ENVIRONMENTAL MANAGEMENT ACT

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DRAFT (30/09/2005) Discussion Only

DRAFT

An Act to provide for the management of the environment within Grenada through the establishment of an Environmental Management Agency, a Sustainable Development Council and related Committees and for matters related thereto.

Whereas the Government of Grenada (hereinafter called the Government) is committed to developing a national strategy for sustainable development, being the balance of economic growth with environmentally sound practices, in order to enhance the quality of life and meet the needs of present and future generations:

And Whereas, the management and conservation of the environment and the impact of environmental conditions on human health constitute a shared responsibility and benefit for everyone in the society requiring cooperation and coordination of public and private sector activities and public participation in the development of policies, plans and processes for the management of the environment:

And whereas several public authorities and other institutions have been performing various environmental functions and services under existing laws, there is a need for a coordinated approach to ensure the application of those laws is consistent with Government’s commitment to provide a clean and healthy environment for the people of Grenada:

And Whereas, sustainable development should be encouraged through the use of economic and non-economic incentives, the precautionary principle and polluters should be held responsible for the costs of their polluting activities:

And Whereas in furtherance of its commitment, the Government is undertaking the establishment and operation of an Environmental Management Agency to discharge environmental functions not otherwise discharged by existing agencies, coordinate, facilitate and oversee execution of environmental management functions including the National Environmental Management Strategy and programmes, to promote public awareness and education of environmental concerns, and to establish an effective regulatory regime which will protect, enhance and conserve the environment:

PART I

PRELIMINARY

Short Title.

1. This Act may be cited as the Environmental Management Act, 2005.

Interpretation.

2. In this Act, unless the context otherwise requires –

"accident" means any incident by which oil or other hazardous substances may be introduced, either directly or indirectly, into the environment, which results, or is likely to result in such deleterious effects as harm to living resources or marine life, hazards to human health, hindrance to marine activities
including fishing or other legitimate uses of the sea, impairment of quality for use of sea water or 
reduction of amenities;

"activities" means policies, programmes, plans and projects;

"Agency" means the Environmental Management Agency established under section 4;

"Appeals Committee" means the Appeals Committee established under section 44;

"Board" means the Board of Directors of the Environmental Management Agency established under section 5;

"Cabinet" means the Ministers of government;

"Committee" means the Multilateral Environmental Agreements Coordinating Committee established under section 48;

"confidential information" means information, the disclosure of which would prejudice to an unreasonable degree the commercial interests of the holder, provided that details of emission levels and waste products shall not be considered confidential information notwithstanding any provision of this Act;

"Council" means the Sustainable Development Council established under section 6;

"developer" means the applicant for development permission for a project or a governmental entity initiating a project;

"ecosystem" means a dynamic system of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

"environment" means the surroundings within which humans exist and that are made up of -

(i) the land, water and atmosphere of the earth;

(ii) micro-organisms, plant and animal life;

(iii) any part or combination of (i) and (ii),

and

(iv) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence health and well-being;

"environmental requirement" means any approval, permit or other permission which the Agency may issue;

"environmental impact assessment" means a systematic examination conducted to determine whether or not a programme, activity or project would have any adverse impacts on the environment;
"Governmental entities" includes statutory bodies;

"Hazard" means a source of or exposure to danger;

"Minister" means the Minister of government having responsibility for environmental management;

"Multilateral environmental agreement" means any multilateral agreement, declaration, resolution, convention or protocol which relates to the management of the environment and the conservation of natural resources;

"Officer" means an environmental protection officer appointed or designated under section 7(1);

"Person" includes a governmental entity;

"Pollution" means any change in the environment caused by -

(i) substances;
(ii) radioactive or other waves; or
(iii) noise, odours, dust or heat,

emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or organ of the state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to human beings, or will have such effect in the future;

"Project" means the execution of works or other installations or schemes or alterations thereof, any interference with any ecosystem or any other activity in the natural surroundings or landscape including those involving the extraction of natural resources, or any project listed in accordance with section ....;

"Regulations" means regulations made by the Minister under this Act;

"Significant effect" means an important, meaningful, or serious impact on the environment, either in the context of the setting or the proposed development activity, or in the context of the intensity of the proposed development activity's effect on the environment, and includes, but is not limited to:

(a) the degree to which public health or safety are affected;
(b) the degree to which the unique characteristics of the geographic area are affected;
(c) the degree to which effects on the environment are likely to involve controversy;
(d) the degree to which unique or unknown risks are taken;
(e) the degree to which a precedent for future action is made;
(f) the potential for cumulative environmental impacts;

(g) the degree to which the natural functioning of the ecosystem is likely to be inhibited;

(h) the degree to which a cultural, natural, scientific or historic resource may be threatened;

(i) the potential to threaten the existence of rare or endangered species or their critical habitat;

(j) the degree to which fish and wildlife resources of ecological, commercial, subsistence, and recreational importance are threatened;

(k) the extent to which one use of a resource may be incompatible with another use of that resource;

"sustainable development" means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations;

"Sustainable Development Council" means the Sustainable Development Council established under section 6;

"waste" includes any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted, or deposited in the environment in such volume, composition or manner as to cause an adverse environmental effect.

Policy directions from Minister.

3. The Minister may from time to time give the Agency directions of a general character in the exercise of the powers conferred and the duties imposed on the Agency by or under this Act.

PART II

INSTITUTIONAL ARRANGEMENTS

Establishment, functions, powers etc. of Agency.

4. (1) There is hereby established an Environmental Management Agency which shall be a body corporate governed by a Board of Directors.

(2) The First Schedule shall have effect as to matters therein provided for in relation to the Agency and the procedures of the Board.

(3) The functions of the Agency are to -
(a) take such steps as are necessary for the effective management of the natural and cultural environment so as to ensure conservation, protection, and sustainable use of its natural and cultural resources;

(b) co-ordinate environmental management functions performed by governmental organizations, agencies and persons in Grenada including natural resource conservation and management;

(c) ensure that any developmental activities which may have an adverse effect on the environment be assessed before such activity is commenced and that such adverse effect be taken into account in determining whether or not such activity may be authorised;

(d) establish and coordinate institutional linkages locally, regionally and multilaterally;

(e) take all appropriate actions for the prevention and control of pollution and conservation of the environment;

(3) In furtherance of the functions outlined in subsection (1), the duties of the Agency shall include, but are not limited to -

(a) determining the environmental impact assessment requirements of proposed projects or undertakings in consultation with the responsible ministries, agencies and statutory bodies, or the private sector developer;

(b) the evaluation of environmental impacts of existing and proposed projects in both the private and the public sector;

(c) the review of environmental impact assessments;

(d) the development of waste management and pollution control and abatement programmes for the public and private sectors and local authorities;

(e) providing technical advice on pollution control and abatement methods;

(f) maintaining registers of dangerous and hazardous substances;

(g) reviewing environmental data and audit reports from the private sector and other ministries;

(h) undertaking periodic inspections of suspected environmental or resource management irregularities;

(i) initiating legal action against offenders, and assisting other ministries, agencies or statutory bodies in cases of environmental or resource management irregularities;

(j) producing public information materials relating to environmental or resource management issues;
(k) liaising with the public, business community, and non-governmental organisations in relation to environmental or resource management issues;

(l) preparing and submitting reports to the relevant Secretariats for the environmental and resource management treaties to which Grenada is a party;

(m) establishing an environmental reference library and data-base;

(n) identifying and designating of marine and terrestrial protected areas, and the formulation and implementation of management plans for such areas;

(o) establishing protection policies and programmes for threatened or endangered species of flora and fauna;

(p) designing and implementing programmes and strategies for the conservation, protection and management of Grenada’s biodiversity;

(q) performing such other functions as are prescribed; and

(r) undertaking anything incidental or conducive to the performance of any of the foregoing functions.

(4) In performing its functions the Agency shall make use of current principles of environmental management, namely -

(a) the “polluter pays” principle: the polluter should bear the cost of measures to prevent and reduce pollution decided upon by public authorities, to ensure that the environment is in an acceptable state;

(b) the “precautionary principle”: where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to postpone measures to prevent environmental degradation;

(c) the “strict liability” legal principle: any person who contravenes this Act or regulations shall be liable to the penalties prescribed therefore;

(d) the “avoidance” principle: it is preferable to avoid environmental damage as it can be impossible or more expensive to repair rather than prevent damage;

(e) the “state of technology” principle: measures protecting the environment are restricted by what is technologically feasible and as technology improves, the improved technology should be used to prevent and repair damage;

(f) the “best available technology” (BAT) principle: involves the use of proven technologies and methods of operation in order to prevent or minimise emissions to the environment as a whole;
(g) the "best available technology not entailing excessive costs" (BATNEEC) principle determines whether a certain technology is best at preventing pollution and available in the sense that it is procurable by the industry concerned. Technology itself is taken as the techniques and the use of the techniques, including training and maintenance. NEEC addresses the balance between environmental benefit and financial expense. In the identification of BATNEEC, emphasis is placed on pollution prevention techniques, including cleaner technologies and waste minimisation, rather than end-of-pipe treatment;

(h) facilitate co-operation among persons and manage the environment in a manner that fosters participation and promotes consensus, including the encouragement and use of appropriate means to avoid or expeditiously resolve disputes through mechanisms for alternative dispute resolution.

(5) In the discharge of its functions under this Act the Agency shall maintain consultations with other government ministries, agencies and non-governmental organisations which discharge functions related to environmental management and establish mechanisms for coordination along jurisdictional lines.

Delegation by Agency.

5. (1) The Agency may, either generally or on such terms and conditions as it thinks fit, delegate its functions or powers to –

(a) the Managing Director; or

(b) any governmental entity, community or person performing environmental management functions.

(2) In delegating its functions or powers under subsection (1) (b) the Agency shall formulate memoranda of understanding or other appropriate arrangements between the Agency and such entity.

