a hotline or even via social media.

A. The Committee endorses all of the recommendations for addressing Noise Pollution as set out in the Authority's pre-hearing submission. The Committee suggests that the Authority seek to classify and rank these proposals as short, medium and long term. Short-term proposals should be undertaken within the next six months. Among these proposals should be:

- i. Continuation of a more robust public awareness campaign;**
- ii. the training of additional Police Officers in the use of Noise measuring devices so that they can conduct field visits in instances where Environmental Police are unable to do so. Therefore, selected Police Stations must be equipped with these devices;**
- iii. the Authority should engage the relevant public bodies in addition to the Judiciary/Magistracy on the proposal for the inclusion of conditions regarding noise variations in the procedures for granting and renewing liquor or dancehall/disco licences. In this regard, legal personnel at the**

Authority should take into account the provisions of the [Miscellaneous Provisions \(Licensing Committee\) Act, 2014](#).

[Illegal Quarrying](#)

- 3.24 The EMA, through the Environmental Police Unit (EPU), has played a role in addressing illegal quarrying. The EPU has arrested, seized equipment and taken perpetrators to Court for illegal quarrying on State lands. This occurs where a quarry is in breach of the CEC rules or a CEC was not applied for and obtained prior to commencing the activity of quarrying. After an investigation, a Notice of Violation is served by the EPU.
- 3.25 The Authority admitted that its capacity does not allow it to deal with this matter independently, therefore the Authority has forged collaborations with other State bodies including the Ministry of Energy and Energy Affairs, the Commissioner of State Lands and the Commissioner of Police in an effort to address this issue. The Authority also has representation on the Minerals Advisory Committee.
- 3.26 There is a Committee/Taskforce on Quarrying, which brings together the various State Bodies/entities which would have previously operated in insolation. The Taskforce includes the Trinidad and Tobago Police Service and the Defence Force. There are risks associated with intervening in illegal quarrying operations and therefore the necessary safeguards must be instituted to ensure that these risks are addressed. There are currently 20 Police Officers in the EMA's Environmental Police Unit (EPU). These officers are responsible for enforcement and surveillance. In response to this manpower shortage, a proposal has been submitted to Cabinet to increase the number of officers to one hundred (100).
- 3.27 In addition, the Authority is considering the issuance of receipts/slips to trucks exiting quarries as a form of proof of a legitimate purchase and the establishment of a police post in the Valencia region to treat with illegal quarrying. There is also a current proposal for the establishment of a multi-sectoral squad termed the 'Ranger Squad' that will address the security and environmental aspects of illegal quarrying. This proposal is currently being considered by Cabinet.

3.28 Concerning the allegations of illegal quarrying in Valencia, the Authority indicated that it was unaware of the details and whether or not prosecutions were being pursued as this was a matter for the central police. As such, when asked about the value of equipment which was allegedly seized from an illegal quarry operator, the Authority was unable to pronounce on the matter. The Authority was also unable to confirm whether aggregate from this illegal operation was purchased by the State.

FINDINGS AND RECOMMENDATIONS

3.29 The Committee was keenly interested in determining the contribution the EMA has been making to the efforts against illegal quarrying. As the Committee with oversight of the Ministry of Energy and Energy Affairs as well, the Committee has noted some of the challenges that the Ministry has encountered in its attempt to address the issue. Nonetheless, it was encouraging to learn that the relevant State bodies/entities have been collaborating through the Taskforce/Committee on Quarrying for the purpose of alleviating the prevalence of illegal quarrying.

3.30 However, there was not much evidence of success achieved by the Taskforce. It was clear to the Committee that similar to other areas of the EMA's operations, there are plans, proposals, and "things in the pipeline" but a low rate of implementation. Although, the EMA's Police Unit has recorded some success in arresting illegal operators, the Committee was not convinced that the EMA and the other State entities had full control of the situation. We also noted that the threat of violence and or intimidation appears to be a feature of these illegal activities and as such, there was a real need for the strengthening of the EPU along with the consolidation of the manpower to other assisting State agencies for effectively address the situation.

A. The Committee recommends that the Authority, in collaboration with its line Ministry, seek to include illegal quarrying as an offence under the EM Act.

B. In the Ministerial Response, the Authority in consultation with its line Ministry is required to provide Parliament with a status update on:

- its efforts to increase the manpower of the EPU;
- the initiatives of the Taskforce to reduce illegal quarrying in the country;
- the number of arrests made by the EPU during the period September 2014 to present;
- the number of Notices of Violations issued to quarry operators for breaching the rules of a CEC or operating without a CEC during the said period.

2. Processes and Procedures Associated with CECs

Monitoring conditions of CECs

- 3.31 The Compliance and Enforcement Unit is responsible for ensuring compliance with the conditions in the CEC. Where the Authority reasonably believes that a person is in violation of an environmental requirement, the enforcement process begins.
- 3.32 The action pursued by the Authority in this regard is guided by Part VI ('Compliance and Enforcement') of the EM Act. A **Notice of Violation** is issued to the relevant party when there is a breach of a condition of a CEC. This notice highlights the breach and requests that representation relative to the breach be made by the offending party.
- 3.33 After a notice is issued by the EMA, the matter can be settled via a Consent Agreement or failing this, the matter can be referred to the Environmental Commission via an Administration Order. For an example, following the Petrotrin oil spills of December 2013, the Authority conducted an assessment to determine whether the incident was as a result of a breach of the Company's CEC.
- 3.34 The Authority is seeking to build its internal capacity to deal with an increasing number of operators in the energy, agriculture and quarrying industries. In that vein, the Authority has recognized the need for more resources to be directed to its Compliance and Enforcement Department in order to increase its capacity to execute its functions. The Authority reported that it has increased its capacity to monitor Certificates of Environmental Clearance (CEC) from 1% in 2011 to 42% in 2014.

3.35 The Committee noted that a stipulation of CECs and water pollution permits is that they must be displayed in a publicly visible location. Unannounced site visits are conducted as a means of monitoring the enforcement of a CEC.

FINDINGS AND RECOMMENDATIONS

3.36 The Committee recognizes that the Authority has improved its capacity to monitor CECs over the past four years and endorses its commitment to further improve on this area of its operations. The Committee agrees with efforts to boost the capacity of the Compliance and Enforcement Unit, and believes that the recruitment of additional staff and the allocation of additional resources must be a priority for the Authority. A robust compliance regime is an essential prerequisite for achieving the Authority's mandate.

3.37 The Authority's written submission indicated that there were safeguards in place to avoid improprieties and promote fairness and transparency in the CEC approval process. The Committee trusts that the integrity of this process is maintained notwithstanding any external pressures, be they political, economic or otherwise.

A. Further to Section 79(4) of the EM Act, the Committee recommends that the Authority allocate resources to enhance the capacity of its Compliance and Enforcement Unit.

B. The Authority must ensure that its Register of CECs is always current and available to the public for review at its office and on its website. In the event that the electronic posting of the full details of each CEC is not practical, an appropriate summary of the Register of CECs should be published.

3. Processes and procedures associated with Environmental Impact Assessments (EIA)

Timeframe for reviewing EIA applications

3.38 The Authority advised the Committee that it is not responsible for conducting EIAs. The responsibility lies with the applicant and the consultant retained by the applicant.

3.39 Rule 6 (b) of the Environmental Clearance Rules stipulates that the Authority is required to communicate its determination on a EIA Report within eighty (80) working days from the date of receipt. However, inadequacies in an EIA submitted by applicants, would result in delays in the processing of same. At present, the average processing time is between nine (9) to twelve (12) months.

FINDINGS AND RECOMMENDATIONS

3.40 The Committee is concerned with what appears to be an extremely protracted period required by the Authority to review EIAs. Delays of this nature may be justified if caused by the applicant's failure to submit the required information for the EIA report. However, if they are as a result of a lack of the technical skills or capacity required to review the EIA reports, urgent action must be taken to reduce the average review period. Since in some instances the granting of a CEC is conditioned on the review and approval of an EIA, the progress of projects that are dependent on a CEC may be subject to undue delay as a result of the protracted review period. In fact, the procedures involved in the EIA application and approval process may weigh heavily on one's perception of the "ease of doing business" in this country, particularly as it concerns foreign investors.

A. The Committee recommends that the Authority conduct a 'process review exercise' to determine whether the EIA application and approval process can be further consolidated. To this end, the Authority should examine the practices and procedure of its international counterparts.

4. The Authority's role in Disaster Preparedness and management

3.41 The Act requires the EMA to play a coordinating role, however in many emergency response situations the Ministry of National Security (ODPM, Fire Services Hazmat team, Coast Guard, etc.) plays the role of first responder to these emergencies. The EMA's

Compliance and Enforcement Unit (CEU) is engaged in some instances to immediately provide a response by:

- physical ground truthing reports made of an incident;
- reporting and liaising with the pertinent agencies to determine the type of further actions required;
- supporting a coordinated response.

3.42 The EMA's role in emergency response includes a combination of activities such as environmental monitoring, liaising with impacted communities and providing information for dissemination to the public, line ministers, stakeholders, etc as outlined in Sections 25 and 61 of the EM Act.

3.43 **Table 1** below summarizes the types and number of emergencies the Authority responded to during the period 2010 to 2013. The information stated in the table confirms that the Authority responded to double the amount of 'Fish Kills' in 2013 compared to 2012 and that in total, responded to 20 more emergencies in 2013 than it did in 2012.

Table 1
CEU Emergency Response Statistics- Number of Emergencies
Responded to from 2010 to 2013.

Category/Year	2013	2012	2011	2010
Oil /Gas releases	65	63	77	64
Fish Kills	10	4	3	3
Other (Lignite, Mud Volcano, fire at chemical site)	23	11	11	8
TOTAL	98	78	91	75

[Input in the period following the Petrotrin Oil Spill of December 2013](#)

- 3.44 The Authority's role with respect to emergency responses, under Section 25 of the Environmental Management Act, is to assess and recommend remediation and rehabilitation works.
- 3.45 The Ministry of Energy and Energy Affairs was the designated first responder in accordance with the Oil Spill Response Contingency Plan and the EMA provided support. The Authority assessed whether the incident was a result of a breach of the conditions of a CEC. Following this assessment the Authority served two Notices of Violation to Petrotrin in January 2014. The Authority did an evaluation of the cost of rehabilitating the area, and based on this, a 'Consent Agreement' was formulated and entered into with Petrotrin and a fine was also levied.
- 3.46 The Authority was a part of the *National Oil Spill Contingency Plan Incident Command Team* and was responsible for providing information in relation to the state of the environment, in particular affected and susceptible areas such as mangroves, wetlands and fringing communities. The EMA also conducted surveillance, monitoring and assessments and provided guidelines for cleanup action as required. Through the continuous monitoring of the site, CEU was able to identify sensitive areas that required protection and/or cleanup but were not being prioritized or considered by the polluter.
- 3.47 As a consequence of the experiences of this disastrous event, an Emergency Response Department was established to enhance the Authority's monitoring and response capacity to oil spills, river pollution and other forms of environmental hazards/threats. This oil spill incident was investigated by a task force and the resultant report has been submitted to Cabinet. Therefore, the Authority submitted that it would be inappropriate for it to pronounce on what was the cause of the spill.
- 3.48 The Authority received information that COEXIT 9500⁸ was used in clean-up operations after the oil spill, but based on independent laboratory studies, there was no evidence which suggested that this substance was responsible for the death of fish and birds.

⁸ <http://www.epa.gov/bpspill/dispersants.html>

3.49 Subsequent to the oil spill, the Authority thought it was necessary to have Section 25 of the Environmental Management Act amended. However, the Authority did not inform the Committee on the form or substance of the proposed amendment.

FINDINGS AND RECOMMENDATIONS

3.50 The Committee noted that the Authority's involvement in Emergency and or disaster situations is guided by the provisions of Section 25 of the EM Act. Although the legislation sets out in broad terms, the parameters of the Authority's input in emergency response activities, the Committee concurs with the Authority that the provisions of the legislation in this area should be modified to allow the Authority to play a more prominent role in the event of disasters/emergencies which pose a significant threat to human health or the environment.

3.51 The evidence received suggested that in the aftermath of the Petrotrin Oil Spill, the Authority performed a proactive role, particularly in relation to evaluating the extent of danger the oil spill inflicted on the environment. This allowed the Authority to exercise its powers to ensure that the offending polluter was made to incur the cost of the necessary remediation or restoration activities as per Section 25 (a) of the Act. The establishment of an Emergency Response Department to enhance the Authority's monitoring and response capacity to oil spills, river pollution and other forms of environmental hazards/threats demonstrates a fair amount of responsiveness.

3.52 The Committee acknowledges the increase in the number of emergencies to which the Authority was required to respond in 2013 compared with 2012. In particular, members were concerned with the notable increase in "Fish killings" in 2013.

A. The Committee recommends that the authority properly document its lessons learned during its response efforts to the Petrotrin Oil Spills. These lessons should be reflected upon as the Authority seeks to build its capacity to respond more effectively to emergencies.

B. The Committee endorses the Authority's proposal to amended Section 25 of the Act. The proposed amendments should contain provisions that would allow the authority to:

- *impose fines on a polluter even if the environmental threat or damage caused was not a breach of a CEC;*
- *impose an obligation on the EMA to maintain a Register of Approved chemical substances for use in remedial or restorative activities in the aftermath of an oil spill and or other type environmental emergency.*

5. The relationship between the EMA and other entities involved in Environmental Management

Ministry of the Environment and Water Resources

3.53 In addition to its oversight role of the Authority as line Ministry, the Ministry of the Environment and Water Resources (MEWR) has an overarching national responsibility to promote the sustainable use of the nation's natural resources in a manner to ensure that there is a balance between economic and social development while maintaining the integrity of the environment.⁹

3.54 On November 20, 2012, the [Beverage Containers Bill](#), was introduced in the name of the Authority's line Minister. This Bill provided for the establishment of a Beverage Containers Advisory Board, a deposit and refund system for prescribed sizes of beverage containers, a regime for the collection of beverage containers to reduce their disposal into the environment, among other things. The Authority indicated that this Bill was an incentive mechanism that it had played an active role in formulating. The Committee notes however that this Bill has not yet been approved by the Parliament.

⁹ <https://www.facebook.com/MEWRtt#!/MEWRtt?tab=overview#!/MEWRtt/info>

3.55 Additional initiatives in this regard are expected to be pursued under the Authority's 2014 – 2018 Strategic Plan, which is being developed and is expected to be completed by the end of September, 2014.

[Green Fund projects/initiatives](#)

3.56 The Green Fund was first established in 2002 with the objective of assisting organizations involved in activities related to reforestation, remediation and environmental conservation. Input into the Fund comes from taxes on the gross sales or receipts of companies carrying on business in Trinidad and Tobago¹⁰.

3.57 The Authority has partnered with the University of the West Indies (UWI) and the Forestry Division to execute a pilot project in Nariva geared towards the replanting of trees that have been destroyed over time. UWI will also be monitoring the carbon reduction benefits of this project. The project is expected to be completed in two (2) years and will be used as a blue print in rehabilitating other areas specifically in Valencia.

[General co-operation](#)

3.58 The Authority considers partnering with other bodies/agencies as a key strategic intervention and has entered into a number of Memoranda of Understanding. The current board of the Authority has been in place for a little over a year and has had a number of meetings with other State agencies that have legislation that allows for co-operation. Partnerships have been sought and committees set up whereby efforts are combined in areas such as quarrying. There has also been critical dialogue with stakeholders and entities in the private sector.

3.59 The following outlines some of the Memoranda of Understanding (MoU) entered into between the EMA and relevant parties:

- **Turtle Village Trust** – towards a strategic alliance for the conservation and management of marine turtles, their habitats and the environment.

¹⁰ <http://www.ttparliament.org/reports/20110603-p10-s2-J-jsc-R2.pdf> page 7

- **Nariva Swamp Restoration, Carbon sequestration and livelihoods projects** between the EMA and the Forestry Division of the Ministry of the Environment and Water Resources.
- **Commissioner of Police** to provide a framework for collaboration and co-ordination between the parties for the assignment of Special Reserve Police Officers.
- **Institute of Marine Affairs** - to analyze, research and monitor the impacts of climate change and pollution on the environment, marine resources and ecosystems.
- **Ministry of Local Government** to foster relations between the parties and to treat with environmental matters and concerns relative to each Municipal Corporation.
- **Water Resources Agency** to maximize the use of resources in efforts and programmes geared towards the protection, enhancement and conservation of the environment.
- **Point Lisas Industrial Port Development Corporation**

3.60 In addition to the above entities, the EMA is also required to work with several agencies when investigating complaints, responding to emergencies or monitoring issued permits. The interactions with the various entities vary depending on the type of matter being examined. The CEU may conduct joint investigations where each respective agency takes its own course of action or refers a complaint for the attention of each listed agency if the complaint falls within its jurisdiction.

3.61 The EMA has partnered with the Ministry of Land and Marine Resources in order to overcome challenges in entering State lands as the permission of the Commissioner of State Lands was needed. After discussions with the Permanent Secretary of the Ministry, a blanket approval for the purpose of investigations and enforcement was given to the Authority.

3.62 The Authority has collaborated with the Tobago House of Assembly to ensure that the Authority has a presence on the island for the purpose of monitoring and enforcement.

FINDINGS AND RECOMMENDATIONS

3.63 The Committee commends the Authority for the number of Memoranda of Understanding it has strategically entered into. The preservation of the environment is a national obligation/objective and therefore it is imperative for the lead environmental management agency to forge multiple partnerships with various State and private organisations in the execution of its mandate. Undoubtedly, these collaborations provide the Authority with much needed additional support and resources. The Committee agrees that the Authority's partnership with the TTPS is essential in the EMA's efforts to combat illegal quarrying. In addition, the collaborative effort with UWI and the Forestry Division in relation to reforestation exercises in the Nariva area is commendable.

3.64 With respect to environment incentive initiatives, the Committee recommends that the Authority do more to reduce the amount of waste that is allowed to pollute land, water courses and the sea. Cognizant that the major waste management initiative was the Beverage Containers Bill, 2012, the Committee was concerned that this Bill lapsed and was not returned to the Parliament.

3.65 The EMA has drafted the Waste Management (Hazardous Waste) Rules, which the Committee was informed was due to be submitted for the consideration of the Legislative Review Committee (LRC) and a consultant has been engaged to work on the drafting of Solid Waste Rules. The Committee looks forward to the timely completion of this exercise.

3.66 The Committee recommends that the Authority engage in more collaborative initiatives with NGOs and CBOs which are involved in environmental conservation and preserving activities. Similar to the various State bodies which are currently working with the Authority, the Committee believes that forging strong relationships with non-governmental organizations will further aid the Authority in its efforts to protect the environment.

- A. In accordance with the provisions of section 34 of the EM Act and in the absence of an Environmental Incentive Programme that monetizes waste, the Committee recommends that the Authority collaborate with its line Ministry with a view to re-introducing the Beverage Containers Bill or similar legislation to encourage the collection and proper disposal of solid waste.**
- B. The development and execution of Environmental Incentive Programmes should be a strategic priority for the Authority at this time, particularly as there appears to be a perception that this country may be among the top waste producers in the world relative to the size of our population and the amount of waste produced.**
- C. The Authority must account more regularly for the use of resources held in the Environmental Trust Fund. As such, it is recommended that the Authority provide the Parliament with a status update on the total balance and use of the funds contain therein during fiscal 2014/2015.**
- D. The Committee recommends a more formalized approach to collaboration between the EMA and other State and private bodies/entities. To this end, consideration should be given to the establishment of a Body, comprising representatives of key stakeholder organisations. The terms of reference of this Body may include:**
- to coordinate efforts and resources for the purpose of protecting the environment;**
 - to make recommendations (not binding) to the Authority and its line Ministry to improve existing environmental management systems and structures;**
 - to be the leading consultative body examining proposed laws, regulations and procedures associated with the environment. This**

responsibility would also apply to international agreements/treaties which concern the environment;

- **to identify opportunities to work collaboratively with NGOs, CBOs, Government and non-governmental organizations on environmental issues;**
- **to collaborate with the broader community on efforts to improve environmental awareness and responsibility.**

6. Major challenges hindering the effective administration and operations of the Authority

Inadequate Human Resources

3.67 The Authority indicated that a critical prerequisite to realising improvements in its ability to effectively manage the environment is an increase in the quality and quantity of its human resources. The need for an increase in the Authority's manpower was evident during the examination of the operations of the Authority including its Police Unit. As such, it was submitted that the Authority's ability to promote greater compliance with rules and regulations and to monitor CECs is hindered by insufficient human resources.

3.68 The Authority reported that it has been challenged to build and maintain the capacity of its legal services/expertise due to a high turnover of staff in its Legal Department which currently comprise less than ten (10) lawyers. An expansion of the Legal Department was recently approved and its size is expected to be increased to twenty-five (25) lawyers.

3.69 The Committee was informed that the Authority reviewed the job specification of the key position of Managing Director and determined that the holder of this position needed to be more concerned with managing the strategic plans/objectives of the organization rather

than its day-to-day operations. In order to remedy this, three (3) positions of General Manager were created and have been filled.

3.70 The Authority has also filled a number of critical vacancies. The structure of the organization has been realigned and a proposal was forwarded to the Minister of the Environment and Water Resources for consideration.

Challenge with staff retention

3.71 The organisation has often been faced with scenarios where young graduates with little to no work experience are recruited and trained and they then move on to higher paying jobs in the private sector (e.g. oil and gas companies). To address this, the Authority indicated that it was necessary to improve compensation packages and candidate attraction schemes and increased emphasis on training/capacity-building and engagement programmes.

3.72 It was noted that the workforce of the Authority was unionized and negotiations were in progress between the Board of Directors and the Trade Union.

Inadequate financial resources

3.73 Like most other State organisations, the Authority appealed for additional funding to enable it to execute its mandate more effectively. Based on the submission received from the Authority, some of the plans/initiatives whose advancement is dependent on the receipt of funds include:

- the acquisition of more modern noise measuring equipment;
- the expansion of the Environmental Police Unit;
- the increase of its staff, particularly in the area of compliance and monitoring.

FINDINGS AND RECOMMENDATIONS

3.74 As a regulatory body, the EMA's ability to encourage compliance with the laws, rules and regulations under its purview is highly dependent on its ability to monitor and enforce them. This function in turn relies on the amount of manpower available to the Authority. Similar to most State agencies, staff retention is a major issue for the Authority. This is a matter that must be addressed by the Authority.

3.75 The consequences of this were evident in the Authority's inability to effectively execute many of its core functions. The fact that as at September, 2014 approximately 784 CECs of 2463 issued are being monitored or that there are a total of 20 Environmental Police Officers in Trinidad and Tobago and the required number is 100, demonstrates the human resource limitations of the Authority.

3.76 The regulatory nature of the Authority's operations would naturally demand that the Authority possesses sufficient legal professionals to deal with the myriad of legal matters which may arise. However, the Committee noted the fact that there were 10 lawyers in the Legal Unit whereas the required number of lawyers was 25. Thus, one can imagine that this shortage has resulted in delays and should be addressed as a matter of priority.

3.77 In an environment of financial stringency, the Authority is encouraged to review its operations with aimed at eliminating waste and inefficiencies.

A. The Committee recommends that the Authority's line Ministry identify the institutional strengthening of the EMA as a high order priority in the next fiscal year (2015/2016).

B. To surmount its financial constraints the Authority can do more to raise additional income. It is recommended that consideration be given to amending the EM Act to allow the Authority to raise additional revenue from some of its activities.

Consideration should also be given to adjusting the governing legislation to allow the Authority to retain more of the funds received from the imposition of penalties for breaches of the Act and or accompanying Rules and Regulations.

