



The
**Environmental
Commission**
OF TRINIDAD & TOBAGO



World Environment Day 2020
Biodiversity



MESSAGE FROM THE CHAIRMAN WORLD ENVIRONMENT DAY 2020

On the occasion of World Environment Day 2020, the Environmental Commission joins with all of Trinidad and Tobago and indeed the world at large in celebrating this very significant day.

In 1972 following upon the Stockholm Conference held earlier that year, the United Nations General Assembly designated June 5th as World Environment Day. Since 1974, this day has been observed annually to raise global awareness for the preservation and enhancement of the environment.

Environmental rule of law is essential to achieving sustainable development. It integrates environmental needs with the essential elements of the rule of law and provides the foundation for improving environmental governance. According to the United Nations, "Without environmental rule of law and the enforcement of legal rights and obligations, environmental governance may be arbitrary, that is, discretionary, subjective, and unpredictable."

We are indeed very fortunate in Trinidad and Tobago to have a specialist environmental court in the form of the Environmental Commission of Trinidad and Tobago. I take this opportunity to remind all that the Commission is committed to providing a forum for the resolution of environmental disputes that arise under the Environmental Management Act, Chapter 35:05 of the Laws of Republic of Trinidad and Tobago (EM Act).

The Environmental Commission strives to be the premier specialist environmental court in the Caribbean. Internationally, the United Nations has created the Sustainable Development Goals (SDG) 2030. SDG 16 speaks specifically to providing access to justice for all and building effective, accountable and inclusive institutions at all levels. Specialized Environmental Courts and Tribunals are viewed as a proven way to accomplish this important goal.

Nationally, the Government of the Republic of Trinidad and Tobago has developed Vision 2030 policy document which includes the themes:

- a) Placing the Environment at the center of social and economic development; and
- b) Delivering good governance and service excellence.

Without a doubt, the Environmental Commission of Trinidad and Tobago has an important role in this regard. The Commission adjudicates applications, appeals and complaints under the EM Act and the subsidiary legislation made thereunder.

The theme for World Environment Day 2020 is 'Biodiversity'. Biodiversity is important because it maintains a healthy ecosystem and high productivity. Each species, no matter the size, has an important role to play in keeping the equilibrium of the Earth in check. The biodiversity of Trinidad and Tobago is the most varied of the islands in the Caribbean archipelago due to the continental origin of our islands. Biodiversity in Trinidad and Tobago is protected primarily by the EM Act and its subsidiary laws.

In this regard and in keeping with the theme of World Environment Day 2020 Biodiversity, we wish to highlight the EM Act and the subsidiary legislation relating to the protection of biodiversity, namely:

- the "Environmentally Sensitive Species (ESS) Rules, 2001"; and
- the "Environmentally Sensitive Areas (ESA) Rules, 2001."

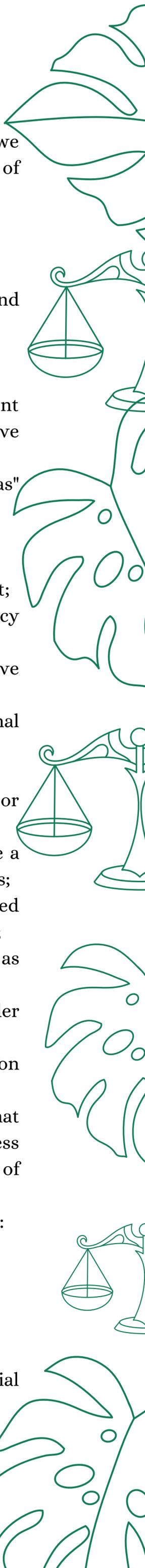
These ESS and ESA rules consist of standards and guidelines for the designation of an ESS and an ESA, as well as the procedures for the designation of and rescission of an ESS or an ESA.