(3) The memoranda of understanding mentioned in subsection (2) may contain -

(a) an undertaking by the governmental entity, community or person concerned to assist in maintaining coordination, communication and institutional linkages for the integration of environmental management policies, laws, regulations, rules, guidelines, programmes and other activities for the protection and conservation of the environment which are applicable to the subject matter of the agreement;

(b) the environmental management activities for which such entity shall be responsible;

(c) the mechanisms for coordination and implementation of the activities mentioned in subsection (3)(a) with the Agency,

(d) a set of measurable targets for fulfilling the undertaking mentioned in subsection (3)(a);
(e) provision for -

(i) periodic reporting and monitoring of performance against targets;

(ii) independent verification of reports;

(iii) regular independent monitoring and inspections;

(iv) verifiable indicators of compliance with any targets, norms and standards laid down in the agreement or any obligations established in law;

(v) the measures to be taken in the event of non-compliance with commitments in the agreement, including where appropriate penalties for non-compliance and the provision of incentives to communities or persons;

(vi) such other matters as may be deemed necessary.

(4) Any delegation while in force shall not prevent the discharge by the Agency of any functions thereby delegated and may be revoked or varied at any time.

(5) Memoranda of understanding or other arrangements formulated under subsection (2) may be amended from time to time.

Establishment of Sustainable Development Council.

6. (1) There shall be appointed, for the purposes of this Act, a Council to be known as the Sustainable Development Council which shall be responsible for advising the Agency on any matter relating to environmental management.

(2) Without prejudice to the generality of subsection (1) the Council shall –

(a) advise the Agency on any matter concerning environmental management and specifically the setting and achievement of objectives and priorities for environmental management;

(b) promote the participation of civil society in the process of integrating environmental concerns in planning for development on a sustainable basis and encourage among all persons a better understanding and appreciation of the environment;

(c) co-ordinate the formulation of government goals and strategies for environmental protection and natural resource management;

(d) make recommendations for the implementation of the National Environmental Management Strategy;
(e) make recommendations for the rationalisation of all governmental entities performing environmental functions;

(f) monitor compliance with the standards, criteria, protocols, codes of practice, procedure and programmes relating to the environment;

(g) develop national environmental standards and criteria;

(h) evaluate environmental implications of major economic and sectoral policies;

(i) promote educational, public information and public awareness programmes on the environment;

(j) ensure Grenada institutes environmental laws and regulations, national programmes and activities to comply with multilateral legal agreements to which Grenada is a party;

(k) prepare National State of the Environment Reports.

(2) The provisions of the Second Schedule shall have effect with respect to the constitution and procedure of the Council and otherwise in relation thereto.

(3) Notwithstanding anything contained in this section, the Council may appoint committees for the purpose of advising it on any specialised area of environmental management.

(4) Persons may be appointed to any such committee mentioned in paragraph (3) for a period of two years but any person so appointed shall be eligible for reappointment.

Appointment of officers.

7. (1) In furtherance of the responsibilities and duties outlined in sections 4, the Agency shall have the power to appoint by instrument in writing –

   (a) environmental protection officers; and

   (b) environmental auditors,

as may be necessary to give effect to the Act.

(2) An appointment made under subsection (1) shall, if the appointment is to be an office in the public service, be made by the Minister pursuant to the Constitution of Grenada, but otherwise shall be made by the Agency.

(3) The Agency may, pursuant to an arrangement as provided in section 5, authorise environmental protection officers from among those individuals employed within such governmental entities by instrument in writing to –
(a) assist in maintaining coordination, communication and institutional linkages for the integration of environmental management policies, laws, regulations, rules, guidelines, programmes and other activities instituted by the Agency; and

(b) carry out such functions on behalf of the Agency as may be agreed pursuant to the arrangement in section 5.

(3) The Agency shall cause to be issued to each officer an identity card in the form determined by the Board containing a photograph of the holder.

Powers of entry and inspection.

8. (1) Any person appointed under section 7(1)(a) shall, upon presentation of an identity card issued by the Agency and reasonable evidence of his authorisation by the Agency to the occupier or person in charge of any premises or vehicle, be allowed entry into such premises or vehicle for the purpose of—

(a) developing or assisting in the development of any programme or standard under this Act;

(b) monitoring compliance with any environmental programme, standard, condition, permit, licence, requirement or other authorisation under this Act;

(c) obtaining information and samples, and confiscating any article relevant to an offence or breach;

(d) carrying out any provision or requirement under this Act.

(2) Where the premises mentioned in subsection (1) is a private dwelling, the officer shall first obtain a warrant issued by a magistrate before entering such premises.

(3) The Minister may by regulations make provisions as to the procedure to be followed in connection with the conduct of inspections and the taking of, and the dealing with, samples under subsection (1)(c).

(4) In the execution of his functions under this Act, an officer may call upon any police officer to lend such assistance as may be required and the police officer shall not unreasonably refuse.

Collection and dissemination of information.

9. (1) The Agency shall compile information relating to the environment.

(2) The Agency may, subject to subsections (3) and (4), make such information available to any person upon receipt of a written request and payment of a fee.

(3) When complying with a request made under subsection (2), the Agency shall not disclose or provide confidential information—
(a) that is subject to a trade secret or confidentiality claim by a person supplying such information, without the prior consent of that person;

(b) if the officer determines that disclosure of such information would compromise its enforcement programme or be contrary to the national interest;

(c) if the request is manifestly unreasonable or formulated in too general a manner;

(d) if the public order or national security would be negatively affected by the supply of the information;

(e) if the granting of information endangers or further endangers the protection of the environment; and

(f) for the reasonable protection of personal privacy.

(4) The Agency shall provide a written explanation of any refusal to make information available when requested by a person under this section.

(5) Subject to subsection (3), the Minister may make regulations regarding access by members of the public to privately held information relating to the implementation of this Act and any other law concerned with the protection of the environment.

Limitation on liability.

10. Anything done by the Agency, the Board, the Council, an environmental protection officer, environmental auditor or any person acting under the Agency shall not, if such a thing was done bona fides for the purpose of executing any of the provisions of this Act or any regulations made thereunder, subject such persons to any action, liability, claim or demand.

Review of Act and regulations.

11. (1) The Agency shall keep this Act and any regulations made thereunder under constant review, and in any event shall, within five years of the Act coming into force and effect, initiate a comprehensive and broad-based review which shall inter alia, evaluate –

(a) the effectiveness of this Act in achieving the government’s sustainable development policy objectives; and

(b) whether the Act has resulted in an improvement to resource management practices.

(2) In undertaking the review as provided under subsection (1), the Agency shall ensure the broadest possible consultation, and where possible shall consult with senior representatives from government ministries, agencies, statutory organisations, the business community, non-government organisations, academic institutions and civil society.

(3) The report of the review that is conducted under the provisions of subsection (1) shall be
submitted for the consideration of the Sustainable Development Council, and shall -

(a) identify any deficiencies in the existing legal, administrative or institutional framework;

(b) identify commitments under any multilateral environmental or resource management instrument to which Grenada became a party after the enactment of this Act that requires legal, administrative or institutional attention; and

(c) contain specific recommendations to correct any deficiency or to implement any commitment under any multilateral environmental or resource management instrument.

Fees.

12. (1) Where necessary to give effect to the requirements of this Act and regulations, the Agency is empowered to establish and collect fees, and may levy charges for costs associated with undertaking any inspection or audit pursuant to the requirements of this Act or Regulations.

(2) The Minister shall, by publication of a notice in the Gazette, establish any fees or charges pursuant to the provisions of subsection (1).

Annual report.

13. (1) The Agency shall present an annual report on its activities to the Minister on the following -

(a) the work of the Agency and its workplan for the next year;

(b) recommendations made in respect of environmental implementation and environmental management plans received;

(c) recommendations made in order to secure compliance with the requirements of this Act;

(d) law reform and regulations undertaken and proposed by governmental entities mentioned in the Third Schedule;

(e) compliance with environmental implementation and management plans by local government entities; and

(f) any other matter relevant to the co-ordination, implementation or management of plans, programmes or policies that may affect the environment.

(2) The Agency shall make copies of its report available to the public.

(3) The Minister shall, subject to negative resolution, present the annual report mentioned in paragraph (1) to Parliament.
PART III

INTEGRATED ENVIRONMENTAL MANAGEMENT

General objectives.

14. (1) The general objectives of integrated environmental management are to -

(a) promote the integration of the principles of environmental management into the decision-making of all sectors which may have a significant effect on the environment;

(b) identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts maximizing benefits, and promoting compliance with environmental management principles;

(c) ensure that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them;

(d) ensure adequate and appropriate opportunity for public participation; and

(e) ensure the coordination of environment attributes in management and decision-making which may have a significant effect on the environment.

(2) The Agency shall coordinate the activities of governmental entities mentioned in the Third Schedule and assist them in giving effect to the objectives of this Part and such assistance may include training, the publication of manuals, guidelines and the coordination of procedures.

Assessment of environmental impacts.

15. (1) A developer of any project listed in the Fourth Schedule, or any other project which may have a significant effect on the environment shall not be commenced without prior authorisation from the Agency;

(2) The Agency may, after consultation with the Council, establish a list of geographical areas in which specified projects may have a significant effect on the environment and may not be commenced without prior authorisation from the Agency;

(3) The Agency may, in consultation with the Council, amend the list of projects mentioned in subsections (1) and (2).

(4) Every person who commences a project mentioned in subsection (1) or in a geographical area mentioned in subsection (2) without first having obtained an authorisation from the Agency shall be guilty of an offence and shall be liable to the penalties prescribed under paragraph (d) of the Sixth Schedule.
(5) In order to give effect to the general objectives of integrated environmental management referred in section 14, the potential impact on -

(a) the environment;

(b) socio-economic conditions; and

(c) cultural heritage,

of activities that require authorisation or permission by law and which may have a significant effect on the environment, shall be considered, investigated and assessed prior to their implementation and reported to the Planning Agency.

(6) The Minister may make regulations setting out the procedure for investigating, assessing and communicating potential impacts for the purpose of complying with subsection (5).