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

Mr. Elton Prescott, SC
Chairman

Dr. Dhanayshar Mahabir
Vice-Chairman

Mrs. Carolyn Seepersad Bachan, MP
Member

Mrs. Christine Newallo-Hosein
Member

Mr. Ganga Singh
Member

Dr. Delmon Baker, MP
Member

Mr. Jairam Seemungal, MP
Member

Ms. Stacy Roopnarine, MP
Member

Mr. Gerald Hadeed
Member

Dr. Amery Browne, MP
Member

Mrs. Patricia Mc Intosh, MP
Member

Mr. Faris Al-Rawi
Member

June 03, 2015

APPENDIX I

ENTITIES FALLING UNDER THE COMMITTEE'S PURVIEW

List of Ministries, Statutory Authorities and State Enterprises that fall under the purview of this Committee:

1. ARTS AND MULTICULTURALISM

Carnival Institute
Naparima Bowl
National Academy for the Performing Arts (NAPA)
National Carnival Commission of Trinidad and Tobago
National Cultural Commission
National Theatre Arts Company
Queen's Hall Board
Trinidad and Tobago National Steel Symphony Orchestra

2. ATTORNEY GENERAL

The Law Reform Commission
Environmental Commission
Industrial Court
Council of Legal Education
Hugh Wooding Law School
Anti-Corruption Investigation Bureau
Equal Opportunity Commission
Equal Opportunity Tribunal
Tax Appeal Board
Central Authority
International Law and Human Rights Unit

3. COMMUNITY DEVELOPMENT

National Association of Village and Community Councils
Village Councils
Export Centres Company Limited

4. EDUCATION

Local School Boards
National Commission for UNESCO
Education Facilities Company Limited
National Schools Dietary Services Limited
National Library and Information System Authority (NALIS)

5. ENERGY AND ENERGY AFFAIRS

Lake Asphalt of Trinidad and Tobago (1978) Limited
National Gas Company of Trinidad and Tobago Limited
National Quarries Company Limited
Petroleum Company of Trinidad and Tobago Limited (PETROTRIN)

Trinidad and Tobago National Petroleum Marketing Company Limited (NP)
Alutech Limited
La Brea Industrial Development Corporation
National Agro Chemicals Limited
National Energy Corporation of Trinidad and Tobago Limited
NATPET Investment Company Limited
NATSTAR Manufacturing Company Limited
NGC NGL Company Limited
NGC Trinidad and Tobago LNG Limited
Phoenix Park Gas Processors Limited
Powergen
Trinidad and Tobago LNG Limited
Trinidad and Tobago Marine Petroleum Company Limited
Trinidad Nitrogen Company Limited
Trinidad Northern Areas Limited
TRINMAR Limited
TRINTOC Services Limited

6. ENVIRONMENT AND WATER RESOURCES

Institute of Marine Affairs (IMA)
The Environmental Management Agency
The Green Fund Advisory Committee
Water and Sewerage Authority (WASA)
Water Resources Agency

7. FINANCE AND THE ECONOMY

Central Tenders Board
National Insurance Appeals Tribunal
National Insurance Board
National Insurance Property Development Company Limited (NIPDEC)
National Lotteries Control Board (NLCB)
Trinidad and Tobago Civil Aviation Authority
Trinidad and Tobago Unit Trust Corporation
Corporation Sole
Divestments
Investments
BWIA West Indies Airways Limited (New BWIA)
Caribbean Airlines Limited
First Citizens Holdings Company Limited
National Enterprises Limited (NEL)
Rum Distillers Limited
The Sugar Manufacturing Company Limited
Trinidad and Tobago Forest Products Company Limited (TANTEAK)
Taurus Services Limited
Caribbean Investment Corporation
Tourism and Industrial Development Company (TIDCO)
Trinidad and Tobago (BWIA International) Airways Corporation (Old BWIA)
Trinidad and Tobago Development Finance Limited
Caribbean Development Network Limited
Caribbean Microfinance Limited

Colonial Life Insurance Company Limited (CLICO)
First Citizens Bank Limited (FCB)
First Citizens Mortgage & Trust Company Limited
First Citizens Investment Services Limited
Trinidad and Tobago Mortgage Agency Company Limited

8. FOOD PRODUCTION

Agricultural Society of Trinidad and Tobago
Caribbean Agricultural Research and Development Institute (CARDI)
Cocoa and Coffee Industry Board
Livestock and Livestock Products Board
National Agricultural Marketing and Development Corporation (NAMDEVCO)
Agricultural Development Bank (ADB)
Caribbean Food Corporation
Sea Food Industry Limited

9. FOREIGN AFFAIRS

Nil

10. GENDER, YOUTH AND CHILD DEVELOPMENT

Adoption Board
Children's Authority

11. HEALTH

Boards regulating the Practice of Medicine and Related Professions
Children's LIFE Fund Board of Management
Eastern Regional Health Authority
North Central Regional Health Authority
North West Regional Health Authority
South West Regional Health Authority
Dental Council of Trinidad and Tobago
Drug Advisory Committee
Emergency Medical Personnel Council of Trinidad and Tobago
Food Advisory Committee
Medical Council of Trinidad and Tobago
National Emergency Ambulance Service Authority
Nurses and Midwives Council of Trinidad and Tobago
Pesticides and Toxic Chemicals Board
Pharmacy Council of Trinidad and Tobago
Opticians Council of Trinidad and Tobago
Princess Elizabeth Home for Handicapped Children

12. HOUSING AND URBAN DEVELOPMENT

Sugar Industry Labour Welfare Committee
Rent Assessment Board
Caroni 1975
Community-based Environmental Protection and Enhancement Company Limited (CEPEP)

Estate Management Business Development Company Limited (EMBD)
Housing Development Corporation (HDC)
Urban Development Corporation of Trinidad and Tobago Limited (UdecoTT)
Trinidad and Tobago Mortgage Finance Company Limited (TTMF)

13. JUSTICE

Nil

14. LABOUR AND SMALL AND MICRO ENTERPRISE DEVELOPMENT

Boilers Examiners Board
Minimum Wages Board
Registration, Recognition and Certification Board
Friendly Societies
Cipriani College of Labour and Co-operative Studies
National Entrepreneurship Development Company Limited (NEDCO)
National Productivity Council
Occupational Safety and Health Authority

15. LAND AND MARINE RESOURCES

Land Settlement Agency (LSA)

16. LEGAL AFFAIRS

Law Revision Commission (LRC)
Legal Aid and Advisory Authority (LAAA)
Police Complaints Authority (PCA)
Sentencing Commission
Criminal Injuries Compensation Board

APPENDIX II

MINUTES OF PROCEEDINGS

**MINUTES OF THE THIRTIETH MEETING OF THE JOINT SELECT COMMITTEE OF PARLIAMENT APPOINTED TO INQUIRE INTO AND REPORT ON GOVERNMENT MINISTRIES (GROUP I) AND ON STATUTORY AUTHORITIES AND STATE ENTERPRISES FALLING UNDER THOSE MINISTRIES HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6, AND IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD
PORT OF SPAIN ON JULY 18, 2014**

PRESENT

Mr. Elton Prescott, SC	Chairman
Dr. Dhanayshar Mahabir	Vice-Chairman
Ms. Stacy Roopnarine, MP	Member
Mrs. Carolyn Seepersad-Bachan, MP	Member
Dr. Amery Browne, MP	Member
Mr. Emmanuel George	Member
Mr. Gerald Hadeed	Member
Mr. Faris Al-Rawi	Member
Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Assistant Secretary
Ms. Kimberly Mitchell	Graduate Research Assistant
Mr. Johnson Greenidge	Parliamentary Intern

ABSENT

Mrs. Patricia McIntosh, MP	Member (Excused)
Dr. Delmon Baker, MP	Member (Excused)
Mr. Jairam Seemungal, MP	Member (Excused)
Mr. Ganga Singh	Member

REPRESENTATIVES OF THE ENVIRONMENTAL MANAGEMENT AUTHORITY

Dr. Allan Bachan	Chairman
Mr. Michael Rooplal	Deputy Chairman
Mr. Leroy Baptiste	Director
Mr. Philip Vilain	Director
Ms. Gayatri Badri-Maharaj	Managing Director (Acting)
Mr. Hayden Romano	General Manager, Technical Services
Ms. Claudina De Leon-James	Manager, Corporate Services
Mr. Mark Aggerholm	General Manager, Administration and

Mr. Frances Mitchell-Wanliss

Support Services
Manager, Permit Monitoring, Complaints
and HSE

REPRESENTATIVES OF THE MINISTRY OF THE ENVIRONMENT AND WATER RESOURCES

Mrs. Vidiah Ramkhelawan
Dr. David Persaud

Permanent Secretary
Environmental Manager

COMMENCEMENT

- 1.1 The Chairman called the meeting to order at 9: 52 a.m.
- 1.2 The Chairman indicated that Dr. Delmon Baker, MP, Mr. Jairam Seemungal, MP and Mrs. Patricia McIntosh, MP had requested to be excused.

CONFIRMATION OF MINUTES OF THE TWENTY-NINTH MEETING HELD ON JUNE 06, 2014

- 2.1 The Chairman invited Members to consider the Minutes of the 29th Meeting held on June 06, 2014 and inquired whether there were any amendments.
- 2.2 The following amendments were proposed by Members:
- i. **Item 5.2 on page 4** – delete the first sentence and replace with “**Members proceeded to give their views on the matter. The Chairman then stated he was satisfied that the Cabinet Minute which established the ACIB, had identified the Ministry of the Attorney General as the supervising body**”;
 - ii. **Item 6.4 (iii) on page 5** –
 - a. in the heading, remove the space between the word “**area**” and the letter “**s**”;
 - b. in the first line, delete the word “**from**” and substitute it with the word “**through**”;
 - c. in the second line, insert delete the words “**in that field.**”
 - iii. **Item 6.4 (vii) on page 6** -
 - a. in the second line, delete the words “**an investigative function**” and replace with the words “**investigative functions**”

- b. in the third line, delete the word “**of**” and substitute with the words “**or not**”;
- iv. **Item 6.4 (viii) (a) on page 7** – hyphenate the words “**stand by**”;
- v. The use of capital letters in the words “**Police Service**” throughout the Minutes should be consistent;
- vi. **Item 6.4 (xv) (c) on page 9** – in the first line, replace the word “**inspector**” with the word “**Inspector**”;
- vii. **Item 6.4 (xvii) on page 10** – in the second line, replace the word “**close**” with the word “**closed**”;
- viii. **Item 6.4 (xviii) on page 10** –
 - a. in the second line, hyphenate the words “**fast tracking**”; and
 - b. in the third line, delete the word “**introduce**” and replace it with the word “**introduced**”.
- ix. **Item 6.4 (xix) (a) on page 10** – in the first line, insert the words “**on an**” after the word “**testing**”;
- x. **Item 6.4 (xxi) (a) on page 11** –
 - a. in the first sentence delete the word “**in**”
 - b. in the fourth line, delete the word “**also**” and replace it with the word “**has**”;
- xi. **Item 6.4 (xxii) on page 11** – in the second line, delete the word “**Standard**” and replace it with the word “**Standards**”;
- xii. **Item 6.4 (xxiv) on page 11** – in the second line, insert the word “**as**” after the word “**used**”; and
- xiii. **Item 6.4 (xxv) (a) on page 12** – in the third line, insert the word “**indicating**” after the words “**as**”.

2.3 The motion for the confirmation of the Minutes was moved by Mr. Hadeed and seconded by Mr. Mahabir.

2.4 The item *Matters Arising from the Minutes* was deferred until after the public hearing.

CONSIDERATION OF DRAFT INQUIRY PROPOSALS

3.1 The Committee agreed to consider the Draft Inquiry Proposals to after the public hearing.

3.2 The meeting was suspended at 10:03 a.m.

[Members proceeded to the J. Hamilton Maurice Room on the Mezzanine Floor]

PUBLIC HEARING WITH OFFICIALS OF THE ENVIRONMENTAL MANAGEMENT AUTHORITY (EMA) AND THE MINISTRY OF THE ENVIRONMENT AND WATER RESOURCES

4.1 The meeting resumed (in public) at 10:10 a.m. in the J. Hamilton Maurice Room.

4.2 The Chairman welcomed the officials and introductions were exchanged.

4.3 The Chairman of the EMA and the Permanent Secretary of the Ministry of the Environment and Water Resources made opening remarks.

4.4 Detailed hereunder are the issues/concerns raised by Members of the Committee and the responses proffered by the Officials:

(i) The ability of the EMA to regulate and manage environmental challenges

- a. Officials of the EMA stated that the Authority had a lot of “catching up” to do following its establishment. Environmental issues have changed over the years and the population is more sensitive to and ware of these issues.
- b. The Environmental Management Act needs to be updated and the Authority is pursuing the enactment of new legislation concerning solid waste, hazardous waste and air pollution.
- c. Historically, the Authority’s primary focus has been on the permitting process. The Authority is currently being streamlined to focus more holistically on its core functions, namely compliance, monitoring and enforcement.
- d. The Authority is seeking to build internal capacity to dealing with an increasing number of operators in the energy, agriculture and quarrying industries. In that vein, the authority has recognized the need for more resources to be directed to its compliance department in order to increase its capacity to execute its functions. Nevertheless, the EMA has been able to

increase its capacity to monitor Certificates of Environmental Clearance (CEC) from 1% in 2011 to 42% in 2014.

(ii) Action by the EMA in relation to quarrying

- a. Quarrying is a sensitive matter as there are implications associated with it. The Authority's capacity does not allow it to deal with this matter independently, therefore the Authority has forged collaborations with the Ministry of Energy and Energy Affairs, the Commissioner of State Lands and the Commissioner of Police in an effort to address this issue. The Authority also has representation on the Minerals Advisory Committee.
- b. There is a taskforce, which includes the Police Service and the Defence Force, which deals with illegal quarrying. The current complement of the EMA's Environmental Police Unit (EPU) is eleven (11) officers. These officers are responsible for enforcement and surveillance for the whole of Trinidad. In response to this manpower shortage, a proposal has been submitted to Cabinet to increase the number of officers to one hundred (100).
- c. There are risks associated with intervening in illegal quarrying operations and therefore the necessary safeguards must be instituted to ensure that these risks are addressed.
- d. The Authority is considering the issuance of receipts/slips to trucks exiting quarries as a form of proof of a legitimate purchase. Consideration is also being given to the establishment of a police post in the Valencia region to treat with illegal quarrying.
- e. There is a current proposal for the establishment of a multi-sectorial quad termed the 'Ranger Squad' that will address the security and environmental aspects of illegal quarrying. This proposal is currently being considered by Cabinet.
- f. Concerning the quarrying situation in Valencia, the Authority indicated that it was unaware of the details and whether or not prosecutions were being pursued was a matter for the central police. The Authority therefore cannot confirm whether equipment seized from an illegal operator was valued at eighty (80) million dollars nor whether or not equipment of similar value was purchased to continue this illegal operation. The Authority was also unable to confirm whether aggregate from this illegal operation was purchased by the State.
- g. The Authority will investigate a breach of a Certificate of Environmental Clearance (CEC) but it is the responsibility of the Police Service to prosecute the offenders.

- h. The EPU was not part of the joint exercise into the Valencia quarrying situation.

(iii) Notice of Violations

- a. A Notice of Violation is issued to the relevant party when there is a breach of a condition in a CEC. This notice highlights the breach and requests that representation relative to the breach be made by the offending party.
- b. After a notice is issued by the EMA, the matter can be settled via a Consent Agreement or failing this, the matter can be referred to the Environmental Commission via an Administration Order. A party may have committed multiple breaches under a single CEC.

(iv) Assistance from the Military

The Authority has tried unofficially to get support from different entities of the State. Acquiring of assistance from the military is an option that is being considered.

(v) The Green Fund projects

- a. The major issues related to reforestation are climate change and carbon sequestering.
- b. The Authority has partnered with the University of the West Indies (UWI) and the Forestry Division to execute a pilot project in Nariva geared towards the replanting of trees that have been destroyed overtime. UWI will also be monitoring the carbon benefits of this project. The project is expected to be completed in two (2) years and will be used as a blue print in rehabilitating other areas specifically in Valencia.

(vi) The Petrotrin oil spill

- a. The Authority's role with respect to emergency responses, under Section 25 of the Environmental Management Act, is to assess and recommend remediation and rehabilitation works.
- b. The Ministry of Energy and Energy Affairs was the designated first responder in accordance with the Oil Spill Response Contingency Plan and the EMA provided support. The Authority assessed whether the incident was as a result of a breach of the conditions of a CEC. Having conducted this assessment the Authority did an evaluation of the cost of rehabilitating the area, and based on this, a Consent Agreement was identified and entered into with Petrotrin and a fine was levied.

- c. As a consequence of the experiences of this disastrous event, an Emergency Response Department was established to enhance the Authority's monitoring and response capacity to oil spills, river pollution and other forms of environmental hazards/threats.
- d. This oil spill incident was investigated by a task force and the resultant report has been submitted to Cabinet. Therefore, the Authority submitted that it would be inappropriate for it to pronounce on what was the cause of the spill.
- e. The Authority had gotten information that COEXIT 9500 was used in clean-up operations of the oil spill, but based on independent lab studies, there was no evidence which suggested that that this substance was responsible for the death of fish and birds.
- f. Subsequent to the oil spill, the Authority thought it was necessary to amend Section 25 of the Environmental Management Act.

(vii) Use of fireworks and firecrackers

The Authority currently has no jurisdiction over the granting of approval for the use of fireworks and firecrackers. This matter falls under the remit of the Fire Service. The Authority was of the view that an amendment to the Environmental Management Act would be required to give it jurisdiction over such matters.

(viii) Social events

- a. Party promoters are obligated to apply to the Authority for a Noise Variation if they intend to go beyond a certain decibel level during their event. If a variation is granted for an event, members of the EPU would visit and monitor that event. Given the current capacity of the EPU, not all events can be monitored and events with a history of violations are given priority in terms of monitoring.
- b. A flaw in the monitoring process is that monitoring has to be done continuously for thirty (30) minutes to register a legitimate reading. The Authority suggested that the Rules should be amended to reduce the monitoring period.
- c. The Authority does not have the capacity to receive calls from the public on a 24/7 basis. There was a project during a Carnival period where a hotline was in place and this achieved a measure of success. An internal committee is working on a 24/7 complaints hotline to deal with noise and other environmental complaints. The Authority anticipates that the hotline would become operational within two (2) months. Electronic monitoring was also being considered by the committee.

- d. The Authority has a Facebook page where complaints can be posted. However, due to its limited capacity, these complaints cannot be addressed in a timely manner.

(ix) Involvement of the EMA in the drafting of environmental laws

- a. The Authority is currently reviewing the Environmental Management Act, the CEC rules and the Noise Pollution Control Rules with the intention of making amendments. The Authority is utilizing the services of external lawyers to draft amendments to existing statutes as well as to draft new Rules such as the Air Pollution Rules, Solid Waste Management Rules and Hazardous Waste Rules. The second drafts of the new rules and the amendments to the existing laws are expected to be completed by the end of August, 2014. Also, the Authority established a Legislative Review Committee in 2013 and the drafts Rules and amendments are the products of that Committee.
- b. The Legal Department communicates with the Technical Services and Compliance departments and then make recommendations regarding amendments to legislation.
- c. The Authority has been challenged to build and maintain the capacity of its legal services/expertise due to a high turnover of staff in the Authority's Legal Department which currently comprise less than ten (10) lawyers. An expansion of the Legal Department was recently approved and its size is expected to be increased to twenty-five (25) lawyers.
- d. The last occasion legislation was amended was in the year 2012 when an amendment was made to the CEC rules concerning quarrying.

(x) Research conducted by the EMA

- a. The Authority established a Strategy and Research Unit that undertakes risk profiling based on CECs, Environmental Impact Assessments (EIAs) and other studies conducted. This process identifies potential risks in various areas and allows the Authority to better regulate its permitting process.
- b. The Authority was unable to confirm whether or not any research had been conducted which examined the impact of pollution on schools located in areas with high vehicular traffic.

(xi) Display of certificates/permits

- a. A stipulation of CECs and water pollution permits is that they must be displayed in a publicly noticeable location.

- b. The Authority has conducted site visits inclusive of a visit to the site of the Point Fortin Highway and requested that the CEC be produced. Site visits are not planned and therefore entities are not given notice that these visits will be conducted.

(xii) An Environment Incentive Programme

- a. The Beverage Containers Bill, is an incentive mechanism that the Authority played an active role in formulating.
- b. Additional initiatives in this regard are expected to be pursued under the Authority's 2014 – 2018 Strategic Plan, which is being developed and is expected to be completed by the end of September, 2014.

(xiii) Community noise pollution

- a. Contrary to public opinion, the Authority is not responsible for 'community noise'. This matter is addressed under the Summary Offences Act and therefore the Police Service has jurisdiction.
- b. The Authority has assisted in training officers of the San Fernando City Police Unit in the use of noise meters. They were also provided with noise meters so that they can monitor noise levels independently.
- c. At present, training in the use of noise meters is being given to officers of the EPU, as well as to Municipal Police Officers and to the wider Police Service. Noise meters are very expensive and the Authority will need to collaborate with the Ministry of National Security and the Commissioner of Police to determine how these meters can be provided to officers of the Police Service.

(xiv) Conducting Environmental Impact Assessments

- a. The Authority is not responsible for conducting EIAs. The responsibility lies with the applicant and the consultant he/she may employ.
- b. By law, the EMA is required to review an EIA within eighty (80) days from the date it is received from the applicant. However, inadequacies in an EIA submitted by applicants, would cause delays in the processing of same. At present, the average processing time is between nine (9) to twelve (12) months.

(xv) Human resource issues

- a. There is currently an acting Managing Director, pending the filling of the vacancy. The Authority reviewed the job specification of this position and determined that the holder of this position needed to be concerned with managing the strategic plans/objectives of the organization rather than its day-to-day operations. In order to remedy this, three (3) General Manager positions were created and have been filled.
- b. With the creation of these General Manager positions, the Authority indicated that it could now focus on hiring a Managing Director, as there is a greater awareness of the skill set that is required.
- c. The Authority has also filled a number of critical vacancies. The structure of the organization has been realigned and a proposal was forwarded to the Minister of the Environment and Water Resources for consideration.

(xvi) Compensation issues

The workforce of the Authority is unionized and negotiations are underway between the Board of Directors and the Trade Union.

(xvii) The Authority's relationship with its line Minister

The EMA reported that it has an excellent relationship with its line Minister, who is very supportive of the Authority and has given his commitment to provide what is required by the EMA to develop its effectiveness and efficiency.

(xviii) Existence of the issues faced by the EMA

The issues confronting the Authority have been encountered since the inception of the organization and has accumulated over time to this present state.

(xix) Storage of CEC records

- a. The Authority is mandated by law to have the Register for CEC applications in printed form. However, this does not prevent the Authority from also storing these records in electronic form.
- b. New CEC applications are scanned on receipt. Therefore, the present conversion of records from manual to electronic format is focused on more dated applications. The Committee was advised that the conversion process was 50% complete and this took approximately 9-10 months to complete.
- c. The digitized version of the register will be made available to the public when it is completed.

4.5 The Chairman thanked the officials of the EMA and the Ministry of the Environment and Water Resources for their attendance.

4.6 The Meeting was suspended at 12:13 p.m.

(Officials of the Environmental Management Authority and the Ministry of the Environment and Water Resources exited the room)

Requested information

4.7 Further to the discussions which transpired during the hearing, the EMA was asked to provide the following information to the Committee:

- i. details of any research conducted by the Authority that examined the impact of noise and air pollution on schools located in areas with high vehicular traffic;
- ii. is the Authority aware of the situation along the East-West Corridor where the water in tributaries are discoloured possibly as a result of industrial pollution? If so, what action has the Authority taken or plan to take to address this matter;
- iii. is the Authority equipped to effectively regulate the discharge of effluent by yacht owners, particularly those docked along the North-Western Peninsula;
- iv. is the Authority aware of the practice of the burning of vegetation in watercourses along the North-Western Peninsula? If so, what type of action has the Authority pursued to curb this practice;
- v. the number of complaints received by the Compliance and Enforcement Unit that were found to be actual breaches and the action taken in each case;
- vi. the challenges faced in implementing the Environmental Incentive Programme and the timeframe for the implementation of this programme;
- vii. the number employees assigned to the Compliance Enforcement Unit;
- viii. the number of Certificate of Environmental Clearance (CEC) currently being monitored and the timeframe (i.e. whether weekly, monthly, quarterly) applied for monitoring compliance to the stipulations of these CECs;
- ix. does the Authority require more power to effectively enforce the stipulations set out in CECs;
- x. does the Authority have a Human Resource Strategy in place that promotes/facilitates the continuous development of personnel;
- xi. when is the National Sensitization of Environmentally Sensitive Areas project expected to commence;
- xii. when the five (5) species of turtles (mentioned on page 45 of your submission) are designated as Environmentally Sensitive Species, would it be illegal to capture these turtles;

- xiii. provide responses to the issues raised by the *Fishermen and Friends of the Sea*

4.8 The Authority also gave their assurance that they would provide the Committee with their Strategic Plan for the period 2014 – 2018 and a summary of the Register of CECs.

POST-HEARING DISCUSSIONS

5.1 The meeting resumed at 12:17 p.m. at the same venue.

Consideration of Draft Inquiry Proposals

5.2 The Committee agreed that the following issues should be included in the Inquiry Proposal on the National Insurance Property Development Company Limited (NIPDEC):

- a. whether there are time frames for conducting activities such as the preparation of a Memorandum of Understanding and the tendering process;
- b. how prepared is the company to comply with the provisions of the proposed Public Procurement Bill; and
- c. the company's relationship with other state bodies such as the National Insurance Board (NIB) and the Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT).

5.3 A Member requested that more time be given for the consideration of the Draft Inquiry Proposal of the Estate Management and Business Development Company Limited (EMBD)

5.4 The Chairman agreed to accommodate the request and requested that Members submit their amendments and or comments on the draft to the Secretary.

CONSIDERATION OF THE DRAFT 10TH REPORT ON THE NATIONAL INSURANCE BOARD

6.1 The Chairman deferred the approval of the Draft Report on the NIBTT and NIAT to the next meeting in order to give Members sufficient time to consider the draft and to submit comments to the Secretary.

MATTERS ARISING FROM THE MINUTES OF THE TWENTY-NINTH MEETING (Revisited)

7.1 The Chairman brought the following matters to the attention of Members:

- **Item 4.1 page 4:** the Committee's report on the HDC was presented to the

Houses;

- **Item 7.3 page 13:** letters were dispatched to certain Ministers requesting outstanding Ministerial Responses. Thus far, the Minister of Legal Affairs has provided a Ministerial Response.