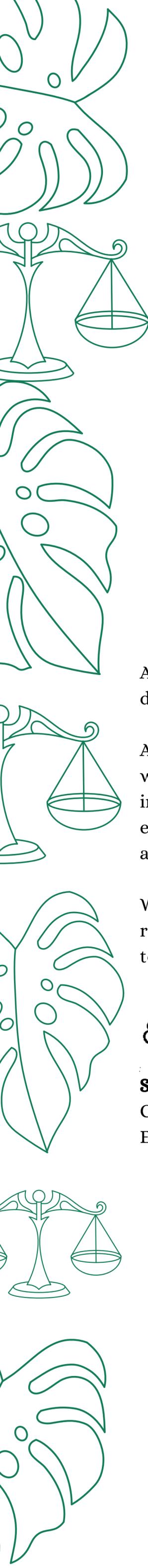
The Commission's jurisdiction in relation to the ESS and ESA rules 2001 are as follows:

- Hearing of Applications for deferment of designations by the Environmental Management Authority (EMA) of "environmentally sensitive species" or "environmentally sensitive areas" (under section 41 of the EM Act); and
- Hearing of Appeals from the designation by the EMA of "environmentally sensitive areas" or "environmentally sensitive species" (under section 41 of the EM Act);

The jurisdiction of the Environmental Commission also extends beyond this and includes:

- Appeals from decisions or actions of the EMA as specifically authorized under the EM Act;
- Applications for deferment of decisions by the EMA to undertake certain emergency response activities (under Section 25 of the EM Act);
- Applications for deferment of designations by the EMA of "environmentally sensitive species" or "environmentally sensitive areas" (under Section 41 of the EM Act);
- Applications by the EMA for the enforcement of any Consent Agreement or any final Administrative Order (under Section 67 of the EM Act);
- Administrative civil assessment (under Section 66 of the EM Act);
- Appeals from the designation by the EMA of "environmentally sensitive areas" or "environmentally sensitive species" (under Section 41 of the EM Act);
- Appeals from a decision of the EMA under Section 36 of the EM Act to refuse to issue a certificate of environmental clearance (CEC) or to grant such a certificate with conditions;
- Appeals from any determination by the EMA to disclose information or materials claimed as a trade secret or confidential business information (under Section 23(3) of the EM Act);
- Complaints brought by persons pursuant to section 69 of the EM Act, otherwise known as Direct Private Party Actions;
- Appeals against an Administrative Order issued by the EMA (under Section 65(2)(a) under the EM Act);
- Appeals where the EMA has failed to comply with the requirement for public participation (under Section 28 of the EM Act);
- Appeals against a decision of the EMA to reject a claim under the CEC Rules, 2001 that information supplied in an application is a trade secret or confidential business information and should be excluded from the National Register of Certificates of Environmental Clearance;
- An appeal against a decision of the EMA under the Noise Pollution Control Rules, 2001 to:
 1. Refuse to grant a variation;
 2. Refuse to transfer a variation;
 3. Refuse to renew a variation;
 4. Revoke a variation;
 5. Impose any conditions of a variation; or
 6. Reject a claim that information supplied in an application is a trade secret or confidential business information and should be excluded from the Noise Variation Register.



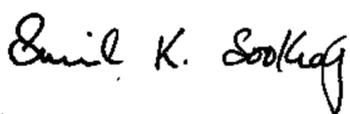
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- An appeal against a decision of the EMA under the Air Pollution Rules, 2014 relating to the:
 1. Refusal of an application to grant a permit to an emitter facility;
 2. Refusal of an application for variation of a permit;
 3. Revocation or cancellation of a permit;
 4. Conditions imposed in granting a permit;
 5. Refusal of an application for renewal of permit;
 6. Suspension of a permit; or
 7. Refusal of an application for a transfer of a permit.

 - An appeal against a decision of the EMA under the Water Pollution Rules 2019 relating to the:
 1. Refusal to grant a permit;
 2. Imposition of conditions attached to granting a permit;
 3. Refusal to grant a variation;
 4. Refusal of an application for a transfer of the permit;
 5. Refusal of an application for a renewal;
 6. Revocation of a permit;
 7. Suspension of a permit; or
 8. Rejection of a claim.

All persons residing in Trinidad and Tobago have a stake in ensuring that there is sustainable development.

A Direct Private Party Action can be commenced by anyone against another person or entity who has violated an environmental requirement under the EM Act. Any private party (this includes any individual or group of individuals expressing a general interest in the environment or a specific concern with respect to the claimed violation), can commence an action using this process, before the Environmental Commission.

World Environment Day 2020 occurring during this Covid-19 pandemic brings to the fore the relationship between humans and biodiversity and reinforces how important it is for humans to take all reasonable steps to protect and preserve the environment.



Sunil K. Sookraj

Chairman

Environmental Commission of Trinidad and Tobago