(7) Before any regulations mentioned in subsection (6) are made the Minister shall submit a draft of such regulations to the Development Planning Authority and such other Minister as he may consider appropriate to consider or make amendments to such draft.

(8) Every Minister responsible for a governmental entity that is charged with authorising, permitting, or otherwise allowing a project contemplated in subsection (1) and (2) may prescribe regulations laying down the procedures to be followed in accordance with the regulations prescribed under subsection (6).

Relationship with other governmental entities.

16. (1) Where a project designated under section 15(1) or (2) constitutes a project which may not be commenced without prior authorisation from the Agency, and before the regulations mentioned in section 15(6) or (8) are enacted, the developer responsible for such project shall submit an application to the Agency for its consideration.

(2) In any instance where the Agency determines that an activity designated under subsections 15(1) or (2) constitutes a development requiring an express grant of permission under section 19 of the Physical Planning and Development Control Act, the developer shall direct that the developer mentioned in subsection (1) deal directly with the Physical Planning Authority with respect to his application for an authorisation and any environmental impact assessment that may be required.

(3) If the approval of any other entity is required under a written law with respect to the proposed activity, the issue of an authorisation shall not affect in any way the requirement to obtain such approval before the proposed activity may proceed.

(4) In any instance where the Agency determines that an environmental impact assessment is required for an activity at any location, no other entity shall grant any permit, licence or other documentary authorisation with respect to such activity, until a written authorisation has been issued by the Agency.

Exceptions.
17. Sections 15 and 16 shall not apply to –

(a) any project with respect to which, prior to the enactment of this Act, all final approvals necessary to proceed already had been obtained from all other governmental entities requiring such approvals;

(b) any project with respect to which, prior to the enactment of this Act, outline planning permission or full planning permission under the Physical Planning and Development Act had already been obtained.

Minister to make regulations.

18. (1) The Minister may, after consultation with the Agency and the Council, make regulations establishing -

(a) the criteria and the thresholds to determine which projects may be of significant effect on the environment and the categories of projects which because of their nature, extent and locality and, or, other environmental considerations shall be subject to environmental assessment;

(b) the criteria that are to be satisfied in the conduct environmental impact assessments including the accreditation and, or, the approval of consultants or other persons engaged to carry out such assessments;

(c) the procedures for obtaining such authorisations mentioned in paragraphs (a) and (b);

(d) existing authorised and permitted projects which shall be considered, assessed evaluated and reported on;

(e) compilations of information and maps that specify the attributes of the environment in geographical areas, including the sensitivity, the extent, interrelationship and significance of such attributes which shall be taken into account by every governmental entity listed in the Third Schedule which is charged by law with authorising, permitting or otherwise allowing the implementation of a new project, or with considering, assessing and evaluating an existing activity.

(2) Where an activity by itself does not have a significant effect on the environment but the same activity or similar activities are carried out by any person in any place and cumulatively may have a significant effect on the environment, the Agency shall require to be carried out an environmental impact assessment of the cumulative effect of such activities by such persons.

Provided that nothing in this section shall preclude the Development Control Authority from requiring an applicant for a development permission to submit the project to an environmental impact assessment, even if the development does not fall within any of the categories mentioned in section 15(1) or (2).
Coordination.

1. The Agency shall coordinate its activities with any governmental entities having responsibility for planning and management of protected areas, conservation areas and protected species of flora and fauna.

PART IV

PROCEDURES FOR INTEGRATED ENVIRONMENTAL MANAGEMENT

Environmental management plan.

2. (1) Every governmental entity listed in the Third Schedule as exercising functions which may affect the environment shall prepare an environmental management plan within one year of the commencement of this Act and bi-annually thereafter.

2. (2) The environmental management plan mentioned in subsection (1) shall contain such particulars as are mentioned in section 23.

2. (3) The Agency may by notice published in the Gazette extend the date for the submission of the plans mentioned in paragraph (1).

Purpose and objects of plans.

21. The purpose of an environmental management plan is to -

(a) co-ordinate and harmonise the environmental policies, plans and programmes and decisions of government agencies that exercise functions that may affect the environment or entrusted with powers and duties aimed at the achievement, promotion, and protection of a sustainable environment, in order to -

(i) minimise the duplication of procedures and functions; and

(ii) promote consistency in the exercise of functions that may affect the environment;

(b) secure the protection and conservation of the environment across the country as a whole; and

(c) enable the Agency to monitor the achievement, promotion and protection of a sustainable environment.

Content of plans.

22. (1) Every environmental management plan shall contain-

(a) a description of policies, plans and programmes that may significantly affect the environment;
(b) a description of the manner and means in which the relevant governmental entity shall ensure that such policies, plans and programmes mentioned in subsection (1)(a) have as their objective the achievement, promotion, protection and conservation of the environment;

(c) a description of the manner and means in which the relevant governmental entity shall ensure that its functions are exercised so as to ensure compliance with relevant legislative provisions which have as their objective the achievement, promotion, protection and conservation of the environment;

(d) a description of the functions exercised by the relevant governmental entity in respect of the environment;

(e) a description of the policies, plans and programmes and means of the relevant governmental entity that are designed to ensure compliance with the relevant entity’s policies by other government agencies entities and persons;

(f) a description of priorities regarding compliance with the relevant entity’s policies by other government agencies and persons;

(g) a description of the extent of compliance with the relevant entity’s policies by other government agencies and persons;

(h) a description of programmes for cooperation with other governmental entity’s, including any proposed or existing memoranda of understanding entered into, or delegation of powers by other governmental entities, with a bearing on environmental management; and

(i) recommendations for the promotion of the objects of the plan.

(2) The Minister may, after consultation with the Agency and the Council, make regulations for the purpose of giving effect to subsections (1)(b) and (c).

Submission, scrutiny and adoption etc.

23. (1) Every environmental management plan shall be submitted to the Agency by a date to be set by the Agency.

(2) The Agency shall review every environmental management plan and either –

(a) recommend the adoption of the respective plan; or

(b) report to the Council.

(3) Where the Agency recommends the adoption of an environmental management plan, the relevant governmental entity shall adopt and publish it in the Gazette within ninety days of such approval and such plan becomes effective from the date of such publication.
(i) Any difference or disagreement between the Agency and a governmental entity regarding either a failure to submit or the content of an environmental management plan may, if it cannot be resolved, be referred to the Council for determination.

Compliance with plans.

21. (1) Every governmental entity shall exercise every function it may have, or that has been assigned or delegated to it by or under any law, that may be of significant effect to the protection of the environment, substantially in accordance with the environmental management plan prepared, submitted and adopted by it.

Provided that any substantial deviation from an environmental management plan shall be reported to the Agency.

(2) The Agency shall monitor compliance with environmental management plans and may -

(a) take any steps or make any enquiries it deems fit in order to determine whether environmental management and implementation plans are being complied with by government agencies; and

(b) where, as a result of any steps taken or any enquiry made under paragraph (a), it is of the opinion that that such plans are not being substantially complied with, serve a written notice on the governmental entity concerned, calling upon it to take such specified steps as the Agency considers necessary to remedy the failure of compliance.

(c) Within thirty days of the receipt of a notice contemplated in subsection (2)(b), a governmental entity shall respond to the notice in writing setting out any -

(i) objections to the notice;

(ii) steps that will be taken to remedy failures of compliance; or

(iii) other information that the governmental entity considers relevant to the notice.

(d) After considering the representations from the governmental entity and any other relevant information, the Agency shall, within thirty days of receiving a response to the notice mentioned in paragraph (c) issue a final notice -

(a) confirming, amending or canceling the notice mentioned in subsection (2)(b);

(b) specifying steps and a time period within which such steps shall be taken to remedy the failure of compliance.

(3) The Agency shall keep a record of all environmental management plans, relevant agreements between governmental entities and any response submitted under subsection (2)(c); and such plans, reports and agreements shall be made available for inspection by the public in the register of information established under section 39.
(4) The Agency may publish at such times that it considers appropriate a list of the entities that fail to comply with the requirements of or the extent of non-compliance with an environmental management and implementation plan.

PART V

POLLUTION CONTROL

Management of air and noise pollution.

25. (1) The Agency shall as soon as practicable after the commencement of this Act, investigate the environment generally and such premises and vehicles as it thinks necessary for the purpose of –

(a) ascertaining the extent of air and noise pollution and the significant sources of pollutants which by their release cause or contribute to such pollution;

(b) characterising or describing the pollution.

(2) The Agency shall cause a register of air and noise pollutants to be maintained, which shall contain data identifying the quantity, conditions or concentrations relevant to the identification of each pollutant.

(3) The Agency shall develop a programme for the management of such pollution mentioned in subsection (2) which shall include the registration and further characterisation of significant sources, the establishment of standards and any ongoing or intermittent releases of air or noise pollutants into the environment.

Air related-permits.

26. (1) The Agency may require and grant permits to authorise any process releasing any air pollutants subject to such terms and conditions as it thinks fit in accordance with applicable environmental standards.

(2) The terms and conditions of a permit may relate to the design, construction, operation, maintenance, and monitoring of the facility and processes releasing air pollutants.

(3) A person may apply to the Agency for the grant of an air pollution permit in accordance with the form as determined by the Agency.

(4) The holder of a permit granted under subsection (1) shall take all reasonable and practicable measures to prevent or minimise any adverse effect.

(5) Where a holder of a permit contravenes subsection (4) such holder shall take measures to restore, and clean up the natural environment to the condition in which it was before the adverse effect took place.

Management of water pollution.
27. (1) The Agency shall as soon as practicable after the commencement of this Act, investigate the environment generally including such industries, activities and other municipalities as it thinks necessary for the purpose of -

   (a) ascertaining the extent of water pollution and the significant sources of water pollutants which by their release cause or contribute to such pollution; and

   (b) characterising or describing the pollution.

(2) The Agency shall cause a register of water pollutants to be maintained, which shall contain data identifying the quantity, conditions or concentrations relevant to the identification of each pollutant.