ADJOURNMENT

8.1 The meeting was tentatively adjourned to September 19, 2014.

8.2 The Committee concluded its meeting at 12:22 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

August 12, 2014

**MINUTES OF THE THIRTY-FIRST MEETING OF THE JOINT SELECT COMMITTEE OF PARLIAMENT APPOINTED TO INQUIRE INTO AND REPORT ON GOVERNMENT MINISTRIES (GROUP I) AND ON STATUTORY AUTHORITIES AND STATE ENTERPRISES FALLING UNDER THOSE MINISTRIES HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6, AND IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD
PORT OF SPAIN ON NOVEMBER 07, 2014**

PRESENT

Mr. Elton Prescott, SC	Chairman
Dr. Dhanayshar Mahabir	Vice-Chairman
Ms. Stacy Roopnarine, MP	Member
Mr. Jairam Seemungal, MP	Member
Dr. Amery Browne, MP	Member
Mr. Emmanuel George	Member
Mr. Gerald Hadeed	Member
Mr. Faris Al-Rawi	Member
Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Assistant Secretary
Ms. Kimberly Mitchell	Graduate Research Assistant
Mr. Johnson Greenidge	Parliamentary Intern

ABSENT

Mr. Ganga Singh	Member (Excused)
Mrs. Carolyn Seepersad-Bachan, MP	Member (Excused)
Dr. Delmon Baker, MP	Member
Mrs. Patricia McIntosh, MP	Member (Excused)

REPRESENTATIVES OF THE ENVIRONMENTAL MANAGEMENT AUTHORITY

Dr. Allan Bachan	Chairman
Mr. Philip Vilain	Director
Mr. Hayden Romano	General Manager, Technical Services

**REPRESENTATIVE OF THE MINISTRY OF THE ENVIRONMENT AND
WATER RESOURCES**

Dr. David Persaud

Environmental Manager

COMMENCEMENT

1.1 The Chairman called the meeting to order at 9: 53 a.m.

1.2 The Chairman indicated that Mrs. Carolyn Seepersad-Bachan, MP, Mrs. Patricia McIntosh, MP and Mr. Ganga Singh had requested to be excused.

CONFIRMATION OF MINUTES OF THE THIRTIETH MEETING HELD ON JULY 18, 2014

2.1 The Chairman invited Members to consider the Minutes of the 30th Meeting held on July 18, 2014 and inquired whether there were any amendments.

2.2 The following amendments were proposed by Members:

- i. **Item 4.4 (i) (a) on page 4** – in the third line, delete the word “**ware**” and replace it with the word “**aware**”;
- ii. **Item 4.4 (ii) (e) on page 5** – in the first line, delete the word “**quad**” and replace it with the word “**squad**”; and
- iii. **Item 4.4 (viii) (d) on page 7** - insert the words “**human resource**” after the word “**limited**”.

2.3 The motion for the confirmation of the Minutes was moved by Mr. Hadeed and seconded by Dr. Browne.

MATTERS ARISING FROM THE MINUTES OF THE THIRTIETH (30th) MEETING

3.1 The Chairman brought the following matters to the attention of members:

- **Item 4.7 page 11:** the information requested from the EMA was received and copies were circulated to Members;
- **Item 4.8 page 12:** the EMA sent correspondence indicating that a summary of its Register of Certificates of Environmental Clearance can be accessed on their website and the projected timeframe for the completion of their strategic plan 2014 – 2018 is January 2015;

- **Item 5.2 page 12:** following the approval (with amendments) of the proposal for an inquiry into the National Insurance Property Development Company Limited (NIPDEC), the Secretary wrote to the company requesting responses to certain written questions.
- NIPDEC responded by providing a legal opinion which advised that the Committee had no jurisdiction to enquire into the company's affairs. The Committee responded noting the content of the legal opinion but advised that it planned to proceed with its inquiry. NIPDEC responded stating they stood by the legal opinion submitted but provided responses to the Committee's queries as a courtesy.

3.2 Following length discussion by the Committee on the way forward concerning its inquiry into NIPDEC, the Committee agreed to issue an invitation to NIPDEC to attend a public hearing. It was also agreed that written notice of this hearing will be issued to the National Insurance Board; NIPDEC's parent entity and its line Minister (the Minister of Finance and the Economy)

Consideration of Draft Report on an inquiry into the administration and operations of the National Insurance Board of Trinidad and Tobago (with particular focus on the Board's relations with the National Insurance Appeals Tribunal)

4.1 The Chairman directed members' attention to the draft report on the NIBTT and NIAT which was circulated for the consideration of members prior to the meeting and he inquired whether members had any suggested amendments.

4.2 Dr. Mahabir indicated that he provided the Secretary with a hard copy of the report comprising proposed amendments. He suggested that certain typographical and stylistic adjustments be made to ensure that the format of the report was in compliance with the Chicago Manual of Style.

4.3 The Committee referred to item 3.72 of the draft report that captures evidence regarding alternative methods of confirming whether clients of NIBTT were alive. Members agreed that the findings of the report should be amended to reflect the fact that the Committee was in support of the efforts of NIBTT to collaborate with the Ministry of Legal Affairs, for the purpose of confirming deaths, so as to minimize the requirement for clients to submit Life Certificates.

4.4 The Chairman sought a volunteer to present the report in the House of Representatives. Mr. Seemungal volunteered to make the presentation, while the Chairman indicated that he would do so in the Senate.

Pre-Hearing Discussions

5.1 The Chairman informed members that a team of officials of the Environmental Management Authority (EMA) was present to meet with the committee for the second time. However, he advised members that the size of the team was reduced compared to the last occasion due to the unavoidable absence of some members of the team.

5.2 The Chairman reiterated that a second submission was received for the EMA following the first public hearing and informed members that an *Issues Paper* based on this submission AND was circulated for the consideration of members.

5.3 The Chairman directed members attention to a list of questions concerning the affairs of the EMA which was received from a member of the public (Mr. Allam Rooplal) on November 06, 2014.

5.4 The Chairman suggested that it was within the discretion of members to pursue the questions received from Mr. Rooplal with officials of the EMA. The committee agreed to this suggestion.

Suspension

6.1 The meeting was suspended at 10:30 a.m.

[Members proceeded to the J. Hamilton Maurice Room on the Mezzanine Floor]

PUBLIC HEARING WITH OFFICIALS OF THE ENVIRONMENTAL MANAGEMENT AUTHORITY (EMA) AND THE MINISTRY OF THE ENVIRONMENT AND WATER RESOURCES

7.1 The meeting resumed (in public) at 10:37 a.m. in the J. Hamilton Maurice Room.

7.2 The Chairman welcomed the officials and introductions were exchanged.

7.3 The Chairman of the EMA made opening remarks.

7.4 Detailed hereunder are the issues/concerns raised by Members of the Committee and the responses proffered by the Officials:

(i) Establishment of an office in Tobago

- a. Since its establishment the EMA has not operated an office in Tobago, thus processing environmental matters related to Tobago is currently done in Trinidad. There is also no compliance monitoring nor any coordination of

enforcement on the island.

- b. The EMA advised the Committee that it met with the Chief Secretary of the Tobago House of Assembly and the Secretary for the Environment regarding the delays in the processing of matters relevant to Tobago and it was agreed that the authority would establish an office in Tobago.
- c. With this office the authority would be better able to provide its core services (regulatory, monitoring and compliance) on the island. The office will comprise a public education team that will focus on issues specific to Tobago and a help desk.
- d. The EMA indicated that the proposal for its Tobago office was developed based on statistical analysis. There are approximately 150 Certificates of Environmental Clearance in Tobago. Therefore, the authority anticipates that a large team or office would not be necessary. The intention of the EMA is to have the necessary skills available in Tobago to address matters there.

a. Air quality

- a. The EMA has little jurisdiction over air quality as the Air Pollution Rules have not been enacted. The Air Pollution Rules have been submitted to the Ministry of the Environment and Water Resources for review.
- b. The Authority can only take action if air pollution is a condition under a Certificate of Environmental Clearance (CEC).

(ii) Water pollution

- a. The Water Pollution Rules were formulated to guarantee compliance by companies as a company would need to simply register point sources of pollution. After source registering, the company would need to provide data for a period of three years to prove that they are a polluter. The EMA would then decide if the schedules of the Water Pollution Rules are being met or a permit to pollute is required.
- b. The permitting process is drawn-out as the company making the application is required to submit information on the status of the effluent and the water it discharges to the Authority. However, the authority does not have the laboratory facilities required to conduct independent tests.
- c. The Authority believes that the legislation would be more effective if polluters and potential polluters were given a permit or license and penalized for any breaches instead of having to prove they pollute. The Authority cited Petrotrin as an example of a company that has the potential

to be a polluter but yet had to provide information and get tests done before they could be issued a permit.

- d. The Authority can take action regarding water pollution if the entity guilty of polluting is operating under a CEC. If the operation does not fall under a CEC, the Environmental Management Act along with its rules would come into effect but the legislation is lenient and the Authority believes that it does not allow for the proper management of the environment.

(iii) Partnering with other agencies

- a. When the Environmental Management Act came into existence, there were other pieces of legislation in place pertaining to environmental protection. Thus the EMA was given the responsibility for environmental coordination.
- b. The Authority considers partnering with other bodies/agencies as a key strategic intervention and has entered into a number of Memoranda of Understanding.
- c. The current board of the Authority has been in place for a little over a year and has had a number of meetings with other state agencies that have legislation that allows for cooperation. Partnerships have been sought and committees set up whereby efforts are combined in areas such as quarrying. There have also been critical dialogue with stakeholders and entities in the private sector.
- d. The EMA has partnered with the Ministry of Land and Marine Resources in order to overcome challenges in entering state lands as the permission of the Commissioner of Lands was needed. After discussions with the Permanent Secretary of the Ministry, a blanket approval for the purpose of investigation and enforcement was given to the Authority.
- e. The Authority has collaborated with the Tobago House of Assembly to ensure that the Authority has a presence on the island for the purpose of monitoring and enforcement.

(iv) Response to complaints

- a. The Authority has established an Emergency Response and Investigations Unit and intends to increase the strength of the Environmental Police Unit in order to provide coverage 24 hours per day.
- b. In the near future, a hotline and complaints database would be established to monitor the status of investigations and coordinate response.

(v) Preservation of watersheds in the Northern range

- a. The challenges regarding environmental degradation accumulated over time. The Authority has undertaken an *ambient water quality standards project* with the University of the West Indies to identify the extent of water pollution from the watershed management approach.
- b. Regarding *net point source assessment*, the Authority does not directly engage with the Water and Sewage Authority (WASA), but interacts with the Water Resource Agency to identify the impact of potential developments and whether permits were required to regulate certain activities.
- c. The Committee on quarrying would meet collectively to review applications for a license to quarry. Prior to the formation of the Committee, all the agencies involved worked in isolation. This created a problem whereby the EMA would provide conditions for the applicant and when the application is made, the conditions would be different as the other agencies had their own conditions.
- d. The Committee on quarrying has a “no net loss policy” which entails rehabilitation and remediation. The Authority collaborates with the Conservator of Forests regarding deforestation.
- e. A police post will soon be operating in Valencia to allow for specialized monitoring and enforcement as the degradation of natural resources requires a certain extent of focus.

(vi) Building a relationship with WASA

The Authority has spoken to WASA and would consider collaborating with regards to watershed management.

(vii) Projects regarding pollution

- a. The Authority views projects on noise and air pollution as having value but there is a problem with funding. Funding allocated is not sufficient to even purchase equipment and there have been incidents where equipment had to be rented.
- b. The Authority has an education programme and focus will be placed on awareness and public education in the current strategic planning period.

(viii) Protection of sea turtles

- a. Funding has been provided for communities in the east, north-east and south coasts for development whereby the environment and the turtles can be utilized

- to generate eco-tourism, agro-tourism and sustainable jobs.
- b. A two-day turtle symposium was held recently with representatives from Ministries, Government agencies, private sector, communities involved in conservation as well as persons interested in conservation.
 - c. *The National Sea Turtle Monitoring Programme* was launched two years ago and utilizes persons from the communities that have been trained in the gathering of scientific data and designing programmes. This Programme along with partnerships from entities in the private sector such as BHP Billiton and Atlantic, allows the Authority to determine the population of turtles.
 - d. The population of Sea Turtles in Trinidad is estimated at 10, 000. This includes the largest population of leatherbacks and highest density of nesting sites in the world.
 - e. There have been publications dating back to 2003 claiming that more than 1, 000 sea turtles are killed each year as a result of by-catch which suggests that there should be no turtles. These publications are based on subjective data by inquiring from fishermen how many turtles are caught. A scientific assessment needs to be done and the Authority is currently designing a scientific method under the *offshore monitoring programme* to determine the extent which by-catching is impacting on turtles. This information is required in order for the EMA to determine the extent of intervention required.
 - f. Regarding the 5 turtles that were caught in a gill net, the EMA was unable to be present at the location due to a lack of capacity. However, there are multiple agencies that have jurisdiction over this matter and the Chairman of the Fisheries Division and representatives of the wildlife section of the Ministry of the Environment and Water Resources were present as they had the capacity to be on location at that point in time.

(ix) Noise pollution

- a. The EMA issues noise variation permits for events and they are considering issuing institutional permits for venues which will be valid for a year.
- b. There is a public misconception about the EMA's role in noise pollution. The Authority has jurisdiction over events for which an application for a noise variation permit was made and granted. These events are monitored. However a variation has to be registered for a sustained 30 minute period in order for officers of the Authority to be able to enter the premises and request that the audio level be turned down. The authority advised that such a sustained

variation in the approved noise level seldom occurs at events due to the manner in which music is played.

- c. All other incidents of noise pollution falls under the jurisdiction of the Police Service. The EMA has been working with the Police Service to allow for greater intervention relative to noise pollution. The Authority has held numerous meeting with the Police Service as well as regional Corporations.

(x) Lack of progression by the EMA over the years

The major problem faced by the Authority over the years was a lack of collaboration. If environmental matters are to be addressed, they must be approached through a collaboration of efforts. The EMA has pursued a collaborative agenda by pursuing partnerships.

(xi) Steps taken to retain a Managing Director on a permanent basis

Advertisements were placed in newspapers publicizing the position. These advertisements were published in the *Newsday* on October 23 and November 02, the *Guardian* on October 21 and 26 and in the *Express* on October 19 and 29 as well as November 03.

(xii) The National Environmental Action Taskforce

- a. The Chairman of the EMA is not only a member of the taskforce but also chairs it. He views himself as being highly independent in terms of arbitrating on matters and seeks the best interest of the country. While the taskforce is made up of persons from Government institutions, the technical expertise of the taskforce should not be lowered as the team is very competent. The research institutions of the University of Trinidad and Tobago have some of the best research and scientific minds in the country.
- b. The taskforce has done a number of assessments, reviewed documents, sought to find ways to address the issues of the oil spill and how such incidents should be alleviated in the future.
- c. The taskforce was formed by Cabinet and hence the report generated would go to Cabinet.

7.5 The Chairman thanked the officials of the EMA and the Ministry of the Environment and Water Resources for their attendance.

7.6 The Meeting was suspended.

(Officials of the Environmental Management Authority and the Ministry of the Environment and Water Resources exited the room)

Requested information

8.1 Further to the discussions which transpired during the hearing, the EMA was asked to provide the following information to the Committee:

- i. the Authority's stance on the use of gill nets and its plan of action;
- ii. how many applications for a noise variation permit have been declined over the past year?
- iii. the status of consideration and potential implementation of the Beverage Containers Bill;
- iv. is the Authority aware of plans to place a recycling plant at the Beetham Landfill or any other landfill to pursuant to the proposed enactment of the Beverage Container Bill?
- v. the organizational chart of the Authority;
- vi. the current number of employees at the authority, the number of vacancies, the number of promotions and to what respective positions were these promotions made over the past two years;
- vii. the methodology in place for the recruitment and training of staff?
- viii. regarding the Environmental Impact Assessments (EIA) of the Water and Sewage Authority/National Gas Company project for the water reuse facility and the Mon Desir leg of the highway project conducted by OAS, state who reviewed the EIA, what supervision over the review process was conducted and when were the decisions taken?
- ix. did the Authority have any input into the formulation of the Ministry of Energy and Energy Affairs disaster preparedness plan?
- x. provide details of the \$20 million dollar fine paid by Petrotrin resulting from the oil spill including when was it paid and where was the money applied to?
- xi. did the authority acquired a building located at Mulchan Suchan Road and if so, please state whether the building has all the necessary approvals, why is it not occupied and what was the price paid by the Authority to acquire this building?
- xii. with respect to the illegal quarrying situation in Valencia; where an estimated 100 million dollars in equipment was seized, what is the state of the Authority's monitoring and investigation on this particular incident and what are the recommendations to the Commissioner of Police?
- xiii. was a request made to the Commissioner of Police for the allocation and appointment of police officers to the Authority and if so, when was this request made?
- xiv. inquire from Cabinet and indicate whether the report of the National Environmental Action Taskforce can be made public.

POST-HEARING DISCUSSIONS

9.1 The meeting resumed at the same venue.

Next meeting date

9.2 The Committee agreed to hold its next meeting on November 21, 2014 at 9:30 a.m. at which time it would conduct a public hearing with officials of NIPDEC.

9.3 It was agreed that prior to the commencement of the public hearing with NIPDEC, the Committee would hold a brief *in camera* meeting with the officials of NIPDEC to discuss any apprehensions/reservations they may have regarding the inquiry.

Consideration of work schedule for the fifth Session (2014/2015)

9.4 The Chairman sought the views of members regarding the entities or issues to be examined in the current session of Parliament (2014/2015). He advised members that based on the list of entities the committee agreed to examine in October 2013, inquiries were conducted into five entities. He indicated that the remaining entities on that list were:

- i. National Insurance Property Development Company Limited (NIPDEC);
- ii. Estate Management and Business Development Company Limited (EMBD);
- iii. National Agricultural Marketing and Development Corporation (NAMDEVCO);
- iv. Agricultural Society of Trinidad and Tobago (ASTT);
- v. Law Review Commission; and
- vi. Prices Council.

9.5 Dr. Browne suggested that the Committee should inquire into the preparedness of the Ministry of Health to deal with vector-borne threats and the merging Ebola epidemic/pandemic.

9.6 Members expressed their opinion regarding Dr. Browne's proposal. In the end, it was agreed that the Secretariat would prepare a draft inquiry proposal based on Dr. Browne's suggestion and the document will be considered by the committee at its next meeting.

9.7 It was also agreed that following NIPDEC, save for the inquiry into the Ministry of Health, the next entity that will be examined will be EMBD.

ADJOURNMENT

10.1 The meeting was adjourned to November 21, 2014.

10.2 The Committee concluded its meeting at 12:29 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

November 19, 2014

APPENDIX III

NOTES OF EVIDENCE

VERBATIM NOTES OF THE THIRTIETH MEETING OF THE JOINT SELECT COMMITTEE OF PARLIAMENT APPOINTED TO ENQUIRE INTO AND REPORT ON GOVERNMENT MINISTRIES (GROUP I), STATUTORY AUTHORITIES AND STATE ENTERPRISES FALLING UNDER THEIR PURVIEW, HELD IN THE ARNOLD THOMASOS ROOM (EAST), SIXTH FLOOR, AND AT THE J. HAMILTON MAURICE ROOM (MEZZANINE FLOOR), TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, JULY 18, 2014, AT 9.52 A.M.

PRESENT

Mr. Elton Prescott SC	Chairman
Mr. Gerald Hadeed	Member
Miss Stacy Roopnarine	Member
Mrs. Carolyn Seepersad-Bachan	Member
Mr. Emmanuel George	Member
Dr. Dhanayshar Mahabir	Vice-Chairman
Mrs. Patricia Mc Intosh	Member
Mr. Faris Al-Rawi	Member
Dr. Amery Browne	Member
Mr. Jairam Seemungal	Member [<i>Excused</i>]
Mr. Julien Ogilvie	Secretary
Miss Kimberly Mitchell	Graduate Research Asst.
Mr. Johnson Greenidge	Parliamentary Intern

ABSENT

Mr. Ganga Singh

Member [*Excused*]

Mr. Delmon Baker

Member [*Excused*]

Mr. Chairman: Good morning all, and welcome to this the 30th meeting of the Joint Select Committee appointed to consider and report to Parliament on Ministries, Statutory Authorities and State Enterprises (Group 1).

A special welcome to the Chair and Permanent Secretary and members of the Environmental Management Authority, and, of course, the Permanent Secretary in the relevant Ministry. The Environmental Management Agency is here today at our invitation. They have made submissions to us, which we will enquire into. The objectives are set out and I shall read them subsequently. But for the moment, may I invite you Chairman, Dr. Bachan, to introduce the members of your party, or have them introduce themselves?

[Members of the Environmental Management Authority and the Environmental Management Authority introduced themselves]

Environmental Management Authority

Dr. Allan Bachan

Chairman

Mr. Michael Rooplal

Deputy Chairman

Mr. Leroy Baptiste

Director

Mr. Phillip Vilain

Director

Ms. Gayatri Badri Maharaj

Managing Director Acting

Mr. Hayden Ronamo

GM, Technical Services

Ms. Claudina DeLeon-James

Manager, Corporate Services

Mr. Mark Aggerholm

General Manager,
Administration & Support
Services

Ms. Frances Mitchell-Wanliss

Manager, Permit Monitoring
Complaints & HSE

Ministry of the Environment and Water Resources

Mrs. Vidiah Ramhkelawan

Permanent Secretary

Dr. David Persaud

Environmental Manager

Mr. Chairman: Thank you, very much. I could probably start the introductions of the committee. Pardon me, have you completed the list of persons present, Sir? Or, you only accounted for yours? Well. Sir, may I invite you to state your name and we would go, this way. The Permanent Secretary, yes.

Mr. Chairman: Thank you. I am Elton Prescott. I am the Chair of this committee and to my right is the Vice-Chair.

[Members of the Joint Select Committee introduced themselves]

Mr. Chairman: Thank you very much. Chairman we, in our exchanges, had received from you certain correspondence and information on the basis of which we have outlined six objectives for this enquiry, which I should read into the record:

1. to ascertain the level of success the EMA has had in executing its responsibilities as per the Environmental Management Authority Act and the National Environmental Policy, with specific reference to prevention of environmental pollution (inclusive of air, water, marine and noise pollution) and illegal quarrying;
2. to understand the processes and procedures involved in the acquisition of a Certificate of Environmental Clearance and the criteria to be met in qualifying for same;
3. to understand the processes and procedures involved in the performance of an Environmental Impact Assessment (EIA) and under what circumstances are such assessments conducted;
4. to determine the role of the EMA in disaster preparedness and management;
5. to gain an appreciation of the relationship between the EMA and other entities involved in environmental management; and
6. to ascertain what are the major challenges hindering the effective administration and operations of the EMA.

Of course, these are not limited headings. We shall be questioning you, each of

us, I suspect and do doubt you may have something to say to us, for the purpose of which I would like to invite both you and the Permanent Secretary in that order to make some brief opening remarks, Dr. Bachan.

Dr. Bachan: Thank you, Chairman. The Environmental Management Authority is thankful for the invitation to answer questions before this honourable committee. We hope that our discussions here can raise awareness of the issues and the challenges that we face as an authority in the fulfilment of our mandate.

The Environmental Management Authority is on a restructuring mode in order for us to basically ensure that we are able to achieve the mandates that we have been given and as we go into our new planning session for our new strategic plan 2014—2018, we would be glad to highlight some of the issues that we have highlighted in order for us to become a more effective authority. Thank you.

Mr. Chairman: Mrs. Ramkhelawan.

Mrs. Ramkhelawan: Thank you, Chair. As I mentioned before, the Environmental Management Authority is a statutory authority that falls under the purview of the Ministry of the Environment and Water Resources. As accounting officer for that Ministry, therefore, my role is to ensure that funds which are appropriated to the EMA by Parliament are disbursed in a timely manner and in accordance with the purpose for which they have been appropriated.

With respect to policy and strategy, the Ministry receives recommendations from the Environmental Management Authority, such recommendations which we review and ensure that they are in keeping with Government's broader-strategic development objectives. Having done that, then we obtain ministerial approval and submit to Cabinet for approval. So the role of the Ministry is that there is an accounting, in terms of ensuring that the subvention is remitted to the Environmental Management Authority as well as there is a strategic policy role for the Ministry. Thank you.

Mr. Chairman: Thank you, very much. Before we proceed to the questions from this committee, may I, for the record, just invite you to use the microphones before you when you speak? You press the speak button and that ought to ensure that you are recorded. So, members of the committee, do we have any questions for the EMA and/or for the Ministry?

Mr. George: May I? The EMA came into being, I think, some time in the late 90s, is it? Even at that time I felt that it was an entity that was coming into being pretty late in the day and would have had a lot catching up to do and so my first question is: Do you think that, as a country we have been making substantial progress in advancing successfully the challenges faced by the environment in Trinidad and Tobago? Essentially, therefore, I am asking whether you think our environment is being attended to properly by the EMA, in terms of the remit that it has on the law.

I have a second question that is not related to that but is one that concerns me very much, having to do with quarrying, particularly in the hills heading to Toco, which used to be so very pristine. Many years ago, I would frequent Toco and Balandra, and so on, the beaches in that area, or when I would fly over to Tobago and be able to look down and see virtually untouched forest. What is the EMA doing, if anything at all, to assist the Ministry of Energy in facing the challenge of the denudation the hills in that area as result of the mining and quarrying that is taking place there? They are two separate questions but, in a way related. Thank you, Mr. Chairman.

Dr. Bachan: Thank you, Chairman. The first question relates to the EMA and its ability to regulate and manage environmental matters in the country. As you quite rightly said, the EMA came into being and had quite a bit of catching up to do. Over the years, a lot has changed in environmental issues. We now have a population that is more sensitive to environmental matters. We have a population that is more demanding for environmental stewardship. We have a population that is becoming more aware, through social media, and other forms of communications that exist. So, the demands by the public for an authority such as the EMA is ever-increasing.

However, the EMA faces a number of challenges in order to meet the challenges and the demands placed on environmental issues and the regulating of those environmental issues. We have legislation that was dated in 2001. This legislation needs to be updated in the realities of the times that we are in. I would say that this board and management of the authority has, over the last six to eight months, been pursuing changes in the current legislation, as well as pursuing the new legislation such as the Solid Waste Rules, the Hazardous Waste Rules, the Air Pollution Rules, and these pieces of legislation are being pursued very vigorously.

Having said that, the EMA itself, in the past, the focus has been on the permitting process. A very strong emphasis has been placed on the permitting process. As a regulatory body, one of the things that we have to understand is that there is an holistic process that needs to be accomplished if we have to be an effective body. While the regulatory process is important, the issues of compliance, monitoring and enforcement are critical components in order for a regulatory body to be effective and efficient. What we have done is we have identified in the EMA these core aspects of our work and we have streamlined the authority in order to effectively address these three main areas.

The authority is also looking at capacity building within the authority, in terms of our own people and specialized skills that may be required, given the different types of industries that are now applying for permitting applications. Over the last few years, we have seen an increase in the amount of oil and gas applications. We have seen an increase in the amount of agricultural applications. We have seen an increase in the amount of quarrying applications. So, the industry areas are now expanding, in terms of the need for permitting and regulation in those regards.

On the issue of compliance and monitoring, we need to ensure that once these permits are issued there is proper monitoring that takes place to ensure compliance, and this is done by the compliance department, and we have ensured that we have reviewed that department and we have found that that department, over the years, have been strapped for resources, in terms of equipment and manpower in order to achieve their mandate.

10.25 a.m.

Dr. Bachan: If you permit me to give some statistics, I know Sen. Mahabir is one who likes statistics. In 2010, the number of CECs being monitored were unrecorded and unknown. In 2011, the percentage of CECs being monitored was a little over 1 per cent; 2012, 9 per cent; 2013, we have brought it up to 32 per cent, and currently as of June 2014, we are up to 42 per cent.

So, Senator, to answer your questions, while it is we are cognizant of the fact that we have a responsibility and we have a role to play, and we are sensitive to the demands of the population, with the resource that we have had, we have been basically focusing them, such that we are moving towards targets based on proper statistical analyses now.

So how we allocate our resources is based on our analysis that we are now conducting.

With regard to the issue of quarrying, the quarrying matter is a very sensitive matter, there are certain implications associated with quarrying. Our relationship—we have fostered a number of relationships over the last year or two, specifically with the Ministry of Energy and Energy Affairs, the Ministry of—well, the Commissioner of State Lands, the Commissioner with responsibility for forests. So these partnerships among these entities have been fostered.

We also sit on the Minerals Advisory Committee, where the planning and how to deal with the interventions on quarrying matters are being looked at. Now, specifically to the EMA's role, the EMA's involvement in terms of taking the necessary action is predicated on the fact that these legal quarries require permits in order to operate. Our actions against illegal quarrying are on the basis of CEC applications that are either required, or CEC applications that existing quarries may have, and that is the basis on which we regulate.

The EMA has been working with joint teams, together with the Commissioner of State Lands and the minerals advisory team at the Ministry of Energy and Energy Affairs, because there is also a taskforce that also encompasses the police, the army, in terms of dealing with these quarrying matters. There are a number of challenges that are faced in this regard from our perspective, in that our current capacity of our environmental police in Trinidad is—we currently have 11 police officers, who are responsible for the whole of Trinidad; 11 officers.

We have requested and we have submitted a proposal to Cabinet to increase our numbers based on discussions with the Minister of the Environment and Water Resources, to increase our numbers by 100 police officers, to 100 police officers strength, in order for us to be effective in terms of being able to deal with, not only the illegal quarrying, but illegal scrapyards, illegal logging, and now, the issue of wildlife hunting in forested and highly sensitive areas throughout Trinidad. We are hoping that will receive favourable consideration from the Cabinet, and we will get the necessary resources. We have clearly identified the required strength and the justification for it.

The EMA is committed to dealing with these matters, Minister, and we continue to pursue these matters. However, we also have another factor and another component

associated with it, and that is the risk factor, that is why this matter is a very delicate matter. One would remember last year when we had a joint exercise, and the Director of Mineral's house was shot up, as well as my own life was threatened. So we need to appreciate the risks associated with these interventions, and we need to ensure that when we pursue these interventions, we are in a position to basically address the associated risks of these interventions.

Mr. Chairman: Do you have a follow up question?

Mr. Al-Rawi: Good morning to members of the EMA and through you, Mr. Chairman, to the listening public. May I, first of all, congratulate you for an excellent package response by the EMA. Clearly a lot of very good work went into trying to meet the questions that were put to you by this Joint Select Committee. May I state that I believe that the exercise of a joint select committee such as this, provides very useful purpose, because it is entirely non-partisan, and it is intended to hear where your complaints are, to understand where the squeak is, which wheel requires oil, so that we can jointly prescribe to the Parliament forms of solutions, that we can advocate in the country's best interest. So thank you for the excellent packaged responses. I expected no less from Ms. Badri-Maharaj, knowing the quality of her work as I have for years.

Mr. Chairman, on the issue of quarrying, you raised a critically important factor as to policing, and I join issue with my learned colleague, Sen. George, on the issue of quarrying. I am very concerned. In your report at page 38, you actually addressed the deficiencies in the service, the fact that you need—the fact that you have one corporal and 11 police constables in Trinidad, doing the work of 100 persons.

You have also raised, very importantly, the issue of the Commissioner of Police, and fact that your police force is supplemented by the Commissioner of Police, through the deployment of special reserved police. So I am concerned as to what kind of agitation you require of the Commissioner of Police, because he is the entity in the Constitution of the Trinidad and Tobago, charged with the management of the police service, not Cabinet. Cabinet may equip you to pay salaries, but your manpower efficient, your deliverable of the bodies to conduct the work, really comes from the Commissioner of Police. In dealing with this exercise, it is on the public record, that the denuding and breaches of the laws of Trinidad and Tobago with respect to quarrying, in a

particular cite in Valencia, involved the seizure of \$80 million worth of equipment, trucks, loaders, all of which would be registered in the registry as to ownership.

I understand, that absolutely nothing has transpired with respect to the \$80 million worth of equipment seized, and that, worse yet, the offenders bought what seems to be the equivalent of another \$80 million worth of equipment, and restarted the operation. So I am very, very concerned and today we would encourage you to squeak away, to get the oil because it seems that the EMA is doing its part, because Google maps alone can show you the denuding of the forests. It is literally there in real time on Google, depending upon the type of package that you have. So you have a surveillance technique immediately available. You can then cross reference. You have an excellent library at the EMA, and all CEC applications are open for public inspection. I have used it many times before, and you can see whether a CEC exist for the area or not.

So if I could invite you to address us on what seems to me to be a serious abdication of responsibility by the Commissioner of Police. I do not mean he himself, I mean the Office of the Commissioner, because this is something which has gone on for years. A serious abdication of responsibility for a situation where there is quarrying and, worse yet, that the product is being bought by the Government of Trinidad and Tobago, essentially, through the procurement processes through contractors and subcontractors on the ground, in the building of a highway.

So if you could address us on how it is your advocacy can lean into finding a solution to a serious breach of the laws of Trinidad and Tobago, potentially hundreds of millions of dollars if not billions, because the highway cost is over \$7 billion alone of raw material being sold from the Government's hills to the Government itself. This is no attack on the Government of Trinidad and Tobago, because there are subcontractors involved in the equation. So that is point one.

If you could also address us on the coordination of the Green Fund. Now, the Green Fund is specifically meant to deal with the reforestation aspects, et cetera, community organization projects, et cetera. But it seems to me that with the Ministry's inter-coordination, that is, the Ministry of Housing and Urban Development, the Ministry of the Environment and Water Recourses, the line responsibility in your entity, the EMA, that this management of the reforestation aspect and the community involvement in that,

the checks and balances in place, would assist us in trying to tackle the tail end of the problem.

The last point that I would ask you to address and it is another ballpark point, has to deal with the similar coordination that goes on in enforcement, very similar to that which prevails in the quarrying sector. The enforcement with respect to what we saw in the Petrotrin disaster, that oil spill which gripped Trinidad and Tobago at Christmas, and for the residents in La Brea and Point Fortin, and the environment has caused serious consequence, where we seem to be getting different sides of a story which does not add up.

The fact that at first it was sabotage, the fact that it then appeared to be a faulty line, through lack of maintenance of a facility, which was brought to attention certainly within the last four years. What is the EMA's role in the policing, as it does for quarrying in relation to that incident, the oil spill incident, where particularly the EMA has, in fact, levied a serious fine on Petrotrin? How does the Government manage itself through its own entities? Rather, I should say how does the State, not the Government, manage itself through the respective entities? Is it that the State is getting away with the breaches of the law with impunity, as it is with the National Quarries, as it is perhaps with Petrotrin? And, is the EMA stymied in any way from prescribing a more serious level of prosecution other than just by the levy of a fine?

Mr. Chairman: Dr. Bachan, this has been quite a lead up to the questions.

So may I invite you to deal with them separately? The first of them that I have is what agitations are required of the Commissioner of Police in relation to quarrying? Can you address that? And the second as I have it is an expansion of your role in relation to the Green Fund. Thirdly, if you could deal in a nutshell, with the EMA's treatment of the Petrotrin disaster and the connected resources of the State, human as well as financial.

Dr. Bachan: Thank you, Chair. Senator, on your first question with regard to agitation with the Commissioner of Police, I will tell you that the EMA has been having numerous discussions with senior officers in the police service, including the adjutant who has responsibility for the special reserve police, with the intent of increasing our numbers and our capacity in terms of police.

The thing is, that we need to understand that we talk about crime, but

environmental crime is a serious matter, and it also—these environmental crimes that we talk about in terms of illegal logging, illegal scrapyards, illegal quarrying. These avenues are mechanisms that fuel the crime situation, and we need to address these matters. They are as serious as other aspects of crime, and I label them as environmental crimes, and they need to receive our focus.

10.40 a.m.

We have been speaking with the Commissioner's office, as well as senior officers, with regard to increasing and justifying our capacity. As I said, our strength is very low for the whole of Trinidad. We have not only these matters to deal with, but we have a number of the complaints relative to noise and other environmental challenges, dumping, any environmental matter, the EMA gets called to basically look into.

We have come up with some strategies to address these matters in the short term, while we pursue this strategic agenda and I will share some of those initiatives with you.

Mr. Al-Rawi: Sorry, Dr. Bachan. Sorry to interrupt. I am very concerned to point to the clear evidence which surely must exist in the Valencia quarrying situation, which ties in, not only to an environmental crime, which may lend the suggestion to damage to forestation, et cetera; but literally the theft of billions of dollars, potentially, worth of aggregate. Surely the EMA has that evidence through its police investigation, if only by way of production of the certified copies with respect to the \$80 million worth of equipment seized already. What is happening with that matter?

Dr. Bachan: Well, Senator, I am not aware of the details of that. That is a matter for the police.

Mr. Al-Rawi: Sorry. I am grateful for your clarification. Is it that the environmental police that we are talking about; these 11 persons, have nothing to do with that particular matter? Was the EMA at all involved in that breach of CEC, et cetera, that evidence that

falls under your statutory
purview?

Dr. Bachan: The breach of the CEC is a matter that the EMA looks into, the actual prosecution of the matter, because when we go into these areas we do joint interventions, but the police actually moves forward with the prosecution. So that is a matter that is best addressed—

Mr. Al-Rawi: And the EMA police, specifically, did not coordinate with the DPP?

Dr. Bachan: No.

Mr. Al-Rawi: Why?

Dr. Bachan: Because, again Senator, the responses to the quarrying matters are joint initiatives and we provide support because we do not have the capacity at this point in time. As I said, appreciate the dangers that are outside there and you have to ensure that people are protected when we go outside there. We need to ensure that we have the necessary support and the various agency operate under their role. Our legislation, as well, while we have the use of our police officers, we need to, in the process of working together, we allow the various state agencies and police themselves to function in their capacity and we provide—because right now we mainly provide a supporting role in these interventions to allow for us to enforce, where necessary, under our legislation, under our breach of a CEC or the like. But the actual prosecution and moving that forward is a matter that currently has to be dealt with by the police service itself.

Mr. Al-Rawi: In terms of the recommendation for prosecution, having identified that there may or may not be a breach of the laws that fall under your management, is a recommendation on the table, has one been made, that you are satisfied at your end that there is a breach and that, therefore, there is evidence with which the DPP can consider

the police's involvement, whatever evidence they may have. But has the recommendation and fulfilment of your mandate been discharged by saying, "We are satisfied that there was a breach here". The breach is, for instance, section 32 of the EMA Act or whatever section it may be. We recommend that this matter be considered further. Have you passed that buck on to someone else just yet?

Dr. Bachan: I would not say it is passing on the buck, Senator.

Mr. Al-Rawi: Pass the baton on.

Dr. Bachan: As I said, different agencies have different responsibilities relative to the quarrying issue. The only way we can address it at this point in time is by joint coordination and joint interventions in this matter. So the EMA basically deals with it from our perspective in terms of—

Mr. Al-Rawi: Can I ask you a pointed question?

Dr. Bachan: Yes, Sir.

Mr. Al-Rawi: Is it that, if it were not for the exposure and the serious risk factor that you face—and I do not want to underestimate that value; I hear you loud and clear and we must all be careful about things like that. Is it that, if not for that situation, we could have had what we saw in Petrotrin where you levied a fine, somebody was made to pay something and then follow-up action can come on?

Mr. Chairman: Mr. Al-Rawi, I do want to focus on the quarrying issue for the moment. There are two follow-up questions. May I just invite those and allow Dr. Bachan to give us some broader response and then we come back to the Petrotrin issue?

Mr. Al-Rawi: My question was on the quarrying. If it were not for the fear factor, would the situation like what we saw in Petrotrin where a fine was applied to quarrying; in other words, is it fear of acting that is causing the nebulous answer that I am getting?

Mr. Chairman: So may I take the two follow-up questions that are associated and then allow Dr. Bachan to respond?

Miss Roopnarine: Thank you, Chairman. I will be brief with my question because I want to hear the officials from EMA and the Permanent Secretary and members of the Ministry of the Environment and Water Resources.

My question simply is this, and you have given a lot of explanation with respect to the illegal quarrying and the role of the EMA in that. In the information that you have given to us, you have indicated that you have served notice of violations. So you have given the data: in 2011, there were five notices served; in 2012, there were 10 notices served; and 2013, nine notices.

Could you just give us an indication of what are these Notices of Violation and what happens next? So there is a breach, whether it be somebody is operating without a CEC; you serve somebody a Notice of Violation. What happens next and what is the role of the EMA in the follow-up after that?

Dr. Bachan: Well, the issue with the Notice of Violation is, if there is a breach of a condition under a CEC, the EMA, having identified this breach, would then issue a Notice of Violation. The Notice of Violation would highlight this particular breach and the parties concerned would be asked to make representation relative to the breaches that were identified in the Notice of Violation.

What normally happens is that there are two aspects. To remedy the potential breach, the EMA and the party can consent to a Consent Agreement. If there is no agreement through the Consent Agreement, then the EMA can proceed basically to go to court under an Administration Order and we can then enforce through the Environmental Commission.

Miss Roopnarine: I am trying to understand. Is it safe to say that in the year 2013, there were nine illegal operators?

Dr. Bachan: Nine breaches.

Miss Roopnarine: And what is a breach, as opposed to an illegal operator?

Dr. Bachan: A breach may be nine breaches in a CEC. It may be that the same operator has violated on a number of occasions. There may be an operator operating in multiple areas; in the areas that they operate, there are breaches, but breaches are on the basis of nine breaches of nine CECs.

Dr. Maharir: Thank you very much. A follow up from what you have said, Mr. Chairman. It worries me tremendously to hear you say that there is a fear factor that exists within the EMA as it attempts to enforce the laws of the Republic of Trinidad and Tobago.

This fear factor could only arise if the various resources of the State are not adequately deployed in enforcing the laws, for we do have tremendous resources and I am just wondering, in particular, in relation to illegal quarrying where the illegal quarries are outside the site of the public—and they are usually in the hinterland and in the mountains—that there is merit—and I need to get your opinion—to getting assistance from the military of Trinidad and Tobago, so that you can have adequate surveillance on a real time basis, in addition to goggle maps.

And, second, there can be some cooperation so that there can be some military training exercises in those areas where it seems that the police is not assisting you adequately and you and your staff are fearful of going. Do you think the resources of the military may ensure that the environmental laws of the republic are going to be more adequately enforced?

Mr. Chairman: Dr. Bachan, as I had indicated, you can now take the opportunity to deal with each of the three issues as they impact on quarrying so that we can be better informed.

Dr. Bachan: Senator, dealing with the issue of illegal quarrying, we have to look at a multifaceted approach. One of the things that we are looking at, at the Minerals Advisory Committee on which the EMA sits within the Ministry of Energy and Energy Affairs, is that we are looking at the issue of slips given from the quarries through way bridges to be initiated whereby trucks coming out of these quarries would have identification, using the slip to say that this is a legitimate purchase. There are a number of initiatives that are being looked at. The EMA is also establishing a police post dealing with a lot of these illegal activities up there in the Valencia area. So that is another intervention that we are looking at, which we are hoping, as one of the interventions, once we get our increased contingent, so that we would have a point of presence.

Right now, the EMA is operating out of Port of Spain and, at the end of the day, the distances you have to travel is not practical. So we are looking at our strategic positioning throughout the country in order to better respond.

The issue relative to, as I said, the use of army and the like, I would say that in undertaking exercises at this point, we do use the joint, together with the Ministry of Energy and Energy Affairs and the Commissioner of State Lands, army/police mechanism and we have a very good relationship with Major Maharaj at Camp Cumuto.

We do try on the unofficial side to get the necessary support from the different entities within the State, but, as I said, the issue we need to address is the issue that we need to get the necessary resources in place if we have to basically address a lot of these illegal matters that are plaguing us at this point in time.

Yes, we have looked at those options and whether or not those options are a consideration—they are, but we continue to push for finding and to address these particular deficiencies that we do have in terms of the enforcement side of our mandate.

Chair, if I may, with regard to the issue of the question regarding the Green Fund projects, regarding the reforestation programme, one of the major issues is the issue of climate change and the issue of carbon sequestering. The EMA started a pilot project in the Nariva area, which is one of our environmentally-sensitive areas, in partnership with the University of the West Indies, and the Forestry Division towards identifying the issue of replanting the areas that were destroyed over the years in that Nariva area.

The intention as well, through the university, is also to monitor the carbon benefits that we can derive out of the exercise in terms of the replanting of these trees. That project is still ongoing. I believe there are two years to the project still and the university is basically the one that is part of the partnership in terms of capturing that data. It is hoped that the successes of that project can be utilized in terms of rehabilitating of other areas, specifically areas in the Valencia area. And I will tell you that there is a project that is being developed right now to deal with the replanting of the areas on which we have had the impact of illegal quarrying.

10.55 p.m.

Dr. Bachan: With regard to the issue of the role of the EMA with regard to oil spills, the oil spill that took place recently, earlier on this year, was a wake-up call to Trinidad and Tobago. It allowed us to understand what our response capability and what our manner of managing unfortunate environmental disasters such as this are. The EMA acts under the emergency response of section 25 of the Act, which is emergency response, and our role is to assess, recommend remediation and rehabilitation works.

I would also say that currently under this oil spill that took place, the Ministry of Energy and Energy Affairs is the first responder in the fact that they coordinate oil spills

through the oil spill response contingency plan. The EMA provides a support in that regard, however, that does not negate the fact that the EMA pursues its mandate relevant to ensuring the incident was not as a result of a breach of environmental requirements under the CEC.

Having identified that, the EMA identified the necessary breaches, and by virtue of section 25 and by virtue of the necessary requirements, did a preliminary evaluation of the cost it would take to rehabilitate and remediate going forward, and to monitor the impacts, and as such a consent agreement was identified and entered into whereby a fine, as you alluded to, was levied in this matter.

The EMA in terms of management, in terms of emergency response, and in terms of disaster response, disaster response is under the ambit of the ODPM. The EMA takes whatever action is necessary in order to ensure protection of human health, as well as protection of the environment. And actions are predicated on the basis of section 25.

Having gone through the experience of the Petrotrin oil spill, one of the things the EMA has done is that, we have established an emergency response department wherein, because what we have found is a number of cases of, not necessarily as large as the oil spill, but issues of people polluting rivers, and other issues relevant. So, there is now a greater monitoring taking place, and a greater response action that can now resound out of the EMA, in terms of looking into these matters and taking the requisite actions.

Mr. Chairman: Chairman, thank you very much, and for a fairly expansive response. But my colleagues have indicated—and myself share the view—that we need to come back closer to dealing with quarrying issues, and what has been described as the fear factor. Does the EMA feel that with all the resources now available to it, it has the capacity or the ability to address the illegal quarrying in the Valencia and north coast area? We do not seem to have gotten a direct answer from you on any of that issue.

Mrs. Ramkhelawan: Chair, if I may.

Mr. Chairman: Please.

Mrs. Ramkhelawan: Thank you. Chair, if I may. Recently the issue of quarrying and some of the negative impacts of illegal quarrying have been—is being addressed currently by a proposal through the Ministry of Energy and Energy Affairs for the establishment of a ranger squad which would be a squad that would be comprised of—it

is a multi-sectorial squad that would be addressing the security aspects, as well as the environmental and other aspects to address the negative impacts of this illegal quarrying. As I am aware, it is a proposal that is under consideration by the Cabinet.

So that the issue of security aspects and the criminal, and the impacts of crime and those aspects are under consideration at this point in time. So it is something that is much broader than just the EMA policing and enforcement. It is something that involves, you know, the entire national security and a number of national security aspects. And I would imagine because of the composition of this year's proposal for a committee to look at the establishment of this squad, that the national security forces are also—that issue that you raised, Sen. Mahabir, is also being considered: the use of the, you know, the soldiers and so on. Thank you.

Mr. Chairman: Should we go on with [*Inaudible*], Senator? [*Crosstalk*] Indeed?

Mr. Hadeed: With regards to the oil spill, would you be able to tell us if the oil spill was a direct cause caused by a bunkering error? Basically whether or not a line was left unattached during the course of the bunkering exercise, when they were loading a bunker?

The second question; I would like to know if the mullet fish kill was a direct result of oil pollution?

The third question I would like to ask is, do you have any evidence that the Government purchased aggregate that came from illegal quarrying?

Fourth question I would like to ask is; is the figure of \$80 million that was seized in equipment, a figure that you can confirm? And whether or not a further figure of \$80 million was purchased by the same perpetrators for use in illegal quarrying? Those are my questions.

Dr. Bachan: Minister, the last two questions I will answer very quickly, in that the \$80 billion can be confirmed as well as the—

Mr. Hadeed: I am not hearing you.

Dr. Bachan: The last two questions regarding the issue regarding the aggregate and the \$80 million—no, I cannot confirm that because I have no information to that extent.

The issue with regard to the mullet, we have undertaken to get independent analysis on the mullet issue. And based on the analyses that were conducted, the mullet

fish kills as is called, was not directly attributed to the oil spill.

The first question with regard to the bunkering error, Minister, this matter is being investigated by a task force, and the task force has submitted its report to the Minister, and onwards to Cabinet. So, I would prefer that question—it would not be inappropriate of me to answer that question at this point in time.

Mr. Hadeed: The question with regard—do you know for a fact whether or not that the Government purchased illegal material from any source in the construction of anything that was reported here?

Dr. Bachan: Minister, as I have said, the answer to your question is, no, I do not.

Mr. Chairman: Thank you very much. Sen. Dr. Mahabir and then Dr. Browne.

Dr. Mahabir: Thank you very much, Mr. Chairman. I shall confine myself to two questions at a time in the hope that maybe I will have an opportunity to come later on in the round.