(3) The Agency shall develop a programme for the management of such pollution which shall include the registration and further characterisation of significant sources, water bodies and any ongoing or intermittent releases of water pollutants into the environment.

**Water-related permits.**

28. (1) The Agency may require and grant permits to authorise any process releasing water pollutants subject to such terms and conditions as it thinks fit in accordance with applicable environmental standards.

(2) The terms and conditions of a permit may relate to the design, construction, operation, maintenance, and monitoring of the facility and processes releasing water pollutants.

(3) A person shall apply to the Agency for the grant of a water related permit in accordance with the form as determined by the Agency.

(4) The holder of a permit granted under subsection (1) shall take all reasonable and practicable measures to prevent or minimise any adverse effect.

(5) Where a holder of a permit contravenes subsection (4), such holder shall take measures to restore, and clean up the natural environment to the condition in which it was before the adverse effect took place.

**Solid waste management.**

29. (1) The Agency shall as soon as practicable after the commencement of this Act, investigate the environment generally and such premises and vehicles as it thinks necessary for the purpose of -

   (a) ascertaining the volume and nature of wastes which are handled and disposed of into the environment; and

   (b) identifying and characterising the different categories and significant sources of such wastes.
(2) The Agency shall, in collaboration with the Grenada Solid Waste Management Authority, develop a programme for the management of such wastes which may include the registration and further characterisation of significant sources of wastes being disposed of into the environment.

Requirements for hazardous wastes.

30. The Agency shall, in collaboration with the Grenada Solid Waste Management Authority, as soon as practicable after the commencement of this Act establish a programme to define those wastes which should be deemed "hazardous wastes", to establish requirements for the handling and disposal of such wastes, to establish appropriate standards and design criteria for their handling and disposal facilities, and to establish licensing and permitting requirements with respect to such wastes.

Waste permits and licences.

31. (1) The Agency may require and grant permits to authorise waste disposal activities of any person, or licences for the operation of any waste handling facility, subject to such terms and conditions as it thinks fit in accordance with applicable environmental standards.

(2) The terms and conditions of a licence under this section may relate to the design, construction, operation, maintenance, monitoring of any waste handling facility and to a person’s handling of any waste.

(3) A person may apply to the Agency for the grant of a waste-related permit in the form determined by the Agency.

(4) The holder of a permit granted under subsection (1) shall take all reasonable and practicable measures to prevent or minimise any adverse effect.

(5) Where a holder of a permit contravenes subsection (4), such holder of the permit shall take measures to restore, and clean up the natural environment to the condition in which it was before the adverse effect took place.

Collaboration with other entities.

32. (1) The Agency shall, in the discharge of its responsibilities under sections 25 to 31, collaborate with other governmental entities having responsibility for –

(a) the implementation of pollution control programmes and requirements and enforcement action;

(b) the management of wastes and hazardous substances;

(c) the issuance of air, water, noise and waste permits;

(d) conservation and protection of natural resources; and
(e) the setting of pollution control standards.

provided however that the Agency may, where it considers it appropriate, independently initiate any action in respect of the breach of any of the provisions of this Act.

2) The discharge of any action agreed upon in accordance with subsection (1) between the Agency and any governmental entity shall be instituted by the respective governmental entity identified to perform it, not later than thirty days after it was agreed upon.

(i) Where a governmental entity, agrees to exercise a specific action in accordance with a cooperative arrangement as regards any of the activities mentioned in subsection (1) and makes default in so exercising, the Agency shall after the period of thirty days take the necessary action.

4) The Agency shall recover from the relevant governmental entity the costs for the taking of such action.

Defence.

3. Any person who -

(a) releases or causes to be released any air or water pollutant;

(b) emits or causes to be emitted any noise; or

(c) handles or disposes of any waste or hazardous waste;

in a manner which contravenes any applicable permit, licence, standard, condition or requirement under this Act or regulations made thereunder or any other applicable law shall be guilty of an offence and shall be liable to the penalties prescribed under paragraph (c) of the Sixth Schedule.

PART VI

COMPLIANCE AND ENFORCEMENT

Duty of care and remediation.

34. (1) Every person who causes significant pollution or degradation of the environment shall take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

(2) Without limiting the generality of the duty in subsection (1), any person on whom subsection (1) imposes an obligation to take reasonable measures, include an owner of land or premises on which or in which any activity or process is or was performed or undertaken, or any other situation exists which causes, has caused or is likely to cause significant pollution or degradation of the environment.
(2) The measures required in terms of subsection (1) may include measures to—

(a) investigate, assess and evaluate the impact of the environment;

(b) inform and educate employees about the environmental risks of their work and the manner in which their tasks shall be performed in order to avoid causing significant pollution or degradation of the environment;

(c) cease, modify or control any act, activity or process causing pollution or degradation;

(d) eliminate any source of the pollution or degradation; or

(e) remedy the effects of the pollution or degradation.

(4) Where any person fails to comply, or inadequately complies, with a directive issued under this section, the Minister may take reasonable measures to remedy the situation.

(5) The Minister may recover all costs incurred as a result of his acting under subsection (4) from all or any of the following persons—

(a) any person who is responsible for, or who directly or indirectly contributed to, the pollution or degradation or the potential pollution or degradation;

(b) the owner or occupier of the land at the time when the pollution or degradation or the potential for pollution or degradation occurred, or that owner’s successor in title;

(c) the person in control of the land or any person who has a right to use the land at the time when—

(i) the activity or process is or was performed or undertaken; or

(ii) the situation came about; or

(d) any person who negligently failed to prevent—

(i) the activity or the process being performed or undertaken; or

(ii) the situation from coming about.

(6) The costs claimed under subsection (5) shall be reasonable and may include administrative, labour and overhead costs.

Notice of breach.

35. (1) Where the Agency reasonably believes that a person is in breach of an environmental requirement, he shall serve a written notice of breach on such person in a form determined by it.
(2) Where a matter specified in the notice may be satisfactorily explained or otherwise resolved between the person and the Agency, the officer may cancel the Notice or dismiss the matters specified in the Notice; or an agreed resolution may be reduced in writing to a consent agreement.

**Issue of Administrative Order.**

36. (1) The Agency may issue an administrative order where appropriate where the person fails to make representations to the Agency within the time specified in the Notice; or is unable to resolve with the Agency the matters specified in the Notice.

**Other actions by the Agency.**

37. (1) Whenever the Agency reasonable believes that any person is currently contravening any material term or condition of any environmental requirement, the officer may in addition to, or in lieu of, other actions authorised under this Act –

(a) seek a restraining order or other injunctive relief to prohibit the continued breach or prevent the activity which will lead to a breach.

(b) seek an order for the closure of any facility or a prohibition against the continued operation of any processes or equipment at such facility in order to halt or prevent any breach;

(c) cancel the permit, licence or other authorisation provided that if the Agency considers that it is contrary to the public interest to cancel the permit, licence or other authorisation, the Agency may suspend such permit, licence or other authorisation.

(d) A suspension under this section may be for a specified period or until the fulfillment of specific requirements or until further ordered by the Agency.

(e) Before the Agency acts under subsections (a) or (b) the Agency shall –

(i) notify the holder of the permit, licence or other authorisation in writing of its intended actions specifying the reason therefore;

(ii) allow the holder of the permit, licence or other authorisation at least seven days within which to make a written submission to the Agency in relation to the intended action of the Agency.

(2) Where the holder of a permit makes a submission mentioned in accordance with subsection (1)(e)(ii), the procedures in section 35(2) shall apply *mutatis mutandis*.

**Liability of corporate officials.**

38. Where a breach of any environmental requirement established under this Act or regulations made thereunder has been committed by a corporation, any individual who at the time of the breach was a
director, manager, supervisor, partner or other similar officer or individual, or who was purporting to act in such capacity, may be found individually liable for that breach if, having regard to the nature of the functions in that capacity, the resources within his control or discretion, and his reasonable ability to prevent the breach—

(a) the breach was committed with his direct consent or connivance; or

(b) he, with knowledge, did not exercise reasonable diligence to prevent the commission of the breach.

Registers of information.

39. (1) The Agency shall maintain, open to the public, registers containing particulars of—

(a) each application for an environmental permit, licence or other authorisation made to the Agency, including the name and address of the person making the application, and the location at which any activity is proposed to be or is undertaken pursuant to such permit, licence or other authorisation;

(b) each environmental permit, licence or other authorisation granted by the Agency and the terms and conditions included therein;

(c) each cancellation, revocation, variation or transfer of an environmental permit, licence or other authorisation;

(d) each restraining order or other injunctive relief made under section 38(a);

(e) each order for closure of any facility made under section 38(b);

(f) any other remedy applied under section 38(c);

(g) prosecutions and other enforcement action under this Act; and

(h) any information supplied under this Act.

(2) The Minister may make regulations prescribing other information to be included in the register and fees for obtaining information from such register.

(3) The Agency shall ensure that information required to be recorded in the register is so recorded as soon as practicable, but, in any event, within sixty days, after the information becomes available to the Agency.

(4) The register shall be kept available for inspection by any member of the public during ordinary office hours at the principal office of the Agency.
A member of the public may obtain a copy of any part of the register subject to the payment of the determined or fee prescribed under subsection (2).

Any person responsible for an activity which is the subject of a permit under this Act shall maintain and submit to the Agency in accordance with regulations made for this purpose records of the type, composition and quantity of contaminant released and the Agency shall maintain a register thereof.

Any person who fails to comply with subsection (6) shall be guilty of an offence and shall be liable to the penalties prescribed under paragraph (c) of the Sixth Schedule.

Control of emergency incidents.

47. (1) In this section--

(a) "incident" means an unexpected sudden occurrence, including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed.

(b) "responsible person" includes any person who-

(i) is responsible for the incident;

(ii) owns any hazardous substance involved in the incident; or

(iii) was in control of any hazardous substance involved in the incident at the time of the incident;

(c) "relevant Agency" means--

(i) a municipality with jurisdiction over the area in which an incident occurs;

(ii) the Agency;

(iii) any other Head of a governmental entity, division or unit.