And I want to concern myself, Mr. Chair, with some peoples' issues. The issue of noise pollution. In the area of noise pollution there are two problems that I have been able to discern, and one is, the use of fireworks and the use of firecrackers seems of now become part of the societal normal practice. It causes tremendous inconvenience to individuals and, in particular, to individuals who are pet owners. I would really like to know, one, on this question, why has the EMA not addressed this vexing and vexatious problem, which in my opinion can be easily addressed?

And the second is, with concerning individuals who are fete promoters who have not received the EMA's approval. What does the EMA do if it gets a report that someone is conducting a social event without the EMA's approval? So, first firecrackers, and then illegal fetes, as opposed to illegal quarrying.

Dr. Bachan: Chairman, if I may, I will ask my deputy chair to respond to that question.

Mr. Rooplal: Good morning, Chairman. Good morning members of the committee. Senator, to answer your first question; in respect of fireworks and firecrackers, the EMA does not have jurisdiction under our current legislation nor our noise pollution control rules, in terms of granting approvals for the use of fireworks or firecrackers. That jurisdiction lies exclusively with the fire services. I believe the relevant legislation, from my legal practice, I think it is the fire service or fireworks Order—I think that is what it is

called—that falls totally within the remit of the fire services. So unfortunately, we actually do not have jurisdiction over fireworks.

Dr. Mahabir: Do you think an amendment to the EMA law is something that will address this particular problem?

Mr. Rooplal: Yes.

Dr. Mahabir: I thank you very much.

Mr. Rooplal: I can confirm that it is something—as my chairman has indicated previously, we are looking at a total overhaul almost of a lot of the rules that we currently operate under. I think, when I was before the Public Accounts Committee two years ago we spoke about giving the EMA more teeth. This board has embarked on a very ambitious, and thus far, fruitful project in terms of revision to the rules. And one of the revisions that we are looking at is really to give us more jurisdiction in respect to fireworks and firecrackers. So that is something that we are actively looking at because we do believe that is not something that is being policed properly at the present time. So, we are looking at that.

In terms of your second question, in terms of fete promoters, when we do receive complaints, and I can tell you the process is, fete promoters are obliged by law to apply to the EMA for noise variation—that is what we call it—where they intend to go above a certain decibel level during the course of their event. Once they apply for the variation, we will do a site visit and assess the sites and so on, and we may grant a variation for them to go above certain prescribed levels for a period of time.

When we grant these variations, our police unit, the 11 officers that we do have, we send them out to the various locations, and they do monitor. Of course, you would understand that if it is a busy season like Carnival, there are only certain events that we can go to. So what we look at is really whether any events that has a history of violation or whether we have a history of complaints in respect of certain events, and then we send our officers out to those events. They will monitor. They have in the past. I think, this Carnival and last Carnival, certainly they have stopped events where the owners refused to go within the prescribed limit. What we have found though—and it again comes back to the question of giving the EMA more teeth—is, that we are severely limited by the noise pollution control rules in the current construct. As it stands, our officers must

monitor for a continuous period of 30 minutes. You would imagine that places severe limitations on us. Fete promoters may turn down the music within that 30-minute time, so we may not get a proper reading. One of the amendments that we are looking at right now is reducing that period of time from 30 minutes to as low as probably five minutes for us to have a quicker response time to monitoring the issue, and taking the necessary enforcement action.

Dr. Mahabir: Just a quick follow up, Chair, on that one. Do you have officers available at the EMA 24/7 to receive calls from the public when there are people who are bent on breaking the noise pollution rules?

11.10 a.m.

Mr. Rooplal: Currently, no. We do not have that in place because of the capacity that we have alluded to previously, the capacity issues that we have. We did embark, I believe a couple of years ago, on a project to have a hotline during the Carnival period, and that was fairly successful then. This Board is currently looking at having a hotline across the board. We are calling it a “complaints hotline” that will be operational 24/7. It is expected with the reorganisation and the streamlining within the EMA itself and the additional police officers which we hope to receive soon, we will be able to better deal and address these issues. So it is in the works, we do have a committee in place currently working on it and I could inform the committee and members of the public listening that hopefully within the next two months we will be rolling out this 24/7 complaints hotline. It will not only be dealing with noise but also any other environmental complaint. The hotline is set up to start addressing those issues.

Dr. Mahabir: Further follow-up. Will you also consider electronic monitoring so that someone can inform you via the website and so on, that there is an untoward activity going on?

Mr. Rooplal: That is currently being considered as well by the hotline committee that has been set up. I can tell you, we do have a Facebook page operational at the moment. People do complain on the page, but of course we do not have that 24/7 service currently. The complaints are not being addressed until way after the fact. So the committee that has been set up is actually looking at electronic means of dealing with the issues.

Dr. Browne: Thank you very much, Mr Chair, and I thank the members who are

appearing here for their responses thus far. I have a number of questions and I also have a concern that I wish to express to you and maybe I will start with the concern given the flavour of some of the responses thus far. I think my colleague is having some technology challenges.

The concern is this: you are the Environmental Management Authority, and I focus on the last word in that phrase “authority”. We have a number of other authorities in this country that we have established as a nation, designed to help us get a grip on challenging sectors, and the environment that you would have agreed has been a very challenging one for us as an oil based economy and many other factors. I am not getting the sense as yet that you are fully enable to act as an authority in the land of Trinidad and Tobago since 1995, and that applies to many others struggling to come up to speed, the Children Authority, the Police Complaints Authority. Some of them appeared before us here in the Parliament and we get so many rationales and reasons: lack of resources, outdated legislation, we do not have enough money to pay to retain staff, and it is becoming a very familiar echo.

So I started with my concern, and I am just inviting you to maximize and demonstrate even more leadership—and this is not any personal criticism—even more leadership in fulfilling the role that is really envisioned for this authority. I am not quite feeling it to full effect as yet, and always bear in mind that you do have, I mean, you talk about the rangers and so on, that you wish to bring on board, your best resources are the Republic of Trinidad and Tobago. And I do not know if there is anybody here, I am not seeing any title with respect to communication, but that leadership of the sector and engagement with the public I think will take us even further than the rules and the regulations and so on. I do not think the public has been captured and fully led and managed in that manner. So I just want to start with that and I have a number of fairly specific queries.

The first is with regards to the delays, the significant delays in legislation; with regards to Bills, drafting of Bills; with regard to regulations; with regards to rules relevant to the protection of the environment. And I want to be clear—to what extent is the EMA involved in assisting with the drafting or preparation of these different aspects of law? To what extent is the EMA involved in that process or does the EMA simply

wait on some other entity to prepare such? I heard mentioned by the Deputy Chair, that there was some process engaged since the last appearance of the Public Accounts Committee. Is that an in house process or have you all outsourced that capacity? I would like a little more details on that in terms of the capacity of your legal department to fulfil that support function for the preparation of these laws. I am just trying to identify where the significant gap or barrier is, why we keep saying that we do not have updated legislation and rules. So that is number one.

The second has to do with our schools and the fact that we have a number of schools—I could cite one primary school in particular in my own constituency, the Crystal Stream Government Primary School, that is located on a highway, and it is a highway that is expanding and becoming more and more of a high traffic area. So besides the reactive component which is an important part of your duty, I am concerned about the research component. Is there any monitoring, awareness or research taking place in terms of these young lungs, young minds, young skin being exposed to some of these threats that I am certain would exist for that school and a number of other schools in such close proximity to high traffic areas? A question more about your research potential and activity in that regard.

Moving right along, just a quick question on the oil spill, an issue of controversy has arisen and maybe you can guide us with regards to the use of core exist 9500. Just tell me the EMA's position, awareness, what has happened in that regard, has there been any evidence, have there been any findings? I am interested in the truth, so I am hoping you can help. Chairman I have a few more "eh".

So moving right along, there is another observation that has come up in the media from time to time, and that has to do with our industrial situation, particularly, in the East-West Corridor. I am certainly familiar with when some of us use the bus route. There are a number of tributaries that cross the bus route near the Eastern Main Road, the Laventille area, the Beetham area. Those streams are always rainbow queued. Sometimes they are red, sometimes they are green, sometimes they are blue, I have not seen any yellow as yet, but many different colours, and they all lead into the ocean. Something is wrong here. Something is very wrong and—has the EMA, is this on your radar screen? This is not an intermittent issue; this is continuous, ongoing, and if you go

there today you would recognise it, we have a traumatic problem, it is heading straight to our food supplies in the Gulf of Paria. Where do we stand on that matter?

Just two more. One has to do with the Yachting Industry and the effluents and discharge that I am aware, as a part time fisherman, occurs on a continuous basis. What is the EMA's role in helping to protect our food chain in that regard given the reality of emerging infections and all sorts of other things, epidemics that can affect our children and our families? And the last one is an observation I recently had cause to make in the Diego Martin area. There is some work being done to clean the watercourses and rivers and I am seeing a new technique now where these contractors and subcontractors are lighting fires in the watercourses, because this cleaning is occurring at the end of the dry season. Somebody apparently had a brainwave that a shortcut to the cleaning would be to light a fire, because some of the bush is dry, light a fire, so you have the entire ravine's and rivers that are set ablaze and then they are go in and just do the light removal. Has that been brought to the attention of the EMA, because I see that as a very dangerous practice and something that we need to take action on with immediate effect? It is not just on one occasion, I have seen it systematically in some of the clearing work that is being done in the Western Peninsula.

So while we need those rivers cleared, sometimes it is how you do it as opposed to what you do that can make a difference. So that is just a wide range, but just bear in mind I started with that overall concern I want to feel a sense of authority when the EMA speaks particularly to the public and that would give us a greater sense that this is a sector that is moving in the right direction. Our children and grandchildren will be safer to—

Mr. Rooplal: Mr. Chairman, permit me to answer Dr. Browne's first two queries in respect of the legislation. The process as it stands, we are currently reviewing the EMA Act with the intent of amending same. We are currently reviewing the CEC rules in terms of amending those as well and the noise pollution control rules. Those are amendments. We do have our internal legal team working with external counsel on those issues. I can tell you off the bat that we do not have a large team at the EMA. Historically, what you find at the EMA, certainly in terms of the salaries that we pay, you would find lawyers coming in when they are fresh out of law school, when the salary packages are a bit attractive at that point. But after three years in practice the salary

package is no longer attractive and they then move on. So historically we have had a turnover because of that in our legal department.

The Board recently approved the expansion of the legal department. Currently I think we have less than 10 lawyers. Under our expanded structure we are looking to have about 25 lawyers. Our legal team at the authority deals with a number of issues. As my chairman would have indicated a while ago we do have matters before the environmental commission, we do have from time to time judicial review matters in the high courts, certainly on issues that are of some public importance. Historically we have had to use the term loosely to brief out those matters to external counsel because we do not have the in-house capabilities. The intention is to curb that and to cut the cost factor in terms of going out to external counsel.

So we are presently building capacity. We are looking to, we have had interviews recently in terms of bringing on board more persons to our legal team to address certainly the environmental commission matters which are not as in-depth and detailed as the high court matters. So we would have our own legal persons dealing with those matters. So we are looking actively in terms of boosting our capabilities in terms of manpower. So apart from going to court and so on, we have our team working on the amendments.

Now, the legal department would liaise with our technical services department and our compliance department in terms of coming up with the recommendations for the amendments to the various pieces of the legislation that you spoke of. Once that is done, they will then put it in a format that we take in terms of instructions to an external counsel, and they will then prepare the amendments in terms of the rules once the rules are amended, the proposed amendment are there. It will have to go out for public comment and then we will submit it to the Ministry. I can tell you in terms of the EM Act, the noise pollution control, those and the CEC rules, we are looking to have that process in terms of the amendments being completed by the external lawyers by the end of August.

Now, apart from the amendments, we also have fresh rules coming on board soon. I think the committee will be well aware of the air pollution control rules. That was re-sent to the EMA recently after the review by the Ministry, and comments by the Ministry which have been taken into account, and we have resubmitted those rules to the Ministry.

So, it really is at the final point I think before it goes to Parliament. My understanding it has to go for negative resolution before Parliament. I am informed that it has to go to the AG's office. The next step is from the Ministry to the AG's office then to Parliament.

Air pollution rules a part, we have coming on board soon, solid waste management rules and hazardous waste rules. Those rules are currently being drafted by external counsel. We have already received the first draft of the solid waste rules as well as the hazardous waste rules. It has been send back to our technical team within the authority. We have made our comments. Those comments are now to be taken on board by the external lawyers preparing those rules for a second draft and it is anticipated that the second draft will be sent out for public comment also by the end of August.

11.25 a.m.

Mr. Rooplal: So I could say by the end of September this year the EMA would have completed its internal process vis à vis the amendments and the new rules. I will pass the mic on to Dr. Bachan to answer the rest.

Mr. Chairman: I thought you were through.

Mr. Rooplal: Yes, I was through. Dr. Bachan will answer the rest of Dr. Browne's questions.

Dr. Bachan: Dr. Browne, the other question was the issue regarding research and what is the EMA's position with regard to that in terms of information, specifically as you raised the issue of the school and the impact. One of the things the EMA has established over the last year is that we have established a Strategy and Research Unit in the EMA. We have started compiling—previously, information that has been submitted and other information that has been undertaken through studies and the like, have not been utilized in a manner that allows us to assess risk and to guide us in terms of a strategic manner in terms of mitigation of environmental risk and the like. So what we are in the process of doing right now, through this Strategy and Research Unit, is that we are looking at risk profiling based on the CECs, based on EIAs conducted, based on studies conducted, such that we can undertake to have this information collated to allow us to understand what are the potential risks in various areas based on GIS mapping and the like, and would allow us to then better regulate, in terms of conditionalities within our permitting processes. So that is a major focus right now that we are looking at.

The other question you asked is—

Dr. Browne: Sorry, hold on, just before you move on. Just to be clear, though, has the EMA done any research or studies, or is the EMA aware of any research or studies, locally, examining the impact of pollution, especially in high traffic areas, on the school population, or children?

Dr. Bachan: I am not personally aware of it, Dr. Browne, but I can get back to you in that regard. I do not know, personally. The other issue you raised is the issue with regard to the truth behind COEXIT. This has received the attention of the public for quite a long, protracted period and many have said the EMA has been quiet in terms of pronouncing. The reasoning behind that was, the EMA ensures that when we do make statements, our statement is based on fact. We have conducted a number of studies. We have gotten a number of lab studies, independent and outside of the country, to analyze fish sampling; the fish that have been identified as dead because of COEXIT; other species in terms of bird species and the like, and based on the test results, there is no indication that COEXIT is responsible in the deaths, nor can we find traces of COEXIT in samples that we have harvested through independent sampling within the live fish species as well as the dead ones that have been identified as washing up.

I believe I made a pronouncement on that a couple months ago in the public domain, but for the benefit of the viewing public, we have not found any evidence based on both local and outside independent testing that COEXIT has impacted on the fish species.

Dr. Browne: I hear you and you may have answered an important question slightly different—related, but slightly different—to the one that I asked, because you are indicating that you have found no evidence that COEXIT has caused the death to fish and other species. That is what you just said.

Dr. Bachan: Yes.

Dr. Browne: I am asking—and you are free to answer—is there any evidence, or have you received any information about the use of COEXIT 9500 in the response to the oil spill? It is two related but different questions. So I would like your clear answer.

Dr. Bachan: If I received evidence of the use of COEXIT?

Dr. Browne: Evidence or information that would lead the EMA to believe the COEXIT

9500 was used in the response to the oil spill. I do not think it is that complex.

Dr. Bachan: I believe that that question—

Dr. Browne: Because the possibility would exist that a chemical could have been used. Now I do not want to suggest anything because it is a question, but just to clarify. A chemical can be used and not cause the harm that some might feel. I am just asking, was it used or not, as far as the EMA is aware?

Dr. Bachan: The Minister of Energy and Energy Affairs has pronounced on that in Parliament and he has said it was used. Which one was it, Francis?

Mrs. Mitchell-Wanliss: Ninety-five hundred.

Dr. Bachan: Ninety-five hundred. Yes, the Minister has pronounced on it.

Dr. Browne: And the EMA, I take it, concurs with the Minister's—I am asking for the EMA's position, you know, not the Minister's.

Dr. Bachan: Yes. And we have concurred in terms of its use. We have gotten information relevant to its usage, where it was used, and over what span it was used. That information has been passed to the task force. The task force has undertaken a detailed analysis based on the amount, as well as the area in which it was utilized and, again, it is in the report of the task force which is before the Cabinet.

Mr. Chairman: Mrs. Seepersad-Bachan.

Mrs. Seepersad-Bachan: Thank you, Mr. Chairman. A special good morning to the members of the EMA, and I thank them for the submission that they have provided us with. This morning I want to just focus my questions on some of the issues raised in their submission, some of which, if you cannot answer this morning, I think we can get in writing.

First of all, I just wanted to go back to the point that was raised earlier about the existing legislation and the rules. When last was the EMA Act—this Act, actually—amended? And when last did you amend any rules?

Mr. Rooplal: Minister, permit me one moment, please, to just confirm that.

Mr. Chairman: If you could give a series of questions and—

Mrs. Seepersad-Bachan: Mr. Chairman, the point I am really trying to make here is that this is a continuous exercise. In terms of environment, there will always be amendments to the Act. What I have a concern about is that some of the things that they are supposed

to be amending is taking so long, and I do not know if it is because the EMA feels that they have to have a whole package before they come to Parliament. But while you are doing that, people are outside there, suffering. Damage is taking place.

Secondly, in terms of all the rules, whether there are air-pollution rules, noise-pollution rules, waste water, water-pollution rules—I mean, these things we have been seeing for so long, and these require, what, just negative or affirmative resolution. You can move with them one at a time. You do not need to have altogether.

The point I am making is—because many questions came up here this morning about noise pollution, and one of the problems I have—I mean, I can tell you, every public meeting I have in my constituency in San Fernando West, any meeting you go to, the complaint is about noise. What are we doing about noise? And I am not just talking about fetes and carnival, I am talking about the elderly citizen who is at home, or the babies who cannot—because there is noise from next door, a pub that opens up. And the issue is, if it is when you call them, they tell you, well—as you have just said—no officers available in the Environmental Police Unit; you have a shortage.

While you are taking time to develop that, what is happening? Can you not work with the police? The police tell you straight off, when you call them—I have called them, and when you call them, they tell you, “My hands are tied, because the Environmental Management Authority, we do not have the instrumentation to be able to measure the decibel”. Can we not get some kind of arrangement going at this point in time where you can train some of the police officers that can do this exercise? Because every day, every constituent that comes into your office, is complaining about this. You have to consider the impact on the health of our senior citizens and on the babies, young children, et cetera. Is there not a solution here, while we wait on all of this?

Let me just go on. The other issue is—because we talk about the noise-pollution rules. You said here that there is the compliance—on page five. You have a compliance and enforcement issue, the capacity. So we have noted from your submission that the number of rules and regulations, yes, have to be reviewed, but there is this suggestion, you know—and I heard it from businesses in our constituency—that probably because of the problems you have in terms of monitoring and enforcing, can we have the permits or so displayed on businesses and have citizens themselves help you with this monitoring

exercise? So that if they report it for you and they can check it and they can provide the evidence for you, I mean, probably it will start acting as a deterrent to this type of issue.

And furthermore, there is an issue here where you have—somewhere in the report I noted you had here as well, that you have all these complaints that come in. Let us say that you have all these complaints coming in—and you have it here in one of your tables. For example, page 23, you have here a number of complaints that are received by the Compliance and Enforcement Unit. If you could inform us, how many of these complaints have you found to be actual breaches, and what sort of enforcement action was taken with respect to that table 2 on page 23? But more importantly, do you have a reward policy? Let us say that a complainant has come in and has given you a complaint and it has turned out to be an actual breach, is there a reward policy for that good citizen who decided, in the interest of the public, to come forward with this complaint; they found the breach, et cetera? I am just wondering. After the investigation, do you commend them publicly—some sort of reward and recognition programme that will be allowed to be able to do so. I really wanted to raise that.

The other one I have a serious problem with is page 8. You talked about an Environmental Incentive Programme, and yet still that seems to be taking a very long time to get off the ground. I mean, every day goes by. What are the challenges you are really facing in terms of implementing this programme? Is there any time line for this particular Environmental Incentive programme to be instituted?

You also spoke a lot about the Compliance and Enforcement Unit. If I go back to page 18 of your report, you will see that the Compliance Enforcement Unit is responsible for monitoring the certificates to ensure compliance with conditions of the CEC. How many persons do you have in that unit right now? Because that seems to be an issue. How many certificates are you currently monitoring? How do you monitor these CECs? Do you do it on a monthly basis, weekly basis, every three months? Is there a need here that we need to identify? I mean, the joint select committee is here to ensure that we can also make recommendations on your behalf. So is it that there is a need to enforce this? And I will come to the issue of compensation and staffing just now, because there is another unit as well.

A couple more that you referred to—another one that I really want to—again, you

talk about the EIA process on page 19. Again, too, how long does an EIA process take? Because these are some of the things. We want the EIA done properly, yes, but it is one of the issues that retard—investors complain about all the time; the length of time for the EIA and so on. What is the average time for an EIA to take place?

What I really wanted to raise here, you seem to be talking a lot throughout this exercise, throughout this report, about the issue of staffing. Staffing seems to be a problem. Staffing is always a problem—HR issues, training people, development, scholarship issues. Do you have an HR strategy in place for the continuous development of personnel?

11.40 a.m.

Mrs. Seepersad-Bachan: You talked about compensation issues and you talked about the compensation for officers in the EPU, and in addition to that, somewhere I saw, overworked and when they go beyond the call of duty compensation not being adequate, but is it that this is falling under the EMA or is this the compensation issue, or is it falling under the CPO? If so, do you have a compensation strategy for the organization to be able to address some of these issues?

Again, I am saying, if it is not possible to be able to respond now—lastly, when would the National Sensitization Programme begin? And you mentioned five species of turtles were to be declared—on page 45—environmentally sensitive, would this make illegal to capture these animals? Because you talked about desensitization programme, but I did not see whether or not it was to become illegal.

Finally, Mr. Chairman, through you, the Fishermen and Friends of the Sea, I think it is, has raised a number of issues in their document to the JSC and I wondered if the EMA would be responding to those issues and forwarding those responses to the committee?

Dr. Bachan: Chairman, there have been—

Mr. Chairman: If you have taken a note of all of them, you also have been invited to defer answering those that you think can be better captured in a larger document which you would send to us. So, if in your answer you could tell us which ones you could deal with today and which you might want to have put into writing.

Mrs. Seepersad-Bachan: Most important, Chairman, if you could start back with this

legislative review, is there a continuous—because in terms of continuous improvement, in terms of rules, in terms of legislation—this is a moving target, environment is a moving target—

Mr. Chairman: Well, I have a list, so I would tick it off as he goes along.

Dr. Bachan: Chair, the issue of the legislation I would let the deputy chairman answer those questions.

Mr. Rooplal: Chairman, Minister, thank you. The last time—Minister, to answer your first query—we had amendments to any of the subsidiary legislation was in 2012 when we had the amendment to the CEC rules with respect to quarrying.

Mrs. Seepersad-Bachan: The quarrying?

Mr. Rooplal: Yes. We do have a continuous assessment taking place within the organization in terms of limitations that our officers may experience with the Act. In fact, my understanding is, that is something that has predated this board. That has been an ongoing process. In terms of the actual taking the next step in the process in terms of putting those limitations and addressing those limitations, that has not taken place before. This board really has been dealing with that issue for the first time in a long time, please. I hear you in terms of dealing with issues as they crop up from time to time with the legislation, but I am sure you would imagine it would be difficult to just have piecemeal amendments, certainly, to the Act, because it would have to come back to Parliament. The Act would have to come back to Parliament, so, it would be difficult to have had piecemeal amendments to the primary legislation.

But I can tell you that since coming on board last year, June 2013, this board has been actively pursuing the amendments to the Act and we are very confident by the end of this year, well, all things being equal, we should have an amended piece of legislation.

Mrs. Seepersad-Bachan: And I take your point, deputy chair, but, you see, if you look at what you have listed on pages 2 and 3, you would note here, you talked about section 25 being amended to deal with emergency response activities—

Mr. Rooplal: Yes.

Mrs. Seepersad-Bachan:—and the problem here is we have been hearing about that for quite a while, something like this, would this have addressed the oil spill that we experienced here in Trinidad and Tobago?

Mr. Rooplal: I could tell you, certainly, Minister, from my perspective and from this board's perspective, the first time that became an active issue for this board was, in fact, after the oil spills.

Mrs. Seepersad-Bachan: But that has been there for some time. It has been mentioned many times before. Look, for example, on page 3, section 70, increase in fines. That has been an ongoing issue for some time.

Mr. Rooplal: Yes, I could agree with you on that.

Mrs. Seepersad-Bachan: I take your point about the piecemeal, but there are sections of the Act that sometimes, you know, if we look at the type of damage that could take place, the impact to the environment, the country, you have to take action.

Mr. Rooplal: Well, Minister, certainly, as I started, I cannot answer for what has taken place before, but, certainly, this board has been very proactive in its approach to the legislation. One of the first things we implemented as a new board in June of last year, was to have a legislative review committee set up within the organization to really get the process going. And the amendments that are being undertaken at this point in time, are really the fruits of that committee's establishment last year.

Mr. Chairman: Would you now move on to the other area, there was a question of compensation, so how you would deal with that.

Mr. Rooplal: Yes, Mr. Chairman, I would deal with the other two issues. Briefly, Minister Seepersad-Bachan raised the issue of certificates and whether they are displayed publicly. I can tell you, certainly, in respect of CECs, one of the conditions of the CECs and the water pollution permits and so on, is that these permits are to be displayed in a very prominent location, no doubt to give members of the public an opportunity to inspect same and raise any queries that they may have. So, that is a condition of the CECs.

Mrs. Seepersad-Bachan: But do you know if it is actually happening?

Mr. Rooplal: I have been on site visits from time to time with the members of staff and we have called upon persons—I could tell you, with respect to the highway, I have been on that site visit with respect of the Point Fortin Highway on a number of occasions and we have asked them to produce the CEC and they have always done so when requested, and these are not planned visits, there are usually surprised visits as well.

Mrs. Seepersad-Bachan: Well, that is you, you would be able to ask for it, but if the public wants to see it and if the public wants to assist you, if it is not publicly displayed, and that is a requirement.

Mr. Rooplal: Yes, I agree with you. So, that is something I am sure we can look at. Your second query—

Mr. Chairman: Just before you move on to that other one, incorporated in that question was a question of the Environmental Incentive Programme which appeared to be outstanding at page 8 in your report.

Mr. Rooplal: Well, I would defer that one to the chairman just to preface what he is saying. We are looking at that. Certainly, I think all Members would be aware of the beverage containers legislation which should be rolled out soon. That is one Environmental Incentive Programme that we have been actively involved in. The EMA has played a great role in the drafting of that legislation, so, to answer your question, yes, it may not have been actively pursued before. It is one of our objectives under the Act, but certainly the beverage containers legislation which should be rolled out soon—

Mr. Chairman: Can we hold you to a date on the rolling out, please?

Mr. Rooplal: I think that would be best answered, perhaps, by the permanent secretary for the Ministry.

Mrs. Seepersad-Bachan: But, Chairman, I just want to also add, beverage containers is just one part—

Mr. Rooplal: It is only one. I agree with you, Minister.

Mrs. Seepersad-Bachan: You have so many others that you referred to or you alluded to it, in terms of recycling and reuse, so there are many other incentive programmes.

Mr. Rooplal: I can tell you this, Minister. I can tell you that the board is currently reviewing its strategic plan. Our strategic plan is ending this year 2010 to 2014. The 2014 to 2018 plan is currently being developed, and that is one of the issues that we are looking to deal with. I agree with you that more could be done and this is something we would do and we intend on actively pursuing it. In respect one of your other queries, before I pass you on to the chairman to deal with the more technical issues—

Mrs. Seepersad-Bachan: Just before you go, you would be able to tell us, probably, in writing, what are some of the other incentive programmes that you are looking at?

Mr. Rooplal: We expect this strategic plan development to be completed by the end of September. Certainly, we can tell you at that point in time, concrete information as to what we are thinking of doing in terms of public incentive programmes.

Mr. Chairman: Is the chairman still here?

Mr. Rooplal: Not yet. One more issue, Chairman. In relation to the noise issue, you spoke about community problems, community noise. Now, there has been a great misconception in the public domain for years, that the EMA is responsible for community noise. We are not responsible for that. Under the current construct of our rules, we are not responsible for community noise. Our rules deal with the issuance of variations, the monitoring of variations and it speaks specifically about events and facilities. Now, in terms of community noise that you have spoken about, neighbours making noise, stereo playing loudly, that sort of thing, we have gotten complaints about that and we try to treat with them, but, because we do not have the jurisdiction over them, an authority, it falls under the ambit of the Summary Offences Act, which the police have total jurisdiction over. Under the Summary Offences Act, persons can be charged for playing a loud speaker in a public place and so on.

There are specific crimes in that mentioned within the Summary Offences Act, that the police authorities can take action. Now, in terms of training of the police officers, you would be much aware Minister, in San Fernando, when Dr. Muradali was mayor, not too long ago, he was working with the EMA on training the city police. So I think the San Fernando City Police were amongst the first municipal police officers that we have trained in using the noise meters, I believe that we have facilitated them with noise meters as well, so much so, that the San Fernando City Police, actually do monitoring on their own. Now, there is something that we are working on in respect of how the police station and other corporations, I can tell you that, I see that Minister Roopnarine is here as well—we have been actively working with the Penal/Debe regional corporation in dealing with noise and other issues as well. So, we are in the process of training, not only our own officers, but also the officers attached to the municipal corporations, the municipal police, and, also the general police, at the various stations in dealing with noise.

Mrs. Seepersad-Bachan: Now, I know what you are saying when you are talking about

the city police being able to carry out this exercise, and you are providing them with the instruments?

Mr. Rooplal: Yes.

Mrs. Seepersad-Bachan: And training them?

Mr. Rooplal: Yes.

Mrs. Seepersad-Bachan: But, I think it needs to go into the wider police as well.

Mr. Rooplal: And we are working assiduously on that.

Mrs. Seepersad-Bachan: The problems you have had, like Gulf View and so, when they call the police, the police have been telling them that they do not have the instruments to do so. So, I think it needs—the city police is doing their part, but it has to be the wider police. City is not only, I have observed it in San Fernando, but I am asking for this, even national, because it is an issue and people feel that the EMA—and you need to take a more proactive and show the initiative in this exercise.

Mr. Rooplal: Minister, I can assure you that we currently do have a programme where we are working with the national police on this issue. Certainly, we would have to work out some mechanism for providing them with the noise meters. They are quite expensive pieces of equipment. I think we can work out the logistics of that with the Ministry of National Security, the Commissioner of Police and so on. So, we do have a programme currently dealing with—

Mr. Chairman: Let me urge you to get forward with this. There were four other areas, at least, that the Minister has raised, would someone please address those? I have enforcement units, environmental impact assessment, delays in dealing with those, your staffing in particular, your HR strategy and your compensation strategies which are essential, I think we must address, and the treatment of the issues raised by Fishermen and Friends of the Sea, as well as the sensitization programme where you are dealing with turtles. Could we get on with some of those?

Mr. Rooplal: Chairman, if I may, Minister, I would deal with the issue of the EIA question that you raised. The responsibility of conducting EIAs is not the responsibility of the EMA.

Mrs. Seepersad-Bachan: I understand.

Mr. Rooplal: It is the responsibility of the applicant and whichever consultant he

basically may engage. The length of time of which an EIA may take to be undertaken is dependent on the scope, the complexity, the sensitivity of the—

Mrs. Seepersad-Bachan: Let me just be specific. I was talking about when it comes to you, the approval, et cetera; just the length of time we are talking about?

Mr. Rooplal: Chairman, how long does it take?

Mrs. Seepersad-Bachan: An average? An average?

Dr. Bachan: By law, we are supposed to review the application in 80 days after we receive it. In many instances, because the submissions are lacking with respect to information, and we have to send it back and request further information from the applicants, and hence the time increases. So, if everything is done properly, it should take five months to complete from application. Generally, I think the time frames are in the regions of nine to 12 months, based on the—

Mr. Chairman: So, getting a date is simply impractical?

Mr. Rooplal: No, 80 days from the receipt of the EIA to the EMA receiving the EIA, we are supposed to review it within the 80 days.

Mrs. Seepersad-Bachan: But on average you are taking nine to 12 months because of the back and forth.

Mr. Rooplal: Because of the back and forth.

Mrs. Seepersad-Bachan: So, someone who has sent in an EIA to you looking for approval, it could, on average, it is probably taking nine the 12 months?

Mr. Rooplal: Yes.

Mrs. Seepersad-Bachan: Yes. Okay, all right.

Mr. Chairman: Any staffing issues? Would someone address the staffing issues? In particular, would you tell us what steps have been taken to fill the vacancy created by the departure of the Managing Director and Chief Executive Officer within recent times?

Mr. Rooplal: Chair, with regard to the compensation and staffing issues, as I alluded to earlier on, the EMA has undertaken a very focused assessment of its remit. We have clearly identified three of the main areas in terms of making us a functioning and an effective regulatory body, which is the compliance enforcement. The compliance enforcement and the technical services side, in that regard we have undertaken to collate efficiencies of the various components.

And just to update, I can probably make available to the Committee our 2010—2014 Statistical Report which gives details of all the efficiencies of the various departments in terms of processing and the like, and I guess that will save a lot of—

11.55 a.m.

It is on this basis and it is on the basis of accumulating this sort of statistical information. It is guiding us to basically determine what are the areas of specialized skill sets that we require—because I will tell you this. The report speaks to—and the Minister asked about CECs. The report actually speaks to the number of CECs that we are basically processing, but we have gone down to the level of basically assessing the types of CECs in the various industry, and we have found increase in the number of oil and gas CECs that are coming forward, increase in the number of transport infrastructure CECs that coming forward, we have found increase in the agricultural CECs that are coming forward.

Mr. Chairman: Director, permit me to intervene. Are these matters going to be in that document that you are going to provide us with?

Dr. Bachan: Yes, Minister, and the—*[Interruption]*

Mr. Chairman: Well in the circumstances, will you leave that to us and move to the other issue of your HR issues. I had asked you in particular about the vacancies that exist at the managing director level, if you could address that.

Dr. Bachan: The issue of the MD acting at this point in time, Minister, as I had said, the EMA has identified challenges in its previous construct in terms of the managing director's position functioning more of an operational level, having to deal with day-to-day matters and not really focusing on the strategic aspects of the organization.

To address this matter, the board has identified three critical positions which we have created, which is the position of general managers, and we sought to undertake to get these positions on board as a matter of priority. The current position of managing director is Ms. Badri Maharaj, who we thought would be an ideal acting person because of the experience she has with the organization. She is one of the longest standing members within the organization, and it would allow for the continuity within the organization while it is that we address the issue of these senior positions needed to be coming on board.

Mr. Chairman: Chairman, would it not be contrary to the Act if you were to delay much longer in filling the vacancy? The Act seems to make it mandatory that you should have a managing director on board.

Dr. Bachan: Well, we have an acting.

Mr. Chairman: Section 6 of the Act. How long has that vacancy existed now?

Dr. Bachan: It is about nine months, Chairman.

Mr. Chairman: So that section 6 needs to be addressed, would you not say? You seem to be thinking of introducing general managers, where the Act is specific—[*Interruption*]

Dr. Bachan: No, we have introduced it, Chairman. That is in place. The thinking with the board going forward is that now that these positions are in place, we would now look at the aspect of the hiring of the position of managing director, now that we can have a clearer idea in terms of what skill set we are looking for in that person and the last GM came on board in June, Chairman, of this year.

Mr. Chairman: There are three in place now?

Dr. Bachan: Yes, there are three in place now.

Mr. Chairman: Chairman, there is another issue which I am noting from a report to the Public Accounts Committee in 2013 that needs to be addressed. Your organizational structure at the time, you pointed out that there were 170 positions provided for and there were 60 vacancies, have you revised your organizational structure and/or filled the vacancies?

Dr. Bachan: Chair, we have realigned the organizational structure. We have filled a number of the vacancies that are critical. We have currently developed the realigned structure, and that has been forwarded on to the Minister for his consideration to lay in Parliament.

Mr. Chairman: So it is with the Minister?

Dr. Bachan: Sorry, in Cabinet.

Mr. Chairman: It is with Cabinet?

Dr. Bachan: Yeah. It is with the Minister right now for his review.

Mr. Chairman: Indeed. Thank you. And Minister Bachan did raise the question of the treatment of issues raised by the Fisherman and Friends, are you—[*Interruption*]

Mrs. Seepersad-Bachan: Before you go to that, Chair, as well, the compensation issues

are being dealt with by CPO or by your board? Who deals with the compensation?

Dr. Bachan: Right now, the compensation issues are being addressed. As you are probably aware, we have a unionized environment right now.

Mrs. Seepersad-Bachan: Yes, I know.

Dr. Bachan: So the issue of compensation has been dealt with by the board and the union.

Mrs. Seepersad-Bachan: So your negotiations are taking place with the—[*Interruption*]

Dr. Bachan: Yes, negotiations are now taking place.

Mrs. Seepersad-Bachan: Okay.

Mr. Chairman: Chairman, there is a question of your compliance with the legislation once again. The national register of CECs which allows the public the right to see who has made applications and whose have been refused, and the reasons for doing so, am I right in saying that register exists and is being kept up to date? And if so, can we see it?

Dr. Bachan: Yes, Chairman. It is available to any member of the public. Sen. Al-Rawi has indicated, he has made a lot of use of that—[*Interruption*]

Mr. Chairman: And can it be made available to us?

Dr. Bachan: It is available at the EMA's head office and any member—[*Interruption*]

Mr. Chairman: I saw that there was a cost attached to it, so I wondered we can have it.

Dr. Bachan: Chairman, there is no cost associated with it, you know.

Mr. Chairman: According to the Act there is, but can you provide us with one, please? Or should I say, please do provide us with one.

Dr. Bachan: Of the CEC—[*Interruption*]

Mr. Chairman: The register.

Dr. Bachan: The whole register?

Mr. Chairman: Yes, Sir. [*Crosstalk*] Impossible?

Dr. Bachan: That is an impossible—it is very voluminous, Chair.

Mr. Chairman: And in today's modern technology that is not online? Is that really an impossibility in today's electronic world, Sir?

Dr. Bachan: Well, that is one of the changes we are basically looking to bring forward in the legislation. By law, we are supposed to have it in hard copy.

Mrs. Seepersad-Bachan: But that does not stop you from doing it in soft copy.

Mr. Chairman: Are we really seeking an impossibility here?

Dr. Bachan: No, we are in the process of putting it on soft copy because we are aware of moving to that—we are moving to a paperless organization and I believe we are about 50 per cent along the way in terms of the number of—[*Interruption*]

Mrs. Seepersad-Bachan: Just to make it clear, the law does not prevent you from putting it on soft copy.

Dr. Bachan: No, it does not, but the register must be a hard copy.

Mrs. Seepersad-Bachan: Fine, we accept that.

Mr. Chairman: The take away from this, Chairman, is that you will do what in response to that?

Dr. Bachan: Chair, I give you the assurance as soon as the exercise is completed and it is available electronically, I do not see why because the intent is to put it on line as well.

Mr. Chairman: Could we aim for September?

Dr. Bachan: Chair, to get 50 per cent to where we have reached so far, it has taken us so far nine months, 10 months. So it is a very lengthy process to put—[*Interruption*]

Dr. Mahabir: I need to intervene here. I think it is just a case of scanning. Is it that each of these things is so voluminous that it takes a while to scan? What is the estimated length of one of these documents?

Mr. Ramano: Each CEC application—and we are not getting involved with EIAs here, because EIAs could be volumes of documents. Each CEC application may be two or three folders of documents and we are in the process of scanning each of these documents.

At this point in time, the EMA has received 4,248 CECs applications since we started in 2001.

Mr. Chairman: Mr. Romano, I think where I was heading is that there must be a register that says who has applied, who has been successful in his application and the reasons for either the grant or refusal. That should appear in the register. Can that be provided?

Mr. Romano: You are not looking for the register? Because when we refer to the register, we refer to all the CEC documents which are in filing cabinets throughout the EMA.

Mr. Chairman: So now that I have refined my request, can it be addressed?

Mr. Romano: So, you are looking for a summary of the register which—yes, I mean, we can put together in terms of giving you a summary of the 4,248 applications.

Mr. Chairman: Inclusive of reasons for refusals. Yes, Sen. Hadeed.

Mr. Hadeed: Just before we close, with regard to the last issue under the Ministry of Tertiary Education and Skills Training, you can access OJTs to assist you in this programme and that should be able to help you to alleviate that backlog. So just an opportunity for the young ones to get an opportunity to get some work.

The question I would like to ask. Could you advise this Committee if the Minister responsible for the EMA is proactive with regard to the needs to manage efficiently and effectively the organization?

The second question is: have all of these problems that you have, have they all just accumulated since May 2010, or it is something that was outstanding a long time?

Dr. Bachan: Chair, I would say that with regard to the first question by the hon. Minister, the EMA has an excellent relationship with the line Minister. He is very supportive of the EMA's development going forward in terms of what is required by the EMA, and has given a commitment to providing what is required in order for us to develop an effective and efficient EMA moving forward.

The issue with regard to whether or not the issues that plagued the EMA right now are something that exist only after 2010 or prior. I would suggest that these issues have been since the EMA has been in existence in terms of looking at how the environment has changed. The demands made by society have changed, the awareness has been heightened, and being able to bring in line the responses that are required and the demands that are required with that change outside there, and I think it has been built up over time. As the Deputy Chair had indicated, we have been looking at these matters and we have been proactively addressing these matters.

Mr. Hadeed: Thank you.

Mr. Chairman: Chairman, we are rapidly coming to the point where we must close up, but I do have two issues I would like you to take into account, and if possible address within the next two minutes. Can you verify that CEC applications at this time are being stored in electronic form? And secondly, when you opened you spoke of there being a

shortage of environmental police, but I am noting from the report of the Public Accounts Committee that there appears to be no restriction on the EMA itself identifying and allocating funding and facilities for the enhancement of the current resources in the environmental police.

Dr. Bachan: Chair, as you would appreciate, increasing in staff numbers in complements of the police is not just simply a matter of an exercise in engaging additional police officers. There is infrastructure, there are equipment requirements associated with it. I will tell you that we have under this current fiscal year applied for additional funding to the Cabinet in order to address this issue and to meet the requirements in terms of, to be able to increase that complement. We have also had discussions with the police as I further indicated in terms of increasing that complement as well.

Mr. Chairman: The question on the storing of the data, both CEC applications.

Mrs. Seepersad-Bachan: The point being is that instead of adding to a backlog, the current that are coming—[*Interruption*]

Dr. Bachan: The current ones are being scanned as we receive them, and it is just dealing with the previous ones in terms of the scanning.

Mrs. Seepersad-Bachan: And it is accessible to the public?

12.10 p.m.

Dr. Bachan: Not in soft copy as yet. We are still completing that. Once we have completed the full register, we will make it available in soft copy.

Mrs. Seepersad-Bachan: But why cannot you start by making it available, you know, especially say by from this day going forward, any file after this day, today, let us say, that is available to the public? I mean, there is no harm in that. It is a public—that is right.

Mr. Chairman: I think you should take that on board.

Dr. Bachan: I will give the assurance that we will consider it. I mean, I do not know the technical requirements that would be required from an IT perspective and the like, but I will give you the assurance that we will look into it, and if it is at all possible, we will do so.

Mrs. Seepersad-Bachan: Chairman, if may? It will ease up the workload on your side

and less people coming to your office, if they are able to access it electronically.

Mr. Chairman: Thank you, all. It is now 12.11 p.m. and we must wrap up because there are other commitments elsewhere after midday. Chairman, thank you very much for attending and for the assurances that you have given us. We have taken note and we shall communicate them to you in writing so that you could address them as quickly and as early as possible. And if it becomes necessary, we might be required to invite your authority back before us at some time so bear that in mind. At this stage, if you wish to offer some parting remarks and then we shall close.

Dr. Bachan: Well, Chair, on behalf of my team, I wish to thank the members of the committee. I think the discussion was very illuminating. I hope that we have clarified a lot of the issues and questions relative to the EMA, to your membership, and we look forward to answering any further questions that your committee members may have. I thank you.

Mr. Chairman: Thank you. Madam Permanent Secretary, thank you very much for being here. Thank you all, Members. Thank you, audience. Do not forget we meet here in as little as two minutes.

[Entity departs meeting room]

**EXCERPT VERBATIM NOTES OF THE THIRTY-FIRST MEETING OF THE
JOINT SELECT COMMITTEE OF PARLIAMENT APPOINTED TO ENQUIRE
INTO AND REPORT ON GOVERNMENT MINISTRIES (GROUP I),
STATUTORY AUTHORITIES AND STATE ENTERPRISES FALLING UNDER
THEIR PURVIEW, HELD IN THE J. HAMILTON MAURICE ROOM
(MEZZANINE FLOOR), TOWER D, THE PORT OF SPAIN INTERNATIONAL
WATERFRONT CENTRE, 1A WRIGHTSON ROAD, PORT OF SPAIN, ON
FRIDAY, NOVEMBER 07, 2014, AT 10.37 A.M.**

PRESENT

Mr. Elton Prescott SC	Chairman
Mr. Gerald Hadeed	Member
Miss Stacy Roopnarine	Member
Mr. Emmanuel George	Member
Mr. Jairam Seemungal	Member
Dr. Dhanayshar Mahabir	Vice-Chairman
Mr. Faris Al-Rawi	Member
Dr. Amery Browne	Member
Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Asst. Secretary
Miss Kimberly Mitchell	Graduate Research Asst.
Mr. Johnson Greenidge	Parliamentary Intern

ABSENT

Mr. Ganga Singh	Member [<i>Excused</i>]
Mr. Delmon Baker	Member
Mrs. Carolyn Seepersad-Bachan	Member [<i>Excused</i>]
Mrs. Patricia Mc Intosh	Member [<i>Excused</i>]

**ENVIRONMENTAL MANAGEMENT AUTHORITY
OFFICIALS**

Dr. Allan Bachan	-	Chairman
Mr. Philip Vilain	-	Director
Mr. Hayden Romano	-	General Manager, Technical Services

**MINISTRY OF THE ENVIRONMENT AND WATER
RESOURCES**

Mr. David Persaud	-	Environmental Manager
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Mr. Chairman: Good morning all. Thank you very much for attending. To the viewership, thank you very much for your patience. My name is Elton Prescott. I am the Chairman of this Joint Select Committee (Group 1). Today we are pleased to have the representatives of the Environmental Management Authority before us.

This is the second of our meetings with this organization. This is by way of a follow-up, if you like, to a previous occasion, so that the issues on which we had sought answers on the last occasion are known to them. I imagine, therefore, that we might be able to breeze through this session, but of course I will place no constraint on any member except that some of our parliamentarians, Members of the House, do have to leave at a certain time. I do not say that by way of saying that you are not to speak fully to the questions that have been asked.

May I introduce the members of my committee and then invite you, Dr. Bachan to introduce yours.

[Introductions made]

Dr. Bachan: Thank you very much, Chairman. Firstly, let me humbly express our

disappointment that we were not able to basically field our full strength of members that were required to be here. The Acting Manager Director as well as the Deputy Chairman are currently out of the country on official business and our General Manager of Finance and Administration, his mother passed away on Wednesday and he had to urgently fly out of the country as well. I hope we will be able to do justice to this meeting today, Chairman.

10.40 a.m.

Mr. Chairman: Thank you very much, Dr. Bachan. May I just take this opportunity to remind Members and the public of the objectives of the enquiry. I am afraid I have to read them into the record. They are:

- (1) to ascertain the level of success the EMA has had in executing its responsibilities pursuant to the parent Act and the National Environmental Policy with specific reference to prevention of environmental pollution and illegal quarrying;
- (2) to understand the processes and procedures involved in the acquisition of a Certificate of Environmental Clearance and the criteria to be met in qualifying for same;
- (3) to understand the processes and procedures involved in the performance of an environmental impact assessment and under what circumstances such assessments are conducted;
- (4) to determine the role of the EMA in disaster preparedness and management;
- (5) to gain an appreciation of the relationship between the EMA and other entities involved in environmental management; and
- (6) to ascertain the major challenges hindering the effective administration and operations of the EMA.

We received written submissions from the EMA in response to our questions. I think I had indicated that before, so we can now proceed with today's work.

Dr. Bachan, do you wish to offer some opening remarks please? May I just remind Members that you would be required to use the microphones when you are speaking?

Dr. Bachan: Chairman, thank you. I have been asked to make a statement on behalf of the board and management and indicate; many of the issues contributing to the environmental vulnerability did not happened overnight. It happened because we did not adapt to the changes around us, therefore, we were not relevant to the prevailing conditions. This cannot be easily fixed, but requires long-term commitment to policy changes; the implementation of new and updated legislation; extensive structural refitting and redesign; altering of public perception and restructuring of programmes just to make a few.

In light of this and the implied costs, it is no surprise that entities have used these unfortunate incidents for self-gain and that institutions in the past have opted for a quick fix or bandied approach which, essentially, involves the implementation of short-term solutions including compensation to appease victims or the public and then the issue dies. These solutions do not actively work to fix the problems and to address the environmental impact or prevent recurrences.

The EMA recognizes that it can no longer operate in the same way and expect different results in a time where a more conscious citizenry is calling for the authority to aggressively handle environmental matters. As such, we have been pursuing a strategy of expansion over the last year which is guided by a thorough and ongoing needs assessment exercise and statistical analysis. In this context, the EMA has found it necessary to establish and undertake revisions of its policies operating systems and organizational structure.

Ultimately, we need to understand that the EMA is a regulatory authority which has three main areas: the technical, which is the permitting arm; compliance, which is the monitoring arm and legal and enforcement. Over the years, the EMA has only been focusing on the permitting arm while compliance which is the monitoring arm, and legal and enforcement have been neglected. Further, all areas were operating in siloes. Chairman, to date, I can report that these matters have been addressed within the

organization.