(2) Where this section authorises a relevant governmental entity to take any steps, such steps may only be taken by--

(a) the person referred to in subsection (1)(c)(iv) if no steps have been taken by any of the other persons listed in subsection (1)(c);

(b) the person referred to in subsection (1)(c)(iii) if no steps have been taken by any of the persons listed in subsection (1)(c)(i) and (c)(ii);
(c) the person referred to in subsection (1)(c)(ii) if no steps have been taken by the person listed in subsection (1)(c)(i):

provided that any relevant entity may nevertheless take such steps if it is necessary to do so in the circumstances and no other person referred to in subsection (1)(c) has yet taken such steps.

(3) The responsible person or, where the incident occurred in the course of that person's employment, his or her employer must forthwith after knowledge of the incident, report through the most effective means reasonably available-

(a) the nature of the incident;

(b) any risks posed by the incident to public health, safety and property;

(c) the toxicity of substances or by-products released by the incident; and

(d) any steps that should be taken in order to avoid or minimise the effects of the incident on public health and the environment to-

(i) the Agency;

(ii) the Royal Grenada Police Force and the relevant fire prevention service;

(iii) the relevant provincial head of Agency or municipality; and

(iv) all persons whose health may be affected by the incident.

(4) The responsible person or, where the incident occurred in the course of that person's employment, his or her employer, must, as soon as reasonably practicable after knowledge of the incident-

(a) take all reasonable measures to contain and minimise the effects of the incident, including its effects on the environment and any risks posed by the incident to the health, safety and property of persons;

(b) undertake clean-up procedures;

(c) remedy the effects of the incident;

(d) assess the immediate and long-term effects of the incident on the environment and public health;

(5) The responsible person or, where the incident occurred in the course of that person's employment, his or her employer, must, within 14 days of the incident, report to the Agency such information as is available to enable an initial evaluation of the incident, including-

(a) the nature of the incident;
(b) the substances involved and an estimation of the quantity released and their possible acute effect on persons and the environment and data needed to assess these effects;

(c) initial measures taken to minimise impacts;

(d) causes of the incident, whether direct or indirect, including equipment, technology, system, or management failure; and

(e) measures taken and to be taken to avoid a recurrence of such incident.

(5) A relevant entity may direct the responsible person to undertake specific measures within a specific time to fulfill his or her obligations under subsections (4) and (5): Provided that the relevant Agency must, when considering any such measure or time period, have regard to the following:

(a) the principles set out in section 4(2);

(b) the severity of any impact on the environment as a result of the incident and the costs of the measures being considered;

(c) any measures already taken or proposed by the person on whom measures are to be imposed, if applicable;

(d) the desirability of the state fulfilling its role as custodian holding the environment in public trust for the people;

(e) any other relevant factors.

(7) A verbal directive must be confirmed in writing at the earliest opportunity, which must be within seven days.

(8) Should-

(a) the responsible person fails to comply, or inadequately comply with a directive under subsection (6);

(b) there be uncertainty as to who the responsible person is; or

(c) there be an immediate risk of serious danger to the public or potentially serious detriment to the environment,

a relevant entity may take the measures it considers necessary to--

(i) contain and minimise the effects of the incident;

(ii) undertake clean-up procedures; and
(iii) remedy the effects of the incident.

(9) A relevant entity may claim reimbursement of all reasonable costs incurred by it in terms of subsection (8) from every responsible person jointly and severally.

(10) A relevant entity which has taken steps under subsections (6) or (8) must, as soon as reasonably practicable, prepare comprehensive reports on the incident, which reports must be made available through the most effective means reasonably available to--

(a) the public;

(b) the Agency;

(c) the Royal Grenada Police Force and the relevant fire prevention service;

(d) the relevant head of a governmental entity; and

(e) all persons who may be affected by the incident.

Legal standing to enforce environmental laws

41. (1) Any person or group of persons may seek appropriate relief in respect of any breach or threatened breach of any provision of this Act or any other statutory provision concerned with the protection of the environment or the use of natural resources-

(a) in that person's or group of persons' own interest;

(b) in the interest of, or on behalf of, a person who is, for practical reasons, unable to institute such proceedings;

(c) in the interest of or on behalf of a group or class of persons whose interests are affected;

(d) in the public interest; and

(e) in the interest of protecting the environment.

(2) A court may decide not to award costs against a person who, or a group of persons that, fails to secure the relief sought in respect of any breach or threatened breach of any provision including a principle of this Act or any other statutory provision concerned with the protection of the environment or the use of natural resources where the court is of the opinion that the person or group of persons acted reasonably out of a concern for the public interest or in the interest of protecting the environment and had made due efforts to use other means reasonably available for obtaining the relief sought.
(3) Where a person or group of persons secures the relief sought in respect of any breach or threatened breach of any provision of this Act or any other statutory provision concerned with the protection of the environment, a court may on application--

(a) award costs on an appropriate scale to any person or persons entitled to practice as advocate or attorney in Grenada who provided free legal assistance or representation to such person or group in the preparation for or conduct of the proceedings; and

(b) order that the party against whom the relief is granted pay to the person or group concerned any reasonable costs incurred by such person or group in the investigation of the matter and its preparation for the proceedings.

Private prosecution.

42. (1) Any person may-

(a) in the public interest; or

(b) in the interest of the protection of the environment, institute and conduct a prosecution in respect of any breach or threatened breach of any duty, other than a public duty resting on a governmental entity, in any national legislation, bylaw, or any regulation, licence, permission or authorisation issued in terms of such legislation, where that duty is concerned with the protection of the environment and the breach of that duty is an offence.

(2) The provisions of the Criminal Procedure Act applicable to a prosecution instituted and conducted under that Act shall apply to a prosecution instituted and conducted under subsection (1) provided that if-

(a) the person prosecuting privately does so through a person entitled to practice as an advocate or an attorney in Grenada;

(b) the person prosecuting privately has given written notice to the appropriate public prosecutor that he or she intends to do so; and

(c) the public prosecutor has not, within 28 days of receipt of such notice, stated in writing that he or she intends to prosecute the alleged offence,

(i) the person prosecuting privately shall not be required to produce a certificate issued by the Attorney-General stating that he or she has refused to prosecute the accused; and

(ii) the person prosecuting privately shall not be required to provide security for such action.
(3) The court may order a person convicted upon a private prosecution brought under subsection (1) to pay the costs and expenses of the prosecution, including the costs of any appeal against such conviction or any sentence.

(4) The accused may be granted an order for costs against the person prosecuting privately, if the charge against the accused is dismissed or the accused is acquitted or a decision in favour of the accused is given on appeal and the court finds either:

(a) that the person instituting and conducting the private prosecution did not act out of a concern for the public interest or the protection of the environment; or

(b) that such prosecution was unfounded, trivial or vexatious.

(5) When a private prosecution is instituted in accordance with the provisions of this Act, the Attorney-General is barred from prosecuting except with the leave of the court concerned.

Criminal proceedings

43. (1) Whenever any person is convicted of an offence under any provision of this Act and it appears that such person has by that offence caused loss or damage to any environmental resource for which a governmental entity or other person has responsibility, the court may in the same proceedings, enquire summarily and without pleadings into the amount of the loss or damage so caused including the cost incurred or likely to be incurred by that governmental entity or person in rehabilitating the environment or preventing damage to the environment.

(2) Upon proof of such amount, the court may give judgment therefore in favour of the governmental entity or other person concerned against the convicted person, and such judgment shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before a competent court.

(3) Whenever any person is convicted of an offence under any provision of this Act the court convicting such person may summarily enquire into and assess the monetary value of any advantage gained or likely to be gained by such person in consequence of that offence, and, in addition to any other punishment imposed in respect of that offence, the court may order the award of damages or compensation or a fine equal to the amount so assessed.

(4) Whenever any person is convicted of an offence under any provision of this Act the court convicting such person may, order such person to pay the reasonable costs incurred in the investigation and prosecution of the offence.

(5) Whenever any manager, agent or employee does or omits to do an act which it had been his or her task to do or to refrain from doing on behalf of the employer and which would be an offence under any provision of this Act for the employer to do or omit to do, and the act or omission of the manager, agent or employee occurred because the employer failed to take all reasonable steps to prevent the act or omission in question, then the employer shall be guilty of the said offence and, save that no penalty other than a fine may be imposed where a conviction is based on this sub-section, liable on conviction to the penalty specified in this Act, including an order under subsections (2), (3) and (4), and proof of such
act or omission by a manager, agent or employee shall constitute *prima facie* evidence that the employer is guilty under this subsection.

(6) Whenever any manager, agent or employee does or omits to do an act which it had been his or her task to do or to refrain from doing on behalf of the employer and which would be an offence under any provision of this Act for the employer to do or omit to do, he or she shall be liable to be convicted and sentenced in respect thereof as if he or she were the employer.

(7) Any person who is or was a director of a company at the time of the commission by that company of an offence under any provision of this Act shall himself or herself be guilty of the said offence and liable on conviction to the penalty specified in the relevant law, including an order under subsection (2), (3) and (4), if the offence in question resulted from the failure of the director to take all reasonable steps that were necessary under the circumstances to prevent the commission of the offence:

Provided that proof of the said offence by the firm shall constitute *prima facie* evidence that the director is guilty under this subsection.

(8) Any such manager, agent, employee or director may be so convicted and sentenced in addition to the employer or company.

(9) For the purposes of subsection (7) and (8)-

(a) "company" shall mean a body incorporated under the Companies Act or a partnership; and

(b) "director" shall mean a member of the board, executive committee, or other managing body of a corporate body and, in the case of a closed corporation, a member of that closed corporation or in the case of a partnership, a member of that partnership.

**Appeals Committee.**

44. (1) There is hereby established an Appeals Committee which shall conduct public hearings into all appeals submitted to it against a decision taken by the Agency or any person acting under a power delegated by the Agency under this Act; including -

(a) whether an environmental impact assessment is required for a development activity;

(b) whether an environmental permit, licence or other authorisation should be granted, suspended or cancelled by the Agency;

(c) the terms and conditions that should be included in the environmental permit, licence or other authorisation; and

(d) such other matter as the Agency may refer to the Committee.
(2) An appeal under this section shall be dealt with in the manner prescribed by regulations.