The EMA does not believe that these environmental crimes can be effectively addressed mainly given the inadequacy of legislation, but also because of the lack of capacity to effectively operate remains a challenge. The EMA has in the past not invested in logistical needs, specialized manpower nor in proper monitoring equipment to undertake its works.

At present, it is less costly to break the law than to abide by it. Currently, the legislation is under review and new legislation is being drafted. Some of these legislation that are currently being drafted is the solid waste and the hazardous waste rules.

At present, the authority is inundated with complaints from the public on a wide range of environmental issues and recognizes its limits in providing a prompt and effective response to each complaint. To address this, the EMA has established our Emergency Response and Investigations Unit. We intend to increase the strength of our environmental police to allow for 24-hour coverage. We would soon be establishing a hotline and complaints database to monitor the status of investigations and coordinate response. These units will be based at our Chaguanas office, and a response team deployed to our new south office.

To address the issue on natural resource degradation, we have also established a police post and a Wildlife Rehabilitation Centre in Valencia and our response team will be deployed to that location.

Research and data are vital sources of information that guides the decision-making process of any effective regulatory authority. Projects also contribute to the gathering of data. Understanding this, the EMA has established a strategy and research unit and a project unit. Further, we have partnered with research institutions in furtherance of good science.

Educational awareness is another critical component of the mandate of the EMA. Based on that dialogue with stakeholders, the EMA is reviewing our current strategy to allow for greater relevance. Additionally, the EMA is in the process of establishing an environmental channel which is due to be launched in January 2015.

The EMA manages the environment in both Trinidad and Tobago, yet we do little

in Tobago. I am pleased to report that after some 20 years, the EMA with the blessing of the Tobago House of Assembly, will be establishing an office in Tobago to service the needs of Tobago.

The board and management of the EMA is committed to continuing to monitor its performance with regard to its services delivery objectives and pursuing vigorously the strategy that it has as its cornerstone; environmental protection. Thank you, Mr. Chairman.

Mr. Chairman: Thank you very much, Dr. Bachan. The focus of our questions will not necessarily be what had been supplied to you. We know that members of the public do wish to hear from you concrete things so that you can anticipate that there are questions which may not have found a way before you. One of them, for example, since you have mentioned it, and I am sure that Tobago would wish to know is: what are the precise details of what you plan? You tell us an office will be opened but you left it open-ended.

Dr. Bachan: Chairman, we have met with the Tobago House of Assembly, the Chief Secretary and his team because currently what normally happens in Tobago is that processing for Tobago really takes place in Trinidad. There is no compliance monitoring, nor any coordination of enforcement in Tobago. To address this matter, we have met with the Tobago House of Assembly and the Chief Secretary and the Secretary for the Environment in Tobago to come to an understanding that their concerns with regard to the processing time as well as in terms of focusing on matters relevant to Tobago specifically is not working efficiently and effectively.

In that regard, these three areas that I spoke about with regard to a regulatory authority and its functioning—the permitting arm, the monitoring and the compliance arm as well as the legal enforcement components—will now be resident in that office as well as we will have a public education team that will be working there to focus on Tobago’s issues specifically and a help desk to allow for information to be made available to the public.

Mr. Chairman: If I may drill down a bit more: a building is going to be established and staff is going to be appointed; a unit is going to be established and November 14 will be the deadline; that is the kind of thing I was hoping you might tell me.

Dr. Bachan: Chairman, we have developed a proposal for that office. It is not intended to be an excessively large office because the number, as I said, our decision-making is based on statistical analysis based on information that we have collated. At present, we have something like 150 CECs in Tobago. We do not anticipate initially any large team. The intention is to have the necessary skill sets that will allow for us to address Tobago matters in Tobago, and to work with the necessary parties just as we do in Trinidad to allow for us to have better effectiveness in that area.

Mr. Chairman: So there will be a place where people who live in Tobago can go and get their answers.

Dr. Bachan: Yes, Mr. Chairman.

Mr. Chairman: Dr. Mahabir and then Mr. George.

Dr. Mahabir: Thank you very much, Mr. Chairman. Questions to any member of the EMA panel and it really revolves around two areas of concern: one is air quality and the other is water pollution. I would simply like to obtain from the EMA so that the public can be edified on what the public can expect if a member of the public or members of the public complain to the EMA that there is an industrial enterprise in their vicinity which is emitting particle pollution, dust particles. It may be a stone-crushing plant or something like that. What can the public expect the EMA to do so that the public interest can be served and defending in that context?

The second concern is with respect to water pollution. I imagine that the EMA will rely upon individuals out there being observers of those who are polluting the water courses. Once you get a report from a member of the public that there is an enterprise—either an industrial enterprise or agricultural concern that is polluting say the waters in a river: what can the community in that neighbourhood expect of the EMA? And, similarly, for Tobago, if you get a report that there is some tourism enterprise that is polluting the sea with sewage effluent, what can the EMA do? So, therefore, with respect to air quality, what can the public expect with respect to dust particles pollution in particular and with respect to water pollution? What can the public expect the EMA to do now with its stock of resources that it has available to it? Thank you.

Mr. Romano: With respect to air quality, the air quality rules are being reviewed at the

Ministry level and, hopefully, will get to Parliament in the near future. So with respect to air quality, I mean, at this time, the EMA does not have a lot of jurisdiction. However, in terms of the laws in Trinidad we have a number of lawyers here in terms of public nuisance. I mean, I think there are other laws that people can complain and go to the police and get something down, but in terms of the EMA, we do not have the air pollution rules in place as yet to do anything.

Dr. Mahabir: Okay, on that point, therefore, is the EMA then recommending that the legislation be reviewed so that the EMA has jurisdiction over an entity that is emitting dust particles in the air that is injuring the health of the population?

10.55 a.m.

Dr. Bachan: It is not for the legislation to be reviewed, it is for the legislation to be enacted because the Air Pollution Rules are now in draft. Well, sorry, the draft has been submitted to the Ministry and, really, it is ripped for onward—to go to Parliament, but there are no Air Pollution Rules at this point in time.

Dr. Mahabir: So that, clearly, then to answer my first question, the public can expect very little assistance from the EMA with respect to an industrial concern that is polluting the air in the surrounding residential neighbourhood?

Dr. Bachan: Chair, if I may? There are two factors: one is there are conditions under the CEC relative to air pollution for entities that are currently operating, so if it is that there is this sort of incident and there is need to take action—if it is that the operation has a CEC, at this point in time, some action can be taken. If, however, the entity is outside of the realm of that, we are still awaiting. I mean, until the Air Pollution Rules are enacted, outside of that realm, we cannot operate. It is similar for the—well, we have Water Pollution Rules but—

Mr. Romano: I think we have to remember—I mean, as the Chairman said, a lot of the legislation needs to be reworked. When the legislation was enacted, the EM Act, the Water Pollution Rules, the Noise Pollution Rules, it was initially meant to be soft legislation to ensure that companies, you know, would comply. You know, would look at the legislation and comply. This was since 2006 so times have changed, and I think maybe, I mean, we need stronger legislation. Because how the Water Pollution Rules are

written, companies need to source register and this is for point sources of pollution. So like a pipe with effluent, and then the EMA decides whether or not, I mean, you need a permit to pollute and whether or not you would meet the schedules under the Water Pollution Rules. This is a lengthy process, I mean, because we need to get—the company needs to be submitting the results to us to ensure—I mean, for us to see what is the status of the effluent, what is the status of their water. The EMA at this time does not have laboratory facilities and maybe this is something, as the Chairman is saying, that we need to look at because if we need to monitor and we need to ensure compliance this is something that we surely need to look at—laboratory facilities.

Dr. Bachan: Chairman, if I may—

Dr. Mahabir: Could I just come in here?

Dr. Bachan: Sure.

Dr. Mahabir: What I am hearing is of concern to me, defending the public interest, because what I am hearing the EMA say is that if there is a hotel in Tobago that is discharging its sewerage into the sea and putting stress in the Buccoo Reef, there is very little, according to the current rules, that the EMA can do because of the law and because of the lack of testing facilities. Also, if someone is living “down river” and there is a pig farm “up river”, and the farm is using the river as a source to discharge all its pig effluent, there is also very little that the EMA can do; I really would like to know what can the EMA then do? Thank you.

Dr. Bachan: Chairman, if I may interject here? We need to understand that there may be two contexts to the question that Sen. Mahabir is raising; one is the incident that may have taken place on the basis of an entity that has a CEC, an action can take place in that regard. Then there is the issue with regard to what happens in the context of someone who does not fall under or an operation that does not fall under a CEC, what are the options that are available to it. As Mr. Romano indicated, when the Environmental Management Act came into being and the subsequent rules, it was intended to be soft legislation. We all know what happens in this country when you have soft legislation. As I initially said in my opening remarks, it is cheaper to pollute and to break the law than to basically follow good practice. That is a reality, and it is one of the issues that we

have recognized which is why we are addressing it in terms of the legislation, in terms of the changes. But I will tell you another issue with regard to how the legislation has literally been curtailed.

What happens with the Water Pollution Rules is you have to source register. When you source register you then have to bring data for a certain period, and I believe that period is up to three years, to prove that you are a polluter before you can be permitted. To me, that does not make any sense whatsoever. If you are a potential polluter or a polluter, the legislation should speak to, you should be permitted, licensed, and if you are found to be in breach of that at any point in time, you are then penalized. It should not be that you have to prove that you are a polluter, and this is where the legislation itself—we have challenges with the legislation.

I would give you the incident with regard to Petrotrin. Petrotrin had a registration in terms of the company had a registration in, but they had to provide the information that they were a polluter and they had to get tests done to show that they are a polluter before we could have permitted them; granted, when the incident took place, you automatically show that you are a polluter, you have the potential to be a polluter. So these are challenges that we have, but these are challenges we are confronting and we are addressing in terms of the necessary amendments to these pieces of legislation.

Further, the new legislation will not be worded in that sort of format so that we would not be hamstrung in terms of how to proceed, because, personally speaking, Senator, it is unacceptable to basically say that somebody else is providing data on themselves. That should be a responsibility—if it is that is under our remit, it should be a responsibility of us to independently assess that, which is another issue with regard to the legislation that needs to be addressed.

So I hope I have painted it into a context so you understand what was initially contemplated, when the environmental legislation was being thought of, was soft legislation. It was intended for people to come into compliance over a period. What we have realized is that the legislation has literally not worked for us in terms of our ability to ensure the proper management of the environment.

Mr. Chairman: Thank you, Dr. Bachan. I understand, Sen. George, that Mr.

Seemungal has a follow-up question and then I will return to you.

Mr. Seemungal: Thank you, Chairman. To follow up on Dr. Mahabir's question, I am very concerned about the water pollution. For years when you go to Tobago, and with the coral reef being destroyed, year after year you are hearing—and it has always been rumoured—that it is sewer and effluents of sewer that have been causing the Buccoo Reef to disintegrate, and the EMA is not new; I think it was around 2000 your Act came into effect and the EMA would have been around since, just after 2000. Now, having realized that you do not have the legislative capacity to look at some of these destruction by way of the environment, especially water pollution, especially in the seas of Tobago for instance, could you all not have partnered with other agencies who would have had some form of law—the Local Health Authority, the Local Health Authority inspectors in Tobago—and determine if you can partner with them, or any other agency, to at least bring some kind of stop, or stop the further pollution of the ocean, or the waters, per se? You cannot just sit back and say you do not do nothing because the EMA is the Environmental Management Authority, people are looking for you for leadership. They are not looking for everybody else. They are looking for the EMA and that has been the problem over the years, knowing that you may not have had the ability on your own by way of your Act, but at least you could have partnered with most of the other agencies.

Dr. Bachan: Chairman, if I may? Doing nothing is not an option. Minister, you would recall, and I would say, that the EMA has had numerous meetings with other state agencies that have legislation that allows for us to basically work together. We have had numerous sessions with stakeholders, and even the private sector in terms of dialogue, because that is critical. The intention of the EMA is to allow for it. We understand that when the legislation was undertaken there were other pieces of legislation already in place, and I guess that is why the persons who came up with the legislation allowed for not being an environmental protection agency but an environmental management agency with a responsibility for coordination. We understand that.

First I would like to say that this board is just over a year old, right, and the changes that have taken place have been a credit to the members of the board, as well as the management team. You are aware that we, as I have said, we have had numerous

meetings and we have sought partnerships, and we have set up committees whereby we work together. We are doing it with regard to enter the quarrying areas, in the quarrying sector.

Minister, we have also partnered with your Ministry with regard to sharing of information that we would allow for us to basically work with your agency, the Commissioner of State Lands, because one of the challenges were to enter onto state lands we needed permission from the Commissioner of State Lands. We have had discussions with the Permanent Secretary in your Ministry whereby we are given a blanket approval for the purpose of investigation and enforcement. Our investigators and officers can enter onto areas. So the dialogue has been initiated. There is collaboration among agencies, and even in Tobago, that collaboration has extended, that after 20 years we now have been able to work with the Tobago House of Assembly to ensure that a presence is there to allow for that monitoring and enforcement of those areas that you speak about.

So the collaboration is taking place. It will continue to take place. The issue of partnership is a key strategic intervention of the EMA at this point in time, and I will say that we have entered into a number of MOUs, a number of arrangements. We have started working on formulation of teams basically, with other agencies, to allow for us to address these matters. Further, I spoke with regard to the establishment of a hotline and the compliance and the emergency response, and investigation team; that is intended so that we would better be able to monitor complaints, identify where it is best suited to be addressed, but also to allow for the follow-up.

I will tell you this, Minister, I had a complaint about pollution in the Caroni River eight years ago. Every year I used to write with regard to the same complaint and nothing was done. When I came in as Chairman of the EMA that was one of the first things I brought to the fore. I said, "I have been writing for eight years and nothing has been done, no follow-up, nobody had the courtesy to respond to me", so I appreciate what the public had to endure and I give the assurance that these matters are being addressed, and are being pursued diligently.

11.10 a.m.

Mr. Chairman: Dr. Bachan, are you finished?

Dr. Bachan: Yes.

Mr. Chairman: Thank you very much.

Mr. George: Thank you very much, Mr. Chair, and welcome to the representatives of the Environmental Management Authority.

My question, or questions, essentially fall under the questioning that has been commenced by my colleagues on my left and on my right. It has to do really with the relationship between WASA and the EMA. My main concern is the preservation of the watershed areas of Trinidad and Tobago, which primarily are located in the hills of the Northern Range, and the rivers and streams that flow from those hills and the wells that depend on the aquifers that are generated in the hills. The challenges, of course, come from the mining of aggregate, the denuding of the hills, the slash and burn agriculture, unplanned development and hillside squatting and the pollution of the river and watercourses. As a result of this, these would have a negative effect on WASA's water-winning capabilities. Both WASA and the EMA being key stakeholders in this particular matter and encouraging the preservation of the Northern Range and the watershed areas, ought to be working together.

My question is: has the EMA and WASA been working jointly, in the context of pooling their resources and so on, in the preservation initiatives along the northern range hills and watercourses. How have they been doing this? What has been the effect and can you point to any successes at all of that association? Has there been included in these efforts any initiative that directly involves those publics that are the chief culprits, as well as those persons who reside in the areas and who are, therefore, directly impacted by the degradation?

You were speaking to it just now, about the MOUs that you may have established with other agencies that are stakeholders in this entire issue of environmental preservation, but I think WASA is a key player, and I want to know what is happening with you and WASA.

Dr. Bachan: Minister, the issue with regard to environmental degradation, as I said, is an issue that has not started recently. This has been an accumulation over time, but that

is no reason for not effectively addressing it, and we are. You have asked in terms of what has been done; I will tell, first and foremost, from a research perspective: an ambient water quality standards project with the University of the West Indies to identify the extent of water pollution from the watershed management approach. In terms of a completed net point source assessment, we do not directly engage with WASA per se. The arm of WASA we engage is the Water Resource Agency. We work very closely with them in terms of identifying whether or not potential developments and the extent at which impacts would take place and what mitigation measures would need to be permitted against.

You raised the issue of quarrying. I would say that there is a committee that has been working assiduously to identify—you see, what used to happen in the past is all agencies used to work in isolation. What would have happened is that we would have provided conditions that an applicant would have had to meet, and when an application or a licence for quarrying came forward, they had different conditions. Which one do you enforce against, if they are the same? For example, rehabilitation plans—the Ministry of Energy and Energy Affairs used to have their own rehabilitation plan that the applicant needed to provide, which was part of the licence, and the EMA would have a rehabilitation plan which was part of the CEC process, and there was no harmonization of that. This committee is made up of representatives from Town and Country; the Water Resource Agency; the Ministry of Energy and Energy Affairs Mining Department; the Commissioner of State Lands; the Director of Surveys, the Conservator of Forests and the EMA.

When we have applications going forward, we all sit and review, and as a collective we have identified how we are going to proceed collectively in terms of allowing for that activity to take place. On the issue of quarrying, what we have determined is that we will have a no net loss policy. So at the end of the day, rehabilitation and remediation of areas that have been identified, that would be allowed for quarrying are in partnership with the agencies—so the agencies are now working towards this. All agencies have an input now, instead of agencies individually acting. So this is one of the interventions to address the issue of the watershed management.

The other issue is with regard to deforestation. We have been having discussions with regard—we have close collaboration with the Conservator of Forests with regard to these matters, because we have had applications from people who have asked for areas to be cleared. So, again, it comes down to this partnership approach. But another critical component is that apart from the agencies working together, and one of the interventions that the EMA has undertaken is that we will very soon be opening a police post up at Valencia, to allow for us to effectively monitor and enforce these sorts of issues in these areas, because we have realized that the monitoring and enforcement in that area is a different type, it is natural resource degradation and it needs to have a certain extent of focus.

Although Cabinet has approved the assignment of our additional police officers in this regard, we are still awaiting from the Commissioner of Police the assignment of the officers to the EMA.

Mr. Chairman: Thank you Dr. Bachan. Dr. Browne, are you almost ready?

Dr. Browne: Thank you very much. I want to express my gratitude for the submissions and responses that were received subsequent to our last hearing. But I want to once again focus on our school-age children, because I cannot say that I was completely pleased with what I gleaned from the responses to my concerns in that regard, on the last occasion.

I know I am preaching to the choir, but if you examine any country the citizens who are most vulnerable to the effects of pollution would be the children. I am very concerned that it was way back in 2007 that a project was started to monitor the effects of noise pollution in our nation's schools, on the school aged children, and that 70 schools were assessed at that point. But that project was never completed, and we stand here now seven years later and there is no assurance, that I could find, in this response that that project is in the process of being continued or completed. Of greater concern though, besides the noise pollution, is air pollution.

As you would know, Mr. Chairman, many of our schools—I could name three primary schools in my own constituency that exist in very close proximity to major roadways, and roadways that have been expanded in recent times. Therefore, we can anecdotally make the assumption that the air pollution concerns have been getting greater

and greater, but no one is monitoring, no one is assessing. Therefore you have listed some health concerns here with regard to noise pollution, and those would only be greater with respect to air pollution—developmental challenges, health challenges, risk of cancers, impact on childhood asthma, skin disorders.

The agency would be aware of sulphur dioxide, nitrogen dioxide, carbon monoxide and a range of other pollutants that vehicles do emit in Trinidad and Tobago. So, Chairman, I would want to get some assurance from you that this is now firmly on the radar screen of the EMA. There are studies on air pollution affecting child school-aged children in other countries, some of which have been completed, some of which are ongoing that could easily guide the EMA to address this particular matter.

The next chairman, a future Chairman of the EMA could be in primary school right now; a future Member of Parliament or Senator, and I am very concerned about the effect of these invisible challenges on the future of these children. If not you, who else is going to do this? So this is a very, very sincere and genuine concern of mine.

I have a couple others, Mr. Chairman.

Mr. Chairman: Are they linked?

Dr. Browne: No, they are not directly linked with this particular—

Mr. Chairman: I promise that immediately after—

Dr. Bachan: Chairman, Dr. Browne, your concerns are our concerns at the EMA as well. As I indicated in my opening statement, one of the key issues that we have to address is the issue of data collection and research, to allow for us to make good decisions, to allow for us to be able to set policies and guidelines in place. That is one of the reasons we established the Strategy and Research Unit.

Dr. Browne, I would tell you this with regard to the projects: these projects have value, but the problem is the funding. If I may, I listened to the budget debate recently and I was waiting to see to what extent the environment would have factored into the discussion, and I was utterly disappointed Dr. Browne. The amount of money that we get for things like noise and complaints-related costs in our allocation is about \$150,000, Dr. Browne; water-related costs, \$150,000; air quality costs, \$300,000. One piece of equipment in order for us to meet the international standards for air quality monitoring,

one piece of equipment that we can utilize when we are doing an assessment out in the field cost about \$800,000—one piece.

We have in the past, when an incident takes place, had to rent equipment, and that hamstrings the EMA. We have sought to find ways to basically increase our capacity in terms of equipment and the like so that we would be able to carry out these tests, which are part of our responsibility, such that we could get the data that would allow us and guide us.

The issue of our children and the awareness and the public education is critical. We continue our education programme and, as I said, we are currently in our strategic planning period which we are hoping to be completed by the end of the year. That is one of the major focuses that we are looking to address.

So the issue with regard to whether or not the extent of how we look at these issues that you have raised, we take them very seriously, but we are challenged and curtailed by what exactly we have to work with at this point in time.

Mr. Chairman: Thank you.

11.25 a.m.

Mr. Chairman: Do you wish to offer Sen. Hadeed an opportunity before he leaves, and I will come back to you immediately thereafter?

Mr. Hadeed: Thank you, Chairman. Any member can answer this question. As Minister of Tourism, I am very, very, very, very concerned about what I saw in the newspaper a couple days ago, that five turtles, protected turtles, were captured in a gill net, and I have heard nothing from the authority as to what the authority has done to deal with the issue at hand. These gill nets that are put out there at night, anything that swims into them cannot come out. The gill nets that are used in Trinidad and Tobago is banned everywhere in the world except here. How could we work towards—or what could we do, what could you do to protect the turtles. As you know, the communities in the east and north/east coast of Trinidad, and south coast of Trinidad, they all depend on tourism. They all depend on the turtles—there are people coming to Trinidad and Tobago. We need to be really serious about the protection of our wildlife and our sea life. What could you all tell me that you all will do to bring to justice these things that are continuously

taking place every single year?

Dr. Bachan: Chairman, no one is more passionate about saving sea turtles than myself. I have been doing it for years. [*Laughter*] I have been bringing funding to communities to allow for the development in these communities in a sustainable way, utilizing the environment and the turtles as the product such that we can generate, through the economic drivers of ecotourism, agro tourism, sustainable jobs in these communities which were of the poorest in this country. To date, we have a project which was launched two years ago, which is the National Monitoring Programme—the National Sea Turtle Monitoring Programme. This programme is intended for us to be able to utilize, through communities, who have been trained, community persons who have been trained in terms of the accumulation of data, scientific data, and designing programmes that allow for us to understand what the current situation with regard to our population of turtles are.

I am always pleased to hear when we highlight the plight of our sea turtles because it says that, four year, five years ago, I mean I can tell you, people did not truly understand what was taking place with turtles. The programme itself has come a long way, and the programme with partnership from private sector, by people like BHP Billiton and Atlantic, has allowed for that development to take place, and allow for us to gather the necessary information that allows for us to make good decisions.

Now, I point to this because we—the dialogue in this regard continues, and that is the only way we are going to find solutions. We recently had a sea turtle symposium which was a two-day event, where we had people from academia. We had the Ministries, the Government agencies, private sector, as well as communities involved in conservation, and those that have an environmental interest present from both Trinidad and Tobago. And I can say that we had over 80 persons from these communities present at that in terms of the dialogue.

But let me get back to your question with regard to the incident that took place. The issue of by-catch, if you refer to the story, says—and since 2003 there have been publications taking place which speaks to the fact that we have been losing over 1,000 turtles every year to by-catch. Chairman, we have a population in Trinidad and

Tobago—we have a population in Trinidad of about 10,000 sea turtles. We have the largest population of leatherbacks in the world. We have the highest density nesting site in the world. Over the last six years, the data suggests that if it is we have a population of around 10,000 species, 10,000 turtles in terms of our population numbers, and we are losing, since 2003, 1,000 turtles a year, in 2013 we should have no turtles.

If you review the data, you would see that the determination is made on the basis of subjective data, asking fishermen how many turtles are being caught. But a scientific assessment needs to be undertaken. We are currently, under the offshore monitoring programme of this project, currently undertaking to design a scientific method to determine what is the extent by which the by-catch is impacting on turtles? What is the fate of these turtles when they are drowned, because where are the carcasses, these 1,000 carcasses going? And to what extent by-catch is truly impacting. Any loss of a turtle is critical and should be looked at as an issue. But the extent to which intervention should be undertaken—and I crossing the next side now because I understand the plight. Any loss of any turtle is cause to raise concern. But then we need to understand that we need to ensure we have the data that would allow us to understand the scale for us to determine the extent of the intervention that we are required to undertake. I will tell you that when the incident took place, the Minister—

Mr. Chairman: Dr. Bachan, do forgive me. It is really out of a concern for time and the number of questions that have to be asked.

Dr. Bachan: My apologies, Chairman, it is just—

Mr. Chairman: I know that you have a close relationship with turtle conservation yourself, but may I ask you, if you think you have covered the question about gill nets, that we go on to the next one? Will I be able to say that you have?

Mr. Hadeed: I just want to point a question.

Mr. Chairman: This is on the gill nets point, sir?

Mr. Hadeed: Yeah. Yeah. Yeah. The first question was—I saw in media reported, five turtles in a gill net. The media reached there to take the pictures of these turtles dead, drowned in this gill net—

Mr. Chairman: And there was no EMA—

Mr. Hadeed:—and there was no EMA up there.

Mr. Chairman: Okay, Dr. Bachan.

Mr. Hadeed: On the top of my knowledge, that could have taken the information, who owns the gill net? Whose boat it came in on?

Mr. Chairman: Dr. Bachan, is that—

Mr. Hadeed: These are the things that I would like to find out. And I would also like to find out, what is the EMA doing about the use of gill nets in Trinidad and Tobago that are wiping out every species of fish that we have? It has been banned all over the world?

Mr. Chairman: Okay. If that is within your remit, Dr. Bachan. This might be a good time for you to speak directly to that.

Dr. Bachan: Chairman, I can tell you that we have had a couple months ago, we had a meeting of all the agencies and stakeholders, including fisheries, forestry division, UTT, the University of the West Indies, IMA, for us to look at this matter as to how. There are multiple agencies that have jurisdiction over this matter—

Mr. Chairman: Are you one of them?

Dr. Bachan:—and we are one of them because sea turtles have now been designated an environmental—

Mr. Chairman: So, Sen. Hadeed is saying, should you have been in the photograph on that day up at the site demonstrating your passion?

Dr. Bachan: Chairman, the Fisheries Division was there, and as you are also aware the wildlife section of the Ministry was also present. They have the capacity to be there at this point in time.

Mr. Chairman: And not you.

Dr. Bachan: Well, we do not have the capacity at this point in time.

Mr. Chairman: Good. I think that is what we are looking for. Thank you very much. I have three of my members on my list; Dr. Browne and then Miss Roopnarine.

Dr. Browne: I will try to be as brief as possible. I cannot help but intervene on the gill net issue because I thought the answer was a little convoluted, Mr. Chairman, with all due respect, and I think people are missing point a little bit, when we hear questions about, who owns that net, and bring them to justice. The fact of the matter is, if we have gill

nets deployed in our coastal waters, they are going to capture turtles from time to time. Those fishermen did not set out to kill turtles, but it is the gill nets, the technology, the physical device being utilized to catch fish will also catch turtles. In my humble view, the answer is not that complex, and it has been arrived at, country after country around the world, we have to look at the issue of banning gill net fishing in our coastal waters, either during the turtles nesting period or 365 days per year. And I think it is a little unfair to throw all of that on the EMA because that will be an issue of government policy, and therefore, that is something that the Cabinet would have to consider.

Just to move on to the follow-up on my—[Crosstalk] yes. Just to follow-up on my other issue with regard to the funding for assessment and research into pollution affecting our schoolchildren. I am a little bit pained to hear that, you know, money is the limiting factor at this point, and the Chairman was hoping that it would have been addressed in the budget. I would want to encourage the EMA and all other bodies to utilize this forum, because we did have a hearing before the budget debate which would have presented an opportunity for a very acute advocacy on this particular point.

So, while members may not have focused on it during the budget debate, I would say that the EMA did not sufficiently advocate on those key points that you are passionate about, according to your own declaration, and not just here at the Parliament or this Joint Select Committee, but I am encouraging you, Mr. Chairman, to be more, even more of a champion of these issues. You know in this country the squeaky wheel gets the grease, and therefore, if funding is a limiting factor, and we see funding for all sorts of things in the national space, I would want you even more to be an advocate and champion of this cause, and I am certain in the near future, the research and assessment into these impacts on our schoolchildren would be achieved. I am not saying that you are not doing work now, but I am just asking for more. I would be part of that effort.

Mr. Chairman: Thank you very much. Miss Roopnarine, Mr. Seemungal and Mr. Al-Rawi, not in that order, to follow.

Miss Roopnarine: Thank you, Chairman. My question is with respect to noise pollution, and it really comes from the fact that a lot of times, as a Member of Parliament, I often have persons coming to the constituency office, senior citizens in particular, with

complaints of noise pollution, whether it has to do with institutions such as bars or events that may be hosted by organizations. I noted in your report that you would have provided some figures with respect to the number of noise complaints received by the EMA, and I noted that there was a significant decrease from 2012 to 2013, where you would have dropped from 134 cases to 88. So it is a significant drop, and so I am just wondering if there is something that the EMA is doing with respect to noise pollution, and perhaps if there is some way we could help you to continue, whatever it is you are doing, to continue to decrease the number of complaints coming to the authority.

In addition to which the information of the general public, maybe you could tell us, very briefly, how you go about treating with citizens who are aggrieved with situations such as noise pollution. How does a member of the public communicate with the EMA? What steps are taken by the EMA, and how do they get follow-up action? Because a lot of times the first question I would ask is well “did you report it to the EMA”? Then they say well “yes, but they have not done anything”. So, I do not know if it is a matter of communication between EMA and aggrieved persons, and perhaps you could educate the public, through this particular Joint Select Committee, because we often have a lot of persons looking at the Parliament Channel. Thank you.

Mr. Chairman: Dr. Bachan.

Dr. Bachan: Chairman, the issue of the noise pollution is that, what we do is we issue a noise variation. We are currently looking at putting in place mechanisms to go a step further and give institutional permits for venues and the like that continuously—so instead of each individual event, over a year period, venues can have a permit which they have to be compliant within.

11.40 a.m.

Dr. Bachan: With regard to your question with regard to what we are doing in term we indicated in the last our session here one of the things is that while we do not have is resources at this point in time creative ways to sort one things is by having discussion

regional corporation they also is as well as a police. Our legislation—the police under the Summaries Offences Act are best suited to address the issue of noise in communities because they do not have the limitation of having to stand outside with a noise metre for a half hour to determine whether or not you have exceeded or not, they can intervene immediately.

So, we are mindful of the cries of the public but we are also mindful of the need to sensitize the police in terms of working with us to allow for greater intervention relative to noise pollution, and we are doing that. We have had numerous meetings with the police as well as regional corporations on this matter.

Miss Roopnarine: Just one thing coming out of that. Do you decline permits and if so how many have you declined over the last year or so? Just give us an idea.

Dr. Bachan: Just one maybe declined.

Mr. Chairman: If the number is not readily available you could provide us later on.

Miss Roopnarine: You do not have it? Okay, no problem.

Mr. Chairman: Sen. Al-Rawi.

Mr. Vilain: Chairman, just a minute. If I could just elaborate on the Chairman's answer. I think there is a common misconception in the public as to what is the EMA's role in noise, and the chairman alluded to it just now, I just want to elaborate a bit. If you are having a function in, well, what used to be when they would have function, King George V Park or the Oval and so on, you can apply for a noise variation permit. It says, on this day, for this time, for this particular event, I am going to make some noise. When that is happening there is a list within the EMA that on this Saturday night there are these five events, officers go out into the field and they monitor with their equipment, as he said,

and where there is variation—which this has to be over a sustained half-hour period. The way the rules are written now, they can then enter and ask the people to stop or turn down, or whatever, and that happens quite infrequently, meaning, that the noise is at a sustained level for 30 continuous minutes.

So, it makes enforcement in that scenario a kind of a hit and miss thing. But more importantly is, that is in no way addresses the neighbourhood bar or your neighbour home on a Saturday afternoon cranking up his stereo. The EMA has no jurisdiction over anything other than when a noise variation permit is in place for a particular event on a particular day at a particular time. If your neighbour's teenager cranks up his stereo to the highest level, you need to call the police not the EMA. But the public do not know that, so when they call the EMA they are told, please call the police, and then they get annoyed.

Mr. Chairman: Sen. Al-Rawi.

Mr. Al-Rawi: Thank you, Mr. Chairman. Good morning Members, again. May I join the Members of the Committee in thanking you for your written response to questions which we see is dated September 15, 2014.

Mr. Chairman, I know that time does not permit you to engage in a full response to the number of questions that I have so I would ask if someone from your team could retrieve the notes from *Hansard* as to the following issues which I would like to receive your written response on, if it should please you. There are few issues arising in relation to your written response, specifically if you could provide us with a note of the status of consideration and potential implementation of the Beverage Container Bill. You have flagged that at page 4 of your report under the heading dealing with the Environmental

Incentive Programme—that is critical legislation for us and we would like to have some understanding as to the EMA’s readiness or considerations or fulmination in respect of that.

There is talk as well that an application should be coming to deal with a recycling plant be placed at the Beetham Landfill or other landfills which is intended to coordinate with that particular Beverage Container Bill. If that is in fact so, if the EMA has any knowledge in relation to it, I would be very grateful if we could have some update as to, again, fulminations or considerations as to the utilization of that kind of technology at our landfills, in general, and specifically as a coordinate in the preparedness for the Beverage Container Bill?

At page 6 of your written responses you indicated that under the heading “Human Resource Strategy” there would be continuous development of staff, I would be very grateful if you could provide the committee with an organizational chart for the EMA? Also if you could indicate the number of people that you have presently employed? The number of vacancies that exists? The number of promotions to respective positions that have happened over the last two years? And what methodology is in place for the recruitment and training of staff? I note that you are lucky—if I could put it that way, blessed—to have the services of who was once the head of legal, acting as the managing director of the EMA. That is a position that has been existence for quite some time now, this acting capacity, could you please give us some kind of report on the steps taken by the board to retain someone on a permanent basis in respect of that? I will just give you the full list and whatever you could provide in writing you can and if you wish to respond orally perhaps you can do that as well. Please note that I have no complaint in relation to

Miss Badree Maharaj, I am just asking about the de facto jury positions that work there.

On page 10 of your report, you dealt with the summary of registers of CECs and you indicated that this information would be submitted on October 01 as per an extension granted. I know that there is a story in respect of that as well. I think a further extension was given, I am not sure, but I am sure that the committee is interested in receiving the summary of the register of CECs inclusive of the names of persons who applied, the names of successful applicants and the reasons for granting the CECs? I would like it if you could include in your written response what the process for EIA consideration and approval inside of the EMA is, specifically the EIA aspects? And I would put it in the context of two particular projects; one, being the WASA/NGC project for the water reuse facility, and the second one being, the highway to Mon Desir leg of the particular project conducted by OAS? I raise it simply in the context that there is a live issue—I am not sure what the fact is behind it—as to the EIA's in those two projects being inadequate, or at least the public taking some issue with it. And I think perhaps it would do us well as a nation to have a little more transparency in respect of those two particular projects, what exactly happened? Who reviewed it specifically? What supervision over that was done? And when the decisions were taken? I think that would help us as a nation to go a little further than just the bacchanal that surrounds the issues themselves.

At page 13 of your report, we dealt with the confirmation and the admission by Petrotrin to the use of COREXIT in the oil spills, and that particular event was indicated to be something which was beyond, of course, the EMAs approval factors, there are two things that concern me there that I would be grateful to have your response on. One, the Ministry of Energy and Energy Affairs had a disaster preparedness plan on its website up

to two days after the event happened, that disaster preparedness position was taken down by the Ministry of Energy and Energy Affairs after this particular event and, if you check the website now, or when last I checked, perhaps it may have been cured, you get a 404 error, document cannot be found. But in that particular disaster preparedness plan there was a correlation to the use of materials, the reporting, et cetera, so if you could tell us what that position is? The position with the Ministry of Energy and Energy Affairs, whether you have any interaction with their disaster preparedness plan from an environmental perspective?

Secondly, if you could tell us with respect to that particular taskforce, the NEATF, I think it is the National Environmental Action Taskforce—the issue was raised that the members that populate that taskforce who are investigating government agencies such as Petrotrin, that have found themselves as offenders under the environmental legislation, that the very entities that are supervising this, are entities which are funded by the Government or comprised by the Government. So it appears, it may not be so, but it certainly appears, that it is himself investigating himself or his family. I think that is something that we need a little clarification on, has the EMA received any response in respect of the workings of the NEATF and what its position in respect of that oil spill and the utilization of COREXIT is?

At page 17 of your report there was the indication, statement by the EMA that it can confirm that \$20 million was paid by Petrotrin arising out of the fines levy, if you could provide the details of that payment? When paid? When received? And where it was applied to? For instance, was it put into the Green Fund? Could we please have the details in respect of that payment?

I am coming down to two last issues and then I would end. There is information in the public domain that the EMA acquired a building at Mulchan Suchan Road, and the allegation or the issue which arose—because I do not just want to grab an allegation from the public domain, but the issue out there is and perhaps you can explain it—is that the building does not have all approvals and therefore you cannot occupy it because of its state and condition, and state of approvals. A question has also arisen as to the purchase price, there is a statement in the public domain that the building was listed for \$20 million as the advertising price that the vendors were interested in receiving and the statement again—and I am not sure if this is true at all, I want to qualify it—is that the EMA paid \$25 or \$28 million in respect of that purchase, if you could confirm that for us please, we would be very grateful?

The last issue that I would like to come is the issue of the quarrying. I am aware that we had a situation—well, you would remember that we had a very significant discussion on the last occasion about the illegal quarrying in Trinidad and Tobago, about the risk to life that the enforcement officers apprehend to be a real issue for them, of the \$80 million in losses of state lands which were illegally mined out of the seizure of equipment, the allegation being some \$100 million of equipment were seized by the police and then operations restarted. I would like to have, please, in writing, in your responses, what the state and condition of the EMAs monitoring of the illegal quarrying on this particular issue is? What is the state of investigation? What are the recommendations to the Commissioner of Police? What is the status of the allocation and appointment of police officers to the EMA? Because you raised very clearly on the last occasion that the EMA does not have the benefit of the policing arm, and we are very

concern that you get that assistance, so if you could tell us when was the request made to the Commissioner of Police? What is the time frame that has passed since then? What is the status of the appointment of the police, and if there are any difficulties that we can assist you in overcoming in that regard, we would be happy to do that. That is many last question, to leave room for other Members, if you could please provide that in writing to us? [Laughter]

Mr. Chairman: Thank you very, very much, Sen. Al-Rawi, and Dr. Bachan I trust that you will respond at length in due course.

Dr. Bachan: I would response to one question.

Mr. Chairman: Would you mind if we take these other two first questions.

Mr. Seemungal: Let us give the questions first, you would respond to all after.

Mr. Chairman: We will take questions from Mr. Seemungal and Mr. George and then we would look to you for the wrap up.

Mr. Seemungal: Thank you very much, Mr. Chairman, I would not take a **marathon session as my colleague.** [Laughter]

First of all I want to commend and congratulate you. Your appointment is just as old as my Ministry, that is about a year, and for the very first time I am actually seeing quite a lot of cooperation between your department, the EMA and my Ministry. Especially, with respect to those portfolios that you have quasi jurisdiction over, which is the illegal quarrying and the claim of illegal forestation and all these things.

11.55 a.m.

But, one of the things I am very impressed with is what you all, and together with my Ministry, have been doing with respect to some of these matters, because as you are quite aware, illegal quarrying is not something

new to this country. It has been going on for the past, how much years, but for the very first time that something is actually happening to these quarrying.

The joint task force that have been set up between the NOC, the army, the police and your department, together with the Ministry of the Environment and Water Resources and also the Ministry of Energy and Energy Affairs, and this task force as you know meets twice a month, together with the Commissioner of State Lands, to enforce some of the laws which governs quarrying and occupation, well, illegal occupation of state lands which falls under the remit of Commissioner of State Lands.

It was also, for the very first time, I know, that you all have been engaged in geo-mapping of all these quarries, together with my Ministry which have been leading the way of spatial mapping and spatial data. If you do not know where these quarries are you would not be able to send the helicopters to find them. And for the very first time we are mapping all of the quarries and all of the lands that are being occupied for two reasons: one, is to find out who owns the land, because the commissioner only has jurisdiction over state lands, and the Ministry, and you have jurisdiction over private land. So that is what I know that you all are engaged in with my Ministry with respect to these quarries.

Also, with respect to assisting, and I think just recently you all signed in the MOU with my Ministry with respect to sharing spatial data and to start mapping all these environmental hazardous area. I know the turtle is also a very sensitive issue to all. Some of the turtles that have not been under the protection of the state, we now want to bring that through the fisheries division who really have the full jurisdiction over all of these matters. I know that you all have been working with them to update and revamp the entire Fisheries Act, as well, to bring it in line to some of the regulations and laws that you all want in place so that we can have proper regulation of the seas. As a matter of fact, I think you all were also involved in the banning of trawlers, that whole exercise where the Ministry went and ban all trawlers,

but these nets, I think, they are still engaging in all the consultancies and meeting with the stakeholders so that we can determine again what is the way forward with respect to these gill nets.

It is not something new, but the engagement of the relevant stakeholders, we do not want another fasting to occur when we start with the gill nets banning as well. So we have to be very careful as a Government in how we approach the private sector when coming to taking away part of their livelihood as well.

So my question to you is really, why did it take so long for all of these matters to take place, after, how much, 16—18 years EMA has been in existence, and now we are finding all of these environmental matters now being addressed, not just by you, but all the Ministries as well, and also in keeping up-to-date with the 21st century as to where we should be with respect to these matters that are really sensitive to all our citizen needs.

Mr. Chairman: Should the chairman attempt to answer you now, Mr. Seemungal?
[Laughter] Mr. George?

Mr. George: Yeah.

Mr. Chairman: And then you will address those which you can, Sir.

Mr. George: Thank you very much, Mr. Chair. I want to make a little comment, but before that I want to assure the members of the EMA, and they may have been alerted to this particular issue on the previous occasion that they were here, that we are not here bowling bouncers or googlies and leg breaks to try to get you out in the slips or LBW, but really to try to find out from you what exactly you are doing to give effect the remit that you have under the legislation. That is why I asked my question earlier on about the relationship between the EMA and WASA and the development of that relationship in the context of the preservation of our watersheds along the Northern Range, from which our main water courses flow and from which our main wells find the aquifers.

I understand the whole issue of how far we had gone along the road of degradation before the EMA came in, because I was around in the middle to late 90s, when the legislation that brought the EMA into being was being implemented, and I

remember your first appointee as CEO, Dr. Mc Intosh, and so on, working. And I had a lot of interaction with him so I understand that when the EMA came into being it was 20 years at least behind time. So I know you have a lot of catching up to do, but I am suggesting that one of your main pursuits in the near to medium term must be a working relationship with WASA. I am not saying the Water Resources Agencies alone, but WASA itself, including its Water Resources Agency to preserve the watershed, the areas along the Northern Range. It has to be an active participation and a cooperative participation.

Sometimes you might find that you do not have the resources, for example, for enforcement, but WASA's police may be able to fill that gap for you, and so on. So we have to ensure that those water resources we have are preserved into posterity, we cannot take it for granted that God will provide. We have to preserve the hills and therefore your remit as the Environmental Management Authority must extend to a relationship with the Water and Sewerage Authority, right, that have you both working together to preserve our watersheds, in particular, the Northern Range.

I am saying, particularly, Northern Range because that is where our main water supplies come from, but of course you have the Central Range, you have the Navet and so on, which also requires that you have this relationship with WASA. So I am making that recommendation out of all that you have said today, if we can get that arrangement and that working symbiotic relationship between yourself and WASA to be put into effect, I think that we would have benefited from today's exercise. Thank you.

Mr. Chairman: Thank you, Mr. George, chairman and members of the EMA, we will now invite you to treat with those matters which can be dealt with here off the cuff, and subsequently, to put certain things in writing if you can, in particular, in response to the questions asked by Messrs Al-Rawi and Seemungal, which I suspect need writing. And when you have covered that, then we will wrap up, and may I just remind members of the Committee that we shall have a brief meeting immediately thereafter. Thank you very much. Dr. Bachan.

Dr. Bachan: Chairman, thank you. First and foremost I will respond to both Minister Seemungal as well as Minister George in one context because it was along the same lines

that they spoke. We at the EMA, while we are a regulatory authority, as a regulatory authority we need to ensure that we have—our decisions are guided by a certain level of independence. Having said that, the question was asked on, what has been the reason for the lack of the moving forward over the last how much years? I would say that one of the major problems that we had in Trinidad and Tobago over the years has been the issue of the lack of collaboration. We had a silo mentality, and everybody wanted their own pocket. I think if we have to address the matters that we are facing right now, and because of the extent it has reached, we have to do it in a collaborative basis. I would say to all members here, that the EMA has, the management, as well as the board, has pursued a collaborative agenda. We have pursued partnerships.

Sen. George, the issue with regard to WASA, we have dialogued with WASA, and I would take very seriously your suggestion in terms of pursuing further with regard to the watershed management with WASA. We will work and we have been working, as Minister Jairam has basically indicated, we have been working with a number of agencies. We have been partnering, because we alone cannot do it. We appreciate that, and that collaboration and partnership is a strategic intervention that we are utilizing such that we can address these matters, because saying—doing nothing is not an option.

With regard to the issue, with regard to Sen. Al-Rawi, I would respond to most of his questions by writing because there were quite a lot that requires extensive information, but I will say this, the issue with regard to the status of the managing director, we have put out advertisements for the position as you would have probably seen in the newspapers. It was published in the *Newsday* on October 23 and November 02, the *Guardian* on October 21 and the 26 and the *Express* on October 19 and 29 and November 03. So the search has begun. The issue with regard to the EIA process, I will resend it to the committee, but I believe in the very first instance we did submit it with the CEC policy.

Mr. Al-Rawi: *[Inaudible]*

Dr. Bachan: Oh, you would like it, not the process itself, but how it was done for those two projects. Okay, fine. With regard to the task force, the issue of himself unto himself, Senator, I sit on that task force. The task force is intended—and I chair the task force. I view myself as highly independent in terms of adjudicating on matters and for the best interest of Trinidad and Tobago. I stand by that. The work of the task force members, the task force has been proceeding to do a number of assessments. They have been reviewing documents and the like, and they have been working very hard at proceeding to find some sort of way forward with regard to how we address the issues of such incidents and how we basically mitigate against such incidents going forward. The task force has submitted a report to the Cabinet within the time frame that we were supposed to submit it, and we continue to do our work going forward.

So, chairman, I would like to say that the issue with regard to himself unto himself, the Government institutions have some of the best, and our research institutions, the University, UTT have some of the best research minds and the best scientific minds that we have in the country, and I think we are not doing ourselves justice by down grading our own technical expertise. And I would stress, the team has—the competency of the team is well made up, they have been working and they have been charting the way forward, moving forward.

12.10 p.m.

Mr. Al-Rawi: Mr. Chairman, just one question—thank you so much for your answers—again, intended just to find the grease for the right squeaking wheel. That report that has been produced by the task force, is that report available to the public in general? I will tell you why I have asked. Trinidad and Tobago is witnessing, for instance, a commission of enquiry into a project called Las Alturas, which has gone a particular way. This incident, the fine alone, was more than moneys in certain other points, and I am sure that the population, particularly, because of the interest by Fishermen and Friends of the Sea and the perceptions—remember I told you it is not to doubt that the work is being done or that we have competence and capabilities. Certainly, you know I have great regard for you. The question is the transparency of the process. Is that report the subject of confidence? Can it be disclosed? Because one would think that a report of that nature by an independent entity, chaired by an independent person such as yourself, as you are in your matrix,

that would be something that the public ought to see. Because not only it is the perception of himself investigating himself, but also reporting to himself. So the question is: Can that be made public? And if so, we would be very grateful to receive it.

Dr. Bachan: Senator, I would like to point out, the task force was formed by Cabinet. The task force reports to the Cabinet and, as I have indicated, our report goes to the Cabinet.

Mr. Al-Rawi: So one final point from you. Would you mind terribly writing to enquire whether this report can be made public? And if so, if you could publish it and tell us what the response back is? Because we are very interested as a nation to understand. Coming out of the BP spill at Macondo, the world changed its management for disaster preparedness of oil spills of this nature. This is something that has effects—Trinidad and Tobago is an oil and gas country and it has wide public ramifications. It affects our revenue. Fifty per cent of our livelihood comes from it. The Ministry of Energy and Energy Industries is spending loads of money telling us that, every day in advertisements. So would you please write and tell us publicly, whether you have permission to release that report? Because I am interested to receive it.

Dr. Bachan: I will do so. With regard to the other matters, Chair, because of time, and the extent, I guess I would respond in writing.

Mr. Chairman: May I therefore intervene? I think we have exhausted all the available questions and have been given some very thorough answers, Dr. Bachan. Those that you can put into writing, we would now be happy if you could do so. On behalf of the Members of my committee, I thank you very much for your very active participation and your helpful resources, and I trust that we will not have cause to bring you here to follow up because your answers will probably be as thorough as your verbals were.

In the circumstances, if you are Christian, do enjoy the Christmas season. Be good to yourselves.

Mr. Al-Rawi: And if you are Trinidadian, enjoy it as well? [*Laughter*]

Mr. Chairman: This session is now suspended, and the Members of our committee will meet briefly. Thank you very much.

Officials of the Environmental Management Authority and the Ministry of Environment and Water Resources depart.