(3) The Appeals Committee shall consist of not less than three nor more than five members appointed by the Minister.

(4) The members of the Committee shall be appointed for a term not exceeding two years to serve in part-time or periodic capacity.

(5) The members of the Committee shall be paid such remuneration and expenses as may be determined by the Minister.

(6) The Committee shall determine its own procedure and may, subject to the approval of the Minister, make rules governing such procedures.

PART VII

MULTILATERAL ENVIRONMENTAL AGREEMENTS

Multilateral Environmental Agreements Committee.

45. (1) There is hereby established a Multilateral Environmental Agreements Committee, consisting of the persons appointed in accordance with this section, which shall be responsible for advising the Agency on all matters pertaining to the ratification of, monitoring and compliance with multilateral environmental agreements to which Grenada is a party set out in the Fifth Schedule.

(2) The Minister may amend the Fifth Schedule from time to time.

(3) The Minister shall appoint a Chairman from among the members of the Committee.

(4) The Committee shall select from among its members a Deputy Chairman.

(5) The Committee shall consist of not less than seven nor more than nine members appointed by the Minister drawn from representatives of the Ministry of Finance, Physical Planning Unit, Customs, Agriculture, Forestry, Fisheries, Attorney General’s Chambers, Tourism, Health, Public Works, Fisheries, Foreign Affairs, NGO’s and private sector.

(6) The Committee shall have the power to establish working groups or sub-committees.

(7) The Committee shall prepare an Annual Performance Report on environmental management to -

(a) meet the government’s commitment to -

(i) Agenda 21;
(ii) The Johannesburg Plan of Implementation;
(iii) Small Island Developing States Programme of Action;
(iv) St. George’s Declaration.

(b) cover all relevant activities of all governmental entities, statutory bodies and other relevant agencies.

(8) The Committee may appoint persons or contractors as it considers necessary to act as a Secretariat to ensure preparation of the report.

(9) The purpose of the report shall be to -

(a) provide an audit and a report of the Grenada’s performance in respect of the agreements mentioned in subsections (1) and (7)(a);

(b) review procedures for coordinating policies and budgets to meet their objectives;

(c) review of national implementing legislation and regulations; and

(d) review progress on a public educational programme to support their objectives.

(10) The Committee shall make recommendations to the Agency regarding -

(a) the ratification, monitoring and compliance with multilateral environmental agreements by Grenada;

(b) projects, programmes or other activities that may be instituted to facilitate compliance with multilateral environmental agreements to which Grenada is a party;

(c) the policy positions that should be taken at international negotiations.

(11) In making such recommendations the Committee shall submit reports to the Agency containing the following particulars -

(a) the resources that are available to ensure implementation;

(b) the views of interested and affected parties;

(c) the benefits and disadvantages to the country of becoming a party;

(d) the responsibilities of relevant agencies involved;

(e) reservations to be made, if any; and

(f) any other matter which may be relevant.

(12) After considering the report mentioned in subsection (4), the Agency may make recommendations to the Minister regarding accession to and ratification of such instrument.
(iv) St. George's Declaration.

(b) cover all relevant activities of all governmental entities, statutory bodies and other relevant agencies.

(8) The Committee may appoint persons or contractors as it considers necessary to act as a Secretariat to ensure preparation of the report.

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(a) the resources that are available to ensure implementation;
(b) the views of interested and affected parties;
(c) the benefits and disadvantages to the country of becoming a party;
(d) the responsibilities of relevant agencies involved;
(e) reservations to be made, if any; and
(f) any other matter which may be relevant.

(12) After considering the report mentioned in subsection (4), the Agency may make recommendations to the Minister regarding accession to and ratification of such instrument.
(13) The Minister shall introduce legislation in Parliament or make such regulations as may be necessary to give effect to any multilateral environmental agreement to which Grenada is a party and such legislation and regulations may deal inter alia with the following –

(a) the coordination of the implementation of the agreement;

(b) the allocation of responsibilities in terms of the agreement, including those of other governmental entities;

(c) the gathering of information, including for the purposes of compiling and updating reports required in terms of the instrument and for submission to Parliament;

(d) the dissemination of information related to the instrument and reports from multilateral meetings;

(e) initiatives and steps regarding research, education, training, awareness raising and capacity-building;

(f) ensuring public participation;

(g) implementation of and compliance with the provisions of the agreement, including the creation of offences and the prescription of penalties where applicable;

(h) the ratification or accession to the agreement; and

(i) any other matter necessary to give effect to the instrument.

(13) The Minister may, prior to making a recommendation mention in subsection (12)(h), publish a notice in the *Gazette*, stating his intention to make such recommendation and inviting written comments.

**Attendance at meetings etc.**

46. (1) Where any person attends regional and multilateral environmental meetings, workshops and training on behalf of the Government of Grenada such person shall, within twenty-eight days after such attendance submit a report containing particulars of the proceedings at the meeting, workshop or seminar and recommendations, including follow-up activities that may be appropriate to the interests of Grenada, to the Committee.

(2) The Committee shall submit the reports mentioned in subsection (1) to the Agency for its consideration and transmission to the Minister.

**Reports to Parliament.**
47. The Minister shall report to Parliament once a year regarding multilateral environmental agreements for which he is responsible and such report may include details on –

(a) participation at multilateral meetings concerning multilateral environmental agreements;

(b) progress in implementing multilateral environmental agreements to which Grenada is a party;

(c) preparations undertaken in respect of multilateral agreements to which Grenada is likely to become a party;

(d) the efficacy of coordination mechanisms; and

(e) legislative measures that have been undertaken and the timeframe within which it is envisaged that their objectives will be achieved.

Application of Part.

48. (1) This Part applies to any multilateral environmental instrument whether Grenada became a party to it before or after coming into force of this Act.

(2) The provisions of any multilateral environmental instrument published in accordance with this section are evidence of the contents of the multilateral environmental instrument in any proceedings or matter in which the provisions of the instrument come into question.

PART VIII

ADMINISTRATION OF ACT

Reservation.

49. The Minister may, on the advice of the Agency, reserve State lands with the consent of the Minister charged with the responsibility to dispose of such lands, and after consultation with any other Minister concerned, for environmental or other purposes in terms of this Act, if that purpose is a public purpose or is in the public interest.

Appointment of employees on contract.

50. (1) The Minister may appoint employees on contract outside the provisions of the Public Service Act when it is necessary to carry out the functions of the Agency.

(2) The Minister shall, from time to time, and after consultation with the Public Service Commission, determine the conditions of employment of such employees.

Regulations.
51. (1) The Minister may make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient for carrying out or giving effect to this Act, but without prejudice to the generality of the foregoing, such regulations may contain provisions in relation to -

(a) standards and codes of practice with respect to the protection and rehabilitation of the environment;

(b) the quantity, condition or concentration of substances that may be released into the environment;

(c) prohibiting or regulating and controlling the discharge of any contaminant into the natural environment;

(d) governing and regulating the management and disposal of waste including hazardous waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;

(e) prohibiting or halting the emission of sounds or vibrations or prescribing maximum levels of sounds and vibrations and the procedures for determining the levels of sounds or vibrations that are emitted;

(f) prescribing the maximum concentration or level in water of any contaminant either generally or with respect to any part of the waters of Grenada specified in the regulations;

(g) prohibiting the discharge of waste into the marine environment;

(h) the quantity, condition or concentration of substances that may be released into the environment;

(i) the restriction or prohibiting of ozone depleting substances;

(j) the design, construction, operation, maintenance and monitoring of facilities for the control of pollution and the disposal of waste;

(k) require any person conducting such activities as may be prescribed or running or operating such facilities as may be prescribed to carry out environmental audits and to submit to the Agency environmental audit reports,

(l) the protection of species of flora and fauna;

(m) the implementation of multilateral obligations under multilateral environmental agreements to which Grenada is a party;

(n) the form and manner of, and the fees payable in connection with an application for a permit or licence that may be granted by the Agency;
(o) any other matter required or permitted by this Act to be prescribed, or necessary or convenient for carrying out or giving effect to this Act.

(2) Regulations made under subsection (1) may -

(a) make provisions for the issue, amendment and revocation of any licence;

(b) provide for the charging of fees and levying of charges;

(c) adopt wholly or in part or with modifications any rules, standards, guidelines, regulations, by laws, codes, instructions, specifications, or administrative procedures prescribed by any governmental entity either in force at the time of prescription or publication or as amended from time.

(3) The Minister may by regulations, which shall be subject to negative resolution by the Parliament, amend any penalty prescribed by this Act.

**Regulations for memoranda of understanding.**

52. (1) The Minister may make regulations concerning -

(a) procedures for the conclusion of memoranda of understanding, which shall include provisions for public participation;

(b) the duration of the memoranda;

(c) general requirements and prohibitions;

(d) reporting procedures;

(e) monitoring and inspection.

**PART IX**

**ENVIRONMENTAL OFFENCES**

**Obstruction of officer.**

53. Any person who -

(a) hinders or obstructs an environmental officer in the exercise of his duties under this Act or regulations made thereunder;

(b) fails to comply with a lawful order or requirement made by an environmental officer in accordance with this Act or regulations made thereunder;
(c) neglects or refuses to carry out an improvement order issued under this Act by an officer;

commits an offence and shall be liable to the penalties prescribed under paragraph ( ) of the Sixth Schedule.

**Failure to submit.**

54. Any person who -

(a) fails to submit a project report contrary to the requirements of section 25 of this Act;

(b) fails to prepare an environmental impact assessment report in accordance with the requirements of this Act or regulations made thereunder;

(c) fraudulently makes false statements in an environmental impact assessment report submitted under this Act or regulations made thereunder;

commits an offence and shall be liable to the penalties prescribed under paragraph ( ) of the Sixth Schedule.

**Failure to keep records.**

55. Any person who -

(a) fails to keep records required to be kept under this Act;

(b) fraudulently alters any records required to be kept under this Act;

(c) fraudulently makes false statements in any records required to be kept under this Act;

commits an offence and shall be liable to the penalties prescribed under paragraph ( ) of the Sixth Schedule.

**Contravention.**

56. Any person who -

(a) contravenes any environmental standard prescribed under this Act;

(b) contravenes any measure prescribed under this Act;

(c) uses the environment or natural resources in a wasteful and destructive manner contrary to measures prescribed under this Act;
commits an offence and shall be liable to the penalties prescribed under paragraph ( ) of the Sixth Schedule.

**Hazardous waste.**

57. Any person who -

(a) fails to manage any hazardous waste and materials in accordance with this Act;

(b) imports any hazardous waste contrary to this Act;

(c) knowingly mislabels any waste, pesticide, chemical, toxic substance or radioactive matter;

(d) fails to manage any chemical or radioactive substance in accordance with this Act;

(e) aids or abets illegal trafficking in hazardous waste, chemicals, toxic substances and pesticides or hazardous substances;

(f) disposes of any chemical or hazardous waste contrary to this Act within Grenada;

(g) withholds information or provides false information about the management of hazardous wastes, chemicals or radioactive substances;

commits an offence and shall be liable to the penalties prescribed under paragraph ( ) of the Sixth Schedule.

**Discharge of dangerous chemicals.**

58. (1) person who -

(a) discharges any dangerous materials, substances, oil, oil mixtures into land, water, air, or aquatic environment contrary to the provisions of this Act;

(b) pollutes the environment contrary to the provisions of this Act;

(c) discharges any pollutant into the environment contrary to the provisions of this Act;

commits an offence and shall be liable to the penalties prescribed under paragraph ( ) of the Sixth Schedule.

(2) In addition to any sentence that the Court may impose upon a polluter under subsection (1), the court may direct that person to -

(a) pay the full cost of cleaning up polluted environment and of removing the pollution;
(b) clean up the polluted environment and remove the effects of pollution to the satisfaction of the Agency.

Without prejudice to the provisions of subsections (1) and (2), the court may direct the polluter to meet the cost of the pollution to any third parties through adequate compensation, restoration or restitution.

Penalty.

59. Any person who commits an offence against any provision of this Act or of regulations made thereunder for which no other penalty is specifically provided is liable to the penalties prescribed under paragraph ( ) of the Sixth Schedule.

Forfeiture to State.

60. (1) The court before which a person is charged for an offence under this Act or any regulations made thereunder may, in addition to any other order: -

(a) upon the conviction of the accused; or

(b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of the offence;

order that the substance, motor vehicle, equipment, appliance or other thing by means whereof the offence was committed or which was used in the commission of the offence, be forfeited to the State and be disposed of as the court may direct.

(2) In making the order to forfeit under subsection (1) the court may also order that the cost of disposing of the substance, motor vehicle, equipment, appliance or any other thing provided for in that subsection be borne by the person convicted thereunder.

(3) The Court may further order that any licence, permit or any authorisation given under this Act, and to which the offence relates, be revoked.

(4) The Court may further issue an order requiring that a convicted person restores at his own cost, the environment to as near as it may be to its original state prior to the offence.

(5) The court may in addition issue an environmental restoration order against the person convicted in accordance with the provisions of this Act.

PART X

GENERAL AND TRANSITIONAL PROVISIONS
Environmental auditing.

61. (1) The Agency shall be responsible for carrying out environmental audit of activities that are likely to have significant effect on the environment.

(2) An environmental officer appointed under this Act may enter any land or premises for the purposes of determining how far the activities carried out on that land or premises conform with the statements made in the environmental impact assessment study report issued in respect of that land or those premises under section 24(2).

(3) The owner of the premises or the operator of a project for which an environmental impact assessment has been made shall keep accurate records and make annual reports to the Agency describing how far the project conforms in operation with the statements made in the environmental impact assessment.

(4) The owner of premises or the operator of a project shall take all reasonable measures to mitigate any undesirable effects not contemplated in the environmental impact assessment and shall prepare and submit an environmental audit report on those measures to the Agency annually or as the Agency may, in writing, require.

Environmental monitoring.

62. (1) The Agency shall, in consultation with any governmental entity mentioned in the Third Schedule, monitor-

(a) environmental phenomena with a view to making an assessment of any possible changes in the environment and their possible changes in the environment and their possible impacts; or

(b) the operation of any industry, project or activity with a view of determining its immediate and long-term effects on the environment.

(2) An environmental officer appointed under this Act may enter upon any land or premises for the purposes of monitoring the effects upon the environment of any activities carried on that land or premises.

(3) An environmental officer may order that environmental monitoring data be submitted with respect to any land or premises in accordance with the environmental data quality assurance regulation.

(4) Reimbursement of the governmental entity’s cost shall be payable 30 days after the date on an invoice detailing such costs.

Sampling, analytical, quality control etc.

63. A person required to submit environmental monitoring data as a requirement of an order, permit, licence, approval or certificate under this Act shall, on the request of an environmental officer,
(a) cause any samples collected as a requirement of an order, permit, licence, approval, certificate or other legislative requirement to be analyzed for designated characteristics at a registered laboratory,

(b) provide, within 45 days of sample collection, analytical results to the director -

(i) for the laboratory analysis of one part of a split sample collected by an officer or a person designated by a manager at a monitoring site, and

(ii) for characteristics specified in the order, permit, licence, approval, certificate or other legislative requirement;

(c) provide analytical results to the director for analysis of standard samples of gases introduced to an emission analyzer, or ambient air analyzer operated as a requirement of an order, permit, licence, approval or certificate;

(d) follow sampling, analytical, quality control and reporting procedures as specified by the Agency or authorised by an officer, and

(e) describe to the director fully in a form specified by the Agency the methods used to collect and analyze the samples.

Failure to comply.

64. (1) A person required to submit environmental monitoring data as a requirement of an order, permit, licence, approval or certificate under this Act shall be considered to be in breach of the terms and conditions of the order, permit, licence, approval or certificate.

Cost recovery.

65. A person required to submit environmental monitoring data as a requirement of an order, permit, licence, approval or certificate under this Act shall reimburse the Agency for the costs of auditing samples, analytical results and data submitted to the Agency.

Right to information.

66. (1) The Minister may by regulations under this section provide that members of the public or such categories of persons as may be prescribed shall be entitled to request from such government agencies, authorities, public corporations or other persons as may be prescribed such information that they may have in their possession and relating to the environment.

(2) The regulations mentioned in paragraph (1) may relate to -

(a) prescribe the nature of the information that may be requested;

(b) the circumstances in which such information may be requested;
(c) the fees that may be charged in respect of any such information; and
(d) the time within which such information is to be supplied.

Service of documents on the Agency.

Savings.

67. Any statutory instrument which may be in force at the time of coming into operation of this Act whether made under an enactment that has been repealed by this Act or otherwise repealed shall be deemed to have been made under this Act and shall continue in effect unless specifically altered, varied or repealed under this Act and where any such statutory instrument conflicts with any regulations made under this Act they shall cease to have effect.

Act binds the Government.

68. (1) This Act and the regulations made hereunder shall bind the Government.

(2) Nothing in this Act shall be construed as rendering the State liable to prosecution.

Ethical considerations.

69. If any representative of the Agency including any member of the Board of Directors, Appeals Committee or Multilateral Environmental Agreements Committee or any officer or employee of the Agency directly or indirectly demands or accepts any fee, perquisite, bribe, gratuity, recompense or reward, whether pecuniary or otherwise, from any person on account of anything done or to be done (or omitted or to be omitted) by such representative, officer or employee or in any way related to his office or employment, or if any representative, officer or employee attempts to make any collusive agreement to neglect his duty or to conceal or connive at any act or omission whereby any provision of this Act or other law may be eroded or violated, such representative, officer or employee shall be guilty of an offence and shall be liable to the penalties prescribed under paragraph (d) of the Sixth Schedule.
FIRST SCHEDULE  s 5

Constitution and Procedure of Board of Directors

Composition

1. (1) The Board (in this Schedule referred to as “the Board”) shall consist of no less than seven nor more than eleven members, the majority of whom shall be knowledgeable and with experience in matters relating to the use of the natural environment or in environmental protection or conservation, and may be drawn from government agencies representing environment, planning and development, health, tourism and agriculture (centralized and decentralized), law, persons who represent stakeholders, or persons who have experience, expertise or skills necessary to enable the Committee to carry out its functions from organised labour, organised business, non-profit environmental non-governmental organisations, ecology or engineering.

(2) A member of the Board other than the ex officio member shall be appointed for a term not exceeding two years, and under such terms and conditions of service as the Minister may fix in the instrument of appointment.

(3) The names of the members of the Board shall be published in the Gazette in at least one daily newspaper of national circulation.

Chairman, Vice-Chairman etc.

2. (1) The Minister may appoint one of the members of the Board to be the Chairman of the Agency;

(2) The Board shall select from among its members a Deputy Chairman and a corporate secretary.

(3) The Board shall appoint a Managing Director who shall be the Chief Executive Officer and ex officio member of the Board.

(4) The corporate secretary shall be an employee of the Agency.

Functions of the Board.

3. The functions of the Board shall be to —

(a) oversee the operations of the Agency;

(b) approve recommendations of the managing Director on the organization of the Agency and the appointment of senior staff;
(c) appoint working groups, subcommittees or bodies as needed to enable the Agency to carry out its functions;

(d) approve environmental management policies;

(e) propose environmental laws or regulations to the Minister;

(f) approve workplans and programmes;

(g) provide guidance on matters related to the protection of the environment.

Functions of Managing Director.

4. (1) The Managing Director shall be the principal technical adviser to the Agency in all matters relating to environmental management and shall be responsible for the administration and implementation of the provisions of this Act.

(2) The Managing Director shall implement the programmes of the Board.

(3) The Managing Director may either generally or on such terms and conditions as he thinks fit, delegate to any personnel of the Agency, such of his functions or powers as he thinks fit.

(4) The officers of the Agency shall discharge functions under this Act as authorised and directed by the Board and in so doing shall be deemed to be acting under the Agency of this Act.

Meetings.

5. (1) The Board shall meet at least once in each month and at such other times as the Chairman determines is necessary for the efficient discharge of its functions.

(2) The quorum of the Board shall consist of seven members.

(3) Minutes of each meeting of the Board shall be taken in proper form and kept by the Secretary, and shall be confirmed by the Board.

Procedure.

6. The Board may determine its own procedure and may, subject to the approval of the Minister, make rules governing such procedure, and prescribe such forms as are considered necessary.

Removal of member of Agency.

7. (1) The Minister may on the advice of the Board, remove a member of the Board other than the ex officio member if such member —

(a) becomes incapable, by reason of mental or physical incapacity, of carrying out his duties;
(b) is convicted of an offence;

(c) is guilty of misconduct;

(d) is absent, except on leave from the Agency, from all meetings of the Agency held during two consecutive months or during any three months in any period of twelve months;

(e) fails to disclose his interest in any matter before the Agency in accordance with regulation 9 hereunder.

Resignation.

8. The Chairman may resign from office by an instrument in writing addressed to the Minister, and any other member may resign from office by an instrument in writing addressed to the Chairman.

Disclosure of interest.

9. (1) Any member of the Board who has any interest, directly or indirectly, in any matter before the Board -

   (a) shall disclose the nature of the interest to the Agency; and

   (b) shall not take part in any deliberations or decisions of the Agency with respect to that matter.

(2) A disclosure under this section shall be recorded in the minutes.

Seal of the Agency.

10. (1) The Seal of the Agency shall be kept in the custody of the Chairman, the Deputy Chairman or the Secretary, as the Board may determine, and may be affixed to agreements in the presence of the Chairman or in the Chairman’s absence the Deputy Chairman, and of the Secretary.

(2) The Seal of the Agency shall be attested by the signature of the Chairman, or in the Chairman’s absence the Deputy Chairman, and the Secretary.

(3) All documents other than those required by law to be made under seal by, and all decisions of, the Board may be signified under the hand of the Chairman, or in the Chairman’s absence the Deputy Chairman, and the Secretary.
SECOND SCHEDULE  ss 6

Constitution and Procedure of Sustainable Development Council

Composition of the Council.

1. (1) The Sustainable Development Council (in this Schedule referred to as "the Council") shall consist of not less than nine nor more than eleven members appointed by the Minister and drawn from disciplines in environmental management, ecology, law, environmental health, engineering, non-governmental organizations, community-based organizations, private sector and civil society.

(2) The Council shall appoint such other sub-committees, working groups or advisory councils as it thinks fit to assist in the performance of any of its functions or to further the objectives of the Act.

Appointment of Chairman, etc.

2. The Minister shall designate a Chairman and a Vice-Chairman from among the members of the Council.

Procedure.

3. The Council may determine its own procedure and may, subject to the approval of the Minister, make rules governing such procedure, and prescribe such forms as are considered necessary.

Meetings.

4. Minutes of each meeting of the Council shall be taken in proper form and kept by the Secretary, and shall be confirmed by the Council.

Duties and functions of the Council.

5. The duties of the Council shall be discharged in accordance with the provisions of section 6 of the Act.
THIRD SCHEDULE

List of governmental entities exercising environmental functions

Ministry of Finance
  *Physical Planning Unit*

Ministry of Foreign Affairs & International Trade

Ministry of Tourism, Civil Aviation Culture and the Performing Arts

  *Extension Division*
  *Pest Management Unit*
  *Fisheries Division*
  *Landuse Division*
  *Forestry & Natural Parks*

Ministry of Carriacou and Petite Martinique Affairs

Ministry of Works, Communication and Transport

Ministry of Education and Labour

Ministry of Health, Social Security, Ecclesiastical Affairs and the Environment
  *Health Promotion Department*

Royal Grenada Police Force

The National Water and Sewerage Authority (NAWASA)

Grenada Bureau of Standards

Grenada Solid Waste Management Authority

Grenada Ports Authority

Grenada National Trust

Housing Authority of Grenada

Local Government

Hazard Mitigation Council

Science and Technology Council
FOURTH SCHEDULE

PROJECTS REQUIRING PRIOR AUTHORISATION

1. General
   (a) an activity out of character with its surrounding;
   (b) any structure of a scale not in keeping with its surrounding;
   (c) major changes in land use.

2. Urban Development including:
   (a) designation of new subdivisions;
   (b) establishment of industrial estates;
   (c) establishment or expansion of recreational areas;
   (d) establishment or expansion of recreational areas in mountain areas and national parks;
   (e) shopping centres and complexes.

3. Transportation including:
   (a) all major roads;
   (b) all road in scenic, wooded or mountainous areas and wetlands;
   (c) airports and airfields;
   (d) oil and gas pipelines;
   (e) water transport.

4. Dams, rivers and water resources including:
   (a) storage dams, barrages and Piers;
   (b) river diversions and water transfer between catchments;
   (c) flood control schemes;
   (d) drilling for the purpose of utilising ground water resources including geothermal energy.

5. Aerial spraying.

6. Mining, including quarrying and open-cast extraction of:
   (a) limestone;
   (b) stone;
   (c) aggregates, sand and gravel;
   (d) clay;
   (e) exploration for the production of petroleum in any form.

7. Forestry related activities including:
   (a) timber harvesting;
(b) clearance of forest areas;
(c) reforestation and afforestation.

8. Agriculture including -

(a) large-scale agriculture;
(b) use of pesticide;
(c) introduction of new crops and animals;
(d) use of fertilizers;
(e) irrigation.

9. Processing and manufacturing industries including -

(a) brick and earthware manufacture;
(b) cement works and lime processing;
(c) glass works
(d) fertilizer manufacture or processing;
(e) explosive plants;
(f) oil refineries and petro-chemical works;
(g) abattoirs and meat-processing plants;
(h) chemical works and process plants;
(i) brewing and malting;
(j) fish-processing plants;
(k) pulp and paper mills;
(l) food-processing plants;
(m) plants for the manufacture of assembly of motor vehicles;
(n) plant for the construction or repair of aircraft;
(o) plants for the manufacture or assembly of motor vehicles;
(p) plants for the manufacture of tanks, reservoirs and sheet-metal containers;
(q) plant for manufacturing batteries.

10. Electrical infrastructure including -

(a) Electricity generation stations;
(b) Electrical transmission lines;
(c) Electrical sub-stations;
(d) Pumped-storage schemes.

11. Management of hydrocarbons including –
the storage of natural gas and combustible or explosive fuels.

12. Waste disposal including -

(a) sites for solid waste disposal;
(b) sites for hazardous waste disposal;
(c) sewage disposal works;
(d) works involving major atmospheric emissions;
(e) works emitting offensive odours.

13. Natural conservation areas including:

   (a) creation of national parks;
   (b) formulation or modification of forest management policies;
   (c) formulation of modification of water catchment management policies;
   (d) policies for the management of ecosystems, especially by use of fire;
   (e) commercial exploitation of natural fauna and flora;
   (f) introduction of alien species of fauna and flora into ecosystems.


15. Major developments in biotechnology including the introduction and testing of genetically modified organisms.
MULTILATERAL ENVIRONMENTAL AGREEMENTS TO WHICH GRENADA IS A PARTY

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)
Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar)
Convention on the Conservation of Migratory Species of Wild Animals
Convention to Combat Desertification
Convention on the Inter-American Institute for Cooperation in Agriculture
Inter-American Convention for the Protection and Conservation of Sea Turtles
Convention on the Prevention of Marine Pollution by the Dumping of Waste and other Matter
Convention for the Prevention of Pollution of the Sea by Oil
International Convention on Civil Liabilities for Oil Pollution Damage (CLC)
International Convention for the Safety of Life at Sea (SOLAS)
Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean
Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (Cartagena Convention) and its Protocol on Specially Protected Areas and Wildlife (SPAW)
Protocol on Marine Pollution from Land-Based Sources and Activities
Stockholm Convention on Persistent Organic Pollutants (POPs)
Rotterdam Convention on the Prior Informed Consent for certain Hazardous Chemicals and Pesticides in International Trade
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage
United Nations Convention on Biological Diversity and Cartagena Protocol on Biosafety


United Nations Framework Convention on Climate Change and its Kyoto Protocol

Vienna Convention for the Protection of the Ozone layer and the Montreal Protocol on Substances that Deplete the Ozone Layer

Chemical Warfare Convention

Saint George’s Declaration of Principles for Environmental Sustainability in the Organisation of Eastern Caribbean States (OECS)
SIXTH SCHEDULE (ss 33,53-60)

**PENALTIES**

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Prescribed Penalties</th>
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<tbody>
<tr>
<td>(a)</td>
<td>a fine of not less than...dollars nor more than ....dollars</td>
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<td>(b)</td>
<td>a fine of not less than ....nor more than....dollars</td>
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<td>(c)</td>
<td>a fine of not less than...and nor more than.... hundred dollars</td>
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<tr>
<td>(d)</td>
<td>a fine of not less than.....more than......thousand dollars and imprisonment for three months</td>
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<td>(e)</td>
<td>a fine of not less than.....thousand dollars nor more than ....thousand dollars and imprisonment for six months</td>
</tr>
<tr>
<td>(f)</td>
<td>a fine of not less than.....thousand dollars nor more than...thousand dollars and imprisonment for six years.</td>
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</tbody>
</table>

Provided that where the offender, liable to a prescribed fine under any of the aforesaid paragraphs is a body corporate, the body corporate shall be liable to a fine of not less than twice such prescribed maximum fine, and where the offender liable to a prescribed term of imprisonment under any of the aforesaid paragraphs is a body corporate, the body corporate shall be liable to twice such term of imprisonment.